NOTICE OF FINDING OF NO SIGNFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

August 24, 2023

Kentucky Department for Local Government 100 Airport Road, 3rd Floor Frankfort, KY 40601 (502) 573-2382

These notices are related to Federal assistance provided in response to the Presidentially declared disaster, Kentucky Severe Storms, Flooding, Landslides, and Mudslides (DR-4663-KY, Incident Period: July 26, 2022-August 11, 2022, Declaration Date July 29, 2022). These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Commonwealth of Kentucky.

Per 24 CFR 58.33, the combined Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI-RROF) will be published simultaneously with the submission of the Request for Release of Funds (RROF) to the U.S Department of Housing and Urban Development (HUD) for HOME Investment Partnerships (HOME), Community Development Block Grant Disaster Recovery (CDBG-DR), and Community Development Block Grant Disaster Mitigation (CDBG-MIT) funds. The funds are needed on an emergency basis due to the impacts of a Presidentially declared disaster, Kentucky Severe Storms, Flooding, Landslides, and Mudslides (DR-4663-KY, Declaration Date July 29, 2022). As a result, the comment periods required under 24 CFR 58.45 for the FONSI and NOI-RROF and the HUD objection period required under 24 CFR 58.74 have been combined to occur in the same 15-day period. Commenters may submit comments to the Kentucky Department for Local Government (DLG) and objections to HUD to ensure they will receive full consideration.

REQUEST FOR RELEASE OF FUNDS

On or about August 25, 2023, simultaneous with start of the public comment period initiated by the August 24, 2023 publication of the FONSI and NOI-RROF as allowed by 24 CFR 58.33, DLG will submit a request to the U.S. Department of Housing and Urban Development for the release of HUD HOME Investment Partnerships (HOME) Program funds (under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended) and Community Development Block Grant Disaster Recovery (CDBG-DR) and Mitigation (CDBG-MIT) funds (appropriated by the Continuing Appropriations Act, 2023 and the Department of Housing and Urban Development Appropriations Act, 2023 for major disasters occurring in 2022) pursuant to undertake a project known as Sky View Estates Area 1, Perry County, KY-Team KY. The Commonwealth of Kentucky is invoking section "IV.A.3. Interchangeability of disaster funds" of FR-6393 to also deploy 2021 CDBG-DR and CDBG-MIT funds (appropriated by the Disaster Relief Supplemental Appropriations Act, 2022 for major disaster occurring in 2020 and 2021) for this project in addition to 2022 CDBG-DR and CDBG-MIT funds.

Project Title: Sky View Estates Area 1, Perry County, KY-Team KY

Project Location: Skyview Lane, Hazard, Perry County, KY

Geographic Coordinates: 37.248952/ -83.269390

Purpose of Project: The Commonwealth of Kentucky, in partnership with

Kentucky Housing Corporation, will build 90 to 153 single-family detached housing units to create replacement housing following the July 2022 Southeastern Kentucky flood

disaster.

Project Cost: \$1,500,000 in HOME funds, \$22,500,000 in CDBG-DR

funds, \$765,000 in CDBG-MIT and \$5,070,000 in non-HUD funding for a total project cost of \$29,835,000 for

153 units.

Applicant/Recipient Agency: The Commonwealth of Kentucky, 702 Capital Avenue,

Frankfort, KY 40601

FINDING OF NO SIGNIFICANT IMPACT

The Kentucky Department for Local Government (DLG) has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at https://cpd.hud.gov/cpd-public/environmental-reviews or at the office of the Perry County Fiscal Court, 481 Main Street, 1st Floor Hazard, Kentucky 41701 (606-439-1816), and is available for public examination and copying, upon request, between the hours of 9A.M. and 4 P.M.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the Kentucky Department for Local Government-Office of Federal Grants, Attn. Jennifer Peters, at the address at the top of this notice or via email at jennifer.peters@ky.gov. All comments received by September 8, 2023, will be considered by DLG. Comments should specify which notice they are addressing.

ENVIRONMENTAL CERTIFICATION

DLG certifies to HUD that Dennis Keene in his capacity as Commissioner consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies their responsibilities under NEPA and related laws and authorities and allows DLG to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DLG's certification for a period of 15 days following the anticipated submission date (concurrent with the DLG public comment period as permitted under 24 CFR 58.33), or its actual receipt of the request (whichever is later), only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer

of DLG; (b) DLG has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections to funding must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to the HUD Office of Disaster Recovery at disaster_recovery@hud.gov. Potential objectors should contact HUD to verify the actual last day of the objection period.

Dennis Keene, Commissioner- Department for Local Government



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: Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-CDBGDR-HOME

HEROS Number: 900000010322100

Project Location: Skyview Lane, Hazard, KY 47101

Additional Location Information:

The geographic coordinates of the approximate center of Skyview Estates Area 1 are 37.248952/ -83.269390

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

The Commonwealth of Kentucky, in partnership with Kentucky Housing Corporation (KHC), will build 90-153 single-family detached housing units on approximately 49.2 acres to be acquired in a new (up to) 178-unit subdivision (approximately 59.2 acres) to be called Sky View Estates Area 1 (coordinates: 37.248952/-83.269390). KHC will select developers to build the homes to be sold to eligible homebuyers. Because developers have not yet been selected for the project, the specific unit count and the design, sizes, and values of the homes are not yet known. The subdivision will be developed on reclaimed mine land in Perry County, KY off of Skyview Road. Perry County is a Most Impacted and Distressed (MID) area for CDBG-DR/MIT funding. The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977. MTN View, Inc., a for-profit developer, will retain title to approximately 10-acres in Sky View Estates Area 1 to build up to 25 single-family detached units as a separate development project. This project will create replacement housing following the July 2022 Southeast Kentucky flood disaster. The Commonwealth will acquire the property and will grade the site where needed. Perry County, KY will develop road, water, and sewer infrastructure, while Kentucky Power will provide the electric utilities, all to support the development of single-family detached housing for the entire 4-phase Skyview development as a separate project using Kentucky SAFE and Appalachian Regional Commission funding. [This infrastructure project is not governed by this Environmental Assessment (EA) and will be completed prior to undertaking housing development activities. The Kentucky Dept. for Local Government (DLG) approved Perry County's EA for the ARC-funded infrastructure project on 7/24/2023.] Utilities are located adjacent to the project area. Electric, water and sewer lines will be extended to service the project area. Access to the site will be through existing public roads. Costs for individual housing unit underground connections to sewer, water, and electric will be considered part of total housing development costs and governed by this EA. Specific funded activities may include, but not be limited to: acquisition; soft costs such as construction financing fees, permanent financing fees, application and tax credit fees,

appraisals, title searches, professional fees, reserves, syndication costs, property surveys, and other soft costs; fees related to title transfer, recording, closing costs, and similar charges; preparation of plans, specifications and bid documents; new construction; site utilities and amenities, including parking; contingency funds; architectural/engineering design fees and inspection; construction inspection; and planning/administrative/developer fees. Construction activities will include resiliency investments, particularly fortified roofing and buried electrical lines for individual units. The funding sources to be used for this project may include: CDBG-DR; CDBG-MIT; HOME, KY Affordable Housing Trust Fund, and KY Rural Housing Trust Fund (RHTF) from KHC; Team Eastern KY Flood Relief Fund; developer capital; and bank loans. Funding is being estimated over future funding award cycles in addition to funds already committed. The Commonwealth is invoking section "IV.A.3. Interchangeability of disaster funds" of FR-6393 to deploy 2021 CDBR-DR and CDBG-MIT funds for this project in addition to 2022 funds. Estimated Total Development Cost budget (for 153 units): \$29,835,000 Anticipated Funding: CDBG-DR: \$22,500,000 CDBG-MIT: \$765,000 HOME Investment Partnerships: \$1,500,000 KY Affordable Housing Trust Fund: \$1,000,000 KY Rural Housing Trust Fund: \$2,000,000 Team EKY Flood Relief Fund: \$1,000,000 Developer capital/bank loans: \$1,070,000

Funding Information

Grant Number	HUD Program	Program Name	
2022 CDBG-DR	Community Planning and	Community Development Block Grants (Disaster	
	Development (CPD)	Recovery Assistance)	
2022 CDBG-MIT	Community Planning and	Community Development Block Grant	
	Development (CPD)	Mitigation (CDBG-MIT)	
B21DF210001	Community Planning and	Community Development Block Grants (Disaster	
	Development (CPD)	Recovery Assistance)	
B21DF210001,	Community Planning and	Community Development Block Grant	
	Development (CPD)	Mitigation (CDBG-MIT)	
M22SG210100	Community Planning and	HOME Program	
	Development (CPD)		

Estimated Total HUD Funded Amount: \$29,835,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$24,765,000.00

Mitigation Measures and Conditions [CFR 1505.2(c)]:

Summarized below are 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 or Condition
Permits, reviews, and approvals	There are no construction permits required other
	than an electrical permit, as stated in an email from
	Angelia Hall, Perry County Grants Coordinator dated
	May 12, 2023. The project must obtain a Kentucky

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Sky-View-Estates-Area-1-Perry-
County-KY-Team-KY-CDBGDR-
HOME

Hazard, KY

90000010322100

Pollution Discharge Elimination System (KPDES)
stormwater permit from the Kentucky Surface Water
Permits Branch as noted in the attached letter from
the Kentucky Energy and Environment Cabinet
Department for Environmental Protection dated July
3, 2023. As also noted in the letter, the proposed
work is endorsed by the Groundwater Section of the
Watershed Management Branch but the project
must develop a Groundwater Protection Plan.

Project Mitigation Plan

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X	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1	508.13] The project will not result
	in a significant impact on the quality of human environment	
	Finding of Significant Impact	
Name /	Title/ Organization: Curtis A. Stauffer // KENTUCKY HOUSII	Date: 8/18/2023 NG CORPORATION Date: 8/21/2023

Name/ Title: <u>Dennis Keene/Commissioner-Kentucky Department for Local Government</u>
This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environment Review Record (ERR) for the activity / project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

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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: Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-CDBGDR-HOME

HEROS Number: 900000010322100

Responsible Entity (RE): KENTUCKY HOUSING CORPORATION, 1231 Louisville Rd

Frankfort KY, 40601

RE Preparer: Curtis A. Stauffer

State / Local Identifier: RE is KY Dept for Local Govt

Certifying Officer: Dennis Keene

Grant Recipient (if different than Responsible Ent Kentucky Housing Corporation

ity):

PHA Code:

Point of Contact: Winston Miller

Consultant (if applicabl

e):

Point of Contact:

Project Location: Skyview Lane, Hazard, KY 47101

Additional Location Information:

The geographic coordinates of the approximate center of Skyview Estates Area 1 are 37.248952/-83.269390

Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-CDBGDR-HOME

Direct Comments to: Kentucky Department for Local Government-Office of Federal

Grants

Attn. Jennifer Peters

100 Airport Road, 3rd Floor

Frankfort, KY 40601 jennifer.peters@ky.gov

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

The Commonwealth of Kentucky, in partnership with Kentucky Housing Corporation (KHC), will build 90-153 single-family detached housing units on approximately 49.2 acres to be acquired in a new (up to) 178-unit subdivision (approximately 59.2 acres) to be called Sky View Estates Area 1 (coordinates: 37.248952/-83.269390). KHC will select developers to build the homes to be sold to eligible homebuyers. Because developers have not yet been selected for the project, the specific unit count and the design, sizes, and values of the homes are not yet known. The subdivision will be developed on reclaimed mine land in Perry County, KY off of Skyview Road. Perry County is a Most Impacted and Distressed (MID) area for CDBG-DR/MIT funding. The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977. MTN View, Inc., a for-profit developer, will retain title to approximately 10-acres in Sky View Estates Area 1 to build up to 25 single-family detached units as a separate development project. This project will create replacement housing following the July 2022 Southeast Kentucky flood disaster. The Commonwealth will acquire the property and will grade the site where needed. Perry County, KY will develop road, water, and sewer infrastructure, while Kentucky Power will provide the electric utilities, all to support the development of singlefamily detached housing for the entire 4-phase Skyview development as a separate project using Kentucky SAFE and Appalachian Regional Commission funding. [This infrastructure project is not governed by this Environmental Assessment (EA) and will be completed prior to undertaking housing development activities. The Kentucky Dept. for Local Government (DLG) approved Perry County's EA for the ARC-funded infrastructure project on 7/24/2023.] Utilities are located adjacent to the project area. Electric, water and sewer lines will be extended to service the project area. Access to the site will be through existing public roads. Costs for individual housing unit underground connections to sewer, water, and electric will be considered part of total housing development costs and governed by this EA. Specific funded activities may include, but not be limited to: acquisition; soft costs such as construction financing fees, permanent financing fees, application and tax credit fees, appraisals, title searches, professional fees, reserves, syndication costs, property surveys, and other soft costs; fees related to title transfer, recording, closing costs, and similar charges; preparation of plans, specifications and bid documents; new construction; site utilities and amenities, including parking; contingency funds; architectural/engineering design fees and inspection; construction inspection; and planning/administrative/developer fees.

Construction activities will include resiliency investments, particularly fortified roofing and buried electrical lines for individual units. The funding sources to be used for this project may include: CDBG-DR; CDBG-MIT; HOME, KY Affordable Housing Trust Fund, and KY Rural Housing Trust Fund (RHTF) from KHC; Team Eastern KY Flood Relief Fund; developer capital; and bank loans. Funding is being estimated over future funding award cycles in addition to funds already committed. The Commonwealth is invoking section "IV.A.3. Interchangeability of disaster funds" of FR-6393 to deploy 2021 CDBR-DR and CDBG-MIT funds for this project in addition to 2022 funds. Estimated Total Development Cost budget (for 153 units): \$29,835,000 Anticipated Funding: CDBG-DR: \$22,500,000 CDBG-MIT: \$765,000 HOME Investment Partnerships: \$1,500,000 KY Affordable Housing Trust Fund: \$1,000,000 KY Rural Housing Trust Fund: \$2,000,000 Team EKY Flood Relief Fund: \$1,000,000 Developer capital/bank loans: \$1,070,000

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

From 7/26-8/11/22, southeastern Kentucky was devasted by torrential rains, flooding, landslides, and mudslides. This caused severe damage in 13 counties with Breathitt, Knott, Letcher, and Perry most impacted. Perry County's infrastructure (water, phones, electricity), bridges, and roads were blocked or collapsed under the debris. Deadly flooding washed away entire homes and damaged many beyond repair. According to the HUD DR-4663-KY Housing Impact Assessment most residents in the disaster area lacked insurance coverage, with 61.2% of homeowners and 98.9% of renters without a private insurance policy and just 6.1% of all households with a flood insurance policy (p. 12). Perry County is a Most Impacted and Distressed area for CDBG-DR funding (FR-6393-N-01). Per the HUD DR-4663-KY Housing Impact Assessment: 1) FEMA reported 1,734 Perry County post disaster homeowner registrants and 651 renter registrants. (p. 13) 2) FEMA verified \$17,356,211 in real property loss and \$2,964,735 in personal property loss in Perry County (p. 18). 3) American Red Cross completed 1,537 Perry County housing damage assessments with 89 units destroyed, 223 units with major damage, and 91 units with minor damage. (p. 19) 4) HUD estimates that Perry County has 362 homeowner households and 68 renter households with serious housing damage and unmet need. (p.20) 5) Community engagement found "Stakeholders agree there is lack of consistent regulations and/or lack of compliance and building code enforcement. Current standards do not include building housing in the floodplain with a minimum first floor elevation. When the decision to rebuild homes is made, specific housing standards should be adhered to, and homes should be rebuilt to sustain future flooding events. Homes should be built to a higher standard than they were." (p.31) Additionally, "All interviews and focus groups identified affordable housing as the number one necessity or problem to be solved regarding Eastern Kentucky housing recovery. Specifically, the need for mixed income developments, multifamily housing, and single-family homes was emphasized." (p.37) Sky View Estates Area 1 will help meet these needs. 6) "Due to the topography of the region, there is an overall lack of flat

buildable land in the hardest hit areas with most of flat buildable land being reclaimed strip mines." (p.38) Sky View Estates Area 1 takes advantage of available reclaimed mining land. 7) There is a constricted housing market in the disaster region. "In 2021, the median sales price of homes increased 15.4%. This priced many potential homebuyers out of the ownership market, increased the need for rental housing and drove up rental prices due to demand. Most renters couldn't afford the prices they were paying before the flood. As increased prices are passed on by owners through high rents, the result could be renters choosing to pay less and live in substandard conditions including unsanitary housing, with insufficient heating, a lack of plumbing in units and other similar deplorable living conditions." (p. 30-31) According to the 2017-2021 American Community Survey (ACS) 5-year estimate for Perry County, 19.2% of homeowners and 50.5% of renters are housing cost-burdened, paying more than 30% of household income on housing costs. Median household income for the county is only \$40,557, with 21.5% of Perry County residents with household incomes below the poverty line. The Sky View Estates Area 1 project will construct up to 153 single-family detached units, include infrastructure improvements and water, sewer, and utilities access. Construction of these affordable homes will help create housing for people displaced by flooding in Perry County and beyond and ensure replacement housing is out of the flood plain. These new energy-efficient affordable homes will also help meet the great need for affordable housing in Perry County.

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

According to the 2017-2021 American Community Survey (ACS) 5-year estimate, the total population of Perry County is 28,421 persons, with 8,658 (76.9%) owneroccupied and 2,594 (23.1%) renter-occupied housing units. Additionally, Perry County has a lower median household income (\$40,557) and a higher poverty rate (21.5%) than the state of Kentucky (\$55,573 and 16.5%). According to the HUD DR-4663-KY Housing Impact Assessment, 39.4% of Perry County households receive income from Social Security, 20.6% of residents do not have a High School diploma, and 23.6% of the population are over age 60. (pp. 13-14) The surface property includes previously mined lands that have obtained Phase 3 bond release and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). In addition to the remarkable amount of downpour, some characteristics specific to Eastern Kentucky made it particularly vulnerable to the devastation. Many residences in the region sit deep in flood plains, along winding creeks and surrounded by the steep Appalachian foothills and rugged topography. Sedimentary rocks typical of the Appalachian Basin coalfield underlie the property. Specifically, the adjacent and underlying strata consist of the Princess Formation that forms the highest elevations in the immediate vicinity of the property. The formation occurs at elevations ranging from greater than 1,400 feet to 1,300 feet above sea level. The Four Corners Formation underlies the Princess Formation and is several hundred feet

thick in the area and it outcrops in the lowest elevation drainage in the area of the Historically, mining can potentially threaten nearby communities with air and water pollution and risk of flooding. Even after reclamation, the flow of water is unregulated and the natural course of can be diverted due to mining activities. This situation has been the source and probable cause of flooding in mining communities. As weather patterns continue to be unpredictable, flood prone communities express concern for safer alternatives and sustainable solutions. Using reclaimed mineland to create new affordable housing outside of the special flood hazard area will help mitigate these threats by putting the property to its highest and best use. The predisaster housing stock was made up of manufactured housing and/or mobile style homes common in rural areas. Moreso, these structures are particularly susceptible to wind and water damage in a straight-line windstorm or flood. Per the HUD DR-4663-KY Housing Impact Assessment (p.9), the pre-disaster housing stock in Perry County consisted of 13,025 total housing units, of which 62.31% were single-family detached homes, 30.44% were mobile homes, boat RV, van etc., 6.01% were in multifamily structures of 2-19 units, and 1.16% were in multi-family structures of 20 or more units (p. 9). In addition to tight market conditions, due to increasing housing costs and rents tenants may have no other choice but to live in substandard conditions including unsanitary housing, with insufficient heating, a lack of plumbing in units and other similar deplorable living conditions. Perry, Knott, Letcher, and Breathitt counties account for a combined 75% of the homes lost to flood damage. This site will help communities to recover and uplift economic initiatives in an area characterized by decades or more of coal mining and help meet the great need for affordable housing in Perry County. Additionally, this new "higher ground" community will help meet the "need for housing and infrastructure to be developed with consideration of future climate-related natural hazard risks, such as violent storms and floods, and how to increase structural resiliency" identified by the HUD DR-4663-KY Housing Impact Assessment (p.37).

Maps, photographs, and other documentation of project location and description:

Sky View Area 1 Photos 2023-5-13.pdf

Sky View Area 1 Photos 2023-1-24.pdf

Skyview Estates Area 1-Aerial Map with approximate boundaries.pdf

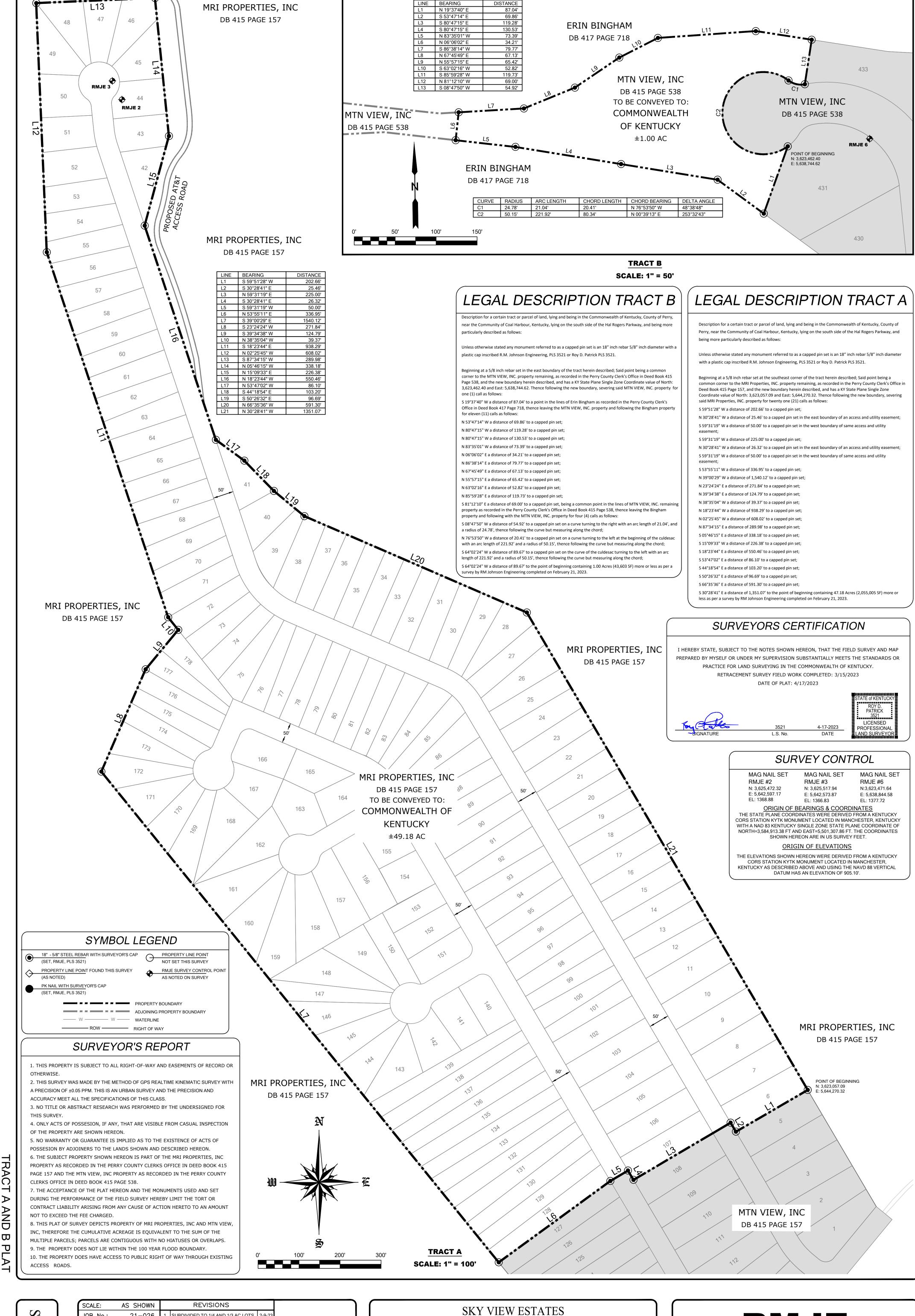
Sky View Estates Area 1 Plat Map 2023-4.pdf

Sky View Area 1 Photos 2023-5-13(1).pdf

Determination:

√	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

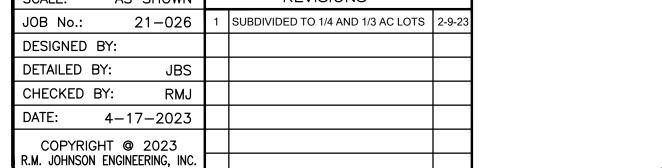




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AND



SKY VIEW LANE, PERRY COUNTY, KENTUCKY TO BE CONVEYED TO:

COMMONWEALTH OF KENTUCKY

RMJE

3213 Summit Square Place Suite 100 Lexington, KY 40509 (859)543-1256

P.O. Box 444 Hindman, KY 41822 (606)785-5926

Appendix C

Site Reconnaissance Photographs

May 10, 2023



Photo 1: Gravel road on NE portion of site; midway between Skyview Lane and gate.

Orientation: North facing view



Photo 3: Vegetation off gravel road on NE portion of site; midway between Skyview Lane and gate.
Orientation: Northwest facing view



Photo 2: Gravel road on the NE portion of site; Frontline Ministries visible in distance.

Orientation: North facing view



Photo 4: View of the pond from Skyview Lane. Orientation: West facing view



Photo 5: SW corner of the pond; vegetation obstructing view. Orientation: North facing view



Photo 7: SE corner of pond; vegetation obstructing view. Orientation: Northwest facing view



Photo 6: S of the pond on-site; vegetation obstructing view. Orientation: North facing view



Photo 8: N part of site; picture taken from adjacent property. Orientation: West facing view



Photo 9: N part of site; picture taken from adjacent property. Orientation: Southwest facing view



Photo 11: W side of adjacent property with drainage issues. Orientation: West facing view



Photo 10: W side of adjacent property with drainage issues. Orientation: Southwest facing view



Photo 12: Center of subject site. Orientation: South facing view



Photo 13: NE part of site; photo taken from adjacent property. Orientation: East facing view



Photo 15: Center of site; photo taken from adjacent property. Orientation: South facing view



Photo 14: Central portion of site near coordinates for oil well. Orientation: West facing view



Photo 16: Area where the coordinates for the oil well are. Orientation: West facing view



Photo 17: Gravel road on the NE portion of site; close to Skyview Lane.

Orientation: South facing view



Photo 19: Gate on gravel road; east central portion of site. Orientation: South facing view



Photo 18: Gravel road on east central portion of site; just south of the gate.

Orientation: South facing view



Photo 20: SE part of subject site. Orientation: East facing view



Photo 21: Southeast corner of subject property. Orientation: Southeast facing view



Photo 23: Southern edge of subject site showing a survey marker. Orientation: South facing view



Photo 22: Southern edge of subject site showing a survey marker. Orientation: South facing view



Photo 24: SW part of subject site. Orientation: West facing view



Photo 25: Vegetation on SW corner of property. Orientation: West facing view



Photo 27: View of the gravel road on the western side of the property.

Orientation: North facing view



Photo 26: Area where coordinates for the domestic use well are; thick vegetation restricted access.

Orientation: East facing view



Photo 28: View of the central part of the western side of the property; vehicle is parked on gravel road.

Orientation: West facing view



Photo 29: North central portion of western side of site; photo taken from closest accessible area to the domestic well coordinates.

Orientation: Northwest facing view



Photo 31: South central portion of western side of site; photo taken from closest accessible area to the domestic well coordinates. Orientation: Southwest facing view



Photo 30: Cell tower engine on northern portion of property. Orientation: North facing view



Photo 32: View of western edge of subject site off gravel road. Orientation: North facing view



Photo 34: View of western edge of subject site off gravel road. Orientation: South facing view



Photo 33: Western side of subject property; cell tower is visible in distance.

Orientation: North facing view



Photo 35: Gate on the east central portion of the subject site. Orientation: South facing view

Skyview Photos

January 24, 2023











































Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-CDBGDR-HOME

Approval Documents:

HEROS Signature Pages Sky View Area 1 EA-2023-8-21.pdf 24 CFR 58-33 Combined Notice-Sky View Area 1 2023-8-24(1).pdf

7015.15 certified by Certifying Officer 8/21/2023

on:

7015.16 certified by Authorizing Officer

on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name
2022 CDBG-DR	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)
2022 CDBG-MIT	Community Planning and Development (CPD)	Community Development Block Grant Mitigation (CDBG-MIT)
B21DF210001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)
B21DF210001,	Community Planning and Development (CPD)	Community Development Block Grant Mitigation (CDBG-MIT)
M22SG210100	Community Planning and Development (CPD)	HOME Program

Estimated Total HUD Funded, \$29,835,000.00 Assisted or Insured Amount:

Estimated Total Project Cost [24 CFR 58.2 (a) \$24,765,000.00

(5)]:

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
350.5, and 350.0	required?	
· .		determinations)

Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-CDBGDR-HOME

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6			
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	□ Yes ☑ No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. The project site is 7.62 miles from Duff Airport, the nearest airport.	
Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	☐ Yes ☑ No	This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.	
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 structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. The FIRMette Maps for the project site (due to FIRMette Maps' scale, two maps are required to cover the entirety of Sky View Estates Area 1) demonstrate that it is an area of minimal flood hazard (Panel Number 21193C0300D, 8/2/2006, Not Printed; Panel Number 21193C0175D, eff. 8/2/2006). NOTE: FEMA Preliminary FIRM Panels issued 10/27/2022 also show that the project site is in an area of minimal flood hazard. (Preliminary Panel Numbers 21193C0300E and 21193C0175E)	
STATUTES, EXECUTIVE ORD	DERS, AND REGULATION	ONS LISTED AT 24 CFR §50.4 & § 58.5	
Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	☐ Yes ☑ No	The project's county or air quality management district is in attainment status for all criteria pollutants. Perry County is not in non-attainment or maintenance status for any criteria pollutants. See EPA's Greenbook county	

		T
		list, found at:
		https://www3.epa.gov/airquality/green
		/book/ancl.html#KY. The project is in
		compliance with the Clean Air Act.
Coastal Zone Management Act	☐ Yes ☑ No	This project is located in a state that
Coastal Zone Management Act,		does not participate in the Coastal Zone
sections 307(c) & (d)		Management Program. Therefore, this
		project is in compliance with the Coastal
		Zone Management Act.
Contamination and Toxic	☐ Yes ☑ No	On-site or nearby toxic, hazardous, or
Substances		radioactive substances that could affect
24 CFR 50.3(i) & 58.5(i)(2)]		the health and safety of project
24 CH (30.3(1) & 30.3(1)(2)]		
		occupants or conflict with the intended
		use of the property were not found. The
		project is in compliance with
		contamination and toxic substances
		requirements. NEPAssist reports
		found no EPA-regulated facilities within
		a 3,000-foot radius of the northernmost
		point, mid- point, and southernmost
		point of Sky View Estates Area 1. The
		surface property includes previously
		mined lands under Revelation Energy
		LLC Permit No. 897-0563 that obtained
		Phase 3 bond release in 2014 and have
		no continuing regulatory jurisdiction
		under the Surface Mining Control &
		Reclamation Act of 1977 (SMCRA).
		The Kentucky Energy and Environment
		Cabinet Conducted an ASTM Phase I
		study of the project site (5/16/2023),
		which found: "*The site was previously
		used for mining activities. The mining
		permit had a Phase 3 release in 2014.
		This aspect is seen as complete from a
		regulatory standpoint and therefore is
		not considered a recognized
		environmental condition (REC). *There
		is a record of one domestic use well on-
		site but there are no plugging records; it
		was not found during the site
		reconnaissance. * The property is
		largely undeveloped; supplying the
		necessary utilities and creating

appropriate property access may incur additional costs. This may be considered a business environmental risk (BER). * Radon is not within the scope of this assessment. However, the site is listed in the 0.0 - 2.7 pCi/L radon potential range based on rock type. EPA suggested radon action level is 4.0 pCi/L or greater, and the World Health Organization suggested action level is 2.7 pCi/L or greater. Radon testing may be necessary for site development which could incur additional costs. This may be considered a business environmental risk (BER)." The Phase I report also stated "no recognized environmental conditions (RECs), HRECs, or CRECs were identified for the site during this assessment" and "Further environmental assessments are not recommended at this time with the exception of assessments (such as geotechnical or radon) that may be related to future property development." Phase I ESA Appendix F stated that activities comprised of both mining and reclamation do not constitute any permit requirements or any potential environmental liability under the Commonwealth's hazardous waste, solid waste, or state Superfund statutes or regulations. To that extent, the act of mining and reclamation do not represent a recognized environmental condition that would potentially arise under the aforementioned programs. However, the Commonwealth performed a focused investigation of this as part of the Phase I ESA. Since other activities (except mining) that might have resulted in environmental contamination were determined to not have occurred at the property, the investigation was centered on the

occurrence of naturally occurring metals that are present in the native soil and rocks but would potentially pose risk under a residential use scenario. Field screening and laboratory analysis for arsenic, iron, and lead were conducted. Arsenic and iron (iron oxyhydroxides) naturally occur together so both of
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Arsenic and iron (iron oxyhydroxides)
naturally occur together so both of
these metals were analyzed to
determine how they coexist at the site.
Also, the laboratory analytical data was
compared to the Commonwealth's
robust soil background data and the
metals occur at the site at
concentrations well within the
boundaries of state background and the
relationship between arsenic and iron
concentrations further substantiates
that they represent natural background.
In conclusion, the concentrations in the
surficial soil at the site pose no risk in
addition to what might be present from
naturally occurring and native
conditions. Lead concentrations in the
analytical laboratory samples were an
order of magnitude lower that the EPA
residential screening level of 400
milligrams per kilogram.
Endangered Species Act ☐ Yes ☑ No ☐ This project will have No Effect on listed
Endangered Species Act of 1973, species because there are no listed
particularly section 7; 50 CFR Part species or designated critical habitats in
the action area. This project is in
compliance with the Endangered
Species Act. Kentucky Housing
Corporation (KHC) reviewed the US Fish
and Wildlife Service IPaC website for a
list of species and critical habitats that
have potential to occur within the
action area on May 3, 2023. According
to the endangered species list
generated on IPaC (Project Code: 2023-
0077091) there are five species that
may be present but "there are no
critical habitats within your project area

		under this office's jurisdiction." In a
		letter sent via email dated May 9, 2023,
		KHC requested US Fish and Wildlife
		Service concurrence with the
		determination that development of the
		proposed subdivision not likely to
		adversely affect the Kentucky Arrow
		Darter (Etheostoma spilotum), Gray Bat
		(Myotis grisescens), the Northern Long-
		Eared Bat (Myotis septentrionalis), the
		Indiana Bat (Myotis sodalist), and the
		Monarch Butterfly (Danaus plexippus).
		In a stamped response digitally signed
		on June 16, 2023 by Melanie Olds,
		Kentucky Field Supervisor, the US Fish
		and Wildlife Service stated "Significant
		impacts to federally-listed species are
		not likely to result from the project as
		currently proposed."
Explosive and Flammable Hazards	☐ Yes ☑ No	There is a current or planned stationary
Above-Ground Tanks)[24 CFR Part		aboveground storage container of
51 Subpart C		concern within 1 mile of the project site.
31 Subpart C		The Separation Distance from the
		project is acceptable. The project is in
		compliance with explosive and
		flammable hazard requirements. A
		search of Google Earth Pro Aerial maps
		found one set of two above ground
		storage tanks 3,873 feet from the
		project site located at Home Lumber-
		Hazard Reddi-Mix, a concrete plant at
		4852 KY 451 in Hazard, Home Lumber-
		Hazard Hazard Reddi-Mix's Air Quality
		permit # S-17-073 with Commonwealth
		of Kentucky Energy and Environment
		Cabinet Department for Environmental
		· ·
		Protection Division for Air Quality states
		that there are two silos on site, one
		containing fly ach neither of which are
		containing fly ash, neither of which are
		explosive or flammable hazards.
		Therefore, these above ground storage
		tanks pose no risk to residents at Sky
		View Estates Area 1.

Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	☐ Yes ☑ No	The project includes activities that could convert agricultural land to a nonagricultural use, but "prime farmland", "unique farmland", or "farmland of statewide or local importance" regulated under the Farmland Protection Policy Act does not occur on the project site. The project is in compliance with the Farmland Protection Policy Act. The USDA NRCS Web Soil Survey Map for the project site shows that it consists"FaB-Fairpoint soils, undulating" (22.0%), "FaF-Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony" (77.9%) and "uShgF-Shelocta-Highsplint-Gilpin complex, 20 to 70 percent slopes, very stony," (0.1%). All of these soils are not prime farmland nor farmland of
		statewide importance.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	□ Yes ☑ No	This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. The FIRMette Maps for the project site (due to FIRMette Maps' scale, two maps are required to cover the entirety of Sky View Estates Area 1) demonstrate that it is an area of minimal flood hazard (Panel Number 21193C0300D, 8/2/2006, Not Printed; Panel Number 21193C0175D, eff. 8/2/2006). NOTE: FEMA Preliminary FIRM Panels issued 10/27/2022 also show that the project site is in an area of minimal flood hazard. (Preliminary Panel Numbers 21193C0300E and 21193C0175E)
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	□ Yes ☑ No	Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106. In a letter dated June 16, 2023, the Kentucky Heritage Council (SHPO) stated "Our review indicates that the proposed project will not

		impact any properties or sites that are
		listed in or eligible for the National
		Register of Historic Places. The
		proposed project should not require a
		cultural resource survey. We would
		concur with a finding of No Historic
		Properties Affected. Kentucky
		Housing Corporation, the Responsible
		Entity for HOME funding, initiated
		consultation with the tribes identified in
		the TDAT search for Perry County, KY
		(the Eastern Band of Cherokee Indians
		and the Cherokee Nation) using letters
		sent via email on May 2, 2023 that
		invited the tribes to become consulting
		parties on the Section 106 review for
		this project. The tribes did not respond
		within the 30-day threshold specified by
		HUD CPD Notice 12-006.
Noise Abatement and Control	☐ Yes ☑ No	A Noise Assessment was conducted. The
Noise Control Act of 1972, as		noise level was acceptable: 56.0 db. See
amended by the Quiet Communities		noise analysis. The project is in
Act of 1978; 24 CFR Part 51 Subpart		compliance with HUD's Noise
В		regulation. The project site is 9, 881 feet
		from the nearest railroad (nearest
		crossing is CSX #346102B), which is
		beyond the 3,000-foot threshold
		distance. There are two airports within
		15 miles of the project site: Duff Airport
		(7.62 miles away) and Wendell H. Ford
		Airport (8.65 miles away.) HUD Airport
		Noise Worksheets for both airports
		document that noise is not expected to
		be generated beyond the airport
		boundaries. Hal Rogers Parkway (515
		feet away) is the only road with
		available AADT data within 1,000 feet of
		the project site. Because ten year
		projections of AADT data for Hal Rogers
		Parkway show a significant decrease,
		the most current AADT data was used in
		the HUD DNL calculation for road noise
		of 56.0 dB.

Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-CDBGDR-HOME

Sole Source Aquifers	☐ Yes ☑ No	The project is not located on a sole		
Safe Drinking Water Act of 1974, as		source aquifer area. The project is in		
amended, particularly section		compliance with Sole Source Aquifer		
1424(e); 40 CFR Part 149		requirements. There are no sole source		
		aquifers in Kentucky.		
Wetlands Protection	☐ Yes ☑ No	The project will not impact on- or off-		
Executive Order 11990, particularly		site wetlands. The project is in		
sections 2 and 5		compliance with Executive Order 11990.		
		The National Wetlands Inventory Map		
		shows there are no Wetlands on the		
		project site. Briar Fork, the nearest		
		body of water is approximately 679 feet		
		from the western edge of the project		
		site and should not be impacted by		
		construction. The Commonwealth will		
		employ nature-based solutions for		
		stormwater mitigation to prevent		
		increased downstream flows as a result		
		of construction.		
Wild and Scenic Rivers Act	☐ Yes ☑ No	This project is not within proximity of a		
Wild and Scenic Rivers Act of 1968,		NWSRS river. The project is in		
particularly section 7(b) and (c)		compliance with the Wild and Scenic		
		Rivers Act. The project site is 38.09		
		miles from the Wild & Scenic portion of		
		the Red River, Kentucky's only Wild and		
		Scenic River. The project site is 21.1		
		miles from the South Fork Kentucky		
		River, the nearest Nationwide Rivers		
		Inventory body.		
HUD HOUSING ENVIRONMENTAL STANDARDS				
	ENVIRONMENTAL J	USTICE		
Environmental Justice	☐ Yes ☑ No	No adverse environmental impacts were		
Executive Order 12898		identified in the project's total		
		environmental review. The project is in		
		compliance with Executive Order 12898.		

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]

Impact Codes: An impact code from the following list has been used 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	Impact	Impact Evaluation	Mitigation		
Assessment Factor	Code				
LAND DEVELOPMENT					
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	Perry County does not have a comprehensive plan or zoning. In an email dated 5/12/2023, Angelia Hall, Perry County Grants Coordinator stated "The Sky View Estates Housing Development site is located outside the City of Hazard boundaries, therefore, City zoning and permitting is not applicable. The Perry County Fiscal Court has no zoning laws. The only Perry County Fiscal Court permits required is electrical permits which is \$25 for residential and \$100 for commercial." The project will be beneficial in that it is providing a significant increase in new affordable housing located out of the flood zone that will help meet Perry County's significant housing need following the disaster. It will also put reclaimed mineland			
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	near the city of Hazard to its highest and best use. Buildable land of this size is very difficult to find in Perry County. The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014. This aspect is seen as complete from a regulatory standpoint and therefore is not considered a recognized environmental condition (REC). Soil Conditions: Sedimentary rocks typical of the Appalachian Basin coalfield underlie the property. Specifically, the adjacent and underlying strata consist of the Princess Formation that forms the highest elevations in the immediate vicinity of the property. The formation occurs at elevations ranging from greater than 1,400 feet to 1,300 feet above sea level. The Four Corners Formation underlies the Princess Formation and is			

Assessment Factor Code several hundred feet thick in the area and it outcrops in the lowest elevation drainage in the area of the site. Both of these formations consists primarily of silicate (quartz) rich rocks such as sandstone and siltstone, interbedded with clay rich shale horizons and coal. The sandstone, siltstone and shale contain a variety of natural occurring minerals that includes quartz, clay minerals and other minerals (such as pyrite) that contain naturally occurring metals. The surficial soils at the property are comprised of either overburden resulting from previous surface mining or borrow soil from the immediate vicinity used to reclaim the area after mining was completed. So, the surficial soils consist of chemically weathered and physically altered materials from the Princess and Four Corners formations that are naturally occurring and are thus native to the area. Per the USDA Web Soil Survey map, the project site consists of "FaB-Fairpoint soils, undulating" (22.0%) and "FaF-Fairpoint and Bethesda soils, 2 to 70 percent slopes,	Environmental	Impact	Impact Evaluation	Mitigation
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and Bethesda soils, 2 to 70 percent slopes,			1	
benched, stony" (77.9%) and "uShgF-				
Shelocta-Highsplint-Gilpin complex, 20 to 70				
percent slopes, very stony"(0.1%). Per the				
Geocheck Physical Setting Source Summary				
attached to the Phase I ESA, Fairpoint soils			-	
are a "well-drained" soil class. Design of				
the project and construction methods				
employed will work to ensure that the				
project does not negatively affect slope or			, , , , , , , , , , , , , , , , , , , ,	
erosion of the surrounding area. Briar Fork, the nearest body of water is approximately			_	
679 feet from the western edge of the			1	
project site and should not be impacted by				
construction. The Commonwealth will			1	
employ nature-based solutions for				
stormwater mitigation to prevent increased				
runoff as a result of construction. The				
project must obtain a Kentucky Pollution				

Environmental	Impact	Impact Evaluation	Mitigation
Assessment Factor	Code	·	J
		Discharge Elimination System (KPDES) stormwater permit from the Kentucky Surface Water Permits Branch as noted in the attached letter from the Kentucky Energy and Environment Cabinet Department for Environmental Protection dated July 3, 2023. As also noted in the letter, the proposed work is endorsed by the Groundwater Section of the Watershed Management Branch but the project must develop a Groundwater Protection Plan.	
Hazards and Nuisances including Site Safety and Site- Generated Noise	2	This project involves new construction, therefore, there is no opportunity for leadbased paint or asbestos to be encountered. There are no above ground storage tanks containing flammable materials within the vicinity of the project that are within the Acceptable Separation Distance threshold requirement, and there are no EPAmonitored facilities within a 3,000-foot radius of the project site that could be sources of pollution. The noise analysis for the project site found a DNL calculation of 56 dB from road noise, below the 65 dB threshold. Efforts will be made to reduce noise exposure as much as possible during construction though there are no residential units nearby the project site who would be affected. The Specific Phase I Environmental Site Assessment for the Sky View Former Mine Site, Skyview Lane, Hazard, KY prepared by the Kentucky Energy and Environmental Protection Division of Waste Management Superfund Branch found "no recognized environmental conditions (RECs), HRECs, or CRECs were identified for the site during this assessment."	
		SOCIOECONOMIC	
Employment and	1	The creation of up to 153 units of affordable	
Income Patterns	1	single-family housing should have a positive effect on the Perry County workforce and	

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		economic conditions. It will allow residents to remain in the community following the flood disaster and reside in new, safe housing located in an area of minimal flood hazard. Creation of this "higher ground" community will help sustain demand for businesses and services in Perry County and help preserve or enhance the county's economic strength in the aftermath of the disaster. Additionally, the construction of these homes will provide job opportunities to Perry County residents.	
Demographic Character Changes / Displacement	1	The creation of up to 153 units of affordable single-family housing should have a positive effect on the Perry County's demographic character by preventing the permanent displacement/relocation of households to other regions. The project will provide new, affordable, energy-efficient, resilient housing outside of the flood zone that could encourage residents seeking safer housing to remain in the community.	
Environmental Justice EA Factor	1	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. The project will be the highest and best use of previously disturbed reclaimed mineland and will provide residents at risk of future flooding with safe energy-efficient, resilient housing located outside of the flood zone. The Specific Phase I Environmental Site Assessment for the Sky View Former Mine Site, Skyview Lane, Hazard, KY prepared by the Kentucky Energy and Environment Cabinet Department for Environmental Protection Division of Waste Management Superfund Branch found "no recognized environmental conditions (RECs), HRECs, or CRECs were identified for the site during this assessment." This affordable housing development will have a positive impact on	

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	000.0	environmental justice in Perry County be	
		reclaiming mineland to provide much needed	
		safe, affordable, energy-efficient, resilient	
		housing to Perry County as it recovers from	
		the 2022 flood disaster.	
	COMM	IUNITY FACILITIES AND SERVICES	
Educational and	1	The project site is located within the Perry	
Cultural Facilities		County School District which includes 6	
(Access and		elementary schools (K-8), 1 K-12 school, 1	
Capacity)		alternative school, and 1 high school. The	
		project site is 2.8 miles from West Perry	
		Elementary school and is 4.01 miles to Perry	
		County High School. In an email dated	
		5/9/2023, Jody Maggard, Finance Officer for	
		Perry County Schools stated "No Perry	
		County student has lived what we would	
		consider a 'normal' student life since March,	
		2020. Our district, like the rest of the world,	
		suffered through the pandemic, which left	
		some students entering the 2nd grade	
		without having physically attended school	
		before. Additionally, the flooding on July 28,	
		2022, devastated many of our school	
		communities, destroying two of our schools,	
		and displacing hundreds of our students. The	
		proposed housing development will be a	
		light at the end of a dark tunnel. Over 75% of	
		our students are at identified as at-risk,	
		hundreds are identified as homeless because	
		of living with a non-parent, or the parent(s)	
		are not able to sustain a home of their own.	
		This project is greatly needed in our county,	
		and the Perry County School district, and our	
		students, will be a direct beneficiary."	
		Cultural facilities that Perry County has to	
		offer include the Perry County Cultural Arts	
		Center, the Southeast Kentucky African-	
		American Museum and Cultural Center, Inc.,	
		and outdoor adventure tourism facilities	
		such as ATV centers and trails, elk viewing	
		stations, skate parks, and state parks. By	
		offering residents displaced by the flooding	

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		an opportunity to stay in Perry County, this project can help sustain demand for these cultural facilities.	
Commercial Facilities (Access and Proximity)	1	This project site is located on reclaimed mineland in rural Perry County in the Appalachian Mountains. It is a primarily rural area that has access to nearby urban facilities. All shopping amenities are located in Hazard, with the nearest shopping center 2.9 miles from the project site. Creation of this higher ground community will help sustain demand for commercial facilities in Perry County following the flood disaster.	
Health Care / Social Services (Access and Capacity)	1	This project site is located on reclaimed mineland in rural Perry County in the Appalachian Mountains. It is a primarily rural area that has access to nearby urban facilities. All medical and social services amenities are located in Hazard. The project site is 2.83 miles from Fresenius Medical Care by Appalachian Regional Hospital and is 2.48 from LKLP Community Action Partnership, the nearest social services provider. Creation of this higher ground community will help sustain demand for existing medical and social services in Perry County following the flood disaster.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	The project is located within a rural area with access to adequate solid waste services provided by Waste Connections.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	1	Perry County Fiscal Court will install sanitary sewer infrastructure as a separate project prior to the initiation of the housing development to be governed by this environmental review record. The newly constructed homes will access this new sanitary sewer collection system. Per the RM Johnson Engineering Preliminary Engineering Report for this Perry County project, "There will be approximately 18,500 LF of 4" to 6" HDPE Sanitary Sewer Force Main that will	

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		interconnect with the City of Hazard potable wastewater collection system. The sanitary collection system will include a 150 - 200 GPM Duplex Pump Station with a SCADA system and odor control receiving the subdivision sanitary sewer collection will be with an 8" SDR-35 PVC gravity system that will be constructed along street ROW's and routed downstream to the proposed Sanitary PS then force or pump the waste to the Hazard Collection System. The gravity sewer system will include approximately 21,000 LF of 8" collection line with approximately 60 - 4' diameter manholes and 4" to 6" PVC laterals installed as the lots develop."	
Water Supply (Feasibility and Capacity)	1	Perry County Fiscal Court will install potable water infrastructure as a separate project prior to the initiation of the housing development to be governed by this environmental review record. The newly constructed homes will access this new sanitary sewer collection system. Per the RM Johnson Engineering Preliminary Engineering Report for this Perry County Fiscal Court project, "The project includes approximately 4,500 LF of new 6" HDPE waterline and a 200 GPM Duplex Pump Station to the subdivision. The residential development of this project will include approximately 20,000 LF of 6" HDPE waterline and a 100,000 gal elevated water storage tank. As the property develops there will be water service lines and meters installed for each lot." This Perry County Fiscal Court investment will ensure Sky View Estates will have sufficient water supply.	
Public Safety - Police, Fire and Emergency Medical	2	This project site is located on reclaimed mineland in rural Perry County in the Appalachian Mountains. It is a primarily rural area that has access to nearby public safety facilities. The project site is 1.02 miles from the Avawam Volunteer Fire Department station, 4.53 miles from the Perry County	

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		Ambulance station, and 4.44 miles from	
		Kentucky State Police Post 13.	
Parks, Open Space	1	Open Space: the project site is on reclaimed	
and Recreation		mineland and provides one of the larger	
(Access and		areas of open space in Perry County, which is	
Capacity)		located in the mountains of Appalachia.	
		Recreation: Perry County Park consists of a	
		walking track, skateboard park, basketball	
		courts, five picnic shelters, baseball and	
		softball fields, a stage area for concerts, an	
		outdoor pool, putt-putt golf, tennis courts, a	
		boat ramp for access to the Kentucky River,	
		Horse Park and a playground area. Hazard-	
		Perry County has been designated the 20th	
		Kentucky Trail Town sponsored by the state	
		of Kentucky Office of Adventure Tourism.	
		Trails include walking, hiking, biking,	
		horseback riding, ATV/dirt bikes, quiltblock	
		tours, and specialty shopping. This region	
		also offers rugged, natural beauty, wildlife	
		viewing, rivers, lakes and streams, camping,	
		fishing, historical attractions, original arts	
T	2	and crafts, and festivals.	
Transportation and	2	LKLP Community Action Council offers	
Accessibility (Access		transportation services for a minimal fee.	
and Capacity)		The subdivision will have quick access to KY-	
		451, which connect to KY-80 and the Hal Rogers Parkway. The project site is a 3-to-5-	
		mile drive to commercial, educational,	
		cultural, medical, and social service	
		amenities available in the City of Hazard, KY.	
		NATURAL FEATURES	
Unique Natural	2	The project site lacks unique natural features	
Features /Water	-	because it is reclaimed mineland that has	
Resources		already been disturbed. The project site has	
		already been disturbed as it consists of	
		reclaimed mineland that received bond	
		release on January 6, 2014. Per the Kentucky	
		Energy and Environment Cabinet, the mine	
		reclamation received bond release on	
		January 6, 2014 and "the approved	
		reclamation plan in the Surface Mining	

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7.00000	000.0	Control and Reclamation Act permit for	
		Revelation Energy LLC required the	
		permittee to: * Backfill, regrade, replace	
		topsoil, and restore drainage patterns	
		consistent with the approximate original	
		contour (AOC) of the land prior to mining; *	
		Revegetate the permit area in accordance	
		with the approved post mining land use of	
		pastureland; and * Ensure the reclaimed	
		area was capable of supporting the	
		pastureland post mining land use upon	
		expiration of the 5?year liability period	
		required in 405 KAR Chapter 10." Site	
		inspection by the Energy and Environment	
		Cabinet in January and May 2023, found no	
		portals, caves or karst on the site.	
		According to the US Fish and Wildlife Service	
		National Wetlands Inventory Map, there are	
		no wetlands on the project site. Briar Fork,	
		the nearest body of water is approximately	
		679 feet from the western edge of the	
		project site and should not be impacted by	
		construction. The Commonwealth will	
		employ nature-based solutions for	
		stormwater mitigation to prevent increased	
		downstream flows as a result of construction	
Vegetation / Wildlife	2	The project site has already been disturbed	
(Introduction,		as it consists of reclaimed mineland that	
Modification,		received bond release on January 6, 2014.	
Removal,		Per the Kentucky Energy and Environment	
Disruption, etc.)		Cabinet, "the approved reclamation plan in	
		the Surface Mining Control and Reclamation	
		Act permit for Revelation Energy LLC	
		required the permittee to: * Backfill,	
		regrade, replace topsoil, and restore	
		drainage patterns consistent with the	
		approximate original contour (AOC) of the	
		land prior to mining; * Revegetate the	
		permit area in accordance with the approved	
		post mining land use of pastureland; and *	
		Ensure the reclaimed area was capable of	
		supporting the pastureland post mining land	

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		use upon expiration of the 5?year liability period required in 405 KAR Chapter 10." Site inspection by the Energy and Environment Cabinet in January and May 2023, found no portals, caves or karst on the site, it does not appear that there is endangered species habitat present on the footprint of the old mine site and no roost trees are present that will be removed. The surface vegetation consists of autumn olive, willow, other immature trees and ground plants. Because this site is previously disturbed land with no critical habitat present it should have minimal disruption of wildlife.	
Other Factors 1		withine.	
Other Factors 2			
		CLIMATE AND ENERGY	
Climate Change	2	Using data that predates the 2022 flood disaster, the FEMA National Risk Index Community Report for Perry County, KY finds that the Risk Index score of 31.6 is "very low" when compared to the rest of the US and that they community has a "very low" Expected Annual Loss Score of 30.6. However, the Community Report also finds that Perry County has a Social Vulnerability score of 65.9, which demonstrates "Relatively High susceptibility to the adverse impacts of natural hazards." The Community Report also states that "Communities in Perry County, KY have a Relatively Low ability to prepare for anticipated natural hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions when compared to the rest of the U.S." with a Community Resilience score of 31.0. The social vulnerability and community resilience ratings largely stem from the high poverty and low median income rates for the county. The FEMA National Risk Index Community Report for Perry County, KY also rates	

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		historic loss ratios by hazard type as follows:	
		very low (cold wave, landslide, riverine	
		flooding, wildfire); relatively low	
		(earthquake, heat wave, hurricane, ice	
		storm, lightning, strong wind, winter	
		weather); relatively moderate (hail, tornado).	
		The report also states that "in Perry County,	
		KY, expected loss each year due to natural	
		hazards is Very Low when compared to the	
		rest of the US" with an expected annual loss	
		score of 30.61. The Headwaters Institute	
		has developed a county-by-county climate	
		projection tool to estimate changes in heat	
		and precipitation given either higher	
		projected emissions (RCP8.5) or lower	
		projected emissions (RCP4.5). Under the	
		higher emission model, Perry County is	
		expected to experience 15 more days about	
		95 degrees and a 2 degree increase in	
		average annual temperature by 2073. The	
		model also shows that Perry County will see	
		only 0.19 more days of heavy precipitation	
		annually and a 0.02" decrease in annual	
		average precipitation by 2073. Given these	
		risk analyses, Perry County, KY faces fewer	
		climate risks than most of the nation. The	
		new homes to be constructed in Sky View	
		Estates Area 1 will help minimize the impact	
		of climate risk to the homebuyers. First, the	
		project site has minimal risk. It is a flat site	
		on reclaimed mineland that is in an area of	
		minimal flood hazard. Second, the homes to	
		be built will meet energy-efficiency	
		standards. They must meet Kentucky	
		Housing Corporation's Minimum Design	
		Standards for New Construction of Single-	
		Family Units, which require that the building	
		envelope meets or exceeds the 2012 IECC	
		requirements, establish energy standards for	
		building components and systems, and	
		require Energy Star appliances, amongst	
		other energy efficiency requirements. Per FR-	

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7.55555111611611611616	Couc	6393 Allocations for Community	
		Development Block Grant Disaster Recovery	
		and Implementation of the CDBG-DR	
		Consolidated Waivers and Alternative	
		Requirements Notice governing the CDBG-DR	
		funding , they must also meet HUD's Green	
		and Resilient Building Standard for new	
		construction and reconstruction of housing.	
		KHC will also incorporate resilient building	
		standards, including fortified roofs and flood	
		resistant construction techniques in design	
		guidelines for the homes to be built that will	
		also ensure compliance with HUD's Green	
		and Resilient Building Standard.	
Energy Efficiency	1	The state of Kentucky requires housing	
		developments to meet the KY Residential	
		Building Code and encourages the use of	
		Green Building Techniques and Energy	
		Efficient Design Components. Kentucky	
		Housing Corporation's Minimum Design	
		Standards for New Construction of Single-	
		Family Units requires that the building	
		envelope meets or exceeds the 2012 IECC	
		requirements, establish energy standards for	
		building components and systems, and	
		require Energy Star appliances, amongst	
		other energy efficiency requirements.	
		Additionally, FR-6393 Allocations for	
		Community Development Block Grant	
		Disaster Recovery and Implementation of the	
		CDBG-DR Consolidated Waivers and	
		Alternative Requirements Notice" governing	
		the CDBG-DR funding establishes a Green	
		and Resilient Building Standard for new	
		construction and reconstruction of housing.	
		This requires that "all such covered	
		construction must achieve a minimum	
		energy efficiency standard, such as (i)	
		ENERGY STAR (Certified Homes or	
		Multifamily High-Rise); (ii) DOE Zero Energy	
		Ready Home; (iii) EarthCraft House,	
		EarthCraft Multifamily; (iv) Passive House	

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		Institute Passive Building or EnerPHit certification from the Passive House Institute US (PHIUS), International Passive House Association; (v) Greenpoint Rated New Home, Greenpoint Rated Existing Home (Whole House or Whole Building label); (vi) Earth Advantage New Homes; or (vii) any other equivalent energy efficiency standard acceptable to HUD." KHC will specify which of these Green and Resilient Building Standards will be used for any building in this subdivision receiving CDBG-DR funding for construction in its CDBG-DR program policies to be developed.	

Supporting documentation

KY DEP Letter Sky View Housing Development 2023-7-3(1).pdf

Headwaters Institute Climate Projections-Lower Emissions-Perry County KY.pdf

Headwaters Institute Climate Projections-Higher Emissions-Perry County KY.pdf

FEMA National Risk Index Community Report-Perry County KY.pdf

FINAL CDBG-DR Fed Register 6393 2022 Published 2023-05-18.pdf

KHC Minimum Design Standards New Construction Single Family Dwelling Units.pdf

RM Johnson Engineering Sky View-Perry County Preliminary Engineering

Report 2023-5.pdf

USDA Web Soil Survey Map-Sky View Estates Area 1(1).pdf

Perry County Schools email re impact of Sky View 2023-5-19.pdf

Sky View Phase I ESA 2023-5-16(1).pdf

Sky View Estates Preliminary Engineering Report 2023-5.pdf

Perry County email re Zoning and Permits 2023-5-12.pdf

Distance to West Perry Elementary-Sky View.pdf

Distance to social services agencies-Sky View.pdf

Distance to shopping center-Sky View.pdf

Distance to Perry County Central High Schooll-Sky View.pdf

Distance to Perry County Ambulance-Sky View.pdf

Distance to Kentucky State Police Post 13-Sky View.pdf

Distance to Fresenius Medical Care-Sky View.pdf

Distance to Avawam Volunteer Fire Department-Sky View.pdf

Additional Studies Performed:

Site Specific Phase I Environmental Site Assessment: Sky View Former Mine Site, Skyview Lane, Hazard, KY prepared by the Kentucky Energy and Environment Cabinet



ANDY BESHEAR GOVERNOR

ENERGY AND ENVIRONMENT CABINET DEPARTMENT FOR ENVIRONMENTAL PROTECTION

REBECCA W. GOODMAN
SECRETARY

ANTHONY R. HATTON
COMMISSIONER

300 SOWER BOULEVARD FRANKFORT, KENTUCKY 40601 TELEPHONE: 502-564-2150 TELEFAX: 502-564-4245

July 3, 2023

RE: Skyview Housing Construction Project

The Department for Environmental Protection does not have any concerns about the Housing Construction for Skyview or the Phase I Environmental Assessment and its findings and conclusions.

BACKGROUND

The Cabinet conducted this Phase I assessment and did not identify any recognized environmental conditions.

The site is associated with the following KPDES Permits Nos. KYG042598 and KYG044790. Companies associated with these permits are Leslie Resources, Inc., ICG Hazard LLC, LCC Kentucky LLC, and Revelation Energy LLC. All of these permits are end-dated in DEP's TEMPO database. The site is also associated with the CAA EIS No. 21-193-00083, which has also been end-dated.

The site was included in Franklin Circuit Court Civil Action No. 10-CI-01868 and settled by the Consent Judgment entered on 10/10/2012. DEP issued three Notices of Violation (NOVs) for this site. DEP issued 11/29/2010 NOV for violations related to deficiencies in sampling and analysis procedures related to KPDES permit monitoring and reporting. DEP issued the 10/04/2011 for a Total Suspended Solids effluent violation in May 2011. DEP issued the 12/15/2011 NOV for failing to collect two samples as required by the KPDES permit in September 2011. DEP closed the case on 09/06/2022.

The site is located between Briar Fork to the west and Big Creek to the east and south.

Division of Water

Water Quality Branch

Comment: No comments.

Questions should be directed to Andrea Fredenburg, (502) 782-6950,

Andrea.Fredenburg@ky.gov.

Field Operations Branch

Comment: No comments.

Questions should be directed to Constance Coy, (502) 782-6587, Constance.Coy@ky.gov.

Watershed Management Branch

Water Supply Section:

Comment: This project is not located within a designated source or wellhead protection area. The Water Supply Section has no comments.

Questions should be directed to Dale Booth at (502) 782-6895, Dale.Booth@ky.gov.

Groundwater Section:

Comment: The proposed work is endorsed by the Groundwater Section of the Watershed Management Branch. However, there are domestic groundwater water well users in the vicinity of the proposed work. It is our recommendation that site be made aware of the requirements of 401 KAR 5:037 and the need to develop a Groundwater Protection Plan (GPP) for the protection of groundwater resources within that area.

Questions should be directed to Bronson McQueen at (502) 782-6036, Bronson.McQueen@ky.gov or Adam Smith at (502) 782-6453, Adam.Smith@ky.gov

Water Resources Branch

Floodplain Management Section:

Comment: Based on the mapping provided, this project appears to be outside the regulated floodplain and will not require stream construction permitting. There may be WOTUS impacts construction roadway and utility lines, but if so the projects will be covered under Nationwide permits and the associated General Certifications below without requiring prenotification to USACE or application to Division of Water.

NWP 14 – Linear Transportation Projects

NWP 57 – Electrical Utility Line and Telecommunications Activities

NWP 58 – Utility Line Activities for Water and Other Substances

See the following page for information on permitting procedures:

https://eec.ky.gov/Environmental-Protection/Water/PermitCert/WQ401Cert/Pages/Apply-for-Certification.aspx. Questions should be directed to Shawn Hokanson at (502) 782-6977, Shawn.Hokanson@ky.gov.

Water Quality Certification Section:

Comment: If the activity requires a federal permit due to activities in or near Waters of the U.S., a Clean Water Act Section 401 Water Quality Certification from the DOW may be required for this project. Questions should be directed to the Water Quality Certification Section, (502) 564-3410, 401WQC@ky.gov.

Surface Water Permits Branch

Permit Support Section:

Comment: 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. Questions should be directed to the Permit Support Section, (502) 564-3410, SWPBsupport@ky.gov.

Drinking Water Branch

Comment: Endorse, no comments. Questions should be directed to Kevin Stewart, (502) 782-7081, Kevin.Stewart@ky.gov

Water Infrastructure Branch

Engineering Section:

Comment: ** (general comment commonly used prior to evaluating specifics)

Prior to the start of construction, plans and specifications that have been signed, stamped and dated by a Licensed Professional Engineer shall be submitted to the Division of Water for review and approval.

Questions should be directed to Terry Humphries, Engineering Section, at (502) 782-6983, <u>Terry.Humphries@ky.gov</u>.

Municipal Planning Section:

Comment: Hazard Water Department will be addressing upgrades to the facility to address the water concerns as documented in NEPA comment requests received by the department. Currently they are operating at 104.7% GPM and 95.7% GPD.

Questions should be directed to Jason Lambert, (502) 782-7001, <u>Jason.Lambert@ky.gov</u>.

The Kentucky Division of Water supports the goals of EPA's Sustainable Infrastructure Initiative. This Initiative seeks to promote sustainable practices that will help to reduce the potential gap between funding needs and spending at the local and national level. The Sustainable Infrastructure Initiative will guide our efforts in changing how Kentucky views, values, manages, and invests in its water infrastructure. This website, www.epa.gov/waterinfrastructure/, contains information that will help you ensure your facility and operations are consistent with and can benefit from the aims of the Sustainable Infrastructure Initiative.

Water Infrastructure Branch

Engineering Section:

Comment: ** (general comment commonly used prior to evaluating specifics)

Prior to the start of construction, plans and specifications that have been signed, stamped and dated by a Licensed Professional Engineer shall be submitted to the Division of Water for review and approval.

Questions should be directed to Terry Humphries at (502) 782-6983, Terry.Humphries@ky.gov.

Municipal Planning Section:

Comment:

Ouestions should be directed to

Lori Dials at (502) 782-6937, Lori.Dials@ky.gov.

Division for Waste Management

Based on the information provided by the applicant for this project:

UST Branch records indicate no underground storage tank site issues identified within the project impact area. If any UST's are encountered during the project construction they should be reported to KDWM. Any UST issues or questions should be directed to the UST Branch.

Superfund Branch records indicate no superfund site identified within the project impact area. Any superfund issues or questions should be directed to the Superfund Branch.

Solid Waste Branch records indicate no active or historic landfill sites within the project impact area. Any solid waste issues or questions should be directed to the Solid Waste Branch.

Hazardous Waste Branch records indicate no hazardous waste issues identified within the project impact area. Any hazardous waste issues or questions should be directed to the Hazardous Waste Branch.

RLA Branch records indicate no RLA tracked open dumps identified within the project impact area. Any issues or questions should be directed to the RLA Branch.

All solid waste generated by this project must be disposed of at a permitted facility.

If asbestos, lead paint and/or other contaminants are encountered during this project contact the Division of Waste Management for proper disposal and closure.

The information provided is based on those facilities or sites that KDWM currently has in its database. If you would like additional information on any of these facilities or sites, you may contact the file room custodian at (502) 782-6357. Please keep in mind additional locations of releases, potential contamination or waste facilities may be present but unknown to the agency. Therefore, it is recommended that appropriate precautions be taken during construction activities. Please report any evidence of illegal waste disposal facilities and releases of hazardous substances, pollutants, contaminants or petroleum to the 24-hour Environmental Response Team at 1-800-928-2380.

Division for Air Quality

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 earthmoving equipment to be deposited onto a paved street or roadway. Please note the Fugitive Emissions Fact Sheet located at https://eec.ky.gov/Environmental-Protection/Air/Documents/Fugitive%20Dust%20Fact%20Sheet.pdf

401 KAR 63:005 states that open burning shall be prohibited except as specifically provided. 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 outdoor atmosphere without passing

through a stack or chimney. However, open burning may be utilized for the expressed purposes listed on the Open Burning Brochure located at

https://eec.ky.gov/Environmental-Protection/Air/Pages/Open-Burning.aspx

The Division would like to offer the following suggestions on how this project can help us stay in compliance with the National Ambient Air Quality Standards (NAAQS). These air quality control strategies are beneficial to the health of citizens of Kentucky.

- Utilize alternatively fueled equipment.
- Utilize other emission controls that are applicable to your equipment.
- Reduce idling time on equipment.

The Division also suggests an investigation into compliance with applicable local government regulations.

Kentucky Nature Preserves

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.

This review is based upon the information that was provided by the applicant. 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. If you should have any questions, please contact me at (502) 782-0863 or e-mail Louanna.Aldridge@ky.gov.

Sincerely,

Louanna Aldridge Environmental Scientist Consultant Sr. Office of the Commissioner Department for Environmental Protection Energy and Environment Cabinet



○ Perry County, KY

How to use this tool

Explore Neighborhoods Climate Projections



Perry County is expected to experience a 305% increase in extremely hot days and a 4% increase in days with heavy precipitation within 50 years.

Explore climate projections

HEAT

Days per year above:

By 2073, Perry County is expected to experience 15 more days that reach above 95°F (from 5 days to 20 days per year).

Average annual temperature

By 2073, Perry County is expected to have a 2°F increase (from 56°F to 58°F) in average annual temperatures.

Select time range: 50 Years

Select an emissions scenario:

Higher Emissions (RCP8.5) Lower Emissions (RCP4.5)

PRECIPITATION

Days per year with precip. above:

By 2073, Perry County is expected to experience 0.19 more days of heavy precipitation per year (from 5.23 days to 5.43 days per year).

1" 2" 4" Average annual precipitation

By 2073, Perry County is expected to have a **0.02" decrease** (from 49.06" to 49.04") in average annual precipitation.



Extremely hot days are the leading cause of weatherrelated fatalities in the U.S. and contribute to economic stress as the need for (and cost of) air conditioning rises.



Increasing annual temperatures contribute to droughts, longer and more catastrophic wildfire seasons, and warmer oceans that fuel hurricanes and offshore storms.



Heavy precipitation leads to both riverine flooding and flash floods as the ground fails to absorb the high volume of precipitation that falls in a short period.



Increasing annual precipitation contributes to sustained flooding. For example, in 2019 areas along the Mississippi remained above flood stage for at least three months.

This free tool is nationally available thanks to generous contributions from the Tableau Foundation, Mapbox, Urban Sustainability Directors Network, M. J. Murdock Charitable Trust, Climate Resilience Fund, National Oceanic and Atmospheric Administration, and National Academy of Sciences, Engineering, and Medicine. Climate data accessed via Applied Climate Information System (ACIS) managed by the Northeast Regional Climate Center, Cornell University.





○ Perry County, KY

How to use this tool

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Perry County is expected to experience a 614% increase in extremely hot days and a 18% increase in days with heavy precipitation within 50 years.

Explore climate projections

HEAT

Days per year above:

90°F <u>95°F</u> 100°F

By 2073, Perry County is expected to experience **35 more days** that reach above 95°F (from 6 days to 41 days per year).

Average annual temperature

By 2073, Perry County is expected to have a **5°F increase** (from 56°F to 61°F) in average annual temperatures.

Select time range:50 Years

Select an emissions scenario:

Higher Emissions (RCP8.5) Lower Emissions (RCP4.5)

PRECIPITATION

Days per year with precip. above:

By 2073, Perry County is expected to experience **1 more days** of heavy precipitation per year (from 5.3 days to 6.2 days per year).

1" 2" 4" Average annual precipitation

By 2073, Perry County is expected to have a **0.9" increase** (from 49.2" to 50.1") in average annual precipitation.



Extremely hot days are the leading cause of weather-related fatalities in the U.S. and contribute to economic stress as the need for (and cost of) air conditioning rises.



Increasing annual temperatures contribute to droughts, longer and more catastrophic wildfire seasons, and warmer oceans that fuel hurricanes and offshore storms.



Heavy precipitation leads to both riverine flooding and flash floods as the ground fails to absorb the high volume of precipitation that falls in a short period.



Increasing annual precipitation contributes to sustained flooding. For example, in 2019 areas along the Mississippi remained above flood stage for at least three months.





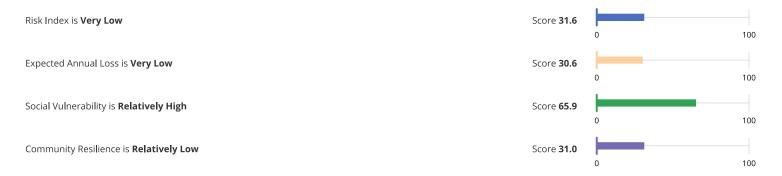




June 12, 2023

Perry County, Kentucky

Summary

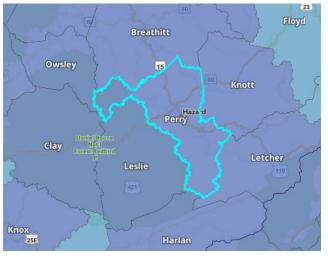


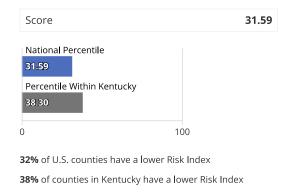
While reviewing this report, keep in mind that low risk is driven by lower loss due to natural hazards, lower social vulnerability, and higher community resilience.

For more information about the National Risk Index, its data, and how to interpret the information it provides, please review the **About the National Risk Index** and **How to Take Action** sections at the end of this report. Or, visit the National Risk Index website at **hazards.fema.gov/nri/learn-more** to access supporting documentation and links.

Risk Index

The Risk Index rating is Very Low for Perry County, KY when compared to the rest of the U.S.







Hazard Type Risk Index

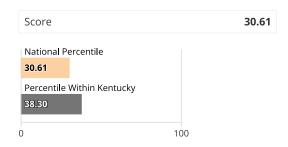
Hazard type Risk Index scores are calculated using data for only a single hazard type, and reflect a community's Expected Annual Loss value, community risk factors, and the adjustment factor used to calculate the risk value.

H _{azar} d Type	EAL V _a lue	Social Vulnerability	Commun ^{it} y Res ^{ill} ence	CRF	ru _s k V _a lue	Score
Wildfire	\$758,244	Relatively High	Relatively Low	1.19	\$896,718	85.1
Tornado	\$472,980	Relatively High	Relatively Low	1.19	\$559,828	32.2
Strong Wind	\$471,650	Relatively High	Relatively Low	1.19	\$558,473	62.6
Riverine Flooding	\$376,582	Relatively High	Relatively Low	1.19	\$446,043	49
Hail	\$258,913	Relatively High	Relatively Low	1.19	\$306,374	71.4
Landslide	\$236,617	Relatively High	Relatively Low	1.19	\$299,633	95.3
Earthquake	\$168,886	Relatively High	Relatively Low	1.19	\$202,038	55.2
Heat Wave	\$131,031	Relatively High	Relatively Low	1.19	\$155,151	60.5
Lightning	\$96,659	Relatively High	Relatively Low	1.19	\$114,776	51.7
Winter Weather	\$71,525	Relatively High	Relatively Low	1.19	\$84,688	59.3
Hurricane	\$67,138	Relatively High	Relatively Low	1.19	\$79,156	38.6
Cold Wave	\$49,916	Relatively High	Relatively Low	1.19	\$59,114	48.7
Ice Storm	\$12,029	Relatively High	Relatively Low	1.19	\$14,085	23.2
Drought	\$0	Relatively High	Relatively Low	1.19	\$0	0
Avalanche		Relatively High	Relatively Low	1.19		
Coastal Flooding		Relatively High	Relatively Low	1.19		
Tsunami		Relatively High	Relatively Low	1.19		
Volcanic Activity		Relatively High	Relatively Low	1.19		

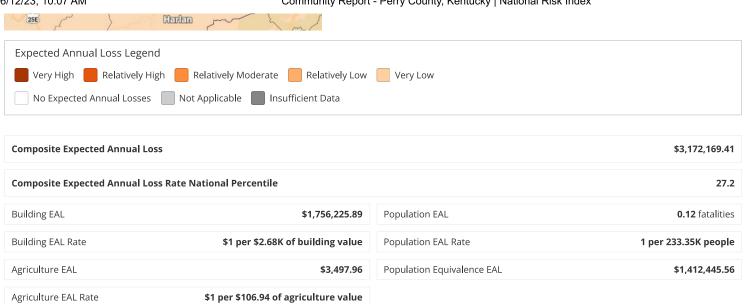
Expected Annual Loss

In **Perry County, KY**, expected loss each year due to natural hazards is **Very Low** when compared to the rest of the U.S.





31% of U.S. counties have a lower Expected Annual Loss **38%** of counties in Kentucky have a lower Expected Annual Loss



Expected Annual Loss for Hazard Types

Expected Annual Loss scores for hazard types are calculated using data for only a single hazard type, and reflect a community's relative expected annual loss for only that hazard type. **14 of 18** hazard types contribute to the expected annual loss for **Perry County, KY**.

H _{ezar} d Type	Expected Annual Loss Rating	EAL Value	s _{core}
Wildfire	Relatively Low	\$758,244	85.0
Tornado	Relatively Low	\$472,980	34.1
Strong Wind	Relatively Moderate	\$471,650	63.3
Riverine Flooding	Relatively Low	\$376,582	49.2
Hail	Relatively Low	\$258,913	71.8
Landslide	Relatively Moderate	\$236,617	94.8
Earthquake	Very Low	\$168,886	53.6
Heat Wave	Relatively Low	\$131,031	61.9
Lightning	Relatively Low	\$96,659	52.7
Winter Weather	Relatively Moderate	\$71,525	60.0
Hurricane	Very Low	\$67,138	36.9
Cold Wave	Relatively Low	\$49,916	49.7
Ice Storm	Very Low	\$12,029	23.4
Drought	No Expected Annual Losses	\$0	0.0
Avalanche	Not Applicable		
Coastal Flooding	Not Applicable		
Tsunami	Not Applicable		
Volcanic Activity	Not Applicable		

Expected Annual Loss Values

H _{azar} d T _{ype}	Total	B _u ildi _{ng} ∨ _a lue	Population Equivalence	Popu ^l ation	Agriculture ∀alue
Avalanche					
Coastal Flooding					
Cold Wave	\$49,916	\$174	\$49,447	0.00	\$295
Drought	\$0	n/a	n/a	n/a	\$0
Earthquake	\$168,886	\$134,548	\$34,338	0.00	n/a
Hail	\$258,913	\$235,460	\$23,296	0.00	\$157
Heat Wave	\$131,031	\$952	\$130,078	0.01	\$1
Hurricane	\$67,138	\$66,515	\$572	0.00	\$50
Ice Storm	\$12,029	\$10,013	\$2,016	0.00	n/a
Landslide	\$236,617	\$50,420	\$186,197	0.02	n/a
Lightning	\$96,659	\$8,519	\$88,140	0.01	n/a
Riverine Flooding	\$376,582	\$326,084	\$47,524	0.00	\$2,974
Strong Wind	\$471,650	\$163,901	\$307,737	0.03	\$12
Tornado	\$472,980	\$181,664	\$291,311	0.03	\$5
Tsunami					
Volcanic Activity					
Wildfire	\$758,244	\$572,752	\$185,490	0.02	\$3
Winter Weather	\$71,525	\$5,225	\$66,300	0.01	\$0

Exposure Values

H _{axar} d T _{ype}	$\tau_{o} \epsilon_{a}$!	B _u ildi _{ng} ∨ _a lue	Population Equivalence	Popu ^l ation	Agriculture Value
Avalanche					
Coastal Flooding					
Cold Wave	\$334,302,670,668	\$4,711,562,854	\$329,590,733,753	28,412.99	\$374,060
Drought	\$0	n/a	n/a	n/a	\$0
Earthquake	\$334,998,261,000	\$4,711,461,000	\$330,286,800,000	28,473.00	n/a
Hail	\$334,302,737,915	\$4,711,563,855	\$329,590,800,000	28,413.00	\$374,060
Heat Wave	\$334,302,670,668	\$4,711,562,854	\$329,590,733,753	28,412.99	\$374,060
Hurricane	\$334,302,670,360	\$4,711,562,854	\$329,590,733,753	28,412.99	\$373,752
Ice Storm	\$334,302,296,608	\$4,711,562,854	\$329,590,733,753	28,412.99	n/a
Landslide	\$328,332,796,873	\$4,649,321,273	\$323,683,475,600	27,903.75	n/a
Lightning	\$334,302,363,855	\$4,711,563,855	\$329,590,800,000	28,413.00	n/a
Riverine Flooding	\$40,108,984,759	\$812,173,585	\$39,296,698,704	3,387.65	\$112,471
Strong Wind	\$334,302,737,915	\$4,711,563,855	\$329,590,800,000	28,413.00	\$374,060
Tornado	\$334,302,737,915	\$4,711,563,855	\$329,590,800,000	28,413.00	\$374,060
Tsunami					
Volcanic Activity					
Wildfire	\$15,232,743,639	\$143,673,891	\$15,089,051,386	1,300.78	\$18,362
Winter Weather	\$334,302,670,668	\$4,711,562,854	\$329,590,733,753	28,412.99	\$374,060

Annualized Frequency Values

H _{azar} d T _{ype}	^nnua ^{ll} ze ^{d F} requency	Events on Record	Period of Record
Avalanche			
Coastal Flooding			
Cold Wave	0.2 events per year	3	2005-2021 (16 years)
Drought	7.3 events per year	224	2000-2021 (22 years)
Earthquake	0.062% chance per year	n/a	2021 dataset
Hail	3.6 events per year	121	1986-2021 (34 years)
Heat Wave	0.4 events per year	6	2005-2021 (16 years)
Hurricane	0 events per year	2	East 1851-2021 (171 years) / West 1949-2021 (73 years)
Ice Storm	0.2 events per year	11	1946-2014 (67 years)
Landslide	0.1 events per year	11	2010-2021 (12 years)
Lightning	63 events per year	1,386	1991-2012 (22 years)
Riverine Flooding	2.4 events per year	57	1996-2019 (24 years)
Strong Wind	5.4 events per year	185	1986-2021 (34 years)
Tornado	0.1 events per year	1	1950-2021 (72 years)
Tsunami			
Volcanic Activity			
Wildfire	1.04% chance per year	n/a	2021 dataset
Winter Weather	2.4 events per year	38	2005-2021 (16 years)

Historic Loss Ratios

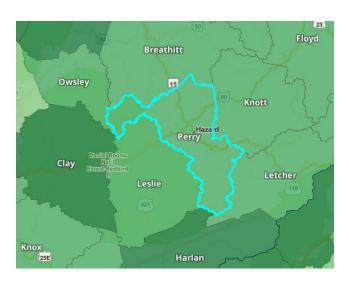
H _{azar} d T _{ype}	o _{vera} ll R _{ating}
Avalanche	-
Coastal Flooding	
Cold Wave	Very Low
Drought	No Rating
Earthquake	Relatively Low
Hail	Relatively Moderate
Heat Wave	Relatively Low
Hurricane	Relatively Low
Ice Storm	Relatively Low
Landslide	Very Low
Lightning	Relatively Low
Riverine Flooding	Very Low
Strong Wind	Relatively Low
Tornado	Relatively Moderate
Tsunami	
Volcanic Activity	
Wildfire	Very Low
Winter Weather	Relatively Low

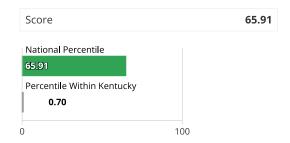
Expected Annual Loss Rate

Hazar ^d Type	Building EAL Rate	Population EAL Rate	Agriculture EAL Rate
3231	(per building value)	(per popu ^l ation)	(per agr ⁱ cu ^{lt} ure va ^l ue)
Avalanche			
Coastal Flooding			
Cold Wave	\$1 per \$27.06M	1 per 6.67M	\$1 per \$1.27K
Drought			
Earthquake	\$1 per \$35.02K	1 per 9.60M	
Hail	\$1 per \$20.01K	1 per 14.15M	\$1 per \$2.38K
Heat Wave	\$1 per \$4.95M	1 per 2.53M	\$1 per \$447.90K
Hurricane	\$1 per \$70.83K	1 per 576.01M	\$1 per \$7.44K
ce Storm	\$1 per \$470.56K	1 per 163.45M	
Landslide	\$1 per \$93.45K	1 per 1.77M	
Lightning	\$1 per \$553.09K	1 per 3.74M	
Riverine Flooding	\$1 per \$14.45K	1 per 6.94M	\$1 per \$125.78
Strong Wind	\$1 per \$28.75K	1 per 1.07M	\$1 per \$30.17K
Tornado	\$1 per \$25.94K	1 per 1.13M	\$1 per \$69.25K
rsunami			
/olcanic Activity			
Vildfire	\$1 per \$8.23K	1 per 1.78M	\$1 per \$128.45K
Vinter Weather	\$1 per \$901.75K	1 per 4.97M	\$1 per \$20.41M

Social Vulnerability

Social groups in Perry County, KY have a Relatively High susceptibility to the adverse impacts of natural hazards when compared to the rest of the U.S.



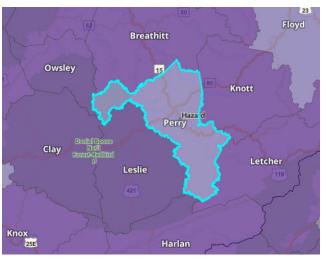


66% of U.S. counties have a lower Social Vulnerability1% of counties in Kentucky have a lower Social Vulnerability



Community Resilience

Communities in **Perry County, KY** have a **Relatively Low** ability to prepare for anticipated natural hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions when compared to the rest of the U.S.





69% of U.S. counties have a higher Community Resilience **100%** of counties in Kentucky have a higher Community Resilience



About the National Risk Index

The National Risk Index is a dataset and online tool to help illustrate the United States communities most at risk for 18 natural hazards: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hail, Heat Wave, Hurricane, Ice Storm, Landslide, Lightning, Riverine Flooding, Strong Wind, Tornado, Tsunami, Volcanic Activity, Wildfire, and Winter Weather.

The National Risk Index leverages available source data for Expected Annual Loss due to these 18 hazard types, Social Vulnerability, and Community Resilience to develop a baseline relative risk measurement for each United States county and Census tract. These measurements are calculated using average past conditions, but they cannot be used to predict future outcomes for a community. The National Risk Index is intended to fill gaps in available data and analyses to better inform federal, state, local, tribal, and territorial decision makers as they develop risk reduction strategies.

Explore the National Risk Index Map at hazards.fema.gov/nri/map.

Visit the National Risk Index website at hazards.fema.gov/nri/learn-more to access supporting documentation and links.

Calculating the Risk Index

Risk Index scores are calculated using an equation that combines scores for Expected Annual Loss due to natural hazards, Social Vulnerability and Community Resilience:

Risk Index = Expected Annual Loss × Social Vulnerability ÷ Community Resilience

Risk Index scores are presented as a composite score for all 18 hazard types, as well as individual scores for each hazard type.

For more information, visit hazards.fema.gov/nri/determining-risk.

Calculating Expected Annual Loss

Expected Annual Loss scores are calculated using an equation that combines values for exposure, annualized frequency, and historic loss ratios for 18 hazard types:

Expected Annual Loss = Exposure × Annualized Frequency × Historic Loss Ratio

Expected Annual Loss scores are presented as a composite score for all 18 hazard types, as well as individual scores for each hazard type.

For more information, visit hazards.fema.gov/nri/expected-annual-loss.

Calculating Social Vulnerability

Social Vulnerability is measured using the Social Vulnerability Index (SVI) published by the Centers for Disease Control and Prevention (CDC).

For more information, visit hazards.fema.gov/nri/social-vulnerability.

Calculating Community Resilience

Community Resilience is measured using the Baseline Resilience Indicators for Communities (HVRI BRIC) published by the University of South Carolina's Hazards and Vulnerability Research Institute (HVRI).

For more information, visit hazards.fema.gov/nri/community-resilience.

How to Take Action

There are many ways to reduce natural hazard risk through mitigation. Communities with high National Risk Index scores can take action to reduce risk by decreasing Expected Annual Loss due to natural hazards, decreasing Social Vulnerability, and increasing Community Resilience.

For information about how to take action and reduce your risk, visit hazards.fema.gov/nri/take-action.

Disclaimer

The National Risk Index (the Risk Index or the Index) and its associated data are meant for planning purposes only. This tool was created for broad nationwide comparisons and is not a substitute for localized risk assessment analysis. Nationwide datasets used as inputs for the National Risk Index are, in many cases, not as accurate as available local data. Users with access to local data for each National Risk Index risk factor should consider substituting the Risk Index data with local data to recalculate a more accurate risk index. If you decide to download the National Risk Index data and substitute it with local data, you assume responsibility for the accuracy of the data and any resulting data index. Please visit the **Contact Us** page if you would like to discuss this process further.

The methodology used by the National Risk Index has been reviewed by subject matter experts in the fields of natural hazard risk research, risk analysis, mitigation planning, and emergency management. The processing methods used to create the National Risk Index have produced results similar to those from other natural hazard risk analyses conducted on a smaller scale. The breadth and combination of geographic information systems (GIS) and data processing techniques leveraged by the National Risk Index enable it to incorporate multiple hazard types and risk factors, manage its nationwide scope, and capture what might have been missed using other methods.

The National Risk Index does not consider the intricate economic and physical interdependencies that exist across geographic regions. Keep in mind that hazard impacts in surrounding counties or Census tracts can cause indirect losses in your community regardless of your community's risk profile.

Nationwide data available for some risk factors are rudimentary at this time. The National Risk Index will be continuously updated as new data become available and improved methodologies are identified.

The National Risk Index Contact Us page is available at hazards.fema.gov/nri/contact-us.



Minimum Design Standards for New Construction Single Family Dwelling Units

Kentucky Housing Corporation Revision 2019









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KHC Minimum Design Requirements

The following minimum design items are for all newly constructed single-family dwelling units constructed under the applicable Kentucky Residential Code.

For rehabilitated single family structures, refer to KHC's Minimum Design Standards: Rehabilitated Single Family at

http://www.kyhousing.org/Development/Documents/MinDesignStandardsRehab.pdf

KHC's Minimum Design Standards are used as a guideline to meet and exceed all applicable local, state, and national codes. These standards also serve as a vehicle to promote and enforce modern construction and design practices for builders,

contractors, and design professionals who wish to utilize funding from Kentucky Housing Corporation. Other methods of construction and design may be acceptable on a case by case basis. If your design does not satisfy KHC's Minimum Design Standards, please contact the Department of Design and Construction Review for further assistance.

Division I: General Requirements

- Minimum Design Standards: Minimum Design Standards shall apply when KHC funding exceeds ten percent (10%) or more of cost per unit to all new construction and reconstruction of single family detached homes constructed with funds from the HOME Investment Partnerships Program (HOME), Affordable Housing Trust Fund (AHTF), SMAL, Risk Sharing, Appalachian Regional Commission-Kentucky Appalachian Housing Program, Housing Tax Credits and Tax-Exempt Bonds. These funds are available through KHC's Department of Housing Contract Administration (HCA).
- 2) Codes: All construction shall comply with applicable code and standards listed below:
 - a) Current version of Kentucky Residential Code in force at commencement of construction or permit application.
 - b) Local planning and zoning requirements
 - c) Local authorities' rules and regulations
 - d) Section 504 of the Rehabilitation Act of 1973
 - e) Americans with Disabilities Act of 1990
- **3) Soil Treatment-Termite Protection:** An appropriate termite inspection and treatment of all property is required.
 - a) **The inspection** must be completed by a licensed exterminator who shall report any termite activity located and treatment applied.
 - b) Provide a **homeowner option** to extend the treatment contract.

- 4) Radon Reduction: A Radon reduction venting system is required for newly constructed houses in the following counties determined by the Environmental Protection Agency and U.S. Geological Society to have high Radon potential: Adair, Allen, Barren, Bourbon, Boyle, Bullitt, Casey, Clark, Cumberland, Fayette, Franklin, Green, Harrison, Hart, Jefferson, Jessamine, Lincoln, Marion, Mercer, Metcalfe, Monroe, Nelson, Pendleton, Pulaski, Robertson, Russell, Scott, Taylor, Warren, Woodford
- **5) Energy Efficiency:** Documentation and/or calculations that the building envelope meets or exceeds the 2012 IECC requirements must be provided from REScheck or other approved software or methodology such as a HERS rating.
 - a) REScheck is a US Department of Energy free download at: http://www.energycodes.gov/rescheck/
 - b) A HERS rating of less than 62 will be an acceptable target to meet this requirement.
- 6) Testing: Building envelope tightness testing must be completed in accordance with the 2012 IECC and reported to KHC. Testing must verify compliance with ASHRAE 62.2 Standard for ventilation and acceptable indoor air quality.
 - a) Diagnostic testing shall be reported by one of the following methods:
 - i) Documentation from a licensed and certified HERS rater.
 - ii) Documentation from a Building Analyst, Energy Auditor, or Quality Control Inspector certified, by the Building Performance Institute.
 - iii) Documentation from a licensed HVAC contractor, qualified in pressure diagnostic testing of the duct systems and total air infiltration.
 - iv) Documentation from a Weatherization Assistance Program trained Dwelling Needs Evaluator.
 - v) Other methods will be considered upon written request.
 - b) A HERS rating of less than 62 will be an acceptable target to meet this requirement.

- 7) Quality Assurance: General Contractors and/or subcontractors shall furnish a written material and labor warranty on all units for a period not less than one full year after occupancy.
- 8) Unit Size Requirements: The following minimum square foot measurements are required for different types of units. For purposes of this requirement, net square feet are the heated and cooled area of the unit.
 - a) One-bedroom and Efficiency units: shall contain at least 600 net square feet
 - b) Two-bedroom units: shall contain at least 800 net square feet
 - c) Three-bedroom units: shall contain at least 1,000 net square feet

Exception: Three-bedroom units of less than 1,000 net square feet but more than 863 net square feet may be built for sale to a homeowner meeting all the following conditions:

- (1) The unit must be built on a scattered, non-subdivision site (no more than one unit per site).
- (2) Units must be for households containing up to no more than four people and earning an annual income of less than 50 percent of the area median income.
- d) Four-bedroom units: shall contain at least 1,100 net square feet.

Division 2: Existing Conditions

1) Steep Slopes: Setbacks or clearances may occur where units are placed on slopes. Please refer to the KRC, Section R 403.1.7. Other engineered designs on sites that have adjacent steep slopes may be presented to KHC for consideration.

Division 3: Concrete

- Exterior Concrete: Shall conform to the latest revised Standard Specification for Portland cement, ASTM C595.
 - a) All exterior concrete shall have a minimum 28-day compressive strength of 4000 psi and be entrained with 5 percent air with a minimum cement content of 520 lb. per cubic yard (5.5 sacks).
 - **b)** Expansion-joint material shall be ½" thick asphalt-impregnated pre-molded fiber, ASTM D1752. Follow American Concrete Institute (ACI) 318.
 - c) Concrete driveways and parking areas shall be minimum 4" thick.
 - d) Exterior concrete for walks, porches, and stoops shall be minimum 3 1/2" thick.

2) Concrete Finishes:

a) Driveways and Walkways: Provide a non-slip finish and provide ¼ inch per foot crown or 2% cross slope in the direction of drainage.

Division 4: Masonry

1) Brick Veneer: Shall be ASTM C 216, Type FBS, Grade SW, or equivalent, modular size.

Division 5: Metals

- 1) Metal Ties: For newly constructed units, metal tie-down or "hurricane" straps shall be used at each bearing location of each roof truss, rafter and ceiling joist.
 - a) Fasteners as required by the manufacturing company of the strap shall be used.
- 2) Steel Lintels: Steel lintels, when specified for openings in masonry walls, shall be primed and painted.
- **3) Metal flashing** materials shall be corrosion resistant and minimum nominal thickness of 0.019 inch.
 - **a)** Corrosion resistant flashing in contact with pressure treated lumber, containing copper, shall not be aluminum material.

Division 6: Woods/Plastics/Rough Carpentry/Millwork

1) Wall Reinforcement:

- a) Wall reinforcement for the toilet, tub, and/or shower shall be installed centered 33" to 36" AFF (above finished floor) and located behind and alongside these fixtures (where feasible) for universally designed bathrooms.
- b) Reinforcement materials shall be constructed of 2" x 10" wood blocking, plywood, or other approved material capable of supporting installation of grab bars with loading of 200 lbs. applied in any direction.
- c) Americans with Disability Act (ADA) compliant reinforced tubs may be used.

2) Stair Construction:

- a) **Exterior Stairs:** Primary exterior entrance stairs shall have risers not greater than 7" and a minimum tread depth of 11".
 - **Exception:** If site constraints limit the size of the stairs, then the recipient may follow Section b) with KHC approval.
- b) **All Other Stairs:** All other stair construction shall meet the current Kentucky Residential Code regarding riser height and tread depth.

3) Guards:

- a) All stairs with open landings, balconies, or porches that are located more than 30 inches measured vertically to the floor or grade below at any point within 36 inches horizontally to the edge of the open side, shall have guardrails.
- b) All guardrails shall be safe, securely and firmly fastened in place.
- c) Where required, guards shall be a minimum of 36" in height above the adjacent walking surface.
 - Exception: Stairway guards may be 34" above the plane of the nosing of stair treads.
- d) Guards shall have infill to prevent accidental falls by providing one or more of the following:
 - i) Solid wall
 - ii) Railing system with solid infill
 - iii) Railing system with balusters spaced so that a sphere of 4-inch diameter may not pass through.
 - iv) The triangular area on stair sides at the tread, riser, and railing may not pass a 6-inch diameter sphere.
 - v) Stair risers shall be closed or provided with guards spaced so that a sphere of 4-inch diameter may not pass through.
- e) Refer to Division 9 Section 2) b) for finishes.

4) Handrails:

- a) All stairs with four or more risers shall have a handrail on at least one side.
- b) All handrails shall be easily graspable by the occupants.
- c) All handrails shall be securely and firmly fastened in place.

- d) All handrails shall return to the wall, floor, or post so that they do not constitute a hazard.
- e) Where required, handrails shall be mounted no less than 34" and no more than 38" above the leading nose of the stair treads.
- f) Refer to Division 9 Section 2) b) for finishes.
- 5) Wood Decking and Porches: Construction of exterior wood decks shall meet current Kentucky Residential Code and/or the American Wood Council's, Prescriptive Residential Wood Deck Construction Guide.
 - a) The Prescriptive Residential Wood Deck Construction Guide is available as a free download at: http://www.awc.org/Publications/DCA/DCA6/DCA6-09.pdf
- 6) Exterior Wood: All new exterior structural wood exposed to weathering shall consist of naturally durable hardwoods, composite materials suitable for exterior exposure, or pressure treated wood having a minimum preservative retention rate of 25% for above ground applications, and a minimum preservative retention rate of 40% for all wood in contact with the ground.
 - All structural posts below grade shall have the factory treated end of the post below grade.

Division 7: Thermal and Moisture Protection

- 1) Weather Protection: All exposed wood shall be protected from weathering by a minimum of one or more of the following materials or methods.
 - a) Paint: Cover with one coat primer and two coats of exterior enamel.
 - b) Metal: 0.019" minimum thickness aluminum, manufacturer's finish (coil stock).
 - c) Naturally Durable Wood: Redwood, Cedar, or other naturally durable woods may be exposed to weathering conditions without cladding or other protective coverings. Stain or sealing exposed wood is required.
 - **d)** Composites: Cement fiber board or other durable material may be used as approved by KHC.
 - e) Pressure treated Lumber
 - i) All pressure-treated wood shall have a minimum preservative retention rate of 25% for above ground applications and a minimum preservative retention rate of 40% for all wood in contact with the ground.
- 2) Roof Covering: Roof coverings shall be one of the following materials.
 - **a) Shingles:** Seal tab type over 15 lb. felt, with minimum 25-year product warranty or better.
 - b) Metal: 29-gauge minimum thickness galvalume or galvanized steel with manufacturer's finish installed over solid decking, roof deck must be covered with #15 felt or KHC approved underlayment. If purlin construction is used, then 26gauge minimum thickness aluminum or galvanized steel shall be used.

- **3) Gutters and Downspouts:** All structures shall have gutters and downspouts and be appropriately designed with a minimum 5" gutter and a 2"x 3" downspout. All downspouts shall empty onto concrete or composite splash blocks or be piped to an appropriate location.
- 4) Siding: Exterior siding shall consist of one or more of the following materials.
 - **a) Composite:** Fiber cement siding, primed, with two-coat minimum finish or manufacturer's finish.
 - **b) Metal:** 26-gauge minimum thickness aluminum or galvanized steel with manufacturer's finish.
 - c) Vinyl: 0.042" minimum thickness, UV protected.
 - d) Wood: Cedar or redwood stained or primed once with 2-coat minimum finish.
 - e) Brick Veneer: Shall be ASTM C 216, Type FBS, Grade SW, or equivalent, modular size.
- **5) Foundation Water-Management:** Exterior surface of foundation walls of basements & crawlspaces shall be finished as follows:
 - **a)** For poured concrete, masonry, and insulated concrete forms, finish with damp-proofing coating.
 - **b)** For wood framed walls, finish with minimum 6 mil. (0.15 mm) polyethylene and adhesive or other equivalent waterproofing.
- **6) Insulation:** The building thermal envelope shall be insulated to the following minimum values:

Note: Alternate thermal envelope values may be used if a calculation from RESCHECK or HERS rating software will demonstrate equivalent or superior efficiency. A HERS rating of less than 62 will be an acceptable target to meet this requirement.

a) Floors over unconditioned space: R-19
b) Exterior walls: R-20
c) Ceilings: R-49

i) When loose fill insulation is installed, provide a wood framed or equivalent baffle or retainer to provide a permanent means of maintaining installed R-value of the loose fill insulation at walls and access hatches.

d) Slab Foundations:

e) Conditioned Crawl Walls:

R-10 continuous

R-10 continuous

7) Air Infiltration: All structures shall be air sealed to prevent air exchange between conditioned and unconditioned spaces by the following means.

- a) Penetrations of floor, walls, and ceilings, such that occur at access openings, electrical wiring and outlet boxes, plumbing piping, and ducts, shall be sealed to prevent free passage of air between conditioned and unconditioned spaces or the exterior.
- **b)** Exposed walls in attics, separating the conditioned space of the dwelling unit from the unconditioned space in the attic, shall have an approved air barrier installed on the attic side of the wall.
- **c)** Access doors from conditioned spaces to unconditioned spaces, such as attics and crawl spaces, shall be weather-stripped and insulated to a level equivalent to the insulation on the surrounding surfaces.
- **d)** Recessed luminaries installed in the building thermal envelope, shall be sealed to limit air leakage between conditioned and unconditioned spaces.
 - i) All recessed luminaries shall be IC-rated and labeled as meeting ASTM E 283, when tested at 1.57 psf (75 Pa) pressure differential; with no more than 2.0 cfm (0.944 L/s) of air movement from the conditioned space to the unconditioned space.
- **e)** A HERS rating of less than 62 will be an acceptable target to meet this requirement.

Division 8: Doors, Windows, and Glazing

- 1) Exterior Doors: Exterior Doors shall be 1 ¾" thick, made of steel or other equally durable material, insulated unless of solid wood (not particleboard) and be appropriately finished as recommended by the manufacturer.
 - a) Primary Entry Door:
 - i) The entry door threshold must not project more than 3/4" above the interior finished floor.
 - b) Exterior Door Energy Ratings:
 - i) All opaque exterior doors shall have a U-factor equal to or less than 0.21.
 - ii) Doors less than fifty percent (50%) glass shall have a U-factor equal to or less than 0.27.
 - iii) Doors greater than fifty percent (50%) glass shall posses a U-factor equal to or less than 0.32.
 - **c)** A HERS rating of less than 62 will be an acceptable target to meet this requirement.
 - d) Exterior door hardware:
 - i) All entry doors shall be equipped with a brass plated, or other durable metal finished, key lock knob or handle and deadbolt.

- **ii)** Latches, knobs, and hinges shall be metal with polished or brushed finish. Plastic knobs and latches are not acceptable.
- 2) Interior Doors: Solid Wood, Composite or hollow core panel doors.
 - a) Interior Doorways: All passage doors from room to room, including all bedroom doors and at least one bedroom closet door, in each bedroom, shall have a minimum net clear opening of 32". Doorways to smaller secondary closets, linen, storage, coat, mechanical and secondary bedroom closets that are less than 4' wide x 2' deep, are not required to have a net clear opening of 32" but is preferred.
 - b) Interior doors shall be a minimum of 1 \%" thick.
 - **c) Interior Door Hardware:** All interior doors shall be equipped with brass-plated, or other durable metal finished, knobs or handles.
 - i) All bedrooms and bathrooms shall be equipped with privacy locks.
- 3) Windows: All windows shall meet the following requirements:
 - **a) All window frames** must be of solid vinyl, thermally broken aluminum, fiberglass, wood or wood clad.
 - **b)** All glazing shall be minimum double-paned.
 - c) The vapor seal on the glazing must have a minimum ten-year warranty.
 - d) The operation of all windows shall have a minimum one-year warranty.
 - e) All windows shall meet the Kentucky Residential Code and International Energy Conservation Code fenestration requirements for Zone 4.
 - i) All windows shall have a U-Factor equal to or less than 0.32 and an SHGC rating equal to or less than 0.40.
 - ii) The fenestration label shall be attached to the window for inspection purposes and may be removed upon acceptance by KHC Construction Specialists.
 - **iii)** A HERS rating of less than 62 will be an acceptable target to meet this requirement.

Division 9: Finishes

- 1) Exterior Ceiling: When using vinyl or aluminum material for porch ceilings, provide a rigid, solid backing such as OSB or plywood.
- **2) Exterior Finishes:** Exterior building elements of the following materials shall be properly finished.

- **a) Posts and Columns:** All posts and columns at deck level and above shall be factory made and finished.
- b) Guardrails and Handrails: All guardrails and handrails shall be constructed of any combination of vinyl, metal or composite materials. Materials must be finished with a factory or field applied coating suitable for effective weather resistance.
- c) Fiber Cement Siding: Shall be factory finished or be painted with at least two coats of exterior grade paint.
- **3) Entry Door Floor Finish:** On the interior side of the main entry door within each dwelling unit, there shall be an uncarpeted, finished floor area.
 - a) This area shall be no less than sixteen (16) square feet.
- **4) Finished Floor Treatments:** All interior floor finishes shall meet one or more of the following standards:
 - a) Sheet Carpet: 25 oz. minimum, 100 percent nylon. Other options include Berber type with blended fiber. In high traffic areas, 30 oz. Minimum is required.
 - **b) Carpet Padding:** Minimum 7/16" thick, 6-lb. re-bond polyurethane.
 - c) Sheet Vinyl: Shall be minimum 10 mil wear layer.
 - Provide product adhesive and underlayment as recommended by the manufacturer.
 - **ii)** All sub surfaces shall be clean, dry, and appropriate temperature during installation.
 - iii) Vinyl sheet flooring shall conform to the requirements of ASTM F 1303, Type I.
 - **d) Vinyl Tile:** Shall be Vinyl Composition Tile or other approved equal, 1/8" x 12" x 12".
 - i) Provide product adhesive and underlayment as recommended by the manufacturer.
 - **ii)** All sub surfaces shall be clean, dry, and appropriate temperature during installation.
 - **iii)** Follow manufacture's recommendation for pattern layout.
 - **e) Wood Flooring:** Flooring shall be tongue and groove hardwood, factory finish or have a minimum of three coats site-applied, UV-protective polyurethane.
 - **f) Other Flooring Products:** Ceramic tile and laminates shall be installed in accordance with manufacturer's specifications.
- **5) Interior Doors:** Interior doors shall be factory finished, painted, or stained as follows:

- a) Paint: One coat factory or field applied primer, with two-coat satin or semi-gloss finish on all sides and faces.
- **b) Stain:** Stain or oil on all sides and faces, with three-coat varnish or polyurethane finish.
- 6) Moisture-Resistant Drywall: Moisture-resistant gypsum board (commonly called "green board") or equivalent shall be used on all walls in the bathroom and within six feet in any direction of water sources, where the drywall can be splashed, such as kitchen sink, next to water heater, and/or clothes washer.
 - a) Water-resistant gypsum board or equivalent shall be provided behind any tub/shower unit located on an exterior wall.
 - **b)** Water-resistant gypsum, when used on ceilings must be rated for the span.
- 7) Interior Wall Finishes: Unless factory finished all interior walls shall be covered with one prime coat and two coats flat or satin finish Low-VOC interior latex paint.
 - **a)** Low-VOC primer in the paint technology may be used in sufficient coats to thoroughly cover underlying colors.
 - **b)** Low-VOC Gloss and Semi-gloss finishes are acceptable for living rooms, bedrooms, hallways, and similar areas, however; the higher sheen of these paints may reveal unacceptable imperfections in the finished wall.
 - **c)** Use Low-VOC gloss, semi- gloss, or satin finish for bathrooms, laundry, and kitchens.
 - **d)** Primer and flat Low-VOC paint shall have less than 100 g/l and non-flat Low-VOC paint shall have less than 150 g/l.

Division 10: Specialties

- 1) Roof Pitch: The minimum slope on all newly constructed roofs except porch roofs shall be 4" vertical to 12" horizontal.
- **2) Entries:** All entries shall have a concrete, treated wood, or other hard surface exterior stoop, porch, or deck at a minimum of 5' x 5'.
 - a) The main entry shall have a roof over the entry area.
 - i) Only one entry is required to have a roof which shall cover at least a 5' x 5' area.

Division 11: Equipment

- 1) Refrigerator: A refrigerator shall be provided in all rental units on all projects including new construction.
 - a) All refrigerators must be Energy Star qualified. The Energy Star mark must be clearly marked on the product, clearly displayed in product literature, and listed on the manufacturer's Internet site.
- 2) Range: A range shall be provided in all rental units.
- 3) Dishwasher: A dishwasher shall be provided in all rental units.
 - **a)** Standard dishwashers shall use less than 4.25 gallons per cycle and 295 kWh per year.
- 4) Laundry: All homes shall be equipped with washer and dryer hookups.
 - a) All laundry facilities located above any habitable space shall be equipped with a properly installed washer overflow pan piped to carry the overflow into the DWV, positive outside drain or an approved floor drain.
- 5) For all rental units' clothes washers must be provided and shall have an MEF equal to or greater than 2.0 and a WF equal to or less than 6.0.

Division 12: Furnishings

- 1) Cabinets and Drawers: Cabinet fronts shall be made of solid wood (not particleboard); doors, draws, and fronts shall be factory finished.
 - a) Cabinet ends shall be finished with appropriate veneer.
 - b) **All cabinets** shall be Kitchen Cabinet Manufacturers Association (KCMA) approved. <u>ANSI/KCMA A161.1</u>, <u>Performance & Construction Standard for Kitchen and Vanity Cabinets</u>

Exception: Cabinets made in Kentucky do not require a KCMA label when preapproved by KHC to the following specifications.

- (1) Cabinet fronts shall be made of solid wood (no particleboard or fiberboard); doors, draws, and fronts shall perform to ANSI/KCMA A161.1-2012 standard.
- (2) Cabinet box and shelves shall be constructed of cabinet grade plywood and braced at points where necessary to insure rigidity and proper joining of various components.
- (3) All hardware shall perform to ANSI/BHMA A156.9-2015 standard.
- **2) Countertops:** Countertops shall be molded roll-backed, laminate plastic or Formica with finished ends and sealed at the cut out for sink.

- a) Other appropriate materials may be used such as ceramic, recycled glass, or similar as approved by consulting with the KHC Department of Design and Construction Review.
- 3) Closet Storage/Accessories: Clothes closets shall contain a 12" deep shelf, including a coat rod. Shelves with integrated hangar hooks may also be used.
- 4) Bath Accessories: Dwelling unit bathrooms shall be equipped with the following:
 - a) Medicine cabinet with mirror 16" wide by 20" tall (minimum)
 - Other combinations of mirror and storage may be acceptable by approval of KHC
 - b) Wall hung toilet paper dispenser
 - c) 18" (minimum) towel bar
 - d) Shower rod

Division 13: Special Construction

- **1) Hallways:** All hallways shall have a net clear (finish wall to finish wall) opening width of 42". Definition of hallway is any passageway that is 18" or greater in depth.
- 2) Bathroom & Bedroom: All housing shall have a minimum of one full KHC universally designed bathroom and one bedroom located on the grade level. See Division 6 and Division 22 for additional guidance for universally designed bathroom.
- 3) Entry Door: The primary entry door must meet the following requirements:
 - a) An exterior level platform with a minimum of 5'x 5' clear floor space. This platform must be within 1/2" of the interior finished floor at the point of entrance and a maximum threshold rise of 1-1/4" when approaching from the outside (structural and decorative supports may overlap perimeter of the clear floor space), the interior must have a 5'x 5' clear floor space.
 - Structural and decorative supports may encroach perimeter of the clear floor space.
 - ii) The 5'x 5' platform must be within 1/2" of the interior finished floor at the point of entrance.
 - iii) Threshold rise of maximum 1-1/4" when approaching from the exterior platform.
 - b) Provide an interior 5'x 5' clear floor space free of (constructed) obstructions such as walls or railings.

- **4) Storage areas:** Exterior or interior dedicated tenant storage areas are required on all rental units. These areas must meet the specifications of section a) below at a minimum.
 - a) Minimum dimensions and provisions for all storage areas shall be as follows:
 - i) Minimum headroom or ceiling height shall be 7 feet.
 - ii) Minimum dimension in width and depth shall be 5 feet.
 - iii) A solid concrete or wood floor shall be provided in all storage areas.
 - iv) A 3 foot by 6-foot 8-inch access door with an entry lock shall be provided to all storage areas.
- 5) Storage areas provided by one of the following methods must also include the respective specifications listed below.
 - a) A free-standing building architecturally similar to the house.
 - i) All storage structures shall match or compliment exterior building veneer of the primary structure and/or trim, and have similar roof covering material.
 - (1) **Example:** Wood buildings with T-111, or equivalent plywood siding painted the same color as the siding or soffit of the primary structure are acceptable. The roof covering of the house is metal and the roof of the storage shed is similar in color and type.
 - ii) The storage area shall be a minimum of twenty-five (25) square feet.
 - iii) Prefabricated metal or plastic structures are prohibited.
 - iv) Structures must satisfy applicable building code requirements.
 - b) Attached to the unit exterior storage structures.
 - i) Structures shall match exterior building veneer and/or trim and possess identical shingles.
 - ii) Attached storage structures shall be finished with a minimum 20-minute fire rated finish on all walls and ceiling.
 - iii) Attached storage structures shall be provided with a switched light fixture.
 - iv) Attached storage structures shall be provided with adequate natural ventilation within 12" of the top and bottom of the wall to prevent buildup of hazardous or explosive fumes.
 - c) **Unfinished crawl space** for storage.
 - i) Crawl space storage areas must create an appropriately-sized finished room with a concrete floor.
 - ii) Crawl space storage areas shall be finished with a minimum 20-minute fire rated finish on all walls and ceiling.
 - iii) Crawl space storage areas shall be provided with a switched light fixture.
 - iv) Crawl space storage areas shall be provided with adequate natural or mechanical ventilation to prevent buildup of hazardous or explosive fumes.

- **6) Ramps:** All newly constructed residential ramps shall meet the following specifications:
 - a) Ramps shall be constructed a minimum of 42" wide.
 - b) Each landing shall have 5' turning areas at the top and bottom of each ramp run.
 - c) Ramps shall not exceed a maximum slope of 1:12 and a maximum rise of 30".
 - d) Ramps and landings shall have a minimum load capacity of 300 lbs. concentrated load applied in a 4 square inch area and a uniform live load of 100 pounds per square foot.
 - e) Ramps may be constructed of the following materials:
 - i) Composite: PVC or other with non-skid surface.
 - ii) Concrete: with non-skid surface.
 - iii) Metal: galvanized steel, or aluminum with non-skid surface.
 - iv) Wood: All exposed exterior structural wood shall have a minimum preservative retention rate of 25 percent for above ground applications and a minimum preservative retention rate of 40 percent for all wood in contact with the ground. Use of CCA treated lumber is prohibited.
- **7)** Playgrounds: If a playground is provided, as part of a multifamily development, the playground shall meet the following standards and be approved by KHC prior to installation.
 - a) ASTM F1487-11, Standard Consumer Safety Performance Specification for Playground Equipment for Public Use
 - ASTM F1292-09, Standard Specification for Impact Attenuation of Surfacing Materials Within the Use Zone of Playground Equipment
 - c) ASTM F1951-09b, Standard Specification for Determination of Accessibility of Surface Systems Under and Around Playground Equipment
 - d) ASTM F2223-10, Standard Guide for ASTM Standards on Playground Surfacing
 - e) ASTM F2479-12, Standard Guide for Specification, Purchase, Installation and Maintenance of Poured-in-Place Playground Surfacing
 - f) ASTM F2049-11, Standard Guide for Fences/Barriers for Public, Commercial, and Multifamily Residential Use Outdoor Play Areas
 - g) ASTM F2075-10a, Standard Specification for Engineered Wood Fiber for Use as a Playground Safety Surface Under and Around Playground Equipment
 - h) DOJ 2010 ADA Standard for Accessible Design

Division 21: Fire Suppression

1) Reserved for future use

Division 22: Plumbing

- 1) Minimum Grade of Fixtures: The following specifications shall be the minimum size and/or quality for plumbing fixtures.
 - a) **Bath Tub:** Tubs shall be 30" minimum width; made of fiberglass, acrylic, porcelain, or cultured marble.
 - b) **Shower:** Showers shall be 36" x 36" minimum; made of fiberglass, acrylic, ceramic, or, cultured marble.
 - Water Closets: Water closets shall be maximum 1.28 GPF and made of porcelain.
 - i) Universally designed toilets shall be centered 18" from any sidewall finish, base cabinet, or tub.
 - d) Faucets: Single-lever faucets or ADA-approved faucets shall be installed at all sinks, showers and tubs. Faucets containing plastic material for exterior housing are prohibited.
 - e) **Lavatories:** Sinks shall be 15" minimum diameter; made of fiberglass, acrylic, porcelain, or, cultured marble.
 - i) Universally designed lavatories shall have a 30" x 48" clear floor space. The clear floor space may be rotated or angled, depending upon approach and design. In a side approach, the 48" dimension shall be parallel to the lavatory. In a forward approach, the 48" dimension shall be perpendicular to the lavatory. The bowl shall be centered in either the 30" or 48" dimension. The clear area shall be free from all wall projections, tub, shower, toilet or the lavatory base. If a wall-hung, "breakaway-style" base or pedestal lavatory is used, the clear space may encroach a maximum of 19" underneath the base in a forward approach design.
 - f) **Kitchen Sink:** Sinks shall be a minimum double bowl eight inches (8") deep, stainless steel or other approved material.
 - i) **Exception:** When providing roll under accessible clearance, 6 inch depth sinks are acceptable
- 2) Water Supply Piping: Water Supply Lines shall be of approved material.
 - a) Installation in exterior walls except for hose bibs is prohibited.
 - i) Where necessary to install water supply lines on an outside wall the lines may be stubbed up from the floor near the wall or other required location in the floor to serve the fixture.
 - b) Lines located in all unconditioned crawl areas shall be insulated equal to or greater than R-3.

3) Overflow Protection Accessories: Water heaters located above any habitable space shall have an overflow pan properly plumbed into DWV, positive drain to exterior, or an approved floor drain.

4) Water Heater Efficiency:

- a) **Electric water heaters** shall have a minimum Energy Factor (EF) equal to or greater than 2.0.
- b) Gas fired water heaters shall an EF equal to or greater than 0.67.
- c) **Instantaneous gas water heaters** shall have an EF equal to or greater than 0.82.
- d) A HERS rating of less than 62 will be an acceptable target to meet this requirement.

Division 23: Heating Ventilating and Air Conditioning

- 1) Heating Ventilating and Air Conditioning Equipment: All units shall be heated and cooled using high-efficiency equipment.
 - a) **Heat pump systems** shall have a minimum SEER (Seasonal Energy Efficiency Rating) rating of 15.0 with a minimum HSPF (Heating Seasonal Performance Factor) rating of 9.0.
 - b) **Fuel oil, gas fired furnaces and boilers** shall have an Annual Fuel Utilization Efficiency (AFUE) equal to or greater than ninety-two percent (92%).
 - c) Electric-resistance-only heat systems are prohibited.
 - d) All PTHP units must have a minimum 11 EER (Energy Efficiency Ratio) rating and a minimum 3.0 COP (Coefficient of Performance) rating.
 - e) Alternative HVAC systems may be considered for approval by KHC.
 - f) A HERS rating of less than 62 will be an acceptable target to meet this requirement.
- **2) Duct Insulation:** All supply air, return air, and exhaust air ducts installed in unconditioned spaces shall be sealed and insulated with a minimum R-8 insulation wrap and installed free of restrictions.
 - a) A HERS rating of less than 62 will be an acceptable target to meet this requirement.

- **3) Programmable Thermostats:** All HVAC systems shall be controlled by a programmable thermostat as required by Kentucky Residential Code.
 - a) Thermostats must be located on the floor of the home which contains the central living area.
- **4)** Range Hoods: All dwelling units shall be equipped with an Energy Star qualified minimum 150 CFM range hood vented to the exterior.
 - a) The ENERGY STAR mark must be clearly displayed on the front/inside of the product, in product literature (i.e., user manuals, spec sheets, etc.), and on the manufacturer's Internet site where information about ENERGY STAR qualified models is displayed. It is also recommended that the mark appear on the product packaging.
 - b) Use ducting sized and ducting material per manufacturer recommendation.
 - c) Exposed ducting is prohibited and where installed above cabinets, ducts shall have a finished cover.
 - d) In circumstances where whole house ventilation is provided by other means and a recirculating range hood is used, recirculation hoods shall be equipped with an activated charcoal filter.
 - e) A HERS rating of less than 62 will be an acceptable target to meet this requirement.
- **5) Exhaust and Ceiling Paddle Fans:** All paddle and ventilation fans shall be Energy Star qualified.
 - a) The ENERGY STAR mark must be clearly displayed on the product packaging, in product literature (i.e., user manuals, spec sheets, etc.) and on the manufacturer's Internet site where information about ENERGY STAR qualified models is displayed.
 - b) A HERS rating of less than 62 will be an acceptable target to meet this requirement.

Division 26: Electrical

- 1) Common Area Lighting: Luminaries shall be located at all entrances.
- **2) Dwelling Unit Lighting:** Each room, hall, stair, and walk in closet shall have a minimum of one switch-operated overhead light.
 - **a)** Kitchens shall include switch-operated lighting over the cooking area, sink and the general or dining area.

- **b)** Bathrooms shall be equipped with switch-operated lighting over the lavatory area and the general area.
- 3) Energy Efficient Lighting: A Minimum of 75% interior luminaries shall be Energy Star qualified. The remaining 25% shall be equipped with CFL, LED, or other high efficiency luminaires.
 - **a)** A HERS rating of less than 62 will be an acceptable target to meet this requirement.

4) Electrical Device and Control Mounting heights:

- a) Light switches, fan switches and thermostats shall have a maximum height of 48" to the top of the switch or thermostat.
- b) Mounting heights or electrical outlets shall have minimum height of 15" AFF from the bottom outlet or a maximum height of 48" from the top outlet. Note: If an outlet or switch is obstructed by a base cabinet or countertop, then the maximum height for a switch or outlet shall be 46" AFF.

Division 27: Communications

- 1) Telephone Access: All units shall be wired for telephone service.
- 2) Cable Access: All units shall be wired for cable service or a local antennae system.
- **3) Internet Connectivity:** If available, units shall have the optional ability to connect to the internet by one or more of the following means.
 - **a) Telephone Connection:** Connectivity may be accomplished by prewired telephone jacks installed within the dwelling.
 - **b) Cable Modem:** Connectivity may be accomplished by prewired cable jacks installed within the dwelling.
 - c) Other Means: Other means as technology allows for connection to the internet.

Division 28: Electronic Safety and Security

- 1) Fire Detection and Alarm: Installation of smoke alarms is required in all new construction projects.
 - a) All local ordinances shall be observed.

- **b)** Written manufacturer specifications for the proper installation of individual alarms shall be observed and maintained on site throughout construction.
 - i) Manufacturer's installation instructions for specific locations and other installation details shall be strictly observed.
 - ii) Individual smoke alarms shall be installed on all floors, within all bedrooms, and hallways no more than eight (8) feet from any bedroom door within the dwelling unit.
- 2) Carbon Monoxide Alarms: UL listed carbon monoxide alarm(s) shall be installed outside each sleeping area no more than eight (8) feet from any bedroom door within the dwelling unit if the unit contains fuel burning appliances or has an attached garage.
- **3) Security system controls**, if provided, must be located on the floor of the home which contains the central living area.

Division 31: Earthwork

- 1) **Steep Slopes:** Setbacks or clearances may occur where units are placed on sites that have adjacent steep slopes of 33.3% (1 foot rise: 3 feet run) or greater.
 - a) Setbacks indicated in the current Kentucky Residential Code, from the top or bottom of the slope, shall be observed and included in the building's design.
- 2) Final Grade: Final grade shall be completed before final draw and before occupancy. Grade shall provide minimum 6" in 10' (5%) fall from the structure and divert surface drainage away from the structure to the nearest drainage easement or natural drain.

Division 32: Exterior Improvements

1) Landscaping: Each home shall include a basic landscaping package as a minimum requirement.

- a) Turf: All lawn areas shall be seeded with the seed variety, lime, and fertilizer application rate and covered with straw or straw-blanket, which is appropriate for soil conditions to establish a good lawn cover.
 - i) All slopes more than 33.3% (1:3) shall receive sod or other approved erosion control materials which will enhance the establishment of a permanent ground cover.
- 2) Parking/Driveways: All units shall have a minimum of one paved or gravel parking space per unit.
 - **a)** Homes located in a subdivision, required by zoning regulation or subdivision restrictions to have a paved driveway, shall have driveways provided by one of the following minimum standards.
 - i) Asphalt parking/driveways: Asphalt shall consist of a hot mix asphaltic concrete pavement, manufactured by plants and be placed a minimum of 2" thick over a compacted 4" crushed stone base.
 - **ii)** Concrete parking/driveways: Minimum concrete thickness shall be 4" and placed over a minimum 4" thick compacted crushed stone base.
 - (1) Pervious concrete parking surfaces shall be properly drained to prevent accumulation of water.
 - **b) Gravel parking/driveways** shall be constructed with 4" thick compacted crushed #57 limestone gravel.
 - c) Exterior Access: Access from the vehicular parking to the entry door shall be considered in the site design unless it is impractical to do so because of terrain or unusual characteristics of the site. The walkway from the parking area to the entry door must be 42" wide and made of concrete, asphalt, wood or other hard surface material approved by KHC.
 - i) Provide 2% cross slope or crown sloped to edges to allow proper drainage.

Division 33: Utilities Services

- 1) Availability: Required building utility services shall be available before construction begins at the building site in sufficient size to adequately provide sufficient power, flow, volume, pressure, and drainage during and after construction to allow for safe, dependable service of construction equipment, appliances, and fixtures.
 - a) Septic or sewage treatment systems may be constructed onsite as construction progresses and shall be capable of performing intended functions prior to occupancy.
 - b) Provide temporary onsite sanitary facilities during construction.

Sky View Estates Residential Subdivision Project

Preliminary Engineering Report



Prepared By:



3213 Summit Square Place Suite 100 Lexington, KY 40509 3376 Hwy 550 P.O. Box 444 Hindman, KY 41822

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5.4 Pavement
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1.0 Introduction:

The Perry County Fiscal Court working with the Governor's office and other state agencies proposes to fund and develop a residential subdivision that is located out of the floodplain in Perry County west of Hazard, KY off the Hal Rogers Parkway that will provide Perry County with much needed single family housing opportunities. This project is a public-private partnership that will provide approximately 443 - 0.25 to 0.33 acre lots. The county has been planning for the development of additional housing for the past several years, but this situation was exacerbated with the July 2022 flood which was near a 1000 YR event that devastated Perry County. Numerous families were displaced from their homes with no alternate to rebuild except back in the floodplain. The project will provide a tremendous opportunity for the people of Perry County to rebuild their lives with the security of never having to worry about losing their homes and lives to flooding again.

2.0 Project Planning:

2.1 Location

Perry County was founded in 1820 with Hazard being its county seat. Located in the Appalachian Coalfields of Southeast Kentucky the economy has long been based on logging and mining. Perry County is home to Hazard Community and Technical College. It is also home to ARH Regional Medical Center, a not-for-profit health system operating 10 hospitals, multi-specialty physicians, home health agencies, homecare stores and retail pharmacies. It is the largest provider of care and largest employer in southeastern Kentucky.

2.2 Environmental Resources Present

The proposed project is located west of Hazard just off the Hal Rogers Parkway. The area has a history of both coal mining and timber harvesting. There is some farmland in the area which yields mostly a corn based crop. Any adverse environmental impacts will be addressed in a Phase I ESA and other environmental documents. The project area has been previously mined and reclaimed with mine spoil. The USDA NCRS Soils Resource information is included in the appendix for reference.

3.0 Proposed Facilities:

3.1 Water Infrastructure

The project includes approximately 4,500 LF of new 6" HDPE waterline and a 200 GPM Duplex Pump Station to the subdivision. The residential development of this project will include approximately 20,000 LF of 6" HDPE waterline and a 100,000 gal elevated water storage tank. As the property develops there will be water service lines and meters installed for each lot.

3.2 Sanitary Sewer Infrastructure

There will be approximately 18,500 LF of 4" to 6" HDPE Sanitary Sewer Force Main that will interconnect with the City of Hazard potable wastewater collection system. The sanitary collection system will include a 150 – 200 GPM Duplex Pump Station with a SCADA system and odor control receiving the subdivision sanitary sewer collection will be with an 8" SDR-35 PVC gravity system that will be constructed along street ROW's and routed downstream to the proposed Sanitary PS then force or pump the waste to the Hazard Collection System. The gravity sewer system will include approximately 21,000 LF of 8" collection line with approximately 60 - 4' diameter manholes and 4" to 6" PVC laterals installed as the lots develop.

3.3 Additional Development Infrastructure

The subdivision development will be designed with a 50' ROW corridor for streets that will be 2 – 10.5' lanes with curb and gutter and Type A curb boxes for stormwater drainage. The ROW corridor will accommodate both water and sanitary sewer lines and other underground utilities constructed at the required separation. The streets will include 5' sidewalks and streetlights for pedestrian traffic and safety. There will be detention and/or retention basins constructed below the development for stormwater management to prevent downstream flooding and adverse environmental impacts.

4.0 Project Need:

4.1 Housing Demand

Prior to the July 2022 flood there was a huge demand for single as well as multi-family housing in Perry County. The Judge Executive with his administration was actively looking at potential projects that included available property and associated infrastructure. After the flood the need turned to dire and with the help of the governor's office the Sky View private public partnership has become a reality with up to 463 lots in the planning phase. There is a significant amount of infrastructure that has to be developed but the project need is very real and being located well out of the valley floodplain with post mine developed level land as an invaluable asset.

4.2 Project Benefit

With the pre-flooding housing demand being exponentiated with the 2022 flood the Sky View Estates development with the number of lots available for development will have a tremendous impact on the Perry County community. The county has never had a housing development of this magnitude in the past and with the infrastructure support that the governor's office and the state of Kentucky are providing the project should be a success.

5.0 Proposed Project:

5.1 Site Location & Characteristics

Aerial mapping data and site details are presented to identify the project property location. Project property boundaries have been confirmed by deed and a field survey for proper lot placement. Physical characteristics such as existing topography and elevations have been identified, along with existing utilities and utilities to be developed.

5.2 Utilities, Site Access, & Existing Site Concerns

Public utility services such as domestic water, and electrical power are required for the developing, and are available to this site. As the project location is considered unincorporated, engineering design is being performed to accommodate water and sanitary sewer requirements. There are no apparent safety hazards present at this site. A single or multi-story slab on grade homes with ground level access will be permitted by the site configuration. Automobile access is freely permitted by driveway access.

No major airports or air traffic entities are in the site vicinity. Utility access for the proposed project does not appear to conflict with this property use.

5.3 Geotechnical Considerations

A Geotechnical subsurface investigation into the suitability of the existing soil composition, complete with recommendations has been completed for the design of structural foundation systems. It is advised that the investigating entity be responsible for the special inspections required during construction by Chapter 17 of the Kentucky Building Code

5.4 Pavement

The development will include asphalt paving for collector and connection roads. The geotech investigation will included CBRs for pavement and subbase design – we anticipate a subbase of 8"-12" stone and asphalt pavement of 2.5" of base and 1.5" of final tack coat.

5.5 Sanitary Sewer

A sanitary sewer collection system will be constructed for the subdivision. The collection system will include an 8" gravity collection system will be designed and constructed in accordance with 10 States Standards criteria and will include approximately 21,000 LF of 8" collection line with approximately 60 - 4' diameter prefabbed concrete manholes with MH infiltration lid protectors and prefabricated applied waterproof and microbial protection and 4" to 6" PVC laterals installed as the lots develop. The gravity collection system will discharge into a 10' diameter pump station wet well which will include a 200 GPM Duplex Pump Station with a SCADA system and odor control that will pump the waste downhill thru a 4" to 6" HDPE FM to the City of Hazard collection

system located southwest of Hazard along the Hal Rogers Parkway near the West Perry Elementary School.

5.6 Potable Water

The project includes approximately 4,500 LF of new 6" HDPE waterline and a 200 GPM Duplex Pump Station to the subdivision. The residential development of this project will include approximately 20,000 LF of 6" HDPE waterline and a 100,000 gal elevated water storage tank. As the property develops there will be water service lines and meters installed for each lot.

5.7 Codes Currently Adopted by Kentucky

2018 Kentucky Building Code (Based on the 2015 International Building Code)

2018 Kentucky Residential Code (Based on the 2015 International Residential Code)

2015 International Mechanical Code

2015 International Fire Code (New construction projects, only when specifically referenced bythe body of KBC)

2012 International Energy Conservation Code (for use with commercial buildings only)

2009 International Energy Conservation Code (for use with residential buildings only- see definition in IECC)

2009 ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities

Kentucky State Plumbing Law, Regulations & Code (815 KAR Chapter 20)

State Boiler Regulation (KRS 236, 815 KAR 15)

2013 NFPA 13 - Installation of Sprinkler Systems

2013 NFPA 13D - Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes

2013 NFPA 13R – Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height

2013 NFPA 14 – Installation of Standpipe and Hose Systems

2012 NFPA 54 - National Fuel Gas Code

2017 NFPA 70 - National Electrical Code (effective October 1, 2014)

2013 NFPA 72 - National Fire Alarm and Signaling Code

2012 NFPA 101 - Life Safety Code (Health Care Facilities)

2015 International Existing Building Code

Not all adopted codes will apply to the proposed design and usage. Additionally, it shall be stated that the currently adopted codes the State of Kentucky has identified as governing a specific construction or design practice, shall determine along with review and/or inspection



by authorities having jurisdiction, the suitability of a proposed design and its code implementation.

5.8 Project Funding

The Project owner will apply for public funding by the state and federal grants listed below:

- ARC
- EKYSAFE

APPENDIX 'A'

Project Cost Estimate

	RMJE
_	IXIVIOL
V	R.M. JOHNSON ENGINEERING, INC.

7,500

3,750

750

2,000

\$

\$

\$

\$

\$

SKY VIEW AREA 1 SEWER TOTAL

5.00

5.00

40.00

12.00

5,000.00

\$

\$

\$

\$

LF

LF

LS

SY

SY

City of Hazard Utilities

Sky View Estates

Infrastructure Project Water & Sewer Service to the Sky View Site

200 GPM Duplex Booster Pump Station w/SCADA

Potable Water Supply

& Standby Generator

Flush Hydrants 6" HDPE Gate Valves

Silt Fence

6" DIPS HDPE DR11 Water Line

Tie-In and Valve Control Vault

Asphalt Repair/Replacement

Gravel Repair/Replacement

Sanitary Sewer Service

4" HDPE Plug Valves Air Release/Vacuum Valves

Cleanouts Silt Fence

Traffic Control/Public Safety Measures

Unpaved Surface Repair & Seeding

4" DR 11 HDPE Sewer Force Main

Traffic Control/Public Safety Measures

Unpaved Surface Repair & Seeding

Water & Sewer Service (Area 1)

Traffic Control/Public Safety Measures

Unpaved Surface Repair & Seeding

8" SDR 35 PVC Gravity Sewer Pipe

Tie-In to Sky View Lift Station

Gravel Repair/Replacement

Standard Manholes w/Frames and Lids, 4 ft. diameter, incl. infiltration pans (depth to 10.0') Standard Manholes w/Frames and Lids, 5 ft. diameter, incl. infiltration pans (depth to 10.0')

Video Inspection of Completed Gravity Pipe

Traffic Control/Public Safety Measures

Unpaved Surface Repair & Seeding

Gravel Repair/Replacement

Sanitary Sewer Service

100,000 Gal Elevated Storage Tank & Foundation

6" DIPS HDPE DR11 Water Line

Asphalt Repair/Replacement

Gravel Repair/Replacement

Potable Water Supply

Flush Hydrants 6" HDPE Gate Valves Tie-In to Existing Water Line

Silt Fence

Silt Fence

4" FM Tie-In Assembly at existing Hazard LS Sky View Duplex Sewer Lift Station w/SCADA Odor Control for Sky View Duplex Lift Station

4" DR 9 Sewer Force Main HDD

						Page 1		
	PROJECT COST ESTIMATE							
	DATE: Revised: 1/27/2023 ESTIMATED BY: FDP							
	CHECKED BY: RMJ							
PROJECT NO. 22-054								
QUANT	UNIT	ļ	LINIIT			TOTAL		
NO. OF UNITS	MEAS.		UNIT COST			COST		
5 1c	111-		000.					
4,500	LF	\$	45.00	 	\$	202,500.00		
7,000		Ψ	70.00		Ψ	202,000.00		
1	LS	\$	350,000.00		\$	350,000.00		
1	LS	\$	15,000.00		\$	15,000.00		
3	EA	\$	10,000.00		\$	30,000.00		
6	EΑ	\$	3,000.00		\$	18,000.00		
2,750	LF	\$	5.00		\$	13,750.00		
1	LS	\$	5,000.00		\$	5,000.00		
500	SY	\$	150.00		\$	75,000.00		
1,250	SY	\$	40.00		\$	50,000.00		
1,250	SY	\$	12.00		\$	15,000.00		
,			TO SITE TO	OTAL	\$	774,250.00		
					·	,		
16,000	LF	\$	40.00		\$	640,000.00		
2,500	LF	\$	175.00		\$	437,500.00		
1	LS	\$	10,000.00		\$	10,000.00		
1	LS	\$	300,000.00		\$	300,000.00		
1	LS	\$	60,000.00		\$	60,000.00		
6	EA	\$	5,000.00	ļ!	\$	30,000.00		
6	EA	\$	5,000.00	ļ	\$	30,000.00		
9 000	EA	\$	3,500.00	 	\$	21,000.00		
8,000 1	LF LS	\$	5.00 5,000.00		\$ \$	40,000.00		
1,000	SY	\$	150.00	 	\$	5,000.00 150,000.00		
1,250		\$	40.00	 	\$	50,000.00		
1,250	SY	\$	12.00	 	\$	15,000.00		
			TE TOTAL		\$	1,788,500.00		
			<u> </u>		~	1,100,000		
7,000	LF	\$	45.00		\$	315,000.00		
1	LS	\$	500,000.00		\$	500,000.00		
8	EA	\$	10,000.00		\$	80,000.00		
6	EA	\$	3,000.00		\$	18,000.00		
1	LS	\$	10,000.00		\$	10,000.00		
3,500	LF	\$	5.00		\$	17,500.00		
1	LS	\$	5,000.00		\$	5,000.00		
750	SY	\$	40.00		\$	30,000.00		
2,000	SY	\$	12.00		\$	24,000.00		
SKY	VIEW A	RE.	A 1 WATER	TOTAL	\$	999,500.00		
7.500	<u> </u>	_	22.00	ļ	*	275 200 00		
7,500	LF	\$	90.00	ļ	\$	675,000.00		
20	⊏∧	¢	9 000 00		\$	160 000 00		
20	EA	\$	8,000.00		Ф	160,000.00		
2	LS	\$	10,000.00		\$	20,000.00		
1	LS	\$	10,000.00	 	\$	10,000.00		
7 500	1.5	_		 	<u></u>	27.500.00		

37,500.00

18.750.00

5,000.00

30,000.00

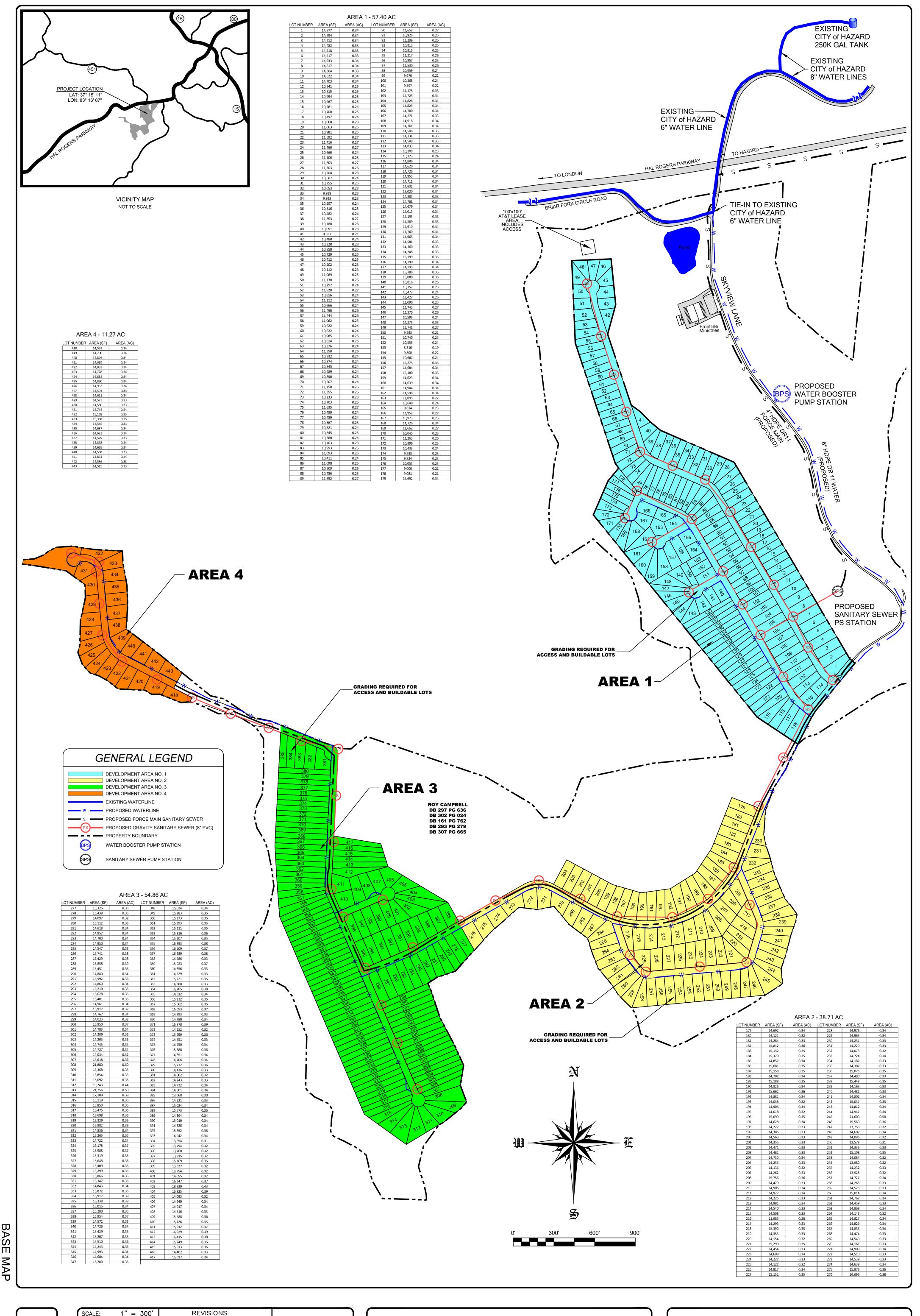
24,000.00

980,250.00

Water & Sewer Service (Areas 2, 3 & 4) Page 2							
Potable Water Supply							
6" DIPS HDPE DR11 Water Line	13,000	LF	\$	45.00		\$	585,000.00
Flush Hydrants	8	EA	\$	10,000.00		\$	80,000.00
6" HDPE Gate Valves	12	EA	\$	3,000.00		\$	36,000.00
Silt Fence	6,500	LF	\$	5.00		\$	32,500.00
Traffic Control/Public Safety Measures	1	LS	\$	5,000.00		\$	5,000.00
Gravel Repair/Replacement	1,250	SY	\$	40.00		\$	50,000.00
Unpaved Surface Repair & Seeding	3,500	SY	\$	12.00		\$	42,000.00
	KY VIEW A	REAS 2,	3, 8	& 4 WATER	TOTAL	\$	830,500.00
Sanitary Sewer Service							
8" SDR 35 PVC Gravity Sewer Pipe	13,500	LF	\$	90.00		\$	1,215,000.00
Standard Manholes w/Frames and Lids, 4 ft.							
diameter, incl. infiltration pans (depth to 10.0')	40	EA	\$	8,000.00		\$	320,000.00
Standard Manholes w/Frames and Lids, 5 ft.							
diameter, incl. infiltration pans (depth to 10.0')	2	LS	\$	10,000.00		\$	20,000.00
Video Inspection of Completed Gravity Pipe	13,500	LF	\$	5.00		\$	67,500.00
Silt Fence	13,500	LF	\$	5.00		\$	67,500.00
Traffic Control/Public Safety Measures	1	LS	\$	5,000.00		\$	5,000.00
Gravel Repair/Replacement	1,250	SY	\$	40.00		\$	50,000.00
Unpaved Surface Repair & Seeding	3,500	SY	\$	12.00		\$	42,000.00
9	KY VIEW A				TOTAL	\$	1,787,000.00
	TO	TAL CC	NS.	TRUCTION		\$	7,160,000.00
*Access Road has existing stone base.			CON	NTINGENCY	10.00%	\$	716,000.00
**Additional Engineering Services Include:		ENGINE	ERI	NG DESIGN	6.53%	\$	467,800.00
DOW Floodplain Permit		RESIDE	11 TV	SPECTION	3.19%	\$	228,200.00
USACE 404 Permit	**ADDT'L EN	NGINEEF	RING	SERVICES		\$	85,000.00
KYTC Encroachment Permit	GEOTECI	INICAL I	NVE	STIGATION		\$	25,000.00
CSX Railroad Permit		CSX R	AILI	ROAD FEES		\$	75,000.00
Easement Surveys		AD	MIN	IISTRATION		\$	50,000.00
	TC	TAL PF	ROJ	ECT COST	_	\$	8,807,000.00

APPENDIX 'B'

Subdivision Lot Layout Map



C-1

JUALL.	_ 500		1121310113	
JOB No.:	21-026	1	SUBDIVIDED TO 1/4 AND 1/3 AC LOTS	2-9-23
DESIGNED BY:				
DETAILED BY:	TJB			
CHECKED BY:	RMJ			
DATE: 5-10	0-2023			
COPYRIGHT @				
R.M. JOHNSON ENGINE	EERING, INC.			

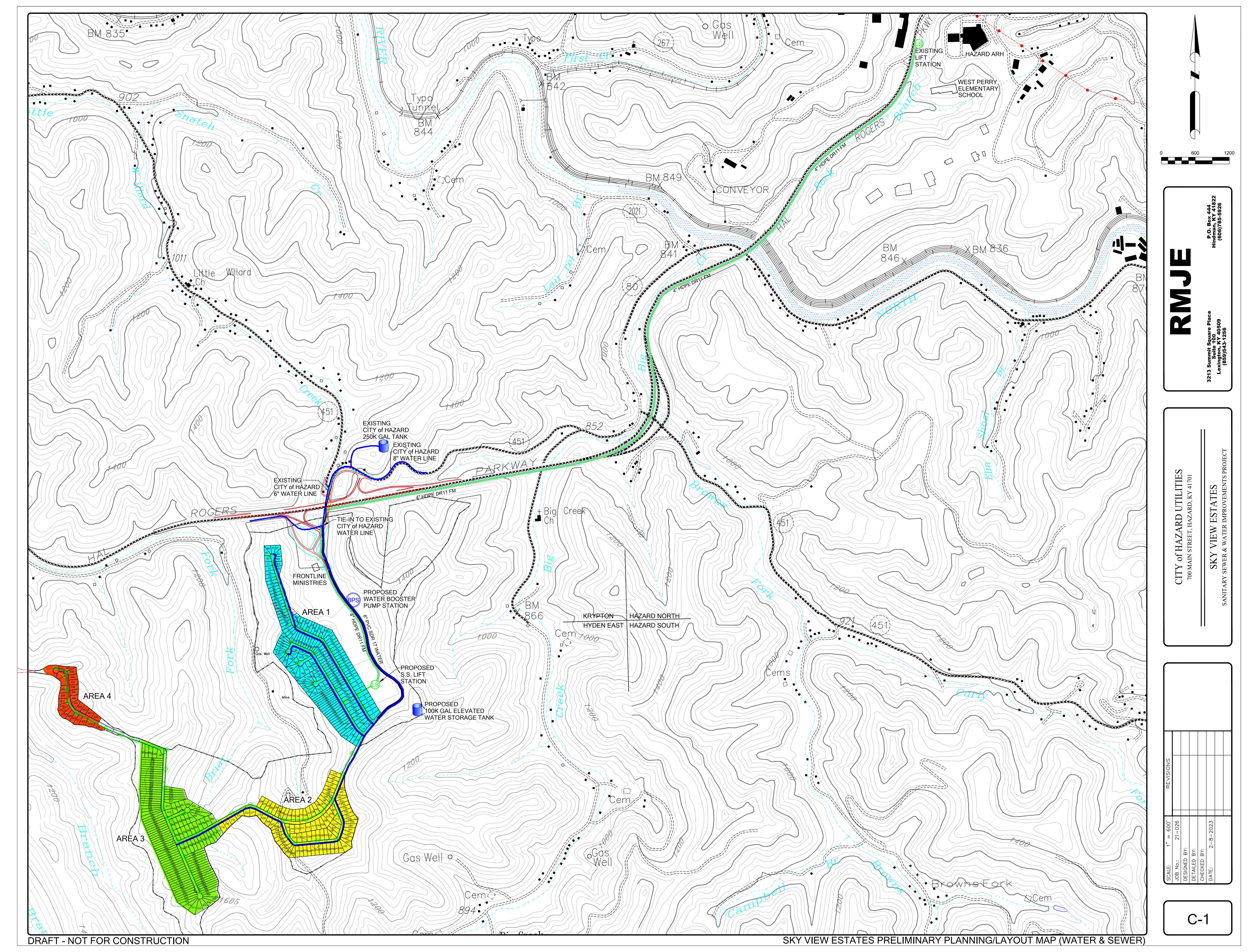
SKY VIEW ESTATES SKY VIEW LANE, PERRY COUNTY, KENTUCKY

CONCEPTUAL SUBDIVISION LOT LAYOUT

RIVIJ	
3213 Summit Square Place Suite 100 Lexington, KY 40509 (859)543-1256	P.O. Box 444 Hindman, KY 41822 (606)785-5926

APPENDIX 'C'

Water & Sanitary Sewer Infrastructure Map



APPENDIX 'D'

Soil Resource Report and Map



Natural Resources Conservation

Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Leslie and Perry Counties, Kentucky



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2 053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

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stonystony	17
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stony	19
uShgF—Shelocta-Highsplint-Gilpin complex, 20 to 70 percent slopes,	
very stony	23
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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

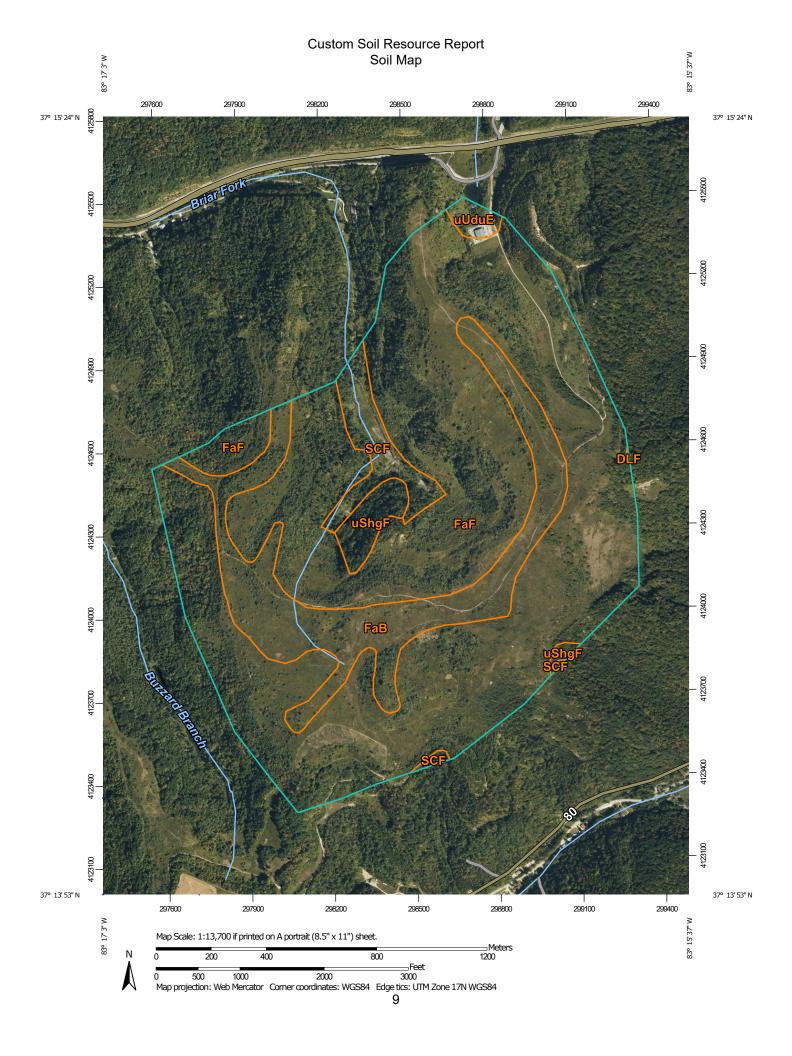
Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.



MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons

-

Soil Map Unit Lines

Soil Map Unit Points

Special Point Features

(0)

Blowout

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Borrow Pit

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Clay Spot

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Closed Depression

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Gravel Pit

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Gravelly Spot

0

Landfill Lava Flow

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Marsh or swamp

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Mine or Quarry

0

Miscellaneous Water
Perennial Water

0

Rock Outcrop

4

Saline Spot

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Sandy Spot

-

Severely Eroded Spot

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Sinkhole

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Slide or Slip Sodic Spot

8

Spoil Area Stony Spot



Very Stony Spot



Wet Spot Other



Special Line Features

Water Features

~

Streams and Canals

Transportation

...

Rails

~

Interstate Highways

_

US Routes

 \approx

Major Roads Local Roads

Background

No.

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24.000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Leslie and Perry Counties, Kentucky Survey Area Data: Version 19, Sep 2, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 9, 2016—Sep 15, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI					
DLF	Matewan-Marrowbone-Latham complex, 20 to 80 percent slopes, very rocky	0.1	0.0%					
FaB	Fairpoint soils, undulating	95.6	16.1%					
FaF	Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony	459.1	77.3%					
SCF	Shelocta-Cutshin-Gilpin complex, 20 to 75 percent slopes, very stony	22.8	3.8%					
uShgF	Shelocta-Highsplint-Gilpin complex, 20 to 70 percent slopes, very stony	11.8	2.0%					
uUduE	Udorthents-Urban land-Rock outcrop complex, 0 to 35 percent slopes	4.8	0.8%					
Totals for Area of Interest		594.2	100.0%					

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a

given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Leslie and Perry Counties, Kentucky

DLF—Matewan-Marrowbone-Latham complex, 20 to 80 percent slopes, very rocky

Map Unit Setting

National map unit symbol: 2tqh8 Elevation: 700 to 2,400 feet

Mean annual precipitation: 37 to 54 inches Mean annual air temperature: 42 to 68 degrees F

Frost-free period: 155 to 220 days

Farmland classification: Not prime farmland

Map Unit Composition

Matewan, very stony, and similar soils: 30 percent Marrowbone, very stony, and similar soils: 25 percent Latham, very stony, and similar soils: 15 percent

Minor components: 30 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Matewan, Very Stony

Setting

Landform: Ridges

Landform position (two-dimensional): Summit Landform position (three-dimensional): Mountaintop

Down-slope shape: Convex Across-slope shape: Linear

Parent material: Loamy-skeletal residuum weathered from sandstone

Typical profile

Oi - 0 to 1 inches: channery slightly decomposed plant material

A - 1 to 3 inches: channery fine sandy loam BA - 3 to 7 inches: channery fine sandy loam

Bw1 - 7 to 21 inches: very channery fine sandy loam
Bw2 - 21 to 28 inches: extremely channery fine sandy loam

R - 28 to 37 inches: bedrock

Properties and qualities

Slope: 20 to 80 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent

Depth to restrictive feature: 24 to 40 inches to lithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately

low (0.00 to 0.01 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Calcium carbonate, maximum content: 1 percent

Sodium adsorption ratio, maximum: 1.0

Available water supply, 0 to 60 inches: Very low (about 2.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: A

Ecological site: F125XY003WV - Interbedded Sedimentary Uplands

Hydric soil rating: No

Description of Marrowbone, Very Stony

Setting

Landform: Ridges

Landform position (two-dimensional): Summit Landform position (three-dimensional): Mountaintop

Down-slope shape: Convex Across-slope shape: Linear

Parent material: Coarse-loamy residuum weathered from sandstone

Typical profile

Oi - 0 to 1 inches: slightly decomposed plant material

A - 1 to 5 inches: fine sandy loam Bw1 - 5 to 10 inches: loam

Bw2 - 10 to 17 inches: fine sandy loam

Bw3 - 17 to 23 inches: loam

BC - 23 to 28 inches: channery loam

R - 28 to 38 inches: bedrock

Properties and qualities

Slope: 20 to 80 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent

Depth to restrictive feature: 24 to 32 inches to lithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately

low (0.00 to 0.01 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 3.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: B

Ecological site: F125XY003WV - Interbedded Sedimentary Uplands

Hydric soil rating: No

Description of Latham, Very Stony

Setting

Landform: Ridges

Landform position (two-dimensional): Summit Landform position (three-dimensional): Mountaintop

Down-slope shape: Convex Across-slope shape: Concave

Parent material: Clayey residuum weathered from shale and siltstone

Typical profile

Oi - 0 to 1 inches: channery slightly decomposed plant material

A - 1 to 2 inches: silt loam

BA - 2 to 6 inches: silty clay loam

Bt - 6 to 20 inches: silty clay

BC - 20 to 25 inches: silty clay loam Cr - 25 to 36 inches: bedrock R - 36 to 46 inches: bedrock

Properties and qualities

Slope: 20 to 80 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent

Depth to restrictive feature: 24 to 34 inches to paralithic bedrock; 34 to 45 inches

to lithic bedrock

Drainage class: Moderately well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately

low (0.00 to 0.01 in/hr)

Depth to water table: About 6 to 24 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Very low (about 2.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: C/D

Ecological site: F125XY003WV - Interbedded Sedimentary Uplands

Hydric soil rating: No

Minor Components

Gilpin, very stony

Percent of map unit: 10 percent

Landform: Ridges

Landform position (two-dimensional): Summit Landform position (three-dimensional): Mountaintop

Down-slope shape: Convex Across-slope shape: Linear Hydric soil rating: No

Shelocta, very stony

Percent of map unit: 7 percent

Landform: Ridges

Landform position (two-dimensional): Shoulder

Landform position (three-dimensional): Upper third of mountainflank

Down-slope shape: Concave, convex

Across-slope shape: Linear Hydric soil rating: No

Fedscreek, very stony

Percent of map unit: 5 percent

Landform: Ridges

Landform position (two-dimensional): Shoulder

Landform position (three-dimensional): Upper third of mountainflank

Down-slope shape: Convex Across-slope shape: Linear Hydric soil rating: No

Rock outcrop

Percent of map unit: 5 percent

Ramsey, very stony

Percent of map unit: 3 percent

Landform: Ridges

Landform position (two-dimensional): Summit Landform position (three-dimensional): Mountaintop

Down-slope shape: Convex Across-slope shape: Convex

Hydric soil rating: No

FaB—Fairpoint soils, undulating

Map Unit Setting

National map unit symbol: ljk2 Elevation: 820 to 2,460 feet

Mean annual precipitation: 43 to 54 inches Mean annual air temperature: 42 to 67 degrees F

Frost-free period: 156 to 196 days

Farmland classification: Not prime farmland

Map Unit Composition

Fairpoint, unstable fill, and similar soils: 85 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Fairpoint, Unstable Fill

Setting

Landform: Ridges

Landform position (two-dimensional): Summit Landform position (three-dimensional): Mountaintop

Down-slope shape: Linear Across-slope shape: Linear

Parent material: Loamy skeletal coal extraction mine spoil derived from

interbedded sedimentary rock

Typical profile

H1 - 0 to 6 inches: very channery silt loam H2 - 6 to 62 inches: very channery silt loam

Properties and qualities

Slope: 0 to 25 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained Runoff class: Medium

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20

to 0.60 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 4.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 6s

Hydrologic Soil Group: C Hydric soil rating: No

Minor Components

Shelocta

Percent of map unit: 4 percent Hydric soil rating: No

Dekalb

Percent of map unit: 4 percent Hydric soil rating: No

Cutshin

Percent of map unit: 4 percent Hydric soil rating: No

Gilpin

Percent of map unit: 3 percent Hydric soil rating: No

FaF—Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony

Map Unit Setting

National map unit symbol: 2tqhd Elevation: 720 to 1,510 feet

Mean annual precipitation: 45 to 57 inches Mean annual air temperature: 43 to 68 degrees F

Frost-free period: 169 to 203 days

Farmland classification: Not prime farmland

Map Unit Composition

Fairpoint, unstable fill, and similar soils: 55 percent Bethesda, unstable fill, and similar soils: 30 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Fairpoint, Unstable Fill

Setting

Landform: Mountain slopes

Landform position (three-dimensional): Mountainflank

Down-slope shape: Linear Across-slope shape: Linear

Parent material: Loamy-skeletal coal extraction mine spoil derived from sandstone

and shale

Typical profile

Ap - 0 to 11 inches: channery loam
C1 - 11 to 32 inches: very channery loam
C2 - 32 to 41 inches: extremely channery loam
C3 - 41 to 51 inches: extremely flaggy loam
C4 - 51 to 58 inches: extremely flaggy silt loam
C5 - 58 to 72 inches: extremely flaggy loam

Properties and qualities

Slope: 2 to 70 percent

Surface area covered with cobbles, stones or boulders: 0.0 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20

to 0.57 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 5.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7s

Hydrologic Soil Group: C Hydric soil rating: No

Description of Bethesda, Unstable Fill

Setting

Landform: Mountain slopes

Landform position (three-dimensional): Mountainflank

Down-slope shape: Linear Across-slope shape: Linear

Parent material: Loamy-skeletal coal extraction mine spoil derived from sandstone

and shale

Typical profile

Ap - 0 to 12 inches: channery silt loam C1 - 12 to 36 inches: very channery loam C2 - 36 to 58 inches: very channery loam C3 - 58 to 72 inches: very channery loam

Properties and qualities

Slope: 2 to 70 percent

Surface area covered with cobbles, stones or boulders: 0.0 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20

to 0.57 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 5.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7s

Hydrologic Soil Group: C Hydric soil rating: No

Minor Components

Udorthents, unstable fill

Percent of map unit: 5 percent Landform: Mountain slopes

Landform position (three-dimensional): Mountainflank

Down-slope shape: Linear Across-slope shape: Linear Hydric soil rating: No

Matewan, very stony

Percent of map unit: 3 percent

Landform: Ridges

Landform position (three-dimensional): Mountaintop

Down-slope shape: Convex Across-slope shape: Linear Hydric soil rating: No

Shelocta, very stony

Percent of map unit: 3 percent Landform: Mountain slopes

Landform position (three-dimensional): Mountainflank

Down-slope shape: Concave Across-slope shape: Linear Hydric soil rating: No

Dumps, mine (tailings & tipples)

Percent of map unit: 2 percent

Landform: Ridges

Landform position (three-dimensional): Mountaintop

Down-slope shape: Linear

Across-slope shape: Linear, convex

Hydric soil rating: No

Urban land

Percent of map unit: 2 percent Landform: Mountain slopes

Landform position (three-dimensional): Mountainflank

Down-slope shape: Linear Across-slope shape: Linear Hydric soil rating: No

SCF—Shelocta-Cutshin-Gilpin complex, 20 to 75 percent slopes, very stony

Map Unit Setting

National map unit symbol: 2tqhb

Elevation: 680 to 2,400 feet

Mean annual precipitation: 40 to 54 inches Mean annual air temperature: 42 to 69 degrees F

Frost-free period: 147 to 196 days

Farmland classification: Not prime farmland

Map Unit Composition

Shelocta, very stony, and similar soils: 35 percent Cutshin, very stony, and similar soils: 25 percent Gilpin, very stony, and similar soils: 15 percent

Minor components: 25 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Shelocta, Very Stony

Setting

Landform: Mountain slopes

Landform position (three-dimensional): Mountainflank

Down-slope shape: Concave Across-slope shape: Linear

Parent material: Fine-loamy colluvium derived from sandstone and shale over

clayey residuum weathered from shale and siltstone

Typical profile

Oi - 0 to 1 inches: slightly decomposed plant material

A - 1 to 3 inches: silt loam BA - 3 to 7 inches: loam

Bt1 - 7 to 23 inches: channery silt loam 2Bt2 - 23 to 34 inches: channery silt loam 2Bt3 - 34 to 45 inches: very channery silt loam 2C - 45 to 59 inches: very parachannery silt loam

2Cr - 59 to 69 inches: bedrock

Properties and qualities

Slope: 20 to 80 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent Depth to restrictive feature: 48 to 65 inches to paralithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00

in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Moderate (about 7.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: B

Ecological site: F125XY001WV - Sandstone Residuum

Hydric soil rating: No

Description of Cutshin, Very Stony

Setting

Landform: Mountain slopes

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Lower third of mountainflank

Down-slope shape: Concave Across-slope shape: Concave

Parent material: Fine-loamy colluvium derived from sandstone and shale

Typical profile

Oi - 0 to 2 inches: very channery slightly decomposed plant material

A - 2 to 10 inches: very channery loam AB - 10 to 19 inches: channery loam Bw1 - 19 to 30 inches: channery loam Bw2 - 30 to 50 inches: channery loam

Cr - 50 to 60 inches: bedrock

Properties and qualities

Slope: 20 to 80 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent Depth to restrictive feature: 40 to 60 inches to paralithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately

high (0.00 to 0.20 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Sodium adsorption ratio, maximum: 1.0

Available water supply, 0 to 60 inches: Low (about 5.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: A

Ecological site: F125XY001WV - Sandstone Residuum

Hydric soil rating: No

Description of Gilpin, Very Stony

Setting

Landform: Mountain slopes

Landform position (three-dimensional): Upper third of mountainflank

Down-slope shape: Convex Across-slope shape: Linear

Parent material: Fine-loamy residuum weathered from sandstone and shale

Typical profile

Oi - 0 to 1 inches: channery slightly decomposed plant material

A - 1 to 5 inches: channery silt loam

Bt1 - 5 to 11 inches: channery silt loam

Bt2 - 11 to 20 inches: channery silt loam

Bt3 - 20 to 28 inches: channery loam

R - 28 to 38 inches: bedrock

Properties and qualities

Slope: 20 to 80 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent

Depth to restrictive feature: 24 to 40 inches to lithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately

low (0.00 to 0.01 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Very low (about 3.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: C

Ecological site: F125XY001WV - Sandstone Residuum

Hydric soil rating: No

Minor Components

Cloverlick, very stony

Percent of map unit: 8 percent Landform: Mountain slopes

Landform position (three-dimensional): Center third of mountainflank

Down-slope shape: Concave Across-slope shape: Concave

Hydric soil rating: No

Marrowbone, very stony

Percent of map unit: 7 percent Landform: Mountain slopes

Landform position (three-dimensional): Upper third of mountainflank

Down-slope shape: Convex Across-slope shape: Convex Hydric soil rating: No

Highsplint, very stony

Percent of map unit: 5 percent Landform: Mountain slopes

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Lower third of mountainflank

Down-slope shape: Concave Across-slope shape: Linear Hydric soil rating: No

Sequoia, very stony

Percent of map unit: 3 percent Landform: Mountain slopes

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Upper third of mountainflank

Down-slope shape: Convex Across-slope shape: Convex Hydric soil rating: No

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Rock outcrop

Percent of map unit: 2 percent

uShgF—Shelocta-Highsplint-Gilpin complex, 20 to 70 percent slopes, very stony

Map Unit Setting

National map unit symbol: 2x5k0 Elevation: 680 to 2,680 feet

Mean annual precipitation: 28 to 58 inches Mean annual air temperature: 42 to 68 degrees F

Frost-free period: 147 to 200 days

Farmland classification: Not prime farmland

Map Unit Composition

Shelocta, very stony, and similar soils: 50 percent Highsplint, very stony, and similar soils: 20 percent Gilpin, very stony, and similar soils: 15 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Shelocta, Very Stony

Setting

Landform: Hillslopes

Landform position (two-dimensional): Backslope Landform position (three-dimensional): Side slope

Down-slope shape: Concave Across-slope shape: Linear

Parent material: Fine-loamy colluvium derived from sandstone and shale

Typical profile

Oi - 0 to 1 inches: slightly decomposed plant material

A - 1 to 3 inches: silt loam BA - 3 to 7 inches: loam

Bt1 - 7 to 23 inches: channery silt loam 2Bt2 - 23 to 34 inches: channery silt loam 2Bt3 - 34 to 45 inches: very channery silt loam 2C - 45 to 59 inches: very parachannery silt loam

2Cr - 59 to 69 inches: bedrock

Properties and qualities

Slope: 20 to 70 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent Depth to restrictive feature: 48 to 65 inches to paralithic bedrock

Drainage class: Well drained

Runoff class: High

Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00

in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of pondina: None

Available water supply, 0 to 60 inches: Moderate (about 7.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: B

Ecological site: F125XY002WV - Interbedded Sedimentary Colluvium

Hydric soil rating: No

Description of Highsplint, Very Stony

Setting

Landform: Hillslopes

Landform position (two-dimensional): Footslope Landform position (three-dimensional): Base slope

Down-slope shape: Concave Across-slope shape: Linear

Parent material: Loamy-skeletal fine-loamy colluvium derived from sandstone and

shale

Typical profile

Oi - 0 to 1 inches: very channery slightly decomposed plant material

A - 1 to 4 inches: very channery silt loam
BA - 4 to 11 inches: very channery silt loam
Bw1 - 11 to 28 inches: very channery clay loam
Bw2 - 28 to 48 inches: very channery loam
BC - 48 to 85 inches: very channery loam

Properties and qualities

Slope: 20 to 70 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained Runoff class: Medium

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high

(0.20 to 2.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 4.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: A

Ecological site: F125XY002WV - Interbedded Sedimentary Colluvium

Hydric soil rating: No

Description of Gilpin, Very Stony

Setting

Landform: Hillslopes

Landform position (two-dimensional): Shoulder Landform position (three-dimensional): Head slope

Down-slope shape: Convex

Across-slope shape: Linear

Parent material: Fine-loamy residuum weathered from sandstone and shale

Typical profile

Oi - 0 to 1 inches: channery slightly decomposed plant material

A - 1 to 5 inches: channery silt loam

Bt1 - 5 to 11 inches: channery silt loam

Bt2 - 11 to 20 inches: channery silt loam

Bt3 - 20 to 28 inches: channery loam

R - 28 to 38 inches: bedrock

Properties and qualities

Slope: 20 to 70 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent

Depth to restrictive feature: 24 to 40 inches to lithic bedrock

Drainage class: Well drained

Runoff class: High

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately

low (0.00 to 0.01 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 3.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: C

Ecological site: F125XY003WV - Interbedded Sedimentary Uplands

Hydric soil rating: No

Minor Components

Marrowbone, very stony

Percent of map unit: 6 percent

Landform: Hillslopes

Landform position (two-dimensional): Summit Landform position (three-dimensional): Nose slope

Down-slope shape: Convex Across-slope shape: Convex

Hydric soil rating: No

Fedscreek, very stony

Percent of map unit: 4 percent

Landform: Hillslopes

Landform position (two-dimensional): Backslope Landform position (three-dimensional): Side slope

Down-slope shape: Concave Across-slope shape: Linear Hydric soil rating: No

Ramsey, very stony

Percent of map unit: 3 percent

Landform: Hillslopes

Landform position (two-dimensional): Shoulder Landform position (three-dimensional): Nose slope

Down-slope shape: Convex

Across-slope shape: Convex Hydric soil rating: No

Rock outcrop

Percent of map unit: 2 percent

uUduE—Udorthents-Urban land-Rock outcrop complex, 0 to 35 percent slopes

Map Unit Setting

National map unit symbol: 2mff5 Elevation: 700 to 2,100 feet

Mean annual precipitation: 28 to 54 inches Mean annual air temperature: 42 to 68 degrees F

Frost-free period: 156 to 222 days

Farmland classification: Not prime farmland

Map Unit Composition

Udorthents, unstable fill, and similar soils: 50 percent

Urban land: 25 percent Rock outcrop: 15 percent Minor components: 10 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Udorthents, Unstable Fill

Setting

Landform: Mountain slopes

Landform position (two-dimensional): Backslope Landform position (three-dimensional): Mountainflank

Down-slope shape: Linear Across-slope shape: Linear

Parent material: Loamy skeletal mine spoil or earthy fill derived from interbedded

sedimentary rock

Typical profile

Ap - 0 to 5 inches: extremely parachannery silt loam C1 - 5 to 30 inches: extremely parachannery silt loam C2 - 30 to 60 inches: extremely parachannery silt loam C3 - 60 to 79 inches: extremely parachannery silt loam

Properties and qualities

Slope: 0 to 35 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20

to 0.57 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of pondina: None

Available water supply, 0 to 60 inches: Low (about 4.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7s

Hydrologic Soil Group: C Hydric soil rating: No

Description of Urban Land

Setting

Landform: Mountain slopes

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8

Hydric soil rating: No

Description of Rock Outcrop

Setting

Landform: Mountain slopes

Landform position (three-dimensional): Free face

Down-slope shape: Linear Across-slope shape: Linear

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8

Hydric soil rating: No

Minor Components

Shelocta

Percent of map unit: 5 percent Landform: Mountain slopes

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Lower third of mountainflank

Down-slope shape: Concave Across-slope shape: Linear Hydric soil rating: No

Cutshin

Percent of map unit: 3 percent Landform: Mountain slopes

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Lower third of mountainflank

Down-slope shape: Concave Across-slope shape: Concave

Hydric soil rating: No

Gilpin

Percent of map unit: 2 percent Landform: Mountain slopes

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Lower third of mountainflank

Down-slope shape: Convex Across-slope shape: Linear Hydric soil rating: No

References

American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.

American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

National Research Council. 1995. Wetlands: Characteristics and boundaries.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2 054262

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2 053577

Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2 053580

Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.

United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.

United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2 053374

United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf



		MAP LEGEND		
Area of Interest (AOI) Area of Interest (AOI) Not prime farmland All areas are prime farmland Prime farmland if drained Prime farmland if protected from flooding or not frequently flooded during the growing season Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season Prime farmland if irrigated Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season	Prime farmland if subsoiled, completely removing the root inhibiting soil layer Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60 Prime farmland if irrigated and reclaimed of excess salts and sodium Farmland of statewide importance Farmland of statewide importance, if drained Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if irrigated	Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if irrigated and drained Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60	Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if warm enough Farmland of statewide importance, if thawed Farmland of statewide importance, if thawed Farmland of local importance, if irrigated	Farmland of unique importance Not rated or not available Soil Rating Lines Not prime farmland All areas are prime farmland Prime farmland if drained Prime farmland if protected from flooding or not frequently floode during the growing season Prime farmland if irrigated Prime farmland if drained and either protected from flooding or not frequently floode during the growing season Prime farmland if irrigated and drained Prime farmland if irrigated and drained Prime farmland if irrigated and either protected from flooding or not frequently floode during the growing season

Farmland Classification—Leslie and Perry Counties, Kentucky (Skyview Estates Area 1 Perry County, KY)

,e op	Prime farmland if subsoiled, completely removing the root	~	Farmland of statewide importance, if drained and either protected from flooding or not frequently	***	Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium	~	Farmland of unique importance Not rated or not available	Prime farmland if subsoiled, completely removing the root inhibiting coil lover.
~	inhibiting soil layer Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60	~	flooding or not frequently flooded during the growing season Farmland of statewide importance, if irrigated and drained	***	Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the	Soil Rat	ting Points Not prime farmland All areas are prime farmland	inhibiting soil layer Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
~ ~ ~ ~	,	~ ~		~				

Farmland Classification—Leslie and Perry Counties, Kentucky (Skyview Estates Area 1 Perry County, KY)

- Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
 - Farmland of statewide importance, if irrigated and drained
 - Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
 - Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
 - Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough
- Farmland of statewide importance, if thawed
- Farmland of local importance
- Farmland of local importance, if irrigated

- Farmland of unique importance
- Not rated or not available

Water Features

Streams and Canals

Transportation

+++ F

Rails

Interstate Highways

US Routes
Major Roads

~ I

Local Roads

Background

Aerial Photography

The soil surveys that comprise your AOI were mapped at 1:24.000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Leslie and Perry Counties, Kentucky Survey Area Data: Version 19, Sep 2, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 29, 2019—Sep 15, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
FaB	Fairpoint soils, undulating	Not prime farmland	15.2	22.0%
FaF	Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony	Not prime farmland	53.8	77.9%
uShgF	Shelocta-Highsplint- Gilpin complex, 20 to 70 percent slopes, very stony	Not prime farmland	0.0	0.0%
Totals for Area of Inter	rest	1	69.0	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Curtis Stauffer

From: Maggard, Jody E (Finance Officer) <jody.maggard@perry.kyschools.us>

Sent: Friday, May 19, 2023 3:16 PM

To: Curtis Stauffer
Cc: 'Scott McReynolds'

Subject: RE: Impact of proposed higher ground subdivision on Perry County Schools?

EXTERNAL EMAIL: Do not click links or open attachments unless you recognize the sender and know the content is safe.

No Perry County student has lived what we would consider a 'normal' student life since March, 2020. Our district, like the rest of the world, suffered through the pandemic, which left some students entering the 2nd grade without having physically attended school before. Additionally, the flooding on July 28, 2022, devastated many of our school communities, destroying two of our schools, and displacing hundreds of our students. The proposed housing development will be a light at the end of a dark tunnel. Over 75% of our students are at identified as at-risk, hundreds are identified as homeless because of living with a non-parent, or the parent(s) are not able to sustain a home of their own. This project is greatly needed in our county, and the Perry County School district, and our students, will be a direct beneficiary.

From: Curtis Stauffer <cstauffer@kyhousing.org>

Sent: Friday, May 19, 2023 2:12 PM

To: Maggard, Jody E (Finance Officer) < jody.maggard@perry.kyschools.us>

Cc: 'Scott McReynolds' <scott@hdahome.org>

Subject: RE: Impact of proposed higher ground subdivision on Perry County Schools?

You don't often get email from cstauffer@kyhousing.org. Learn why this is important

Hi Mr. Maggard-

I'm sure you're swamped as you near the end of the school year, but I just wanted to follow up on my email from last week (below) to see if you've had a chance to write a few sentences about the impact of this proposed housing development on the school system.

Thanks again for your time and assistance.

Sincerely,

Curtis Stauffer

Curtis A. Stauffer, MA, PMP, HDFP Managing Director, Housing Contract Administration

Pronouns: he/him/his

Kentucky Housing Corporation

1231 Louisville Rd. Frankfort, KY 40601 502-874-5329 (direct) 800-633-8896 x. 115 (KY only) TTY 711 cstauffer@kyhousing.org www.kyhousing.org

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From: Curtis Stauffer

Sent: Friday, May 12, 2023 8:59 AM

To: 'jody.maggard@perry.kyschools.us' < jody.maggard@perry.kyschools.us>

Cc: Scott McReynolds <scott@hdahome.org>

Subject: Impact of proposed higher ground subdivision on Perry County Schools?

Hello Mr. Maggard-

Scott McReynolds provided me with your contact info. In partnership with the Energy and Environment Cabinet, we at Kentucky Housing Corporation are working on the HUD Part 58 Environmental Review for the "higher ground" subdivision proposed off of Skyview Road in Perry County The Commonwealth will build 153 single-family detached units and a private developer will construct 25 units as a separate project in a 178-unit subdivision. As part of the HUD Environmental Assessment we have to address the impact of the project on educational and cultural facilities. Could you please give me your opinion on what impact, if any (positive or negative), the project would have on Perry County Schools, especially from a capacity standpoint?

It doesn't need to be an extensive analysis, a paragraph will do.

Thank you very much for your time and help!

Sincerely,

Curtis Stauffer

Curtis A. Stauffer, MA, PMP, HDFP
Managing Director,
Housing Contract Administration
Pronouns: he/him/his
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Site Specific Phase I Environmental Site Assessment

Skyview Former Mine Site
Skyview Lane
Hazard, KY

Prepared for: Commonwealth of Kentucky

Prepared by:
Kentucky Energy and Environment Cabinet
Department for Environmental Protection
Division of Waste Management
Superfund Branch
300 Sower Boulevard
Frankfort, KY 40601

May 16, 2023

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- **B.** Historic Documents
 - i. EDR Radius Map Report™ with GeoCheck®
 - ii. EDR Certified Sanborn® Map Report
 - iii. EDR Historical Topo Map Report
 - iv. EDR Aerial Photo Decade Package
 - v. EDR City Directory
- C. Property Photographs
- D. Plat Map
- E. Title Opinion
- F. Skyview Former Mine Site Investigation Report
- G. Qualifications

Phase I ESA Hazard, KY Skyview Mine Site May 2023

1.0 Executive Summary

The Kentucky Energy and Environment Cabinet (EEC) has completed a Phase I Environmental Site Assessment (ESA) of the property located on Skyview Lane in Hazard, Kentucky. This ESA was prepared in accordance with the scope and limitations of ASTM's Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM E1527-21), recognized by the U.S. Environmental Protection Agency (USEPA) as compliant with Standards and practices for All Appropriate Inquires (AAI) promulgated at 40 CFR part 312. According to the Property Valuation Administrator's (PVA) online property search, the subject site is two parcels: 063-00-00-063.0 and 064-00-006.00. Mtn. View Inc. is listed as the owner of parcel 063-00-063.00, and Glenn Baker is listed as the owner of parcel 064-00-00-006.00. However, the property has been surveyed and a new property boundary has been defined and it appears the PVA office has not updated their online property search at the time of this assessment. The new property boundary is recorded in Deed Book 415 page 157 in the Perry County Clerk's office and contains 47.18 acres. MRI Properties Inc. (representative Paul Ison) has been identified as the property owner, but the property is to be conveyed to the Commonwealth of Kentucky. Mr. Ison granted access to the property by signing a Right of Entry consent form dated January 20, 2023. The visual inspection of the subject property took place on May 10, 2023, and was conducted by Sarah Yount, Ken Logsdon, and Jean Weaver of the EEC Division of Waste Management.

The objective of the Phase I ESA is the provide the Commonwealth of Kentucky with information regarding potential areas of environmental concern and to identify existing or potential *recognized environmental conditions* (RECs) in connection with the subject property and surrounding area. This assessment describes the services performed by the EEC, the findings of the investigation, and the environmental professional's interpretation of the assessment in accordance with ASTM E1527-21.

A summary of the findings is provided below. Details were not included or fully developed in this section. The report must be read in its entirety for a comprehensive understanding of the subject property.

- The site was previously used for mining activities. The mining permit had a Phase 3 release in 2014. This aspect is seen as complete from a regulatory standpoint and therefore is not considered a recognized environmental condition (REC).
- There is a record of one domestic use well on-site but there are no plugging records; it was not found during the site reconnaissance.
- The property is largely undeveloped; supplying the necessary utilities and creating appropriate property access may incur additional costs. This may be considered a business environmental risk (BER).
- Radon is not within the scope of this assessment. However, the site is listed in the 0.0 2.7 pCi/L radon potential range based on rock type. EPA suggested radon action level is 4.0 pCi/L or greater, and the World Health Organization suggested action level is 2.7 pCi/L or greater. Radon testing may be necessary for site development which could incur additional costs. This may be considered a business environmental risk (BER).

Phase I ESA Hazard, KY Skyview Mine Site May 2023

2.0 Purpose

The purpose of this Phase I Environmental Site Assessment (ESA) was to document current and historical information on the subject property and surrounding area in order to identify, to the extent possible, recognized environmental conditions.

A recognized environmental condition (REC) is defined by ASTM E1527-21 as the presence or likely presence of any hazardous substance or petroleum products in, on, or at the property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

A historical recognized environmental condition (HREC), is defined by ASTM E1527-21 as a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority (as evidenced by the issuance of a no further action letter or other equivalent closure documentation) or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (e.g., property use restriction, activity and use limitations, institutional controls, or engineering controls).

A controlled recognized environmental condition (CREC), is defined by ASTM E1527-21 as a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (e.g., as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substance or petroleum products allowed to remain in place subject to the implementation of required controls (e.g., property use restrictions, activity and use limitations, institutional controls, or engineering controls).

De minimis conditions are defined in ASTM E1527-21 as a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis conditions are not recognized environmental conditions nor controlled recognized environmental conditions.

Business Environmental Risk is a risk which can have a material environmental or environmentally driven impact on the business associated with the current or planned use of a parcel of commercial real estate, not necessarily limited to those environmental issues required to be investigated in this practice. Consideration of business environmental risk issues may involve addressing one or more non-scope considerations.

2.1 Scope of Work

The scope of work, based on ASTM E1527-21, is to identify whether RECs, HRECs or CRECs are present on the site. The report is a general characterization of environmental concerns based on available information and site observations. The scope of work for this ESA included an evaluation of the following:

• Research of environmental regulatory database information at the federal, state and local levels within specified minimum search distances.

- A review of standard historical resources pertinent to the historic land usage of the subject property, adjacent properties, and the surrounding area.
- A review of current land use and existing conditions of the subject property, including
 observation and interviews regarding the use, treatment, storage, disposal or generation of
 hazardous substances, petroleum products, and hazardous or regulated wastes; storage tanks
 and drums; well, drains and sumps; and pits, ponds, or lagoons.
- A review of current land use of adjoining and surrounding area properties and the likelihood of known or suspected releases of hazardous substances or petroleum products to impact the subject property.
- A visual site investigation and general evaluation of the physical characteristics of the subject property using both area reconnaissance and published references.
- Conversations and/or interviews with current owners, local government officials, local regulatory personnel, and other knowledgeable persons in an effort to obtain information that may indicate recognized environmental conditions in connection with past uses and/or activities at the subject property.

In addition, the subject property was evaluated for Business Environmental Risks (BER). A BER is a risk, which can have a material environmental or environmentally driven impact on the business associated with the current or planned use of a parcel of commercial real estate, not necessarily limited to those environmental issues required to be investigated in this practice. There may be environmental issues or conditions at a property that parties may wish to assess in connection with commercial real estate that are outside the scope of this practice. As noted in the legal analyses of this practice, some substances may be present on a property but are not included in CERCLA's definition of hazardous substances or do not otherwise present potential CERCLA liability.

2.2 Significant Assumptions

No significant assumptions were made while preparing this report. It is possible that unreported disposal of waste or illegal activities impairing the environmental status of the subject property or adjoining properties may have occurred which could not be identified.

2.3 Limitations and Exceptions

This ESA was prepared in accordance with the scope and limitation of ASTM's E1527-21 process and is recognized by the U.S. Environmental Protection Agency (USEPA) as compliant with Standards and Practices for All Appropriate Inquiries (AAI). It has been prepared to assess the property with respect to hazardous substances defined in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and petroleum products.

A thorough attempt was made to identify recognized environmental conditions at or associated with the subject property. However, potential sources of contamination may have escaped detection due to: (1) the limited scope of this assessment, (2) the inaccuracy of public records, (3) unreported environmental incidents, and (4) lack of institutional memory.

Other limitations for this assessment include, but are not limited to the following:

• This site is undeveloped and tall vegetation may have covered some indicators of contamination.

• EDR searched their Sanborn Fire Insurance database but did not find map coverage for the subject property.

• The site has had previous mining activity but that does not necessarily have a relation to hazardous substances, so limited information came up in database searches about it.

2.4 Special Terms and Conditions

This assessment was performed for the Commonwealth of Kentucky by the Kentucky Energy and Environment Cabinet (EEC). This report is public record and is subject to the Kentucky Open Records Act.

2.5 User Reliance

Reasonable care was taken by EEC in checking information gained through interviews and any other secondary sources of data. This report was developed with the presumption that information obtained during the course of the assessment activities was factual in nature and was developed based on physical conditions observed during the May 10, 2023 site visit.

2.6 Location and Description

The subject property is located at Skyview Lane, Hazard, Kentucky. Site coordinates are latitude 37.249714 decimal degrees, and longitude –83.268876 decimal degrees. According to the Perry County Property Valuation Administrator's (PVA) office, the subject site is two parcels: 063-00-00-063.0 and 064-00-00-006.00. Mtn. View Inc. is listed as the owner of parcel 063-00-00-063.00, and Glenn Baker is listed as the owner of parcel 064-00-00-006.00. However, the property has been surveyed and a new property boundary has been defined and it appears the PVA office has not updated their online property search at the time of this assessment. The new property boundary is recorded in Deed Book 415 page 157 in the Perry County Clerk's office and contains 47.18 acres. A plat map of the new property boundary is included as Appendix D.

Description for a certain tract or parcel of land, lying and being in the Commonwealth of Kentucky, County of Perry, near the Community of Coal Harbour, Kentucky, lying on the south side of the Hal Rogers Parkway, and being more particularly described as follows:

Unless otherwise stated any monument referred to as a capped pin set is an 18" inch rebar 5/8" inch diameter with a plastic cap inscribed R.M. Johnson Engineering, PLS 3521 or Roy D. Patrick PLS 3521.

Beginning at a 5/8 inch rebar set at the southeast corner of the tract herein described; Said point being a common corner to the MRI Properties, INC. property remaining, as recorded in the Perry County Clerk's Office in Deed Book 415 Page 157, and the new boundary herein described, and has a KY State Plane Single Zone Coordinate value of North: 3,623,057.09 and East: 5,644,270.32. Thence following the new boundary, severing said MRI Properties, INC. property for twenty one (21) calls as follows:

S 59°51'28" W a distance of 202.66' to a capped pin set;

N 30°28'41" W a distance of 25.46' to a capped pin set in the east boundary of an access and utility easement;

S 59°31'19" W a distance of 50.00' to a capped pin set in the west boundary of same access and utility

S 59°31'19" W a distance of 225.00' to a capped pin set;

N 30°28'41" W a distance of 26.32' to a capped pin set in the east boundary of an access and utility easement;

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S 59°31'19" W a distance of 50.00' to a capped pin set in the west boundary of same access and utility S 53°55'11" W a distance of 336.95' to a capped pin set; N 39°00'29" W a distance of 1,540.12' to a capped pin set; N 23°24'24" E a distance of 271.84' to a capped pin set; N 39°34'38" E a distance of 124.79' to a capped pin set; N 38°35'04" W a distance of 39.37' to a capped pin set; N 18°23'44" W a distance of 938.29' to a capped pin set; N 02°25'45" W a distance of 608.02' to a capped pin set; N 87°34'15" E a distance of 289.98' to a capped pin set; S 05°46'15" E a distance of 338.18' to a capped pin set; S 15°09'33" W a distance of 226.38' to a capped pin set; S 18°23'44" E a distance of 550.46' to a capped pin set; S 53°47'02" E a distance of 86.10' to a capped pin set; S 44°18'54" E a distance of 103.20' to a capped pin set; S 50°26'32" E a distance of 96.69' to a capped pin set; S 66°35'36" E a distance of 591.30' to a capped pin set; S 30°28'41" E a distance of 1,351.07' to the point of beginning containing 47.18 Acres (2,055,005 SF) more or less as per a survey by RM Johnson Engineering completed on February 21, 2023.

Site maps are included in Appendix A.

3.0 User Provided Information

User provided information is intended to help identify the possibility of recognized environmental conditions in connection with the subject property. A user may include, without limitation, a potential purchaser of property, a potential tenant of property, an owner of property, a lender, or a property manager.

The Commonwealth of Kentucky is identified as the user of this ESA. The Commonwealth of Kentucky intends to receive this property as a donation and redevelop, in conjunction with nonprofit organizations, it as a "high grounds" housing location for victims of flooding in Kentucky. A tentative site plan is drawn on the plat map and is included in Appendix D.

3.1 Title Records

Campbell, Rodgers & Stacy PLLC, on behalf of the Finance and Administration Cabinet, conducted a title search of the subject site. The Title Opinion is attached as Appendix E; please note that the title opinion may include more lands owned by MRI Properties Inc. than just the subject site. According to the Perry County Clerk, the subject property is owned by MRI Properties Inc. The current deed is dated May 11, 2021 and is recorded in Deed Book 415 page 157 of the Perry County Clerk's office, specifically tracts 1, 2, 4 and 20 therein for a period ending February 24, 2023.

3.2 Environmental Liens or Activity and Use Limitations (AULs)

No environmental liens or activity use limitations were found on the subject property. However, easements identified in the title search conducted by Campbell, Rodgers & Stacy PLLC for the subject property include:

- Power line easement from MRI Properties Inc. to Kentucky Power Company dated April 14, 2022, of record in Deed Book 422, Page 528. Location is not detailed.
- Pipeline easement from Roy Campbell to Cut Through Hydrocarbon dated April 26, 2007, of record in Deed Book 331, Page 67.
- Pipeline easement from Kentucky Mountain Partners to West Bay Exploration Company dated March 11, 2002, of record in Deed Book 292, Page 347 conveying a 30-foot pipeline right of way.
- Possible gas meter site easement. Kentucky Mountain Partners entered into a Meter Site
 Agreement with Kentucky and West Virginia Gas Co. Dated March 11, 2002, of record in Deed
 Book 292, Page350 conveying a gas meter site easement. Said agreement contains no
 description of the property or back reference. Therefore, determining if the easement is on the
 subject property or another property is not possible.
- The property is subject to a Coal Lease from Maude Stollings and the Arnold Stollings heirs to Reeves Coal Company Inc. Dated May 1, 1975, and of record in Lease Book 21, Page 317. Said Lease is for an initial term of two years, with a possible extension of 3 years, and thereafter for so long as coal is mined from the property.
 - Curative Action. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.
- Possible power line easement. Tug Baker and Elizabeth Baker granted a power line easement
 across the parent tract to the property to Kentucky and West Virginia Power Company by Deed
 dated September 16, 1946, of record in Deed Book 90, Page 325. The parent tract was larger
 than this subject tract. Therefore, determining if the easement is on the subject property or the
 remainder of the parent tract is not possible.
- Cell tower engine access easement. AT&T was granted access to a 12-foot-wide tract of land to be used as an access easement. The location is detailed in the plat map associated with the current deed.

3.3 Specialized Knowledge

No previous Environmental Site Assessments were provided for this property. However, the EEC Division of Waste Management did conduct a limited site screening during January 2023 involving collecting soil samples and testing them for metals. During this screening, three samples were collected from the subject site and four samples were collected immediately adjacent to the subject site. The samples were tested for concentrations of metals. None of the sample results warranted regulatory action. The Skyview Former Mine Site Investigation Report is included as Appendix F.

4.0 Records Review

4.1 Physical Setting Sources

An electronic database search of files maintained by the U.S. EPA and the Kentucky Department of Environmental Protection (KDEP) was conducted by EDR on April 27, 2023 to evaluate the regulatory history of the subject property and surroundings properties. The search of standard federal and state regulatory agency databases was conducted to identify listings for the subject property and adjoining properties and to evaluate sites within applicable ASTM E1527-21 and AAI defined search radii that

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could cause actual or potential environmental impacts. EEC personnel conducted additional searches. Information used in evaluating the subject property include the following sources:

- USGS 7.5 Minute Geologic Quadrangle Map, Krypton, Hyden East, Hazard North, and Hazard South, KY Quadrangles;
- Kentucky Department for Environmental Protection: TEMPO Database;
- United States Department of Agriculture, Natural Resources Conservation Service; http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm;
- US Fish and Wildlife Service National Wetlands Inventory: https://www.fws.gov/wetlands/Data/Mapper.html;
- Environmental Data Resources, Inc. (EDR) EDR Radius Map™ Report with GeoCheck;
- EDR Certified® Sanborn Map Report;
- EDR Historical Topo Map Report;
- EDR Aerial Photo Decade Package;
- EDR City Directory Report.

4.2 Site Vicinity and General Characteristics

The site is located off the Hal Rodgers Parkway, at the end of Skyview Lane in Hazard, Perry County, Kentucky. The site is largely undeveloped – hilly with vegetation and a pond located on the northern end of the site. In addition, there is a cell tower engine on the northwest corner of the property.

4.3 Soil

The subject property is located in a mixed-use area approximately 5 miles from Hazard, KY. Information for the soil in the area was obtained from the United States Department of Agriculture (USDA) Web Soil Survey. According to the database, there are five types of soils present on-site that are summarized in the table below. The dominant soil type for the subject property is Fairpoint and Bethesda soils. A soil map of the site is located in Appendix A.

Map Unit Symbol	Map Unit Name	Acres in Area of Interest (AOI)*	Percent of AOI
FaB	Fairpoint soils, undulating	14.4	11.7%
FaF	Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony	94.7	76.9%
uShgF	Shelocta- Highsplint- Gilpin complex, 20 to 70 percent slopes, very stony	0.7	0.5%
uUduE	Udorthents- Urban land- Rock outcrop complex, 0 to 35 percent slopes	11.6	9.4%
DLF	Matewan- Marrowbone- Latham complex, 20 to 80 percent slopes, very rocky	1.8	1.5%

^{*} Please note that the area of interest is based on the previous parcel boundaries and not the new parcel boundary surveyed in February 2023 so additional acreage is included in the table.

The US Fish and Wildlife Service's National Wetlands Inventory does not indicate wetlands areas on the property. However, it does list a 0.51 acre freshwater pond on the property adjacent to the southwest.

4.4 Geology

According to the Kentucky Geological Survey, two main geologic units make up the subject site: the Four Corners formation (Pfc) and the Princess formation (Ppr). The top 0-40 feet of the Four Corners formation is alluvium primarily made up of silt, sand, and lesser amounts of silty clay and pebble- to cobble-sized gravel. This is underlain by primarily coal beds. Coal beds present include the following: the Knob coal zone, the Hindman Coal bed, Francis coal bed, Hazard coal beds, Haddix coal bed, Hamlin coal zone, Fire Clay coal beds, Whitesburg coal beds, and the Amburgy coal bed. The Princess formation is topped with 0-20 feet of alluvium, consisting of sand, silt, clay, and gravel along larger streams. It is underlain by multiple unnamed coal beds, as well as the following coal beds: Hindman, Francis, Hazard, Haddix, Copland, Hamlin, Fire Clay, Whitesburg, and Amburgy.

4.5 Groundwater

This property does not currently have potable water service available from local utilities. A water and sewer expansion project is slated for completion in August 2023.

There is a record of one residential use well on the site but very little information about it is available. There are records of two domestic use wells on the adjacent properties to the northwest. More information about these wells is listed below.

	Domestic Use Wells						
AKGWA#	Name	Status	Condition	Latitude	Longitude	On-site?	
60002431	Not Reported	Not Reported	Not Reported	37.250556	-83.268889	Yes	
00062760	Jeff & Bethel Baker	Active	Functioning Properly	37.254444	-83.274167	No, adjacent	
00037492	Willard Turner	Active	N/A	37.254167	-83.275000	No, adjacent	

There is a record of one oil and gas well on site but little information in available about it. The information that is available is listed in the table below.

	Oil and Gas Wells							
KGS Record and Permit #	Original Farm/Lease Name	Original Operator	Bore Type	How Completed	Plug Date	Lat.	Long.	
Record 16154, Permit 34703	Ellison, R, Etal	Controlled Resources Oil & Gas	Con- ventional vertical well bore	Terminated (permit expired or cancelled)	Not Reported	37.252 649	- 83.269 349	

The Division of Oil and Gas was contacted for more information on this well. According to the KDOG state well database, the referenced Permit 34703 in Perry County was a well permit issued on May 22, 1979, to Controlled Resources Oil and Gas Corp. But the permit expired, and the well was never drilled.

4.6 Standard Environmental Records Review

The services of Environmental Data Resources, Inc. (EDR) were used by the EEC to review the required federal and state databases for records regarding possible hazardous material handling, spills, storage, production, or remediation at the Property or in the vicinity areas of the subject property that could constitute a recognized environmental condition.

4.7 EDR Radius Map™ with GeoCheck®

The regulatory database search included an EDR Radius Map™ with GeoCheck®. A copy of the report is included in Appendix B, and a summary of the findings is listed in the table below.

Regulatory Database	Minimum Search Distance	Property Listed	# of Sites Listed
Federal National Priority List (NPL)	1 mile	no	0
Federal De-listed NPL	½ mile	no	0
Federal CERCLIS	½ mile	no	0
Federal CERCLIS NFRAP	½ mile	no	0
FEDERAL RCRA CORRACTS	1 mile	no	0
Federal RCRA non-CORRACTS TSD	½ mile	no	0
Federal RCRA Generators	¼ mile	no	0
Federal Institutional/ Engineering Control Registry	½ mile	no	0
Federal ERNS	¼ mile	no	0
State CERCLIS	1 mile	no	0
State Hazardous Waste Site	1 mile	no	0
State Solid Waste Disposal Sites	½ mile	no	0
State Leaking Storage Tank Lists	½ mile	no	0
State Registered Storage Tank Lists	¼ mile	no	0
State Institutional/Engineering Control Registry	½ mile	no	0
State Voluntary Cleanup Sites	½ mile	no	0
Federal/ State Brownfield Sites	½ mile	no	0
Records of Emergency Release Reports	¼ mile	no	0

The EDR Report did not identified any potential high-risk properties, such as manufactured gas plants, historic auto stations or historic cleaners within required search radii. It found no mapped sites within the search criteria. The target property itself was also not listed in any of the databases searched by EDR.

The fact that sites do or do not appear on a list does not necessarily indicate that an environmental concern exists. In addition, sites may not be mapped in a list search due to inaccuracy of owner/operator records, government records, or errors occurring during conversion of the data by informational sources. A copy of the EDR Radius Map™ Report with GeoCheck® is included in Appendix B.

4.8 Topographic Maps

Historical topographic maps provide information related to the land configuration such as elevation, ground slope, surface water, buildings, and other land features. A search for historical topographic maps of the subject property and surrounding area was conducted by EDR and provided to the DWM in a Historical Topographic Map Report dated April 27, 2023. Topographic Maps were provided for various years between 1891 - 2019. A copy of the report is included in Appendix B and summarized as follows:

Year(s)	Topographic Map Observation
1891	There is no observable development on or around the subject property
1913, 1914, 1916	Subject Property: There is not an available map for the southern half of the subject property. On the northern half of the subject property, Willard Creek terminates midway through the property and a road follows the creek laterally. There are not any observable structures on site.
	Surrounding Properties: A couple buildings are depicted on surrounding properties to the north, west, and east.
1916	There is not an available map for the northern half of the subject property, no observable development on southern half of property.
1919	There is not an available map for the northern half of the subject property; no observable development on the southern half of the property. Willard Creek flows to the south on the subject site.
1954	Four buildings and a road are depicted on the subject site; Willard Creek flows through the property laterally and terminates on-site.
1961	Four buildings and a road are depicted on site, as well as a mine entrance. Willard Creek is now depicted as an intermittent stream.
1972	There is not an available map for the southern half of the subject property; there is not observable development on the northern half of the property. Willard Creek terminates on the northernmost tip of the subject site.
1980	There is not an available map for the northern half of the subject site; the southern half of the site does not depict development. There is a gas well and mine located on the adjacent area to the west.
2013	There is no development depicted on or around the subject site. Willard Creek terminates on the northernmost tip of the subject site.
2016	There is no development depicted on or around the subject site. A pond is depicted near the northernmost tip of the subject site.
2019	There is no development depicted on or around the subject site. A pond is depicted near the northernmost tip of the subject site.

4.9 Aerial Photographs

Aerial photographs can provide a general idea of the activity in the area. However, they can only represent the site at the time which they were taken and may not be an accurate representation for longer periods of time. A search for aerial photographs of the subject property was conducted by EDR and provided to the EEC in an Aerial Photo Decade Package dated April 28, 2023. Photos were provided for years from 1953 to 2020. A copy of the EDR Aerial Photo Report is included in Appendix B and a summary is presented in the following table.

Year	Aerial Photograph Observation
1953	The image is not very clear and was not georeferenced, so the exact site location is unknown. The area does not appear to be developed other than a couple of roads.
1960	The image is not very clear and was not georeferenced, so the exact site location is unknown. The area does not appear to be developed other than a couple of roads.
1977	The image is not very clear but the outer perimeter of the subject site appears to be wooded and the center of the property cleared. There are no discernable structures.
1988	The image was not georeferenced, and the exact site location is unknown. The area appears to be largely covered in vegetation and have a rocky terrain. A couple roads are visible.
1995	A majority of the site appears to be cleared of vegetation. There are several roads on site but no observable structures.
2008	There is a pond on the northern end of the site. The eastern side of the property is largely wooded, and the remainder of the site is mostly cleared with grasses. There is a main road which loops around the property and some smaller connecting roads. There are no observable structures.
2012	There is a pond on the northern end of the site. The northeastern corner of the property is wooded, and the remainder of the site is mostly cleared with grasses. There is a main road which loops around the property. There are no observable structures on site but there is a building immediately adjacent to the property to the north.
2016	There is a pond on the northern end of the site but appears to be mostly dry. The eastern edge of the property is wooded, and the remainder of the site is mostly cleared with grasses and shrubs. There is a main road which loops around the property. There are no observable structures on site but there is a building immediately adjacent to the property to the north.
2020	There is a pond on the northern end of the site. The northeastern corner of the property is wooded, and the remainder of the site is mostly cleared with grasses and shrubs. There is a main road which loops around the property. There are no observable structures on site but there is a building immediately adjacent to the property to the north.

4.10 Sanborn Fire Insurance Maps

A search for Sanborn fire insurance maps for the subject property and surrounding area was conducted by EDR and provided to EEC in a Certified Sanborn® Map Report dated April 27, 2023. The Certified Sanborn Results indicate that the complete holdings of the Sanborn Library, LLC collection were searched and based on the target property information; fire insurance maps covering the target property were not found. A copy of the certified Sanborn map report is provided in Appendix B.

4.11 City Directories

A search of historical city directories for the subject property and adjacent properties was conducted by EDR and provided to EEC in an EDR City Directory Abstract dated May 2, 2023. The City Directory did not find any cross streets listed in the sources, or any images. It did find a record from 2017 "764 The Body Shop" located on Hal Rodgers Parkway. No other information was provided, and it is assumed that this is a nearby business. A copy of the EDR City Directory Report is included in Appendix B.

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5.0 Site Reconnaissance

As part of a Phase I ESA, an onsite investigation, or site reconnaissance, is performed in an effort to identify recognized environmental conditions. Sarah Yount, Ken Logsdon, and Jean Weaver of the EEC Division of Waste Management conducted site reconnaissance on May 10, 2023. The property owner, MRI Properties Inc. represented by Paul Ison, granted access to the property via a signed Right of Entry Consent form dated January 20, 2023.

5.1 Site Reconnaissance Methodologies

The purpose of the site reconnaissance was to gather information regarding the environmental condition of the subject property and surrounding areas. The reconnaissance consisted of a visual observation of the subject property and the adjacent property containing Frontline Ministries. Other adjacent properties were observed as viewed from the subject property and surrounding streets. No buildings exist on the property. Most areas of the property were accessible but highly vegetated. Some of the tall and harsh vegetation (thorns) limited access to a few areas of the site.

Photographs of the property and adjacent properties taken during the site reconnaissance are included in Appendix C.

5.2 Current Property Use

Currently the property is vacant land, with the exception of the cell tower engine, and does not have an official use.

5.3 Current Use of Adjacent Properties

Adjacent properties currently have varying uses. One adjacent property is largely surrounded by the subject property, and it is used as a church called Frontline Ministries. This property also has a residence on-site. Other adjacent property uses appear to be largely vacant land except for a cemetery (Fields Cemetery) and some residential use.

5.4 Past Property Uses

Campbell, Rodgers & Stacy PLLC, on behalf of the Finance and Administration Cabinet, conducted a title search of the subject site. This included copies of the deeds for the property. EEC personnel reviewed the deeds back to 1940. The table on the next page shows a summary of the approximate historical ownership of the subject property.

Please note that Paul Ison is the president of both Mt. View Inc. and MRI Properties Inc. And the companies may sometimes be used interchangeably. According to the Perry County Clerk, the subject property is owned by MRI Properties Inc. The current deed is dated May 11, 2021, and is recorded in Deed Book 415 page 157 of the Perry County Clerk's office, specifically tracts 1, 2, 4 and 20 therein for a period ending February 24, 2023, when the new parcel boundary was surveyed. Tract 1 covers most of the subject property and only the deed search for it is included in this assessment.

	Tract 1						
Dates	Grantor	Grantee	Deed Book/ Page Number				
10/14/2021	MRI Properties Inc.	Mtn. View Inc.	418/267				
6/7/2021	Roy Campbell Estate	Mtn. View Inc.	415/538				
5/11/2021	Roy Campbell Estate	MRI Properties Inc.	415/157				
3/14/2003	Ronald and Mary Elizabeth Deaton, Kentucky Mountain Partnership Inc.	Roy Campbell	298/602				
1/14/2003	Kentucky Mountain Partnership Inc.	Roy Campbell	297/550				
5/31/1996	Kentucky Mountain Partnership, a partnership	Kentucky Mountain Partnership Inc.	258/328				
4/14/1989	R&W Land Company Inc.	Kentucky Mountain Partnership	221/101				
12/19/1986	Ronald and Mary Deaton, Winfred and Edna J. Smith	R&W Land Company Inc.	212/448				
10/3/1983	Herman and Marilyn Colwell	Ronald Deaton and Winfred Smith	197/9				
8/2/1980	Maude Stollings	Herman Colwell	183/481				
8/23/1976	Emma and Silas Hogg, Rufus and Thelma Stollings, Inis and Woodson Begley, Catherine and Charlie Duff, Gary and May Belle Stollings, Larry Dean Stollings, Benny Stollings (Arnold Stollings heirs)	Maude Stollings	169/603				
2/4/1957	Tug and Elizabeth Baker	Arnold and Maude Stallings	115/387				
5/4/1942	Bob and Presilla Williams	Tug and Elizabeth Baker	78/280				

Based on the historic topographical maps, there was mining on or around the subject property in the 1960s and 1980s.

5.5 Past Uses of Adjacent Properties

The adjacent property containing Frontline Ministries show the presence of the church since at least 2013 based on historical aerial imagery from Google Earth. Based on historical imagery from Google Earth, an interview with the property owner Paul Ison, the EDR Historical Topo Map Report, and the EDR Aerial Photo Decade Package past uses of the other adjacent property have mostly been mine lands, vacant lands, and a residence.

5.6 Descriptions of Structures, Roads, and Other Improvements

The subject property is located at Skyview Lane in Hazard, KY. The PVA office lists the site address as "off Daniel Boone Parkway." The property is surrounded by mixed-use (residential, commercial, church, cemeteries) properties. There is one main access to the property from Skyview Lane, off of Briar Fork Circle Road (close to Hal Rodgers Parkway). No permanent structures were observed on the property. A gravel road loops around the perimeter of the property. Some smaller, less maintained, dirt/grass roads

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to the south of the property connect with this main loop. The "main loop" road ends at the northwestern corner of the property where the cell tower engine is located.

5.7 Site Observations

There are no structures on the site. The gravel road is fairly cleared and maintained. There is a gate located about midway down the eastern side of the gravel road. It is locked with a chain and padlock. The gate has a sign on it stating the following:

Vertical bridge Site Name: Couchtown KY Site Number: US-KY-5134 FCC Tower ID: 1319654

The sign also had some contact information below this and stated, "no trespassing." It is believed this sign is in relation to the cell engine tower on-site.

The subject site is hilly with a slightly rocky terrain. There is a lot of grown-up shrubby vegetation. There are some large trees on site, but a vast majority of the vegetation is shrubs and grasses. Some areas have blackberry thickets with lots of thorns which make them very difficult to trek.

5.8 Underground Storage Tanks (USTs) and Aboveground Storage Tanks (ASTs)

No indications of USTs or ASTs were observed during the site visit on May 10, 2023. No records stating that there were USTs or ASTs on site have been found.

5.9 Hazardous Substances/Waste and Petroleum Products

No hazardous waste or petroleum products were observed onsite during the site investigation. There are records of previous mining activities but none of the records indicate that the mining used or produced hazardous substances/wastes and/or petroleum products in ways or quantities which warrant regulatory action.

5.10 Odors

No petroleum odors were noticed on the subject property during the site reconnaissance.

5.11 Pits, Ponds, and Lagoons

One pond was observed in aerial imagery on-site and its presence was confirmed during the site reconnaissance. The water color of the pond looked normal and there were no odors or distressed vegetation observed surrounding the pond.

5.12 Stained Soil/Pavement

No evidence of stained soil or pavement was observed during the site reconnaissance.

5.13 Wastewater

No evidence of process wastewater discharge into a drain, ditch, or stream was observed on the property. No records of sewer service or septic systems on the subject property were found during research.

5.14 Wells

There is a record of one oil well and one domestic use well on-site. Available information about them is listed on the next page. Wells on adjacent sites were not investigated.

Domestic Use Well							
AKGWA # Name Status Condition Latitude Longitude							
60002431	Not Reported	Not Reported	Not Reported	37.250556	-83.268889		

Oil and Gas Well								
KGS Record and Permit #	Original Farm/Lease Name	Original Operator	Bore Type	How Completed	Plug Date	Lat.	Long.	
Record 16154, Permit 34703	Ellison, R, Etal	Controlled Resources Oil & Gas	Con- ventional vertical well bore	Terminated (permit expired or cancelled)	Not Reported	37.25 2649	-83.26 9349	

During the site reconnaissance, the coordinates for the two wells were inputted in a GPS unit and the areas were investigated with a metal detector. EEC personnel made it about 10 meters (per the GPS unit) from the coordinates for the domestic use well. At that point, the terrain had a steep decline. Personnel attempted to climb down to the coordinate location but thick vegetation with a lot of thorns prevented them from reaching the location. The area accessible up to this point was screened with the metal detector but nothing was found. EEC personnel were also unable to reach the coordinates for the oil well. They made it within 15 meters of the coordinate location and then the area was under water. It was later determined that the oil well was never drilled and does not exist.

5.15 Septic Systems

No evidence of septic systems was observed during the site visit. The property owner, Paul Ison, was unaware of a septic tank ever being at the subject property.

6.0 Interviews

Interviews were conducted with persons familiar with the subject property in order to obtain information regarding the presence or possible presence or recognized environmental conditions in connection with the subject property.

6.1 Current Property Owner

The current property owner is MRI Properties Inc., represented by Mr. Paul Ison. Mr. Ison was interviewed via phone call on May 8, 2023. Mr. Ison completed an owner questionnaire by phone and his answers are consistent with information found during historical document review. Some of his answers to the user questionnaire including the following:

- When asked how long he has owned the property, Mr. Ison stated that he obtained the property "in the early 2000s" and has had it "for about 20 years."
- Prior property use was "strip mining" and before that Mr. Ison confirmed that it was vacant land.
- When asked about adjacent property uses, Mr. Ison said that he "thought the whole area had been used for mining."

- He was not aware of any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, at, or from the subject property.
- He was not aware of any administrative proceedings relevant to hazardous substances or petroleum products in, on, at, or from the subject property.
- He was not aware of any government notices regarding to violation of environmental laws relevant to hazardous substances or petroleum products in, on, at, or from the subject property.
- Mr. Ison stated that he "didn't think that there had ever been a building on the site" and in relation confirmed that there was not a septic tank or storage tank on-site.
- When asked about the pond on-site, Mr. Ison did say that he believed "it is related to the mining" and not naturally occurring.

6.2 State Government Representative

Courtney Skaggs, an Environmental Scientist Consultant Senior in the Commissioner's Office for the Department of Natural Resources (DNR), was interviewed as a state government representative for the site. Working in the DNR, Ms. Skaggs is familiar with the past mining uses of the property. When asked to elaborate on the history of mining at the site, she had the following response:

"The Skyview project area was initially permitted under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) by the Commonwealth of Kentucky, Department for Natural Resources (DNR) on July 2, 1997. The DNR is the state primacy agency with the regulatory authority for permitting, inspection and enforcement authority under SMCRA. The initial permit issuance to Leslie Resources, Inc., permit no. 897-0396 resulted in two (2) transfer applications due to ownership and control changes. The first transfer of rights was issued to LCC Kentucky LLC, permit no. 897-0466 on September 1, 2005 and the second transfer of rights to Revelation Energy, LLC, permit no. 897-0563 on October 22, 2012. The permittee successfully reclaimed the permit area and was granted Phase III release on March 6, 2014."

Ms. Skaggs was asked if the pond on-site has any relation to the previous mining activities. She responded that "[t]he SMCRA permit is released from our jurisdiction. If there is a pond remaining, then it would have been made a permanent facility upon the request of the landowner. When asked if she was aware if the mining activities related to hazardous substances in any way, Ms. Skaggs stated that she is not aware of any hazardous substances related to the mining of this property.

Ms. Skaggs was also asked about the record of a gas well on-site. She referred the environmental professional to contact Denis Hatfield, Director of the Kentucky Division of Oil and Gas, about the matter. Information gathered from Mr. Hatfield is listed in section 4.5 Groundwater above.

6.3 Adjacent Property Representative

The adjacent property, which is almost entirely surrounded by the subject property, contains Frontline Ministries and a residence. James Madden occupies the residence and was interviewed about the subject property. Mr. Madden also granted verbal access to walk around the adjacent property. Mr. Madden was asked if he was aware of the user's intent to redevelop the subject property for housing, Mr. Madden stated that he was. Mr. Madden was not aware of any wells on the subject property. Mr. Madden did have comments about drainage issues on the adjacent property. The western side of the adjacent property, especially the southwest corner, appears to have drainage issues evidenced by standing water and the presence of bulrushes, a wetland plant. The issue is great enough that Mr. Madden said he would likely need to move his residence, which is a mobile home. Mr. Madden stated

Phase I ESA Hazard, KY Skyview Mine Site May 2023

that he had spoken to the "Department of Mines and Minerals" about the issue, and they said they would try to address it.

7.0 Evaluation

The EEC has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-21 of the property located on Skyview Lane in Hazard, KY. Any exceptions to, or deletions from, this practice were described in this report. The assessment did not find evidence of Recognized Environmental Conditions (REC) in connection with the property.

7.1 Findings

Through this environmental assessment and records review, it was determined that the property has largely been unused except for some mining purposes. There was no indication found that the previous mining activities had any relation to hazardous substances or petroleum products. In addition, the mining permit had a Phase 3 release in 2014. This aspect is seen as complete from a regulatory standpoint and therefore is not considered a recognized environmental condition (REC).

There is a record of one domestic use well on-site but there are no plugging records; it was not found during the site reconnaissance so there is the possibility that it exists on-site. However, due to the inability to reach the coordinate location recorded for the well, it is likely unused if it does still exist.

There is a record of one oil or gas well on-site. EEC personnel were unable to go to the coordinate location recorded for the well during the site reconnaissance due to it being under water. It was later determined that the permit for the well expired and it had never been drilled.

There is a pond on the northern end of the property. It may have had relation to the previous mining activities but should have had all necessary remediation and is now a permanent site feature. No issues relating to the pond were identified during the site reconnaissance.

Based on this information, no recognized environmental conditions (RECs), HRECs, or CRECs were identified for the site during this assessment.

7.2 Business Environmental Risks (BER)

The property is largely undeveloped; supplying the necessary utilities and creating appropriate property access may incur additional costs.

Radon is not within the scope of this assessment. However, the site is listed in the 0.0 - 2.7 pCi/L radon potential range based on rock type. EPA suggested radon action level is 4.0 pCi/L or greater, and the World Health Organization suggested action level is 2.7 pCi/L or greater. Radon testing may be necessary for site development which could incur additional costs.

7.3 Opinions

Based on the history of the property and documents reviewed, it is unlikely that the property has contamination remaining on site that warrants regulatory action at this time.

Phase I ESA Hazard, KY Skyview Mine Site May 2023

7.4 Conclusions

EEC performed a Phase I ESA in conformance with the scope and limitation of AST Practice E1527-21 at the site located at the end of Skyview Lane, Hazard, Kentucky. Any exceptions to or deletions from, this practice are described in Section 7.6 of this report. This assessment did not reveal recognized environmental conditions in connection with the property as described above. Further environmental assessments are not recommended at this time with the exception of assessments (such as geotechnical or radon) that may be related to future property development.

7.5 Additional Investigations

This assessment and review of current and historical information has not revealed evidence of Recognized Environmental Conditions. At this time, it is the opinion of the Environmental Professional that additional environmental assessment is not necessary. However, rocky terrain was observed at the site and a geotechnical survey may be necessary before there is further site development.

7.6 Deletions and Exceptions

No exceptions to, or deletions from, ASTM Practice 1527-21 were noted in the preparation of this report.

8.0 Non-Scope Services

The presence of asbestos containing materials, mold, lead-based paint and other biological agents are not part of the ASTM Practice 1527-21 and are beyond the scope of this report. As no permanent structures were observed on-site, it is unlikely that there is a vessel for these materials.

Per- and Polyfluorinated Substances (PFAS) are considered emerging contaminants and are not within this scope of work.

Radon is not within the scope of this assessment.

9.0 Signature of the Environmental Professional

I, Kenneth Logsdon, declare that, to the best of my professional knowledge and belief, I meet the definition of an Environmental Professional as defined in 40 CFR 312.0. I possess sufficient specific education, training and experience necessary to exercise professional judgement to develop opinion and conclusion regarding conditions indicative of releases or threatened releases on, at, in, or to the subject property. I have developed and performed all the appropriate enquires in conformance with the standards and practices set forth in 40 CFR Part 312.

Hen Chogodon

Kenneth Logsdon, P.G. Registered Geologist Supervisor Petroleum Cleanup Section Superfund Branch May 16, 2023

Date

Phase I ESA Hazard, KY Skyview Mine Site May 2023

10.0 References

Kentucky Environmental and Public Protection Cabinet. Kentucky Department for Environmental Protection TEMPO Database.

U.S. Department of Agriculture, Natural Resources Conservation Service Web Soil Survey:

https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx

Kentucky Geological Survey, Kentucky Geologic Map Information Service:

https://kgs.uky.edu/kygeode/geomap/

Kentucky Geological Survey, Kentucky Groundwater Repository Data:

https://kgs.uky.edu/kgsmap/KGSWater/viewer.asp

Kentucky Geological Survey, Radon Potential Map: https://www.uky.edu/KGS/radon/

US Fish and Wildlife Service National Wetlands Inventory

https://www.fws.gov/wetlands/Data/Mapper.html Environmental Data Resources, Inc.

The EDR Radius Map™ Report with GeoCheck®, Skyview Site – Perry County, Hal Rodgers Parkway, Hazard, KY 41701. Inquiry Number: 7321455.2s. April 27, 2023.

Environmental Data Resources, Inc. Certified Sanborn Map Report, Skyview Site – Perry County, Hal Rodgers Parkway, Hazard, KY 41701. Inquiry Number: 7321455.3. April 27, 2023.

Environmental Data Resources, Inc. EDR Historical Topo Map Report, Skyview Site – Perry County, Hal Rodgers Parkway, Hazard, KY 41701. Inquiry Number: 7321455.4. April 27, 2023.

Environmental Data Resources, Inc. EDR City Directory Image Report, Skyview Site – Perry County, Hal Rodgers Parkway, Hazard, KY 41701. Inquiry Number: 7321455.5. May 2, 2023.

Environmental Data Resources, Inc. EDR Aerial Photo Decade Package, Skyview Site – Perry County, Hal Rodgers Parkway, Hazard, KY 41701. Inquiry Number: 7321455.8. April 28, 2023.

Personal Interviews

A. Paul Ison (representative of MRI Properties Inc.), owner of the subject property

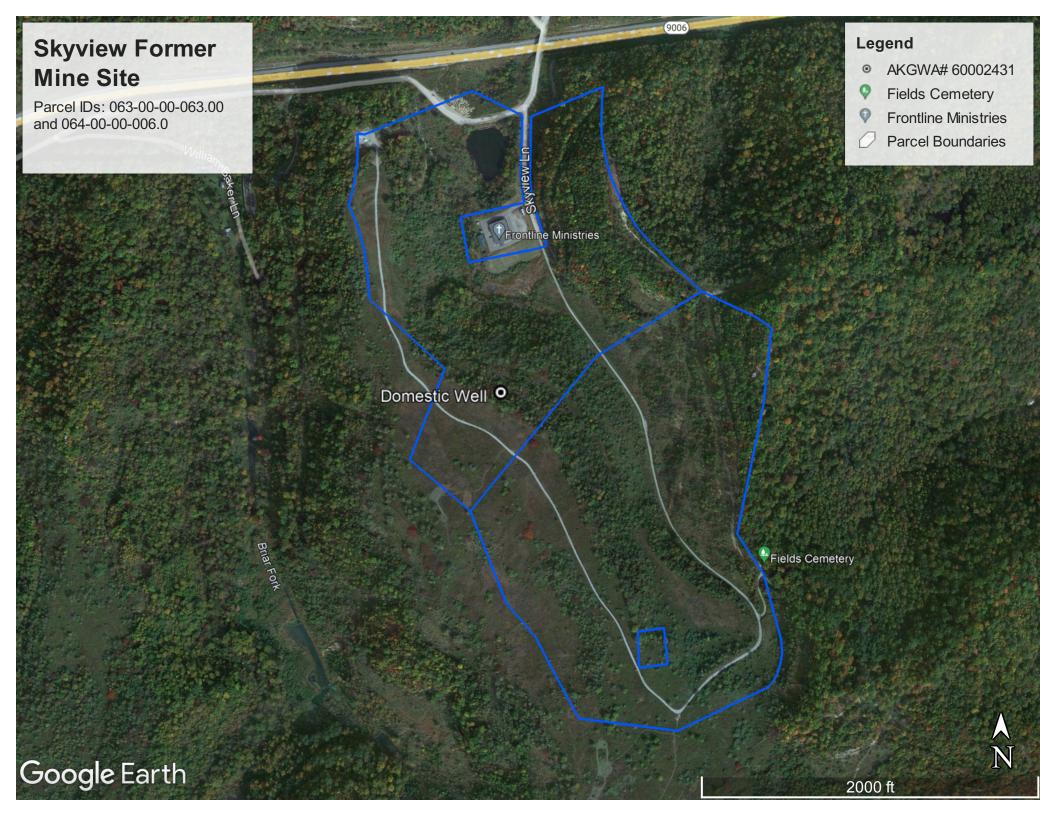
B. Courtney Skaggs, (Environmental Scientist Consultant Senior in DNR's Commissioner's Office) state government representative

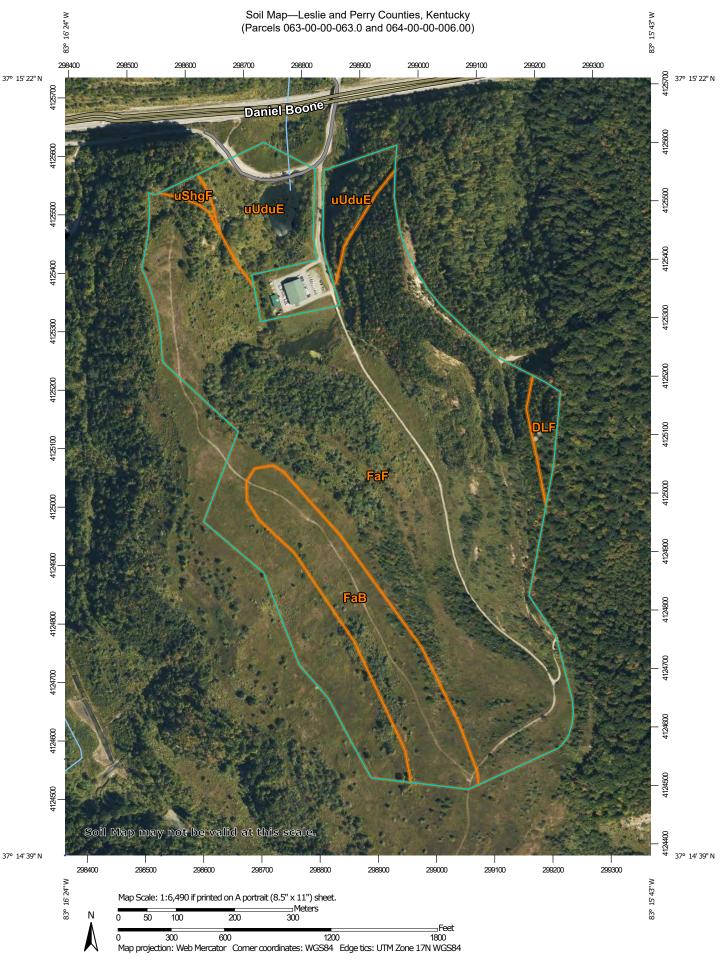
C. James Madden, adjacent property resident

Appendices

- A. Site Maps
- **B.** Historic Documents
 - i. EDR Radius Map Report™ with GeoCheck®
 - ii. EDR Certified Sanborn® Map Report
 - iii. EDR Historical Topo Map Report
 - iv. EDR Aerial Photo Decade Package
 - v. EDR City Directory
- C. Property Photographs
- D. Plat Map
- E. Corrective Action Completion Report
- F. Skyview Former Mine Site Investigation Report
- G. Qualifications

Appendix A
Site Maps





MAP LEGEND

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Water Features

Transportation

Background

Spoil Area

Stony Spot

Wet Spot

Other

Rails

US Routes

Major Roads

Local Roads

Very Stony Spot

Special Line Features

Streams and Canals

Interstate Highways

Aerial Photography

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons



Soil Map Unit Points

Special Point Features

Blowout

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

→ Saline Spot

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24.000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Leslie and Perry Counties, Kentucky Survey Area Data: Version 19, Sep 2, 2022

Soil map units are labeled (as space allows) for map scales 1:50.000 or larger.

Date(s) aerial images were photographed: Aug 29, 2019—Sep 15. 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
DLF	Matewan-Marrowbone-Latham complex, 20 to 80 percent slopes, very rocky	1.8	1.5%
FaB	Fairpoint soils, undulating	14.4	11.7%
FaF	Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony	94.7	76.9%
uShgF	Shelocta-Highsplint-Gilpin complex, 20 to 70 percent slopes, very stony	0.7	0.5%
uUduE	Udorthents-Urban land-Rock outcrop complex, 0 to 35 percent slopes	11.6	9.4%
Totals for Area of Interest	,	123.1	100.0%

Appendix B Historic Documents

Skyview Site - Perry County Hal Rogers Parkway Hazard, KY 41701

Inquiry Number: 7321455.2s

April 27, 2023

The EDR Radius Map™ Report with GeoCheck®



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Physical Setting Source Addendum	A-1
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Physical Setting Source Records Searched	PSGR-

Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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A search of available environmental records was conducted by Environmental Data Resources, Inc (EDR). The report was designed to assist parties seeking to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the ASTM Standard Practice for Environmental Site Assessments (E 1527-13), the ASTM Standard Practice for Environmental Site Assessments for Forestland or Rural Property (E 2247-16), the ASTM Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process (E 1528-14) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate.

TARGET PROPERTY INFORMATION

ADDRESS

HAL ROGERS PARKWAY HAZARD, KY 41701

COORDINATES

Latitude (North): 37.2524650 - 37° 15' 8.87" Longitude (West): 83.2688910 - 83° 16' 8.00"

Universal Tranverse Mercator: Zone 17 UTM X (Meters): 298773.3 UTM Y (Meters): 4125088.5

Elevation: 1214 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map: 13082248 KRYPTON, KY

Version Date: 2019

Northeast Map: 13082236 HAZARD NORTH, KY

Version Date: 2019

Southeast Map: 13082238 HAZARD SOUTH, KY

Version Date: 2019

Southwest Map: 13046748 HYDEN EAST, KY

Version Date: 2019

AERIAL PHOTOGRAPHY IN THIS REPORT

Portions of Photo from: 20140707, 20140711

Source: USDA

MAPPED SITES SUMMARY

Target Property Address: HAL ROGERS PARKWAY HAZARD, KY 41701

Click on Map ID to see full detail.

MAP RELATIVE DIST (ft. & mi.)

ID SITE NAME ADDRESS DATABASE ACRONYMS ELEVATION DIRECTION

NO MAPPED SITES FOUND

TARGET PROPERTY SEARCH RESULTS

The target property was not listed in any of the databases searched by EDR.

DATABASES WITH NO MAPPED SITES

No mapped sites were found in EDR's search of available ("reasonably ascertainable ") government records either on the target property or within the search radius around the target property for the following databases:

STANDARD ENVIRONMENTAL RECORDS

Lists of Federal NPL (Super	fund) sites
NPL Proposed NPL NPL LIENS.	Proposed National Priority List Sites
Lists of Federal Delisted NF	PL sites
Delisted NPL	National Priority List Deletions
Lists of Federal sites subject	ct to CERCLA removals and CERCLA orders
	Federal Facility Site Information listing Superfund Enterprise Management System
Lists of Federal CERCLA si	tes with NFRAP
SEMS-ARCHIVE	Superfund Enterprise Management System Archive
Lists of Federal RCRA facili	ities undergoing Corrective Action
CORRACTS	Corrective Action Report
Lists of Federal RCRA TSD	facilities
RCRA-TSDF	RCRA - Treatment, Storage and Disposal
Lists of Federal RCRA gene	erators
RCRA-SQG	RCRA - Large Quantity Generators RCRA - Small Quantity Generators RCRA - Very Small Quantity Generators (Formerly Conditionally Exempt Small Quantity Generators)
Federal institutional control	ls / engineering controls registries
LUCIS	Land Use Control Information System

US ENG CONTROLS..... Engineering Controls Sites List US INST CONTROLS...... Institutional Controls Sites List

Federal ERNS list

ERNS..... Emergency Response Notification System

Lists of state- and tribal hazardous waste facilities

SHWS...... State Leads List

Lists of state and tribal landfills and solid waste disposal facilities

SWF/LF..... Solid Waste Facilities List

Lists of state and tribal leaking storage tanks

PSTEAF..... Facility Ranking List

INDIAN LUST..... Leaking Underground Storage Tanks on Indian Land

SB193 Branch Site Inventory List

Lists of state and tribal registered storage tanks

FEMA UST..... Underground Storage Tank Listing UST...... Underground Storage Tank Database

State and tribal institutional control / engineering control registries

ENG CONTROLS..... Engineering Controls Site Listing INST CONTROL..... State Superfund Database

Lists of state and tribal voluntary cleanup sites

INDIAN VCP...... Voluntary Cleanup Priority Listing VCP...... Voluntary Cleanup Program Sites

Lists of state and tribal brownfield sites

BROWNFIELDS..... Kentucky Brownfield Inventory

ADDITIONAL ENVIRONMENTAL RECORDS

Local Brownfield lists

US BROWNFIELDS..... A Listing of Brownfields Sites

Local Lists of Landfill / Solid Waste Disposal Sites

SWRCY...... Recycling Facilities HIST LF..... Historical Landfills

ODI...... Open Dump Inventory IHS OPEN DUMPS..... Open Dumps on Indian Land

Local Lists of Hazardous waste / Contaminated Sites

US HIST CDL..... Delisted National Clandestine Laboratory Register

CDL...... Clandestine Drub Lab Location Listing US CDL...... National Clandestine Laboratory Register

Local Land Records

LIENS 2..... CERCLA Lien Information

Records of Emergency Release Reports

HMIRS..... Hazardous Materials Information Reporting System

SPILLS..... State spills

Other Ascertainable Records

RCRA NonGen / NLR RCRA - Non Generators / No Longer Regulated

FUDS..... Formerly Used Defense Sites DOD..... Department of Defense Sites

SCRD DRYCLEANERS...... State Coalition for Remediation of Drycleaners Listing

US FIN ASSUR..... Financial Assurance Information

EPA WATCH LIST..... EPA WATCH LIST

2020 COR ACTION...... 2020 Corrective Action Program List

TSCA Toxic Substances Control Act
TRIS Toxic Chemical Release Inventory System SSTS..... Section 7 Tracking Systems

ROD...... Records Of Decision RMP..... Risk Management Plans

RAATS....... RCRA Administrative Action Tracking System

PRP...... Potentially Responsible Parties PADS..... PCB Activity Database System

ICIS..... Integrated Compliance Information System

Act)/TSCA (Toxic Substances Control Act)

MLTS..... Material Licensing Tracking System COAL ASH DOE..... Steam-Electric Plant Operation Data

COAL ASH EPA..... Coal Combustion Residues Surface Impoundments List

PCB TRANSFORMER_____PCB Transformer Registration Database

RADINFO...... Radiation Information Database

HIST FTTS..... FIFRA/TSCA Tracking System Administrative Case Listing

DOT OPS...... Incident and Accident Data

CONSENT..... Superfund (CERCLA) Consent Decrees

INDIAN RESERV..... Indian Reservations

FUSRAP..... Formerly Utilized Sites Remedial Action Program

UMTRA..... Uranium Mill Tailings Sites

LEAD SMELTERS..... Lead Smelter Sites

US AIRS...... Aerometric Information Retrieval System Facility Subsystem

US MINES..... Mines Master Index File ABANDONED MINES..... Abandoned Mines

FINDS......Facility Index System/Facility Registry System DOCKET HWC..... Hazardous Waste Compliance Docket Listing

ECHO..... Enforcement & Compliance History Information

UXO...... Unexploded Ordnance Sites

FUELS PROGRAM..... EPA Fuels Program Registered Listing

PFAS NPL..... Superfund Sites with PFAS Detections Information

PFAS FEDERAL SITES..... Federal Sites PFAS Information

PFAS TSCA......PFAS Manufacture and Imports Information

PFAS RCRA MANIFEST..... PFAS Transfers Identified In the RCRA Database Listing

PFAS ATSDR..... PFAS Contamination Site Location Listing PFAS WQP..... Ambient Environmental Sampling for PFAS

PFAS NPDES..... Clean Water Act Discharge Monitoring Information

PFAS ECHO..... Facilities in Industries that May Be Handling PFAS Listing PFAS ECHO FIRE TRAINING Facilities in Industries that May Be Handling PFAS Listing PFAS PART 139 AIRPORT ... All Certified Part 139 Airports PFAS Information Listing

AQUEOUS FOAM NRC..... Aqueous Foam Related Incidents Listing

PFAS Detections Site Listing AIRS..... Permitted Airs Facility Listing ASBESTOS..... Asbestos Notification Listing COAL ASH....... Coal Ash Disposal Sites DRYCLEANERS...... Drycleaner Listing

Financial Assurance Information Listing

LEAD..... Environmental Lead Program Report Tracking Database

NPDES..... Permitted Facility Listing

UIC......UIC Information

PFAS TRIS..... List of PFAS Added to the TRI MINES MRDS..... Mineral Resources Data System

EDR HIGH RISK HISTORICAL RECORDS

EDR Exclusive Records

EDR MGP	EDR Proprietary Manufactured Gas Plants
EDR Hist Auto	EDR Exclusive Historical Auto Stations
EDR Hist Cleaner	EDR Exclusive Historical Cleaners

EDR RECOVERED GOVERNMENT ARCHIVES

Exclusive Recovered Govt. Archives

RGA HWS...... Recovered Government Archive State Hazardous Waste Facilities List

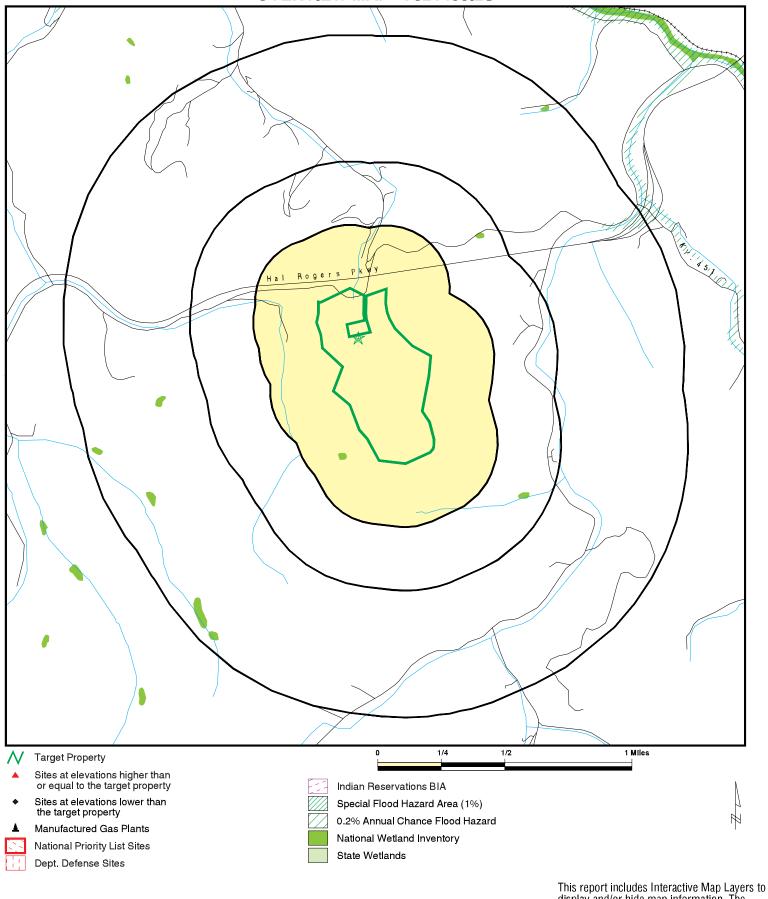
SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were not identified.

Unmappable (orphan) sites are not considered in the foregoing analysis.

There were no unmapped sites in this report.

OVERVIEW MAP - 7321455.2S

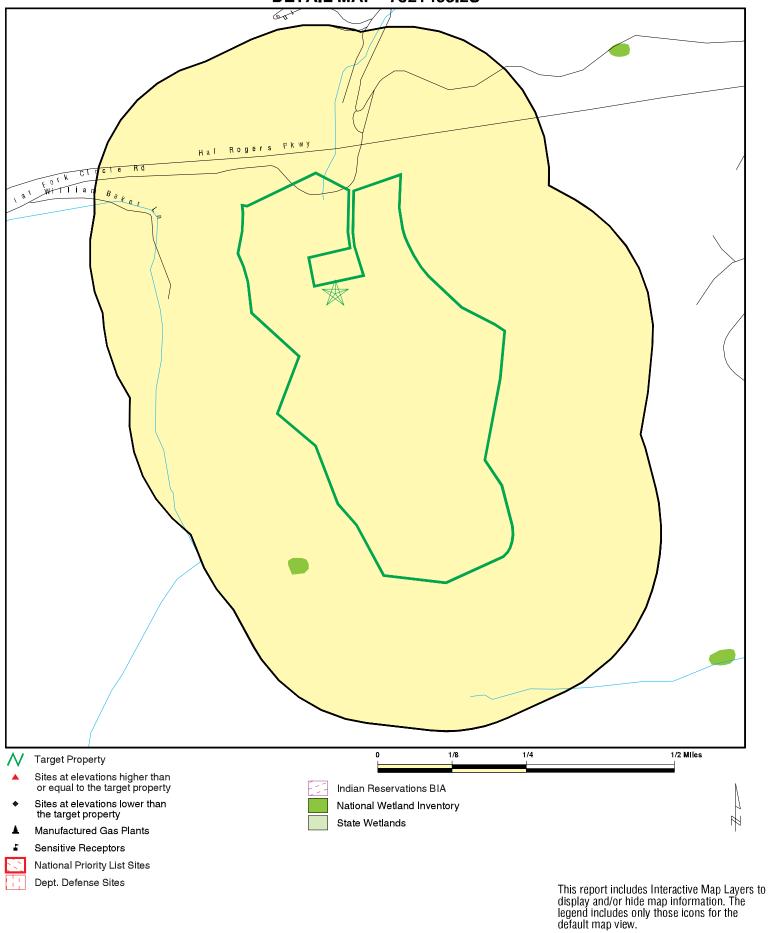


This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: Skyview Site - Perry County
ADDRESS: Hal Rogers Parkway
Hazard KY 41701
LAT/LONG: 37.252465 / 83.268891

CLIENT: Kentucky Division of Compliance
CONTACT: Derek Bozzell
INQUIRY #: 7321455.2s
DATE: April 27, 2023 4:24 pm

DETAIL MAP - 7321455.2S



SITE NAME: Skyview Site - Perry County

ADDRESS: Hal Rogers Parkway
Hazard KY 41701
LAT/LONG: 37.252465 / 83.268891

CLIENT: Kentucky Division of Compliance
CONTACT: Derek Bozzell
INQUIRY #: 7321455.2s
DATE: April 27, 2023 4:26 pm

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted		
STANDARD ENVIRONMENT	STANDARD ENVIRONMENTAL RECORDS									
Lists of Federal NPL (Su	perfund) site:	s								
NPL Proposed NPL NPL LIENS	1.000 1.000 1.000		0 0 0	0 0 0	0 0 0	0 0 0	NR NR NR	0 0 0		
Lists of Federal Delisted	NPL sites									
Delisted NPL	1.000		0	0	0	0	NR	0		
Lists of Federal sites sul CERCLA removals and C		rs								
FEDERAL FACILITY SEMS	0.500 0.500		0 0	0 0	0 0	NR NR	NR NR	0 0		
Lists of Federal CERCLA	A sites with N	FRAP								
SEMS-ARCHIVE	0.500		0	0	0	NR	NR	0		
Lists of Federal RCRA facilities undergoing Corrective Action										
CORRACTS	1.000		0	0	0	0	NR	0		
Lists of Federal RCRA To	SD facilities									
RCRA-TSDF	0.500		0	0	0	NR	NR	0		
Lists of Federal RCRA go	enerators									
RCRA-LQG RCRA-SQG RCRA-VSQG	0.250 0.250 0.250		0 0 0	0 0 0	NR NR NR	NR NR NR	NR NR NR	0 0 0		
Federal institutional con engineering controls reg										
LUCIS US ENG CONTROLS US INST CONTROLS	0.500 0.500 0.500		0 0 0	0 0 0	0 0 0	NR NR NR	NR NR NR	0 0 0		
Federal ERNS list										
ERNS	0.001		0	NR	NR	NR	NR	0		
Lists of state- and tribal hazardous waste facilitie	es									
SHWS	1.000		0	0	0	0	NR	0		
Lists of state and tribal la and solid waste disposa										
SWF/LF	0.500		0	0	0	NR	NR	0		
Lists of state and tribal le	eaking storag	ge tanks								
PSTEAF	0.500		0	0	0	NR	NR	0		

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
INDIAN LUST SB193	0.500 0.500		0	0 0	0 0	NR NR	NR NR	0 0
Lists of state and tribal r	egistered sto	rage tanks						
FEMA UST UST AST INDIAN UST	0.250 0.250 0.250 0.250		0 0 0	0 0 0	NR NR NR NR	NR NR NR NR	NR NR NR NR	0 0 0 0
State and tribal institution control / engineering control		es						
ENG CONTROLS INST CONTROL	0.500 0.500		0 0	0 0	0 0	NR NR	NR NR	0 0
Lists of state and tribal v	oluntary clea	anup sites						
INDIAN VCP VCP	0.500 0.500		0 0	0 0	0 0	NR NR	NR NR	0 0
Lists of state and tribal k	prownfield sit	es						
BROWNFIELDS	0.500		0	0	0	NR	NR	0
ADDITIONAL ENVIRONMEN	ITAL RECORDS	<u>s</u>						
Local Brownfield lists								
US BROWNFIELDS	0.500		0	0	0	NR	NR	0
Local Lists of Landfill / S Waste Disposal Sites	Solid							
SWRCY HIST LF INDIAN ODI DEBRIS REGION 9 ODI IHS OPEN DUMPS	0.500 0.500 0.500 0.500 0.500 0.500		0 0 0 0 0	0 0 0 0 0	0 0 0 0 0	NR NR NR NR NR	NR NR NR NR NR	0 0 0 0 0
Local Lists of Hazardous Contaminated Sites	s waste /							
US HIST CDL CDL US CDL	0.001 0.001 0.001		0 0 0	NR NR NR	NR NR NR	NR NR NR	NR NR NR	0 0 0
Local Land Records								
LIENS 2	0.001		0	NR	NR	NR	NR	0
Records of Emergency F	-	rts						
HMIRS SPILLS	0.001 0.001		0 0	NR NR	NR NR	NR NR	NR NR	0 0
Other Ascertainable Rec	ords							
RCRA NonGen / NLR	0.250		0	0	NR	NR	NR	0

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
FUDS	1.000		0	0	0	0	NR	0
DOD	1.000		Ö	ő	ő	Ö	NR	ŏ
SCRD DRYCLEANERS	0.500		0	0	Ō	NR	NR	Ō
US FIN ASSUR	0.001		0	NR	NR	NR	NR	0
EPA WATCH LIST	0.001		0	NR	NR	NR	NR	0
2020 COR ACTION	0.250		0	0	NR	NR	NR	0
TSCA	0.001		0	NR	NR	NR	NR	0
TRIS	0.001		0	NR	NR	NR	NR	0
SSTS	0.001		0	NR	NR	NR	NR	0
ROD	1.000		0	0	0	0	NR	0
RMP	0.001		0	NR	NR	NR	NR	0
RAATS	0.001		0	NR	NR	NR	NR	0
PRP	0.001		0	NR	NR	NR	NR	0
PADS	0.001		0	NR	NR	NR	NR	0
ICIS	0.001		0	NR	NR	NR	NR	0
FTTS MLTS	0.001 0.001		0 0	NR NR	NR NR	NR NR	NR NR	0 0
COAL ASH DOE	0.001		0	NR	NR	NR	NR	0
COAL ASH EPA	0.500		0	0	0	NR	NR	0
PCB TRANSFORMER	0.001		0	NR	NR	NR	NR	0
RADINFO	0.001		0	NR	NR	NR	NR	0
HIST FTTS	0.001		0	NR	NR	NR	NR	0
DOT OPS	0.001		Ö	NR	NR	NR	NR	ŏ
CONSENT	1.000		Ö	0	0	0	NR	Ö
INDIAN RESERV	1.000		Ö	Ö	Ö	Ö	NR	Ö
FUSRAP	1.000		Ö	Ō	Ō	Ö	NR	Ö
UMTRA	0.500		0	0	0	NR	NR	0
LEAD SMELTERS	0.001		0	NR	NR	NR	NR	0
US AIRS	0.001		0	NR	NR	NR	NR	0
US MINES	0.250		0	0	NR	NR	NR	0
ABANDONED MINES	0.250		0	0	NR	NR	NR	0
FINDS	0.001		0	NR	NR	NR	NR	0
DOCKET HWC	0.001		0	NR	NR	NR	NR	0
ECHO	0.001		0	NR	NR	NR	NR	0
UXO	1.000		0	0	0	0	NR	0
FUELS PROGRAM	0.250		0	0	NR	NR	NR	0
PFAS NPL	0.250		0	0	NR	NR	NR	0
PFAS FEDERAL SITES	0.250		0	0	NR	NR	NR	0
PFAS TSCA PFAS RCRA MANIFEST	0.250 0.250		0	0	NR NR	NR NR	NR NR	0
	0.050		0	0				0 0
PFAS ATSDR PFAS WQP	0.250 0.250		0 0	0 0	NR NR	NR NR	NR NR	0
PFAS NPDES	0.250		0	0	NR	NR	NR	0
PFAS ECHO	0.250		0	0	NR	NR	NR	0
PFAS ECHO FIRE TRAINI			0	0	NR	NR	NR	0
PFAS PART 139 AIRPORT			0	0	NR	NR	NR	0
AQUEOUS FOAM NRC	0.250		0	ŏ	NR	NR	NR	Ö
PFAS	TP		NR	NR	NR	NR	NR	Ö
AIRS	0.001		0	NR	NR	NR	NR	Ö
ASBESTOS	0.001		Ŏ	NR	NR	NR	NR	Ö
COAL ASH	0.500		0	0	0	NR	NR	0

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
DRYCLEANERS	0.250		0	0	NR	NR	NR	0
Financial Assurance	0.001		0	NR	NR	NR	NR	0
LEAD	0.001		0	NR	NR	NR	NR	0
NPDES	0.001		0	NR	NR	NR	NR	0
UIC	0.001		0	NR	NR	NR	NR	0
PFAS TRIS	0.250		0	0	NR	NR	NR	0
MINES MRDS	0.001		0	NR	NR	NR	NR	0
EDR HIGH RISK HISTORICAL RECORDS								
EDR Exclusive Record	s							
EDR MGP	1.000		0	0	0	0	NR	0
EDR Hist Auto	0.125		0	NR	NR	NR	NR	0
EDR Hist Cleaner	0.125		0	NR	NR	NR	NR	0
EDR RECOVERED GOVERNMENT ARCHIVES								
Exclusive Recovered Govt. Archives								
RGA HWS	0.001		0	NR	NR	NR	NR	0
RGA LF	0.001		0	NR	NR	NR	NR	0
- Totals		0	0	0	0	0	0	0

NOTES:

TP = Target Property

NR = Not Requested at this Search Distance

Sites may be listed in more than one database

Map ID		MAP FINDINGS		
Direction				EDD ID N
Distance				EDR ID Number
Elevation	Site		Database(s)	EPA ID Number

NO SITES FOUND

Count: 0 records. ORPHAN SUMMARY

City EDR ID Site Name Site Address Zip Database(s)

NO SITES FOUND

To maintain currency of the following federal and state databases, EDR contacts the appropriate governmental agency on a monthly or quarterly basis, as required.

Number of Days to Update: Provides confirmation that EDR is reporting records that have been updated within 90 days from the date the government agency made the information available to the public.

STANDARD ENVIRONMENTAL RECORDS

Lists of Federal NPL (Superfund) sites

NPL: National Priority List

National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA's Environmental Photographic Interpretation Center (EPIC) and regional EPA offices.

Date of Government Version: 01/25/2023 Source: EPA
Date Data Arrived at EDR: 02/03/2023 Telephone: N/A

Number of Days to Update: 25 Next Scheduled EDR Contact: 07/10/2023
Data Release Frequency: Quarterly

NPL Site Boundaries

Sources

EPA's Environmental Photographic Interpretation Center (EPIC)

Telephone: 202-564-7333

EPA Region 1 EPA Region 6

Telephone 617-918-1143 Telephone: 214-655-6659

EPA Region 3 EPA Region 7

Telephone 215-814-5418 Telephone: 913-551-7247

EPA Region 4 EPA Region 8

Telephone 404-562-8033 Telephone: 303-312-6774

EPA Region 5 EPA Region 9

Telephone 312-886-6686 Telephone: 415-947-4246

EPA Region 10

Telephone 206-553-8665

Proposed NPL: Proposed National Priority List Sites

A site that has been proposed for listing on the National Priorities List through the issuance of a proposed rule in the Federal Register. EPA then accepts public comments on the site, responds to the comments, and places on the NPL those sites that continue to meet the requirements for listing.

Date of Government Version: 01/25/2023 Source: EPA
Date Data Arrived at EDR: 02/02/2023 Telephone: N/A

Next Scheduled EDR Contact: 07/10/2023
Data Release Frequency: Quarterly

NPL LIENS: Federal Superfund Liens

Federal Superfund Liens. Under the authority granted the USEPA by CERCLA of 1980, the USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner received notification of potential liability. USEPA compiles a listing of filed notices of Superfund Liens.

Date of Government Version: 10/15/1991 Date Data Arrived at EDR: 02/02/1994 Date Made Active in Reports: 03/30/1994

Number of Days to Update: 56

Source: EPA

Telephone: 202-564-4267 Last EDR Contact: 08/15/2011

Next Scheduled EDR Contact: 11/28/2011 Data Release Frequency: No Update Planned

Lists of Federal Delisted NPL sites

Delisted NPL: National Priority List Deletions

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

Date of Government Version: 01/25/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/28/2023

Number of Days to Update: 26

Source: EPA Telephone: N/A

Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 07/10/2023 Data Release Frequency: Quarterly

Lists of Federal sites subject to CERCLA removals and CERCLA orders

FEDERAL FACILITY: Federal Facility Site Information listing

A listing of National Priority List (NPL) and Base Realignment and Closure (BRAC) sites found in the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) Database where EPA Federal Facilities Restoration and Reuse Office is involved in cleanup activities.

Date of Government Version: 12/20/2022 Date Data Arrived at EDR: 12/21/2022 Date Made Active in Reports: 03/10/2023

Number of Days to Update: 79

Source: Environmental Protection Agency Telephone: 703-603-8704

Last EDR Contact: 03/28/2023

Next Scheduled EDR Contact: 07/10/2023 Data Release Frequency: Varies

SEMS: Superfund Enterprise Management System

SEMS (Superfund Enterprise Management System) tracks hazardous waste sites, potentially hazardous waste sites, and remedial activities performed in support of EPA's Superfund Program across the United States. The list was formerly know as CERCLIS, renamed to SEMS by the EPA in 2015. The list contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This dataset also contains sites which are either proposed to or on the National Priorities List (NPL) and the sites which are in the screening and assessment phase for possible inclusion on the NPL.

Date of Government Version: 01/25/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/28/2023

Number of Days to Update: 26

Source: EPA

Telephone: 800-424-9346 Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Quarterly

Lists of Federal CERCLA sites with NFRAP

SEMS-ARCHIVE: Superfund Enterprise Management System Archive

SEMS-ARCHIVE (Superfund Enterprise Management System Archive) tracks sites that have no further interest under the Federal Superfund Program based on available information. The list was formerly known as the CERCLIS-NFRAP, renamed to SEMS ARCHIVE by the EPA in 2015. EPA may perform a minimal level of assessment work at a site while it is archived if site conditions change and/or new information becomes available. Archived sites have been removed and archived from the inventory of SEMS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list the site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time. The decision does not necessarily mean that there is no hazard associated with a given site; it only means that based upon available information, the location is not judged to be potential NPL site.

Date of Government Version: 01/25/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/28/2023

Number of Days to Update: 26

Source: EPA

Telephone: 800-424-9346 Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Quarterly

Lists of Federal RCRA facilities undergoing Corrective Action

CORRACTS: Corrective Action Report

CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.

Date of Government Version: 03/06/2023 Date Data Arrived at EDR: 03/09/2023 Date Made Active in Reports: 03/20/2023

Number of Days to Update: 11

Source: EPA

Telephone: 800-424-9346 Last EDR Contact: 03/09/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

Lists of Federal RCRA TSD facilities

RCRA-TSDF: RCRA - Treatment, Storage and Disposal

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

Date of Government Version: 03/06/2023 Date Data Arrived at EDR: 03/09/2023 Date Made Active in Reports: 03/20/2023

Number of Days to Update: 11

Source: Environmental Protection Agency

Telephone: (404) 562-8651 Last EDR Contact: 03/09/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

Lists of Federal RCRA generators

RCRA-LQG: RCRA - Large Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month.

Date of Government Version: 03/06/2023 Date Data Arrived at EDR: 03/09/2023 Date Made Active in Reports: 03/20/2023

Number of Days to Update: 11

Source: Environmental Protection Agency Telephone: (404) 562-8651

Last EDR Contact: 03/09/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

RCRA-SQG: RCRA - Small Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month.

Date of Government Version: 03/06/2023 Date Data Arrived at EDR: 03/09/2023 Date Made Active in Reports: 03/20/2023

Number of Days to Update: 11

Source: Environmental Protection Agency

Telephone: (404) 562-8651 Last EDR Contact: 03/09/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

RCRA-VSQG: RCRA - Very Small Quantity Generators (Formerly Conditionally Exempt Small Quantity Generators)
RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation
and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database
includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste
as defined by the Resource Conservation and Recovery Act (RCRA). Very small quantity generators (VSQGs) generate
less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month.

Date of Government Version: 03/06/2023 Date Data Arrived at EDR: 03/09/2023 Date Made Active in Reports: 03/20/2023

Number of Days to Update: 11

Source: Environmental Protection Agency

Telephone: (404) 562-8651 Last EDR Contact: 03/09/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

Federal institutional controls / engineering controls registries

LUCIS: Land Use Control Information System

LUCIS contains records of land use control information pertaining to the former Navy Base Realignment and Closure properties.

Date of Government Version: 11/02/2022 Date Data Arrived at EDR: 11/08/2022 Date Made Active in Reports: 01/10/2023

Number of Days to Update: 63

Source: Department of the Navy Telephone: 843-820-7326 Last EDR Contact: 02/03/2023

Next Scheduled EDR Contact: 05/22/2023 Data Release Frequency: Varies

US ENG CONTROLS: Engineering Controls Sites List

A listing of sites with engineering controls in place. Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health.

Date of Government Version: 10/27/2022 Date Data Arrived at EDR: 11/16/2022 Date Made Active in Reports: 02/09/2023

Number of Days to Update: 85

Source: Environmental Protection Agency

Telephone: 703-603-0695 Last EDR Contact: 02/21/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Varies

US INST CONTROLS: Institutional Controls Sites List

A listing of sites with institutional controls in place. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls.

Date of Government Version: 10/27/2022 Date Data Arrived at EDR: 11/16/2022 Date Made Active in Reports: 02/09/2023

Number of Days to Update: 85

Source: Environmental Protection Agency

Telephone: 703-603-0695 Last EDR Contact: 02/21/2023

Next Scheduled EDR Contact: 06/05/2023

Data Release Frequency: Varies

Federal ERNS list

ERNS: Emergency Response Notification System

Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous

substances.

Date of Government Version: 12/12/2022 Date Data Arrived at EDR: 12/14/2022 Date Made Active in Reports: 12/19/2022

Number of Days to Update: 5

Source: National Response Center, United States Coast Guard

Telephone: 202-267-2180 Last EDR Contact: 03/21/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

Lists of state- and tribal hazardous waste facilities

SHWS: State Leads List

State Hazardous Waste Sites. State hazardous waste site records are the states' equivalent to CERCLIS. These sites may or may not already be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds (state equivalent of Superfund) are identified along with sites where cleanup will be paid for by potentially responsible parties. Available information varies by state.

Date of Government Version: 12/12/2022 Date Data Arrived at EDR: 12/15/2022 Date Made Active in Reports: 03/09/2023

Number of Days to Update: 84

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 02/17/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Quarterly

Lists of state and tribal landfills and solid waste disposal facilities

SWF/LF: Solid Waste Facilities List

Solid Waste Facilities/Landfill Sites. SWF/LF type records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

Date of Government Version: 08/25/2022 Date Data Arrived at EDR: 10/24/2022 Date Made Active in Reports: 01/12/2023

Number of Days to Update: 80

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 01/24/2023

Next Scheduled EDR Contact: 05/08/2023 Data Release Frequency: Semi-Annually

Lists of state and tribal leaking storage tanks

PSTEAF: Facility Ranking List

The Underground Storage Tank Branch (USTB) has ranked all PSTEAF reimbursable facilities requiring corrective action, in accordance with 401 KAR 42:290. Directive letters will be issued on the basis of facility ranking and available PSTEAF funding in sequential order as ranked. For example, Rank 2 facilities will be issued directives before Rank 3 facilities.

Date of Government Version: 12/01/2022 Date Data Arrived at EDR: 01/04/2023 Date Made Active in Reports: 03/22/2023

Number of Days to Update: 77

Source: Department of Environmental Protection

Telephone: 502-564-5981 Last EDR Contact: 04/04/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Quarterly

INDIAN LUST R1: Leaking Underground Storage Tanks on Indian Land
A listing of leaking underground storage tank locations on Indian Land.

Date of Government Version: 10/19/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 1 Telephone: 617-918-1313 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023

Data Release Frequency: Varies

INDIAN LUST R4: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Florida, Mississippi and North Carolina.

Date of Government Version: 11/26/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 4 Telephone: 404-562-8677 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN LUST R7: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Iowa, Kansas, and Nebraska

INDIAN LUST R8: Leaking Underground Storage Tanks on Indian Land

Date of Government Version: 10/14/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 7 Telephone: 913-551-7003 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

LUSTs on Indian land in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 8 Telephone: 303-312-6271 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023

Data Release Frequency: Varies

INDIAN LUST R9: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Arizona, California, New Mexico and Nevada

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: Environmental Protection Agency

Telephone: 415-972-3372 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN LUST R6: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in New Mexico and Oklahoma.

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 6 Telephone: 214-665-6597 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN LUST R5: Leaking Underground Storage Tanks on Indian Land

Leaking underground storage tanks located on Indian Land in Michigan, Minnesota and Wisconsin.

Date of Government Version: 10/14/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA, Region 5 Telephone: 312-886-7439 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN LUST R10: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Alaska, Idaho, Oregon and Washington.

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 04/19/2023

Number of Days to Update: 134

Source: EPA Region 10 Telephone: 206-553-2857 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023

Data Release Frequency: Varies

SB193: SB193 Branch Site Inventory List

The inventory indicates facilities that have performed permanent closure activities at a regulated underground storage tank facility and have known soil and/or groundwater contamination.

Date of Government Version: 09/05/2006 Date Data Arrived at EDR: 09/13/2006 Date Made Active in Reports: 10/18/2006

Number of Days to Update: 35

Source: Department of Environmental Protection

Telephone: 502-564-5981 Last EDR Contact: 04/08/2016

Next Scheduled EDR Contact: 07/25/2016

Data Release Frequency: No Update Planned

Lists of state and tribal registered storage tanks

FEMA UST: Underground Storage Tank Listing

A listing of all FEMA owned underground storage tanks.

Date of Government Version: 10/14/2021 Date Data Arrived at EDR: 11/05/2021 Date Made Active in Reports: 02/01/2022

Number of Days to Update: 88

Source: FEMA

Telephone: 202-646-5797 Last EDR Contact: 03/29/2023

Next Scheduled EDR Contact: 07/17/2023

Data Release Frequency: Varies

UST: Underground Storage Tank Database

Registered Underground Storage Tanks. UST's are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) and must be registered with the state department responsible for administering the UST program. Available information varies by state program.

Date of Government Version: 11/08/2022 Date Data Arrived at EDR: 11/16/2022 Date Made Active in Reports: 02/09/2023

Number of Days to Update: 85

Source: Department of Environmental Protection

Telephone: 502-564-5981 Last EDR Contact: 02/22/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Quarterly

AST: Above Ground Storage Tanks

A listing of aboveground storage tank site locations.

Date of Government Version: 06/01/2021 Date Data Arrived at EDR: 06/02/2021 Date Made Active in Reports: 08/23/2021

Number of Days to Update: 82

Source: Office of State Fire Marshal Telephone: 502-564-4010 Last EDR Contact: 02/02/2023

Next Scheduled EDR Contact: 06/05/2023

Data Release Frequency: Varies

INDIAN UST R6: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 6 (Louisiana, Arkansas, Oklahoma, New Mexico, Texas and 65 Tribes).

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 6 Telephone: 214-665-7591 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023

Data Release Frequency: Varies

INDIAN UST R7: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 7 (Iowa, Kansas, Missouri, Nebraska, and 9 Tribal Nations).

Date of Government Version: 10/14/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 7 Telephone: 913-551-7003 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023

Data Release Frequency: Varies

INDIAN UST R8: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and 27 Tribal Nations).

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 8 Telephone: 303-312-6137 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN UST R9: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 9 (Arizona, California, Hawaii, Nevada, the Pacific Islands, and Tribal Nations).

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 9 Telephone: 415-972-3368 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN UST R4: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Tribal Nations)

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 4 Telephone: 404-562-9424 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN UST R10: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 10 (Alaska, Idaho, Oregon, Washington, and Tribal Nations).

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 04/19/2023

Number of Days to Update: 134

Source: EPA Region 10 Telephone: 206-553-2857 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023

Data Release Frequency: Varies

INDIAN UST R1: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 1 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont and ten Tribal Nations).

Date of Government Version: 10/19/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA, Region 1 Telephone: 617-918-1313 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN UST R5: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 5 (Michigan, Minnesota and Wisconsin and Tribal Nations).

Date of Government Version: 10/14/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 5 Telephone: 312-886-6136 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

State and tribal institutional control / engineering control registries

ENG CONTROLS: Engineering Controls Site Listing A listing of sites that use engineering controls.

Date of Government Version: 12/12/2022 Date Data Arrived at EDR: 12/15/2022 Date Made Active in Reports: 03/09/2023

Number of Days to Update: 84

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 02/17/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Varies

INST CONTROL: State Superfund Database

A list of closed sites in the State Superfund Database. Institutional controls would be in place at any site that uses Contained or Managed as a Closure Option.

Date of Government Version: 12/12/2022 Date Data Arrived at EDR: 12/15/2022 Date Made Active in Reports: 03/09/2023

Number of Days to Update: 84

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 02/17/2023

Next Scheduled EDR Contact: 06/05/2023

Data Release Frequency: Varies

Lists of state and tribal voluntary cleanup sites

VCP: Voluntary Cleanup Program Sites

Sites that have been accepted into the Voluntary Cleanup Program or have submitted an application.

Date of Government Version: 01/09/2023 Date Data Arrived at EDR: 01/11/2023 Date Made Active in Reports: 03/29/2023

Number of Days to Update: 77

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 03/23/2023

Next Scheduled EDR Contact: 07/10/2023

Data Release Frequency: Varies

INDIAN VCP R7: Voluntary Cleanup Priority Lisitng

A listing of voluntary cleanup priority sites located on Indian Land located in Region 7.

Date of Government Version: 03/20/2008 Date Data Arrived at EDR: 04/22/2008 Date Made Active in Reports: 05/19/2008

Number of Days to Update: 27

Source: EPA, Region 7 Telephone: 913-551-7365 Last EDR Contact: 07/08/2021

Next Scheduled EDR Contact: 07/20/2009

Data Release Frequency: Varies

INDIAN VCP R1: Voluntary Cleanup Priority Listing

A listing of voluntary cleanup priority sites located on Indian Land located in Region 1.

Date of Government Version: 07/27/2015 Date Data Arrived at EDR: 09/29/2015 Date Made Active in Reports: 02/18/2016

Number of Days to Update: 142

Source: EPA, Region 1 Telephone: 617-918-1102 Last EDR Contact: 03/17/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Varies

Lists of state and tribal brownfield sites

BROWNFIELDS: Kentucky Brownfield Inventory

The Kentucky Brownfield Program has created an inventory of brownfield sites in order to market the properties to those interested in brownfield redevelopment. The Kentucky Brownfield Program is working to promote the redevelopment of these sites by helping to remove barriers that prevent reuse, providing useful information to communities, developers and the public and encouraging a climate that fosters redevelopment of contaminated sites.

Date of Government Version: 10/27/2022 Date Data Arrived at EDR: 10/27/2022 Date Made Active in Reports: 01/12/2023

Number of Days to Update: 77

Source: Division of Compliance Assistance

Telephone: 502-564-0323 Last EDR Contact: 04/05/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Varies

ADDITIONAL ENVIRONMENTAL RECORDS

Local Brownfield lists

US BROWNFIELDS: A Listing of Brownfields Sites

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties takes development pressures off of undeveloped, open land, and both improves and protects the environment. Assessment, Cleanup and Redevelopment Exchange System (ACRES) stores information reported by EPA Brownfields grant recipients on brownfields properties assessed or cleaned up with grant funding as well as information on Targeted Brownfields Assessments performed by EPA Regions. A listing of ACRES Brownfield sites is obtained from Cleanups in My Community. Cleanups in My Community provides information on Brownfields properties for which information is reported back to EPA, as well as areas served by Brownfields grant programs.

Date of Government Version: 04/06/2023 Date Data Arrived at EDR: 04/13/2023 Date Made Active in Reports: 04/19/2023

Number of Days to Update: 6

Source: Environmental Protection Agency Telephone: 202-566-2777

Last EDR Contact: 04/06/2023

Next Scheduled EDR Contact: 06/26/2023 Data Release Frequency: Semi-Annually

Local Lists of Landfill / Solid Waste Disposal Sites

SWRCY: Recycling Facilities

A listing of recycling facilities located in the state of Kentucky.

Date of Government Version: 09/04/2020 Date Data Arrived at EDR: 10/14/2020 Date Made Active in Reports: 01/04/2021

Number of Days to Update: 82

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 04/13/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Varies

HIST LF: Historical Landfills

This solid waste facility listing contains detail information that is not included in the landfill listing. A listing with detail information is no longer available by the Department of Environmental Protection.

Date of Government Version: 05/01/2003 Date Data Arrived at EDR: 03/30/2006 Date Made Active in Reports: 05/01/2006

Number of Days to Update: 32

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 02/23/2009

Next Scheduled EDR Contact: 05/25/2009 Data Release Frequency: No Update Planned

INDIAN ODI: Report on the Status of Open Dumps on Indian Lands

Location of open dumps on Indian land.

Date of Government Version: 12/31/1998 Date Data Arrived at EDR: 12/03/2007 Date Made Active in Reports: 01/24/2008

Number of Days to Update: 52

Source: Environmental Protection Agency

Telephone: 703-308-8245 Last EDR Contact: 04/19/2023

Next Scheduled EDR Contact: 08/07/2023 Data Release Frequency: Varies

DEBRIS REGION 9: Torres Martinez Reservation Illegal Dump Site Locations

A listing of illegal dump sites location on the Torres Martinez Indian Reservation located in eastern Riverside County and northern Imperial County, California.

Date of Government Version: 01/12/2009 Date Data Arrived at EDR: 05/07/2009 Date Made Active in Reports: 09/21/2009

Number of Days to Update: 137

Source: EPA, Region 9 Telephone: 415-947-4219 Last EDR Contact: 04/12/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: No Update Planned

ODI: Open Dump Inventory

An open dump is defined as a disposal facility that does not comply with one or more of the Part 257 or Part 258

Subtitle D Criteria.

Date of Government Version: 06/30/1985 Date Data Arrived at EDR: 08/09/2004 Date Made Active in Reports: 09/17/2004

Number of Days to Update: 39

Source: Environmental Protection Agency

Telephone: 800-424-9346 Last EDR Contact: 06/09/2004 Next Scheduled EDR Contact: N/A

Data Release Frequency: No Update Planned

IHS OPEN DUMPS: Open Dumps on Indian Land

A listing of all open dumps located on Indian Land in the United States.

Date of Government Version: 04/01/2014 Date Data Arrived at EDR: 08/06/2014 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 176

Source: Department of Health & Human Serivces, Indian Health Service

Telephone: 301-443-1452 Last EDR Contact: 01/27/2023

Next Scheduled EDR Contact: 05/08/2023

Data Release Frequency: Varies

Local Lists of Hazardous waste / Contaminated Sites

US HIST CDL: National Clandestine Laboratory Register

A listing of clandestine drug lab locations that have been removed from the DEAs National Clandestine Laboratory Register.

Data of Cavara

Date of Government Version: 01/06/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/10/2023

Number of Days to Update: 8

Source: Drug Enforcement Administration

Telephone: 202-307-1000 Last EDR Contact: 02/02/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: No Update Planned

CDL: Clandestine Drub Lab Location Listing Clandestine drug lab site locations.

Date of Government Version: 12/12/2022 Date Data Arrived at EDR: 12/15/2022 Date Made Active in Reports: 03/09/2023

Number of Days to Update: 84

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 02/17/2023

Next Scheduled EDR Contact: 06/05/2023

Data Release Frequency: Varies

US CDL: Clandestine Drug Labs

A listing of clandestine drug lab locations. The U.S. Department of Justice ("the Department") provides this web site as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy. Members of the public must verify the accuracy of all entries by, for example, contacting local law enforcement and local health departments.

Date of Government Version: 01/06/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/10/2023

Number of Days to Update: 8

Source: Drug Enforcement Administration

Telephone: 202-307-1000 Last EDR Contact: 02/02/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Quarterly

Local Land Records

LIENS 2: CERCLA Lien Information

A Federal CERCLA ('Superfund') lien can exist by operation of law at any site or property at which EPA has spent Superfund monies. These monies are spent to investigate and address releases and threatened releases of contamination. CERCLIS provides information as to the identity of these sites and properties.

Date of Government Version: 01/25/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/28/2023

Number of Days to Update: 26

Source: Environmental Protection Agency

Telephone: 202-564-6023 Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 07/10/2023 Data Release Frequency: Semi-Annually

Records of Emergency Release Reports

HMIRS: Hazardous Materials Information Reporting System

Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT.

Date of Government Version: 12/13/2022 Date Data Arrived at EDR: 12/14/2022 Date Made Active in Reports: 03/10/2023

Number of Days to Update: 86

Source: U.S. Department of Transportation

Telephone: 202-366-4555 Last EDR Contact: 03/21/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

SPILLS: State spills

A listing of spill and/or release related incidents.

Date of Government Version: 10/31/2022 Date Data Arrived at EDR: 11/02/2022 Date Made Active in Reports: 01/24/2023

Number of Days to Update: 83

Source: DEP, Emergency Response

Telephone: 502-564-2380 Last EDR Contact: 04/10/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Varies

Other Ascertainable Records

RCRA NonGen / NLR: RCRA - Non Generators / No Longer Regulated

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Non-Generators do not presently generate hazardous waste.

Date of Government Version: 03/06/2023 Date Data Arrived at EDR: 03/09/2023 Date Made Active in Reports: 03/20/2023

Number of Days to Update: 11

Source: Environmental Protection Agency

Telephone: (404) 562-8651 Last EDR Contact: 03/09/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

FUDS: Formerly Used Defense Sites

The listing includes locations of Formerly Used Defense Sites properties where the US Army Corps of Engineers is actively working or will take necessary cleanup actions.

Date of Government Version: 11/01/2022 Date Data Arrived at EDR: 11/10/2022 Date Made Active in Reports: 02/09/2023

Number of Days to Update: 91

Source: U.S. Army Corps of Engineers

Telephone: 202-528-4285 Last EDR Contact: 02/14/2023

Next Scheduled EDR Contact: 05/29/2023 Data Release Frequency: Varies

DOD: Department of Defense Sites

This data set consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

Date of Government Version: 06/07/2021 Date Data Arrived at EDR: 07/13/2021 Date Made Active in Reports: 03/09/2022

Number of Days to Update: 239

Source: USGS Telephone: 888-275-8747

Last EDR Contact: 04/11/2023

Next Scheduled EDR Contact: 07/24/2023

Data Release Frequency: Varies

FEDLAND: Federal and Indian Lands

Federally and Indian administrated lands of the United States. Lands included are administrated by: Army Corps of Engineers, Bureau of Reclamation, National Wild and Scenic River, National Wildlife Refuge, Public Domain Land, Wilderness, Wilderness Study Area, Wildlife Management Area, Bureau of Indian Affairs, Bureau of Land Management, Department of Justice, Forest Service, Fish and Wildlife Service, National Park Service.

Date of Government Version: 04/02/2018 Date Data Arrived at EDR: 04/11/2018 Date Made Active in Reports: 11/06/2019

Number of Days to Update: 574

Source: U.S. Geological Survey Telephone: 888-275-8747 Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 07/17/2023

Data Release Frequency: N/A

SCRD DRYCLEANERS: State Coalition for Remediation of Drycleaners Listing

The State Coalition for Remediation of Drycleaners was established in 1998, with support from the U.S. EPA Office of Superfund Remediation and Technology Innovation. It is comprised of representatives of states with established drycleaner remediation programs. Currently the member states are Alabama, Connecticut, Florida, Illinois, Kansas, Minnesota, Missouri, North Carolina, Oregon, South Carolina, Tennessee, Texas, and Wisconsin.

Date of Government Version: 07/30/2021 Date Data Arrived at EDR: 02/03/2023 Date Made Active in Reports: 02/10/2023

Number of Days to Update: 7

Source: Environmental Protection Agency

Telephone: 615-532-8599 Last EDR Contact: 02/02/2023

Next Scheduled EDR Contact: 05/22/2023 Data Release Frequency: Varies

US FIN ASSUR: Financial Assurance Information

All owners and operators of facilities that treat, store, or dispose of hazardous waste are required to provide proof that they will have sufficient funds to pay for the clean up, closure, and post-closure care of their facilities.

Date of Government Version: 12/13/2022 Date Data Arrived at EDR: 12/14/2022 Date Made Active in Reports: 03/10/2023

Number of Days to Update: 86

Source: Environmental Protection Agency

Telephone: 202-566-1917 Last EDR Contact: 03/21/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

EPA WATCH LIST: EPA WATCH LIST

EPA maintains a "Watch List" to facilitate dialogue between EPA, state and local environmental agencies on enforcement matters relating to facilities with alleged violations identified as either significant or high priority. Being on the Watch List does not mean that the facility has actually violated the law only that an investigation by EPA or a state or local environmental agency has led those organizations to allege that an unproven violation has in fact occurred. Being on the Watch List does not represent a higher level of concern regarding the alleged violations that were detected, but instead indicates cases requiring additional dialogue between EPA, state and local agencies - primarily because of the length of time the alleged violation has gone unaddressed or unresolved.

Date of Government Version: 08/30/2013 Date Data Arrived at EDR: 03/21/2014 Date Made Active in Reports: 06/17/2014

Number of Days to Update: 88

Source: Environmental Protection Agency

Telephone: 617-520-3000 Last EDR Contact: 01/30/2023

Next Scheduled EDR Contact: 05/15/2023 Data Release Frequency: Quarterly

2020 COR ACTION: 2020 Corrective Action Program List

The EPA has set ambitious goals for the RCRA Corrective Action program by creating the 2020 Corrective Action Universe. This RCRA cleanup baseline includes facilities expected to need corrective action. The 2020 universe contains a wide variety of sites. Some properties are heavily contaminated while others were contaminated but have since been cleaned up. Still others have not been fully investigated yet, and may require little or no remediation. Inclusion in the 2020 Universe does not necessarily imply failure on the part of a facility to meet its RCRA obligations.

Date of Government Version: 09/30/2017 Date Data Arrived at EDR: 05/08/2018 Date Made Active in Reports: 07/20/2018

Number of Days to Update: 73

Source: Environmental Protection Agency

Telephone: 703-308-4044 Last EDR Contact: 02/03/2023

Next Scheduled EDR Contact: 05/15/2023

Data Release Frequency: Varies

TSCA: Toxic Substances Control Act

Toxic Substances Control Act. TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant

Date of Government Version: 12/31/2020 Date Data Arrived at EDR: 06/14/2022 Date Made Active in Reports: 03/24/2023 Number of Days to Update: 283

Telephone: 202-260-5521 Last EDR Contact: 03/13/2023

Source: EPA

Next Scheduled EDR Contact: 06/26/2023 Data Release Frequency: Every 4 Years

TRIS: Toxic Chemical Release Inventory System

Toxic Release Inventory System. TRIS identifies facilities which release toxic chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.

Source: EPA

Date of Government Version: 12/31/2021 Date Data Arrived at EDR: 11/01/2022 Date Made Active in Reports: 02/09/2023

Telephone: 202-566-0250 Last EDR Contact: 02/16/2023

Number of Days to Update: 100

Next Scheduled EDR Contact: 05/29/2023 Data Release Frequency: Annually

SSTS: Section 7 Tracking Systems

Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

Date of Government Version: 01/17/2023 Date Data Arrived at EDR: 01/18/2023

Source: EPA Telephone: 202-564-4203

Date Made Active in Reports: 04/19/2023

Last EDR Contact: 04/18/2023

Number of Days to Update: 91

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Annually

ROD: Records Of Decision

Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.

Date of Government Version: 01/25/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/28/2023

Source: EPA

Telephone: 703-416-0223 Last EDR Contact: 04/03/2023

Number of Days to Update: 26

Next Scheduled EDR Contact: 06/12/2023 Data Release Frequency: Annually

RMP: Risk Management Plans

When Congress passed the Clean Air Act Amendments of 1990, it required EPA to publish regulations and guidance for chemical accident prevention at facilities using extremely hazardous substances. The Risk Management Program Rule (RMP Rule) was written to implement Section 112(r) of these amendments. The rule, which built upon existing industry codes and standards, requires companies of all sizes that use certain flammable and toxic substances to develop a Risk Management Program, which includes a(n): Hazard assessment that details the potential effects of an accidental release, an accident history of the last five years, and an evaluation of worst-case and alternative accidental releases; Prevention program that includes safety precautions and maintenance, monitoring, and employee training measures; and Emergency response program that spells out emergency health care, employee training measures and procedures for informing the public and response agencies (e.g the fire department) should an accident occur.

Date of Government Version: 04/27/2022 Date Data Arrived at EDR: 05/04/2022 Date Made Active in Reports: 05/10/2022

Number of Days to Update: 6

Source: Environmental Protection Agency

Telephone: 202-564-8600 Last EDR Contact: 04/13/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

RAATS: RCRA Administrative Action Tracking System

RCRA Administration Action Tracking System. RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. For administration actions after September 30, 1995, data entry in the RAATS database was discontinued. EPA will retain a copy of the database for historical records. It was necessary to terminate RAATS because a decrease in agency resources made it impossible to continue to update the information contained in the database.

Date of Government Version: 04/17/1995 Date Data Arrived at EDR: 07/03/1995 Date Made Active in Reports: 08/07/1995

Number of Days to Update: 35

Source: EPA

Telephone: 202-564-4104 Last EDR Contact: 06/02/2008

Next Scheduled EDR Contact: 09/01/2008 Data Release Frequency: No Update Planned

PRP: Potentially Responsible Parties

A listing of verified Potentially Responsible Parties

Date of Government Version: 10/27/2022 Date Data Arrived at EDR: 11/01/2022 Date Made Active in Reports: 11/15/2022

Number of Days to Update: 14

Source: EPA

Telephone: 202-564-6023 Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 05/15/2023 Data Release Frequency: Quarterly

PADS: PCB Activity Database System

PCB Activity Database. PADS Identifies generators, transporters, commercial storers and/or brokers and disposers of PCB's who are required to notify the EPA of such activities.

Date of Government Version: 11/03/2022 Date Data Arrived at EDR: 01/04/2023 Date Made Active in Reports: 04/03/2023

Number of Days to Update: 89

Source: EPA

Telephone: 202-566-0500 Last EDR Contact: 04/04/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Annually

ICIS: Integrated Compliance Information System

The Integrated Compliance Information System (ICIS) supports the information needs of the national enforcement and compliance program as well as the unique needs of the National Pollutant Discharge Elimination System (NPDES) program.

Date of Government Version: 11/18/2016 Date Data Arrived at EDR: 11/23/2016 Date Made Active in Reports: 02/10/2017

Number of Days to Update: 79

Source: Environmental Protection Agency

Telephone: 202-564-2501 Last EDR Contact: 03/29/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Quarterly

FTTS: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act). To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 04/09/2009 Date Data Arrived at EDR: 04/16/2009 Date Made Active in Reports: 05/11/2009

Number of Days to Update: 25

Source: EPA/Office of Prevention, Pesticides and Toxic Substances

Telephone: 202-566-1667 Last EDR Contact: 08/18/2017

Next Scheduled EDR Contact: 12/04/2017 Data Release Frequency: No Update Planned

FTTS INSP: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act) A listing of FIFRA/TSCA Tracking System (FTTS) inspections and enforcements.

Date of Government Version: 04/09/2009 Date Data Arrived at EDR: 04/16/2009 Date Made Active in Reports: 05/11/2009

Number of Days to Update: 25

Source: EPA

Telephone: 202-566-1667 Last EDR Contact: 08/18/2017

Next Scheduled EDR Contact: 12/04/2017 Data Release Frequency: No Update Planned

MLTS: Material Licensing Tracking System

MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 10/26/2022 Date Data Arrived at EDR: 11/22/2022 Date Made Active in Reports: 12/05/2022

Number of Days to Update: 13

Source: Nuclear Regulatory Commission

Telephone: 301-415-7169 Last EDR Contact: 04/13/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Quarterly

COAL ASH DOE: Steam-Electric Plant Operation Data

A listing of power plants that store ash in surface ponds.

Date of Government Version: 12/31/2020 Date Data Arrived at EDR: 11/30/2021 Date Made Active in Reports: 02/22/2022

Number of Days to Update: 84

Source: Department of Energy Telephone: 202-586-8719 Last EDR Contact: 03/03/2023

Next Scheduled EDR Contact: 06/12/2023 Data Release Frequency: Varies

COAL ASH EPA: Coal Combustion Residues Surface Impoundments List

A listing of coal combustion residues surface impoundments with high hazard potential ratings.

Date of Government Version: 01/12/2017 Date Data Arrived at EDR: 03/05/2019 Date Made Active in Reports: 11/11/2019

Number of Days to Update: 251

Source: Environmental Protection Agency

Telephone: N/A

Last EDR Contact: 02/27/2023

Next Scheduled EDR Contact: 06/12/2023 Data Release Frequency: Varies

PCB TRANSFORMER: PCB Transformer Registration Database

The database of PCB transformer registrations that includes all PCB registration submittals.

Date of Government Version: 09/13/2019 Date Data Arrived at EDR: 11/06/2019 Date Made Active in Reports: 02/10/2020

Number of Days to Update: 96

Source: Environmental Protection Agency

Telephone: 202-566-0517 Last EDR Contact: 02/03/2023

Next Scheduled EDR Contact: 05/15/2023 Data Release Frequency: Varies

RADINFO: Radiation Information Database

The Radiation Information Database (RADINFO) contains information about facilities that are regulated by U.S. Environmental Protection Agency (EPA) regulations for radiation and radioactivity.

Date of Government Version: 07/01/2019 Date Data Arrived at EDR: 07/01/2019 Date Made Active in Reports: 09/23/2019

Number of Days to Update: 84

Source: Environmental Protection Agency

Telephone: 202-343-9775 Last EDR Contact: 03/23/2023

Next Scheduled EDR Contact: 07/10/2023 Data Release Frequency: Quarterly

HIST FTTS: FIFRA/TSCA Tracking System Administrative Case Listing

A complete administrative case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006 Date Data Arrived at EDR: 03/01/2007 Date Made Active in Reports: 04/10/2007

Number of Days to Update: 40

Source: Environmental Protection Agency

Telephone: 202-564-2501 Last EDR Contact: 12/17/2007

Next Scheduled EDR Contact: 03/17/2008

Data Release Frequency: No Update Planned

HIST FTTS INSP: FIFRA/TSCA Tracking System Inspection & Enforcement Case Listing

A complete inspection and enforcement case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006 Date Data Arrived at EDR: 03/01/2007 Date Made Active in Reports: 04/10/2007

Number of Days to Update: 40

Source: Environmental Protection Agency

Telephone: 202-564-2501 Last EDR Contact: 12/17/2008

Next Scheduled EDR Contact: 03/17/2008 Data Release Frequency: No Update Planned

DOT OPS: Incident and Accident Data

Department of Transporation, Office of Pipeline Safety Incident and Accident data.

Date of Government Version: 01/02/2020 Date Data Arrived at EDR: 01/28/2020 Date Made Active in Reports: 04/17/2020

Number of Days to Update: 80

Source: Department of Transporation, Office of Pipeline Safety

Telephone: 202-366-4595 Last EDR Contact: 04/25/2023

Next Scheduled EDR Contact: 08/07/2023 Data Release Frequency: Quarterly

CONSENT: Superfund (CERCLA) Consent Decrees

Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters.

Date of Government Version: 12/31/2022 Date Data Arrived at EDR: 01/12/2023 Date Made Active in Reports: 04/07/2023

Number of Days to Update: 85

Source: Department of Justice, Consent Decree Library

Telephone: Varies

Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

BRS: Biennial Reporting System

The Biennial Reporting System is a national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG) and Treatment, Storage, and Disposal Facilities.

Date of Government Version: 12/31/2021 Date Data Arrived at EDR: 03/09/2023 Date Made Active in Reports: 03/20/2023

Number of Days to Update: 11

Source: EPA/NTIS Telephone: 800-424-9346 Last EDR Contact: 03/09/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Biennially

INDIAN RESERV: Indian Reservations

This map layer portrays Indian administered lands of the United States that have any area equal to or greater

than 640 acres.

Date of Government Version: 12/31/2014 Date Data Arrived at EDR: 07/14/2015 Date Made Active in Reports: 01/10/2017

Number of Days to Update: 546

Source: USGS

Telephone: 202-208-3710 Last EDR Contact: 04/06/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Semi-Annually

FUSRAP: Formerly Utilized Sites Remedial Action Program

DOE established the Formerly Utilized Sites Remedial Action Program (FUSRAP) in 1974 to remediate sites where radioactive contamination remained from Manhattan Project and early U.S. Atomic Energy Commission (AEC) operations.

Date of Government Version: 07/26/2021 Date Data Arrived at EDR: 07/27/2021 Date Made Active in Reports: 10/22/2021

Number of Days to Update: 87

Source: Department of Energy Telephone: 202-586-3559 Last EDR Contact: 04/26/2023

Next Scheduled EDR Contact: 08/14/2023

Data Release Frequency: Varies

UMTRA: Uranium Mill Tailings Sites

Uranium ore was mined by private companies for federal government use in national defense programs. When the mills shut down, large piles of the sand-like material (mill tailings) remain after uranium has been extracted from the ore. Levels of human exposure to radioactive materials from the piles are low; however, in some cases tailings were used as construction materials before the potential health hazards of the tailings were recognized.

Date of Government Version: 08/30/2019 Date Data Arrived at EDR: 11/15/2019 Date Made Active in Reports: 01/28/2020

Number of Days to Update: 74

Source: Department of Energy Telephone: 505-845-0011 Last EDR Contact: 02/13/2023

Next Scheduled EDR Contact: 05/29/2023

Data Release Frequency: Varies

LEAD SMELTER 1: Lead Smelter Sites

A listing of former lead smelter site locations.

Date of Government Version: 01/25/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/28/2023

Number of Days to Update: 26

Source: Environmental Protection Agency

Telephone: 703-603-8787 Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 07/10/2023

Data Release Frequency: Varies

LEAD SMELTER 2: Lead Smelter Sites

A list of several hundred sites in the U.S. where secondary lead smelting was done from 1931and 1964. These sites may pose a threat to public health through ingestion or inhalation of contaminated soil or dust

Date of Government Version: 04/05/2001 Date Data Arrived at EDR: 10/27/2010 Date Made Active in Reports: 12/02/2010

Number of Days to Update: 36

Source: American Journal of Public Health

Telephone: 703-305-6451 Last EDR Contact: 12/02/2009 Next Scheduled EDR Contact: N/A

Data Release Frequency: No Update Planned

US AIRS (AFS): Aerometric Information Retrieval System Facility Subsystem (AFS)

The database is a sub-system of Aerometric Information Retrieval System (AIRS). AFS contains compliance data on air pollution point sources regulated by the U.S. EPA and/or state and local air regulatory agencies. This information comes from source reports by various stationary sources of air pollution, such as electric power plants, steel mills, factories, and universities, and provides information about the air pollutants they produce. Action, air program, air program pollutant, and general level plant data. It is used to track emissions and compliance data from industrial plants.

Date of Government Version: 10/12/2016 Date Data Arrived at EDR: 10/26/2016 Date Made Active in Reports: 02/03/2017

Number of Days to Update: 100

US AIRS MINOR: Air Facility System Data A listing of minor source facilities.

Date of Government Version: 10/12/2016
Date Data Arrived at EDR: 10/26/2016
Date Made Active in Reports: 02/03/2017

Number of Days to Update: 100

Source: EPA

Telephone: 202-564-2496 Last EDR Contact: 09/26/2017

Next Scheduled EDR Contact: 01/08/2018 Data Release Frequency: Annually

Source: EPA

Telephone: 202-564-2496 Last EDR Contact: 09/26/2017

Next Scheduled EDR Contact: 01/08/2018 Data Release Frequency: Annually

MINES VIOLATIONS: MSHA Violation Assessment Data

Mines violation and assessment information. Department of Labor, Mine Safety & Health Administration.

Date of Government Version: 02/27/2023 Date Data Arrived at EDR: 03/01/2023 Date Made Active in Reports: 03/24/2023

Number of Days to Update: 23

Source: DOL, Mine Safety & Health Admi

Telephone: 202-693-9424 Last EDR Contact: 04/04/2023

Next Scheduled EDR Contact: 06/12/2023 Data Release Frequency: Quarterly

US MINES: Mines Master Index File

Contains all mine identification numbers issued for mines active or opened since 1971. The data also includes violation information.

Date of Government Version: 11/07/2022 Date Data Arrived at EDR: 11/17/2022 Date Made Active in Reports: 02/10/2023

Number of Days to Update: 85

Source: Department of Labor, Mine Safety and Health Administration

Telephone: 303-231-5959 Last EDR Contact: 02/22/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Semi-Annually

US MINES 2: Ferrous and Nonferrous Metal Mines Database Listing

This map layer includes ferrous (ferrous metal mines are facilities that extract ferrous metals, such as iron ore or molybdenum) and nonferrous (Nonferrous metal mines are facilities that extract nonferrous metals, such as gold, silver, copper, zinc, and lead) metal mines in the United States.

Date of Government Version: 05/06/2020 Date Data Arrived at EDR: 05/27/2020 Date Made Active in Reports: 08/13/2020

Number of Days to Update: 78

Source: USGS

Telephone: 703-648-7709 Last EDR Contact: 02/24/2023

Next Scheduled EDR Contact: 06/05/2023

Data Release Frequency: Varies

US MINES 3: Active Mines & Mineral Plants Database Listing

Active Mines and Mineral Processing Plant operations for commodities monitored by the Minerals Information Team of the USGS.

Date of Government Version: 04/14/2011 Date Data Arrived at EDR: 06/08/2011 Date Made Active in Reports: 09/13/2011

Number of Days to Update: 97

Source: USGS

Telephone: 703-648-7709 Last EDR Contact: 02/24/2023

Next Scheduled EDR Contact: 06/05/2023

Data Release Frequency: Varies

ABANDONED MINES: Abandoned Mines

An inventory of land and water impacted by past mining (primarily coal mining) is maintained by OSMRE to provide information needed to implement the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The inventory contains information on the location, type, and extent of AML impacts, as well as, information on the cost associated with the reclamation of those problems. The inventory is based upon field surveys by State, Tribal, and OSMRE program officials. It is dynamic to the extent that it is modified as new problems are identified and existing problems are reclaimed.

Date of Government Version: 12/20/2022 Date Data Arrived at EDR: 12/20/2022 Date Made Active in Reports: 03/10/2023

Number of Days to Update: 80

Source: Department of Interior Telephone: 202-208-2609 Last EDR Contact: 03/16/2023

Next Scheduled EDR Contact: 06/19/2023 Data Release Frequency: Quarterly

FINDS: Facility Index System/Facility Registry System

Facility Index System. FINDS contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

Date of Government Version: 02/02/2023 Date Data Arrived at EDR: 02/28/2023 Date Made Active in Reports: 03/24/2023

Number of Days to Update: 24

Source: EPA Telephone: (404) 562-9900 Last EDR Contact: 02/28/2023

Next Scheduled EDR Contact: 06/12/2023 Data Release Frequency: Quarterly

ECHO: Enforcement & Compliance History Information

ECHO provides integrated compliance and enforcement information for about 800,000 regulated facilities nationwide.

Date of Government Version: 01/01/2023 Date Data Arrived at EDR: 01/04/2023 Date Made Active in Reports: 04/03/2023

Number of Days to Update: 89

Source: Environmental Protection Agency

Telephone: 202-564-2280 Last EDR Contact: 03/31/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Quarterly

DOCKET HWC: Hazardous Waste Compliance Docket Listing

A complete list of the Federal Agency Hazardous Waste Compliance Docket Facilities.

Date of Government Version: 05/06/2021 Date Data Arrived at EDR: 05/21/2021 Date Made Active in Reports: 08/11/2021

Number of Days to Update: 82

Source: Environmental Protection Agency

Telephone: 202-564-0527 Last EDR Contact: 02/24/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Varies

UXO: Unexploded Ordnance Sites

A listing of unexploded ordnance site locations

Date of Government Version: 11/09/2021 Date Data Arrived at EDR: 10/20/2022 Date Made Active in Reports: 01/10/2023

Number of Days to Update: 82

Source: Department of Defense Telephone: 703-704-1564 Last EDR Contact: 04/06/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Varies

FUELS PROGRAM: EPA Fuels Program Registered Listing

This listing includes facilities that are registered under the Part 80 (Code of Federal Regulations) EPA Fuels Programs. All companies now are required to submit new and updated registrations.

Date of Government Version: 02/13/2023 Date Data Arrived at EDR: 02/14/2023 Date Made Active in Reports: 04/19/2023

Number of Days to Update: 64

Source: EPA

Telephone: 800-385-6164 Last EDR Contact: 02/14/2023

Next Scheduled EDR Contact: 05/29/2023 Data Release Frequency: Quarterly

PFAS NPL: Superfund Sites with PFAS Detections Information

EPA's Office of Land and Emergency Management and EPA Regional Offices maintain data describing what is known about site investigations, contamination, and remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) where PFAS is present in the environment.

Date of Government Version: 02/23/2022 Date Data Arrived at EDR: 07/08/2022 Date Made Active in Reports: 11/08/2022

Number of Days to Update: 123

Source: Environmental Protection Agency

Telephone: 703-603-8895 Last EDR Contact: 04/04/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

PFAS FEDERAL SITES: Federal Sites PFAS Information

Several federal entities, such as the federal Superfund program, Department of Defense, National Aeronautics and Space Administration, Department of Transportation, and Department of Energy provided information for sites with known or suspected detections at federal facilities.

Date of Government Version: 03/30/2023 Date Data Arrived at EDR: 03/30/2023 Date Made Active in Reports: 04/07/2023

Number of Days to Update: 8

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

PFAS TSCA: PFAS Manufacture and Imports Information

EPA issued the Chemical Data Reporting (CDR) Rule under the Toxic Substances Control Act (TSCA) and requires chemical manufacturers and facilities that manufacture or import chemical substances to report data to EPA. EPA publishes non-confidential business information (non-CBI) and includes descriptive information about each site, corporate parent, production volume, other manufacturing information, and processing and use information.

Date of Government Version: 01/03/2022 Date Data Arrived at EDR: 03/31/2022 Date Made Active in Reports: 11/08/2022

Number of Days to Update: 222

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023

Data Release Frequency: Varies

PFAS RCRA MANIFEST: PFAS Transfers Identified In the RCRA Database Listing

To work around the lack of PFAS waste codes in the RCRA database, EPA developed the PFAS Transfers dataset by mining e-Manifest records containing at least one of these common PFAS keywords: PFAS, PFOA, PFOS, PERFL, AFFF, GENX, GEN-X (plus the VT waste codes). These keywords were searched for in the following text fields: Manifest handling instructions (MANIFEST HANDLING INSTR), Non-hazardous waste description (NON HAZ WASTE DESCRIPTION), DOT printed information (DOT_PRINTED_INFORMATION), Waste line handling instructions (WASTE_LINE_HANDLING_INSTR), Waste residue comments (WASTE_RESIDUE_COMMENTS).

Date of Government Version: 01/03/2022 Date Data Arrived at EDR: 03/31/2022 Date Made Active in Reports: 11/08/2022

Number of Days to Update: 222

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

PFAS ATSDR: PFAS Contamination Site Location Listing

PFAS contamination site locations from the Department of Health & Human Services, Center for Disease Control & Prevention. ATSDR is involved at a number of PFAS-related sites, either directly or through assisting state and federal partners. As of now, most sites are related to drinking water contamination connected with PFAS production facilities or fire training areas where aqueous film-forming firefighting foam (AFFF) was regularly used.

Date of Government Version: 06/24/2020 Date Data Arrived at EDR: 03/17/2021 Date Made Active in Reports: 11/08/2022

Number of Days to Update: 601

Source: Department of Health & Human Services

Telephone: 202-741-5770 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 08/07/2023 Data Release Frequency: Varies

PFAS WQP: Ambient Environmental Sampling for PFAS

The Water Quality Portal (WQP) is a part of a modernized repository storing ambient sampling data for all environmental media and tissue samples. A wide range of federal, state, tribal and local governments, academic and non-governmental organizations and individuals submit project details and sampling results to this public repository. The information is commonly used for research and assessments of environmental quality.

Date of Government Version: 01/03/2022 Date Data Arrived at EDR: 03/31/2022 Date Made Active in Reports: 11/08/2022

Number of Days to Update: 222

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

PFAS NPDES: Clean Water Act Discharge Monitoring Information

Any discharger of pollutants to waters of the United States from a point source must have a National Pollutant Discharge Elimination System (NPDES) permit. The process for obtaining limits involves the regulated entity (permittee) disclosing releases in a NPDES permit application and the permitting authority (typically the state but sometimes EPA) deciding whether to require monitoring or monitoring with limits.

Date of Government Version: 03/30/2023 Date Data Arrived at EDR: 03/30/2023 Date Made Active in Reports: 04/07/2023

Number of Days to Update: 8

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023

Data Release Frequency: Varies

PFAS ECHO: Facilities in Industries that May Be Handling PFAS Listing

Regulators and the public have expressed interest in knowing which regulated entities may be using PFAS. EPA has developed a dataset from various sources that show which industries may be handling PFAS. Approximately 120,000 facilities subject to federal environmental programs have operated or currently operate in industry sectors with processes that may involve handling and/or release of PFAS.

Date of Government Version: 03/30/2023 Date Data Arrived at EDR: 03/30/2023 Date Made Active in Reports: 04/03/2023

Number of Days to Update: 4

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

PFAS ECHO FIRE TRAINING: Facilities in Industries that May Be Handling PFAS Listing

A list of fire training sites was added to the Industry Sectors dataset using a keyword search on the permitted facilitys name to identify sites where fire-fighting foam may have been used in training exercises. Additionally, you may view an example spreadsheet of the subset of fire training facility data, as well as the keywords used in selecting or deselecting a facility for the subset. as well as the keywords used in selecting or deselecting a facility for the subset. These keywords were tested to maximize accuracy in selecting facilities that may use fire-fighting foam in training exercises, however, due to the lack of a required reporting field in the data systems for designating fire training sites, this methodology may not identify all fire training sites or may potentially misidentify them.

Date of Government Version: 03/30/2023 Date Data Arrived at EDR: 03/30/2023 Date Made Active in Reports: 04/03/2023

Number of Days to Update: 4

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023

Data Release Frequency: Varies

PFAS PART 139 AIRPORT: All Certified Part 139 Airports PFAS Information Listing

Since July 1, 2006, all certified part 139 airports are required to have fire-fighting foam onsite that meet military specifications (MIL-F-24385) (14 CFR 139.317). To date, these military specification fire-fighting foams are fluorinated and have been historically used for training and extinguishing. The 2018 FAA Reauthorization Act has a provision stating that no later than October 2021, FAA shall not require the use of fluorinated AFFF. This provision does not prohibit the use of fluorinated AFFF at Part 139 civilian airports; it only prohibits FAA from mandating its use. The Federal Aviation Administration?s document AC 150/5210-6D - Aircraft Fire Extinguishing Agents provides guidance on Aircraft Fire Extinguishing Agents, which includes Aqueous Film Forming Foam (AFFF).

Date of Government Version: 03/30/2023 Date Data Arrived at EDR: 03/30/2023 Date Made Active in Reports: 04/03/2023

Number of Days to Update: 4

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023

Data Release Frequency: Varies

AQUEOUS FOAM NRC: Aqueous Foam Related Incidents Listing

The National Response Center (NRC) serves as an emergency call center that fields initial reports for pollution and railroad incidents and forwards that information to appropriate federal/state agencies for response. The spreadsheets posted to the NRC website contain initial incident data that has not been validated or investigated by a federal/state response agency. Response center calls from 1990 to the most recent complete calendar year where there was indication of Aqueous Film Forming Foam (AFFF) usage are included in this dataset. NRC calls may reference AFFF usage in the ?Material Involved? or ?Incident Description? fields.

Date of Government Version: 01/02/2023 Date Data Arrived at EDR: 01/05/2023 Date Made Active in Reports: 04/03/2023

Number of Days to Update: 88

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

PFAS: PFAS Detections Site Listing

The presence of PFAS contamination at locations, including water treatment plants.

Date of Government Version: 12/01/2022 Date Data Arrived at EDR: 12/01/2022 Date Made Active in Reports: 02/22/2023

Number of Days to Update: 83

Source: Department of Environmental Protection

Telephone: 502-564-3410 Last EDR Contact: 03/02/2023

Next Scheduled EDR Contact: 06/19/2023 Data Release Frequency: Varies

AIRS: Permitted Airs Facility Listing
A listing of permitted Airs facilities.

Date of Government Version: 02/16/2023 Date Data Arrived at EDR: 02/16/2023 Date Made Active in Reports: 03/16/2023

Number of Days to Update: 28

Source: Department of Environmental Protection

Telephone: 502-573-3382 Last EDR Contact: 04/19/2023

Next Scheduled EDR Contact: 08/07/2023 Data Release Frequency: Semi-Annually

ASBESTOS: Asbestos Notification Listing Asbestos sites

> Date of Government Version: 12/20/2022 Date Data Arrived at EDR: 12/20/2022 Date Made Active in Reports: 03/15/2023

Number of Days to Update: 85

Source: Department of Environmental Protection

Telephone: 502-782-6780 Last EDR Contact: 02/23/2023

Next Scheduled EDR Contact: 06/12/2023

Data Release Frequency: Varies

COAL ASH: Coal Ash Disposal Sites
A listing of coal ash pond site locations.

Date of Government Version: 01/04/2023 Date Data Arrived at EDR: 01/24/2023 Date Made Active in Reports: 04/12/2023

Number of Days to Update: 78

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 01/24/2023

Next Scheduled EDR Contact: 05/08/2023 Data Release Frequency: No Update Planned

DRYCLEANERS: Drycleaner Listing
A listing of drycleaner facility locations.

Date of Government Version: 02/16/2023 Date Data Arrived at EDR: 02/16/2023 Date Made Active in Reports: 02/27/2023

Number of Days to Update: 11

Source: Department of Environmental Protection

Telephone: 502-573-3382 Last EDR Contact: 04/19/2023

Next Scheduled EDR Contact: 08/07/2023 Data Release Frequency: Semi-Annually

Financial Assurance 1: Financial Assurance Information Listing

A listing of financial assurance information.

Date of Government Version: 11/14/2022 Date Data Arrived at EDR: 11/16/2022 Date Made Active in Reports: 02/03/2023

Number of Days to Update: 79

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 04/19/2023

Next Scheduled EDR Contact: 08/07/2023 Data Release Frequency: Varies

Financial Assurance 2: Financial Assurance Information Listing

Financial Assurance information for underground storage tank facilities. Financial assurance is intended to ensure that resources are available to pay for the cost of closure, post-closure care, and corrective measures if the owner or operator of a regulated facility is unable or unwilling to pay.

Date of Government Version: 05/14/2014 Date Data Arrived at EDR: 06/06/2014 Date Made Active in Reports: 06/24/2014

Number of Days to Update: 18

Source: Department of Environmental Protection

Telephone: 502-564-5981 Last EDR Contact: 04/19/2023

Next Scheduled EDR Contact: 08/07/2023 Data Release Frequency: Varies

Financial Assurance 3: Financial Assurance Information Listing

A listing of financial assurance information for solid waste facilities. Financial assurance is intended to ensure that resources are available to pay for the cost of closure, post-closure care, and corrective measures if the owner or operator of a regulated facility is unable or unwilling to pay.

Date of Government Version: 11/14/2022 Date Data Arrived at EDR: 11/16/2022 Date Made Active in Reports: 02/03/2023

Number of Days to Update: 79

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 04/19/2023

Next Scheduled EDR Contact: 08/07/2023

Data Release Frequency: Varies

LEAD: Environmental Lead Program Report Tracking Database

Lead Report Tracking Database

Date of Government Version: 01/27/2017 Date Data Arrived at EDR: 02/02/2017 Date Made Active in Reports: 08/21/2017

Number of Days to Update: 200

Source: Department of Public Health

Telephone: 502-564-4537 Last EDR Contact: 01/30/2023

Next Scheduled EDR Contact: 05/15/2023

Data Release Frequency: Varies

NPDES: Permitted Facility Listing

A listing of permitted wastewater facilities.

Date of Government Version: 02/21/2023 Date Data Arrived at EDR: 02/23/2023 Date Made Active in Reports: 02/27/2023

Number of Days to Update: 4

Source: Department of Environmental Protection

Telephone: 502-564-3410 Last EDR Contact: 01/30/2023

Next Scheduled EDR Contact: 05/15/2023 Data Release Frequency: Semi-Annually

UIC: UIC Information

A listing of wells identified as underground injection wells, in the Kentucky Oil & Gas Wells data base.

Date of Government Version: 12/01/2022 Date Data Arrived at EDR: 01/10/2023 Date Made Active in Reports: 03/29/2023

Number of Days to Update: 78

Source: Kentucky Geological Survey Telephone: 859-323-0544 Last EDR Contact: 04/11/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Quarterly

PFAS TRIS: List of PFAS Added to the TRI

Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added certain per- and polyfluoroalkyl substances (PFAS) to the list of chemicals covered by the Toxics Release Inventory (TRI) under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and provided a framework for additional PFAS to be added to TRI on an annual basis.

Date of Government Version: 03/07/2023 Date Data Arrived at EDR: 03/07/2023 Date Made Active in Reports: 03/24/2023

Number of Days to Update: 17

Source: Environmental Protection Agency

Telephone: 202-566-0250 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

MINES MRDS: Mineral Resources Data System

Mineral Resources Data System

Date of Government Version: 08/23/2022 Date Data Arrived at EDR: 11/22/2022 Date Made Active in Reports: 02/28/2023

Number of Days to Update: 98

Source: USGS

Telephone: 703-648-6533 Last EDR Contact: 02/24/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Varies

PCS ENF: Enforcement data

No description is available for this data

Date of Government Version: 12/31/2014 Date Data Arrived at EDR: 02/05/2015 Date Made Active in Reports: 03/06/2015

Number of Days to Update: 29

Source: EPA

Telephone: 202-564-2497 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

PCS: Permit Compliance System

PCS is a computerized management information system that contains data on National Pollutant Discharge Elimination System (NPDES) permit holding facilities. PCS tracks the permit, compliance, and enforcement status of NPDES facilities.

Date of Government Version: 07/14/2011 Date Data Arrived at EDR: 08/05/2011 Date Made Active in Reports: 09/29/2011

Number of Days to Update: 55

Source: EPA, Office of Water Telephone: 202-564-2496 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: No Update Planned

EDR HIGH RISK HISTORICAL RECORDS

EDR Exclusive Records

EDR MGP: EDR Proprietary Manufactured Gas Plants

The EDR Proprietary Manufactured Gas Plant Database includes records of coal gas plants (manufactured gas plants) compiled by EDR's researchers. Manufactured gas sites were used in the United States from the 1800's to 1950's to produce a gas that could be distributed and used as fuel. These plants used whale oil, rosin, coal, or a mixture of coal, oil, and water that also produced a significant amount of waste. Many of the byproducts of the gas production, such as coal tar (oily waste containing volatile and non-volatile chemicals), sludges, oils and other compounds are potentially hazardous to human health and the environment. The byproduct from this process was frequently disposed of directly at the plant site and can remain or spread slowly, serving as a continuous source of soil and groundwater contamination.

Date of Government Version: N/A Date Data Arrived at EDR: N/A Date Made Active in Reports: N/A

Number of Days to Update: N/A

Source: EDR, Inc. Telephone: N/A Last EDR Contact: N/A

Next Scheduled EDR Contact: N/A

Data Release Frequency: No Update Planned

EDR Hist Auto: EDR Exclusive Historical Auto Stations

EDR has searched selected national collections of business directories and has collected listings of potential gas station/filling station/service station sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include gas station/filling station/service station establishments. The categories reviewed included, but were not limited to gas, gas station, gasoline station, filling station, auto, automobile repair, auto service station, service station, etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

Date of Government Version: N/A Date Data Arrived at EDR: N/A Date Made Active in Reports: N/A Number of Days to Update: N/A Source: EDR, Inc.
Telephone: N/A
Last EDR Contact: N/A

Next Scheduled EDR Contact: N/A Data Release Frequency: Varies

EDR Hist Cleaner: EDR Exclusive Historical Cleaners

EDR has searched selected national collections of business directories and has collected listings of potential dry cleaner sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include dry cleaning establishments. The categories reviewed included, but were not limited to dry cleaners, cleaners, laundry, laundromat, cleaning/laundry, wash & dry etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

Date of Government Version: N/A Source: EDR, Inc.

Date Data Arrived at EDR: N/A Telephone: N/A

Date Made Active in Reports: N/A Last EDR Contact: N/A

Number of Days to Update: N/A Next Scheduled EDR Contact: N/A Data Release Frequency: Varies

EDR RECOVERED GOVERNMENT ARCHIVES

Exclusive Recovered Govt. Archives

RGA HWS: Recovered Government Archive State Hazardous Waste Facilities List

The EDR Recovered Government Archive State Hazardous Waste database provides a list of SHWS incidents derived from historical databases and includes many records that no longer appear in current government lists.

Date of Government Version: N/A
Date Data Arrived at EDR: 07/01/2013
Date Made Active in Reports: 01/03/2014
Number of Days to Update: 186

Source: Department of Environmental Protection

Telephone: N/A

Last EDR Contact: 06/01/2012 Next Scheduled EDR Contact: N/A Data Release Frequency: Varies

RGA LF: Recovered Government Archive Solid Waste Facilities List

The EDR Recovered Government Archive Landfill database provides a list of landfills derived from historical databases and includes many records that no longer appear in current government lists.

Date of Government Version: N/A
Date Data Arrived at EDR: 07/01/2013
Date Made Active in Reports: 01/15/2014
Number of Days to Update: 198

Source: Department of Environmental Protection

Telephone: N/A

Last EDR Contact: 06/01/2012 Next Scheduled EDR Contact: N/A Data Release Frequency: Varies

OTHER DATABASE(S)

Depending on the geographic area covered by this report, the data provided in these specialty databases may or may not be complete. For example, the existence of wetlands information data in a specific report does not mean that all wetlands in the area covered by the report are included. Moreover, the absence of any reported wetlands information does not necessarily mean that wetlands do not exist in the area covered by the report.

CT MANIFEST: Hazardous Waste Manifest Data

Facility and manifest data. Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a tsd facility.

Date of Government Version: 11/16/2022 Date Data Arrived at EDR: 11/16/2022 Date Made Active in Reports: 02/06/2023

Number of Days to Update: 82

Source: Department of Energy & Environmental Protection

Telephone: 860-424-3375 Last EDR Contact: 02/10/2023

Next Scheduled EDR Contact: 05/22/2023 Data Release Frequency: No Update Planned

NJ MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 12/31/2018 Date Data Arrived at EDR: 04/10/2019 Date Made Active in Reports: 05/16/2019

Number of Days to Update: 36

Source: Department of Environmental Protection

Telephone: N/A

Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Annually

NY MANIFEST: Facility and Manifest Data

Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a TSD

facility.

Date of Government Version: 01/01/2019 Date Data Arrived at EDR: 10/29/2021 Date Made Active in Reports: 01/19/2022

Number of Days to Update: 82

Source: Department of Environmental Conservation

Telephone: 518-402-8651 Last EDR Contact: 01/27/2023

Next Scheduled EDR Contact: 05/08/2023 Data Release Frequency: Quarterly

PA MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 06/30/2018 Date Data Arrived at EDR: 07/19/2019 Date Made Active in Reports: 09/10/2019

Number of Days to Update: 53

Source: Department of Environmental Protection

Telephone: 717-783-8990 Last EDR Contact: 04/06/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Annually

RI MANIFEST: Manifest information Hazardous waste manifest information

> Date of Government Version: 12/31/2020 Date Data Arrived at EDR: 11/30/2021 Date Made Active in Reports: 02/18/2022

Number of Days to Update: 80

Source: Department of Environmental Management

Telephone: 401-222-2797 Last EDR Contact: 02/13/2022

Next Scheduled EDR Contact: 05/29/2023 Data Release Frequency: Annually

WI MANIFEST: Manifest Information
Hazardous waste manifest information.

Date of Government Version: 05/31/2018 Date Data Arrived at EDR: 06/19/2019 Date Made Active in Reports: 09/03/2019

Number of Days to Update: 76

Source: Department of Natural Resources

Telephone: N/A

Last EDR Contact: 03/06/2023

Next Scheduled EDR Contact: 06/19/2023 Data Release Frequency: Annually

Oil/Gas Pipelines

Source: Endeavor Business Media

Petroleum Bundle (Crude Oil, Refined Products, Petrochemicals, Gas Liquids (LPG/NGL), and Specialty Gases (Miscellaneous)) N = Natural Gas Bundle (Natural Gas, Gas Liquids (LPG/NGL), and Specialty Gases (Miscellaneous)). This map includes information copyrighted by Endeavor Business Media. This information is provided on a best effort basis and Endeavor Business Media does not guarantee its accuracy nor warrant its fitness for any particular purpose. Such information has been reprinted with the permission of Endeavor Business Media.

Electric Power Transmission Line Data

Source: Endeavor Business Media

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Sensitive Receptors: There are individuals deemed sensitive receptors due to their fragile immune systems and special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the sick, and children. While the location of all sensitive receptors cannot be determined, EDR indicates those buildings and facilities - schools, daycares, hospitals, medical centers, and nursing homes - where individuals who are sensitive receptors are likely to be located.

AHA Hospitals:

Source: American Hospital Association, Inc.

Telephone: 312-280-5991

The database includes a listing of hospitals based on the American Hospital Association's annual survey of hospitals.

Medical Centers: Provider of Services Listing

Source: Centers for Medicare & Medicaid Services

Telephone: 410-786-3000

A listing of hospitals with Medicare provider number, produced by Centers of Medicare & Medicaid Services,

a federal agency within the U.S. Department of Health and Human Services.

Nursing Homes

Source: National Institutes of Health

Telephone: 301-594-6248

Information on Medicare and Medicaid certified nursing homes in the United States.

Public Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on elementary

and secondary public education in the United States. It is a comprehensive, annual, national statistical database of all public elementary and secondary schools and school districts, which contains data that are comparable across all states.

Private Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on private school locations in the United States.

Daycare Centers: Certified Child Care Homes Source: Cabinet for Families & Children

Telephone: 502-564-7130

Flood Zone Data: This data was obtained from the Federal Emergency Management Agency (FEMA). It depicts 100-year and 500-year flood zones as defined by FEMA. It includes the National Flood Hazard Layer (NFHL) which incorporates Flood Insurance Rate Map (FIRM) data and Q3 data from FEMA in areas not covered by NFHL.

Source: FEMA

Telephone: 877-336-2627

Date of Government Version: 2003, 2015

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002, 2005, 2010 and 2015 from the U.S. Fish and Wildlife Service.

State Wetlands Data: Wetland Inventory

Source: Environmental & Public Protection Cabinet

Telephone: 502-564-6736

Current USGS 7.5 Minute Topographic Map Source: U.S. Geological Survey

STREET AND ADDRESS INFORMATION

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GEOCHECK®- PHYSICAL SETTING SOURCE ADDENDUM

TARGET PROPERTY ADDRESS

SKYVIEW SITE - PERRY COUNTY HAL ROGERS PARKWAY HAZARD, KY 41701

TARGET PROPERTY COORDINATES

Latitude (North): 37.252465 - 37° 15' 8.87" Longitude (West): 83.268891 - 83° 16' 8.01"

Universal Tranverse Mercator: Zone 17 UTM X (Meters): 298773.3 UTM Y (Meters): 4125088.5

Elevation: 1214 ft. above sea level

USGS TOPOGRAPHIC MAP

Target Property Map: 13082248 KRYPTON, KY

Version Date: 2019

Northeast Map: 13082236 HAZARD NORTH, KY

Version Date: 2019

Southeast Map: 13082238 HAZARD SOUTH, KY

Version Date: 2019

Southwest Map: 13046748 HYDEN EAST, KY

Version Date: 2019

EDR's GeoCheck Physical Setting Source Addendum is provided to assist the environmental professional in forming an opinion about the impact of potential contaminant migration.

Assessment of the impact of contaminant migration generally has two principle investigative components:

- 1. Groundwater flow direction, and
- 2. Groundwater flow velocity.

Groundwater flow direction may be impacted by surface topography, hydrology, hydrogeology, characteristics of the soil, and nearby wells. Groundwater flow velocity is generally impacted by the nature of the geologic strata.

GROUNDWATER FLOW DIRECTION INFORMATION

Groundwater flow direction for a particular site is best determined by a qualified environmental professional using site-specific well data. If such data is not reasonably ascertainable, it may be necessary to rely on other sources of information, such as surface topographic information, hydrologic information, hydrogeologic data collected on nearby properties, and regional groundwater flow information (from deep aquifers).

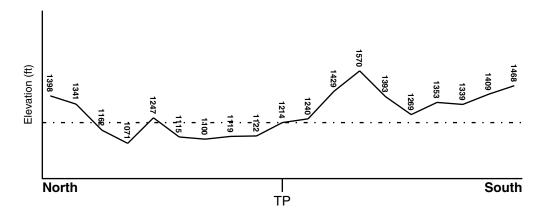
TOPOGRAPHIC INFORMATION

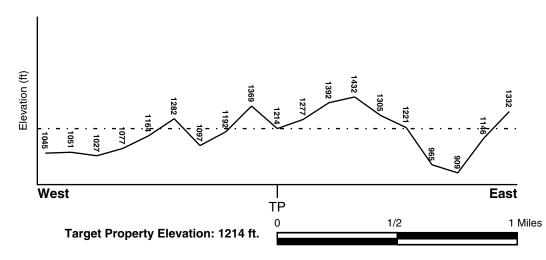
Surface topography may be indicative of the direction of surficial groundwater flow. This information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

TARGET PROPERTY TOPOGRAPHY

General Topographic Gradient: General NNW

SURROUNDING TOPOGRAPHY: ELEVATION PROFILES





Source: Topography has been determined from the USGS 7.5' Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified.

HYDROLOGIC INFORMATION

Surface water can act as a hydrologic barrier to groundwater flow. Such hydrologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

Refer to the Physical Setting Source Map following this summary for hydrologic information (major waterways and bodies of water).

FEMA FLOOD ZONE

Flood Plain Panel at Target Property FEMA Source Type

21131C0050D FEMA FIRM Flood data

Additional Panels in search area: FEMA Source Type

21193C0175D FEMA FIRM Flood data 21131C0125D FEMA FIRM Flood data

NATIONAL WETLAND INVENTORY

NWI Quad at Target Property Data Coverage

KRYPTON YES - refer to the Overview Map and Detail Map

HYDROGEOLOGIC INFORMATION

Hydrogeologic information obtained by installation of wells on a specific site can often be an indicator of groundwater flow direction in the immediate area. Such hydrogeologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

AQUIFLOW®

Search Radius: 1.000 Mile.

EDR has developed the AQUIFLOW Information System to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted by environmental professionals to regulatory authorities at select sites and has extracted the date of the report, groundwater flow direction as determined hydrogeologically, and the depth to water table.

LOCATION GENERAL DIRECTION

MAP ID FROM TP GROUNDWATER FLOW

Not Reported

GROUNDWATER FLOW VELOCITY INFORMATION

Groundwater flow velocity information for a particular site is best determined by a qualified environmental professional using site specific geologic and soil strata data. If such data are not reasonably ascertainable, it may be necessary to rely on other sources of information, including geologic age identification, rock stratigraphic unit and soil characteristics data collected on nearby properties and regional soil information. In general, contaminant plumes move more quickly through sandy-gravelly types of soils than silty-clayey types of soils.

GEOLOGIC INFORMATION IN GENERAL AREA OF TARGET PROPERTY

Geologic information can be used by the environmental professional in forming an opinion about the relative speed at which contaminant migration may be occurring.

ROCK STRATIGRAPHIC UNIT

GEOLOGIC AGE IDENTIFICATION

Era: Paleozoic Category: Stratifed Sequence

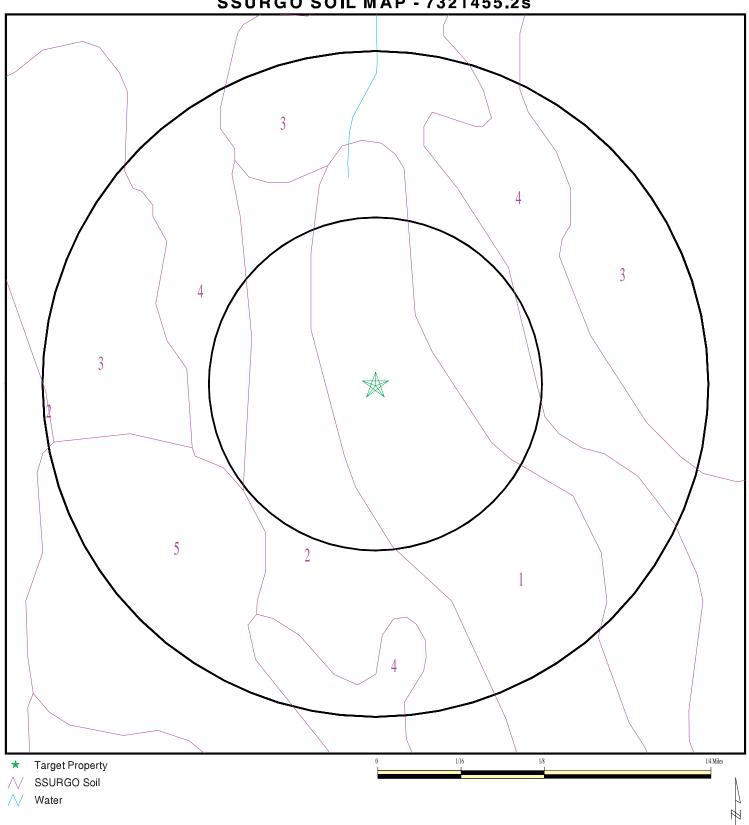
System: Pennsylvanian

Series: Atokan and Morrowan Series

Code: PP1 (decoded above as Era, System & Series)

Geologic Age and Rock Stratigraphic Unit Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - a digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

SSURGO SOIL MAP - 7321455.2s



SITE NAME: Skyview Site - Perry County
ADDRESS: Hal Rogers Parkway
Hazard KY 41701
LAT/LONG: 37.252465 / 83.268891

CLIENT: Kentucky Division of Compliance
CONTACT: Derek Bozzell
INQUIRY#: 7321455.2s
DATE: April 27, 2023 4:27 pm

DOMINANT SOIL COMPOSITION IN GENERAL AREA OF TARGET PROPERTY

The U.S. Department of Agriculture's (USDA) Soil Conservation Service (SCS) leads the National Cooperative Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. The following information is based on Soil Conservation Service SSURGO data.

Soil Map ID: 1

Soil Component Name: Fairpoint

Soil Surface Texture: very channery silt loam

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward

movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: High

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

			Soil Layer	r Information			
	Boundary			Classification		Saturated hydraulic	
Layer	Upper Lower		Soil Texture Class	AASHTO Group	Unified Soil	conductivity micro m/sec	Oon Hoadhon
1	0 inches	5 inches	very channery silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Clayey Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 4.23 Min: 1.41	Max: 7.3 Min: 5.6
2	5 inches	61 inches	very channery silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Clayey Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 4.23 Min: 1.41	Max: 7.3 Min: 5.6

Soil Map ID: 2

Soil Component Name: Shelocta

Soil Surface Texture: silt loam

Hydrologic Group: Class B - Moderate infiltration rates. Deep and moderately deep,

moderately well and well drained soils with moderately coarse

textures.

Soil Drainage Class: Well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: Low

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

			Soil Layer	r Information			
	Boundary			Classification		Saturated hydraulic	
Layer	Upper	Lower	Soil Texture Class	AASHTO Group	Unified Soil	conductivity micro m/sec	
1	0 inches	5 inches	silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 42 Min: 4	Max: 5.5 Min: 4.5
2	5 inches	59 inches	channery silty clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 42 Min: 4	Max: 5.5 Min: 4.5
3	59 inches	72 inches	channery loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 42 Min: 4	Max: 5.5 Min: 4.5

Soil Map ID: 3

Soil Component Name: Shelocta
Soil Surface Texture: silt loam

Hydrologic Group: Class B - Moderate infiltration rates. Deep and moderately deep,

moderately well and well drained soils with moderately coarse

textures.

Soil Drainage Class: Well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: Low

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

Soil Layer Information							
	Boundary			Classification		Saturated hydraulic	
Layer	Upper Lower		Soil Texture Class	AASHTO Group	Unified Soil	conductivity micro m/sec	
1	0 inches	5 inches	silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 42 Min: 4	Max: 5.5 Min: 4.5
2	5 inches	59 inches	channery silty clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 42 Min: 4	Max: 5.5 Min: 4.5
3	59 inches	72 inches	very channery loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 42 Min: 4	Max: 5.5 Min: 4.5

Soil Map ID: 4

Soil Component Name: Dekalb

Soil Surface Texture: channery loam

Class C - Slow infiltration rates. Soils with layers impeding downward movement of water, or soils with moderately fine or fine textures. Hydrologic Group:

Soil Drainage Class: Well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: Low

Depth to Bedrock Min: > 86 inches

Depth to Watertable Min: > 69 inches

	Soil Layer Information						
	Воц	ındary		Classification		Saturated hydraulic	
Layer	Upper	Lower	Soil Texture Class	AASHTO Group	Unified Soil	conductivity micro m/sec	Soil Reaction (pH)
1	0 inches	1 inches	channery loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	Not reported	Max: Min:	Max: Min:
2	1 inches	33 inches	very channery loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	Not reported	Max: Min:	Max: Min:
3	33 inches	38 inches	unweathered bedrock	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	Not reported	Max: Min:	Max: Min:

Soil Map ID: 5

Soil Component Name: Fairpoint

Soil Surface Texture: very channery silt loam

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward

movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: High

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

	Soil Layer Information						
	Boundary			Classification		Saturated hydraulic	
Layer	Upper	Lower	Soil Texture Class	AASHTO Group	Unified Soil	conductivity micro m/sec	Soil Reaction (pH)
1	0 inches	5 inches	very channery silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Clayey Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 4.23 Min: 1.41	Max: 7.3 Min: 5.6
2	5 inches	61 inches	very channery silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Clayey Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 4.23 Min: 1.41	Max: 7.3 Min: 5.6

LOCAL / REGIONAL WATER AGENCY RECORDS

EDR Local/Regional Water Agency records provide water well information to assist the environmental professional in assessing sources that may impact ground water flow direction, and in forming an opinion about the impact of contaminant migration on nearby drinking water wells.

WELL SEARCH DISTANCE INFORMATION

DATABASE SEARCH DISTANCE (miles)

Federal USGS 1.000

Federal FRDS PWS Nearest PWS within 1 mile

State Database 1.000

FEDERAL USGS WELL INFORMATION

LOCATION FROM TP

4 USGS40000381057 1/4 - 1/2 Mile North

FEDERAL FRDS PUBLIC WATER SUPPLY SYSTEM INFORMATION

WELL ID

MAP ID WELL ID FROM TP

No PWS System Found

MAP ID

Note: PWS System location is not always the same as well location.

GEOCHECK[®] - PHYSICAL SETTING SOURCE SUMMARY

STATE DATABASE WELL INFORMATION

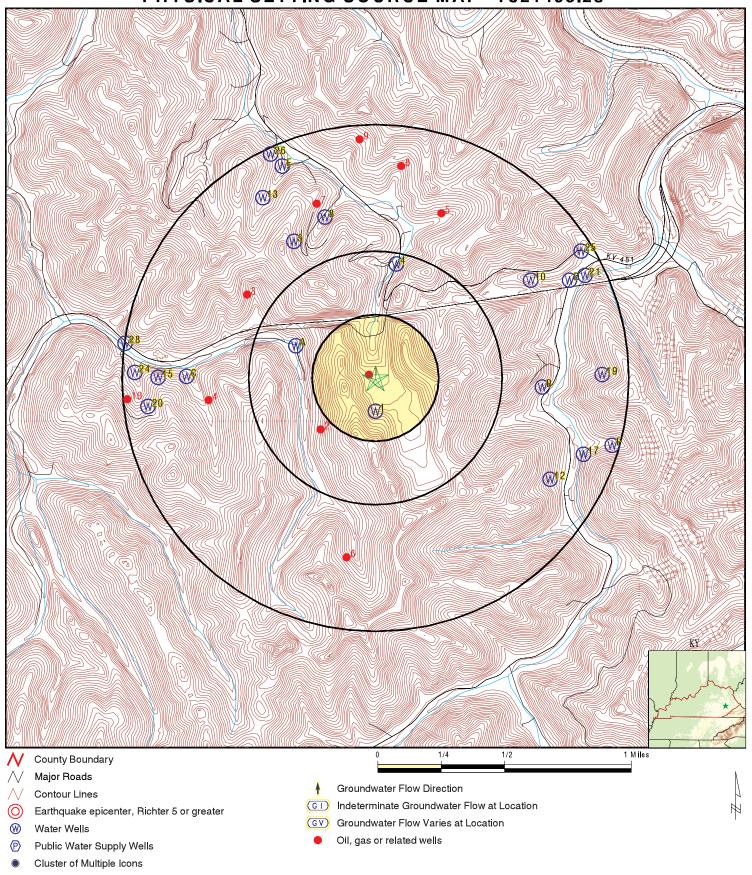
MAP ID	WELL ID	LOCATION FROM TP
1	KY7000000055806	1/8 - 1/4 Mile South
Å2	KY700000037841	1/4 - 1/2 Mile WNW
A3	KY700000022284	1/4 - 1/2 Mile WNW
5	KY700000055270	1/2 - 1 Mile NNW
B6	KY7000000005072	1/2 - 1 Mile East
B7	KY7000000000206	1/2 - 1 Mile East
8	KY700000011326	1/2 - 1 Mile NNW
C9	KY700000031684	1/2 - 1 Mile West
10	KY700000055802	1/2 - 1 Mile ENE
C11	KY700000027048	1/2 - 1 Mile West
12	KY700000013256	1/2 - 1 Mile ESE
13	KY700000055734	1/2 - 1 Mile NNW
D14	KY700000004302	1/2 - 1 Mile ENE
15	KY700000024863	1/2 - 1 Mile West
D16	KY700000004305	1/2 - 1 Mile ENE
17	KY700000046389	1/2 - 1 Mile ESE
E18	KY700000020360	1/2 - 1 Mile NNW
19	KY700000098962	1/2 - 1 Mile East
20	KY700000035888	1/2 - 1 Mile West
21	KY700000000209	1/2 - 1 Mile ENE
E22	KY700000000387	1/2 - 1 Mile NNW
F23	KY700000005603	1/2 - 1 Mile ESE
24	KY700000026912	1/2 - 1 Mile West
25	KY700000021590	1/2 - 1 Mile ENE
26	KY700000000207	1/2 - 1 Mile NNW
F27	KY700000005616	1/2 - 1 Mile ESE
28	KY700000031622	1/2 - 1 Mile West

OTHER STATE DATABASE INFORMATION

STATE OIL/GAS WELL INFORMATION

MAP ID	WELL ID	LOCATION FROM TP
1	KYOG14000015741	0 - 1/8 Mile WNW
2	KYOG14000074719	1/4 - 1/2 Mile SW
3	KYOG14000080331	1/2 - 1 Mile WNW
4	KYOG14000074634	1/2 - 1 Mile West
5	KYOG14000118104	1/2 - 1 Mile NNE
6	KYOG14000074718	1/2 - 1 Mile South
7	KYOG14000023039	1/2 - 1 Mile NNW
8	KYOG14000118553	1/2 - 1 Mile North
9	KYOG14000118889	1/2 - 1 Mile North
10	KYOG14000111362	1/2 - 1 Mile West

PHYSICAL SETTING SOURCE MAP - 7321455.2s



SITE NAME: Skyview Site - Perry County
ADDRESS: Hal Rogers Parkway
Hazard KY 41701
LAT/LONG: 37.252465 / 83.268891

Kentucky Division of Compliance

CLIENT: Kentucky Divis INQUIRY#: 7321455.2s

April 27, 2023 4:27 pm DATE:

GEOCHECK®- PHYSICAL SETTING SOURCE MAP FINDINGS

Map ID Direction Distance

Database EDR ID Number Elevation

Depth to Bedrock:

South

1/8 - 1/4 Mile Higher

> AKGWA ID: 60002431 Well Type: Water Well Well Status: Not Reported Alt ID: Not Reported PWS ID: Well Name: Not Reported Not Reported Usage: Domestic - Single Household

Surface Elevation: 0

Total Depth: 0

End Date: 01-JAN-75

A2 WNW 1/4 - 1/2 Mile Lower

> AKGWA ID: 00062760 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Well Name: Residence - Jeff & Bethel Baker Not Reported Surface Elevation: 1040 Domestic - Single Household Usage: Depth to Bedrock:

Total Depth: 143

04-MAY-05 End Date:

WNW **KY WELLS** KY7000000022284

1/4 - 1/2 Mile

AKGWA ID: 00037492 Well Type: Water Well Well Status: Alt ID: Active Not Reported

PWS ID: Well Name: Residence - Willard Turner Not Reported Surface Elevation: 1000 Usage: Domestic - Single Household

Total Depth:

End Date: 19-MAR-95

FED USGS USGS40000381057 North 1/4 - 1/2 Mile

Lower

Organization ID: **USGS-KY** Organization Name: USGS Kentucky Water Science Center

Depth to Bedrock:

H26D0002 Monitor Location: Type: Well HUC: 05100201 Description: Not Reported Drainage Area: Not Reported Drainage Area Units: Not Reported Contrib Drainage Area: Contrib Drainage Area Unts: Not Reported Not Reported Aquifer: Not Reported Formation Type: Not Reported 19540101 Aquifer Type: Not Reported Construction Date: Well Depth: 114 Well Depth Units: ft

Well Hole Depth: 114 Well Hole Depth Units: ft

Ground water levels, Number of Measurements: Level reading date: 1954-05-30 1 Feet below surface: 37.81 Feet to sea level: Not Reported

KY WELLS

KY WELLS

KY700000055806

KY7000000037841

GEOCHECK®-PHYSICAL SETTING SOURCE MAP FINDINGS

Note: Not Reported

NNW KY WELLS KY700000055270

1/2 - 1 Mile Higher

End Date:

AKGWA ID: 60001889 Well Type: Water Well Well Status: Not Reported Alt ID: Not Reported PWS ID: Not Reported Well Name: Not Reported

Surface Elevation: 0 Usage: Domestic - Single Household

Total Depth: 0 Depth to Bedrock: 0

Not Reported

05-MAR-87

1/2 - 1 Mile Lower

End Date:

AKGWA ID: 00004992 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - James L Fields Surface Elevation: Usage: Domestic - Single Household

Total Depth: 42 Depth to Bedrock: 9

1/2 - 1 Mile Lower

AKGWA ID: 00000260 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - James L Fields Surface Elevation: 864 Usage: Domestic - Single Household

Total Depth: 42 Depth to Bedrock: 9

End Date: 18-FEB-87

1/2 - 1 Mile Lower

AKGWA ID: 00016027 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Pearl Colwell Surface Elevation: 1100 Usage: Domestic - Single Household

Total Depth: 82 Depth to Bedrock: 6

End Date: 23-JAN-90

Map ID Direction Distance

Elevation Database EDR ID Number

C9 West

KY WELLS KY700000031684

1/2 - 1 Mile Lower

AKGWA ID: 00052791 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Rick Sumner Surface Elevation: 960 Usage: Domestic - Single Household

Total Depth: 784 Depth to Bedrock: 6

End Date: 24-AUG-99

10 ENE KY WELLS KY700000055802

1/2 - 1 Mile Lower

AKGWA ID: 60002427 Well Type: Water Well Well Status: Not Reported Alt ID: Not Reported PWS ID: Not Reported Well Name: Not Reported

Surface Elevation: 0 Usage: Domestic - Single Household

Total Depth: 0 Depth to Bedrock: 30

End Date: 01-JAN-80

C11
West KY WELLS KY700000027048

1/2 - 1 Mile

AKGWA ID: 00046586 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Steve Bingham Surface Elevation: Usage: Domestic - Single Household

Total Depth: 143 Depth to Bedrock: 14

End Date: 08-JAN-97

12 ESE KY WELLS KY700000013256

1/2 - 1 Mile Lower

AKGWA ID: 00018959 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - David Begley Surface Elevation: 950 Usage: Domestic - Single Household

Total Depth: 100 Depth to Bedrock: 16 End Date: 27-FEB-91

Map ID Direction Distance

Elevation Database EDR ID Number

Depth to Bedrock:

Depth to Bedrock:

NNW

1/2 - 1 Mile Lower

AKGWA ID: 60002358 Well Type: Water Well
Well Status: Not Reported Alt ID: Not Reported
PWS ID: Not Reported Well Name: Not Reported
Surface Elevation: 0 Usage: Domestic - Single Household

Surface Elevation: 0
Total Depth: 0

End Date: Not Reported

D14 ENE 1/2 - 1 Mile Lower

AKGWA ID: 00004245 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Ralph Howard Surface Elevation: 852 Usage: Domestic - Single Household

Total Depth: 100

End Date: 06-MAY-86

15
West KY WELLS KY700000024863

1/2 - 1 Mile

1/2 - 1 Mile Lower

AKGWA ID: 00043973 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Lewis Warren
Surface Elevation: 1000 Usage: Domestic - Single Household
Total Depth: 143 Depth to Bedrock: 7

Total Depth: 143 End Date: 26-FEB-96

AKGWA ID: 00004248 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Ralph Howard Surface Elevation: 852 Usage: Domestic - Single Household

Total Depth: 135 Depth to Bedrock: 14 End Date: 05-MAY-86

KY WELLS

KY WELLS

KY700000055734

KY700000004302

Map ID Direction Distance

Elevation Database EDR ID Number

17 ESE 1/2 - 1 Mile

SE KY WELLS KY700000046389

Lower

Lower

1/2 - 1 Mile

AKGWA ID: 30008908 Well Type: Water Well
Well Status: Not Reported Alt ID: Not Reported
PWS ID: Not Reported Well Name: Not Reported

PWS ID: Not Reported Well Name: Not Reported Surface Elevation: 0 Usage: Domestic - Single Household

Total Depth: 45 Depth to Bedrock: 0
End Date: Not Reported

E18 NNW 1/2 - 1 Mile

AKGWA ID: 00033311 Well Type: Water Well Well Status: Active Alt ID: Not Reported PWS ID: Well Name: Campbell Radiator

Surface Elevation: 1060 Usage: Domestic - Single Household

Total Depth: 348 Depth to Bedrock: 7
End Date: 28-JUN-94

19 East KY WELLS KY700000098962

AKGWA ID: 80062025 Well Type: Monitoring Well

Well Status: Active Alt ID: MW-19
PWS ID: Not Reported Well Name: Fugates Gulf Service

Surface Elevation: 840 Usage: Remediation
Total Depth: 20 Depth to Bedrock: 20

End Date: 17-NOV-11

20 West KY WELLS KY700000035888 1/2 - 1 Mile Lower

AKGWA ID: 00058863 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Rick Sumner Surface Elevation: Usage: Domestic - Single Household

Total Depth: 345 Depth to Bedrock: 7
End Date: 17-OCT-02

KY WELLS

KY700000020360

Map ID Direction Distance

Elevation Database EDR ID Number

21 ENE

KY WELLS KY7000000000209

1/2 - 1 Mile Lower

AKGWA ID: 00000263 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Avawam Fire Department Surface Elevation: Usage: Domestic - Single Household

Total Depth: 60 Depth to Bedrock: 8

End Date: 21-JAN-87

NNW 1/2 - 1 Mile Lower

AKGWA ID: 00000432 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Timothy Bush Surface Elevation: Usage: Domestic - Single Household

Total Depth: 180 Depth to Bedrock: End Date: 14-MAR-87

F23 ESE 1/2 - 1 Mile

Lower

AKGWA ID: 00006130 Well Type: Water Well
Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Crawford Construction Co Surface Elevation: Usage: Domestic - Single Household

Total Depth: 102 Depth to Bedrock: End Date: 23-OCT-87

24 West KY WELLS 1/2 - 1 Mile

AKGWA ID: 00046449 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - James Walker Surface Elevation: 920 Usage: Domestic - Single Household

Total Depth: 305 Depth to Bedrock: 8
End Date: 19-SEP-96

KY WELLS

KY700000005603

KY7000000026912

Map ID Direction Distance

Elevation Database EDR ID Number

25 ENE

KY WELLS KY700000021590

1/2 - 1 Mile Lower

 AKGWA ID:
 00035818
 Well Type:
 Water Well

 Well Status:
 Active
 Alt ID:
 Not Reported

PWS ID: Not Reported Well Name: Residence - Larry Feltner Surface Elevation: Usage: Domestic - Single Household

Total Depth: 90 Depth to Bedrock: 6

End Date: 02-SEP-94

26 NNW KY WELLS KY700000000207

1/2 - 1 Mile Lower

 AKGWA ID:
 00000261
 Well Type:
 Water Well

 Well Status:
 Active
 Alt ID:
 Not Reported

PWS ID: Not Reported Well Name: Residence - Joe Eversole Surface Elevation: Usage: Domestic - Single Household

Total Depth: 185 Depth to Bedrock: 8
End Date: 14-MAR-87

End Date: 14-MAR-87

F27 ESE KY WELLS KY700000005616

1/2 - 1 Mile

Lower

AKGWA ID: 00006144 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Crawford Construction Co
Surface Elevation: 960 Usage: Domestic - Single Household

Total Depth: 143 Depth to Bedrock: 6
End Date: 16-DEC-87

28 West KY WELLS KY700000031622 1/2 - 1 Mile

AKGWA ID: 00052717 Well Type: Water Well
Well Status: Active Alt ID: Not Reported
PWS ID: Not Reported Well Name: Residence - Bill Goble

Surface Elevation: 920 Usage: Domestic - Single Household

Total Depth: 45 Depth to Bedrock: 15 End Date: 12-OCT-01

Map ID Direction Distance

Distance Database EDR ID Number

1 WNW OIL_GAS KYOG14000015741 0 - 1/8 Mile

OIL_GAS:

API #: 16193010810000 KGS #: 16154

Well Elevation: 1251 Original Farm/Lease Name: ELLISON, R, ETAL

Original Operator: CONTROLLED RESOURCES OIL & GAS

Original Well #:797Permit #:34703Formation:000Deepest Formation:000Init Open or Potential Flow:Not Reporteddescription in result_desc field:TRM

Original API Classification: Unclassified

How Completed: Terminated (permit expired or cancelled)

Bore Type: Conventional vertical well bore

Completion Date:Not ReportedPlug Date:Not ReportedDocumentation on Plug:Not ReportedCore Call #:Not ReportedCutting Call #:Not ReportedLog on File:Not Reported

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=16154

2 SW OIL_GAS KYOG14000074719 1/4 - 1/2 Mile

OIL_GAS:

 API #:
 16193008490000
 KGS #:
 78747

 Well Elevation:
 1194
 Original Farm/Lease Name:
 STACY, F S

Original Operator: KENTUCKY WEST VIRGINIA GAS CO

Original Well #: 7201 Permit #: 26791
Formation: 344CORN Deepest Formation: 341OHIO
Init Open or Potential Flow: 84 MCFGPD description in result_desc field: GAS

Original API Classification:

How Completed:

Development Well
Gas producer

Bore Type: Conventional vertical well bore

Completion Date: 31-JUL-73 Plug Date: 08-JUN-90 Documentation on Plug: PA Core Call #: Not Reported Cutting Call #: Log on File: ELOG

Cutting Call #: Not Reported Log on File:

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=78747

3 WNW OIL_GAS KYOG14000080331 1/2 - 1 Mile

OIL_GAS:

API #: 16193011550000 KGS #: 85467

Well Elevation: 1087 Original Farm/Lease Name: STANDAFER, W B

Original Operator: KENTUCKY WEST VIRGINIA GAS CO

 Original Well #:
 7209
 Permit #:
 27032

 Formation:
 000
 Deepest Formation:
 000

 Init Open or Potential Flow:
 Not Reported
 description in result_desc field:
 LOC

Original API Classification: Unclassified

How Completed: Locaton (new permit issued or insufficient data)

Bore Type: Conventional vertical well bore

Completion Date: Not Reported Plug Date: Not Reported

Documentation on Plug: Not Reported Core Call #: Not Reported Cutting Call #: Not Reported Log on File: Not Reported

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=85467

4 West OIL_GAS KYOG14000074634

1/2 - 1 Mile

OIL_GAS:

 API #:
 16193011100000
 KGS #:
 78632

 Well Elevation:
 1104
 Original Farm/Lease Name:
 HOSKIN, A H

 Original Operator:
 KENTUCKY WEST VIRGINIA GAS CO

 Original Well #:
 7210
 Permit #:
 27121

 Formation:
 344CORN
 Deepest Formation:
 000

 Init Open or Potential Flow:
 Not Reported
 description in result_desc field:
 D&A

Original API Classification: Extension (outpost) Well
How Completed: Dry and abandoned
Bore Type: Conventional vertical well bore

Completion Date: 17-OCT-73 Plug Date: 26-OCT-73
Documentation on Plug: PA Core Call #: Not Reported
Cutting Call #: Log on File: ELOG

Cutting Call #: Log on File: EL URL: Log on File: EL URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=78632

5 NNE OIL_GAS KYOG14000118104 1/2 - 1 Mile

OIL_GAS:

API #: 16193015540000 KGS #: 136899

Well Elevation: 1208 Original Farm/Lease Name: RCS MINERALS, LLC ET AL

Original Operator: CUT THROUGH HYDROCARBON

Original Well #: SE-77 Permit #: 104635
Formation: 000 Deepest Formation: 3410HIO
Init Open or Potential Flow: Not Reported description in result_desc field: TRM
Original API Classification: Unclassified

How Completed: Terminated (permit expired or cancelled)

Bore Type: Conventional vertical well bore

Completion Date:Not ReportedPlug Date:Not ReportedDocumentation on Plug:Not ReportedCore Call #:Not ReportedCutting Call #:Not ReportedLog on File:Not Reported

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=136899

6
South
1/2 - 1 Mile

OIL_GAS KYOG14000074718

OIL_GAS:

API #: 16193005810000 KGS #: 78746

Well Elevation: 1239 Original Farm/Lease Name: STACY, ALFRED

Original Operator: KENTUCKY WEST VIRGINIA GAS CO

Original Well #: 7190 Permit #: 26626
Formation: 344CORN Deepest Formation: 341OHIO
Init Open or Potential Flow: 158 MCFGPD description in result_desc field: GAS

Original API Classification: Development Well How Completed: Gas producer

Bore Type: Conventional vertical well bore

Completion Date:09-MAY-73Plug Date:30-SEP-98Documentation on Plug:PACore Call #:Not ReportedCutting Call #:12624Log on File:ELOG

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=78746

/ NNW OIL_GAS KYOG14000023039 1/2 - 1 Mile

OIL_GAS:

API #: 16193000180000 KGS #: 24313

Well Elevation: 1240 Original Farm/Lease Name: ELLISON, ROBERT

description in result_desc field:

D&A

 Original Operator:
 CONTROLLED RESOURCES OIL & GAS

 Original Well #:
 80-19
 Permit #:
 40220

 Formation:
 344CORN
 Deepest Formation:
 000

Init Open or Potential Flow:

Original API Classification:

How Completed:

Not Reported

New Pool Wildcat

Dry and abandoned

Bore Type: Conventional vertical well bore

Completion Date: 17-NOV-80 Plug Date: 19-DEC-01
Documentation on Plug: PA Core Call #: Not Reported

Cutting Call #: Not Reported Log on File: ELOG

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=24313

8 North OIL_GAS KYOG14000118553 1/2 - 1 Mile

OIL_GAS:

API #: 16193015670000 KGS #: 137348

Well Elevation: 1192 Original Farm/Lease Name: RCS MINERALS, LLC ET AL

Original Operator: CUT THROUGH HYDROCARBON

Original Well #: SE-76 Permit #: 105114

Formation: 000 Deepest Formation: 3410HIO

Init Open or Potential Flow: Not Reported description in result_desc field: TRM

Original API Classification: Unclassified

How Completed: Terminated (permit expired or cancelled)

Bore Type: Conventional vertical well bore

Completion Date:Not ReportedPlug Date:Not ReportedDocumentation on Plug:Not ReportedCore Call #:Not ReportedCutting Call #:Not ReportedLog on File:Not Reported

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=137348

North OIL_GAS KYOG14000118889 1/2 - 1 Mile

OIL_GAS:

API #: 16193015970000 KGS #: 137772

Well Elevation: 1277 Original Farm/Lease Name: RCS MINERALS, LLC ET AL

Original Operator: CUT THROUGH HYDROCARBON

Original Well #:SE-75Permit #:105450Formation:000Deepest Formation:3410HIOInit Open or Potential Flow:Not Reporteddescription in result_desc field:TRM

Original API Classification: Unclassified

How Completed: Terminated (permit expired or cancelled)

Bore Type: Conventional vertical well bore

Completion Date:Not ReportedPlug Date:Not ReportedDocumentation on Plug:Not ReportedCore Call #:Not ReportedCutting Call #:Not ReportedLog on File:Not Reported

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=137772

10
West
OIL_GAS KYOG14000111362
1/2 - 1 Mile

OIL_GAS:

API#: 16193013250000 KGS #: 129922

Well Elevation: 1094 Original Farm/Lease Name: RCS MINERALS, LLC ET AL

Original Operator: CUT THROUGH HYDROCARBON

Original Well #:SE-70Permit #:98601Formation:3410HIODeepest Formation:3410HIOInit Open or Potential Flow:0 MCFGPDdescription in result_desc field:GAS

Original API Classification: Unclassified How Completed: Gas producer

Bore Type: Conventional vertical well bore

Completion Date: 20-MAY-06 Plug Date: Not Reported Documentation on Plug: Not Reported Core Call #: Not Reported

Cutting Call #: Not Reported Log on File: ELOG

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=129922

AREA RADON INFORMATION

State Database: KY Radon

Radon Test Results

Zip	Test Date	Test Result
41701	1/7/2002	2.40
41701	1/7/2002	2.40
41701	5/17/2002	0.60
41701	7/2/2004	2.70
41701	7/14/2004	1.10
41701	7/16/2004	3.50
41701	7/25/2004	1.70
41701	7/30/2004	1.50
41701	7/30/2004	0.80
41701	3/14/2004	0.50
41701	9/5/2004	0.20
41701	9/20/2004	0.70
41701	9/21/2004	0.70
41701	10/20/2004	3.80
41701	1/27/2005	4.10
41701	1/29/2005	0.80
41701	1/29/2005	0.50
41701	2/10/2005	1.00
41701	2/21/2005	1.40
41701	3/7/2005	0.20
41701	4/27/2005	0.70

Federal EPA Radon Zone for PERRY County: 2

Note: Zone 1 indoor average level > 4 pCi/L.

: Zone 2 indoor average level >= 2 pCi/L and <= 4 pCi/L.

: Zone 3 indoor average level < 2 pCi/L.

Federal Area Radon Information for Zip Code: 41701

Number of sites tested: 1

Area	Average Activity	% <4 pCi/L	% 4-20 pCi/L	% >20 pCi/L
Living Area - 1st Floor Living Area - 2nd Floor Basement	0.900 pCi/L Not Reported Not Reported	100% Not Reported Not Reported	0% Not Reported Not Reported	0% Not Reported Not Reported

PHYSICAL SETTING SOURCE RECORDS SEARCHED

TOPOGRAPHIC INFORMATION

USGS 7.5' Digital Elevation Model (DEM)

Source: United States Geologic Survey

EDR acquired the USGS 7.5' Digital Elevation Model in 2002 and updated it in 2006. The 7.5 minute DEM corresponds to the USGS 1:24,000- and 1:25,000-scale topographic quadrangle maps. The DEM provides elevation data with consistent elevation units and projection.

Current USGS 7.5 Minute Topographic Map Source: U.S. Geological Survey

HYDROLOGIC INFORMATION

Flood Zone Data: This data was obtained from the Federal Emergency Management Agency (FEMA). It depicts 100-year and 500-year flood zones as defined by FEMA. It includes the National Flood Hazard Layer (NFHL) which incorporates Flood Insurance Rate Map (FIRM) data and Q3 data from FEMA in areas not covered by NFHL.

Source: FEMA

Telephone: 877-336-2627

Date of Government Version: 2003, 2015

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002, 2005, 2010 and 2015 from the U.S. Fish and Wildlife Service.

State Wetlands Data: Wetland Inventory

Source: Environmental & Public Protection Cabinet

Telephone: 502-564-6736

HYDROGEOLOGIC INFORMATION

AQUIFLOW^R Information System

Source: EDR proprietary database of groundwater flow information

EDR has developed the AQUIFLOW Information System (AIS) to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted to regulatory authorities at select sites and has extracted the date of the report, hydrogeologically determined groundwater flow direction and depth to water table information.

GEOLOGIC INFORMATION

Geologic Age and Rock Stratigraphic Unit

Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - A digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

STATSGO: State Soil Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Service (NRCS)

The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) leads the national Conservation Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. Soil maps for STATSGO are compiled by generalizing more detailed (SSURGO) soil survey maps.

SSURGO: Soil Survey Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Service (NRCS)

Telephone: 800-672-5559

SSURGO is the most detailed level of mapping done by the Natural Resources Conservation Service, mapping scales generally range from 1:12,000 to 1:63,360. Field mapping methods using national standards are used to construct the soil maps in the Soil Survey Geographic (SSURGO) database. SSURGO digitizing duplicates the original soil survey maps. This level of mapping is designed for use by landowners, townships and county natural resource planning and management.

PHYSICAL SETTING SOURCE RECORDS SEARCHED

LOCAL / REGIONAL WATER AGENCY RECORDS

FEDERAL WATER WELLS

PWS: Public Water Systems

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Public Water System data from the Federal Reporting Data System. A PWS is any water system which provides water to at least 25 people for at least 60 days annually. PWSs provide water from wells, rivers and other sources.

PWS ENF: Public Water Systems Violation and Enforcement Data

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Violation and Enforcement data for Public Water Systems from the Safe Drinking Water Information System (SDWIS) after August 1995. Prior to August 1995, the data came from the Federal Reporting Data System (FRDS).

USGS Water Wells: USGS National Water Inventory System (NWIS)

This database contains descriptive information on sites where the USGS collects or has collected data on surface water and/or groundwater. The groundwater data includes information on wells, springs, and other sources of groundwater.

STATE RECORDS

Kentucky Water Well Records Database Source: Kentucky Geological Survey

Telephone: 859-257-5500

Water Wells in Kentucky. Data from the Kentucky Ground Water Data Repository.

OTHER STATE DATABASE INFORMATION

Oil and Gas Well Locations

Source: Kentucky Geological Survey

Telephone: 859-257-5500

Oil and gas well locations in the state of Kentucky

RADON

State Database: KY Radon

Source: Department of Public Health

Telephone: 502-564-4856 Radon Test Results

Area Radon Information Source: USGS

Telephone: 703-356-4020

The National Radon Database has been developed by the U.S. Environmental Protection Agency

(USEPA) and is a compilation of the EPA/State Residential Radon Survey and the National Residential Radon Survey. The study covers the years 1986 - 1992. Where necessary data has been supplemented by information collected at private sources such as universities and research institutions.

EPA Radon Zones

Source: EPA

Telephone: 703-356-4020

Sections 307 & 309 of IRAA directed EPA to list and identify areas of U.S. with the potential for elevated indoor

radon levels.

OTHER

Airport Landing Facilities: Private and public use landing facilities

Source: Federal Aviation Administration, 800-457-6656

Epicenters: World earthquake epicenters, Richter 5 or greater

Source: Department of Commerce, National Oceanic and Atmospheric Administration

Earthquake Fault Lines: The fault lines displayed on EDR's Topographic map are digitized quaternary faultlines, prepared in 1975 by the United State Geological Survey

PHYSICAL SETTING SOURCE RECORDS SEARCHED

STREET AND ADDRESS INFORMATION

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Skyview Site - Perry County Hal Rogers Parkway Hazard, KY 41701

Inquiry Number: 7321455.3

April 27, 2023

Certified Sanborn® Map Report



Certified Sanborn® Map Report

04/27/23

Site Name: Client Name:

Skyview Site - Perry County

Hal Rogers Parkway

Hazard, KY 41701

EDR Inquiry # 7321455.3

Kentucky Division of Compliance
300 Sower Blvd.

Frankfort, KY 40601

Contact: Derek Bozzell



The Sanborn Library has been searched by EDR and maps covering the target property location as provided by Kentucky Division of Compliance were identified for the years listed below. The Sanborn Library is the largest, most complete collection of fire insurance maps. The collection includes maps from Sanborn, Bromley, Perris & Browne, Hopkins, Barlow, and others. Only Environmental Data Resources Inc. (EDR) is authorized to grant rights for commercial reproduction of maps by the Sanborn Library LLC, the copyright holder for the collection. Results can be authenticated by visiting www.edrnet.com/sanborn.

The Sanborn Library is continually enhanced with newly identified map archives. This report accesses all maps in the collection as of the day this report was generated.

Certified Sanborn Results:

Certification # 91BD-40E1-991D

PO# NA

Project Skyview Site Phase I

UNMAPPED PROPERTY

This report certifies that the complete holdings of the Sanborn Library, LLC collection have been searched based on client supplied target property information, and fire insurance maps covering the target property were not found.



Sanborn® Library search results

Certification #: 91BD-40E1-991D

The Sanborn Library includes more than 1.2 million fire insurance maps from Sanborn, Bromley, Perris & Browne, Hopkins, Barlow and others which track historical property usage in approximately 12,000 American cities and towns. Collections searched:

Library of Congress

University Publications of America

EDR Private Collection

The Sanborn Library LLC Since 1866™

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Skyview Site - Perry County Hal Rogers Parkway Hazard, KY 41701

Inquiry Number: 7321455.4

April 27, 2023

EDR Historical Topo Map Report

with QuadMatch™



EDR Historical Topo Map Report

04/27/23

Site Name: Client Name:

Skyview Site - Perry County Hal Rogers Parkway Hazard, KY 41701 EDR Inquiry # 7321455.4

300 Sower Blvd. Frankfort, KY 40601 Contact: Derek Bozzell



EDR Topographic Map Library has been searched by EDR and maps covering the target property location as provided by Kentucky Division of Compliance were identified for the years listed below. EDR's Historical Topo Map Report is designed to assist professionals in evaluating potential liability on a target property resulting from past activities. EDRs Historical Topo Map Report includes a search of a collection of public and private color historical topographic maps, dating back to the late 1800s.

Kentucky Division of Compliance

Search Results:		Coordinates:	Coordinates:	
P.O.#	NA	Latitude:	37.252465 37° 15' 9" North	
Project:	Skyview Site Phase I	Longitude:	-83.268891 -83° 16' 8" West	
	•	UTM Zone:	Zone 17 North	
		UTM X Meters:	298778.23	
		UTM Y Meters:	4125292.17	
		Elevation:	1213.66' above sea level	

Maps Provided:

2019 1916 2016 1913, 1914, 1916 2013 1891 1980 1972 1961 1954 1919

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Topo Sheet Key

This EDR Topo Map Report is based upon the following USGS topographic map sheets.

2019 Source Sheets



Krypton 2019 7.5-minute, 24000



Hyden East 2019 7.5-minute, 24000



Hazard North 2019 7.5-minute, 24000



Hazard South 2019 7.5-minute, 24000

2016 Source Sheets



Krypton 2016 7.5-minute, 24000



Hyden East 2016 7.5-minute, 24000



Hazard North 2016 7.5-minute, 24000



Hazard South 2016 7.5-minute, 24000

2013 Source Sheets



Krypton 2013 7.5-minute, 24000



Hyden East 2013 7.5-minute, 24000



Hazard North 2013 7.5-minute, 24000



Hazard South 2013 7.5-minute, 24000

1980 Source Sheets



Hyden East 1980 7.5-minute, 24000 Aerial Photo Revised 1976

Topo Sheet Key

This EDR Topo Map Report is based upon the following USGS topographic map sheets.

1972 Source Sheets



Hazard South 1972 7.5-minute, 24000 Aerial Photo Revised 1971



Krypton 1972 7.5-minute, 24000 Aerial Photo Revised 1971



Hazard North 1972 7.5-minute, 24000 Aerial Photo Revised 1971

1961 Source Sheets



Krypton 1961 7.5-minute, 24000 Aerial Photo Revised 1953



Hyden East 1961 7.5-minute, 24000 Aerial Photo Revised 1952

1954 Source Sheets



Hyden East 1954 7.5-minute, 24000 Aerial Photo Revised 1952



Hazard South 1954 7.5-minute, 24000 Aerial Photo Revised 1953



Hazard North 1954 7.5-minute, 24000 Aerial Photo Revised 1953



Krypton 1954 7.5-minute, 24000 Aerial Photo Revised 1953

1919 Source Sheets



Hyden 1919 15-minute, 62500

Topo Sheet Key

This EDR Topo Map Report is based upon the following USGS topographic map sheets.

1916 Source Sheets



Hyden 1916 15-minute, 48000

1913, 1914, 1916 Source Sheets



Buckhorn 1913 15-minute, 62500



Troublesome 1914 15-minute, 62500



Cornettsville 1916 15-minute, 62500

1891 Source Sheets



Hazard 1891 30-minute, 125000

Hal Rogers Parkway

Hazard, KY 41701

ADDRESS:

CLIENT:

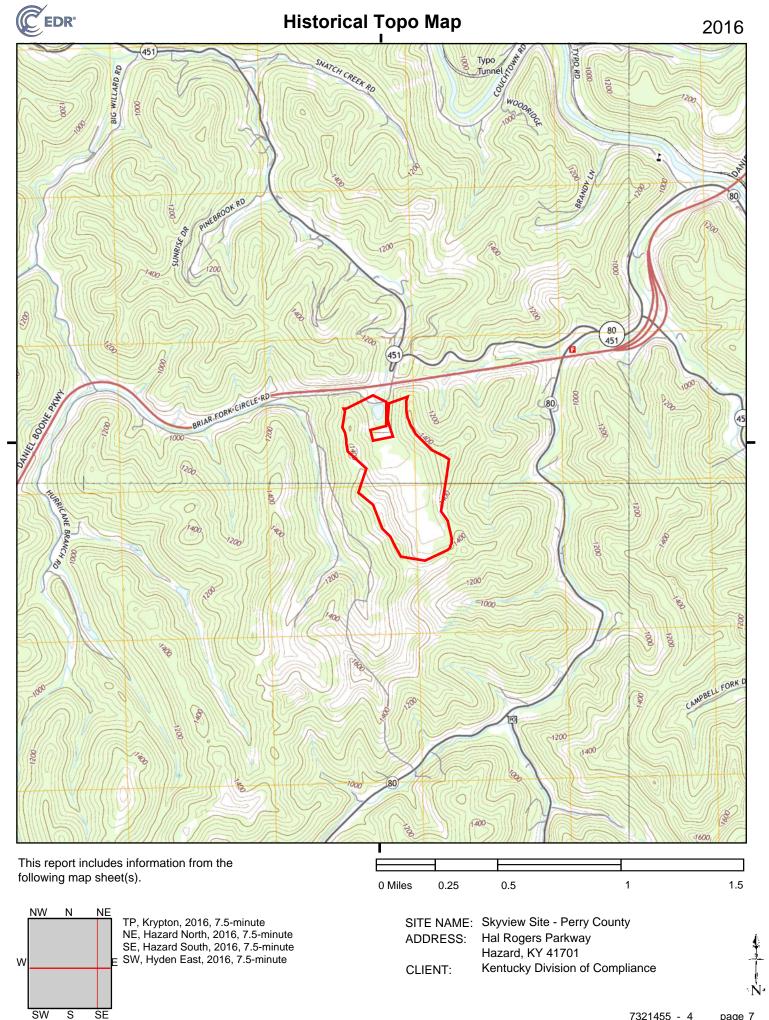
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SW, Hyden East, 2019, 7.5-minute

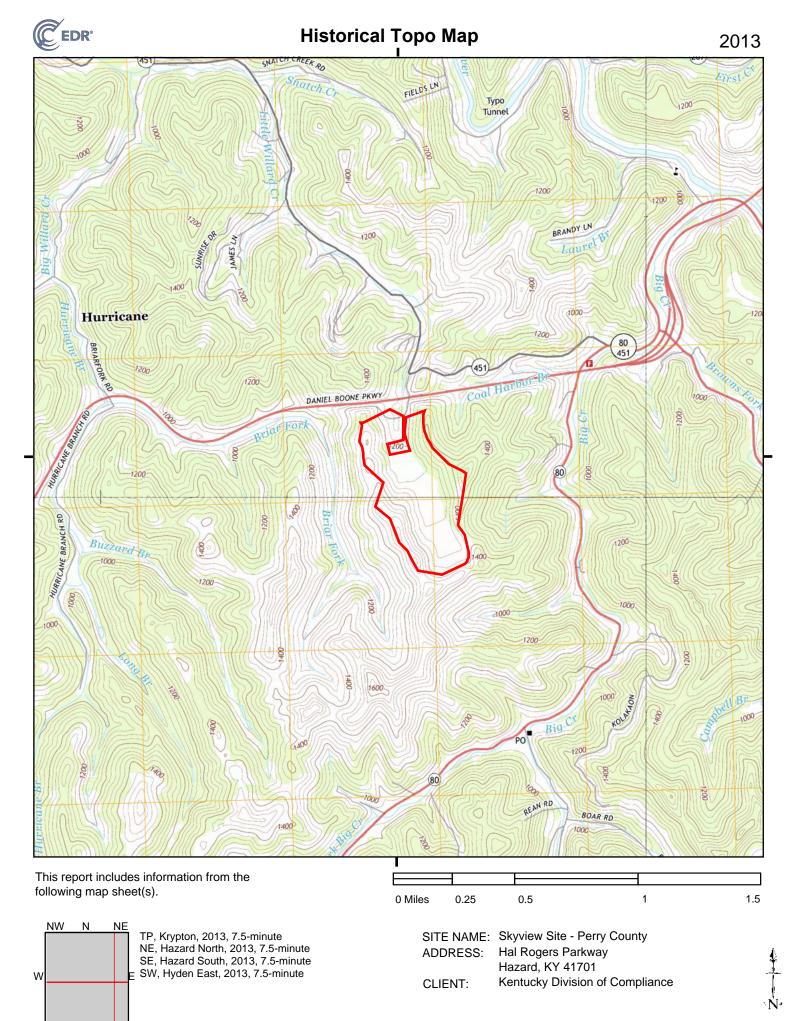
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SW

S



S



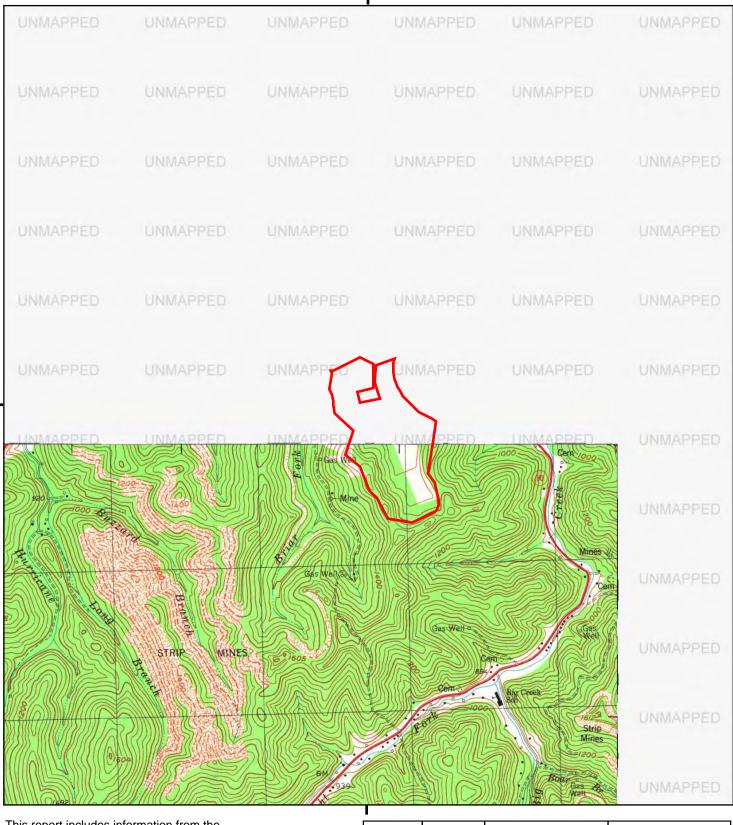
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S

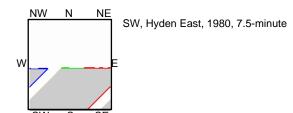
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Historical Topo Map



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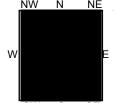
0 Miles 0.25 0.5 1 1.5

SITE NAME: Skyview Site - Perry County ADDRESS: Hal Rogers Parkway

Hazard, KY 41701



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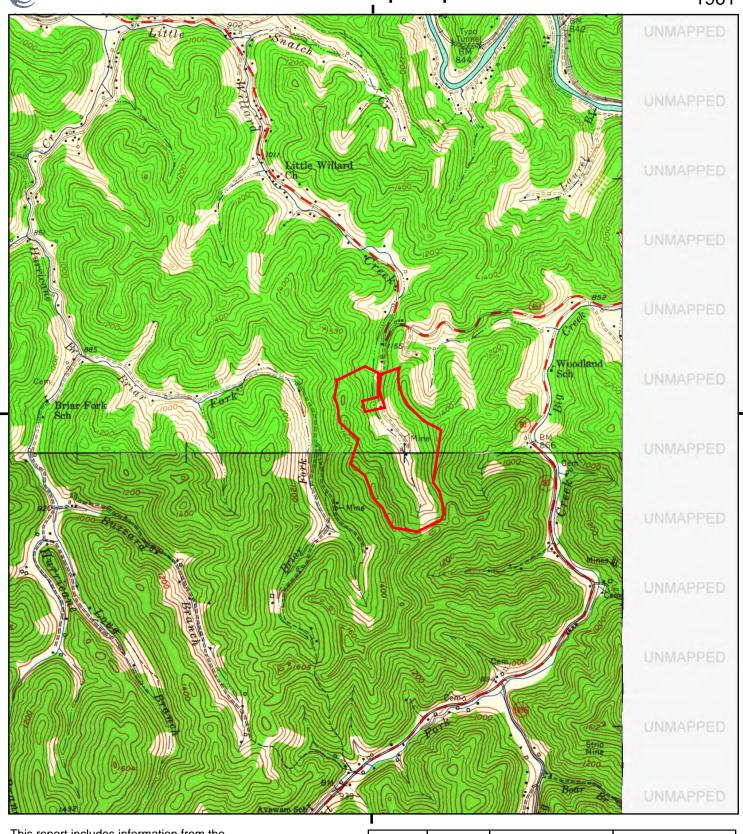
TP, Krypton, 1972, 7.5-minute NE, Hazard North, 1972, 7.5-minute SE, Hazard South, 1972, 7.5-minute



SITE NAME: Skyview Site - Perry County

ADDRESS: Hal Rogers Parkway Hazard, KY 41701

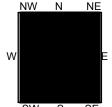




0 Miles

0.25

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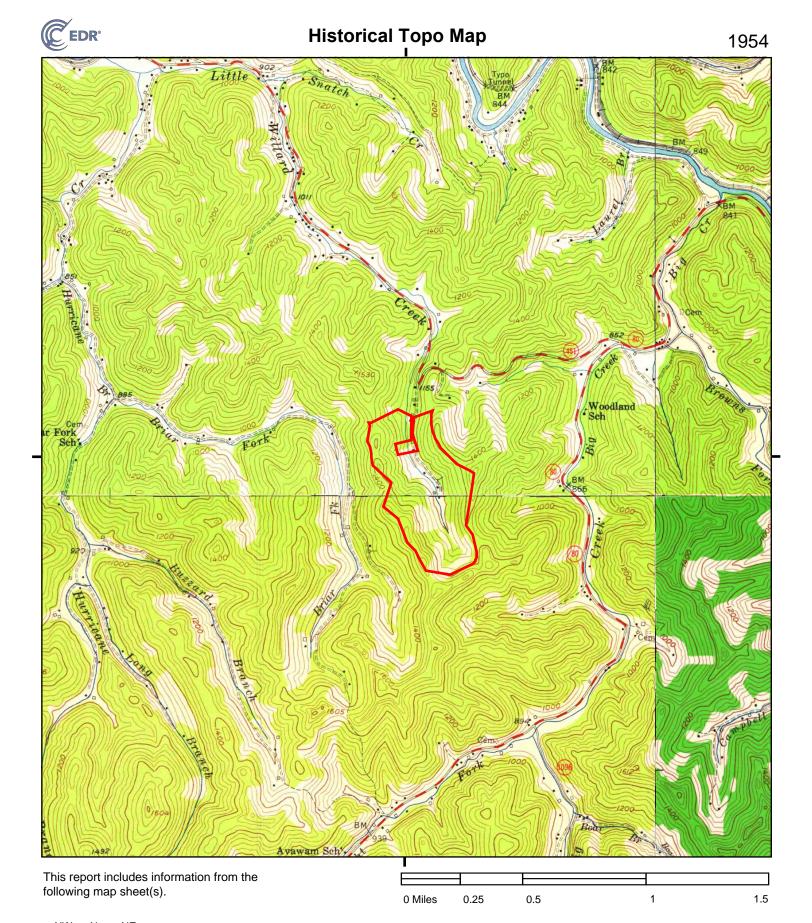
SITE NAME: Skyview Site - Perry County

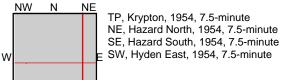
0.5

ADDRESS: Hal Rogers Parkway Hazard, KY 41701

CLIENT: Kentucky Division of Compliance

1.5





S

SITE NAME: Skyview Site - Perry County

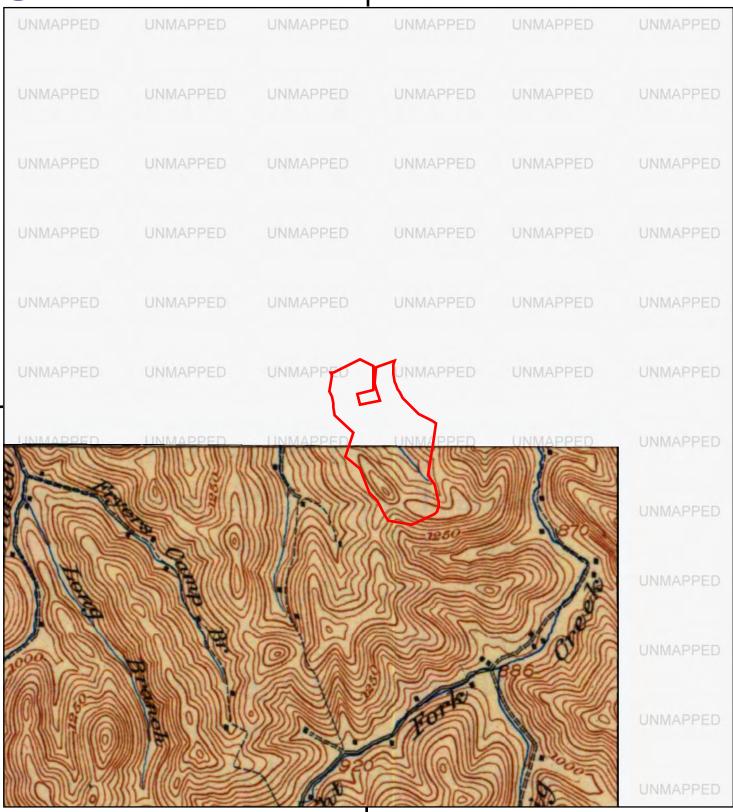
ADDRESS: Hal Rogers Parkway

Hazard, KY 41701

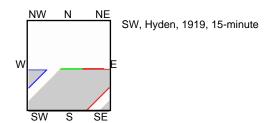




Historical Topo Map



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SITE NAME: Skyview Site - Perry County ADDRESS: Hal Rogers Parkway

Hazard, KY 41701

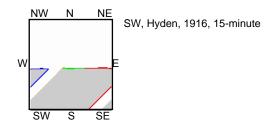




Historical Topo Map

		1	opo map		1916
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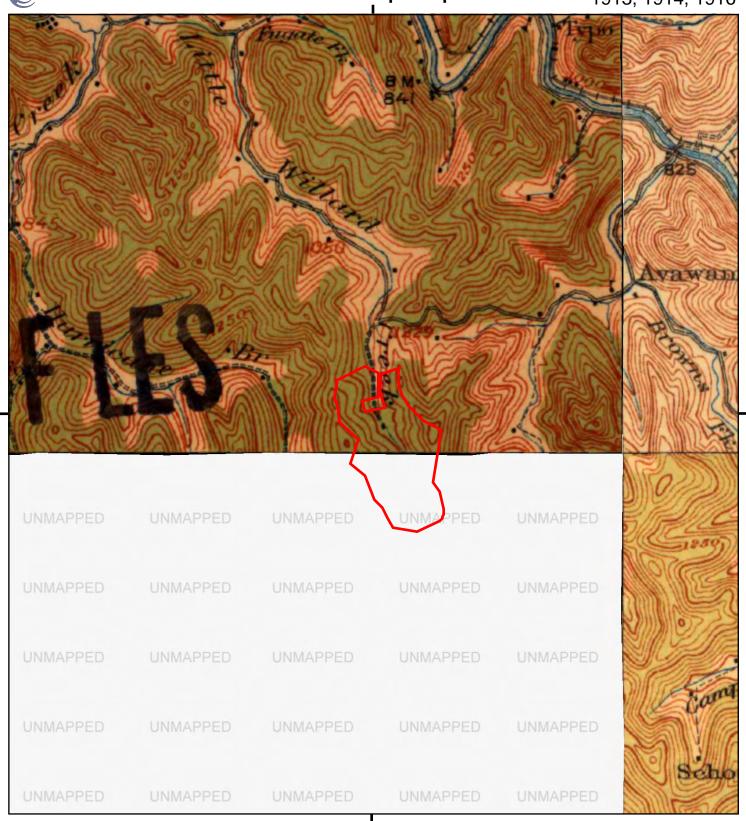


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SITE NAME: Skyview Site - Perry County ADDRESS: Hal Rogers Parkway

Hazard, KY 41701

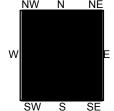




0 Miles

0.25

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ADDRESS: Hal Rogers Parkway

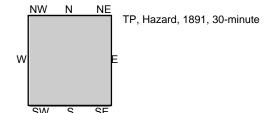
Hazard, KY 41701

CLIENT: Kentucky Division of Compliance



1.5

This report includes information from the following map sheet(s).



0 Miles 0.25 0.5 1 1.5

SITE NAME: Skyview Site - Perry County

ADDRESS: Hal Rogers Parkway

Hazard, KY 41701

Skyview Site - Perry County

Hal Rogers Parkway Hazard, KY 41701

Inquiry Number: 7321455.5

May 02, 2023

The EDR-City Directory Image Report

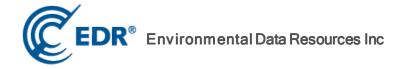


TABLE OF CONTENTS

SECTION

Executive Summary

Findings

City Directory Images

Thank you for your business.

Please contact EDR at 1-800-352-0050 with any questions or comments.

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EXECUTIVE SUMMARY

DESCRIPTION

Environmental Data Resources, Inc.'s (EDR) City Directory Report is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's City Directory Report includes a search of available business directory data at approximately five year intervals.

RECORD SOURCES

The EDR City Directory Report accesses a variety of business directory sources, including Haines, InfoUSA, Polk, Cole, Bresser, and Stewart. Listings marked as EDR Digital Archive access Cole and InfoUSA records. The various directory sources enhance and complement each other to provide a more thorough and accurate report.

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RESEARCH SUMMARY

The following research sources were consulted in the preparation of this report. A check mark indicates where information was identified in the source and provided in this report.

<u>Year</u>	<u>Target Street</u>	Cross Street	<u>Source</u>
2020			EDR Digital Archive
2017	$\overline{\checkmark}$		Cole Information
2014			Cole Information
2010			Cole Information
2005			Cole Information
2000			Cole Information
1995			Cole Information
1992			Cole Information

FINDINGS

TARGET PROPERTY STREET

Hal Rogers Parkway Hazard, KY 41701

<u>Year</u>	<u>CD Image</u>	<u>Source</u>
-------------	-----------------	---------------

HAL ROGERS PKWY

2017 pg A1 Cole Information

HAL ROGERS PKWY(HWY 9006)

2020	-	EDR Digital Archive	Target and Adjoining not listed in Source
2014	-	Cole Information	Target and Adjoining not listed in Source
2010	-	Cole Information	Target and Adjoining not listed in Source
2005	-	Cole Information	Target and Adjoining not listed in Source
2000	-	Cole Information	Target and Adjoining not listed in Source
1995	-	Cole Information	Target and Adjoining not listed in Source
1992	-	Cole Information	Target and Adjoining not listed in Source

SKYVIEW LN

2020	-	EDR Digital Archive	Street not listed in Source
2017	-	Cole Information	Street not listed in Source
2014	-	Cole Information	Street not listed in Source
2010	-	Cole Information	Street not listed in Source
2005	-	Cole Information	Street not listed in Source
2000	-	Cole Information	Street not listed in Source
1995	-	Cole Information	Street not listed in Source
1992	-	Cole Information	Street not listed in Source

7321455-5 Page 2

FINDINGS

CROSS STREETS

No Cross Streets Identified

7321455-5 Page 3



Target Street	Cross Street	<u>Source</u>
✓	-	Cole Information

HAL ROGERS PKWY 2017

764	THE BODY SHOP

Skyview Site - Perry County

Hal Rogers Parkway Hazard, KY 41701

Inquiry Number: 7321455.8

April 28, 2023

The EDR Aerial Photo Decade Package



EDR Aerial Photo Decade Package

04/28/23

Site Name: Client Name:

Skyview Site - Perry County Hal Rogers Parkway Hazard, KY 41701 EDR Inquiry # 7321455.8 Kentucky Division of Compliance 300 Sower Blvd. Frankfort KY 40601

Frankfort, KY 40601 Contact: Derek Bozzell



Environmental Data Resources, Inc. (EDR) Aerial Photo Decade Package is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's professional researchers provide digitally reproduced historical aerial photographs, and when available, provide one photo per decade.

Search Results:

Year	Scale	Details	Source
2020	1"=625'	Flight Year: 2020	USDA/NAIP
2016	1"=625'	Flight Year: 2016	USDA/NAIP
2012	1"=625'	Flight Year: 2012	USDA/NAIP
2008	1"=625'	Flight Year: 2008	USDA/NAIP
1995	1"=625'	Acquisition Date: January 01, 1995	USGS/DOQQ
1988	1"=625'	Flight Date: March 27, 1988	USGS
1977	1"=625'	Flight Date: March 04, 1977	USGS
1960	1"=625'	Flight Date: October 13, 1960	USGS
1953	1"=625'	Flight Date: April 05, 1953	USGS

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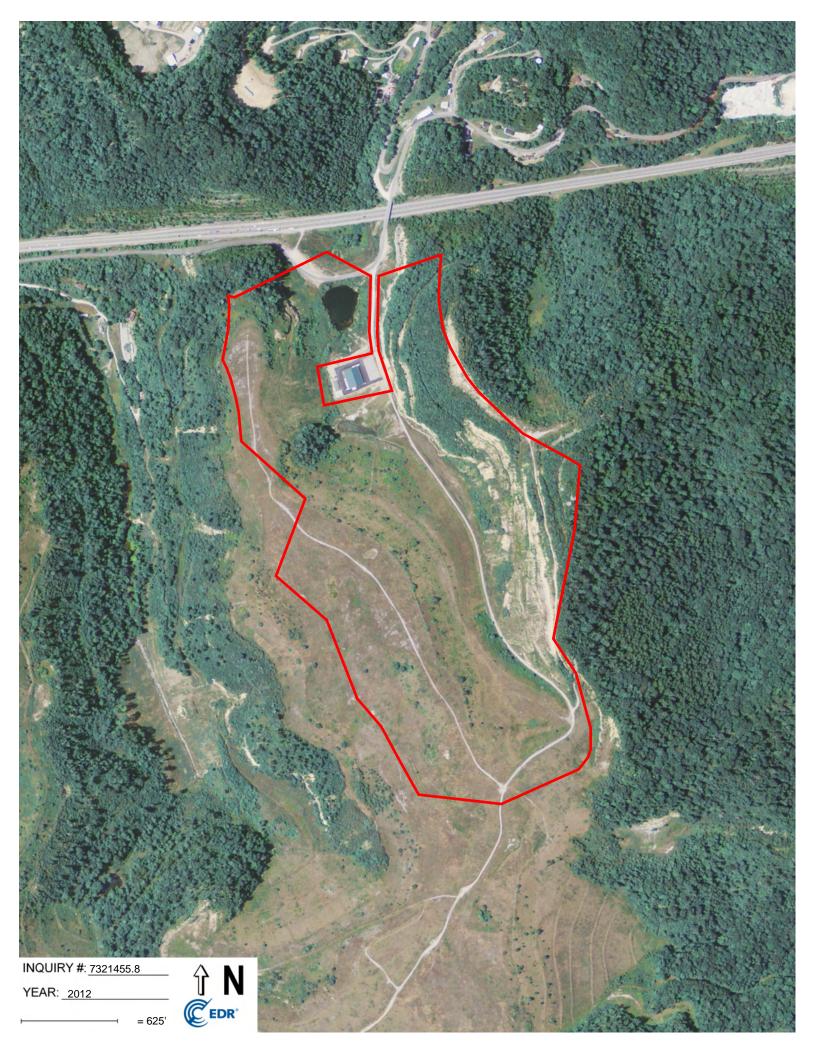
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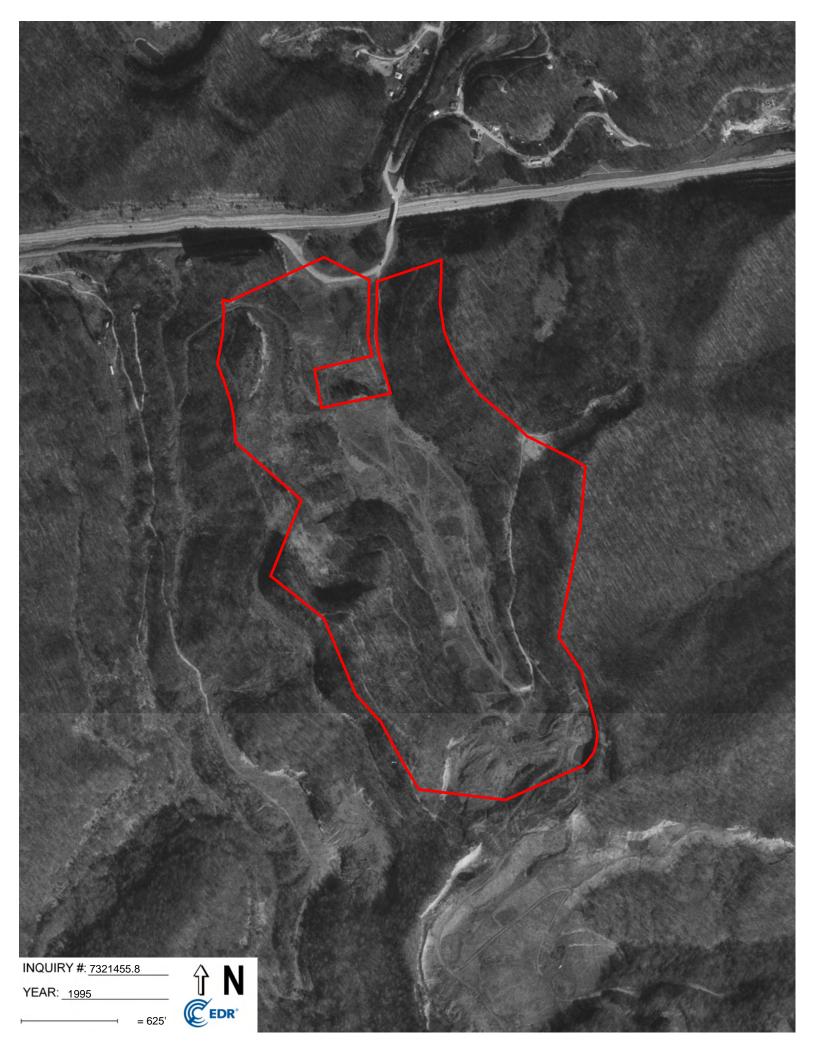
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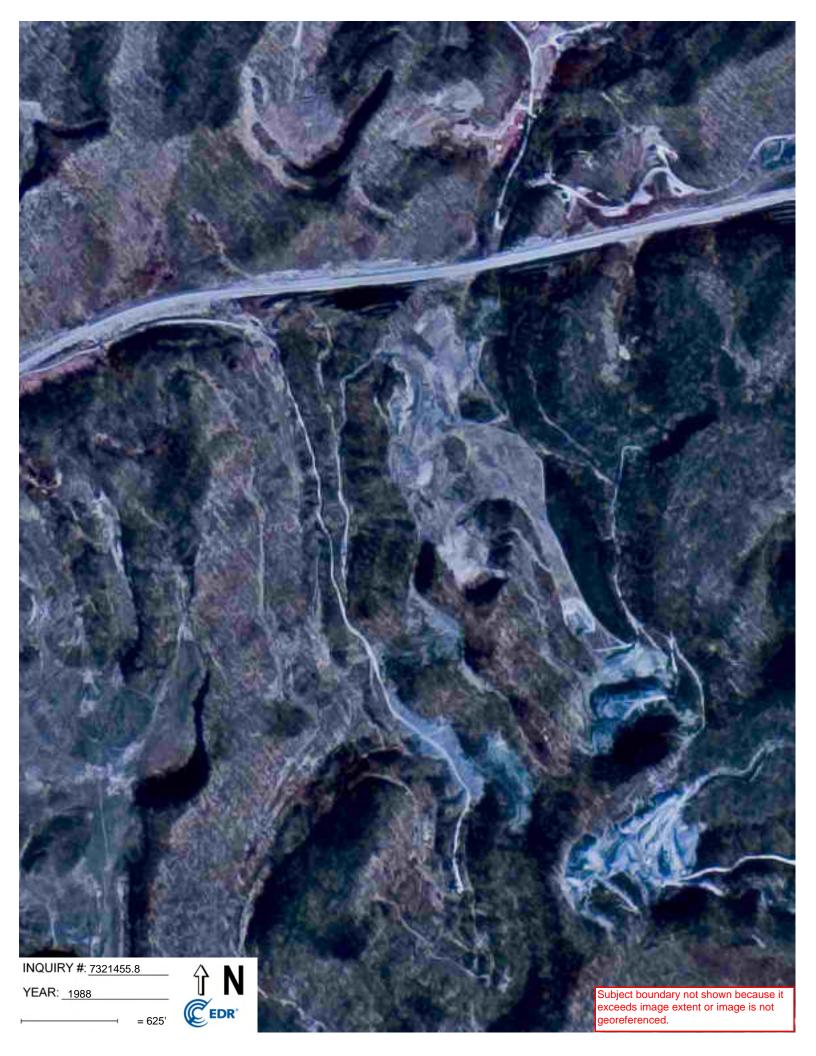


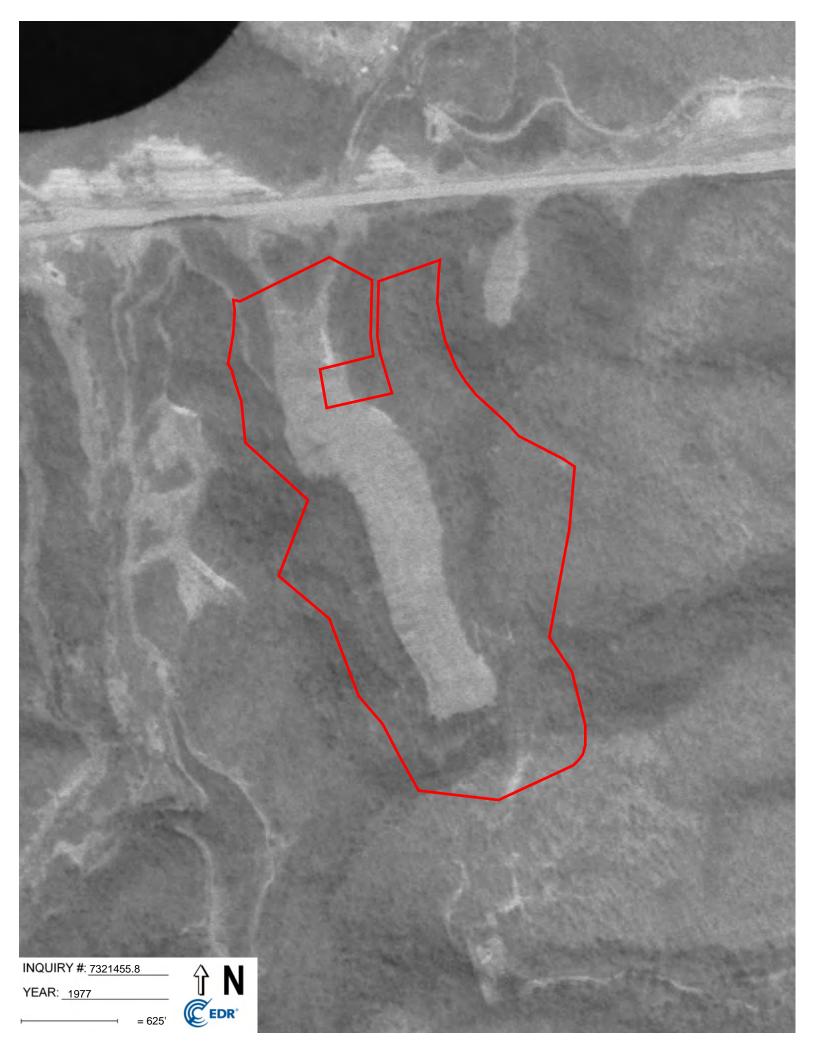
















Appendix C

Site Reconnaissance Photographs

May 10, 2023



Photo 1: Gravel road on NE portion of site; midway between Skyview Lane and gate.

Orientation: North facing view



Photo 3: Vegetation off gravel road on NE portion of site; midway between Skyview Lane and gate.
Orientation: Northwest facing view



Photo 2: Gravel road on the NE portion of site; Frontline Ministries visible in distance.

Orientation: North facing view



Photo 4: View of the pond from Skyview Lane. Orientation: West facing view



Photo 5: SW corner of the pond; vegetation obstructing view. Orientation: North facing view



Photo 7: SE corner of pond; vegetation obstructing view. Orientation: Northwest facing view



Photo 6: S of the pond on-site; vegetation obstructing view. Orientation: North facing view



Photo 8: N part of site; picture taken from adjacent property. Orientation: West facing view



Photo 9: N part of site; picture taken from adjacent property. Orientation: Southwest facing view



Photo 11: W side of adjacent property with drainage issues. Orientation: West facing view



Photo 10: W side of adjacent property with drainage issues. Orientation: Southwest facing view



Photo 12: Center of subject site. Orientation: South facing view



Photo 13: NE part of site; photo taken from adjacent property. Orientation: East facing view



Photo 15: Center of site; photo taken from adjacent property. Orientation: South facing view



Photo 14: Central portion of site near coordinates for oil well. Orientation: West facing view



Photo 16: Area where the coordinates for the oil well are. Orientation: West facing view



Photo 17: Gravel road on the NE portion of site; close to Skyview Lane.

Orientation: South facing view



Photo 19: Gate on gravel road; east central portion of site. Orientation: South facing view



Photo 18: Gravel road on east central portion of site; just south of the gate.

Orientation: South facing view



Photo 20: SE part of subject site. Orientation: East facing view



Photo 21: Southeast corner of subject property. Orientation: Southeast facing view



Photo 23: Southern edge of subject site showing a survey marker. Orientation: South facing view



Photo 22: Southern edge of subject site showing a survey marker. Orientation: South facing view



Photo 24: SW part of subject site. Orientation: West facing view



Photo 25: Vegetation on SW corner of property. Orientation: West facing view



Photo 27: View of the gravel road on the western side of the property.

Orientation: North facing view



Photo 26: Area where coordinates for the domestic use well are; thick vegetation restricted access.

Orientation: East facing view



Photo 28: View of the central part of the western side of the property; vehicle is parked on gravel road.

Orientation: West facing view



Photo 29: North central portion of western side of site; photo taken from closest accessible area to the domestic well coordinates.

Orientation: Northwest facing view



Photo 31: South central portion of western side of site; photo taken from closest accessible area to the domestic well coordinates. Orientation: Southwest facing view



Photo 30: Cell tower engine on northern portion of property. Orientation: North facing view



Photo 32: View of western edge of subject site off gravel road. Orientation: North facing view



Photo 34: View of western edge of subject site off gravel road. Orientation: South facing view



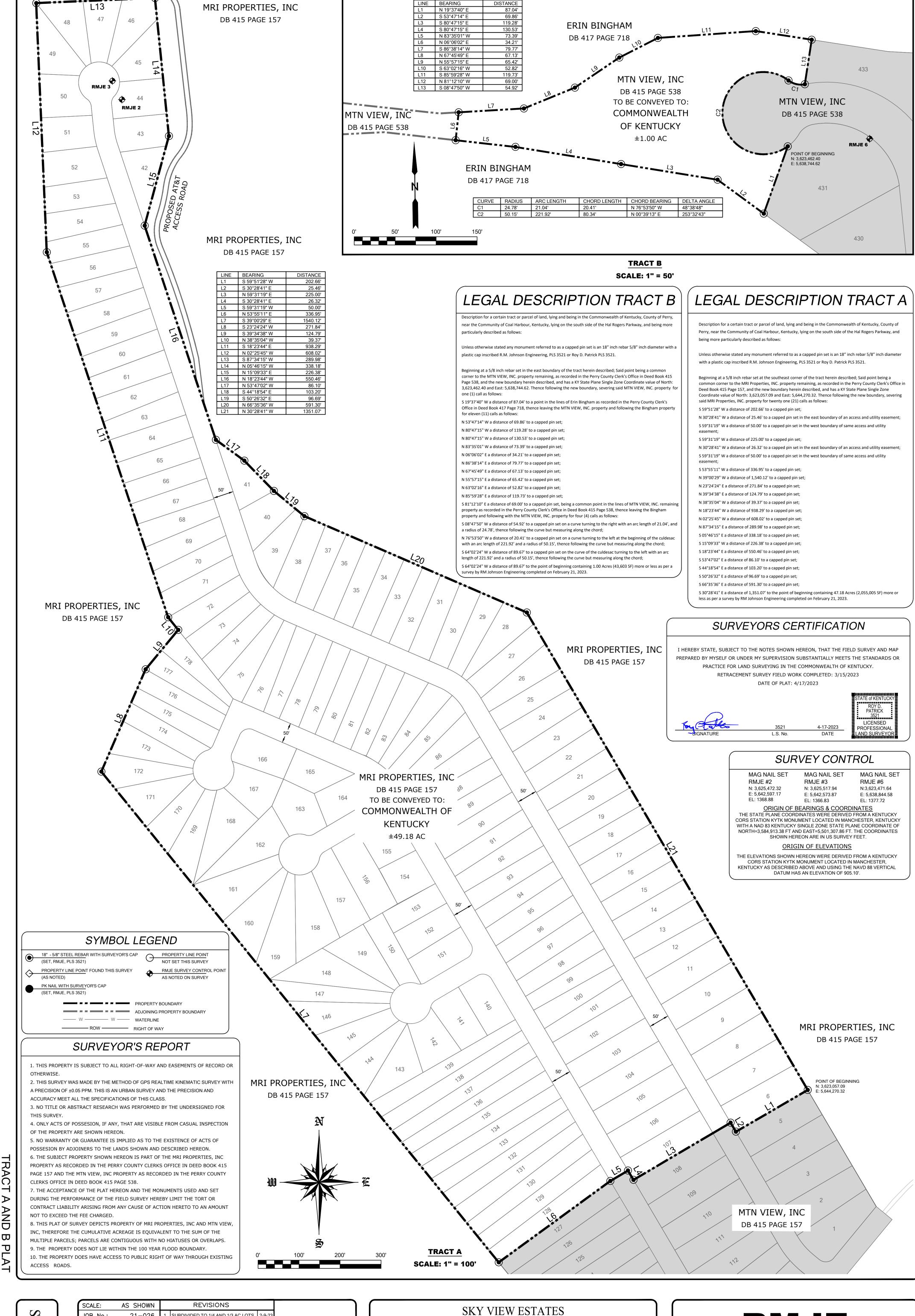
Photo 33: Western side of subject property; cell tower is visible in distance.

Orientation: North facing view



Photo 35: Gate on the east central portion of the subject site. Orientation: South facing view

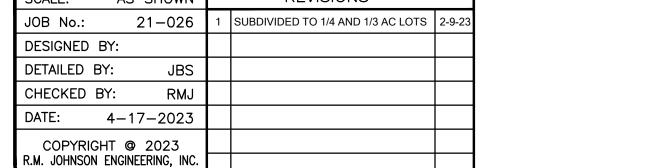
Appendix D Plat Map



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AND



SKY VIEW LANE, PERRY COUNTY, KENTUCKY TO BE CONVEYED TO:

COMMONWEALTH OF KENTUCKY

RMJE

3213 Summit Square Place Suite 100 Lexington, KY 40509 (859)543-1256

P.O. Box 444 Hindman, KY 41822 (606)785-5926

Appendix E Title Opinion



February 24th, 2023

Finance and Administration Cabinet Department of Facilities and Support Services Division of Real Properties Attn: Luka Bowman, PMPA II Bush Building 3rd Floor 403 Wapping Street Frankfort, Ky 40601

Dear Ms. Bowman:

Title Opinion: Perry County, Sky View Estates project. Re:

Effective Date of Opinion: February 24th, 2023

Beneficiary of Opinion: Commonwealth of Kentucky

Dear Ms. Bowman.

Pursuant to your request, we have examined the properly indexed records of the Perry County Clerk relative to the property of MRI Properties, Inc. by virtue of the Deed of Conveyance to MRI Properties, Inc. dated May 11th, 2021 of record in Deed Book 415, Page 157 of the Perry County Clerk's office, specifically Tracts 1, 2, 4 and 20 therein for a period ending February 24th, 2023.

Based on our examinations, and subject to the exceptions and qualifications set forth below, it is our opinion that as of the time and date referred to above, record title to the Perry County property is owned by MRI Properties, Inc., except as noted below.

In the course of our examination, we found of record in the properly indexed records of the Perry County Clerk, no mortgages, no vendor's liens, no mechanic's liens, no lis pendens nor any other encumbrances of record pertaining to the subject property, with the exception of those listed below. Mineral rights have not been severed from the property and are vested with MRI Properties, Inc. by virtue of their Deed subject to exceptions set forth below.

Exception as to the whole property (all tracts and subparcels):

1. Power line easement from MRI Properties, Inc. to Kentucky Power Company dated April 14th, 2022 of record in Deed Book 422, Page 528. Does not describe location.

Due to the multiple properties contained in the above Deed, each Tract and subparcel will be addressed separately as follows:

I. TRACT 1

Tract 1 is owned by Mtn. View, Inc. by virtue of two Deeds of Conveyance: Mtn. View, Inc. from MRI Properties, Inc. dated October 14th, 2021 of record in Deed Book 418, Page 267, and from the Estate of Roy Campbell, June C. Ison and Paul Michael Ison, individually and as co-executors dated June 7th, 2021 of record in Deed Book 415, Page 538.

36.68 acres referenced as Deed Book 297, Page 550, traced back to a Deed dated November 19th, 1898, Mortgage Book 2, Page 25.

NOTE: The property to be searched was identified as Tract 1 of Deed Book 415, Page 157 which referenced Deed Book 297, Page 550, 36.68 acres. The Deeds to Mtn. View, Inc. (Deed Book 418, Page 267 and Deed Book 415, Page 538), also include two additional tracts, Tracts 1 and 2, both legal descriptions without stated acreage. Those Deeds state that the subject 36.68 acres is within Tracts 1 and 2. However, the source deeds for Tracts 1 and 2 are separate and distinct from the 36.68 acres. No opinion is given herein regarding Tracts 1 and 2, except for the 36.68 acres if contained therein.

Exceptions:

- 1. Pipeline Easement. Property is subject to a gas pipeline easement from Roy Campbell to Cut Through Hydrocarbon dated April 26th, 2007 of record in Deed Book 331, Page 67.
- 2. Pipeline Easement. Property is subject to a Pipeline Easement from Kentucky Mountain Partners to West Bay Exploration Co. dated March 11th, 2002 of record in Deed Book 292, Page 347 conveying a 30 foot pipeline right of way.
- 3. Possible Gas Meter Site Easement. Kentucky Mountain Partners entered into a Meter Site Agreement with Kentucky and West Virginia Gas Co. dated March 11th, 2002 of record in Deed Book 292, Page 350 conveying a gas meter site easement. Said agreement contains no description of the property or back reference. Therefore, unable to determine if the easement is upon the subject property or another property.
- 4. Coal Lease. Property is subject to a Coal Lease from Maude Stollings and the Arnold Stollings heirs to Reeves Coal Company, Inc. dated May 1st, 1975 and of record in Lease Book 21, Page 317. Said Lease is for an initial term of 2 years, with a possible extension of 3 years, and thereafter for so long as coal is mined from the property.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

5. Possible power line easement. Tug Baker and Elizabeth Baker granted a power line easement across the parent tract to this property to Kentucky and West Virginia Power Company by Deed dated September 16th, 1946 of record in Deed Book 90, Page 325. The parent tract was larger than this subject tract. Therefore, unable to determine if the easement is upon the subject property or the remainder of the parent tract.

II. TRACT 2

Tract 2 is owned by MRI Properties, Inc. by virtue of the Deed of Conveyance dated May 11th, 2021 of record in Deed Book 415, Page 157 of the Perry County Clerk's office.

Referenced as Deed Book 302, Page 524.

Exceptions as to all of Tract 2:

- 1. Power line easement from Roy Campbell estate to Kentucky Power Company dated March 16th, 2011 of record in Deed Book 358, Page 514.
- 2. Property is subject to an easement for purposes of installing and maintaining a sewer system, 0.30 acres, from Roy Campbell to Frontline Ministries, Inc. dated September 9th, 2010 of record in Deed Book 355, Page 762.
- 3. An off sale of 2.0005 acres by Deed from Roy Campbell to Frontline Ministries, Inc. dated July 24th, 2009 of record in Deed Book 348, Page 178, also including a right of way easement.
- 4. Oil and Gas Lease from Roy Campbell to Kinzer Business Realty Ltd dated January 20th, 2004 of record in Lease Book 54, Page 739. The term of the lease is 5 years and for so long as drilling is conducted.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being drilled for oil or gas.

5. Coal Lease Agreement from Roy Campbell to Perry County Coal Corporation dated December 3rd, 2003 of record in Lease Book 59, Page 139. The term of the lease is 10 years and annual 1 year renewals for so long as coal is being mined.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

6. Power line easement from Roy Campbell estate to Kentucky Power Company dated March 16th, 2011 of record in Deed Book 358, Page 514.

Tract 2 consists of multiple separate Parcels which are address individually below.

TRACT 2, PARCEL 1

20 acres more or less traced back to Deed dated July 1st, 1876 of record in Deed Book E, Page 57.

Exceptions:

1. Coal Lease. The property is subject to an unrleased Coal Lease from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell, George Campbell and wife, Jackee Campbell, to Prince Resources Inc. dated June 18th, 1985 of record in Lease Book 33, Page 620. Said Lease was assigned multiple times. Reference is made to Assignments of record Lease Book 33, Page 679; Lease Book 35, Page 149; Lease Book 36, Page 36; Misc Book 24, Page 113. The last recorded holder of said Lease was Aryshire Land Company. Said lease is for a term of 8 years and for as long thereafter as coal is mined from the property.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

2. Possible conveyance of mineral rights. Wm. K Jameson and wife, Ellen Jameson conveyed all mineral rights, including the right to use the surface for extraction, to Wm Ellison by Deed of Conveyance dated October 3rd, 1911 of record in Deed Book 25, Page 590. Said Deed conveyed two tracts 365.3 acres and 46.2 acres, both surveyed descriptions, but contained no back reference to determine the source of the title. Therefore, unable to determine if the conveyed mineral rights were on this subject property or another property of Wm. K Jameson.

<u>Curative Action</u>. Additional analysis, possibly by a surveyor to determine if Tract 2, Parcel 1 is in fact subject to the reservation of mineral rights. If so, obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

TRACT 2, PARCEL 2

1 acres more or less traced back to Deed dated January 17th, 1888 of record in Deed Book G, Page 105.

Exceptions:

1. Coal Lease. The property is subject to an unreleased Coal Lease from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell, George Campbell and wife, Jackee Campbell, to Prince Resources Inc. dated June 18th, 1985 of record in Lease Book 33, Page 620. Said Lease was assigned multiple times.

Reference is made to Assignments of record Lease Book 33, Page 679; Lease Book 35, Page 149; Lease Book 36, Page 36; Misc Book 24, Page 113. The last recorded holder of said Lease was Aryshire Land Company. Said lease is for a term of 8 years and for as long thereafter as coal is mined from the property.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

- 2. Property is subject to a right of way easement from Donald C. Graves, Gaylord S. Stacy, Roy Campbell and George Campbell to Melvin Clutts and Melvin Earl Clutts, dated March 16th, 1987 of record in Deed Book 271, Page 534 conveying a perpetual 20 foot roadway easement.
- 3. Possible power line easement. William Fields granted a power line easement across the parent tract to this property to Kentucky and West Virginia Power Company by Deed dated November 28th, 1947 of record in Deed Book 94, Page 140. Unable to determine if the easement is upon the subject property or the remainder of the parent tract.

TRACT 2, PARCEL 3

50 acres more or less traced back to Deed dated January 17th, 1888 of record in Deed Book G, Page 105.

Exceptions:

1. Coal Lease. The property is subject to an unreleased Coal Lease from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell, George Campbell and wife, Jackee Campbell, to Prince Resources Inc. dated June 18th, 1985 of record in Lease Book 33, Page 620. Said Lease was assigned multiple times. Reference is made to Assignments of record Lease Book 33, Page 679; Lease Book 35, Page 149; Lease Book 36, Page 36; Misc Book 24, Page 113. The last recorded holder of said Lease was Aryshire Land Company. Said lease is for a term of 8 year and for as long thereafter as coal is mined from the property.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

- 2. Property is subject to a right of way easement from Donald C. Graves, Gaylord S. Stacy, Roy Campbell and George Campbell to Melvin Clutts and Melvin Earl Clutts, dated March 16th, 1987 of record in Deed Book 271, Page 534 conveying a perpetual 20 foot roadway easement.
- 3. Subject to an Agreement by Green Baker and wife, Mattie Baker with the Commonwealth of Kentucky, Department of Highways, that the property will not have road access, dated November 22nd, 1969, of record in Deed Book 138A, Page 269.

- 4. An off sale of 1 acres more or less by Deed from Mattie Baker and Green Baker to Alpha Rineair dated May 2nd, 1964 of record in Deed Book 128, Page 205. This off sale being Tract 2, Parcel 2 above.
- 5. Power line easement. William Fields granted a power line easement across this property to Kentucky and West Virginia Power Company by Deed dated November 28th, 1947 of record in Deed Book 94, Page 140.

TRACT 2, PARCEL 4

I acre more or less traced back to Deed dated July 1st, 1876 of record in Deed Book E, Page 57.

Exceptions:

- 1. Property is subject to a right of way easement from Donald C. Graves and wife, Gaynell Graves, Gaylord S. Stacy and wife, Gladys Stacy, Roy Campbell and wife, Mildred Campbell, George Campbell, and wife, Jackee Campbell to the Perry County Fiscal Court, dated February 28th, 1990 of record in Deed Book 226, Page 540 conveying a perpetual 20 foot roadway easement.
- 2. Coal Lease. The property is subject to an unreleased Coal Lease from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell, George Campbell and wife, Jackee Campbell, to Prince Resources Inc. dated June 18th, 1985 of record in Lease Book 33, Page 620. Said Lease was assigned multiple times. Reference is made to Assignments of record Lease Book 33, Page 679; Lease Book 35, Page 149; Lease Book 36, Page 36; Misc Book 24, Page 113. The last recorded holder of said Lease was Aryshire Land Company. Said lease is for a term of 8 year and for as long thereafter as coal is mined from the property.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

- 3. Property is subject to a right of way easement from Donald C. Graves, Gaylord S. Stacy, Roy Campbell and George Campbell to Melvin Clutts and Melvin Earl Clutts, dated March 16th, 1987 of record in Deed Book 271, Page 534 conveying a perpetual 20 foot roadway easement.
- 4. An off sale of 0.35 acres from Charles Wooton and wife, Prudie Wooton to the Commonwealth of Kentucky Department of Highways dated August 5th, 1970 of record in Deed Book 138A, Page 417.
- 5. Subject to an Agreement by Charles Wooton and wife, Prudie Wooton with the Commonwealth of Kentucky, Department of Highways, that the property will not have road access, dated November 8th, 1969, of record in Deed Book 138A, Page 263.

6. Possible conveyance of mineral rights. Wm. K Jameson and wife, Ellen Jameson conveyed the mineral rights and rights to the surface for extraction to Wm Ellison by Deed of Conveyance dated October 3rd, 1911 of record in Deed Book 25, Page 590. Said Deed conveyed two tracts 365.3 acres and 46.2 acres, both surveyed descriptions, but contained no back reference to determine the source of the title. Therefore, unable to determine if the conveyed mineral rights were on this subject property or another property of Wm. K Jameson.

<u>Curative Action</u>. Additional analysis, possibly by a surveyor to determine if Tract 2, Parcel 4 is in fact subject to the reservation of mineral rights. If so, obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

7. Possible power line easement. Lee Crawford granted a power line easement across the parent tract to this property to Kentucky and West Virginia Power Company by Deed dated June 14th, 1946 of record in Deed Book 90, Page 354. Unable to determine if the easement is upon the subject property or the remainder of the parent tract.

TRACT 2, PARCEL 5

10 acre tract and 25 acre tract traced back to Deed dated July 1st, 1876 of record in Deed Book E, Page 57.

Exceptions:

1. Coal Lease. The property is subject to an unreleased Coal Lease from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell, George Campbell and wife, Jackee Campbell, to Prince Resources Inc. dated June 18th, 1985 of record in Lease Book 33, Page 620. Said Lease was assigned multiple times. Reference is made to Assignments of record Lease Book 33, Page 679; Lease Book 35, Page 149; Lease Book 36, Page 36; Misc Book 24, Page 113. The last recorded holder of said Lease was Aryshire Land Company. Said lease is for a term of 8 year and for as long thereafter as coal is mined from the property.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

- 2. Property is subject to a right of way easement from Donald C. Graves, Gaylord S. Stacy, Roy Campbell and George Campbell to Melvin Clutts and Melvin Earl Clutts, dated March 16th, 1987 of record in Deed Book 271, Page 534 conveying a perpetual 20 foot roadway easement.
- 3. An off sale of 1 acres more or less (from the 10 acre tract) by Deed from Boyd Fields and wife, Zelphia Fields to Charles Wooton and wife, Prudie Wooten dated November 30th, 1966 of record in Deed Book 136, Page 10. This off sale being Tract 2, Parcel 4 above.

- 4. An off sale of 3.06 acres by Boyd Fields and wife, Zelphia Fields to the Commonwealth of Kentucky Department of Highways dated November 21st, 1969 of record in Deed Book 138A, Page 259.
- 5. Possible conveyance of mineral rights. Wm. K Jameson and wife, Ellen Jameson conveyed the mineral rights to Wm Ellison by Deed of Conveyance dated October 3rd, 1911 of record in Deed Book 25, Page 590. Said Deed conveyed two tracts 365.3 acres and 46.2 acres, both surveyed descriptions, but contained no back reference to determine the source of the title. Therefore, unable to determine if the conveyed mineral rights were on this subject property or another property of Wm. K Jameson.

<u>Curative Action</u>. Additional analysis, possibly by a surveyor to determine if Tract 2, Parcel 5 is in fact subject to the reservation of mineral rights. If so, obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

6. Possible power line easement. Lee Crawford granted a power line easement across the parent tract to this property to Kentucky and West Virginia Power Company by Deed dated June 14th, 1946 of record in Deed Book 90, Page 354. Unable to determine if the easement is upon the subject property or the remainder of the parent tract.

TRACT 2, PARCEL 6

50 acres more or less traced back to Deeds dated March 22nd, 1883 of record in Deed Book Q, Page 292, and December 16th, 1890 of record in Deed Book I, Page 554.

Exceptions:

- 1. Pipeline Easement. Property is subject to a gas pipeline easement from Roy Campbell to Cut Through Hydrocarbon dated April 28th, 2006 of record in Lease Book 61, Page 89 and Lease Book 61, Page 93. If not constructed within 2 years the easement is void.
- 2. Surface lease. The property is subject to an unreleased Surface Lease for mining purposes from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell to Kem Coal Company dated September 17th, 1991 of record in Lease Book 40, Page 672. Said lease is for a term of 1 year and for as long thereafter as coal is mined from the property.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

3. Property is subject to a right of way easement from Donald C. Graves and wife, Gaynell Graves, Gaylord S. Stacy and wife, Gladys Stacy, Roy Campbell and wife, Mildred Campbell, George Campbell, and wife, Jackee Campbell to the Perry County Fiscal Court, dated

February 28th, 1990 of record in Deed Book 226, Page 540 conveying a perpetual 20 foot roadway easement.

- 4. Property is subject to a right of way easement from Donald C. Graves and wife, Gaynell Graves, Gaylord S. Stacy and wife, Gladys Stacy, Roy Campbell and wife, Mildred Campbell to Ronald Deaton and wife Mary E. Deaton, dated September 17th, 1990 of record in Deed Book 229, Page 509 conveying a perpetual easement for ingress and egress.
- 5. An off sale of 10 acres more or less (from the 50 acre tract) by Deed from W G Baker and wife, Zelma Baker to Arnold Couch and wife, Oma Couch dated October 13th, 1970 of record in Deed Book 145, Page 446. This off sale being Tract II, Parcel 8 below.
- 6. An off sale of 19.78 acres and an additional tract by W G Baker and wife, Zelma Baker to the Commonwealth of Kentucky Department of Highways dated November 18th, 1969 of record in Deed Book 138A, Page 297.
- 7. Gap in chain of title. A parent tract of the subject 50 acres was a 125 acre tract acquired by James Campbell and Frank Campbell by Deed dated March 8th, 1908 of record in Deed Book 21, Page 39. Frank Campbell subsequently conveyed the property by Deed to Felix Stacy dated August 17th, 1908 of record in Deed Book 21, Page 534. There is no conveyance or transfer of record from James Campbell.

<u>Curative Action</u>. Most likely legal action, quiet title against the heirs, successors and assigns of James Campbell.

8. Gap in chain of title. A parent tract of the subject 50 acres was a 50 acre tract conveyed by Deed of Conveyance from Eva J Lewis, John Lewis, Arlie Sandlin, and Mary Sandlin to Dock Campbell and Emma Campbell dated August 3rd, 1945 of record in Deed Book 85, Page 438. The back reference therein is to Deed Book 35, Page 393. Deed Book 35, Page 393 is a Deed to Silvania Williams and Eva Sandlin dated March 24th, 1917 for 125 acres. From ancillary Deeds it appears that Eva Sandlin and Eva Lewis are the same person. However, there is no conveyance or transfer of record from Silvania Williams.

<u>Curative Action</u>. Most likely legal action, quiet title against the heirs, successors and assigns of Silvania Williams.

9. A 2/10th interest in the subject property is owned by Ronald Deaton. The parent Deed for the subject 50 acres was a Deed to Henry Baker dated July 5th, 1949, of record in Deed Book 98, Page 125 consisting of two 50 acre tracts. Henry Baker died intestate July 31st, 1955. By his Affidavit of Descent of record in Deed Book 114, Page 94 his property passed to ten heirs. Maude Caudill acquired ownership of 8/10th interest as an heir of Henry Baker and by various Deeds from the other heirs. Maude Caudill transferred the property by Deed and that ownership transferred by Deed unto the current owner of Tract 2, MRI Properties, Inc. by virtue of the Deed of Conveyance dated May 11th, 2021 of record in Deed Book 415, Page 157.

1/10th went was inherited by Dave Baker, and 1/10th was inherited by Maggie Skeens.

Maggie Skeens conveyed her 1/10th interest unto Dave Baker by Deed dated September 9th, 1957 of record in Deed Book 115, Page 394. Dave Baker conveyed his interest, 2/10th in one of the 50 acre parent tracts to Pine Branch Coal Sales Inc. by Deed dated May 5th, 1967 of record in Deed Book 143, Page 219. Pine Branch Coal Sales, Inc. subsequently conveyed the 2/10th interest to Ron Deaton by Deed dated 4/11/1997 of record in Deed Book 256, Page 578. Ron Deaton conveyed three separate tracts of property to Roy Campbell by Deed dated March 14th, 2003 of record in Deed Book 298, Page 602. Tract 2 therein is a legal description without stated acreage and cites 3 Deeds as its back reference, the second of which is the Deed from Dave Baker, Deed Book 256, Page 578. The 2/10th interest in the 50 acres parent tract cannot be part of a legal description of a separate property.

As a result 2/10th interest in that parent tract remains titled in Ron Deaton.

The 2/10th interest in the other 50 acre parent tract remained with Dave Baker. There is no record of any subsequent transfer by Dave Baker. Dave Baker died intestate February 27th, 1969 survived by his wife, Tavie Baker; daughter, Emma Campbell; and daughter, Dana Irene New, per his Affidavit of Descent of record in Deed Book 146, Page 227.

As a result a 1/10th interest in the other 50 acre parent tract is owned by Tavie Baker, Emma Campbell, and Dana Irene New.

<u>Curative Action</u>. A quit claim deed from Ron Deaton, or most likely legal action, quiet title against the heirs, successors and assigns of Ron Deaton, Tavie Baker, Emma Campbell, and Dana Irene New.

TRACT 2, PARCEL 7

Described lot traced back to multiple Deeds: Deed Book 21, Page 509, August 12th, 1908; Deed Book N, Page 216, December 12th, 1898; Deed Book M, Page 639, March 6th, 1894; Deed Book M, Page 220, August 27th, 1896; Deed Book H, Page 273, September 12th, 1874; Deed Book 25, Page 590, October 3rh, 1911; Deed Book M, Page 274, December 12th, 1896, Deed Book M, Page 499, July 12th, 1898; Deed Book 25, Page 499, August 23rd, 1911; Deed Book 22, Page 469, December 28th, 1909; Deed Book O, Page 394, July 21st, 1887; Deed Book O, Page 391, June 10th, 1901; Deed Book 33, Page 208, January 28th, 1914; Deed Book 38, Page 608, January 15th, 1919; and Deed Book 24, Page 454, September, 1910.

Exceptions:

- 1. An off sale of 4.8 acres by Roy Campbell to Tiffany Smith dated January 17th, 2010 of record in Deed Book 351, Page 399.
- 2. An off sale of 0.59 acres by Roy Campbell and wife, Wanda Campbell to Housing Development Alliance, Inc. dated December 18th, 2009 of record in Deed Book 350, Page 445.
- 3. Possible power line easement. S H Campbell granted a power line easement across a parent tract to this property to Kentucky and West Virginia Power Company by Deed dated May 2nd, 1941 of record in Deed Book 77, Page 602. Unable to determine if the easement is upon the subject property or the remainder of the parent tract.

4. Mineral rights. All coal, oil, gas and mineral rights, including the right to use the surface for extraction, retained in source Deeds by C. E. Ellison to H. Frank Rhodes dated August 7th, 1943, Deed Book 80, Page 15; June 8th, 1941, Deed Book 76, Page 598; and June 8th, 1940, Deed Book 76, Page 259.

<u>Curative Action</u>. Obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

TRACT 2, PARCEL 8

½ acre more or less traced back to Deeds dated March 22nd, 1883 of record in Deed Book Q, Page 292, and December 16th, 1890 of record in Deed Book I, Page 554.

Exceptions:

*This Parcel is subject to the same exceptions of Tract 2, Parcel 6 outlined above.

TRACT 2, PARCEL 9

22 acres more or less traced back to Master Commissioner Deed dated October 25th, 1919 of record in Deed Book 40, Page 277.

Exceptions:

1. Possible Oil and Gas Lease. Oil and Gas Lease from Richard Johnson et al to Peco Resources dated January 10th, 1986 of record in Lease Book 34, Page 555; Lease Book 34, Page 551 and Lease Book 34, Page 546 for 1,500 acres acquired by Deed Book 157, Page 771. Said Lease is for a term of 5 years or for so long as the property is used under the lease.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being drilled for oil or gas.

2. Coal Lease. The property is subject to an unreleased Coal Lease from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell to Kentucky Prince Coal Corporation dated March 5th, 1979 of record in Lease Book 31, Page 696. Said lease is for a term of 2 years and for as long thereafter as coal is mined from the property.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

3. Mineral Rights. All mineral rights, including the right to use the surface for extraction, for the subject property were conveyed by Willie Wells and wife, Nora Wells, Mallie Wells Statzer and husband, Emmet Statzer, Mattie Wells Wilson and husband, Alfred Wilson to Richard M. Johnson by Deed dated April 29th, 1939, Deed Book 75, Page 201. They were subsequently conveyed by Richard M. Johnson to Blue Grass Mining Company by Deed dated May 27th, 1942, Deed Book 76, Page 192. Then from Blue Grass Mining Company to Richard Johnson, Ed Johnson, Mark Johnson, Louise Prior, Julia Barrett, JE Johnson III, and the estate of JE Johnson by Deed (Parcel 9 therein) dated June 25th, 1974 of record in Deed Book 157, Page 771.

<u>Curative Action</u>. Obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

TRACT 2, PARCEL 10

Two 4.32 acre tracts traced back to Master Commissioner Deeds dated October 25th, 1919 of record in Deed Book 41, Page 393 and in Deed Book 40, Page 277.

Exceptions:

1. Possible off sale. Roy Campbell, Gaylord Stacy, Donald Graves and others entered into a Deed dated March 11th, 1979 of record in Deed Book 190, Page 636. Campbell, Stacy and Graves executed as Grantors to convey any land described therein conveyed that may be included in the description to their property, Tract 2, Parcel 10, acquired by Deed Book 172, Page 539.

TRACT 2, PARCEL 11

23 acres and 25 acres more or less traced back to Master Commissioner Deeds dated October 25th, 1919 of record in Deed Book 41 197, Page 393 and in in Deed Book 40, Page 279.

Exceptions:

1. Coal Lease. The property is subject to an unreleased Coal Lease from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell to Kentucky Prince Coal Corporation dated March 5th, 1979 of record in Lease Book 31, Page 696. Said lease is for a term of 2 years and for as long thereafter as coal is mined from the property.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

2. Mineral rights. Regarding the 25 acre tract, a ½ interest in all coal, oil, gas and mineral rights, including the right to use the surface are retained and not conveyed by Pauline Baker Bailey and husband, James H. Bailey in the Deed to Matt Crawford dated October 10th, 1942, Deed Book 86, Page 45.

<u>Curative Action</u>. Obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

3. Possible Oil and Gas Lease. Matt Crawford and wife, Bertha Crawford granted an Oil and Gas Lease unto J T Justice dated June 11th, 1929 of record in Lease Book 8, Page 270 Said lease is for a term of 15 years or for so long oil or gas is produced.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being drilled for oil or gas.

4. Possible Oil and Gas Lease. Matt Crawford and wife, Bertha Crawford granted an Oil and Gas Lease unto C A Barbour dated December 2nd, 1930 of record in Lease Book 11, Page 333 Said lease is for a term of 10 years or for so long oil or gas is produced.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being drilled for oil or gas.

TRACT 2, PARCEL 12

20 acres more or less to deed dated January 2nd, 1888, Deed Book L, Page 21.

Exceptions:

- 1. Subject to an easement roadway access to family cemetery reserved by Robert Jameson and wife Debbie Jameson in Deed dated April 26th, 1979 of record in Deed Book 178, Page 481.
- 2. Possible conveyance of mineral rights. Wm. K Jameson and wife, Ellen Jameson conveyed the mineral rights and rights to use the surface for extraction to Wm Ellison by Deed of Conveyance dated October 3rd, 1911 of record in Deed Book 25, Page 590. Said Deed conveyed two tracts 365.3 acres and 46.2 acres, both surveyed descriptions, but contained no back reference to determine the source of the title. Therefore, unable to determine if the conveyed mineral rights were on this subject property or another property of Wm. K Jameson.

<u>Curative Action</u>. Additional analysis, possibly by a surveyor to determine if Tract 2, Parcel 12 is in fact subject to the reservation of mineral rights. If so, obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

TRACT 2, PARCEL 13

25 acres more or less traced back to deed dated August 4th, 1907, Deed Book 21, Page 179.

Exceptions:

- 1. An off sale of a lot by Deed from Roy Campbell and wife, Mildred Campbell to the Church of Lord Jesus Christ dated May 21st, 1973 of record in Deed Book 153, Page 546. Said Deed contains a reversion that in the event the lot is not used as a place of worship the property would revert to Roy Campbell and Mildred Campbell or their heirs.
- 2. Power line easement by Deed from Roy Campbell and wife, Mildred Campbell to Kentucky Power Company dated June 30th, 1970 of record in Deed Book 141, Page 81.
- 3. Deed Restriction. The property may not be used as a supermarket to sell groceries per Deed dated November 14th, 1969 from Tommy Smith and wife, Esther Smith, E C Dixon and wife, Pansy Dixon to Roy Campbell and wife, Mildred Campbell of record in Deed Book 142, Page 602.

Curative Action. Obtain a release of the Deed Restriction from the current owner or owners of the property remaining when the restriction was created.

4. Mineral Rights. All coal, oil, gas and mineral rights, including the right to use the surface for extraction are retained and not conveyed in the Master Commissioner Deed to Sam Crawford dated July 14th, 1945, Deed Book 85, Page 214.

<u>Curative Action</u>. Obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

TRACT 2, PARCEL 14

15 acres more or less traced back to deed dated October 28th, 1901, Deed Book 9, Page 166.

Exceptions:

1. Mineral Rights. All coal, oil, gas and mineral rights, including the right to use the surface for extraction are retained and not conveyed in the Deed from Fordson Coal Company to Ford Motor Company dated December 30th, 1940, Deed Book 75, Page 606.

<u>Curative Action</u>. Obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

III. TRACT 4

Tract 4 is owned by MRI Properties, Inc. by virtue of the Deed of Conveyance dated May

11th, 2021 of record in Deed Book 415, Page 157 of the Perry County Clerk's office.

1.14 acres referenced as Deed Book 273, Page 689, traced back to multiple Deeds dated January 5th, 1887, Deed Book J, Page 601; October 19th, 1885, Deed Book J, Page 598; March 3rd, 1907, Deed Book 22, Page 230; and April 15th, 1891 Deed Book J, Page 437.

Exceptions:

1. Gap in chain of title. The source property was conveyed to Green Baker and his wife, Polly Baker by Deed dated October 29th, 1915, and subsequently conveyed by only Polly Baker by two Deeds dated August 8th, 1951, Deed Book 105, Page 456, and August 8th, 1952, Deed Book 107, Page 254. It is noted that at the time of the subsequent conveyances, Polly Baker was a widow. However, the Deed to Green and Polly Baker was not a survivorship Deed. Perry County records contain no Will or Affidavit of Descent regarding Green Baker or the disposition of his interest.

<u>Curative Action</u>. Most likely legal action, quiet title against the heirs, successors and assigns of Green Baker.

2. Possible conveyance of mineral rights. This tract derives from multiple source Deeds and properties. The mineral rights and easement upon the surface for any mining purpose were conveyed from one of the source properties by Deed from Drew Combs and Debby Combs to Hamilton Realty Group dated April 8th, 1912 of record in Deed Book 26, Page 229 conveying 16.01 acres of that particular source tract. It is undetermined if this conveyance is part of the 1.14 acres consisting Tract 4.

<u>Curative Action</u>. Additional analysis, possibly by a surveyor to determine if Tract 4 is in fact subject to the reservation of mineral rights. If so, obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

3. Possible conveyance of mineral rights. This tract derives from multiple source Deeds and properties. The mineral rights and easement upon the surface for any mining purpose were conveyed from one of the source properties by Deed from Drew Combs and Debby Combs to Slemp Coal Company dated November 27th, 1905 of record in Deed Book 18, Page 236 conveying 100 acres of that particular source tract. It is undetermined if this conveyance is part of the 1.14 acres consisting Tract 4.

<u>Curative Action</u>. Additional analysis, possibly by a surveyor to determine if Tract 4 is in fact subject to the reservation of mineral rights. If so, obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

IV. TRACT 20

Tract 20 is the same property as Tract 2. For reference see Tract 2, Parcels 7, 8, 9, 10, 11, 13, and 14 above.

DISCLAIMER

This title opinion and report is subject to any errors or omissions found in the office of the Perry County Clerk's office, any overlapping of legal descriptions that an accurate survey might reveal, and subject to any additional information or documents not of record in the Perry County Clerk's office.

Sincerely,

Earl Rogers III Attorney at Law

Appendix F

Skyview Former Mine Site Investigation Report



Skyview Former Mine Site Investigation Report

Skyview Lane Perry County, Kentucky

Prepared By:

Kentucky Energy and Environmental Cabinet
Department for Environmental Protection
Kentucky Superfund Branch
Petroleum Cleanup Section
300 Sower Blvd.
Frankfort, Kentucky, 40601

April 19, 2023

Site Name: Skyview Former Min	Program: Superfund, PCS							
Site Address: Skyview Lane								
City: Hazard State: Kentucky Zip: 41701 County: Perry Co.								
Inspection Type: Investigative Purpose: Sample site for Fe, Pb, and As								
Sample Date: 1/24/2023 Time: 11:50 am-1:47 pm								
Latitude: 37.245507 Longitude: -83.265459								
Coordinate Collection Method: Garmin GPSMAP 65s HandheldGPS +/- 90 Meters								
Type of Site: Mine Site			•					

I. Background

Several former mine site properties have been suggested as potential housing sites for the 2022 eastern Kentucky flood victims. The Kentucky Superfund Branch has been tasked with investigating these sites to determine if the site soils are appropriate for residential development. The main areas of concern for these properties are heavy metals, such as iron, arsenic, and lead levels associated with former mining operations.

II. Site Sampling

On January 24, 2023, Superfund staff visited the 311-acre Whitaker Coal LLC mine site located in Perry County, Kentucky. Twelve grab soil samples between 0-1 ft. were collected within the four designated areas per the conceptual subdivision lot layout. Each sample location was uploaded prior to arriving at the site and then remarked on the team's GPS units while in the field (Figure 1). Soil samples were analyzed using the Bruker S1Titan Model 600 X-Ray Florescence (XRF) device according to proper standards and procedures. Two of the samples were taken to the Kentucky State Lab to be analyzed via sample method SW846-6020B. Sample results are illustrated in Table 1. Photos during the sampling event are included in Appendix A.

III. Results

Lab analysis results for Arsenic and Lead were reported slightly higher than the XRF readings. When taking into consideration the plus or minus values of the XRF readings the difference between the results is negligible. The state lab report and analysis breakdown is included in Appendix B.

Arsenic

Lab analytical results for arsenic were between 6.61 ppm and 11.2 ppm. Two results were below Kentucky's mean background. The lone result above the mean was within one standard deviation of the mean. No field screened soil sample indicated levels of concern. All XRF analytical results were below the generic mean for arsenic. Based on this data set no arsenic impacts are observed.

Lead

Lab analytical results for Lead at the site ranged between 14.2 and 16.6 ppm. XRF analytical results ranged between the limits of detection and 29 ppm. Lead concentrations fall below the states background level and below EPA's residential regional screening levels. Based on this data set no lead impacts are observed.

Iron

Iron levels at the site were collected to ensure the accuracy of arsenic results. Iron and arsenic levels have been shown to correlate due to their binding efficacy. If the results do not show a correlation between the two elements, result accuracy is either low or the results are indicative of a release. Iron levels at the site stayed consistent when compared to arsenic levels confirming sample accuracy. Iron concentrations ranged between 22,600-28,400 ppm, which fall below both the EPA's residential regional screening levels and Kentucky's average background levels.

Table 1: Soil Sample Results (ppm)

Table 1. Son S	ample Results (pr		T		
		Iron (Fe)	Arsenic (As)	Lead (Pb)	
*KY BG Leve	ls:	47,600	8.9	84.6	
*EPA R-RSL:		55,000	0.68	400	
S	K-1	27,000 ±265	3 ±2	<lod td="" ±14<=""></lod>	
S	K-2	24,000 ±249	<lod td="" ±2<=""><td>20 ±16</td></lod>	20 ±16	
S	K-3	27,000 ±264	<lod±2< td=""><td>22 ±14</td></lod±2<>	22 ±14	
SK-4	XRF Results	28, 000 ±265	6 ±2	<lod td="" ±20<=""></lod>	
51 X —4	Lab Results 28,400 11.2		16.3		
SK-5		11,000 ±167	<lod td="" ±2<=""><td colspan="2"><lod td="" ±17<=""></lod></td></lod>	<lod td="" ±17<=""></lod>	
SK-6		12,000 ±179	<lod td="" ±3<=""><td>29 ±24</td></lod>	29 ±24	
S	K-7	11,000 ±218	<lod td="" ±2<=""><td><lod td="" ±16<=""></lod></td></lod>	<lod td="" ±16<=""></lod>	
SK-8	XRF Results:	8251 ±142	6 ±3	<lod td="" ±25<=""></lod>	
	Lab Results:	22,600	8.69	14.2	
S	K-9	6051 ±137	<lod td="" ±3<=""><td><lod< b=""> ±23</lod<></td></lod>	<lod< b=""> ±23</lod<>	
SK-10		27,000 ±265	<lod td="" ±2<=""><td><lod td="" ±14<=""></lod></td></lod>	<lod td="" ±14<=""></lod>	
Sk	K-11	20,000 ±226	<lod td="" ±2<=""><td><lod td="" ±15<=""></lod></td></lod>	<lod td="" ±15<=""></lod>	
SK-12	XRF Results	14,000	3 ±2	<lod td="" ±18<=""></lod>	
SK-12	Lab Results:	21,800	6.61	16.6	

^{*}KY BG Levels = Kentucky Ambient Background Levels

^{*}EPA R-RSL = EPA Residential Regional Screening Levels for Soil

<LOD = Below Limit of Detection

Marlowe-Thompson Branch Site Report April 19, 2023

IV. Conclusion

All sample results were reported below allowable levels when compared to the EPA's regional residential screening levels or Kentucky's ambient background levels. While this investigation does not represent a full site characterization, no findings suggest additional sampling or remediation activities necessary at this time.

Figure 1



Appendix A Photographs



Photo one. West Central part of property near SK-10.



Photo two. Central area of property near SK-8.



Photo three. East part of property near SK-5, looking North.



Photo four. Walking to SK-6, looking south.



Photo five. Sample location SK-6. Representative of all sampled locations.



Marlowe-Thompson Branch Site Report April 19, 2023

Drone Imagery -1/24/2023.

Appendix B Laboratory Documents



ANDY BESHEAR GOVERNOR

REBECCA GOODMAN SECRETARY

ENERGY AND ENVIRONMENT CABINET DEPARTMENT FOR ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL PROGRAM SUPPORT

100 SOWER BOULEVARD, STE. 104 FRANKFORT, KENTUCKY 40601

TONY HATTON COMMISSIONER

Wednesday, February 01, 2023

Lab Sample Number: AU00918 **Station/Project ID:** Division of Waste Management **Re:** Skyview Hazard

300 Sower Blvd

Frankfort, KY 40601 **Program Code: B25**

ATTN: Tammi Hudson **AKGWA: County:** Perrv **Facility:**

Collected By: Sarah Yount **Date:** 01/24/2023 **Time:** 13:05 **Delivered By:** Sarah Yount **Date:** 01/25/2023 Time: 14:00 **Received By:** Jennifer Clark **Date:** 01/25/2023 **Time:** 14:00

Sample Matrix: SOIL **Collection Method:**

Sample Description: SK-4 Sample Type: Field Sample

Container ID: Sample ID: SK-4

Shipment Temp: 12.0C REPORT OF ANALYSIS **Analyte Count: 4**

LAB ACODE CAS NUM CONSTITUENTS **RESULT UNIT** LOO LOD **FLAG**

TESTCODE \$3130S ASCALC BY: SW846 6020B ON: 1/27/2023 12:49:00 PM

\$3130S ASCALC 7440-38-2 Arsenic 11.2 mg/Kg DW 0.274 0.137

TESTCODE \$3130S_FECALC BY: SW846 6020B ON: 1/27/2023 12:49:00 PM

\$3130S FECALC 7439-89-6 Iron 28400 mg/Kg DW 13.7 6.86

TESTCODE \$3130S PBCALC BY: SW846 6020B ON: 1/27/2023 12:49:00 PM

\$3130S PBCALC 7439-92-1 Lead 16.3 mg/Kg DW 0.274 0.137

TESTCODE %SOLIDS BY: SM20 2540 G Mod ON: 1/26/2023 8:05:00 AM

%SOLIDS Percent solids, dry weight 72.0 %

Container Preservation Status at Sample Login

@G-8OZ-1 Glass 8 oz widemouth jar #1 pH not tested

Unit Description

DW = Analyzed on a Dry Weight Basis

Case Narrative

This report has been prepared and reviewed by personnel within the Department for Environmental Protection

Laboratory (DEPLAB) and has been approved for release.

for Tony Hatton, Acting Director Report Format: DESFinal-Full

Report Version 1 Page 1 of 1 Sample Number: AU00918



ANDY BESHEAR GOVERNOR

REBECCA GOODMAN SECRETARY

ENERGY AND ENVIRONMENT CABINET DEPARTMENT FOR ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL PROGRAM SUPPORT

TONY HATTON COMMISSIONER

100 SOWER BOULEVARD, STE. 104 FRANKFORT, KENTUCKY 40601

Wednesday, February 01, 2023

Lab Sample Number: AU00919 **Station/Project ID:** Division of Waste Management **Re:** Skyview Hazard

300 Sower Blvd

Frankfort, KY 40601 **Program Code: B25**

ATTN: Tammi Hudson **AKGWA: County:** Perrv **Facility:**

Collected By: Sarah Yount **Date:** 01/24/2023 **Time:** 12:13 **Delivered By:** Sarah Yount **Date:** 01/25/2023 Time: 14:00 **Received By:** Jennifer Clark **Date:** 01/25/2023 **Time:** 14:00

Sample Matrix: SOIL **Collection Method:**

Sample Description: SK-8 Sample Type: Field Sample

Container ID: Sample ID: SK-8

Shipment Temp: 12.0C REPORT OF ANALYSIS **Analyte Count: 4**

LAB ACODE CAS NUM CONSTITUENTS **RESULT UNIT** LOO LOD **FLAG**

TESTCODE \$3130S ASCALC BY: SW846 6020B ON: 1/27/2023 1:42:00 PM

\$3130S ASCALC 7440-38-2 Arsenic 8.69 mg/Kg DW 0.292 0.146

TESTCODE \$3130S_FECALC BY: SW846 6020B ON: 1/27/2023 1:42:00 PM

\$3130S FECALC 7439-89-6 Iron 22600 mg/Kg DW 14.6 7.31

TESTCODE \$3130S PBCALC BY: SW846 6020B ON: 1/27/2023 1:42:00 PM

\$3130S PBCALC 7439-92-1 Lead 14.2 mg/Kg DW 0.292 0.146

TESTCODE %SOLIDS BY: SM20 2540 G Mod ON: 1/26/2023 8:05:00 AM

%SOLIDS Percent solids, dry weight 67.9 %

Container Preservation Status at Sample Login

@G-8OZ-1 Glass 8 oz widemouth jar #1 pH not tested

Unit Description

DW = Analyzed on a Dry Weight Basis

Case Narrative

This report has been prepared and reviewed by personnel within the Department for Environmental Protection

Laboratory (DEPLAB) and has been approved for release.

for Tony Hatton, Acting Director Report Format: DESFinal-Full

Report Version 1 Page 1 of 1 Sample Number: AU00919



ANDY BESHEAR
GOVERNOR

REBECCA GOODMAN

ENERGY AND ENVIRONMENT CABINET DEPARTMENT FOR ENVIRONMENTAL PROTECTION DATE: THE PROPERTY OF T

DIVISION OF ENVIRONMENTAL PROGRAM SUPPORT

100 SOWER BOULEVARD, STE. 104 FRANKFORT, KENTUCKY 40601 TONY HATTON COMMISSIONER

Wednesday, February 01, 2023

Lab Sample Number:AU00920Station/Project ID:To:Division of Waste ManagementRe: Skyview Hazard

300 Sower Blvd

Frankfort, KY 40601 Program Code: B25

ATTN: Tammi Hudson

County: Perry

AKGWA:
Facility:

 Collected By:
 Sarah Yount
 Date:
 01/24/2023
 Time:
 11:50

 Delivered By:
 Sarah Yount
 Date:
 01/25/2023
 Time:
 14:00

 Received By:
 Jennifer Clark
 Date:
 01/25/2023
 Time:
 14:00

Sample Matrix: SOIL Collection Method: Grab

Sample Description: SK-12 Sample Type: Field Sample

Sample ID: SK-12 Container ID:

Analyte Count: 4 <u>REPORT OF ANALYSIS</u> Shipment Temp: 12.0C

<u>LAB ACODE CAS NUM CONSTITUENTS</u>
<u>RESULT UNIT LOQ LOD FLAG</u>

TESTCODE \$3130S_ASCALC BY: SW846 6020B ON: 1/27/2023 1:52:00 PM

\$3130S_ASCALC 7440-38-2 Arsenic 6.61 mg/Kg DW 0.314 0.157

TESTCODE \$3130S_FECALC **BY:** SW846 6020B **ON:** 1/27/2023 1:52:00 PM

\$3130S_FECALC 7439-89-6 Iron 21800 mg/Kg DW 15.7 7.83

TESTCODE \$3130S_PBCALC **BY:** SW846 6020B **ON:** 1/27/2023 1:52:00 PM

\$3130S PBCALC 7439-92-1 Lead 16.6 mg/Kg DW 0.314 0.157

TESTCODE %SOLIDS BY: SM20 2540 G Mod ON: 1/26/2023 8:05:00 AM

% SOLIDS Percent solids, dry weight 58.4 %

Container Preservation Status at Sample Login

@G-8OZ-1 Glass 8 oz widemouth jar #1 pH not tested

Unit Description

DW = Analyzed on a Dry Weight Basis

Case Narrative

This report has been prepared and reviewed by personnel within the Department for Environmental Protection

Laboratory (DEPLAB) and has been approved for release.

Report Format: DESFinal-Full for Tony Hatton, Acting Director

Sample Number: AU00920 Report Version 1 Page 1 of 1

Page 1 of

CHAIN OF CUSTODY RECORD DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Program/D							Ref. Reach Lakes Pretreatment	□BMP □E	RT
Program/D Program/A		CRA UST TSCA Sol		CLA MS	t. CERCLA				
Fund Source	e/MARS #	Site #					Incident		Incident
SITE LOCATION: SKYVIEW HAZARD FACILITY NO.:						COUNTY: _	erry		
FIELD ID#	DATE TIME	DESCRIPTION OF SITE	MATRIX	NUMBI	THE RESERVE AND ADDRESS OF THE PERSON NAMED IN	PRESER- VATION	ANALYSIS REQUESTED	рН	LAB USE ONLY
SK-4	Date: 1 /24/23 Time: □ am 1 : 05 □ pm	AKGWA #:	Liquid Solid Chemical Grab Composite	Glass 1 Plastic VOA 46 Glass 1 280 mi Other:	1000 ml 0 ml 140 ml	☐ fice ☐ H₂SO₄ ☐ NaOH ☐ HNO₃ ☐ HC1 ☐ Other	□ ABN □ VOC □ NH, □ TO14 □ TOC □ TSS □ CI □ HERB □ TKN □ BOD □ CN □ T. METALS □ 0&G □ PAH □ FP □ PEST/PCB □ TDS □ ALK □ TCLP □ N/P PEST □ BTEX □ ORTHO/P □ OTHER: Below Metals		Sample # AUOO 9 18 Report #
sk-8	Date: 1 / 24 23 Time: □ am 1 2 : 13 □ pm	AKGWA #:	Liquid Solid Chemical Grab Composite Other	Glass Plastic VOA 4 Glass 280 m Other:	1000 ml 0 ml 140 ml	□ tce □ H,SO, □ NaOH □ HNO, □ HCI □ Other	□ ABN □ VOC □ NH, □ TO14 □ TOC □ TSS □ C1 □ HERB □ TKN □ BOD □ CN □ T. METALS □ 0&G □ PAH □ FP □ PEST/PCB □ TDS □ ALK □ TCLP □ N/P PEST □ BTEX □ ORTHO/P □ OTHER: Relow metals		Sample # AUDO 919 Report #
SX-12	Date: \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	AKGWA #:	Liquid Solid Chemical Crab Composite Other	Glass Plastic VOA 4 Glass 280 m Other:	: 1000 ml 0 ml 140 ml 1	HCO H,SO NaOH HNO, HCO Other	□ ABN □ VOC □ NH, □ TO14 □ TOC □ TSS □ CI □ HERB □ TKN □ BOD □ CN □ T. METALS □ O&G □ PAH □ FP □ PEST/PCB □ TDS □ ALK □ TCLP □ N/P PEST □ BTEX □ ORTHO/P □ OTHER: Below metals		Sample # AU00920 Report #
Inspector	(s): Sarc	in Yount, Nathan	Hancock, k	cen La	ag solo	Metals	s: PAs Ba Cd Cr PP 1	lg □Se □Ag	— 12.0°C
Relinquished	by: Say	an Yount Sanal	yount		Date []	25/23	Received by: Lunnian Clank		IR-B
Representing	# KDW	im Superfund	0		Time 2	mg 00:	Representing: SDS		
Relinquished	l by:				Date		Received by:		
Representing					Time		Representing:		
DEP5005 ((5146GP)		Distribution: White Cop	y-Central Offi	ce Yello	w Copy-DES	Pink Copy-Field Inspector	Rev. Febr	uary 28, 2011

KENTUCKY ENVIRONMENTAL SERVICES LABORATORY LOGIN GROUP RECEIPT

LogBy: JJC

Shipping Temp:

12.0C

Login Date and Time: 1/25/2023 14:06 RE: Skyview Hazard

For: Division of Waste Management

300 Sower Blvd Collected By: Sarah Yount Collection Method: Grab

Frankfort, KY 40601

ATTN: Tammi Hudson

Delivered By: Sarah Yount

Received By: Jennifer Clark

Received Date and Time: 1/25/2023 14:00

Received Date and Time: 1/25/2023 14:00

			_			*****					
LAB ID	CODI	E Samp ID	DESCRIPTION	AKGWA	COUNTY	COLLEC	CTED	MATRIX	LW CODE	PARAMETER NAME	pН
AU00918	B25	SK-4	SK-4		Perry	1/24/2023	13:05	SOIL			
					-				@G-8OZ-1	Glass 8 oz widemouth jar #1	NT
									\$3130S	Metals (ICP-MS) Soil	
									\$3130S_ASCALC	Arsenic (ICP-MS) Soil Result	
									\$3130S_FECALC	Iron (ICP-MS) Soil Result	
									\$3130S_PBCALC	Lead (ICP-MS) Soil Result	
									3030S	Metal Prep (ICP-MS) -Soil	
									%SOLIDS	Percent solids, dry weight	
									!COMMENT	Case Narrative	
AU00919	B25	SK-8	SK-8		Perry	1/24/2023	12:13	SOIL			
									@G-8OZ-1	Glass 8 oz widemouth jar #1	NT
									\$3130S	Metals (ICP-MS) Soil	
									\$3130S_ASCALC	Arsenic (ICP-MS) Soil Result	
									\$3130S_FECALC	Iron (ICP-MS) Soil Result	
									\$3130S_PBCALC	Lead (ICP-MS) Soil Result	
									3030S	Metal Prep (ICP-MS) -Soil	
									%SOLIDS	Percent solids, dry weight	
									!COMMENT	Case Narrative	
AU00920	B25	SK-12	SK-12		Perry	1/24/2023	11:50	SOIL			
									@G-8OZ-1	Glass 8 oz widemouth jar #1	NT
									\$3130S	Metals (ICP-MS) Soil	
									\$3130S_ASCALC	Arsenic (ICP-MS) Soil Result	
									\$3130S_FECALC	Iron (ICP-MS) Soil Result	
									\$3130S_PBCALC	Lead (ICP-MS) Soil Result	
									3030S	Metal Prep (ICP-MS) -Soil	
									%SOLIDS	Percent solids, dry weight	
									!COMMENT	Case Narrative	

Appendix G Qualifications

Qualifications of Environmental Professional

Environmental Professional

Kenneth C. Logsdon Geologist Registered Supervisor Petroleum Cleanup Section Superfund Branch Division of Waste Management

Education

Bachelor of Science in Biology and Geology, Western Kentucky University 1995

Professional Certification

Professional Geologist, 2005

Professional Experience

Kentucky Department for Environmental Protection -- 24 years

Mr. Logsdon has over 24 years of experience in the assessment, investigation, and remediation of Underground Storage Tank, Superfund, and Hazardous Waste sites.

Sky View Estates Residential Subdivision Project

Preliminary Engineering Report



Prepared By:



3213 Summit Square Place Suite 100 Lexington, KY 40509 3376 Hwy 550 P.O. Box 444 Hindman, KY 41822

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3.2 Sanitary Sewer Infrastructure
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5.2 Utilities, Site Access & Existing Site Concerns
5.3 Geotechnical Considerations
5.4 Pavement
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Water & Sanitary Sewer Infrastructure MapAppendix C
Soil Resource Report and Map Appendix D

1.0 Introduction:

The Perry County Fiscal Court working with the Governor's office and other state agencies proposes to fund and develop a residential subdivision that is located out of the floodplain in Perry County west of Hazard, KY off the Hal Rogers Parkway that will provide Perry County with much needed single family housing opportunities. This project is a public-private partnership that will provide approximately 443 - 0.25 to 0.33 acre lots. The county has been planning for the development of additional housing for the past several years, but this situation was exacerbated with the July 2022 flood which was near a 1000 YR event that devastated Perry County. Numerous families were displaced from their homes with no alternate to rebuild except back in the floodplain. The project will provide a tremendous opportunity for the people of Perry County to rebuild their lives with the security of never having to worry about losing their homes and lives to flooding again.

2.0 Project Planning:

2.1 Location

Perry County was founded in 1820 with Hazard being its county seat. Located in the Appalachian Coalfields of Southeast Kentucky the economy has long been based on logging and mining. Perry County is home to Hazard Community and Technical College. It is also home to ARH Regional Medical Center, a not-for-profit health system operating 10 hospitals, multi-specialty physicians, home health agencies, homecare stores and retail pharmacies. It is the largest provider of care and largest employer in southeastern Kentucky.

2.2 Environmental Resources Present

The proposed project is located west of Hazard just off the Hal Rogers Parkway. The area has a history of both coal mining and timber harvesting. There is some farmland in the area which yields mostly a corn based crop. Any adverse environmental impacts will be addressed in a Phase I ESA and other environmental documents. The project area has been previously mined and reclaimed with mine spoil. The USDA NCRS Soils Resource information is included in the appendix for reference.

3.0 Proposed Facilities:

3.1 Water Infrastructure

The project includes approximately 4,500 LF of new 6" HDPE waterline and a 200 GPM Duplex Pump Station to the subdivision. The residential development of this project will include approximately 20,000 LF of 6" HDPE waterline and a 100,000 gal elevated water storage tank. As the property develops there will be water service lines and meters installed for each lot.

3.2 Sanitary Sewer Infrastructure

There will be approximately 18,500 LF of 4" to 6" HDPE Sanitary Sewer Force Main that will interconnect with the City of Hazard potable wastewater collection system. The sanitary collection system will include a 150 – 200 GPM Duplex Pump Station with a SCADA system and odor control receiving the subdivision sanitary sewer collection will be with an 8" SDR-35 PVC gravity system that will be constructed along street ROW's and routed downstream to the proposed Sanitary PS then force or pump the waste to the Hazard Collection System. The gravity sewer system will include approximately 21,000 LF of 8" collection line with approximately 60 - 4' diameter manholes and 4" to 6" PVC laterals installed as the lots develop.

3.3 Additional Development Infrastructure

The subdivision development will be designed with a 50' ROW corridor for streets that will be 2 – 10.5' lanes with curb and gutter and Type A curb boxes for stormwater drainage. The ROW corridor will accommodate both water and sanitary sewer lines and other underground utilities constructed at the required separation. The streets will include 5' sidewalks and streetlights for pedestrian traffic and safety. There will be detention and/or retention basins constructed below the development for stormwater management to prevent downstream flooding and adverse environmental impacts.

4.0 Project Need:

4.1 Housing Demand

Prior to the July 2022 flood there was a huge demand for single as well as multi-family housing in Perry County. The Judge Executive with his administration was actively looking at potential projects that included available property and associated infrastructure. After the flood the need turned to dire and with the help of the governor's office the Sky View private public partnership has become a reality with up to 463 lots in the planning phase. There is a significant amount of infrastructure that has to be developed but the project need is very real and being located well out of the valley floodplain with post mine developed level land as an invaluable asset.

4.2 Project Benefit

With the pre-flooding housing demand being exponentiated with the 2022 flood the Sky View Estates development with the number of lots available for development will have a tremendous impact on the Perry County community. The county has never had a housing development of this magnitude in the past and with the infrastructure support that the governor's office and the state of Kentucky are providing the project should be a success.

5.0 Proposed Project:

5.1 Site Location & Characteristics

Aerial mapping data and site details are presented to identify the project property location. Project property boundaries have been confirmed by deed and a field survey for proper lot placement. Physical characteristics such as existing topography and elevations have been identified, along with existing utilities and utilities to be developed.

5.2 Utilities, Site Access, & Existing Site Concerns

Public utility services such as domestic water, and electrical power are required for the developing, and are available to this site. As the project location is considered unincorporated, engineering design is being performed to accommodate water and sanitary sewer requirements. There are no apparent safety hazards present at this site. A single or multi-story slab on grade homes with ground level access will be permitted by the site configuration. Automobile access is freely permitted by driveway access.

No major airports or air traffic entities are in the site vicinity. Utility access for the proposed project does not appear to conflict with this property use.

5.3 Geotechnical Considerations

A Geotechnical subsurface investigation into the suitability of the existing soil composition, complete with recommendations has been completed for the design of structural foundation systems. It is advised that the investigating entity be responsible for the special inspections required during construction by Chapter 17 of the Kentucky Building Code

5.4 Pavement

The development will include asphalt paving for collector and connection roads. The geotech investigation will included CBRs for pavement and subbase design – we anticipate a subbase of 8"-12" stone and asphalt pavement of 2.5" of base and 1.5" of final tack coat.

5.5 Sanitary Sewer

A sanitary sewer collection system will be constructed for the subdivision. The collection system will include an 8" gravity collection system will be designed and constructed in accordance with 10 States Standards criteria and will include approximately 21,000 LF of 8" collection line with approximately 60 - 4' diameter prefabbed concrete manholes with MH infiltration lid protectors and prefabricated applied waterproof and microbial protection and 4" to 6" PVC laterals installed as the lots develop. The gravity collection system will discharge into a 10' diameter pump station wet well which will include a 200 GPM Duplex Pump Station with a SCADA system and odor control that will pump the waste downhill thru a 4" to 6" HDPE FM to the City of Hazard collection

system located southwest of Hazard along the Hal Rogers Parkway near the West Perry Elementary School.

5.6 Potable Water

The project includes approximately 4,500 LF of new 6" HDPE waterline and a 200 GPM Duplex Pump Station to the subdivision. The residential development of this project will include approximately 20,000 LF of 6" HDPE waterline and a 100,000 gal elevated water storage tank. As the property develops there will be water service lines and meters installed for each lot.

5.7 Codes Currently Adopted by Kentucky

2018 Kentucky Building Code (Based on the 2015 International Building Code)

2018 Kentucky Residential Code (Based on the 2015 International Residential Code)

2015 International Mechanical Code

2015 International Fire Code (New construction projects, only when specifically referenced bythe body of KBC)

2012 International Energy Conservation Code (for use with commercial buildings only)

2009 International Energy Conservation Code (for use with residential buildings only- see definition in IECC)

2009 ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities

Kentucky State Plumbing Law, Regulations & Code (815 KAR Chapter 20)

State Boiler Regulation (KRS 236, 815 KAR 15)

2013 NFPA 13 - Installation of Sprinkler Systems

2013 NFPA 13D - Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes

2013 NFPA 13R – Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height

2013 NFPA 14 – Installation of Standpipe and Hose Systems

2012 NFPA 54 - National Fuel Gas Code

2017 NFPA 70 - National Electrical Code (effective October 1, 2014)

2013 NFPA 72 - National Fire Alarm and Signaling Code

2012 NFPA 101 - Life Safety Code (Health Care Facilities)

2015 International Existing Building Code

Not all adopted codes will apply to the proposed design and usage. Additionally, it shall be stated that the currently adopted codes the State of Kentucky has identified as governing a specific construction or design practice, shall determine along with review and/or inspection



by authorities having jurisdiction, the suitability of a proposed design and its code implementation.

5.8 Project Funding

The Project owner will apply for public funding by the state and federal grants listed below:

- ARC
- EKYSAFE

APPENDIX 'A'

Project Cost Estimate

	RMJE
_	IXIVIOL
V	R.M. JOHNSON ENGINEERING, INC.

7,500

3,750

750

2,000

\$

\$

\$

\$

\$

SKY VIEW AREA 1 SEWER TOTAL

5.00

5.00

40.00

12.00

5,000.00

\$

\$

\$

\$

LF

LF

LS

SY

SY

City of Hazard Utilities

Sky View Estates

Infrastructure Project Water & Sewer Service to the Sky View Site

200 GPM Duplex Booster Pump Station w/SCADA

Potable Water Supply

& Standby Generator

Flush Hydrants 6" HDPE Gate Valves

Silt Fence

6" DIPS HDPE DR11 Water Line

Tie-In and Valve Control Vault

Asphalt Repair/Replacement

Gravel Repair/Replacement

Sanitary Sewer Service

4" HDPE Plug Valves Air Release/Vacuum Valves

Cleanouts Silt Fence

Traffic Control/Public Safety Measures

Unpaved Surface Repair & Seeding

4" DR 11 HDPE Sewer Force Main

Traffic Control/Public Safety Measures

Unpaved Surface Repair & Seeding

Water & Sewer Service (Area 1)

Traffic Control/Public Safety Measures

Unpaved Surface Repair & Seeding

8" SDR 35 PVC Gravity Sewer Pipe

Tie-In to Sky View Lift Station

Gravel Repair/Replacement

Standard Manholes w/Frames and Lids, 4 ft. diameter, incl. infiltration pans (depth to 10.0') Standard Manholes w/Frames and Lids, 5 ft. diameter, incl. infiltration pans (depth to 10.0')

Video Inspection of Completed Gravity Pipe

Traffic Control/Public Safety Measures

Unpaved Surface Repair & Seeding

Gravel Repair/Replacement

Sanitary Sewer Service

100,000 Gal Elevated Storage Tank & Foundation

6" DIPS HDPE DR11 Water Line

Asphalt Repair/Replacement

Gravel Repair/Replacement

Potable Water Supply

Flush Hydrants 6" HDPE Gate Valves Tie-In to Existing Water Line

Silt Fence

Silt Fence

4" FM Tie-In Assembly at existing Hazard LS Sky View Duplex Sewer Lift Station w/SCADA Odor Control for Sky View Duplex Lift Station

4" DR 9 Sewer Force Main HDD

						Page 1			
	PROJECT COST ESTIMATE								
			DATE:	Revised:	1/27	//2023			
	ESTIMATED BY: FDP								
	CHECKED BY: RMJ								
OLIANIT.	<u> </u>		PROJECT NO.	22-054					
QUANT	UNIT	ļ	LINIIT			TOTAL			
NO. OF UNITS	MEAS.		UNIT COST			COST			
5 1c	111-		000.						
4,500	LF	\$	45.00	 	\$	202,500.00			
7,000		Ψ	70.00		Ψ	202,000.00			
1	LS	\$	350,000.00		\$	350,000.00			
1	LS	\$	15,000.00		\$	15,000.00			
3	EA	\$	10,000.00		\$	30,000.00			
6	EΑ	\$	3,000.00		\$	18,000.00			
2,750	LF	\$	5.00		\$	13,750.00			
1	LS	\$	5,000.00		\$	5,000.00			
500	SY	\$	150.00		\$	75,000.00			
1,250	SY	\$	40.00		\$	50,000.00			
1,250	SY	\$	12.00		\$	15,000.00			
,			TO SITE TO	OTAL	\$	774,250.00			
					·	,			
16,000	LF	\$	40.00		\$	640,000.00			
2,500	LF	\$	175.00		\$	437,500.00			
1	LS	\$	10,000.00		\$	10,000.00			
1	LS	\$	300,000.00		\$	300,000.00			
1	LS	\$	60,000.00		\$	60,000.00			
6	EA	\$	5,000.00	ļ!	\$	30,000.00			
6	EA	\$	5,000.00	ļ	\$	30,000.00			
9 000	EA	\$	3,500.00	ļ	\$	21,000.00			
8,000 1	LF LS	\$	5.00 5,000.00		\$ \$	40,000.00			
1,000	SY	\$	150.00	 	\$	5,000.00 150,000.00			
1,250		\$	40.00	 	\$	50,000.00			
1,250	SY	\$	12.00	 	\$	15,000.00			
			TE TOTAL		\$	1,788,500.00			
			<u> </u>		~	1,100,000			
7,000	LF	\$	45.00		\$	315,000.00			
1	LS	\$	500,000.00		\$	500,000.00			
8	EA	\$	10,000.00		\$	80,000.00			
6	EA	\$	3,000.00		\$	18,000.00			
1	LS	\$	10,000.00		\$	10,000.00			
3,500	LF	\$	5.00		\$	17,500.00			
1	LS	\$	5,000.00		\$	5,000.00			
750	SY	\$	40.00		\$	30,000.00			
2,000	SY	\$	12.00		\$	24,000.00			
SKY	VIEW A	RE.	A 1 WATER	TOTAL	\$	999,500.00			
7.500	<u> </u>	_	22.00	ļ	*	275 200 00			
7,500	LF	\$	90.00	ļ	\$	675,000.00			
20	⊏∧	¢	9 000 00		\$	160 000 00			
20	EA	\$	8,000.00		Ф	160,000.00			
2	LS	\$	10,000.00		\$	20,000.00			
1	LS	\$	10,000.00	 	\$	10,000.00			
7 500	15	-		 	<u></u>	27.500.00			

37,500.00

18.750.00

5,000.00

30,000.00

24,000.00

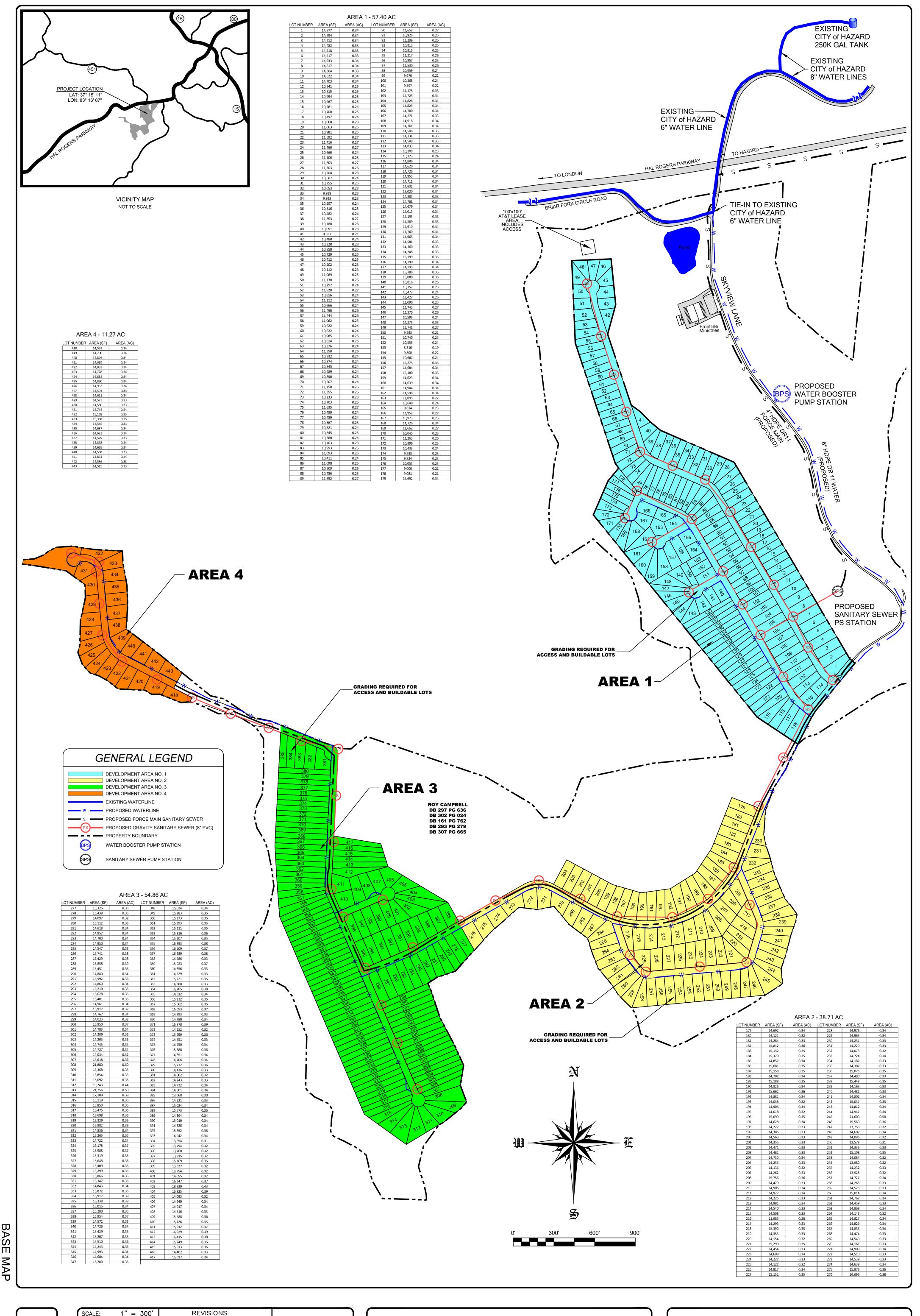
980,250.00

Water & Sewer Service (Areas 2, 3 & 4)							Page 2
Potable Water Supply							
6" DIPS HDPE DR11 Water Line	13,000	LF	\$	45.00		\$	585,000.00
Flush Hydrants	8	EA	\$	10,000.00		\$	80,000.00
6" HDPE Gate Valves	12	EA	\$	3,000.00		\$	36,000.00
Silt Fence	6,500	LF	\$	5.00		\$	32,500.00
Traffic Control/Public Safety Measures	1	LS	\$	5,000.00		\$	5,000.00
Gravel Repair/Replacement	1,250	SY	\$	40.00		\$	50,000.00
Unpaved Surface Repair & Seeding	3,500	SY	\$	12.00		\$	42,000.00
	KY VIEW A	REAS 2,	3, 8	& 4 WATER	TOTAL	\$	830,500.00
Sanitary Sewer Service							
8" SDR 35 PVC Gravity Sewer Pipe	13,500	LF	\$	90.00		\$	1,215,000.00
Standard Manholes w/Frames and Lids, 4 ft.							
diameter, incl. infiltration pans (depth to 10.0')	40	EA	\$	8,000.00		\$	320,000.00
Standard Manholes w/Frames and Lids, 5 ft.							
diameter, incl. infiltration pans (depth to 10.0')	2	LS	\$	10,000.00		\$	20,000.00
Video Inspection of Completed Gravity Pipe	13,500	LF	\$	5.00		\$	67,500.00
Silt Fence	13,500	LF	\$	5.00		\$	67,500.00
Traffic Control/Public Safety Measures	1	LS	\$	5,000.00		\$	5,000.00
Gravel Repair/Replacement	1,250	SY	\$	40.00		\$	50,000.00
Unpaved Surface Repair & Seeding	3,500	SY	\$	12.00		\$	42,000.00
9	KY VIEW A				TOTAL	\$	1,787,000.00
	TO	TAL CC	NS.	TRUCTION		\$	7,160,000.00
*Access Road has existing stone base.			CON	NTINGENCY	10.00%	\$	716,000.00
**Additional Engineering Services Include:		ENGINE	ERI	NG DESIGN	6.53%	\$	467,800.00
DOW Floodplain Permit		RESIDE	11 TV	SPECTION	3.19%	\$	228,200.00
USACE 404 Permit	**ADDT'L EN	NGINEEF		\$	85,000.00		
KYTC Encroachment Permit	GEOTECHNICAL INVESTIGATION						25,000.00
CSX Railroad Permit		CSX R	AILI	ROAD FEES		\$	75,000.00
Easement Surveys		AD	MIN	IISTRATION		\$	50,000.00
	TC	TAL PF	ROJ	ECT COST	_	\$	8,807,000.00

R.M. Johnson Engineering, Inc.

APPENDIX 'B'

Subdivision Lot Layout Map



C-1

JUALL.	_ 500		1121310113	
JOB No.: 2	21-026	1	SUBDIVIDED TO 1/4 AND 1/3 AC LOTS	2-9-23
DESIGNED BY:				
DETAILED BY:	TJB			
CHECKED BY:	RMJ			
DATE: 5-10-2023				
COPYRIGHT @ 2022				
R.M. JOHNSON ENGINEERING, INC.				

SKY VIEW ESTATES SKY VIEW LANE, PERRY COUNTY, KENTUCKY

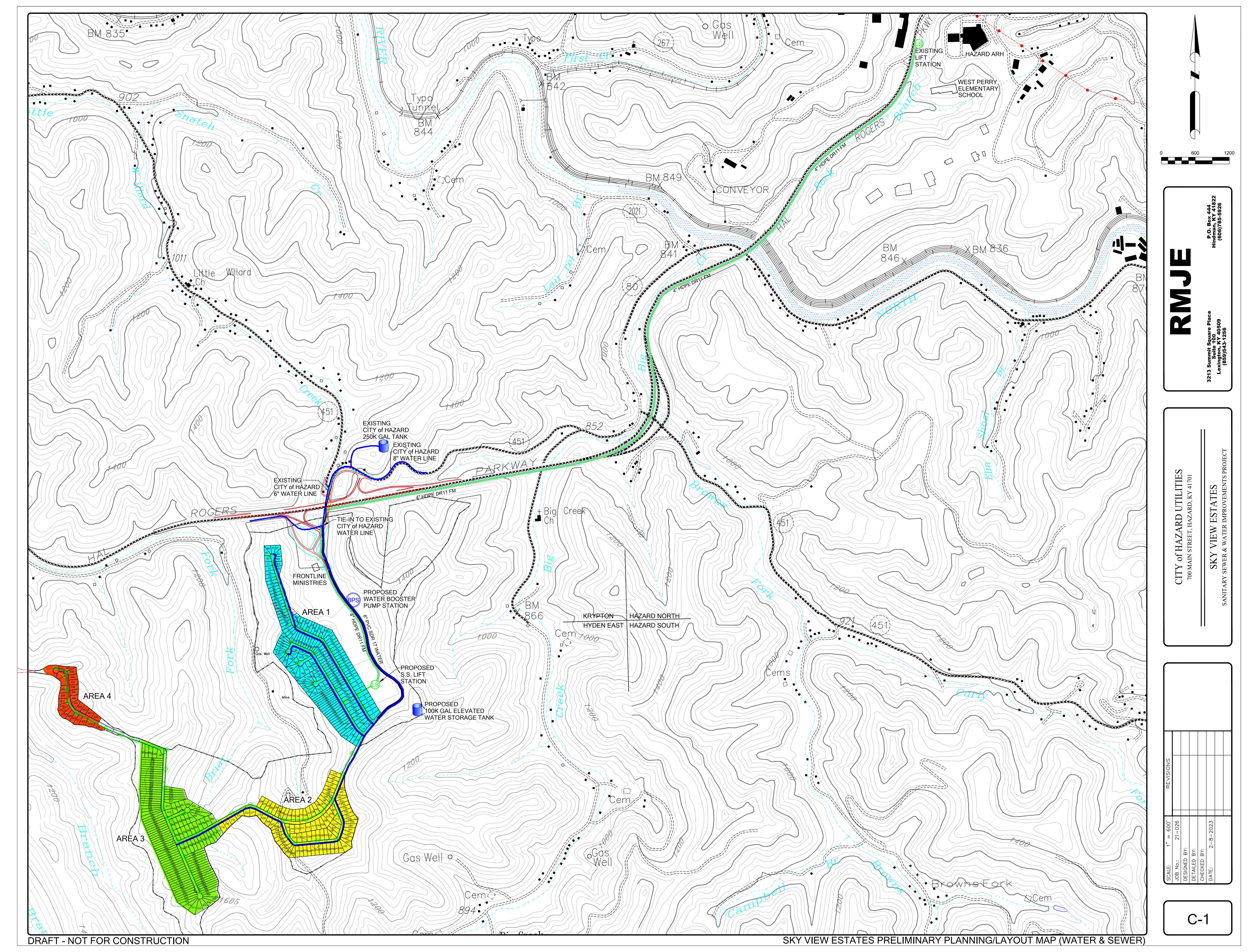
CONCEPTUAL SUBDIVISION LOT LAYOUT

RIVIJ			
3213 Summit Square Place Suite 100 Lexington, KY 40509 (859)543-1256	P.O. Box 444 Hindman, KY 41822 (606)785-5926		

R.M. Johnson Engineering, Inc.

APPENDIX 'C'

Water & Sanitary Sewer Infrastructure Map



R.M. Johnson Engineering, Inc.

APPENDIX 'D'

Soil Resource Report and Map



NRCS

Natural Resources Conservation Service A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Leslie and Perry Counties, Kentucky



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

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Leslie and Perry Counties, Kentucky	13
DLF—Matewan-Marrowbone-Latham complex, 20 to 80 percent	
slopes, very rocky	13
FaB—Fairpoint soils, undulating	16
FaF—Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched,	
stony	17
SCF—Shelocta-Cutshin-Gilpin complex, 20 to 75 percent slopes, very	
stony	19
uShgF—Shelocta-Highsplint-Gilpin complex, 20 to 70 percent slopes,	
very stony	23
uUduE—Udorthents-Urban land-Rock outcrop complex, 0 to 35	
percent slopes	
References	29

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

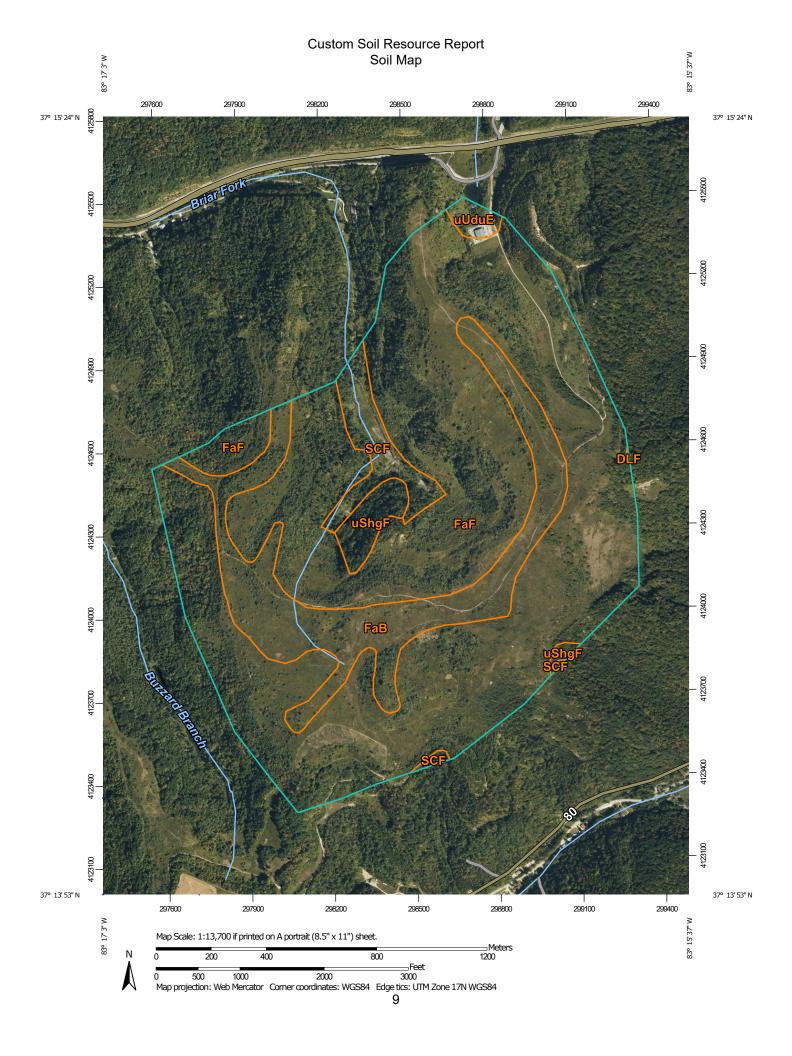
Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.



MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons

-

Soil Map Unit Lines

Soil Map Unit Points

Special Point Features

(0)

Blowout

 \boxtimes

Borrow Pit

···

Clay Spot

^

Closed Depression

· ·

Gravel Pit

۰

Gravelly Spot

0

Landfill Lava Flow

٨.

Marsh or swamp

氽

Mine or Quarry

0

Miscellaneous Water
Perennial Water

0

Rock Outcrop

4

Saline Spot

. .

Sandy Spot

-

Severely Eroded Spot

Λ

Sinkhole

Ø

Slide or Slip Sodic Spot

8

Spoil Area Stony Spot



Very Stony Spot



Wet Spot Other



Special Line Features

Water Features

~

Streams and Canals

Transportation

Rails

~

Interstate Highways

__

US Routes

 \sim

Major Roads

~

Local Roads

Background

10

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24.000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Leslie and Perry Counties, Kentucky Survey Area Data: Version 19, Sep 2, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 9, 2016—Sep 15, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI		
DLF	Matewan-Marrowbone-Latham complex, 20 to 80 percent slopes, very rocky	0.1	0.0%		
FaB	Fairpoint soils, undulating	95.6	16.1%		
FaF	Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony	459.1	77.3%		
SCF	Shelocta-Cutshin-Gilpin complex, 20 to 75 percent slopes, very stony	22.8	3.8%		
uShgF	Shelocta-Highsplint-Gilpin complex, 20 to 70 percent slopes, very stony	11.8	2.0%		
uUduE	Udorthents-Urban land-Rock outcrop complex, 0 to 35 percent slopes	4.8	0.8%		
Totals for Area of Interest		594.2	100.0%		

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a

given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Leslie and Perry Counties, Kentucky

DLF—Matewan-Marrowbone-Latham complex, 20 to 80 percent slopes, very rocky

Map Unit Setting

National map unit symbol: 2tqh8 Elevation: 700 to 2,400 feet

Mean annual precipitation: 37 to 54 inches Mean annual air temperature: 42 to 68 degrees F

Frost-free period: 155 to 220 days

Farmland classification: Not prime farmland

Map Unit Composition

Matewan, very stony, and similar soils: 30 percent Marrowbone, very stony, and similar soils: 25 percent Latham, very stony, and similar soils: 15 percent

Minor components: 30 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Matewan, Very Stony

Setting

Landform: Ridges

Landform position (two-dimensional): Summit Landform position (three-dimensional): Mountaintop

Down-slope shape: Convex Across-slope shape: Linear

Parent material: Loamy-skeletal residuum weathered from sandstone

Typical profile

Oi - 0 to 1 inches: channery slightly decomposed plant material

A - 1 to 3 inches: channery fine sandy loam BA - 3 to 7 inches: channery fine sandy loam

Bw1 - 7 to 21 inches: very channery fine sandy loam
Bw2 - 21 to 28 inches: extremely channery fine sandy loam

R - 28 to 37 inches: bedrock

Properties and qualities

Slope: 20 to 80 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent

Depth to restrictive feature: 24 to 40 inches to lithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately

low (0.00 to 0.01 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Calcium carbonate, maximum content: 1 percent

Sodium adsorption ratio, maximum: 1.0

Available water supply, 0 to 60 inches: Very low (about 2.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: A

Ecological site: F125XY003WV - Interbedded Sedimentary Uplands

Hydric soil rating: No

Description of Marrowbone, Very Stony

Setting

Landform: Ridges

Landform position (two-dimensional): Summit Landform position (three-dimensional): Mountaintop

Down-slope shape: Convex Across-slope shape: Linear

Parent material: Coarse-loamy residuum weathered from sandstone

Typical profile

Oi - 0 to 1 inches: slightly decomposed plant material

A - 1 to 5 inches: fine sandy loam Bw1 - 5 to 10 inches: loam

Bw2 - 10 to 17 inches: fine sandy loam

Bw3 - 17 to 23 inches: loam

BC - 23 to 28 inches: channery loam

R - 28 to 38 inches: bedrock

Properties and qualities

Slope: 20 to 80 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent

Depth to restrictive feature: 24 to 32 inches to lithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately

low (0.00 to 0.01 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 3.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: B

Ecological site: F125XY003WV - Interbedded Sedimentary Uplands

Hydric soil rating: No

Description of Latham, Very Stony

Setting

Landform: Ridges

Landform position (two-dimensional): Summit Landform position (three-dimensional): Mountaintop

Down-slope shape: Convex Across-slope shape: Concave

Parent material: Clayey residuum weathered from shale and siltstone

Typical profile

Oi - 0 to 1 inches: channery slightly decomposed plant material

A - 1 to 2 inches: silt loam

BA - 2 to 6 inches: silty clay loam

Bt - 6 to 20 inches: silty clay

BC - 20 to 25 inches: silty clay loam Cr - 25 to 36 inches: bedrock R - 36 to 46 inches: bedrock

Properties and qualities

Slope: 20 to 80 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent

Depth to restrictive feature: 24 to 34 inches to paralithic bedrock; 34 to 45 inches

to lithic bedrock

Drainage class: Moderately well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately

low (0.00 to 0.01 in/hr)

Depth to water table: About 6 to 24 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Very low (about 2.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: C/D

Ecological site: F125XY003WV - Interbedded Sedimentary Uplands

Hydric soil rating: No

Minor Components

Gilpin, very stony

Percent of map unit: 10 percent

Landform: Ridges

Landform position (two-dimensional): Summit Landform position (three-dimensional): Mountaintop

Down-slope shape: Convex Across-slope shape: Linear Hydric soil rating: No

Shelocta, very stony

Percent of map unit: 7 percent

Landform: Ridges

Landform position (two-dimensional): Shoulder

Landform position (three-dimensional): Upper third of mountainflank

Down-slope shape: Concave, convex

Across-slope shape: Linear Hydric soil rating: No

Fedscreek, very stony

Percent of map unit: 5 percent

Landform: Ridges

Landform position (two-dimensional): Shoulder

Landform position (three-dimensional): Upper third of mountainflank

Down-slope shape: Convex Across-slope shape: Linear Hydric soil rating: No

Rock outcrop

Percent of map unit: 5 percent

Ramsey, very stony

Percent of map unit: 3 percent

Landform: Ridges

Landform position (two-dimensional): Summit Landform position (three-dimensional): Mountaintop

Down-slope shape: Convex Across-slope shape: Convex

Hydric soil rating: No

FaB—Fairpoint soils, undulating

Map Unit Setting

National map unit symbol: ljk2 Elevation: 820 to 2,460 feet

Mean annual precipitation: 43 to 54 inches Mean annual air temperature: 42 to 67 degrees F

Frost-free period: 156 to 196 days

Farmland classification: Not prime farmland

Map Unit Composition

Fairpoint, unstable fill, and similar soils: 85 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Fairpoint, Unstable Fill

Setting

Landform: Ridges

Landform position (two-dimensional): Summit Landform position (three-dimensional): Mountaintop

Down-slope shape: Linear Across-slope shape: Linear

Parent material: Loamy skeletal coal extraction mine spoil derived from

interbedded sedimentary rock

Typical profile

H1 - 0 to 6 inches: very channery silt loam H2 - 6 to 62 inches: very channery silt loam

Properties and qualities

Slope: 0 to 25 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained Runoff class: Medium

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20

to 0.60 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 4.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 6s

Hydrologic Soil Group: C Hydric soil rating: No

Minor Components

Shelocta

Percent of map unit: 4 percent Hydric soil rating: No

Dekalb

Percent of map unit: 4 percent Hydric soil rating: No

Cutshin

Percent of map unit: 4 percent Hydric soil rating: No

Gilpin

Percent of map unit: 3 percent Hydric soil rating: No

FaF—Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony

Map Unit Setting

National map unit symbol: 2tqhd Elevation: 720 to 1,510 feet

Mean annual precipitation: 45 to 57 inches Mean annual air temperature: 43 to 68 degrees F

Frost-free period: 169 to 203 days

Farmland classification: Not prime farmland

Map Unit Composition

Fairpoint, unstable fill, and similar soils: 55 percent Bethesda, unstable fill, and similar soils: 30 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Fairpoint, Unstable Fill

Setting

Landform: Mountain slopes

Landform position (three-dimensional): Mountainflank

Down-slope shape: Linear Across-slope shape: Linear

Parent material: Loamy-skeletal coal extraction mine spoil derived from sandstone

and shale

Typical profile

Ap - 0 to 11 inches: channery loam
C1 - 11 to 32 inches: very channery loam
C2 - 32 to 41 inches: extremely channery loam
C3 - 41 to 51 inches: extremely flaggy loam
C4 - 51 to 58 inches: extremely flaggy silt loam
C5 - 58 to 72 inches: extremely flaggy loam

Properties and qualities

Slope: 2 to 70 percent

Surface area covered with cobbles, stones or boulders: 0.0 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20

to 0.57 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 5.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7s

Hydrologic Soil Group: C Hydric soil rating: No

Description of Bethesda, Unstable Fill

Setting

Landform: Mountain slopes

Landform position (three-dimensional): Mountainflank

Down-slope shape: Linear Across-slope shape: Linear

Parent material: Loamy-skeletal coal extraction mine spoil derived from sandstone

and shale

Typical profile

Ap - 0 to 12 inches: channery silt loam C1 - 12 to 36 inches: very channery loam C2 - 36 to 58 inches: very channery loam C3 - 58 to 72 inches: very channery loam

Properties and qualities

Slope: 2 to 70 percent

Surface area covered with cobbles, stones or boulders: 0.0 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20

to 0.57 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 5.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7s

Hydrologic Soil Group: C Hydric soil rating: No

Minor Components

Udorthents, unstable fill

Percent of map unit: 5 percent Landform: Mountain slopes

Landform position (three-dimensional): Mountainflank

Down-slope shape: Linear Across-slope shape: Linear Hydric soil rating: No

Matewan, very stony

Percent of map unit: 3 percent

Landform: Ridges

Landform position (three-dimensional): Mountaintop

Down-slope shape: Convex Across-slope shape: Linear Hydric soil rating: No

Shelocta, very stony

Percent of map unit: 3 percent Landform: Mountain slopes

Landform position (three-dimensional): Mountainflank

Down-slope shape: Concave Across-slope shape: Linear Hydric soil rating: No

Dumps, mine (tailings & tipples)

Percent of map unit: 2 percent

Landform: Ridges

Landform position (three-dimensional): Mountaintop

Down-slope shape: Linear

Across-slope shape: Linear, convex

Hydric soil rating: No

Urban land

Percent of map unit: 2 percent Landform: Mountain slopes

Landform position (three-dimensional): Mountainflank

Down-slope shape: Linear Across-slope shape: Linear Hydric soil rating: No

SCF—Shelocta-Cutshin-Gilpin complex, 20 to 75 percent slopes, very stony

Map Unit Setting

National map unit symbol: 2tqhb

Elevation: 680 to 2,400 feet

Mean annual precipitation: 40 to 54 inches Mean annual air temperature: 42 to 69 degrees F

Frost-free period: 147 to 196 days

Farmland classification: Not prime farmland

Map Unit Composition

Shelocta, very stony, and similar soils: 35 percent Cutshin, very stony, and similar soils: 25 percent Gilpin, very stony, and similar soils: 15 percent

Minor components: 25 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Shelocta, Very Stony

Setting

Landform: Mountain slopes

Landform position (three-dimensional): Mountainflank

Down-slope shape: Concave Across-slope shape: Linear

Parent material: Fine-loamy colluvium derived from sandstone and shale over

clayey residuum weathered from shale and siltstone

Typical profile

Oi - 0 to 1 inches: slightly decomposed plant material

A - 1 to 3 inches: silt loam BA - 3 to 7 inches: loam

Bt1 - 7 to 23 inches: channery silt loam 2Bt2 - 23 to 34 inches: channery silt loam 2Bt3 - 34 to 45 inches: very channery silt loam 2C - 45 to 59 inches: very parachannery silt loam

2Cr - 59 to 69 inches: bedrock

Properties and qualities

Slope: 20 to 80 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent Depth to restrictive feature: 48 to 65 inches to paralithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00

in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Moderate (about 7.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: B

Ecological site: F125XY001WV - Sandstone Residuum

Hydric soil rating: No

Description of Cutshin, Very Stony

Setting

Landform: Mountain slopes

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Lower third of mountainflank

Down-slope shape: Concave Across-slope shape: Concave

Parent material: Fine-loamy colluvium derived from sandstone and shale

Typical profile

Oi - 0 to 2 inches: very channery slightly decomposed plant material

A - 2 to 10 inches: very channery loam AB - 10 to 19 inches: channery loam Bw1 - 19 to 30 inches: channery loam Bw2 - 30 to 50 inches: channery loam

Cr - 50 to 60 inches: bedrock

Properties and qualities

Slope: 20 to 80 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent Depth to restrictive feature: 40 to 60 inches to paralithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately

high (0.00 to 0.20 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Sodium adsorption ratio, maximum: 1.0

Available water supply, 0 to 60 inches: Low (about 5.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: A

Ecological site: F125XY001WV - Sandstone Residuum

Hydric soil rating: No

Description of Gilpin, Very Stony

Setting

Landform: Mountain slopes

Landform position (three-dimensional): Upper third of mountainflank

Down-slope shape: Convex Across-slope shape: Linear

Parent material: Fine-loamy residuum weathered from sandstone and shale

Typical profile

Oi - 0 to 1 inches: channery slightly decomposed plant material

A - 1 to 5 inches: channery silt loam

Bt1 - 5 to 11 inches: channery silt loam

Bt2 - 11 to 20 inches: channery silt loam

Bt3 - 20 to 28 inches: channery loam

R - 28 to 38 inches: bedrock

Properties and qualities

Slope: 20 to 80 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent

Depth to restrictive feature: 24 to 40 inches to lithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately

low (0.00 to 0.01 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Very low (about 3.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: C

Ecological site: F125XY001WV - Sandstone Residuum

Hydric soil rating: No

Minor Components

Cloverlick, very stony

Percent of map unit: 8 percent Landform: Mountain slopes

Landform position (three-dimensional): Center third of mountainflank

Down-slope shape: Concave Across-slope shape: Concave

Hydric soil rating: No

Marrowbone, very stony

Percent of map unit: 7 percent Landform: Mountain slopes

Landform position (three-dimensional): Upper third of mountainflank

Down-slope shape: Convex Across-slope shape: Convex Hydric soil rating: No

Highsplint, very stony

Percent of map unit: 5 percent Landform: Mountain slopes

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Lower third of mountainflank

Down-slope shape: Concave Across-slope shape: Linear Hydric soil rating: No

Sequoia, very stony

Percent of map unit: 3 percent Landform: Mountain slopes

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Upper third of mountainflank

Down-slope shape: Convex Across-slope shape: Convex Hydric soil rating: No

Rock outcrop

Percent of map unit: 2 percent

uShgF—Shelocta-Highsplint-Gilpin complex, 20 to 70 percent slopes, very stony

Map Unit Setting

National map unit symbol: 2x5k0 Elevation: 680 to 2,680 feet

Mean annual precipitation: 28 to 58 inches Mean annual air temperature: 42 to 68 degrees F

Frost-free period: 147 to 200 days

Farmland classification: Not prime farmland

Map Unit Composition

Shelocta, very stony, and similar soils: 50 percent Highsplint, very stony, and similar soils: 20 percent Gilpin, very stony, and similar soils: 15 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Shelocta, Very Stony

Setting

Landform: Hillslopes

Landform position (two-dimensional): Backslope Landform position (three-dimensional): Side slope

Down-slope shape: Concave Across-slope shape: Linear

Parent material: Fine-loamy colluvium derived from sandstone and shale

Typical profile

Oi - 0 to 1 inches: slightly decomposed plant material

A - 1 to 3 inches: silt loam BA - 3 to 7 inches: loam

Bt1 - 7 to 23 inches: channery silt loam 2Bt2 - 23 to 34 inches: channery silt loam 2Bt3 - 34 to 45 inches: very channery silt loam 2C - 45 to 59 inches: very parachannery silt loam

2Cr - 59 to 69 inches: bedrock

Properties and qualities

Slope: 20 to 70 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent Depth to restrictive feature: 48 to 65 inches to paralithic bedrock

Drainage class: Well drained

Runoff class: High

Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00

in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of pondina: None

Available water supply, 0 to 60 inches: Moderate (about 7.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: B

Ecological site: F125XY002WV - Interbedded Sedimentary Colluvium

Hydric soil rating: No

Description of Highsplint, Very Stony

Setting

Landform: Hillslopes

Landform position (two-dimensional): Footslope Landform position (three-dimensional): Base slope

Down-slope shape: Concave Across-slope shape: Linear

Parent material: Loamy-skeletal fine-loamy colluvium derived from sandstone and

shale

Typical profile

Oi - 0 to 1 inches: very channery slightly decomposed plant material

A - 1 to 4 inches: very channery silt loam
BA - 4 to 11 inches: very channery silt loam
Bw1 - 11 to 28 inches: very channery clay loam
Bw2 - 28 to 48 inches: very channery loam
BC - 48 to 85 inches: very channery loam

Properties and qualities

Slope: 20 to 70 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained Runoff class: Medium

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high

(0.20 to 2.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 4.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: A

Ecological site: F125XY002WV - Interbedded Sedimentary Colluvium

Hydric soil rating: No

Description of Gilpin, Very Stony

Setting

Landform: Hillslopes

Landform position (two-dimensional): Shoulder Landform position (three-dimensional): Head slope

Down-slope shape: Convex

Across-slope shape: Linear

Parent material: Fine-loamy residuum weathered from sandstone and shale

Typical profile

Oi - 0 to 1 inches: channery slightly decomposed plant material

A - 1 to 5 inches: channery silt loam
Bt1 - 5 to 11 inches: channery silt loam
Bt2 - 11 to 20 inches: channery silt loam
Bt3 - 20 to 28 inches: channery loam

R - 28 to 38 inches: bedrock

Properties and qualities

Slope: 20 to 70 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent

Depth to restrictive feature: 24 to 40 inches to lithic bedrock

Drainage class: Well drained

Runoff class: High

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately

low (0.00 to 0.01 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 3.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: C

Ecological site: F125XY003WV - Interbedded Sedimentary Uplands

Hydric soil rating: No

Minor Components

Marrowbone, very stony

Percent of map unit: 6 percent

Landform: Hillslopes

Landform position (two-dimensional): Summit Landform position (three-dimensional): Nose slope

Down-slope shape: Convex Across-slope shape: Convex

Hydric soil rating: No

Fedscreek, very stony

Percent of map unit: 4 percent

Landform: Hillslopes

Landform position (two-dimensional): Backslope Landform position (three-dimensional): Side slope

Down-slope shape: Concave Across-slope shape: Linear Hydric soil rating: No

Ramsey, very stony

Percent of map unit: 3 percent

Landform: Hillslopes

Landform position (two-dimensional): Shoulder Landform position (three-dimensional): Nose slope

Down-slope shape: Convex

Across-slope shape: Convex Hydric soil rating: No

Rock outcrop

Percent of map unit: 2 percent

uUduE—Udorthents-Urban land-Rock outcrop complex, 0 to 35 percent slopes

Map Unit Setting

National map unit symbol: 2mff5 Elevation: 700 to 2,100 feet

Mean annual precipitation: 28 to 54 inches Mean annual air temperature: 42 to 68 degrees F

Frost-free period: 156 to 222 days

Farmland classification: Not prime farmland

Map Unit Composition

Udorthents, unstable fill, and similar soils: 50 percent

Urban land: 25 percent Rock outcrop: 15 percent Minor components: 10 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Udorthents, Unstable Fill

Setting

Landform: Mountain slopes

Landform position (two-dimensional): Backslope Landform position (three-dimensional): Mountainflank

Down-slope shape: Linear Across-slope shape: Linear

Parent material: Loamy skeletal mine spoil or earthy fill derived from interbedded

sedimentary rock

Typical profile

Ap - 0 to 5 inches: extremely parachannery silt loam C1 - 5 to 30 inches: extremely parachannery silt loam C2 - 30 to 60 inches: extremely parachannery silt loam C3 - 60 to 79 inches: extremely parachannery silt loam

Properties and qualities

Slope: 0 to 35 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20

to 0.57 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of pondina: None

Available water supply, 0 to 60 inches: Low (about 4.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7s

Hydrologic Soil Group: C Hydric soil rating: No

Description of Urban Land

Setting

Landform: Mountain slopes

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8

Hydric soil rating: No

Description of Rock Outcrop

Setting

Landform: Mountain slopes

Landform position (three-dimensional): Free face

Down-slope shape: Linear Across-slope shape: Linear

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8

Hydric soil rating: No

Minor Components

Shelocta

Percent of map unit: 5 percent Landform: Mountain slopes

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Lower third of mountainflank

Down-slope shape: Concave Across-slope shape: Linear Hydric soil rating: No

Cutshin

Percent of map unit: 3 percent Landform: Mountain slopes

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Lower third of mountainflank

Down-slope shape: Concave Across-slope shape: Concave

Hydric soil rating: No

Gilpin

Percent of map unit: 2 percent Landform: Mountain slopes

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Lower third of mountainflank

Down-slope shape: Convex Across-slope shape: Linear Hydric soil rating: No

References

American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.

American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

National Research Council. 1995. Wetlands: Characteristics and boundaries.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2 054262

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2 053577

Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2 053580

Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.

United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.

United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2 053374

United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

Curtis Stauffer

From:

Sent: To:	Friday, May 12, 2023 9:53 AM Curtis Stauffer
Cc:	Scott McReynolds; Perry County; Scott Alexander
Subject:	Re: Help Needed on High Ground Subdivision
EXTERNAL EMAI the content is sa	IL: Do not click links or open attachments unless you recognize the sender and know fe.
Curtis,	
•	states Housing Development site is located outside the City of Hazard boundaries, oning and permitting is not applicable.
	ty Fiscal Court has no zoning laws. The only Perry County Fiscal Court permits rical permits which is \$25 for residential and \$100 for commercial.
Angelia Hall Grants Coordina Perry County Fis P.O. Drawer 210 Hazard, KY 417 606-233-1374/60	scal Court/City of Hazard) 702
On Friday, May 12,	2023 at 08:42:18 AM EDT, Curtis Stauffer <cstauffer@kyhousing.org> wrote:</cstauffer@kyhousing.org>
Thanks, Scott!	
Holly and Angelia, I	greatly appreciate your time and help.
Curtis	
Curtis A. Stauffer, N	MA, PMP, HDFP
Managing Director,	

Angelia Hall hazardperrygrants@yahoo.com

Housing Contract Administration

Pronouns: he/him/his

Kentucky Housing Corporation

1231 Louisville Rd.

Frankfort, KY 40601

502-874-5329 (direct)

800-633-8896 x. 115 (KY only)

TTY 711

cstauffer@kyhousing.org

www.kyhousing.org

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From: Scott McReynolds <scott@hdahome.org>

Sent: Friday, May 12, 2023 8:17 AM

To: Angelia Hall hazardperrygrants@yahoo.com; perrycounty1@yahoo.com; Curtis Stauffer

EXTERNAL EMAIL: Do not click links or open attachments unless you recognize the sender and know the content is safe.

Holly and Angelia,

Curtis Stauffer works for KHC and is working on Environmental Assessment Perry County High Ground subdivision. He needs to connect with the someone at the county that can talk about any zoning or permitting requirements. I wasn't sure who the best person to talk to would be, but I figured you folks could point in the right direction. I've copied him on this email. If you can let him know that would be great. Thanks,

Scott



Scott McReynolds

Executive Director, NMLS #165507

Phone: 606-436-0497 | Cell: 606-438-0530

PO Box 7284, Hazard, KY 41702

Building Homes,

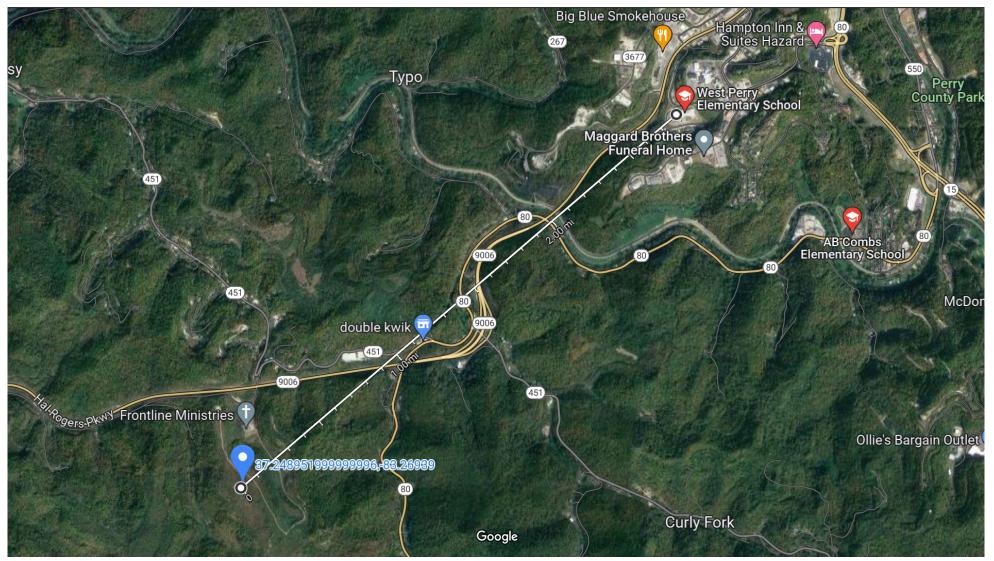
Building Communities

www.hdahome.org



Schools

Distance to West Perry Elementary from Sky View Estates Area 1 Perry County, KY

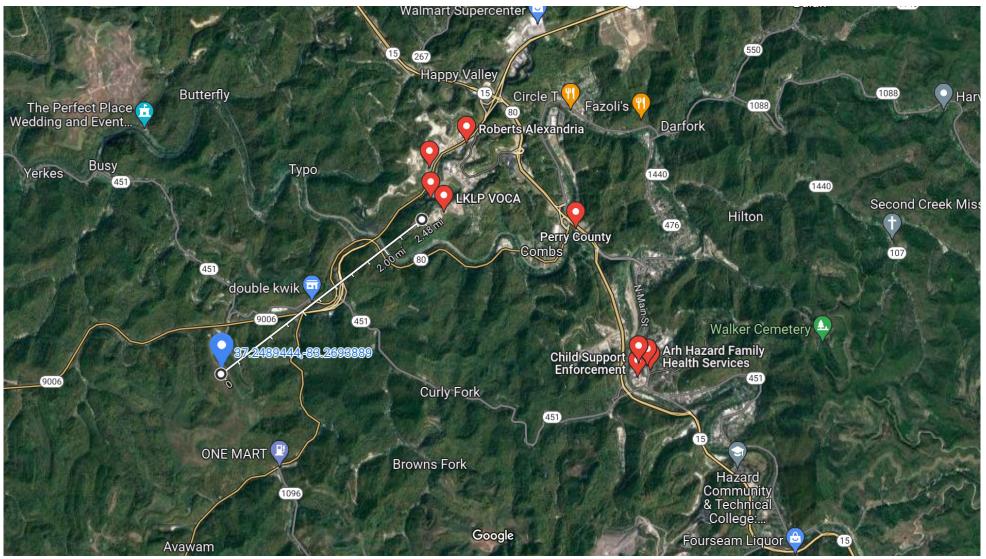


Imagery @2023 CNES / Airbus, Commonwealth of Virginia, Landsat / Copernicus, Maxar Technologies, USDA/FPAC/GEO, Map data @2023 2000 ft

Measure distance Total distance: 2.80 mi (4.51 km)

social services

Distance to social services agencies (LKLP Community Action Partnership is closest) Sky View Estates Area 1



Imagery ©2023 CNES / Airbus, Commonwealth of Virginia, Landsat / Copernicus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 1 mi

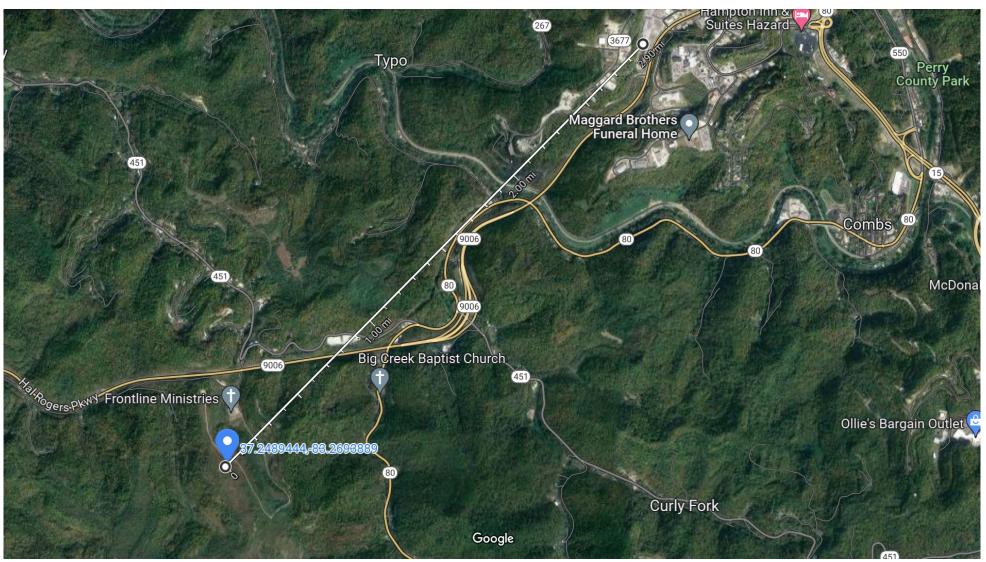
Measure distance

Total distance: 2.48 mi (3.99 km)



ambulance

Distance to shopping center from Sky View Estates Area 1



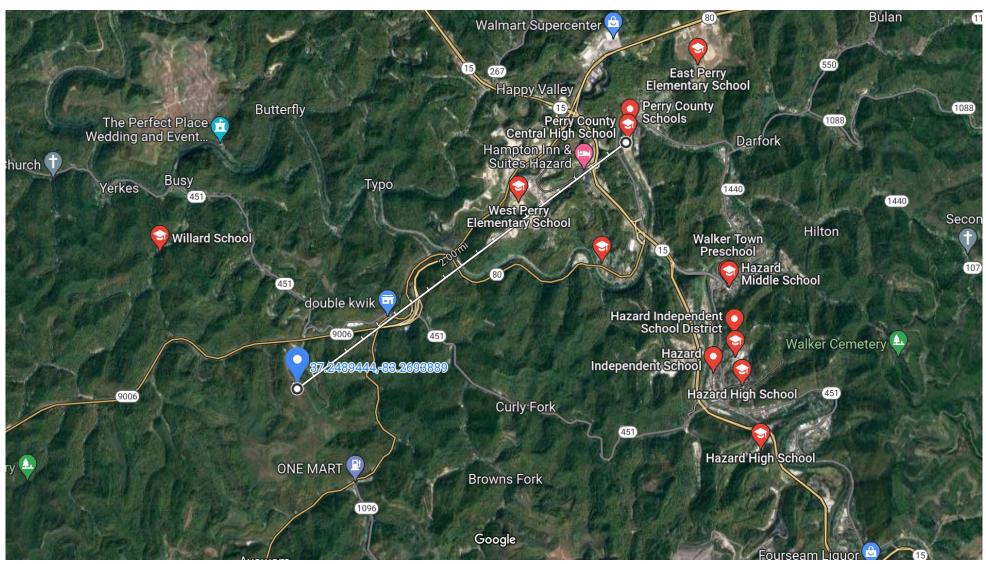
Imagery ©2023 CNES / Airbus, Commonwealth of Virginia, Landsat / Copernicus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 2000 ft

Measure distance Total distance: 2.90 mi (4.67 km)

Total distance. 2.30 mi (4.07 km)

schools

Distance to Perry County Central High School from Sky View Estates Area 1 Perry County, KY

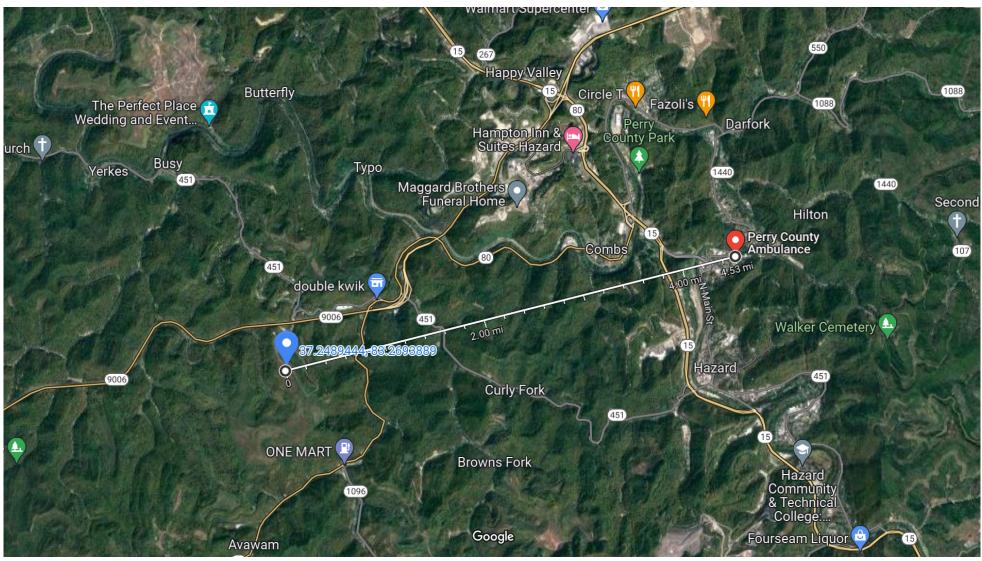


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Measure distance Total distance: 4.01 mi (6.46 km)

ambulance

Distance to Perry County Ambulance from Sky View Estates Area 1



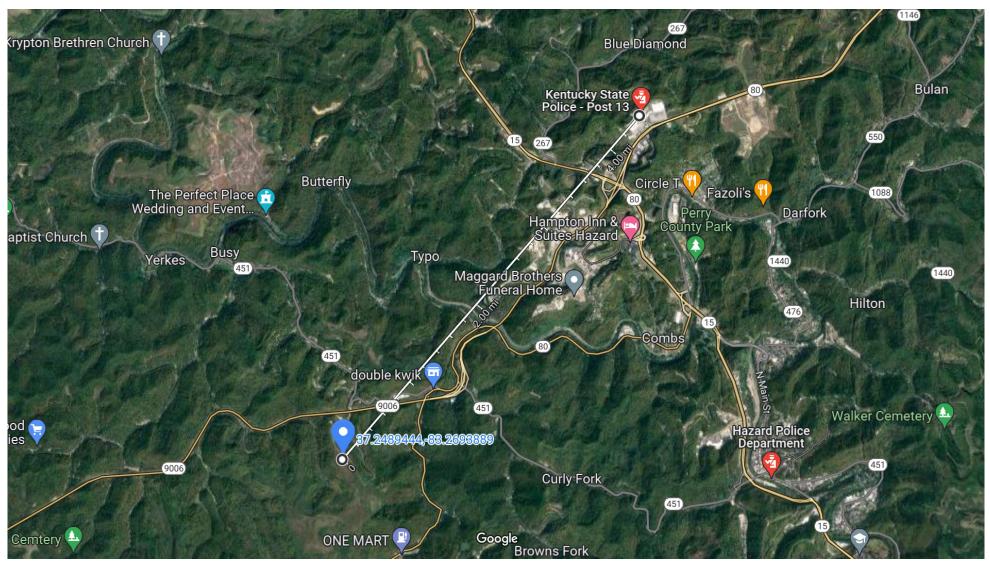
Imagery ©2023 CNES / Airbus, Commonwealth of Virginia, Landsat / Copernicus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 1 mi

Measure distance

Total distance: 4.53 mi (7.30 km)

police station

Distance to Kentucky State Police Post 13 from Sky View Estates Area 1

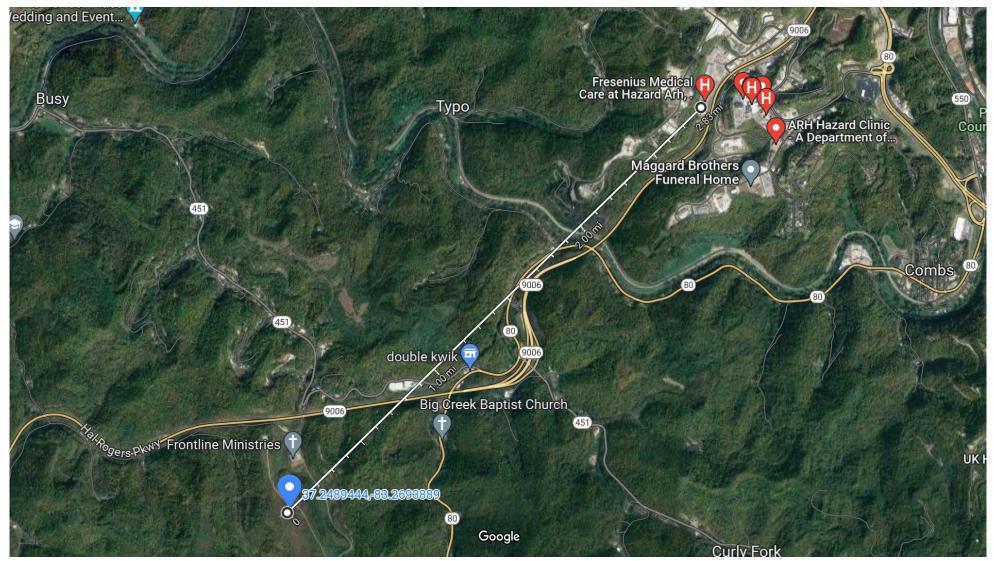


Imagery ©2023 CNES / Airbus, Commonwealth of Virginia, Landsat / Copernicus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 1 mi

Measure distance Total distance: 4.44 mi (7.15 km)

hospital hazard ky

Distance to Fresenius Medical Care by Appalachian Regional Hospital from Sky View Estates Area 1



Imagery ©2023 CNES / Airbus, Commonwealth of Virginia, Landsat / Copernicus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 2000 ft

Measure distance

Total distance: 2.83 mi (4.55 km)



fire station

Distance to Avawam Volunteer Fire Department from Sky View Estates Area 1



Imagery @2023 CNES / Airbus, Commonwealth of Virginia, Maxar Technologies, USDA/FPAC/GEO, Map data @2023 1000 ft

Measure distance

Total distance: 1.02 mi (1.65 km)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6393-N-01]

Allocations for Community
Development Block Grant Disaster
Recovery and Implementation of the
CDBG-DR Consolidated Waivers and
Alternative Requirements Notice

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: In March 2023, HUD allocated more than \$3 billion in Community Development Block Grant Disaster Recovery (CDBG-DR) funds appropriated by the Continuing Appropriations Act, 2023 and the Department of Housing and Urban Development Appropriations Act, 2023 for major disasters occurring in 2022. This Allocation Announcement Notice identifies grant requirements for these funds, including requirements in HUD's CDBG-DR Consolidated Notice ("Consolidated Notice") found in Appendix B, and a limited number of amendments to the Consolidated Notice that apply to CDBG-DR grants for disasters occurring in 2020, 2021, and 2022. The Consolidated Notice, as amended by this Allocation Announcement Notice, includes waivers and alternative requirements, relevant regulatory requirements, the grant award process, criteria for action plan approval, and eligible disaster recovery activities.

DATES: Applicability Date: May 23, 2023.

FOR FURTHER INFORMATION CONTACT:

Tennille Smith Parker, Director, Office of Disaster Recovery, Department of Housing and Urban Development, 451 7th Street SW, Room 7282, Washington, DC 20410, telephone number 202–708–3587 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible

telephone call, please visit: https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs. Facsimile inquiries may be sent to Ms. Parker at 202–708–0033 (this is not a toll-free number). Email inquiries may be sent to disaster_recovery@hud.gov.

SUPPLEMENTARY INFORMATION:

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- I. Allocations
- II. Use of Funds
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- III. Overview of Grant Process
 - A. Requirements Related to Administrative Funds
- IV. Applicable Rules, Statutes, Waivers, and Alternative Requirements
 - A. Grant Administration
- B. Clarifications to the Consolidated Notice V. Duration of Funding
- VI. Assistance Listing Numbers (formerly known as the CFDA Number)
 VII. Finding of No Significant Impact
 Appendix A: Allocation Methodology
 Appendix B: CDBG–DR Consolidated Notice

I. Allocations

The Continuing Appropriations Act, 2023 (Pub. L. 117–180, Division A) approved September 30, 2022, makes available \$2,000,000,000 in CDBG-DR funds. These CDBG-DR funds are for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) (HCDA) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the "most impacted and distressed" (MID) areas resulting from a qualifying major disaster in 2021 or 2022. Additionally, the Department of Housing and Urban Development Appropriations Act, 2023 (Pub. L. 117-328, Division L, Title II) approved December 29, 2022, makes available \$3,000,000,000 in CDBG-DR funds for major disasters that occurred in 2022 or later until such funds are fully allocated. This notice announces allocations of \$3,391,220,000 from Public Laws 117-180 and 117-328 (collectively, the "Appropriations Acts") for disasters occurring in 2022. The Appropriations Acts require HUD

to include with any final allocation for the total estimate of unmet need an additional amount of 15 percent of that estimate for mitigation activities that reduce risk in the MID areas (see Table 1).

The Appropriations Acts provide that grants shall be awarded directly to a state, local government, or Indian tribe at the discretion of the Secretary.

Pursuant to the Appropriations Acts, HUD has identified MID areas based on the best available data for all eligible affected areas. A detailed explanation of HUD's allocation methodology is provided in Appendix A of this notice. To comply with requirements that all funds are expended in MID areas, Lee County, Florida; Volusia County, Florida; Orange County, Florida; Sarasota County, Florida; St. Clair County, Illinois; St. Louis County, Missouri; and St. Louis City, Missouri must use 100 percent of the total funds allocated to address unmet disaster needs or mitigation activities within the HUD-identified MID areas identified in the last column in Table 2.

All other grantees must use at least 80 percent of their allocations to address unmet disaster needs or mitigation activities in the HUD-identified MID areas, as identified in the last column of Table 2. These grantees may use the remaining 20 percent of their allocation to address unmet disaster needs or mitigation activities in those areas that the grantee determines are "most impacted and distressed" within an area that received a Presidential major disaster declaration identified by the Federal Emergency Management Agency (FEMA) disaster numbers listed in column two of Table 1. However, these grantees are not precluded from spending 100 percent of their allocation in the HUD-identified MID areas if they choose to do so. Detailed requirements related to MID areas are provided in section II.A.3. of the Consolidated Notice.

Based on a review of the impacts from the eligible disasters, and estimates of unmet need, HUD made the following allocations for disasters occurring in 2022:

Table 1—Allocations for Unmet Needs and Mitigation Activities Under Public Law 117–180 and 117–328 for Disasters Occuring in 2022

Year	FEMA disaster No.	State	Grantee	Allocation for unmet needs from Public Law 117–180	CDBG-DR mitigation set-aside amounts from Public Law 117-180	Allocation for unmet needs from Public Law 117–328	CDBG-DR mitigation set-aside amounts from Public Law 117-328	Total allocated under this notice from Public Law 117–180 and 117–328
2022	4672 4673	Alaska	State of Alaska Lee County	\$0 0	\$0 0	\$33,472,000 963,375,000	\$5,021,000 144,506,000	\$38,493,000 1,107,881,000
2022	4673	Florida	,	0	0	286,009,000	42,901,000	328,910,000

Table 1—Allocations for Unmet Needs and Mitigation Activities Under Public Law 117–180 and 117–328 for Disasters Occuring in 2022—Continued

Year	FEMA disaster No.	State	Grantee	Allocation for unmet needs from Public Law 117–180	CDBG-DR mitigation set-aside amounts from Public Law 117-180	Allocation for unmet needs from Public Law 117–328	CDBG-DR mitigation set-aside amounts from Public Law 117-328	Total allocated under this notice from Public Law 117–180 and 117–328
2022	4673	Florida	Orange County	0	0	191,054,000	28,658,000	219,712,000
2022	4673	Florida	Sarasota County	0	Ö	175,248,000	26,287,000	201,535,000
2022	4673	Florida	State of Florida	0	0	791,847,000	118,777,000	910,624,000
2022	4676	Illinois	St. Clair County	0	0	26,110,000	3,917,000	30,027,000
2022	4663	Kentucky	State of Kentucky	259,125,000	38,869,000	0	0	297,994,000
2022	4665	Missouri	St. Louis County	49,065,000	7,360,000	0	0	56,425,000
2022	4665	Missouri	St. Louis City	22,464,000	3,370,000	0	0	25,834,000
2022	4657 & 4670	Oklahoma	State of Oklahoma	6,498,000	975,000	0	0	7,473,000
2022	4649 & 4671	Commonwealth of	Commonwealth of	144,039,000	21,606,000	580,000	87,000	166,312,000
		Puerto Rico.	Puerto Rico.					
Totals				481,191,000	72,180,000	2,467,695,000	370,154,000	3,391,220,000

Note: Grantees in Kentucky, Missouri, and Oklahoma are funded under PL 117–180; the grant for Puerto Rico is split \$165,645,000 under PL 117–180 and \$667,000 under PL 117–328; Grantees in Alaska, Florida, and Illinois are funded completely under PL 117–328. The Oklahoma allocation is based on both a county and tribal geography because declarations include both a tribal area and counties.

TABLE 2-MOST IMPACTED AND DISTRESSED AREAS FOR DISASTERS OCCURING IN 2022

Grantee	Minimum amount from Public Law 117–180 that must be expended in the HUD-identified "most impacted and distressed" areas in column 4	Minimum amount from Public Law 117–328 that must be expended in the HUD-identified "most impacted and distressed" areas in column 4	"Most impacted and distressed" areas
State of Alaska	\$0	\$30,794,400	Bering Strait Regional Education, Lower Yukon Regional Education; 99563 (Kashunamiut Regional Education).
Lee County	0	1,107,881,000	Lee County.
Volusia County	0	328,910,000	Volusia County.
Orange County	0	219,712,000	Orange County.
Sarasota County		201,535,000	Sarasota County.
State of Florida	0	728,499,200	Brevard, Charlotte, Collier, DeSoto, Hardee, Highlands, Hillsborough, Manatee, Monroe, Osceola, Pinellas, Polk, Seminole Counties; 32177 (Putnam County).
St. Clair County	0	30,027,000	St. Clair County.
State of Kentucky	238,395,200	0	Breathitt, Knott, Letcher, Perry Counties; 41572 (Pike County).
St. Louis County	56,425,000	0	St. Louis County.
St. Louis City	25,834,000	0	St. Louis City.
State of Oklahoma	5,978,400	0	Muscogee (Creek) OTSA/74447 (Okmulgee County).
Commonwealth of Puerto Rico.	132,516,000	533,600	Salinas Municipio; 00610 (Anasco Municipio), 00612 (Arecibo Municipio), 00794 (Barranquitas Municipio), 00623 (Cabo Rojo Municipio), 00725 (Caguas Municipio), 00729 (Canovanas Municipio), 00646 (Dorado Municipio), 00784 (Guayama Municipio), 00660 (Hormigueros Municipio), 00791 (Humacao Municipio), 00795 (Juana Diaz Municipio), 00667 (Lajas Municipio), 00771 (Las Piedras Municipio), 00719 (Naranjito Municipio), 00720 (Orocovis Municipio), 00728 (Ponce Municipio), 00754 (San Lorenzo Municipio), 00757 (Santa Isabel Municipio), 00949 (Toa Baja Municipio), 00693 (Vega Baja Municipio), 00767 (Yabucoa Municipio), 00698 (Yauco Municipio).

II. Use of Funds

Funds for disasters occurring in 2022 announced in this notice are subject to the requirements of this Allocation Announcement Notice and the Consolidated Notice, included as Appendix B, as amended. HUD makes amendments to the Consolidated Notice in this Allocation Announcement Notice to reflect the terms of the

Appropriations Acts. However, the Consolidated Notice in Appendix B is the same Consolidated Notice included as Appendix B in previous Allocation Announcements Notices published in the **Federal Register** (87 FR 6364, 87 FR 31636, and 88 FR 3198). Sections III.A.1, III.A.1.a, and III.A.1.b of this Allocation Announcement Notice include instructions for a grantee

submitting an early action plan for program administrative costs and will replace the alternative requirement in the Consolidated Notice at III.C.1 for purposes of accessing funds for program administrative costs prior to the Secretary's certification.

To comply with the statutory requirement in the Appropriations Acts, grantees shall not use CDBG–DR funds

for activities reimbursable by or for which funds are made available by FEMA or the U.S. USACE of Engineers (USACE). Grantees must verify whether FEMA or USACE funds are available prior to awarding CDBG—DR funds to specific activities or beneficiaries. Grantees may use CDBG—DR funds as the non-Federal match as described in section II.C.3 of the Consolidated Notice.

II.A. Allocations of CDBG–DR Funds for Smaller Grants

Paragraph III.C.1.b of the Consolidated Notice requires that CDBG–DR action plans "demonstrate a reasonably proportionate allocation of resources relative to areas and categories (i.e., housing, economic revitalization, and infrastructure) of greatest needs identified in the grantee's impact and unmet needs assessment or provide an acceptable justification for a disproportional allocation." Additionally, paragraph III.C.1.g of the Consolidated Notice requires grantees to "provide a budget for the full amount of the allocation that is reasonably proportionate to its unmet needs (or provide an acceptable justification for disproportional allocation) and is consistent with the requirements to integrate hazard mitigation measures into all its programs and projects."

HUD recognizes that grantees receiving a relatively small allocation of funds for 2022 disasters in this notice may most effectively advance recovery by more narrowly targeting these limited recovery and mitigation resources. Accordingly, for grantees receiving an allocation of less than \$20 million for 2022 disaster(s) announced in this notice, HUD will consider the small size of the grant and HUD's allocation methodology as acceptable justification for a grantee to propose a disproportional allocation when the grantee is allocating funds to address unmet affordable rental housing needs caused by or exacerbated by the disaster(s). Grantees exercising this option must continue to comply with the applicable requirements of this notice and the Consolidated Notice, including the CDBG-DR mitigation setaside requirement in section IV.A.2 of this notice.

III. Overview of Grant Process

III.A. Requirements Related to Administrative Funds

III.A.1. Action plan submittal for program administrative costs. The Appropriations Acts allow grantees receiving an award under this notice to access funding for program administrative costs prior to the Secretary's certification of financial controls and procurement processes, and adequate procedures for proper grant management. To implement this authority, the following alternative requirement will replace the alternative requirement in the Consolidated Notice at III.C.1.

If a grantee chooses to access funds for program administrative costs prior to the Secretary's certification, it must first prepare an action plan describing its use of funds for program administrative costs, subject to the five percent cap on the use of grant funds for such costs. Instead of following requirements in section III.C.1 of the Consolidated Notice, which require grantees to use the Public Action Plan in HUD's DRGR system to submit their action plans, grantees will follow a different process to access funds for program administrative costs prior to the Secretary's certification.

As part of the process of accessing funds for these costs, grantees must submit to HUD an action plan describing their use of funds for program administrative costs. The action plan will be developed outside of DRGR and must include all proposed uses of funds for program administrative costs incurred prior to a final action plan being submitted and approved. The action plan for program administrative costs must also include the criteria for eligibility and the amount to be budgeted for that activity. If a grantee chooses to submit the action plan for program administrative costs, the grantee should calculate its need to cover program administrative costs over the life of the grant and consider how much of its available program administrative funds may be reasonably budgeted at this very early stage of its grant lifecycle.

III.A.1.a. Publication of the action plan for program administrative costs and opportunity for public comment. The grantee must publish the proposed action plan for program administrative costs, and substantial amendments to the plan, for public comment. To permit a more streamlined process and ensure that grants for program administrative costs are awarded in a timely manner in order to allow grantees to more rapidly design and launch recovery activities, provisions of 42 U.S.C. 5304(a)(2) and (3), 42 U.S.C. 12707, 24 CFR 570.486, 24 CFR 1003.604, 24 CFR 91.105(b) through (d), and 24 CFR 91.115(b) through (d), with respect to citizen participation requirements, are waived and replaced by the alternative requirements in section III.A.1 that apply only to action plans for program

administrative costs and substantial amendments to these plans. Additionally, for these action plans only, grantees are not subject to the Consolidated Notice action plan requirements in sections III.B.2.i, III.C.2, III.C.3, III.C.6, and III.D.1.a—c.

The manner of publication of the action plan for program administrative costs must include prominent posting on the grantee's official disaster recovery website and must afford residents, affected local governments, and other interested parties a reasonable opportunity to review the contents of the plan or substantial amendment. Subsequent to publication of the action plan or substantial amendment to that plan, the grantee must provide a reasonable time frame (no less than seven days) and multiple methods (including electronic submission) for receiving comments on the action plan or substantial amendment for program administrative costs. At a minimum, the topic of disaster recovery on the grantee's website, including the posted action plan or substantial amendment, must be navigable by interested parties from the grantee homepage and must link to the disaster recovery website as required by section III.D.1.e of the Consolidated Notice. The grantee's records must demonstrate that it has notified affected parties through electronic mailings, press releases, statements by public officials, media advertisements, public service announcements, and/or contacts with neighborhood organizations. Grantees are not required to hold any public hearings on the proposed action plan or substantial amendment for program administrative costs.

The grantee must consider all oral and written comments on the action plan or any substantial amendment. Any updates or changes made to the action plan in response to public comments should be clearly identified in the action plan. A summary of comments on the plan or amendment, and the grantee's response to each, must be included with the action plan or substantial amendment. Grantee responses shall address the substance of the comment rather than merely acknowledge that the comment was received.

After the grantee responds to public comments, it will then submit its action plan or substantial amendment for program administrative costs (which includes Standard Form 424 (SF–424)) to HUD for approval. There is no due date for this plan as it may be submitted any time prior to the grantee's Public Action Plan. HUD will review the action plan or substantial amendment for

program administrative costs within 15 days from date of receipt and determine whether to approve the action plan or substantial amendment to that plan per the criteria identified in this notice.

III.A.1.b. Certifications waiver and alternative requirement. Sections 104(b)(4), (c), and (m) of the HCDA (42 U.S.C. 5304(b)(4), (c), and (m)), sections 106(d)(2)(C) and (D) of the HCDA (42 U.S.C. 5306(d)(2)(C) and (D)), and section 106 of the Cranston-Gonzalez National Affordable Housing Act (42) U.S.C. 12706), and regulations at 24 CFR 91.225 and 91.325 are waived and replaced with the following alternative. Each grantee choosing to submit an action plan for program administrative costs must make the following certifications listed in section III.F.7 of the Consolidated Notice and include them with the submission of this plan: paragraphs b, c, d, g, i, j, k, l, p, and q. Additionally, HUD is waiving section 104(a)-(c) and (d)(1) of the HCDA (42 U.S.C. 5304), section 106(c)(1) and (d) of the HCDA (42 U.S.C. 5306), section 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4630), section 305 of the URA (42 U.S.C. 4655), and regulations at 24 CFR 91.225(a)(2), (6), and (7), 91.225(b)(7), 91.325(a)(2), (6), and (7), 49 CFR 24.4(a), and 24 CFR 42.325 only to the extent necessary to allow grantees to receive a portion of their allocation as a grant for program administrative costs before submitting other statutorily required certifications. Each grantee must make all certifications included in section III.F.7 of the Consolidated Notice and submit them to HUD when it submits its Public Action Plan in DRGR described in

III.A.1.c. Submission of the action plan for program administrative costs in DRGR. After HUD's approval of the action plan for program administrative costs, the grantee enters the activities from its approved action plan into the DRGR system if it has not previously done so and submits its DRGR action plan to HUD (funds can be drawn from the line of credit only for activities that are established in the DRGR system). HUD has previously provided additional guidance ("Fact Sheet") with screenshots and step-by-step instructions describing the submittal process for this DRGR action plan for program administrative costs. This process will allow a grantee to access

funds for program administrative costs while the grantee begins developing its Public Action Plan in DRGR as provided in section III.C.1 of the Consolidated Notice.

III.A.1.d. Incorporation of the action plan for program administrative costs into the Public Action Plan. The grantee shall describe the use of all grant funds for administrative costs in the Public Action Plan required by section III.C.1. Use of grant funds for administrative costs before approval of the Public Action Plan must be consistent with the action plan for administrative costs. Once the Public Action Plan is approved, the use of all grant funds must be consistent with the Public Action Plan. Upon HUD's approval of the Public Action Plan, the action plan for administrative costs shall only be relevant to administrative costs charged to the grant before the date of approval of the Public Action Plan.

III.A.2. Use of administrative funds across multiple grants. The Appropriations Acts authorize special treatment of grant administrative funds. Grantees that are receiving awards under this notice, and that have received CDBG-DR or Community Development Block Grant mitigation (CDBG-MIT) grants in the past or in any future acts, may use eligible administrative funds (up to five percent of each grant award plus up to five percent of program income generated by the grant) appropriated by these acts for the cost of administering any CDBG–DR or CDBG-MIT grant without regard to the particular disaster appropriation from which such funds originated. If the grantee chooses to exercise this authority, the grantee must have appropriate financial controls to comply with the requirement that the amount of grant administration expenditures for each CDBG-DR or CDBG-MIT grant will not exceed five percent of the total grant award for each grant (plus five percent of program income generated by the grant), review and modify its financial management policies and procedures regarding the tracking and accounting of administration costs, as necessary, and address the adoption of this treatment of administrative costs in the applicable portions of its Financial Management and Grant Compliance submissions as referenced in section III.A.1 of the Consolidated Notice. Grantees are reminded that all uses of funds for program administrative activities must qualify as an eligible administration cost.

IV. Applicable Rules, Statutes, Waivers, and Alternative Requirements

The Appropriations Acts authorize the Secretary to waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary, or use by the recipient, of these funds, except for requirements related to fair housing, nondiscrimination, labor standards, and the environment. This section of the notice and the Consolidated Notice describe rules, statutes, waivers, and alternative requirements that apply to allocations under this notice. For each waiver and alternative requirement in this notice and incorporated through the Consolidated Notice, the Secretary has determined that good cause exists, and the waiver or alternative requirement is not inconsistent with the overall purpose of title I of the HCDA. The waivers and alternative requirements provide flexibility in program design and implementation to support full and swift recovery following eligible disasters, while ensuring that statutory requirements are met.

Grantees may request additional waivers and alternative requirements from the Department as needed to address specific needs related to their recovery and mitigation activities. Grantees should work with the assigned CPD representative to request any additional waivers or alternative requirements from HUD headquarters. The waivers and alternative requirements described below apply to all grantees under this notice. Under the requirements of the Appropriations Acts, waivers and alternative requirements are effective five days after they are published in the **Federal** Register or on the website of the Department.

IV.A. Grant Administration

IV.A.1. Duplication of Benefits (DOB). Grantees that received funds for disasters occurring in 2022 must follow the requirements located in section IV.A. of the Consolidated Notice and the DOB requirements described in this section. The Federal Register notice published on June 2019, titled "Updates to Duplication of Benefits Requirements Under the Stafford Act for Community Development Block Grant (CDBG) Disaster Recovery Grantees" (84 FR 28836) ("2019 DOB Notice"), revised the DOB requirements that apply to CDBG–DR grants for disasters declared between January 1, 2016, and December 31, 2021. For these disasters, the 2019 DOB Notice also implemented

¹ The Fact Sheet describing the process to submit an action plan for program administrative costs in DRGR can be viewed at https:// files.hudexchange.info/resources/documents/ DRGR-Fact-Sheet-PL117-43-Appropriation-Grantees.pdf.

temporary changes to the treatment of loans made by the Disaster Recovery Reform Act of 2018 (DRRA) (division D of Pub. L. 115–254), which sunsets on October 5, 2023.

This DRRA loan exception does not apply to disasters occurring in 2022, therefore, subsidized loans may be a duplication of benefits for CDBG-DR grants announced in this notice (depending on a grantee's DOB analysis). Without the DRRA loan exception, most subsidized loans duplicate CDBG-DR funds for the same purpose (there are limited exceptions for declined, cancelled, or subsidized short-term loans to pay for eligible costs before CDBG-DR funds became available, as described in section IV.A.1. of the Consolidated Notice). Therefore, HUD's time-limited policy in the 2019 DOB Notice to permit reimbursement of costs paid with the proceeds of subsidized loans does not apply after the DRRA loan exception sunsets. Additionally, because the DRRA loan exception never applied to disasters occurring in 2022 or later, grantees receiving CDBG-DR funds for those disasters are not able to reimburse the costs paid by subsidized loans, including SBA loans, unless the exceptions in section IV.A.1.a. of the Consolidated Notice applies. These grantees must follow the duplication of benefits requirements described below and in section IV.A. of the Consolidated Notice.

This section of the notice describes the applicable laws and requirements related to DOB, including the general framework to calculate DOB. Section IV.A. of the Consolidated Notice describes the exceptions for when a subsidized loan that is cancelled or declined is not considered a duplication of benefits.

IV.A.1.(a). The Stafford Act. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5207) (Stafford Act) is the primary legal authority establishing the framework for the Federal government to provide disaster and emergency assistance.

Section 312 of the Stafford Act directs Federal agencies that provide disaster assistance to assure that people, businesses, or other entities do not receive financial assistance that duplicates any part of their disaster loss covered by insurance or another source (42 U.S.C. 5155(a)). Section 312 also makes recipients of Federal disaster assistance liable for repayment of the amount of Federal disaster assistance that duplicates benefits available for the same purpose from another source (42 U.S.C. 5155(c)).

The Stafford Act also provides that when assistance covers only a part of the recipient's disaster needs, additional assistance to cover needs not met by other sources will not cause a DOB (42 U.S.C. 5155(b)(3)). CDBG—DR assistance may only pay for eligible activities to address unmet needs. This section advises grantees on the calculation of unmet needs through a duplication of benefits analysis.

IV.A.1.(b). CDBG–DR Appropriations Acts and Federal Register Notices. CDBG–DR funds are made available for "necessary expenses" by the Appropriations Acts that contain statutory requirements on the use of the grant funds. Grantees are subject to the requirements of the Appropriations Acts, this notice, and the Consolidated Notice.

Since 2013, as a condition of making any CDBG-DR grant, the Secretary must certify that the grantee has established adequate procedures to prevent DOB. To meet this requirement, grantees must submit DOB policies to HUD for review before HUD will award nonadministrative funds. "Adequate" procedures are those that meet the requirements that HUD established in this notice, in the Consolidated Notice, and as reflected in the related checklists that are available online. HUD requires grantees to establish DOB policies that incorporate certain steps before committing or awarding assistance. Typically, the steps include determining the total need for assistance, verifying the total assistance available from all sources of disaster assistance (using recent data available from FEMA, SBA, and other sources), excluding nonduplicative assistance from total assistance to calculate DOB, reducing the total award by the amount of the DOB, and obtaining an agreement from applicants to repay duplicative assistance.

This notice and the Consolidated Notice also require CDBG—DR grantees to consider projected sources of disaster assistance in the needs assessment that is part of an action plan for disaster recovery. Consideration of other potential sources of assistance when planning for the use of grant funds helps to limit the possibility of duplication between CDBG—DR and other assistance.

IV.A.1.(c). Necessary and Reasonable Requirements. The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in subpart E of 2 CFR part 200 (the Cost Principles) applicable to all CDBG–DR grantees and their subrecipients require that costs are necessary and reasonable. The Cost Principles are made applicable to states

by 24 CFR 570.489(p) and to local governments through 24 CFR 570.502. State grantees are also subject to 24 CFR 570.489(d), which requires that states shall have fiscal and administrative requirements to ensure that grant funds are used "for reasonable and necessary costs of operating programs."

Under the Cost Principles, a cost

Under the Cost Principles, a cost assigned to a grant "is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost" (2 CFR 200.404).

Grantees must consider factors described at 2 CFR 200.404(a) through (e) when determining which types and amounts of cost items are necessary and reasonable. Based on these factors, HUD generally presumes that if a cost has been paid by another source, charging it to the Federal award violates the necessary and reasonable standard unless grant requirements permit reimbursement.

IV.A.1.(d). Basic Duplication of Benefits Calculation Framework. The Stafford Act requires a fact specific inquiry into assistance received by each applicant. This notice refers to the subject of a DOB review as an "applicant" or "CDBG-DR applicant" and uses the term "applicant" to include individuals, businesses, households, or other entities that apply to the grantee or a subrecipient for CDBG-DR assistance, as well as entities that use CDBG-DR assistance for an activity without submitting an application (e.g., the department or agency of the grantee administering the grant, other state or local departments or agencies, or local governments).

A grantee is prohibited from making a blanket determination that CDBG-DR assistance under one of its programs or activities does not duplicate another category or source of assistance. The grantee must conduct an individualized review of each applicant to determine that the amount of assistance will not cause a DOB by exceeding the unmet needs of that applicant. A review specific to each applicant is necessary because assistance available to each applicant varies widely based on individual insurance coverage, eligibility for various sources of assistance, and other factors.

This section establishes the primary considerations that must be part of a DOB analysis when providing CDBG—DR assistance, and a framework for analyzing need and avoiding DOB when calculating awards. CDBG—DR grantees have discretion to develop policies and procedures that tailor their DOB

analyses to their own programs and activities so long as the grantee's policies and procedures are consistent with the requirements of this notice. If the grantee modifies its DOB procedures after the Secretary certifies that the grantee's DOB procedures are adequate, the grantee's modified procedures must meet standards HUD adopts to determine adequacy.

IV.A.1.(d)(i). Assess Applicant Need. A grantee must determine an applicant's total need. Total need is calculated based on need estimates at a point in time; total need is the current need. However, if the grantee's action plan permits CDBG—DR assistance to reimburse costs of CDBG—DR eligible activities undertaken by the applicant before submitting an application the total need also includes these costs. Generally, total need is calculated without regard to the grantee's programspecific caps on the amount of assistance.

For rehabilitation, reconstruction, or new construction activities, the need can be reasonably documented using construction cost estimates.

For recovery programs of the grantee that do not entail physical rebuilding, such as special economic development activities to provide an affected business with working capital, the total need will be determined by the requirements or parameters of the program or activity. For special economic development activities, total need should be guided by standard underwriting guidelines (when required by section II.D.6. of the Consolidated Notice, CDBG–DR grantees and subrecipients must comply with the underwriting guidelines in Appendix A to 24 CFR part 570 when assisting a forprofit entity as part of a special economic development project).

The grantee's assessment of total need must consider in-kind donations of materials or services that are known to the grantee at the time it calculates need and makes the award. In-kind donations are non-cash contributions, such as donations of professional services, use of construction equipment, or contributions of building materials. In-kind donations are not "financial assistance" that creates a DOB under the Stafford Act, but they do reduce the amount of CDBG–DR assistance for unmet need because the donated goods or services reduce activity costs.

IV.A.1.(d)(ii). Identify Total Assistance. To calculate DOB, grantees are required to identify "total assistance." For this notice, total assistance includes all reasonably identifiable financial assistance available to an applicant.

Total assistance includes resources such as cash awards, insurance proceeds, grants, and loans received by or available to each CDBG–DR applicant, including awards under local, state or Federal programs, and from private or nonprofit charity organizations. At a minimum, the grantee's efforts to identify total assistance must include a review to determine whether the applicant received FEMA, SBA, insurance, and any other major forms of assistance (e.g., state disaster assistance programs) generally available to applicants.

Total assistance does not include personal assets such as money in a checking or savings account (excluding insurance proceeds or disaster assistance deposited into the applicant's account); retirement accounts; credit cards and lines of credit; in-kind donations (although these non-cash contributions known to the grantee reduce total need); and private loans.

For this notice, a private loan is a loan that is not provided by or guaranteed by a governmental entity, and that requires the CDBG–DR applicant (the borrower) to repay the full amount of the loan (principal and interest) under typical commercial lending terms, e.g., the loan is not forgivable. For DOB calculations, private loans are not financial assistance and need not be considered in the DOB calculation, regardless of whether the borrower is a person or entity.

By contrast, subsidized loans for the same purpose are to be included in the DOB calculation unless an exception applies (see sections IV.A.1.a. or IV.A.1.b. of the Consolidated Notice).

Total assistance includes available assistance. Assistance is available if an applicant: (1) would have received it by acting in a reasonable manner, or in other words, by taking the same practical steps toward funding recovery as would disaster survivors faced with the same situation but not eligible to receive CDBG-DR assistance; or (2) has received the assistance and has legal control over it. Available assistance includes reasonably anticipated assistance that has been awarded and accepted but has not yet been received. For example, if a local government seeks CDBG-DR assistance to fund part of a project that also has been awarded FEMA Hazard Mitigation Grant Program (HMGP) assistance, the entire HMGP award must be included in the calculation of total assistance even if FEMA obligates the first award increment for the project, but subsequent increments remain unfunded until certain project milestones are met.

Applicants for CDBG–DR assistance are expected to seek insurance or other assistance to which they are legally entitled under existing policies and contracts, and to behave reasonably when negotiating payments to which they may be entitled. For example, it may be reasonable for an applicant to elect to receive an immediate lump sum insurance settlement based on estimated cost of rehabilitation instead of waiting for a longer period of time for the insurance company to calculate reimbursement based on actual replacement costs, even if the reimbursement based on actual costs would exceed the lump sum insurance settlement.

HUD generally considers assistance to be available if it is awarded to the applicant but is administered by another party instead of being directly deposited with the applicant. For example, if an entity administering homeowner rehabilitation assistance pays a contractor directly to complete the rehabilitation, the assistance is still considered available to the applicant.

By contrast, funds that are not available to an applicant must be excluded from the final CDBG–DR award calculation. For example, insurance or rehabilitation assistance received by a previous owner of a disaster damaged housing unit is not available to a current owner that acquired the unit by sale or transfer (including a current owner that inherited the unit as a result of the death of the previous owner) unless the current owner is a co-recipient of that assistance.

Funds are not available to an applicant if the applicant does not have legal control of the funds when they are received. For example, if a homeowner's mortgage requires insurance proceeds to be applied to reduce the unpaid mortgage principal, then the lender/ mortgage holder (not the homeowner) has legal control over those funds. The homeowner is legally obligated to use insurance proceeds for the purpose of reducing the unpaid mortgage principal and does not have a choice in using them for any other purpose, such as to rehabilitate the house. Under these circumstances, insurance proceeds do not reduce CDBG-DR rehabilitation assistance eligibility.

Alternatively, if a lender requires use of insurance for rehabilitation, or a disaster-affected homeowner chooses to apply insurance proceeds received for damage to the building to reduce an unpaid mortgage principal, these insurance proceeds are treated as a DOB and reduce the amount of CDBG–DR

funds the grantee may provide for rehabilitation.

IV.A.1.(d)(iii). Exclude Non-Duplicative Amounts. Once a grantee has determined the total need and the total assistance, it determines which sources it must exclude as non-duplicative for the DOB calculation. Grantees must exclude amounts that are: (1) provided for a different purpose; or (2) provided for the same purpose (eligible activity), but for a different, allowable use (cost). Below, each of these categories is explained in greater detail.

IV.A.1.(d)(iii)(1). Funds for a Different Purpose. Any assistance provided for a different purpose than the CDBG–DR eligible activity, or a general, nonspecific purpose (e.g., "disaster relief/recovery") and not used for the same purpose must be excluded from total assistance when calculating the amount of the DOB.

Insurance proceeds for damage or destruction of a building are for the same purpose as CDBG-DR assistance to rehabilitate or reconstruct that building. On the other hand, grantees may exclude, as non-duplicative, insurance provided for a different purpose (e.g., insurance proceeds for loss of contents and personal property, or insurance proceeds for loss of buildings (such as a detached garage) that the grantee has determined it will not assist with CDBG–DR funds). However, a grantee may treat all insurance proceeds as duplicative if it is impractical to identify the portion of insurance proceeds that are non-duplicative because they are for a different purpose than the CDBG-DR assistance.

Similarly, CDBG–DR assistance paid to a homeowner as a housing incentive for the purpose of inducing the homeowner to sell the home to the grantee (e.g., in conjunction with a buyout) are for a different purpose than funds provided for interim housing (e.g., temporary assistance for rental housing during a period when a household is unable to reside in its home). In such a case, interim housing assistance may be excluded from the final DOB calculation as non-duplicative of funds paid for the housing incentive.

IV.A.1.(d)(iii)(2). Funds for Same Purpose, Different Allowable Use. Assistance provided for the same purpose as the CDBG—DR purpose (the CDBG—DR eligible activity) must be excluded when calculating the amount of the DOB if the applicant can document that actual specific use of the assistance was an allowable use of that assistance and was different than the use (cost) of the CDBG—DR assistance (e.g., the purpose is housing

rehabilitation, the use of the other assistance was roof replacement and the use of the CDBG–DR assistance is rehabilitation of the interior of the house). Grantees are advised to consult with HUD to determine what documentation is appropriate in this circumstance. As a starting point, grantees should consider whether the source of the assistance requires beneficiaries to maintain documentation of how the assistance was used.

Whether the use of the non-CDBG-DR assistance is an allowable use depends on the rules imposed by the source that provided the assistance. For example, assume that a CDBG-DR grantee is administering a homeowner rehabilitation program and an applicant to the program can document that he/ she previously received and used FEMA funds for interim housing costs (i.e., rent). If FEMA permitted the applicant to use its assistance for the general purpose of meeting any housing need, the CDBG-DR grantee can exclude the FEMA assistance used for interim housing as non-duplicative of the CDBG-DR assistance for rehabilitation.

If, on the other hand, FEMA limited the use of FEMA funds to housing rehabilitation, then the full amount of the FEMA assistance must be considered for the specific purpose of housing rehabilitation and cannot be excluded if the applicant used those funds for interim housing. If interim housing is not an allowable use, the amount of the FEMA housing rehabilitation assistance used for interim housing is considered a DOB. If the grantee thinks the actual use of the FEMA assistance may be allowable, the CDBG-DR grantee should contact FEMA for clarification.

Assistance provided for the purpose of housing rehabilitation, including assistance provided for temporary or minor rehabilitation, is for the same purpose as CDBG-DR rehabilitation assistance. However, the grantee can exclude assistance used for different costs of the rehabilitation, which are a different allowable use (rehabilitation costs not assisted with CDBG-DR). For example, if the other assistance is used for minor or temporary rehabilitation which enabled the applicant family to live in their home instead of moving to temporary housing until rehabilitation can be completed, the grantee can undertake remaining work necessary to complete rehabilitation. The grantee's assessment of total need at the time of application may include the costs of replacing temporary materials with permanent construction and of completing mold remediation by removing drywall installed with other

assistance. These types of costs to modify partially completed rehabilitation that the grantee determines are necessary to comply with the requirements of CDBG–DR assistance do not duplicate other assistance used for the partial rehabilitation.

Grantees are encouraged to contact HUD for further guidance in cases when it is unclear whether non-CDBG—DR assistance for the same general purpose can be excluded from the DOB calculation because it was used for a different allowable use.

IV.A.1.(d)(iv). Identify DOB Amount and Calculate the Total CDBG–DR Award. The total DOB is calculated by subtracting non-duplicative exclusions from total assistance. Therefore, to calculate the total maximum amount of the CDBG–DR award, the grantee must: (1) identify total need; (2) identify total assistance; (3) subtract exclusions from total assistance to determine the amount of the DOB; and (4) subtract the amount of the DOB from the amount of the total need to determine the maximum amount of the CDBG–DR award.

Three considerations may change the maximum amount of the CDBG–DR award.

First, the grantee may impose a program cap that limits the amount of assistance an applicant is eligible to receive, which may reduce the potential CDBG—DR assistance available to the applicant.

Second, the grantee may increase the amount of an award if the applicant agrees to repay duplicative assistance it receives in the future (unless prohibited by a statutory order of assistance, as in the requirement to use FEMA or USACE assistance before CDBG-DR assistance discussed in sections II. and IV.A.1.(f)). Section 312(b) of the Stafford Act permits a grantee to provide CDBG-DR assistance to an applicant who is or may be entitled to receive assistance that would be duplicative if: (1) the applicant has not received the other assistance at the time the CDBG-DR grantee makes its award; and (2) the applicant agrees to repay the CDBG-DR grantee for any duplicative assistance once it is received. The agreement to repay from future funds may enable a faster recovery in cases when other sources of assistance are delayed (e.g., due to insurance litigation). HUD requires all grantees to enter into agreements with applicants before the applicant receives CDBG-DR assistance.

Third, the applicant's CDBG–DR award may increase if a reassessment shows that the applicant has additional unmet need.

IV.A.1.(d)(v). Reassess Unmet Need When Necessary. Although long-term recovery is a process, disaster recovery needs are calculated at points in time. As a result, a subsequent change in an applicant's circumstances can affect that applicant's remaining unmet need, meaning the need that was not met by CDBG-DR and other sources of assistance. Oftentimes, unmet need does not become apparent until after CDBG-DR assistance has been provided. Examples may include: a subsequent disaster that causes further damage to a partially rehabilitated home or business; an increase in the cost of construction materials; vandalism; contractor fraud; or theft of materials. Unmet need may also change if other resources become available to pay for costs of the activity (such as FEMA or USACE), and reduce the need for CDBG-DR.

To the extent that an original disaster recovery need was not fully met or was exacerbated by factors beyond the control of the applicant, the grantee may provide additional CDBG—DR funds to meet the increased unmet need.

Grantees must be able to identify and document additional unmet need, for example, by completing a professional inspection to verify the revised estimate of costs to rehabilitate or reconstruct

damaged property.

IV.Ä.1.(e). Special Considerations. The potential for DOB arises most frequently under homeowner rehabilitation programs but is not limited solely to that type of activity. The following examples do not form an exhaustive list of all CDBG–DR funded programs or activities. They are included to illustrate instances when duplicative assistance can occur when assisting other recovery activities:

1. Assistance to businesses. Many grantees carry out economic revitalization programs that provide working capital assistance to businesses. Generally, working capital assistance is calculated after assessing a business's ability to use its current assets to pay its current liabilities. The grantee's DOB analysis must consider total assistance, which includes all sources of financial assistance available to the applicant to pay a portion of liabilities that will become due. For example, a downtown business alliance might award business recovery grants from its funds to cover some of the same liabilities. Even if the downtown business alliance does not call its assistance "working capital" assistance, the amount the business received from the downtown business alliance to pay the same costs as the CDBG-DR funds is a DOB. Therefore, a grantee's basis for calculating CDBG-DR economic development assistance and

the purposes for which the applicant can use the assistance should be clearly identified so that grantees can prevent a DOB. As discussed above, assets such as cash and cash equivalents (excluding deposits of insurance proceeds or other disaster assistance), inventories, short-term investments and securities, accounts receivable, and other assets of the business are not financial assistance, although those assets may be relevant to underwriting.

2. Assistance for infrastructure. State grantees may assist state or local government entities by providing funding to restore infrastructure (public facilities and improvements) after a disaster. CDBG-DR funds used directly by state and local governments for public facilities and improvements, or other purposes are also subject to the DOB requirements of the Stafford Act. For example, a wastewater treatment facility owned by a local government may need to be rehabilitated. In this instance, total assistance, for a DOB analysis, would not only include any other Federal assistance available to rehabilitate the facility, but it must also include any local funds that are available for this activity. And if local funds were previously designated or planned for the activity, but are no longer available, the grantee should document that the local government recipient does not have funds set aside for the activity in any capital improvement plan (or similar document showing planned use of funds).

3. Payments made under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). Grantees may provide a displaced person (as defined under 24 CFR 570.606) with rental assistance payments under the URA or provide temporary relocation assistance (as described in 49 CFR part 24, Appendix A, 49 CFR 24.2(a)(9)(ii)(D)) to persons temporary relocated as a result of a project. Relocation payments made under the URA, as well as under CDBG's optional relocation assistance provisions of 24 CFR 570.606(d), are subject to DOB requirements in this notice and the Consolidated Notice, as well as DOB requirements under the URA that prohibit payments for the same "purpose and effect" as another payment to a displaced person (49 CFR 24.3). To comply with CDBG–DR DOB requirements, before issuance of rental assistance payments required by the URA, grantees must complete a DOB analysis. For example, a CDBG-DR grantee must check FEMA assistance data to determine that FEMA did not provide rental assistance payments during the same time period (under the

URA or as part of a FEMA Individual Assistance Award). Please note that while you cannot duplicate assistance for the same purpose, advisory services and the provision of notices required under the URA are not subject to this analysis because they are not financial assistance to the person, and therefore must be provided in accordance with the URA.

Subsidized Loans. For this notice, subsidized loans (including forgivable loans) are loans other than private loans. Subsidized loans are assistance that must be included in the DOB analysis, unless an exception applies. Section IV.A. of the Consolidated Notice discusses these exceptions and related requirements for the treatment of subsidized loans in a duplication of benefits analysis. The full amount of a subsidized loan available to the applicant for the same purpose as CDBG-DR assistance is assistance that must be included in the DOB calculation unless one of the exceptions in IV.A.1. of the Consolidated Notice applies. A subsidized loan is available when it is accepted, meaning that the borrower has signed a note or other loan document that allows the lender to advance loan proceeds. Both SBA and FEMA provide subsidized loans for disaster recovery. Note that the statutory order of assistance provision pertaining to assistance from FEMA and USACE applies to grants and subsidized loans made by these agencies. Subsidized loans may also be available from other sources.

IV.A.1.(f). Order of Assistance. CDBG-DR appropriations acts generally include a statutory order of assistance for Federal agencies. Although the language may vary among appropriations, the statutory order of assistance typically provides that CDBG-DR funds may not be used for activities reimbursable by or for which funds are made available by FEMA or USACE. This means that grantees must verify whether FEMA or USACE funds are available for an activity (i.e. the application period is open) or the costs are reimbursable by FEMA or USACE (i.e., the grantee will receive FEMA or USACE assistance to reimburse the costs of the activity) before awarding CDBG-DR assistance for costs of carrying out the same activity. If FEMA or USACE are accepting applications for the activity, the applicant must seek assistance from those sources before receiving CDBG-DR assistance. If the applicant's costs for the activity will be reimbursed by FEMA or USACE, the grantee cannot provide the CDBG-DR assistance for those costs. In the event that FEMA or USACE assistance is

awarded after CDBG–DR to pay the same costs, it is the CDBG–DR grantee's responsibility to recapture CDBG–DR assistance that duplicates assistance from FEMA or USACE.

Under the Stafford Act, a Federal agency that provides duplicative assistance must collect that assistance. For CDBG–DR grants, the grantee is required to collect duplicative assistance it provides. A grantee that does not collect duplicative CDBG–DR assistance that it provides may resolve this noncompliance by reimbursing its program account with non-Federal funds in the amount of the duplication and reprograming the use of the funds in accordance with applicable requirements to avoid other corrective or remedial actions.

FEMA regulations at 44 CFR 206.191 set forth a delivery sequence that establishes which source of assistance is duplicative for certain programs. CDBG-DR assistance is not listed in FEMA's sequence, but as a practical matter, CDBG-DR assistance duplicates other sources received before CDBG-DR assistance for the same purpose and portion of need. Any amount received from other sources before the CDBG-DR assistance that is determined to be duplicative must be collected by the grantee. The mandatory agreement to repay (discussed in section IV.A.1.(i)below) can be used to prevent duplication by assistance that is available, but not yet received. If the duplicative assistance is received after CDBG-DR, the grantee must collect the DOB or contact HUD if it has questions about whether another Federal agency is responsible for collecting the duplication.

IV.A.1.(g). Multiple Disasters. When multiple disasters occur in the same location, and the applicant has not recovered from the first disaster at the time of a second disaster, the assistance provided in response to the second disaster may duplicate assistance for the same purpose and need as assistance provided after the first disaster. HUD recognizes that in this scenario, DOB calculations can be complicated. Damage from a second disaster, for example, may destroy work funded and completed in response to the first disaster. The second disaster may also damage or destroy receipts and other documentation of how applicants expended assistance provided after the first disaster.

Therefore, HUD is adopting the following policy that is applicable to circumstances when two disasters occur in the same area, and the applicant has not fully recovered from the first disaster before the second disaster

occurs: Applicants are not required to maintain documentation related to the use of public disaster assistance (Federal, state, and local) beyond the period required by the agency that provided the assistance. If documentation cannot be provided, the grantee may accept a self-certification regarding how the applicant used the other agency's assistance, provided that the applicant is advised of the criminal and civil penalties that apply in cases of false claims and fraud, and the grantee determines that the applicant's total need is consistent with data the grantee has about the nature of damage caused by the disasters (e.g., flood inundation levels). For example, a second disaster strikes three years after an agency provided assistance in response to the first disaster, and that agency required applicants to maintain documentation for two years, the grantee may accept a self-certification regarding how the applicant used the other agency's assistance.

IV.A.1.(h). Recordkeeping. The grantee must document compliance with DOB requirements. Policies and procedures for DOB may be specific for each program funded by the CDBG–DR grantee and should be commensurate with risk. Grantees should be especially careful to sufficiently document the DOB analysis for activities they are carrying out directly. Insufficient documentation on DOB can lead to findings, which can be difficult to resolve if records are missing, inadequate, or inaccurate to demonstrate compliance with DOB requirements.

When documenting its DOB analysis, grantees cannot rely on certification alone for proof of other sources of funds for the same purpose (unless authorized by this notice, see section IV.A.1.(g). above). Any certification by an applicant must be based on supporting evidence that will be kept available for inspection by HUD. For example, if an applicant certifies that other sources of funds were received and expended for a different purpose than the CDBG-DR funds, grantees must substantiate this assertion with an additional source of information (e.g., physical inspections, credit card statements, work estimates, contractor invoices, flood inundation records, or receipts). For these reasons, HUD recommends that as soon as possible after a disaster, grantees advise the public and potential applicants to retain all receipts that document expenditures for recovery needs. Grantees should consult their CPD specialist or CPD Representative with questions about the sufficiency of documentation.

IV.A.1.(i). Agreement to Repay. The Stafford Act requires grantees to ensure that applicants agree to repay all duplicative assistance to the agency providing that Federal assistance. To address any potential DOB, each applicant must also enter into an agreement with the CDBG-DR grantee to repay any assistance later received for the same purpose for which the CDBG-DR funds were provided. This agreement can be in the form of a subrogation agreement or similar document and must be signed by every applicant before the grantee disburses any CDBG-DR assistance to the applicant.

In its policies and procedures, the grantee must establish a method to monitor each applicant's compliance with the agreement for a reasonable period after project completion (*i.e.*, a time period commensurate with risk). Additionally, section III.A.1. of the Consolidated Notice requires a grantee's agreement to also include the following language: "Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729."

IV.A.1.(j). Collecting a Duplication. If a potential DOB is discovered after CDBG–DR assistance has been provided, the grantee must reassess the applicant's need at that time (see section IV.A.1.(d)(v) above). If additional need is not demonstrated, CDBG–DR funds shall be recaptured to the extent they are in excess of the remaining need and duplicate other assistance received by the applicant for the same purpose. However, this determination may depend on what sources of assistance were last received by the applicant.

If a grantee fails to recapture funds from an applicant, HUD may impose corrective actions pursuant to 24 CFR 570.495, 24 CFR 570.910, and Federal Register notices, as applicable. Also, HUD reminds grantees that the Stafford Act states that "A person receiving Federal assistance for a major disaster or emergency shall be liable to the United States to the extent that such assistance duplicates benefits available to the person for the same purpose from another source." A grantee's failure to collect duplication of benefits does not remove an applicant's potential liability to the United States. A grantee that does not collect duplicative CDBG-DR assistance that it provides, should review HUD's guidance in the second paragraph of section *IV.A.1.(f)*. above.

The grantee may refer to any relevant guidance or the debt collection procedures in place for the state or local government. HUD is available to provide guidance to grantees in establishing or revising the grantee's duplication of benefits policies and procedures.

CDBG–DR grantees awarded funds for disasters occurring in 2022 can find the additional DOB requirements in Section IV.A. of the Consolidated Notice.

IV.A.2. CDBG–DR mitigation setaside. The Appropriations Acts require HUD to include in any allocation of CDBG-DR funds for unmet needs an additional amount of 15 percent for mitigation activities ("CDBG-DR mitigation set-aside"). Grantees should consult Table 1 for the amount allocated specifically for the CDBG-DR mitigation set-aside. For purposes of grants under this notice, mitigation activities are defined as those activities that increase resilience to disasters and reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship, by lessening the impact of future disasters.

In the grantee's action plan, it must identify how the proposed use of the CDBG–DR mitigation set-aside will: (1) meet the definition of mitigation activities; (2) address the current and future risks as identified in the grantee's mitigation needs assessment in the MID areas; (3) be CDBG-eligible activities under title I of the HCDA or otherwise eligible pursuant to a waiver or alternative requirement; and (4) meet a national objective.

Unlike recovery activities where grantees must demonstrate that their activities "tie-back" to the specific disaster and address a specific unmet recovery need for which the CDBG-DR funds were appropriated, activities funded by the CDBG-DR mitigation setaside do not require such a "tie-back" to the specific qualified disaster that has served as the basis for the grantee's allocation. Instead, grantees must demonstrate that activities funded by the CDBG-DR mitigation set-aside meet the provisions included as (1) through (4) in the prior paragraph, to be eligible. Grantees must report activities as a "MIT" activity type in DRGR so that HUD and the public can determine that the grantee has fulfilled the requirement for the CDBG-DR mitigation set-aside.

Grantees may also meet the requirement of the CDBG–DR mitigation set-aside by including eligible recovery activities that both address the impacts of the disaster (*i.e.*, have "tie-back" to the specific qualified disaster) and incorporate mitigation measures into the recovery activities. In section II.A.2.b of the Consolidated Notice, grantees are instructed to incorporate mitigation measures when carrying out activities to construct, reconstruct, or rehabilitate

residential or non-residential structures with CDBG–DR funds as part of activities eligible under 42 U.S.C. 5305(a) (including activities authorized by waiver and alternative requirement). Additionally, in section II.A.2.c of the Consolidated Notice, grantees are required to establish resilience performance metrics for those activities.

If grantees wish to count those activities towards the grantee's CDBG—DR mitigation set-aside, grantees must: (1) Document how those activities and the incorporated mitigation measures will meet the definition of mitigation, as provided above; and (2) Report those activities as a "MIT" activity type in DRGR so they are easily tracked.

IV.A.2.a. Mitigation needs assessment. In addition to the requirements prescribed in section III.C.1.a of the Consolidated Notice that grantees must develop an impact and unmet needs assessment, grantees receiving an award under this Allocation Announcement Notice must also include in their action plan a mitigation needs assessment to inform the activities funded by the CDBG-DR mitigation set-aside. Each grantee must assess the characteristics and impacts of current and future hazards identified through its recovery from the qualified disaster and any other Presidentially declared disaster. Mitigation solutions designed to be resilient only for threats and hazards related to a prior disaster can leave a community vulnerable to negative effects from future extreme events related to other threats or hazards. When risks are identified among other vulnerabilities during the framing and design of mitigation projects, implementation of those projects can enhance protection and save lives, maximize the utility of scarce resources, and benefit the community long after the projects are complete.

Accordingly, each grantee receiving a CDBG-DR allocation under this notice must conduct a risk-based assessment to inform the use of its CDBG–DR mitigation set-aside considering identified current and future hazards. Grantees must assess their mitigation needs in a manner that effectively addresses risks to indispensable services that enable continuous operation of critical business and government functions and are critical to human health and safety or economic security. In the mitigation needs assessment, each grantee must cite data sources and must, at a minimum, use the risks identified in the current FEMA-approved state or local Hazard Mitigation Plan (HMP). If a jurisdiction is currently updating an expired HMP, the grantee's agency administering the CDBG-DR funds must

consult with the agency administering the HMP update to identify the risks that will be included in the assessment. Mitigation needs evolve over time and grantees are to amend the mitigation needs assessment and action plan as conditions change, additional mitigation needs are identified, and additional resources become available.

IV.A.2.b. Connection of programs and projects to the mitigation needs assessment. Grantees are required by section III.C.1.b of the Consolidated Notice to describe the connection between identified unmet needs and the allocation of CDBG-DR resources. In a similar fashion, the plan must provide a clear connection between a grantee's mitigation needs assessment and its proposed activities in the MID areas funded by the CDBG-DR mitigation setaside (or outside in connection to the MID areas as described in section II.A.3 of the Consolidated Notice). To maximize the impact of all available funds, grantees are encouraged to coordinate and align these funds with other projects funded with CDBG-DR and CDBG-MIT funds, as well as other disaster recovery activities funded by FEMA, USACE, the U.S. Forest Service, and other agencies as appropriate. Grantees are encouraged to fund planning activities that complement FEMA's Building Resilient Infrastructure and Communities (BRIC) program and to upgrade mapping, data, and other capabilities to better understand evolving disaster risks.

IV.A.3. Interchangeability of disaster funds. The Appropriations Acts gives the Secretary authority to authorize grantees that receive an award in this Allocation Announcement Notice and under prior or future appropriations to use those funds interchangeably and without limitation for the same activities related to unmet recovery needs in the MID areas resulting from a major disaster in the Appropriations Acts or in prior or future appropriation acts, when the MID areas overlap and when the use of the funds will address unmet recovery needs of major disasters in the Appropriations Acts or in any prior or future appropriation acts.

Based on this authority, the Secretary authorizes grantees receiving a CDBG—DR grant under the Appropriations Acts and prior or future appropriation acts for activities authorized under title I of the HCDA for a specific qualifying disaster(s) to use these funds interchangeably and without limitation for the same activities in MID areas resulting from a major disaster in prior or future appropriation acts, as long as the MID areas overlap and the activities address unmet needs of both disasters.

Grantees are reminded that expanding the eligible beneficiaries of activities in an action plan funded by any prior or future acts to include those impacted by the specific qualifying disaster(s) in this notice requires the submission of a substantial action plan amendment in accordance with section III.C.6 of the Consolidated Notice. Additionally, all waivers and alternative requirements associated with a CDBG—DR grant apply to the use of the funds provided by that grant, regardless of which disaster the funded activity will address.

For example, if a grantee is receiving funds under this notice for a disaster occurring in 2022 and the MID areas for the 2022 disaster overlap with the MID areas for a disaster that occurred in 2017, the grantee may choose to use the funds allocated under this notice to address unmet needs of both the 2017 disaster and the 2022 disaster. In doing so, the grantee must follow the rules and requirements outlined in this notice. However, if the grantee chooses to use its CDBG-DR grant awarded due to a disaster that occurred in 2017 to address unmet needs of both that disaster and the 2022 disaster, the grantee must follow the rules and requirements outlined in the Federal Register notices applicable to its CDBG-DR grant for 2017 disasters.

IV.A.4. Assistance to utilities. The Appropriations Acts provide that funds "may be used by a grantee to assist utilities as part of a disaster-related eligible activity under section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a))."

Accordingly, paragraph III.G.3 of the Consolidated Notice does not apply to funds under the Appropriations Acts, and HUD is adding a modified alternative requirement that applies in lieu of paragraph III.G.3.

While it is possible that not every CDBG-DR assisted utility will serve predominantly low- and moderateincome (LMI) populations, HUD recognizes that LMI populations would benefit especially from the increased resilience and recovery of private utilities. HUD also recognizes that privately-owned, for-profit utilities have a means of obtaining private investment or otherwise recapturing costs from ratepayers. Therefore, HUD's alternative requirement below includes basic safeguards that HUD has determined are necessary to ensure that costs comply with the certification to give maximum feasible priority to activities that benefit LMI persons and that costs are necessary and reasonable and do not duplicate other financial assistance. The modified alternative requirement also

makes clear that assistance to utilities is subject to all other requirements that apply to the use of funds, consistent with the requirement in the Appropriations Acts that funds must be for an "eligible activity under section 105(a)." If a grantee needs to submit a substantial amendment to add any activity based on these new alternative requirements, they must follow section III.C.6.a in the Consolidated Notice.

For grants made in response to 2022 disasters under the Appropriations Acts, the following alternative requirement applies:

A grantee may assist private for-profit, non-profit, or publicly owned utilities as part of disaster-related activities that are eligible under section 105(a) of the HCDA, or otherwise made eligible through a waiver or alternative requirement, provided that the grantee complies with the following:

1. The funded activity must comply with applicable CDBG–DR requirements, including the requirements that the assisted activity will meet a national objective, the activity will address an unmet recovery need or a risk identified in the grantee's mitigation needs assessment, and if the assistance is provided to a for-profit entity for an economic development project under section 105(a)(17), the grantee must first comply with the underwriting requirements in section II.D.6 of the Consolidated Notice.

2. Each grantee must carry out the grant consistent with the grantee's certification that "With respect to activities expected to be assisted with CDBG—DR funds, the action plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families."

To fortify compliance with the existing certification, if the grantee carries out activities that assist privately-owned, for-profit utilities, the grantee must prioritize assistance to for-profit utilities that will benefit areas where at least 51 percent of the residents are LMI persons and demonstrate how assisting the private, for-profit utility will benefit those areas.

3. The grantee must determine that the costs of the activity to assist a utility are necessary and reasonable and that they do not duplicate other financial assistance. To fortify these requirements and achieve a targeted use of funds and to safeguard against the potential oversubsidization when assistance is used to carry out activities that benefit private, for-profit utilities, the grantee must document that the level of assistance provided to a private, for-profit utility addresses only the actual identified

needs of the utility. Additionally, the grantee must establish policies and procedures to ensure that the CDBG—DR funds that assist private, for-profit utilities reflect the actual identified financing needs of the assisted businesses by establishing a mix of financing terms (loan, forgivable loan, and/or grant) for each assisted private, for-profit utility, based on the business's financial capacity, in order to ensure that assistance is based on actual identified need.

IV.B. Clarifications to the Consolidated Notice

IV.B.1. Reimbursement Requirements for Grants Under the Appropriations Acts. This section sets out requirements for 2022 disasters under the Appropriations Acts. In paragraph III.F.5 of the Consolidated Notice, HUD permits grantees to charge to grants the pre-award and pre-application costs of homeowners, renters, businesses, and other qualifying entities for eligible costs these applicants have incurred in response to an eligible disaster covered under a grantee's applicable Allocation Announcement Notice. In addition to other requirements, paragraph III.F.5 stipulates that grantees may charge the eligible pre-application costs to the grant only if (1) the person or private entity incurred the expenses within one year after the applicability date of the grantee's Allocation Announcement Notice (or within one year after the date of the disaster, whichever is later); and (2) the person or entity pays for the cost before the date on which the person or entity applies for CDBG-DR assistance.

Congress may enact multiple supplemental appropriations of CDBG-DR funds for disasters occurring in the same year and HUD may then publish multiple notices announcing CDBG-DR grants for the same disaster. For example, HUD announced CDBG-DR grants for disasters occurring in 2022 in this notice. If Congress appropriates additional funds for 2022 disasters in a future appropriations act, grantees may find it difficult to track expenses incurred within one year after the applicability date of this notice and another Allocation Announcement Notice, given that funds for disasters occurring in 2022 would be announced in different notices. To avoid confusion and to apply a uniform time frame to reimbursement of all pre-application costs for 2022 disasters, the requirement in III.F.5.(1) in the Consolidated Notice that states, "The person or private entity incurred the expenses within one year after the applicability date of the grantee's Allocation Announcement Notice (or within one year after the date

of the disaster, whichever is later)" shall not apply, and instead, grantees shall comply with the following alternative to that requirement in III.F.5.(1): "The person or private entity incurred the expenses within one year after the applicability date of the notice that announced the *initial* allocation of CDBG–DR funds (or within one year after the date of the disaster, whichever is later)." For grantees receiving an allocation for a 2022 disaster, the notice that announced the initial allocation of CDBG–DR funds is this notice.

IV.B.2. Clarification of the green and resilient building standard. Paragraph II.B.2.a. of the Consolidated Notice requires that all covered construction (new construction, reconstruction, and rehabilitation) that is assisted with CDBG-DR funds meet an industryrecognized standard that has achieved certain certifications described in the notice. HUD updated its building standards to support the adoption and enforcement of modern and resilient codes for grants subject to the Federal Register notices published on February 3, 2022, at 87 FR 6364; May 24, 2022 at 87 FR 31636; January 18, 2023, at 88 FR 3198; and this notice (including requirements identified as the "Consolidated Notice" incorporated by each of these notices as an Appendix B). During this update, HUD inadvertently omitted a standard.

Accordingly, HUD clarifies that paragraph II.B.2.a. in the "Consolidated Notice " (as defined in the previous sentence) allows a grantee to use either the ICC-700 National Green Building Standard (NGBS) Green or NGBS Green+ Resilience standard, among other industry-recognized standards. For grants made in response to disasters occurring in 2020, 2021, and 2022, this notice replaces paragraph II.B.2.a. in the Appendix B Consolidated Notice attached to this notice and to the document titled "Consolidated Notice" in Appendix B to each of the Federal Register notices published on February 3, 2022, at 87 FR 6364; May 24, 2022 at 87 FR 31636; January 18, 2023, at 88 FR 3198; and this notice. In lieu of the text originally published in paragraph II.B.2.a. of those appendices (which is hereby replaced), the following alternative requirement applies:

II.B.2.a. Green and resilient building standard for new construction and reconstruction of housing. Grantees must meet the Green and Resilient Building Standard, as defined in this subparagraph, for: (i) all new construction and reconstruction (i.e., demolishing a housing unit and rebuilding it on the same lot in substantially the same manner) of

residential buildings and (ii) all rehabilitation activities of substantially damaged residential buildings, including changes to structural elements such as flooring systems, columns, or load-bearing interior or exterior walls.

The Green and Resilient Building Standard requires that all construction covered by the paragraph above and assisted with CDBG-DR funds meet an industry-recognized standard that has achieved certification under (i) Enterprise Green Communities; (ii) LEED (New Construction, Homes, Midrise, Existing Buildings Operations and Maintenance, or Neighborhood Development); (iii) ICC-700 National Green Building Standard (NGBS) Green or NGBS Green+ Resilience; (iv) Living Building Challenge; or (v) any other equivalent comprehensive green building program acceptable to HUD.

IV.B.3. Clarification of the Use of "Uncapped" Income Limits. The Quality Housing and Work Responsibility Act of 1998 (Title V of Pub. L. 105-276) enacted a provision that directs the Department to grant exceptions to at least 10 jurisdictions that are currently "capped' under HUD's low and moderate-income limits. Under this exception, several CDBG entitlement grantees may use "uncapped" income limits that reflect 80 percent of the actual median income for the area. Each year, HUD publishes guidance on its website identifying which grantees may use uncapped limits.

Accordingly, HUD clarifies that, the annual uncapped income limits published by HUD applies to CDBG-DR funded activities in jurisdictions covered by the uncapped limits, including jurisdictions that receive disaster recovery funds from a state CDBG-DR grantee. This alternative requirement applies to grants made in response to disasters occurring in 2020, 2021, and 2022 that are subject to Federal Register notices published on February 3, 2022, at 87 FR 6364; May 24, 2022 at 87 FR 31636; January 18, 2023, at 88 FR 3198; and this notice (including requirements identified as a ''Consolidated Notice'' incorporated by each of these notices as an Appendix B).

V. Duration of Funding

The Appropriations Acts make the funds available for obligation by HUD until expended. HUD waives the provisions at 24 CFR 570.494 and 24 CFR 570.902 regarding timely distribution and expenditure of funds and establishes an alternative requirement providing that each grantee must expend 100 percent of its allocation within six years of the date

HUD signs the grant agreement. HUD may extend the time period in this alternative requirement and associated grant period of performance administratively, if good cause for such an extension exists at that time, as requested by the grantee, and approved by HUD. When the period of performance has ended, HUD will close out the grant and any remaining funds not expended by the grantee on appropriate programmatic purposes will be recaptured by HUD.

VI. Assistance Listing Numbers (Formerly Known as the CFDA Number)

The Assistance Listing Numbers (formerly known as the Catalog of Federal Domestic Assistance numbers) for the disaster recovery grants under this notice are as follows: 14.218; 14.228.

VII. Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available online on HUD's CDBG-DR website at https://www.hud.gov/program offices/ comm planning/cdbg-dr. Due to security measures at the HUD Headquarters building, an advance appointment to review the docket file must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit https://www.fcc.gov/ consumers/guides/telecommunicationsrelay-service-trs.

Adrianne Todman,

Deputy Secretary.

Appendix A

Allocation of CDBG–DR Funds to Most Impacted and Distressed Areas Due to Presidentially Declared Disasters Occurring in 2022

Background

The Continuing Appropriation Act, 2023 (Pub. L. 117–180, Division A) (approved September 30, 2022) appropriated \$2 billion in CDBG-Disaster Recovery (CDBG-DR) funds for "major disasters that occurred in 2021 or 2022" and the Department of Housing and Urban Development Appropriations Act, 2023 (Pub. L. 117–328, Division L, Title II) (approved on December

29, 2022) appropriated \$3 billion of CDBG—DR for disasters "that occurred in 2022 or later until such funds are fully allocated". Both laws instruct HUD that the funds are "for the same purposes and under the same terms and conditions as funds appropriated under such heading in title VIII of the Disaster Relief Supplemental Appropriations Act, 2022 (division B of Pub. L. 117–43)".

The statutory text related to the allocation in Public Law 117–43 is as follows:

". . . for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation, in the most impacted and distressed areas resulting from a major disaster. . . . Provided, That amounts made available under this heading in this Act shall be awarded directly to the State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) at the discretion of the Secretary: Provided further, That the Secretary shall allocate, using the best available data, an amount equal to the total estimate for unmet needs for qualifying disasters under this heading in this Act: Provided further, That any final allocation for the total estimate for unmet need made available under the preceding proviso shall include an additional amount of 15 percent of such estimate for additional mitigation: '

This methodology applies to allocations for disasters occurring on or after January 1, 2022 and had been declared major disasters as of October 30, 2022. It reflects the \$553,371,000 remaining from the \$2 billion appropriated under Public Law 117–180 (\$1.44 billion had been provided for 2021 disasters in an earlier allocation) and \$2,837,849,000 under Public Law 117–328.

Most Impacted and Distressed Areas

As with prior CDBG–DR appropriations, HUD is not obligated to allocate funds for all major disasters occurring in the statutory timeframes. HUD is directed to use the funds "in the most impacted and distressed areas." HUD has implemented this directive by limiting CDBG–DR formula allocations to grantees with major disasters that meet these standards:

- (1) Individual and Households Program (IHP) designation. HUD has limited allocations to those disasters where the Federal Emergency Management Agency (FEMA) had determined the damage was sufficient to declare the disaster as eligible to receive IHP funding.
- (2) Concentrated damage. HUD has limited its estimate of serious unmet housing need to counties and/or counties with zip codes with high levels of damage, collectively referred to as "most impacted areas." For this allocation, HUD is defining most impacted areas as either most impacted counties—counties exceeding \$10 million in serious unmet housing needs—and most impacted Zip Codes—Zip Codes with \$2 million or more of serious unmet housing needs. The calculation of serious unmet housing needs is described below.

For disasters that meet the most impacted threshold described above, the unmet need allocations are based on the following factors summed together:

- (1) Repair estimates for seriously damaged owner-occupied units without insurance (with some exceptions) in most impacted areas after FEMA and Small Business Administration (SBA) repair grants or loans;
- (2) Repair estimates for seriously damaged rental units occupied by very low-income renters in most impacted areas;
- (3) Repair and content loss estimates for small businesses with serious damage denied by SBA; and
- (4) The estimated local cost share for Public Assistance Category C to G projects.

Methods for Estimating Serious Unmet Needs for Housing

The data HUD uses to calculate unmet needs for 2022 qualifying disasters come from the FEMA IHP data on housing-unit damage as of January 10, 2023, and reflect disasters occurring in 2022 and declared on or before October 30, 2022.

The core data on housing damage for both the unmet housing needs calculation and the concentrated damage are based on home inspection data for FEMA's IHP and SBA's disaster loan program. HUD calculates "unmet housing needs" as the number of housing units with unmet needs times the estimated cost to repair those units less repair funds estimated to be provided by FEMA and SBA.

Each of the FEMA IHP inspected owner units are categorized by HUD into one of five categories:

- *Minor-Low:* Less than \$3,000 of FEMA inspected real property damage.
- *Minor-High:* \$3,000 to \$7,999 of FEMA inspected real property damage.
- Major-Low: \$8,000 to \$14,999 of FEMA inspected real property damage and/or 1 to 3.9 feet of flooding on the first floor.
- Major-High: \$15,000 to \$28,800 of FEMA inspected real property damage and/or 4 to 5.9 feet of flooding on the first floor.
- Severe: Greater than \$28,800 of FEMA inspected real property damage or determined destroyed and/or six or more feet of flooding on the first floor.

When owner-occupied properties also have a personal property inspection or only have a personal property inspection, HUD reviews the personal property damage amounts such that if the personal property damage places the home into a higher need category over the real property assessment, the personal property amount is used. The personal property-based need categories for owner-occupied units are defined as follows:

- *Minor-Low:* Less than \$2,500 of FEMA inspected personal property damage.
- *Minor-High:* \$2,500 to \$3,499 of FEMA inspected personal property damage.
- Major-Low: \$3,500 to \$4,999 of FEMA inspected personal property damage or 1 to 3.9 feet of flooding on the first floor.
- *Major-High:* \$5,000 to \$9,000 of FEMA inspected personal property damage or 4 to 5.9 feet of flooding on the first floor.
- Severe: Greater than \$9,000 of FEMA inspected personal property damage or determined destroyed and/or 6 or more feet of flooding on the first floor.

To meet the statutory requirement of ''most impacted'' in this legislative language, homes are determined to have a high level of damage if they have damage of ''major-low'' or higher. That is, they have a FEMA inspected real property damage of \$8,000 or above, personal property damage \$3,500 or above, or flooding 1 foot or above on the first floor.

Furthermore, a homeowner with flooding outside the one percent risk flood hazard area is determined to have unmet needs if they reported damage and no flood insurance to cover that damage. For homeowners inside the one percent risk flood hazard area, homeowners without flood insurance with flood damage below the greater of national median or 120 percent of Area Median Income are determined to have unmet needs. For non-flood damage, homeowners without hazard insurance with incomes below the greater of national median or 120 percent of Area Median Income are included as having unmet needs. The unmet need categories for these types of homeowners are defined as above for real and personal property damage.

FEMA IHP does not inspect rental units for real property damage so personal property damage is used as a proxy for unit damage. Each of the FEMA-inspected renter units are categorized by HUD into one of five categories:

- *Minor-Low:* Less than \$1,000 of FEMA inspected personal property damage.
- Minor-High: \$1,000 to \$1,999 of FEMA inspected personal property damage or determination of "Moderate" damage by the FEMA inspector.
- Major-Low: \$2,000 to \$3,499 of FEMA inspected personal property damage or 1 to 3.9 feet of flooding on the first floor or determination of "Major" damage by the FEMA inspector.
- *Major-High:* \$3,500 to \$7,500 of FEMA inspected personal property damage or 4 to 5.9 feet of flooding on the first floor.
- Severe: Greater than \$7,500 of FEMA inspected personal property damage or determined destroyed and/or 6 or more feet of flooding on the first floor or determination of "Destroyed" by the FEMA inspector.

To meet the statutory requirement of "most impacted" for rental properties, homes are determined to have a high level of damage if they have damage of "major-low" or higher. That is, they have a FEMA personal property damage assessment of \$2,000 or greater or flooding 1 foot or above on the first floor.

Furthermore, landlords are presumed to have adequate insurance coverage unless the unit is occupied by a renter with income less than the greater of the Federal poverty level or 50 percent of the area median income. Units occupied by a tenant with income less than the greater of the poverty level or 50 percent of the area median income are used to calculate likely unmet needs for affordable rental housing.

The average cost to fully repair a home for a specific disaster to code within each of the damage categories noted above is calculated using the median real property damage repair costs determined by the SBA for its disaster loan program based on a match comparing FEMA and SBA inspections by each of the FEMA damage categories described above.

If there is a match of 20 or more SBA inspections to FEMA inspections for any damage category, the median damage estimate for the SBA properties is used less the estimated average FEMA IHP repair grant and average SBA disaster loan grant weighted on take-up rates, which are generally high for

IHP and low and for SBA. Except that no matched multiplier can be less than the 25th percentile for all IHP eligible disasters combined in eligible disaster years at the time of the allocation calculation or more than the 75th percentile for all IHP eligible

disasters combined with data available as of the allocation.

If there is a match of fewer than 20 SBA inspections to FEMA inspections within individual damage categories, these multipliers are used which are based on the 2020 and 2021 disaster years:

	Multipliers by disaster type		
Disaster type	Major-low	Major-high	Severe
Dam/Levee Break	\$33,007	\$47,078	\$47,078
Earthquake	27,141	33,714	134,503
Fire	22,971	82,582	134,503
Flood	47,074	57,856	64,513
Hurricane	36,800	45,952	45,952
Severe Ice Storm	33,528	33,714	36,592
Severe Storm(s)	22,971	37,299	37,299
Tornado	52,961	82,582	134,503

A separate multiplier is applied to mobile homes for all disaster types. Where there are fewer than 20 mobile homes for a match for a disaster, the mobile home multipliers are \$49,571 for major-low, \$60,189 for major-high, and \$67,594 for severe. If there are 20 or more matches for a specific disaster's mobile homes, that specific disaster multiplier is used.

Methods for Estimating Serious Unmet Economic Revitalization Needs

Based on SBA disaster loans to businesses using data for 2022 disasters from as of January 4, 2023, HUD calculates the median real estate and content loss by the following damage categories for each disaster:

- *Category 1:* real estate + content loss = below \$12,000
- Category 2: real estate + content loss = \$12,000-\$29,999
- *Category 3*: real estate + content loss = \$30,000-\$64,999
- *Category 4:* real estate + content loss = \$65,000–\$149,999
- Category 5: real estate + content loss = \$150,000 and above

For properties with real estate and content loss of \$30,000 or more, HUD calculates the estimated amount of unmet needs for small businesses by multiplying the median damage estimates for the categories above by the number of small businesses denied an SBA loan, including those denied a loan prior to inspection due to inadequate credit or income (or a decision had not been made), under the assumption that damage among those denied at pre-inspection have the same distribution of damage as those denied after inspection.

Methods for Estimating Unmet Infrastructure Needs

To calculate 2022 unmet needs for infrastructure projects, HUD received FEMA cost estimates on January 10, 2023, of the expected local cost share to repair the permanent public infrastructure (Categories C to G) to their pre-storm condition.

Allocation Calculation

Once eligible entities are identified using the above criteria, the allocation to individual grantees represents their proportional share of the estimated unmet needs. For the formula allocation, HUD calculates total unmet recovery needs for eligible disasters as the aggregate of:

- Serious unmet housing needs in most impacted and distressed areas;
 - Serious unmet business needs; and
 - Unmet infrastructure need.

Mitigation is calculated as 15 percent of the unmet need calculation, and then rounded to the nearest \$1,000.

Sub-Disaster Allocations for Local Governments

Sub-allocations to local governments are made from this disaster level allocation. Each disaster that has allocations to local governments has a slightly different methodology reflecting best available data for that disaster at the local level and program administration considerations.

- DR4665–MO. This disaster is concentrated in two entitlement areas. Local data from this July 2022 disaster allows for consideration of housing, business, and infrastructure data for all impacted counties. St. Louis County has the greatest serious housing damage for a most impacted and distressed area designation while St. Louis City has the greatest concentration of public assistance category C to G match requirements in excess of \$10 million for a Most Impacted and Distressed area designation.
- DR4657 & DR4670–OK. These two Oklahoma major disaster declarations were for the same event, DR 4657 received an IHP designation for several counties in Oklahoma and DR 4670 a Public Assistance designation for Muscogee (Creek). This disaster was made eligible based on a concentration of damage in a zip code. To ease program administration the Most Impacted and Distressed Areas are defined as both Okmulgee County and Muscogee (Creek) Oklahoma Tribal Statistical Area (OTSA). These areas overlap and HUD has identified both as most impacted and distressed areas for purposes of this allocation.
- DR 4673–FL. Hurricane Ian has led to the designation of 18 Most Impacted Counties and 1 Most Impacted Zip Code. Within those areas are dozens of affected regular CDBG entitlement areas. There are four counties,

however, that are entitlement counties under the regular CDBG Urban County program and, when their need is combined with the 6 city entitlement cities within them, each have more than \$100 million in serious unmet housing needs, which is a natural break in the distribution from the other CDBG program entitlement communities. With administrative costs capped at 5 percent, larger grants offer more program efficiencies, HUD is allocating directly to the most seriously impacted counties to serve their entire county (including all cities within them) and the state to serve the areas for the other counties where funds are not directly allocated.

Appendix B—The Consolidated Notice

CDBG-DR Consolidated Notice Waivers and Alternative Requirements

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I. Waivers and Alternative Requirements

CDBG-DR grantees that are subject to this Consolidated Notice, as indicated in each Federal Register notice that announces allocations of the appropriated CDBG-DR funds ("Allocation Announcement Notice"), must comply with all waivers and alternative requirements in the Consolidated Notice, unless expressly made inapplicable (e.g., a waiver that applies to states only does not apply to units of general local governments and Indian tribes). Except as described in applicable waivers and alternative requirements, the statutory and regulatory provisions governing the CDBG program (and for Indian tribes, the Indian CDBG program) shall apply to grantees receiving a CDBG-DR allocation. Statutory provisions (title I of the HCDA) that apply to all grantees can be found at 42 U.S.C. 5301 et seq. and regulatory requirements, which differ for each type of grantee, are described in each of the three paragraphs below.

Except as modified, the State CDBG program rules shall apply to state grantees receiving a CDBG—DR allocation. Applicable State CDBG program regulations are found at 24 CFR part 570, subpart I. For insular areas, HUD waives the provisions of 24 CFR part 570, subpart F and imposes the following alternative requirement: Insular areas shall administer their CDBG—DR allocations in accordance with the regulatory and statutory provisions governing the State CDBG program, as modified by the Consolidated Notice.

Except as modified, statutory and regulatory provisions governing the Entitlement CDBG Program shall apply to unit of general local government grantees (often referred to as local government grantees in appropriations acts). Applicable Entitlement CDBG Program regulations are found at 24 CFR part 570, as described in 570.1(a).

Except as modified, CDBG—DR grants made by HUD to Indian tribes shall be subject to the statutory provisions in title I of the HCDA that apply to Indian tribes and the regulations in 24 CFR part 1003 governing the Indian CDBG program, except those requirements in part 1003 related to the funding application and selection process.

References to the action plan in the above regulations shall refer to the action plan required by the Consolidated Notice and not to the consolidated plan action plan required by 24 CFR part 91. All references pertaining to timelines and/or deadlines are in terms of calendar days unless otherwise noted.

II. Eligible Activities

II.A. Clarification of Disaster-Related Activities

CDBG—DR funds are provided for necessary expenses for activities authorized under title I of the HCDA related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation of risk associated with activities carried out for these purposes, in the "most impacted and distressed" areas (identified by

HUD or the grantee) resulting from a major disaster. All CDBG-DR funded activities must address an impact of the disaster for which funding was allocated. Accordingly, each activity must: (1) address a direct or indirect impact from the disaster in a most impacted and distressed area; (2) be a CDBGeligible activity (or be eligible under a waiver or alternative requirement); and (3) meet a national objective. When appropriations acts provide an additional allocation amount for mitigation of hazard risks that does not require a connection to the qualifying major disaster, requirements for the use of those funds will be included in the Allocation Announcement Notice.

II.A.1. Documenting a Connection to the Disaster. Grantees must maintain records that document how each funded activity addresses a direct or indirect impact from the disaster. Grantees may do this by linking activities to a disaster recovery need that is described in the impact and unmet needs assessment in the action plan (requirements for the assessment are addressed in section III.C.1.a.). Sufficient documentation of physical loss must include damage or rebuilding estimates, insurance loss reports, images, or similar information that documents damage caused by the disaster. Sufficient documentation for non-physical disaster-related impacts must clearly show how the activity addresses the disaster impact, e.g., for economic development activities, data about job loss or businesses closing after the disaster or data showing how pre-disaster economic stressors were aggravated by the disaster; or for housing activities, a post-disaster housing analysis that describes the activities that are necessary to address the post-disaster housing needs.

II.A.2. Resilience and hazard mitigation. The Consolidated Notice will help to improve long-term community resilience by requiring grantees to fully incorporate mitigation measures that will protect the public, including members of protected classes, vulnerable populations, and underserved communities, from the risks identified by the grantee among other vulnerabilities. This approach will better ensure the revitalization of the community long after the recovery projects are complete.

Accordingly, HUD is adopting the following alternative requirement to section 105(a): Grantees may carry out the activities described in section 105(a), as modified by waivers and alternative requirements, to the extent that the activities comply with the following:

II.A.2.a. Alignment with mitigation plans. Grantees must ensure that the mitigation measures identified in their action plan will align with existing hazard mitigation plans submitted to the Federal Emergency Management Agency (FEMA) under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) or other state, local, or tribal hazard mitigation plans.

II.A.2.b. *Mitigation measures*. Grantees must incorporate mitigation measures when carrying out activities to construct, reconstruct, or rehabilitate residential or non-residential structures with CDBG–DR funds as part of activities eligible under 42 U.S.C.

5305(a) (including activities authorized by waiver and alternative requirement). To meet this alternative requirement, grantees must demonstrate that they have incorporated mitigation measures into CDBG—DR activities as a construction standard to create communities that are more resilient to the impacts of recurring natural disasters and the impacts of climate change. When determining which mitigation measures to incorporate, grantees should design and construct structures to withstand existing and future climate impacts expected to occur over the service life of the project.

II.A.2.c. Resilience performance metrics. Before carrying out CDBG-DR funded activities to construct, reconstruct, or rehabilitate residential or non-residential structures, the grantee must establish resilience performance metrics for the activity, including: (1) an estimate of the projected risk to the completed activity from natural hazards, including those hazards that are influenced by climate change (e.g., high winds destroying newly built homes), (2) identification of the mitigation measures that will address the projected risks (e.g., using building materials that are able to withstand high winds), and (3) an assessment of the benefit of the grantee's measures through verifiable data (e.g., 10 newly built homes will withstand high winds up to 100 mph).

II.A.3. Most impacted and distressed (MID) areas. Funds must be used for costs related to unmet needs in the MID areas resulting from qualifying disasters. HUD allocates funds using the best available data that cover the eligible affected areas and identifies MID areas. Grantees are required to use 80 percent of all CDBG-DR funds to benefit the HUDidentified MID areas. The HUD-identified MID areas and the minimum dollar amount that must be spent to benefit those areas will be identified for each grantee in the applicable Allocation Announcement Notice. If a grantee seeks to add other areas to the HUD-identified MID area, the grantee must contact its CPD Representative or CPD Specialist and submit the request with a datadriven analysis that illustrates the basis for designating the additional area as most impacted and distressed as a result of the qualifying disaster.

Grantees may use up to five percent of the total grant award for grant administration. Therefore, HUD will include 80 percent of a grantee's expenditures for grant administration in its determination that 80 percent of the total award has benefited the HUD-identified MID area. Expenditures for planning activities may also be counted towards the HUD-identified MID area requirement, if the grantee describes in its action plan how those planning activities benefit those areas.

HUD may identify an entire jurisdiction or a ZIP code as a MID area. If HUD designates a ZIP code as a MID area for the purposes of allocating funds, the grantee may expand program operations to the whole county or counties that overlap with the HUD designated ZIP code. A grantee must indicate the decision to expand eligibility to the whole county or counties in its action plan.

Grantees must determine where to use the remaining amount of the CDBG–DR grant, but

that portion of the allocation may only be used to address unmet needs and that benefit those areas that the grantee determines are most impacted and distressed ("grantee-identified MID areas") within areas that received a presidential major disaster declaration identified by the disaster numbers listed in the applicable Allocation Announcement Notice. The grantee must use quantifiable and verifiable data in its analysis, as referenced in its action plan, to identify the MID areas where it will use the remaining amount of CDBG–DR funds.

Grantee expenditures for eligible unmet needs outside of the HUD-identified or grantee-identified MID areas are allowable, provided that the grantee can demonstrate how the expenditure of CDBG–DR funds outside of the MID areas will address unmet needs identified within the HUD-identified or grantee-identified MID area (e.g., upstream water retention projects to reduce downstream flooding in the HUD-identified MID area).

II.B. Housing Activities and Related Floodplain Issues

Grantees may use CDBG–DR funds for activities that may include, but are not limited to, new construction, reconstruction, and rehabilitation of single-family or multifamily housing, homeownership assistance, buyouts, and rental assistance. The broadening of eligible CDBG–DR activities related to housing under the HCDA is necessary following major disasters in which housing, including large numbers of affordable housing units, have been damaged or destroyed. The following waivers and alternative requirements will assist grantees in addressing the full range of unmet housing needs arising from a disaster.

II.B.1. New housing construction waiver and alternative requirement. 42 U.S.C. 5305(a) and 24 CFR 570.207(b)(3) are waived to the extent necessary to permit new housing construction, subject to the following alternative requirement. When a CDBG—DR grantee carries out a new housing construction activity, 24 CFR 570.202 shall apply and shall be read to extend to new construction in addition to rehabilitation assistance. Private individuals and entities must remain compliant with federal accessibility requirements as well as with the applicable site selection requirements of 24 CFR 1.4(b)(3) and 8.4(b)(5).

II.B.2. Construction standards for new construction, reconstruction, and rehabilitation. HUD is adopting an alternative requirement to require grantees to adhere to the applicable construction standards in II.B.2.a. through II.B.2.d. when carrying out activities to construct, reconstruct, or rehabilitate residential structures with CDBG-DR funds as part of activities eligible under 42 U.S.C. 5305(a) (including activities authorized by waiver and alternative requirement). For purposes of the Consolidated Notice, the terms "substantial damage" and "substantial improvement" shall be as defined in 44 CFR 59.1 unless otherwise noted.

II.B.2.a. Green and resilient building standard for new construction and reconstruction of housing. Grantees must meet the Green and Resilient Building Standard, as defined in this subparagraph, for: (i) all new construction and reconstruction (*i.e.*, demolishing a housing unit and rebuilding it on the same lot in substantially the same manner) of residential buildings and (ii) all rehabilitation activities of substantially damaged residential buildings, including changes to structural elements such as flooring systems, columns, or load-bearing interior or exterior walls.

The Green and Resilient Building Standard requires that all construction covered by the paragraph above and assisted with CDBG-DR funds meet an industry-recognized standard that has achieved certification under (i) Enterprise Green Communities; (ii) LEED (New Construction, Homes, Midrise, Existing Buildings Operations and Maintenance, or Neighborhood Development); (iii) ICC-700 National Green Building Standard Green+ Resilience; (iv) Living Building Challenge; or (v) any other equivalent comprehensive green building program acceptable to HUD. Additionally, all such covered construction must achieve a minimum energy efficiency standard, such as (i) ENERGY STAR (Certified Homes or Multifamily High-Rise); (ii) DOE Zero Energy Ready Home; (iii) EarthCraft House, EarthCraft Multifamily; (iv) Passive House Institute Passive Building or EnerPHit certification from the Passive House Institute US (PHIUS), International Passive House Association; (v) Greenpoint Rated New Home, Greenpoint Rated Existing Home (Whole House or Whole Building label); (vi) Earth Advantage New Homes; or (vii) any other equivalent energy efficiency standard acceptable to HUD. Grantees must identify, in each project file, which of these Green and Resilient Building Standards will be used for any building subject to this paragraph. However, grantees are not required to use the same standards for each project or building.

II.B.2.b. Standards for rehabilitation of nonsubstantially damaged residential buildings. For rehabilitation other than the rehabilitation of substantially damaged residential buildings described in section II.B.2.a. above, grantees must follow the guidelines specified in the HUD CPD Green Building Retrofit Checklist.

Grantees must apply these guidelines to the extent applicable for the rehabilitation work undertaken, for example, the use of mold resistant products when replacing surfaces such as drywall. Products and appliances replaced as part of the rehabilitation work, must be ENERGY STAR-labeled, WaterSense-labeled, or Federal Energy Management Program (FEMP)-designated products or appliances.

II.B.2.c. Elevation standards for new construction, reconstruction, and rehabilitation of substantial damage, or rehabilitation resulting in substantial improvements. The following elevation standards apply to new construction, rehabilitation of substantial damage, or rehabilitation resulting in substantial improvement of residential structures located in an area delineated as a special flood hazard area or equivalent in FEMA's data sources. 24 CFR 55.2(b)(1) provides additional information on data sources, which apply to all floodplain designations.

All structures, defined at 44 CFR 59.1, designed principally for residential use, and located in the one percent annual chance (or 100-year) floodplain, that receive assistance for new construction, reconstruction, rehabilitation of substantial damage, or rehabilitation that results in substantial improvement, as defined at 24 CFR 55.2(b)(10), must be elevated with the lowest floor, including the basement, at least two feet above the one percent annual chance floodplain elevation (base flood elevation). Mixed-use structures with no dwelling units and no residents below two feet above base flood elevation, must be elevated or floodproofed, in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above base flood elevation.

All Critical Actions, as defined at 24 CFR 55.2(b)(3), within the 500-year (or 0.2 percent annual chance) floodplain must be elevated or floodproofed (in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(2)-(3) or successor standard) to the higher of the 500-year floodplain elevation or three feet above the 100-year floodplain elevation. If the 500-year floodplain is unavailable, and the Critical Action is in the 100-year floodplain, then the structure must be elevated or floodproofed (in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(2)–(3) or successor standard) at least three feet above the 100-year floodplain elevation. Critical Actions are defined as "any activity for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons or damage to property." For example, Critical Actions include hospitals, nursing homes, emergency shelters, police stations, fire stations, and principal utility lines.

In addition to other requirements in this section, grantees must comply with applicable state, local, and tribal codes and standards for floodplain management, including elevation, setbacks, and cumulative substantial damage requirements. Grantees using CDBG–DR funds as the non-Federal match in a FEMA-funded project may apply the alternative requirement for the elevation of structures described in section III.F.6. Structures that are elevated must meet federal accessibility standards.

II.B.2.d. Broadband infrastructure in housing. Any substantial rehabilitation, as defined by 24 CFR 5.100, reconstruction, or new construction of a building with more than four rental units must include installation of broadband infrastructure, except where the grantee documents that: (i) the location of the new construction or substantial rehabilitation makes installation of broadband infrastructure infeasible; (ii) the cost of installing broadband infrastructure would result in a fundamental alteration in the nature of its program or activity, or in an undue financial burden; or (iii) the structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.

II.B.3. Applicable affordability periods for new construction of affordable rental housing. To meet the low- and moderateincome housing national objective, rental

housing assisted with CDBG-DR funds must be rented to low- and moderate-income (LMI) households at affordable rents, and a grantee must define "affordable rents" in its action plan. Because the waiver and alternative requirement in II.B.1. authorizes the use of grant funds for new housing construction, HUD is imposing the following alternative requirement to modify the low- and moderate-income housing national objective criteria in 24 CFR 570.208(a)(3) and 570.483(b)(3) for activities involving the new construction of affordable rental housing of five or more units. For activities that will construct five or more units, in addition to other applicable criteria in 24 CFR 570.208(a)(3) and 570.483(b)(3), in its action plan, a grantee must define the affordability standards, including "affordable rents," the enforcement mechanisms, and applicable timeframes, that will apply to the new construction of affordable rental housing, i.e., when the activity will result in construction of five or more units, the affordability requirements described in the action plan apply to the units that will be occupied by LMI households. The minimum timeframes and other related requirements acceptable for compliance with this alternative requirement are the HOME Investment Partnerships Program (HOME) requirements at 24 CFR 92.252(e), including the table listing the affordability periods at the end of 24 CFR 92.252(e). Therefore, the grantee must adopt and implement enforceable affordability standards that comply with or exceed requirements at 24 CFR 92.252(e)(1) for the new construction of affordable rental housing in structures containing five or more units.

II.B.4. Affordability period for new construction of homes built for LMI households. In addition to alternative requirements in II.B.1., the following alternative requirement applies to activities to construct new single-family units for homeownership that will meet the LMI housing national objective criteria. Grantees must establish affordability restrictions on all newly constructed single-family housing (for purposes of the Consolidated Notice, singlefamily housing is defined as four units or less), that, upon completion, will be purchased and occupied by LMI homeowners. The minimum affordability period acceptable for compliance are the HOME requirements at 24 CFR 92.254(a)(4). If a grantee applies other standards, the periods of affordability applied by a grantee must meet or exceed the applicable HOME requirements in 24 CFR 92.254(a)(4) and the table of affordability periods directly following that provision. Grantees shall establish resale or recapture requirements for housing funded pursuant to this paragraph and shall describe those requirements in the action plan or substantial amendment in which the activity is proposed. The resale or recapture requirements must clearly describe the terms of resale or recapture and the specific circumstances under which resale or recapture will be used. Affordability restrictions must be enforceable and imposed by recorded deed restrictions, covenants, or other similar mechanisms. The affordability restrictions, including the affordability period requirements in this paragraph do not

apply to housing units newly constructed or reconstructed for an owner-occupant to replace the owner-occupant's home that was damaged by the disaster.

II.B.5. Homeownership assistance waiver and alternative requirement. 42 U.S.C. 5305(a)(24) is waived and replaced with the following alternative requirement:

"Provision of direct assistance to facilitate and expand homeownership among persons at or below 120 percent of area median income (except that such assistance shall not be considered a public service for purposes of 42 U.S.C. 5305(a)(8)) by using such assistance to—

- (A) subsidize interest rates and mortgage principal amounts for homebuyers with incomes at or below 120 percent of area median income:
- (B) finance the acquisition of housing by homebuyers with incomes at or below 120 percent of area median income that is occupied by the homebuyers;
- (C) acquire guarantees for mortgage financing obtained by homebuyers with incomes at or below 120 percent of area median income from private lenders, meaning that if a private lender selected by the homebuyer offers a guarantee of the mortgage financing, the grantee may purchase the guarantee to ensure repayment in case of default by the homebuyer. This subparagraph allows the purchase of mortgage insurance by the household but not the direct issuance of mortgage insurance by the grantee;
- (D) provide up to 100 percent of any down payment required from homebuyers with incomes at or below 120 percent of area median income; or
- (E) pay reasonable closing costs (normally associated with the purchase of a home) incurred by homebuyers with incomes at or below 120 percent of area median income."

While homeownership assistance, as described above, may be provided to households with incomes at or below 120 percent of the area median income, HUD will only consider those funds used for households with incomes at or below 80 percent of the area median income to qualify as meeting the LMI person benefit national objective.

II.B.6. Limitation on emergency grant payments—interim mortgage assistance. 42 U.S.C. 5305(a)(8), 24 CFR 570.201(e), 24 CFR 570.207(b)(4), and 24 CFR 1003.207(b)(4) are modified to extend interim mortgage assistance (IMA) to qualified individuals from three months to up to twenty months. IMA must be used in conjunction with a buyout program, or the rehabilitation or reconstruction of single-family housing, during which mortgage payments may be due but the home is not habitable. A grantee using this alternative requirement must document, in its policies and procedures, how it will determine that the amount of assistance to be provided is necessary and reasonable.

II.B.7. Buyout activities. CDBG—DR grantees may carry out property acquisition for a variety of purposes, but buyouts are a type of acquisition for the specific purpose of reducing the risk of property damage. HUD

has determined that creating a new activity and alternative requirement for buyouts is necessary for consistency with the application of other Federal resources commonly used for this type of activity. Therefore, HUD is waiving 42 U.S.C. 5305(a) and establishing an alternative requirement only to the extent necessary to create a new eligible activity for buyouts. The term "buyouts" means the acquisition of properties located in a floodway, floodplain, or other Disaster Risk Reduction Area that is intended to reduce risk from future hazards. Grantees can designate a Disaster Risk Reduction Area, as defined below.

Grantees carrying out buyout activities must establish an open space management plan or equivalent, if one has not already been established, before implementation. The plan must establish full transparency about the planned use of acquired properties post-buyout, or the process by which the planned use will be determined and enforced.

Buyout activities are subject to all requirements that apply to acquisition activities generally including but not limited to, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601, et seq.) and its implementing regulations at 49 CFR part 24, subpart B, unless waived or modified by alternative requirements. Only acquisitions that meet the definition of a "buyout" are subject to the post-acquisition land use restrictions imposed by the alternative requirement (II.B.7.a. below). The key factor in determining whether the acquisition is a buyout is whether the intent of the purchase is to reduce risk of property damage from future flooding or other hazards in a floodway, floodplain, or a Disaster Risk Reduction Area. A grantee that will buyout properties in a Disaster Risk Reduction Area must establish criteria in its policies and procedures to designate an area as a Disaster Risk Reduction Area for the buyout, pursuant to the following requirements:

- (1) the area has been impacted by the hazard that has been caused or exacerbated by the disaster for which the grantee received its CDBG–DR allocation;
- (2) the hazard identified must be a predictable environmental threat to the safety and well-being of program beneficiaries, including members of protected classes, vulnerable populations, and underserved communities, as evidenced by the best available data (e.g., FEMA Repetitive Loss Data, EPA's Environmental Justice Screening and Mapping Tool, HHS's climate change related guidance and data, etc.) and science (such as engineering and structural solutions propounded by FEMA, USACE, other federal agencies, etc.); and
- (3) the area must be clearly delineated so that HUD and the public may easily determine which properties are located within the designated area.

Grantees may only redevelop an acquired property if the property is not acquired through a buyout program (i.e., the purpose of acquisition was something other than risk reduction). When acquisitions are not acquired through a buyout program, the purchase price must be consistent with 2 CFR part 200, subpart E—Cost Principles

("cost principles") and the pre-disaster fair market value may not be used.

II.B.7.a. Buyout requirements:

(i) Property to be acquired or accepted must be located within a floodway, floodplain, or Disaster Risk Reduction Area.

(ii) Any property acquired or accepted must be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, floodplain and wetlands management practices, or other disaster-risk reduction practices.

(iii) No new structure will be erected on property acquired or accepted under the

buyout program other than:

- (a) a public facility that is open on all sides and functionally related to a designated open space (e.g., a park, campground, or outdoor recreation area);
 - (b) a restroom; or
 - (c) a flood control structure, provided that:
- (1) the structure does not reduce valley storage, increase erosive velocities, or increase flood heights on the opposite bank, upstream, or downstream; and
- (2) the local floodplain manager approves the structure, in writing, before commencement of construction of the structure
- (iv) After the purchase of a buyout property with CDBG–DR funds, the owner of the buyout property (including subsequent owners) is prohibited from making any applications to any Federal entity in perpetuity for additional disaster assistance for any purpose related to the property acquired through the CDBG–DR funded buyout, unless the assistance is for an allowed use as described in paragraph (ii) above. The entity acquiring the property may lease or sell it to adjacent property owners or other parties for compatible uses that comply with buyout requirements in return for a maintenance agreement.
- (v) A deed restriction or covenant running with the property must require that the buyout property be dedicated and maintained for compatible uses that comply with buyout requirements in perpetuity.
- (vi) Grantees must choose from one of two valuation methods (pre-disaster value or post-disaster value) for a buyout program (or a single buyout activity). The grantee must apply its valuation method for all buyouts carried out under the program. If the grantee determines the post-disaster value of a property is higher than the pre-disaster value, a grantee may provide exceptions to its established valuation method on a case-bycase basis. The grantee must describe the process for such exceptions and how it will analyze the circumstances to permit an exception in its buyout policies and procedures. Each grantee must adopt policies and procedures on how it will demonstrate that the amount of assistance for a buyout is necessary and reasonable.
- (vii) All buyout activities must be classified using the "buyout" activity type in the Disaster Recovery and Grant Reporting (DRGR) system.
- (viii) Any state grantee implementing a buyout program or activity must consult with local or tribal governments within the areas in which buyouts will occur.
- II.B.8. Safe housing incentives in disasteraffected communities.

The limitation on eligible activities in section 42 U.S.C. 5305(a) is waived and HUD is establishing the following alternative requirement to establish safe housing incentives as an eligible activity. A safe housing incentive is any incentive provided to encourage households to relocate to suitable housing in a lower risk area or in an area promoted by the community's comprehensive recovery plan. Displaced persons must receive any relocation assistance to which they are entitled under other legal authorities, such as the URA, section 104(d) of the HCDA, or those described in the Consolidated Notice. The grantee may offer safe housing incentives in addition to the relocation assistance that is legally required.

Grantees must maintain documentation, at least at a programmatic level, describing how the grantee determined the amount of assistance for the incentive was necessary and reasonable, how the incentive meets a national objective, and that the incentives are in accordance with the grantee's approved action plan and published program design(s). A grantee may require the safe housing incentive to be used for a particular purpose by the household receiving the assistance. However, this waiver does not permit a compensation program meaning that funds may not be provided to a beneficiary to compensate the beneficiary for an estimated or actual amount of loss from the declared disaster. Grantees are prohibited from offering housing incentives to a homeowner as an incentive to induce the homeowner to sell a second home, consistent with the prohibition and definition of second home in section II.B.12.

II.B.9. National objectives for buyouts and safe housing incentives.

Activities that assist LMI persons and meet the criteria for the national objectives described below, including in II.B.10., will be considered to benefit LMI persons unless there is substantial evidence to the contrary and will count towards the calculation of a grantee's overall LMI benefit requirement as described in section III.F.2. The grantee shall appropriately ensure that activities that meet the criteria for any of the national objectives below do not benefit moderate-income persons to the exclusion of low-income persons.

When undertaking buyout activities, to demonstrate that a buyout meets the low- and moderate-income housing (LMH) national objective, grantees must meet all requirements of the HCDA, and applicable regulatory criteria described below. 42 U.S.C. 5305(c)(3) provides that any assisted activity that involves the acquisition of property to provide housing shall be considered to benefit LMI persons only to the extent such housing will, upon completion, be occupied by such persons. In addition, 24 CFR 570.483(b)(3), 24 CFR 570.208(a)(3), and 24 CFR 1003.208(c) apply the LMH national objective to an eligible activity carried out for the purpose of providing or improving permanent residential structures that, upon completion, will be occupied by LMI households.

A buyout program that merely pays homeowners to leave their existing homes

does not guarantee that those homeowners will occupy a new residential structure. Therefore, acquisition-only buyout programs cannot satisfy the LMH national objective criteria.

To meet a national objective that benefits a LMI person, buyout programs can be structured in one of the following ways:

(1) The buyout activity combines the acquisition of properties with another direct benefit—LMI housing activity, such as down payment assistance—that results in occupancy and otherwise meets the applicable LMH national objective criteria;

(2) The activity meets the low- and moderate-income area (LMA) benefit criteria and documents that the acquired properties will have a use that benefits all the residents in a particular area that is primarily residential, where at least 51 percent of the residents are LMI persons. Grantees covered by the "exception criteria" as described in section IV.C. of the Consolidated Notice may apply it to these activities. To satisfy LMA criteria, grantees must define the service area based on the end use of the buyout properties; or

(3) The program meets the criteria for the low- and moderate-income limited clientele (LMC) national objective by restricting buyout program eligibility to exclusively LMI persons and benefiting LMI sellers by acquiring their properties for more than current fair market value (in accordance with the valuation requirements in section II.B.7.a.(vi)).

II.B.10. For LMI Safe Housing Incentive (LMHI). The following alternative requirement establishes new LMI national objective criteria that apply to safe housing incentive (LMHI) activities that benefit LMI households. HUD has determined that providing CDBG—DR grantees with an additional method to demonstrate how safe housing incentive activities benefit LMI households will ensure that grantees and HUD can account for and assess the benefit that CDBG—DR assistance for these activities has on LMI households.

The LMHI national objective may be used when a grantee uses CDBG—DR funds to carry out a safe housing incentive activity that benefits one or more LMI persons. To meet the LMHI national objective, the incentive must be (a.) tied to the voluntary acquisition of housing (including buyouts) owned by a qualifying LMI household and made to induce a move outside of the affected floodplain or disaster risk reduction area to a lower-risk area or structure; or (b.) for the purpose of providing or improving residential structures that, upon completion, will be occupied by a qualifying LMI household and will be in a lower risk area.

II.B.11. Redevelopment of acquired properties. Although properties acquired through a buyout program may not be redeveloped, grantees may redevelop other acquired properties. For non-buyout acquisitions, HUD has not permitted the grantee to base acquisition cost on predisaster fair market value. The acquisition cost must comply with applicable cost principles and with the acquisition requirements at 49 CFR 24, Subpart B, as revised by the Consolidated Notice waivers

and alternative requirements. In addition to the purchase price, grantees may opt to provide optional relocation assistance, as allowable under section 104 and 105 of the HCDA (42 U.S.C. 5304 and 42 U.S.C. 5305) and 24 CFR 570.606(d), and as expanded by section IV.F.5. of the Consolidated Notice, to the owner of a property that will be redeveloped if: (a.) the property is purchased by the grantee or subrecipient through voluntary acquisition; and (b.) the owner's need for additional assistance is documented. Any optional relocation assistance must provide equal relocation assistance within each class of displaced persons, including but not limited to providing reasonable accommodation exceptions to persons with disabilities. See 24 CFR 570.606(d) for more information on optional relocation assistance. In addition, tenants displaced by these voluntary acquisitions may be eligible for URA relocation assistance. In carrying out acquisition activities, grantees must ensure they are in compliance with the long-term redevelopment plans of the community in which the acquisition and redevelopment is to occur.

II.B.12. Alternative requirement for housing rehabilitation—assistance for second homes. HUD is instituting an alternative requirement to the rehabilitation provisions at 42 U.S.C. 5305(a)(4) as follows: properties that served as second homes at the time of the disaster, or following the disaster, are not eligible for rehabilitation assistance or safe housing incentives. This prohibition does not apply to acquisitions that meet the definition of a buyout. A second home is defined for purposes of the Consolidated Notice as a home that is not the primary residence of the owner, a tenant, or any occupant at the time of the disaster or at the time of application for CDBG-DR assistance. Grantees can verify a primary residence using a variety of documentation including, but not limited to, voter registration cards, tax returns, homestead exemptions, driver's licenses, and rental agreements. Acquisition of second homes at post-disaster fair market value is not prohibited.

II.C. Infrastructure (Public Facilities, Public Improvements), Match, and Elevation of Non-Residential Structures

HUD is adopting an alternative requirement to require grantees to adhere to the applicable construction standards and requirements in II.C.1., II.C.2. and II.C.4., which apply only to those eligible activities described in those paragraphs.

II.C.1. Infrastructure planning and design. All newly constructed infrastructure that is assisted with CDBG–DR funds must be designed and constructed to withstand extreme weather events and the impacts of climate change. To satisfy this requirement, the grantee must identify and implement resilience performance metrics as described in section II.A.2.

For purposes of this requirement, an infrastructure activity includes any activity or group of activities (including acquisition or site or other improvements), whether carried out on public or private land, that assists the development of the physical assets that are designed to provide or support

services to the general public in the following sectors: Surface transportation, including roadways, bridges, railroads, and transit; aviation; ports, including navigational channels; water resources projects; energy production and generation, including from renewable, nuclear, and hydro sources; electricity transmission; broadband; pipelines; stormwater and sewer infrastructure; drinking water infrastructure; schools, hospitals, and housing shelters; and other sectors as may be determined by the Federal Permitting Improvement Steering Council. For purposes of this requirement, an activity that falls within this definition is an infrastructure activity regardless of whether it is carried out under sections 105(a)(2), 105(a)(4), 105(a)(14), another section of the HCDA, or a waiver or alternative requirement established by HUD. Action plan requirements related to infrastructure activities are found in section III.C.1.e. of the Consolidated Notice.

II.C.2. Elevation of nonresidential structure. Nonresidential structures, including infrastructure, assisted with CDBG-DR funds must be elevated to the standards described in this paragraph or floodproofed, in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above the 100-year (or one percent annual chance) floodplain. All Critical Actions, as defined at 24 CFR 55.2(b)(3), within the 500-year (or 0.2 percent annual chance) floodplain must be elevated or floodproofed (in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(2)-(3) or successor standard) to the higher of the 500-year floodplain elevation or three feet above the 100-year floodplain elevation. If the 500-year floodplain or elevation is unavailable, and the Critical Action is in the 100-year floodplain, then the structure must be elevated or floodproofed at least three feet above the 100-year floodplain elevation. Activities subject to elevation requirements must comply with applicable federal accessibility mandates.

In addition to the other requirements in this section, the grantee must comply with applicable state, local, and tribal codes and standards for floodplain management, including elevation, setbacks, and cumulative substantial damage requirements. Grantees using CDBG–DR funds as the non-Federal match in a FEMA-funded project may apply the alternative requirement for the elevation of structures described in section IV.D.5.

II.C.3. CDBG-DR funds as match. As provided by the HCDA, grant funds may be used to satisfy a match requirement, share, or contribution for any other Federal program when used to carry out an eligible CDBG-DR activity. This includes programs or activities administered by the FEMA or the U.S. Army Corps of Engineers (USACE). By law, (codified in the HCDA as a note to section 105(a)) only \$250,000 or less of CDBG-DR funds may be used for the non-Federal costshare of any project funded by USACE. Appropriations acts prohibit the use of CDBG-DR funds for any activity reimbursable by, or for which funds are also made available by FEMA or USACE.

In response to a disaster, FEMA may implement, and grantees may elect to follow, alternative procedures for FEMA's Public Assistance Program, as authorized pursuant to section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"). Like other projects, grantees may use CDBG-DR funds as a matching requirement, share, or contribution for section 428 Public Assistance Projects. For all match activities, grantees must document that CDBG-DR funds have been used for the actual costs incurred for the assisted project and for costs that are eligible, meet a national objective, and meet other applicable CDBG requirements.

II.C.4. Requirements for flood control structures. Grantees that use CDBG-DR funds to assist flood control structures (i.e., dams and levees) are prohibited from using CDBG-DR funds to enlarge a dam or levee beyond the original footprint of the structure that existed before the disaster event, without obtaining pre-approval from HUD and any Federal agencies that HUD determines are necessary based on their involvement or potential involvement with the levee or dam. Grantees that use CDBG–DR funds for levees and dams are required to: (1) register and maintain entries regarding such structures with the USACE National Levee Database or National Inventory of Dams: (2) ensure that the structure is admitted in the USACE PL 84-99 Program (Levee Rehabilitation and Inspection Program); (3) ensure the structure is accredited under the FEMA National Flood Insurance Program; (4) enter the exact location of the structure and the area served and protected by the structure into the DRGR system; and (5) maintain file documentation demonstrating that the grantee has conducted a risk assessment before funding the flood control structure and documentation that the investment includes risk reduction measures.

II.D. Economic Revitalization and Section 3 Requirements on Economic Opportunities

CDBG-DR funds can be used for CDBG-DR eligible activities related to economic revitalization. The attraction, retention, and return of businesses and jobs to a disasterimpacted area is critical to long-term recovery. Accordingly, for CDBG-DR purposes, economic revitalization may include any CDBG-DR eligible activity that demonstrably restores and improves the local economy through job creation and retention or by expanding access to goods and services. The most common CDBG-DR eligible activities to support economic revitalization are outlined in 24 CFR 570.203 and 570.204 and sections 105(a)(14), (15), and (17) of the HCDA.

Based on the U.S. Change Research Program's Fourth National Climate Assessment, climate-related natural hazards, extreme events, and natural disasters disproportionately affect LMI individuals who belong to underserved communities because they are less able to prepare for, respond to, and recover from the impacts of extreme events and natural hazards, or are members of communities that have experienced significant disinvestment and historic discrimination. Therefore, HUD is imposing the following alternative

requirement: When funding activities under section 105(a) of the HCDA that support economic revitalization, grantees must prioritize those underserved communities that have been impacted by the disaster and that were economically distressed before the disaster, as described further below in II.D.1.

The term "underserved communities" refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. Underserved communities that were economically distressed before the disaster include, but are not limited to, those areas that were designated as a Promise Zone, Opportunity Zone, a Neighborhood Revitalization Strategy Area, a tribal area, or those areas that meet at least one of the distress criteria established for the designation of an investment area of Community Development Financial Institution at 12 CFR 1805.201(b)(3)(ii)(D).

Grantees undertaking an economic revitalization activity must maintain supporting documentation to demonstrate how the grantee has prioritized underserved communities for purposes of its activities that support economic revitalization, as described below in II.D.1.

II.D.1. Prioritizing economic revitalization assistance—alternative requirement. When funding activities outlined in 24 CFR 570.203 and 570.204 and sections 105(a)(14), (15), and (17) of the HCDA, HUD is instituting an alternative requirement in addition to the other requirements in these provisions to require grantees to prioritize assistance to disaster-impacted businesses that serve underserved communities and spur economic opportunity for underserved communities that were economically distressed before the disaster.

II.D.2. National objective documentation for activities that support economic revitalization. 24 CFR 570.208(a)(4)(i)&(ii), 24 CFR 570.483(b)(4)(i)&(ii), 24 CFR 570.506(b)(5)&(6), and 24 CFR 1003.208(d) are waived to allow the grantees under the Consolidated Notice to identify the LMI jobs benefit by documenting, for each person employed, the name of the business, type of job, and the annual wages or salary of the job. HUD will consider the person incomequalified if the annual wages or salary of the job is at or under the HUD-established income limit for a one-person family. This method replaces the standard CDBG requirement—in which grantees must review the annual wages or salary of a job in comparison to the person's total household income and size (i.e., the number of persons). Thus, this method streamlines the documentation process by allowing the collection of wage data for each position created or retained from the assisted businesses, rather than from each individual household.

II.D.3. Public benefit for activities that support economic revitalization. When applicable, the public benefit provisions set standards for individual economic development activities (such as a single loan to a business) and for the aggregate of all economic development activities. Economic

development activities support economic revitalization. Currently, public benefit standards limit the amount of CDBG assistance per job retained or created, or the amount of CDBG assistance per LMI person to whom goods or services are provided by the activity. These dollar thresholds can impede recovery by limiting the amount of assistance the grantee may provide to a critical activity.

HUD waives the public benefit standards at 42 U.S.C. 5305(e)(3), 24 CFR 570.482(f)(1), (2), (3), (4)(i), (5), and (6), and 570.209(b)(1), (2), (3)(i), (4), and 24 CFR 1003.302(c) for all economic development activities. Paragraph (g) of 24 CFR 570.482 and paragraph (c) and (d) under 570.209 are also waived to the extent these provisions are related to public benefit. However, grantees that choose to take advantage of this waiver in lieu of complying with public benefit standards under the existing regulatory requirements shall be subject to the following condition: grantees shall collect and maintain documentation in the project file on the creation and retention of total jobs; the number of jobs within appropriate salary ranges, as determined by the grantee; the average amount of assistance provided per job, by activity or program; and the types of jobs. Additionally, grantees shall report the total number of jobs created and retained and the applicable national objective in the DRGR system.

II.D.4. Clarifying note on Section 3 worker eligibility and documentation requirements. Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (section 3) applies to CDBG-DR activities that are section 3 projects, as defined at 24 CFR 75.3(a)(2). The purpose of section 3 is to ensure that economic opportunities, most importantly employment, generated by certain HUD financial assistance shall be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing or residents of the community in which the Federal assistance is spent. CDBG–DR grantees are directed to HUD's guidance published in CPD Notice 2021-09, "Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1992, final rule requirements for CDBG, CDBG-CV, CDBG-DR, CDBG-Mitigation (CDBG-MIT). NSP, section 108, and RHP projects," as amended (https://www.hud.gov/sites/dfiles/ OCHCO/documents/2021-09cpdn.pdf). All direct recipients of CDBG-DR funding must report section 3 information through the DRGR system.

II.D.5. Waiver and modification of the job relocation clause to permit assistance to help a business return. CDBG requirements prevent program participants from providing assistance to a business to relocate from one labor market area to another if the relocation is likely to result in a significant loss of jobs in the labor market from which the business moved. This prohibition can be a critical barrier to reestablishing and rebuilding a displaced employment base after a major disaster. Therefore, 42 U.S.C. 5305(h), 24 CFR 570.210, 24 CFR 570.482(h), and 24 CFR 1003.209, are waived to allow a grantee to provide assistance to any business that was

operating in the disaster-declared labor market area before the incident date of the applicable disaster and has since moved, in whole or in part, from the affected area to another state or to another labor market area within the same state to continue business.

II.D.6. Underwriting. Notwithstanding section 105(e)(1) of the HCDA, no CDBG-DR funds may be provided to a for-profit entity for an economic development project under section 105(a)(17) of the HCDA unless such project has been evaluated and selected in accordance with guidelines developed by HUD pursuant to section 105(e)(2) of the HCDA for evaluating and selecting economic development projects. Grantees and their subrecipients are required to comply with the underwriting guidelines in Appendix A to 24 CFR part 570 if they are using grant funds to provide assistance to a for-profit entity for an economic development project under section 105(a)(17) of the HCDA. The underwriting guidelines are found at Appendix A of 24 CFR part 570.

II.D.7. Limitation on use of funds for eminent domain. CDBG-DR funds may not be used to support any Federal, state, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For purposes of this paragraph, public use shall not be construed to include economic development that primarily benefits private entities. The following shall be considered a public use for the purposes of eminent domain: any use of funds for (1) mass transit, railroad, airport, seaport, or highway projects; (2) utility projects that benefit or serve the general public, including energy related, communication-related, water related, and wastewater-related infrastructure; (3) other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government; and (4) projects for the removal of an immediate threat to public health and safety, including the removal of a brownfield as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107-

III. Grant Administration

III.A. Pre-Award Evaluation of Management and Oversight of Funds

III.A.1. Certification of financial controls and procurement processes, and adequate procedures for proper grant management. Appropriations acts require that the Secretary certify that the grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Stafford Act, 42 U.S.C. 5155, to ensure timely expenditure of funds, to maintain a comprehensive website regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds.

III.A.1.a. Documentation requirements. To enable the Secretary to make this certification, each grantee must submit to HUD the certification documentation listed below. This information must be submitted within 60 days of the applicability date of the

Allocation Announcement Notice, or with the grantee's submission of its action plan in DRGR as described in section III.C.1, whichever date is earlier. If required by appropriations acts, grant agreements will not be executed until the Secretary has issued a certification for the grantee. For each of the items (1) through (6) below (collectively referred to as the "Financial Management and Grant Compliance Certification Requirements") the grantee must certify to the accuracy of its submission when submitting the Financial Management and Grant Compliance Certification Checklist (the "Certification Checklist"). The Certification Checklist is a document that incorporates all of the Financial Management and Grant Compliance Certification Requirements. Not all of the requirements in (1) through (6) below are appropriate or applicable to Indian tribes. Therefore, Indian tribes that receive an allocation directly from HUD may request an alternative method to document support for the Secretary's certification.

- (1) Proficient financial management controls. A grantee has proficient financial management controls if each of the following criteria is satisfied:
- (a) The grantee agency administering this grant submits its most recent single audit and consolidated annual financial report (CAFR), which in HUD's determination indicates that the grantee has no material weaknesses, deficiencies, or concerns that HUD considers to be relevant to the financial management of CDBG, CDBG—DR, or CDBG—MIT funds. If the single audit or CAFR identified weaknesses or deficiencies, the grantee must provide documentation satisfactory to HUD showing how those weaknesses have been removed or are being addressed.
- (b) The grantee has completed and submitted the certification documentation required in the applicable Certification Checklist. The grantee's documentation must demonstrate that the standards meet the requirements in the Consolidated Notice and the Certification Checklist.
- (2) Each grantee must provide HUD its procurement processes for review, so HUD may evaluate the grantee's processes to determine that they are based on principles of full and open competition. A grantee's procurement processes must comply with the procurement requirements at section IV.B.
- (a) A state grantee has proficient procurement processes if HUD determines that its processes uphold the principles of full and open competition and include an evaluation of the cost or price of the product or service, and if its procurement processes reflect that it:
 - (i) adopted 2 CFR 200.318 through 200.327;
- (ii) follows its own state procurement policies and procedures and establishes requirements for procurement processes for local governments and subrecipients based on full and open competition pursuant to 24 CFR 570.489(g), and the requirements for the state, its local governments, and subrecipients include evaluation of the cost or price of the product or service; or
- (iii) adopted 2 CFR 200.317, meaning that it will follow its own state procurement processes and evaluate the cost or price of

- the product or service, but impose 2 CFR 200.318 through 200.327 on its subrecipients.
- (b) A local government grantee has proficient procurement processes if the processes are consistent with the specific applicable procurement standards identified in 2 CFR 200.318 through 200.327. When the grantee provides a copy of its procurement processes, it must indicate the sections that incorporate these provisions.
- (c) An Indian tribe grantee has proficient procurement processes if its procurement standards are consistent with procurement requirements in 2 CFR part 200 imposed by 24 CFR 1003.501, and additional procurement requirements in 1003.509(e) and 1003.510.
- (3) Duplication of benefits. A grantee has adequate policies and procedures to prevent the duplication of benefits (DOB) if the grantee submits and identifies a uniform process that reflects the requirements in section IV.A of the Consolidated Notice, including:
- (a) determining all disaster assistance received by the grantee or applicant and all reasonably identifiable financial assistance available to the grantee or applicant, as applicable, before committing funds or awarding assistance;
- (b) determining a grantee's or an applicant's unmet need(s) for CDBG–DR assistance before committing funds or awarding assistance; and
- (c) requiring beneficiaries to enter into a signed agreement to repay any duplicative assistance if they later receive additional assistance for the same purpose for which the CDBG-DR award was provided. The grantee must identify a method to monitor compliance with the agreement for a reasonable period (i.e., a time period commensurate with risk) and must articulate this method in its policies and procedures, including the basis for the period during which the grantee will monitor compliance. This agreement must also include the following language: "Warning: Any person who knowingly makes a false claim or statement to HUD or causes another to do so may be subject to civil or criminal penalties under 18 U.S.C. 2, 287, 1001 and 31 U.S.C. 3729.

Policies and procedures of the grantee submitted to support the certification must provide that before the award of assistance, the grantee will use the best, most recent available data from FEMA, the Small Business Administration (SBA), insurers, and any other sources of local, state, and Federal sources of funding to prevent the duplication of benefits.

(4) Timely expenditures. A grantee has adequate policies and procedures to determine timely expenditures if it submits policies and procedures that indicate the following to HUD: how it will track and document expenditures of the grantee and its subrecipients (both actual and projected reported in performance reports); how it will account for and manage program income; how it will reprogram funds in a timely manner for activities that are stalled; and how it will project expenditures of all CDBG–DR funds within the period provided for in section V.A.

- (5) Comprehensive disaster recovery website. A grantee has adequate policies and procedures to maintain a comprehensive accessible website if it submits policies and procedures indicating to HUD that the grantee will have a separate web page dedicated to its disaster recovery activities assisted with CDBG–DR funds that includes the information described at section III.D.1.d.—e. The procedures must also indicate the frequency of website updates. At minimum, grantees must update their website quarterly.
- (6) Procedures to detect and prevent fraud, waste, and abuse. A grantee has adequate procedures to detect and prevent fraud, waste, and abuse if it submits procedures that indicate:
- (a) how the grantee will verify the accuracy of information provided by applicants;
- (b) the criteria to be used to evaluate the capacity of potential subrecipients;
- (c) the frequency with which the grantee will monitor other agencies of the grantee that will administer CDBG—DR funds, and how it will monitor subrecipients, contractors, and other program participants, and why monitoring is to be conducted and which items are to be monitored;
- (d) it has or will hire an internal auditor that provides both programmatic and financial oversight of grantee activities, and has adopted policies that describes the auditor's role in detecting fraud, waste, and abuse, which policies must be submitted to HUD:
- (e) (i) for states or grantees subject to the same requirements as states, a written standard of conduct and conflicts of interest policy that complies with the requirements of 24 CFR 570.489(g) and (h) and subparagraph III.A.1.a(2)(a) of the Consolidated Notice, which policy includes the process for promptly identifying and addressing such conflicts;
- (ii) for units of general local government or grantees subject to the same requirements as units of general local government, a written standard of conduct and conflicts of interest policy that complies with 24 CFR 570.611 and 2 CFR 200.318, as applicable, which includes the process for promptly identifying and addressing such conflicts;
- (iii) for Indian tribes, a written standard of conduct and conflicts of interest policy that complies with 24 CFR 1003.606, as applicable; and
- (f) it assists in investigating and taking action when fraud occurs within the grantee's CDBG–DR activities and/or programs. All grantees receiving CDBG–DR funds for the first time shall attend and require subrecipients to attend fraud related training provided by HUD OIG, when offered, to assist in the proper management of CDBG–DR grant funds. Instances of fraud, waste, and abuse should be referred to the HUD OIG Fraud Hotline (phone: 1–800–347–3735 or email: hotline@hudoig.gov).

Following a disaster, property owners and renters are frequently the targets of persons fraudulently posing as government employees, creditors, mortgage servicers, insurance adjusters, and contractors. The grantee's procedures must address how the grantee will make CDBG–DR beneficiaries

aware of the risks of contractor fraud and other potentially fraudulent activity that can occur in communities recovering from a disaster. Grantees must provide CDBG-DR beneficiaries with information that raises awareness of possible fraudulent activity, how the fraud can be avoided, and what local or state agencies to contact to take action and protect the grantee and beneficiary investment. The grantee's procedures must address the steps it will take to assist a CDBG-DR beneficiary if the beneficiary experiences contractor or other fraud. If the beneficiary is eligible for additional assistance as a result of the fraudulent activity and the creation of remaining unmet need, the procedures must also address what steps the grantee will follow to provide the additional assistance.

III.A.1.b. Relying on prior submissionsfinancial management and grant compliance certification requirements. This section only applies once a grantee has received a CDBG-DR grant through an Allocation Announcement Notice that makes the Consolidated Notice applicable. After that original grant, if a CDBG-DR grantee is awarded a subsequent CDBG-DR grant, HUD will rely on the grantee's prior submissions provided in response to the Financial Management and Grant Compliance Certification Requirements in the Consolidated Notice. HUD will continue to monitor the grantee's submissions and updates made to policies and procedures during the normal course of business. The grantee must notify HUD of any substantial changes made to these submissions.

If a CDBG–DR grantee is awarded a subsequent CDBG-DR grant, and it has been more than three years since the executed grant agreement for the original CDBG-DR grant or a subsequent grant is equal to or greater than ten times the amount of the original CDBG-DR grant, grantees must update and resubmit the documentation required by paragraph III.A.1.a. with the completed Certification Checklist to enable the Secretary to certify that the grantee has in place proficient financial controls and procurement processes, and adequate procedures for proper grant management. However, the Secretary may require any CDBG-DR grantee to update and resubmit the documentation required by paragraph III.A.1.a., if there is good cause to require it.

III.A.2. Implementation plan. HUD requires each grantee to demonstrate that it has sufficient capacity to manage the CDBG—DR funds and the associated risks. Grantees must evidence their management capacity through their implementation plan submissions. These submissions must meet the criteria below and must be submitted within 120 days of the applicability date of the governing Allocation Announcement Notice or with the grantee's submission of its action plan, whichever is earlier, unless the grantee has requested, and HUD has approved an extension of the submission deadline.

III.A.2.a. To enable HUD to assess risk as described in 2 CFR 200.206, the grantee will submit an implementation plan to HUD. The implementation plan must describe the grantee's capacity to carry out the recovery and how it will address any capacity gaps.

HUD will determine that the grantee has sufficient management capacity to adequately reduce risk if the grantee submits implementation plan documentation that addresses (1) through (3) below:

(1) Capacity assessment. The grantee identifies the lead agency responsible for implementation of the CDBG–DR award and indicates that the head of that agency will report directly to the chief executive officer of the jurisdiction. The grantee has conducted an assessment of its capacity to carry out CDBG–DR recovery efforts and has developed a timeline with milestones describing when and how the grantee will address all capacity gaps that are identified. The assessment must include a list of any open CDBG–DR findings and an update on the corrective actions undertaken to address each finding.

(2) Staffing. The grantee must submit an organizational chart of its department or division and must also provide a table that clearly indicates which personnel or organizational unit will be responsible for each of the Financial Management and Grant Compliance Certification Requirements identified in section III.A.1.a. along with staff contact information, if available (i.e., personnel responsible for conducting DOB analysis, timely expenditure, website management, monitoring and compliance, and financial management). The grantee must also submit documentation demonstrating that it has assessed staff capacity and identified positions for the purpose of: case management in proportion to the applicant population; program managers who will be assigned responsibility for each primary recovery area; staff who have demonstrated experience in housing, infrastructure (as applicable), and economic revitalization (as applicable); staff responsible for procurement/contract management, regulations implementing section 3 of the Housing and Urban Development Act of 1968, as amended (24 CFR part 75) (section 3), fair housing compliance, and environmental compliance. An adequate plan must also demonstrate that the internal auditor and responsible audit staff report independently to the chief elected or executive officer or board of the governing body of any designated administering entity.

The grantee's implementation plan must describe how it will provide technical assistance for any personnel that are not employed by the grantee at the time of action plan submission, and to fill gaps in knowledge or technical expertise required for successful and timely recovery. State grantees must also include how it plans to provide technical assistance to subgrantees and subrecipients, including units of general local government.

(3) Internal and interagency coordination. The grantee's plan must describe how it will ensure effective communication between different departments and divisions within the grantee's organizational structure that are involved in CDBG—DR-funded recovery efforts, mitigation efforts, and environmental review requirements, as appropriate; between its lead agency and subrecipients responsible for implementing the grantee's action plan; and with other local and regional planning

efforts to ensure consistency. The grantee's submissions must demonstrate how it will consult with other relevant government agencies, including the State Hazard Mitigation Officer (SHMO), State or local Disaster Recovery Coordinator, floodplain administrator, and any other state and local emergency management agencies, such as public health and environmental protection agencies, that have primary responsibility for the administration of FEMA or USACE funds.

III.A.2.b. Relying on prior submissions—Implementation plan. This section only applies once a grantee has received a CDBG—DR grant through an Allocation Announcement Notice that makes the Consolidated Notice applicable. After that original grant, if a CDBG—DR grantee is awarded a subsequent CDBG—DR grant, HUD will rely on the grantee's implementation plan submitted for its original CDBG—DR grant unless it has been more than three years since the executed grant agreement for the original CDBG—DR grant or the subsequent grant is equal to or greater than ten times the amount of its original CDBG—DR grant.

If a CDBG—DR grantee is awarded a subsequent CDBG—DR grant, and it has been more than three years since the executed grant agreement for its original CDBG—DR grant or a subsequent grant is equal to or greater than ten times the amount of the original CDBG—DR grant, the grantee is to update and resubmit its implementation plan to reflect any changes to its capacity, staffing, and coordination.

III.B. Administration, Planning, and Financial Management

III.B.1. Grant administration and planning. III.B.1.a. Grantee responsibilities. Each grantee shall administer its award in compliance with all applicable laws and regulations and shall be financially accountable for the use of all awarded funds. CDBG—DR grantees must comply with the recordkeeping requirements of 24 CFR 570.506 and 24 CFR 570.490, as amended by the Consolidated Notice waivers and alternative requirements. All grantees must maintain records of performance in DRGR, as described elsewhere in the Consolidated Notice.

III.B.1.b. Grant administration cap. Up to five percent of the grant (plus five percent of program income generated by the grant) can be used for administrative costs by the grantee, units of general local government, or subrecipients. Thus, the total of all costs classified as administrative for a CDBG–DR grant must be less than or equal to the five percent cap (plus five percent of program income generated by the grant). The cap for administrative costs is subject to the combined technical assistance and administrative cap for state grantees as discussed in section III.B.2.a.

III.B.1.c. Use of funds for administrative costs across multiple grants. The Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Pub. L. 116–20) authorized special treatment for eligible administrative costs for grantees that received awards under Public Laws 114–113, 114–223, 114–254, 115–31, 115–56, 115–123, 115–254, 116–20, or any future act. The Consolidated Notice

permits grantees to use eligible administrative funds (up to five percent of each grant award plus up to five percent of program income generated by the grant) for the cost of administering any of these grants awarded under the identified Public Laws (including future Acts) without regard to the particular disaster appropriation from which such funds originated. To exercise this authority, the grantee must ensure that it has appropriate financial controls to guarantee that the amount of grant administration expenditures for each of the aforementioned grants will not exceed five percent of the total grant award for each grant (plus five percent of program income generated by the grant). The grantee must review and modify any financial management policies and procedures regarding the tracking and accounting of administration costs as necessarv

III.B.1.d. *Planning expenditures cap*. Both state and local government grantees are limited to spending a maximum of fifteen percent of their total grant amount on planning costs. Planning costs subject to the 15 percent cap are those defined in 42 U.S.C. 5305(a)(12) and more broadly in 24 CFR 570.205.

III.B.2. State grantees only.

III.B.2.a. Combined technical assistance and administrative cap (state grantees only). The provisions of 42 U.S.C. 5306(d) and 24 CFR 570.489(a)(1)(i) and (iii), and 24 CFR 570.489(a)(2) shall not apply to the extent that they cap administration and technical assistance expenditures, limit a state's ability to charge a nominal application fee for grant applications for activities the state carries out directly, and require a dollar-for-dollar match of state funds for administrative costs exceeding \$100,000. 42 U.S.C. 5306(d)(5) and (6) are waived and replaced with the alternative requirement that the aggregate total for administrative and technical assistance expenditures must not exceed five percent of the grant, plus five percent of program income generated by the grant.

III.B.2.b. Planning-only activities (state grantees only). The State CDBG Program requires that, for planning-only grants, local government grant recipients must document that the use of funds meets a national objective. In the CDBG Entitlement Program, these more general planning activities are presumed to meet a national objective under the requirements at 24 CFR 570.208(d)(4). HUD notes that almost all effective recoveries in the past have relied on some form of areawide or comprehensive planning activity to guide overall redevelopment independent of the ultimate source of implementation funds. To assist state grantees, HUD is waiving the requirements at 24 CFR 570.483(b)(5) and (c)(3), which limit the circumstances under which the planning activity can meet a lowand moderate-income or slum-and-blight national objective. Instead, as an alternative requirement, 24 CFR 570.208(d)(4) applies to states when funding disaster recoveryassisted, planning-only grants, or when directly administering planning activities that guide disaster recovery. In addition, 42 U.S.C. 5305(a)(12) is waived to the extent necessary so the types of planning activities that states may fund or undertake are

expanded to be consistent with those of CDBG Entitlement grantees identified at 24 CFR 570.205.

III.B.2.c. Direct grant administration and means of carrying out eligible activities (state grantees only). Requirements at 42 U.S.C. 5306(d) are waived to allow a state to use its disaster recovery grant allocation directly to carry out state-administered activities eligible under the Consolidated Notice, rather than distribute all funds to local governments. Pursuant to this waiver and alternative requirement, the standard at 24 CFR 570.480(c) and the provisions at 42 U.S.C. 5304(e)(2) will also include activities that the state carries out directly. Activities eligible under the Consolidated Notice may be carried out by a state, subject to state law and consistent with the requirement of 24 CFR 570.200(f), through its employees, through procurement contracts, or through assistance provided under agreements with subrecipients. State grantees continue to be responsible for civil rights, labor standards, and environmental protection requirements, for compliance with 24 CFR 570.489(g) and (h), and subparagraph III.A.1.a.(2)(a) of the Consolidated Notice relating to conflicts of interest, and for compliance with 24 CFR 570.489(m) relating to monitoring and management of subrecipients.

A state grantee may also carry out activities in tribal areas. A state must coordinate with the Indian tribe with jurisdiction over the tribal area when providing CDBG–DR assistance to beneficiaries in tribal areas. State grantees carrying out projects in tribal areas, either directly or through its employees, through procurement contracts, or through assistance provided under agreements with subrecipients, must obtain the consent of the Indian tribe with jurisdiction over the tribal area to allow the state grantee to carry out or to fund CDBG–DR projects in the area.

III.B.2.d. Waiver and alternative requirement for distribution to CDBG metropolitan cities and urban counties (state grantees only). 42 U.S.C. 5302(a)(7) (definition of "nonentitlement area") and related provisions of 24 CFR part 570, including 24 CFR 570.480, are waived to permit state grantees to distribute CDBG—DR funds to units of local government and Indian tribes.

III.B.2.e. Use of subrecipients (state grantees only). Paragraph III.B.2.c. provides a waiver and alternative requirement that a state may carry out activities directly, including through assistance provided under agreements with subrecipients. Therefore, when states carry out activities directly through subrecipients, the following alternative requirements apply: the state is subject to the definition of subrecipients at 24 CFR 570.500(c) and must adhere to the requirements for agreements with subrecipients at 24 CFR 570.503. Additionally, 24 CFR 570.503(b)(4) is modified to require the subrecipient to comply with applicable uniform requirements, as described in 24 CFR 570.502, except that the subrecipient shall follow procurement requirements imposed by the state in accordance with subparagraph III.A.1.a.(2) of the Consolidated Notice. When 24 CFR 570.503 applies, notwithstanding 24 CFR 570.503(b)(5)(i), units of general local government that are subrecipients are defined as recipients under 24 CFR part 58 and are therefore responsible entities that assume environmental review responsibilities, as described in III.F.5. Grantees are reminded that they are responsible for providing on-going oversight and monitoring of subrecipients and are ultimately responsible for subrecipient compliance with all CDBG–DR requirements.

III.B.2.f. Recordkeeping (state grantees only). When a state carries out activities directly, 24 CFR 570.490(b) is waived and the following alternative provision shall apply: a state grantee shall establish and maintain such records as may be necessary to facilitate review and audit by HUD of the state's administration of CDBG-DR funds, under 24 CFR 570.493 and reviews and audits by the state under III.B.2.h. Consistent with applicable statutes, regulations, waivers and alternative requirements, and other Federal requirements, the content of records maintained by the state shall be sufficient to: (a) enable HUD to make the applicable determinations described at 24 CFR 570.493; (b) make compliance determinations for activities carried out directly by the state; and (c) show how activities funded are consistent with the descriptions of activities proposed for funding in the action plan and/ or DRGR system. For fair housing and equal opportunity purposes, and as applicable, such records shall include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the program.

III.B.2.g. Change of use of real property (state grantees only). This alternative requirement conforms the change of use of real property rule to the waiver allowing a state to carry out activities directly. For purposes of these grants, all references to "unit of general local government" in 24 CFR 570.489(j), shall be read as "state, local governments, or Indian tribes (either as subrecipients or through a method of distribution), or other state subrecipient."

III.B.2.h. Responsibility for review and handling of noncompliance (state grantees only). This change is in conformance with the waiver allowing a state to carry out activities directly. 24 CFR 570.492 is waived, and the following alternative requirement applies for any state receiving a direct award: the state shall make reviews and audits, including on-site reviews of any local governments or Indian tribes (either as subrecipients or through a method of distribution) designated public agencies, and other subrecipients, as may be necessary or appropriate to meet the requirements of section 104(e)(2) of the HCDA, as amended, and as modified by the Consolidated Notice. In the case of noncompliance with these requirements, the state shall take such actions as may be appropriate to prevent a continuance of the deficiency, mitigate any adverse effects or consequences, and prevent a recurrence. The state shall establish remedies for noncompliance by any subrecipients, designated public agencies, or local governments.

III.B.2.i. Consultation (state grantees only). Currently, the HCDA and regulations require

a state grantee to consult with affected local governments in nonentitlement areas of the state in determining the state's proposed method of distribution. HUD is waiving 42 U.S.C. 5306(d)(2)(C)(iv), 42 U.S.C. 5306(d)(2)(D), 24 CFR 91.325(b)(2), and 24 CFR 91.110, and imposing an alternative requirement that states receiving an allocation of CDBG-DR funds consult with all disaster-affected local governments (including any CDBG-entitlement grantees), Indian tribes, and any public housing authorities in determining the use of funds. This approach ensures that a state grantee sufficiently assesses the recovery needs of all areas affected by the disaster.

III.C. Action Plan for Disaster Recovery Waiver and Alternative Requirement

Requirements for CDBG actions plans, located at 42 U.S.C. 5304(a)(1), 42 U.S.C. 5304(m), 42 U.S.C. 5306(a)(1), 42 U.S.C. 5306(d)(2)(C)(iii), 42 U.S.C. 12705(a)(2), and 24 CFR 91.220 and 91.320, are waived for CDBG-DR grants. Instead, grantees must submit to HUD an action plan for disaster recovery which will describe programs and activities that conform to applicable requirements as specified in the Consolidated Notice and the applicable Allocation Announcement Notice. HUD will monitor the grantee's actions and use of funds for consistency with the plan, as well as meeting the performance and timeliness objectives therein. The Secretary will disapprove all action plans that are substantially incomplete if it is determined that the plan does not satisfy all of the required elements identified in the Consolidated Notice and the applicable Allocation Announcement Notice.

III.C.1. Action plan. The grantee's action plan must identify the use of all fundsincluding criteria for eligibility and how the uses address long-term recovery needs, restoration of infrastructure and housing, economic revitalization, and the incorporation of mitigation measures in the MID areas. HUD created the Public Action Plan in DRGR which is a function that allows grantees to develop and submit their action plans for disaster recovery directly into DRGR. Grantees must use HUD's Public Action Plan in DRGR to develop all CDBG– DR action plans and substantial amendments submitted to HUD for approval. The Public Action Plan is different from the DRGR Action Plan, which is a comprehensive description of projects and activities in

The grantee must describe the steps it will follow to make the action plan, substantial amendments, performance reports, and other relevant program materials available in a form accessible to persons with disabilities and those with limited English proficiency (LEP). All grantees must include sufficient information in its action plan so that all interested parties will be able to understand and comment on the action plan. The action plan (and subsequent amendments) must include a single chart or table that illustrates, at the most practical level, how all funds are budgeted (e.g., by program, subrecipient, grantee-administered activity, or other category). The grantee must certify, as required by section III.F.7., that activities to

be undertaken with CDBG–DR funds are consistent with its action plan.

The action plan must contain:

III.C.1.a. An impact and unmet needs assessment. Each grantee must develop an impact and unmet needs assessment to understand the type and location of community needs and to target limited resources to those areas with the greatest need. CDBG—DR grantees must conduct an impact and unmet needs assessment to inform the use of the grant. Grantees must cite data sources in the impact and unmet needs assessment. At a minimum, the impact and unmet needs assessment must:

- Evaluate all aspects of recovery including housing (interim and permanent, owner and rental, single family and multifamily, affordable and market rate, and housing to meet the needs of persons who were experiencing homelessness predisaster), infrastructure, and economic revitalization needs, while also incorporating mitigation needs into activities that support recovery as required in section II.A.2.;
- Estimate unmet needs to ensure CDBG-DR funds meet needs that are not likely to be addressed by other sources of funds by accounting for the various forms of assistance available to, or likely to be available to, affected communities (e.g., projected FEMA funds) and individuals (e.g., estimated insurance) and, using the most recent available data, estimating the portion of need unlikely to be addressed by insurance proceeds, other Federal assistance, or any other funding sources;
- Assess whether public services (e.g., housing counseling, legal advice and representation, job training, mental health, and general health services) are necessary to complement activities intended to address housing, infrastructure, and economic revitalization and how those services would need to be made accessible to individuals with disabilities including, but not limited to, mobility, sensory, developmental, emotional, cognitive, and other impairments;
- Describe the extent to which expenditures for planning activities, including the determination of land use goals and policies, will benefit the HUD-identified MID areas, as described in section II.A.3.;
- Describe disaster impacts geographically by type at the lowest level practicable (e.g., county/parish level or lower if available for states, and neighborhood or census tract level for cities); and
- Take into account the costs and benefits of incorporating hazard mitigation measures to protect against the specific identified impacts of future extreme weather events and other natural hazards. This analysis should factor in historical and projected data on risk that incorporates best available science (e.g., the most recent National Climate Assessment).

Disaster recovery needs evolve over time and grantees must amend the impact and unmet needs assessment and action plan as additional needs are identified and additional resources become available. At a minimum, grantees must revisit and update the impact and unmet needs assessment when moving funds from one program to another through a substantial amendment.

III.C.1.b. Connection of programs and projects to unmet needs. The grantee must describe the connection between identified unmet needs and the allocation of CDBG-DR resources. The plan must provide a clear connection between a grantee's impact and unmet needs assessment and its proposed programs and projects in the MID areas (or outside in connection to the MID areas as described in section II.A.3). Such description must demonstrate a reasonably proportionate allocation of resources relative to areas and categories (i.e., housing, economic revitalization, and infrastructure) of greatest needs identified in the grantee's impact and unmet needs assessment or provide an acceptable justification for a disproportional allocation, while also incorporating hazard mitigation measures to reduce the impacts of recurring natural disasters and the long-term impacts of climate change. Grantee action plans may provide for the allocation of funds for administration and planning activities and for public service activities, subject to the caps on such activities as described in the Consolidated Notice.

III.C.1.c. Public housing, affordable rental housing, and housing for vulnerable populations. Each grantee must include a description of how it has analyzed, identified, and will address (with CDBG-DR or other sources) the disaster-related rehabilitation, reconstruction, and new construction needs in the MID-area of the types of housing described below. Specifically, a grantee must assess and describe how it will address unmet needs in the following types of housing, subject to the applicable HUD program requirements: public housing, affordable rental housing (including both subsidized and market rate affordable housing), and housing for vulnerable populations (See section III.C.1.c.iii below), including emergency shelters and permanent housing for persons experiencing homelessness, in the areas affected by the disaster. Grantees must coordinate with local public housing authorities (PHA) in the MID areas to ensure that the grantee's representation in the action plan reflects the input of those entities as well as coordinating with State Housing Finance agencies to make sure that all funding sources that are available and opportunities for leverage are noted in the action plan.

- (i) Public housing: Describe unmet public housing needs of each disaster-impacted PHA within its jurisdiction, if applicable. The grantee must work directly with impacted PHAs in identifying necessary and reasonable costs and ensuring that adequate funding from all available sources is dedicated to addressing the unmet needs of damaged public housing (e.g., FEMA, insurance, and funds available from programs administered by HUD's Office of Public and Indian Housing).
- (ii) Affordable rental housing: Describe unmet affordable rental housing needs for LMI households as a result of the disaster or exacerbated by the disaster, including private market units receiving project-based rental assistance or with tenants that participate in the section 8 Housing Choice Voucher Program, and any other housing that is

assisted under a HUD program in the MID areas. Identify funding to specifically address these unmet needs for affordable rental housing to LMI households. If a grantee is proposing an allocation of CDBG—DR funds for affordable rental housing needs, the action plan must, at a minimum, meet the requirements described in II.B.3.

(iii) Housing for vulnerable populations: Describe how CDBG-DR or other funding sources available will promote housing for vulnerable populations, as defined in section III.C.1.d., in the MID area, including how it plans to address: (1) transitional housing, including emergency shelters and housing for persons experiencing homelessness, permanent supportive housing, and permanent housing needs of individuals and families (including subpopulations) that are experiencing or at risk of experiencing homelessness; (2) the prevention of lowincome individuals and families with children (especially those with incomes below thirty percent of the area median) from becoming homeless; (3) the special needs of persons who are not experiencing homelessness but require supportive housing (i.e., elderly, frail elderly, persons with disabilities (mental, physical, developmental, etc.), victims of domestic violence, persons with alcohol or other substance-use disorder, persons with HIV/AIDS and their families, and public housing residents, as identified in 24 CFR 91.315(e)).

III.C.1.d. Fair housing, civil rights data, and advancing equity.

The grantee must use its CDBG-DR funds in a manner that complies with its fair housing and nondiscrimination obligations, including title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., the Fair Housing Act, 42 U.S.C. 3601—19, section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, the Americans with Disabilities Act of 1990, 42 U.S.C. 12131 et seq., and section 109 of the HCDA, 42 U.S.C. 5309. To ensure that the activities performed in connection with the action plan will comply with these requirements, the grantee must provide an assessment of whether its planned use of CDBG-DR funds will have an unjustified discriminatory effect on or failure to benefit racial and ethnic minorities in proportion to their communities' needs, particularly in racially and ethnically concentrated areas of poverty, and how it will address the recovery needs of impacted individuals with

Grantees should also consider the impact of their planned use of CDBG-DR funds on other protected class groups under fair housing and civil rights laws, vulnerable populations, and other historically underserved communities. For purposes of the Consolidated Notice, HUD defines vulnerable populations as a group or community whose circumstances present barriers to obtaining or understanding information or accessing resources. In the action plan, grantees should identify those populations (i.e., which protected class, vulnerable population, and historically underserved groups were considered) and how those groups can be expected to benefit from the activities set forth in the plan consistent with the civil rights requirements set forth above.

To perform such an assessment, grantees must include data for the HUD-identified and grantee-identified MID areas that identifies the following information, as it is available:

- Racial and ethnic make-up of the population, including relevant sub-populations depending on activities and programs outlined in the plan (this would include renters and homeowners if eligibility is dependent on housing tenure) and the specific sub-geographies in the MID areas in which those programs and activities will be carried out;
- LEP populations, including number and percentage of each identified group;
- Number and percentage of persons with disabilities;
- Number and percentage of persons belonging to Federally protected classes under the Fair Housing Act (race, color, national origin, religion, sex—which includes sexual orientation and gender identity—familial status, and disability) and other vulnerable populations as determined by the grantee;
- Indigenous populations and tribal communities, including number and percentage of each identified group;
- Racially and ethnically concentrated areas and concentrated areas of poverty; and
- Historically distressed and underserved communities:

Grantees must explain how the use of funds will reduce barriers that individuals may face when enrolling in and accessing CDBG—DR assistance, for example, barriers imposed by a lack of outreach to their community or by the lack of information in non-English languages or accessible formats for individuals with different types of disabilities.

Grantees are strongly encouraged to include examples of how their proposed allocations, selection criteria, and other actions can be expected to advance equity for protected class groups. Grantees are strongly encouraged to explain and provide examples of how their actions can be expected to advance the following objectives:

- Equitably benefit protected class groups in the MID areas, including racial and ethnic minorities, and sub geographies in the MID areas in which residents belonging to such groups are concentrated;
- To the extent consistent with purposes and uses of CDBG–DR funds, overcome prior disinvestment in infrastructure and public services for protected class groups, and areas in which residents belonging to such groups are concentrated, when addressing unmet needs;
- Enhance for individuals with disabilities in the MID areas (a) the accessibility of disaster preparedness, resilience, or recovery services, including the accessibility of evacuation services and shelters; (b) the provision of critical disaster-related information in accessible formats; and/or (c) the availability of integrated, accessible housing and supportive services.

Grantees must identify the proximity of natural and environmental hazards (e.g., industrial corridors, sewage treatment facilities, waterways, EPA superfund sites, brownfields, etc.) to affected populations in the MID area, including members of

protected classes, vulnerable populations, and underserved communities and explore how CDBG–DR activities may mitigate environmental concerns and increase resilience among these populations to protect against the effects of extreme weather events and other natural hazards.

Grantees must also describe how their use of CDBG-DR funds is consistent with their obligation to affirmatively further fair housing. HUD regulations at 24 CFR 5.151 provide that affirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing

State and local government grantees must submit a certification to AFFH in accordance with 24 CFR 5.150, et. seq. CDBG–DR grantees must also comply with the recordkeeping requirements of 24 CFR 570.506 and 24 CFR 570.490(b), as amended by the Consolidated Notice.

III.C.1.e. Infrastructure. In its action plan, each grantee must include a description of how it plans to meet the requirements of the Consolidated Notice, including how it will: promote sound, sustainable long-term recovery planning as described in this section; adhere to the elevation requirements established in section II.C.2.; and coordinate with local and regional planning efforts as described in section III.B.2.i and III.D.1.a. All infrastructure investments must be designed and constructed to withstand chronic stresses and extreme events by identifying and implementing resilience performance metrics as described in section II.A.2.c.

If a grantee is allocating funds for infrastructure, its description must include:

- (1) How it will address the construction or rehabilitation of disaster-related systems (e.g., storm water management systems) or other disaster-related community-based mitigation systems (e.g., using FEMA's community lifelines). State grantees carrying out infrastructure activities must work with units of general local government and Indian tribes in the MID areas to identify the unmet needs and associated costs of needed disaster-related infrastructure improvements;
- (2) How mitigation measures and strategies to reduce natural hazard risks, including climate-related risks, will be integrated into rebuilding activities;
- (3) The extent to which CDBG—DR funded infrastructure activities will achieve objectives outlined in regionally or locally established plans and policies that are designed to reduce future risk to the jurisdiction;
- (4) How the grantee will evaluate the costs and benefits in selecting infrastructure projects to assist with CDBG–DR funds;

(5) How the grantee will align infrastructure investments with other planned federal, state, or local capital improvements and infrastructure development efforts, and will work to foster the potential for additional infrastructure funding from multiple sources, including state and local capital improvement projects in planning, and the potential for private investment:

(6) How the grantee will employ adaptable and reliable technologies to prevent premature obsolescence of infrastructure; and

(7) How the grantee will invest in restoration of infrastructure and related long-term recovery needs within historically underserved communities that lacked adequate investments in housing, transportation, water, and wastewater infrastructure prior to the disaster.

III.C.1.f. Minimize Displacement. A description of how the grantee plans to minimize displacement of persons or entities, and assist any persons or entities displaced, and ensure accessibility needs of displaced persons with disabilities. Specifically, grantees must detail how they will meet the Residential Anti-displacement and Relocation Assistance Plan (RARAP) requirements in section IV.F.7. Grantees must indicate to HUD whether they will be amending an existing RARAP or creating a new RARAP specific to CDBG-DR. Grantees must meet the requirements related to the RARAP prior to implementing any activity with CDBG-DR grant funds, such as buyouts and other disaster recovery activities. Grantees must seek to minimize displacement or adverse impacts from displacement, consistent with the requirements of Section IV.F of the Consolidated Notice, section 104(d) of the HCDA (42 U.S.C. 5304(d)) and implementing regulations at 24 CFR part 42, and 24 CFR 570.488 or 24 CFR 570.606, as applicable. Grantees must describe how they will plan and budget for relocation activities in the action plan.

III.C.1.g. Allocation and award caps. The grantee must provide a budget for the full amount of the allocation that is reasonably proportionate to its unmet needs (or provide an acceptable justification for disproportional allocation) and is consistent with the requirements to integrate hazard mitigation measures into all its programs and projects. The grantee shall provide a description of each disaster recovery program or activity to be funded, including the CDBG-DR eligible activities and national objectives associated with each program and the eligibility criteria for assistance. The grantee shall also describe the maximum amount of assistance (i.e., award cap) available to a beneficiary under each of the grantee's disaster recovery programs. A grantee may find it necessary to provide exceptions on a case-by-case basis to the maximum amount of assistance and must describe the process it will use to make such exceptions in its action plan. At a minimum, each grantee must adopt policies and procedures that communicate how it will analyze the circumstances under which an exception is needed and how it will demonstrate that the amount of assistance is necessary and reasonable. Each grantee must

also indicate in its action plan that it will make exceptions to the maximum award amounts when necessary, to comply with federal accessibility standards or to reasonably accommodate a person with disabilities.

III.C.1.h. Cost controls and warranties. The grantee must provide a description of the standards to be established for construction contractors performing work in the jurisdiction and the mechanisms to be used by the grantee to assist beneficiaries in responding to contractor fraud, poor quality work, and associated issues. Grantees must require a warranty period post-construction with a formal notification to beneficiaries on a periodic basis (e.g., 6 months and one month before expiration date of the warranty). Each grantee must also describe its controls for assuring that construction costs are reasonable and consistent with market costs at the time and place of construction.

III.C.1.i. Resilience planning. Resilience is defined as a community's ability to minimize damage and recover quickly from extreme events and changing conditions, including natural hazard risks. At a minimum, the grantee's action plan must contain a description of how the grantee will: (a) emphasize high quality design, durability energy efficiency, sustainability, and mold resistance; (b) support adoption and enforcement of modern and/or resilient building codes that mitigate against natural hazard risks, including climate-related risks (e.g., sea level rise, high winds, storm surge, flooding, volcanic eruption, and wildfire risk, where appropriate and as may be identified in the jurisdiction's rating and identified weaknesses (if any) in building code adoption using FEMA's Nationwide Building Code Adoption Tracking (BCAT) portal), and provide for accessible building codes and standards, as applicable; (c) establish and support recovery efforts by funding feasible, cost-effective measures that will make communities more resilient against a future disaster; (d) make land-use decisions that reflect responsible and safe standards to reduce future natural hazard risks, e.g., by adopting or amending an open space management plan that reflects responsible floodplain and wetland management and takes into account continued sea level rise, if applicable, and (e) increase awareness of the hazards in their communities (including for members of protected classes, vulnerable populations, and underserved communities) through outreach to the MID areas.

While the purpose of CDBG–DR funds is to recover from a Presidentially declared disaster, integrating hazard mitigation and resilience planning with recovery efforts will promote a more resilient and sustainable long-term recovery. The action plan must include a description of how the grantee will promote sound, sustainable long-term recovery planning informed by a postdisaster evaluation of hazard risk, including climate-related natural hazards and the creation of resilience performance metrics as described in paragraph II.A.2.c. of the Consolidated Notice. This information should be based on the history of FEMA and other federally-funded disaster mitigation efforts and, as appropriate, take into account

projected increases in sea level, the frequency and intensity of extreme weather events, and worsening wildfires. Grantees must use the FEMA-approved Hazard Mitigation Plan (HMP), Community Wildfire Protection Plan (CWPP), or other resilience plans to inform the evaluation, and it should be referenced in the action plan.

III.C.2. Additional action plan requirements for states. For state grantees, the action plan must describe how the grantee will distribute grant funds, either through specific programs and projects the grantee will carry out directly (through employees, contractors, or through subrecipients), or through a method of distribution of funds to local governments and Indian tribes (as permitted by III.B.2.d.). The grantee shall describe how the method of distribution to local governments or Indian tribes, or programs/projects carried out directly, will result in long-term recovery from specific impacts of the disaster.

All states must include in their action plan the information outlined in (1) through (7)below (in addition to other information required by section III.C.). For states using a method of distribution, if some required information is unknown when the grantee is submitting its action plan to HUD (e.g., the list of programs or activities required by III.C.1.g. or the projected use of CDBG-DR funds by responsible entity as required by subparagraph (5) below), the grantee must update the action plan through a substantial amendment once the information is known. If necessary to comply with a statutory requirement that a grantee shall submit a plan detailing the proposed use of all funds prior to HUD's obligation of grant funds, HUD may obligate only a portion of grant funds until the substantial amendment providing the required information is submitted and approved by HUD.

- (1) How the impact and unmet needs assessment informs funding determinations, including the rationale behind the decision(s) to provide funds to most impacted and distressed areas.
- (2) When funds are subgranted to local governments or Indian tribes (either as subrecipients or through a method of distribution), all criteria used to allocate and award the funds including the relative importance of each criterion (including any priorities). If the criteria are unknown when the grantee is submitting the initial action plan to HUD, the grantee must update the action plan through a substantial amendment once the information is known. The substantial amendment must be submitted and approved before distributing the funds to a local government or Indian tribe.
- (3) How the distribution and selection criteria will address disaster-related unmet needs in a manner that does not have an unjustified discriminatory effect based on race or other protected class and ensure the participation of minority residents and those belonging to other protected class groups in the MID areas. Such description should include an assessment of who may be expected to benefit, the timing of who will be prioritized, and the amount or proportion of benefits expected to be received by different communities or groups (e.g., the

proportion of benefits going to different locations within the MID or to homeowners versus renters).

(4) The threshold factors and recipient or beneficiary grant size limits that are to be applied

(5) The projected uses for the CDBG–DR funds, by responsible entity, activity, and geographic area.

(6) For each proposed program and/or activity, its respective CDBG activity eligibility category (or categories), national objective(s), and what disaster-related impact is addressed, as described in section II.A.1.

(7) When applications are solicited for programs carried out directly, all criteria used to select applications for funding, including the relative importance of each criterion, and any eligibility requirements. If the criteria are unknown when the grantee is submitting the initial action plan to HUD, the grantee must update the action plan through a substantial amendment once the information is known. The substantial amendment must be submitted and approved before selecting applications.

III.C.3. Additional action plan requirements for local governments. For local governments grantees, the action plan shall describe specific programs and/or activities they will carry out. The action plan must also describe:

(1) How the impact and unmet needs assessment informs funding determinations, including the rationale behind the decision(s) to provide funds to most impacted and distressed areas.

(2) All criteria used to select applications (including any priorities), including the relative importance of each criterion, and any eligibility requirements. If the criteria are unknown when the grantee is submitting the initial action plan to HUD, the grantee must update the action plan through a substantial amendment once the information is known. The substantial amendment must be submitted and approved before selecting applications.

(3) How the distribution and selection criteria will address disaster-related unmet needs in a manner that does not have an unjustified discriminatory effect and ensures the participation of minority residents and those belonging to other protected class groups in the MID areas, including with regards to who may benefit, the timing of who will be prioritized, and the amount or proportion of benefits expected to be received by different communities or groups (e.g., the proportion of benefits going to different locations within the MID or to homeowners versus renters).

(4) The threshold factors and grant size limits that are to be applied.

(5) The projected uses for the CDBG–DR funds, by responsible entity, activity, and geographic area.

(6) For each proposed program and/or activity, its respective CDBG activity eligibility category (or categories), national objective(s), and what disaster-related impact is addressed, as described in section II.A.1. of the Consolidated Notice.

III.C.4. Waiver of 45-day review period for CDBG–DR action plans to 60 days. HUD may disapprove an action plan or substantial

action plan amendment if it is incomplete. HUD works with grantees to resolve or provide additional information during the review period to avoid the need to disapprove an action plan or substantial action plan amendments. There are several issues related to the action plan as submitted that can be fully resolved via further discussion and revision during an extended review period, rather than through HUD disapproval of the plan, which in turn would require grantees to take additional time to revise and resubmit their respective plan. Therefore, the Secretary has determined that good cause exists and waives 24 CFR 91.500(a) to extend HUD's action plan review period from 45 days to 60 days.

The action plan (including SF-424 and certifications) must be submitted to HUD for review and approval using DRGR. By submitting required standard forms (that must be submitted with the action plan), the grantee is providing assurances that it will comply with statutory requirements, including, but not limited to civil rights requirements. Applicants and recipients are required to submit assurances of compliance with federal civil rights requirements. A grantee will use DRGR's upload function to include the SF 424 (including SF 424B and SF 424D, as applicable) and certifications with its action plan. Grantees receiving an allocation are required to submit an action plan within 120 days of the applicability date of the Allocation Announcement Notice. unless the grantee has requested, and HUD has approved an extension of the submission deadline. HUD will then review each action plan within 60 days from the date of receipt.

During its review, HUD typically provides grantees with comments on the submitted plan to avoid the need to disapprove an action plan and offers a grantee the opportunity to make updates to the action plan during the first forty-five days of HUD's initial sixty-day review period. If a grantee wants to make updates to the action plan, HUD will reject the Public Action Plan in DRGR to return the plan to the grantee. Then, once the grantee resubmits the plan, HUD reviews the revised plan within the initial sixty-day period. HUD is establishing an alternative process that offers a grantee the option to voluntarily provide a revised action plan, updated to respond to HUD's comments, no later than day forty-five in HUD's sixty-day review. A grantee is not required to participate in the revisions of the action plan during this time, but with the understanding that an action plan may be determined to be substantially incomplete. The Secretary may disapprove an action plan as substantially incomplete if HUD determines that the action plan does not meet the requirements of the Consolidated Notice and the applicable Allocation Announcement

III.C.5. Obligation and expenditure of funds. Once HUD approves the action plan and approves certifications if required by appropriations acts, it will then sign a grant agreement obligating allocated funds to the grantee. The grantee will continue the action plan process in DRGR to draw funds (see section V.C.1.).

The grantee must meet the applicable environmental requirements before the use or

commitment of funds for each activity. After the Responsible Entity (1) completes environmental review(s) pursuant to 24 CFR part 58 and receives from HUD an approved Request for Release of Funds and certification (as applicable), or (2) adopts another Federal agency's environmental review, approval, or permit and receives from HUD (or the state) an approved Request for Release of Funds and certification (as applicable), the grantee may draw down funds from the line of credit for an activity. The disbursement of grant funds must begin no later than 180 calendar days after HUD executes a grant agreement with the grantee. Failure to draw funds within this timeframe may result in HUD's review of the grantee's certification of its financial controls, procurement processes, and capacity, and may result in the imposition of any corrective actions deemed appropriate by HUD pursuant to 24 CFR 570.495, 24 CFR 570.910, or 24 CFR 1003.701.

III.C.6. Amending the action plan. The grantee must amend its action plan to update its needs assessment, modify or create new activities, or reprogram funds, as necessary, in the DRGR system. Each amendment must be published on the grantee's official website and describe the changes within the context of the entire action plan. A grantee's current version of its entire action plan must be accessible for viewing as a single document at any given point in time, rather than require the public or HUD to view and crossreference changes among multiple amendments. HUD's DRGR system will include the capabilities necessary for a grantee to sufficiently identify the changes for each amendment. When a grantee has finished amending the content in the Public Action Plan, the grantee will click "Submit Plan" in the DRGR system. The DRGR system will prompt the grantee to select the "Public Action Plan" and identify the amendment type (substantial or nonsubstantial). The grantee will complete this cover page to describe each amendment. At a minimum. the grantee must: (1) identify exactly what content is being added, deleted, or changed; (2) clearly illustrate where funds are coming from and where they are moving to; and (3) include a revised budget allocation table that reflects the entirety of all funds, as amended.

III.C.6.a. Substantial amendment. In its action plan, each grantee must specify criteria for determining what changes in the grantee's plan constitute a substantial amendment to the plan. At a minimum, the following modifications will constitute a substantial amendment: a change in program benefit or eligibility criteria; the addition or deletion of an activity; a proposed reduction in the overall benefit requirement, as outlined in III.F.2.; or the allocation or reallocation of a monetary threshold specified by the grantee in their action plan. For all substantial amendments, the grantee must follow the same procedures required for the preparation and submission of an action plan for disaster recovery, with the exception of the public hearing requirements described in section III.D.1.b. and the consultation requirements described in section III.D.1.a., which are not required for substantial amendments. A substantial action plan

amendment shall require a 30-day public comment period.

III.C.6.b Nonsubstantial amendment. The grantee must notify HUD, but is not required to seek public comment, when it makes any plan amendment that is not substantial. Although nonsubstantial amendments do not require HUD's approval to become effective, the DRGR system must approve the amendment to change the status of the Public Action Plan to "reviewed and approved." The DRGR system will automatically approve the amendment by the fifth day, if not completed by HUD sooner.

III.C.7. Projection of expenditures and outcomes. Each grantee must submit projected expenditures and outcomes with the action plan. The projections must be based on each quarter's expected performance—beginning with the first quarter funds are available to the grantee and continuing each quarter until all funds are expended. The grantee will use DRGR's upload feature to include projections and accomplishments for each program created.

III.D. Citizen Participation Requirements

III.D.1. Citizen participation waiver and alternative requirement. To permit a more streamlined process and ensure disaster recovery grants are awarded in a timely manner, provisions of 42 U.S.C. 5304(a)(2) and (3), 42 U.S.C. 12707, 24 CFR 570.486, 24 CFR 1003.604, 24 CFR 91.105(b) through (d), and 24 CFR 91.115(b) through (d), with respect to citizen participation requirements, are waived and replaced by the alternative requirements in this section. The streamlined requirements require the grantee to include public hearings on the proposed action plan and provide a reasonable opportunity (at least 30 days) for citizen comment.

The grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 or 91.105 (except as provided for in notices providing waivers and alternative requirements). Each local government receiving assistance from a state grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements).

In addition to the requirements above, the streamlined citizen participation alternative requirements for CDBG-DR grants are as follows:

III.D.1.a. Requirement for consultation during plan preparation. All grantees must consult with states, Indian tribes, local governments, Federal partners, nongovernmental organizations, the private sector, and other stakeholders and affected parties in the surrounding geographic area, including organizations that advocate on behalf of members of protected classes, vulnerable populations, and underserved communities impacted by the disaster, to ensure consistency of the action plan with applicable regional redevelopment plans. A grantee must consult with other relevant government agencies, including state and local emergency management agencies that have primary responsibility for the administration of FEMA funds, if applicable.

III.D.1.b. Publication of the action plan and opportunity for public comment. Following

the creation of the action plan or substantial amendment in DRGR and before the grantee submits the action plan or substantial amendment to HUD, the grantee must publish the proposed plan or amendment for public comment. The manner of publication must include prominent posting on the grantee's official disaster recovery website and must afford citizens, affected local governments, and other interested parties a reasonable opportunity to review the plan or substantial amendment. Grantees shall consider if there are potential barriers that may limit or prohibit vulnerable populations or underserved communities and individuals affected by the disaster from providing public comment on the grantee's action plan or substantial amendment. If the grantee identifies barriers that may limit or prohibit equitable participation, the grantee must take reasonable measures to increase coordination, communication, affirmative marketing, targeted outreach, and engagement with underserved communities and individuals, including persons with disabilities and persons with LEP.

At a minimum, the topic of disaster recovery on the grantee's website must be navigable by all interested parties from the grantee homepage and must link to the disaster recovery website required by section III.D.1.e. The grantee's records must demonstrate that it has notified affected citizens through electronic mailings, press releases, statements by public officials, media advertisements, public service announcements, and/or contacts with

neighborhood organizations.

Additionally, the CDBG–DR grantee must convene at least one public hearing on the proposed action plan after it has published on its website to solicit public comment and before submittal of the action plan to HUD. If the grantee holds more than one public hearing, it must hold each hearing in a different location within the MID area in locations that the grantee determines will promote geographic balance and maximum accessibility. The minimum number of public hearings a grantee must convene on the action plan to obtain interested parties' views and to respond to comments and questions shall be determined by the amount of the grantee's CDBG-DR allocation: (1) CDBG-DR grantees with allocations under \$500 million are required to hold at least one public hearing in a HUD-identified MID area; and (2) CDBG-DR grantees with allocations over \$500 million or more shall convene at least two public hearings in HUD-identified MID areas.

Grantees may convene public hearings virtually (alone, or in concert with an inperson hearing). All in-person hearings must be held in facilities that are physically accessible to persons with disabilities. HUD's implementing regulations for section 504 of the Rehabilitation Act (24 CFR part 8, subpart C) provide that where physical accessibility is not achievable, grantees must give priority to alternative methods of product or information delivery that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate. When conducting a virtual hearing, the grantee must allow questions in

real time, with answers coming directly from the grantee representatives to all "attendees."

For both virtual and in person hearings, grantees must update their citizen participation plans to provide that hearings be held at times and locations convenient to potential and actual beneficiaries, with accommodation for persons with disabilities and appropriate auxiliary aids and services to ensure effective communication, and specify how they will meet these requirements. See 24 CFR 8.6 for HUD's regulations about effective communication. Grantees must also provide meaningful access for individuals with LEP at both in-person and virtual hearings. In their citizen participation plan, state and local government grantees shall identify how the needs of non-English speaking residents will be met in the case of virtual and in-person public hearings where a significant number of non-English speaking residents can be reasonably expected to participate. In addition, for both virtual or inperson hearings, the grantee shall provide reasonable notification and access for citizens in accordance with the grantee's certifications at III.F.7.g., timely responses to all citizen questions and issues, and public access to all questions and responses.

III.D.1.c. Consideration of public comments. The grantee must provide a reasonable time frame (no less than 30 days) and method(s) (including electronic submission) for receiving comments on the action plan or substantial amendment. The grantee must consider all oral and written comments on the action plan or any substantial amendment. Any updates or changes made to the action plan in response to public comments should be clearly identified in the action plan. A summary of comments on the plan or amendment, and the grantee's response to each, must be included (e.g., uploaded) in DRGR with the action plan or substantial amendment. Grantee responses shall address the substance of the comment rather than merely acknowledge that the comment was received.

III.D.1.d. Availability and accessibility of documents. The grantee must make the action plan, any substantial amendments, vital documents, and all performance reports available to the public on its website. See the following guidance for more information on vital documents: https://www.lep.gov/ guidance/HUD guidance Jan07.pdf. In addition, the grantee must make these documents available in a form accessible to persons with disabilities and those with LEP. Grantees must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons, including members of protected classes, vulnerable populations, and individuals from underserved communities. In their citizen participation plan, state and local government grantees shall describe their procedures for assessing their language needs and identify any need for translation of notices and other vital documents. At a minimum, the citizen participation plan shall require that the state or local government grantee take reasonable steps to provide language assistance to ensure meaningful access to participation by non-English-speaking residents of the grantee's jurisdiction.

III.D.1.e. Public website. The grantee must maintain a public website that permits individuals and entities awaiting assistance and the general public to see how all grant funds are used and administered. The website must include copies of all relevant procurement documents and, except as noted in the next paragraph, all grantee administrative contracts, details of ongoing procurement processes, and action plans and amendments. The public website must be accessible to persons with disabilities and individuals with LEP.

To meet this requirement, each grantee must make the following items available on its website: the action plan created using DRGR (including all amendments); each performance report (as created using the DRGR system); citizen participation plan; procurement policies and procedures; all contracts, as defined in 2 CFR 200.22, that will be paid with CDBG-DR funds (including, but not limited to, subrecipients' contracts); and a summary including the description and status of services or goods currently being procured by the grantee or the subrecipient (e.g., phase of the procurement, requirements for proposals, etc.). Contracts and procurement actions that do not exceed the micro-purchase threshold, as defined in 2 CFR 200.1, are not required to be posted to a grantee's website.

III.D.1.f. Application status. The grantee must provide multiple methods of communication, such as websites, toll-free numbers, TTY and relay services, email address, fax number, or other means to provide applicants for recovery assistance with timely information to determine the status of their application.

III.D.1.g. Citizen complaints. The grantee will provide a timely written response to every citizen complaint. The grantee response must be provided within fifteen working days of the receipt of the complaint, or the grantee must document why additional time for the response was required. Complaints regarding fraud, waste, or abuse of government funds should be forwarded to the HUD OIG Fraud Hotline (phone: 1–800–347–3735 or email: hotline@hudoig.gov).

III.D.1.h. General requirements. For plan publication, the comprehensive disaster recovery website and vital documents must ensure effective communication for individuals with disabilities, as required by 24 CFR 8.6 and the Americans with Disabilities Act, as applicable. In addition to ensuring the accessibility of the comprehensive disaster recovery website and vital documents, this obligation includes the requirement to provide auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities, which may take the form of the furnishing of the above referenced materials in alternative formats (24 CFR 8.6(a)(1)). When required by III.D.1.d., grantees must take reasonable steps to ensure meaningful access for individuals with LEP.

III.E. Program Income

III.E.1. Program income waiver and alternative requirement. For state and unit of general local government grantees, HUD is waiving all applicable program income rules

at 42 U.S.C. 5304(j), 24 CFR 570.489(e), 24 CFR 570.500, and 24 CFR 570.504 and providing the alternative requirement described below. Program income earned by Indian tribes that receive an allocation from HUD will be governed by the regulations at 24 CFR 1003.503 until grant closeout and not by the waivers and alternative requirements in this Consolidated Notice. Program income earned by Indian tribes that are subrecipients of state grantees or local government grantees will be subject to the program income requirements for subrecipients of those grantees.

III.E.1.a. Definition of program income. "Program income" is defined as gross income generated from the use of CDBG-DR funds, except as provided in III.E.1.b., and received by a state, local government, Indian tribe receiving funds from a grantee, or their subrecipients. When income is generated by an activity that is only partially assisted with CDBG-DŘ funds, the income shall be prorated to reflect the percentage of CDBG-DR funds used (e.g., a single loan supported by CDBG-DR funds and other funds, or a single parcel of land purchased with CDBG-DR funds and other funds). If CDBG funds are used with CDBG-DR funds on an activity, any income earned on the CDBG portion would not be subject to the waiver and alternative requirement in the Consolidated

Program income includes, but is not limited to, the following:

(i) Proceeds from the disposition by sale or long-term lease of real property purchased or improved with CDBG–DR funds.

(ii) Proceeds from the disposition of equipment purchased with CDBG–DR funds.

(iii) Gross income from the use or rental of real or personal property acquired by a state, local government, or subrecipient thereof with CDBG–DR funds, less costs incidental to generation of the income.

(iv) Gross income from the use or rental of real property owned by a state, local government, or subrecipient thereof, that was constructed or improved with CDBG–DR funds, less costs incidental to generation of the income.

(v) Payments of principal and interest on loans made using CDBG–DR funds.

(vi) Proceeds from the sale of loans made with CDBG–DR funds.

(vii) Proceeds from the sale of obligations secured by loans made with CDBG–DR funds.

(viii) Interest earned on program income pending disposition of the income, including interest earned on funds held in a revolving fund account.

(ix) Funds collected through special assessments made against nonresidential properties and properties owned and occupied by non-LMI households, where the special assessments are used to recover all or part of the CDBG–DR portion of a public improvement.

(x) Gross income paid to a state, local government, or subrecipient thereof, from the ownership interest in a for-profit entity in which the income is in return for the provision of CDBG–DR assistance.

III.E.1.b. *Program income—does not include:*

(i) The total amount of funds that is less than \$35,000 received in a single year and retained by a state, local government, or a subrecipient thereof.

(ii) Amounts generated by activities eligible under section 105(a)(15) of the HCDA and carried out by an entity under the authority of section 105(a)(15) of the HCDA.

III.E.1.c. Retention of program income. State grantees may permit a local government that receives or will receive program income to retain the program income but are not required to do so.

ÎII.E.1.d. Program income—use, close out, and transfer.

(i) Program income received (and retained, if applicable) before or after closeout of the grant that generated the program income, and used to continue disaster recovery activities, is treated as additional CDBG–DR funds subject to the requirements of the Consolidated Notice and must be used in accordance with the grantee's action plan for disaster recovery. To the maximum extent feasible, program income shall be used or distributed before additional withdrawals from the U.S. Treasury are made, except as provided in III.E.1.e. below.

(ii) In addition to the alternative requirements dealing with program income required above, the following rules apply:

(1) a state or local government grantee may transfer program income to its annual CDBG program before closeout of the grant that generated the program income. In addition, state grantees may transfer program income before closeout to any annual CDBG-funded activities carried out by a local government within the state.

(2) Program income received by a grantee, or received and retained by a subrecipient, after closeout of the grant that generated the program income, may also be transferred to a grantee's annual CDBG award.

(3) In all cases, any program income received that is not used to continue the disaster recovery activity will not be subject to the waivers and alternative requirements of the Consolidated Notice. Rather, those funds will be subject to the state or local government grantee's regular CDBG program rules. Any other transfer of program income not specifically addressed in the Consolidated Notice may be carried out if the grantee first seeks and then receives HUD's approval.

III.E.1.e. Revolving funds. State and local government grantees may establish revolving funds to carry out specific, identified activities. State grantees may also establish a revolving fund to distribute funds to local governments or tribes to carry out specific. identified activities. A revolving fund, for this purpose, is a separate fund (with a set of accounts that are independent of other program accounts) established to carry out specific activities. These activities must generate payments used to support similar activities going forward. These payments to the revolving fund are program income and must be substantially disbursed from the revolving fund before additional grant funds are drawn from the U.S. Treasury for payments that could be funded from the revolving fund. Such program income is not required to be disbursed for nonrevolving fund activities. A revolving fund established by a CDBG-DR grantee shall not be directly

funded or capitalized with CDBG–DR grant funds, pursuant to 24 CFR 570.489(f)(3).

III.F. Other General Waivers and Alternative Requirements

III.F.1. Consolidated Plan waiver. HUD is temporarily waiving the requirement for consistency with the consolidated plan (requirements at 42 U.S.C. 12706, 24 CFR 91.225(a)(5), and 24 CFR 91.325(a)(5)), because the effects of a major disaster alter a grantee's priorities for meeting housing, employment, and infrastructure needs. In conjunction, 42 U.S.C. 5304(e) is also waived, to the extent that it would require HUD to annually review grantee performance under the consistency criteria. These waivers apply only for 24 months after the applicability date of the grantee's applicable Allocation Announcement Notice. If the grantee is not scheduled to submit a new three-to five-year consolidated plan within the next two years, the grantee must update its existing three-to five-year consolidated plan to reflect disaster-related needs no later than 24 months after the applicability date of the grantee's applicable Allocation Announcement Notice.

III.F.2. Overall benefit requirement. The primary objective of the HCDA is the "development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income" (42 U.S.C. 5301(c)). Consistent with the HCDA, this notice requires grantees to comply with the overall benefit requirements in the HCDA and 24 CFR 570.484, 24 CFR 570.200(a)(3), and 24 CFR 1003.208, which require that 70 percent of funds be used for activities that benefit LMI persons. For purposes of a CDBG-DR grant, HUD is establishing an alternative requirement that the overall benefit test shall apply only to the grant of CDBG-DR funds described in the Allocation Announcement Notice and related program income.

A grantee may seek to reduce the overall benefit requirement below 70 percent of the total grant, but must submit a substantial amendment as provided in section III.C.6.a. in the Consolidated Notice, and provide a justification that, at a minimum: (a) identifies the planned activities that meet the needs of its LMI population; (b) describes proposed activities and programs that will be affected by the alternative requirement, including their proposed location(s) and role(s) in the grantee's long-term disaster recovery plan; (c) describes how the activities/programs identified in (b) prevent the grantee from meeting the 70 percent requirement; (d) demonstrates that LMI persons' disasterrelated needs have been sufficiently met and that the needs of non-LMI persons or areas are disproportionately greater, and that the jurisdiction lacks other resources to serve non-LMI persons; and (e) demonstrates a compelling need for HUD to lower the percentage of the grant that must benefit lowand moderate-income persons.

III.F.3. Use of the urgent need national objective. Because HUD provides CDBG—DR funds only to grantees with documented disaster-related impacts and each grantee is limited to spending funds only for the benefit

of areas that received a Presidential disaster declaration, the Secretary finds good cause to waive the urgent need national objective criteria in section 104(b)(3) of the HCDA and to establish the following alternative requirement for any CDBG–DR grantee using the urgent need national objective for a period of 36 months after the applicability date of the grantee's Allocation Announcement Notice.

Pursuant to this alternative requirement, grantees that use the urgent need national objective must: (1) describe in the impact and unmet needs assessment why specific needs have a particular urgency, including how the existing conditions pose a serious and immediate threat to the health or welfare of the community; (2) identify each program or activity in the action plan that will use the urgent need national objective-either through its initial action plan submission or through a substantial amendment submitted by the grantee within 36 months of the applicability date of the grantee's Allocation Announcement Notice; and (3) document how each program and/or activity funded under the urgent need national objective in the action plan responds to the urgency, type, scale, and location of the disaster-related impact as described in the grantee's impact and unmet needs assessment.

The grantee's action plan must address all three criteria described above to use the alternative urgent need national objective for the program and/or activity. This alternative urgent need national objective is in effect for a period of 36 months following the applicability date of the grantee's Allocation Announcement Notice. After 36 months, the grantee will be required to follow the criteria established in section 104(b)(3) of the HCDA and its implementing regulations in 24 CFR part 570 when using the urgent need national objective for any new programs and/or activities added to an action plan.

III.F.4. Reimbursement of disaster recovery expenses by a grantee or subrecipient. The provisions of 24 CFR 570.489(b) are applied to permit a state grantee to charge to the grant otherwise allowable costs incurred by the grantee, its recipients or subrecipients (including Indian tribes and PHAs) on or after the incident date of the covered disaster. A local government grantee is subject to the provisions of 24 CFR 570.200(h) but may reimburse itself or its subrecipients for otherwise allowable costs incurred on or after the incident date of the covered disaster. Section 570.200(h)(1)(i) is waived to the extent that it requires pre-agreement activities to be included in the local government's consolidated plan. As an alternative requirement, grantees must include any pre-agreement activities in their action plans, including any costs of eligible activities that were funded with short-term loans (e.g., bridge loans) and that the grantee intends to reimburse or otherwise charge to the grant, consistent with applicable program requirements.

III.F.5. Reimbursement of pre-application costs of homeowners, renters, businesses, and other qualifying entities. Grantees are permitted to charge to grants the pre-award and pre-application costs of homeowners, renters, businesses, and other qualifying

entities for eligible costs these applicants have incurred in response to an eligible disaster covered under a grantees' applicable Allocation Announcement Notice. For purposes of the Consolidated Notice, pre-application costs are costs incurred by an applicant to CDBG—DR funded programs before the time of application to a grantee or subrecipient, which may be before (pre-award) or after the grantee signs its CDBG—DR grant agreement. In addition to the terms described in the remainder of the Consolidated Notice, grantees may only charge costs to the grant that meet the following requirements:

- Grantees may only charge the costs for rehabilitation, demolition, and reconstruction of single family, multifamily, and nonresidential buildings, including commercial properties, owned by private individuals and entities, incurred before the owner applies to a CDBG–DR grantee, recipient, or subrecipient for CDBG–DR assistance:
- For rehabilitation and reconstruction costs, grantees may only charge costs for activities completed within the same footprint of the damaged structure, sidewalk, driveway, parking lot, or other developed area:
- As required by 2 CFR 200.403(g), costs must be adequately documented; and
- Grantees must complete a duplication of benefits check before providing assistance pursuant to section IV.A. in the Consolidated Notice.

Grantees are required to ensure that all costs charged to a CDBG-DR grant are necessary expenses related to authorized recovery purposes. Grantees may charge to CDBG–DR grants the eligible pre-application costs of individuals and private entities related to single family, multifamily, and nonresidential buildings, only if: (1) the person or private entity incurred the expenses within one year after the applicability date of the grantee's Allocation Announcement Notice (or within one year after the date of the disaster, whichever is later); and (2) the person or entity pays for the cost before the date on which the person or entity applies for CDBG-DR assistance. Exempt activities as defined at 24 CFR 58.34, but not including 24 CFR 58.34(a)(12), and categorical exclusions as defined at 24 CFR 58.35(b) are not subject to the time limit on pre-application costs outlined above. Actions that convert or potentially convert to exempt under 24 CFR 58.34(a)(12) remain subject to the reimbursement requirements provided herein. If a grantee cannot meet all requirements at 24 CFR part 58, the preapplication costs cannot be reimbursed with CDBG-DR or other HUD funds.

Grantees must comply with the necessary and reasonable cost principles for state, local, and Indian tribal governments (described at 2 CFR 200.403). Grantees must incorporate into their policies and procedures the basis for determining that the assistance provided under the terms of this provision is necessary and reasonable.

A grantee may not charge such pre-award or pre-application costs to grants if the grantee cannot meet all requirements at 24 CFR part 58. Under CDBG–DR authorizing legislation and HUD's environmental regulations in 24 CFR part 58, the CDBG-DR "recipient" (as defined in 24 CFR part 58.2(a)(5), which differs from the definition in 2 CFR part 200) is the responsible entity that assumes the responsibility for completing environmental reviews under Federal laws and authorities. The responsible entity assumes all legal liability for the application, compliance, and enforcement of these requirements. Pre-award costs are also allowable when CDBG-DR assistance is provided for the rehabilitation, demolition, or reconstruction of government buildings, public facilities, and infrastructure. However, in such instances, the environmental review must occur before the underlying activity (e.g., rehabilitation of a government building) begins.

Grantees are also required to consult with the State Historic Preservation Officer, Fish and Wildlife Service, and National Marine Fisheries Service, to obtain formal agreements for compliance with section 106 of the National Historic Preservation Act (54 U.S.C. 306108) and section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) when designing a reimbursement program.

All grantees must follow all cross-cutting requirements, as applicable, for all CDBG—DR funded activities including but not limited to the environmental requirements above, the Davis Bacon Act, Civil Rights Requirements, HUD's Lead Safe Housing Rule, and the URA.

III.F.6. Alternative requirement for the elevation of structures when using CDBG-DR funds as the non-Federal match in a FEMAfunded project. Currently, CDBG-DR grantees using FÉMA and CDBG–DR funds on the same activity have encountered challenges in certain circumstances in reconciling CDBG-DR elevation requirements and those established by FEMA. FEMA regulations at 44 CFR 9.11(d)(3)(i) and (ii) prohibit new construction or substantial improvements to a structure unless the lowest floor of the structure is at or above the level of the base flood and, for Critical Actions, at or above the level of the 500-year flood. However, 44 CFR 9.11(d)(3)(iii) allows for an alternative to elevation to the 100- or 500-year flood level, subject to FEMA approval, which would provide for improvements that would ensure the substantial impermeability of the structure below flood level. While FEMA may change its standards for elevation in the future, as long as the CDBG-DR grantee is following a FEMA-approved flood standard this waiver and alternative requirement will continue to apply.

FEMA funded projects generally commence well in advance of the availability of CDBG–DR funds and when CDBG–DR funds are used as match for a FEMA project that is underway, the alignment of HUD's elevation standards with any alternative standard allowed by FEMA may not be feasible and may not be cost reasonable. For these reasons, the Secretary finds good cause to establish an alternative requirement for the use of an alternative, FEMA-approved flood standard instead of the elevation requirements established in section II.B.2.c. and II.C.2. of the Consolidated Notice.

The alternative requirements apply when: (a) CDBG–DR funds are used as the non-

Federal match for FEMA assistance; (b) the FEMA-assisted activity, for which CDBG–DR funds will be used as match, commenced before HUD's obligation of CDBG–DR funds to the grantee; and (c) the grantee has determined and demonstrated with records in the activity file that implementation costs of the required CDBG–DR elevation or flood proofing requirements are not reasonable costs, as that term is defined in the applicable cost principles at 2 CFR 200.404.

III.F.7. Certifications waiver and alternative requirement. Sections 104(b)(4), (c), and (m) of the HCDA (42 U.S.C. 5304(b)(4), (c) & (m)), sections 106(d)(2)(C) & (D) of the HCDA (42 U.S.C. 5306(d)(2)(C) & (D)), and section 106 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12706), and regulations at 24 CFR 91.225 and 91.325 are waived and replaced with the following alternative. Each grantee receiving an allocation under an Allocation Announcement Notice must make the following certifications with its action plan:

- a. The grantee certifies that it has in effect and is following a residential antidisplacement and relocation assistance plan (RARAP) in connection with any activity assisted with CDBG—DR grant funds that fulfills the requirements of section 104(d), 24 CFR part 42, and 24 CFR part 570, as amended by waivers and alternative requirements.
- b. The grantee certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.
- c. The grantee certifies that the action plan for disaster recovery is authorized under state and local law (as applicable) and that the grantee, and any entity or entities designated by the grantee, and any contractor, subrecipient, or designated public agency carrying out an activity with CDBG—DR funds, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations as modified by waivers and alternative requirements.
- d. The grantee certifies that activities to be undertaken with CDBG–DR funds are consistent with its action plan.
- e. The grantee certifies that it will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 CFR part 24, as such requirements may be modified by waivers or alternative requirements.
- f. The grantee certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 75.
- g. The grantee certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 or 91.105 (except as provided for in waivers and alternative requirements). Also, each local government receiving assistance from a state grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in waivers and alternative requirements).
- h. State grantee certifies that it has consulted with all disaster-affected local

- governments (including any CDBGentitlement grantees), Indian tribes, and any local public housing authorities in determining the use of funds, including the method of distribution of funding, or activities carried out directly by the state.
- i. The grantee certifies that it is complying with each of the following criteria:
- (1) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas for which the President declared a major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 et seq.).
- (2) With respect to activities expected to be assisted with CDBG–DR funds, the action plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.
- (3) The aggregate use of CDBG–DR funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 70 percent (or another percentage permitted by HUD in a waiver) of the grant amount is expended for activities that benefit such persons.
- (4) The grantee will not attempt to recover any capital costs of public improvements assisted with CDBG-DR grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless: (a) disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).
- j. State and local government grantees certify that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601–3619), and implementing regulations, and that it will affirmatively further fair housing. An Indian tribe grantee certifies that the grant will be conducted and administered in conformity with the Indian Civil Rights Act.
- k. The grantee certifies that it has adopted and is enforcing the following policies, and, in addition, state grantees must certify that they will require local governments that receive their grant funds to certify that they have adopted and are enforcing:
- (1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and
- (2) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location

that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

l. The grantee certifies that it (and any subrecipient or administering entity) currently has or will develop and maintain the capacity to carry out disaster recovery activities in a timely manner and that the grantee has reviewed the requirements applicable to the use of grant funds.

m. The grantee certifies to the accuracy of its Financial Management and Grant Compliance Certification Requirements, or other recent certification submission, if approved by HUD, and related supporting documentation as provided in section III.A.1. of the Consolidated Notice and the grantee's implementation plan and related submissions to HUD as provided in section III.A.2. of the Consolidated Notice.

- n. The grantee certifies that it will not use CDBG-DR funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the state, local, or tribal government or delineated as a Special Flood Hazard Area (or 100-year floodplain) in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55. The relevant data source for this provision is the state, local, and tribal government land use regulations and hazard mitigation plans and the latest-issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.
- o. The grantee certifies that its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A, B, J, K, and R.
- p. The grantee certifies that it will comply with environmental requirements at 24 CFR
- q. The grantee certifies that it will comply with the provisions of title I of the HCDA and with other applicable laws.

Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001, and 31 U.S.C. 3729.

III.G. Ineligible Activities in CDBG-DR

Any activity that is not authorized under section 105(a) of the HCDA is ineligible to be assisted with CDBG-DR funds, unless explicitly allowed by waiver and alternative requirement in the Consolidated Notice. Additionally, the uses described below are explicitly prohibited.

III.G.1. Prohibition on compensation. Grantees shall not use CDBG-DR funds to provide compensation to beneficiaries for losses stemming from disaster related impacts. Grantees may, however, reimburse disaster-impacted beneficiaries based on the pre-application costs incurred by the beneficiary to complete an eligible activity. Reimbursement of beneficiaries for eligible activity costs are subject to the requirements established in section III.F.5. of the Consolidated Notice.

III.G.2. Prohibition on forced mortgage payoff. A forced mortgage payoff occurs when homeowners with an outstanding

mortgage balance are required, under the terms of their loan agreement, to repay the balance of the mortgage loan before using assistance to rehabilitate or reconstruct their homes. CDBG-DR funds, however, shall not be used for a forced mortgage payoff. The ineligibility of a forced mortgage payoff with CDBG-DR funds does not affect HUD's longstanding guidance that when other non-CDBG disaster assistance is taken by lenders for a forced mortgage payoff, those funds are not considered to be available to the homeowner and do not constitute a duplication of benefits for the purpose of housing rehabilitation or reconstruction.

III.G.3. Prohibiting assistance to private utilities. HUD is adopting the following alternative requirement to section 105(a) and prohibiting the use of CDBG-DR funds to assist a privately-owned utility for any purpose.

IV. Other Program Requirements

IV.A. Duplication of Benefits

The grantee must comply with section 312 of the Stafford Act, as amended, which prohibits any person, business concern, or other entity from receiving financial assistance with respect to any part of a loss resulting from a major disaster for which such person, business concern, or other entity has received financial assistance under any other program or from insurance or any other source. To comply with section 312, a person or entity may receive financial assistance only to the extent that the person or entity has a disaster recovery need that has not been fully met. Grantees must also establish policies and procedures to provide for the repayment of a CDBG-DR award when assistance is subsequently provided for that same purpose from any other source. Grantees may be subject to additional DOB requirements described in a separate notice. The applicable Allocation Announcement Notice will describe any additional requirements, as applicable.

Subsidized loans are financial assistance and therefore can duplicate financial assistance provided from another source unless an exception in IV.A.1. applies.

IV.A.1. Exceptions when subsidized loans are not a duplication. When an exception described in paragraphs IV.A.1.a. or IV.A.1.b. applies, documentation required by those paragraphs must be maintained by the grantee. Without this documentation, any approved but undisbursed portion of a subsidized loan must be included in the grantee's calculation of the total assistance amount unless another exception applies. For cancelled SBA loans, the grantee must notify the SBA that the applicant has agreed to not take any actions to reinstate the cancelled loan or draw any additional undisbursed loan amounts.

IV.A.1.a. Short-term subsidized loans for costs later reimbursed with CDBG-DR. CDBG-DR funds may be used to reimburse pre-award costs of the grantee or subrecipient for eligible activities on or after the date of the disaster. If the grantee or subrecipient obtained a subsidized short-term loan to pay for eligible costs before CDBG-DR funds became available (for example, a low-interest loan from a local tax increment financing

fund), the reimbursement of the costs paid by the loan does not create a duplication.

IV.A.1.b. Declined or cancelled subsidized loans. The amount of a subsidized loan that is declined or cancelled is not a DOB. To exclude declined or cancelled loan amounts from the DOB calculation, the grantee must document that all or a portion of the subsidized loan is cancelled or declined.

(i) Declined SBA Loans: Declined loan amounts are loan amounts that were approved or offered by a lender in response to a loan application, but were turned down by the applicant, meaning the applicant never signed loan documents to receive the loan proceeds.

CDBG-DR grantees shall not treat declined subsidized loans, including declined SBA loans, as a DOB (but are not prohibited from considering declined subsidized loans for other reasons, such as underwriting). A grantee is only required to document declined loans if information available to the grantee (e.g., the data the grantee receives from FEMA, SBA, or other sources) indicates that the applicant received an offer for subsidized loan assistance, and the grantee is unable to determine from that available information that the applicant declined the loan. If the grantee is aware that the applicant received an offer of loan assistance and cannot ascertain from available data that the applicant declined the loan, the grantee must obtain a written certification from the applicant that the applicant did not accept the subsidized loan by signing loan documents and did not receive the loan.

(ii) Cancelled Loans: Cancelled loans are loans (or portions of loans) that were initially accepted, but for a variety of reasons, all or a portion of the loan amount was not disbursed and is no longer available to the applicant.

The cancelled loan amount is the amount that is no longer available. The loan cancellation may be due to default of the borrower, agreement by both parties to cancel the undisbursed portion of the loan, or expiration of the term for which the loan was available for disbursement. The following documentation is sufficient to demonstrate that any undisbursed portion of an accepted subsidized loan is cancelled and no longer available: (a) A written communication from the lender confirming that the loan has been cancelled and undisbursed amounts are no longer available to the applicant; or (b) a legally binding agreement between the CDBG-DR grantee (or local government, Indian tribe, or subrecipient administering the CDBG-DR assistance) and the applicant that indicates that the period of availability of the loan has passed and the applicant agrees not to take actions to reinstate the loan or draw any additional undisbursed loan amounts.

IV.B. Procurement

For a grantee to have proficient procurement processes, a grantee must: indicate the procurement standards that apply to its use of CDBG-DR funds; indicate the procurement standards for subrecipients or local governments as applicable; comply with the standards it certified to HUD that it follows (and update the certification

submissions when substantial changes are made); post the required documentation to the official website as described below; and include periods of performance and date of completion in all CDBG–DR contracts.

State grantees must comply with the procurement requirements at 24 CFR 570.489(g) and the following alternative requirements: The grantee must evaluate the cost or price of the product or service being procured. State grantees shall establish requirements for procurement processes for local governments and subrecipients based on full and open competition consistent with the requirements of 24 CFR 570.489(g), and shall require a local government or subrecipient to evaluate the cost or price of the product or service being procured with CDBG-DR funds. Additionally, if the state agency designated as the administering agency chooses to provide funding to another state agency, the administering agency must specify in its procurement processes whether the agency implementing the CDBG-DR activity must follow the procurement processes that the administering agency is subject to, or whether the agency must follow the same processes to which other local governments and subrecipients are subject, or its own procurement processes.

A grantee shall administer CDBG–DR grant funds in accordance with all applicable laws and regulations. As an alternative requirement, grantees may not delegate, by contract, or otherwise, the responsibility for administering such grant funds.

HUD is establishing an additional alternative requirement for all contracts with contractors used to provide goods and services, as follows:

- 1. The grantee (or procuring entity) is required to clearly state the period of performance or date of completion in all contracts:
- 2. The grantee (or procuring entity) must incorporate performance requirements and liquidated damages into each procured contract. Contracts that describe work performed by general management consulting services need not adhere to the requirement on liquidated damages but must incorporate performance requirements; and
- 3. The grantee (or procuring entity) may contract for administrative support, in compliance with 2 CFR 200.459, but may not delegate or contract to any other party any inherently governmental responsibilities related to oversight of the grant, including policy development, fair housing and civil rights compliance, and financial management.

IV.C. Use of the "Upper Quartile" or "Exception Criteria"

The LMA benefit requirement is modified when fewer than one quarter of the populated-block groups in its jurisdictions contain 51 percent or more LMI persons. In such a community, activities must serve an area that contains a percentage of LMI residents that is within the upper quartile of all census-block groups within its jurisdiction in terms of the degree of concentration of LMI residents. HUD determines the lowest proportion a grantee may use to qualify an area for this purpose

and advises the grantee, accordingly. The "exception criteria" applies to CDBG–DR funded activities in jurisdictions covered by such criteria, including jurisdictions that receive disaster recovery funds from a state. Disaster recovery grantees are required to use the most recent data available in implementing the exception criteria (https://www.hudexchange.info/programs/acs-low-mod-summary-data/acs-low-mod-summary-data-exception-grantees/).

IV.D. Environmental Requirements

IV.D.1. Clarifying note on the process for environmental release of funds when a state carries out activities directly. For CDBG—DR grants, HUD allows state grantees to carry out activities directly and to distribute funds to subrecipients. Per 24 CFR 58.4(b)(1), when a state carries out activities directly (including through subrecipients that are not units of general local government), the state must submit the Certification and Request for Release of Funds to HUD for approval.

IV.D.2. Adoption of another agency's environmental review. Appropriations acts allow recipients of funds that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408(c)(4), or 502 of the Stafford Act to adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency. Such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit.

This provision allows the recipient of supplemental assistance to adopt another Federal agency's review where the HUD assistance supplements the Stafford Act, and the other Federal agency performed an environmental review for assistance under section 402, 403, 404, 406, 407, or 502 of the Stafford Act.

The other agency's environmental review must cover all project activities funded by the HUD recipient for each project. The grantee is only required to supplement the other agency's environmental review to comply with HUD regulations (e.g., publication or posting requirements for Notice of Finding of No Significant Impact (FONSI), Notice of Intent to Request Release of Funds (NOI-RROF), concurrent or combined notices, or HUD approval period for objections) if the activity is modified so the other agency's environmental review no longer covers the activity. The recipient's environmental review obligations are considered complete when adopting another agency's environmental review. To be adequate:

- 1. The grantee must obtain a completed electronic or paper copy of the Federal agency's review and retain a copy in its environmental records.
- 2. The grantee must notify HUD on the Request for Release of Funds (RROF) Form 7015.15 (or the state, if the state is acting as HUD under 24 CFR 58.18) that another agency review is being used. The grantee must include the name of the other Federal agency, the name of the project, and the date of the project's review as prepared by the other Federal agency.

When permitted by the applicable appropriations acts, and notwithstanding 42

U.S.C. 5304(g)(2), the Secretary or a state may, upon receipt of a Request for Release of Funds and Certification, immediately approve the release of funds for an activity or project assisted with CDBG–DR funds if the recipient has adopted an environmental review, approval, or permit under this section, or if the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (NEPA).

IV.D.3. *Historic preservation reviews*. The responsible entity must comply with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 306108). Early coordination under section 106 is important to the recovery process and required by 24 CFR 58.5(a).

IV.D.4. Tiered environmental reviews. Tiering, as described at 40 CFR 1508.1(ff) and 24 CFR 58.15, is a means of making the environmental review process more efficient by allowing parties to "eliminate repetitive discussions of the same issues, focus on the actual issues ripe for decision, and exclude from consideration issues already decided or not yet ripe at each level of environmental review" (40 CFR 1501.11(a)). Tiering is appropriate when a responsible entity is evaluating a single-family housing program with similar activities within a defined local geographic area and timeframe (e.g., rehabilitating single-family homes within a city district or county over the course of one to five years) but where the specific sites and activities are not yet known. Public notice and the Request for Release of Funds (HUD Form 7015.15) are processed at a broad-level, eliminating the need for publication at the site-specific level. However, funds cannot be spent or committed on a specific site or activity until the site-specific review has been completed and approved.

IV.E. Flood Insurance Requirements

Grantees, recipients, and subrecipients must implement procedures and mechanisms to ensure that assisted property owners comply with all flood insurance requirements, including the purchase and notification requirements described below, before providing assistance.

IV.E.1. Flood insurance purchase requirements. When grantees use CDBG-DR funds to rehabilitate or reconstruct existing residential buildings in a Special Flood Hazard Area (or 100-year floodplain), the grantee must comply with applicable Federal, state, local, and tribal laws and regulations related to both flood insurance and floodplain management. The grantee must comply with section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) which mandates the purchase of flood insurance protection for any HUD-assisted property within a Special Flood Hazard Area. Therefore, a HUD-assisted homeowner for a property located in a Special Flood Hazard Area must obtain and maintain flood insurance in the amount and duration prescribed by FEMA's National Flood Însurance Program.

IV.E.2. Federal assistance to owners remaining in a floodplain.

IV.E.2.a. Prohibition on flood disaster assistance for failure to obtain and maintain

flood insurance. Grantees must comply with section 582 of the National Flood Insurance Reform Act of 1994, as amended, (42 U.S.C. 5154a), which prohibits flood disaster assistance in certain circumstances. No Federal disaster relief assistance made available in a flood disaster area may be used to make a payment (including any loan assistance payment) to a person for "repair, replacement, or restoration" for damage to any personal, residential, or commercial property if that person at any time has received Federal flood disaster assistance that was conditioned on the person first having obtained flood insurance under applicable Federal law and the person has subsequently failed to obtain and maintain flood insurance as required under applicable Federal law on such property.

A grantee may not provide disaster assistance for the repair, replacement, or restoration of a property to a person who has failed to satisfy the Federal requirement to obtain and maintain flood insurance and must implement a process to verify and monitor for compliance with section 582 and the requirement to obtain and maintain flood insurance. Grantees are reminded that CDBG—DR funds may be used to assist beneficiaries in the purchase of flood insurance to comply with this requirement, subject to the requirements of cost reasonableness and other federal cost principles.

IV.E.2.b. Prohibition on flood disaster assistance for households above 120 percent of AMI for failure to obtain flood insurance. When a homeowner located in the floodplain allows their flood insurance policy to lapse, it is assumed that the homeowner is unable to afford insurance and/or is accepting responsibility for future flood damage to the home. Higher income homeowners who reside in a floodplain, but who failed to secure or decided to not maintain their flood insurance, should not be assisted at the expense of lower income households. To ensure that adequate recovery resources are available to assist lower income homeowners who reside in a floodplain but who are unlikely to be able to afford flood insurance, the Secretary finds good cause to establish an alternative requirement.

The alternative requirement to 42 U.S.C. 5305(a)(4) is as follows: Grantees receiving CDBG–DR funds are prohibited from providing CDBG–DR assistance for the rehabilitation/reconstruction of a house, if (i) the combined household income is greater than either 120 percent of AMI or the national median, (ii) the property was located in a floodplain at the time of the disaster, and (iii) the property owner did not obtain flood insurance on the damaged property, even when the property owner was not required to obtain and maintain such insurance.

IV.E.2.c. Responsibility to inform property owners to obtain and maintain flood insurance. Section 582 of the National Flood Insurance Reform Act of 1994, as amended, (42 U.S.C. 5154a) is a statutory requirement that property owners receiving disaster assistance that triggers the flood insurance purchase requirement have a statutory responsibility to notify any transferee of the requirement to obtain and maintain flood

insurance and to maintain such written notification in the documents evidencing the transfer of the property, and that the transferring owner may be liable if he or she fails to do so. A grantee or subrecipient receiving CDBG–DR funds must notify property owners of their responsibilities under section 582.

IV.F. URA, Section 104(d), and Related CDBG Program Requirements

Activities and projects undertaken with CDBG-DR funds may be subject to the URA, section 104(d) of the HCDA (42 U.S.C. 5304(d)), and CDBG program requirements related to displacement, relocation, acquisition, and replacement of housing, except as modified by waivers and alternative requirements provided in this notice. The implementing regulations for the URA are at 49 CFR part 24. The regulations implementing section 104(d) are at 24 CFR part 42. The regulations for applicable CDBG program requirements are at 24 CFR 570.488 and 24 CFR 570.606. HUD is waiving or providing alternative requirements in this section for the purpose of promoting the availability of decent, safe, and sanitary housing with respect to the use of CDBG-DR funds allocated under the Consolidated

IV.F.1. Section 104(d) one-for-one replacement of lower-income dwelling units. One-for-one replacement requirements at section 104(d)(2)(A)(i) and (ii) and 104(d)(3)of the HCDA and 24 CFR 42.375 are waived for owner-occupied lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation. The section 104(d) one-for-one replacement housing requirements apply to occupied and vacant occupiable lower-income dwelling units demolished or converted in connection with a CDBG assisted activity. This waiver exempts all disaster-damaged owneroccupied lower-income dwelling units that meet the grantee's definition of "not suitable for rehabilitation," from the one-for-one replacement housing requirements of 24 CFR 42.375. Before carrying out activities that may be subject to the one-for-one replacement housing requirements, the grantee must define "not suitable for rehabilitation" in its action plan or in policies/procedures governing these activities. Grantees are reminded that tenantoccupied and vacant occupiable lowerincome dwelling units demolished or converted to another use other than lowerincome housing in connection with a CDBG-DR assisted activity are generally subject to one-for-one replacement requirements at 24 CFR 42.375 and that these provisions are not

HUD is waiving the section 104(d) one-forone replacement requirement for owneroccupied lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation because the one-for-one replacement requirements do not account for the large, sudden changes that a major disaster may cause to the local housing stock, population, or economy. Disaster-damaged housing structures that are not suitable for rehabilitation can pose a threat to public health and safety and to economic revitalization. Prior to the implementation of this waiver and alternative requirement, grantees must reassess post-disaster population and housing needs to determine the appropriate type and amount of lower-income dwelling units (both rental and owner-occupied units) to rehabilitate and/or reconstruct. Grantees should note that the demolition and/or disposition of public housing units continue to be subject to section 18 of the United States Housing Act of 1937, as amended, and 24 CFR part 970.

IV.F.2. Section 104(d) relocation assistance. The relocation assistance requirements at section 104(d)(2)(A)(iii) and (B) of the HCDA and 24 CFR 42.350, are waived to the extent that an eligible displaced person, as defined under 24 CFR 42.305 of the section 104(d) implementing regulations, may choose to receive either assistance under the URA and implementing regulations at 49 CFR part 24, or assistance under section 104(d) and implementing regulations at 24 CFR 42.350. This waiver does not impact a person's eligibility as a displaced person under section 104(d), it merely limits the amounts and types of relocation assistance that a section 104(d) eligible displaced person is eligible to receive. A section 104(d) eligible displaced person is eligible to receive the amounts and types of assistance for displaced persons under the URA, as may be modified by the waivers and alternative requirements in this notice for activities related to disaster recovery. Without this waiver, disparities exist in relocation assistance associated with activities typically funded by HUD and FEMA (e.g., buyouts and relocation). Both FEMA and CDBG funds are subject to the requirements of the URA; however, CDBG funds are subject to section 104(d), while FEMA funds are not. This limited waiver of the section 104(d) relocation assistance requirements assures uniform and equitable treatment for individuals eligible to receive benefits under section 104(d) by establishing that all forms of relocation assistance to those individuals must be in the amounts and for the types of assistance provided to displaced persons under URA requirements.

IV.F.3. URA replacement housing payments for tenants. The requirements of sections 204 and 205 of the URA (42 U.S.C. 4624 and 42 U.S.C. 4625), and 49 CFR 24.2(a)(6)(vii), 24.2(a)(6)(ix), and 24.402(b) are waived to the extent necessary to permit a grantee to meet all or a portion of a grantee's replacement housing payment obligation to a displaced tenant by offering rental housing through a rental housing program subsidy (to include, but not limited to, a housing choice voucher), provided that comparable replacement dwellings are made available to the tenant in accordance with 49 CFR 24.204(a) where the owner is willing to participate in the program and the period of authorized assistance is at least 42 months. This waiver and alternative requirement is subject to the following: if assistance is provided through a HUD program, it is subject to the applicable HUD program requirements, including the requirement that the tenant must be eligible for the rental housing program. Failure to grant this waiver would impede disaster recovery whenever

rental program subsidies are available but funds for cash replacement housing payments are limited and such payments are required by the URA to be based on a 42month term.

IV.F.4. URA voluntary acquisitionhomebuyer primary residence purchase. Grantees may implement disaster recovery program activities that provide financial assistance to eligible homebuyers to purchase and occupy residential properties as their primary residence. Such purchases are generally considered voluntary acquisitions under the URA and subject to the URA regulatory requirements at 49 CFR 24.101(b)(2). For CDBG-DR, 49 CFR 24.101(b)(2) is waived to the extent that it applies to a homebuyer, who does not have the power of eminent domain, and uses CDBG-DR funds in connection with the voluntary purchase and occupancy of a home the homebuyer intends to make their primary residence. This waiver is necessary to reduce burdensome administrative requirements for homebuyers following a disaster. Tenants displaced by these voluntary acquisitions may be eligible for relocation assistance.

IV.F.5. CDBG displacement, relocation, acquisition, and replacement housing program regulations—Optional relocation assistance. The regulations at 24 CFR 570.606(d) are waived to the extent that they require optional relocation policies to be established at the grantee level. Unlike with the regular CDBG program, states may carry out disaster recovery activities directly or through subrecipients, but 24 CFR 570.606(d) does not account for this distinction. This waiver makes clear that grantees receiving CDBG-DR funds may establish optional relocation policies or permit their subrecipients to establish separate optional relocation policies. The written policy must: be available to the public, describe the relocation assistance that the grantee, state recipient (i.e., a local government receiving a subgrant from the state through a method of distribution), or subrecipient (as applicable) has elected to provide, and provide for equal relocation assistance within each class of displaced persons according to 24 CFR 570.606(d). This waiver is intended to provide states with maximum flexibility in developing optional relocation policies with CDBG-DR funds.

IV.F.6. Waiver of Section 414 of the Stafford Act. Section 414 of the Stafford Act (42 U.S.C. 5181) provides that "Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payment under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646) [42 U.S.C. 4601 et seq.] ["URA"] shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set by [the URA]." Accordingly, homeowner occupants and tenants displaced from their homes as a result of the identified disasters and who would have otherwise been displaced as a direct result of any acquisition, rehabilitation, or demolition of real property for a federally funded program or project may become eligible for a replacement housing

payment notwithstanding their inability to meet occupancy requirements prescribed in the URA. Section 414 of the Stafford Act and its implementing regulation at 49 CFR 24.403(d)(1) are waived to the extent that they would apply to real property acquisition, rehabilitation, or demolition of real property for a CDBG–DR funded project commencing more than one year after the date of the latest applicable Presidentially declared disaster undertaken by the grantees, or subrecipients, provided that the project was not planned, approved, or otherwise underway before the disaster.

For purposes of this waiver, a CDBG–DR funded project shall be determined to have commenced on the earliest of: (1) the date of an approved Request for Release of Funds and certification; (2) the date of completion of the site-specific review when a program utilizes Tiering; or (3) the date of sign-off by the approving official when a project converts to exempt under 24 CFR 58.34(a)(12).

The waiver will simplify the administration of the disaster recovery process and reduce the administrative burden associated with the implementation of Stafford Act section 414 requirements for projects commencing more than one year after the date of the Presidentially declared disaster considering most of such persons displaced by the disaster will have returned to their dwellings or found another place of permanent residence.

This waiver does not apply with respect to persons that meet the occupancy requirements to receive a replacement housing payment under the URA nor does it apply to persons displaced or relocated temporarily by other HUD-funded programs or projects. Such persons' eligibility for relocation assistance and payments under the URA is not impacted by this waiver.

IV.F.7. RARAP Section 104(d). CDBG—DR grantees must certify that they have in effect and are following a RARAP as required by section 104(d)(1) and (2) of the HCDA and 24 CFR 42.325. In addition to the requirements in 24 CFR 42.325 and 24 CFR 570.488 or 24 CFR 570.606(c), as applicable, HUD is specifying the following alternative requirements:

Grantees who are following an existing RARAP for CDBG purposes must either: (1) amend their existing RARAP; or (2) create a separate RARAP for CDBG–DR purposes, to reflect the following requirements and applicable waivers and alternative requirements as modified by the Consolidated Notice.

Grantees who do not have an existing RARAP in place because they do not manage CDBG programs must create a separate RARAP for CDBG—DR purposes, to reflect the following CDBG—DR requirements and applicable waivers and alternative requirements as modified by the Consolidated Notice.

(1) RARAP requirements for CDBG–DR. As each grantee establishes and supports feasible and cost-effective recovery efforts to make communities more resilient against future disasters, the CDBG–DR RARAP must describe how the grantee plans to minimize displacement of members of families and

individuals from their homes and neighborhoods as a result of any CDBG–DR assisted activities, including disaster recovery activities where displacement can be prevented (e.g., housing rehabilitation programs). Across disaster recovery activities—such as buyouts and other eligible acquisition activities, where minimizing displacement is not reasonable, feasible, or cost-efficient and would not help prevent future or repetitive loss—the grantee must describe how it plans to minimize the adverse impacts of displacement.

The description shall focus on proposed disaster recovery activities that may directly or indirectly result in displacement and the assistance that shall be required for those displaced. This description must focus on relocation assistance under the URA and its implementing regulations at 49 CFR part 24, section 104(d) and implementing regulations at 24 CFR part 42 (to the extent applicable), 24 CFR 570.488 and/or 24 CFR 570.606, and relocation assistance pursuant to this section of the Consolidated Notice, as well as any other assistance being made available to displaced persons. The CDBG-DR RARAP must include a description of how the grantee will plan programs or projects in such a manner that recognizes the substantial challenges experienced by displaced individuals, families, businesses, farms, and nonprofit organizations and develop solutions to minimize displacement or the adverse impacts of displacement especially among vulnerable populations. The description must be scoped to the complexity and nature of the anticipated displacing activities, including the evaluation of the grantee's available resources to carry out timely and orderly relocations in compliance with all applicable relocation requirements.

V. Performance Reviews

Under 42 U.S.C. 5304(e) and 24 CFR 1003.506(a), the Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether the grantee has carried out its activities in a timely manner (consistent process to meet its expenditure requirement), whether the grantee's activities and certifications are carried out in accordance with the requirements and the primary objectives of the HCDA and other applicable laws, and whether the grantee has the continuing capacity to carry out those activities in a timely manner.

V.A. Timely Distribution and Expenditure of Funds

HUD waives the provisions at 24 CFR 570.494 and 24 CFR 570.902 regarding timely distribution and expenditure of funds, and establishes an alternative requirement providing that each grantee must expend 100 percent of its allocation within six years of the date HUD signs the grant agreement. HUD may extend the period of performance administratively, if good cause for such an extension exists at that time, as requested by the grantee, and approved by HUD. When the period of performance has ended, HUD will close out the grant and any remaining funds not expended by the grantee on appropriate programmatic purposes will be recaptured by HUĎ.

V.B. Review of Continuing Capacity

Upon a determination by HUD that the grantee has not carried out its CDBG–DR activities and certifications in accordance with the requirements in the Consolidated Notice, HUD will undertake a further review to determine if the grantee has the continuing capacity to carry out its activities in a timely manner. In making this determination, HUD will consider the nature and extent of the recipient's performance deficiencies, the actions taken by the recipient to address the deficiencies, and the success or likely success of such actions. HUD may then apply the following corrective and remedial actions as appropriate:

V.B.1. Corrective and remedial actions. To effectively administer the CDBG-DR program in a manner that facilitates recovery, particularly the alternative requirements permitting states to act directly to carry out eligible activities, HUD is waiving 42 U.S.C. 5304(e) to the extent necessary to establish the following alternative requirement: HUD may undertake corrective and remedial actions for states in accordance with the authorities for CDBG Entitlement grantees in subpart O (including corrective and remedial actions in 24 CFR 570.910, 570.911, and 570.913) or under subpart I of the CDBG regulations at 24 CFR part 570. In response to a deficiency, HUD may issue a warning letter followed by a corrective action plan that may include a management plan which assigns responsibility for further administration of the grant to specific entities or persons. Failure to comply with a corrective action may result in the termination, reduction, or limitation of payments to grantees receiving CDBG-DR funds.

V.B.2. Reduction, withdrawal, or adjustment of a grant, or other appropriate action. Before a reduction, withdrawal, or adjustment of a CDBG–DR grant, or other actions taken pursuant to this section, the recipient shall be notified of the proposed action and be given an opportunity for an informal consultation. Consistent with the procedures described in the Consolidated Notice, HUD may adjust, reduce, or withdraw the CDBG–DR grant (except funds that have been expended for eligible, approved

activities) or take other actions as appropriate.

V.B.3. Additional criteria and specific conditions to mitigate risk. To ensure effective grantee implementation of the financial controls, procurement processes, and other procedures that are the subject of the certification by the Secretary, HUD has and may continue to establish specific criteria and conditions for each grant award as provided for at 2 CFR 200.206 and 200.208, respectively, to mitigate the risk of the grant. The Secretary shall specify any such criteria and the resulting conditions in the grant conditions governing the award. These criteria may include, but need not be limited to, a consideration of the internal control framework established by the grantee to ensure compliant implementation of its financial controls, procurement processes and payment of funds to eligible entities, as well as the grantee's risk management strategy for information technology systems established to implement CDBG-DR funded programs. Additionally, the Secretary may amend the grant conditions to mitigate risk of a grant award at any point at which the Secretary determines a condition to be required to protect the Federal financial interest or to advance recovery.

 ${\it V.C. Grantee Reporting Requirements in the DRGR System}$

V.C.1. DRGR-related waivers and alternative requirements. The Consolidated Notice waives the requirements for submission of a performance report pursuant to 42 U.S.C. 12708(a), 24 CFR 91.520, and annual status and evaluation reports that are due each fiscal year under 24 CFR 1003.506(a). Alternatively, HUD is requiring that grantees enter information in the DRGR system on a quarterly basis through the performance reports. The information in DRGR and the performance reports must contain sufficient detail to permit HUD's review of grantee performance and to enable remote review of grantee data to allow HUD to assess compliance and risk.

At a minimum, each grantee must:
a. Enter its action plan and amendments as
described in III.C.1, including performance

measures, into the Public Action Plan in DRGR:

- b. Enter activities into the DRGR Action Plan at a level of detail sufficient to allow HUD to determine grantee compliance (when the activity type, national objective, and the organization that will be responsible for the activity is known);
- c. Categorize activities in DRGR under a "project";
- d. Enter into the DRGR system summary information on grantees' monitoring visits and reports, audits, and technical assistance it conducts as part of its oversight of its disaster recovery programs;
- e. Use the DRGR system to draw grant funds for each activity;
- f. Use the DRGR system to track program income receipts, disbursements, revolving loan funds, and leveraged funds (if applicable);
- g. Submit a performance report through the DRGR system no later than 30 days following the end of each calendar quarter. For all activities, the address of each CDBG–DR assisted property must be recorded in the performance report; and

h. Publish a version of the performance report that omits personally identifiable information reported in the performance reports submitted to HUD on the grantee's official website within three days of submission to HUD, or in the event a performance report is rejected by HUD, publish the revised version, as approved by HUD, within three days of HUD approval.

The grantee's first performance report is due after the first full quarter after HUD signs the grant agreement. Performance reports must be submitted on a quarterly basis until all funds have been expended and all expenditures and accomplishments have been reported. If a satisfactory report is not submitted in a timely manner, HUD may suspend access to CDBG—DR funds until a satisfactory report is submitted, or may withdraw and reallocate funding if HUD determines, after notice and opportunity for a hearing, that the jurisdiction did not submit a satisfactory report.

[FR Doc. 2023–10598 Filed 5–17–23; 8:45 am] BILLING CODE 4210–67–P Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-CDBGDR-HOME

Department for Environmental Protection Division of Waste Management Superfund Branch; Sky View Estates Perry County Fiscal Court Residential Subdivision Project: Preliminary Engineering Report prepared by RM Johnson Engineering, Inc. (prepared for Perry County infrastructure project).

Sky View Phase I ESA 2023-5-16(2).pdf
RM Johnson Engineering Sky View-Perry County Preliminary Engineering
Report 2023-5(1).pdf

Field Inspection [Optional]: Date and completed

by:

Sarah Yount 5/10/2023 12:00:00 AM

<u>Sky View Area 1 Photos 2023-5-13(1).pdf</u>

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

Kentucky Heritage Council; Eastern Band of Cherokee Indians; Cherokee Nation; Perry County Judge Grants Coordinator Angelia Hall; Perry County Schools Finance Officer Jody Maggard; Kentucky Energy and Environment Cabinet; RM Johnson Engineering, Inc.; MTN View, Inc.; US Fish and Wildlife Service Kentucky Field Office; US Fish and Wildlife Service IPaC; US Fish and Wildlife Service National Wetlands Inventory; FEMA Flood Map Service Center; National Wild and Scenic Rivers System; Nationwide Rivers Inventory; EPA Sole Source Aquifers for Drinking Water Interactive Map; Kentucky Transportation Cabinet Functional Class Mapping Tool; USDA Web Soil Survey; Federal Railroad Administration Pop Up Viewer; Federal Aviation Administration Airport Master Record; EPA Greenbook; EPA NEPAssist Tool; EPA ECHO Report; EPA Facility Reports; US Department of Housing and Urban Development DR-4663 Housing Impact Assessment; US Census Bureau; FEMA National Risk Index Community Report; Headwaters Institute; Google Earth Pro; and Google Maps

<u>Perry County email re Zoning and Permits 2023-5-12(1).pdf</u>
KY DEP Letter Sky View Housing Development 2023-7-3.pdf

List of Permits Obtained:

There are no construction permits required other than an electrical permit, as stated in an email from Angelia Hall, Perry County Grants Coordinator dated May 12, 2023. The project must obtain a Kentucky Pollution Discharge Elimination System (KPDES) stormwater permit from the Kentucky Surface Water Permits Branch as noted in the attached letter from the Kentucky Energy and Environment Cabinet Department for Environmental Protection dated July 3, 2023. As also noted in the letter, the proposed

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work is endorsed by the Groundwater Section of the Watershed Management Branch but the project must develop a Groundwater Protection Plan.

Public Outreach [24 CFR 58.43]:

The public was notified about the Combined Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOIRROF) via publication of a classified advertisements in The Hazard Herald, the Louisville Courier-Journal, and the Lexington Herald-Leader on August 24, 2023. The Kentycky Dept. for Local Government will also issue a press release about the public notice and comment period. Public comment will be accepted for 15 days following the publication of the classified ads with the public comment period ending September 8, 2023. Because this activity is in response to a declared disaster, Kentucky Housing Corporation and the Department for Local Government will invoke 24 CFR 58.33, which allows the Combined Notice of FONSI and Notice of Intent to Request Release of Funds (NOI/RROF) to be published simultaneously with the submission of the RROF to HUD. The Notice invites commenters to submit their comments to both HUD and DLG. The Environmental Review Record (ERR) for this project will be made available for public review during the comment period via a physical copy at the offices of the Perry County Fiscal Court at 481 N Main Street, First Floor, Hazard, KY 41701. The physical copy will be made available for public examination and copying, upon request, between the hours of 9 A.M. and 4 P.M. An electronic version will be posted on the Department for Local Government's website at https://kydlgweb.ky.gov/ and on the HUD Environmental Review Records website at https://cpd.hud.gov/cpdpublic/environmental-reviews for the duration of the public comment period.

24 CFR 58-33 Combined Notice-Sky View Area 1 2023-8-24.pdf

Cumulative Impact Analysis [24 CFR 58.32]:

There are no mitigating environmental factors resulting from the proposed project. The project will greatly benefit Perry County by creating up to 153 new, safe, decent, affordable homeownership units in a "higher ground" community that will help address the community's enormous need for additional affordable single-family housing located out of a special flood hazard area following the devastating 2022 flood disaster. The project will put reclaimed mine land to its highest and best use as affordable housing for Perry County residents. As stated by Perry County Schools Finance Officer Jody Maggard, Finance Officer for Perry County Schools in an email dated May 9, 2023 "No Perry County student has lived what we would consider a 'normal' student life since March, 2020. Our district, like the rest of the world, suffered through the pandemic, which left some students entering the 2nd grade without having physically attended school before. Additionally, the flooding on July 28, 2022, devastated many of our school communities, destroying two of our schools,

and displacing hundreds of our students. The proposed housing development will be a light at the end of a dark tunnel. Over 75% of our students are at identified as at?risk, hundreds are identified as homeless because of living with a non?parent, or the parent(s) are not able to sustain a home of their own. This project is greatly needed in our county, and the Perry County School district, and our students, will be a direct beneficiary." This project helps meet a need identified in the HUD DR-Housing Impacts Assessment, which stated "Due to the topography of the region, there is an overall lack of flat buildable land in the hardest hit areas with most of flat buildable land being reclaimed strip mines." This housing construction project is key to the post-disaster future of Perry County and Southeastern Kentucky. The HUD DR-Housing Impacts Assessment also affirmed that "Without replacement of housing in rural areas, there will be a continued migration of the next generation into more densely populated city centers leaving these isolated areas further neglected. The impacted rural areas were already disproportionally populated with low-income and aging residents. Lack of housing and residents will lead to a lack of business investment as well as lesser opportunities for future generations."

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

1. No action - leave the area as it is with no corrective action. It is possible that this property would remain undeveloped without the creation of these affordable housing units. Furthermore, Perry County has an enormous need for quality, affordable housing located out of a special flood hazard area following the 2022 flood disaster..

2. Acquire a different piece of property -there are no comparable pieces of land of this size available in Perry County that could support the development of up to 153 units of affordable housing that is out of the flood plain. The location is ideal for the project as this is a centrally located relatively flat piece of vacant land within a short drive to commercial, medical, social, educational, cultural, and public safety facilities in the City of Hazard. a primarily rural, mountainous area where adequate housing and is a need for the community. Additionally, the project will put a piece of reclaimed surface mine land to its highest and best use. 3. Proceed with Project. This is the best use of the project site and will be a vital to Perry County's efforts to rebuild and retain residents following the 2022 flood disaster.

No Action Alternative [24 CFR 58.40(e)]

To "Do nothing" alternative is unacceptable as there is a critical need for affordable housing located out of the special flood hazard area in Perry County following the 2022 flood disaster. The move to an alternate site is also unacceptable as there is not a significant amount of vacant, flat land suitable for an affordable housing development project of this scale located out of the floodplain.

Summary of Findings and Conclusions:

Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-CDBGDR-HOME

There are no mitigating environmental factors resulting from the proposed project, which is in compliance with all related laws and authorities. The project site is not located in a wetland or floodplain area. There are no historical preservation concerns. The site is not located close to a Wild and Scenic River or Nationwide Rivers Inventory body. There are no sole source aguifers in Kentucky. The site will not impact endangered species. The land is not comprised of Prime Farmland or Farmland of Statewide Importance. There are no noise generators that exceed the 65 dB threshold nearby to the site. There are no explosive or flammable hazards in above ground storage tanks within one mile of the project site. Perry County's air quality is in compliance with federal standards. There is no evidence of contamination or toxic substances that would pose a threat to residents at the project site as verified in the Phase I Environmental Site Assessment. There are no airport hazards in proximity to the project site. This "higher ground" project will help meet Perry County's great need for safe, affordable, energy-efficient, and resilient housing located in an area of minimal flood hazard and enhance the community's recovery from the 2022 flood disaster.

Mitigation Measures and Conditions [CFR 1505.2(c)]:

Summarized below are 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,	Mitigation Measure or Condition	Comments	Mitigation	Complete
Authority,		on	Plan	
or Factor		Completed		
		Measures		

Project Mitigation Plan

Supporting documentation on completed measures

APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to		24 CFR Part 51 Subpart D
prevent incompatible development		
around civil airports and military airfields.		

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

✓ No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

Screen Summary

Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. The project site is 7.62 miles from Duff Airport, the nearest airport.

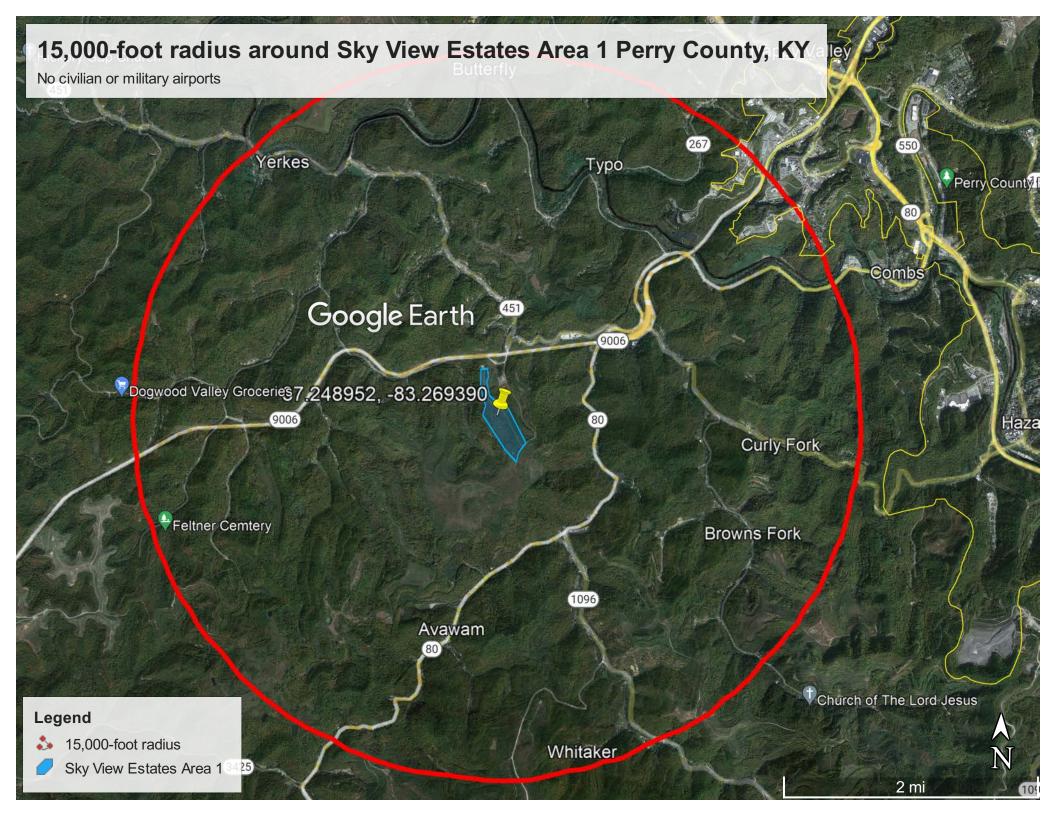
Supporting documentation

Skyview Estates Area 1-15000 foot radius-no airports.pdf Distance to Duff Airport-Sky View Estates.pdf

Are formal compliance steps or mitigation required?

Yes

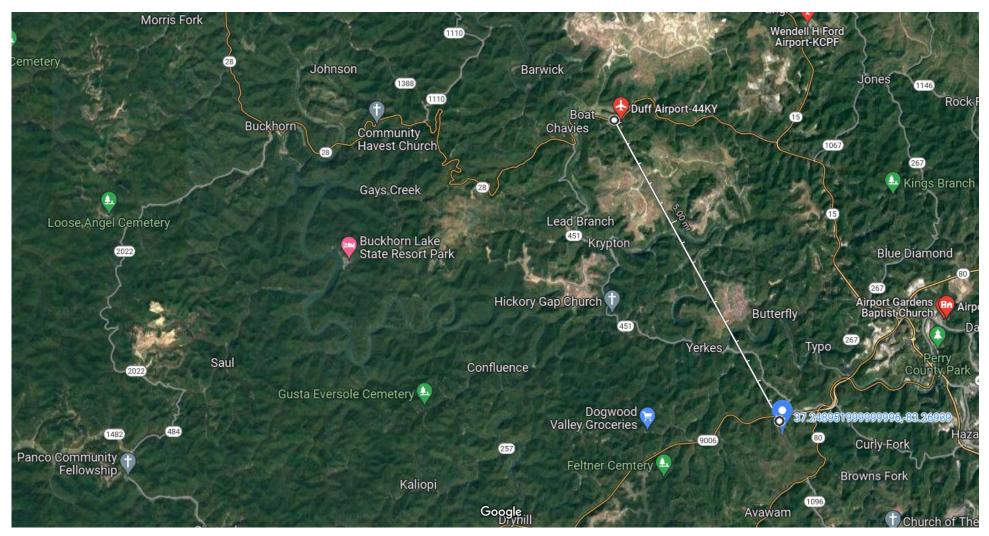
√ No



Google Maps

airport

Distance to Duff Airport from Sky View Estates Area 1, Perry County, KY



Imagery ©2023 TerraMetrics, Map data ©2023 Google 2 mi

Measure distance Total distance: 7.62 mi (12.26 km)

Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be	Coastal Barrier Resources Act	
used for most activities in units of the	(CBRA) of 1982, as amended by	
Coastal Barrier Resources System	the Coastal Barrier Improvement	
(CBRS). See 16 USC 3504 for limitations	Act of 1990 (16 USC 3501)	
on federal expenditures affecting the		
CBRS.		

This project is located in a state that does not contain CBRA units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Compliance Determination

This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No.

Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be	Flood Disaster	24 CFR 50.4(b)(1)
used in floodplains unless the community participates	Protection Act of 1973	and 24 CFR 58.6(a)
in National Flood Insurance Program and flood	as amended (42 USC	and (b); 24 CFR
insurance is both obtained and maintained.	4001-4128)	55.1(b).

1. Does this project involve <u>financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?</u>

No. This project does not require flood insurance or is excepted from flood insurance.

✓ Yes

2. Upload a FEMA/FIRM map showing the site here:

FIRMETTE Sky View Estates Area 1- Map 2.pdf FIRMETTE Sky View Estates Area 1- Map 1.pdf

The Federal Emergency Management Agency (FEMA) designates floodplains. The <u>FEMA Map Service Center</u> provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

✓ No

Based on the response, the review is in compliance with this section.

Yes

4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?

Yes

No

Screen Summary

Compliance Determination

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. The FIRMette Maps for the project site (due to FIRMette Maps' scale, two maps are required to cover the entirety of Sky View Estates Area 1) demonstrate that it is an area of minimal flood hazard (Panel Number 21193C0300D, 8/2/2006, Not Printed; Panel Number 21193C0175D, eff. 8/2/2006). NOTE: FEMA Preliminary FIRM Panels issued 10/27/2022 also show that the project site is in an area of minimal flood hazard. (Preliminary Panel Numbers 21193C0300E and 21193C0175E)

Supporting documentation

FEMA Preliminary FIRM Map 21193C0300E 2022-10-27.pdf FEMA Preliminary FIRM Map 21193C0175E 2022-10-27.pdf

Are formal compliance steps or mitigation required?

Yes

No

National Flood Hazard Layer FIRMette

250

500

1,000

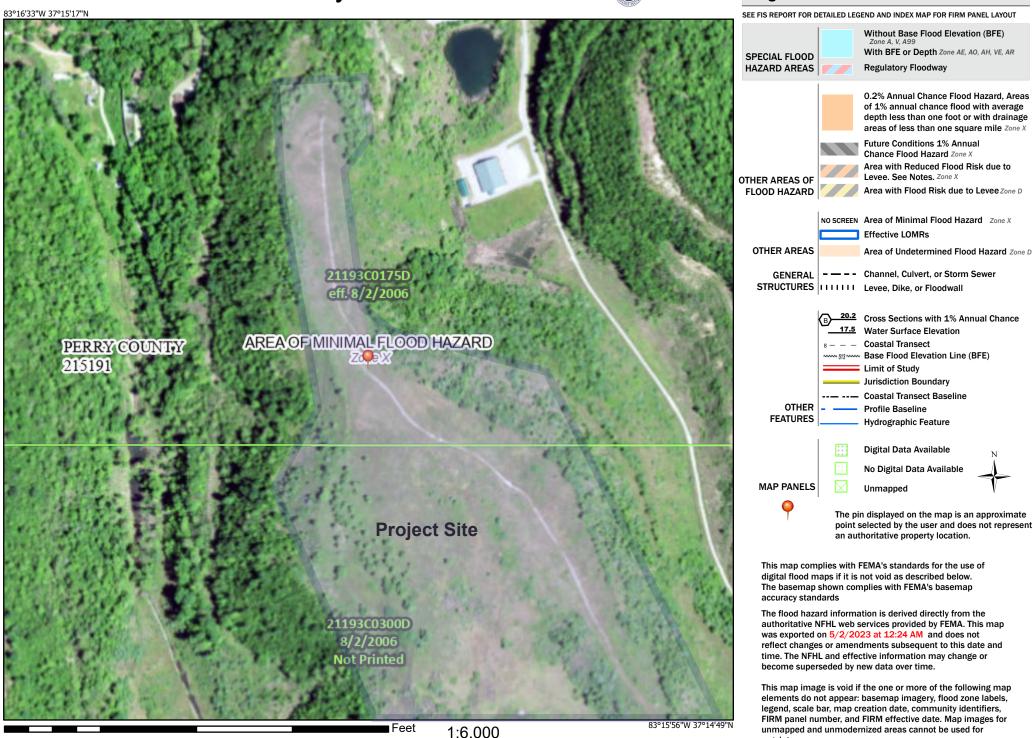
1.500

2.000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Sky View Estates Area 1- Perry County, KY- MAP #1

FEMA Legend SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X **Future Conditions 1% Annual** Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee. See Notes. Zone X Area with Flood Risk due to Levee Zone D NO SCREEN Area of Minimal Flood Hazard Zone X Effective LOMRs Area of Undetermined Flood Hazard Zone D - - - Channel, Culvert, or Storm Sewer STRUCTURES | LILLI Levee, Dike, or Floodwall 20.2 Cross Sections with 1% Annual Chance 17.5 Water Surface Elevation **Coastal Transect** ₩₩ 513 WW Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary -- -- Coastal Transect Baseline **Profile Baseline** Hydrographic Feature Digital Data Available No Digital Data Available

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/2/2023 at 12:24 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Sky View Estates Area 1- Perry County, KY- MAP #2

National Flood Hazard Layer FIRMette



Legend SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT Without Base Flood Elevation (BFE) With BFE or Depth Zone AE, AO, AH, VE, AR SPECIAL FLOOD **HAZARD AREAS** Regulatory Floodway 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X **Future Conditions 1% Annual** Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee. See Notes. Zone X OTHER AREAS OF FLOOD HAZARD Area with Flood Risk due to Levee Zone D NO SCREEN Area of Minimal Flood Hazard Zone X Effective LOMRs OTHER AREAS Area of Undetermined Flood Hazard Zone D - - - Channel, Culvert, or Storm Sewer **GENERAL** STRUCTURES | LILLI Levee, Dike, or Floodwall

MAP PANELS

No Digital Data Available

.. . . .

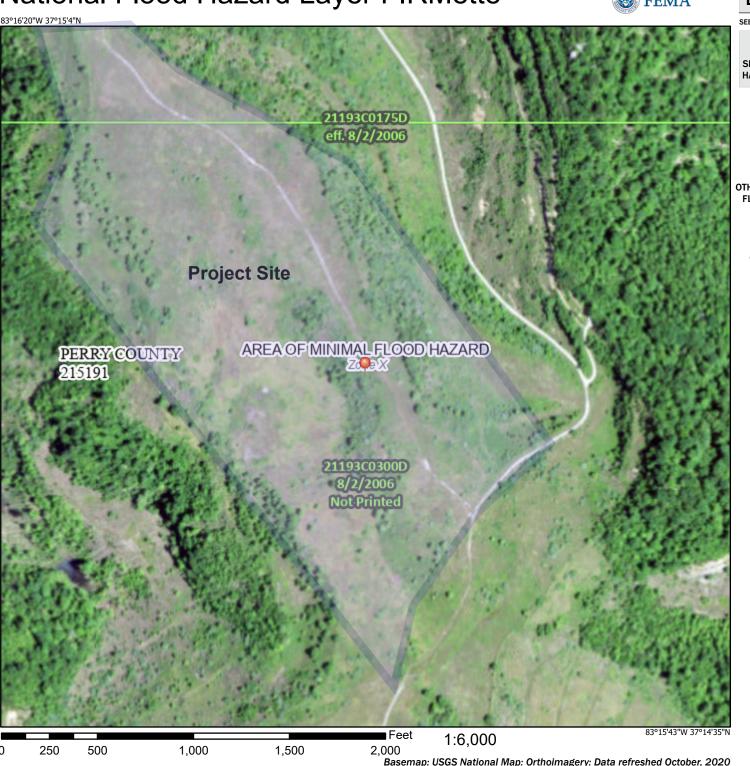
Unmapped

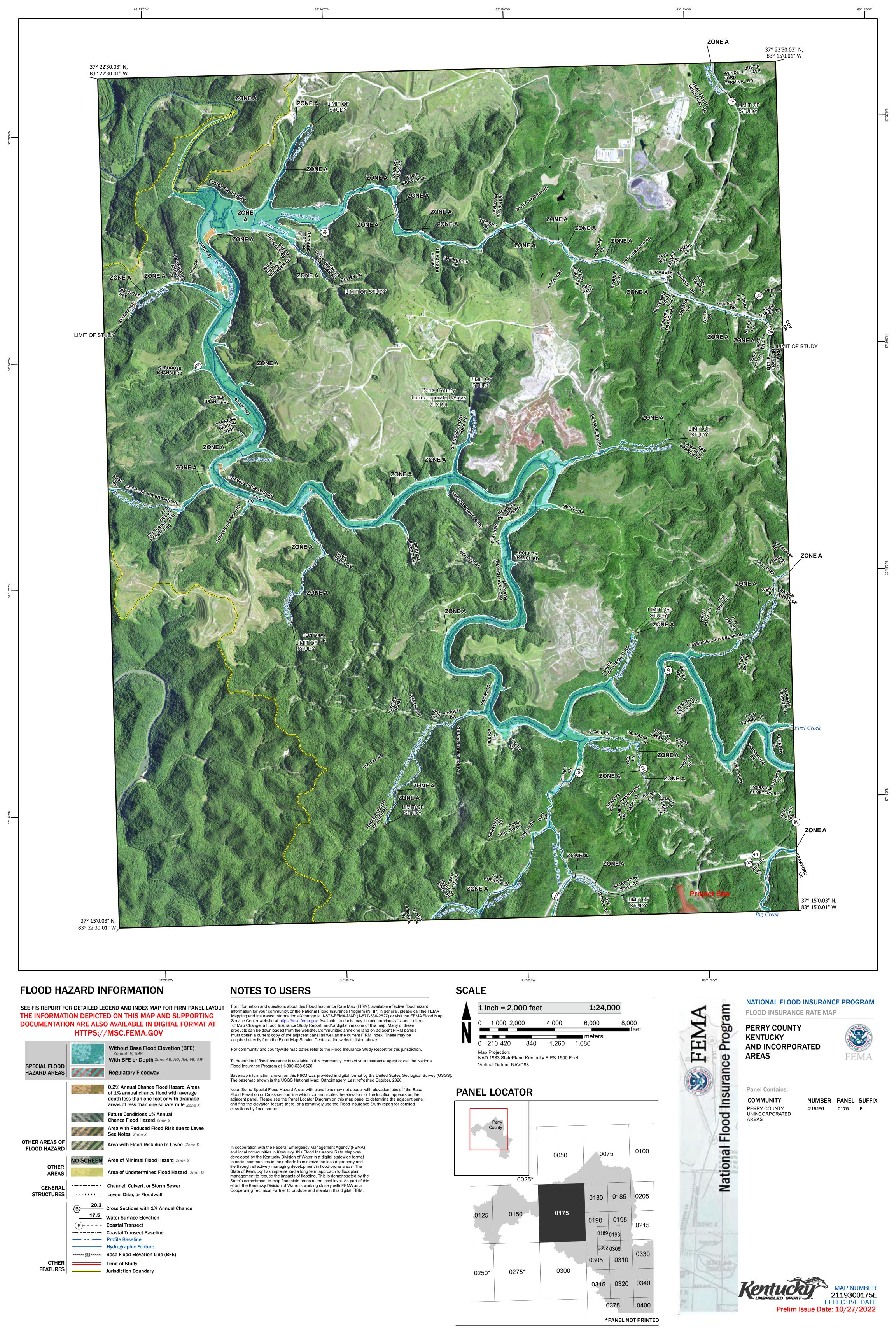
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

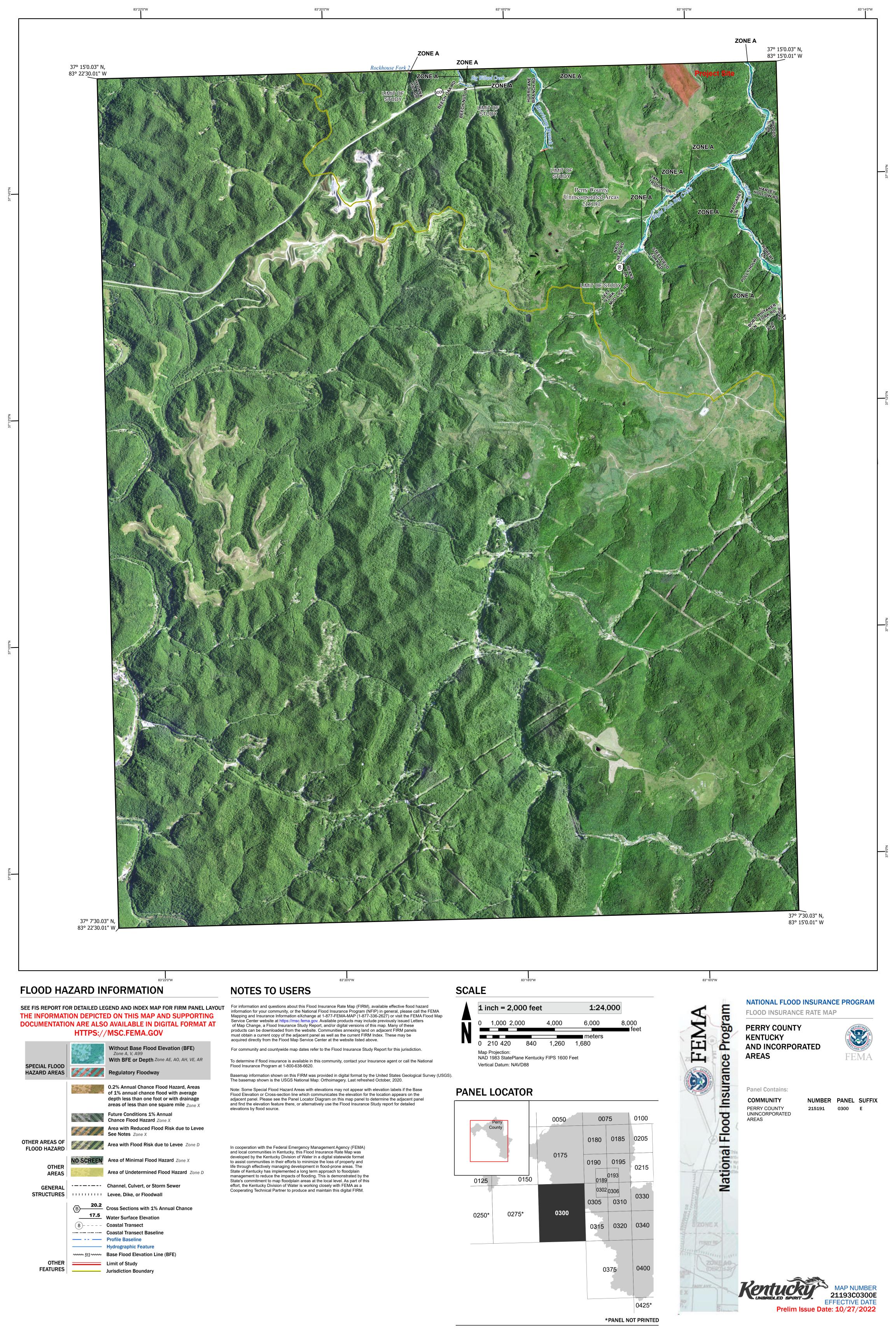
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/2/2023 at 12:30 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.







Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered	Clean Air Act (42 USC 7401 et	40 CFR Parts 6, 51
by the U.S. Environmental	seq.) as amended particularly	and 93
Protection Agency (EPA), which	Section 176(c) and (d) (42 USC	
sets national standards on	7506(c) and (d))	
ambient pollutants. In addition,		
the Clean Air Act is administered		
by States, which must develop		
State Implementation Plans (SIPs)		
to regulate their state air quality.		
Projects funded by HUD must		
demonstrate that they conform		
to the appropriate SIP.		

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

✓	Yes
	No

Air Quality Attainment Status of Project's County or Air Quality Management District

- 2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?
- ✓ No, project's county or air quality management district is in attainment status for all criteria pollutants.

Yes, project's management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

Screen Summary

Compliance Determination

The project's county or air quality management district is in attainment status for all criteria pollutants. Perry County is not in non-attainment or maintenance status for any criteria pollutants. See EPA's Greenbook county list, found at:

Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-

CDBGDR-HOME

https://www3.epa.gov/airquality/green/book/ancl.html#KY. The project is in compliance with the Clean Air Act.

Supporting documentation

Current Nonattainment Counties for All Criteria Pollutants Green Book US EPA 2023-5-1.pdf

Are formal compliance steps or mitigation required?

Yes

✓ No



You are here: EPA Home > Green Book > Current Nonattainment Counties for All Criteria Pollutants

Current Nonattainment Counties for All Criteria Pollutants

Data is current as of April 30, 2023

The 8-hour Ozone (1997) standard was revoked on April 6, 2015 and the 1-hour Ozone (1979) standard was revoked on June 15, 2005. The asterisk (*) indicates only a portion of the county is included in the designated nonattainment area (NA).

Download National Dataset of all designated areas (currently nonattainment, maintenance, revoked): dbf | xls | Data dictionary (PDF)

```
Listed by State, County, NAAQS
                                                 * Part County NA NA Area Name (Classification, if applicable)
ALASKA
       Fairbanks North Star Borough
           PM-2.5 (2006)
                                          *Fairbanks, AK - (Serious)
ARIZONA
       Cochise County
PM-10 (1987)
                                          *Cochise County; Paul Spur/Douglas planning area, AZ - (Moderate)
      Gila County

Lead (2008)

PM-10 (1987)
                                         *Hayden, AZ - (Moderate)
*Miami, AZ - (Moderate)
            PM-10 (1987)
           Sulfur Dioxide (2010)*Hayden, AZ
Sulfur Dioxide (2010)*Miami, AZ
8-Hour Ozone (2015)*Phoenix-Mesa, AZ - (Moderate)
       Maricopa County
PM-10 (1987)
            PM-10 (1987) *Maricopa and Pinal Counties; Phoenix planning area, AZ - (Serious) 8-Hour Ozone (2008) *Phoenix-Mesa, AZ - (Moderate) 8-Hour Ozone (2015) *Phoenix-Mesa, AZ - (Moderate)
       Pima County
PM-10 (1987)
Pinal County
                                          *Pima County; Rillito planning area, AZ - (Moderate)
           Lead (2008)
PM-10 (1987)
PM-10 (1987)
                                          *Hayden, AZ
                                          *Hayden, AZ - (Moderate)
                                          *Maricopa and Pinal Counties; Phoenix planning area, AZ - (Serious)
*Miami, AZ - (Moderate)
           PM-10 (1987)
PM-10 (1987)
PM-2.5 (2006)
                                          *Pinal County (part); West Pinal, AZ - (Serious)

*West Central Pinal, AZ - (Moderate)
            Sulfur Dioxide (1971)*Hayden (Pinal County), AZ
            Sulfur Dioxide (2010)*Hayden, AZ
            8-Hour Ozone (2008) *Phoenix-Mesa, AZ - (Moderate) 8-Hour Ozone (2015) *Phoenix-Mesa, AZ - (Moderate)
       Santa Cruz County
PM-10 (1987)
                                          *Santa Cruz County; Nogales planning area, AZ - (Moderate)
       Yuma County
PM-10 (1987)
                                          *Yuma, AZ - (Moderate)
            8-Hour Ozone (2015) *Yuma, AZ - (Marginal)
CALIFORNIA
       Alameda County PM-2.5 (2006)
                                           San Francisco Bay Area, CA - (Moderate)
            8-Hour Ozone (2015) San Francisco Bay Area, CA - (Marginal)
8-Hour Ozone (2015) San Francisco Bay Area, CA - (Marginal)
       Amador County
            8-Hour Ozone (2015) Amador County, CA - (Marginal)
       Butte County
8-Hour Ozone (2008) Chico (Butte County), CA - (Marginal)
8-Hour Ozone (2015) Butte County, CA - (Marginal)
       Calaveras County
            8-Hour Ozone (2008) Calaveras County, CA - (Marginal)
            8-Hour Ozone (2015) Calaveras County, CA - (Marginal)
       Contra Costa County
PM-2.5 (2006)
                                            San Francisco Bay Area, CA - (Moderate)
            8-Hour Ozone (2008) San Francisco Bay Area, CA - (Marginal)
8-Hour Ozone (2015) San Francisco Bay Area, CA - (Marginal)
       El Dorado County
PM-2.5 (2006)
                                           *Sacramento, CA - (Moderate)
            8-Hour Ozone (2008) *Sacramento Metro, CA - (Severe 15) 8-Hour Ozone (2015) *Sacramento Metro, CA - (Serious)
       Fresno County

PM-2.5 (1997)

PM-2.5 (2006)

PM-2.5 (2012)
                                            San Joaquin Valley, CA - (Serious)
                                           San Joaquin Valley, CA - (Serious)
San Joaquin Valley, CA - (Serious)
            8-Hour Ozone (2018) San Joaquin Valley, CA - (Extreme)
San Joaquin Valley, CA - (Extreme)
       Imperial County
PM-2.5 (2006)
PM-2.5 (2012)
                                          *Imperial County, CA - (Moderate)
            PM-2.5 (2012) *Imperial County, CA - (Moderate) 8-Hour Ozone (2008) Imperial County, CA - (Moderate) 8 Hour Ozone (2015) Imperial County, CA - (Moderate)
            8-Hour Ozone (2015) Imperial County, CA - (Marginal)
       Inyo County
            PM-10 (1987)
                                          *Inyo County; Owens Valley planning area, CA - (Serious)
       Kern County
PM-10 (1987)
```

*East Kern County, CA - (Serious)

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PM-2.5 (1997)
PM-2.5 (2006)
                                    *San Joaquin Valley, CA - (Serious)
*San Joaquin Valley, CA - (Serious)
     PM-2.5 (2012)
     PM-2.5 (2012) *San Joaquin Valley, CA - (Serious) 8-Hour Ozone (2008) *Kern County (Eastern Kern), CA - (Severe 15)
     8-Hour Ozone (2008) *San Joaquin Valley, CA - (Extreme)
8-Hour Ozone (2015) *Kern County (Eastern Kern), CA - (Serious)
8-Hour Ozone (2015) *San Joaquin Valley, CA - (Extreme)
Rings County

PM-2.5 (1997)

PM-2.5 (2006)

PM-2.5 (2012)

8-Hour Ozone (2018)

San Joaquin Valley, CA - (Serious)

San Joaquin Valley, CA - (Serious)

San Joaquin Valley, CA - (Extreme)

San Joaquin Valley, CA - (Extreme)

San Joaquin Valley, CA - (Extreme)

San Joaquin Valley, CA - (Extreme)
Los Angeles County
     Lead (2008)
PM-2.5 (1997)
PM-2.5 (2006)
                                     *Los Angeles County-South Coast Air Basin, CA
                                    *Los Angeles-South Coast Air Basin, CA - (Moderate)
*Los Angeles-South Coast Air Basin, CA - (Serious)
*Los Angeles-South Coast Air Basin, CA - (Serious)
      PM-2.5 (2012)
      8-Hour Ozone (2008) *Los Angeles-San Bernardino Counties (West Mojave Desert), CA - (Severe 15)
      8-Hour Ozone (2008) *Los Angeles-South Coast Air Basin, CA - (Extreme)
     8-Hour Ozone (2015)*Los Angeles-San Bernardino Counties (West Mojave Desert), CA - (Severe 15) 8-Hour Ozone (2015)*Los Angeles-South Coast Air Basin, CA - (Extreme)
Madera County

PM-2.5 (1997)

PM-2.5 (2006)
                                      San Joaquin Valley, CA - (Serious)
     PM-2.5 (2006) San Joaquin Valley, CA - (Serious)
PM-2.5 (2012) San Joaquin Valley, CA - (Serious)
8-Hour Ozone (2008) San Joaquin Valley, CA - (Extreme)
8-Hour Ozone (2015) San Joaquin Valley, CA - (Extreme)
Marin County PM-2.5 (2006)
     PM-2.5 (2006) San Francisco Bay Area, CA - (Moderate)
8-Hour Ozone (2008) San Francisco Bay Area, CA - (Marginal)
8-Hour Ozone (2015) San Francisco Bay Area, CA - (Marginal)
Mariposa County
     8-Hour Ozone (2008) Mariposa County, CA - (Moderate)
8-Hour Ozone (2015) Mariposa County, CA - (Moderate)
Merced County

PM-2.5 (1997)

PM-2.5 (2006)
     PM-2.5 (1997) San Joaquin Valley, CA - (Serious)
PM-2.5 (2006) San Joaquin Valley, CA - (Serious)
PM-2.5 (2012) San Joaquin Valley, CA - (Serious)
8-Hour Ozone (2008) San Joaquin Valley, CA - (Extreme)
      8-Hour Ozone (2015) San Joaquin Valley, CA - (Extreme)
Mono County
      PM-10 (1987)
                                     *Mono Basin, CA - (Moderate)
Napa County
      PM-2.5 (2006)
                                      San Francisco Bay Area, CA - (Moderate)
      8-Hour Ozoné (2008) San Francisco Bay Area, CA - (Marginal)
      8-Hour Ozone (2015) San Francisco Bay Area, CA - (Marginal)
Nevada County
      8-Hour Ozone (2008) *Nevada County (Western part), CA - (Serious) 8-Hour Ozone (2015) *Nevada County (Western part), CA - (Serious)
Orange County

PM-2.5 (1997)

PM-2.5 (2006)
                                      Los Angeles-South Coast Air Basin, CA - (Moderate)
                                      Los Angeles-South Coast Air Basin, CA - (Serious)
      PM-2.5 (2012)
                                      Los Angeles-South Coast Air Basin, CA - (Serious)
      8-Hour Ozone (2008) Los Angeles-South Coast Air Basin, CA - (Extreme)
      8-Hour Ozone (2015) Los Angeles-South Coast Air Basin, CA - (Extreme)
Placer County
                                     *Sacramento, CA - (Moderate)
     8-Hour Ozone (2008) *Sacramento Metro, CA - (Severe 15)
8-Hour Ozone (2015) *Sacramento Metro, CA - (Serious)
Plumas County
PM-2.5 (2012)
                                     *Plumas County, CA - (Serious)
Riverside County PM-10 (1987)
                                    *Riverside County; Coachella Valley planning area, CA - (Serious)
*Los Angeles-South Coast Air Basin, CA - (Moderate)
*Los Angeles-South Coast Air Basin, CA - (Serious)
      PM-2.5 (1997)
PM-2.5 (2006)
      PM-2.5 (2012) *Los Angeles-South Coast Air Basin, CA - (Serious) 8-Hour Ozone (2008) *Los Angeles-South Coast Air Basin, CA - (Extreme)
     8-Hour Ozone (2008) *Morago Band of Mission Indians, CA - (Severe 15)
8-Hour Ozone (2008) *Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, CA - (Moderate)
     8-Hour Ozone (2008) *Riverside County (Coachella Valley), CA - (Extreme) 8-Hour Ozone (2015) *Los Angeles-South Coast Air Basin, CA - (Extreme)
      8-Hour Ozone (2015) *Morongo Band of Mission Indians, CA - (Serious)
      8-Hour Ozone (2015) *Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, CA - (Moderate)
      8-Hour Ozone (2015) *Riverside County (Coachella Valley), CA - (Severe 15)
Sacramento County
      PM-2.5 (2006)
                                      Sacramento, CA - (Moderate)
                                     Sacramento Metro, CA - (Severe 15)
Sacramento Metro, CA - (Serious)
      8-Hour Ozoné (2008)
      8-Hour Ozone (2015)
San Bernardino County
      PM-10 (1987)
                                      San Bernardino County, CA - (Moderate)
      PM-10 (1987)
                                     *Trona, CA - (Moderate)
      PM-2.5 (1997)
                                     *Los Angeles-South Coast Air Basin, CA - (Moderate)
      PM-2.5 (2006)
                                    *Los Angeles-South Coast Air Basin, CA - (Serious)
      PM-2.5 (2012)
                                    *Los Angeles-South Coast Air Basin, CA - (Serious)
      8-Hour Ozone (2008) *Los Angeles-San Bernardino Counties (West Mojave Desert), CA - (Severe 15)
      8-Hour Ozone (2008) *Los Angeles-South Coast Air Basin, CA - (Extreme)
      8-Hour Ozone (2015) *Los Angeles-San Bernardino Counties (West Mojave Desert), CA - (Severe 15)
      8-Hour Ozone (2015) *Los Angeles-South Coast Air Basin, CA - (Extreme)
San Diego County
      8-Hour Ozone (2008) *Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, CA - (Moderate)
      8-Hour Ozone (2008) *San Diego County, CA - (Severe 15)
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8-Hour Ozone (2015)*Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, CA - (Moderate) 8-Hour Ozone (2015)*San Diego County, CA - (Severe 15)
     San Francisco County
          PM-2.5 (2006)
                                    San Francisco Bay Area, CA - (Moderate)
         8-Hour Ozone (2008) San Francisco Bay Area, CA - (Marginal)
8-Hour Ozone (2015) San Francisco Bay Area, CA - (Marginal)
     San Joaquin County

PM-2.5 (1997)

PM-2.5 (2006)

PM-2.5 (2012)
                                    San Joaquin Valley, CA - (Serious)
                                   San Joaquin Valley, CA - (Serious)
San Joaquin Valley, CA - (Serious)
San Joaquin Valley, CA - (Extreme)
         8-Hour Ozoné (2008)
          8-Hour Ozone (2015)
                                    San Joaquin Valley, CA - (Extreme)
     San Luis Obispo County
          8-Hour Ozone (2008) *San Luis Obispo (Eastern San Luis Obispo), CA - (Marginal)
          8-Hour Ozone (2015) *San Luis Obispo (Eastern part), CA - (Marginal)
     San Mateo County
         PM-2.5 (2006)
San Francisco Bay Area, CA - (Moderate)
8-Hour Ozone (2008)
San Francisco Bay Area, CA - (Marginal)
          8-Hour Ozone (2015) San Francisco Bay Area, CA - (Marginal)
     Santa Clara County
         PM-2.5 (2006) San Francisco Bay Area, CA - (Moderate)
8-Hour Ozone (2008) San Francisco Bay Area, CA - (Marginal)
          8-Hour Ozone (2015) San Francisco Bay Area, CA - (Marginal)
     Solano County
         PM-2.5 (2006)
                                  *Sacramento, CA - (Moderate)
          PM-2.5 (2006)
                                  *San Francisco Bay Area, CA - (Moderate)
         8-Hour Ozone (2008) *Sacramento Metro, CA - (Severe 15)
          8-Hour Ozone (2008) *San Francisco Bay Area, CA - (Marginal)
          8-Hour Ozone (2015) *Sacramento Metro, CA - (Serious)
          8-Hour Ozone (2015) *San Francisco Bay Area, CA - (Marginal)
     Sonoma County
         PM-2.5 (2006) *San Francisco Bay Area, CA - (Moderate) 8-Hour Ozone (2008) *San Francisco Bay Area, CA - (Marginal)
          8-Hour Ozone (2015) *San Francisco Bay Area, CA - (Marginal)
     Stanislaus County

PM-2.5 (1997)

PM-2.5 (2006)
         PM-2.5 (1997) San Joaquin Valley, CA - (Serious)
PM-2.5 (2006) San Joaquin Valley, CA - (Serious)
PM-2.5 (2012) San Joaquin Valley, CA - (Serious)
8-Hour Ozone (2008) San Joaquin Valley, CA - (Extreme)
          8-Hour Ozone (2015) San Joaquin Valley, CA - (Extreme)
     Sutter County
          8-Hour Ozone (2008) *Sacramento Metro, CA - (Severe 15)
         8-Hour Ozone (2015) *Sacramento Metro, CA - (Serious) 8-Hour Ozone (2015) *Sutter Buttes, CA - (Marginal)
     Tehama County
          8-Hour Ozone (2008) *Tuscan Buttes, CA - (Marginal)
          8-Hour Ozone (2015) *Tuscan Buttes, CA - (Marginal (Rural Transport))
     Tulare County
         PM-2.5 (1997)
PM-2.5 (2006)
                                    San Joaquin Valley, CA - (Serious)
San Joaquin Valley, CA - (Serious)
         PM-2.5 (2012) San Joaquin Valley, CA - (Serious) 8-Hour Ozone (2008) San Joaquin Valley, CA - (Extreme) 8-Hour Ozone (2015) San Joaquin Valley, CA - (Extreme)
          8-Hour Ozone (2015) San Joaquin Valley, CA - (Extreme)
     Tuolumne County
          8-Hour Ozone (2015) Tuolumne County, CA - (Marginal)
      Ventura County
          8-Hour Ozone (2008) *Ventura County, CA - (Serious)
8-Hour Ozone (2015) *Ventura County, CA - (Serious)
     Yolo County
          PM-2.5 (2006)
                                  *Sacramento, CA - (Moderate)
          8-Hour Ozone (2008) Sacramento Metro, CA - (Severe 15)
          8-Hour Ozone (2015) Sacramento Metro, CA - (Serious)
COLORADO
      Adams County
          8-Hour Ozone (2008) Denver-Boulder-Greeley-Ft. Collins-Loveland, CO - (Severe 15)
          8-Hour Ozone (2015) Denver Metro/North Front Range, CO - (Moderate)
     Arapahoe County
          8-Hour Ozone (2008) Denver-Boulder-Greeley-Ft. Collins-Loveland, CO - (Severe 15)
          8-Hour Ozone (2015) Denver Metro/North Front Range, CO - (Moderate)
     Boulder County
          8-Hour Ozone (2008) Denver-Boulder-Greeley-Ft. Collins-Loveland, CO - (Severe 15)
          8-Hour Ozone (2015) Denver Metro/North Front Range, CO - (Moderate)
     Broomfield County
          8-Hour Ozone (2008) Denver-Boulder-Greeley-Ft. Collins-Loveland, CO - (Severe 15)
          8-Hour Ozone (2015) Denver Metro/North Front Range, CO - (Moderate)
     Denver County
          8-Hour Ozone (2008) Denver-Boulder-Greeley-Ft. Collins-Loveland, CO - (Severe 15)
          8-Hour Ozone (2015) Denver Metro/North Front Range, CO - (Moderate)
     Douglas County
          8-Hour Ozone (2008) Denver-Boulder-Greeley-Ft. Collins-Loveland, CO - (Severe 15)
          8-Hour Ozone (2015) Denver Metro/North Front Range, CO - (Moderate)
     Jefferson County
          8-Hour Ozone (2008) Denver-Boulder-Greeley-Ft. Collins-Loveland, CO - (Severe 15)
          8-Hour Ozone (2015) Denver Metro/North Front Range, CO - (Moderate)
     Larimer County
          8-Hour Ozone (2008) *Denver-Boulder-Greeley-Ft. Collins-Loveland, CO - (Severe 15)
          8-Hour Ozone (2015) *Denver Metro/North Front Range, CO - (Moderate)
      Weld County
          8-Hour Ozone (2008) *Denver-Boulder-Greeley-Ft. Collins-Loveland, CO - (Severe 15)
          8-Hour Ozone (2015) Denver Metro/North Front Range, CO - (Moderate)
CONNECTICUT
     Fairfield County
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8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
        8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
    Hartford County
        8-Hour Ozone (2008) Greater Connecticut, CT - (Serious)
        8-Hour Ozone (2015) Greater Connecticut, CT - (Moderate)
    Litchfield County
        8-Hour Ozone (2008) Greater Connecticut, CT - (Serious)
        8-Hour Ozone (2015) Greater Connecticut, CT - (Moderate)
    Middlesex County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
        8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
    New Haven County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
        8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
    New London County
        8-Hour Ozone (2008) Greater Connecticut, CT - (Serious)
        8-Hour Ozone (2015) Greater Connecticut, CT - (Moderate)
    Tolland County
        8-Hour Ozone (2008) Greater Connecticut, CT - (Serious)
        8-Hour Ozone (2015) Greater Connecticut, CT - (Moderate)
    Windham County
        8-Hour Ozone (2008) Greater Connecticut, CT - (Serious)
        8-Hour Ozone (2015) Greater Connecticut, CT - (Moderate)
DELAWARE
    New Castle County
        8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
        8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderaté)
    Sussex County
8-Hour Ozone (2008) Seaford, DE - (Marginal) DISTRICT OF COLUMBIA
    District of Columbia
        8-Hour Ozone (2015) Washington, DC-MD-VA - (Moderate)
GUAM
    Guam
        Sulfur Dioxide (1971)*Piti, GU
        Sulfur Dioxide (1971)*Tanguisson, GU
        Sulfur Dioxide (2010)*Piti-Cabras, GU
IDAHO
    Bannock County
        PM-10 (1987)
                            *Power-Bannock Counties; Fort Hall Indian Reservation, ID - (Moderate)
    Power County
        PM-10 (1987)
                            *Power-Bannock Counties; Fort Hall Indian Reservation, ID - (Moderate)
ILLINOIS
    Cook County
        8-Hour Özone (2015) Chicago, IL-IN-WI - (Moderate)
    DuPage County
        8-Hour Ozone (2015) Chicago, IL-IN-WI - (Moderate)
    Grundy County
        8-Hour Ozone (2015) *Chicago, IL-IN-WI - (Moderate)
    Kane County
        8-Hour Ozone (2015) Chicago, IL-IN-WI - (Moderate)
    Kendall County
        8-Hour Ozone (2015) *Chicago, IL-IN-WI - (Moderate)
    Lake County
        8-Hour Ozone (2015) Chicago, IL-IN-WI - (Moderate)
    Madison County
        Sulfur Dioxide (2010)*Alton Township, IL
        8-Hour Ozone (2015) St. Louis, MO-IL - (Moderate)
    McHenry County
        8-Hour Ozone (2015) Chicago, IL-IN-WI - (Moderate)
    Monroe County
        8-Hour Ozone (2015) St. Louis, MO-IL - (Moderate)
    St. Clair County
        8-Hour Ozone (2015) St. Louis, MO-IL - (Moderate)
    Will County
        8-Hour Ozone (2015) Chicago, IL-IN-WI - (Moderate)
INDIANA
    Huntington County
        Sulfur Dioxide (2010)*Huntington, IN
    Lake County
        8-Hour Ozone (2015) *Chicago, IL-IN-WI - (Moderate)
    Porter County
        8-Hour Özone (2015) *Chicago, IL-IN-WI - (Moderate)
    Muscatine County
        Sulfur Dioxide (2010)*Muscatine, IA
KANSAS
    Saline County
Lead (2008)
KENTUCKY
                            *Saline County, KS
    Boone County
        8-Hour Ozone (2015) *Cincinnati, OH-KY - (Moderate)
    Bullitt County
        8-Hour Ozone (2015) Louisville, KY-IN - (Moderate)
    Campbell County
        8-Hour Ozone (2015) *Cincinnati, OH-KY - (Moderate)
    Henderson County
        Sulfur Dioxide (2010)*Henderson-Webster Counties, KY
    Jefferson County
        8-Hour Ozone (2015) Louisville, KY-IN - (Moderate)
    Kenton County
        8-Hour Ozone (2015) *Cincinnati, OH-KY - (Moderate)
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Oldham County
         8-Hour Ozone (2015) Louisville, KY-IN - (Moderate)
     Webster County
         Sulfur Dioxide (2010)*Henderson-Webster Counties, KY
LOUISIAŇA
     Evangeline Parish
     Sulfur Dioxide (2010)*Evangeline Parish (Partial), LA St. Bernard Parish
         Sulfur Dioxide (2010) St. Bernard Parish, LA
MARYLAND
    Anne Arundel County
Sulfur Dioxide (2010)*Anne Arundel County and Baltimore County, MD
8-Hour Ozone (2008) Baltimore, MD - (Moderate)
8-Hour Ozone (2015) Baltimore, MD - (Moderate)
     Baltimore County
         8-Hour Ozone (2015) Baltimore, MD - (Moderate)
8-Hour Ozone (2015) Baltimore, MD - (Moderate)
     Baltimore city
         8-Hour Ozone (2008) Baltimore, MD - (Moderate)
8-Hour Ozone (2015) Baltimore, MD - (Moderate)
     Calvert County
         8-Hour Ozone (2015) Washington, DC-MD-VA - (Moderate)
     Carroll County
         8-Hour Ozone (2008) Baltimore, MD - (Moderate)
8-Hour Ozone (2015) Baltimore, MD - (Moderate)
     Cecil County
         8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
         8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
     Charles County
         8-Hour Ozone (2015) Washington, DC-MD-VA - (Moderate)
     Frederick County
         8-Hour Ozone (2015) Washington, DC-MD-VA - (Moderate)
     Harford County
         8-Hour Ozone (2008) Baltimore, MD - (Moderate)
         8-Hour Ozone (2015) Baltimore, MD - (Moderate)
     Howard County
         8-Hour Ozone (2008) Baltimore, MD - (Moderate)
8-Hour Ozone (2015) Baltimore, MD - (Moderate)
     Montgomery County
         8-Hour Ozone (2015) Washington, DC-MD-VA - (Moderate)
     Prince George's County
8-Hour Ozone (2015) Washington, DC-MD-VA - (Moderate)
MASSACHUSETTS
     Dukes County
         8-Hour Ozone (2008) Dukes County, MA - (Marginal)
MICHIGAN
     Allegan County
         8-Hour Ozone (2015) *Allegan County, MI - (Moderate)
     Berrien County
         8-Hour Ozone (2015) Berrien County, MI - (Moderate)
     Livingston County
         8-Hour Ozone (2015) Detroit, MI - (Moderate)
     Macomb County
         8-Hour Ozone (2015) Detroit, MI - (Moderate)
     Monroe County
         8-Hour Ozone (2015) Detroit, MI - (Moderate)
     Muskegon County
         8-Hour Ozone (2015) *Muskegon County, MI - (Moderate)
     Oakland County
         8-Hour Ozone (2015) Detroit, MI - (Moderate)
     St. Clair County
         Sulfur Dioxide (2010)*St. Clair, MI
         8-Hour Ozone (2015) Detroit, MI - (Moderate)
     Washtenaw County
         8-Hour Ozone (2015) Detroit, MI - (Moderate)
     Wayne County
         Sulfur Dioxide (2010)*Detroit, MI
         8-Hour Ozone (2015) Detroit, MI - (Moderate)
MINNESOTA
     Dakota County
         Lead (2008)
                                *Eagan, MN
MISSOURI
     Dent County
     Lead (2008)
Franklin County
                               *Iron, Dent, and Revnolds Counties, MO
         8-Hour Ozone (2015) *St. Louis, MO-IL - (Moderate)
     Iron County
     Lead (2008)
Jefferson County
                                *Iron, Dent, and Reynolds Counties, MO
         Lead (1978)
                                *Jefferson County (part); Herculaneum, MO
         Lead (2008) *Jefferson County, MO
8-Hour Ozone (2015) St. Louis, MO-IL - (Moderate)
     New Madrid County
         Sulfur Dioxide (2010)*New Madrid County, MO
     Reynolds County
                                *Iron, Dent, and Reynolds Counties, MO
         Lead (2008)
     St. Charles County
         8-Hour Ozone (2015) St. Louis, MO-IL - (Moderate)
     St. Louis County
         8-Hour Ozone (2015) St. Louis, MO-IL - (Moderate)
     St. Louis city
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8-Hour Ozone (2015) St. Louis, MO-IL - (Moderate)
MONTANA
    Lake County
        PM-10 (1987)
                              *Lake County; Polson, MT - (Moderate)
        PM-10 (1987)
                              *Lake County; Ronan, MT - (Moderate)
    Lincoln County
PM-2.5 (1997)
                              *Libby, MT - (Moderate)
     Rosebud County
        PM-10 (1987)
                              *Rosebud County; Lame Deer, MT - (Moderate)
     Yellowstone County
        Sulfur Dioxide (1971)*Laurel Area (Yellowstone County), MT
NEVADA
    Clark County
        8-Hour Özone (2015) *Las Vegas, NV - (Moderate)
NEW JERSEY
     Atlantic County
        8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal) 8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
    Bergen County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
     Burlington County
        8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
        8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
    Camden County
        8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
        8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
    Cape May County
        8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal) 8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
     Cumberland County
        8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
        8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
     Essex County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
    Gloucester County
        8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
        8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
    Hudson County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15) 8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
    Hunterdon County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
        8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
    Mercer County
        8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
        8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
     Middlesex County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
        8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
    Monmouth County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
    Morris County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
        8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
    Ocean County
        8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
        8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
     Passaic County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
        8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
     Salem County
        8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
        8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
     Somerset County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
        8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
     Sussex County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
        8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
     Union County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
        8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
     Warren County
        Sulfur Dioxide (1971)*Warren County, NJ
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
        8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
NEW MEXICO
     Dona Ana County
        PM-10 (1987)
                              *Dona Ana County; Anthony, NM - (Moderate)
        8-Hour Ozone (2015) *El Paso-Las Cruces, TX-NM - (Marginal)
NEW YORK
     Bronx County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
        8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
     Chautauqua County
        8-Hour Ozone (2008) Jamestown, NY - (Marginal)
     Kings County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
        8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
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Nassau County
         8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
         8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
     New York County
        **PM-10 (1987)** New York County, NY - (Moderate)

8-Hour Ozone (2008)* New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)

8-Hour Ozone (2015)* New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
     Queens County
         8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
     Richmond County
         8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
         8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
     Rockland County
         8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
         8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
     St. Lawrence County
         Sulfur Dioxide (2010)*St. Lawrence County, NY
     Suffolk County
         8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15)
         8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
     Westchester County
        8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Severe 15) 8-Hour Ozone (2015) New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
оню
     Cuyahoga County
         8-Hour Ozone (2015) Cleveland, OH - (Moderate)
     Geauga County
         8-Hour Ozone (2015) Cleveland, OH - (Moderate)
     Lake County
         8-Hour Ozone (2015) Cleveland, OH - (Moderate)
     Lorain County
         8-Hour Ozone (2015) Cleveland, OH - (Moderate)
     Medina County
         8-Hour Ozone (2015) Cleveland, OH - (Moderate)
     Morgan County
        Sulfur Dioxide (2010)*Muskingum River, OH
     Portage County
         8-Hour Ozone (2015) Cleveland, OH - (Moderate)
     Stark County
        Lead (2008)
                               *Canton-Stark County, OH
     Summit County
         8-Hour Ozone (2015) Cleveland, OH - (Moderate)
     Washington County
         Sulfur Dioxide (2010)*Muskingum River, OH
OREGON
     Klamath County
        PM-2.5 (2006)
                               *Klamath Falls, OR - (Moderate)
PENNSYLVANIA
     Allegheny County
PM-2.5 (1997)
PM-2.5 (2006)
                               *Liberty-Clairton, PA - (Moderate)
*Liberty-Clairton, PA - (Moderate)
        PM-2.5 (2012)
                                Allegheny County, PA - (Moderate)
         Sulfur Dioxide (2010)*Allegheny, PA
         8-Hour Ozone (2008) Pittsburgh-Beaver Valley, PA - (Marginal)
     Armstrong County
         Sulfur Dioxide (1971)*Armstrong County: Madison, Mahoning, Boggs, Washington, Pine, PA
         Sulfur Dioxide (2010)*Indiana, PA
         8-Hour Ozone (2008) Pittsburgh-Beaver Valley, PA - (Marginal)
     Beaver County
                               *Lower Beaver Valley, PA
        Lead (2008)
         Sulfur Dioxide (2010)*Beaver, PA
         8-Hour Ozone (2008) Pittsburgh-Beaver Valley, PA - (Marginal)
     Berks County
        Lead (2008)
Lead (2008)
                               *Lyons, PA
*North Reading, PA
         8-Hour Ozone (2008) Reading, PA - (Marginal)
     Bucks County
         8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
         8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
     Butler County
         8-Hour Ózone (2008) Pittsburgh-Beaver Valley, PA - (Marginal)
     Carbon County
         8-Hour Ozone (2008) Allentown-Bethlehem-Easton, PA - (Marginal)
     Chester County
         8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
         8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
     Delaware County
         8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
         8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
     Fayette County
         8-Hour Ozone (2008) Pittsburgh-Beaver Valley, PA - (Marginal)
     Indiana County
        Sulfur Dioxide (2010) Indiana, PA
     Lancaster County
         8-Hour Ozone (2008) Lancaster, PA - (Marginal)
     Lehigh County
         8-Hour Ozone (2008) Allentown-Bethlehem-Easton, PA - (Marginal)
     Montgomery County
8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
         8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
     Northampton County
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8-Hour Ozone (2008) Allentown-Bethlehem-Easton, PA - (Marginal)
     Philadelphia County
        8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal) 8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Moderate)
     Warren County
        Sulfur Dioxide (2010)*Warren, PA
     Washington County
8-Hour Ozone (2008) Pittsburgh-Beaver Valley, PA - (Marginal)
     Westmoreland County
        8-Hour Ozone (2008) Pittsburgh-Beaver Valley, PA - (Marginal)
PUERTO RICO
     Arecibo Municipio
        Lead (2008)
                             *Arecibo, PR
     Bayamon Municipio
        Sulfur Dioxide (2010)*San Juan, PR
     Catano Municipio
        Sulfur Dioxide (2010) San Juan, PR
     Guaynabo Municipio
        Sulfur Dioxide (2010)*San Juan, PR
     Salinas Municipio
        Sulfur Dioxide (2010)*Guayama-Salinas, PR
     San Juan Municipio
        Sulfur Dioxide (2010)*San Juan, PR
     Toa Baja Municipio
Sulfur Dioxide (2010)*San Juan, PR
TENNESSEE
     Sullivan County
        Sulfur Dioxide (2010)*Sullivan County, TN
TEXAS
     Anderson County
        Sulfur Dioxide (2010)*Freestone and Anderson Counties, TX
     Bexar County
        8-Hour Özone (2015) San Antonio, TX - (Moderate)
     Brazoria County
        8-Hour Ozone (2008) Houston-Galveston-Brazoria, TX - (Severe 15)
        8-Hour Ozone (2015) Houston-Galveston-Brazoria, TX - (Moderate)
     Chambers County
        8-Hour Ozone (2008) Houston-Galveston-Brazoria, TX - (Severe 15)
        8-Hour Ozone (2015) Houston-Galveston-Brazoria, TX - (Moderate)
     Collin County
        8-Hour Ozone (2008) Dallas-Fort Worth, TX - (Severe 15)
8-Hour Ozone (2015) Dallas-Fort Worth, TX - (Moderate)
     Dallas County
        8-Hour Ozone (2008) Dallas-Fort Worth, TX - (Severe 15)
        8-Hour Ozone (2015) Dallas-Fort Worth, TX - (Moderate)
     Denton County
        8-Hour Ozone (2008) Dallas-Fort Worth, TX - (Severe 15)
        8-Hour Ozone (2015) Dallas-Fort Worth, TX - (Moderate)
     El Paso County
        PM-10 (1987)
                              *El Paso County, TX - (Moderate)
        8-Hour Ozone (2015) El Paso-Las Cruces, TX-NM - (Marginal)
     Ellis County
        8-Hour Ozone (2008) Dallas-Fort Worth, TX - (Severe 15)
        8-Hour Ozone (2015) Dallas-Fort Worth, TX - (Moderate)
     Fort Bend County
        8-Hour Ozone (2008) Houston-Galveston-Brazoria, TX - (Severe 15)
        8-Hour Ozone (2015) Houston-Galveston-Brazoria, TX - (Moderate)
     Freestone County
        Sulfur Dioxide (2010)*Freestone and Anderson Counties, TX
     Galveston County
        8-Hour Ozone (2008) Houston-Galveston-Brazoria, TX - (Severe 15)
        8-Hour Ozone (2015) Houston-Galveston-Brazoria, TX - (Moderate)
     Harris County
        8-Hour Ozone (2008) Houston-Galveston-Brazoria, TX - (Severe 15)
        8-Hour Ozone (2015) Houston-Galveston-Brazoria, TX - (Moderate)
     Howard County
        Sulfur Dioxide (2010)*Howard County, TX
     Hutchinson County
        Sulfur Dioxide (2010)*Hutchinson County, TX
     Johnson County
        8-Hour Ozone (2008) Dallas-Fort Worth, TX - (Severe 15)
        8-Hour Ozone (2015) Dallas-Fort Worth, TX - (Moderate)
     Kaufman County
        8-Hour Ozone (2008) Dallas-Fort Worth, TX - (Severe 15)
        8-Hour Ozone (2015) Dallas-Fort Worth, TX - (Moderate)
     Liberty County
        8-Hour Ozone (2008) Houston-Galveston-Brazoria, TX - (Severe 15)
     Montgomery County
        8-Hour Ozone (2008) Houston-Galveston-Brazoria, TX - (Severe 15)
        8-Hour Ozone (2015) Houston-Galveston-Brazoria, TX - (Moderate)
     Navarro County
        Sulfur Dioxide (2010)*Navarro County, TX
     Panola County
        Sulfur Dioxide (2010)*Rusk and Panola Counties, TX
     Parker County
        8-Hour Ozone (2008) Dallas-Fort Worth, TX - (Severe 15)
        8-Hour Ozone (2015) Dallas-Fort Worth, TX - (Moderate)
     Rockwall County
        8-Hour Ozone (2008) Dallas-Fort Worth, TX - (Severe 15)
     Rusk County
        Sulfur Dioxide (2010)*Rusk and Panola Counties, TX
     Tarrant County
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8-Hour Ozone (2008) Dallas-Fort Worth, TX - (Severe 15)
8-Hour Ozone (2015) Dallas-Fort Worth, TX - (Moderate)
    Titus County
        Sulfur Dioxide (2010)*Titus County, TX
    Waller County
        8-Hour Ozone (2008) Houston-Galveston-Brazoria, TX - (Severe 15)
    Wise County
        8-Hour Ozone (2008) Dallas-Fort Worth, TX - (Severe 15)
        8-Hour Ozone (2015) Dallas-Fort Worth, TX - (Moderate)
UTAH
    Box Elder County 
PM-2.5 (2006)
                             *Salt Lake City, UT - (Serious)
    Davis County
        PM-2.5 (2006)
                              Salt Lake City, UT - (Serious)
        8-Hour Ozone (2015) Northern Wasatch Front, UT - (Moderate)
    Duchesne County
        8-Hour Ozone (2015) *Uinta Basin, UT - (Marginal)
    Salt Lake County
        PM-2.5 (2006) Salt Lake City, UT - (Serious) Sulfur Dioxide (1971) Salt Lake County, UT
        8-Hour Ozone (2015) Northern Wasatch Front, UT - (Moderate)
    Tooele County
        PM-2.5 (2006)
                             *Salt Lake City, UT - (Serious)
        Sulfur Dioxide (1971)*Tooele County, UT
        8-Hour Ozone (2015) *Northern Wasatch Front, UT - (Moderate)
    Uintah County
        8-Hour Ozone (2015) *Uinta Basin, UT - (Marginal)
    Utah County
        PM-2.5 (2006)
                            *Provo, UT - (Serious)
        8-Hour Ozoné (2015) *Southern Wasatch Front, UT - (Marginal)
    Weber County
                             *Salt Lake City, UT - (Serious)
        PM-2.5 (2006)
        8-Hour Ozone (2015) *Northern Wasatch Front, UT - (Moderate)
VIRGINIA
    Alexandria city
        8-Hour Ozone (2015) Washington, DC-MD-VA - (Moderate)
    Arlington County
        8-Hour Ozone (2015) Washington, DC-MD-VA - (Moderate)
    Fairfax County
        8-Hour Ozone (2015) Washington, DC-MD-VA - (Moderate)
    Fairfax city
        8-Hour Ozone (2015) Washington, DC-MD-VA - (Moderate)
    Falls Church city
        8-Hour Ozone (2015) Washington, DC-MD-VA - (Moderate)
    Giles County
        Sulfur Dioxide (2010)*Giles County, VA
    Loudoun County
        8-Hour Ozone (2015) Washington, DC-MD-VA - (Moderate)
    Manassas Park city
        8-Hour Ozone (2015) Washington, DC-MD-VA - (Moderate)
    Manassas city
        8-Hour Özone (2015) Washington, DC-MD-VA - (Moderate)
    Prince William County
        8-Hour Ozone (2015) Washington, DC-MD-VA - (Moderate)
WASHINGTON
    Whatcom County
        Sulfur Dioxide (2010)*Whatcom County, WA
WISCONSIN
    Kenosha County
        8-Hour Ozone (2015) *Chicago, IL-IN-WI - (Moderate)
    Milwaukee County
        8-Hour Ozone (2015) Milwaukee, WI - (Moderate)
    Ozaukee County
        8-Hour Ozone (2015) Milwaukee, WI - (Moderate)
    Racine County
        8-Hour Ozone (2015) *Milwaukee, WI - (Moderate)
    Sheboygan County
        8-Hour Ozone (2015) *Sheboygan County, WI - (Moderate)
    Washington County
        8-Hour Ozone (2015) *Milwaukee, WI - (Moderate)
    Waukesha County
        8-Hour Ozone (2015) *Milwaukee, WI - (Moderate)
WYOMING
    Lincoln County
        8-Hour Ozone (2008) *Upper Green River Basin Area, WY - (Marginal)
    Sublette County
        8-Hour Ozone (2008) Upper Green River Basin Area, WY - (Marginal)
    Sweetwater County
        8-Hour Ozone (2008) *Upper Green River Basin Area, WY - (Marginal)
```

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2023-04-30

Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant	Coastal Zone Management	15 CFR Part 930
agencies for activities affecting	Act (16 USC 1451-1464),	
any coastal use or resource is	particularly section 307(c)	
granted only when such	and (d) (16 USC 1456(c) and	
activities are consistent with	(d))	
federally approved State		
Coastal Zone Management Act		
Plans.		

This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.

Screen Summary

Compliance Determination

This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No

Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being		24 CFR 58.5(i)(2)
proposed for use in HUD programs be free of		24 CFR 50.3(i)
hazardous materials, contamination, toxic		
chemicals and gases, and radioactive		
substances, where a hazard could affect the		
health and safety of the occupants or conflict		
with the intended utilization of the property.		

1. Evaluate the site for contamination. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property?

✓ No

Explain:

NEPAssist reports found no EPA-regulated facilities within a 3,000-foot radius of the northernmost point, mid-point, and southernmost point of Sky View Estates Area 1. The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). The Kentucky Energy and Environment Cabinet Conducted an ASTM Phase I study of the project site (5/16/2023), which found: "*The site was previously used for mining activities. The mining permit had a Phase 3 release in 2014. This aspect is seen as complete from a regulatory standpoint and therefore is not considered a recognized environmental condition (REC). *There is a record of one domestic use well on-site but there are no plugging records; it was not found during the site reconnaissance. * The property is largely undeveloped; supplying the necessary utilities and creating appropriate property access may incur additional costs. This may be considered a business environmental risk (BER). * Radon is not within the scope of this assessment. However, the site is listed in the 0.0 - 2.7 pCi/L radon potential range based on rock type. EPA suggested radon action level is 4.0 pCi/L or greater, and the World Health Organization suggested action level is 2.7 pCi/L or greater. Radon testing may be necessary for site development which could incur additional costs. This may be

considered a business environmental risk (BER)." The Phase I report also stated "no recognized environmental conditions (RECs), HRECs, or CRECs were identified for the site during this assessment" and "Further environmental assessments are not recommended at this time with the exception of assessments (such as geotechnical or radon) that may be related to future property development."

Based on the response, the review is in compliance with this section.

Yes

✓ Check here if an ASTM Phase I Environmental Site Assessment (ESA) report was utilized. [Note: HUD regulations does not require an ASTM Phase I ESA report for single family homes]

Screen Summary

Compliance Determination

On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements. NEPAssist reports found no EPA-regulated facilities within a 3,000-foot radius of the northernmost point, mid-point, and southernmost point of Sky View Estates Area 1. The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). The Kentucky Energy and Environment Cabinet Conducted an ASTM Phase I study of the project site (5/16/2023), which found: "*The site was previously used for mining activities. The mining permit had a Phase 3 release in 2014. This aspect is seen as complete from a regulatory standpoint and therefore is not considered a recognized environmental condition (REC). *There is a record of one domestic use well on-site but there are no plugging records; it was not found during the site reconnaissance. * The property is largely undeveloped; supplying the necessary utilities and creating appropriate property access may incur additional costs. This may be considered a business environmental risk (BER). * Radon is not within the scope of this assessment. However, the site is listed in the 0.0 - 2.7 pCi/L radon potential range based on rock type. EPA suggested radon action level is 4.0 pCi/L or greater, and the World Health Organization suggested action level is 2.7

pCi/L or greater. Radon testing may be necessary for site development which could incur additional costs. This may be considered a business environmental risk (BER)." The Phase I report also stated "no recognized environmental conditions (RECs), HRECs, or CRECs were identified for the site during this assessment" and "Further environmental assessments are not recommended at this time with the exception of assessments (such as geotechnical or radon) that may be related to future property development." Phase I ESA Appendix F stated that activities comprised of both mining and reclamation do not constitute any permit requirements or any potential environmental liability under the Commonwealth's hazardous waste, solid waste, or state Superfund statutes or regulations. To that extent, the act of mining and reclamation do not represent a recognized environmental condition that would potentially arise under the aforementioned programs. However, the Commonwealth performed a focused investigation of this as part of the Phase I ESA. Since other activities (except mining) that might have resulted in environmental contamination were determined to not have occurred at the property, the investigation was centered on the occurrence of naturally occurring metals that are present in the native soil and rocks but would potentially pose risk under a residential use scenario. Field screening and laboratory analysis for arsenic, iron, and lead were conducted. Arsenic and iron (iron oxyhydroxides) naturally occur together so both of these metals were analyzed to determine how they coexist at the site. Also, the laboratory analytical data was compared to the Commonwealth's robust soil background data and the metals occur at the site at concentrations well within the boundaries of state background and the relationship between arsenic and iron concentrations further substantiates that they represent natural background. In conclusion, the concentrations in the surficial soil at the site pose no risk in addition to what might be present from naturally occurring and native conditions. Lead concentrations in the analytical laboratory samples were an order of magnitude lower that the EPA residential screening level of 400 milligrams per kilogram.

Supporting documentation

Sky View Phase I ESA 2023-5-16.pdf

NEPAssist Report-Sky View Estates Area 1-South Boundary.pdf

NEPAssist Report-Sky View Estates Area 1-North Boundary.pdf

NEPAssist Report-Sky View Estates Area 1-Mid Point.pdf

Are formal compliance steps or mitigation required?

Yes

✓ No

Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-CDBGDR-HOME

Site Specific Phase I Environmental Site Assessment

Skyview Former Mine Site
Skyview Lane
Hazard, KY

Prepared for: Commonwealth of Kentucky

Prepared by:
Kentucky Energy and Environment Cabinet
Department for Environmental Protection
Division of Waste Management
Superfund Branch
300 Sower Boulevard
Frankfort, KY 40601

May 16, 2023

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- D. Plat Map
- E. Title Opinion
- F. Skyview Former Mine Site Investigation Report
- G. Qualifications

1.0 Executive Summary

The Kentucky Energy and Environment Cabinet (EEC) has completed a Phase I Environmental Site Assessment (ESA) of the property located on Skyview Lane in Hazard, Kentucky. This ESA was prepared in accordance with the scope and limitations of ASTM's Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM E1527-21), recognized by the U.S. Environmental Protection Agency (USEPA) as compliant with Standards and practices for All Appropriate Inquires (AAI) promulgated at 40 CFR part 312. According to the Property Valuation Administrator's (PVA) online property search, the subject site is two parcels: 063-00-00-063.0 and 064-00-006.00. Mtn. View Inc. is listed as the owner of parcel 063-00-063.00, and Glenn Baker is listed as the owner of parcel 064-00-00-006.00. However, the property has been surveyed and a new property boundary has been defined and it appears the PVA office has not updated their online property search at the time of this assessment. The new property boundary is recorded in Deed Book 415 page 157 in the Perry County Clerk's office and contains 47.18 acres. MRI Properties Inc. (representative Paul Ison) has been identified as the property owner, but the property is to be conveyed to the Commonwealth of Kentucky. Mr. Ison granted access to the property by signing a Right of Entry consent form dated January 20, 2023. The visual inspection of the subject property took place on May 10, 2023, and was conducted by Sarah Yount, Ken Logsdon, and Jean Weaver of the EEC Division of Waste Management.

The objective of the Phase I ESA is the provide the Commonwealth of Kentucky with information regarding potential areas of environmental concern and to identify existing or potential *recognized environmental conditions* (RECs) in connection with the subject property and surrounding area. This assessment describes the services performed by the EEC, the findings of the investigation, and the environmental professional's interpretation of the assessment in accordance with ASTM E1527-21.

A summary of the findings is provided below. Details were not included or fully developed in this section. The report must be read in its entirety for a comprehensive understanding of the subject property.

- The site was previously used for mining activities. The mining permit had a Phase 3 release in 2014. This aspect is seen as complete from a regulatory standpoint and therefore is not considered a recognized environmental condition (REC).
- There is a record of one domestic use well on-site but there are no plugging records; it was not found during the site reconnaissance.
- The property is largely undeveloped; supplying the necessary utilities and creating appropriate property access may incur additional costs. This may be considered a business environmental risk (BER).
- Radon is not within the scope of this assessment. However, the site is listed in the 0.0 2.7 pCi/L radon potential range based on rock type. EPA suggested radon action level is 4.0 pCi/L or greater, and the World Health Organization suggested action level is 2.7 pCi/L or greater. Radon testing may be necessary for site development which could incur additional costs. This may be considered a business environmental risk (BER).

2.0 Purpose

The purpose of this Phase I Environmental Site Assessment (ESA) was to document current and historical information on the subject property and surrounding area in order to identify, to the extent possible, recognized environmental conditions.

A recognized environmental condition (REC) is defined by ASTM E1527-21 as the presence or likely presence of any hazardous substance or petroleum products in, on, or at the property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

A historical recognized environmental condition (HREC), is defined by ASTM E1527-21 as a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority (as evidenced by the issuance of a no further action letter or other equivalent closure documentation) or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (e.g., property use restriction, activity and use limitations, institutional controls, or engineering controls).

A controlled recognized environmental condition (CREC), is defined by ASTM E1527-21 as a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (e.g., as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substance or petroleum products allowed to remain in place subject to the implementation of required controls (e.g., property use restrictions, activity and use limitations, institutional controls, or engineering controls).

De minimis conditions are defined in ASTM E1527-21 as a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis conditions are not recognized environmental conditions nor controlled recognized environmental conditions.

Business Environmental Risk is a risk which can have a material environmental or environmentally driven impact on the business associated with the current or planned use of a parcel of commercial real estate, not necessarily limited to those environmental issues required to be investigated in this practice. Consideration of business environmental risk issues may involve addressing one or more non-scope considerations.

2.1 Scope of Work

The scope of work, based on ASTM E1527-21, is to identify whether RECs, HRECs or CRECs are present on the site. The report is a general characterization of environmental concerns based on available information and site observations. The scope of work for this ESA included an evaluation of the following:

• Research of environmental regulatory database information at the federal, state and local levels within specified minimum search distances.

- A review of standard historical resources pertinent to the historic land usage of the subject property, adjacent properties, and the surrounding area.
- A review of current land use and existing conditions of the subject property, including
 observation and interviews regarding the use, treatment, storage, disposal or generation of
 hazardous substances, petroleum products, and hazardous or regulated wastes; storage tanks
 and drums; well, drains and sumps; and pits, ponds, or lagoons.
- A review of current land use of adjoining and surrounding area properties and the likelihood of known or suspected releases of hazardous substances or petroleum products to impact the subject property.
- A visual site investigation and general evaluation of the physical characteristics of the subject property using both area reconnaissance and published references.
- Conversations and/or interviews with current owners, local government officials, local regulatory personnel, and other knowledgeable persons in an effort to obtain information that may indicate recognized environmental conditions in connection with past uses and/or activities at the subject property.

In addition, the subject property was evaluated for Business Environmental Risks (BER). A BER is a risk, which can have a material environmental or environmentally driven impact on the business associated with the current or planned use of a parcel of commercial real estate, not necessarily limited to those environmental issues required to be investigated in this practice. There may be environmental issues or conditions at a property that parties may wish to assess in connection with commercial real estate that are outside the scope of this practice. As noted in the legal analyses of this practice, some substances may be present on a property but are not included in CERCLA's definition of hazardous substances or do not otherwise present potential CERCLA liability.

2.2 Significant Assumptions

No significant assumptions were made while preparing this report. It is possible that unreported disposal of waste or illegal activities impairing the environmental status of the subject property or adjoining properties may have occurred which could not be identified.

2.3 Limitations and Exceptions

This ESA was prepared in accordance with the scope and limitation of ASTM's E1527-21 process and is recognized by the U.S. Environmental Protection Agency (USEPA) as compliant with Standards and Practices for All Appropriate Inquiries (AAI). It has been prepared to assess the property with respect to hazardous substances defined in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and petroleum products.

A thorough attempt was made to identify recognized environmental conditions at or associated with the subject property. However, potential sources of contamination may have escaped detection due to: (1) the limited scope of this assessment, (2) the inaccuracy of public records, (3) unreported environmental incidents, and (4) lack of institutional memory.

Other limitations for this assessment include, but are not limited to the following:

• This site is undeveloped and tall vegetation may have covered some indicators of contamination.

• EDR searched their Sanborn Fire Insurance database but did not find map coverage for the subject property.

• The site has had previous mining activity but that does not necessarily have a relation to hazardous substances, so limited information came up in database searches about it.

2.4 Special Terms and Conditions

This assessment was performed for the Commonwealth of Kentucky by the Kentucky Energy and Environment Cabinet (EEC). This report is public record and is subject to the Kentucky Open Records Act.

2.5 User Reliance

Reasonable care was taken by EEC in checking information gained through interviews and any other secondary sources of data. This report was developed with the presumption that information obtained during the course of the assessment activities was factual in nature and was developed based on physical conditions observed during the May 10, 2023 site visit.

2.6 Location and Description

The subject property is located at Skyview Lane, Hazard, Kentucky. Site coordinates are latitude 37.249714 decimal degrees, and longitude –83.268876 decimal degrees. According to the Perry County Property Valuation Administrator's (PVA) office, the subject site is two parcels: 063-00-00-063.0 and 064-00-00-006.00. Mtn. View Inc. is listed as the owner of parcel 063-00-00-063.00, and Glenn Baker is listed as the owner of parcel 064-00-00-006.00. However, the property has been surveyed and a new property boundary has been defined and it appears the PVA office has not updated their online property search at the time of this assessment. The new property boundary is recorded in Deed Book 415 page 157 in the Perry County Clerk's office and contains 47.18 acres. A plat map of the new property boundary is included as Appendix D.

Description for a certain tract or parcel of land, lying and being in the Commonwealth of Kentucky, County of Perry, near the Community of Coal Harbour, Kentucky, lying on the south side of the Hal Rogers Parkway, and being more particularly described as follows:

Unless otherwise stated any monument referred to as a capped pin set is an 18" inch rebar 5/8" inch diameter with a plastic cap inscribed R.M. Johnson Engineering, PLS 3521 or Roy D. Patrick PLS 3521.

Beginning at a 5/8 inch rebar set at the southeast corner of the tract herein described; Said point being a common corner to the MRI Properties, INC. property remaining, as recorded in the Perry County Clerk's Office in Deed Book 415 Page 157, and the new boundary herein described, and has a KY State Plane Single Zone Coordinate value of North: 3,623,057.09 and East: 5,644,270.32. Thence following the new boundary, severing said MRI Properties, INC. property for twenty one (21) calls as follows:

S 59°51'28" W a distance of 202.66' to a capped pin set;

N 30°28'41" W a distance of 25.46' to a capped pin set in the east boundary of an access and utility easement;

S 59°31'19" W a distance of 50.00' to a capped pin set in the west boundary of same access and utility

S 59°31'19" W a distance of 225.00' to a capped pin set;

N 30°28'41" W a distance of 26.32' to a capped pin set in the east boundary of an access and utility easement;

S 59°31'19" W a distance of 50.00' to a capped pin set in the west boundary of same access and utility S 53°55'11" W a distance of 336.95' to a capped pin set; N 39°00'29" W a distance of 1,540.12' to a capped pin set; N 23°24'24" E a distance of 271.84' to a capped pin set; N 39°34'38" E a distance of 124.79' to a capped pin set; N 38°35'04" W a distance of 39.37' to a capped pin set; N 18°23'44" W a distance of 938.29' to a capped pin set; N 02°25'45" W a distance of 608.02' to a capped pin set; N 87°34'15" E a distance of 289.98' to a capped pin set; S 05°46'15" E a distance of 338.18' to a capped pin set; S 15°09'33" W a distance of 226.38' to a capped pin set; S 18°23'44" E a distance of 550.46' to a capped pin set; S 53°47'02" E a distance of 86.10' to a capped pin set; S 44°18'54" E a distance of 103.20' to a capped pin set; S 50°26'32" E a distance of 96.69' to a capped pin set; S 66°35'36" E a distance of 591.30' to a capped pin set; S 30°28'41" E a distance of 1,351.07' to the point of beginning containing 47.18 Acres (2,055,005 SF) more or less as per a survey by RM Johnson Engineering completed on February 21, 2023.

Site maps are included in Appendix A.

3.0 User Provided Information

User provided information is intended to help identify the possibility of recognized environmental conditions in connection with the subject property. A user may include, without limitation, a potential purchaser of property, a potential tenant of property, an owner of property, a lender, or a property manager.

The Commonwealth of Kentucky is identified as the user of this ESA. The Commonwealth of Kentucky intends to receive this property as a donation and redevelop, in conjunction with nonprofit organizations, it as a "high grounds" housing location for victims of flooding in Kentucky. A tentative site plan is drawn on the plat map and is included in Appendix D.

3.1 Title Records

Campbell, Rodgers & Stacy PLLC, on behalf of the Finance and Administration Cabinet, conducted a title search of the subject site. The Title Opinion is attached as Appendix E; please note that the title opinion may include more lands owned by MRI Properties Inc. than just the subject site. According to the Perry County Clerk, the subject property is owned by MRI Properties Inc. The current deed is dated May 11, 2021 and is recorded in Deed Book 415 page 157 of the Perry County Clerk's office, specifically tracts 1, 2, 4 and 20 therein for a period ending February 24, 2023.

3.2 Environmental Liens or Activity and Use Limitations (AULs)

No environmental liens or activity use limitations were found on the subject property. However, easements identified in the title search conducted by Campbell, Rodgers & Stacy PLLC for the subject property include:

- Power line easement from MRI Properties Inc. to Kentucky Power Company dated April 14, 2022, of record in Deed Book 422, Page 528. Location is not detailed.
- Pipeline easement from Roy Campbell to Cut Through Hydrocarbon dated April 26, 2007, of record in Deed Book 331, Page 67.
- Pipeline easement from Kentucky Mountain Partners to West Bay Exploration Company dated March 11, 2002, of record in Deed Book 292, Page 347 conveying a 30-foot pipeline right of way.
- Possible gas meter site easement. Kentucky Mountain Partners entered into a Meter Site
 Agreement with Kentucky and West Virginia Gas Co. Dated March 11, 2002, of record in Deed
 Book 292, Page350 conveying a gas meter site easement. Said agreement contains no
 description of the property or back reference. Therefore, determining if the easement is on the
 subject property or another property is not possible.
- The property is subject to a Coal Lease from Maude Stollings and the Arnold Stollings heirs to Reeves Coal Company Inc. Dated May 1, 1975, and of record in Lease Book 21, Page 317. Said Lease is for an initial term of two years, with a possible extension of 3 years, and thereafter for so long as coal is mined from the property.
 - Curative Action. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.
- Possible power line easement. Tug Baker and Elizabeth Baker granted a power line easement
 across the parent tract to the property to Kentucky and West Virginia Power Company by Deed
 dated September 16, 1946, of record in Deed Book 90, Page 325. The parent tract was larger
 than this subject tract. Therefore, determining if the easement is on the subject property or the
 remainder of the parent tract is not possible.
- Cell tower engine access easement. AT&T was granted access to a 12-foot-wide tract of land to be used as an access easement. The location is detailed in the plat map associated with the current deed.

3.3 Specialized Knowledge

No previous Environmental Site Assessments were provided for this property. However, the EEC Division of Waste Management did conduct a limited site screening during January 2023 involving collecting soil samples and testing them for metals. During this screening, three samples were collected from the subject site and four samples were collected immediately adjacent to the subject site. The samples were tested for concentrations of metals. None of the sample results warranted regulatory action. The Skyview Former Mine Site Investigation Report is included as Appendix F.

4.0 Records Review

4.1 Physical Setting Sources

An electronic database search of files maintained by the U.S. EPA and the Kentucky Department of Environmental Protection (KDEP) was conducted by EDR on April 27, 2023 to evaluate the regulatory history of the subject property and surroundings properties. The search of standard federal and state regulatory agency databases was conducted to identify listings for the subject property and adjoining properties and to evaluate sites within applicable ASTM E1527-21 and AAI defined search radii that

Phase I ESA
Skyview Mine Site
Hazard, KY
May 2023

could cause actual or potential environmental impacts. EEC personnel conducted additional searches. Information used in evaluating the subject property include the following sources:

- USGS 7.5 Minute Geologic Quadrangle Map, Krypton, Hyden East, Hazard North, and Hazard South, KY Quadrangles;
- Kentucky Department for Environmental Protection: TEMPO Database;
- United States Department of Agriculture, Natural Resources Conservation Service; http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm;
- US Fish and Wildlife Service National Wetlands Inventory: https://www.fws.gov/wetlands/Data/Mapper.html;
- Environmental Data Resources, Inc. (EDR) EDR Radius Map™ Report with GeoCheck;
- EDR Certified® Sanborn Map Report;
- EDR Historical Topo Map Report;
- EDR Aerial Photo Decade Package;
- EDR City Directory Report.

4.2 Site Vicinity and General Characteristics

The site is located off the Hal Rodgers Parkway, at the end of Skyview Lane in Hazard, Perry County, Kentucky. The site is largely undeveloped – hilly with vegetation and a pond located on the northern end of the site. In addition, there is a cell tower engine on the northwest corner of the property.

4.3 Soil

The subject property is located in a mixed-use area approximately 5 miles from Hazard, KY. Information for the soil in the area was obtained from the United States Department of Agriculture (USDA) Web Soil Survey. According to the database, there are five types of soils present on-site that are summarized in the table below. The dominant soil type for the subject property is Fairpoint and Bethesda soils. A soil map of the site is located in Appendix A.

Map Unit Symbol	Map Unit Name	Acres in Area of Interest (AOI)*	Percent of AOI
FaB	Fairpoint soils, undulating	14.4	11.7%
FaF	Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony	94.7	76.9%
uShgF	Shelocta- Highsplint- Gilpin complex, 20 to 70 percent slopes, very stony	0.7	0.5%
uUduE	Udorthents- Urban land- Rock outcrop complex, 0 to 35 percent slopes	11.6	9.4%
DLF	Matewan- Marrowbone- Latham complex, 20 to 80 percent slopes, very rocky	1.8	1.5%

^{*} Please note that the area of interest is based on the previous parcel boundaries and not the new parcel boundary surveyed in February 2023 so additional acreage is included in the table.

The US Fish and Wildlife Service's National Wetlands Inventory does not indicate wetlands areas on the property. However, it does list a 0.51 acre freshwater pond on the property adjacent to the southwest.

4.4 Geology

According to the Kentucky Geological Survey, two main geologic units make up the subject site: the Four Corners formation (Pfc) and the Princess formation (Ppr). The top 0-40 feet of the Four Corners formation is alluvium primarily made up of silt, sand, and lesser amounts of silty clay and pebble- to cobble-sized gravel. This is underlain by primarily coal beds. Coal beds present include the following: the Knob coal zone, the Hindman Coal bed, Francis coal bed, Hazard coal beds, Haddix coal bed, Hamlin coal zone, Fire Clay coal beds, Whitesburg coal beds, and the Amburgy coal bed. The Princess formation is topped with 0-20 feet of alluvium, consisting of sand, silt, clay, and gravel along larger streams. It is underlain by multiple unnamed coal beds, as well as the following coal beds: Hindman, Francis, Hazard, Haddix, Copland, Hamlin, Fire Clay, Whitesburg, and Amburgy.

4.5 Groundwater

This property does not currently have potable water service available from local utilities. A water and sewer expansion project is slated for completion in August 2023.

There is a record of one residential use well on the site but very little information about it is available. There are records of two domestic use wells on the adjacent properties to the northwest. More information about these wells is listed below.

	Domestic Use Wells						
AKGWA#	Name	Status	Condition	Latitude	Longitude	On-site?	
60002431	Not Reported	Not Reported	Not Reported	37.250556	-83.268889	Yes	
00062760	Jeff & Bethel Baker	Active	Functioning Properly	37.254444	-83.274167	No, adjacent	
00037492	Willard Turner	Active	N/A	37.254167	-83.275000	No, adjacent	

There is a record of one oil and gas well on site but little information in available about it. The information that is available is listed in the table below.

	Oil and Gas Wells								
KGS Record and Permit #	Original Farm/Lease Name	Original Operator	Bore Type	How Completed	Plug Date	Lat.	Long.		
Record 16154, Permit 34703	Ellison, R, Etal	Controlled Resources Oil & Gas	Con- ventional vertical well bore	Terminated (permit expired or cancelled)	Not Reported	37.252 649	- 83.269 349		

The Division of Oil and Gas was contacted for more information on this well. According to the KDOG state well database, the referenced Permit 34703 in Perry County was a well permit issued on May 22, 1979, to Controlled Resources Oil and Gas Corp. But the permit expired, and the well was never drilled.

4.6 Standard Environmental Records Review

The services of Environmental Data Resources, Inc. (EDR) were used by the EEC to review the required federal and state databases for records regarding possible hazardous material handling, spills, storage, production, or remediation at the Property or in the vicinity areas of the subject property that could constitute a recognized environmental condition.

4.7 EDR Radius Map™ with GeoCheck®

The regulatory database search included an EDR Radius Map™ with GeoCheck®. A copy of the report is included in Appendix B, and a summary of the findings is listed in the table below.

Regulatory Database	Minimum Search Distance	Property Listed	# of Sites Listed
Federal National Priority List (NPL)	1 mile	no	0
Federal De-listed NPL	½ mile	no	0
Federal CERCLIS	½ mile	no	0
Federal CERCLIS NFRAP	½ mile	no	0
FEDERAL RCRA CORRACTS	1 mile	no	0
Federal RCRA non-CORRACTS TSD	½ mile	no	0
Federal RCRA Generators	¼ mile	no	0
Federal Institutional/ Engineering Control Registry	½ mile	no	0
Federal ERNS	¼ mile	no	0
State CERCLIS	1 mile	no	0
State Hazardous Waste Site	1 mile	no	0
State Solid Waste Disposal Sites	½ mile	no	0
State Leaking Storage Tank Lists	½ mile	no	0
State Registered Storage Tank Lists	¼ mile	no	0
State Institutional/Engineering Control Registry	½ mile	no	0
State Voluntary Cleanup Sites	½ mile	no	0
Federal/ State Brownfield Sites	½ mile	no	0
Records of Emergency Release Reports	¼ mile	no	0

The EDR Report did not identified any potential high-risk properties, such as manufactured gas plants, historic auto stations or historic cleaners within required search radii. It found no mapped sites within the search criteria. The target property itself was also not listed in any of the databases searched by EDR.

The fact that sites do or do not appear on a list does not necessarily indicate that an environmental concern exists. In addition, sites may not be mapped in a list search due to inaccuracy of owner/operator records, government records, or errors occurring during conversion of the data by informational sources. A copy of the EDR Radius Map™ Report with GeoCheck® is included in Appendix B.

4.8 Topographic Maps

Historical topographic maps provide information related to the land configuration such as elevation, ground slope, surface water, buildings, and other land features. A search for historical topographic maps of the subject property and surrounding area was conducted by EDR and provided to the DWM in a Historical Topographic Map Report dated April 27, 2023. Topographic Maps were provided for various years between 1891 - 2019. A copy of the report is included in Appendix B and summarized as follows:

Year(s)	Topographic Map Observation
1891	There is no observable development on or around the subject property
1913, 1914, 1916	Subject Property: There is not an available map for the southern half of the subject property. On the northern half of the subject property, Willard Creek terminates midway through the property and a road follows the creek laterally. There are not any observable structures on site.
	Surrounding Properties: A couple buildings are depicted on surrounding properties to the north, west, and east.
1916	There is not an available map for the northern half of the subject property, no observable development on southern half of property.
1919	There is not an available map for the northern half of the subject property; no observable development on the southern half of the property. Willard Creek flows to the south on the subject site.
1954	Four buildings and a road are depicted on the subject site; Willard Creek flows through the property laterally and terminates on-site.
1961	Four buildings and a road are depicted on site, as well as a mine entrance. Willard Creek is now depicted as an intermittent stream.
1972	There is not an available map for the southern half of the subject property; there is not observable development on the northern half of the property. Willard Creek terminates on the northernmost tip of the subject site.
1980	There is not an available map for the northern half of the subject site; the southern half of the site does not depict development. There is a gas well and mine located on the adjacent area to the west.
2013	There is no development depicted on or around the subject site. Willard Creek terminates on the northernmost tip of the subject site.
2016	There is no development depicted on or around the subject site. A pond is depicted near the northernmost tip of the subject site.
2019	There is no development depicted on or around the subject site. A pond is depicted near the northernmost tip of the subject site.

4.9 Aerial Photographs

Aerial photographs can provide a general idea of the activity in the area. However, they can only represent the site at the time which they were taken and may not be an accurate representation for longer periods of time. A search for aerial photographs of the subject property was conducted by EDR and provided to the EEC in an Aerial Photo Decade Package dated April 28, 2023. Photos were provided for years from 1953 to 2020. A copy of the EDR Aerial Photo Report is included in Appendix B and a summary is presented in the following table.

Year	Aerial Photograph Observation
1953	The image is not very clear and was not georeferenced, so the exact site location is unknown. The area does not appear to be developed other than a couple of roads.
1960	The image is not very clear and was not georeferenced, so the exact site location is unknown. The area does not appear to be developed other than a couple of roads.
1977	The image is not very clear but the outer perimeter of the subject site appears to be wooded and the center of the property cleared. There are no discernable structures.
1988	The image was not georeferenced, and the exact site location is unknown. The area appears to be largely covered in vegetation and have a rocky terrain. A couple roads are visible.
1995	A majority of the site appears to be cleared of vegetation. There are several roads on site but no observable structures.
2008	There is a pond on the northern end of the site. The eastern side of the property is largely wooded, and the remainder of the site is mostly cleared with grasses. There is a main road which loops around the property and some smaller connecting roads. There are no observable structures.
2012	There is a pond on the northern end of the site. The northeastern corner of the property is wooded, and the remainder of the site is mostly cleared with grasses. There is a main road which loops around the property. There are no observable structures on site but there is a building immediately adjacent to the property to the north.
2016	There is a pond on the northern end of the site but appears to be mostly dry. The eastern edge of the property is wooded, and the remainder of the site is mostly cleared with grasses and shrubs. There is a main road which loops around the property. There are no observable structures on site but there is a building immediately adjacent to the property to the north.
2020	There is a pond on the northern end of the site. The northeastern corner of the property is wooded, and the remainder of the site is mostly cleared with grasses and shrubs. There is a main road which loops around the property. There are no observable structures on site but there is a building immediately adjacent to the property to the north.

4.10 Sanborn Fire Insurance Maps

A search for Sanborn fire insurance maps for the subject property and surrounding area was conducted by EDR and provided to EEC in a Certified Sanborn® Map Report dated April 27, 2023. The Certified Sanborn Results indicate that the complete holdings of the Sanborn Library, LLC collection were searched and based on the target property information; fire insurance maps covering the target property were not found. A copy of the certified Sanborn map report is provided in Appendix B.

4.11 City Directories

A search of historical city directories for the subject property and adjacent properties was conducted by EDR and provided to EEC in an EDR City Directory Abstract dated May 2, 2023. The City Directory did not find any cross streets listed in the sources, or any images. It did find a record from 2017 "764 The Body Shop" located on Hal Rodgers Parkway. No other information was provided, and it is assumed that this is a nearby business. A copy of the EDR City Directory Report is included in Appendix B.

5.0 Site Reconnaissance

As part of a Phase I ESA, an onsite investigation, or site reconnaissance, is performed in an effort to identify recognized environmental conditions. Sarah Yount, Ken Logsdon, and Jean Weaver of the EEC Division of Waste Management conducted site reconnaissance on May 10, 2023. The property owner, MRI Properties Inc. represented by Paul Ison, granted access to the property via a signed Right of Entry Consent form dated January 20, 2023.

5.1 Site Reconnaissance Methodologies

The purpose of the site reconnaissance was to gather information regarding the environmental condition of the subject property and surrounding areas. The reconnaissance consisted of a visual observation of the subject property and the adjacent property containing Frontline Ministries. Other adjacent properties were observed as viewed from the subject property and surrounding streets. No buildings exist on the property. Most areas of the property were accessible but highly vegetated. Some of the tall and harsh vegetation (thorns) limited access to a few areas of the site.

Photographs of the property and adjacent properties taken during the site reconnaissance are included in Appendix C.

5.2 Current Property Use

Currently the property is vacant land, with the exception of the cell tower engine, and does not have an official use.

5.3 Current Use of Adjacent Properties

Adjacent properties currently have varying uses. One adjacent property is largely surrounded by the subject property, and it is used as a church called Frontline Ministries. This property also has a residence on-site. Other adjacent property uses appear to be largely vacant land except for a cemetery (Fields Cemetery) and some residential use.

5.4 Past Property Uses

Campbell, Rodgers & Stacy PLLC, on behalf of the Finance and Administration Cabinet, conducted a title search of the subject site. This included copies of the deeds for the property. EEC personnel reviewed the deeds back to 1940. The table on the next page shows a summary of the approximate historical ownership of the subject property.

Please note that Paul Ison is the president of both Mt. View Inc. and MRI Properties Inc. And the companies may sometimes be used interchangeably. According to the Perry County Clerk, the subject property is owned by MRI Properties Inc. The current deed is dated May 11, 2021, and is recorded in Deed Book 415 page 157 of the Perry County Clerk's office, specifically tracts 1, 2, 4 and 20 therein for a period ending February 24, 2023, when the new parcel boundary was surveyed. Tract 1 covers most of the subject property and only the deed search for it is included in this assessment.

Tract 1					
Dates	Grantor	Grantee	Deed Book/ Page Number		
10/14/2021	MRI Properties Inc.	Mtn. View Inc.	418/267		
6/7/2021	Roy Campbell Estate	Mtn. View Inc.	415/538		
5/11/2021	Roy Campbell Estate	MRI Properties Inc.	415/157		
3/14/2003	Ronald and Mary Elizabeth Deaton, Kentucky Mountain Partnership Inc.	Roy Campbell	298/602		
1/14/2003	Kentucky Mountain Partnership Inc.	Roy Campbell	297/550		
5/31/1996	Kentucky Mountain Partnership, a partnership	Kentucky Mountain Partnership Inc.	258/328		
4/14/1989	R&W Land Company Inc.	Kentucky Mountain Partnership	221/101		
12/19/1986	Ronald and Mary Deaton, Winfred and Edna J. Smith	R&W Land Company Inc.	212/448		
10/3/1983	Herman and Marilyn Colwell	Ronald Deaton and Winfred Smith	197/9		
8/2/1980	Maude Stollings	Herman Colwell	183/481		
8/23/1976	Emma and Silas Hogg, Rufus and Thelma Stollings, Inis and Woodson Begley, Catherine and Charlie Duff, Gary and May Belle Stollings, Larry Dean Stollings, Benny Stollings (Arnold Stollings heirs)	Maude Stollings	169/603		
2/4/1957	Tug and Elizabeth Baker	Arnold and Maude Stallings	115/387		
5/4/1942	Bob and Presilla Williams	Tug and Elizabeth Baker	78/280		

Based on the historic topographical maps, there was mining on or around the subject property in the 1960s and 1980s.

5.5 Past Uses of Adjacent Properties

The adjacent property containing Frontline Ministries show the presence of the church since at least 2013 based on historical aerial imagery from Google Earth. Based on historical imagery from Google Earth, an interview with the property owner Paul Ison, the EDR Historical Topo Map Report, and the EDR Aerial Photo Decade Package past uses of the other adjacent property have mostly been mine lands, vacant lands, and a residence.

5.6 Descriptions of Structures, Roads, and Other Improvements

The subject property is located at Skyview Lane in Hazard, KY. The PVA office lists the site address as "off Daniel Boone Parkway." The property is surrounded by mixed-use (residential, commercial, church, cemeteries) properties. There is one main access to the property from Skyview Lane, off of Briar Fork Circle Road (close to Hal Rodgers Parkway). No permanent structures were observed on the property. A gravel road loops around the perimeter of the property. Some smaller, less maintained, dirt/grass roads

to the south of the property connect with this main loop. The "main loop" road ends at the northwestern corner of the property where the cell tower engine is located.

5.7 Site Observations

There are no structures on the site. The gravel road is fairly cleared and maintained. There is a gate located about midway down the eastern side of the gravel road. It is locked with a chain and padlock. The gate has a sign on it stating the following:

Vertical bridge Site Name: Couchtown KY Site Number: US-KY-5134 FCC Tower ID: 1319654

The sign also had some contact information below this and stated, "no trespassing." It is believed this sign is in relation to the cell engine tower on-site.

The subject site is hilly with a slightly rocky terrain. There is a lot of grown-up shrubby vegetation. There are some large trees on site, but a vast majority of the vegetation is shrubs and grasses. Some areas have blackberry thickets with lots of thorns which make them very difficult to trek.

5.8 Underground Storage Tanks (USTs) and Aboveground Storage Tanks (ASTs)

No indications of USTs or ASTs were observed during the site visit on May 10, 2023. No records stating that there were USTs or ASTs on site have been found.

5.9 Hazardous Substances/Waste and Petroleum Products

No hazardous waste or petroleum products were observed onsite during the site investigation. There are records of previous mining activities but none of the records indicate that the mining used or produced hazardous substances/wastes and/or petroleum products in ways or quantities which warrant regulatory action.

5.10 Odors

No petroleum odors were noticed on the subject property during the site reconnaissance.

5.11 Pits, Ponds, and Lagoons

One pond was observed in aerial imagery on-site and its presence was confirmed during the site reconnaissance. The water color of the pond looked normal and there were no odors or distressed vegetation observed surrounding the pond.

5.12 Stained Soil/Pavement

No evidence of stained soil or pavement was observed during the site reconnaissance.

5.13 Wastewater

No evidence of process wastewater discharge into a drain, ditch, or stream was observed on the property. No records of sewer service or septic systems on the subject property were found during research.

5.14 Wells

There is a record of one oil well and one domestic use well on-site. Available information about them is listed on the next page. Wells on adjacent sites were not investigated.

Domestic Use Well						
AKGWA # Name Status Condition Latitude Longitude						
60002431	Not Reported	Not Reported	Not Reported	37.250556	-83.268889	

Oil and Gas Well								
KGS Record and Permit #	Original Farm/Lease Name	Original Operator	Bore Type	How Completed	Plug Date	Lat.	Long.	
Record 16154, Permit 34703	Ellison, R, Etal	Controlled Resources Oil & Gas	Con- ventional vertical well bore	Terminated (permit expired or cancelled)	Not Reported	37.25 2649	-83.26 9349	

During the site reconnaissance, the coordinates for the two wells were inputted in a GPS unit and the areas were investigated with a metal detector. EEC personnel made it about 10 meters (per the GPS unit) from the coordinates for the domestic use well. At that point, the terrain had a steep decline. Personnel attempted to climb down to the coordinate location but thick vegetation with a lot of thorns prevented them from reaching the location. The area accessible up to this point was screened with the metal detector but nothing was found. EEC personnel were also unable to reach the coordinates for the oil well. They made it within 15 meters of the coordinate location and then the area was under water. It was later determined that the oil well was never drilled and does not exist.

5.15 Septic Systems

No evidence of septic systems was observed during the site visit. The property owner, Paul Ison, was unaware of a septic tank ever being at the subject property.

6.0 Interviews

Interviews were conducted with persons familiar with the subject property in order to obtain information regarding the presence or possible presence or recognized environmental conditions in connection with the subject property.

6.1 Current Property Owner

The current property owner is MRI Properties Inc., represented by Mr. Paul Ison. Mr. Ison was interviewed via phone call on May 8, 2023. Mr. Ison completed an owner questionnaire by phone and his answers are consistent with information found during historical document review. Some of his answers to the user questionnaire including the following:

- When asked how long he has owned the property, Mr. Ison stated that he obtained the property "in the early 2000s" and has had it "for about 20 years."
- Prior property use was "strip mining" and before that Mr. Ison confirmed that it was vacant land.
- When asked about adjacent property uses, Mr. Ison said that he "thought the whole area had been used for mining."

- He was not aware of any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, at, or from the subject property.
- He was not aware of any administrative proceedings relevant to hazardous substances or petroleum products in, on, at, or from the subject property.
- He was not aware of any government notices regarding to violation of environmental laws relevant to hazardous substances or petroleum products in, on, at, or from the subject property.
- Mr. Ison stated that he "didn't think that there had ever been a building on the site" and in relation confirmed that there was not a septic tank or storage tank on-site.
- When asked about the pond on-site, Mr. Ison did say that he believed "it is related to the mining" and not naturally occurring.

6.2 State Government Representative

Courtney Skaggs, an Environmental Scientist Consultant Senior in the Commissioner's Office for the Department of Natural Resources (DNR), was interviewed as a state government representative for the site. Working in the DNR, Ms. Skaggs is familiar with the past mining uses of the property. When asked to elaborate on the history of mining at the site, she had the following response:

"The Skyview project area was initially permitted under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) by the Commonwealth of Kentucky, Department for Natural Resources (DNR) on July 2, 1997. The DNR is the state primacy agency with the regulatory authority for permitting, inspection and enforcement authority under SMCRA. The initial permit issuance to Leslie Resources, Inc., permit no. 897-0396 resulted in two (2) transfer applications due to ownership and control changes. The first transfer of rights was issued to LCC Kentucky LLC, permit no. 897-0466 on September 1, 2005 and the second transfer of rights to Revelation Energy, LLC, permit no. 897-0563 on October 22, 2012. The permittee successfully reclaimed the permit area and was granted Phase III release on March 6, 2014."

Ms. Skaggs was asked if the pond on-site has any relation to the previous mining activities. She responded that "[t]he SMCRA permit is released from our jurisdiction. If there is a pond remaining, then it would have been made a permanent facility upon the request of the landowner. When asked if she was aware if the mining activities related to hazardous substances in any way, Ms. Skaggs stated that she is not aware of any hazardous substances related to the mining of this property.

Ms. Skaggs was also asked about the record of a gas well on-site. She referred the environmental professional to contact Denis Hatfield, Director of the Kentucky Division of Oil and Gas, about the matter. Information gathered from Mr. Hatfield is listed in section 4.5 Groundwater above.

6.3 Adjacent Property Representative

The adjacent property, which is almost entirely surrounded by the subject property, contains Frontline Ministries and a residence. James Madden occupies the residence and was interviewed about the subject property. Mr. Madden also granted verbal access to walk around the adjacent property. Mr. Madden was asked if he was aware of the user's intent to redevelop the subject property for housing, Mr. Madden stated that he was. Mr. Madden was not aware of any wells on the subject property. Mr. Madden did have comments about drainage issues on the adjacent property. The western side of the adjacent property, especially the southwest corner, appears to have drainage issues evidenced by standing water and the presence of bulrushes, a wetland plant. The issue is great enough that Mr. Madden said he would likely need to move his residence, which is a mobile home. Mr. Madden stated

that he had spoken to the "Department of Mines and Minerals" about the issue, and they said they would try to address it.

7.0 Evaluation

The EEC has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-21 of the property located on Skyview Lane in Hazard, KY. Any exceptions to, or deletions from, this practice were described in this report. The assessment did not find evidence of Recognized Environmental Conditions (REC) in connection with the property.

7.1 Findings

Through this environmental assessment and records review, it was determined that the property has largely been unused except for some mining purposes. There was no indication found that the previous mining activities had any relation to hazardous substances or petroleum products. In addition, the mining permit had a Phase 3 release in 2014. This aspect is seen as complete from a regulatory standpoint and therefore is not considered a recognized environmental condition (REC).

There is a record of one domestic use well on-site but there are no plugging records; it was not found during the site reconnaissance so there is the possibility that it exists on-site. However, due to the inability to reach the coordinate location recorded for the well, it is likely unused if it does still exist.

There is a record of one oil or gas well on-site. EEC personnel were unable to go to the coordinate location recorded for the well during the site reconnaissance due to it being under water. It was later determined that the permit for the well expired and it had never been drilled.

There is a pond on the northern end of the property. It may have had relation to the previous mining activities but should have had all necessary remediation and is now a permanent site feature. No issues relating to the pond were identified during the site reconnaissance.

Based on this information, no recognized environmental conditions (RECs), HRECs, or CRECs were identified for the site during this assessment.

7.2 Business Environmental Risks (BER)

The property is largely undeveloped; supplying the necessary utilities and creating appropriate property access may incur additional costs.

Radon is not within the scope of this assessment. However, the site is listed in the 0.0 - 2.7 pCi/L radon potential range based on rock type. EPA suggested radon action level is 4.0 pCi/L or greater, and the World Health Organization suggested action level is 2.7 pCi/L or greater. Radon testing may be necessary for site development which could incur additional costs.

7.3 Opinions

Based on the history of the property and documents reviewed, it is unlikely that the property has contamination remaining on site that warrants regulatory action at this time.

7.4 Conclusions

EEC performed a Phase I ESA in conformance with the scope and limitation of AST Practice E1527-21 at the site located at the end of Skyview Lane, Hazard, Kentucky. Any exceptions to or deletions from, this practice are described in Section 7.6 of this report. This assessment did not reveal recognized environmental conditions in connection with the property as described above. Further environmental assessments are not recommended at this time with the exception of assessments (such as geotechnical or radon) that may be related to future property development.

7.5 Additional Investigations

This assessment and review of current and historical information has not revealed evidence of Recognized Environmental Conditions. At this time, it is the opinion of the Environmental Professional that additional environmental assessment is not necessary. However, rocky terrain was observed at the site and a geotechnical survey may be necessary before there is further site development.

7.6 Deletions and Exceptions

No exceptions to, or deletions from, ASTM Practice 1527-21 were noted in the preparation of this report.

8.0 Non-Scope Services

The presence of asbestos containing materials, mold, lead-based paint and other biological agents are not part of the ASTM Practice 1527-21 and are beyond the scope of this report. As no permanent structures were observed on-site, it is unlikely that there is a vessel for these materials.

Per- and Polyfluorinated Substances (PFAS) are considered emerging contaminants and are not within this scope of work.

Radon is not within the scope of this assessment.

9.0 Signature of the Environmental Professional

I, Kenneth Logsdon, declare that, to the best of my professional knowledge and belief, I meet the definition of an Environmental Professional as defined in 40 CFR 312.0. I possess sufficient specific education, training and experience necessary to exercise professional judgement to develop opinion and conclusion regarding conditions indicative of releases or threatened releases on, at, in, or to the subject property. I have developed and performed all the appropriate enquires in conformance with the standards and practices set forth in 40 CFR Part 312.

Kenneth Logsdon, P.G.

Hen Chogodon

Registered Geologist Supervisor Petroleum Cleanup Section

Superfund Branch

May 16, 2023

Date

10.0 References

Kentucky Environmental and Public Protection Cabinet. Kentucky Department for Environmental Protection TEMPO Database.

U.S. Department of Agriculture, Natural Resources Conservation Service Web Soil Survey:

https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx

Kentucky Geological Survey, Kentucky Geologic Map Information Service:

https://kgs.uky.edu/kygeode/geomap/

Kentucky Geological Survey, Kentucky Groundwater Repository Data:

https://kgs.uky.edu/kgsmap/KGSWater/viewer.asp

Kentucky Geological Survey, Radon Potential Map: https://www.uky.edu/KGS/radon/

US Fish and Wildlife Service National Wetlands Inventory

https://www.fws.gov/wetlands/Data/Mapper.html Environmental Data Resources, Inc.

The EDR Radius Map™ Report with GeoCheck®, Skyview Site – Perry County, Hal Rodgers Parkway, Hazard, KY 41701. Inquiry Number: 7321455.2s. April 27, 2023.

Environmental Data Resources, Inc. Certified Sanborn Map Report, Skyview Site – Perry County, Hal Rodgers Parkway, Hazard, KY 41701. Inquiry Number: 7321455.3. April 27, 2023.

Environmental Data Resources, Inc. EDR Historical Topo Map Report, Skyview Site – Perry County, Hal Rodgers Parkway, Hazard, KY 41701. Inquiry Number: 7321455.4. April 27, 2023.

Environmental Data Resources, Inc. EDR City Directory Image Report, Skyview Site – Perry County, Hal Rodgers Parkway, Hazard, KY 41701. Inquiry Number: 7321455.5. May 2, 2023.

Environmental Data Resources, Inc. EDR Aerial Photo Decade Package, Skyview Site – Perry County, Hal Rodgers Parkway, Hazard, KY 41701. Inquiry Number: 7321455.8. April 28, 2023.

Personal Interviews

A. Paul Ison (representative of MRI Properties Inc.), owner of the subject property

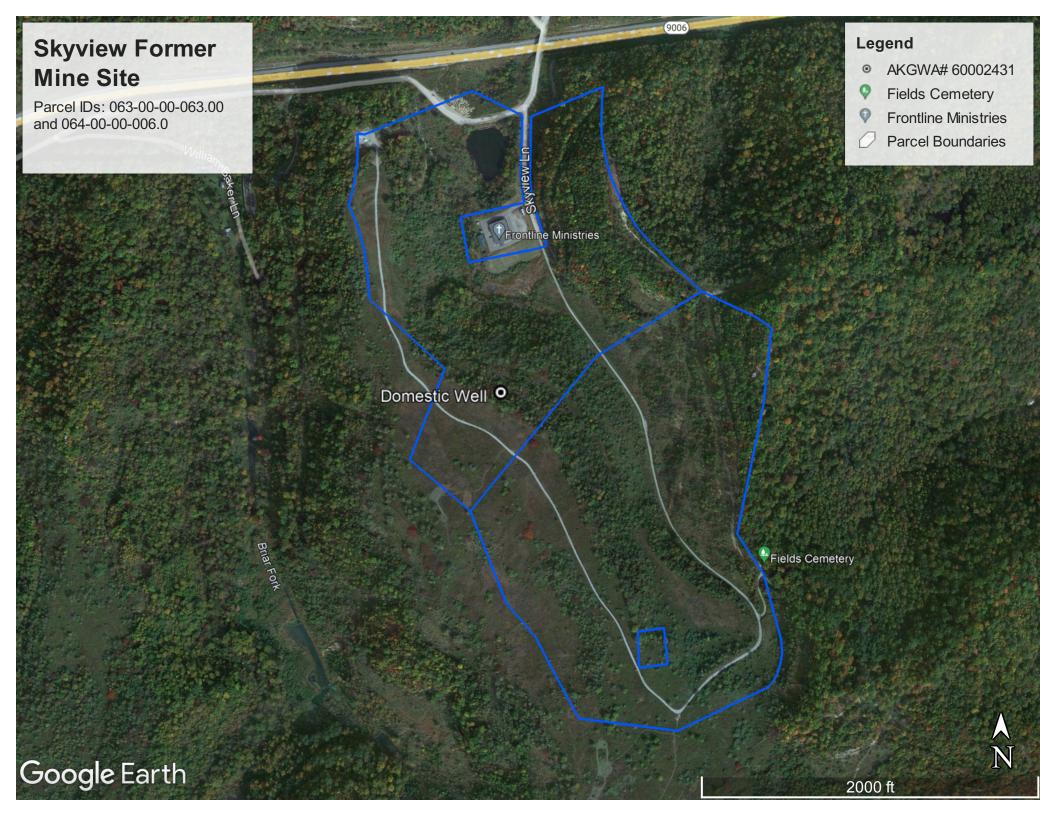
B. Courtney Skaggs, (Environmental Scientist Consultant Senior in DNR's Commissioner's Office) state government representative

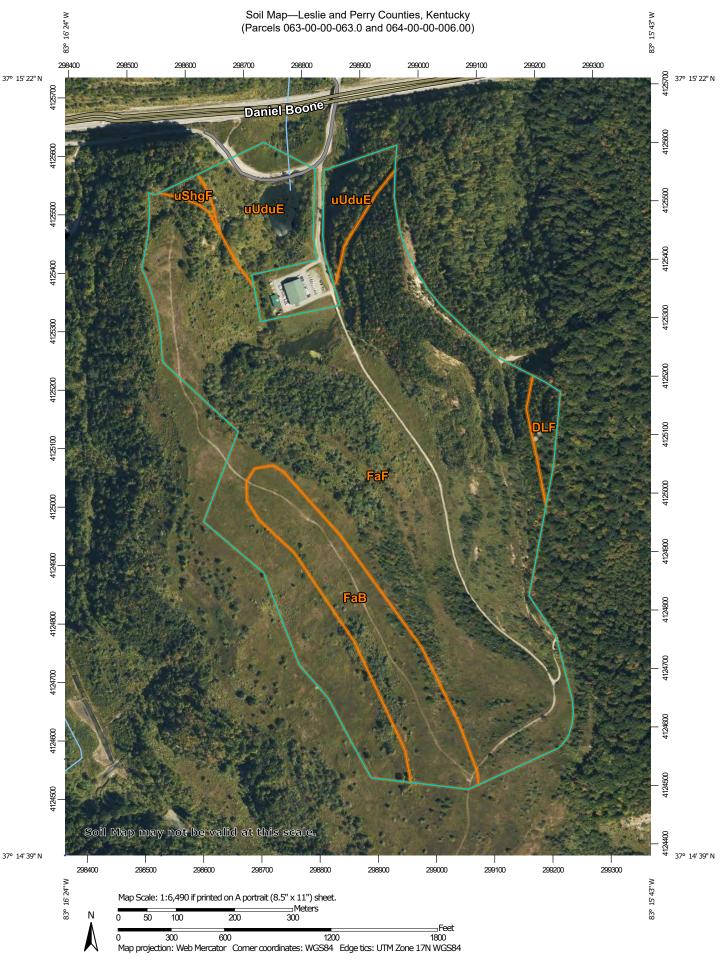
C. James Madden, adjacent property resident

Appendices

- A. Site Maps
- **B.** Historic Documents
 - i. EDR Radius Map Report™ with GeoCheck®
 - ii. EDR Certified Sanborn® Map Report
 - iii. EDR Historical Topo Map Report
 - iv. EDR Aerial Photo Decade Package
 - v. EDR City Directory
- C. Property Photographs
- D. Plat Map
- E. Corrective Action Completion Report
- F. Skyview Former Mine Site Investigation Report
- G. Qualifications

Appendix A
Site Maps





MAP LEGEND

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Water Features

Transportation

Background

Spoil Area

Stony Spot

Wet Spot

Other

Rails

US Routes

Major Roads

Local Roads

Very Stony Spot

Special Line Features

Streams and Canals

Interstate Highways

Aerial Photography

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons



Soil Map Unit Points

Special Point Features

Blowout

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

Saline Spot
Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24.000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Leslie and Perry Counties, Kentucky Survey Area Data: Version 19, Sep 2, 2022

Soil map units are labeled (as space allows) for map scales 1:50.000 or larger.

Date(s) aerial images were photographed: Aug 29, 2019—Sep 15, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI				
DLF	Matewan-Marrowbone-Latham complex, 20 to 80 percent slopes, very rocky	1.8	1.5%				
FaB	Fairpoint soils, undulating	14.4	11.7%				
FaF	Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony	94.7	76.9%				
uShgF	Shelocta-Highsplint-Gilpin complex, 20 to 70 percent slopes, very stony	0.7	0.5%				
uUduE	Udorthents-Urban land-Rock outcrop complex, 0 to 35 percent slopes	11.6	9.4%				
Totals for Area of Interest		123.1	100.0%				

Appendix B Historic Documents

Skyview Site - Perry County Hal Rogers Parkway Hazard, KY 41701

Inquiry Number: 7321455.2s

April 27, 2023

The EDR Radius Map™ Report with GeoCheck®



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Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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A search of available environmental records was conducted by Environmental Data Resources, Inc (EDR). The report was designed to assist parties seeking to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the ASTM Standard Practice for Environmental Site Assessments (E 1527-13), the ASTM Standard Practice for Environmental Site Assessments for Forestland or Rural Property (E 2247-16), the ASTM Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process (E 1528-14) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate.

TARGET PROPERTY INFORMATION

ADDRESS

HAL ROGERS PARKWAY HAZARD, KY 41701

COORDINATES

Latitude (North): 37.2524650 - 37° 15' 8.87" Longitude (West): 83.2688910 - 83° 16' 8.00"

Universal Tranverse Mercator: Zone 17 UTM X (Meters): 298773.3 UTM Y (Meters): 4125088.5

Elevation: 1214 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map: 13082248 KRYPTON, KY

Version Date: 2019

Northeast Map: 13082236 HAZARD NORTH, KY

Version Date: 2019

Southeast Map: 13082238 HAZARD SOUTH, KY

Version Date: 2019

Southwest Map: 13046748 HYDEN EAST, KY

Version Date: 2019

AERIAL PHOTOGRAPHY IN THIS REPORT

Portions of Photo from: 20140707, 20140711

Source: USDA

MAPPED SITES SUMMARY

Target Property Address: HAL ROGERS PARKWAY HAZARD, KY 41701

Click on Map ID to see full detail.

MAP RELATIVE DIST (ft. & mi.)

ID SITE NAME ADDRESS DATABASE ACRONYMS ELEVATION DIRECTION

NO MAPPED SITES FOUND

TARGET PROPERTY SEARCH RESULTS

The target property was not listed in any of the databases searched by EDR.

DATABASES WITH NO MAPPED SITES

No mapped sites were found in EDR's search of available ("reasonably ascertainable ") government records either on the target property or within the search radius around the target property for the following databases:

STANDARD ENVIRONMENTAL RECORDS

Lists of Federal NPL (Super	fund) sites
NPL Proposed NPL NPL LIENS.	Proposed National Priority List Sites
Lists of Federal Delisted NF	PL sites
Delisted NPL	National Priority List Deletions
Lists of Federal sites subject	ct to CERCLA removals and CERCLA orders
	Federal Facility Site Information listing Superfund Enterprise Management System
Lists of Federal CERCLA si	tes with NFRAP
SEMS-ARCHIVE	Superfund Enterprise Management System Archive
Lists of Federal RCRA facili	ities undergoing Corrective Action
CORRACTS	Corrective Action Report
Lists of Federal RCRA TSD	facilities
RCRA-TSDF	RCRA - Treatment, Storage and Disposal
Lists of Federal RCRA gene	erators
RCRA-SQG	RCRA - Large Quantity Generators RCRA - Small Quantity Generators RCRA - Very Small Quantity Generators (Formerly Conditionally Exempt Small Quantity Generators)
Federal institutional control	ls / engineering controls registries
LUCIS	Land Use Control Information System

US ENG CONTROLS..... Engineering Controls Sites List US INST CONTROLS..... Institutional Controls Sites List

Federal ERNS list

ERNS..... Emergency Response Notification System

Lists of state- and tribal hazardous waste facilities

SHWS...... State Leads List

Lists of state and tribal landfills and solid waste disposal facilities

SWF/LF..... Solid Waste Facilities List

Lists of state and tribal leaking storage tanks

PSTEAF..... Facility Ranking List

INDIAN LUST..... Leaking Underground Storage Tanks on Indian Land

SB193 Branch Site Inventory List

Lists of state and tribal registered storage tanks

FEMA UST..... Underground Storage Tank Listing UST...... Underground Storage Tank Database

State and tribal institutional control / engineering control registries

ENG CONTROLS..... Engineering Controls Site Listing INST CONTROL..... State Superfund Database

Lists of state and tribal voluntary cleanup sites

INDIAN VCP...... Voluntary Cleanup Priority Listing VCP...... Voluntary Cleanup Program Sites

Lists of state and tribal brownfield sites

BROWNFIELDS..... Kentucky Brownfield Inventory

ADDITIONAL ENVIRONMENTAL RECORDS

Local Brownfield lists

US BROWNFIELDS..... A Listing of Brownfields Sites

Local Lists of Landfill / Solid Waste Disposal Sites

SWRCY...... Recycling Facilities HIST LF..... Historical Landfills

ODI...... Open Dump Inventory IHS OPEN DUMPS..... Open Dumps on Indian Land

Local Lists of Hazardous waste / Contaminated Sites

US HIST CDL..... Delisted National Clandestine Laboratory Register

CDL...... Clandestine Drub Lab Location Listing US CDL...... National Clandestine Laboratory Register

Local Land Records

LIENS 2..... CERCLA Lien Information

Records of Emergency Release Reports

HMIRS..... Hazardous Materials Information Reporting System

SPILLS..... State spills

Other Ascertainable Records

RCRA NonGen / NLR RCRA - Non Generators / No Longer Regulated

FUDS..... Formerly Used Defense Sites DOD..... Department of Defense Sites

SCRD DRYCLEANERS...... State Coalition for Remediation of Drycleaners Listing

US FIN ASSUR..... Financial Assurance Information

EPA WATCH LIST..... EPA WATCH LIST

2020 COR ACTION...... 2020 Corrective Action Program List

TSCA Toxic Substances Control Act
TRIS Toxic Chemical Release Inventory System SSTS..... Section 7 Tracking Systems

ROD...... Records Of Decision RMP..... Risk Management Plans

RAATS....... RCRA Administrative Action Tracking System

PRP...... Potentially Responsible Parties PADS..... PCB Activity Database System

ICIS..... Integrated Compliance Information System

Act)/TSCA (Toxic Substances Control Act)

MLTS..... Material Licensing Tracking System COAL ASH DOE..... Steam-Electric Plant Operation Data

COAL ASH EPA..... Coal Combustion Residues Surface Impoundments List

PCB TRANSFORMER_____PCB Transformer Registration Database

RADINFO...... Radiation Information Database

HIST FTTS..... FIFRA/TSCA Tracking System Administrative Case Listing

DOT OPS...... Incident and Accident Data

CONSENT..... Superfund (CERCLA) Consent Decrees

INDIAN RESERV..... Indian Reservations

FUSRAP..... Formerly Utilized Sites Remedial Action Program

UMTRA..... Uranium Mill Tailings Sites

LEAD SMELTERS..... Lead Smelter Sites

US AIRS...... Aerometric Information Retrieval System Facility Subsystem

US MINES..... Mines Master Index File ABANDONED MINES..... Abandoned Mines

FINDS......Facility Index System/Facility Registry System DOCKET HWC..... Hazardous Waste Compliance Docket Listing

ECHO..... Enforcement & Compliance History Information

UXO...... Unexploded Ordnance Sites

FUELS PROGRAM..... EPA Fuels Program Registered Listing

PFAS NPL..... Superfund Sites with PFAS Detections Information

PFAS FEDERAL SITES..... Federal Sites PFAS Information

PFAS TSCA...... PFAS Manufacture and Imports Information

PFAS RCRA MANIFEST..... PFAS Transfers Identified In the RCRA Database Listing

PFAS ATSDR..... PFAS Contamination Site Location Listing PFAS WQP..... Ambient Environmental Sampling for PFAS

PFAS NPDES..... Clean Water Act Discharge Monitoring Information

PFAS ECHO..... Facilities in Industries that May Be Handling PFAS Listing PFAS ECHO FIRE TRAINING Facilities in Industries that May Be Handling PFAS Listing PFAS PART 139 AIRPORT ... All Certified Part 139 Airports PFAS Information Listing

AQUEOUS FOAM NRC..... Aqueous Foam Related Incidents Listing

PFAS Detections Site Listing AIRS..... Permitted Airs Facility Listing ASBESTOS..... Asbestos Notification Listing COAL ASH_____ Coal Ash Disposal Sites DRYCLEANERS_____ Drycleaner Listing

Financial Assurance Information Listing

LEAD..... Environmental Lead Program Report Tracking Database

NPDES..... Permitted Facility Listing

UIC......UIC Information

PFAS TRIS..... List of PFAS Added to the TRI MINES MRDS..... Mineral Resources Data System

EDR HIGH RISK HISTORICAL RECORDS

EDR Exclusive Records

EDR MGP	EDR Proprietary Manufactured Gas Plants
EDR Hist Auto	EDR Exclusive Historical Auto Stations
EDR Hist Cleaner	EDR Exclusive Historical Cleaners

EDR RECOVERED GOVERNMENT ARCHIVES

Exclusive Recovered Govt. Archives

RGA HWS...... Recovered Government Archive State Hazardous Waste Facilities List

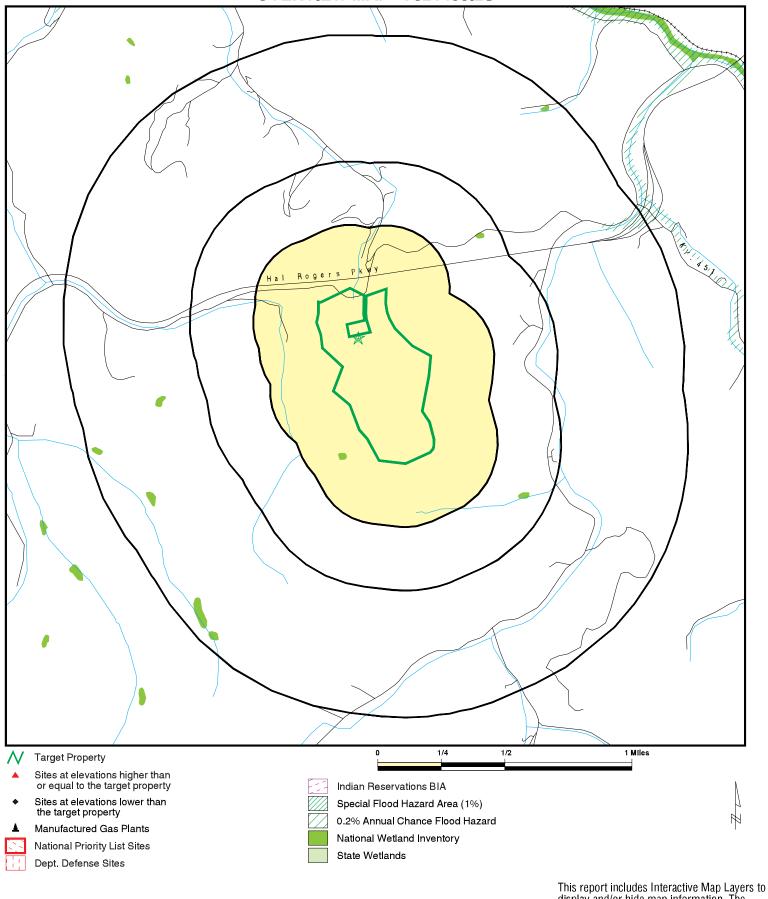
SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were not identified.

Unmappable (orphan) sites are not considered in the foregoing analysis.

There were no unmapped sites in this report.

OVERVIEW MAP - 7321455.2S

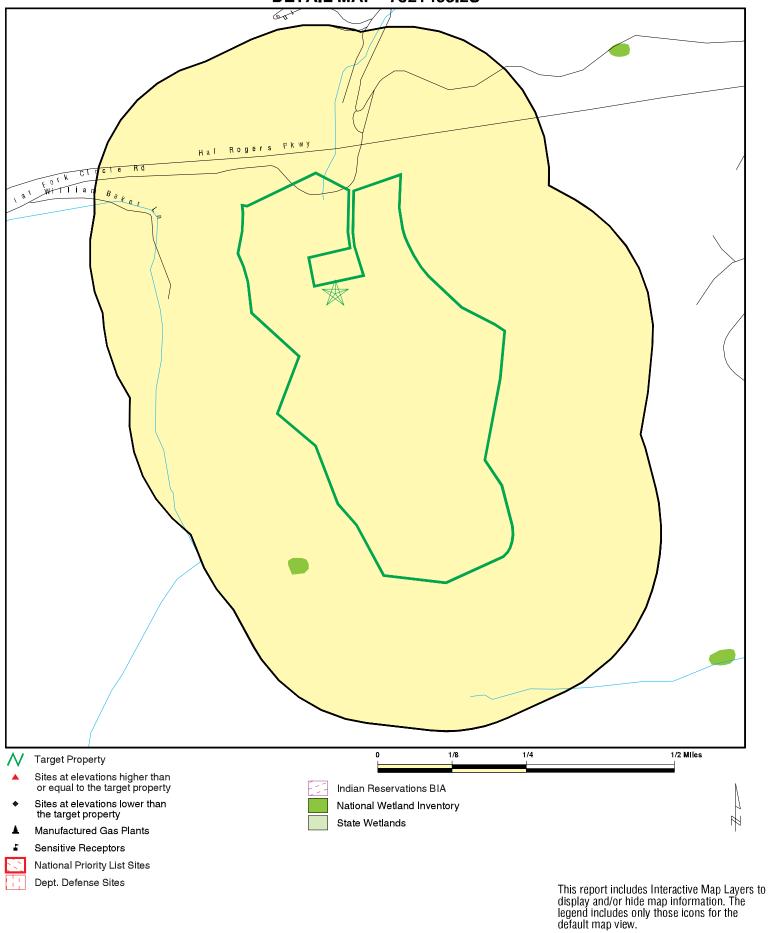


This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: Skyview Site - Perry County
ADDRESS: Hal Rogers Parkway
Hazard KY 41701
LAT/LONG: 37.252465 / 83.268891

CLIENT: Kentucky Division of Compliance
CONTACT: Derek Bozzell
INQUIRY #: 7321455.2s
DATE: April 27, 2023 4:24 pm

DETAIL MAP - 7321455.2S



SITE NAME: Skyview Site - Perry County

ADDRESS: Hal Rogers Parkway
Hazard KY 41701
LAT/LONG: 37.252465 / 83.268891

CLIENT: Kentucky Division of Compliance
CONTACT: Derek Bozzell
INQUIRY #: 7321455.2s
DATE: April 27, 2023 4:26 pm

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
STANDARD ENVIRONMENT	TAL RECORDS							
Lists of Federal NPL (Su	perfund) site:	s						
NPL Proposed NPL NPL LIENS	1.000 1.000 1.000		0 0 0	0 0 0	0 0 0	0 0 0	NR NR NR	0 0 0
Lists of Federal Delisted	NPL sites							
Delisted NPL	1.000		0	0	0	0	NR	0
Lists of Federal sites sul CERCLA removals and C		rs						
FEDERAL FACILITY SEMS	0.500 0.500		0 0	0 0	0 0	NR NR	NR NR	0 0
Lists of Federal CERCLA	A sites with N	FRAP						
SEMS-ARCHIVE	0.500		0	0	0	NR	NR	0
Lists of Federal RCRA fa undergoing Corrective A								
CORRACTS	1.000		0	0	0	0	NR	0
Lists of Federal RCRA To	SD facilities							
RCRA-TSDF	0.500		0	0	0	NR	NR	0
Lists of Federal RCRA go	enerators							
RCRA-LQG RCRA-SQG RCRA-VSQG	0.250 0.250 0.250		0 0 0	0 0 0	NR NR NR	NR NR NR	NR NR NR	0 0 0
Federal institutional con engineering controls reg								
LUCIS US ENG CONTROLS US INST CONTROLS	0.500 0.500 0.500		0 0 0	0 0 0	0 0 0	NR NR NR	NR NR NR	0 0 0
Federal ERNS list								
ERNS	0.001		0	NR	NR	NR	NR	0
Lists of state- and tribal hazardous waste facilitie	es							
SHWS	1.000		0	0	0	0	NR	0
Lists of state and tribal la and solid waste disposal								
SWF/LF	0.500		0	0	0	NR	NR	0
Lists of state and tribal le	eaking storag	ge tanks						
PSTEAF	0.500		0	0	0	NR	NR	0

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
INDIAN LUST SB193	0.500 0.500		0 0	0 0	0 0	NR NR	NR NR	0 0
Lists of state and tribal r	egistered sto	rage tanks						
FEMA UST UST AST INDIAN UST	0.250 0.250 0.250 0.250		0 0 0	0 0 0	NR NR NR NR	NR NR NR NR	NR NR NR NR	0 0 0 0
State and tribal institution control / engineering control		s						
ENG CONTROLS INST CONTROL	0.500 0.500		0 0	0 0	0 0	NR NR	NR NR	0 0
Lists of state and tribal v	oluntary clea	anup sites						
INDIAN VCP VCP	0.500 0.500		0 0	0 0	0 0	NR NR	NR NR	0 0
Lists of state and tribal k	prownfield sit	es						
BROWNFIELDS	0.500		0	0	0	NR	NR	0
ADDITIONAL ENVIRONMEN	ITAL RECORDS	<u>s</u>						
Local Brownfield lists								
US BROWNFIELDS	0.500		0	0	0	NR	NR	0
Local Lists of Landfill / S Waste Disposal Sites	Solid							
SWRCY HIST LF INDIAN ODI DEBRIS REGION 9 ODI IHS OPEN DUMPS	0.500 0.500 0.500 0.500 0.500 0.500		0 0 0 0 0	0 0 0 0 0	0 0 0 0 0	NR NR NR NR NR	NR NR NR NR NR	0 0 0 0 0
Local Lists of Hazardous Contaminated Sites	s waste /							
US HIST CDL CDL US CDL	0.001 0.001 0.001		0 0 0	NR NR NR	NR NR NR	NR NR NR	NR NR NR	0 0 0
Local Land Records								
LIENS 2	0.001		0	NR	NR	NR	NR	0
Records of Emergency F	-	rts						
HMIRS SPILLS	0.001 0.001		0 0	NR NR	NR NR	NR NR	NR NR	0 0
Other Ascertainable Rec	ords							
RCRA NonGen / NLR	0.250		0	0	NR	NR	NR	0

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
FUDS	1.000		0	0	0	0	NR	0
DOD	1.000		Ö	ő	ő	Ö	NR	ŏ
SCRD DRYCLEANERS	0.500		0	0	Ō	NR	NR	Ō
US FIN ASSUR	0.001		0	NR	NR	NR	NR	0
EPA WATCH LIST	0.001		0	NR	NR	NR	NR	0
2020 COR ACTION	0.250		0	0	NR	NR	NR	0
TSCA	0.001		0	NR	NR	NR	NR	0
TRIS	0.001		0	NR	NR	NR	NR	0
SSTS	0.001		0	NR	NR	NR	NR	0
ROD	1.000		0	0	0	0	NR	0
RMP	0.001		0	NR	NR	NR	NR	0
RAATS	0.001		0	NR	NR	NR	NR	0
PRP	0.001		0	NR	NR	NR	NR	0
PADS	0.001		0	NR	NR	NR	NR	0
ICIS	0.001		0	NR	NR	NR	NR	0
FTTS MLTS	0.001 0.001		0 0	NR NR	NR NR	NR NR	NR NR	0 0
COAL ASH DOE	0.001		0	NR	NR	NR	NR	0
COAL ASH EPA	0.500		0	0	0	NR	NR	0
PCB TRANSFORMER	0.001		0	NR	NR	NR	NR	0
RADINFO	0.001		0	NR	NR	NR	NR	0
HIST FTTS	0.001		0	NR	NR	NR	NR	0
DOT OPS	0.001		Ö	NR	NR	NR	NR	ŏ
CONSENT	1.000		Ö	0	0	0	NR	Ö
INDIAN RESERV	1.000		Ö	Ö	Ö	Ö	NR	Ö
FUSRAP	1.000		Ö	Ō	Ō	Ö	NR	Ö
UMTRA	0.500		0	0	0	NR	NR	0
LEAD SMELTERS	0.001		0	NR	NR	NR	NR	0
US AIRS	0.001		0	NR	NR	NR	NR	0
US MINES	0.250		0	0	NR	NR	NR	0
ABANDONED MINES	0.250		0	0	NR	NR	NR	0
FINDS	0.001		0	NR	NR	NR	NR	0
DOCKET HWC	0.001		0	NR	NR	NR	NR	0
ECHO	0.001		0	NR	NR	NR	NR	0
UXO	1.000		0	0	0	0	NR	0
FUELS PROGRAM	0.250		0	0	NR	NR	NR	0
PFAS NPL	0.250		0	0	NR	NR	NR	0
PFAS FEDERAL SITES	0.250		0	0	NR	NR	NR	0
PFAS TSCA PFAS RCRA MANIFEST	0.250 0.250		0	0	NR NR	NR NR	NR NR	0
	0.050		0	0				0 0
PFAS ATSDR PFAS WQP	0.250 0.250		0 0	0 0	NR NR	NR NR	NR NR	0
PFAS NPDES	0.250		0	0	NR	NR	NR	0
PFAS ECHO	0.250		0	0	NR	NR	NR	0
PFAS ECHO FIRE TRAINI			0	0	NR	NR	NR	0
PFAS PART 139 AIRPORT			0	0	NR	NR	NR	0
AQUEOUS FOAM NRC	0.250		0	ŏ	NR	NR	NR	Ö
PFAS	TP		NR	NR	NR	NR	NR	Ö
AIRS	0.001		0	NR	NR	NR	NR	Ö
ASBESTOS	0.001		Ŏ	NR	NR	NR	NR	Ö
COAL ASH	0.500		0	0	0	NR	NR	0

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
DRYCLEANERS	0.250		0	0	NR	NR	NR	0
Financial Assurance	0.001		0	NR	NR	NR	NR	0
LEAD	0.001		0	NR	NR	NR	NR	0
NPDES	0.001		0	NR	NR	NR	NR	0
UIC	0.001		0	NR	NR	NR	NR	0
PFAS TRIS	0.250		0	0	NR	NR	NR	0
MINES MRDS	0.001		0	NR	NR	NR	NR	0
EDR HIGH RISK HISTORIC	CAL RECORDS							
EDR Exclusive Record	s							
EDR MGP	1.000		0	0	0	0	NR	0
EDR Hist Auto	0.125		0	NR	NR	NR	NR	0
EDR Hist Cleaner	0.125		0	NR	NR	NR	NR	0
EDR RECOVERED GOVE	RNMENT ARCHI	VES						
Exclusive Recovered 0	Govt. Archives							
RGA HWS	0.001		0	NR	NR	NR	NR	0
RGA LF	0.001		0	NR	NR	NR	NR	0
- Totals		0	0	0	0	0	0	0

NOTES:

TP = Target Property

NR = Not Requested at this Search Distance

Sites may be listed in more than one database

Map ID		MAP FINDINGS		
Direction				EDD ID N
Distance				EDR ID Number
Elevation	Site		Database(s)	EPA ID Number

NO SITES FOUND

Count: 0 records. ORPHAN SUMMARY

City EDR ID Site Name Site Address Zip Database(s)

NO SITES FOUND

To maintain currency of the following federal and state databases, EDR contacts the appropriate governmental agency on a monthly or quarterly basis, as required.

Number of Days to Update: Provides confirmation that EDR is reporting records that have been updated within 90 days from the date the government agency made the information available to the public.

STANDARD ENVIRONMENTAL RECORDS

Lists of Federal NPL (Superfund) sites

NPL: National Priority List

National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA's Environmental Photographic Interpretation Center (EPIC) and regional EPA offices.

Date of Government Version: 01/25/2023 Source: EPA
Date Data Arrived at EDR: 02/03/2023 Telephone: N/A

Number of Days to Update: 25 Next Scheduled EDR Contact: 07/10/2023
Data Release Frequency: Quarterly

NPL Site Boundaries

Sources

EPA's Environmental Photographic Interpretation Center (EPIC)

Telephone: 202-564-7333

EPA Region 1 EPA Region 6

Telephone 617-918-1143 Telephone: 214-655-6659

EPA Region 3 EPA Region 7

Telephone 215-814-5418 Telephone: 913-551-7247

EPA Region 4 EPA Region 8

Telephone 404-562-8033 Telephone: 303-312-6774

EPA Region 5 EPA Region 9

Telephone 312-886-6686 Telephone: 415-947-4246

EPA Region 10

Telephone 206-553-8665

Proposed NPL: Proposed National Priority List Sites

A site that has been proposed for listing on the National Priorities List through the issuance of a proposed rule in the Federal Register. EPA then accepts public comments on the site, responds to the comments, and places on the NPL those sites that continue to meet the requirements for listing.

Date of Government Version: 01/25/2023 Source: EPA
Date Data Arrived at EDR: 02/02/2023 Telephone: N/A

Next Scheduled EDR Contact: 07/10/2023
Data Release Frequency: Quarterly

NPL LIENS: Federal Superfund Liens

Federal Superfund Liens. Under the authority granted the USEPA by CERCLA of 1980, the USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner received notification of potential liability. USEPA compiles a listing of filed notices of Superfund Liens.

Date of Government Version: 10/15/1991 Date Data Arrived at EDR: 02/02/1994 Date Made Active in Reports: 03/30/1994

Number of Days to Update: 56

Source: EPA

Telephone: 202-564-4267 Last EDR Contact: 08/15/2011

Next Scheduled EDR Contact: 11/28/2011 Data Release Frequency: No Update Planned

Lists of Federal Delisted NPL sites

Delisted NPL: National Priority List Deletions

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

Date of Government Version: 01/25/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/28/2023

Number of Days to Update: 26

Source: EPA Telephone: N/A

Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 07/10/2023 Data Release Frequency: Quarterly

Lists of Federal sites subject to CERCLA removals and CERCLA orders

FEDERAL FACILITY: Federal Facility Site Information listing

A listing of National Priority List (NPL) and Base Realignment and Closure (BRAC) sites found in the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) Database where EPA Federal Facilities Restoration and Reuse Office is involved in cleanup activities.

Date of Government Version: 12/20/2022 Date Data Arrived at EDR: 12/21/2022 Date Made Active in Reports: 03/10/2023

Number of Days to Update: 79

Source: Environmental Protection Agency Telephone: 703-603-8704

Last EDR Contact: 03/28/2023

Next Scheduled EDR Contact: 07/10/2023 Data Release Frequency: Varies

SEMS: Superfund Enterprise Management System

SEMS (Superfund Enterprise Management System) tracks hazardous waste sites, potentially hazardous waste sites, and remedial activities performed in support of EPA's Superfund Program across the United States. The list was formerly know as CERCLIS, renamed to SEMS by the EPA in 2015. The list contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This dataset also contains sites which are either proposed to or on the National Priorities List (NPL) and the sites which are in the screening and assessment phase for possible inclusion on the NPL.

Date of Government Version: 01/25/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/28/2023

Number of Days to Update: 26

Source: EPA

Telephone: 800-424-9346 Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Quarterly

Lists of Federal CERCLA sites with NFRAP

SEMS-ARCHIVE: Superfund Enterprise Management System Archive

SEMS-ARCHIVE (Superfund Enterprise Management System Archive) tracks sites that have no further interest under the Federal Superfund Program based on available information. The list was formerly known as the CERCLIS-NFRAP, renamed to SEMS ARCHIVE by the EPA in 2015. EPA may perform a minimal level of assessment work at a site while it is archived if site conditions change and/or new information becomes available. Archived sites have been removed and archived from the inventory of SEMS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list the site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time. The decision does not necessarily mean that there is no hazard associated with a given site; it only means that based upon available information, the location is not judged to be potential NPL site.

Date of Government Version: 01/25/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/28/2023

Number of Days to Update: 26

Source: EPA

Telephone: 800-424-9346 Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Quarterly

Lists of Federal RCRA facilities undergoing Corrective Action

CORRACTS: Corrective Action Report

CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.

Date of Government Version: 03/06/2023 Date Data Arrived at EDR: 03/09/2023 Date Made Active in Reports: 03/20/2023

Number of Days to Update: 11

Source: EPA

Telephone: 800-424-9346 Last EDR Contact: 03/09/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

Lists of Federal RCRA TSD facilities

RCRA-TSDF: RCRA - Treatment, Storage and Disposal

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

Date of Government Version: 03/06/2023 Date Data Arrived at EDR: 03/09/2023 Date Made Active in Reports: 03/20/2023

Number of Days to Update: 11

Source: Environmental Protection Agency

Telephone: (404) 562-8651 Last EDR Contact: 03/09/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

Lists of Federal RCRA generators

RCRA-LQG: RCRA - Large Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month.

Date of Government Version: 03/06/2023 Date Data Arrived at EDR: 03/09/2023 Date Made Active in Reports: 03/20/2023

Number of Days to Update: 11

Source: Environmental Protection Agency Telephone: (404) 562-8651

Last EDR Contact: 03/09/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

RCRA-SQG: RCRA - Small Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month.

Date of Government Version: 03/06/2023 Date Data Arrived at EDR: 03/09/2023 Date Made Active in Reports: 03/20/2023

Number of Days to Update: 11

Source: Environmental Protection Agency

Telephone: (404) 562-8651 Last EDR Contact: 03/09/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

RCRA-VSQG: RCRA - Very Small Quantity Generators (Formerly Conditionally Exempt Small Quantity Generators)
RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation
and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database
includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste
as defined by the Resource Conservation and Recovery Act (RCRA). Very small quantity generators (VSQGs) generate
less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month.

Date of Government Version: 03/06/2023 Date Data Arrived at EDR: 03/09/2023 Date Made Active in Reports: 03/20/2023

Number of Days to Update: 11

Source: Environmental Protection Agency

Telephone: (404) 562-8651 Last EDR Contact: 03/09/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

Federal institutional controls / engineering controls registries

LUCIS: Land Use Control Information System

LUCIS contains records of land use control information pertaining to the former Navy Base Realignment and Closure properties.

Date of Government Version: 11/02/2022 Date Data Arrived at EDR: 11/08/2022 Date Made Active in Reports: 01/10/2023

Number of Days to Update: 63

Source: Department of the Navy Telephone: 843-820-7326 Last EDR Contact: 02/03/2023

Next Scheduled EDR Contact: 05/22/2023 Data Release Frequency: Varies

US ENG CONTROLS: Engineering Controls Sites List

A listing of sites with engineering controls in place. Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health.

Date of Government Version: 10/27/2022 Date Data Arrived at EDR: 11/16/2022 Date Made Active in Reports: 02/09/2023

Number of Days to Update: 85

Source: Environmental Protection Agency

Telephone: 703-603-0695 Last EDR Contact: 02/21/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Varies

US INST CONTROLS: Institutional Controls Sites List

A listing of sites with institutional controls in place. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls.

Date of Government Version: 10/27/2022 Date Data Arrived at EDR: 11/16/2022 Date Made Active in Reports: 02/09/2023

Number of Days to Update: 85

Source: Environmental Protection Agency

Telephone: 703-603-0695 Last EDR Contact: 02/21/2023

Next Scheduled EDR Contact: 06/05/2023

Federal ERNS list

ERNS: Emergency Response Notification System

Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous

substances.

Date of Government Version: 12/12/2022 Date Data Arrived at EDR: 12/14/2022 Date Made Active in Reports: 12/19/2022

Number of Days to Update: 5

Source: National Response Center, United States Coast Guard

Telephone: 202-267-2180 Last EDR Contact: 03/21/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

Lists of state- and tribal hazardous waste facilities

SHWS: State Leads List

State Hazardous Waste Sites. State hazardous waste site records are the states' equivalent to CERCLIS. These sites may or may not already be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds (state equivalent of Superfund) are identified along with sites where cleanup will be paid for by potentially responsible parties. Available information varies by state.

Date of Government Version: 12/12/2022 Date Data Arrived at EDR: 12/15/2022 Date Made Active in Reports: 03/09/2023

Number of Days to Update: 84

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 02/17/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Quarterly

Lists of state and tribal landfills and solid waste disposal facilities

SWF/LF: Solid Waste Facilities List

Solid Waste Facilities/Landfill Sites. SWF/LF type records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

Date of Government Version: 08/25/2022 Date Data Arrived at EDR: 10/24/2022 Date Made Active in Reports: 01/12/2023

Number of Days to Update: 80

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 01/24/2023

Next Scheduled EDR Contact: 05/08/2023 Data Release Frequency: Semi-Annually

Lists of state and tribal leaking storage tanks

PSTEAF: Facility Ranking List

The Underground Storage Tank Branch (USTB) has ranked all PSTEAF reimbursable facilities requiring corrective action, in accordance with 401 KAR 42:290. Directive letters will be issued on the basis of facility ranking and available PSTEAF funding in sequential order as ranked. For example, Rank 2 facilities will be issued directives before Rank 3 facilities.

Date of Government Version: 12/01/2022 Date Data Arrived at EDR: 01/04/2023 Date Made Active in Reports: 03/22/2023

Number of Days to Update: 77

Source: Department of Environmental Protection

Telephone: 502-564-5981 Last EDR Contact: 04/04/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Quarterly

INDIAN LUST R1: Leaking Underground Storage Tanks on Indian Land
A listing of leaking underground storage tank locations on Indian Land.

Date of Government Version: 10/19/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 1 Telephone: 617-918-1313 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023

INDIAN LUST R4: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Florida, Mississippi and North Carolina.

Date of Government Version: 11/26/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 4 Telephone: 404-562-8677 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN LUST R7: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Iowa, Kansas, and Nebraska

Date of Government Version: 10/14/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 7 Telephone: 913-551-7003 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023

Data Release Frequency: Varies

INDIAN LUST R8: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 8 Telephone: 303-312-6271 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023

Data Release Frequency: Varies

INDIAN LUST R9: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Arizona, California, New Mexico and Nevada

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: Environmental Protection Agency

Telephone: 415-972-3372 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN LUST R6: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in New Mexico and Oklahoma.

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 6 Telephone: 214-665-6597 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN LUST R5: Leaking Underground Storage Tanks on Indian Land

Leaking underground storage tanks located on Indian Land in Michigan, Minnesota and Wisconsin.

Date of Government Version: 10/14/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA, Region 5 Telephone: 312-886-7439 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN LUST R10: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Alaska, Idaho, Oregon and Washington.

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 04/19/2023

Number of Days to Update: 134

Source: EPA Region 10 Telephone: 206-553-2857 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023

SB193: SB193 Branch Site Inventory List

The inventory indicates facilities that have performed permanent closure activities at a regulated underground storage tank facility and have known soil and/or groundwater contamination.

Date of Government Version: 09/05/2006 Date Data Arrived at EDR: 09/13/2006 Date Made Active in Reports: 10/18/2006

Number of Days to Update: 35

Source: Department of Environmental Protection

Telephone: 502-564-5981 Last EDR Contact: 04/08/2016

Next Scheduled EDR Contact: 07/25/2016

Data Release Frequency: No Update Planned

Lists of state and tribal registered storage tanks

FEMA UST: Underground Storage Tank Listing

A listing of all FEMA owned underground storage tanks.

Date of Government Version: 10/14/2021 Date Data Arrived at EDR: 11/05/2021 Date Made Active in Reports: 02/01/2022

Number of Days to Update: 88

Source: FEMA

Telephone: 202-646-5797 Last EDR Contact: 03/29/2023

Next Scheduled EDR Contact: 07/17/2023

Data Release Frequency: Varies

UST: Underground Storage Tank Database

Registered Underground Storage Tanks. UST's are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) and must be registered with the state department responsible for administering the UST program. Available information varies by state program.

Date of Government Version: 11/08/2022 Date Data Arrived at EDR: 11/16/2022 Date Made Active in Reports: 02/09/2023

Number of Days to Update: 85

Source: Department of Environmental Protection

Telephone: 502-564-5981 Last EDR Contact: 02/22/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Quarterly

AST: Above Ground Storage Tanks

A listing of aboveground storage tank site locations.

Date of Government Version: 06/01/2021 Date Data Arrived at EDR: 06/02/2021 Date Made Active in Reports: 08/23/2021

Number of Days to Update: 82

Source: Office of State Fire Marshal Telephone: 502-564-4010 Last EDR Contact: 02/02/2023

Next Scheduled EDR Contact: 06/05/2023

Data Release Frequency: Varies

INDIAN UST R6: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 6 (Louisiana, Arkansas, Oklahoma, New Mexico, Texas and 65 Tribes).

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 6 Telephone: 214-665-7591 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023

Data Release Frequency: Varies

INDIAN UST R7: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 7 (Iowa, Kansas, Missouri, Nebraska, and 9 Tribal Nations).

Date of Government Version: 10/14/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 7 Telephone: 913-551-7003 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023

INDIAN UST R8: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and 27 Tribal Nations).

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 8 Telephone: 303-312-6137 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN UST R9: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 9 (Arizona, California, Hawaii, Nevada, the Pacific Islands, and Tribal Nations).

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 9 Telephone: 415-972-3368 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN UST R4: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Tribal Nations)

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 4 Telephone: 404-562-9424 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN UST R10: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 10 (Alaska, Idaho, Oregon, Washington, and Tribal Nations).

Date of Government Version: 11/23/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 04/19/2023

Number of Days to Update: 134

Source: EPA Region 10 Telephone: 206-553-2857 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023

Data Release Frequency: Varies

INDIAN UST R1: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 1 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont and ten Tribal Nations).

Date of Government Version: 10/19/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA, Region 1 Telephone: 617-918-1313 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

INDIAN UST R5: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 5 (Michigan, Minnesota and Wisconsin and Tribal Nations).

Date of Government Version: 10/14/2022 Date Data Arrived at EDR: 12/06/2022 Date Made Active in Reports: 03/03/2023

Number of Days to Update: 87

Source: EPA Region 5 Telephone: 312-886-6136 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

State and tribal institutional control / engineering control registries

ENG CONTROLS: Engineering Controls Site Listing A listing of sites that use engineering controls.

Date of Government Version: 12/12/2022 Date Data Arrived at EDR: 12/15/2022 Date Made Active in Reports: 03/09/2023

Number of Days to Update: 84

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 02/17/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Varies

INST CONTROL: State Superfund Database

A list of closed sites in the State Superfund Database. Institutional controls would be in place at any site that uses Contained or Managed as a Closure Option.

Date of Government Version: 12/12/2022 Date Data Arrived at EDR: 12/15/2022 Date Made Active in Reports: 03/09/2023

Number of Days to Update: 84

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 02/17/2023

Next Scheduled EDR Contact: 06/05/2023

Data Release Frequency: Varies

Lists of state and tribal voluntary cleanup sites

VCP: Voluntary Cleanup Program Sites

Sites that have been accepted into the Voluntary Cleanup Program or have submitted an application.

Date of Government Version: 01/09/2023 Date Data Arrived at EDR: 01/11/2023 Date Made Active in Reports: 03/29/2023

Number of Days to Update: 77

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 03/23/2023

Next Scheduled EDR Contact: 07/10/2023

Data Release Frequency: Varies

INDIAN VCP R7: Voluntary Cleanup Priority Lisitng

A listing of voluntary cleanup priority sites located on Indian Land located in Region 7.

Date of Government Version: 03/20/2008 Date Data Arrived at EDR: 04/22/2008 Date Made Active in Reports: 05/19/2008

Number of Days to Update: 27

Source: EPA, Region 7 Telephone: 913-551-7365 Last EDR Contact: 07/08/2021

Next Scheduled EDR Contact: 07/20/2009

Data Release Frequency: Varies

INDIAN VCP R1: Voluntary Cleanup Priority Listing

A listing of voluntary cleanup priority sites located on Indian Land located in Region 1.

Date of Government Version: 07/27/2015 Date Data Arrived at EDR: 09/29/2015 Date Made Active in Reports: 02/18/2016

Number of Days to Update: 142

Source: EPA, Region 1 Telephone: 617-918-1102 Last EDR Contact: 03/17/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Varies

Lists of state and tribal brownfield sites

BROWNFIELDS: Kentucky Brownfield Inventory

The Kentucky Brownfield Program has created an inventory of brownfield sites in order to market the properties to those interested in brownfield redevelopment. The Kentucky Brownfield Program is working to promote the redevelopment of these sites by helping to remove barriers that prevent reuse, providing useful information to communities, developers and the public and encouraging a climate that fosters redevelopment of contaminated sites.

Date of Government Version: 10/27/2022 Date Data Arrived at EDR: 10/27/2022 Date Made Active in Reports: 01/12/2023

Number of Days to Update: 77

Source: Division of Compliance Assistance

Telephone: 502-564-0323 Last EDR Contact: 04/05/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Varies

ADDITIONAL ENVIRONMENTAL RECORDS

Local Brownfield lists

US BROWNFIELDS: A Listing of Brownfields Sites

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties takes development pressures off of undeveloped, open land, and both improves and protects the environment. Assessment, Cleanup and Redevelopment Exchange System (ACRES) stores information reported by EPA Brownfields grant recipients on brownfields properties assessed or cleaned up with grant funding as well as information on Targeted Brownfields Assessments performed by EPA Regions. A listing of ACRES Brownfield sites is obtained from Cleanups in My Community. Cleanups in My Community provides information on Brownfields properties for which information is reported back to EPA, as well as areas served by Brownfields grant programs.

Date of Government Version: 04/06/2023 Date Data Arrived at EDR: 04/13/2023 Date Made Active in Reports: 04/19/2023

Number of Days to Update: 6

Source: Environmental Protection Agency Telephone: 202-566-2777

Last EDR Contact: 04/06/2023

Next Scheduled EDR Contact: 06/26/2023 Data Release Frequency: Semi-Annually

Local Lists of Landfill / Solid Waste Disposal Sites

SWRCY: Recycling Facilities

A listing of recycling facilities located in the state of Kentucky.

Date of Government Version: 09/04/2020 Date Data Arrived at EDR: 10/14/2020 Date Made Active in Reports: 01/04/2021

Number of Days to Update: 82

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 04/13/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Varies

HIST LF: Historical Landfills

This solid waste facility listing contains detail information that is not included in the landfill listing. A listing with detail information is no longer available by the Department of Environmental Protection.

Date of Government Version: 05/01/2003 Date Data Arrived at EDR: 03/30/2006 Date Made Active in Reports: 05/01/2006

Number of Days to Update: 32

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 02/23/2009

Next Scheduled EDR Contact: 05/25/2009 Data Release Frequency: No Update Planned

INDIAN ODI: Report on the Status of Open Dumps on Indian Lands

Location of open dumps on Indian land.

Date of Government Version: 12/31/1998 Date Data Arrived at EDR: 12/03/2007 Date Made Active in Reports: 01/24/2008

Number of Days to Update: 52

Source: Environmental Protection Agency

Telephone: 703-308-8245 Last EDR Contact: 04/19/2023

Next Scheduled EDR Contact: 08/07/2023 Data Release Frequency: Varies

DEBRIS REGION 9: Torres Martinez Reservation Illegal Dump Site Locations

A listing of illegal dump sites location on the Torres Martinez Indian Reservation located in eastern Riverside County and northern Imperial County, California.

Date of Government Version: 01/12/2009 Date Data Arrived at EDR: 05/07/2009 Date Made Active in Reports: 09/21/2009

Number of Days to Update: 137

Source: EPA, Region 9 Telephone: 415-947-4219 Last EDR Contact: 04/12/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: No Update Planned

ODI: Open Dump Inventory

An open dump is defined as a disposal facility that does not comply with one or more of the Part 257 or Part 258

Subtitle D Criteria.

Date of Government Version: 06/30/1985 Date Data Arrived at EDR: 08/09/2004 Date Made Active in Reports: 09/17/2004

Number of Days to Update: 39

Source: Environmental Protection Agency

Telephone: 800-424-9346 Last EDR Contact: 06/09/2004 Next Scheduled EDR Contact: N/A

Data Release Frequency: No Update Planned

IHS OPEN DUMPS: Open Dumps on Indian Land

A listing of all open dumps located on Indian Land in the United States.

Date of Government Version: 04/01/2014 Date Data Arrived at EDR: 08/06/2014 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 176

Source: Department of Health & Human Serivces, Indian Health Service

Telephone: 301-443-1452 Last EDR Contact: 01/27/2023

Next Scheduled EDR Contact: 05/08/2023

Data Release Frequency: Varies

Local Lists of Hazardous waste / Contaminated Sites

US HIST CDL: National Clandestine Laboratory Register

A listing of clandestine drug lab locations that have been removed from the DEAs National Clandestine Laboratory Register.

Date of Government Version: 01/06/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/10/2023

Number of Days to Update: 8

Source: Drug Enforcement Administration

Telephone: 202-307-1000 Last EDR Contact: 02/02/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: No Update Planned

CDL: Clandestine Drub Lab Location Listing Clandestine drug lab site locations.

Date of Government Version: 12/12/2022 Date Data Arrived at EDR: 12/15/2022 Date Made Active in Reports: 03/09/2023

Number of Days to Update: 84

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 02/17/2023

Next Scheduled EDR Contact: 06/05/2023

Data Release Frequency: Varies

US CDL: Clandestine Drug Labs

A listing of clandestine drug lab locations. The U.S. Department of Justice ("the Department") provides this web site as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy. Members of the public must verify the accuracy of all entries by, for example, contacting local law enforcement and local health departments.

Date of Government Version: 01/06/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/10/2023

Number of Days to Update: 8

Source: Drug Enforcement Administration

Telephone: 202-307-1000 Last EDR Contact: 02/02/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Quarterly

Local Land Records

LIENS 2: CERCLA Lien Information

A Federal CERCLA ('Superfund') lien can exist by operation of law at any site or property at which EPA has spent Superfund monies. These monies are spent to investigate and address releases and threatened releases of contamination. CERCLIS provides information as to the identity of these sites and properties.

Date of Government Version: 01/25/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/28/2023

Number of Days to Update: 26

Source: Environmental Protection Agency

Telephone: 202-564-6023 Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 07/10/2023 Data Release Frequency: Semi-Annually

Records of Emergency Release Reports

HMIRS: Hazardous Materials Information Reporting System

Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT.

Date of Government Version: 12/13/2022 Date Data Arrived at EDR: 12/14/2022 Date Made Active in Reports: 03/10/2023

Number of Days to Update: 86

Source: U.S. Department of Transportation

Telephone: 202-366-4555 Last EDR Contact: 03/21/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

SPILLS: State spills

A listing of spill and/or release related incidents.

Date of Government Version: 10/31/2022 Date Data Arrived at EDR: 11/02/2022 Date Made Active in Reports: 01/24/2023

Number of Days to Update: 83

Source: DEP, Emergency Response

Telephone: 502-564-2380 Last EDR Contact: 04/10/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Varies

Other Ascertainable Records

RCRA NonGen / NLR: RCRA - Non Generators / No Longer Regulated

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Non-Generators do not presently generate hazardous waste.

Date of Government Version: 03/06/2023 Date Data Arrived at EDR: 03/09/2023 Date Made Active in Reports: 03/20/2023

Number of Days to Update: 11

Source: Environmental Protection Agency

Telephone: (404) 562-8651 Last EDR Contact: 03/09/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

FUDS: Formerly Used Defense Sites

The listing includes locations of Formerly Used Defense Sites properties where the US Army Corps of Engineers is actively working or will take necessary cleanup actions.

Date of Government Version: 11/01/2022 Date Data Arrived at EDR: 11/10/2022 Date Made Active in Reports: 02/09/2023

Number of Days to Update: 91

Source: U.S. Army Corps of Engineers

Telephone: 202-528-4285 Last EDR Contact: 02/14/2023

Next Scheduled EDR Contact: 05/29/2023 Data Release Frequency: Varies

DOD: Department of Defense Sites

This data set consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

Date of Government Version: 06/07/2021 Date Data Arrived at EDR: 07/13/2021 Date Made Active in Reports: 03/09/2022

Number of Days to Update: 239

Source: USGS Telephone: 888-275-8747

Last EDR Contact: 04/11/2023

Next Scheduled EDR Contact: 07/24/2023

FEDLAND: Federal and Indian Lands

Federally and Indian administrated lands of the United States. Lands included are administrated by: Army Corps of Engineers, Bureau of Reclamation, National Wild and Scenic River, National Wildlife Refuge, Public Domain Land, Wilderness, Wilderness Study Area, Wildlife Management Area, Bureau of Indian Affairs, Bureau of Land Management, Department of Justice, Forest Service, Fish and Wildlife Service, National Park Service.

Date of Government Version: 04/02/2018 Date Data Arrived at EDR: 04/11/2018 Date Made Active in Reports: 11/06/2019

Number of Days to Update: 574

Source: U.S. Geological Survey Telephone: 888-275-8747 Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 07/17/2023

Data Release Frequency: N/A

SCRD DRYCLEANERS: State Coalition for Remediation of Drycleaners Listing

The State Coalition for Remediation of Drycleaners was established in 1998, with support from the U.S. EPA Office of Superfund Remediation and Technology Innovation. It is comprised of representatives of states with established drycleaner remediation programs. Currently the member states are Alabama, Connecticut, Florida, Illinois, Kansas, Minnesota, Missouri, North Carolina, Oregon, South Carolina, Tennessee, Texas, and Wisconsin.

Date of Government Version: 07/30/2021 Date Data Arrived at EDR: 02/03/2023 Date Made Active in Reports: 02/10/2023

Number of Days to Update: 7

Source: Environmental Protection Agency

Telephone: 615-532-8599 Last EDR Contact: 02/02/2023

Next Scheduled EDR Contact: 05/22/2023 Data Release Frequency: Varies

US FIN ASSUR: Financial Assurance Information

All owners and operators of facilities that treat, store, or dispose of hazardous waste are required to provide proof that they will have sufficient funds to pay for the clean up, closure, and post-closure care of their facilities.

Date of Government Version: 12/13/2022 Date Data Arrived at EDR: 12/14/2022 Date Made Active in Reports: 03/10/2023

Number of Days to Update: 86

Source: Environmental Protection Agency

Telephone: 202-566-1917 Last EDR Contact: 03/21/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Quarterly

EPA WATCH LIST: EPA WATCH LIST

EPA maintains a "Watch List" to facilitate dialogue between EPA, state and local environmental agencies on enforcement matters relating to facilities with alleged violations identified as either significant or high priority. Being on the Watch List does not mean that the facility has actually violated the law only that an investigation by EPA or a state or local environmental agency has led those organizations to allege that an unproven violation has in fact occurred. Being on the Watch List does not represent a higher level of concern regarding the alleged violations that were detected, but instead indicates cases requiring additional dialogue between EPA, state and local agencies - primarily because of the length of time the alleged violation has gone unaddressed or unresolved.

Date of Government Version: 08/30/2013 Date Data Arrived at EDR: 03/21/2014 Date Made Active in Reports: 06/17/2014

Number of Days to Update: 88

Source: Environmental Protection Agency

Telephone: 617-520-3000 Last EDR Contact: 01/30/2023

Next Scheduled EDR Contact: 05/15/2023 Data Release Frequency: Quarterly

2020 COR ACTION: 2020 Corrective Action Program List

The EPA has set ambitious goals for the RCRA Corrective Action program by creating the 2020 Corrective Action Universe. This RCRA cleanup baseline includes facilities expected to need corrective action. The 2020 universe contains a wide variety of sites. Some properties are heavily contaminated while others were contaminated but have since been cleaned up. Still others have not been fully investigated yet, and may require little or no remediation. Inclusion in the 2020 Universe does not necessarily imply failure on the part of a facility to meet its RCRA obligations.

Date of Government Version: 09/30/2017 Date Data Arrived at EDR: 05/08/2018 Date Made Active in Reports: 07/20/2018

Number of Days to Update: 73

Source: Environmental Protection Agency

Telephone: 703-308-4044 Last EDR Contact: 02/03/2023

Next Scheduled EDR Contact: 05/15/2023

TSCA: Toxic Substances Control Act

Toxic Substances Control Act. TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant

Date of Government Version: 12/31/2020 Date Data Arrived at EDR: 06/14/2022 Date Made Active in Reports: 03/24/2023 Number of Days to Update: 283

Telephone: 202-260-5521 Last EDR Contact: 03/13/2023

Source: EPA

Next Scheduled EDR Contact: 06/26/2023 Data Release Frequency: Every 4 Years

TRIS: Toxic Chemical Release Inventory System

Toxic Release Inventory System. TRIS identifies facilities which release toxic chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.

Source: EPA

Date of Government Version: 12/31/2021 Date Data Arrived at EDR: 11/01/2022 Date Made Active in Reports: 02/09/2023

Telephone: 202-566-0250 Last EDR Contact: 02/16/2023

Number of Days to Update: 100

Next Scheduled EDR Contact: 05/29/2023 Data Release Frequency: Annually

SSTS: Section 7 Tracking Systems

Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

Date of Government Version: 01/17/2023 Date Data Arrived at EDR: 01/18/2023

Source: EPA Telephone: 202-564-4203

Date Made Active in Reports: 04/19/2023

Last EDR Contact: 04/18/2023

Number of Days to Update: 91

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Annually

ROD: Records Of Decision

Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.

Date of Government Version: 01/25/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/28/2023

Source: EPA

Telephone: 703-416-0223 Last EDR Contact: 04/03/2023

Number of Days to Update: 26

Next Scheduled EDR Contact: 06/12/2023 Data Release Frequency: Annually

RMP: Risk Management Plans

When Congress passed the Clean Air Act Amendments of 1990, it required EPA to publish regulations and guidance for chemical accident prevention at facilities using extremely hazardous substances. The Risk Management Program Rule (RMP Rule) was written to implement Section 112(r) of these amendments. The rule, which built upon existing industry codes and standards, requires companies of all sizes that use certain flammable and toxic substances to develop a Risk Management Program, which includes a(n): Hazard assessment that details the potential effects of an accidental release, an accident history of the last five years, and an evaluation of worst-case and alternative accidental releases; Prevention program that includes safety precautions and maintenance, monitoring, and employee training measures; and Emergency response program that spells out emergency health care, employee training measures and procedures for informing the public and response agencies (e.g the fire department) should an accident occur.

Date of Government Version: 04/27/2022 Date Data Arrived at EDR: 05/04/2022 Date Made Active in Reports: 05/10/2022

Number of Days to Update: 6

Source: Environmental Protection Agency

Telephone: 202-564-8600 Last EDR Contact: 04/13/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Varies

RAATS: RCRA Administrative Action Tracking System

RCRA Administration Action Tracking System. RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. For administration actions after September 30, 1995, data entry in the RAATS database was discontinued. EPA will retain a copy of the database for historical records. It was necessary to terminate RAATS because a decrease in agency resources made it impossible to continue to update the information contained in the database.

Date of Government Version: 04/17/1995 Date Data Arrived at EDR: 07/03/1995 Date Made Active in Reports: 08/07/1995

Number of Days to Update: 35

Source: EPA

Telephone: 202-564-4104 Last EDR Contact: 06/02/2008

Next Scheduled EDR Contact: 09/01/2008 Data Release Frequency: No Update Planned

PRP: Potentially Responsible Parties

A listing of verified Potentially Responsible Parties

Date of Government Version: 10/27/2022 Date Data Arrived at EDR: 11/01/2022 Date Made Active in Reports: 11/15/2022

Number of Days to Update: 14

Source: EPA

Telephone: 202-564-6023 Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 05/15/2023 Data Release Frequency: Quarterly

PADS: PCB Activity Database System

PCB Activity Database. PADS Identifies generators, transporters, commercial storers and/or brokers and disposers of PCB's who are required to notify the EPA of such activities.

Date of Government Version: 11/03/2022 Date Data Arrived at EDR: 01/04/2023 Date Made Active in Reports: 04/03/2023

Number of Days to Update: 89

Source: EPA

Telephone: 202-566-0500 Last EDR Contact: 04/04/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Annually

ICIS: Integrated Compliance Information System

The Integrated Compliance Information System (ICIS) supports the information needs of the national enforcement and compliance program as well as the unique needs of the National Pollutant Discharge Elimination System (NPDES) program.

Date of Government Version: 11/18/2016 Date Data Arrived at EDR: 11/23/2016 Date Made Active in Reports: 02/10/2017

Number of Days to Update: 79

Source: Environmental Protection Agency

Telephone: 202-564-2501 Last EDR Contact: 03/29/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Quarterly

FTTS: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act). To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 04/09/2009 Date Data Arrived at EDR: 04/16/2009 Date Made Active in Reports: 05/11/2009

Number of Days to Update: 25

Source: EPA/Office of Prevention, Pesticides and Toxic Substances

Telephone: 202-566-1667 Last EDR Contact: 08/18/2017

Next Scheduled EDR Contact: 12/04/2017 Data Release Frequency: No Update Planned

FTTS INSP: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act) A listing of FIFRA/TSCA Tracking System (FTTS) inspections and enforcements.

Date of Government Version: 04/09/2009 Date Data Arrived at EDR: 04/16/2009 Date Made Active in Reports: 05/11/2009

Number of Days to Update: 25

Source: EPA

Telephone: 202-566-1667 Last EDR Contact: 08/18/2017

Next Scheduled EDR Contact: 12/04/2017 Data Release Frequency: No Update Planned

MLTS: Material Licensing Tracking System

MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 10/26/2022 Date Data Arrived at EDR: 11/22/2022 Date Made Active in Reports: 12/05/2022

Number of Days to Update: 13

Source: Nuclear Regulatory Commission

Telephone: 301-415-7169 Last EDR Contact: 04/13/2023

Next Scheduled EDR Contact: 07/31/2023 Data Release Frequency: Quarterly

COAL ASH DOE: Steam-Electric Plant Operation Data

A listing of power plants that store ash in surface ponds.

Date of Government Version: 12/31/2020 Date Data Arrived at EDR: 11/30/2021 Date Made Active in Reports: 02/22/2022

Number of Days to Update: 84

Source: Department of Energy Telephone: 202-586-8719 Last EDR Contact: 03/03/2023

Next Scheduled EDR Contact: 06/12/2023 Data Release Frequency: Varies

COAL ASH EPA: Coal Combustion Residues Surface Impoundments List

A listing of coal combustion residues surface impoundments with high hazard potential ratings.

Date of Government Version: 01/12/2017 Date Data Arrived at EDR: 03/05/2019 Date Made Active in Reports: 11/11/2019

Number of Days to Update: 251

Source: Environmental Protection Agency

Telephone: N/A

Last EDR Contact: 02/27/2023

Next Scheduled EDR Contact: 06/12/2023 Data Release Frequency: Varies

PCB TRANSFORMER: PCB Transformer Registration Database

The database of PCB transformer registrations that includes all PCB registration submittals.

Date of Government Version: 09/13/2019 Date Data Arrived at EDR: 11/06/2019 Date Made Active in Reports: 02/10/2020

Number of Days to Update: 96

Source: Environmental Protection Agency

Telephone: 202-566-0517 Last EDR Contact: 02/03/2023

Next Scheduled EDR Contact: 05/15/2023 Data Release Frequency: Varies

RADINFO: Radiation Information Database

The Radiation Information Database (RADINFO) contains information about facilities that are regulated by U.S. Environmental Protection Agency (EPA) regulations for radiation and radioactivity.

Date of Government Version: 07/01/2019 Date Data Arrived at EDR: 07/01/2019 Date Made Active in Reports: 09/23/2019

Number of Days to Update: 84

Source: Environmental Protection Agency

Telephone: 202-343-9775 Last EDR Contact: 03/23/2023

Next Scheduled EDR Contact: 07/10/2023 Data Release Frequency: Quarterly

HIST FTTS: FIFRA/TSCA Tracking System Administrative Case Listing

A complete administrative case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006 Date Data Arrived at EDR: 03/01/2007 Date Made Active in Reports: 04/10/2007

Number of Days to Update: 40

Source: Environmental Protection Agency

Telephone: 202-564-2501 Last EDR Contact: 12/17/2007

Next Scheduled EDR Contact: 03/17/2008

Data Release Frequency: No Update Planned

HIST FTTS INSP: FIFRA/TSCA Tracking System Inspection & Enforcement Case Listing

A complete inspection and enforcement case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006 Date Data Arrived at EDR: 03/01/2007 Date Made Active in Reports: 04/10/2007

Number of Days to Update: 40

Source: Environmental Protection Agency

Telephone: 202-564-2501 Last EDR Contact: 12/17/2008

Next Scheduled EDR Contact: 03/17/2008 Data Release Frequency: No Update Planned

DOT OPS: Incident and Accident Data

Department of Transporation, Office of Pipeline Safety Incident and Accident data.

Date of Government Version: 01/02/2020 Date Data Arrived at EDR: 01/28/2020 Date Made Active in Reports: 04/17/2020

Number of Days to Update: 80

Source: Department of Transporation, Office of Pipeline Safety

Telephone: 202-366-4595 Last EDR Contact: 04/25/2023

Next Scheduled EDR Contact: 08/07/2023 Data Release Frequency: Quarterly

CONSENT: Superfund (CERCLA) Consent Decrees

Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters.

Date of Government Version: 12/31/2022 Date Data Arrived at EDR: 01/12/2023 Date Made Active in Reports: 04/07/2023

Number of Days to Update: 85

Source: Department of Justice, Consent Decree Library

Telephone: Varies

Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

BRS: Biennial Reporting System

The Biennial Reporting System is a national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG) and Treatment, Storage, and Disposal Facilities.

Date of Government Version: 12/31/2021 Date Data Arrived at EDR: 03/09/2023 Date Made Active in Reports: 03/20/2023

Number of Days to Update: 11

Source: EPA/NTIS Telephone: 800-424-9346 Last EDR Contact: 03/09/2023

Next Scheduled EDR Contact: 07/03/2023 Data Release Frequency: Biennially

INDIAN RESERV: Indian Reservations

This map layer portrays Indian administered lands of the United States that have any area equal to or greater

than 640 acres.

Date of Government Version: 12/31/2014 Date Data Arrived at EDR: 07/14/2015 Date Made Active in Reports: 01/10/2017

Number of Days to Update: 546

Source: USGS

Telephone: 202-208-3710 Last EDR Contact: 04/06/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Semi-Annually

FUSRAP: Formerly Utilized Sites Remedial Action Program

DOE established the Formerly Utilized Sites Remedial Action Program (FUSRAP) in 1974 to remediate sites where radioactive contamination remained from Manhattan Project and early U.S. Atomic Energy Commission (AEC) operations.

Date of Government Version: 07/26/2021 Date Data Arrived at EDR: 07/27/2021 Date Made Active in Reports: 10/22/2021

Number of Days to Update: 87

Source: Department of Energy Telephone: 202-586-3559 Last EDR Contact: 04/26/2023

Next Scheduled EDR Contact: 08/14/2023

Data Release Frequency: Varies

UMTRA: Uranium Mill Tailings Sites

Uranium ore was mined by private companies for federal government use in national defense programs. When the mills shut down, large piles of the sand-like material (mill tailings) remain after uranium has been extracted from the ore. Levels of human exposure to radioactive materials from the piles are low; however, in some cases tailings were used as construction materials before the potential health hazards of the tailings were recognized.

Date of Government Version: 08/30/2019 Date Data Arrived at EDR: 11/15/2019 Date Made Active in Reports: 01/28/2020

Number of Days to Update: 74

Source: Department of Energy Telephone: 505-845-0011 Last EDR Contact: 02/13/2023

Next Scheduled EDR Contact: 05/29/2023

Data Release Frequency: Varies

LEAD SMELTER 1: Lead Smelter Sites

A listing of former lead smelter site locations.

Date of Government Version: 01/25/2023 Date Data Arrived at EDR: 02/02/2023 Date Made Active in Reports: 02/28/2023

Number of Days to Update: 26

Source: Environmental Protection Agency

Telephone: 703-603-8787 Last EDR Contact: 04/03/2023

Next Scheduled EDR Contact: 07/10/2023

Data Release Frequency: Varies

LEAD SMELTER 2: Lead Smelter Sites

A list of several hundred sites in the U.S. where secondary lead smelting was done from 1931and 1964. These sites may pose a threat to public health through ingestion or inhalation of contaminated soil or dust

Date of Government Version: 04/05/2001 Date Data Arrived at EDR: 10/27/2010 Date Made Active in Reports: 12/02/2010

Number of Days to Update: 36

Source: American Journal of Public Health

Telephone: 703-305-6451 Last EDR Contact: 12/02/2009 Next Scheduled EDR Contact: N/A

Data Release Frequency: No Update Planned

US AIRS (AFS): Aerometric Information Retrieval System Facility Subsystem (AFS)

The database is a sub-system of Aerometric Information Retrieval System (AIRS). AFS contains compliance data on air pollution point sources regulated by the U.S. EPA and/or state and local air regulatory agencies. This information comes from source reports by various stationary sources of air pollution, such as electric power plants, steel mills, factories, and universities, and provides information about the air pollutants they produce. Action, air program, air program pollutant, and general level plant data. It is used to track emissions and compliance data from industrial plants.

Date of Government Version: 10/12/2016 Date Data Arrived at EDR: 10/26/2016 Date Made Active in Reports: 02/03/2017

Number of Days to Update: 100

US AIRS MINOR: Air Facility System Data A listing of minor source facilities.

Date of Government Version: 10/12/2016
Date Data Arrived at EDR: 10/26/2016
Date Made Active in Reports: 02/03/2017

Number of Days to Update: 100

Source: EPA

Telephone: 202-564-2496 Last EDR Contact: 09/26/2017

Next Scheduled EDR Contact: 01/08/2018 Data Release Frequency: Annually

Source: EPA

Telephone: 202-564-2496 Last EDR Contact: 09/26/2017

Next Scheduled EDR Contact: 01/08/2018 Data Release Frequency: Annually

MINES VIOLATIONS: MSHA Violation Assessment Data

Mines violation and assessment information. Department of Labor, Mine Safety & Health Administration.

Date of Government Version: 02/27/2023 Date Data Arrived at EDR: 03/01/2023 Date Made Active in Reports: 03/24/2023

Number of Days to Update: 23

Source: DOL, Mine Safety & Health Admi

Telephone: 202-693-9424 Last EDR Contact: 04/04/2023

Next Scheduled EDR Contact: 06/12/2023 Data Release Frequency: Quarterly

US MINES: Mines Master Index File

Contains all mine identification numbers issued for mines active or opened since 1971. The data also includes violation information.

Date of Government Version: 11/07/2022 Date Data Arrived at EDR: 11/17/2022 Date Made Active in Reports: 02/10/2023

Number of Days to Update: 85

Source: Department of Labor, Mine Safety and Health Administration

Telephone: 303-231-5959 Last EDR Contact: 02/22/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Semi-Annually

US MINES 2: Ferrous and Nonferrous Metal Mines Database Listing

This map layer includes ferrous (ferrous metal mines are facilities that extract ferrous metals, such as iron ore or molybdenum) and nonferrous (Nonferrous metal mines are facilities that extract nonferrous metals, such as gold, silver, copper, zinc, and lead) metal mines in the United States.

Date of Government Version: 05/06/2020 Date Data Arrived at EDR: 05/27/2020 Date Made Active in Reports: 08/13/2020

Number of Days to Update: 78

Source: USGS

Telephone: 703-648-7709 Last EDR Contact: 02/24/2023

Next Scheduled EDR Contact: 06/05/2023

Data Release Frequency: Varies

US MINES 3: Active Mines & Mineral Plants Database Listing

Active Mines and Mineral Processing Plant operations for commodities monitored by the Minerals Information Team of the USGS.

Date of Government Version: 04/14/2011 Date Data Arrived at EDR: 06/08/2011 Date Made Active in Reports: 09/13/2011

Number of Days to Update: 97

Source: USGS

Telephone: 703-648-7709 Last EDR Contact: 02/24/2023

Next Scheduled EDR Contact: 06/05/2023

Data Release Frequency: Varies

ABANDONED MINES: Abandoned Mines

An inventory of land and water impacted by past mining (primarily coal mining) is maintained by OSMRE to provide information needed to implement the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The inventory contains information on the location, type, and extent of AML impacts, as well as, information on the cost associated with the reclamation of those problems. The inventory is based upon field surveys by State, Tribal, and OSMRE program officials. It is dynamic to the extent that it is modified as new problems are identified and existing problems are reclaimed.

Date of Government Version: 12/20/2022 Date Data Arrived at EDR: 12/20/2022 Date Made Active in Reports: 03/10/2023

Number of Days to Update: 80

Source: Department of Interior Telephone: 202-208-2609 Last EDR Contact: 03/16/2023

Next Scheduled EDR Contact: 06/19/2023 Data Release Frequency: Quarterly

FINDS: Facility Index System/Facility Registry System

Facility Index System. FINDS contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

Date of Government Version: 02/02/2023 Date Data Arrived at EDR: 02/28/2023 Date Made Active in Reports: 03/24/2023

Number of Days to Update: 24

Source: EPA Telephone: (404) 562-9900 Last EDR Contact: 02/28/2023

Next Scheduled EDR Contact: 06/12/2023 Data Release Frequency: Quarterly

ECHO: Enforcement & Compliance History Information

ECHO provides integrated compliance and enforcement information for about 800,000 regulated facilities nationwide.

Date of Government Version: 01/01/2023 Date Data Arrived at EDR: 01/04/2023 Date Made Active in Reports: 04/03/2023

Number of Days to Update: 89

Source: Environmental Protection Agency

Telephone: 202-564-2280 Last EDR Contact: 03/31/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Quarterly

DOCKET HWC: Hazardous Waste Compliance Docket Listing

A complete list of the Federal Agency Hazardous Waste Compliance Docket Facilities.

Date of Government Version: 05/06/2021 Date Data Arrived at EDR: 05/21/2021 Date Made Active in Reports: 08/11/2021

Number of Days to Update: 82

Source: Environmental Protection Agency

Telephone: 202-564-0527 Last EDR Contact: 02/24/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Varies

UXO: Unexploded Ordnance Sites

A listing of unexploded ordnance site locations

Date of Government Version: 11/09/2021 Date Data Arrived at EDR: 10/20/2022 Date Made Active in Reports: 01/10/2023

Number of Days to Update: 82

Source: Department of Defense Telephone: 703-704-1564 Last EDR Contact: 04/06/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Varies

FUELS PROGRAM: EPA Fuels Program Registered Listing

This listing includes facilities that are registered under the Part 80 (Code of Federal Regulations) EPA Fuels Programs. All companies now are required to submit new and updated registrations.

Date of Government Version: 02/13/2023 Date Data Arrived at EDR: 02/14/2023 Date Made Active in Reports: 04/19/2023

Number of Days to Update: 64

Source: EPA

Telephone: 800-385-6164 Last EDR Contact: 02/14/2023

Next Scheduled EDR Contact: 05/29/2023 Data Release Frequency: Quarterly

PFAS NPL: Superfund Sites with PFAS Detections Information

EPA's Office of Land and Emergency Management and EPA Regional Offices maintain data describing what is known about site investigations, contamination, and remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) where PFAS is present in the environment.

Date of Government Version: 02/23/2022 Date Data Arrived at EDR: 07/08/2022 Date Made Active in Reports: 11/08/2022

Number of Days to Update: 123

Source: Environmental Protection Agency

Telephone: 703-603-8895 Last EDR Contact: 04/04/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

PFAS FEDERAL SITES: Federal Sites PFAS Information

Several federal entities, such as the federal Superfund program, Department of Defense, National Aeronautics and Space Administration, Department of Transportation, and Department of Energy provided information for sites with known or suspected detections at federal facilities.

Date of Government Version: 03/30/2023 Date Data Arrived at EDR: 03/30/2023 Date Made Active in Reports: 04/07/2023

Number of Days to Update: 8

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

PFAS TSCA: PFAS Manufacture and Imports Information

EPA issued the Chemical Data Reporting (CDR) Rule under the Toxic Substances Control Act (TSCA) and requires chemical manufacturers and facilities that manufacture or import chemical substances to report data to EPA. EPA publishes non-confidential business information (non-CBI) and includes descriptive information about each site, corporate parent, production volume, other manufacturing information, and processing and use information.

Date of Government Version: 01/03/2022 Date Data Arrived at EDR: 03/31/2022 Date Made Active in Reports: 11/08/2022

Number of Days to Update: 222

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023

Data Release Frequency: Varies

PFAS RCRA MANIFEST: PFAS Transfers Identified In the RCRA Database Listing

To work around the lack of PFAS waste codes in the RCRA database, EPA developed the PFAS Transfers dataset by mining e-Manifest records containing at least one of these common PFAS keywords: PFAS, PFOA, PFOS, PERFL, AFFF, GENX, GEN-X (plus the VT waste codes). These keywords were searched for in the following text fields: Manifest handling instructions (MANIFEST HANDLING INSTR), Non-hazardous waste description (NON HAZ WASTE DESCRIPTION), DOT printed information (DOT_PRINTED_INFORMATION), Waste line handling instructions (WASTE_LINE_HANDLING_INSTR), Waste residue comments (WASTE_RESIDUE_COMMENTS).

Date of Government Version: 01/03/2022 Date Data Arrived at EDR: 03/31/2022 Date Made Active in Reports: 11/08/2022

Number of Days to Update: 222

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

PFAS ATSDR: PFAS Contamination Site Location Listing

PFAS contamination site locations from the Department of Health & Human Services, Center for Disease Control & Prevention. ATSDR is involved at a number of PFAS-related sites, either directly or through assisting state and federal partners. As of now, most sites are related to drinking water contamination connected with PFAS production facilities or fire training areas where aqueous film-forming firefighting foam (AFFF) was regularly used.

Date of Government Version: 06/24/2020 Date Data Arrived at EDR: 03/17/2021 Date Made Active in Reports: 11/08/2022

Number of Days to Update: 601

Source: Department of Health & Human Services

Telephone: 202-741-5770 Last EDR Contact: 04/20/2023

Next Scheduled EDR Contact: 08/07/2023 Data Release Frequency: Varies

PFAS WQP: Ambient Environmental Sampling for PFAS

The Water Quality Portal (WQP) is a part of a modernized repository storing ambient sampling data for all environmental media and tissue samples. A wide range of federal, state, tribal and local governments, academic and non-governmental organizations and individuals submit project details and sampling results to this public repository. The information is commonly used for research and assessments of environmental quality.

Date of Government Version: 01/03/2022 Date Data Arrived at EDR: 03/31/2022 Date Made Active in Reports: 11/08/2022

Number of Days to Update: 222

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

PFAS NPDES: Clean Water Act Discharge Monitoring Information

Any discharger of pollutants to waters of the United States from a point source must have a National Pollutant Discharge Elimination System (NPDES) permit. The process for obtaining limits involves the regulated entity (permittee) disclosing releases in a NPDES permit application and the permitting authority (typically the state but sometimes EPA) deciding whether to require monitoring or monitoring with limits.

Date of Government Version: 03/30/2023 Date Data Arrived at EDR: 03/30/2023 Date Made Active in Reports: 04/07/2023

Number of Days to Update: 8

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023

Data Release Frequency: Varies

PFAS ECHO: Facilities in Industries that May Be Handling PFAS Listing

Regulators and the public have expressed interest in knowing which regulated entities may be using PFAS. EPA has developed a dataset from various sources that show which industries may be handling PFAS. Approximately 120,000 facilities subject to federal environmental programs have operated or currently operate in industry sectors with processes that may involve handling and/or release of PFAS.

Date of Government Version: 03/30/2023 Date Data Arrived at EDR: 03/30/2023 Date Made Active in Reports: 04/03/2023

Number of Days to Update: 4

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

PFAS ECHO FIRE TRAINING: Facilities in Industries that May Be Handling PFAS Listing

A list of fire training sites was added to the Industry Sectors dataset using a keyword search on the permitted facilitys name to identify sites where fire-fighting foam may have been used in training exercises. Additionally, you may view an example spreadsheet of the subset of fire training facility data, as well as the keywords used in selecting or deselecting a facility for the subset. as well as the keywords used in selecting or deselecting a facility for the subset. These keywords were tested to maximize accuracy in selecting facilities that may use fire-fighting foam in training exercises, however, due to the lack of a required reporting field in the data systems for designating fire training sites, this methodology may not identify all fire training sites or may potentially misidentify them.

Date of Government Version: 03/30/2023 Date Data Arrived at EDR: 03/30/2023 Date Made Active in Reports: 04/03/2023

Number of Days to Update: 4

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023

Data Release Frequency: Varies

PFAS PART 139 AIRPORT: All Certified Part 139 Airports PFAS Information Listing

Since July 1, 2006, all certified part 139 airports are required to have fire-fighting foam onsite that meet military specifications (MIL-F-24385) (14 CFR 139.317). To date, these military specification fire-fighting foams are fluorinated and have been historically used for training and extinguishing. The 2018 FAA Reauthorization Act has a provision stating that no later than October 2021, FAA shall not require the use of fluorinated AFFF. This provision does not prohibit the use of fluorinated AFFF at Part 139 civilian airports; it only prohibits FAA from mandating its use. The Federal Aviation Administration?s document AC 150/5210-6D - Aircraft Fire Extinguishing Agents provides guidance on Aircraft Fire Extinguishing Agents, which includes Aqueous Film Forming Foam (AFFF).

Date of Government Version: 03/30/2023 Date Data Arrived at EDR: 03/30/2023 Date Made Active in Reports: 04/03/2023

Number of Days to Update: 4

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023

Data Release Frequency: Varies

AQUEOUS FOAM NRC: Aqueous Foam Related Incidents Listing

The National Response Center (NRC) serves as an emergency call center that fields initial reports for pollution and railroad incidents and forwards that information to appropriate federal/state agencies for response. The spreadsheets posted to the NRC website contain initial incident data that has not been validated or investigated by a federal/state response agency. Response center calls from 1990 to the most recent complete calendar year where there was indication of Aqueous Film Forming Foam (AFFF) usage are included in this dataset. NRC calls may reference AFFF usage in the ?Material Involved? or ?Incident Description? fields.

Date of Government Version: 01/02/2023 Date Data Arrived at EDR: 01/05/2023 Date Made Active in Reports: 04/03/2023

Number of Days to Update: 88

Source: Environmental Protection Agency

Telephone: 202-272-0167 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

PFAS: PFAS Detections Site Listing

The presence of PFAS contamination at locations, including water treatment plants.

Date of Government Version: 12/01/2022 Date Data Arrived at EDR: 12/01/2022 Date Made Active in Reports: 02/22/2023

Number of Days to Update: 83

Source: Department of Environmental Protection

Telephone: 502-564-3410 Last EDR Contact: 03/02/2023

Next Scheduled EDR Contact: 06/19/2023 Data Release Frequency: Varies

AIRS: Permitted Airs Facility Listing
A listing of permitted Airs facilities.

Date of Government Version: 02/16/2023 Date Data Arrived at EDR: 02/16/2023 Date Made Active in Reports: 03/16/2023

Number of Days to Update: 28

Source: Department of Environmental Protection

Telephone: 502-573-3382 Last EDR Contact: 04/19/2023

Next Scheduled EDR Contact: 08/07/2023 Data Release Frequency: Semi-Annually

ASBESTOS: Asbestos Notification Listing Asbestos sites

> Date of Government Version: 12/20/2022 Date Data Arrived at EDR: 12/20/2022 Date Made Active in Reports: 03/15/2023

Number of Days to Update: 85

Source: Department of Environmental Protection

Telephone: 502-782-6780 Last EDR Contact: 02/23/2023

Next Scheduled EDR Contact: 06/12/2023

Data Release Frequency: Varies

COAL ASH: Coal Ash Disposal Sites
A listing of coal ash pond site locations.

Date of Government Version: 01/04/2023 Date Data Arrived at EDR: 01/24/2023 Date Made Active in Reports: 04/12/2023

Number of Days to Update: 78

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 01/24/2023

Next Scheduled EDR Contact: 05/08/2023 Data Release Frequency: No Update Planned

DRYCLEANERS: Drycleaner Listing
A listing of drycleaner facility locations.

Date of Government Version: 02/16/2023 Date Data Arrived at EDR: 02/16/2023 Date Made Active in Reports: 02/27/2023

Number of Days to Update: 11

Source: Department of Environmental Protection

Telephone: 502-573-3382 Last EDR Contact: 04/19/2023

Next Scheduled EDR Contact: 08/07/2023 Data Release Frequency: Semi-Annually

Financial Assurance 1: Financial Assurance Information Listing

A listing of financial assurance information.

Date of Government Version: 11/14/2022 Date Data Arrived at EDR: 11/16/2022 Date Made Active in Reports: 02/03/2023

Number of Days to Update: 79

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 04/19/2023

Next Scheduled EDR Contact: 08/07/2023 Data Release Frequency: Varies

Financial Assurance 2: Financial Assurance Information Listing

Financial Assurance information for underground storage tank facilities. Financial assurance is intended to ensure that resources are available to pay for the cost of closure, post-closure care, and corrective measures if the owner or operator of a regulated facility is unable or unwilling to pay.

Date of Government Version: 05/14/2014 Date Data Arrived at EDR: 06/06/2014 Date Made Active in Reports: 06/24/2014

Number of Days to Update: 18

Source: Department of Environmental Protection

Telephone: 502-564-5981 Last EDR Contact: 04/19/2023

Next Scheduled EDR Contact: 08/07/2023 Data Release Frequency: Varies

Financial Assurance 3: Financial Assurance Information Listing

A listing of financial assurance information for solid waste facilities. Financial assurance is intended to ensure that resources are available to pay for the cost of closure, post-closure care, and corrective measures if the owner or operator of a regulated facility is unable or unwilling to pay.

Date of Government Version: 11/14/2022 Date Data Arrived at EDR: 11/16/2022 Date Made Active in Reports: 02/03/2023

Number of Days to Update: 79

Source: Department of Environmental Protection

Telephone: 502-564-6716 Last EDR Contact: 04/19/2023

Next Scheduled EDR Contact: 08/07/2023

Data Release Frequency: Varies

LEAD: Environmental Lead Program Report Tracking Database

Lead Report Tracking Database

Date of Government Version: 01/27/2017 Date Data Arrived at EDR: 02/02/2017 Date Made Active in Reports: 08/21/2017

Number of Days to Update: 200

Source: Department of Public Health

Telephone: 502-564-4537 Last EDR Contact: 01/30/2023

Next Scheduled EDR Contact: 05/15/2023

Data Release Frequency: Varies

NPDES: Permitted Facility Listing

A listing of permitted wastewater facilities.

Date of Government Version: 02/21/2023 Date Data Arrived at EDR: 02/23/2023 Date Made Active in Reports: 02/27/2023

Number of Days to Update: 4

Source: Department of Environmental Protection

Telephone: 502-564-3410 Last EDR Contact: 01/30/2023

Next Scheduled EDR Contact: 05/15/2023 Data Release Frequency: Semi-Annually

UIC: UIC Information

A listing of wells identified as underground injection wells, in the Kentucky Oil & Gas Wells data base.

Date of Government Version: 12/01/2022 Date Data Arrived at EDR: 01/10/2023 Date Made Active in Reports: 03/29/2023

Number of Days to Update: 78

Source: Kentucky Geological Survey Telephone: 859-323-0544 Last EDR Contact: 04/11/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Quarterly

PFAS TRIS: List of PFAS Added to the TRI

Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added certain per- and polyfluoroalkyl substances (PFAS) to the list of chemicals covered by the Toxics Release Inventory (TRI) under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and provided a framework for additional PFAS to be added to TRI on an annual basis.

Date of Government Version: 03/07/2023 Date Data Arrived at EDR: 03/07/2023 Date Made Active in Reports: 03/24/2023

Number of Days to Update: 17

Source: Environmental Protection Agency

Telephone: 202-566-0250 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

MINES MRDS: Mineral Resources Data System

Mineral Resources Data System

Date of Government Version: 08/23/2022 Date Data Arrived at EDR: 11/22/2022 Date Made Active in Reports: 02/28/2023

Number of Days to Update: 98

Source: USGS

Telephone: 703-648-6533 Last EDR Contact: 02/24/2023

Next Scheduled EDR Contact: 06/05/2023 Data Release Frequency: Varies

PCS ENF: Enforcement data

No description is available for this data

Date of Government Version: 12/31/2014 Date Data Arrived at EDR: 02/05/2015 Date Made Active in Reports: 03/06/2015

Number of Days to Update: 29

Source: EPA

Telephone: 202-564-2497 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Varies

PCS: Permit Compliance System

PCS is a computerized management information system that contains data on National Pollutant Discharge Elimination System (NPDES) permit holding facilities. PCS tracks the permit, compliance, and enforcement status of NPDES facilities.

Date of Government Version: 07/14/2011 Date Data Arrived at EDR: 08/05/2011 Date Made Active in Reports: 09/29/2011

Number of Days to Update: 55

Source: EPA, Office of Water Telephone: 202-564-2496 Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: No Update Planned

EDR HIGH RISK HISTORICAL RECORDS

EDR Exclusive Records

EDR MGP: EDR Proprietary Manufactured Gas Plants

The EDR Proprietary Manufactured Gas Plant Database includes records of coal gas plants (manufactured gas plants) compiled by EDR's researchers. Manufactured gas sites were used in the United States from the 1800's to 1950's to produce a gas that could be distributed and used as fuel. These plants used whale oil, rosin, coal, or a mixture of coal, oil, and water that also produced a significant amount of waste. Many of the byproducts of the gas production, such as coal tar (oily waste containing volatile and non-volatile chemicals), sludges, oils and other compounds are potentially hazardous to human health and the environment. The byproduct from this process was frequently disposed of directly at the plant site and can remain or spread slowly, serving as a continuous source of soil and groundwater contamination.

Date of Government Version: N/A Date Data Arrived at EDR: N/A Date Made Active in Reports: N/A

Number of Days to Update: N/A

Source: EDR, Inc. Telephone: N/A Last EDR Contact: N/A

Next Scheduled EDR Contact: N/A

Data Release Frequency: No Update Planned

EDR Hist Auto: EDR Exclusive Historical Auto Stations

EDR has searched selected national collections of business directories and has collected listings of potential gas station/filling station/service station sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include gas station/filling station/service station establishments. The categories reviewed included, but were not limited to gas, gas station, gasoline station, filling station, auto, automobile repair, auto service station, service station, etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

Date of Government Version: N/A Date Data Arrived at EDR: N/A Date Made Active in Reports: N/A Number of Days to Update: N/A Source: EDR, Inc.
Telephone: N/A
Last EDR Contact: N/A

Next Scheduled EDR Contact: N/A Data Release Frequency: Varies

EDR Hist Cleaner: EDR Exclusive Historical Cleaners

EDR has searched selected national collections of business directories and has collected listings of potential dry cleaner sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include dry cleaning establishments. The categories reviewed included, but were not limited to dry cleaners, cleaners, laundry, laundromat, cleaning/laundry, wash & dry etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

Date of Government Version: N/A Source: EDR, Inc.

Date Data Arrived at EDR: N/A Telephone: N/A

Date Made Active in Reports: N/A Last EDR Contact: N/A

Number of Days to Update: N/A Next Scheduled EDR Contact: N/A Data Release Frequency: Varies

EDR RECOVERED GOVERNMENT ARCHIVES

Exclusive Recovered Govt. Archives

RGA HWS: Recovered Government Archive State Hazardous Waste Facilities List

The EDR Recovered Government Archive State Hazardous Waste database provides a list of SHWS incidents derived from historical databases and includes many records that no longer appear in current government lists.

Date of Government Version: N/A
Date Data Arrived at EDR: 07/01/2013
Date Made Active in Reports: 01/03/2014
Number of Days to Update: 186

Source: Department of Environmental Protection

Telephone: N/A

Last EDR Contact: 06/01/2012 Next Scheduled EDR Contact: N/A Data Release Frequency: Varies

RGA LF: Recovered Government Archive Solid Waste Facilities List

The EDR Recovered Government Archive Landfill database provides a list of landfills derived from historical databases and includes many records that no longer appear in current government lists.

Date of Government Version: N/A
Date Data Arrived at EDR: 07/01/2013
Date Made Active in Reports: 01/15/2014
Number of Days to Update: 198

Source: Department of Environmental Protection

Telephone: N/A

Last EDR Contact: 06/01/2012 Next Scheduled EDR Contact: N/A Data Release Frequency: Varies

OTHER DATABASE(S)

Depending on the geographic area covered by this report, the data provided in these specialty databases may or may not be complete. For example, the existence of wetlands information data in a specific report does not mean that all wetlands in the area covered by the report are included. Moreover, the absence of any reported wetlands information does not necessarily mean that wetlands do not exist in the area covered by the report.

CT MANIFEST: Hazardous Waste Manifest Data

Facility and manifest data. Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a tsd facility.

Date of Government Version: 11/16/2022 Date Data Arrived at EDR: 11/16/2022 Date Made Active in Reports: 02/06/2023 Source: Department of Energy & Environmental Protection

Telephone: 860-424-3375 Last EDR Contact: 02/10/2023

Number of Days to Update: 82

Next Scheduled EDR Contact: 05/22/2023 Data Release Frequency: No Update Planned

NJ MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 12/31/2018 Date Data Arrived at EDR: 04/10/2019 Date Made Active in Reports: 05/16/2019

Number of Days to Update: 36

Source: Department of Environmental Protection

Telephone: N/A

Last EDR Contact: 03/30/2023

Next Scheduled EDR Contact: 07/17/2023 Data Release Frequency: Annually

NY MANIFEST: Facility and Manifest Data

Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a TSD

facility.

Date of Government Version: 01/01/2019 Date Data Arrived at EDR: 10/29/2021 Date Made Active in Reports: 01/19/2022

Number of Days to Update: 82

Source: Department of Environmental Conservation

Telephone: 518-402-8651 Last EDR Contact: 01/27/2023

Next Scheduled EDR Contact: 05/08/2023 Data Release Frequency: Quarterly

PA MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 06/30/2018 Date Data Arrived at EDR: 07/19/2019 Date Made Active in Reports: 09/10/2019

Number of Days to Update: 53

Source: Department of Environmental Protection

Telephone: 717-783-8990 Last EDR Contact: 04/06/2023

Next Scheduled EDR Contact: 07/24/2023 Data Release Frequency: Annually

RI MANIFEST: Manifest information Hazardous waste manifest information

> Date of Government Version: 12/31/2020 Date Data Arrived at EDR: 11/30/2021 Date Made Active in Reports: 02/18/2022

Number of Days to Update: 80

Source: Department of Environmental Management

Telephone: 401-222-2797 Last EDR Contact: 02/13/2022

Next Scheduled EDR Contact: 05/29/2023 Data Release Frequency: Annually

WI MANIFEST: Manifest Information
Hazardous waste manifest information.

Date of Government Version: 05/31/2018 Date Data Arrived at EDR: 06/19/2019 Date Made Active in Reports: 09/03/2019

Number of Days to Update: 76

Source: Department of Natural Resources

Telephone: N/A

Last EDR Contact: 03/06/2023

Next Scheduled EDR Contact: 06/19/2023 Data Release Frequency: Annually

Oil/Gas Pipelines

Source: Endeavor Business Media

Petroleum Bundle (Crude Oil, Refined Products, Petrochemicals, Gas Liquids (LPG/NGL), and Specialty Gases (Miscellaneous)) N = Natural Gas Bundle (Natural Gas, Gas Liquids (LPG/NGL), and Specialty Gases (Miscellaneous)). This map includes information copyrighted by Endeavor Business Media. This information is provided on a best effort basis and Endeavor Business Media does not guarantee its accuracy nor warrant its fitness for any particular purpose. Such information has been reprinted with the permission of Endeavor Business Media.

Electric Power Transmission Line Data

Source: Endeavor Business Media

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Sensitive Receptors: There are individuals deemed sensitive receptors due to their fragile immune systems and special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the sick, and children. While the location of all sensitive receptors cannot be determined, EDR indicates those buildings and facilities - schools, daycares, hospitals, medical centers, and nursing homes - where individuals who are sensitive receptors are likely to be located.

AHA Hospitals:

Source: American Hospital Association, Inc.

Telephone: 312-280-5991

The database includes a listing of hospitals based on the American Hospital Association's annual survey of hospitals.

Medical Centers: Provider of Services Listing

Source: Centers for Medicare & Medicaid Services

Telephone: 410-786-3000

A listing of hospitals with Medicare provider number, produced by Centers of Medicare & Medicaid Services,

a federal agency within the U.S. Department of Health and Human Services.

Nursing Homes

Source: National Institutes of Health

Telephone: 301-594-6248

Information on Medicare and Medicaid certified nursing homes in the United States.

Public Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on elementary

and secondary public education in the United States. It is a comprehensive, annual, national statistical database of all public elementary and secondary schools and school districts, which contains data that are comparable across all states.

Private Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on private school locations in the United States.

Daycare Centers: Certified Child Care Homes Source: Cabinet for Families & Children

Telephone: 502-564-7130

Flood Zone Data: This data was obtained from the Federal Emergency Management Agency (FEMA). It depicts 100-year and 500-year flood zones as defined by FEMA. It includes the National Flood Hazard Layer (NFHL) which incorporates Flood Insurance Rate Map (FIRM) data and Q3 data from FEMA in areas not covered by NFHL.

Source: FEMA

Telephone: 877-336-2627

Date of Government Version: 2003, 2015

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002, 2005, 2010 and 2015 from the U.S. Fish and Wildlife Service.

State Wetlands Data: Wetland Inventory

Source: Environmental & Public Protection Cabinet

Telephone: 502-564-6736

Current USGS 7.5 Minute Topographic Map Source: U.S. Geological Survey

STREET AND ADDRESS INFORMATION

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GEOCHECK®- PHYSICAL SETTING SOURCE ADDENDUM

TARGET PROPERTY ADDRESS

SKYVIEW SITE - PERRY COUNTY HAL ROGERS PARKWAY HAZARD, KY 41701

TARGET PROPERTY COORDINATES

Latitude (North): 37.252465 - 37° 15' 8.87" Longitude (West): 83.268891 - 83° 16' 8.01"

Universal Tranverse Mercator: Zone 17 UTM X (Meters): 298773.3 UTM Y (Meters): 4125088.5

Elevation: 1214 ft. above sea level

USGS TOPOGRAPHIC MAP

Target Property Map: 13082248 KRYPTON, KY

Version Date: 2019

Northeast Map: 13082236 HAZARD NORTH, KY

Version Date: 2019

Southeast Map: 13082238 HAZARD SOUTH, KY

Version Date: 2019

Southwest Map: 13046748 HYDEN EAST, KY

Version Date: 2019

EDR's GeoCheck Physical Setting Source Addendum is provided to assist the environmental professional in forming an opinion about the impact of potential contaminant migration.

Assessment of the impact of contaminant migration generally has two principle investigative components:

- 1. Groundwater flow direction, and
- 2. Groundwater flow velocity.

Groundwater flow direction may be impacted by surface topography, hydrology, hydrogeology, characteristics of the soil, and nearby wells. Groundwater flow velocity is generally impacted by the nature of the geologic strata.

GROUNDWATER FLOW DIRECTION INFORMATION

Groundwater flow direction for a particular site is best determined by a qualified environmental professional using site-specific well data. If such data is not reasonably ascertainable, it may be necessary to rely on other sources of information, such as surface topographic information, hydrologic information, hydrogeologic data collected on nearby properties, and regional groundwater flow information (from deep aquifers).

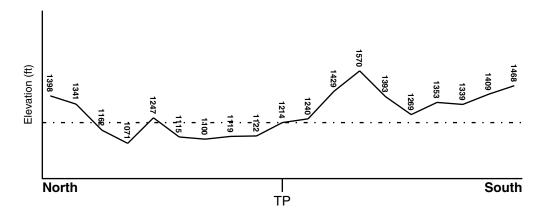
TOPOGRAPHIC INFORMATION

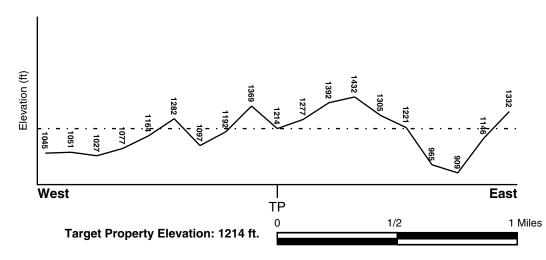
Surface topography may be indicative of the direction of surficial groundwater flow. This information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

TARGET PROPERTY TOPOGRAPHY

General Topographic Gradient: General NNW

SURROUNDING TOPOGRAPHY: ELEVATION PROFILES





Source: Topography has been determined from the USGS 7.5' Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified.

HYDROLOGIC INFORMATION

Surface water can act as a hydrologic barrier to groundwater flow. Such hydrologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

Refer to the Physical Setting Source Map following this summary for hydrologic information (major waterways and bodies of water).

FEMA FLOOD ZONE

Flood Plain Panel at Target Property FEMA Source Type

21131C0050D FEMA FIRM Flood data

Additional Panels in search area: FEMA Source Type

21193C0175D FEMA FIRM Flood data 21131C0125D FEMA FIRM Flood data

NATIONAL WETLAND INVENTORY

NWI Quad at Target Property Data Coverage

KRYPTON YES - refer to the Overview Map and Detail Map

HYDROGEOLOGIC INFORMATION

Hydrogeologic information obtained by installation of wells on a specific site can often be an indicator of groundwater flow direction in the immediate area. Such hydrogeologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

AQUIFLOW®

Search Radius: 1.000 Mile.

EDR has developed the AQUIFLOW Information System to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted by environmental professionals to regulatory authorities at select sites and has extracted the date of the report, groundwater flow direction as determined hydrogeologically, and the depth to water table.

LOCATION GENERAL DIRECTION

MAP ID FROM TP GROUNDWATER FLOW

Not Reported

GROUNDWATER FLOW VELOCITY INFORMATION

Groundwater flow velocity information for a particular site is best determined by a qualified environmental professional using site specific geologic and soil strata data. If such data are not reasonably ascertainable, it may be necessary to rely on other sources of information, including geologic age identification, rock stratigraphic unit and soil characteristics data collected on nearby properties and regional soil information. In general, contaminant plumes move more quickly through sandy-gravelly types of soils than silty-clayey types of soils.

GEOLOGIC INFORMATION IN GENERAL AREA OF TARGET PROPERTY

Geologic information can be used by the environmental professional in forming an opinion about the relative speed at which contaminant migration may be occurring.

ROCK STRATIGRAPHIC UNIT

GEOLOGIC AGE IDENTIFICATION

Era: Paleozoic Category: Stratifed Sequence

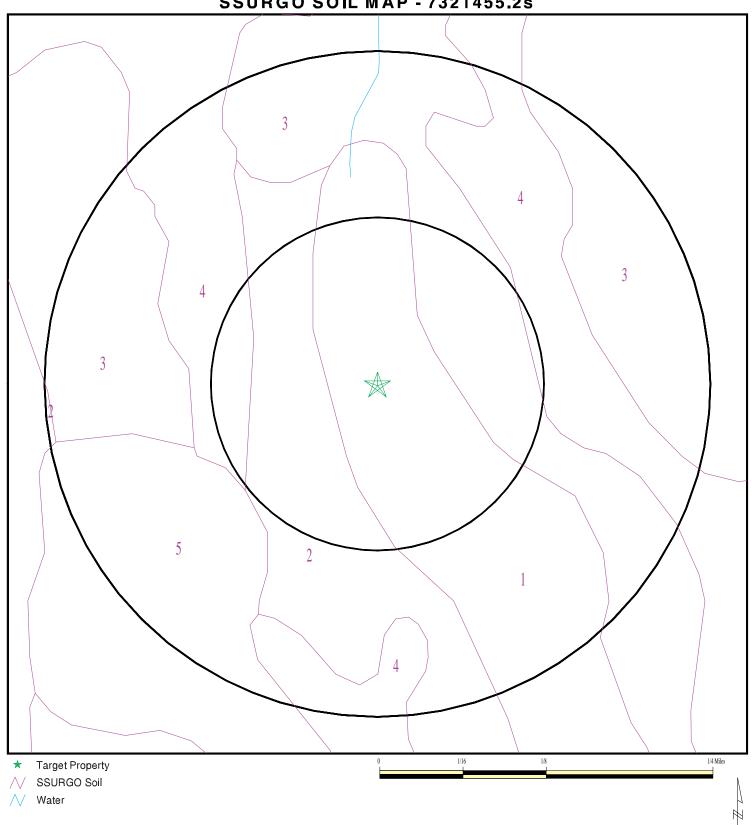
System: Pennsylvanian

Series: Atokan and Morrowan Series

Code: PP1 (decoded above as Era, System & Series)

Geologic Age and Rock Stratigraphic Unit Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - a digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

SSURGO SOIL MAP - 7321455.2s



SITE NAME: Skyview Site - Perry County
ADDRESS: Hal Rogers Parkway
Hazard KY 41701
LAT/LONG: 37.252465 / 83.268891

CLIENT: Kentucky Division of Compliance
CONTACT: Derek Bozzell
INQUIRY#: 7321455.2s
DATE: April 27, 2023 4:27 pm

DOMINANT SOIL COMPOSITION IN GENERAL AREA OF TARGET PROPERTY

The U.S. Department of Agriculture's (USDA) Soil Conservation Service (SCS) leads the National Cooperative Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. The following information is based on Soil Conservation Service SSURGO data.

Soil Map ID: 1

Soil Component Name: Fairpoint

Soil Surface Texture: very channery silt loam

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward

movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: High

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

			Soil Layer	r Information			
	Boundary		Boundary Classification	fication	Saturated hydraulic		
Layer	Upper	Lower	Soil Texture Class	AASHTO Group	Unified Soil	conductivity micro m/sec	Soil Reaction (pH)
1	0 inches	5 inches	very channery silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Clayey Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 4.23 Min: 1.41	Max: 7.3 Min: 5.6
2	5 inches	61 inches	very channery silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Clayey Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 4.23 Min: 1.41	Max: 7.3 Min: 5.6

Soil Map ID: 2

Soil Component Name: Shelocta

Soil Surface Texture: silt loam

Hydrologic Group: Class B - Moderate infiltration rates. Deep and moderately deep,

moderately well and well drained soils with moderately coarse

textures.

Soil Drainage Class: Well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: Low

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

			Soil Layer	r Information			
Layer	Boundary			Classification		Saturated hydraulic	
	Upper	Lower	Soil Texture Class	AASHTO Group	Unified Soil	conductivity micro m/sec	Soil Reaction (pH)
1	0 inches	5 inches	silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 42 Min: 4	Max: 5.5 Min: 4.5
2	5 inches	59 inches	channery silty clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 42 Min: 4	Max: 5.5 Min: 4.5
3	59 inches	72 inches	channery loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 42 Min: 4	Max: 5.5 Min: 4.5

Soil Map ID: 3

Soil Component Name: Shelocta
Soil Surface Texture: silt loam

Hydrologic Group: Class B - Moderate infiltration rates. Deep and moderately deep,

moderately well and well drained soils with moderately coarse

textures.

Soil Drainage Class: Well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: Low

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

	Soil Layer Information						
	Boundary			Classification		Saturated hydraulic	
Layer	Upper	Lower	Soil Texture Class	AASHTO Group	Unified Soil	conductivity micro m/sec	Soil Reaction (pH)
1	0 inches	5 inches	silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 42 Min: 4	Max: 5.5 Min: 4.5
2	5 inches	59 inches	channery silty clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 42 Min: 4	Max: 5.5 Min: 4.5
3	59 inches	72 inches	very channery loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 42 Min: 4	Max: 5.5 Min: 4.5

Soil Map ID: 4

Soil Component Name: Dekalb

Soil Surface Texture: channery loam

Class C - Slow infiltration rates. Soils with layers impeding downward movement of water, or soils with moderately fine or fine textures. Hydrologic Group:

Soil Drainage Class: Well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: Low

Depth to Bedrock Min: > 86 inches

Depth to Watertable Min: > 69 inches

	Soil Layer Information						
	Boundary			Classification		Saturated hydraulic	
Layer	Upper	Lower	Soil Texture Class	AASHTO Group	Unified Soil	conductivity	Soil Reaction (pH)
1	0 inches	1 inches	channery loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	Not reported	Max: Min:	Max: Min:
2	1 inches	33 inches	very channery loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	Not reported	Max: Min:	Max: Min:
3	33 inches	38 inches	unweathered bedrock	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	Not reported	Max: Min:	Max: Min:

Soil Map ID: 5

Soil Component Name: Fairpoint

Soil Surface Texture: very channery silt loam

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward

movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: High

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

	Soil Layer Information						
	Boundary		Boundary		Classification		
Layer	Upper	Lower	Soil Texture Class	AASHTO Group	Unified Soil	hydraulic conductivity micro m/sec	Soil Reaction (pH)
1	0 inches	5 inches	very channery silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Clayey Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 4.23 Min: 1.41	Max: 7.3 Min: 5.6
2	5 inches	61 inches	very channery silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Clayey Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 4.23 Min: 1.41	Max: 7.3 Min: 5.6

LOCAL / REGIONAL WATER AGENCY RECORDS

EDR Local/Regional Water Agency records provide water well information to assist the environmental professional in assessing sources that may impact ground water flow direction, and in forming an opinion about the impact of contaminant migration on nearby drinking water wells.

WELL SEARCH DISTANCE INFORMATION

DATABASE SEARCH DISTANCE (miles)

Federal USGS 1.000

Federal FRDS PWS Nearest PWS within 1 mile

State Database 1.000

FEDERAL USGS WELL INFORMATION

LOCATION FROM TP

4 USGS40000381057 1/4 - 1/2 Mile North

FEDERAL FRDS PUBLIC WATER SUPPLY SYSTEM INFORMATION

WELL ID

MAP ID WELL ID FROM TP

No PWS System Found

MAP ID

Note: PWS System location is not always the same as well location.

GEOCHECK[®] - PHYSICAL SETTING SOURCE SUMMARY

STATE DATABASE WELL INFORMATION

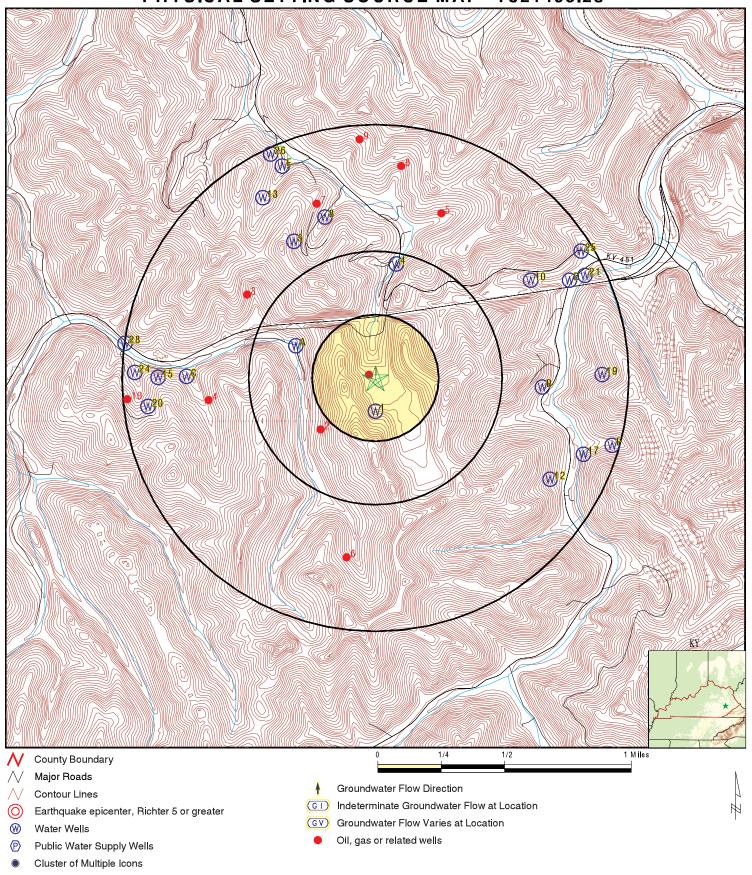
MAP ID	WELL ID	LOCATION FROM TP
1	KY7000000055806	1/8 - 1/4 Mile South
Å2	KY700000037841	1/4 - 1/2 Mile WNW
A3	KY700000022284	1/4 - 1/2 Mile WNW
5	KY700000055270	1/2 - 1 Mile NNW
B6	KY7000000005072	1/2 - 1 Mile East
B7	KY7000000000206	1/2 - 1 Mile East
8	KY700000011326	1/2 - 1 Mile NNW
C9	KY700000031684	1/2 - 1 Mile West
10	KY700000055802	1/2 - 1 Mile ENE
C11	KY700000027048	1/2 - 1 Mile West
12	KY700000013256	1/2 - 1 Mile ESE
13	KY700000055734	1/2 - 1 Mile NNW
D14	KY700000004302	1/2 - 1 Mile ENE
15	KY700000024863	1/2 - 1 Mile West
D16	KY700000004305	1/2 - 1 Mile ENE
17	KY700000046389	1/2 - 1 Mile ESE
E18	KY700000020360	1/2 - 1 Mile NNW
19	KY700000098962	1/2 - 1 Mile East
20	KY700000035888	1/2 - 1 Mile West
21	KY700000000209	1/2 - 1 Mile ENE
E22	KY700000000387	1/2 - 1 Mile NNW
F23	KY700000005603	1/2 - 1 Mile ESE
24	KY700000026912	1/2 - 1 Mile West
25	KY700000021590	1/2 - 1 Mile ENE
26	KY700000000207	1/2 - 1 Mile NNW
F27	KY700000005616	1/2 - 1 Mile ESE
28	KY700000031622	1/2 - 1 Mile West

OTHER STATE DATABASE INFORMATION

STATE OIL/GAS WELL INFORMATION

MAP ID	WELL ID	LOCATION FROM TP
1	KYOG14000015741	0 - 1/8 Mile WNW
2	KYOG14000074719	1/4 - 1/2 Mile SW
3	KYOG14000080331	1/2 - 1 Mile WNW
4	KYOG14000074634	1/2 - 1 Mile West
5	KYOG14000118104	1/2 - 1 Mile NNE
6	KYOG14000074718	1/2 - 1 Mile South
7	KYOG14000023039	1/2 - 1 Mile NNW
8	KYOG14000118553	1/2 - 1 Mile North
9	KYOG14000118889	1/2 - 1 Mile North
10	KYOG14000111362	1/2 - 1 Mile West

PHYSICAL SETTING SOURCE MAP - 7321455.2s



SITE NAME: Skyview Site - Perry County
ADDRESS: Hal Rogers Parkway
Hazard KY 41701
LAT/LONG: 37.252465 / 83.268891

Kentucky Division of Compliance

CLIENT: Kentucky Divis INQUIRY#: 7321455.2s

April 27, 2023 4:27 pm DATE:

Map ID Direction Distance

Database EDR ID Number Elevation

Depth to Bedrock:

South

1/8 - 1/4 Mile Higher

> AKGWA ID: 60002431 Well Type: Water Well Well Status: Not Reported Alt ID: Not Reported PWS ID: Well Name: Not Reported Not Reported Usage: Domestic - Single Household

Surface Elevation: 0

Total Depth: 0

End Date: 01-JAN-75

A2 WNW 1/4 - 1/2 Mile Lower

> AKGWA ID: 00062760 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Well Name: Residence - Jeff & Bethel Baker Not Reported Surface Elevation: 1040 Domestic - Single Household Usage: Depth to Bedrock:

Total Depth: 143

04-MAY-05 End Date:

WNW **KY WELLS** KY7000000022284

1/4 - 1/2 Mile

AKGWA ID: 00037492 Well Type: Water Well Well Status: Alt ID: Active Not Reported

PWS ID: Well Name: Residence - Willard Turner Not Reported Surface Elevation: 1000 Usage: Domestic - Single Household

Total Depth:

End Date: 19-MAR-95

FED USGS USGS40000381057 North 1/4 - 1/2 Mile

Lower

Organization ID: **USGS-KY** Organization Name: USGS Kentucky Water Science Center

Depth to Bedrock:

H26D0002 Monitor Location: Type: Well HUC: 05100201 Description: Not Reported Drainage Area: Not Reported Drainage Area Units: Not Reported Contrib Drainage Area: Contrib Drainage Area Unts: Not Reported Not Reported Aquifer: Not Reported Formation Type: Not Reported 19540101 Aquifer Type: Not Reported Construction Date: Well Depth: 114 Well Depth Units: ft

Well Hole Depth: 114 Well Hole Depth Units: ft

Ground water levels, Number of Measurements: Level reading date: 1954-05-30 1 Feet below surface: 37.81 Feet to sea level: Not Reported

KY WELLS

KY WELLS

KY700000055806

Note: Not Reported

NNW **KY WELLS** KY700000055270

1/2 - 1 Mile Higher

> AKGWA ID: 60001889 Well Type: Water Well Well Status: Alt ID: Not Reported Not Reported PWS ID: Not Reported Well Name: Not Reported

Surface Elevation: Usage: Domestic - Single Household

Total Depth: 0 Depth to Bedrock: End Date: Not Reported

KY WELLS KY700000005072 East

1/2 - 1 Mile Lower

End Date:

AKGWA ID: 00004992 Well Type: Water Well Well Status: Alt ID: Active Not Reported

PWS ID: Well Name: Not Reported Residence - James L Fields Surface Elevation: 864 Usage: Domestic - Single Household

Total Depth: 42 Depth to Bedrock: 05-MAR-87

В7 **KY WELLS** KY7000000000206 **East**

1/2 - 1 Mile Lower

> AKGWA ID: 00000260 Well Type: Water Well Well Status: Alt ID: Active Not Reported

PWS ID: Well Name: Not Reported Residence - James L Fields Surface Elevation: 864 Usage: Domestic - Single Household

Total Depth: 42 Depth to Bedrock:

End Date: 18-FEB-87

KY WELLS KY700000011326

NNW 1/2 - 1 Mile Lower

> AKGWA ID: 00016027 Well Type: Water Well Well Status: Alt ID: Not Reported Active

PWS ID: Well Name: Not Reported Residence - Pearl Colwell Surface Elevation: 1100 Usage: Domestic - Single Household

Total Depth: Depth to Bedrock:

23-JAN-90 End Date:

Map ID Direction Distance

Elevation Database EDR ID Number

C9 West 1/2 - 1 Mile

est KY WELLS KY700000031684

Lower

AKGWA ID: 00052791 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Rick Sumner Surface Elevation: 960 Usage: Domestic - Single Household

Total Depth: 784 Depth to Bedrock: 6
End Date: 24-AUG-99

10 ENE 1/2 - 1 Mile Lower

AKGWA ID: 60002427 Well Type: Water Well

Well Status:Not ReportedAlt ID:Not ReportedPWS ID:Not ReportedWell Name:Not Reported

Surface Elevation: 0 Usage: Domestic - Single Household

Total Depth: 0 Depth to Bedrock: 30 End Date: 01-JAN-80

C11 West 1/2 - 1 Mile

AKGWA ID: 00046586 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Steve Bingham Surface Elevation: Usage: Domestic - Single Household

Total Depth: 143 Depth to Bedrock: 14
End Date: 08-JAN-97

12 ESE KY WELLS KY700000013256

ESE 1/2 - 1 Mile Lower

AKGWA ID: 00018959 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - David Begley Surface Elevation: 950 Usage: Domestic - Single Household

Total Depth: 100 Depth to Bedrock: 16 End Date: 27-FEB-91

KY WELLS

KY WELLS

KY700000055802

Map ID Direction Distance

Elevation Database EDR ID Number

Depth to Bedrock:

Depth to Bedrock:

NNW

1/2 - 1 Mile Lower

AKGWA ID: 60002358 Well Type: Water Well
Well Status: Not Reported Alt ID: Not Reported
PWS ID: Not Reported Well Name: Not Reported
Surface Elevation: 0 Usage: Domestic - Single Household

Surface Elevation: 0
Total Depth: 0

End Date: Not Reported

D14 ENE 1/2 - 1 Mile Lower

AKGWA ID: 00004245 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Ralph Howard Surface Elevation: 852 Usage: Domestic - Single Household

Total Depth: 100

End Date: 06-MAY-86

15
West KY WELLS KY700000024863

1/2 - 1 Mile

1/2 - 1 Mile Lower

AKGWA ID: 00043973 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Lewis Warren
Surface Elevation: 1000 Usage: Domestic - Single Household
Total Depth: 143 Depth to Bedrock: 7

Total Depth: 143 End Date: 26-FEB-96

D16
ENE KY WELLS KY700000004305

AKGWA ID: 00004248 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Ralph Howard Surface Elevation: 852 Usage: Domestic - Single Household

Total Depth: 135 Depth to Bedrock: 14 End Date: 05-MAY-86

KY WELLS

KY WELLS

KY700000055734

Map ID Direction Distance

Elevation Database EDR ID Number

17 ESE 1/2 - 1 Mile

SE KY WELLS KY700000046389

Lower

Lower

1/2 - 1 Mile

AKGWA ID: 30008908 Well Type: Water Well
Well Status: Not Reported Alt ID: Not Reported
PWS ID: Not Reported Well Name: Not Reported

PWS ID: Not Reported Well Name: Not Reported Surface Elevation: 0 Usage: Domestic - Single Household

Total Depth: 45 Depth to Bedrock: 0
End Date: Not Reported

E18 NNW 1/2 - 1 Mile

AKGWA ID: 00033311 Well Type: Water Well Well Status: Active Alt ID: Not Reported PWS ID: Well Name: Campbell Radiator

Surface Elevation: 1060 Usage: Domestic - Single Household

Total Depth: 348 Depth to Bedrock: 7
End Date: 28-JUN-94

19 East KY WELLS KY700000098962

AKGWA ID: 80062025 Well Type: Monitoring Well

Well Status: Active Alt ID: MW-19
PWS ID: Not Reported Well Name: Fugates Gulf Service

Surface Elevation: 840 Usage: Remediation
Total Depth: 20 Depth to Bedrock: 20

End Date: 17-NOV-11

20 West KY WELLS KY700000035888 1/2 - 1 Mile Lower

AKGWA ID: 00058863 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Rick Sumner Surface Elevation: Usage: Domestic - Single Household

Total Depth: 345 Depth to Bedrock: 7
End Date: 17-OCT-02

KY WELLS

Map ID Direction Distance

Elevation Database EDR ID Number

21 ENE

KY WELLS KY7000000000209

1/2 - 1 Mile Lower

AKGWA ID: 00000263 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Avawam Fire Department Surface Elevation: Usage: Domestic - Single Household

Total Depth: 60 Depth to Bedrock: 8

End Date: 21-JAN-87

NNW 1/2 - 1 Mile Lower

AKGWA ID: 00000432 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - Timothy Bush Surface Elevation: Usage: Domestic - Single Household

Total Depth: 180 Depth to Bedrock: End Date: 14-MAR-87

F23 ESE 1/2 - 1 Mile

Lower

AKGWA ID: 00006130 Well Type: Water Well
Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Crawford Construction Co Surface Elevation: Usage: Domestic - Single Household

Total Depth: 102 Depth to Bedrock: End Date: 23-OCT-87

24 West KY WELLS 1/2 - 1 Mile

AKGWA ID: 00046449 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Residence - James Walker Surface Elevation: 920 Usage: Domestic - Single Household

Total Depth: 305 Depth to Bedrock: 8
End Date: 19-SEP-96

KY WELLS

KY700000005603

Map ID Direction Distance

Elevation Database EDR ID Number

25 ENE

KY WELLS KY700000021590

1/2 - 1 Mile Lower

 AKGWA ID:
 00035818
 Well Type:
 Water Well

 Well Status:
 Active
 Alt ID:
 Not Reported

PWS ID: Not Reported Well Name: Residence - Larry Feltner Surface Elevation: Usage: Domestic - Single Household

Total Depth: 90 Depth to Bedrock: 6

End Date: 02-SEP-94

26 NNW KY WELLS KY700000000207

1/2 - 1 Mile Lower

 AKGWA ID:
 00000261
 Well Type:
 Water Well

 Well Status:
 Active
 Alt ID:
 Not Reported

PWS ID: Not Reported Well Name: Residence - Joe Eversole Surface Elevation: Usage: Domestic - Single Household

Total Depth: 185 Depth to Bedrock: 8
End Date: 14-MAR-87

End Date: 14-MAR-87

F27 ESE KY WELLS KY700000005616

1/2 - 1 Mile

Lower

AKGWA ID: 00006144 Well Type: Water Well Well Status: Active Alt ID: Not Reported

PWS ID: Not Reported Well Name: Crawford Construction Co
Surface Elevation: 960 Usage: Domestic - Single Household

Total Depth: 143 Depth to Bedrock: 6
End Date: 16-DEC-87

28 West KY WELLS KY700000031622 1/2 - 1 Mile

AKGWA ID: 00052717 Well Type: Water Well
Well Status: Active Alt ID: Not Reported
PWS ID: Not Reported Well Name: Residence - Bill Goble

Surface Elevation: 920 Usage: Domestic - Single Household

Total Depth: 45 Depth to Bedrock: 15 End Date: 12-OCT-01

Map ID Direction Distance

Distance Database EDR ID Number

1 WNW OIL_GAS KYOG14000015741 0 - 1/8 Mile

OIL_GAS:

API #: 16193010810000 KGS #: 16154

Well Elevation: 1251 Original Farm/Lease Name: ELLISON, R, ETAL

Original Operator: CONTROLLED RESOURCES OIL & GAS

Original Well #:797Permit #:34703Formation:000Deepest Formation:000Init Open or Potential Flow:Not Reporteddescription in result_desc field:TRM

Original API Classification: Unclassified

How Completed: Terminated (permit expired or cancelled)

Bore Type: Conventional vertical well bore

Completion Date:Not ReportedPlug Date:Not ReportedDocumentation on Plug:Not ReportedCore Call #:Not ReportedCutting Call #:Not ReportedLog on File:Not Reported

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=16154

2 SW OIL_GAS KYOG14000074719 1/4 - 1/2 Mile

OIL_GAS:

 API #:
 16193008490000
 KGS #:
 78747

 Well Elevation:
 1194
 Original Farm/Lease Name:
 STACY, F S

Original Operator: KENTUCKY WEST VIRGINIA GAS CO

Original Well #: 7201 Permit #: 26791
Formation: 344CORN Deepest Formation: 341OHIO
Init Open or Potential Flow: 84 MCFGPD description in result_desc field: GAS

Original API Classification:

How Completed:

Development Well
Gas producer

Bore Type: Conventional vertical well bore

Completion Date: 31-JUL-73 Plug Date: 08-JUN-90 Documentation on Plug: PA Core Call #: Not Reported Cutting Call #: Log on File: ELOG

Cutting Call #: Not Reported Log on File:

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=78747

3 WNW OIL_GAS KYOG14000080331 1/2 - 1 Mile

OIL_GAS:

API #: 16193011550000 KGS #: 85467

Well Elevation: 1087 Original Farm/Lease Name: STANDAFER, W B

Original Operator: KENTUCKY WEST VIRGINIA GAS CO

 Original Well #:
 7209
 Permit #:
 27032

 Formation:
 000
 Deepest Formation:
 000

 Init Open or Potential Flow:
 Not Reported
 description in result_desc field:
 LOC

Original API Classification: Unclassified

How Completed: Locaton (new permit issued or insufficient data)

Bore Type: Conventional vertical well bore

Completion Date: Not Reported Plug Date: Not Reported

Documentation on Plug: Not Reported Core Call #: Not Reported Cutting Call #: Not Reported Log on File: Not Reported

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=85467

4 West OIL_GAS KYOG14000074634

1/2 - 1 Mile

OIL_GAS:

 API #:
 16193011100000
 KGS #:
 78632

 Well Elevation:
 1104
 Original Farm/Lease Name:
 HOSKIN, A H

 Original Operator:
 KENTUCKY WEST VIRGINIA GAS CO

 Original Well #:
 7210
 Permit #:
 27121

 Formation:
 344CORN
 Deepest Formation:
 000

 Init Open or Potential Flow:
 Not Reported
 description in result_desc field:
 D&A

Original API Classification: Extension (outpost) Well
How Completed: Dry and abandoned
Bore Type: Conventional vertical well bore

Completion Date: 17-OCT-73 Plug Date: 26-OCT-73
Documentation on Plug: PA Core Call #: Not Reported
Cutting Call #: Log on File: ELOG

Cutting Call #: 12732 Log on File: EL URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=78632

5 NNE OIL_GAS KYOG14000118104 1/2 - 1 Mile

OIL_GAS:

API #: 16193015540000 KGS #: 136899

Well Elevation: 1208 Original Farm/Lease Name: RCS MINERALS, LLC ET AL

Original Operator: CUT THROUGH HYDROCARBON

Original Well #: SE-77 Permit #: 104635
Formation: 000 Deepest Formation: 3410HIO
Init Open or Potential Flow: Not Reported description in result_desc field: TRM
Original API Classification: Unclassified

How Completed: Terminated (permit expired or cancelled)

Bore Type: Conventional vertical well bore

Completion Date:Not ReportedPlug Date:Not ReportedDocumentation on Plug:Not ReportedCore Call #:Not ReportedCutting Call #:Not ReportedLog on File:Not Reported

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=136899

6
South
1/2 - 1 Mile

OIL_GAS KYOG14000074718

OIL_GAS:

API #: 16193005810000 KGS #: 78746

Well Elevation: 1239 Original Farm/Lease Name: STACY, ALFRED

Original Operator: KENTUCKY WEST VIRGINIA GAS CO

Original Well #: 7190 Permit #: 26626
Formation: 344CORN Deepest Formation: 341OHIO
Init Open or Potential Flow: 158 MCFGPD description in result_desc field: GAS

Original API Classification: Development Well How Completed: Gas producer

Bore Type: Conventional vertical well bore

Completion Date:09-MAY-73Plug Date:30-SEP-98Documentation on Plug:PACore Call #:Not ReportedCutting Call #:12624Log on File:ELOG

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=78746

/ NNW OIL_GAS KYOG14000023039 1/2 - 1 Mile

OIL_GAS:

API #: 16193000180000 KGS #: 24313

Well Elevation: 1240 Original Farm/Lease Name: ELLISON, ROBERT

description in result_desc field:

D&A

 Original Operator:
 CONTROLLED RESOURCES OIL & GAS

 Original Well #:
 80-19
 Permit #:
 40220

 Formation:
 344CORN
 Deepest Formation:
 000

Init Open or Potential Flow:

Original API Classification:

How Completed:

Not Reported

New Pool Wildcat

Dry and abandoned

Bore Type: Conventional vertical well bore

Completion Date: 17-NOV-80 Plug Date: 19-DEC-01
Documentation on Plug: PA Core Call #: Not Reported

Cutting Call #: Not Reported Log on File: ELOG

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=24313

8 North OIL_GAS KYOG14000118553 1/2 - 1 Mile

OIL_GAS:

API #: 16193015670000 KGS #: 137348

Well Elevation: 1192 Original Farm/Lease Name: RCS MINERALS, LLC ET AL

Original Operator: CUT THROUGH HYDROCARBON

Original Well #: SE-76 Permit #: 105114

Formation: 000 Deepest Formation: 3410HIO

Init Open or Potential Flow: Not Reported description in result_desc field: TRM

Original API Classification: Unclassified

How Completed: Terminated (permit expired or cancelled)

Bore Type: Conventional vertical well bore

Completion Date:Not ReportedPlug Date:Not ReportedDocumentation on Plug:Not ReportedCore Call #:Not ReportedCutting Call #:Not ReportedLog on File:Not Reported

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=137348

North OIL_GAS KYOG14000118889 1/2 - 1 Mile

OIL_GAS:

API #: 16193015970000 KGS #: 137772

Well Elevation: 1277 Original Farm/Lease Name: RCS MINERALS, LLC ET AL

Original Operator: CUT THROUGH HYDROCARBON

 Original Well #:
 SE-75
 Permit #:
 105450

 Formation:
 000
 Deepest Formation:
 3410HIO

 Init Open or Potential Flow:
 Not Reported
 description in result_desc field:
 TRM

Original API Classification: Unclassified

How Completed: Terminated (permit expired or cancelled)

Bore Type: Conventional vertical well bore

Completion Date:Not ReportedPlug Date:Not ReportedDocumentation on Plug:Not ReportedCore Call #:Not ReportedCutting Call #:Not ReportedLog on File:Not Reported

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=137772

10
West
OIL_GAS KYOG14000111362
1/2 - 1 Mile

OIL_GAS:

API#: 16193013250000 KGS #: 129922

Well Elevation: 1094 Original Farm/Lease Name: RCS MINERALS, LLC ET AL

Original Operator: CUT THROUGH HYDROCARBON

Original Well #:SE-70Permit #:98601Formation:3410HIODeepest Formation:3410HIOInit Open or Potential Flow:0 MCFGPDdescription in result_desc field:GAS

Original API Classification: Unclassified How Completed: Gas producer

Bore Type: Conventional vertical well bore

Completion Date: 20-MAY-06 Plug Date: Not Reported Documentation on Plug: Not Reported Core Call #: Not Reported

Cutting Call #: Not Reported Log on File: ELOG

URL: https://kgs.uky.edu/kygeode/services/oilgas/wellReport.asp?id=129922

AREA RADON INFORMATION

State Database: KY Radon

Radon Test Results

Zip	Test Date	Test Result
41701	1/7/2002	2.40
41701	1/7/2002	2.40
41701	5/17/2002	0.60
41701	7/2/2004	2.70
41701	7/14/2004	1.10
41701	7/16/2004	3.50
41701	7/25/2004	1.70
41701	7/30/2004	1.50
41701	7/30/2004	0.80
41701	3/14/2004	0.50
41701	9/5/2004	0.20
41701	9/20/2004	0.70
41701	9/21/2004	0.70
41701	10/20/2004	3.80
41701	1/27/2005	4.10
41701	1/29/2005	0.80
41701	1/29/2005	0.50
41701	2/10/2005	1.00
41701	2/21/2005	1.40
41701	3/7/2005	0.20
41701	4/27/2005	0.70

Federal EPA Radon Zone for PERRY County: 2

Note: Zone 1 indoor average level > 4 pCi/L.

: Zone 2 indoor average level >= 2 pCi/L and <= 4 pCi/L.

: Zone 3 indoor average level < 2 pCi/L.

Federal Area Radon Information for Zip Code: 41701

Number of sites tested: 1

Area	Average Activity	% <4 pCi/L	% 4-20 pCi/L	% >20 pCi/L
Living Area - 1st Floor Living Area - 2nd Floor Basement	0.900 pCi/L Not Reported Not Reported	100% Not Reported Not Reported	0% Not Reported Not Reported	0% Not Reported Not Reported

PHYSICAL SETTING SOURCE RECORDS SEARCHED

TOPOGRAPHIC INFORMATION

USGS 7.5' Digital Elevation Model (DEM)

Source: United States Geologic Survey

EDR acquired the USGS 7.5' Digital Elevation Model in 2002 and updated it in 2006. The 7.5 minute DEM corresponds to the USGS 1:24,000- and 1:25,000-scale topographic quadrangle maps. The DEM provides elevation data with consistent elevation units and projection.

Current USGS 7.5 Minute Topographic Map Source: U.S. Geological Survey

HYDROLOGIC INFORMATION

Flood Zone Data: This data was obtained from the Federal Emergency Management Agency (FEMA). It depicts 100-year and 500-year flood zones as defined by FEMA. It includes the National Flood Hazard Layer (NFHL) which incorporates Flood Insurance Rate Map (FIRM) data and Q3 data from FEMA in areas not covered by NFHL.

Source: FEMA

Telephone: 877-336-2627

Date of Government Version: 2003, 2015

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002, 2005, 2010 and 2015 from the U.S. Fish and Wildlife Service.

State Wetlands Data: Wetland Inventory

Source: Environmental & Public Protection Cabinet

Telephone: 502-564-6736

HYDROGEOLOGIC INFORMATION

AQUIFLOW^R Information System

Source: EDR proprietary database of groundwater flow information

EDR has developed the AQUIFLOW Information System (AIS) to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted to regulatory authorities at select sites and has extracted the date of the report, hydrogeologically determined groundwater flow direction and depth to water table information.

GEOLOGIC INFORMATION

Geologic Age and Rock Stratigraphic Unit

Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - A digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

STATSGO: State Soil Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Service (NRCS)

The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) leads the national Conservation Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. Soil maps for STATSGO are compiled by generalizing more detailed (SSURGO) soil survey maps.

SSURGO: Soil Survey Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Service (NRCS)

Telephone: 800-672-5559

SSURGO is the most detailed level of mapping done by the Natural Resources Conservation Service, mapping scales generally range from 1:12,000 to 1:63,360. Field mapping methods using national standards are used to construct the soil maps in the Soil Survey Geographic (SSURGO) database. SSURGO digitizing duplicates the original soil survey maps. This level of mapping is designed for use by landowners, townships and county natural resource planning and management.

PHYSICAL SETTING SOURCE RECORDS SEARCHED

LOCAL / REGIONAL WATER AGENCY RECORDS

FEDERAL WATER WELLS

PWS: Public Water Systems

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Public Water System data from the Federal Reporting Data System. A PWS is any water system which provides water to at least 25 people for at least 60 days annually. PWSs provide water from wells, rivers and other sources.

PWS ENF: Public Water Systems Violation and Enforcement Data

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Violation and Enforcement data for Public Water Systems from the Safe Drinking Water Information System (SDWIS) after August 1995. Prior to August 1995, the data came from the Federal Reporting Data System (FRDS).

USGS Water Wells: USGS National Water Inventory System (NWIS)

This database contains descriptive information on sites where the USGS collects or has collected data on surface water and/or groundwater. The groundwater data includes information on wells, springs, and other sources of groundwater.

STATE RECORDS

Kentucky Water Well Records Database Source: Kentucky Geological Survey

Telephone: 859-257-5500

Water Wells in Kentucky. Data from the Kentucky Ground Water Data Repository.

OTHER STATE DATABASE INFORMATION

Oil and Gas Well Locations

Source: Kentucky Geological Survey

Telephone: 859-257-5500

Oil and gas well locations in the state of Kentucky

RADON

State Database: KY Radon

Source: Department of Public Health

Telephone: 502-564-4856 Radon Test Results

Area Radon Information Source: USGS

Telephone: 703-356-4020

The National Radon Database has been developed by the U.S. Environmental Protection Agency

(USEPA) and is a compilation of the EPA/State Residential Radon Survey and the National Residential Radon Survey. The study covers the years 1986 - 1992. Where necessary data has been supplemented by information collected at private sources such as universities and research institutions.

EPA Radon Zones

Source: EPA

Telephone: 703-356-4020

Sections 307 & 309 of IRAA directed EPA to list and identify areas of U.S. with the potential for elevated indoor

radon levels.

OTHER

Airport Landing Facilities: Private and public use landing facilities

Source: Federal Aviation Administration, 800-457-6656

Epicenters: World earthquake epicenters, Richter 5 or greater

Source: Department of Commerce, National Oceanic and Atmospheric Administration

Earthquake Fault Lines: The fault lines displayed on EDR's Topographic map are digitized quaternary faultlines, prepared

in 1975 by the United State Geological Survey

PHYSICAL SETTING SOURCE RECORDS SEARCHED

STREET AND ADDRESS INFORMATION

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Skyview Site - Perry County Hal Rogers Parkway Hazard, KY 41701

Inquiry Number: 7321455.3

April 27, 2023

Certified Sanborn® Map Report



Certified Sanborn® Map Report

04/27/23

Site Name: Client Name:

Skyview Site - Perry County

Hal Rogers Parkway

Hazard, KY 41701

EDR Inquiry # 7321455.3

Kentucky Division of Compliance
300 Sower Blvd.

Frankfort, KY 40601

Contact: Derek Bozzell



The Sanborn Library has been searched by EDR and maps covering the target property location as provided by Kentucky Division of Compliance were identified for the years listed below. The Sanborn Library is the largest, most complete collection of fire insurance maps. The collection includes maps from Sanborn, Bromley, Perris & Browne, Hopkins, Barlow, and others. Only Environmental Data Resources Inc. (EDR) is authorized to grant rights for commercial reproduction of maps by the Sanborn Library LLC, the copyright holder for the collection. Results can be authenticated by visiting www.edrnet.com/sanborn.

The Sanborn Library is continually enhanced with newly identified map archives. This report accesses all maps in the collection as of the day this report was generated.

Certified Sanborn Results:

Certification # 91BD-40E1-991D

PO# NA

Project Skyview Site Phase I

UNMAPPED PROPERTY

This report certifies that the complete holdings of the Sanborn Library, LLC collection have been searched based on client supplied target property information, and fire insurance maps covering the target property were not found.



Sanborn® Library search results

Certification #: 91BD-40E1-991D

The Sanborn Library includes more than 1.2 million fire insurance maps from Sanborn, Bromley, Perris & Browne, Hopkins, Barlow and others which track historical property usage in approximately 12,000 American cities and towns. Collections searched:

Library of Congress

University Publications of America

EDR Private Collection

The Sanborn Library LLC Since 1866™

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Skyview Site - Perry County Hal Rogers Parkway Hazard, KY 41701

Inquiry Number: 7321455.4

April 27, 2023

EDR Historical Topo Map Report

with QuadMatch™



EDR Historical Topo Map Report

04/27/23

Site Name: Client Name:

Skyview Site - Perry County Hal Rogers Parkway Hazard, KY 41701 EDR Inquiry # 7321455.4

300 Sower Blvd. Frankfort, KY 40601 Contact: Derek Bozzell



EDR Topographic Map Library has been searched by EDR and maps covering the target property location as provided by Kentucky Division of Compliance were identified for the years listed below. EDR's Historical Topo Map Report is designed to assist professionals in evaluating potential liability on a target property resulting from past activities. EDRs Historical Topo Map Report includes a search of a collection of public and private color historical topographic maps, dating back to the late 1800s.

Kentucky Division of Compliance

Search Results:		Coordinates:	Coordinates:	
P.O.#	NA	Latitude:	37.252465 37° 15' 9" North	
Project:	Skyview Site Phase I	Longitude:	-83.268891 -83° 16' 8" West	
	•	UTM Zone:	Zone 17 North	
		UTM X Meters:	298778.23	
		UTM Y Meters:	4125292.17	
		Elevation:	1213.66' above sea level	

Maps Provided:

2019 1916 2016 1913, 1914, 1916 2013 1891 1980 1972 1961 1954 1919

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Topo Sheet Key

This EDR Topo Map Report is based upon the following USGS topographic map sheets.

2019 Source Sheets



Krypton 2019 7.5-minute, 24000



Hyden East 2019 7.5-minute, 24000



Hazard North 2019 7.5-minute, 24000



Hazard South 2019 7.5-minute, 24000

2016 Source Sheets



Krypton 2016 7.5-minute, 24000



Hyden East 2016 7.5-minute, 24000



Hazard North 2016 7.5-minute, 24000



Hazard South 2016 7.5-minute, 24000

2013 Source Sheets



Krypton 2013 7.5-minute, 24000



Hyden East 2013 7.5-minute, 24000



Hazard North 2013 7.5-minute, 24000



Hazard South 2013 7.5-minute, 24000

1980 Source Sheets



Hyden East 1980 7.5-minute, 24000 Aerial Photo Revised 1976

Topo Sheet Key

This EDR Topo Map Report is based upon the following USGS topographic map sheets.

1972 Source Sheets



Hazard South 1972 7.5-minute, 24000 Aerial Photo Revised 1971



Krypton 1972 7.5-minute, 24000 Aerial Photo Revised 1971



Hazard North 1972 7.5-minute, 24000 Aerial Photo Revised 1971

1961 Source Sheets



Krypton 1961 7.5-minute, 24000 Aerial Photo Revised 1953



Hyden East 1961 7.5-minute, 24000 Aerial Photo Revised 1952

1954 Source Sheets



Hyden East 1954 7.5-minute, 24000 Aerial Photo Revised 1952



Hazard South 1954 7.5-minute, 24000 Aerial Photo Revised 1953



Hazard North 1954 7.5-minute, 24000 Aerial Photo Revised 1953



Krypton 1954 7.5-minute, 24000 Aerial Photo Revised 1953

1919 Source Sheets



Hyden 1919 15-minute, 62500

Topo Sheet Key

This EDR Topo Map Report is based upon the following USGS topographic map sheets.

1916 Source Sheets



Hyden 1916 15-minute, 48000

1913, 1914, 1916 Source Sheets



Buckhorn 1913 15-minute, 62500



Troublesome 1914 15-minute, 62500



Cornettsville 1916 15-minute, 62500

1891 Source Sheets



Hazard 1891 30-minute, 125000

Hal Rogers Parkway

Hazard, KY 41701

ADDRESS:

CLIENT:

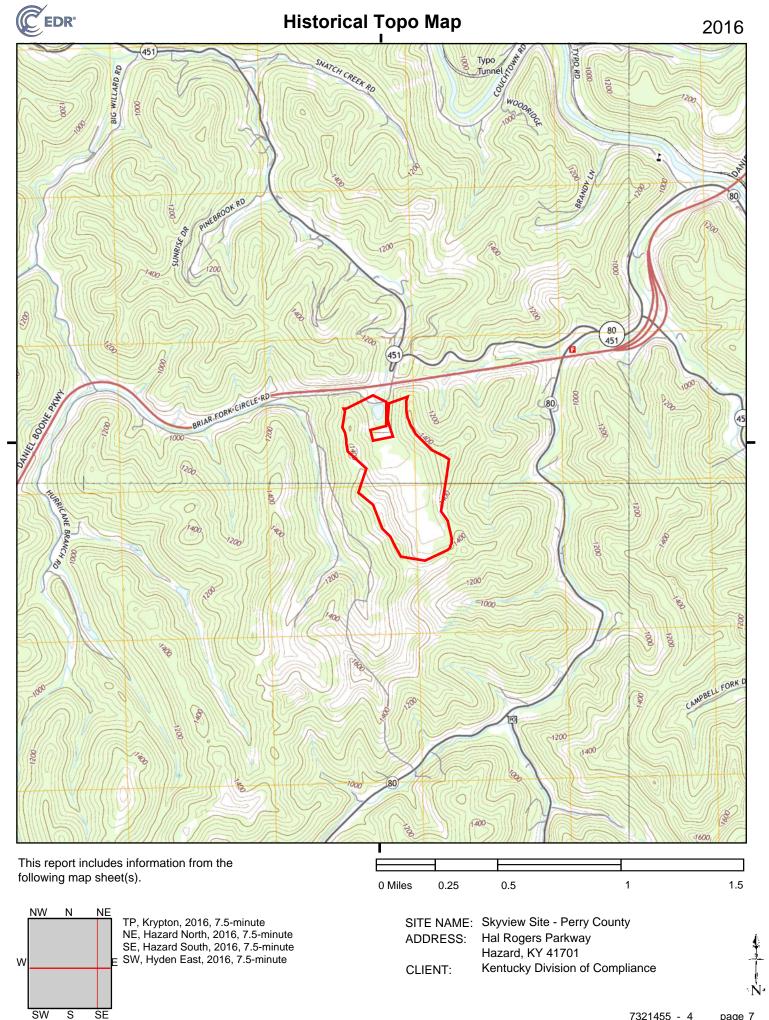
SE, Hazard South, 2019, 7.5-minute

SW, Hyden East, 2019, 7.5-minute

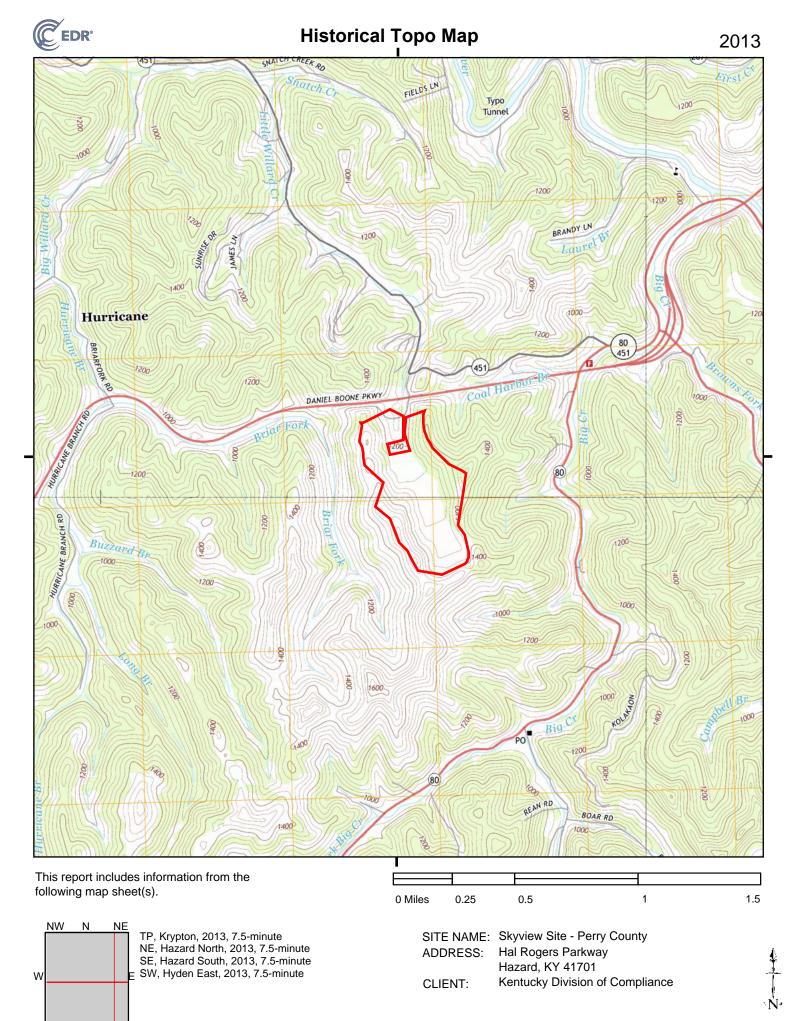
W

SW

S



S



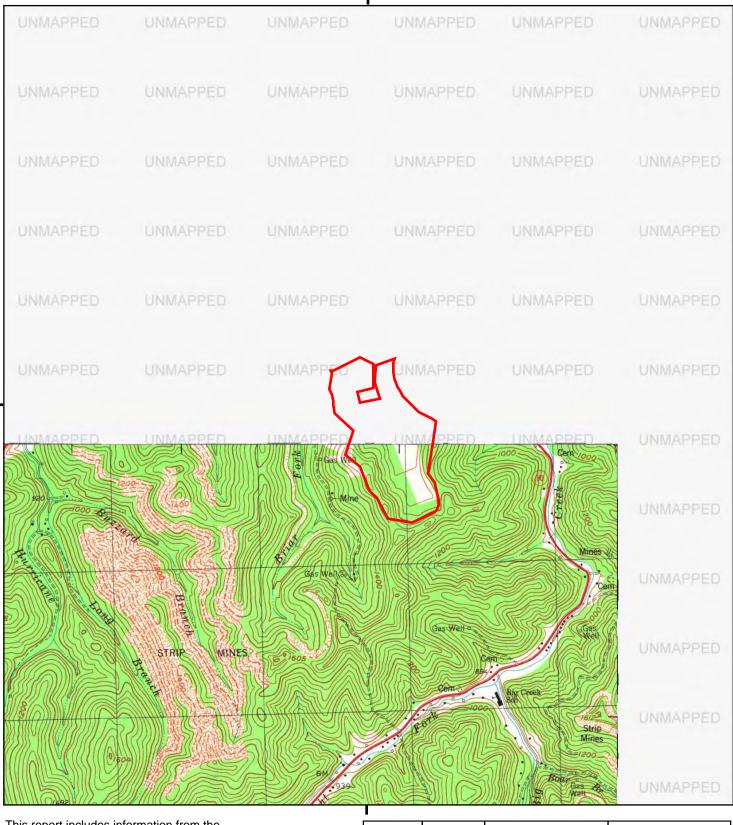
SW

S

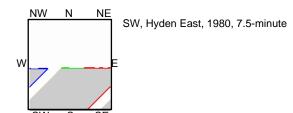
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Historical Topo Map



This report includes information from the following map sheet(s).



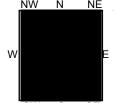
0 Miles 0.25 0.5 1 1.5

SITE NAME: Skyview Site - Perry County ADDRESS: Hal Rogers Parkway

Hazard, KY 41701



This report includes information from the following map sheet(s).



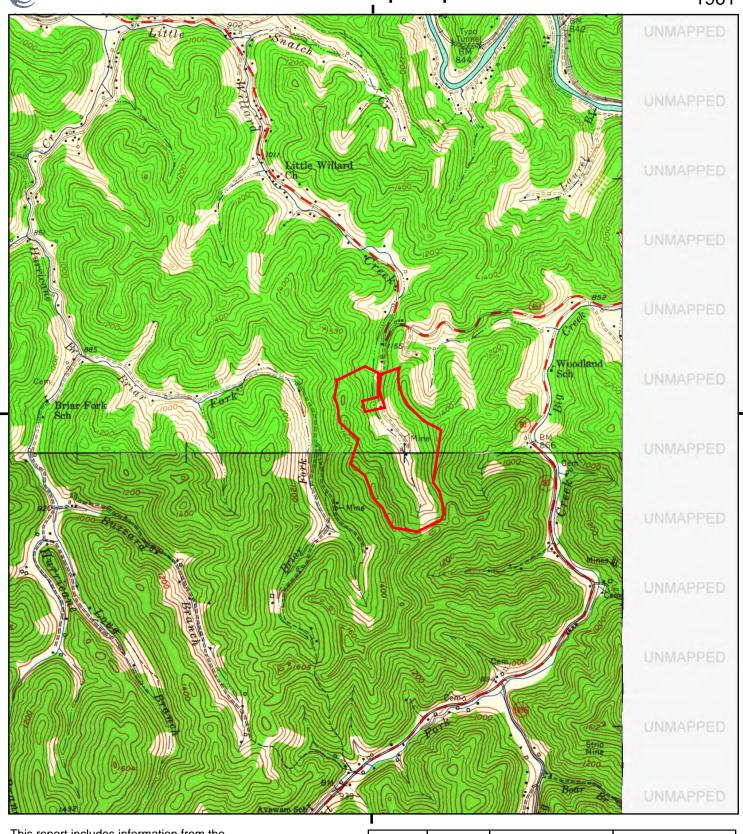
TP, Krypton, 1972, 7.5-minute NE, Hazard North, 1972, 7.5-minute SE, Hazard South, 1972, 7.5-minute



SITE NAME: Skyview Site - Perry County

ADDRESS: Hal Rogers Parkway Hazard, KY 41701

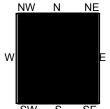




0 Miles

0.25

This report includes information from the following map sheet(s).



TP, Krypton, 1961, 7.5-minute SW, Hyden East, 1961, 7.5-minute

SITE NAME: Skyview Site - Perry County

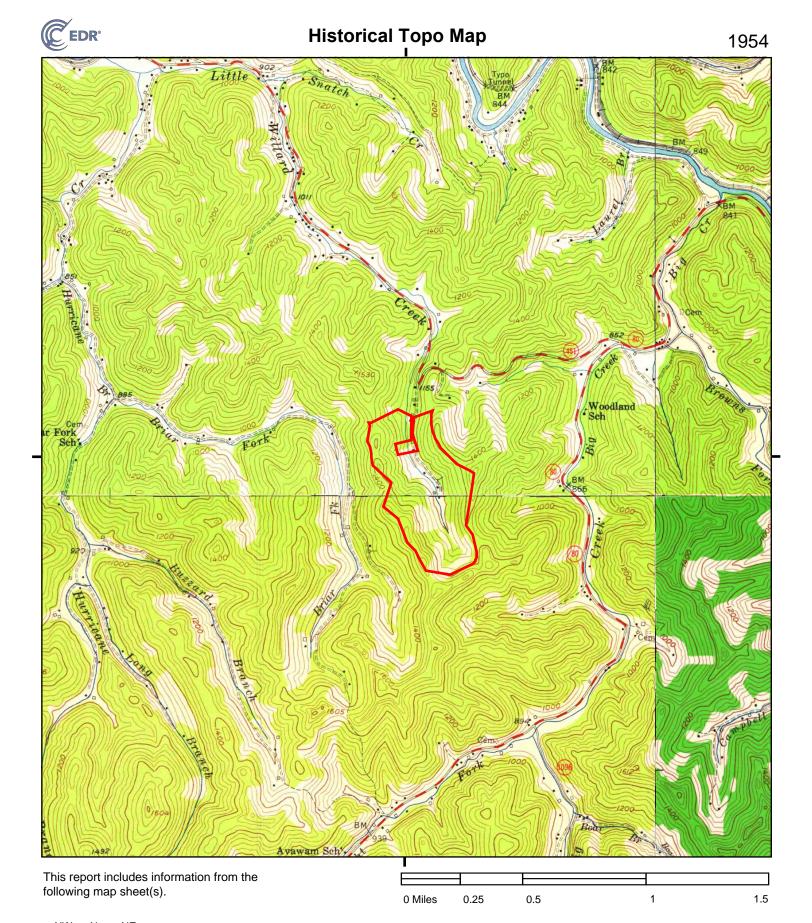
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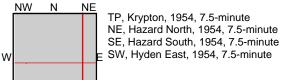
ADDRESS: Hal Rogers Parkway Hazard, KY 41701

CLIENT: Kentucky Division of Compliance



1.5





S

SITE NAME: Skyview Site - Perry County

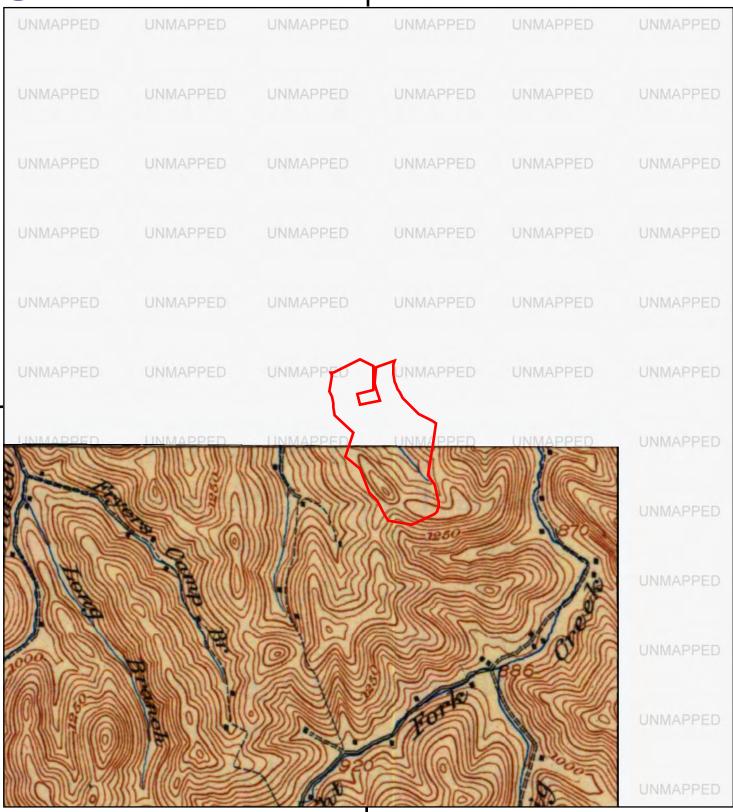
ADDRESS: Hal Rogers Parkway

Hazard, KY 41701

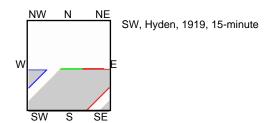




Historical Topo Map



This report includes information from the following map sheet(s).



0 Miles 0.25 0.5 1 1.5

SITE NAME: Skyview Site - Perry County ADDRESS: Hal Rogers Parkway

Hazard, KY 41701

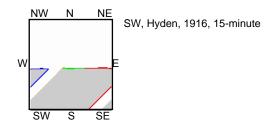




Historical Topo Map

		1	opo map		1916
UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED
UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED
UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED
UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED
UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED	UNMAPPED
UNMAPPED	UNMAPPED	UNMAPPED	JNMAPPED	UNMAPPED	UNMAPPED
LINMAPPED	UNMAPPED	UNMAPPED A	HAMMAPPED	INMAPPED	UNMAPPED
			LIS20		UNMAPPED
					UNMAPPED
1000					UNMAPPED
					UNMAPPED
					UNMAPPED

This report includes information from the following map sheet(s).

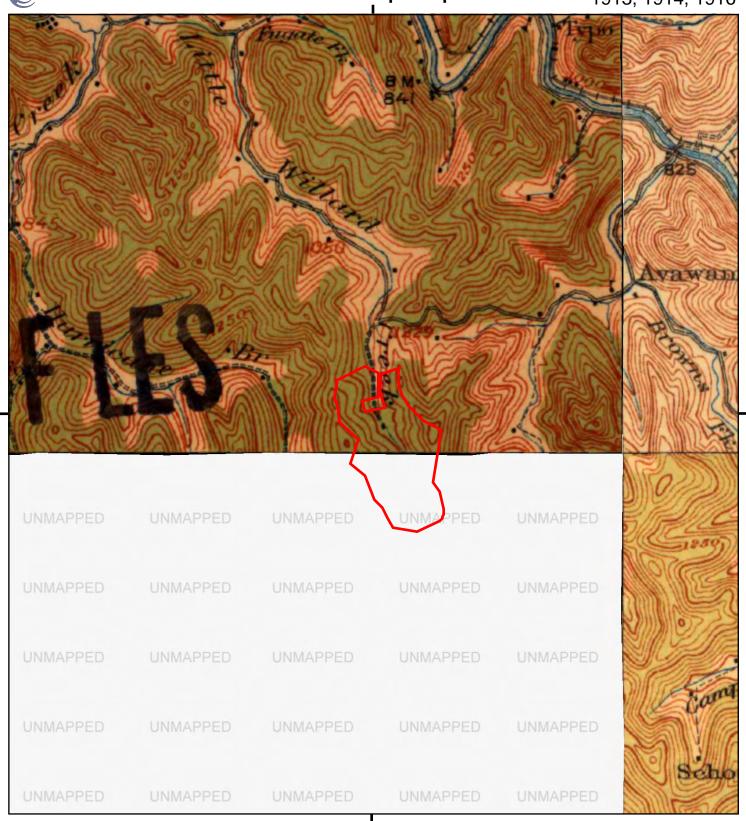


0 Miles 0.25 0.5 1 1.5

SITE NAME: Skyview Site - Perry County ADDRESS: Hal Rogers Parkway

Hazard, KY 41701

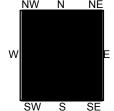




0 Miles

0.25

This report includes information from the following map sheet(s).



TP, Buckhorn, 1913, 15-minute NE, Troublesome, 1914, 15-minute SE, Cornettsville, 1916, 15-minute SITE NAME: Skyview Site - Perry County

0.5

ADDRESS: Hal Rogers Parkway

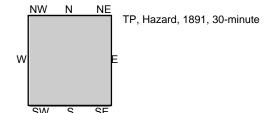
Hazard, KY 41701

CLIENT: Kentucky Division of Compliance



1.5

This report includes information from the following map sheet(s).



0 Miles 0.25 0.5 1 1.5

SITE NAME: Skyview Site - Perry County

ADDRESS: Hal Rogers Parkway

Hazard, KY 41701

Skyview Site - Perry County

Hal Rogers Parkway Hazard, KY 41701

Inquiry Number: 7321455.5

May 02, 2023

The EDR-City Directory Image Report

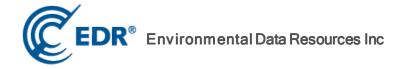


TABLE OF CONTENTS

SECTION

Executive Summary

Findings

City Directory Images

Thank you for your business.

Please contact EDR at 1-800-352-0050 with any questions or comments.

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EXECUTIVE SUMMARY

DESCRIPTION

Environmental Data Resources, Inc.'s (EDR) City Directory Report is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's City Directory Report includes a search of available business directory data at approximately five year intervals.

RECORD SOURCES

The EDR City Directory Report accesses a variety of business directory sources, including Haines, InfoUSA, Polk, Cole, Bresser, and Stewart. Listings marked as EDR Digital Archive access Cole and InfoUSA records. The various directory sources enhance and complement each other to provide a more thorough and accurate report.

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RESEARCH SUMMARY

The following research sources were consulted in the preparation of this report. A check mark indicates where information was identified in the source and provided in this report.

<u>Year</u>	<u>Target Street</u>	Cross Street	<u>Source</u>
2020			EDR Digital Archive
2017	$\overline{\checkmark}$		Cole Information
2014			Cole Information
2010			Cole Information
2005			Cole Information
2000			Cole Information
1995			Cole Information
1992			Cole Information

FINDINGS

TARGET PROPERTY STREET

Hal Rogers Parkway Hazard, KY 41701

<u>Year</u>	<u>CD Image</u>	<u>Source</u>
-------------	-----------------	---------------

HAL ROGERS PKWY

2017 pg A1 Cole Information

HAL ROGERS PKWY(HWY 9006)

2020	-	EDR Digital Archive	Target and Adjoining not listed in Source
2014	-	Cole Information	Target and Adjoining not listed in Source
2010	-	Cole Information	Target and Adjoining not listed in Source
2005	-	Cole Information	Target and Adjoining not listed in Source
2000	-	Cole Information	Target and Adjoining not listed in Source
1995	-	Cole Information	Target and Adjoining not listed in Source
1992	-	Cole Information	Target and Adjoining not listed in Source

SKYVIEW LN

2020	-	EDR Digital Archive	Street not listed in Source
2017	-	Cole Information	Street not listed in Source
2014	-	Cole Information	Street not listed in Source
2010	-	Cole Information	Street not listed in Source
2005	-	Cole Information	Street not listed in Source
2000	-	Cole Information	Street not listed in Source
1995	-	Cole Information	Street not listed in Source
1992	-	Cole Information	Street not listed in Source

7321455-5 Page 2

FINDINGS

CROSS STREETS

No Cross Streets Identified

7321455-5 Page 3



Target Street	Cross Street	<u>Source</u>
✓	-	Cole Information

HAL ROGERS PKWY 2017

764	THE BODY SHOP

Skyview Site - Perry County

Hal Rogers Parkway Hazard, KY 41701

Inquiry Number: 7321455.8

April 28, 2023

The EDR Aerial Photo Decade Package



EDR Aerial Photo Decade Package

04/28/23

Site Name: Client Name:

Skyview Site - Perry County Hal Rogers Parkway Hazard, KY 41701 EDR Inquiry # 7321455.8 Kentucky Division of Compliance 300 Sower Blvd. Frankfort KY 40601

Frankfort, KY 40601 Contact: Derek Bozzell



Environmental Data Resources, Inc. (EDR) Aerial Photo Decade Package is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's professional researchers provide digitally reproduced historical aerial photographs, and when available, provide one photo per decade.

Search Results:

Year	Scale	Details	Source
2020	1"=625'	Flight Year: 2020	USDA/NAIP
2016	1"=625'	Flight Year: 2016	USDA/NAIP
2012	1"=625'	Flight Year: 2012	USDA/NAIP
2008	1"=625'	Flight Year: 2008	USDA/NAIP
1995	1"=625'	Acquisition Date: January 01, 1995	USGS/DOQQ
1988	1"=625'	Flight Date: March 27, 1988	USGS
1977	1"=625'	Flight Date: March 04, 1977	USGS
1960	1"=625'	Flight Date: October 13, 1960	USGS
1953	1"=625'	Flight Date: April 05, 1953	USGS

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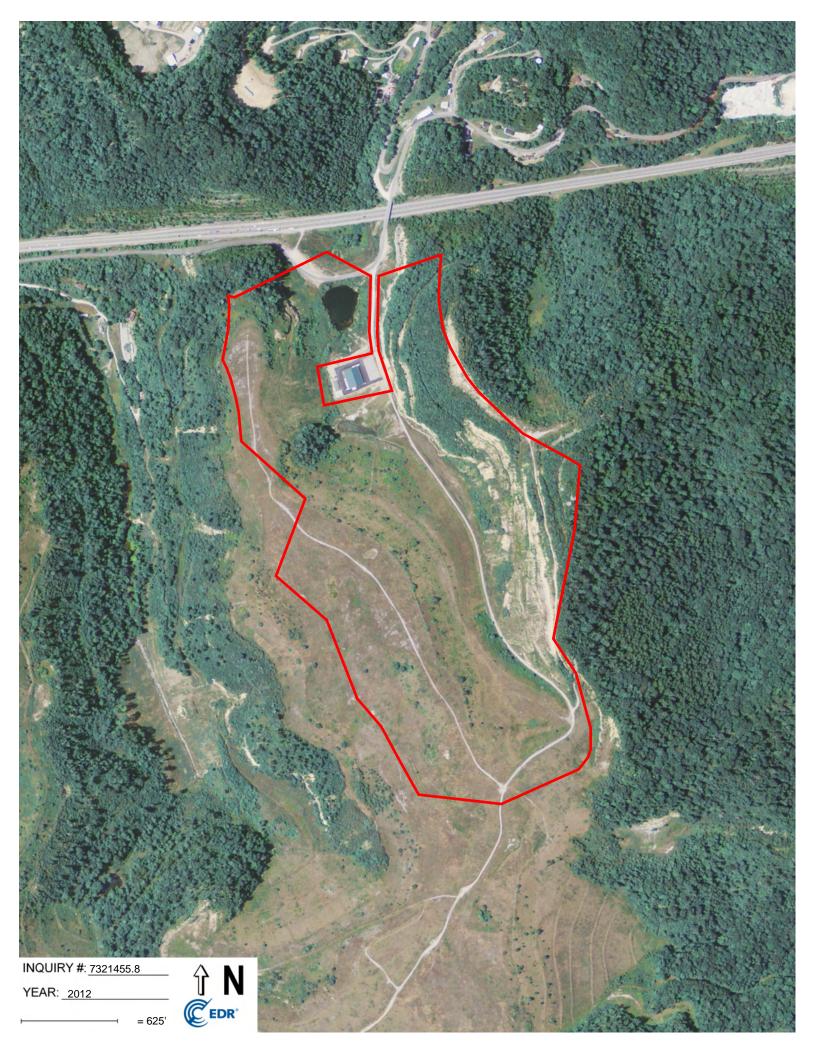
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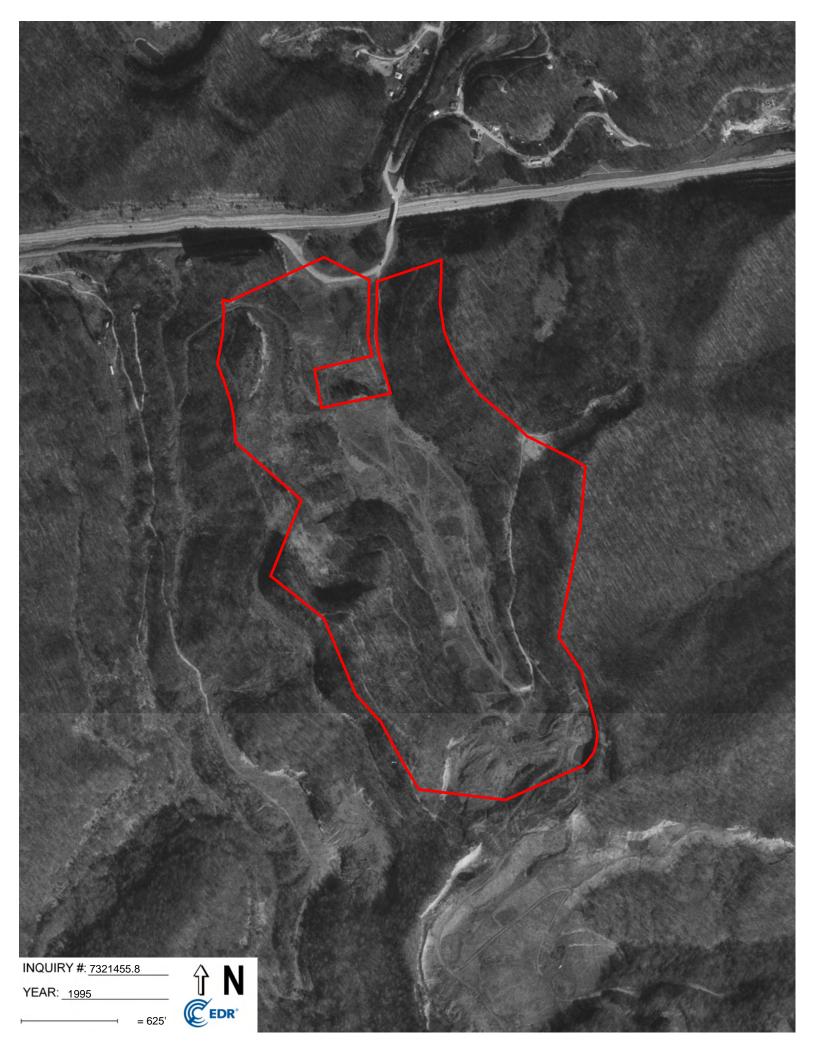
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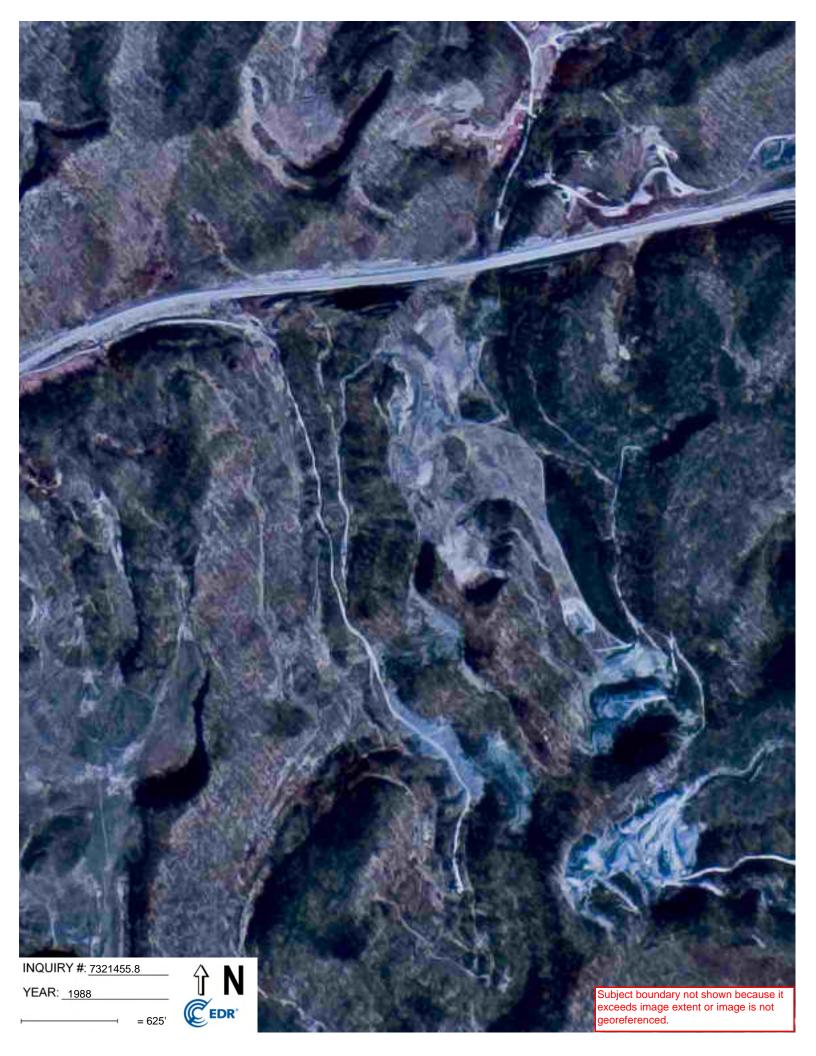


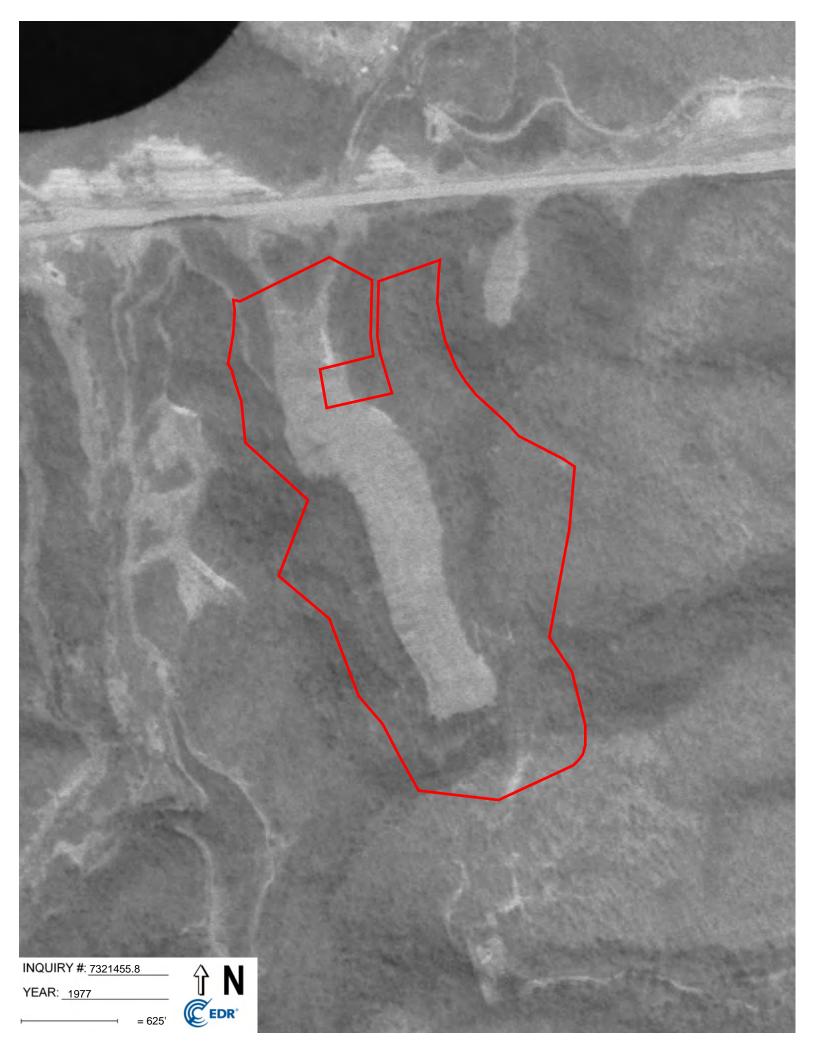
















Appendix C

Site Reconnaissance Photographs

May 10, 2023



Photo 1: Gravel road on NE portion of site; midway between Skyview Lane and gate.

Orientation: North facing view



Photo 3: Vegetation off gravel road on NE portion of site; midway between Skyview Lane and gate.
Orientation: Northwest facing view



Photo 2: Gravel road on the NE portion of site; Frontline Ministries visible in distance.

Orientation: North facing view



Photo 4: View of the pond from Skyview Lane. Orientation: West facing view



Photo 5: SW corner of the pond; vegetation obstructing view. Orientation: North facing view



Photo 7: SE corner of pond; vegetation obstructing view. Orientation: Northwest facing view



Photo 6: S of the pond on-site; vegetation obstructing view. Orientation: North facing view



Photo 8: N part of site; picture taken from adjacent property. Orientation: West facing view



Photo 9: N part of site; picture taken from adjacent property. Orientation: Southwest facing view



Photo 11: W side of adjacent property with drainage issues. Orientation: West facing view



Photo 10: W side of adjacent property with drainage issues. Orientation: Southwest facing view



Photo 12: Center of subject site. Orientation: South facing view



Photo 13: NE part of site; photo taken from adjacent property. Orientation: East facing view



Photo 15: Center of site; photo taken from adjacent property. Orientation: South facing view



Photo 14: Central portion of site near coordinates for oil well. Orientation: West facing view



Photo 16: Area where the coordinates for the oil well are. Orientation: West facing view



Photo 17: Gravel road on the NE portion of site; close to Skyview Lane.

Orientation: South facing view



Photo 19: Gate on gravel road; east central portion of site. Orientation: South facing view



Photo 18: Gravel road on east central portion of site; just south of the gate.

Orientation: South facing view



Photo 20: SE part of subject site. Orientation: East facing view



Photo 21: Southeast corner of subject property. Orientation: Southeast facing view



Photo 23: Southern edge of subject site showing a survey marker. Orientation: South facing view



Photo 22: Southern edge of subject site showing a survey marker. Orientation: South facing view



Photo 24: SW part of subject site. Orientation: West facing view



Photo 25: Vegetation on SW corner of property. Orientation: West facing view



Photo 27: View of the gravel road on the western side of the property.

Orientation: North facing view



Photo 26: Area where coordinates for the domestic use well are; thick vegetation restricted access.

Orientation: East facing view



Photo 28: View of the central part of the western side of the property; vehicle is parked on gravel road.

Orientation: West facing view



Photo 29: North central portion of western side of site; photo taken from closest accessible area to the domestic well coordinates.

Orientation: Northwest facing view



Photo 31: South central portion of western side of site; photo taken from closest accessible area to the domestic well coordinates. Orientation: Southwest facing view



Photo 30: Cell tower engine on northern portion of property. Orientation: North facing view



Photo 32: View of western edge of subject site off gravel road. Orientation: North facing view



Photo 34: View of western edge of subject site off gravel road. Orientation: South facing view



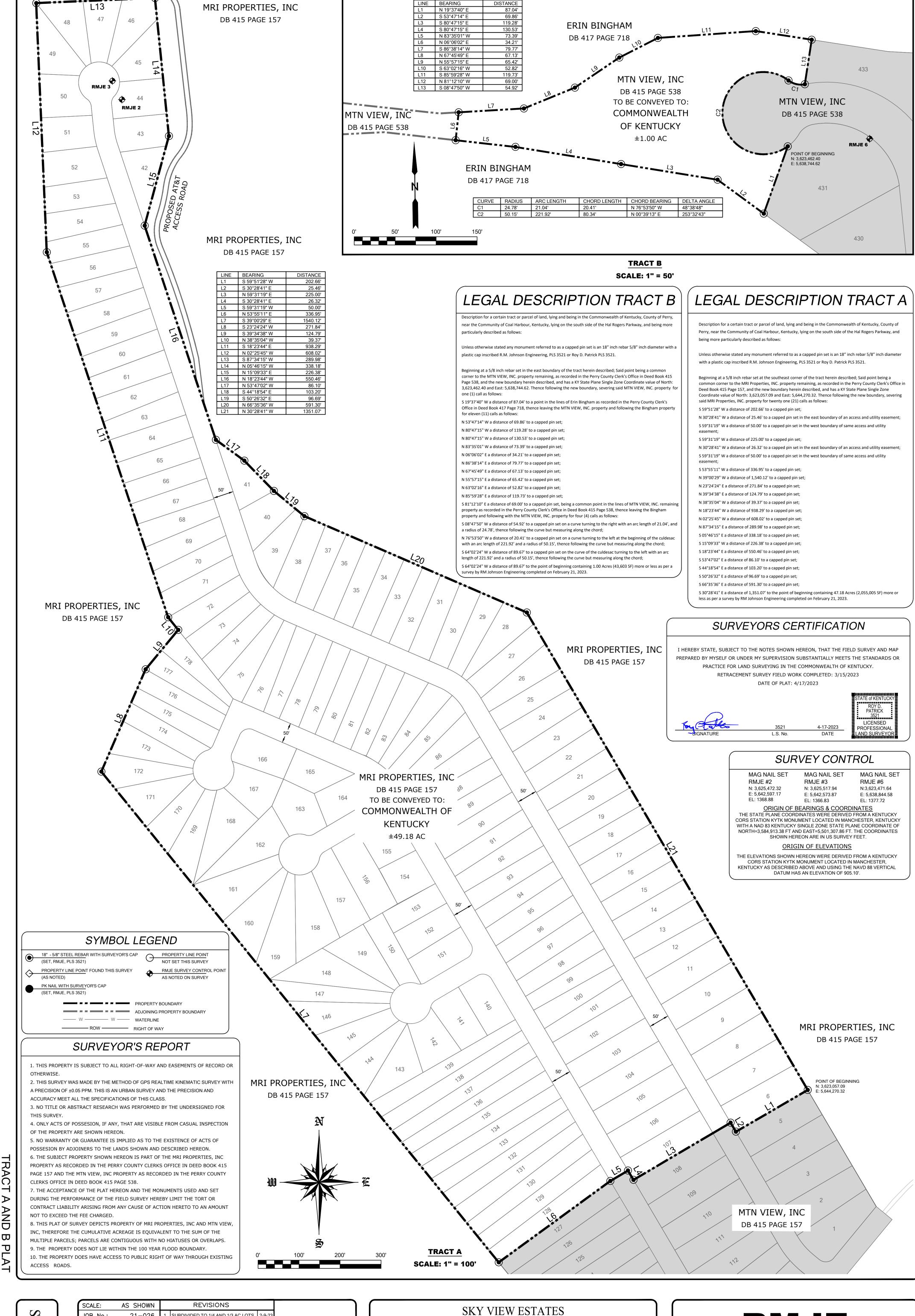
Photo 33: Western side of subject property; cell tower is visible in distance.

Orientation: North facing view



Photo 35: Gate on the east central portion of the subject site. Orientation: South facing view

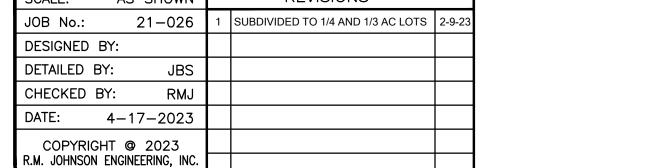
Appendix D Plat Map



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AND



SKY VIEW LANE, PERRY COUNTY, KENTUCKY TO BE CONVEYED TO:

COMMONWEALTH OF KENTUCKY

RMJE

3213 Summit Square Place Suite 100 Lexington, KY 40509 (859)543-1256

P.O. Box 444 Hindman, KY 41822 (606)785-5926

Appendix E Title Opinion



February 24th, 2023

Finance and Administration Cabinet Department of Facilities and Support Services Division of Real Properties Attn: Luka Bowman, PMPA II Bush Building 3rd Floor 403 Wapping Street Frankfort, Ky 40601

Dear Ms. Bowman:

Title Opinion: Perry County, Sky View Estates project. Re:

Effective Date of Opinion: February 24th, 2023

Beneficiary of Opinion: Commonwealth of Kentucky

Dear Ms. Bowman.

Pursuant to your request, we have examined the properly indexed records of the Perry County Clerk relative to the property of MRI Properties, Inc. by virtue of the Deed of Conveyance to MRI Properties, Inc. dated May 11th, 2021 of record in Deed Book 415, Page 157 of the Perry County Clerk's office, specifically Tracts 1, 2, 4 and 20 therein for a period ending February 24th, 2023.

Based on our examinations, and subject to the exceptions and qualifications set forth below, it is our opinion that as of the time and date referred to above, record title to the Perry County property is owned by MRI Properties, Inc., except as noted below.

In the course of our examination, we found of record in the properly indexed records of the Perry County Clerk, no mortgages, no vendor's liens, no mechanic's liens, no lis pendens nor any other encumbrances of record pertaining to the subject property, with the exception of those listed below. Mineral rights have not been severed from the property and are vested with MRI Properties, Inc. by virtue of their Deed subject to exceptions set forth below.

Exception as to the whole property (all tracts and subparcels):

1. Power line easement from MRI Properties, Inc. to Kentucky Power Company dated April 14th, 2022 of record in Deed Book 422, Page 528. Does not describe location.

Due to the multiple properties contained in the above Deed, each Tract and subparcel will be addressed separately as follows:

I. TRACT 1

Tract 1 is owned by Mtn. View, Inc. by virtue of two Deeds of Conveyance: Mtn. View, Inc. from MRI Properties, Inc. dated October 14th, 2021 of record in Deed Book 418, Page 267, and from the Estate of Roy Campbell, June C. Ison and Paul Michael Ison, individually and as co-executors dated June 7th, 2021 of record in Deed Book 415, Page 538.

36.68 acres referenced as Deed Book 297, Page 550, traced back to a Deed dated November 19th, 1898, Mortgage Book 2, Page 25.

NOTE: The property to be searched was identified as Tract 1 of Deed Book 415, Page 157 which referenced Deed Book 297, Page 550, 36.68 acres. The Deeds to Mtn. View, Inc. (Deed Book 418, Page 267 and Deed Book 415, Page 538), also include two additional tracts, Tracts 1 and 2, both legal descriptions without stated acreage. Those Deeds state that the subject 36.68 acres is within Tracts 1 and 2. However, the source deeds for Tracts 1 and 2 are separate and distinct from the 36.68 acres. No opinion is given herein regarding Tracts 1 and 2, except for the 36.68 acres if contained therein.

Exceptions:

- 1. Pipeline Easement. Property is subject to a gas pipeline easement from Roy Campbell to Cut Through Hydrocarbon dated April 26th, 2007 of record in Deed Book 331, Page 67.
- 2. Pipeline Easement. Property is subject to a Pipeline Easement from Kentucky Mountain Partners to West Bay Exploration Co. dated March 11th, 2002 of record in Deed Book 292, Page 347 conveying a 30 foot pipeline right of way.
- 3. Possible Gas Meter Site Easement. Kentucky Mountain Partners entered into a Meter Site Agreement with Kentucky and West Virginia Gas Co. dated March 11th, 2002 of record in Deed Book 292, Page 350 conveying a gas meter site easement. Said agreement contains no description of the property or back reference. Therefore, unable to determine if the easement is upon the subject property or another property.
- 4. Coal Lease. Property is subject to a Coal Lease from Maude Stollings and the Arnold Stollings heirs to Reeves Coal Company, Inc. dated May 1st, 1975 and of record in Lease Book 21, Page 317. Said Lease is for an initial term of 2 years, with a possible extension of 3 years, and thereafter for so long as coal is mined from the property.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

5. Possible power line easement. Tug Baker and Elizabeth Baker granted a power line easement across the parent tract to this property to Kentucky and West Virginia Power Company by Deed dated September 16th, 1946 of record in Deed Book 90, Page 325. The parent tract was larger than this subject tract. Therefore, unable to determine if the easement is upon the subject property or the remainder of the parent tract.

II. TRACT 2

Tract 2 is owned by MRI Properties, Inc. by virtue of the Deed of Conveyance dated May 11th, 2021 of record in Deed Book 415, Page 157 of the Perry County Clerk's office.

Referenced as Deed Book 302, Page 524.

Exceptions as to all of Tract 2:

- 1. Power line easement from Roy Campbell estate to Kentucky Power Company dated March 16th, 2011 of record in Deed Book 358, Page 514.
- 2. Property is subject to an easement for purposes of installing and maintaining a sewer system, 0.30 acres, from Roy Campbell to Frontline Ministries, Inc. dated September 9th, 2010 of record in Deed Book 355, Page 762.
- 3. An off sale of 2.0005 acres by Deed from Roy Campbell to Frontline Ministries, Inc. dated July 24th, 2009 of record in Deed Book 348, Page 178, also including a right of way easement.
- 4. Oil and Gas Lease from Roy Campbell to Kinzer Business Realty Ltd dated January 20th, 2004 of record in Lease Book 54, Page 739. The term of the lease is 5 years and for so long as drilling is conducted.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being drilled for oil or gas.

5. Coal Lease Agreement from Roy Campbell to Perry County Coal Corporation dated December 3rd, 2003 of record in Lease Book 59, Page 139. The term of the lease is 10 years and annual 1 year renewals for so long as coal is being mined.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

6. Power line easement from Roy Campbell estate to Kentucky Power Company dated March 16th, 2011 of record in Deed Book 358, Page 514.

Tract 2 consists of multiple separate Parcels which are address individually below.

TRACT 2, PARCEL 1

20 acres more or less traced back to Deed dated July 1st, 1876 of record in Deed Book E, Page 57.

Exceptions:

1. Coal Lease. The property is subject to an unrleased Coal Lease from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell, George Campbell and wife, Jackee Campbell, to Prince Resources Inc. dated June 18th, 1985 of record in Lease Book 33, Page 620. Said Lease was assigned multiple times. Reference is made to Assignments of record Lease Book 33, Page 679; Lease Book 35, Page 149; Lease Book 36, Page 36; Misc Book 24, Page 113. The last recorded holder of said Lease was Aryshire Land Company. Said lease is for a term of 8 years and for as long thereafter as coal is mined from the property.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

2. Possible conveyance of mineral rights. Wm. K Jameson and wife, Ellen Jameson conveyed all mineral rights, including the right to use the surface for extraction, to Wm Ellison by Deed of Conveyance dated October 3rd, 1911 of record in Deed Book 25, Page 590. Said Deed conveyed two tracts 365.3 acres and 46.2 acres, both surveyed descriptions, but contained no back reference to determine the source of the title. Therefore, unable to determine if the conveyed mineral rights were on this subject property or another property of Wm. K Jameson.

<u>Curative Action</u>. Additional analysis, possibly by a surveyor to determine if Tract 2, Parcel 1 is in fact subject to the reservation of mineral rights. If so, obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

TRACT 2, PARCEL 2

1 acres more or less traced back to Deed dated January 17th, 1888 of record in Deed Book G, Page 105.

Exceptions:

1. Coal Lease. The property is subject to an unreleased Coal Lease from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell, George Campbell and wife, Jackee Campbell, to Prince Resources Inc. dated June 18th, 1985 of record in Lease Book 33, Page 620. Said Lease was assigned multiple times.

Reference is made to Assignments of record Lease Book 33, Page 679; Lease Book 35, Page 149; Lease Book 36, Page 36; Misc Book 24, Page 113. The last recorded holder of said Lease was Aryshire Land Company. Said lease is for a term of 8 years and for as long thereafter as coal is mined from the property.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

- 2. Property is subject to a right of way easement from Donald C. Graves, Gaylord S. Stacy, Roy Campbell and George Campbell to Melvin Clutts and Melvin Earl Clutts, dated March 16th, 1987 of record in Deed Book 271, Page 534 conveying a perpetual 20 foot roadway easement.
- 3. Possible power line easement. William Fields granted a power line easement across the parent tract to this property to Kentucky and West Virginia Power Company by Deed dated November 28th, 1947 of record in Deed Book 94, Page 140. Unable to determine if the easement is upon the subject property or the remainder of the parent tract.

TRACT 2, PARCEL 3

50 acres more or less traced back to Deed dated January 17th, 1888 of record in Deed Book G, Page 105.

Exceptions:

1. Coal Lease. The property is subject to an unreleased Coal Lease from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell, George Campbell and wife, Jackee Campbell, to Prince Resources Inc. dated June 18th, 1985 of record in Lease Book 33, Page 620. Said Lease was assigned multiple times. Reference is made to Assignments of record Lease Book 33, Page 679; Lease Book 35, Page 149; Lease Book 36, Page 36; Misc Book 24, Page 113. The last recorded holder of said Lease was Aryshire Land Company. Said lease is for a term of 8 year and for as long thereafter as coal is mined from the property.

- 2. Property is subject to a right of way easement from Donald C. Graves, Gaylord S. Stacy, Roy Campbell and George Campbell to Melvin Clutts and Melvin Earl Clutts, dated March 16th, 1987 of record in Deed Book 271, Page 534 conveying a perpetual 20 foot roadway easement.
- 3. Subject to an Agreement by Green Baker and wife, Mattie Baker with the Commonwealth of Kentucky, Department of Highways, that the property will not have road access, dated November 22nd, 1969, of record in Deed Book 138A, Page 269.

- 4. An off sale of 1 acres more or less by Deed from Mattie Baker and Green Baker to Alpha Rineair dated May 2nd, 1964 of record in Deed Book 128, Page 205. This off sale being Tract 2, Parcel 2 above.
- 5. Power line easement. William Fields granted a power line easement across this property to Kentucky and West Virginia Power Company by Deed dated November 28th, 1947 of record in Deed Book 94, Page 140.

TRACT 2, PARCEL 4

I acre more or less traced back to Deed dated July 1st, 1876 of record in Deed Book E, Page 57.

Exceptions:

- 1. Property is subject to a right of way easement from Donald C. Graves and wife, Gaynell Graves, Gaylord S. Stacy and wife, Gladys Stacy, Roy Campbell and wife, Mildred Campbell, George Campbell, and wife, Jackee Campbell to the Perry County Fiscal Court, dated February 28th, 1990 of record in Deed Book 226, Page 540 conveying a perpetual 20 foot roadway easement.
- 2. Coal Lease. The property is subject to an unreleased Coal Lease from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell, George Campbell and wife, Jackee Campbell, to Prince Resources Inc. dated June 18th, 1985 of record in Lease Book 33, Page 620. Said Lease was assigned multiple times. Reference is made to Assignments of record Lease Book 33, Page 679; Lease Book 35, Page 149; Lease Book 36, Page 36; Misc Book 24, Page 113. The last recorded holder of said Lease was Aryshire Land Company. Said lease is for a term of 8 year and for as long thereafter as coal is mined from the property.

- 3. Property is subject to a right of way easement from Donald C. Graves, Gaylord S. Stacy, Roy Campbell and George Campbell to Melvin Clutts and Melvin Earl Clutts, dated March 16th, 1987 of record in Deed Book 271, Page 534 conveying a perpetual 20 foot roadway easement.
- 4. An off sale of 0.35 acres from Charles Wooton and wife, Prudie Wooton to the Commonwealth of Kentucky Department of Highways dated August 5th, 1970 of record in Deed Book 138A, Page 417.
- 5. Subject to an Agreement by Charles Wooton and wife, Prudie Wooton with the Commonwealth of Kentucky, Department of Highways, that the property will not have road access, dated November 8th, 1969, of record in Deed Book 138A, Page 263.

6. Possible conveyance of mineral rights. Wm. K Jameson and wife, Ellen Jameson conveyed the mineral rights and rights to the surface for extraction to Wm Ellison by Deed of Conveyance dated October 3rd, 1911 of record in Deed Book 25, Page 590. Said Deed conveyed two tracts 365.3 acres and 46.2 acres, both surveyed descriptions, but contained no back reference to determine the source of the title. Therefore, unable to determine if the conveyed mineral rights were on this subject property or another property of Wm. K Jameson.

<u>Curative Action</u>. Additional analysis, possibly by a surveyor to determine if Tract 2, Parcel 4 is in fact subject to the reservation of mineral rights. If so, obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

7. Possible power line easement. Lee Crawford granted a power line easement across the parent tract to this property to Kentucky and West Virginia Power Company by Deed dated June 14th, 1946 of record in Deed Book 90, Page 354. Unable to determine if the easement is upon the subject property or the remainder of the parent tract.

TRACT 2, PARCEL 5

10 acre tract and 25 acre tract traced back to Deed dated July 1st, 1876 of record in Deed Book E, Page 57.

Exceptions:

1. Coal Lease. The property is subject to an unreleased Coal Lease from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell, George Campbell and wife, Jackee Campbell, to Prince Resources Inc. dated June 18th, 1985 of record in Lease Book 33, Page 620. Said Lease was assigned multiple times. Reference is made to Assignments of record Lease Book 33, Page 679; Lease Book 35, Page 149; Lease Book 36, Page 36; Misc Book 24, Page 113. The last recorded holder of said Lease was Aryshire Land Company. Said lease is for a term of 8 year and for as long thereafter as coal is mined from the property.

- 2. Property is subject to a right of way easement from Donald C. Graves, Gaylord S. Stacy, Roy Campbell and George Campbell to Melvin Clutts and Melvin Earl Clutts, dated March 16th, 1987 of record in Deed Book 271, Page 534 conveying a perpetual 20 foot roadway easement.
- 3. An off sale of 1 acres more or less (from the 10 acre tract) by Deed from Boyd Fields and wife, Zelphia Fields to Charles Wooton and wife, Prudie Wooten dated November 30th, 1966 of record in Deed Book 136, Page 10. This off sale being Tract 2, Parcel 4 above.

- 4. An off sale of 3.06 acres by Boyd Fields and wife, Zelphia Fields to the Commonwealth of Kentucky Department of Highways dated November 21st, 1969 of record in Deed Book 138A, Page 259.
- 5. Possible conveyance of mineral rights. Wm. K Jameson and wife, Ellen Jameson conveyed the mineral rights to Wm Ellison by Deed of Conveyance dated October 3rd, 1911 of record in Deed Book 25, Page 590. Said Deed conveyed two tracts 365.3 acres and 46.2 acres, both surveyed descriptions, but contained no back reference to determine the source of the title. Therefore, unable to determine if the conveyed mineral rights were on this subject property or another property of Wm. K Jameson.

<u>Curative Action</u>. Additional analysis, possibly by a surveyor to determine if Tract 2, Parcel 5 is in fact subject to the reservation of mineral rights. If so, obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

6. Possible power line easement. Lee Crawford granted a power line easement across the parent tract to this property to Kentucky and West Virginia Power Company by Deed dated June 14th, 1946 of record in Deed Book 90, Page 354. Unable to determine if the easement is upon the subject property or the remainder of the parent tract.

TRACT 2, PARCEL 6

50 acres more or less traced back to Deeds dated March 22nd, 1883 of record in Deed Book Q, Page 292, and December 16th, 1890 of record in Deed Book I, Page 554.

Exceptions:

- 1. Pipeline Easement. Property is subject to a gas pipeline easement from Roy Campbell to Cut Through Hydrocarbon dated April 28th, 2006 of record in Lease Book 61, Page 89 and Lease Book 61, Page 93. If not constructed within 2 years the easement is void.
- 2. Surface lease. The property is subject to an unreleased Surface Lease for mining purposes from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell to Kem Coal Company dated September 17th, 1991 of record in Lease Book 40, Page 672. Said lease is for a term of 1 year and for as long thereafter as coal is mined from the property.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

3. Property is subject to a right of way easement from Donald C. Graves and wife, Gaynell Graves, Gaylord S. Stacy and wife, Gladys Stacy, Roy Campbell and wife, Mildred Campbell, George Campbell, and wife, Jackee Campbell to the Perry County Fiscal Court, dated

February 28th, 1990 of record in Deed Book 226, Page 540 conveying a perpetual 20 foot roadway easement.

- 4. Property is subject to a right of way easement from Donald C. Graves and wife, Gaynell Graves, Gaylord S. Stacy and wife, Gladys Stacy, Roy Campbell and wife, Mildred Campbell to Ronald Deaton and wife Mary E. Deaton, dated September 17th, 1990 of record in Deed Book 229, Page 509 conveying a perpetual easement for ingress and egress.
- 5. An off sale of 10 acres more or less (from the 50 acre tract) by Deed from W G Baker and wife, Zelma Baker to Arnold Couch and wife, Oma Couch dated October 13th, 1970 of record in Deed Book 145, Page 446. This off sale being Tract II, Parcel 8 below.
- 6. An off sale of 19.78 acres and an additional tract by W G Baker and wife, Zelma Baker to the Commonwealth of Kentucky Department of Highways dated November 18th, 1969 of record in Deed Book 138A, Page 297.
- 7. Gap in chain of title. A parent tract of the subject 50 acres was a 125 acre tract acquired by James Campbell and Frank Campbell by Deed dated March 8th, 1908 of record in Deed Book 21, Page 39. Frank Campbell subsequently conveyed the property by Deed to Felix Stacy dated August 17th, 1908 of record in Deed Book 21, Page 534. There is no conveyance or transfer of record from James Campbell.

<u>Curative Action</u>. Most likely legal action, quiet title against the heirs, successors and assigns of James Campbell.

8. Gap in chain of title. A parent tract of the subject 50 acres was a 50 acre tract conveyed by Deed of Conveyance from Eva J Lewis, John Lewis, Arlie Sandlin, and Mary Sandlin to Dock Campbell and Emma Campbell dated August 3rd, 1945 of record in Deed Book 85, Page 438. The back reference therein is to Deed Book 35, Page 393. Deed Book 35, Page 393 is a Deed to Silvania Williams and Eva Sandlin dated March 24th, 1917 for 125 acres. From ancillary Deeds it appears that Eva Sandlin and Eva Lewis are the same person. However, there is no conveyance or transfer of record from Silvania Williams.

<u>Curative Action</u>. Most likely legal action, quiet title against the heirs, successors and assigns of Silvania Williams.

9. A 2/10th interest in the subject property is owned by Ronald Deaton. The parent Deed for the subject 50 acres was a Deed to Henry Baker dated July 5th, 1949, of record in Deed Book 98, Page 125 consisting of two 50 acre tracts. Henry Baker died intestate July 31st, 1955. By his Affidavit of Descent of record in Deed Book 114, Page 94 his property passed to ten heirs. Maude Caudill acquired ownership of 8/10th interest as an heir of Henry Baker and by various Deeds from the other heirs. Maude Caudill transferred the property by Deed and that ownership transferred by Deed unto the current owner of Tract 2, MRI Properties, Inc. by virtue of the Deed of Conveyance dated May 11th, 2021 of record in Deed Book 415, Page 157.

1/10th went was inherited by Dave Baker, and 1/10th was inherited by Maggie Skeens.

Maggie Skeens conveyed her 1/10th interest unto Dave Baker by Deed dated September 9th, 1957 of record in Deed Book 115, Page 394. Dave Baker conveyed his interest, 2/10th in one of the 50 acre parent tracts to Pine Branch Coal Sales Inc. by Deed dated May 5th, 1967 of record in Deed Book 143, Page 219. Pine Branch Coal Sales, Inc. subsequently conveyed the 2/10th interest to Ron Deaton by Deed dated 4/11/1997 of record in Deed Book 256, Page 578. Ron Deaton conveyed three separate tracts of property to Roy Campbell by Deed dated March 14th, 2003 of record in Deed Book 298, Page 602. Tract 2 therein is a legal description without stated acreage and cites 3 Deeds as its back reference, the second of which is the Deed from Dave Baker, Deed Book 256, Page 578. The 2/10th interest in the 50 acres parent tract cannot be part of a legal description of a separate property.

As a result 2/10th interest in that parent tract remains titled in Ron Deaton.

The 2/10th interest in the other 50 acre parent tract remained with Dave Baker. There is no record of any subsequent transfer by Dave Baker. Dave Baker died intestate February 27th, 1969 survived by his wife, Tavie Baker; daughter, Emma Campbell; and daughter, Dana Irene New, per his Affidavit of Descent of record in Deed Book 146, Page 227.

As a result a 1/10th interest in the other 50 acre parent tract is owned by Tavie Baker, Emma Campbell, and Dana Irene New.

<u>Curative Action</u>. A quit claim deed from Ron Deaton, or most likely legal action, quiet title against the heirs, successors and assigns of Ron Deaton, Tavie Baker, Emma Campbell, and Dana Irene New.

TRACT 2, PARCEL 7

Described lot traced back to multiple Deeds: Deed Book 21, Page 509, August 12th, 1908; Deed Book N, Page 216, December 12th, 1898; Deed Book M, Page 639, March 6th, 1894; Deed Book M, Page 220, August 27th, 1896; Deed Book H, Page 273, September 12th, 1874; Deed Book 25, Page 590, October 3rh, 1911; Deed Book M, Page 274, December 12th, 1896, Deed Book M, Page 499, July 12th, 1898; Deed Book 25, Page 499, August 23rd, 1911; Deed Book 22, Page 469, December 28th, 1909; Deed Book O, Page 394, July 21st, 1887; Deed Book O, Page 391, June 10th, 1901; Deed Book 33, Page 208, January 28th, 1914; Deed Book 38, Page 608, January 15th, 1919; and Deed Book 24, Page 454, September, 1910.

Exceptions:

- 1. An off sale of 4.8 acres by Roy Campbell to Tiffany Smith dated January 17th, 2010 of record in Deed Book 351, Page 399.
- 2. An off sale of 0.59 acres by Roy Campbell and wife, Wanda Campbell to Housing Development Alliance, Inc. dated December 18th, 2009 of record in Deed Book 350, Page 445.
- 3. Possible power line easement. S H Campbell granted a power line easement across a parent tract to this property to Kentucky and West Virginia Power Company by Deed dated May 2nd, 1941 of record in Deed Book 77, Page 602. Unable to determine if the easement is upon the subject property or the remainder of the parent tract.

4. Mineral rights. All coal, oil, gas and mineral rights, including the right to use the surface for extraction, retained in source Deeds by C. E. Ellison to H. Frank Rhodes dated August 7th, 1943, Deed Book 80, Page 15; June 8th, 1941, Deed Book 76, Page 598; and June 8th, 1940, Deed Book 76, Page 259.

<u>Curative Action</u>. Obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

TRACT 2, PARCEL 8

½ acre more or less traced back to Deeds dated March 22nd, 1883 of record in Deed Book Q, Page 292, and December 16th, 1890 of record in Deed Book I, Page 554.

Exceptions:

*This Parcel is subject to the same exceptions of Tract 2, Parcel 6 outlined above.

TRACT 2, PARCEL 9

22 acres more or less traced back to Master Commissioner Deed dated October 25th, 1919 of record in Deed Book 40, Page 277.

Exceptions:

1. Possible Oil and Gas Lease. Oil and Gas Lease from Richard Johnson et al to Peco Resources dated January 10th, 1986 of record in Lease Book 34, Page 555; Lease Book 34, Page 551 and Lease Book 34, Page 546 for 1,500 acres acquired by Deed Book 157, Page 771. Said Lease is for a term of 5 years or for so long as the property is used under the lease.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being drilled for oil or gas.

2. Coal Lease. The property is subject to an unreleased Coal Lease from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell to Kentucky Prince Coal Corporation dated March 5th, 1979 of record in Lease Book 31, Page 696. Said lease is for a term of 2 years and for as long thereafter as coal is mined from the property.

3. Mineral Rights. All mineral rights, including the right to use the surface for extraction, for the subject property were conveyed by Willie Wells and wife, Nora Wells, Mallie Wells Statzer and husband, Emmet Statzer, Mattie Wells Wilson and husband, Alfred Wilson to Richard M. Johnson by Deed dated April 29th, 1939, Deed Book 75, Page 201. They were subsequently conveyed by Richard M. Johnson to Blue Grass Mining Company by Deed dated May 27th, 1942, Deed Book 76, Page 192. Then from Blue Grass Mining Company to Richard Johnson, Ed Johnson, Mark Johnson, Louise Prior, Julia Barrett, JE Johnson III, and the estate of JE Johnson by Deed (Parcel 9 therein) dated June 25th, 1974 of record in Deed Book 157, Page 771.

<u>Curative Action</u>. Obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

TRACT 2, PARCEL 10

Two 4.32 acre tracts traced back to Master Commissioner Deeds dated October 25th, 1919 of record in Deed Book 41, Page 393 and in Deed Book 40, Page 277.

Exceptions:

1. Possible off sale. Roy Campbell, Gaylord Stacy, Donald Graves and others entered into a Deed dated March 11th, 1979 of record in Deed Book 190, Page 636. Campbell, Stacy and Graves executed as Grantors to convey any land described therein conveyed that may be included in the description to their property, Tract 2, Parcel 10, acquired by Deed Book 172, Page 539.

TRACT 2, PARCEL 11

23 acres and 25 acres more or less traced back to Master Commissioner Deeds dated October 25th, 1919 of record in Deed Book 41 197, Page 393 and in in Deed Book 40, Page 279.

Exceptions:

1. Coal Lease. The property is subject to an unreleased Coal Lease from Donald C. Graves and wife, Gaynell Graves, Gaylord Stacy and wife Gladys Stacy, Roy Campbell and wife Mildred Campbell to Kentucky Prince Coal Corporation dated March 5th, 1979 of record in Lease Book 31, Page 696. Said lease is for a term of 2 years and for as long thereafter as coal is mined from the property.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being mined for coal.

2. Mineral rights. Regarding the 25 acre tract, a ½ interest in all coal, oil, gas and mineral rights, including the right to use the surface are retained and not conveyed by Pauline Baker Bailey and husband, James H. Bailey in the Deed to Matt Crawford dated October 10th, 1942, Deed Book 86, Page 45.

<u>Curative Action</u>. Obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

3. Possible Oil and Gas Lease. Matt Crawford and wife, Bertha Crawford granted an Oil and Gas Lease unto J T Justice dated June 11th, 1929 of record in Lease Book 8, Page 270 Said lease is for a term of 15 years or for so long oil or gas is produced.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being drilled for oil or gas.

4. Possible Oil and Gas Lease. Matt Crawford and wife, Bertha Crawford granted an Oil and Gas Lease unto C A Barbour dated December 2nd, 1930 of record in Lease Book 11, Page 333 Said lease is for a term of 10 years or for so long oil or gas is produced.

<u>Curative Action</u>. Either a release executed and recorded of record releasing the Lease, or verification that the property is not being drilled for oil or gas.

TRACT 2, PARCEL 12

20 acres more or less to deed dated January 2nd, 1888, Deed Book L, Page 21.

Exceptions:

- 1. Subject to an easement roadway access to family cemetery reserved by Robert Jameson and wife Debbie Jameson in Deed dated April 26th, 1979 of record in Deed Book 178, Page 481.
- 2. Possible conveyance of mineral rights. Wm. K Jameson and wife, Ellen Jameson conveyed the mineral rights and rights to use the surface for extraction to Wm Ellison by Deed of Conveyance dated October 3rd, 1911 of record in Deed Book 25, Page 590. Said Deed conveyed two tracts 365.3 acres and 46.2 acres, both surveyed descriptions, but contained no back reference to determine the source of the title. Therefore, unable to determine if the conveyed mineral rights were on this subject property or another property of Wm. K Jameson.

<u>Curative Action</u>. Additional analysis, possibly by a surveyor to determine if Tract 2, Parcel 12 is in fact subject to the reservation of mineral rights. If so, obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

TRACT 2, PARCEL 13

25 acres more or less traced back to deed dated August 4th, 1907, Deed Book 21, Page 179.

Exceptions:

- 1. An off sale of a lot by Deed from Roy Campbell and wife, Mildred Campbell to the Church of Lord Jesus Christ dated May 21st, 1973 of record in Deed Book 153, Page 546. Said Deed contains a reversion that in the event the lot is not used as a place of worship the property would revert to Roy Campbell and Mildred Campbell or their heirs.
- 2. Power line easement by Deed from Roy Campbell and wife, Mildred Campbell to Kentucky Power Company dated June 30th, 1970 of record in Deed Book 141, Page 81.
- 3. Deed Restriction. The property may not be used as a supermarket to sell groceries per Deed dated November 14th, 1969 from Tommy Smith and wife, Esther Smith, E C Dixon and wife, Pansy Dixon to Roy Campbell and wife, Mildred Campbell of record in Deed Book 142, Page 602.

Curative Action. Obtain a release of the Deed Restriction from the current owner or owners of the property remaining when the restriction was created.

4. Mineral Rights. All coal, oil, gas and mineral rights, including the right to use the surface for extraction are retained and not conveyed in the Master Commissioner Deed to Sam Crawford dated July 14th, 1945, Deed Book 85, Page 214.

<u>Curative Action</u>. Obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

TRACT 2, PARCEL 14

15 acres more or less traced back to deed dated October 28th, 1901, Deed Book 9, Page 166.

Exceptions:

1. Mineral Rights. All coal, oil, gas and mineral rights, including the right to use the surface for extraction are retained and not conveyed in the Deed from Fordson Coal Company to Ford Motor Company dated December 30th, 1940, Deed Book 75, Page 606.

<u>Curative Action</u>. Obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

III. TRACT 4

Tract 4 is owned by MRI Properties, Inc. by virtue of the Deed of Conveyance dated May

11th, 2021 of record in Deed Book 415, Page 157 of the Perry County Clerk's office.

1.14 acres referenced as Deed Book 273, Page 689, traced back to multiple Deeds dated January 5th, 1887, Deed Book J, Page 601; October 19th, 1885, Deed Book J, Page 598; March 3rd, 1907, Deed Book 22, Page 230; and April 15th, 1891 Deed Book J, Page 437.

Exceptions:

1. Gap in chain of title. The source property was conveyed to Green Baker and his wife, Polly Baker by Deed dated October 29th, 1915, and subsequently conveyed by only Polly Baker by two Deeds dated August 8th, 1951, Deed Book 105, Page 456, and August 8th, 1952, Deed Book 107, Page 254. It is noted that at the time of the subsequent conveyances, Polly Baker was a widow. However, the Deed to Green and Polly Baker was not a survivorship Deed. Perry County records contain no Will or Affidavit of Descent regarding Green Baker or the disposition of his interest.

<u>Curative Action</u>. Most likely legal action, quiet title against the heirs, successors and assigns of Green Baker.

2. Possible conveyance of mineral rights. This tract derives from multiple source Deeds and properties. The mineral rights and easement upon the surface for any mining purpose were conveyed from one of the source properties by Deed from Drew Combs and Debby Combs to Hamilton Realty Group dated April 8th, 1912 of record in Deed Book 26, Page 229 conveying 16.01 acres of that particular source tract. It is undetermined if this conveyance is part of the 1.14 acres consisting Tract 4.

<u>Curative Action</u>. Additional analysis, possibly by a surveyor to determine if Tract 4 is in fact subject to the reservation of mineral rights. If so, obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

3. Possible conveyance of mineral rights. This tract derives from multiple source Deeds and properties. The mineral rights and easement upon the surface for any mining purpose were conveyed from one of the source properties by Deed from Drew Combs and Debby Combs to Slemp Coal Company dated November 27th, 1905 of record in Deed Book 18, Page 236 conveying 100 acres of that particular source tract. It is undetermined if this conveyance is part of the 1.14 acres consisting Tract 4.

<u>Curative Action</u>. Additional analysis, possibly by a surveyor to determine if Tract 4 is in fact subject to the reservation of mineral rights. If so, obtain and record a Deed from the current holder of the rights. Otherwise, a legal action against the current holder of the rights to extinguish the claim either by adverse possession or eminent domain.

IV. TRACT 20

Tract 20 is the same property as Tract 2. For reference see Tract 2, Parcels 7, 8, 9, 10, 11, 13, and 14 above.

DISCLAIMER

This title opinion and report is subject to any errors or omissions found in the office of the Perry County Clerk's office, any overlapping of legal descriptions that an accurate survey might reveal, and subject to any additional information or documents not of record in the Perry County Clerk's office.

Sincerely,

Earl Rogers III Attorney at Law

Appendix F

Skyview Former Mine Site Investigation Report



Skyview Former Mine Site Investigation Report

Skyview Lane Perry County, Kentucky

Prepared By:

Kentucky Energy and Environmental Cabinet
Department for Environmental Protection
Kentucky Superfund Branch
Petroleum Cleanup Section
300 Sower Blvd.
Frankfort, Kentucky, 40601

April 19, 2023

Site Name: Skyview Former Min	Program: Superfund, PCS						
Site Address: Skyview Lane							
City: Hazard	State: Kentucky	Zip: 41701	Count	County: Perry Co.			
Inspection Type: Investigative	Purpose: Sample site for Fe, Pb, and As						
Sample Date: 1/24/2023	Time: 11:50 am-1:47 pm						
Latitude: 37.245507	Longitude: -83.265459						
Coordinate Collection Method: Garmin GPSMAP 65s HandheldGPS +/- 90 Meters							
Type of Site: Mine Site							

I. Background

Several former mine site properties have been suggested as potential housing sites for the 2022 eastern Kentucky flood victims. The Kentucky Superfund Branch has been tasked with investigating these sites to determine if the site soils are appropriate for residential development. The main areas of concern for these properties are heavy metals, such as iron, arsenic, and lead levels associated with former mining operations.

II. Site Sampling

On January 24, 2023, Superfund staff visited the 311-acre Whitaker Coal LLC mine site located in Perry County, Kentucky. Twelve grab soil samples between 0-1 ft. were collected within the four designated areas per the conceptual subdivision lot layout. Each sample location was uploaded prior to arriving at the site and then remarked on the team's GPS units while in the field (Figure 1). Soil samples were analyzed using the Bruker S1Titan Model 600 X-Ray Florescence (XRF) device according to proper standards and procedures. Two of the samples were taken to the Kentucky State Lab to be analyzed via sample method SW846-6020B. Sample results are illustrated in Table 1. Photos during the sampling event are included in Appendix A.

III. Results

Lab analysis results for Arsenic and Lead were reported slightly higher than the XRF readings. When taking into consideration the plus or minus values of the XRF readings the difference between the results is negligible. The state lab report and analysis breakdown is included in Appendix B.

Arsenic

Lab analytical results for arsenic were between 6.61 ppm and 11.2 ppm. Two results were below Kentucky's mean background. The lone result above the mean was within one standard deviation of the mean. No field screened soil sample indicated levels of concern. All XRF analytical results were below the generic mean for arsenic. Based on this data set no arsenic impacts are observed.

Lead

Lab analytical results for Lead at the site ranged between 14.2 and 16.6 ppm. XRF analytical results ranged between the limits of detection and 29 ppm. Lead concentrations fall below the states background level and below EPA's residential regional screening levels. Based on this data set no lead impacts are observed.

Iron

Iron levels at the site were collected to ensure the accuracy of arsenic results. Iron and arsenic levels have been shown to correlate due to their binding efficacy. If the results do not show a correlation between the two elements, result accuracy is either low or the results are indicative of a release. Iron levels at the site stayed consistent when compared to arsenic levels confirming sample accuracy. Iron concentrations ranged between 22,600-28,400 ppm, which fall below both the EPA's residential regional screening levels and Kentucky's average background levels.

Table 1: Soil Sample Results (ppm)

14010 11 2011 2	ampie Results (pr	Iron (Fe)	Arsenic (As)	Lead (Pb)
*KY BG Levels:		47,600	8.9	84.6
*EPA R-RSL:		55,000	0.68	400
SK-1		27,000 ±265	3 ±2	<lod td="" ±14<=""></lod>
SK-2		24,000 ±249	<lod td="" ±2<=""><td>20 ±16</td></lod>	20 ±16
SK-3		27,000 ±264	<lod±2< td=""><td>22 ±14</td></lod±2<>	22 ±14
SK-4	XRF Results	28, 000 ±265	6 ±2	<lod td="" ±20<=""></lod>
3K-4	Lab Results	28,400	11.2	16.3
SK-5		11,000 ±167	<lod td="" ±2<=""><td><lod td="" ±17<=""></lod></td></lod>	<lod td="" ±17<=""></lod>
SK-6		12,000 ±179	<lod td="" ±3<=""><td>29 ±24</td></lod>	29 ±24
SI	K- 7	11,000 ±218	<lod td="" ±2<=""><td><lod td="" ±16<=""></lod></td></lod>	<lod td="" ±16<=""></lod>
SK-8	XRF Results:	8251 ±142	6 ±3	<lod td="" ±25<=""></lod>
	Lab Results:	22,600	8.69	14.2
SK-9		6051 ±137	<lod td="" ±3<=""><td><lod< b=""> ±23</lod<></td></lod>	<lod< b=""> ±23</lod<>
SK-10		27,000±265	<lod td="" ±2<=""><td><lod td="" ±14<=""></lod></td></lod>	<lod td="" ±14<=""></lod>
SK	L-11	20,000±226	<lod td="" ±2<=""><td><lod td="" ±15<=""></lod></td></lod>	<lod td="" ±15<=""></lod>
SK-12	XRF Results	14,000	3 ±2	<lod td="" ±18<=""></lod>
	Lab Results:	21,800	6.61	16.6

^{*}KY BG Levels = Kentucky Ambient Background Levels

^{*}EPA R-RSL = EPA Residential Regional Screening Levels for Soil

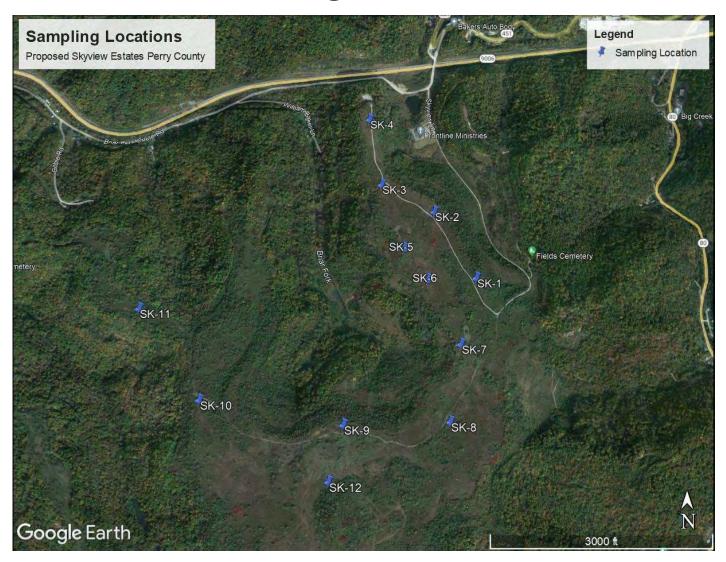
<LOD = Below Limit of Detection

Marlowe-Thompson Branch Site Report April 19, 2023

IV. Conclusion

All sample results were reported below allowable levels when compared to the EPA's regional residential screening levels or Kentucky's ambient background levels. While this investigation does not represent a full site characterization, no findings suggest additional sampling or remediation activities necessary at this time.

Figure 1



Appendix A Photographs



Photo one. West Central part of property near SK-10.



Photo two. Central area of property near SK-8.



Photo three. East part of property near SK-5, looking North.



Photo four. Walking to SK-6, looking south.



Photo five. Sample location SK-6. Representative of all sampled locations.



Marlowe-Thompson Branch Site Report April 19, 2023

Drone Imagery -1/24/2023.

Appendix B Laboratory Documents



ANDY BESHEAR

REBECCA GOODMAN

ENERGY AND ENVIRONMENT CABINET DEPARTMENT FOR ENVIRONMENTAL PROTECTION DIVISION OF ENVIRONMENTAL PROGRAM SUPPORT

TONY HATTON

100 SOWER BOULEVARD, STE. 104 FRANKFORT, KENTUCKY 40601

Wednesday, February 01, 2023

Lab Sample Number:AU00918Station/Project ID:To:Division of Waste ManagementRe: Skyview Hazard

300 Sower Blvd

Frankfort, KY 40601 **Program Code:** B25

ATTN: Tammi Hudson

County: Perry

AKGWA:
Facility:

 Collected By:
 Sarah Yount
 Date:
 01/24/2023
 Time:
 13:05

 Delivered By:
 Sarah Yount
 Date:
 01/25/2023
 Time:
 14:00

 Received By:
 Jennifer Clark
 Date:
 01/25/2023
 Time:
 14:00

Sample Matrix: SOIL Collection Method: Grab

Sample Description: SK-4 Sample Type: Field Sample

Sample ID: SK-4 Container ID:

Analyte Count: 4 <u>REPORT OF ANALYSIS</u> Shipment Temp: 12.0C

<u>LAB ACODE CAS NUM CONSTITUENTS</u>
<u>RESULT UNIT LOQ LOD FLAG</u>

TESTCODE \$3130S_ASCALC BY: SW846 6020B ON: 1/27/2023 12:49:00 PM

\$3130S_ASCALC 7440-38-2 Arsenic 11.2 mg/Kg DW 0.274 0.137

TESTCODE \$3130S_FECALC BY: SW846 6020B ON: 1/27/2023 12:49:00 PM

\$3130S_FECALC 7439-89-6 Iron 28400 mg/Kg DW 13.7 6.86

TESTCODE \$3130S_PBCALC **BY:** SW846 6020B **ON:** 1/27/2023 12:49:00 PM

\$3130S PBCALC 7439-92-1 Lead 16.3 mg/Kg DW 0.274 0.137

TESTCODE %SOLIDS **BY:** SM20 2540 G Mod **ON:** 1/26/2023 8:05:00 AM

% SOLIDS Percent solids, dry weight 72.0 %

Container Preservation Status at Sample Login

@G-8OZ-1 Glass 8 oz widemouth jar #1 pH not tested

Unit Description

DW = Analyzed on a Dry Weight Basis

Case Narrative

This report has been prepared and reviewed by personnel within the Department for Environmental Protection

Laboratory (DEPLAB) and has been approved for release.

Report Format: DESFinal-Full for Tony Hatton, Acting Director

Sample Number: AU00918 Report Version 1 Page 1 of 1



ANDY BESHEAR
GOVERNOR

REBECCA GOODMAN

ENERGY AND ENVIRONMENT CABINET DEPARTMENT FOR ENVIRONMENTAL PROTECTION DAYS OF ENVIRONMENTAL PROCESS AND EXPROPER

DIVISION OF ENVIRONMENTAL PROGRAM SUPPORT

100 SOWER BOULEVARD, STE. 104 FRANKFORT, KENTUCKY 40601 TONY HATTON COMMISSIONER

Wednesday, February 01, 2023

Lab Sample Number:AU00919Station/Project ID:To:Division of Waste ManagementRe: Skyview Hazard

300 Sower Blvd

Frankfort, KY 40601 Program Code: B25

ATTN: Tammi Hudson

County: Perry

AKGWA:
Facility:

 Collected By:
 Sarah Yount
 Date:
 01/24/2023
 Time:
 12:13

 Delivered By:
 Sarah Yount
 Date:
 01/25/2023
 Time:
 14:00

 Received By:
 Jennifer Clark
 Date:
 01/25/2023
 Time:
 14:00

Sample Matrix: SOIL Collection Method: Grab

Sample Description: SK-8 Sample Type: Field Sample

Sample ID: SK-8 Container ID:

Analyte Count: 4 <u>REPORT OF ANALYSIS</u> Shipment Temp: 12.0C

<u>LAB ACODE CAS NUM CONSTITUENTS</u>
<u>RESULT UNIT LOQ LOD FLAG</u>

TESTCODE \$3130S_ASCALC BY: SW846 6020B ON: 1/27/2023 1:42:00 PM

\$3130S_ASCALC 7440-38-2 Arsenic 8.69 mg/Kg DW 0.292 0.146

TESTCODE \$3130S_FECALC **BY:** SW846 6020B **ON:** 1/27/2023 1:42:00 PM

\$3130S_FECALC 7439-89-6 Iron 22600 mg/Kg DW 14.6 7.31

TESTCODE \$3130S_PBCALC **BY:** SW846 6020B **ON:** 1/27/2023 1:42:00 PM

\$3130S PBCALC 7439-92-1 Lead 14.2 mg/Kg DW 0.292 0.146

TESTCODE %SOLIDS BY: SM20 2540 G Mod ON: 1/26/2023 8:05:00 AM

%SOLIDS Percent solids, dry weight 67.9 %

Container Preservation Status at Sample Login

@G-8OZ-1 Glass 8 oz widemouth jar #1 pH not tested

Unit Description

DW = Analyzed on a Dry Weight Basis

Case Narrative

This report has been prepared and reviewed by personnel within the Department for Environmental Protection Laboratory (DEPLAB) and has been approved for release.

Euroratory (DEI EMD) and has been approved for release.

Report Format: DESFinal-Full for Tony Hatton, Acting Director

Sample Number: AU00919 Report Version 1 Page 1 of 1



ANDY BESHEAR
GOVERNOR

REBECCA GOODMAN

ENERGY AND ENVIRONMENT CABINET DEPARTMENT FOR ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL PROGRAM SUPPORT

100 SOWER BOULEVARD, STE. 104 FRANKFORT, KENTUCKY 40601 TONY HATTON COMMISSIONER

Wednesday, February 01, 2023

Lab Sample Number:AU00920Station/Project ID:To:Division of Waste ManagementRe: Skyview Hazard

300 Sower Blvd

Frankfort, KY 40601 Program Code: B25

ATTN: Tammi Hudson

County: Perry

AKGWA:
Facility:

 Collected By:
 Sarah Yount
 Date:
 01/24/2023
 Time:
 11:50

 Delivered By:
 Sarah Yount
 Date:
 01/25/2023
 Time:
 14:00

 Received By:
 Jennifer Clark
 Date:
 01/25/2023
 Time:
 14:00

Sample Matrix: SOIL Collection Method: Grab

Sample Description: SK-12 Sample Type: Field Sample

Sample ID: SK-12 Container ID:

Analyte Count: 4 <u>REPORT OF ANALYSIS</u> Shipment Temp: 12.0C

<u>LAB ACODE CAS NUM CONSTITUENTS</u>
<u>RESULT UNIT LOQ LOD FLAG</u>

TESTCODE \$3130S ASCALC BY: SW846 6020B ON: 1/27/2023 1:52:00 PM

\$3130S_ASCALC 7440-38-2 Arsenic 6.61 mg/Kg DW 0.314 0.157

TESTCODE \$3130S_FECALC **BY:** SW846 6020B **ON:** 1/27/2023 1:52:00 PM

\$3130S FECALC 7439-89-6 Iron 21800 mg/Kg DW 15.7 7.83

TESTCODE \$3130S_PBCALC **BY:** SW846 6020B **ON:** 1/27/2023 1:52:00 PM

\$3130S PBCALC 7439-92-1 Lead 16.6 mg/Kg DW 0.314 0.157

TESTCODE %SOLIDS BY: SM20 2540 G Mod ON: 1/26/2023 8:05:00 AM

% SOLIDS Percent solids, dry weight 58.4 %

Container Preservation Status at Sample Login

@G-8OZ-1 Glass 8 oz widemouth jar #1 pH not tested

Unit Description

DW = Analyzed on a Dry Weight Basis

Case Narrative

This report has been prepared and reviewed by personnel within the Department for Environmental Protection

Laboratory (DEPLAB) and has been approved for release.

Report Format: DESFinal-Full for Tony Hatton, Acting Director

Sample Number: AU00920 Report Version 1 Page 1 of 1

Page 1 of

CHAIN OF CUSTODY RECORD DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Program/D Program/D		06 □NPS □SDWA □Stream CRA □UST □TSCA □Sol					Ref. Reach Lakes Pretreatment	BMP □ER	T
Program/A		ir Toxics/Canister #		LA LES	i. CERCEA				
Fund Source	e/MARS#_	Site #			Other	Program	Incident #/Al	I#I	neident
SITE LOC	ATION: SY	cyview Hazard			_FACILIT	Y NO.:	COUNTY: Per	ry	neiden.
FIELD ID#	DATE TIME	DESCRIPTION OF SITE	MATRIX	NUMBI		PRESER- VATION	ANALYSIS REQUESTED	рН	LAB USE ONLY
SK-4	Date: 1 /24/23 Time: □ am 1 : 05 □ pm	AKGWA #:	Liquid Solid Chemical Grab Composite Other	Glass 1 Plastic VOA 4 Glass 2 280 m Other:	1000 ml 0 ml 40 ml	☐ H₂SO₄ ☐ NaOH ☐ HNO₃ ☐ HC1 ☐ Other	□ ABN □ VOC □ NH, □ TO14 □ TOC □ TSS □ CI □ HERB □ TKN □ BOD □ CN □ T. METALS □ 0&G □ PAH □ FP □ PEST/PCB □ TDS □ ALK □ TCLP □ N/P PEST □ BTEX □ ORTHO/P □ OTHER: Below Metals		Sample # AU00918 Report #
sk-8	Date: 1 /24 23 Time: □ am 1 2 : 13 □ pm	AKGWA #:	Liquid Solid Chemical Grab Composite Other	Glass 1000 ml Plastic 1000 ml VOA 40 ml Glass 140 ml 280 ml Cother: 9 10.55 250 val		□ fce □ H,SO, □ NaOH □ HNO, □ HCI □ Other	□ ABN □ VOC □ NH, □ TO14 □ TOC □ TSS □ CI □ HERB □ TKN □ BOD □ CN □ T. METALS □ 0&G □ PAH □ FP □ PEST/PCB □ TDS □ ALK □ TCLP □ N/P PEST □ BTEX □ ORTHO/P □ ØTHER: Below me fals		Sample # AUDO 919 Report #
SK-12	Date: \(\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	AKGWA #:	Liquid Solid Chemical Cirab Composite Other	Glass 1000 ml Plastic 1000 ml VOA 40 ml Glass 140 ml 280 ml Other: 9 1055 250 m		Hr.SO. Hr.SO. NaOH HNO. HC1 Other	□ ABN □ VOC □ NH, □ TO14 □ TOC □ TSS □ CI □ HERB □ TKN □ BOD □ CN □ T. METALS □ O&G □ PAH □ FP □ PEST/PCB □ TDS □ ALK □ TCLP □ N/P PEST □ BTEX □ ORTHO/P □ OTHER: Below metals		Sample # AU00920 Report #
Inspector(s): Sarah Yount, Nathan Hancock, Ken Logsdon Metals: D'As Ba Cd Cr DP6 Hg Dse Ag 12,0°C									
			· · · · · · · · · · · · · · · · · · ·		_	T	Received by: Junion Cank		IR-B
Representing	# KDW	im Superfund	<u> </u>		Time 2	:00 pm	Representing: SUDS		
Relinquished	by:	-			Date		Received by:		
Representing					Time		Representing:		
DEP5005 ((5146GP)		Distribution: White Copy	y-Central Offi	ce Yellov	w Copy-DES	Pink Copy-Field Inspector	Rev. Febru	ary 28, 2011

KENTUCKY ENVIRONMENTAL SERVICES LABORATORY LOGIN GROUP RECEIPT

LogBy: JJC

Shipping Temp:

12.0C

Login Date and Time: 1/25/2023 14:06 RE: Skyview Hazard

For: Division of Waste Management

300 Sower Blvd Collected By: Sarah Yount Collection Method: Grab

Frankfort, KY 40601

ATTN: Tammi Hudson

Delivered By: Sarah Yount
Received By: Jennifer Clark

Received Date and Time: 1/25/2023 14:00

Received Date and Time: 1/25/2023 14:00

LAB ID	CODI	E Samp ID	DESCRIPTION	AKGWA	COUNTY	COLLEC	TED	MATRIX	LW CODE	PARAMETER NAME	pН
AU00918	B25	SK-4	SK-4		Perry	1/24/2023	13:05	SOIL			
									@G-8OZ-1	Glass 8 oz widemouth jar #1	NT
									\$3130S	Metals (ICP-MS) Soil	
									\$3130S_ASCALC	Arsenic (ICP-MS) Soil Result	
									\$3130S_FECALC	Iron (ICP-MS) Soil Result	
									\$3130S_PBCALC	Lead (ICP-MS) Soil Result	
									3030S	Metal Prep (ICP-MS) -Soil	
									%SOLIDS	Percent solids, dry weight	
									!COMMENT	Case Narrative	
AU00919	B25	SK-8	SK-8		Perry	1/24/2023	12:13	SOIL			
									@G-8OZ-1	Glass 8 oz widemouth jar #1	NT
									\$3130S	Metals (ICP-MS) Soil	
									\$3130S_ASCALC	Arsenic (ICP-MS) Soil Result	
									\$3130S_FECALC	Iron (ICP-MS) Soil Result	
									\$3130S_PBCALC	Lead (ICP-MS) Soil Result	
									3030S	Metal Prep (ICP-MS) -Soil	
									%SOLIDS	Percent solids, dry weight	
									!COMMENT	Case Narrative	
AU00920	B25	SK-12	SK-12		Perry	1/24/2023	11:50	SOIL			
									@G-8OZ-1	Glass 8 oz widemouth jar #1	NT
									\$3130S	Metals (ICP-MS) Soil	
									\$3130S_ASCALC	Arsenic (ICP-MS) Soil Result	
									\$3130S_FECALC	Iron (ICP-MS) Soil Result	
									\$3130S_PBCALC	Lead (ICP-MS) Soil Result	
									3030S	Metal Prep (ICP-MS) -Soil	
									%SOLIDS	Percent solids, dry weight	
									!COMMENT	Case Narrative	

Appendix G Qualifications

Qualifications of Environmental Professional

Environmental Professional

Kenneth C. Logsdon Geologist Registered Supervisor Petroleum Cleanup Section Superfund Branch Division of Waste Management

Education

Bachelor of Science in Biology and Geology, Western Kentucky University 1995

Professional Certification

Professional Geologist, 2005

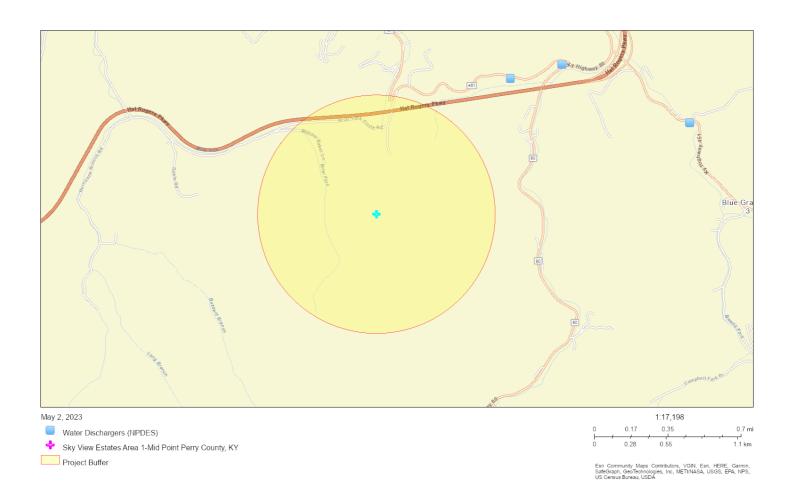
Professional Experience

Kentucky Department for Environmental Protection -- 24 years

Mr. Logsdon has over 24 years of experience in the assessment, investigation, and remediation of Underground Storage Tank, Superfund, and Hazardous Waste sites.

NEPAssist Report

Sky View Estates Area 1-Mid Point Perry County, KY



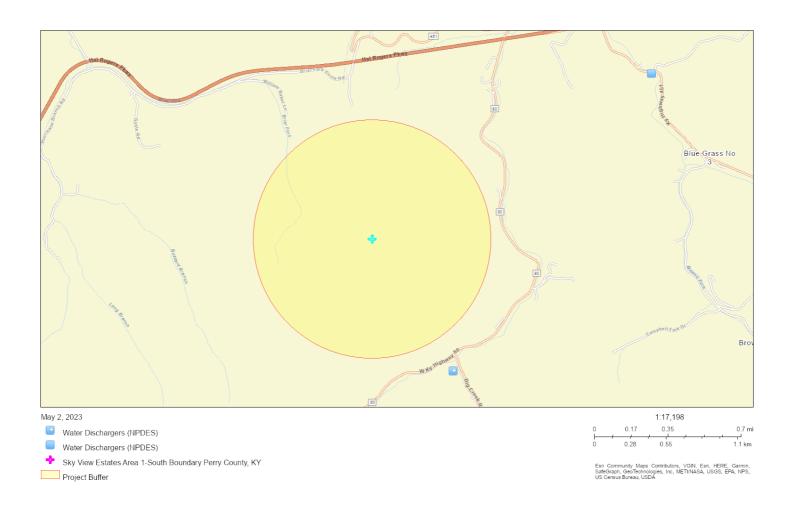
Project Location	37.248952,-83.26939
Within 3000 feet of an Ozone 8-hr (1997 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of an Ozone 8-hr (2008 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a Lead (2008 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a SO2 1-hr (2010 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM2.5 24hr (2006 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM2.5 Annual (1997 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM2.5 Annual (2012 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM10 (1987 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a Federal Land?	no
Within 3000 feet of an impaired stream?	yes
Within 3000 feet of an impaired waterbody?	no
Within 3000 feet of a waterbody?	no
Within 3000 feet of a stream?	yes
Within 3000 feet of an NWI wetland?	Available Online
Within 3000 feet of a Brownfields site?	no
Within 3000 feet of a Superfund site?	no
Within 3000 feet of a Toxic Release Inventory (TRI) site?	no
Within 3000 feet of a water discharger (NPDES)?	no
Within 3000 feet of a hazardous waste (RCRA) facility?	no
Within 3000 feet of an air emission facility?	no

Mail to 0000 feet of a call and	
Within 3000 feet of a school?	no
Within 3000 feet of an airport?	no
Within 3000 feet of a hospital?	no
Within 3000 feet of a designated sole source aquifer?	no
Within 3000 feet of a historic property on the National Register of Historic Places?	no
Within 3000 feet of a Toxic Substances Control Act (TSCA) site?	no
Within 3000 feet of a Land Cession Boundary?	no
Within 3000 feet of a tribal area (lower 48 states)?	no
Within 3000 feet of the service area of a mitigation or conservation bank?	yes
Within 3000 feet of the service area of an In-Lieu-Fee Program?	yes
Within 3000 feet of a Public Property Boundary of the Formerly Used Defense Sites?	no
Within 3000 feet of a Munitions Response Site?	no
Within 3000 feet of an Essential Fish Habitat (EFH)?	no
Within 3000 feet of a Habitat Area of Particular Concern (HAPC)?	no
Within 3000 feet of an EFH Area Protected from Fishing (EFHA)?	no
Within 3000 feet of a Bureau of Land Management Area of Critical Environmental Concern?	no
Within 3000 feet of an ESA-designated Critical Habitat Area per U.S. Fish & Wildlife Service?	no
Within 3000 feet of an ESA-designated Critical Habitat river, stream or water feature per U.S. Fish & Wildlife Service?	no

Created on: 5/2/2023 9:34:05 PM

NEPAssist Report

Sky View Estates Area 1-South Boundary Perry County, KY



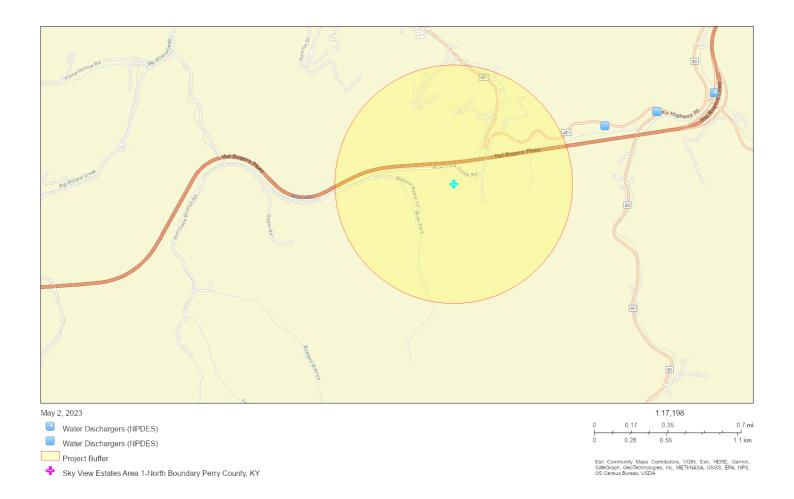
Project Location	37.243839,- 83.266456
Within 3000 feet of an Ozone 8-hr (1997 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of an Ozone 8-hr (2008 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a Lead (2008 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a SO2 1-hr (2010 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM2.5 24hr (2006 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM2.5 Annual (1997 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM2.5 Annual (2012 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM10 (1987 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a Federal Land?	no
Within 3000 feet of an impaired stream?	no
Within 3000 feet of an impaired waterbody?	no
Within 3000 feet of a waterbody?	no
Within 3000 feet of a stream?	yes
Within 3000 feet of an NWI wetland?	Available Online
Within 3000 feet of a Brownfields site?	no
Within 3000 feet of a Superfund site?	no
Within 3000 feet of a Toxic Release Inventory (TRI) site?	no
Within 3000 feet of a water discharger (NPDES)?	no
Within 3000 feet of a hazardous waste (RCRA) facility?	no
Within 3000 feet of an air emission facility?	no

Within 3000 feet of a school?	no
Within 3000 feet of an airport?	no
Within 3000 feet of a hospital?	no
Within 3000 feet of a designated sole source aquifer?	no
Within 3000 feet of a historic property on the National Register of Historic Places?	no
Within 3000 feet of a Toxic Substances Control Act (TSCA) site?	no
Within 3000 feet of a Land Cession Boundary?	no
Within 3000 feet of a tribal area (lower 48 states)?	no
Within 3000 feet of the service area of a mitigation or conservation bank?	yes
Within 3000 feet of the service area of an In-Lieu-Fee Program?	yes
Within 3000 feet of a Public Property Boundary of the Formerly Used Defense Sites?	no
Within 3000 feet of a Munitions Response Site?	no
Within 3000 feet of an Essential Fish Habitat (EFH)?	no
Within 3000 feet of a Habitat Area of Particular Concern (HAPC)?	no
Within 3000 feet of an EFH Area Protected from Fishing (EFHA)?	no
Within 3000 feet of a Bureau of Land Management Area of Critical Environmental Concern?	no
Within 3000 feet of an ESA-designated Critical Habitat Area per U.S. Fish & Wildlife Service?	no
Within 3000 feet of an ESA-designated Critical Habitat river, stream or water feature per U.S. Fish & Wildlife Service?	no

Created on: 5/2/2023 9:31:48 PM

NEPAssist Report

Sky View Estates Area 1-North Boundary Perry County, KY



Project Location	37.254283,- 83.270894
Within 3000 feet of an Ozone 8-hr (1997 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of an Ozone 8-hr (2008 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a Lead (2008 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a SO2 1-hr (2010 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM2.5 24hr (2006 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM2.5 Annual (1997 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM2.5 Annual (2012 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM10 (1987 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a Federal Land?	no
Within 3000 feet of an impaired stream?	yes
Within 3000 feet of an impaired waterbody?	no
Within 3000 feet of a waterbody?	yes
Within 3000 feet of a stream?	yes
Within 3000 feet of an NWI wetland?	Available Online
Within 3000 feet of a Brownfields site?	no
Within 3000 feet of a Superfund site?	no
Within 3000 feet of a Toxic Release Inventory (TRI) site?	no
Within 3000 feet of a water discharger (NPDES)?	no
Within 3000 feet of a hazardous waste (RCRA) facility?	no
Within 3000 feet of an air emission facility?	no

Mail to 0000 feet of a call and	
Within 3000 feet of a school?	no
Within 3000 feet of an airport?	no
Within 3000 feet of a hospital?	no
Within 3000 feet of a designated sole source aquifer?	no
Within 3000 feet of a historic property on the National Register of Historic Places?	no
Within 3000 feet of a Toxic Substances Control Act (TSCA) site?	no
Within 3000 feet of a Land Cession Boundary?	no
Within 3000 feet of a tribal area (lower 48 states)?	no
Within 3000 feet of the service area of a mitigation or conservation bank?	yes
Within 3000 feet of the service area of an In-Lieu-Fee Program?	yes
Within 3000 feet of a Public Property Boundary of the Formerly Used Defense Sites?	no
Within 3000 feet of a Munitions Response Site?	no
Within 3000 feet of an Essential Fish Habitat (EFH)?	no
Within 3000 feet of a Habitat Area of Particular Concern (HAPC)?	no
Within 3000 feet of an EFH Area Protected from Fishing (EFHA)?	no
Within 3000 feet of a Bureau of Land Management Area of Critical Environmental Concern?	no
Within 3000 feet of an ESA-designated Critical Habitat Area per U.S. Fish & Wildlife Service?	no
Within 3000 feet of an ESA-designated Critical Habitat river, stream or water feature per U.S. Fish & Wildlife Service?	no

Created on: 5/2/2023 9:29:35 PM

Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA)	The Endangered	50 CFR Part
mandates that federal agencies ensure that	Species Act of 1973	402
actions that they authorize, fund, or carry out	(16 U.S.C. 1531 et	
shall not jeopardize the continued existence of	seq.); particularly	
federally listed plants and animals or result in	section 7 (16 USC	
the adverse modification or destruction of	1536).	
designated critical habitat. Where their actions		
may affect resources protected by the ESA,		
agencies must consult with the Fish and Wildlife		
Service and/or the National Marine Fisheries		
Service ("FWS" and "NMFS" or "the Services").		

1. Does the project involve any activities that have the potential to affect specifies or habitats?

No, the project will have No Effect due to the nature of the activities involved in the project.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

✓ Yes, the activities involved in the project have the potential to affect species and/or habitats.

2. Are federally listed species or designated critical habitats present in the action area?

✓ No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below. Documentation may include letters from the Services, species lists from the Services' websites, surveys or other documents and analysis showing that there are no species in the action area.

Yes, there are federally listed species or designated critical habitats present in the action area.

Screen Summary

Compliance Determination

This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act. Kentucky Housing Corporation (KHC) reviewed the US Fish and Wildlife Service IPaC website for a list of species and critical habitats that have potential to occur within the action area on May 3, 2023. According to the endangered species list generated on IPaC (Project Code: 2023-0077091) there are five species that may be present but "there are no critical habitats within your project area under this office's jurisdiction." In a letter sent via email dated May 9, 2023, KHC requested US Fish and Wildlife Service concurrence with the determination that development of the proposed subdivision not likely to adversely affect the Kentucky Arrow Darter (Etheostoma spilotum), Gray Bat (Myotis grisescens), the Northern Long-Eared Bat (Myotis septentrionalis), the Indiana Bat (Myotis sodalist), and the Monarch Butterfly (Danaus plexippus). In a stamped response digitally signed on June 16, 2023 by Melanie Olds, Kentucky Field Supervisor, the US Fish and Wildlife Service stated "Significant impacts to federally-listed species are not likely to result from the project as currently proposed."

Supporting documentation

KHC USFWS Consultation Request Letter Sky View 2023-05-09.pdf

USFWS Consultation Response Sky View 2023-6-16.pdf

USFWS Consultation Request Email- Sky View 2023-5-9.pdf

Species List Kentucky Ecological Services Field Office Sky View 2023-5-3.pdf

NE Consistency Letter_NLEB Rangewide Determination Key_Sky View_2023-05-

<u>03.pdf</u>

MA Consistency Letter KY State-wide Determination Key Sky View 2023-05-03.pdf

IPaC KY State-Wide Determination Key Sky View 2023-5-3.pdf

IPaC Indiana Bat Determination Key Sky View 2023-5-3.pdf

IPaC Regulatory review -Sky View 2023-5-3.pdf

Distance to Briar Fork-Sky View Estates(1).pdf

Are formal compliance steps or mitigation required?

Yes

✓ No



RECEIVEDBy FWS at 10:59 am, May 10, 2023

Kentucky Ecological Services Field Office J C Watts Federal Building, Room 265 330 West Broadway Frankfort, KY 40601-8670 Via e-mail to: kentuckyes@fws.gov Significant impacts to federally-listed species are not likely to result from this project as currently proposed. Project re-coordination is needed if the project changes or if new species or critical habitats are listed that could be impacted by the project.

For

Kentucky Field Supervisor
U.S. Fish and Wildlife Service

Date

RE: Project Code 2023-0077091- Sky View Estates Area 1, Perry County, KY (37.248952, -83.269390): HUD HOME Investment Partnerships and Community Development Block Grant Disaster Recovery (CDBG-DR) Single-Family Homebuyer Development

Dear Kentucky Ecological Services Field Office:

Kentucky Housing Corporation (KHC) and the Kentucky Department for Local Government (DLG) are considering funding the project listed above with HOME Investment Partnerships funds (KHC) and Community Development Block Grant Disaster Recovery funds (DLG) from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Kentucky Housing Corporation has assumed HUD's environmental review responsibilities for the project, including endangered species consultation related to single family new construction development.

KHC is requesting concurrence from the U.S. Fish and Wildlife Service that the proposed single-family subdivision project: 1) may affect but will not adversely affect the Kentucky Arrow Darter (Etheostoma spilotum) and 2) will have no effect on the Gray Bat (Myotis grisescens), the Northern Long-Eared Bat (Myotis septentrionalis), the Indiana Bat (Myotis sodalist), and the Monarch Butterfly (Danaus plexippus).

The Commonwealth of Kentucky will build 153 single-family detached units on approximately 49.2 acres of land to be acquired in a new 178-unit subdivision (approximately 59.2 acres) to be called Sky View Estates Area 1 (center point geographic coordinates: 37.248952/-83.269390). The subdivision will be developed on reclaimed mine land in Perry County, KY off of Skyview Road. The surface property consists of previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). MTN View, Inc., a for-profit developer, will retain title to approximately 10-acres in Sky View Estates Area 1 to build 25 single-family detached units as a separate development project. This project will create replacement housing following the July 2022 flood disaster in Southeastern Kentucky. The Commonwealth will acquire the property, will grade the site where needed, and develop road, water, sewer, and electric infrastructure to support the development of single-family detached housing. Utilities are located adjacent to the project area. Both water and sewer lines will be extended to service the project area, as well as electric utilities. Access to the site will be through existing public roads. The Commonwealth will select non-profit and/or for-profit developers to build the homes to be sold to eligible homebuyers. The site will be acquired once authority to use grant funds is provided by HUD for CDBG-DR and HOME



Curtis Stauffer

From: Curtis Stauffer

Sent: Tuesday, May 9, 2023 9:12 PM

To: KentuckyES, FW4

Cc: Keli Reynolds; Kaye Mcafee; Jessica Shelton; Wendy Smith; Skaggs, Courtney (EEC); Carr, Sunni L

(EEC); Aldridge, Louanna C (EEC); Lyons, John (EEC)

Subject: Consultation Request for Sky View Estates Area 1, Perry County, KY (IPaC Project Code

2023-0077091)

Attachments: KHC USFWS Consultation Request_Sky View_2023-05-09.pdf

Hello-

Attached please find Kentucky Housing Corporation's consultation request letter with attachments for the proposed Team KY Sky View Estates Area 1 single family subdivision in Perry County, KY (geographic coordinates: 37.248952, -83.269390). This is the first of the "higher ground" housing projects proposed for the southeastern Kentucky flood recovery.

Please let us know if you have any questions or require additional information.

Sincerely,

Curtis Stauffer

Curtis A. Stauffer, MA, PMP, HDFP
Managing Director,
Housing Contract Administration
Pronouns: he/him/his
Kentucky Housing Corporation
1231 Louisville Rd.
Frankfort, KY 40601
502-874-5329 (direct)
800-633-8896 x. 115 (KY only)
TTY 711
cstauffer@kyhousing.org

For all your technical assistance needs regarding any Housing Contract Administration program, please visit our <u>HCA Partner Agency</u> Portal.



www.kyhousing.org

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KHC partners can subscribe to FREE email updates for KHC news and announcements. Subscribe to eGrams today!

Follow us in social media: Twitter: twitter.com/KYHousing / Facebook: www.facebook.com/kyhousing

KHC's blog: www.StrategicHousing.com

Confidentiality Notice: The electronic mail and the materials enclosed with this transmission are the private property of Kentucky Housing Corporation and intended for the use, benefit, and information of the intended recipient noted above. If you are not the intended recipient, you are hereby informed that review, disclosure,



May 9, 2023

Kentucky Ecological Services Field Office J C Watts Federal Building, Room 265 330 West Broadway Frankfort, KY 40601-8670

Via e-mail to: kentuckyes@fws.gov

RE: Project Code 2023-0077091- Sky View Estates Area 1, Perry County, KY (37.248952, -83.269390): HUD HOME Investment Partnerships and Community Development Block Grant Disaster Recovery (CDBG-DR)

Single-Family Homebuyer Development

Dear Kentucky Ecological Services Field Office:

Kentucky Housing Corporation (KHC) and the Kentucky Department for Local Government (DLG) are considering funding the project listed above with HOME Investment Partnerships funds (KHC) and Community Development Block Grant Disaster Recovery funds (DLG) from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Kentucky Housing Corporation has assumed HUD's environmental review responsibilities for the project, including endangered species consultation related to single family new construction development.

KHC is requesting concurrence from the U.S. Fish and Wildlife Service that the proposed single-family subdivision project: 1) may affect but will not adversely affect the Kentucky Arrow Darter (Etheostoma spilotum) and 2) will have no effect on the Gray Bat (Myotis grisescens), the Northern Long-Eared Bat (Myotis septentrionalis), the Indiana Bat (Myotis sodalist), and the Monarch Butterfly (Danaus plexippus).

The Commonwealth of Kentucky will build 153 single-family detached units on approximately 49.2 acres of land to be acquired in a new 178-unit subdivision (approximately 59.2 acres) to be called Sky View Estates Area 1 (center point geographic coordinates: 37.248952/-83.269390). The subdivision will be developed on reclaimed mine land in Perry County, KY off of Skyview Road. The surface property consists of previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). MTN View, Inc., a for-profit developer, will retain title to approximately 10-acres in Sky View Estates Area 1 to build 25 single-family detached units as a separate development project. This project will create replacement housing following the July 2022 flood disaster in Southeastern Kentucky. The Commonwealth will acquire the property, will grade the site where needed, and develop road, water, sewer, and electric infrastructure to support the development of single-family detached housing. Utilities are located adjacent to the project area. Both water and sewer lines will be extended to service the project area, as well as electric utilities. Access to the site will be through existing public roads. The Commonwealth will select non-profit and/or for-profit developers to build the homes to be sold to eligible homebuyers. The site will be acquired once authority to use grant funds is provided by HUD for CDBG-DR and HOME



Investment Partnerships funding for the project and grading home site preparation will follow before units are constructed.

KHC reviewed your agency's IPaC website for a list of species and critical habitats that have potential to occur within the action area on May 3, 2023. According to the endangered species list generated on IPaC (Project Code: 2023-0077091) there are five species that may be present but "there are no critical habitats within your project area under this office's jurisdiction."

The five species identified are the Kentucky Arrow Darter (Etheostoma spilotum), the Northern Long-Eared Bat (Myotis septentrionalis), the Indiana Bat (Myotis sodalist), the Gray Bat (Myotis grisescens) and the Monarch Butterfly (Danaus plexippus).

Bats: The project site consists of reclaimed mineland that received bond release on January 6, 2014. Per the Kentucky Energy and Environment Cabinet, "the approved reclamation plan in the Surface Mining Control and Reclamation Act permit for Revelation Energy LLC required the permittee to:

- Backfill, regrade, replace topsoil, and restore drainage patterns consistent with the approximate original contour (AOC) of the land prior to mining;
- Revegetate the permit area in accordance with the approved post mining land use of pastureland; and
- Ensure the reclaimed area was capable of supporting the pastureland post mining land use upon expiration of the 5-year liability period required in 405 KAR Chapter 10."

Site inspection by the Energy and Environment Cabinet in January 2023, found no portals, caves or karst on the site, it does not appear that there is habitat present on the footprint of the old mine site and no roost trees are present that will be removed. The surface vegetation consists of autumn olive, willow, other immature trees and ground plants. Because this site is previously disturbed land with no critical habitat present, KHC has concluded that this activity will not affect bat species. This is supported in the No Effect Consistency Letter for the Northern Long Ear Bat generated in IPaC on May 3, 2023.

Kentucky Darter: While IPaC determined that the project may affect the Kentucky Darter, the activity site does not have any bodies of water. Briar Fork, the nearest body of water is approximately 679 feet from the western edge of the project site and should not be impacted by construction. The Commonwealth will employ nature-based solutions for stormwater mitigation to prevent increased downstream flows as a result of construction. Therefore, KHC believes this project will not adversely affect this species.

Monarch Butterfly: Milkweed was not identified on site during inspection and KHC believes the construction of housing on this reclaimed mineland will have no effect on the species.

For these reasons, we conclude that the development of a new single-family detached housing subdivision not likely to adversely affect the Kentucky Arrow Darter (Etheostoma spilotum), Gray Bat (Myotis

grisescens), the Northern Long-Eared Bat (Myotis septentrionalis), the Indiana Bat (Myotis sodalist), and the Monarch Butterfly (Danaus plexippus).

We request your concurrence with our determination(s). Please contact me at cstauffer@kyhousing.org if you have any questions. To meet project timeframes can you please let us know of your concurrence within 30 days of this submission?

Sincerely,

Curtis A. Stauffer, Managing Director-Housing Contract Administration

cc: Wendy Smith (<u>wsmith@kyhousing.org</u>) John Lyons (<u>john.lyons@ky.gov</u>)

Kaye McAfee (<u>kmacafee@kyhousing.org</u>) Louanna Aldridge (<u>louanna.aldridge@ky.gov</u>)

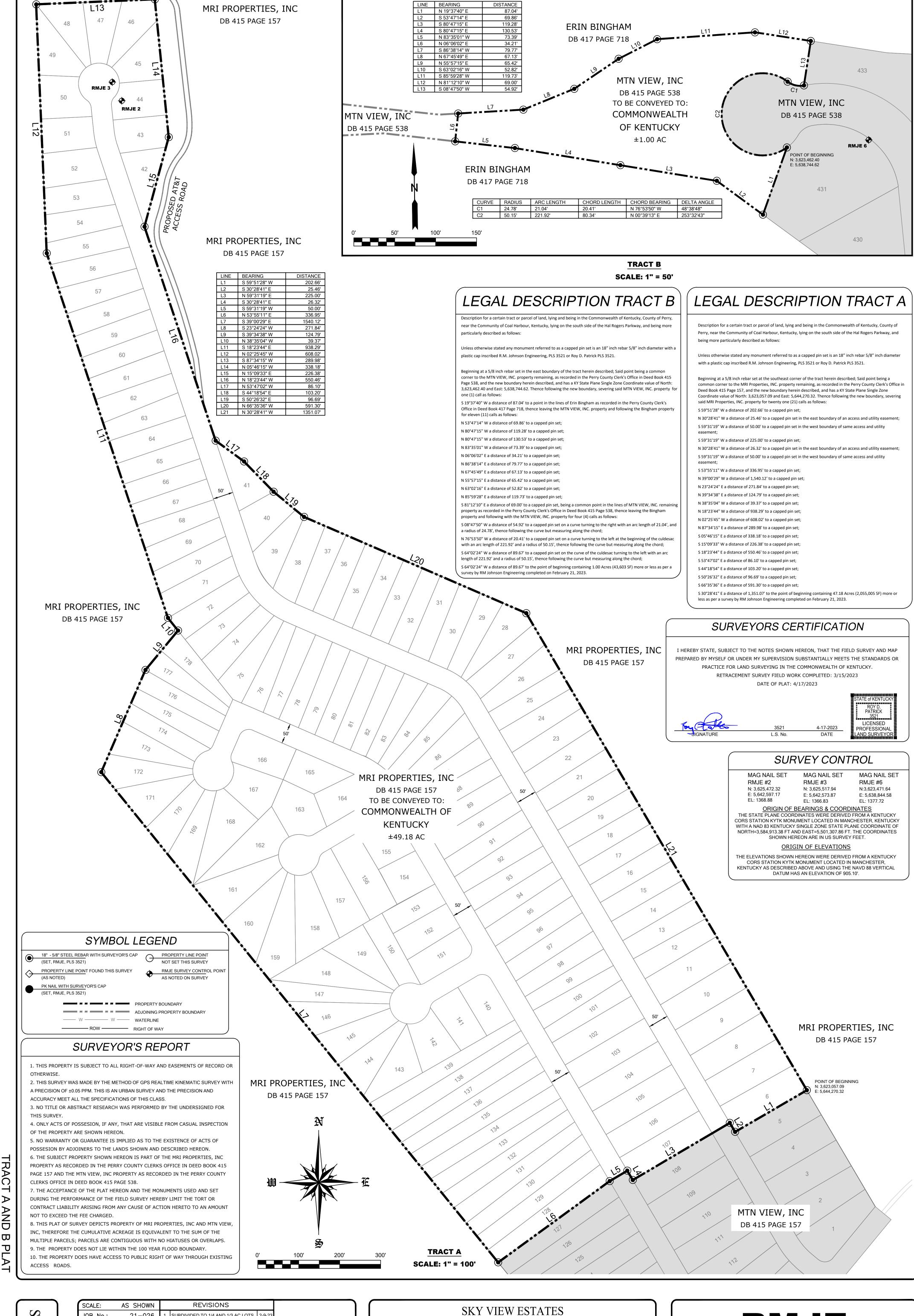
Jessica Shelton (<u>jshelton@kyhousing.org</u>) Sunni Carr (<u>sunni.carr@ky.gov</u>)

Keli Reynolds (<u>kreynolds@kyhousing.org</u>) Courtney Skaggs (<u>Courtney.skaggs@ky.gov</u>)

Attachments:

- Aerial Map with approximate site boundaries
- Plat Map
- January 24, 2023 Site Photos
- Mine Reclamation Map for Revelation Energy LLC Permit 897-0563
- Energy and Environment Cabinet Email describing mine reclamation activities under Per Revelation
 Energy LLC Permit 897-0563
- Phase III Bond Release Letters for Revelation Energy LLC Permit 897-0563 (January 6, 2014)
- Final Mine Inspection Report for 8 Revelation Energy LLC Permit 897-0563 (March 14, 2014)
- IPaC Species List-Kentucky Ecological Services Field Office
- IPaC Indiana Bat Determination Key Answers
- MA Consistency Letter-KY State-wide Determination Key
- NE Consistency Letter-NLEB Range-wide Determination Key
- US Fish and Wildlife Service Wetlands Inventory Map
- Google Earth Pro Map showing distance from project site to Briar Fork.

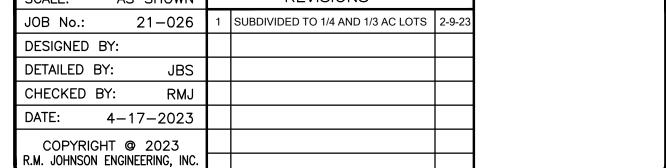




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AND



SKY VIEW LANE, PERRY COUNTY, KENTUCKY TO BE CONVEYED TO:

COMMONWEALTH OF KENTUCKY



3213 Summit Square Place Suite 100 Lexington, KY 40509 (859)543-1256

P.O. Box 444 Hindman, KY 41822 (606)785-5926

Skyview Photos

January 24, 2023

































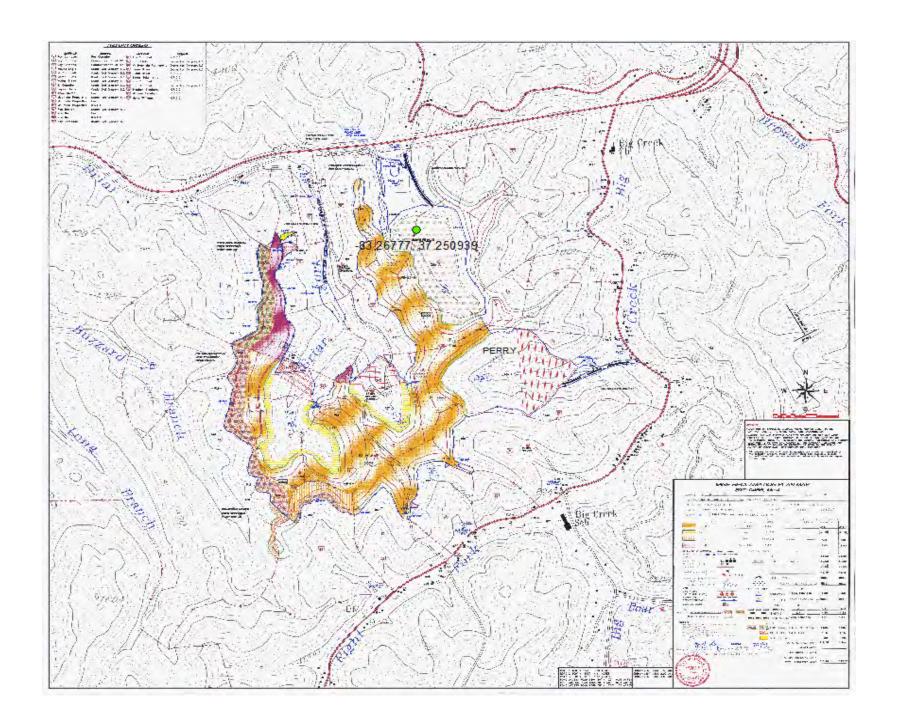












Curtis Stauffer

From: Skaggs, Courtney (EEC) <courtney.skaggs@ky.gov>

Sent: Monday, May 8, 2023 12:16 PM

To: Curtis Stauffer

Cc: Aldridge, Louanna C (EEC); Lyons, John (EEC); Gaddis, Sarah J (EEC)

Subject: Skyview-narratives, maps and Phase III documentation

Attachments: Mine Inspection Report 897-0563_Skyview_Final_2014-3-14.pdf; Phase III NOD 897-0563_Skyview-

Bond Release_2014-1-6.pdf; 897-0466 MRP Map-Skyview.pdf; 897-0466 MRP-Skyview.PNG

EXTERNAL EMAIL: Do not click links or open attachments unless you recognize the sender and know the content is safe.

Curtis,

Please see below information regarding site location and reclamation status related to the Skyview project in Perry County. I have also attached maps, a mine inspection and Notice of Decision (NOD) letters that document the Phase III bond release for the permit.

Skyview-Perry County

Site Location:

This site is located approximately five (5) miles from Hazard, Kentucky at 37.2509 °W/-83.2677 °N. The surface property includes previously mined lands that have obtained Phase 3 bond release and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). The project will develop approximately fifty (50) acres and include housing site for 153 single family residences.

Utilities are located adjacent to the project area. Both water and sewer lines will be extended to service the project area, as well as electric utilities. Access to the site will be through existing public roads.

Reclamation Status:

The Skyview project area was initially permitted under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) by the Commonwealth of Kentucky, Department for Natural Resources (DNR) on July 2, 1997. The DNR is the state primacy agency with the regulatory authority for permitting, inspection and enforcement authority under SMCRA. The initial permit issuance to Leslie Resources, Inc., permit no. 897-0396 resulted in two (2) transfer applications due to ownership and control changes. The first transfer of rights was issued to LCC Kentucky LLC, permit no. 897-0466 on September 1, 2005 and the second transfer of rights to Revelation Energy, LLC, permit no. 897-0563 on October 22, 2012.

405 KAR Chapter 10:040, Section (2) defines the criteria and schedule for release of the permit and performance bond upon successful completion of the approved reclamation plan. The regulation defines three (3) phases of release, with each phase requiring achievement of different reclamation requirements. Reclamation Phase III release, "...is deemed to have been completed on the entire permit area or increment when the permittee has successfully completed all coal mining and reclamation operations in accordance with the approved reclamation plan, such that the land is capable of supporting the post mining land used approved pursuant to 405 KAR 16:210; and has achieved compliance with the

requirements of KRS Chapter 350, 405 KAR Chapters 7 through 24, and the permit; and the applicable liability period under 405 KAR 10:020, Section 3(2) has expired."

The "approved reclamation plan" in the SMCRA permit required the permittee to:

- Backfill, regrade, replace topsoil, and restore drainage patterns consistent with the approximate original contour (AOC) of the land prior to mining;
- Revegetate the permit area in accordance with the approved post mining land use of pastureland; and
- Ensure the reclaimed area was capable of supporting the pastureland post mining land use upon expiration of the 5-year liability period required in 405 KAR Chapter 10.

Per bond release documentation provided by the DNR, the permit successfully reclaimed the permit area and was granted Phase III release on January 6, 2014.

Courtney G. Skaggs Environmental Scientist Consultant Sr. Department for Natural Resources Commissioner's Office 300 Sower Boulevard Frankfort, Kentucky 40601 Office: 502-782-6770



Steven L. Beshear Governor

2 Hudson Hollow
Frankfort, Kentucky 40601
Phone (502) 564-6940
Fax (502) 564-5698
www.naturalresources.ky.gov
www.kentucky.gov
85 State Police Road
London, KY 40741-9011
January 6, 2014

Leonard K. PetersSecretary

Steve Hohmann Commissioner

PERRY COUNTY JUDGE/EXECUTIVE PO BOX 210 HAZARD KY 41701

RE: Permit Name: REVELATION ENERGY LLC

Permit Number: 897-0563 Increment Number: 1,3,6

Bond ID Number: 1078037, 1078038, 1078039

Phase Number: PIII

Dear Sir/Madam:

Pursuant to 405 KAR 10:040 and KRS 350.093, the Department for Natural Resources, Division of Mine Reclamation and Enforcement has determined that the above-named permit has satisfactorily achieved the requirements for a Phase PIII bond release. Therefore, a bond release is warranted at this time.

The release shall occur fourteen (14) days after this date unless temporary relief is granted under 405 KAR 7:092, Section 12.

Please be aware that 405 KAR 7:092, Section 9 provides that you may contest the above decision by filing a petition for administrative review within thirty (30) days of receipt of this letter. Please contact the Office of Administrative Hearing at (502) 564-7312 for information on the filing of a petition.

Sincerely,

Steve Vance

Environmental Control Manager DMRE/London Regional Office

tem N. Vance





Steven L. Beshear Governor

2 Hudson Hollow
Frankfort, Kentucky 40601
Phone (502) 564-6940
Fax (502) 564-5698
www.naturalresources.ky.gov
www.kentucky.gov
85 State Police Road
London, KY 40741-9011
January 6, 2014

Leonard K. Peters Secretary

Steve Hohmann Commissioner

MOUNTAIN PROPERTIES 120 ROY CAMPBELL DRIVE HAZARD KY 41701

RE: Permit Name: REVELATION ENERGY LLC

Permit Number: 897-0563 Increment Number: 1,3,6

Bond ID Number: 1078037, 1078038, 1078039

Phase Number: PIII

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Steve Vance

Environmental Control Manager DMRE/London Regional Office

tem N. Vance





Steven L. Beshear Governor

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Frankfort, Kentucky 40601
Phone (502) 564-6940
Fax (502) 564-5698
www.naturalresources.ky.gov
www.kentucky.gov
85 State Police Road
London, KY 40741-9011
January 6, 2014

Leonard K. Peters Secretary

Steve Hohmann Commissioner

ARVEL MELTON PO BOX 160 AVAWAM KY 41713-0160

RE: Permit Name: REVELATION ENERGY LLC

Permit Number: 897-0563 Increment Number: 1,3,6

Bond ID Number: 1078037, 1078038, 1078039

Phase Number: PIII

Dear Sir/Madam:

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Environmental Control Manager DMRE/London Regional Office

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Steven L. Beshear Governor

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Frankfort, Kentucky 40601
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Fax (502) 564-5698
www.naturalresources.ky.gov
www.kentucky.gov
85 State Police Road
London, KY 40741-9011
January 6, 2014

Leonard K. Peters Secretary

Steve Hohmann Commissioner

RON DEATON BOX 222 CHAVIES KY 41727

RE: Permit Name: REVELATION ENERGY LLC

Permit Number: 897-0563 Increment Number: 1,3,6

Bond ID Number: 1078037, 1078038, 1078039

Phase Number: PIII

Dear Sir/Madam:

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Sincerely,

Steve Vance

Environmental Control Manager DMRE/London Regional Office

tem N. Vance





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Frankfort, Kentucky 40601
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Fax (502) 564-5698
www.naturalresources.ky.gov
www.kentucky.gov
85 State Police Road
London, KY 40741-9011
January 6, 2014

Leonard K. Peters Secretary

Steve Hohmann Commissioner

ROY CAMPBELL ESTATE PO BOX 22 COMBS KY 41729-0022

RE: Permit Name: REVELATION ENERGY LLC

Permit Number: 897-0563 Increment Number: 1,3,6

Bond ID Number: 1078037, 1078038, 1078039

Phase Number: PIII

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Sincerely,

Steve Vance

Environmental Control Manager DMRE/London Regional Office

tem N. Vance





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www.naturalresources.ky.gov
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85 State Police Road
London, KY 40741-9011
January 6, 2014

Leonard K. Peters Secretary

Steve HohmannCommissioner

MICHAEL PENNINGTON GENERAL DELIVERY AVAWAM KY 41713

RE: Permit Name: REVELATION ENERGY LLC

Permit Number: 897-0563 Increment Number: 1,3,6

Bond ID Number: 1078037, 1078038, 1078039

Phase Number: PIII

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Sincerely,

Steve Vance

Environmental Control Manager DMRE/London Regional Office





Steven L. Beshear Governor

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www.naturalresources.ky.gov
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85 State Police Road
London, KY 40741-9011

January 6, 2014

Leonard K. Peters Secretary

Steve Hohmann Commissioner

GARY HALL OFFICE OF SURFACE MINING 421 WEST HWY 80 LONDON KY 40741

RE: Permit Name: REVELATION ENERGY LLC

Permit Number: 897-0563 Increment Number: 1,3,6

Bond ID Number: 1078037, 1078038, 1078039

Phase Number: PIII

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Sincerely,

Steve Vance

Environmental Control Manager DMRE/London Regional Office

tem N. Vance



897-0563 MINE INSPECTION REPORT – PERMANENT PROGRAM Hand Delivered? RG Bonded Acres Acres Permitted Status Start Time End Time **Company Name and Address** REVELATION ENERGY LLC 12:00 PM 515.78 \mathbf{RC} 01:00 PM 160 LANK BRANCH RD STE 2 Mine Type Acres Bonded Inspection Date Туре PIKEVILLE, KY 41501 SURFACE 0 03/06/2014 P Weather Est. Acres Disturbed PARTLY 510 SUNNY/CLOUD Overall Site Insolvent Surety Photos Reasons For Inspection Est. Acres End Inspection Date Condition Reclaimed 03/06/2014 No No 510 INC/ICO IAO Modification Permit Expiration Date Non-Compliance Cessation Order Number Number Number Number Type Type Type Type 7/2/2002 Signs and Markers Sedimentation Ponds Steep Slopes FC FC (SS) FC (SM) (SC) KAR 16:030 or 18:030 KAR 16:090 or 18:090 KAR 20:060 Roads Diversions Mountaintop Removal FC FCNA (AC) (DV) (MR) KAR 16:220 or 18:230 KAR 16:080 or 18:080 KAR 20:050 Auger Mining Water Ouality Topsoil (TH) FC (WQ) FC (AM) FC KAR 16:050 or 18:050 KAR 16:070 or 18:070 KAR 20:030 Use of Explosives General Hydrologic Prime Farmland (UE) FC KAR 16:120 or 18:120 FC Requirements (PF) NA KAR 20:040 (HR) KAR 16:060 or 18.060 Disposal of Excess Spoil Water Monitoring **Processing Plants** FC FC NA (DS) (WM) (PP) KAR 16:110 or 18:110 KAR 16:130 or 18:130 KAR 20:070 or 20:080 Post-Mining Land Use Backfilling and Grading Impoundments FC FC FC (BG) (IM) (PL) KAR 16:100 or 18:100 KAR 16:190 or 18:190 KAR 16:210 or 18:220 Contemporaneous Reclamation Coal Waste Dams Drilled Holes FC FC (CR) (WD) NA (DH) KAR 16:020 or 18:020 KAR 16:160 or 18:160 KAR 16:040 or 18:040 Other Facilities Disposal of Coal Processing Approved Operator FC (OF) KAR 16:250 or 18:260 (DC) NA Waste (UO) NA KAR 8:010 KAR 16:140 or 18:140 Ownership and Control Disposal of Non-Coal Waste Air Resources Protection (DW) FC FC (OC) FC (AP) KAR 8:010 KAR 16:150 or 18:150 KAR 16:170 or 18:170 Revegetation Fish and Wildlife Protection Subsidence (RV) FC (FW) FC (SB) NA KAR 16:200 or 18:200 KAR 16:180 or 18:180 KAR 18:210 Off Permit Disturbance Mining Off Permit U/G Other Permit Conditions FC FC (OD) NA (OO)(OT) KAR 7:040 KAR 7:040 or 8:010 Liability Insurance Method of Operation Surety Failure FC FC FC (OM) (LI) (SF) KAR 08:010 KAR 10:030 KAR 10:030 Flyrock **Effluent Limitations** Surface and Ground Water (EL) FC (FR) FC (SW) FC KAR 16:120 KAR 5:065 KAR 16:110, 18:110, or 5:065 Describe all changes since last inspection, including change in operator or contractor and name(s) of any person(s) who accompanied you during this inspection (citizen, chief, other federal or state inspectors); etc. Complete inspection - All structures with KPDES sampled and in compliance. Yes No If Yes not selected, list points in violation. This permit is released as of today's date of 3-06-2014 inspections ceased. Jason Mills Env. Inspector: I.D. No: 060248 Date: 03/06/2014 Env. Control Supervisor: Date: 03/10/2014 Kevin Helton Env. Control Manager: Date: Person On-Site To Whom Copy Was Delivered: Signature: Person To Whom Copy Was Hand Delivered: Signature:

Kentucky Energy and Environment Cabinet Department For Natural Resources

Certified Mail No.

Contact Inspector at:

Certified Date

Copies Mailed To: REVELATION ENERGY LLC

160 LANK BRANCH RD STE 2

PIKEVILLE,	KY	41501		

Page: 2 of 2



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: <u>kentuckyes@fws.gov</u>

In Reply Refer To: May 03, 2023

Project Code: 2023-0077091

Project Name: Team Kentucky Sky View Estates Area 1, Perry County, KY

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.

05/03/2023

Attachment	(~)	١.
Attachment	S	١.

Official Species List

05/03/2023

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: 2023-0077091

Project Name: Team Kentucky Sky View Estates Area 1, Perry County, KY

Project Type: New Constr - Above Ground

constructed.

Project Description: The Commonwealth of Kentucky will build 153 single-family detached

units on approximately 49.2 acres of land to be acquired in a new 178-unit subdivision (approximately 59.2 acres) to be called Sky View Estates Area 1 (center point geographic coordinates: 37.248952/-83.269390). The subdivision will be developed on reclaimed mine land in Perry County, KY off of Skyview Road. The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). MTN View, Inc., a for-profit developer, will retain title to approximately 10-acres in Sky View Estates Area 1 to build 25 singlefamily detached units as a separate development project. This project will create replacement housing following the July 2022 flood disaster in Southeastern Kentucky. The Commonwealth will acquire the property, will grade the site where needed, and develop road, water, sewer, and electric infrastructure to support the development of single-family detached housing. Utilities are located adjacent to the project area. Both water and sewer lines will be extended to service the project area, as well as electric utilities. Access to the site will be through existing public roads. The Commonwealth will select non-profit and/or for-profit developers to build the homes to be sold to eligible homebuyers. The site will be acquired once authority to use grant funds is provided by HUD for CDBG-DR and HOME Investment Partnerships funding for the project and grading home site preparation will follow before units are

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@37.24904030000004,-83.26926350738786,14z



Counties: Perry 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 Fisheries¹, 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.

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

Gray Bat *Myotis grisescens*

Endangered

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

• The project area includes potential gray bat habitat.

Species profile: https://ecos.fws.gov/ecp/species/6329

General project design guidelines:

https://ipac.ecosphere.fws.gov/project/J6NUGSMCMVHVBM42EW242MUVGE/documents/generated/6422.pdf

Indiana Bat *Myotis sodalis*

Endangered

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:

 The project area includes 'potential' habitat. All activities in this location should consider possible effects to this species.

Species profile: https://ecos.fws.gov/ecp/species/5949

General project design guidelines:

https://ipac.ecosphere.fws.gov/project/J6NUGSMCMVHVBM42EW242MUVGE/documents/generated/6422.pdf

Northern Long-eared Bat *Myotis septentrionalis*

Endangered

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/J6NUGSMCMVHVBM42EW242MUVGE/documents/generated/6422.pdf

FISHES

NAME

Kentucky Arrow Darter Etheostoma spilotum

Threatened

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:

 $\underline{https://ipac.ecosphere.fws.gov/project/J6NUGSMCMVHVBM42EW242MUVGE/}$

documents/generated/5224.pdf

INSECTS

NAME STATUS

Monarch Butterfly *Danaus plexippus*

Candidate

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Kentucky Housing Corporation

Name: Curtis Stauffer

Address: 1231 Louisville Road

City: Frankfort

State: KY Zip: 40601

Email cstauffer@kyhousing.org

Phone: 5028745239

IPaC Information for Planning and Consultation u.s. Fish & Wildlife Service

Endangered Species Act Review

DETERMINATION KEY

Indiana Bat Determination Key

Release date: March 24, 2022

You completed the latest version of this key, published October 18, 2021, and reached a determination of <u>not applicable</u> for species or critical habitats covered by the key.

This determination key (DKey) provides a conclusion for common types of projects that are not likely to adversely affect the endangered **Indiana bat** (*Myotis sodalis*). We expect the majority of projects using this key to be development projects or small-scale utility projects. Development projects may include residential, commercial, industrial, or municipal developments. Small-scale utility projects may include new electric distribution lines, electric substations, water treatment plants, natural gas distribution lines, and pump stations. Small repairs or modifications to existing oil or gas and electrical transmission lines and existing utility facilities may also qualify. Other types of projects; like marine events, cell towers, and recreational trails; may also qualify.

Qualifying projects would not produce stressors other than those evaluated in the standing analysis that supports this key: minor noise and vibration, night lighting, minor loss and degradation of aquatic resources, and some forested habitat removal. Projects that would expose one or more of the species to additional stressor(s) do not qualify to use this DKey. Some examples of additional stressors include noise and vibration from blasting (other than fireworks in a marine event), loss and/or degradation to streams that would require an individual permit under section 404 of the Clean Water Act, prescribed fire, contaminates (e.g., leachate pond), modifications to existing bridges, and wind turbines.

Qualifying projects will reach a conclusion indicating the project, based on the answers to the DKey, is consistent with a "no effect" or a "may affect – not likely to adversely affect" determination for the Indiana bat. Projects that do not qualify for this key are not necessarily likely to adversely affect the Indiana bat. If non-qualifying projects may affect the Indiana bat, these effects can be evaluated through project-specific consultation (or other programmatic consultation, if applicable) with the Service.

For a video demonstration of this DKey, click the link below. <u>Demo: Indiana Bat DKey</u>

Species covered by this key

This key covers the following species expected to occur in this project area:

Indiana Bat Myotis sodalis

Critical habitats covered by this key

This key covers the critical habitats for the following species expected to occur in this project area:

None

For more information about this determination key, including a list of all potential questions, refer to the detailed overview.

Qualification interview

1. Will the proposed action involve Federal funding, permitting, or authorization, or will it be carried out by a Federal Agency?

Yes

2. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) the lead Federal Agency for this action.

✓ No

3. Are you the lead Federal Action Agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?

✓ Yes

4. [Semantic] Is the Action Area within 1/2-mile of a known Indiana bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact the Field Office listed in the letterhead of this letter.

Automatically answered

No

5. If you have determined that the Indiana bat is unlikely to occur to within your project's Action Area (Pursuant to 50 CFR \$402.02, the Action Area includes all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. Moreover, the Effects of the Action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action (see also 50 CFR §402.17).) or that your project is unlikely to have any potential impacts on the Indiana bat, you may wish to make a "No Effect" determination for the Indiana bat. Would you like to make a No Effect determination for the Indiana bat?

Note: A "No Effect" determination does not require concurrence from the Service; however, you should document the supporting information for this determination in your files. This documentation would typically demonstrate a lack of suitable habitat within the action area, show that no impacts to suitable habitat would occur, or provide information that the species is not reasonably certain to occur in the action area even though suitable habitat is present. If you believe the Indiana bat may be affected by your project or if you would like assistance in making a determination, please answer "no" and continue through the key.

Yes

When the action agency determines its proposed action will not affect a listed species, there is no need to coordinate further with the Service. If the Indiana bat will not be exposed directly or indirectly to the proposed action or any resulting environmental changes, an agency should conclude "no effect" and document the finding and this completes the section 7 process. For example, if suitable habitat is not present in the action area and the project does not otherwise present a risk to the species, conclude "species not present" and document your finding.

If you no longer wish to use this key for your project, you can delete your evaluation.



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: <u>kentuckyes@fws.gov</u>

In Reply Refer To: May 03, 2023

Project code: 2023-0077091

Project Name: Team Kentucky Sky View Estates Area 1, Perry County, KY

Subject: Consistency letter for the project named 'Team Kentucky Sky View Estates Area 1,

Perry County, KY' for specified threatened and endangered species that may occur in your proposed project location consistent with the Kentucky Determination Key

(DKey)

Dear Curtis Stauffer:

The U.S. Fish and Wildlife Service (Service) received on **May 03, 2023** your effect determination(s) for the 'Team Kentucky Sky View Estates Area 1, Perry County, KY' (Action) using the Kentucky (DKey) within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Kentucky DKey, you made the following effect determination(s) for the proposed Action:

SpeciesListing StatusDeterminationGray Bat (Myotis grisescens)EndangeredNo effectKentucky Arrow Darter (Etheostoma spilotum)ThreatenedMay affect

Consultation Status

May Affect Determinations: Species with May Affect determinations are those for which the DKey was unable to provide a conclusion or those for which you were either unsure about the determination or you chose to make a "may affect" determination. If the DKey was unable to provide a conclusion, this does not necessarily mean that the project is likely to adversely affect the species. If you think the project may affect the species or want additional technical assistance, please follow the instructions in the "Additional Coordination" section below. If a federal action agency chooses to make a "no effect" determination for the species, there is no statutory requirement to request concurrence with that determination; however, the federal action agency should document the supporting information for this determination in their files. This

documentation would typically demonstrate a lack of suitable habitat within the action area, show that no impacts to suitable habitat would occur, or provide information that the species is not reasonably certain to occur in the action area even though suitable habitat is present.

The Service recommends that your agency contact the Kentucky Ecological Services Field Office or re-evaluate the Action in IPaC if: 1) the scope, timing, duration, or location of the Action changes, 2) new information reveals the Action may affect listed species or designated critical habitat, or 3) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Kentucky Ecological Services Field Office should take place before project changes are final or resources committed.

The following species and/or critical habitats may also occur in your project area and **are not** covered by this conclusion:

- Indiana Bat Myotis sodalis Endangered
- Monarch Butterfly Danaus plexippus Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Endangered

To address effects to other federally listed or proposed species and/or their designated critical habitat, you can request project-specific review by following the instructions in the "Next Steps" section of your species list letter, or you may use another determination key, if available.

Additional Coordination

To request additional technical assistance or consultation, please email your request to KentuckyES@fws.gov and include relevant site-specific information. The Kentucky Ecological Services Field Office will respond within 30 days of your submittal.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Team Kentucky Sky View Estates Area 1, Perry County, KY

2. Description

The following description was provided for the project 'Team Kentucky Sky View Estates Area 1, Perry County, KY':

The Commonwealth of Kentucky will build 153 single-family detached units on approximately 49.2 acres of land to be acquired in a new 178-unit subdivision (approximately 59.2 acres) to be called Sky View Estates Area 1 (center point geographic coordinates: 37.248952/-83.269390). The subdivision will be developed on reclaimed mine land in Perry County, KY off of Skyview Road. The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). MTN View, Inc., a for-profit developer, will retain title to approximately 10-acres in Sky View Estates Area 1 to build 25 single-family detached units as a separate development project. This project will create replacement housing following the July 2022 flood disaster in Southeastern Kentucky. The Commonwealth will acquire the property, will grade the site where needed, and develop road, water, sewer, and electric infrastructure to support the development of single-family detached housing. Utilities are located adjacent to the project area. Both water and sewer lines will be extended to service the project area, as well as electric utilities. Access to the site will be through existing public roads. The Commonwealth will select non-profit and/or for-profit developers to build the homes to be sold to eligible homebuyers. The site will be acquired once authority to use grant funds is provided by HUD for CDBG-DR and HOME Investment Partnerships funding for the project and grading home site preparation will follow before units are constructed.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@37.24904030000004,-83.26926350738786,14z



QUALIFICATION INTERVIEW

1. Will the proposed Action involve Federal funding, permitting, or authorization, or will it be carried out by a Federal Agency?

Yes

2. Are you the lead Federal Action Agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?

Yes

3. [Hidden Semantic] Does the action area intersect critical habitat?

Automatically answered

No

4. Will the proposed Action involve construction or operation of wind turbines?

No

5. Will the proposed Action involve blasting (other than a fireworks display)?

No

6. Will the proposed Action involve a new point source discharge from a facility other than a water treatment plant or storm water system?

No

- 7. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g. leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

 No
- 8. Will the proposed Action include the removal, replacement, repair and/or maintenance of an existing bridge or culvert?

No

9. Will the proposed Action involve perennial stream loss that would require an individual permit under 404 of the Clean Water Act?

No

10. Will the proposed Action involve discharge of sediment into a stream?

No

11. Does the Action Area contain any caves (including their associated sinkholes, fissures, or other karst features), rockshelters, underground quarries, or abandoned mine portals (including associated underground workings)?

No

12. [Hidden Semantic] Does the Action Area intersect the Kentucky AOI of the gray bat?

Automatically answered

Yes

13. Will the proposed Action involve drilling or boring?

No

14. Based on the responses you have provided, we believe that the proposed Action is consistent with the type of Actions programmatically evaluated by the Service's Kentucky Field Office under the standing analyses that support this determination key. These Actions typically conclude with "no effect" or "may affect - not likely to adversely affect" determinations for the gray bat.

What is your effect determination for the **gray bat**?

Note: IPaC will not provide a concurrence for "no effect" determinations, because there is no statutory requirement to request concurrence from the Service. IPaC will provide concurrence for "May affect – not likely to adversely affect" determinations. If you choose "May affect – likely to adversely affect" or "Unsure," additional coordination with the Service is recommended.

- "No effect"
- 15. Will the proposed Action involve a new point source discharge into a stream or change an existing point source discharge (e.g., outfalls; leachate ponds)?

 No
- 16. Will the proposed Action include any activities that would alter stream flow, such as hydropower energy production, impoundments, intake structures, diversion structures, and/or turbines?

No

- 17. Will the proposed Action involve dredging or in-stream gravel mining? *No*
- 18. Will the proposed Action involve resource extraction (e.g., mining, oil/gas, logging), including exploration activities?

No

- 19. Will the proposed Action involve stream impacts (perennial or intermittent) that would require an individual permit under 404 of the Clean Water Act?
 No
- 20. Will the proposed Action involve activities that would contribute measureable nonpoint source pollution to streams (e.g., sediment, nutrients, etc.)? See the following EPA webpage for more examples of nonpoint source pollution and activities that can produce it: https://www.epa.gov/nps/basic-information-about-nonpoint-source-nps-pollution
 No
- 21. Will the proposed Action involve new or increased use of public recreational OHV trails? *No*
- 22. Will the proposed Action disturb the channel or bank of a perennial or intermittent stream? *No*
- 23. Will the proposed Action disturb the channel or bank of an ephemeral stream? *No*

24. Will the proposed Action involve vegetation removal within 200 feet of a perennial stream bank?

No

25. Will the proposed Action involve excavation or grading, including for the construction or improvement of an access road?

Yes

26. Are all areas proposed for excavation or grading situated more than 200 feet from the banks of perennial and intermittent streams?

Yes

27. Are any areas proposed for excavation or grading located in or partly in a "special flood hazard area" as designated by FEMA? You can determine this by searching for your project area at the FEMA Flood Map Service Center (https://msc.fema.gov/portal/home. For technical assistance please contact the Field Office listed in the letterhead of your project's official species list.

No

28. Will the excavation or grading create new water bars or ditches that will channel stormwater into a stream?

No

29. Will the project proponent complete all excavation and grading activities and subsequent soil stabilization measures within 1 month?

No

30. [Hidden Semantic] Does the project area intersect the AOI of the Kentucky arrow darter?

Automatically answered

Yes

IPAC USER CONTACT INFORMATION

Agency: Kentucky Housing Corporation

Name: Curtis Stauffer

Address: 1231 Louisville Road

City: Frankfort

State: KY Zip: 40601

Email cstauffer@kyhousing.org

Phone: 5028745239



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: May 03, 2023

Project code: 2023-0077091

Project Name: Team Kentucky Sky View Estates Area 1, Perry County, KY

Federal Nexus: yes

Federal Action Agency (if applicable):

Subject: Record of project representative's no effect determination for 'Team Kentucky Sky

View Estates Area 1, Perry County, KY'

Dear Curtis Stauffer:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on May 03, 2023, for 'Team Kentucky Sky View Estates Area 1, Perry County, KY' (here forward, Project). This project has been assigned Project Code 2023-0077091 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A

consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Gray Bat *Myotis grisescens* Endangered
- Indiana Bat *Myotis sodalis* Endangered
- Kentucky Arrow Darter Etheostoma spilotum Threatened
- Monarch Butterfly Danaus plexippus Candidate

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

Based upon your IPaC submission, your project has reached the determination of "No Effect" on the northern long-eared bat. If there are no updates on listed species, no further consultation/ coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the Kentucky Ecological Services Field Office and reference Project Code 2023-0077091 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Team Kentucky Sky View Estates Area 1, Perry County, KY

2. Description

The following description was provided for the project 'Team Kentucky Sky View Estates Area 1, Perry County, KY':

The Commonwealth of Kentucky will build 153 single-family detached units on approximately 49.2 acres of land to be acquired in a new 178-unit subdivision (approximately 59.2 acres) to be called Sky View Estates Area 1 (center point geographic coordinates: 37.248952/-83.269390). The subdivision will be developed on reclaimed mine land in Perry County, KY off of Skyview Road. The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). MTN View, Inc., a for-profit developer, will retain title to approximately 10-acres in Sky View Estates Area 1 to build 25 single-family detached units as a separate development project. This project will create replacement housing following the July 2022 flood disaster in Southeastern Kentucky. The Commonwealth will acquire the property, will grade the site where needed, and develop road, water, sewer, and electric infrastructure to support the development of single-family detached housing. Utilities are located adjacent to the project area. Both water and sewer lines will be extended to service the project area, as well as electric utilities. Access to the site will be through existing public roads. The Commonwealth will select non-profit and/or for-profit developers to build the homes to be sold to eligible homebuyers. The site will be acquired once authority to use grant funds is provided by HUD for CDBG-DR and HOME Investment Partnerships funding for the project and grading home site preparation will follow before units are constructed.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@37.24904030000004,-83.26926350738786,14z



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (Myotis septentrionalis). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

No

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

8. Have you determined that your proposed action will have no effect on the northern longeared bat? Remember to consider the <u>effects of any activities</u> that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer "No" below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project's action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a "no effect" determination for the northern long-eared bat.

Note: Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer "No" and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of Effects of the Action can be found here: https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions

Yes

PROJECT QUESTIONNAIRE

Will all project activities by completed by April 1, 2024? *No*

IPAC USER CONTACT INFORMATION

Agency: Kentucky Housing Corporation

Name: Curtis Stauffer

Address: 1231 Louisville Road

City: Frankfort

State: KY Zip: 40601

Email cstauffer@kyhousing.org

Phone: 5028745239

Sky View Estates Area 1, Perry County, KY



May 1, 2023

Wetlands

Estuarine and Marine Deepwater

Estuarine and Marine Wetland

Freshwater Emergent Wetland

Freshwater Forested/Shrub Wetland

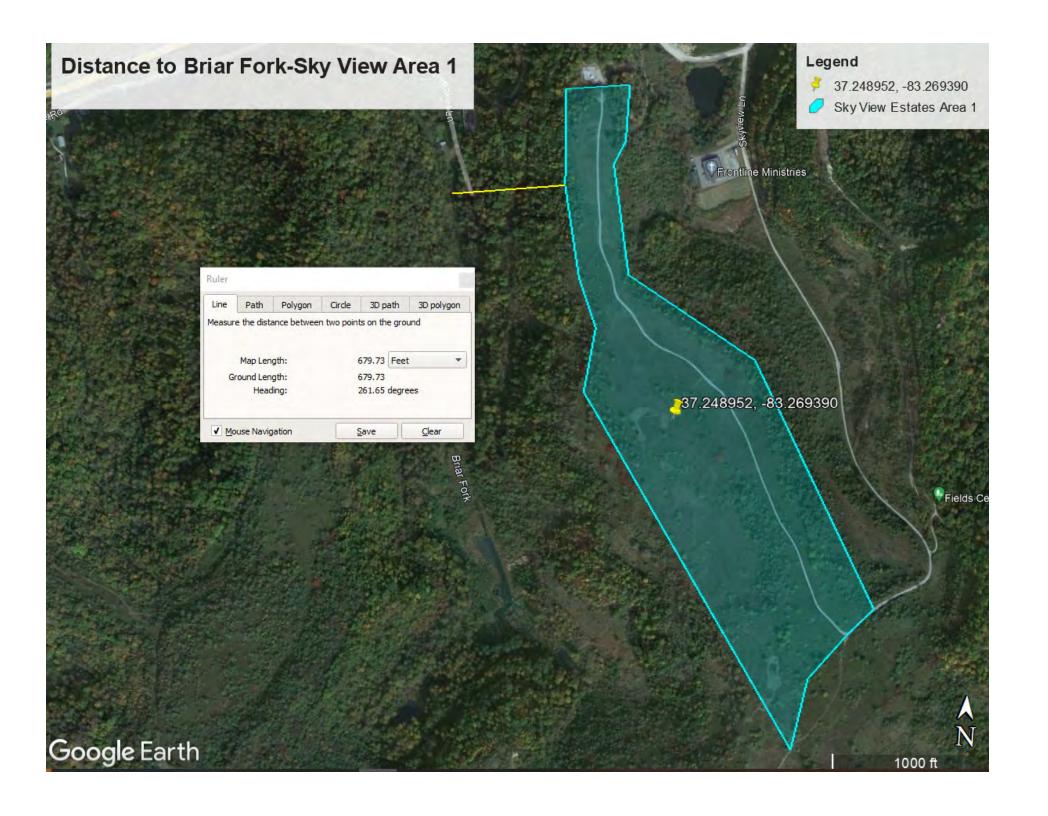
Freshwater Pond

Lake

Riverine

Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet	N/A	24 CFR Part 51
Acceptable Separation Distance (ASD)		Subpart C
requirements to protect them from		
explosive and flammable hazards.		

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

✓ No Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

✓ Yes

- 3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:
- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR
- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer "No." For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer "Yes."

No

✓ Yes

4. Based on the analysis, is the proposed HUD-assisted project located at or beyond the required separation distance from all covered tanks?

✓ Yes

Based on the response, the review is in compliance with this section.

No

Screen Summary

Compliance Determination

There is a current or planned stationary aboveground storage container of concern within 1 mile of the project site. The Separation Distance from the project is acceptable. The project is in compliance with explosive and flammable hazard requirements. A search of Google Earth Pro Aerial maps found one set of two above ground storage tanks 3,873 feet from the project site located at Home Lumber-Hazard Reddi-Mix, a concrete plant at 4852 KY 451 in Hazard, Home Lumber-Hazard Hazard Reddi-Mix's Air Quality permit # S-17-073 with Commonwealth of Kentucky Energy and Environment Cabinet Department for Environmental Protection Division for Air Quality states that there are two silos on site, one containing cement and the other containing fly ash, neither of which are explosive or flammable hazards. Therefore, these above ground storage tanks pose no risk to residents at Sky View Estates Area 1.

Supporting documentation

Home Lumber Hazard Reddi-Mix EEC Permit S-17-073 Final 12-23-2017.pdf

Distance to above ground storage tanks-Sky View.pdf

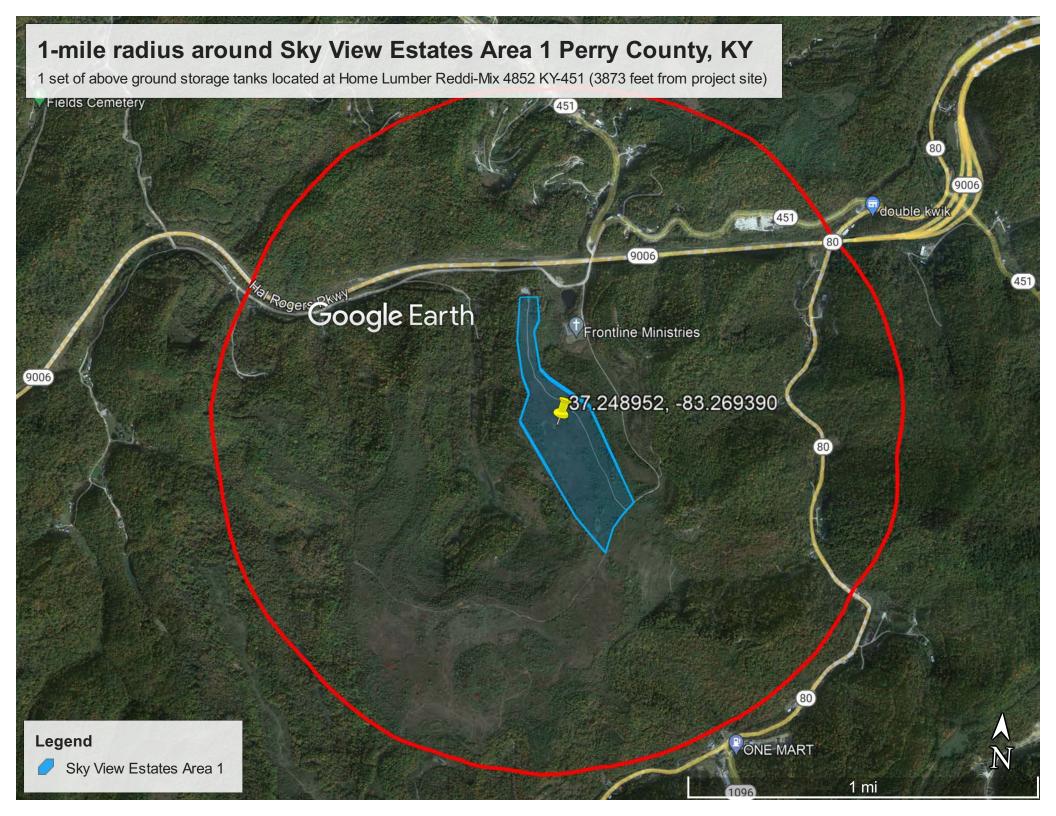
Concrete Plant Above Ground Storage Tanks_4852 KY-451.pdf

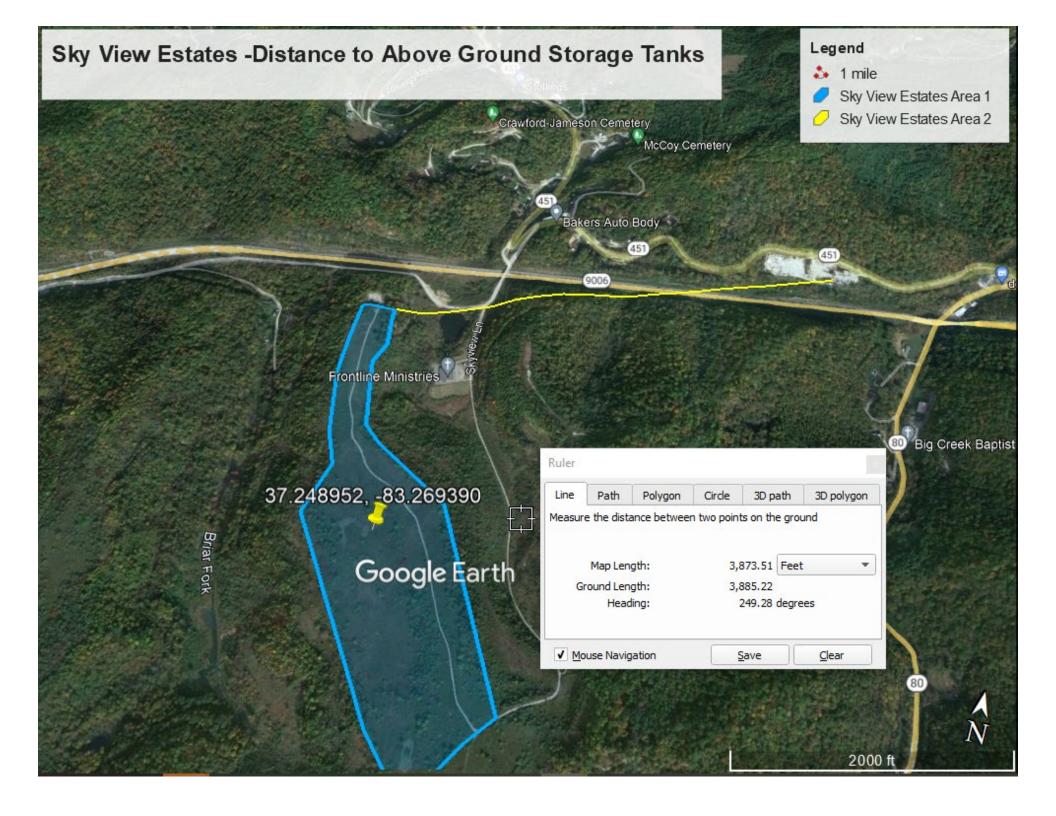
1 Mile Radius-Sky View Estates-1 set of ASTs.pdf

Are formal compliance steps or mitigation required?

Yes

✓ No







4852 KY-451

Home Lumber - Hazard Reddi-Mix Concrete Plant Above Ground Storage Tanks-3873 feet from Sky View Estates, Perry County, KY



Image capture: Mar 2009 © 2023 Google



Commonwealth of Kentucky

Energy and Environment Cabinet
Department for Environmental Protection
Division for Air Quality
300 Sower Boulevard, 2nd Floor
Frankfort, Kentucky 40601
(502) 564-3999

AIR QUALITY PERMIT

Issued under 401 KAR 52:040

Permittee Name: Home Lumber Company, Inc.

Mailing Address: P.O. Box 1037

Hazard, Kentucky 41702

Source Name: Hazard Ready Mix (Coal Harbor Hill)

Mailing Address: Same as Above

Source Location: 4852 KY 451

Hazard, Kentucky 41701

Permit ID: S-17-073 Agency Interest #: 6466

Activity ID: APE20170001

Review Type: Minor Source, Operating

Source ID: 21-193-00111

Regional Office: Hazard Regional Office

233 Birch Street, Suite 2

Hazard, Kentucky 41701-2179

(606) 435-6022

County: Perry

Application

Complete Date: July 28, 2017
Issuance Date: December 23, 2017
Expiration Date: December 23, 2027

Sean Alteri, Director

Rick S. Shewekah for

Division for Air Quality

Revised 7/1/16

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B. EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS	Renewal	2
C. GENERAL CONDITIONS	Renewal	6

Permit	Permit Type	Activity#	Complete Date	Issuance Date	Summary of Action
S-17-073	Initial	APE20170001	7/28/17	12/23/17	Operation of a Ready Mix Concrete Plant

Permit Number: $\underline{S-17-073}$ Page: $\underline{1}$ of $\underline{9}$

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality (Division) hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes (KRS) Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:040, State-origin permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Energy and Environment Cabinet (Cabinet) or any other federal, state, or local agency.

Permit Number: <u>S-17-073</u> **Page:** <u>2</u> **of** <u>9</u>

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

01 Silos

Unit	Name	Capacity (tons/hr)	Year Constructed	Control Device
01	Cement Silo	70	2003	Baghouse
02	Fly Ash Silo	70	2003	Baghouse

APPLICABLE REGULATIONS:

401 KAR 59:010, New process operations

1. **Operating Limitations:**

Units shall not operate without corresponding control device also in operation.

2. <u>Emission Limitations</u>:

a. Pursuant to 401 KAR 59:010, Section 3(2) and Appendix A, emissions of particulate matter from each source constructed on or after July 2, 1975, shall not exceed the lbs/hr limit as determined by the following equations using the process weight rate (in units of tons/hr).

For process rates in excess of 60,000 lbs/hr: $E = 17.31P^{0.16}$ For the equation E = rate of emission in lb/hr and P = process weight rate in tons/hour

Compliance Demonstration Method:

- 1) Compliance is demonstrated by compliance with Subsection 4, Specific Monitoring Requirements, and Subsection 7, Specific Control Equipment Operating Conditions.
- 2) If requested by the Division, compliance with hourly emission limit shall be determined as follows:

Hourly Emission Rate = [Monthly processing rate x Emission Factor as determined from AP-42 * / (Hours of operation per month)] \times (1 – control efficiency)

- * If an Emission Factor other than that taken from AP-42 is used, documentation on how that Emission Factor was derived must be submitted to the Division's Central Office for approval.
- b. Pursuant to 401 KAR 59:010, Section 3, any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity.

Compliance Demonstration Method:

Compliance is demonstrated with Subsection 4, Specific Monitoring Requirements, and Subsection 7, Specific Control Equipment Operating Conditions.

Permit Number: <u>S-17-073</u> **Page:** <u>3</u> **of** <u>9</u>

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. <u>Testing Requirements</u>:

Periodic testing may be required to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit, as deemed necessary by the Division, in accordance with 401 KAR 50:045, Section 4.

4. Monitoring Requirements:

- a. The permittee shall monitor the amount of material processed and hours of operation on a monthly basis.
- b. While operating, the permittee shall perform a qualitative visual observation of the opacity of emissions from the stack on a daily basis and maintain a log of the observations. If visible emissions from the stack are seen, then corrective action shall be taken as needed. [401 KAR 52:040, Section 10].

5. Recordkeeping Requirements:

- a. The permittee shall maintain records of the amount of materials processed and hours of operation on a monthly basis. [401 KAR 52:040, Section 10]
- b. The permittee shall maintain a record of the following for the visual observations. [401 KAR 52:040, Section 10]
 - 1) Result of the daily visual observations;
 - 2) date (mm/dd/yyyy) of the observation made;
 - 3) initials of the observer; and
 - 4) corrective actions (if any).
- c. A log shall be kept of all routine and non-routine maintenance performed on each control device. [401 KAR 52:040, Section 10]

6. Reporting Requirements:

See Section C, General Conditions, Reporting Requirements

7. Specific Control Equipment Operating Conditions

All baghouses shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturer.

Permit Number: $\underline{S-17-073}$ Page: $\underline{4}$ of $\underline{9}$

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

03 Aggregate Handling

Unit	Name	Capacity (tons/hr)	Year Constructed
03	Weigh Hopper (Cement& Fly Ash)	198	2003
04	Weigh Hopper (Aggregate)	198	2003
05	Truck Loadout	200	2003
06a	Aggregate Handling	225	2003
06b	Stockpile (Aggregate)	225	2003
07a	Haul Road (Paved)	200	2003
07b	Haul Road (Unpaved)	200	2003

APPLICABLE REGULATIONS:

401 KAR 63:010, Fugitive Emissions

1. **Operating Limitations**:

- a. Pursuant to 401 KAR 63:010, Section 3 (1), no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored; a building or its appurtenances to be constructed, altered, repaired, or demolished, or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following:
 - 1) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
 - 2) Application and maintenance of asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces which can create airborne dusts;
 - 3) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emissions during handling. Adequate containment methods shall be employed during sandblasting or other similar operations.
 - 4) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;
 - 5) The maintenance of paved roadways in a clean condition;
 - 6) The prompt removal of earth or other material from a paved street which earth or other material has been transported thereto by trucking or earth moving equipment or erosion by water.
- b. Pursuant to 401 KAR 63:010, Section 3 (3), when dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, the Secretary may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or air-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

Permit Number: <u>S-17-073</u> **Page:** <u>5</u> **of** <u>9</u>

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- c. Pursuant to 401 KAR 63:010, Section 4, Additional Requirements, in addition to the requirements of Section 3 of this regulation, the following shall apply:
 - 1) Pursuant to 401 KAR 63:010, Section 4 (1), open bodied trucks, operating outside company property, transporting materials likely to become airborne shall be covered at all times when in motion.
 - 2) Pursuant to 401 KAR 63:010, Section 4 (4), 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.

2. <u>Emission Limitations</u>:

Pursuant to 401 KAR 63:010, Section 3 (2), no person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.

Compliance Demonstration Method:

See Subsection 1. Operating Limitations

3. <u>Testing Requirements:</u>

None

4. Monitoring Requirements:

The permittee shall monitor the reasonable precautions taken (including, but not limited action listed in Operating Limitations 1.b) to prevent particulate matter from becoming airborne on a daily basis, when applicable.

5. Recordkeeping Requirements:

The permittee shall maintain a daily log of the reasonable precautions taken. Notation of the operating status, down-time or relevant weather conditions are acceptable for entry to the log.

6. Reporting Requirements:

See Section C, General Conditions, Reporting Requirements

Permit Number: $\underline{S-17-073}$ Page: $\underline{6}$ of $\underline{9}$

SECTION C - GENERAL CONDITIONS

1. Administrative Requirements:

a. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:040, Section 3(1)(b) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.

- b. This permit shall remain in effect for a fixed term of ten (10) years following the original date of issuance. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 52:040, Section 15]
- c. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-11 of the *Cabinet Provisions and Procedures for Issuing State-Origin Permits* incorporated by reference in 401 KAR 52:040 Section 23].
- d. Pursuant to materials incorporated by reference by 401 KAR 52:040, this permit may be revised, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance shall not stay any permit condition [Section 1a-4, 5, of the *Cabinet Provisions and Procedures for Issuing State-Origin Permits* incorporated by reference in 401 KAR 52:040 Section 23].
- e. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing State-Origin Permits* incorporated by reference in 401 KAR 52:040 Section 23].
- f. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:040 Section 11(3)].
- g. All previously issued permits to this source at this location are hereby null and void.

2. Recordkeeping Requirements:

a. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of at least five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:040 Section 3(1)(f) and Section 1b-IV-2 of the *Cabinet Provisions and Procedures for Issuing State-Origin Permits* incorporated by reference in 401 KAR 52:040 Section 23].

Permit Number: <u>S-17-073</u> **Page:** <u>7</u> **of** <u>9</u>

SECTION C - GENERAL CONDITIONS (CONTINUED)

b. The permittee shall perform compliance certification and recordkeeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to 401 KAR 52:040, Section 21.

3. Reporting Requirements:

- a. 1) In accordance with the provisions of 401 KAR 50:055, Section 1, the permittee shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - i. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - ii. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
 - 2) The permittee shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Reporting Requirement condition a.(1) above), the probable cause of the deviation, and corrective or preventive measures taken; to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report [Section 1b-V-3 of the *Cabinet Provisions and Procedures for Issuing State-Origin Permits* incorporated by reference in 401 KAR 52:040 Section 23].
- b. The permittee shall furnish information requested by the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the permit [Section 1a-6 of the *Cabinet Provisions and Procedures for Issuing State-Origin Permits* incorporated by reference in 401 KAR 52:040 Section 23].
- c. Summary reports of monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation. The summary reports are due January 30th and July 30th of each year. All deviations from permit requirements shall be clearly identified in the reports. All reports shall be certified by a responsible official pursuant to 401 KAR 52:040, Section 21.

Permit Number: $\underline{S-17-073}$ Page: $\underline{8}$ of $\underline{9}$

SECTION C - GENERAL CONDITIONS (CONTINUED)

4. <u>Inspections</u>:

In accordance with the requirements of 401 KAR 52:040, Section 3(1)(f) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times. Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency:

- a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation.
- b. To access and copy any records required by the permit.
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit.
- d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.

5. Emergencies/Enforcement Provisions:

- a. The permittee shall not use as defense in an enforcement action, the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing State-Origin Permits* incorporated by reference in 401 KAR 52:040 Section 23].
- b. An emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - 1) An emergency occurred and the permittee can identify the cause of the emergency;
 - 2) The permitted facility was at the time being properly operated;
 - During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit;
 and
 - 4) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
- c. Emergency provisions listed in General Condition 5.b. are in addition to any emergency or upset provision contained in an applicable requirement [401 KAR 52:040, Section 22(3].
- d. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:040, Section 22(2)].

Permit Number: <u>S-17-073</u> **Page:** <u>9</u> **of** <u>9</u>

SECTION C - GENERAL CONDITIONS (CONTINUED)

6. <u>Compliance</u>:

a. Periodic testing or instrumental or non-instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit.

For the purpose of demonstration of continuing compliance, the following guidelines shall be followed pursuant to 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation at any time an affected facility for which the equipment and measures are designed is operated, except as provided by 401 KAR 50:055, Section 1.

- b. Pursuant to 401 KAR 52:040, Section 19, the permittee shall certify compliance with the terms and conditions contained in this permit by January 30th of each year, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - 1) Identification of the term or condition;
 - 2) Compliance status of each term or condition of the permit;
 - 3) Whether compliance was continuous or intermittent;
 - 4) The method used for determining the compliance status for the source, currently and over the reporting period, and
 - 5) For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
 - 6) The certification shall be submitted by January 30th of each year. Annual compliance certifications shall be sent to the Regional Office listed on the front of this permit
- Permit Shield A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance.
 Compliance with the conditions of this permit shall be considered compliance with all:
 - 1) Applicable requirements that are included and specifically identified in this permit; or
 - 2) Non-applicable requirements expressly identified in this permit [401 KAR 52:040, Section 11].

7. Construction Requirements:

No construction authorized by Permit S-17-073.

Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection	Farmland Protection Policy	7 CFR Part 658
Policy Act (FPPA) discourages	Act of 1981 (7 U.S.C. 4201	
federal activities that would	et seq.)	
convert farmland to		
nonagricultural purposes.		

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

✓ Yes No

- 2. Does your project meet one of the following exemptions?
 - Construction limited to on-farm structures needed for farm operations.
 - Construction limited to new minor secondary (accessory) structures such as a garage or storage shed
 - Project on land already in or committed to urban development or used for water storage. (7 CFR 658.2(a))

Yes

✓ No

- 3. Does "important farmland," including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the Farmland Protection Policy Act, occur on the project site?
 - Utilize USDA Natural Resources Conservation Service's (NRCS) Web Soil Survey http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm
 - Check with your city or county's planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
 - Contact NRCS at the local USDA service center
 http://offices.sc.egov.usda.gov/locator/app?agency=nrcs or your NRCS state soil scientist https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/contact/states/ for

Perry-County-KY-Team-KY-CDBGDR-HOME

assistance

✓ No.

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes

Screen Summary

Compliance Determination

The project includes activities that could convert agricultural land to a non-agricultural use, but "prime farmland", "unique farmland", or "farmland of statewide or local importance" regulated under the Farmland Protection Policy Act does not occur on the project site. The project is in compliance with the Farmland Protection Policy Act. The USDA NRCS Web Soil Survey Map for the project site shows that it consists "FaB-Fairpoint soils, undulating" (22.0%), "FaF-Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony" (77.9%) and "uShgF-Shelocta-Highsplint-Gilpin complex, 20 to 70 percent slopes, very stony," (0.1%). All of these soils are not prime farmland nor farmland of statewide importance.

Supporting documentation

USDA Web Soil Survey Map-Sky View Estates Area 1.pdf

Are formal compliance steps or mitigation required?

Yes

No



		MAP LEGEND		
Area of Interest (AOI) Area of Interest (AOI) Not prime farmland All areas are prime farmland Prime farmland if drained Prime farmland if protected from flooding or not frequently flooded during the growing season Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season Prime farmland if irrigated Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season	Prime farmland if subsoiled, completely removing the root inhibiting soil layer Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60 Prime farmland if irrigated and reclaimed of excess salts and sodium Farmland of statewide importance Farmland of statewide importance, if drained Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if irrigated	Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if irrigated and drained Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60	Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if warm enough Farmland of statewide importance, if thawed Farmland of statewide importance, if thawed Farmland of local importance, if irrigated	Farmland of unique importance Not rated or not available Soil Rating Lines Not prime farmland All areas are prime farmland Prime farmland if drained Prime farmland if protected from flooding or not frequently floode during the growing season Prime farmland if irrigated Prime farmland if drained and either protected from flooding or not frequently floode during the growing season Prime farmland if irrigated and drained Prime farmland if irrigated and drained Prime farmland if irrigated and either protected from flooding or not frequently floode during the growing season

Farmland Classification—Leslie and Perry Counties, Kentucky (Skyview Estates Area 1 Perry County, KY)

,e.,e	Prime farmland if subsoiled, completely removing the root	~	Farmland of statewide importance, if drained and either protected from flooding or not frequently	***	Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium	~	Farmland of unique importance Not rated or not available	Prime farmland if subsoiled, completely removing the root inhibiting coil lover.
~	inhibiting soil layer Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60	~	flooding or not frequently flooded during the growing season Farmland of statewide importance, if irrigated and drained	***	Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the	Soil Rat	ting Points Not prime farmland All areas are prime farmland	inhibiting soil layer Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
~ ~ ~ ~	,	~ ~		~				

Farmland Classification—Leslie and Perry Counties, Kentucky (Skyview Estates Area 1 Perry County, KY)

- Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
 - Farmland of statewide importance, if irrigated and drained
 - Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
 - Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
 - Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed

- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough
- Farmland of statewide importance, if thawed
- Farmland of local importance
- Farmland of local importance, if irrigated

- Farmland of unique importance
- Not rated or not available

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways

→ US R

US Routes

Major Roads

Local Roads

Background

04

Aerial Photography

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Leslie and Perry Counties, Kentucky Survey Area Data: Version 19, Sep 2, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 29, 2019—Sep 15, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
FaB	Fairpoint soils, undulating	Not prime farmland	15.2	22.0%
FaF	Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony	Not prime farmland	53.8	77.9%
uShgF	Shelocta-Highsplint- Gilpin complex, 20 to 70 percent slopes, very stony	Not prime farmland	0.0	0.0%
Totals for Area of Inter	rest	69.0	100.0%	

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988,	Executive Order 11988	24 CFR 55
Floodplain Management,		
requires federal activities to		
avoid impacts to floodplains		
and to avoid direct and		
indirect support of floodplain		
development to the extent		
practicable.		

1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]

55.12(c)(3)

55.12(c)(4)

55.12(c)(5)

55.12(c)(6)

55.12(c)(7)

55.12(c)(8)

55.12(c)(9)

55.12(c)(10)

55.12(c)(11)

✓ None of the above

2. Upload a FEMA/FIRM map showing the site here:

FIRMETTE Sky View Estates Area 1- Map 2.pdf FIRMETTE Sky View Estates Area 1- Map 1.pdf

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

Does your project occur in a floodplain?

✓ No

Based on the response, the review is in compliance with this section.

Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-CDBGDR-HOME Hazard, KY

Yes

Screen Summary

Compliance Determination

This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. The FIRMette Maps for the project site (due to FIRMette Maps' scale, two maps are required to cover the entirety of Sky View Estates Area 1) demonstrate that it is an area of minimal flood hazard (Panel Number 21193C0300D, 8/2/2006, Not Printed; Panel Number 21193C0175D, eff. 8/2/2006). NOTE: FEMA Preliminary FIRM Panels issued 10/27/2022 also show that the project site is in an area of minimal flood hazard. (Preliminary Panel Numbers 21193C0300E and 21193C0175E)

Supporting documentation

FEMA Preliminary FIRM Map 21193C0300E 2022-10-27(1).pdf FEMA Preliminary FIRM Map 21193C0175E 2022-10-27(1).pdf

Are formal compliance steps or mitigation required?

Yes

✓ No

National Flood Hazard Layer FIRMette

250

500

1,000

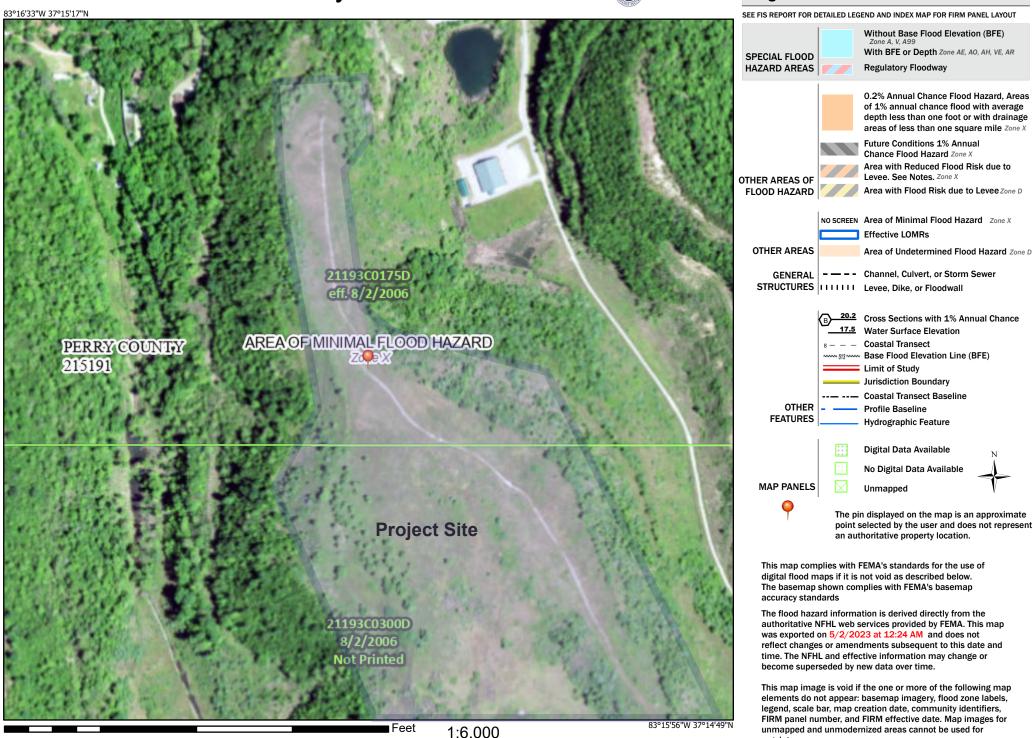
1.500

2.000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Sky View Estates Area 1- Perry County, KY- MAP #1

FEMA Legend SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X **Future Conditions 1% Annual** Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee. See Notes. Zone X Area with Flood Risk due to Levee Zone D NO SCREEN Area of Minimal Flood Hazard Zone X Effective LOMRs Area of Undetermined Flood Hazard Zone D - - - Channel, Culvert, or Storm Sewer STRUCTURES | LILLI Levee, Dike, or Floodwall 20.2 Cross Sections with 1% Annual Chance 17.5 Water Surface Elevation **Coastal Transect** ₩₩ 513 WW Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary -- -- Coastal Transect Baseline **Profile Baseline** Hydrographic Feature Digital Data Available No Digital Data Available

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/2/2023 at 12:24 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Sky View Estates Area 1- Perry County, KY- MAP #2

National Flood Hazard Layer FIRMette



Legend SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT Without Base Flood Elevation (BFE) With BFE or Depth Zone AE, AO, AH, VE, AR SPECIAL FLOOD **HAZARD AREAS** Regulatory Floodway 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X **Future Conditions 1% Annual** Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee. See Notes. Zone X OTHER AREAS OF FLOOD HAZARD Area with Flood Risk due to Levee Zone D NO SCREEN Area of Minimal Flood Hazard Zone X Effective LOMRs OTHER AREAS Area of Undetermined Flood Hazard Zone D - - - Channel, Culvert, or Storm Sewer **GENERAL** STRUCTURES | LILLI Levee, Dike, or Floodwall

MAP PANELS

No Digital Data Available

.. . . .

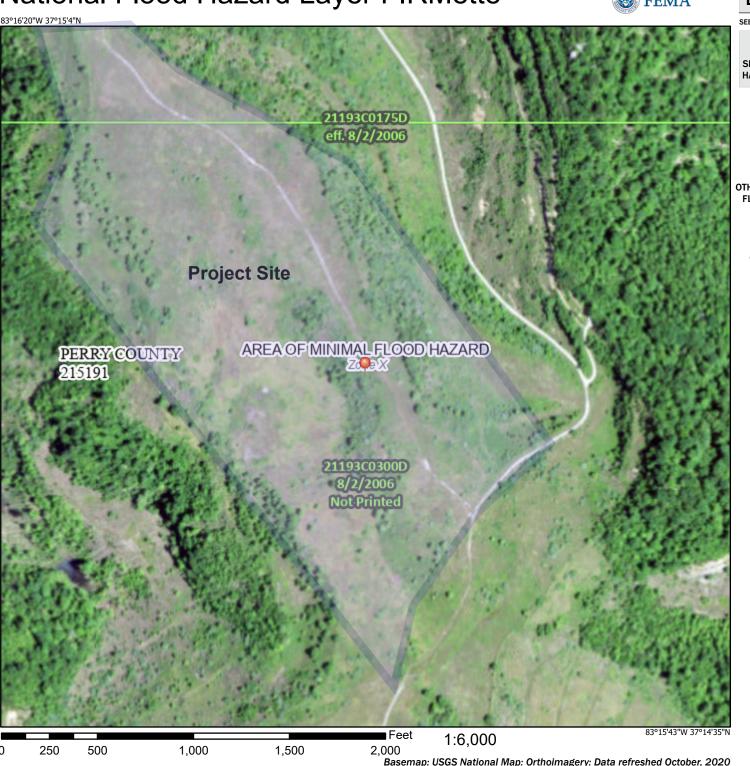
Unmapped

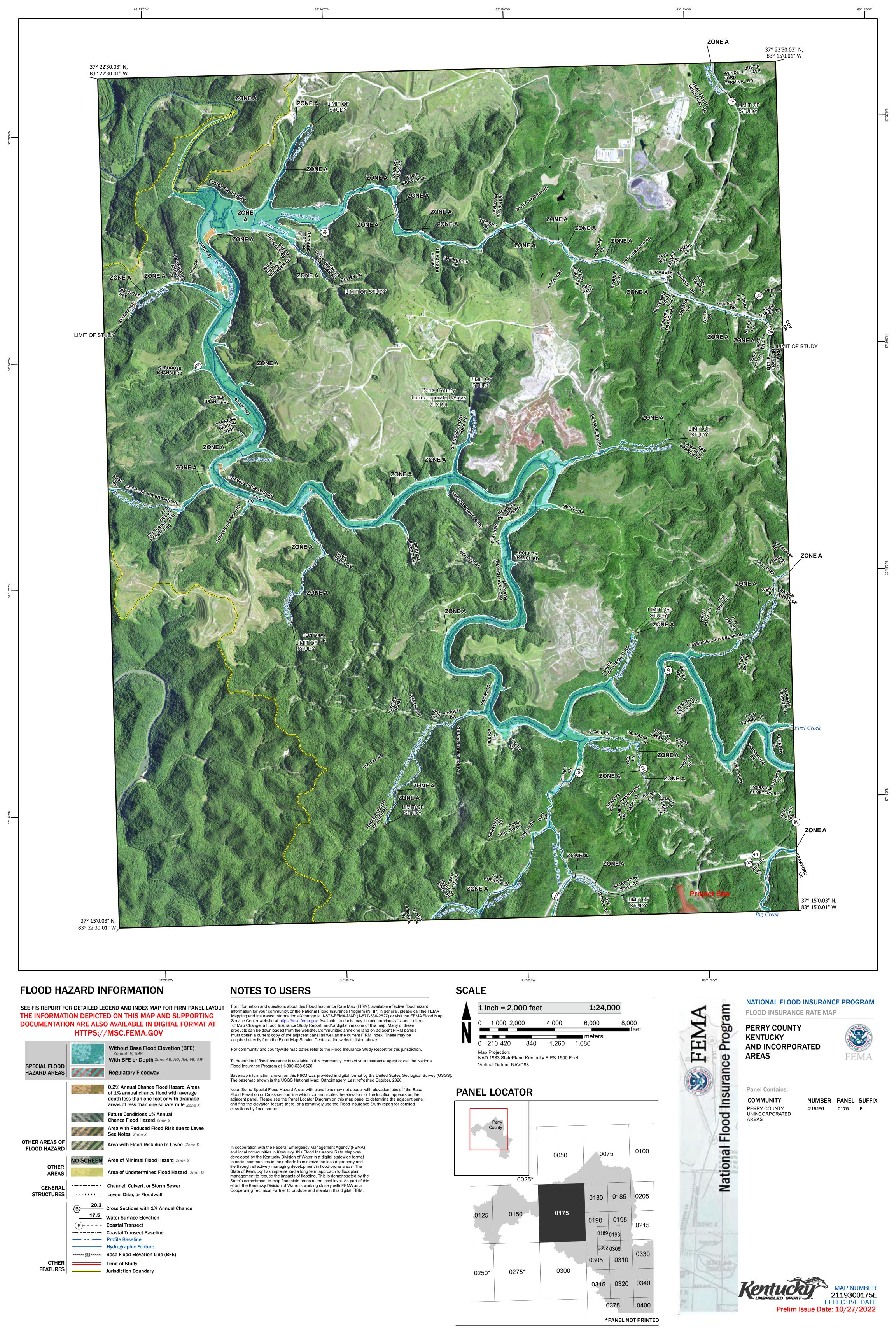
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

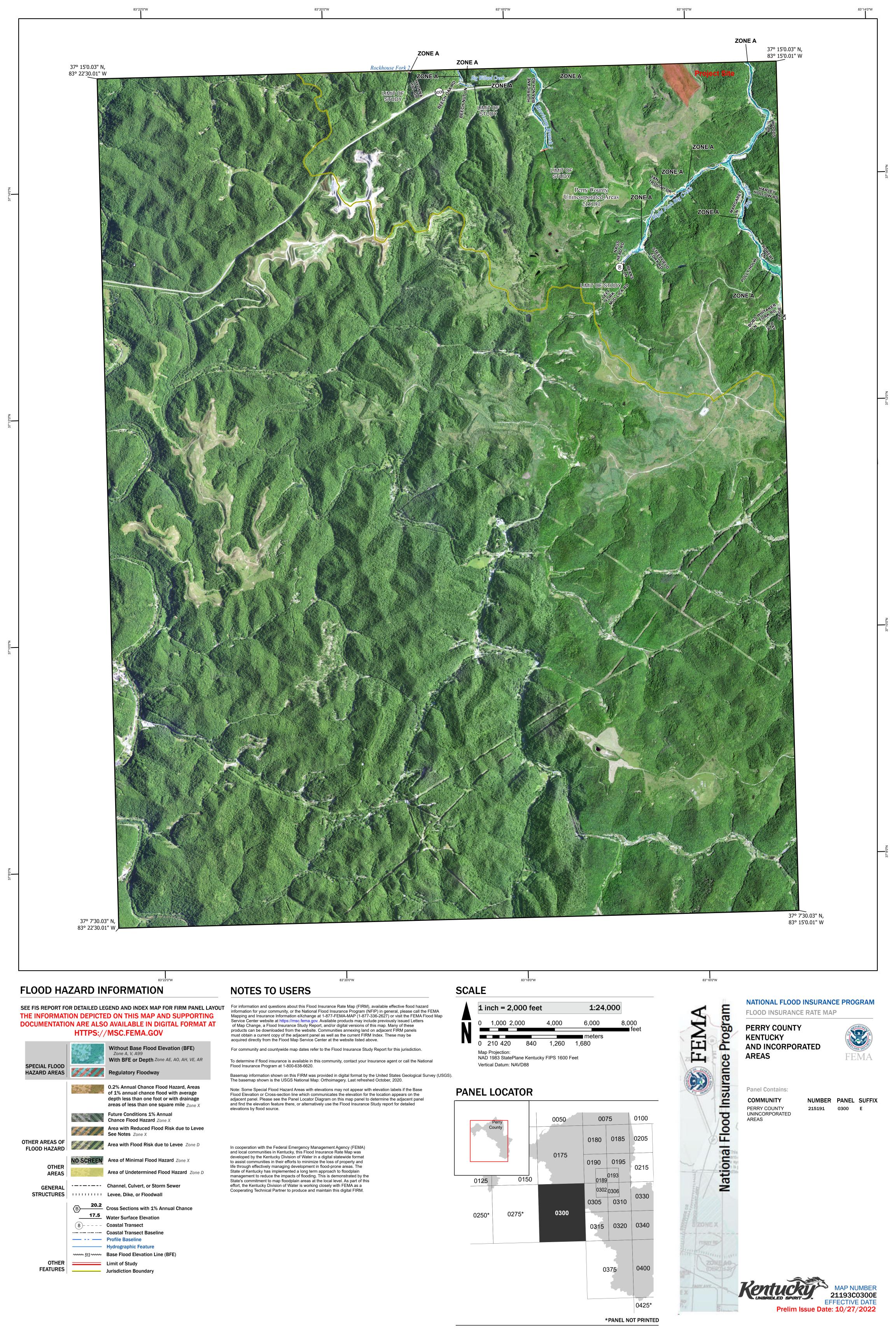
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/2/2023 at 12:30 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.







Historic Preservation

General requirements	Legislation	Regulation
Regulations under	Section 106 of the	36 CFR 800 "Protection of Historic
Section 106 of the	National Historic	Properties"
National Historic	Preservation Act	https://www.govinfo.gov/content/pkg/CF
Preservation Act	(16 U.S.C. 470f)	R-2012-title36-vol3/pdf/CFR-2012-title36-
(NHPA) require a		vol3-part800.pdf
consultative process		
to identify historic		
properties, assess		
project impacts on		
them, and avoid,		
minimize, or mitigate		
adverse effects		

Threshold

Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.) No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

Step 1 – Initiate Consultation Select all consulting parties below (check all that apply):

- ✓ State Historic Preservation Offer (SHPO) Completed
- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)
 - ✓ Cherokee Nation Response Period Elapsed

Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-CDBGDR-HOME Hazard, KY

90000010322100

✓ Eastern Band of Cherokee Indians

Response Period Elapsed

Other Consulting Parties

Describe the process of selecting consulting parties and initiating consultation here:

Kentucky Housing Corporation, the Responsible Entity for HOME funding, initiated Section 106 consultation with the Kentucky Heritage Council. Kentucky Housing Corporation initiated consultation with the tribes identified in the TDAT search for Perry County, KY (the Eastern Band of Cherokee Indians and the Cherokee Nation) using letters sent via email on May 2, 2023 that invited the tribes to become consulting parties on the Section 106 review for this project.

Document and upload all correspondence, notices and notes (including comments and objections received below).

Was the Section 106 Lender Delegation Memo used for Section 106 consultation?

Yes

No

Step 2 – Identify and Evaluate Historic Properties

1. Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:

See Google Earth Pro Aerial Map of Project Site (center point geographic coordinates 37.248952, -83.269390)

In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location	National Register	SHPO Concurrence	Sensitive
/ District	Status		Information

Additional Notes:

2.	Was a survey of historic buildings and/or archeological sites done as part of the
	project?

Yes

✓ No

Step 3 -Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.

No Historic Properties Affected

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

Document reason for finding:

✓ No historic properties present.

Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

Screen Summary

Compliance Determination

Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106. In a letter dated June 16, 2023, the Kentucky Heritage Council (SHPO) stated

Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-CDBGDR-HOME

"Our review indicates that the proposed project will not impact any properties or sites that are listed in or eligible for the National Register of Historic Places. The proposed project should not require a cultural resource survey. We would concur with a finding of No Historic Properties Affected. Kentucky Housing Corporation, the Responsible Entity for HOME funding, initiated consultation with the tribes identified in the TDAT search for Perry County, KY (the Eastern Band of Cherokee Indians and the Cherokee Nation) using letters sent via email on May 2, 2023 that invited the tribes to become consulting parties on the Section 106 review for this project. The tribes did not respond within the 30-day threshold specified by HUD CPD Notice 12-006.

Supporting documentation

SHPO Response Letter Sky View 2023-6-16.pdf

Skyview Estates Area 1-Aerial Map with approximate boundaries(1).pdf

Tribal Memo-Sky View Estates 2023-6-12.pdf

Tribal Consultation Checklist- Sky View Estates.pdf

KHC-Sky View Estates E Band of Cherokee Indians Consultation Letter 2023-5-2.pdf

KHC-Sky View Estates E Band of Cherokee Indians Consultation EMAIL 2023-5-2.pdf

TDAT Results-Perry County KY 2023-5-2.pdf

KHC-Sky View Estates Cherokee Nation Consultation Letter 2023-5-2.pdf

KHC-Sky View Estates Cherokee Nation Consultation EMAIL 2023-5-2.pdf

Are formal compliance steps or mitigation required?

Yes

√ No



ANDY BESHEAR
GOVERNOR

TOURISM, ARTS AND HERITAGE CABINET KENTUCKY HERITAGE COUNCIL THE STATE HISTORIC PRESERVATION OFFICE

LINDY CASEBIER SECRETARY

JACQUELINE COLEMAN
LT. GOVERNOR

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

CRAIG A. POTTS
EXECUTIVE DIRECTOR &
STATE HISTORIC PRESERVATION OFFICER

June 16, 2023

Curtis A. Stauffer KY Housing Corp. 1231 Louisville, Rd. Frankfort, KY 40601

Re: Team Kentucky Sky View Estates Area 1 subdivision- Perry County, KY

Dear Mr. Stauffer:

Our review indicates that the proposed project will not impact any properties or sites that are listed in or eligible for the National Register of Historic Places. The proposed project should not require a cultural resource survey. We would concur with a finding of *No Historic Properties Affected*.

In the unlikely event that human remains are found during construction for this project, work should cease immediately, and the county coroner and the Kentucky Heritage Council should be contacted. Should project plans change or there be any future concerns or questions regarding cultural resources in the vicinity of this project area, please do not hesitate to contact Nicole Konkol via email at nicole.konkol@ky.gov.

Sincerely,

Craig A. Potts,

Executive Director and

State Historic Preservation Officer

CP:nk KHC #231241



MEMORANDUM

TO: Project File

Curtis A. Stauffer, Managing Director-Housing Contract Administration FROM:

SUBJECT: Tribal response to Section 106 Consultation Letter

DATE: June 12, 2023

On May 2, 2023, I sent letters via email inviting the Eastern Band of Cherokee Indians and the Cherokee Nation to become consulting parties on the Section 106 review for the new construction of 153 units of single-family detached housing on 49.2 acres of land located in the new Sky View Estates subdivision in Perry County, KY at the decimal latitude/longitude coordinates of 37.248952, -83.269390 by the Commonwealth of Kentucky. The tribes did not respond within the 30-day threshold specified by HUD CPD Notice 12-006.

Curtis Stauffer

From: Curtis Stauffer

Sent: Tuesday, May 2, 2023 3:57 PM **To:** 'Elizabeth-toombs@cherokee.org'

Cc: Kaye Mcafee; Wendy Smith; Lyons, John (EEC); Aldridge, Louanna C (EEC)

Subject: Invitation to become a consulting party of the Section 106 review for the Commonwealth of

Kentucky Sky View Estates subdivision project in Perry County

Attachments: KHC-Sky View Estates_Cherokee Nation Consultation Letter_2023-5-2.pdf

Dear Ms. Toombs

For your consideration, please see the attached letter inviting the Cherokee Nation to become a consulting party on the historic review for the development of a new single-family subdivision in Perry County, KY (center point geographic coordinates: 37.248952/-83.269390). To meet project timeframes, can you please let us know if you would like to be a consulting party on this project within 30 days?

Thank you for your time and consideration.

Sincerely,

Curtis Stauffer

Curtis A. Stauffer, MA, PMP, HDFP
Managing Director,
Housing Contract Administration
Pronouns: he/him/his
Kentucky Housing Corporation
1231 Louisville Rd.
Frankfort, KY 40601
502-874-5329 (direct)
800-633-8896 x. 115 (KY only)
TTY 711

cstauffer@kyhousing.org www.kyhousing.org

For all your technical assistance needs regarding any Housing Contract Administration program, please visit our <u>HCA Partner Agency Portal.</u>



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Follow us in social media: Twitter: twitter.com/KYHousing / Facebook: www.facebook.com/kyhousing

KHC's blog: www.StrategicHousing.com

Confidentiality Notice: The electronic mail and the materials enclosed with this transmission are the private property of Kentucky Housing Corporation and intended for the use, benefit, and information of the intended recipient noted above. If you are not the intended recipient, you are hereby informed that review, disclosure,



May 2, 2023

Elizabeth Toombs, THPO
Cherokee Nation
PO Box 948
Tahlequah, OK 74465
Via e-mail to: Elizabeth-toombs@cherokee.org

RE: Sky View Estates Area 1, Perry County, KY (37.248952, -83.269390): HUD HOME Investment Partnerships and Community Development Block Grant Disaster Recovery (CDBG-DR) Single-Family Homebuyer Development

Dear Ms. Toombs:

Kentucky Housing Corporation (KHC) and the Kentucky Department for Local Government (DLG) are considering funding the project listed above with HOME Investment Partnerships funds (KHC) and Community Development Block Grant Disaster Recovery funds (DLG) from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Kentucky Housing Corporation has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

KHC will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations found at 36 CFR Part 800 in consultation with the Kentucky Heritage Council, our State Historic Preservation Office. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

Enclosed is a map that shows the project area and, if applicable, an additional area of potential indirect effects. Also enclosed is a plat map for the project. The Commonwealth of Kentucky will build 153 single-family detached units on approximately 49.2 acres of land to be acquired in a new 178-unit subdivision (approximately 59.2 acres) to be called Sky View Estates Area 1 (center point geographic coordinates: 37.248952/-83.269390). The subdivision will be developed on reclaimed mine land in Perry County, KY off of Skyview Road. The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). MTN View, Inc., a forprofit developer, will retain title to approximately 10-acres in Sky View Estates Area 1 to build 25 single-



family detached units as a separate development project. This project will create replacement housing following the July 2022 flood disaster in Southeastern Kentucky. The Commonwealth will acquire the property, will grade the site where needed, and develop road, water, sewer, and electric infrastructure to support the development of single-family detached housing. Utilities are located adjacent to the project area. Both water and sewer lines will be extended to service the project area, as well as electric utilities. Access to the site will be through existing public roads. The Commonwealth will select non-profit and/or for-profit developers to build the homes to be sold to eligible homebuyers.

More information on the Section 106 review process is available at https://www.achp.gov/protecting-historic-properties/section-106-process/introduction-section-106 and HUD's process for tribal consultation under Section 106 is described in a Notice available at https://www.hudexchange.info/programs/environmental-review/historic-preservation/.

To meet project timeframes, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response? If you do not wish to consult on this project, can you please inform us? We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Curtis A. Stauffer, Managing Director-Housing Contract Administration

cc: Louanna Aldridge (louanna.aldridge@ky.gov)

John Lyons (john.lyons@ky.gov)

Kaye McAfee (kmcafee@kyhousing.org)
Wendy Smith (kmcafee@kyhousing.org)

Attachments: Attachment A form

Aerial Map Plat Map

When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If

X	significant ground disturbance (digging)
	Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads
	new construction in undeveloped natural areas Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in <u>undeveloped</u> natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas
	incongruent visual changes Examples: construction of a focal point that is out of character with the surrounding natural area, impairment
	of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area
	incongruent audible changes
	Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience
	incongruent atmospheric changes Examples: introduction of lights that create skyglow in an area with a dark night sky
	work on a building with significant tribal association
	Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall
	transfer, lease or sale of a historic property of religious and cultural significance
	Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association
	None of the above apply
Sl	ky View Estates- Area 1
	erry County, KY 41701 Curtis Stauffer 5/2/2023
Pro	oiect Reviewed By Date

5/2/23, 12:21 PM TDAT



Tribal Directory Assessment Information



Contact Information for Tribes with Interests in Perry County, Kentucky

	Tribal Name				County Name			
_	Cherokee Nation				Perry			
Contac	ct Name	Title	Mailing Address	Work Phone		Fax Number Email Address URL		
Eliza	beth Toombs	THPO	PO Box 948, Tahlequah, OK - 74465	(918) 453-5389			elizabeth- toombs@cherokee.org	http://www.cherokee.org
_	Eastern Band of	f Cherokee Indians			Perry			
Contac	ct Name	Title	Mailing Address	Work Phone		Fax Number	Email Address	URL
Russ	sell Townsend	Tribal Historic Preservation Specialist	Qualla Boundary P.O. Box 455, Cherokee, NC - 28719	(828) 554-6851		(828) 497-1590	syerka@nc- cherokee.com	https://ebci.com/
Richa	ard Sneed	Principal Chief	88 Council House Loop Road, Cherokee, NC - 28719	(828) 359-7000		(828) 359-0344	ashlstep@nc- cherokee.com	https://ebci.com/
1 - 2	of 2 results	1						« < 1 > » 10 ×

https://egis.hud.gov/TDAT/



SURVEYOR'S REPORT

1. THIS PROPERTY IS SUBJECT TO ALL RIGHT-OF-WAY AND EASEMENTS OF RECORD OR OTHERWISE.

2. THIS SURVEY WAS MADE BY THE METHOD OF GPS REALTIME KINEMATIC SURVEY WITH A PRECISION OF ± 0.05 PPM. THIS IS AN URBAN SURVEY AND THE PRECISION AND ACCURACY MEET ALL THE SPECIFICATIONS OF THIS CLASS.

3. NO TITLE OR ABSTRACT RESEARCH WAS PERFORMED BY THE UNDERSIGNED FOR

THIS SURVEY. 4. ONLY ACTS OF POSSESION, IF ANY, THAT ARE VISIBLE FROM CASUAL INSPECTION

OF THE PROPERTY ARE SHOWN HEREON. 5. NO WARRANTY OR GUARANTEE IS IMPLIED AS TO THE EXISTENCE OF ACTS OF POSSESION BY ADJOINERS TO THE LANDS SHOWN AND DESCRIBED HEREON.

6. THE SUBJECT PROPERTY SHOWN HEREON IS PART OF THE MRI PROPERTIES, INC PROPERTY AS RECORDED IN THE PERRY COUNTY CLERKS OFFICE IN DEED BOOK 415 PAGE 157 AND THE MTN VIEW, INC PROPERTY AS RECORDED IN THE PERRY COUNTY CLERKS OFFICE IN DEED BOOK 415 PAGE 538.

7. THE ACCEPTANCE OF THE PLAT HEREON AND THE MONUMENTS USED AND SET DURING THE PERFORMANCE OF THE FIELD SURVEY HEREBY LIMIT THE TORT OR CONTRACT LIABILITY ARISING FROM ANY CAUSE OF ACTION HERETO TO AN AMOUNT NOT TO EXCEED THE FEE CHARGED. 8. THIS PLAT OF SURVEY DEPICTS PROPERTY OF MRI PROPERTIES, INC AND MTN VIEW,

INC, THEREFORE THE CUMULATIVE ACREAGE IS EQUIVALENT TO THE SUM OF THE MULTIPLE PARCELS: PARCELS ARE CONTIGUOUS WITH NO HIATUSES OR OVERLAPS. 9. THE PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD BOUNDARY.

10. THE PROPERTY DOES HAVE ACCESS TO PUBLIC RIGHT OF WAY THROUGH EXISTING ACCESS ROADS.

TRACT B

TRACT B / SHEET 2

1.00 AC TO THE

OF KENTUCKY

-COMMONWEALTH

ACCESS ROAD DESCRIPTION

Description for a 50' wide tract of land to be used for an Access Road, lying and being in the Commonwealth of Kentucky, County of Perry, near the Community of Coal Harbour, Kentucky, lying on the south side of the Hal Rogers Parkway, and being more particularly described as follows: Jnless otherwise stated any monument referred to as a capped pin set is an 18" inch rebar 5/8" inch diameter with a plastic cap inscribed R.M. Johnson Engineering, PLS 3521 or Roy D. Patrick, PLS 3521.

Johnson Engineering, PLS 3521 or Roy D. Patrick, PLS 3521. Beginning at point in the southern boundary of the Hal Rogers Parkway, at the northeast corner the boundary herein described and being a commor point in the lines of MRI Properties, INC, as recorded in the Perry County Clerk's Office in Deed Book 415 Page 157 and has a KY State Plane Single Zone Coordinate value of North: 3,626,213.47 and East: 5,643,488.01. Thence leaving the southern boundary of the Hal Rogers Parkway following he eastern boundary of the 50' wide Access Road, herein described, through the MRI Properties, INC, property for fifteen (15) calls as follows: following a curve turning to the right with an arc length of 120.91' and a radius of 244.72' but measuring along the chord; S 14°13'59" W a distance of 119.69' to a point on a curve turning to the left with an arc length of 76.46' and a radius of 150.99', following the curve

Unless otherwise stated any monument referred to as a capped pin set is an 18" inch rebar 5/8" inch diameter with a plastic cap inscribed R.M.

but measuring along the chord; S 14°19'57" W a distance of 75.65' to a point S 00°10'30" E a distance of 391.74' to a point on a curve turning to the left with an arc length of 196.28' and a radius of 748.93', following the curve

but measuring along the chord; 13°11'08" E a distance of 195.72' to a point S 20°41'37" E a distance of 345.56' to a point on a curve turning to the left with an arc length of 341.44' and a radius of 1331.53', following the curve but measuring along the chord;

S 29°42'16" E a distance of 340.51' to a point; S 37°03'02" E a distance of 454.30' to a point; on a curve turning to the right with an arc length of 258.48' and a radius of 548.05', following the curve but measuring along the chord; S 27°13'23" E a distance of 256.09' to a point; S 13°42'43" E a distance of 237.87' to a point on a curve turning to the left with an arc length of 758.64', and a radius of 839.89', following the curve

but measuring along the chord; S 34°17'21" Ea distance of 733.12' to a point on a curve turning to the right with an arc length of 251.56' and a radius of 533.52', following the curve S 45°00'45" E a distance of 249.23' to a point on a curve turning to the right with an arc length of 52.91' and a radius of 149.26', following the curve but measuring along the chord; S 22°06'46" E a distance of 52.64' to a point S 11°57'26" E a distance of 46.54' to a point on a curve turning to the right with an arc length of 223.39', and a radius of 165.89', following the curve

but measuring along the chord: \$ 28°11'23" W a distance of 206.89' to a point on a curve turning to the left with an arc length of 339.43' and a radius of 690.17', following the curve \$ 53°06'03" W a distance of 336.02' to a capped pin found in the eastern boundary of Area 1, thence following the access road through Areas 1, 2 3 S 39°32'00" W a distance of 457.51' to a point on a curve turning to the left with an arc length of 37.64' and a radius of 175.00', thence following the

curve but measuring along the chord; \$ 33°22'17" W, with a chord length of 37.57' to a capped pin set; S 27°12'34" W a distance of 239.37' to a capped pin set;

S 23°32'02" W a distance of 70.29' to a capped pin set; S 32°54'32" W a distance of 57.73' to a capped pin set; S 32°54'32" W a distance of 104.18' to a capped pin set S 20°27'36" W a distance of 88.02' to a capped pin set:

S 26°41'03" W a distance of 133.84' to a capped pin set:

S 27°12'34" W a distance of 77.56' to a capped pin set on a curve turning to the left with an arc length of 17.17' and a radius of175.00', thence following the curve but measuring along the chord;

S 24°23'56" W, with a chord length of 17.16' to a capped pin set; S 21°35'18" W a distance of 403.86' to a capped pin set on a curve turning to the right with an arc length of 1307.89' and a radius of775.00', thence ollowing the curve but measuring along the chord; S 69°56'04" W, a distance of 1158.12' to a capped pin set N 61°43'05" W a distance of 22.05' to a capped pin set;

N 61°43'09" W a distance of 365.76' to a capped pin set on a curve turning to the left with an arc length of 176.70' and a radius of 175.00', thence following the curve but measuring along the chord; S 89°21'14" W a distance of 169.29' to a capped pin set; S 60°25'28" W a distance of 803.59' to a capped pin set;

N 23°15'40" W a distance of 644.14'to a capped pin set on a curve turning to the right with an arc length of 102.74' and a radius of 225.00', thence

S 60°26'38" W a distance of 132.19' to a capped pin set on a curve turning to the right with an arc length of 24.79' and a radius of225.00', thence following the curve but measuring along the chord; S 63°34'59" W, a distance of 24.77' to a capped pin set; S 66°44'20" W a distance of 416.82'to a capped pin set;

following the curve but measuring along the chord; N 10°10'47" W, a distance of 101.85' to a capped pin set; N 02°54'07" E a distance of 886.39' to a capped pin set on a curve turning to the left with an arc length of 30.77' and a radius of 25.00', thence following the curve but measuring along the chord; N 32°21'45" W a distance of 28.87' to a capped pin set on a curve turning to the right with an arc length of 63.39' and a radius of 50.00', thence following the curve but measuring along the chord; N 31°18'33" W a distance of 59.23' to a capped pin set; on a curve turning to the left with an arc length of 31.02' and a radius of 23.78', thence

N 32°21'45" W a distance of 28.87' to a capped pin set; N 68°00'00" W a distance of 416.43' to a capped pin set on a curve turning to the left with an arc length of 10.66' and a radius of 50.00', thence following the curve but measuring along the chord; N 74°49'02" W a distance of 10.64' to a capped pin set;

N 80°55'39" W a distance of 118.50' to a capped pin set N 57°22'08" W a distance of 99.00' to a capped pin set; N 65°52'00" W a distance of 26.99' to a capped pin set;

following the curve but measuring along the chord;

N 69°18'12" W a distance of 59.09' to a capped pin set; S 89°58'49" W a distance of 14 43' to a canned nin set.

N 66°17'17" W a distance of 295.51' to a capped pin set; N 62°46'10" W a distance of 153.87' to a capped pin set;

 $N~62^{\circ}46^{\circ}10^{\circ}~W~a~distance~of~428.57^{\prime}~to~a~capped~pin~set~on~a~curve~turning~to~the~right~with~an~arc~length~of~249.17^{\prime}~and~a~radius~of~273.37^{\prime}~, thence~archive the archive the right~visit and a constant of the right~visit and$ following the curve but measuring along the chord; N 36°39'25" W a distance of 240.64' to a capped pin set;

N 05°37'04" W a distance of 470.78' to a capped pin set on a curve turning to the left with an arc length of 144.09' and a radius of 89.59', thence following the curve but measuring along the chord; N 54°55'04" W a distance of 129.06' to a capped pin set on a curve turning to the left with an arc length of 21.03' and a radius of 25.00', thence following the curve but measuring along the chord; S 54°54'48" W a distance of 20.41' to a capped pin set on a curve turning to the right with an arc length of 20.33' and a radius of 50.00', thence following the curve but measuring along the chord; S 42°27'50" W a distance of 20.19' to a capped pin set on a curve turning to the right with an arc length of 110.88' and a radius of 50.15', thence following the curve but measuring along the chord; N 62'43'58" W a distance of 89.67' to a point on a curve turning to the right with an arc length of 110.88' and a radius of 50.15', thence following the N 64°02'24" E a distance of 89.67' to a point on a curve turning to the left with an arc length of 21.04' and a radius of 24.78', thence following the curve but measuring along the chord:

5 76°53'50" E a distance of 20.41' to a capped pin set on a curve turning to the right with an arc length of 224.51' and a radius of 139.59', thence following the curve but measuring along the chord; S 54°55'04" E a distance of 201.08' to a capped pin set; S 05°36'18" E a distance of 469.30' to a capped pin set on a curve turning to the left with an arc length of 203.60' and a radius of 223.37', thence

following the curve but measuring along the chord; S 36°39'25" E a distance of 196.62' to a capped pin set: S 62°46'10" E a distance of 684.93' to a capped pin set: S 69°44'40" E a distance of 201.37' to a capped pin set; S 68°13'34" E a distance of 70.23' to a capped pin set;

\$ 56°07'28" E a distance of 77.82' to a capped pin set: S 68°31'45" E a distance of 43.44' to a capped pin set; S 80°55'39" E a distance of 111.98' to a capped pin set;

following the curve but measuring along the chord;

S 67°53'20" E a distance of 411.65' to a capped pin set; S 71°50'37" E a distance of 72.66' to a capped pin set on a curve turning to the right with an arc length of 80.88' and a radius of 62.00', thence following the curve but measuring along the chord; S 34°28'15" E a distance of 75.27' to a capped pin set;

S 02°54'07" W a distance of 955.21'to a capped pin set on a curve turning to the left with an arc length of 79.91' and a radius of 175.00', thence S 10°10'47" E a distance of 79.22' to a capped pin set; S 23°15'40" E a distance of 109.14' to a capped pin set;

S 23°15'40" E a distance of 100.00' to a capped pin set; S 23°15'40" E a distance of 360.00' to a capped pin set on a curve turning to the left with an arc length of 39.27' and a radius of 25.00', thence following the curve but measuring along the chord; S 68°15'40" E a distance of 35.36' to a capped pin set; N 66°44'20" E a distance of 341.82'to a capped pin set on a curve turning to the left with an arc length of 19.28' and a radius of 175.00', thence

N 63°34'59" E a distance of 19.27' to a capped pin set; N 60°27'02" E a distance of 122.90' to a capped pin set; N 60°25'25" E a distance of 812.88' to a capped pin set on a curve turning to the right with an arc length of 227.19' and a radius of 225.00', thence following the curve but measuring along the chord; N 89°21'14" E a distance of 217.66' to a capped pin set;

S 61°43'09" E a distance of 387.81' to a capped pin set on a curve turning to the left with an arc length of 1223.51' and a radius of 725.00', thence following the curve but measuring along the chord;

N 69°56'04" E a distance of 1083.40' to a capped pin set; N 21°35'18" E a distance of 403.86' to a capped pin set on a curve turning to the right with an arc length of 22.07' and a radius of 225.00', thence following the curve but measuring along the chord;

N 24°23'56" E a distance of 22.07' to a capped pin set;

N 27°12'34" E a distance of 74.61' to a capped pin set; N 20°27'36" E a distance of 90.53' to a capped pin set; N 32°54'32" E a distance of 107.14' to a capped pin set; N 32°54'32" E a distance of 56.12' to a capped pin set;

N 23°32'02" E a distance of 67.56' to a capped pin set; N 26°42'20" E a distance of 141.20' to a capped pin set; N 27°12'34" E a distance of 233.84' to a capped pin set on a curve turning to the right with an arc length of 48.40' and a radius of 225.00', thence

following the curve but measuring along the chord; N 33°22'17" E a distance of 48.30' to a capped pin set; N 39°31′59" E a distance of 457.50' to a capped pin set, thence leaving area 1, following a curve turning to the right with an arc length of 363.37' and N 53°06'38" E a distance of 359.73'to a point on a curve turning to the left with an arc length of 155.27' and a radius of 115.89', following the curve

but measuring along the chord; N 28°18'11" E a distance of 143.92' to a point; N 11°57'26" W a distance of 45.79' to a point on a curve turning to the left with an arc length of 35.49' and a radius of 99.26', following the curve but measuring along the chord; N 22*12'05" W a distance of 35.31' to a point on a curve turning to the left with an arc length of 227.65' and a radius of 483.52', following the curve

N 44°57'01" W a distance of 225.55' to a point on a curve turning to the right with an arc length of 800.71' and a radius of 889.89', following the curve but measuring along the chord N 34°20'26" W a distance of 773.97' to a point N 13°42'43" W a distance of 235.58' to a point on a curve turning to the left with an arc length of 236.47' and a radius of 498.05', following the curve

but measuring along the chord; N 37°03'02" W a distance of 455.94'to a point on a curve turning to the right with an arc length of 355.00' and a radius of 1381.53', following the

curve but measuring along the chord; N 29°41'22" W a distance of 354.02' to a point N 20°41'37" W a distance of 346.27' to a point on a curve turning to the right with an arc length of 211.82' and a radius of 798.93', following the

curve but measuring along the chord; N 13°05'53" W a distance of 211.20' to a point N 00°10'30" W a distance of 394.11' to a point on a curve turning to the right with an arc length of 101.56' and a radius of 200.99', following the curve but measuring along the chord;
N 14°18'02" E a distance of 100.48' to a point on a curve turning to the left with an arc length of 87.16' and a radius of 194.72', following the curve

N 15°30'47" E a distance of 86.44' to a point in the southern boundary of the Hal Rogers Parkway, thence crossing the Access Road along the southern boundary of the Hal Rogers Parkway; N 80°03'35" E a distance of 50.98' to the point of beginning containing 15.44 Acres (672,417 SF) more or less as per a survey by RM Johnson ng completed on April 13, 2023.

AREA 3

SITE STATISTICS

ZONING REQUIREMENTS ZONE- NONE FRONT YARD SETBACK - NONE SIDE YARD SETBACK - NONE REAR SETBACK - NONE

USABLE OPEN SPACE - NONE MAXIMUM LOT COVERAGE - NONE PARKING REQUIREMENTS

LANDSCAPING REQUIREMENTS NONE SIGNAGE REQUIREMENTS

STORMWATER REQUIREMENTS

NONE

NONE

ELECTRICITY AMERICAN ELECTRIC POWER 1400 E MAIN STREET HAZARD, KY 41701 (606)436-1263 WWW.AEP.COM

WATER

1401 E MAIN STREET HAZARD, KY 41701 **CABLE** WINDSTREAM COMMUNICATIONS

TELEPHONE

(606)436-6012

WINDSTREAM

COMMUNICATIONS

CITY OF HAZARD UTILITIES (606)436-3171 700 MAIN STREET HAZARD, KY 41701

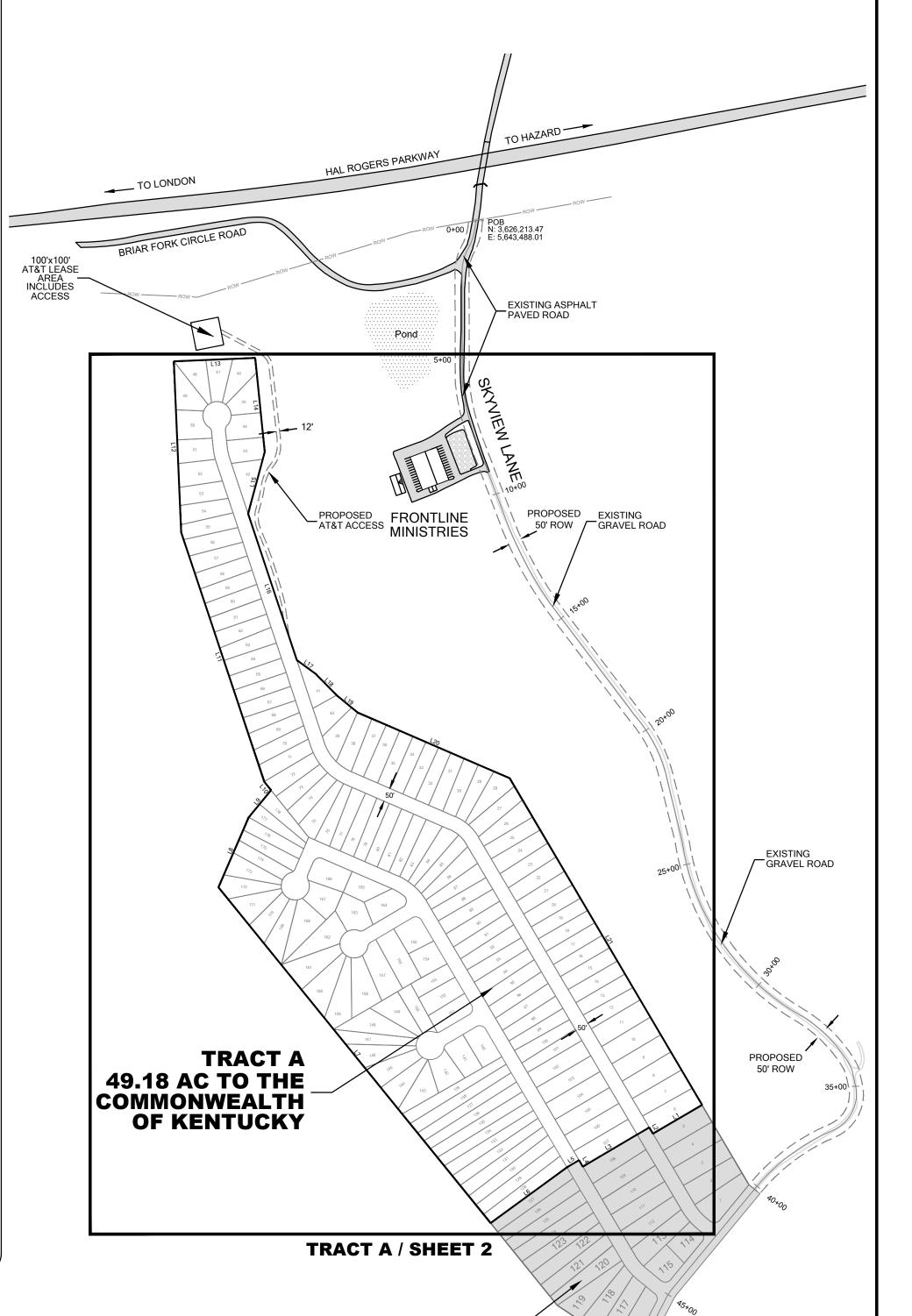
(606)436-6012 1401 E MAIN STREET HAZARD, KY 41701

SANITARY SEWER NO PUBLIC SERVICE

UNDERGROUND UTILITIES

UTILITY PROVIDERS

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED BY FIELD SURVEY BASED ON INFORMATION PROVIDED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, WITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT CERTIFY THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.



AREA

AT&T ACCESS EASEMENT

AREA 4

Description for a 12' wide tract of land to be used for an access easement, lying and being in the Commonwealth of Kentucky, County of Perry, near the Community of Coal Harbour, Kentucky, lying on the south side of the Hal Rogers Parkway, and being more particularly described as follows:

Unless otherwise stated any monument referred to as a capped pin set is an 18" inch rebar 5/8" inch diameter with a plastic cap inscribed R.M. Johnson Engineering, PLS 3521 or Roy D. Patrick PLS 3521.

Beginning at a 5/8 inch rebar set at the southeast corner of the tract herein described; Said point being a common point in the eastern boundary of Tract A of the Skyview Sub-division and has a KY State Plane Single Zone Coordinate value of North: 3,624,725.61 and East: 5,642,798.72; thence following the eastern boundary of Skyview Sub-division for one (1) calls as

N 18°23'44" W a distance of 60.85' to a capped pin set, thence leaving the eastern boundary of the Skyview Sub-division N 07°01'18" W a distance of 57.28' to a capped pin set on a curve turning to the left with an arc length of 283.74' and a

radius of 1729.79', thence following the curve but measuring along the chord; $N~18^{\circ}01'08"~W~a~distance~of~283.42'~to~a~capped~pin~set~on~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~arc~length~of~78.48'~and~a~curve~turning~to~the~right~arc~length~of~78.48'~and~a~curve~turning~to~the~right~arc~length~of~78.48'~and~a~curve~turning~turve~tu$ radius of 184.40' thence following the curve but measuring along the chord;

N 02°08'24" W a distance of 77.88' to a capped pin set;

N 12°57'56" E a distance of 75.83' to a capped pin set; on a curve turning to the right with an arc length of 87.64', and a radius of 210.15', thence following the curve but measuring along the chord;

N 23°16'00" E a distance of 87.01' to a capped pin set on a curve turning to the left with an arc length of 69.35' and a radius of 104.29', thence following the curve but measuring along the chord; N 19°59'23" E a distance of 68.08' to a capped pin set;

radius of 52.36', thence following the curve but measuring along the chord; N 35°17'58" W a distance of 50.53' to a capped pin set;

N 05°57'14" W a distance of 286.98' to a capped pin set; on a curve turning to the left with an arc length of 52.73' and a

N 62°03'11" W a distance of 158.33' to a capped pin set in the eastern boundary of the AT&T Lease Tract, thence following with the eastern boundary of AT&T Lease Tract for one (1) call as follows:

N 10°57'11" W a distance of 15.42' to a capped pin set, thence leaving the AT&T Lease Tract;

radius of 64.36', thence following the curve but measuring along the chord; S 35°10'20" E a distance of 61.95' to a capped pin set;

S 62°03'11" E a distance of 167.81' to a capped pin set; on a curve turning to the right with an arc length of 64.64' and a

S 05°57'14" E a distance of 287.73' to a capped pin set; on a curve turning to the right with an arc length of 77.66' and a radius of 116.29', thence following the curve but measuring along the chord; S 19°42'14" W, a distance of 76.22' to a capped pin set on a curve turning to the left with an arc length of 82.42' and a

radius of 198.15', thence following the curve but measuring along the chord; S 23°11'12" W, a distance of 81.83' to a capped pin set;

S 12°57'56" W a distance of 75.70' to a capped pin set; on a curve turning to the left with an arc length of 72.20' and a radius of 172.40', thence following the curve but measuring along the chord;

 $502^{\circ}02'47''$ E a distance of 71.68' to a capped pin set; on a curve turning to the right with an arc length of 285.47' and a radius of 1741.79', thence following with the curve but measuring along the chord;

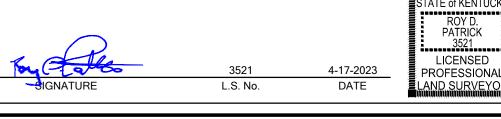
S 17°59'35" E, a distance of 285.15' to a capped pin set;

S 07°01'18" E a distance of 117.59' to the point of beginning containing 0.328 Acres (14,289 SF) more or less as per a survey by RM Johnson Engineering completed on February 21, 2023.

SURVEYORS CERTIFICATION

AREA 2

I HEREBY STATE, SUBJECT TO THE NOTES SHOWN HEREON, THAT THE FIELD SURVEY AND MAP PREPARED BY MYSELF OR UNDER MY SUPERVISION SUBSTANTIALLY MEETS THE STANDARDS OR PRACTICE FOR LAND SURVEYING IN THE COMMONWEALTH OF KENTUCKY. RETRACEMENT SURVEY FIELD WORK COMPLETED: 3/15/2023 DATE OF PLAT: 4/17/2023





COMMONWEALTH OF KENTUCKY

SKY VIEW ESTATES

SKY VIEW LANE, PERRY COUNTY, KENTUCKY

TO BE CONVEYED TO:

3213 Summit Square Place Suite 100 Lexington, KY 40509

(859)543-1256

P.O. Box 444 Hindman, KY 41822 (606)785-5926

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RAC

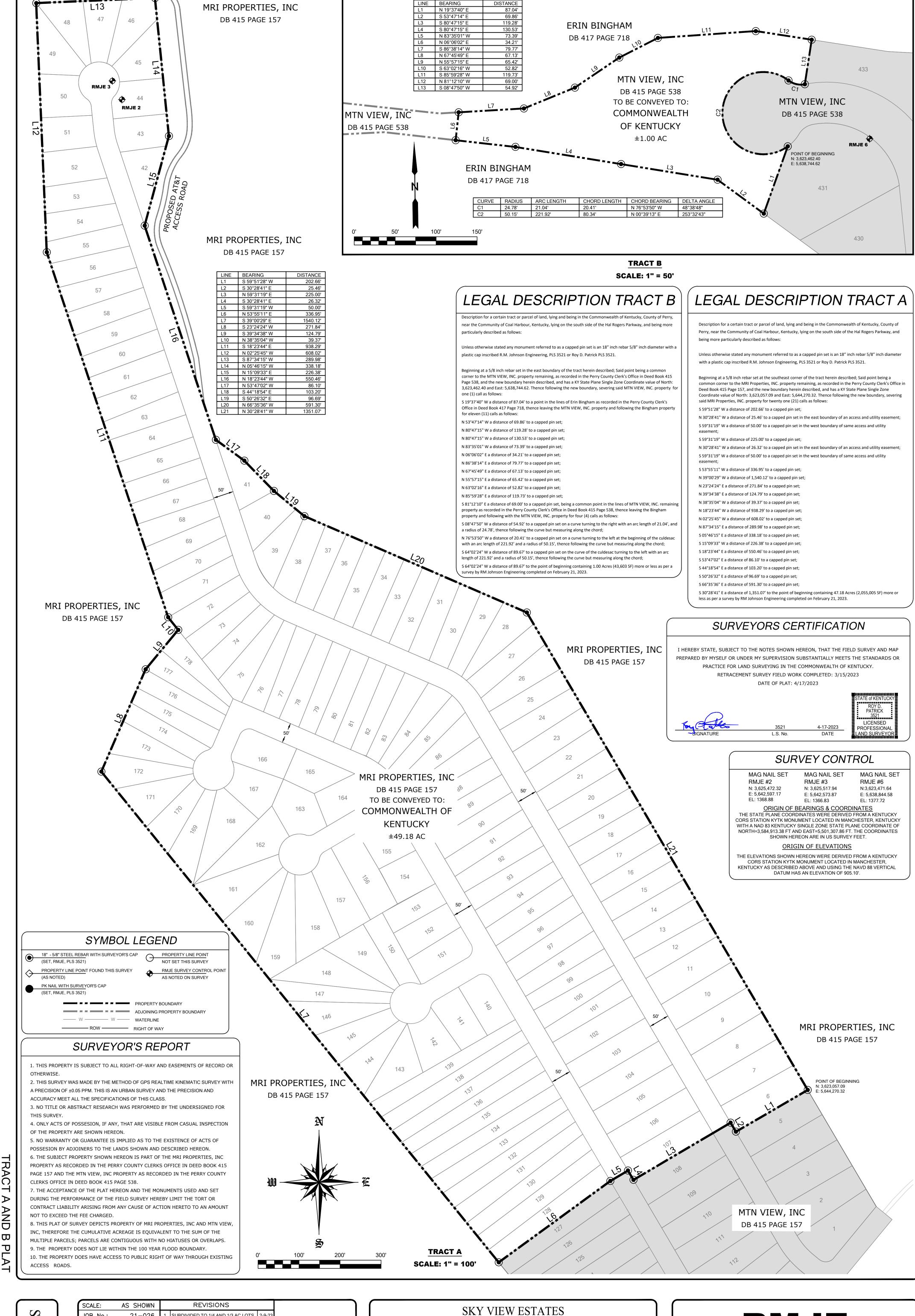
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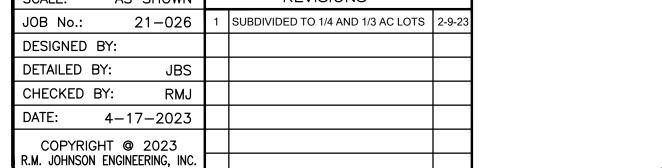
1" = 300'REVISIONS SCALE: JOB No.: 21-026 SUBDIVIDED TO 1/4 AND 1/3 AC LOTS 2-9-23 DESIGNED BY: **DETAILED BY:** TJB CHECKED BY: RMJ 4-17-2023 COPYRIGHT @ 2023 R.M. JOHNSON ENGINEERING, INC.



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AND



SKY VIEW LANE, PERRY COUNTY, KENTUCKY TO BE CONVEYED TO:

COMMONWEALTH OF KENTUCKY

RMJE

3213 Summit Square Place Suite 100 Lexington, KY 40509 (859)543-1256

P.O. Box 444 Hindman, KY 41822 (606)785-5926

Curtis Stauffer

From: Curtis Stauffer

Sent:Tuesday, May 2, 2023 4:01 PMTo:'ashlstep@nc-cherokee.com'Cc:'syerka@nc-cherokee.com'

Subject: RE: Invitation to become a consulting party of the Section 106 review for the Commonwealth of

Kentucky Sky View Estates subdivision project in Perry County

Attachments: KHC-Sky View Estates_E. Band of Cherokee Indians Consultation Letter_2023-5-2.pdf

Dear Principle Chief Sneed-

Please accept my apologies for the typo in the first line of the email I just sent where I used Cherokee Nation instead of Eastern Band of Cherokee Indians. I was writing the consultation invitation emails for this project to both tribes simultaneously and got the versions mixed up.

Sincerely,

Curtis Stauffer

Curtis A. Stauffer, MA, PMP, HDFP
Managing Director,
Housing Contract Administration
Pronouns: he/him/his
Kentucky Housing Corporation
1231 Louisville Rd.
Frankfort, KY 40601
502-874-5329 (direct)
800-633-8896 x. 115 (KY only)
TTY 711
cstauffer@kyhousing.org
www.kyhousing.org

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From: Curtis Stauffer

Sent: Tuesday, May 2, 2023 3:50 PM

To: 'ashlstep@nc-cherokee.com' <ashlstep@nc-cherokee.com>

Cc: 'syerka@nc-cherokee.com' <syerka@nc-cherokee.com>; Wendy Smith <wsmith@kyhousing.org>; Kaye Mcafee

<kmcafee@kyhousing.org>; Lyons, John (EEC) <john.lyons@ky.gov>; Aldridge, Louanna C (EEC)

<Louanna.Aldridge@ky.gov>

Subject: Invitation to become a consulting party of the Section 106 review for the Commonwealth of Kentucky Sky View Estates subdivision project in Perry County

Dear Principal Chief Sneed-

For your consideration, please see the attached letter inviting the Cherokee Nation to become a consulting party on the historic review for the development of a new single-family subdivision in Perry County, KY (center point geographic coordinates: 37.248952/-83.269390). To meet project timeframes, can you please let us know if you would like to be a consulting party on this project within 30 days?

Thank you for your time and consideration.

Sincerely,

Curtis Stauffer

Curtis A. Stauffer, MA, PMP, HDFP
Managing Director,
Housing Contract Administration
Pronouns: he/him/his
Kentucky Housing Corporation
1231 Louisville Rd.
Frankfort, KY 40601
502-874-5329 (direct)
800-633-8896 x. 115 (KY only)
TTY 711
cstauffer@kyhousing.org

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May 2, 2023

Richard Sneed, Principal Chief Eastern Band of Cherokee Indians PO Box 455 Cherokee, NC 82719

Via e-mail to: ashlstep@nc-cherokee.com

RE: Sky View Estates Area 1, Perry County, KY (37.248952, -83.269390): HUD HOME Investment Partnerships and Community Development Block Grant Disaster Recovery (CDBG-DR) Single-Family Homebuyer Development

Dear Principal Chief Sneed:

Kentucky Housing Corporation (KHC) and the Kentucky Department for Local Government (DLG) are considering funding the project listed above with HOME Investment Partnerships funds (KHC) and Community Development Block Grant Disaster Recovery funds (DLG) from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Kentucky Housing Corporation has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

KHC will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations found at 36 CFR Part 800 in consultation with the Kentucky Heritage Council, our State Historic Preservation Office. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

Enclosed is a map that shows the project area and, if applicable, an additional area of potential indirect effects. Also enclosed is a plat map for the project. The Commonwealth of Kentucky will build 153 single-family detached units on approximately 49.2 acres of land to be acquired in a new 178-unit subdivision (approximately 59.2 acres) to be called Sky View Estates Area 1 (center point geographic coordinates: 37.248952/-83.269390). The subdivision will be developed on reclaimed mine land in Perry County, KY off of Skyview Road. The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). MTN View, Inc., a forprofit developer, will retain title to approximately 10-acres in Sky View Estates Area 1 to build 25 single-



family detached units as a separate development project. This project will create replacement housing following the July 2022 flood disaster in Southeastern Kentucky. The Commonwealth will acquire the property, will grade the site where needed, and develop road, water, sewer, and electric infrastructure to support the development of single-family detached housing. Utilities are located adjacent to the project area. Both water and sewer lines will be extended to service the project area, as well as electric utilities. Access to the site will be through existing public roads. The Commonwealth will select non-profit and/or for-profit developers to build the homes to be sold to eligible homebuyers.

More information on the Section 106 review process is available at https://www.achp.gov/protecting-historic-properties/section-106-process/introduction-section-106 and HUD's process for tribal consultation under Section 106 is described in a Notice available at https://www.hudexchange.info/programs/environmental-review/historic-preservation/.

To meet project timeframes, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response? If you do not wish to consult on this project, can you please inform us? We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Curtis A. Stauffer, Managing Director-Housing Contract Administration

cc: Russell Townsend (syerka@nc-cherokee.com)
Louanna Aldridge (louanna.aldridge@ky.gov)
John Lyons (john.lyons@ky.gov)
Kaye McAfee (kmcafee@kyhousing.org)
Wendy Smith (wsmith@kyhousing.org)

Attachments: Attachment A form

Aerial Map Plat Map

When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If

X	significant ground disturbance (digging)
	Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads
	new construction in undeveloped natural areas Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in <u>undeveloped</u> natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas
	incongruent visual changes Examples: construction of a focal point that is out of character with the surrounding natural area, impairment
	of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area
	incongruent audible changes
	Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience
	incongruent atmospheric changes Examples: introduction of lights that create skyglow in an area with a dark night sky
	work on a building with significant tribal association
	Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall
	transfer, lease or sale of a historic property of religious and cultural significance
	Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association
	None of the above apply
Sl	ky View Estates- Area 1
	erry County, KY 41701 Curtis Stauffer 5/2/2023
Pro	oiect Reviewed By Date

5/2/23, 12:21 PM TDAT



Tribal Directory Assessment Information



Contact Information for Tribes with Interests in Perry County, Kentucky

	Tribal Name				County Name			
_	Cherokee Nation				Perry			
Contac	ct Name	Title	Mailing Address	Work Phone		Fax Number Email Address URL		
Eliza	beth Toombs	THPO	PO Box 948, Tahlequah, OK - 74465	(918) 453-5389			elizabeth- toombs@cherokee.org	http://www.cherokee.org
_	Eastern Band of	f Cherokee Indians			Perry			
Contac	ct Name	Title	Mailing Address	Work Phone		Fax Number	Email Address	URL
Russ	sell Townsend	Tribal Historic Preservation Specialist	Qualla Boundary P.O. Box 455, Cherokee, NC - 28719	(828) 554-6851		(828) 497-1590	syerka@nc- cherokee.com	https://ebci.com/
Richa	ard Sneed	Principal Chief	88 Council House Loop Road, Cherokee, NC - 28719	(828) 359-7000		(828) 359-0344	ashlstep@nc- cherokee.com	https://ebci.com/
1 - 2	of 2 results	1						« < 1 > » 10 ×

https://egis.hud.gov/TDAT/



SURVEYOR'S REPORT

1. THIS PROPERTY IS SUBJECT TO ALL RIGHT-OF-WAY AND EASEMENTS OF RECORD OR OTHERWISE.

2. THIS SURVEY WAS MADE BY THE METHOD OF GPS REALTIME KINEMATIC SURVEY WITH A PRECISION OF ± 0.05 PPM. THIS IS AN URBAN SURVEY AND THE PRECISION AND ACCURACY MEET ALL THE SPECIFICATIONS OF THIS CLASS.

3. NO TITLE OR ABSTRACT RESEARCH WAS PERFORMED BY THE UNDERSIGNED FOR

THIS SURVEY. 4. ONLY ACTS OF POSSESION, IF ANY, THAT ARE VISIBLE FROM CASUAL INSPECTION

OF THE PROPERTY ARE SHOWN HEREON. 5. NO WARRANTY OR GUARANTEE IS IMPLIED AS TO THE EXISTENCE OF ACTS OF POSSESION BY ADJOINERS TO THE LANDS SHOWN AND DESCRIBED HEREON.

6. THE SUBJECT PROPERTY SHOWN HEREON IS PART OF THE MRI PROPERTIES, INC PROPERTY AS RECORDED IN THE PERRY COUNTY CLERKS OFFICE IN DEED BOOK 415 PAGE 157 AND THE MTN VIEW, INC PROPERTY AS RECORDED IN THE PERRY COUNTY CLERKS OFFICE IN DEED BOOK 415 PAGE 538.

7. THE ACCEPTANCE OF THE PLAT HEREON AND THE MONUMENTS USED AND SET DURING THE PERFORMANCE OF THE FIELD SURVEY HEREBY LIMIT THE TORT OR CONTRACT LIABILITY ARISING FROM ANY CAUSE OF ACTION HERETO TO AN AMOUNT NOT TO EXCEED THE FEE CHARGED. 8. THIS PLAT OF SURVEY DEPICTS PROPERTY OF MRI PROPERTIES, INC AND MTN VIEW,

INC, THEREFORE THE CUMULATIVE ACREAGE IS EQUIVALENT TO THE SUM OF THE MULTIPLE PARCELS: PARCELS ARE CONTIGUOUS WITH NO HIATUSES OR OVERLAPS. 9. THE PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD BOUNDARY.

10. THE PROPERTY DOES HAVE ACCESS TO PUBLIC RIGHT OF WAY THROUGH EXISTING ACCESS ROADS.

TRACT B

TRACT B / SHEET 2

1.00 AC TO THE

OF KENTUCKY

-COMMONWEALTH

ACCESS ROAD DESCRIPTION

Description for a 50' wide tract of land to be used for an Access Road, lying and being in the Commonwealth of Kentucky, County of Perry, near the Community of Coal Harbour, Kentucky, lying on the south side of the Hal Rogers Parkway, and being more particularly described as follows: Jnless otherwise stated any monument referred to as a capped pin set is an 18" inch rebar 5/8" inch diameter with a plastic cap inscribed R.M. Johnson Engineering, PLS 3521 or Roy D. Patrick, PLS 3521.

Johnson Engineering, PLS 3521 or Roy D. Patrick, PLS 3521. Beginning at point in the southern boundary of the Hal Rogers Parkway, at the northeast corner the boundary herein described and being a commor point in the lines of MRI Properties, INC, as recorded in the Perry County Clerk's Office in Deed Book 415 Page 157 and has a KY State Plane Single Zone Coordinate value of North: 3,626,213.47 and East: 5,643,488.01. Thence leaving the southern boundary of the Hal Rogers Parkway following he eastern boundary of the 50' wide Access Road, herein described, through the MRI Properties, INC, property for fifteen (15) calls as follows: following a curve turning to the right with an arc length of 120.91' and a radius of 244.72' but measuring along the chord; S 14°13'59" W a distance of 119.69' to a point on a curve turning to the left with an arc length of 76.46' and a radius of 150.99', following the curve

Unless otherwise stated any monument referred to as a capped pin set is an 18" inch rebar 5/8" inch diameter with a plastic cap inscribed R.M.

but measuring along the chord; S 14°19'57" W a distance of 75.65' to a point S 00°10'30" E a distance of 391.74' to a point on a curve turning to the left with an arc length of 196.28' and a radius of 748.93', following the curve

but measuring along the chord; 13°11'08" E a distance of 195.72' to a point S 20°41'37" E a distance of 345.56' to a point on a curve turning to the left with an arc length of 341.44' and a radius of 1331.53', following the curve but measuring along the chord;

S 29°42'16" E a distance of 340.51' to a point; S 37°03'02" E a distance of 454.30' to a point; on a curve turning to the right with an arc length of 258.48' and a radius of 548.05', following the curve but measuring along the chord; S 27°13'23" E a distance of 256.09' to a point; S 13°42'43" E a distance of 237.87' to a point on a curve turning to the left with an arc length of 758.64', and a radius of 839.89', following the curve

but measuring along the chord; S 34°17'21" Ea distance of 733.12' to a point on a curve turning to the right with an arc length of 251.56' and a radius of 533.52', following the curve S 45°00'45" E a distance of 249.23' to a point on a curve turning to the right with an arc length of 52.91' and a radius of 149.26', following the curve but measuring along the chord; S 22°06'46" E a distance of 52.64' to a point S 11°57'26" E a distance of 46.54' to a point on a curve turning to the right with an arc length of 223.39', and a radius of 165.89', following the curve

but measuring along the chord: \$ 28°11'23" W a distance of 206.89' to a point on a curve turning to the left with an arc length of 339.43' and a radius of 690.17', following the curve \$ 53°06'03" W a distance of 336.02' to a capped pin found in the eastern boundary of Area 1, thence following the access road through Areas 1, 2 3 S 39°32'00" W a distance of 457.51' to a point on a curve turning to the left with an arc length of 37.64' and a radius of 175.00', thence following the

curve but measuring along the chord; \$ 33°22'17" W, with a chord length of 37.57' to a capped pin set; S 27°12'34" W a distance of 239.37' to a capped pin set;

S 23°32'02" W a distance of 70.29' to a capped pin set; S 32°54'32" W a distance of 57.73' to a capped pin set; S 32°54'32" W a distance of 104.18' to a capped pin set S 20°27'36" W a distance of 88.02' to a capped pin set:

S 26°41'03" W a distance of 133.84' to a capped pin set:

S 27°12'34" W a distance of 77.56' to a capped pin set on a curve turning to the left with an arc length of 17.17' and a radius of175.00', thence following the curve but measuring along the chord;

S 24°23'56" W, with a chord length of 17.16' to a capped pin set; S 21°35'18" W a distance of 403.86' to a capped pin set on a curve turning to the right with an arc length of 1307.89' and a radius of775.00', thence ollowing the curve but measuring along the chord; S 69°56'04" W, a distance of 1158.12' to a capped pin set N 61°43'05" W a distance of 22.05' to a capped pin set;

N 61°43'09" W a distance of 365.76' to a capped pin set on a curve turning to the left with an arc length of 176.70' and a radius of 175.00', thence following the curve but measuring along the chord; S 89°21'14" W a distance of 169.29' to a capped pin set; S 60°25'28" W a distance of 803.59' to a capped pin set;

N 23°15'40" W a distance of 644.14'to a capped pin set on a curve turning to the right with an arc length of 102.74' and a radius of 225.00', thence

S 60°26'38" W a distance of 132.19' to a capped pin set on a curve turning to the right with an arc length of 24.79' and a radius of225.00', thence following the curve but measuring along the chord; S 63°34'59" W, a distance of 24.77' to a capped pin set; S 66°44'20" W a distance of 416.82'to a capped pin set;

following the curve but measuring along the chord; N 10°10'47" W, a distance of 101.85' to a capped pin set; N 02°54'07" E a distance of 886.39' to a capped pin set on a curve turning to the left with an arc length of 30.77' and a radius of 25.00', thence following the curve but measuring along the chord; N 32°21'45" W a distance of 28.87' to a capped pin set on a curve turning to the right with an arc length of 63.39' and a radius of 50.00', thence following the curve but measuring along the chord; N 31°18'33" W a distance of 59.23' to a capped pin set; on a curve turning to the left with an arc length of 31.02' and a radius of 23.78', thence

N 32°21'45" W a distance of 28.87' to a capped pin set; N 68°00'00" W a distance of 416.43' to a capped pin set on a curve turning to the left with an arc length of 10.66' and a radius of 50.00', thence following the curve but measuring along the chord; N 74°49'02" W a distance of 10.64' to a capped pin set;

N 80°55'39" W a distance of 118.50' to a capped pin set N 57°22'08" W a distance of 99.00' to a capped pin set; N 65°52'00" W a distance of 26.99' to a capped pin set;

following the curve but measuring along the chord;

N 69°18'12" W a distance of 59.09' to a capped pin set; S 89°58'49" W a distance of 14 43' to a canned nin set.

N 66°17'17" W a distance of 295.51' to a capped pin set; N 62°46'10" W a distance of 153.87' to a capped pin set;

 $N~62^{\circ}46^{\circ}10^{\circ}~W~a~distance~of~428.57^{\prime}~to~a~capped~pin~set~on~a~curve~turning~to~the~right~with~an~arc~length~of~249.17^{\prime}~and~a~radius~of~273.37^{\prime}~, thence~archive the archive the right~visit and a constant of the right~visit and$ following the curve but measuring along the chord; N 36°39'25" W a distance of 240.64' to a capped pin set;

N 05°37'04" W a distance of 470.78' to a capped pin set on a curve turning to the left with an arc length of 144.09' and a radius of 89.59', thence following the curve but measuring along the chord; N 54°55'04" W a distance of 129.06' to a capped pin set on a curve turning to the left with an arc length of 21.03' and a radius of 25.00', thence following the curve but measuring along the chord; S 54°54'48" W a distance of 20.41' to a capped pin set on a curve turning to the right with an arc length of 20.33' and a radius of 50.00', thence following the curve but measuring along the chord; S 42°27'50" W a distance of 20.19' to a capped pin set on a curve turning to the right with an arc length of 110.88' and a radius of 50.15', thence following the curve but measuring along the chord; N 62'43'58" W a distance of 89.67' to a point on a curve turning to the right with an arc length of 110.88' and a radius of 50.15', thence following the N 64°02'24" E a distance of 89.67' to a point on a curve turning to the left with an arc length of 21.04' and a radius of 24.78', thence following the curve but measuring along the chord:

5 76°53'50" E a distance of 20.41' to a capped pin set on a curve turning to the right with an arc length of 224.51' and a radius of 139.59', thence following the curve but measuring along the chord; S 54°55'04" E a distance of 201.08' to a capped pin set; S 05°36'18" E a distance of 469.30' to a capped pin set on a curve turning to the left with an arc length of 203.60' and a radius of 223.37', thence

following the curve but measuring along the chord; S 36°39'25" E a distance of 196.62' to a capped pin set: S 62°46'10" E a distance of 684.93' to a capped pin set: S 69°44'40" E a distance of 201.37' to a capped pin set;

S 68°13'34" E a distance of 70.23' to a capped pin set; \$ 56°07'28" E a distance of 77.82' to a capped pin set: S 68°31'45" E a distance of 43.44' to a capped pin set; S 80°55'39" E a distance of 111.98' to a capped pin set;

S 67°53'20" E a distance of 411.65' to a capped pin set; S 71°50'37" E a distance of 72.66' to a capped pin set on a curve turning to the right with an arc length of 80.88' and a radius of 62.00', thence following the curve but measuring along the chord; S 34°28'15" E a distance of 75.27' to a capped pin set;

S 02°54'07" W a distance of 955.21'to a capped pin set on a curve turning to the left with an arc length of 79.91' and a radius of 175.00', thence S 10°10'47" E a distance of 79.22' to a capped pin set; S 23°15'40" E a distance of 109.14' to a capped pin set;

S 23°15'40" E a distance of 100.00' to a capped pin set; S 23°15'40" E a distance of 360.00' to a capped pin set on a curve turning to the left with an arc length of 39.27' and a radius of 25.00', thence following the curve but measuring along the chord; S 68°15'40" E a distance of 35.36' to a capped pin set; N 66°44'20" E a distance of 341.82'to a capped pin set on a curve turning to the left with an arc length of 19.28' and a radius of 175.00', thence following the curve but measuring along the chord;

N 63°34'59" E a distance of 19.27' to a capped pin set; N 60°27'02" E a distance of 122.90' to a capped pin set; N 60°25'25" E a distance of 812.88' to a capped pin set on a curve turning to the right with an arc length of 227.19' and a radius of 225.00', thence following the curve but measuring along the chord; N 89°21'14" E a distance of 217.66' to a capped pin set;

S 61°43'09" E a distance of 387.81' to a capped pin set on a curve turning to the left with an arc length of 1223.51' and a radius of 725.00', thence following the curve but measuring along the chord;

N 69°56'04" E a distance of 1083.40' to a capped pin set; N 21°35'18" E a distance of 403.86' to a capped pin set on a curve turning to the right with an arc length of 22.07' and a radius of 225.00', thence following the curve but measuring along the chord;

N 24°23'56" E a distance of 22.07' to a capped pin set;

N 27°12'34" E a distance of 74.61' to a capped pin set; N 20°27'36" E a distance of 90.53' to a capped pin set; N 32°54'32" E a distance of 107.14' to a capped pin set;

curve but measuring along the chord

ng completed on April 13, 2023.

N 32°54'32" E a distance of 56.12' to a capped pin set; N 23°32'02" E a distance of 67.56' to a capped pin set; N 26°42'20" E a distance of 141.20' to a capped pin set; N 27°12'34" E a distance of 233.84' to a capped pin set on a curve turning to the right with an arc length of 48.40' and a radius of 225.00', thence

following the curve but measuring along the chord; N 33°22'17" E a distance of 48.30' to a capped pin set; N 39°31′59" E a distance of 457.50' to a capped pin set, thence leaving area 1, following a curve turning to the right with an arc length of 363.37' and N 53°06'38" E a distance of 359.73'to a point on a curve turning to the left with an arc length of 155.27' and a radius of 115.89', following the curve but measuring along the chord;

N 28°18'11" E a distance of 143.92' to a point; N 11°57'26" W a distance of 45.79' to a point on a curve turning to the left with an arc length of 35.49' and a radius of 99.26', following the curve but measuring along the chord; N 22*12'05" W a distance of 35.31' to a point on a curve turning to the left with an arc length of 227.65' and a radius of 483.52', following the curve N 44°57'01" W a distance of 225.55' to a point on a curve turning to the right with an arc length of 800.71' and a radius of 889.89', following the

N 34°20'26" W a distance of 773.97' to a point N 13°42'43" W a distance of 235.58' to a point on a curve turning to the left with an arc length of 236.47' and a radius of 498.05', following the curve but measuring along the chord;

N 37°03'02" W a distance of 455.94'to a point on a curve turning to the right with an arc length of 355.00' and a radius of 1381.53', following the curve but measuring along the chord; N 29°41'22" W a distance of 354.02' to a point

N 20°41'37" W a distance of 346.27' to a point on a curve turning to the right with an arc length of 211.82' and a radius of 798.93', following the curve but measuring along the chord; N 13°05'53" W a distance of 211.20' to a point

N 00°10'30" W a distance of 394.11' to a point on a curve turning to the right with an arc length of 101.56' and a radius of 200.99', following the curve but measuring along the chord;
N 14°18'02" E a distance of 100.48' to a point on a curve turning to the left with an arc length of 87.16' and a radius of 194.72', following the curve N 15°30'47" E a distance of 86.44' to a point in the southern boundary of the Hal Rogers Parkway, thence crossing the Access Road along the southern boundary of the Hal Rogers Parkway;

AREA 3

N 80°03'35" E a distance of 50.98' to the point of beginning containing 15.44 Acres (672,417 SF) more or less as per a survey by RM Johnson

SITE STATISTICS

ZONING REQUIREMENTS ZONE- NONE FRONT YARD SETBACK - NONE SIDE YARD SETBACK - NONE REAR SETBACK - NONE

USABLE OPEN SPACE - NONE MAXIMUM LOT COVERAGE - NONE PARKING REQUIREMENTS

LANDSCAPING REQUIREMENTS NONE SIGNAGE REQUIREMENTS

STORMWATER REQUIREMENTS

NONE

NONE

(606)436-1263 WWW.AEP.COM WATER CITY OF HAZARD UTILITIES (606)436-3171

AMERICAN ELECTRIC POWER

ELECTRICITY

1400 E MAIN STREET

HAZARD, KY 41701

700 MAIN STREET

CABLE WINDSTREAM COMMUNICATIONS (606)436-6012 1401 E MAIN STREET

TELEPHONE

(606)436-6012

WINDSTREAM

COMMUNICATIONS

1401 E MAIN STREET

HAZARD, KY 41701

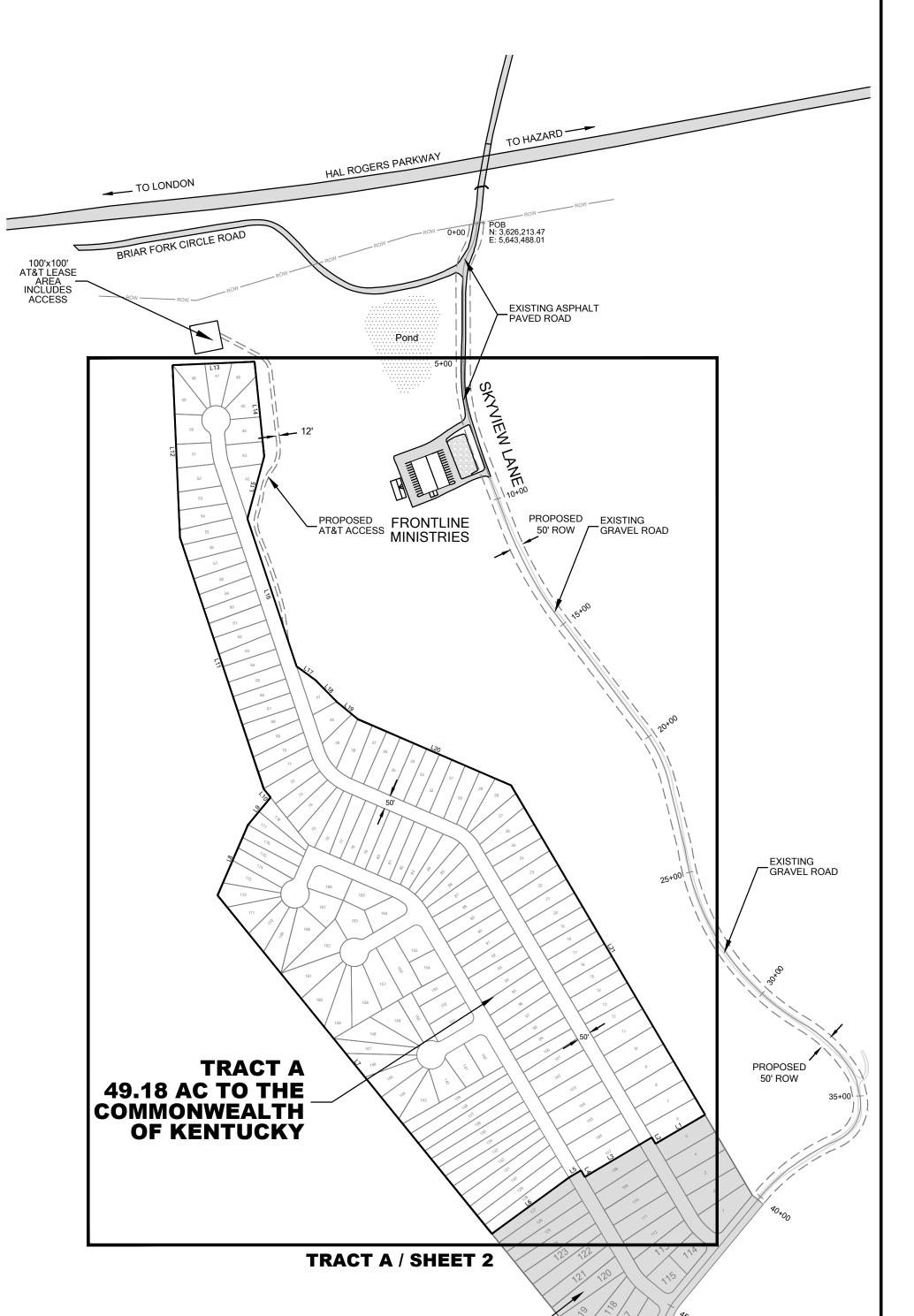
HAZARD, KY 41701

HAZARD, KY 41701 **SANITARY SEWER**

NO PUBLIC SERVICE **UNDERGROUND UTILITIES**

UTILITY PROVIDERS

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED BY FIELD SURVEY BASED ON INFORMATION PROVIDED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, WITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT CERTIFY THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.



AREA

AT&T ACCESS EASEMENT

AREA 4

Description for a 12' wide tract of land to be used for an access easement, lying and being in the Commonwealth of Kentucky, County of Perry, near the Community of Coal Harbour, Kentucky, lying on the south side of the Hal Rogers Parkway, and being more particularly described as follows:

Unless otherwise stated any monument referred to as a capped pin set is an 18" inch rebar 5/8" inch diameter with a plastic cap inscribed R.M. Johnson Engineering, PLS 3521 or Roy D. Patrick PLS 3521.

Beginning at a 5/8 inch rebar set at the southeast corner of the tract herein described; Said point being a common point in the eastern boundary of Tract A of the Skyview Sub-division and has a KY State Plane Single Zone Coordinate value of North: 3,624,725.61 and East: 5,642,798.72; thence following the eastern boundary of Skyview Sub-division for one (1) calls as

N 18°23'44" W a distance of 60.85' to a capped pin set, thence leaving the eastern boundary of the Skyview Sub-division

N 07°01'18" W a distance of 57.28' to a capped pin set on a curve turning to the left with an arc length of 283.74' and a radius of 1729.79', thence following the curve but measuring along the chord; $N~18^{\circ}01'08"~W~a~distance~of~283.42'~to~a~capped~pin~set~on~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~with~an~arc~length~of~78.48'~and~a~curve~turning~to~the~right~arc~length~of~78.48'~and~a~curve~turning~to~the~right~arc~length~of~78.48'~and~a~curve~turning~to~the~right~arc~length~of~78.48'~and~a~curve~turning~turve~tu$ radius of 184.40' thence following the curve but measuring along the chord;

N 02°08'24" W a distance of 77.88' to a capped pin set; N 12°57'56" E a distance of 75.83' to a capped pin set; on a curve turning to the right with an arc length of 87.64', and a

radius of 210.15', thence following the curve but measuring along the chord; N 23°16'00" E a distance of 87.01' to a capped pin set on a curve turning to the left with an arc length of 69.35' and a radius of 104.29', thence following the curve but measuring along the chord;

N 05°57'14" W a distance of 286.98' to a capped pin set; on a curve turning to the left with an arc length of 52.73' and a radius of 52.36', thence following the curve but measuring along the chord; N 35°17'58" W a distance of 50.53' to a capped pin set;

N 19°59'23" E a distance of 68.08' to a capped pin set;

N 62°03'11" W a distance of 158.33' to a capped pin set in the eastern boundary of the AT&T Lease Tract, thence following with the eastern boundary of AT&T Lease Tract for one (1) call as follows:

N 10°57'11" W a distance of 15.42' to a capped pin set, thence leaving the AT&T Lease Tract;

radius of 64.36', thence following the curve but measuring along the chord; S 35°10'20" E a distance of 61.95' to a capped pin set;

S 62°03'11" E a distance of 167.81' to a capped pin set; on a curve turning to the right with an arc length of 64.64' and a

S 05°57'14" E a distance of 287.73' to a capped pin set; on a curve turning to the right with an arc length of 77.66' and a radius of 116.29', thence following the curve but measuring along the chord; S 19°42'14" W, a distance of 76.22' to a capped pin set on a curve turning to the left with an arc length of 82.42' and a

radius of 198.15', thence following the curve but measuring along the chord;

S 23°11'12" W, a distance of 81.83' to a capped pin set; S 12°57'56" W a distance of 75.70' to a capped pin set; on a curve turning to the left with an arc length of 72.20' and a

radius of 172.40', thence following the curve but measuring along the chord; $502^{\circ}02'47''$ E a distance of 71.68' to a capped pin set; on a curve turning to the right with an arc length of 285.47' and a

R.M. JOHNSON ENGINEERING, INC.

radius of 1741.79', thence following with the curve but measuring along the chord;

S 17°59'35" E, a distance of 285.15' to a capped pin set;

S 07°01'18" E a distance of 117.59' to the point of beginning containing 0.328 Acres (14,289 SF) more or less as per a survey by RM Johnson Engineering completed on February 21, 2023.

> 1" = 300'REVISIONS SCALE: JOB No.: 21-026 SUBDIVIDED TO 1/4 AND 1/3 AC LOTS 2-9-23 DESIGNED BY: **DETAILED BY:** TJB CHECKED BY: RMJ 4-17-2023 COPYRIGHT @ 2023

SKY VIEW ESTATES SKY VIEW LANE, PERRY COUNTY, KENTUCKY TO BE CONVEYED TO:

AREA 2

SURVEYORS CERTIFICATION

I HEREBY STATE, SUBJECT TO THE NOTES SHOWN HEREON, THAT THE FIELD SURVEY AND MAP

PREPARED BY MYSELF OR UNDER MY SUPERVISION SUBSTANTIALLY MEETS THE STANDARDS OR

PRACTICE FOR LAND SURVEYING IN THE COMMONWEALTH OF KENTUCKY.

RETRACEMENT SURVEY FIELD WORK COMPLETED: 3/15/2023

DATE OF PLAT: 4/17/2023

COMMONWEALTH OF KENTUCKY

RMJE

3213 Summit Square Place Suite 100 Lexington, KY 40509 (859)543-1256

LICENSED

PROFESSIONAL

LAND SURVEYO

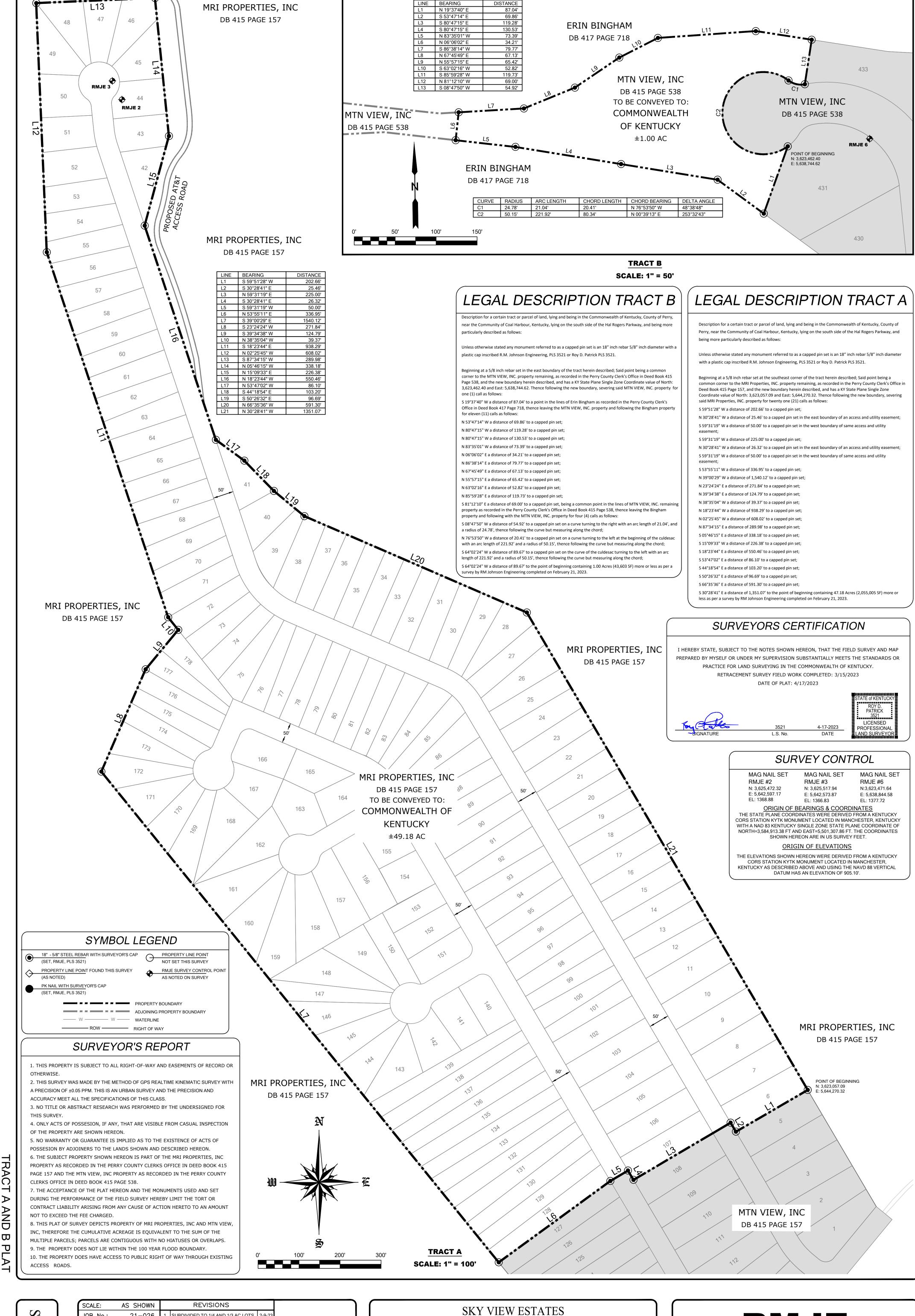
4-17-2023

DATE

P.O. Box 444 Hindman, KY 41822

(606)785-5926

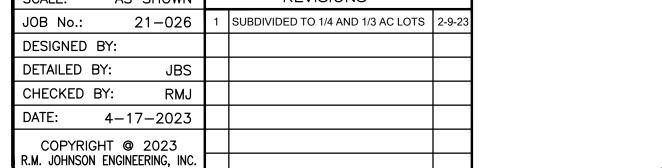
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AND



SKY VIEW LANE, PERRY COUNTY, KENTUCKY TO BE CONVEYED TO:

COMMONWEALTH OF KENTUCKY

RMJE

3213 Summit Square Place Suite 100 Lexington, KY 40509 (859)543-1256

P.O. Box 444 Hindman, KY 41822 (606)785-5926

Noise Abatement and Control

General requirements	Legislation	Regulation
HUD's noise regulations protect	Noise Control Act of 1972	Title 24 CFR 51
residential properties from		Subpart B
excessive noise exposure. HUD	General Services Administration	
encourages mitigation as	Federal Management Circular	
appropriate.	75-2: "Compatible Land Uses at	
	Federal Airfields"	

- 1. What activities does your project involve? Check all that apply:
- ✓ New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster None of the above

4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).

Indicate the findings of the Preliminary Screening below:

There are no noise generators found within the threshold distances above.

- ✓ Noise generators were found within the threshold distances.
- 5. Complete the Preliminary Screening to identify potential noise generators in the
- ✓ Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Indicate noise level here: 56

Based on the response, the review is in compliance with this section. Document and upload noise analysis, including noise level and data used to complete the analysis below.

Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Unacceptable: (Above 75 decibels)

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels.

Check here to affirm that you have considered converting this property to a non-residential use compatible with high noise levels.

Indicate noise level here: 56

Document and upload noise analysis, including noise level and data used to complete the analysis below.

Screen Summary

Compliance Determination

A Noise Assessment was conducted. The noise level was acceptable: 56.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. The project

site is 9, 881 feet from the nearest railroad (nearest crossing is CSX #346102B), which is beyond the 3,000-foot threshold distance. There are two airports within 15 miles of the project site: Duff Airport (7.62 miles away) and Wendell H. Ford Airport (8.65 miles away.) HUD Airport Noise Worksheets for both airports document that noise is not expected to be generated beyond the airport boundaries. Hal Rogers Parkway (515 feet away) is the only road with available AADT data within 1,000 feet of the project site. Because ten year projections of AADT data for Hal Rogers Parkway show a significant decrease, the most current AADT data was used in the HUD DNL calculation for road noise of 56.0 dB.

Supporting documentation

KYTC Map of Road with AADT data closest to Sky View Area 1.pdf

Distance to KY-80-Sky View Estates-beyond 1000ft.pdf

1000 ft east elevation- Hal Rogers Pkwy.pdf

Wendell H Ford Airport-FAA Master Record.pdf

Wendell H Ford Airport_HUDAirportNoiseWorksheet 2023-5-1.pdf

Slope and Projected AADT calculations-Hal Rogers Pkwy.pdf

Hal Rogers Pkwy-Historic Traffic Counts-KYTC.pdf

Duff Airport-FAA Master Record.pdf

Duff Airport HUDAirportNoiseWorksheet 2023-5-1.pdf

DNL Calculation-Sky View Estates.pdf

Distance to Wendell H Ford Airport-Sky View Estates.pdf

Distance to Nearest Railroad-Sky View Estates.pdf

Distance to Nearest Hal Rogers Parkway Stop Sign-Sky View Estates.pdf

Distance to KY 451-Sky View Estates-beyond 1000ft.pdf

Distance to Hal Rogers Parkway-Sky View Estates.pdf

Distance to Duff Airport-Sky View Estates(1).pdf

AADT Data-Hal Rogers Parkway.pdf

1000 ft west elevation- Hal Rogers Pkwy.pdf

Are formal compliance steps or mitigation required?

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✓ No

Home (/) > Programs (/programs/) > Environmental Review (/programs/environmental-review/) > DNL Calculator

DNL Calculator

The Day/Night Noise Level Calculator is an electronic assessment tool that calculates the Day/Night Noise Level (DNL) from roadway and railway traffic. For more information on using the DNL calculator, view the Day/Night Noise Level Calculator Electronic Assessment Tool Overview (/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/).

Guidelines

- To display the Road and/or Rail DNL calculator(s), click on the "Add Road Source" and/or "Add Rail Source" button(s) below.
- All Road and Rail input values must be positive non-decimal numbers.
- All Road and/or Rail DNL value(s) must be calculated separately before calculating the Site DNL.
- All checkboxes that apply must be checked for vehicles and trains in the tables' headers.
- Note #1: Tooltips, containing field specific information, have been added in this tool and may be accessed by hovering over all the respective data fields (site identification, roadway and railway assessment, DNL calculation results, roadway and railway input variables) with the mouse.
- Note #2: DNL Calculator assumes roadway data is always entered.

DNL Calculator

Site ID	Sky View Estates, Perry (Sky View Estates, Perry County, KY			
Record Date	05/02/2023	05/02/2023			
User's Name	Curtis Stauffer				
oad # 1 Name:	Hal Rogers Parkway				
toad #1					
ehicle Type	Cars 🗹	Medium Trucks 🗹	Heavy Trucks 🗹		
ffective Distance	515	515	515		
Distance to Stop Sign					
Average Speed	55	55	55		
Average Daily Trips (ADT)	4352	280	226		
Night Fraction of ADT	15	15	15		
Road Gradient (%)			3		
/ehicle DNL	49	47	54		
Calculate Road #1 DNL	56	Reset			
Add Road Source Add Rail S	Source				
Airport Noise Level		0			
Loud Impulse Sounds?		○Yes ® No			
Combined DNL for all Road and Rail sources		56			
Combined DNL including Airpo	ort	N/A			
Site DNL with Loud Impulse So	aund				

Mitigation Options

If your site DNL is in Excess of 65 decibels, your options are:

• **No Action Alternative**: Cancel the project at this location

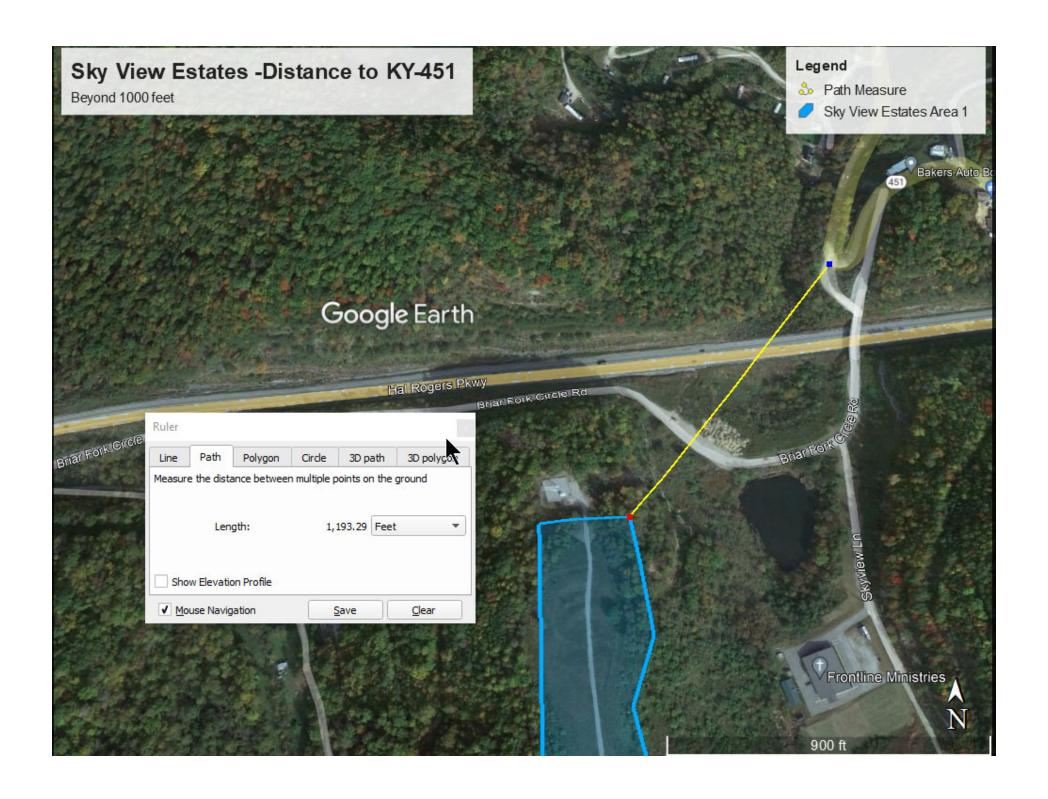
- Other Reasonable Alternatives: Choose an alternate site
- Mitigation
 - o Contact your Field or Regional Environmental Officer (/programs/environmental-review/hud-environmental-staff-contacts/)
 - Increase mitigation in the building walls (only effective if no outdoor, noise sensitive areas)
 - Reconfigure the site plan to increase the distance between the noise source and noise-sensitive uses
 - Incorporate natural or man-made barriers. See *The Noise Guidebook (/resource/313/hud-noise-guidebook/)*
 - Construct noise barrier. See the Barrier Performance Module (/programs/environmental-review/bpm-calculator/)

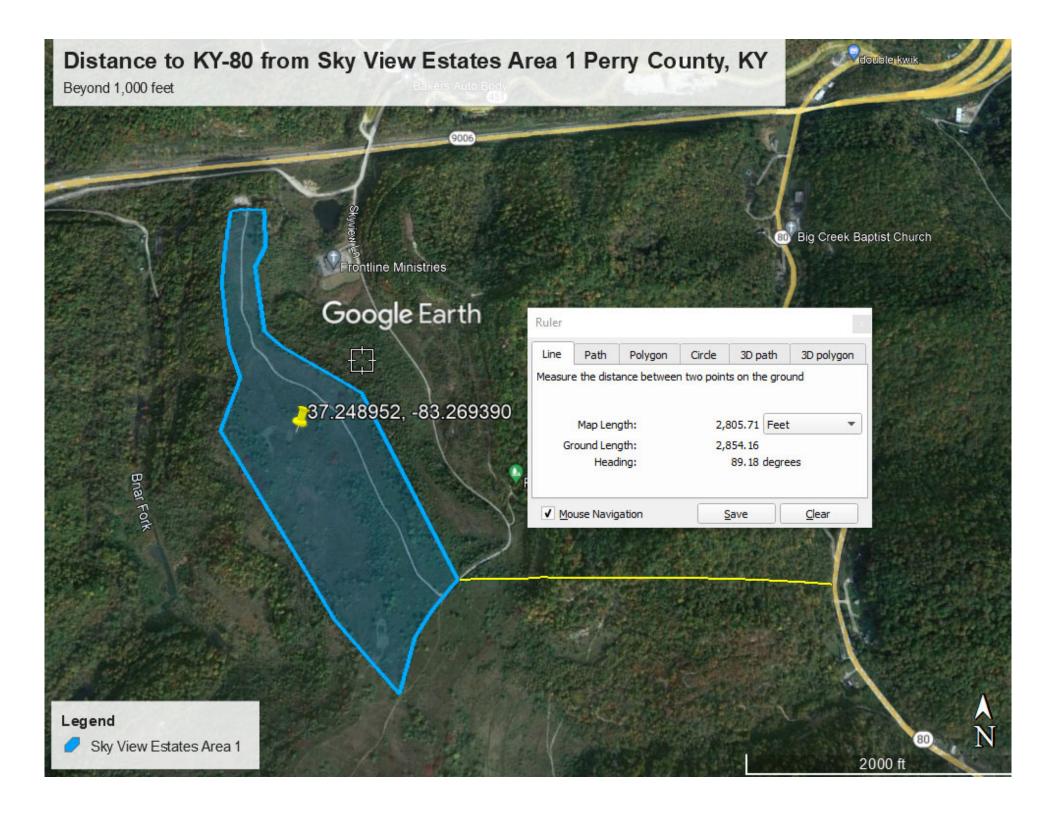
Tools and Guidance

Day/Night Noise Level Assessment Tool User Guide (/resource/3822/day-night-noise-level-assessment-tool-user-guide/)

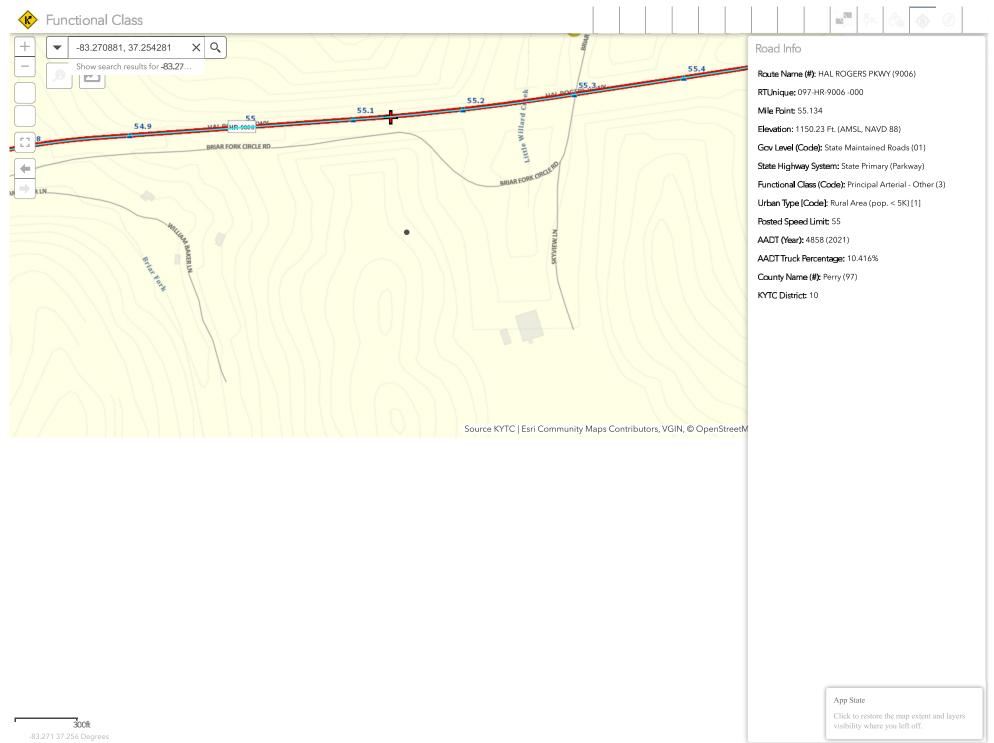
Day/Night Noise Level Assessment Tool Flowcharts (/resource/3823/day-night-noise-level-assessment-tool-flowcharts/)







5/2/23, 2:40 AM Functional Class



https://maps.kytc.ky.gov/functionalclass/

Historical Traffic Volume Summary Station Details:

otation botaile.				
Sta ID:	066773			
Sta Type: In Adjacent Coun				
Мар:	<u>Maplt</u>			
District:	10			
County:	Perry			

Route Desc: HAL ROGERS PKWY

Begin MP:	51.0260
Begin Desc:	KY 118
End Mp:	56.4280
End Desc:	KY 451 O-PASS
Impact Year:	
Year Added:	1974

Newest Count:				
AADT:	4858			
Year:	2021			
% Single:	5.7540			
% Combo:	4.6620			
K Factor:	9.30			
D Factor:	51			

Definitions:

Route:

Sta. ID - Three digit county number + station number

097-HR-9006 -000

MP - milepoint

Impact Year – year of significant change to traffic pattern within station segment

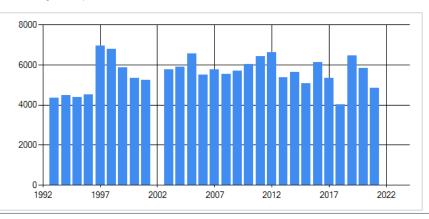
AADT - Annual Average Daily Traffic - the annualized average 24-hour volume of vehicles on a segment of roadway

% Single – single unit truck volume as a percentage of the AADT % Combo – combination truck volume as a percentage of the AADT

K Factor – peak hour volume as a percentage of the AADT

D Factor – percentage of peak hour volume flowing in the peak direction

Year	AADT	Year	AADT	Year	AADT
2023		2013	5375	2003	5780
2022		2012	6637	2002	
2021	4858	2011	6430	2001	5260
2020	5837	2010	6050	2000	5350
2019	6456	2009	5690	1999	5870
2018	4030	2008	5530	1998	6800
2017	5354	2007	5760	1997	6950
2016	6136	2006	5500	1996	4530
2015	5073	2005	6560	1995	4390
2014	5624	2004	5890	1994	4480



Slope and Projected ADDT Calculations for Hal Rogers Parkway (Mile Point 55.134)

1153.54 1000 ft East Elevation 1092.63 1000 ft West Elevation

60.91 Difference 3.05% Slope

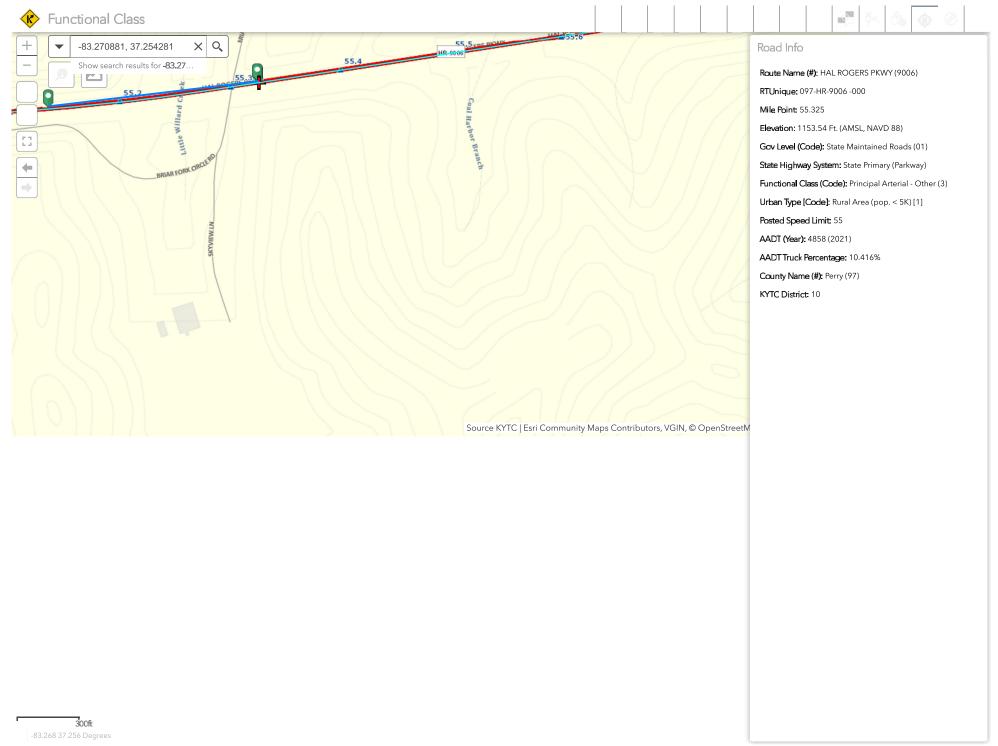
Source: KyTC Functional Class Interactive Map

AADT 2012	6637
AADT 2021	4858
Difference	-1779
Annual change	-177.9
Projection for 2031	2152

			Rounded		Rounded
			2031	2021	2021
		Projected 2031 AADT	Count	Count	Count
Medium Truck %	5.75%	123.82608	124	279.5293	280
Heavy Truck %	4.66%	100.32624	100	226.48	226
Car %	89.58%	1927.84768	1928	4351.991	4352

Source: KyTC Traffic Count Reporting System Historical Traffic Volume Summary

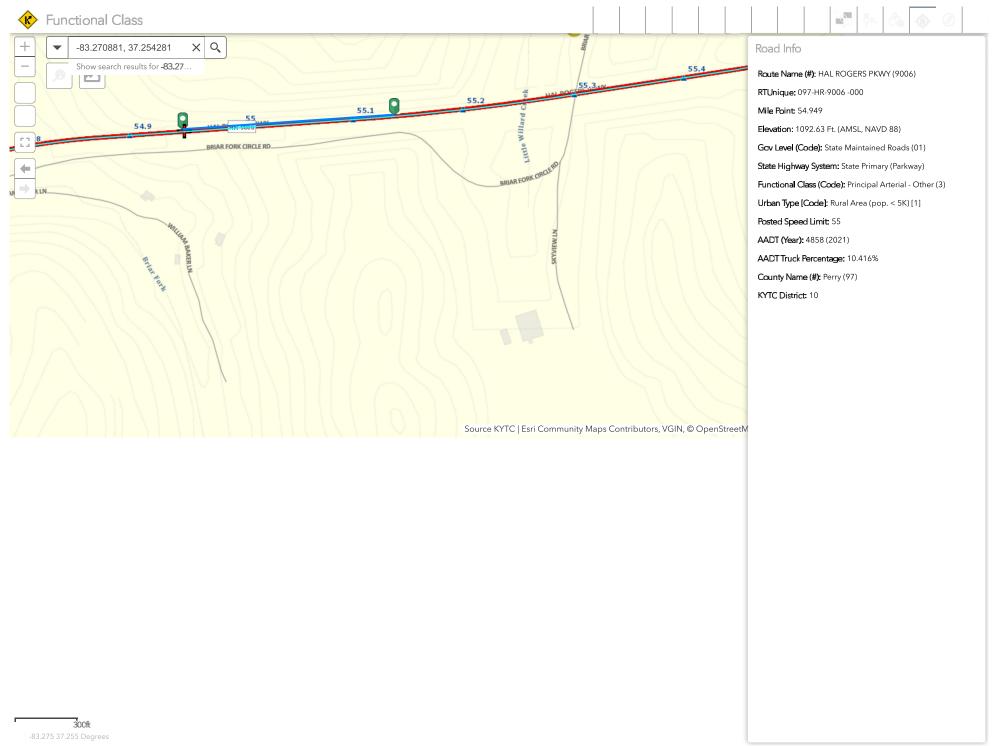
5/2/23, 2:43 AM Functional Class



https://maps.kytc.ky.gov/functionalclass/

1/1

5/2/23, 2:41 AM Functional Class



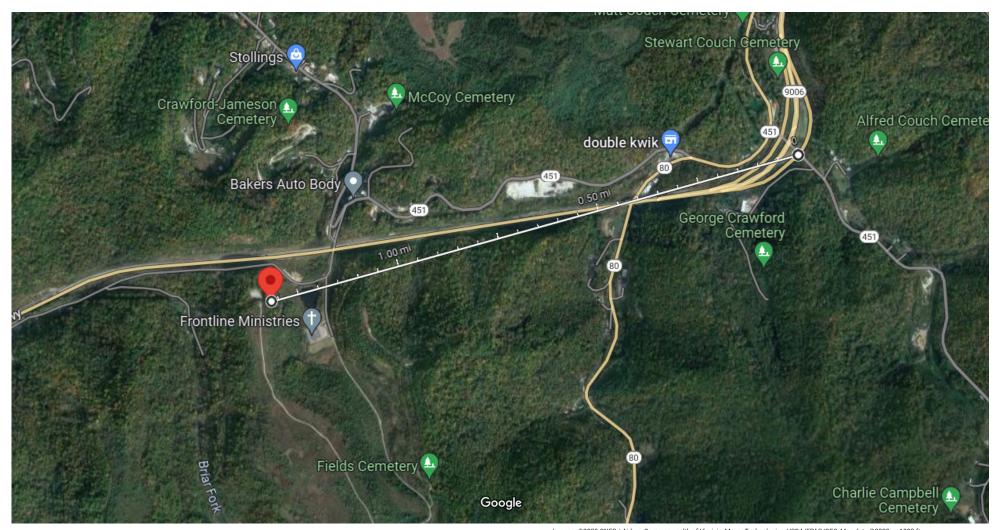
1/1

https://maps.kytc.ky.gov/functionalclass/

Google Maps

37°15'15.4"N 83°16'15.2"W

Distance to nearest stop sign on Hal Rogers Parkway-Sky View Estates, Perry County, KY



Imagery @2023 CNES / Airbus, Commonwealth of Virginia, Maxar Technologies, USDA/FPAC/GEO, Map data @2023 1000 ft

Measure distance Total distance: 1.32 mi (2.12 km)





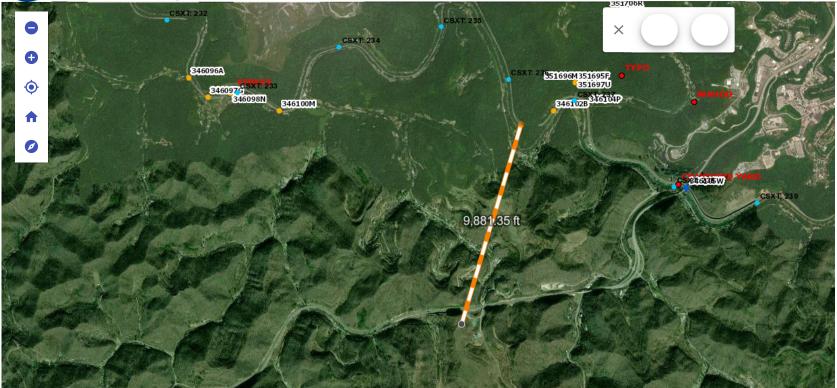












Unit Mode Feet Auto Distance 9,881.35 ft New Measurement

0.6 km

0.4 mi

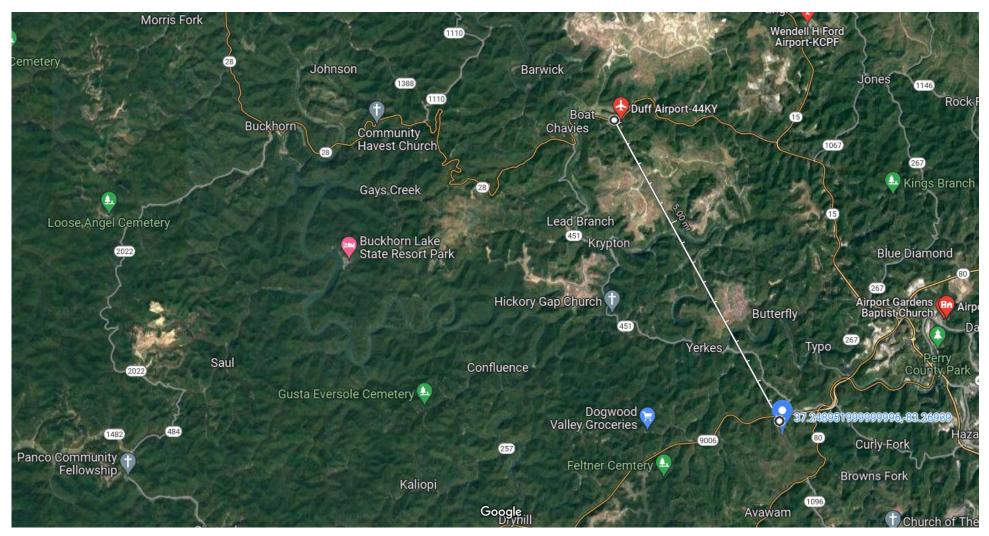
-83.270881, 37.254281

XQ

Google Maps

airport

Distance to Duff Airport from Sky View Estates Area 1, Perry County, KY



Imagery ©2023 TerraMetrics, Map data ©2023 Google 2 mi

Measure distance Total distance: 7.62 mi (12.26 km)

Airport Noise Worksheet

Use this worksheet to identify information needed to evaluate a site's exposure to aircraft noise.

Name and Location of Project: Sky View Estates, Perry County, KY

Name of Airport: **Duff Airport**

Person completing worksheet: <u>Curtis Stauffer</u> Date: <u>5/1/2023</u>

- 1. Determine if the proposed site/project is within 15 miles of a civil or military airport.
- No. Attach a scaled map identifying the location of the proposed project site and the location of any airports. *Further use of this worksheet is not required.*
- Yes. Attach a scaled map identifying the location of the proposed project site and the location of any airports. *Continue*.
- 2. Determine the number of operations at the airport by:
 - Go to: http://www.gcr1.com/5010web/advancedsearch.cfm
 - Find your airport using the Search function
 - Open the report under "Print 5010"
 - Complete section 3 below by using Operations data found in the report (see yellow arrow in the example below)



3. Determine if the annual number of operations for air carriers (#100), air taxis (#102), military (#105), and general aviation (#103 plus #104) exceeds the thresholds provided below.

#100 Annual air carrier operation	ıs <u>0</u> .	Is this 9,000 or more?	Yes	No	X
#102 Annual air taxi operations	<u>0</u> .	Is this 18,000 or more?	Yes	No	<u>X</u>
#105 Annual military operations	<u>0.</u>	Is this 18,000 or more?	Yes	No	$\underline{\mathbf{X}}$
#103+#104 Annual general aviati	ion operat	ions n/a Is this 72,000 or more? Y	es No X		

4. If you answer "No" on each of the questions above, it is assumed the noise attributed to the airplanes will not extend beyond the boundaries of the airport. Maintain the documentation

in your Environmental Review Record (ERR). You are finished with the evaluation of airport noise for this airport.

If you have marked any question in #3 with "Yes," continue to 5.

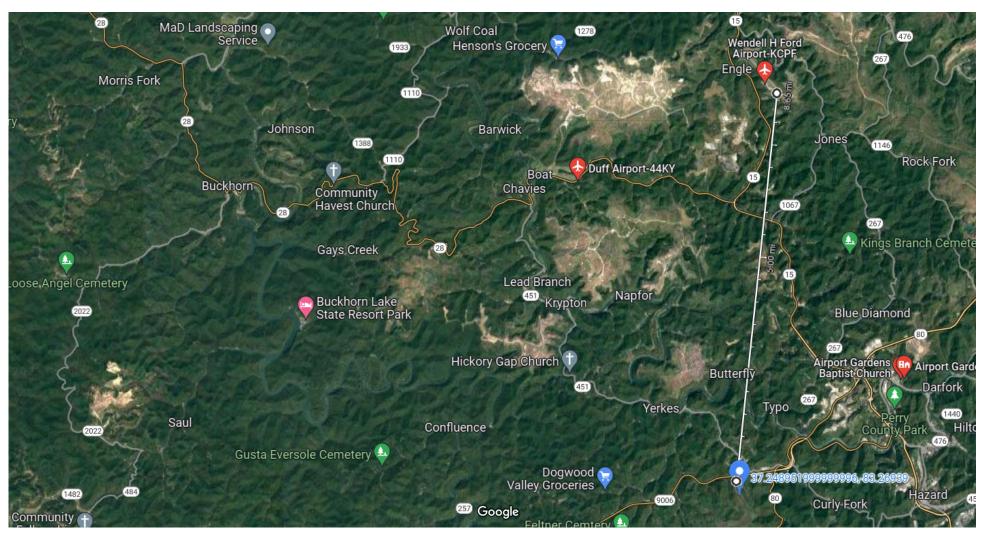
ontact the airport manager, (see blue arrow above) and ask them if the airport has noise ontour maps. Are contour maps available?
Yes. Locate your project on the noise contour map. If there are no roads or railroads that are being considered for noise, utilize the information from the contour map to determine if the site is acceptable. If roads or railroads are being considered, input the information obtained from the airport noise contours, along with the road and railroad information, into HUD online noise calculation tool at
http://www.hud.gov/offices/cpd/environment/dnlcalculator.cfm.
No. Construct the approximate DNL contours by using the guidance on page 52 and 53 of the HUD <u>Noise Guidebook</u> . You will need to obtain the following information from the airport:
(a) The number of nighttime jet operations (10pm to 7 am).
(b) The number of daytime jet operations (7 am to 10 pm).
(c) The flight paths of the major runways.
(d) Any available information about expected changes in airport traffic (e.g., will the number of operations increase or decrease in the next 10 to 15 years?).

Contact your HUD Environmental Officer if you need assistance.

Google Maps

airport

Distance to Wendell H Ford Airport from Sky View Estates Area 1, Perry County, KY



Imagery ©2023 TerraMetrics, Map data ©2023 Google 2 mi

Measure distance Total distance: 8.65 mi (13.92 km)

Airport Noise Worksheet

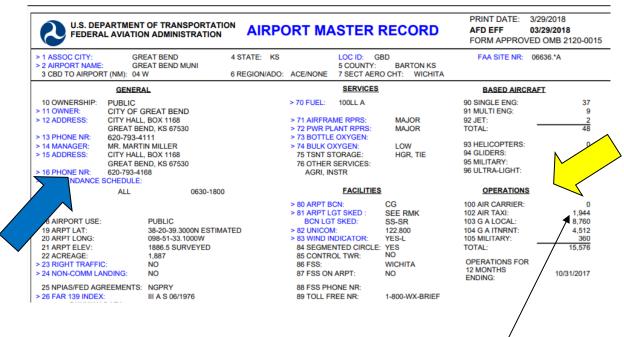
Use this worksheet to identify information needed to evaluate a site's exposure to aircraft noise.

Name and Location of Project: Sky View Estates, Perry County, KY

Name of Airport: Wendell H. Ford Airport

Person completing worksheet: <u>Curtis Stauffer</u> Date: <u>5/1/2023</u>

- 1. Determine if the proposed site/project is within 15 miles of a civil or military airport.
- No. Attach a scaled map identifying the location of the proposed project site and the location of any airports. *Further use of this worksheet is not required.*
- Yes. Attach a scaled map identifying the location of the proposed project site and the location of any airports. *Continue*.
- 2. Determine the number of operations at the airport by:
 - Go to: http://www.gcr1.com/5010web/advancedsearch.cfm
 - Find your airport using the Search function
 - Open the report under "Print 5010"
 - Complete section 3 below by using Operations data found in the report (see yellow arrow in the example below)



3. Determine if the annual number of operations for air carriers (#100), air taxis (#102), military (#105), and general aviation (#103 plus #104) exceeds the thresholds provided below.

#100 Annual air carrier operations	<u>0</u>	Is this 9,000 or more?	Yes	No <u>_X</u>
#102 Annual air taxi operations	1,320	Is this 18,000 or more?	Yes	No <u>X</u>
#105 Annual military operations	800	Is this 18,000 or more?	Yes	No <u>X</u>
#103+#104 Annual general aviation	on operatio	ns <u>8050</u> Is this 72,000 or more?	Yes	No X

4. If you answer "No" on each of the questions above, it is assumed the noise attributed to the airplanes will not extend beyond the boundaries of the airport. Maintain the documentation

in your Environmental Review Record (ERR). You are finished with the evaluation of airport noise for this airport.

If you have marked any question in #3 with "Yes," continue to 5.

ontact the airport manager, (see blue arrow above) and ask them if the airport has noise ontour maps. Are contour maps available?
Yes. Locate your project on the noise contour map. If there are no roads or railroads that are being considered for noise, utilize the information from the contour map to determine if the site is acceptable. If roads or railroads are being considered, input the information obtained from the airport noise contours, along with the road and railroad information, into HUD online noise calculation tool at
http://www.hud.gov/offices/cpd/environment/dnlcalculator.cfm.
 No. Construct the approximate DNL contours by using the guidance on page 52 and 53 of the HUD Noise Guidebook. You will need to obtain the following information from the airport: (a) The number of nighttime jet operations (10pm to 7 am). (b) The number of daytime jet operations (7 am to 10 pm). (c) The flight paths of the major runways. (d) Any available information about expected changes in airport traffic (e.g., will the number of operations increase or decrease in the next 10 to 15 years?).

Contact your HUD Environmental Officer if you need assistance.



AIRPORT MASTER RECORD

PRINT DATE: 5/1/2023 **AFD EFF 04/20/2023**FORM APPROVED OMB 2120-0015

> 1 ASSOC CITY: HAZARD 4 STATE: KY FAA SITE NR: 07191.1*A LOC ID: CPF > 2 AIRPORT NAME WENDELL H FORD 5 COUNTY: PERRY KY 3 CBD TO AIRPORT (NM): 10 NW 6 REGION/ADO: 7 SECT AERO CHT: CINCINNATI ASO/MEM **SERVICES GENERAL BASED AIRCRAFT** 10 OWNERSHIP: **PUBLIC** > 70 FUEL: 100LL A+ 90 SINGLE ENG: 11 HAZARD-PERRY COUNTY BOARD > 11 OWNFR: 91 MUI TI FNG: 3 > 12 ADDRESS: P.O. BOX 2346 > 71 AIRFRAME RPRS: 92 JET: 3 > 72 PWR PLANT RPRS: HAZARD, KY 41702 93 HELICOPTERS: 1 > 13 PHONE NR: (606) 439-4518 > 73 BOTTLE OXYGEN: TOTAL: 18 > 14 MANAGER: JEFF HYLTON > 74 BULK OXYGEN: > 15 ADDRESS: 1300 WENDELL H. FORD TERMINAL ROAD 75 TSNT STORAGE: HGR, TIE 94 GLIDERS: 0 76 OTHER SERVICES: CHAVIES, KY 41727 95 MILITARY: 0 > 16 PHONE NR: (606) 233-5140 CHTR, INSTR, RNTL 96 ULTRA-LIGHT: 0 > 17 ATTENDANCE SCHEDULE: **FACILITIES OPERATIONS** ALL ALL 0800-1800 > 80 ARPT BCN: WG 100 AIR CARRIER: 0 > 81 ARPT LGT SKED: SEE RMK 102 AIR TAXI: 1 320 18 AIRPORT USE: **PUBLIC BCN LGT SKED:** SS-SR 103 G A LOCAL: 3,850 37-23-14.5000N ESTIMATED 19 ARPT LAT: > 82 UNICOM: 122.700 104 G A ITNRNT: 4,200 20 ARPT LONG: 083-15-41.8000W > 83 WIND INDICATOR: 105 MILITARY: YES-L 800 21 ARPT FI FV: 1256.4 SURVEYED 84 SEGMENTED CIRCLE: YES TOTAL: 10.170 22 ACREAGE: 85 CONTROL TWR: NO **OPERATIONS FOR** > 23 RIGHT TRAFFIC: 86 FSS: LOUISVILLE 12 MONTHS > 24 NON-COMM LANDING: YES 87 FSS ON ARPT: NO 07/12/2022 ENDING: 25 NPIAS/FED AGREEMENTS: N 88 FSS PHONE NR: > 26 FAR 139 INDEX 89 TOLL FREE NR: 1-800-WX-BRIEF **RUNWAY DATA** 06/24 14/32 > 30 RUNWAY INDENT: 3,246 5.499 > 31 LENGTH: 100 > 32 WIDTH: 60 ASPH-G ASPH-G > 33 SURF TYPE-COND: > 34 SURF TREATMENT: 28.0 30.0 35 GROSS WT: S 43.5 36 (IN THSDS) D 2D 37 2D/2D2 10 /F/C/X/T 10 /F/C/X/T > 39 PCN: **LIGHTING/APCH AIDS** MED > 40 EDGE INTENSITY: BSC - G / BSC - G NPI-G / NPI-G > 42 RWY MARK TYPE-COND: P4L / P4L > 43 VGSI: 31 / 38 44 THR COSSING HGT.: 3.00 / 4.00 45 VISUAL GLIDE ANGLE: > 46 CNTRLN-TDZ: - / > 47 RVR-RVV: Y / Y > 48 REIL: > 49 APCH LIGHTS: **OBSTRUCTION DATA** 50 FAR 77 CATEGORY A(V) / A(V) D / C 200 / 271 > 51 DISPLACED THR: HANGAR / TREES > 52 CTLG OBSTN: > 53 OBSTN MARKED/LGTD: > 54 HGT ABOVE RWY END: 16 / 239 > 55 DIST FROM RWY END: 640 / 4,544 483R / 755L > 56 CNTRLN OFFSET 20.1 / 20.1 27.1 / 18.1 57 OBSTN CLNC SLOPE: 58 CLOSE-IN OBSTN: N / Y N/N **DECLARED DISTANCES** > 60 TAKE OFF RUN AVBL (TORA):

(>) ARPT MGR PLEASE ADVISE FSS IN ITEM 86 WHEN CHANGES OCCUR TO ITEMS PRECEDED BY >

> 110 REMARKS

A 024 RAMP FEES.

> 61 TAKE OFF DIST AVBL (TODA): > 62 ACLT STOP DIST AVBL (ASDA): > 63 LNDG DIST AVBL (LDA):

A 030 RWY 06/24 CLSD DLY SS-SR; BOTH RWY ENDS HAVE 300 FT DROP OFF.

A 043 PAPIRWY 32 UNUSBL BYD 2.5 NM; PAPI RWY 32 UNUSBL BYD 7 DEGS RIGHT & BYD 5 DEGS LEFT OF CTNRLN.

A 058 RWY 24 SMALL TREES AND BRUSH GROWING APPROX 25' FROM THE END OF PAVEMENT BOTH SIDE OF CENTERLINE

A 081 ACTVT REIL RWY 14 & 32; PAPI RWY 14 & 32; MIRL RWY 14/32- CTAF.

A 110 THIS AIRPORT HAS BEEN SURVEYED BY THE NATIONAL GEODETIC SURVEY.

A 110-004 FOR CD CTC INDIANAPOLIS ARTCC AT 317-247-2411.

111 INSPECTOR: (S) 112 LAST INSP: 07/12/2022 113 LAST INFO REQ:



PRINT DATE: 5/1/2023 AFD EFF 04/20/2023

AIRPORT MASTER RECORD FORM APPROVED OMB 2120-0015 > 1 ASSOC CITY: CHAVIES 4 STATE: KY LOC ID: FAA SITE NR: 07086.7*A 44KY > 2 AIRPORT NAME: DUFF 5 COUNTY: PERRY KY 3 CBD TO AIRPORT (NM): 02 NE CINCINNATI 6 REGION/ADO: ASO/MEM 7 SECT AERO CHT: **GENERAL SERVICES BASED AIRCRAFT** 10 OWNERSHIP: > 70 FUEL: **PRIVATE** 90 SINGLE ENG: 0 PINE BRANCH COAL SALES, INC. 91 MULTI ENG: > 11 OWNER: O > 12 ADDRESS: P.O. BOX 246 92 JET: 0 CHAVIES, KY 41727 93 HELICOPTERS: 0 > 13 PHONE NR: 606-436-3712 TOTAL: 0 > 14 MANAGER: RYAN DUFF 94 GLIDERS: > 15 ADDRESS: P.O. BOX 246 0 CHAVIES, KY 41727 95 MILITARY: 0 > 16 PHONE NR: 606-436-3712 96 ULTRA-LIGHT: 0 > 17 ATTENDANCE SCHEDULE: **FACILITIES** UNATNDD > 80 ARPT BCN: > 81 ARPT LGT SKED : 18 AIRPORT USE: **PRIVATE BCN LGT SKED:** 19 ARPT LAT: 37-21-09.3330N ESTIMATED > 82 UNICOM: 20 ARPT LONG: > 83 WIND INDICATOR: 083-20-32.6460W YES 21 ARPT ELEV: 84 SEGMENTED CIRCLE: NONE 820 0 ESTIMATED NO 22 ACREAGE: 85 CONTROL TWR: > 23 RIGHT TRAFFIC: 86 FSS: LOUISVILLE > 24 NON-COMM LANDING: NO 87 FSS ON ARPT: NO 88 FSS PHONE NR: 89 TOLL FREE NR: 1-800-WX-BRIEF **RUNWAY DATA** 10/28 > 30 RUNWAY INDENT: 2,300 > 31 LENGTH: 30 > 32 WIDTH: **ASPH** > 33 SURF TYPE-COND: **LIGHTING/APCH AIDS** > 40 EDGE INTENSITY: > 42 RWY MARK TYPE-COND: **OBSTRUCTION DATA** 50 FAR 77 CATEGORY > 51 DISPLACED THR: > 52 CTLG OBSTN: > 53 OBSTN MARKED/LGTD: > 54 HGT ABOVE RWY END: > 55 DIST FROM RWY END: (>) ARPT MGR PLEASE ADVISE FSS IN ITEM 86 WHEN CHANGES OCCUR TO ITEMS PRECEDED BY > > 110 REMARKS RWY 10/28 LAND RWY 10; DEPART RWY 28. A 030 A 110-001 FOR CD CTC INDIANAPOLIS ARTCC AT 317-247-2411.

111 INSPECTOR: (N) 112 LAST INSP: 113 LAST INFO REQ: 07/21/2020

Sole Source Aquifers

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974	Safe Drinking Water	40 CFR Part 149
protects drinking water systems	Act of 1974 (42 U.S.C.	
which are the sole or principal	201, 300f et seq., and	
drinking water source for an area	21 U.S.C. 349)	
and which, if contaminated, would		
create a significant hazard to public		
health.		

Hazard, KY

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

✓ No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

✓ No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

Screen Summary

Compliance Determination

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. There are no sole source aquifers in Kentucky.

Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-CDBGDR-HOME

Supporting documentation

KY Sole Source Aquifers Map.pdf

Are formal compliance steps or mitigation required?

Yes

✓ No

ArcGIS Web Map



Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or	Executive Order	24 CFR 55.20 can be
indirect support of new construction impacting	11990	used for general
wetlands wherever there is a practicable		guidance regarding
alternative. The Fish and Wildlife Service's		the 8 Step Process.
National Wetlands Inventory can be used as a		
primary screening tool, but observed or known		
wetlands not indicated on NWI maps must also		
be processed Off-site impacts that result in		
draining, impounding, or destroying wetlands		
must also be processed.		

 Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

No

- ✓ Yes
- 2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."

✓ No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

Hazard, KY

Screen Summary

Compliance Determination

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. The National Wetlands Inventory Map shows there are no Wetlands on the project site. Briar Fork, the nearest body of water is approximately 679 feet from the western edge of the project site and should not be impacted by construction. The Commonwealth will employ nature-based solutions for stormwater mitigation to prevent increased downstream flows as a result of construction.

Supporting documentation

<u>Distance to Briar Fork-Sky View Estates.pdf</u>
National Wetlands Inventory Map-Sky View Estates.pdf

Are formal compliance steps or mitigation required?

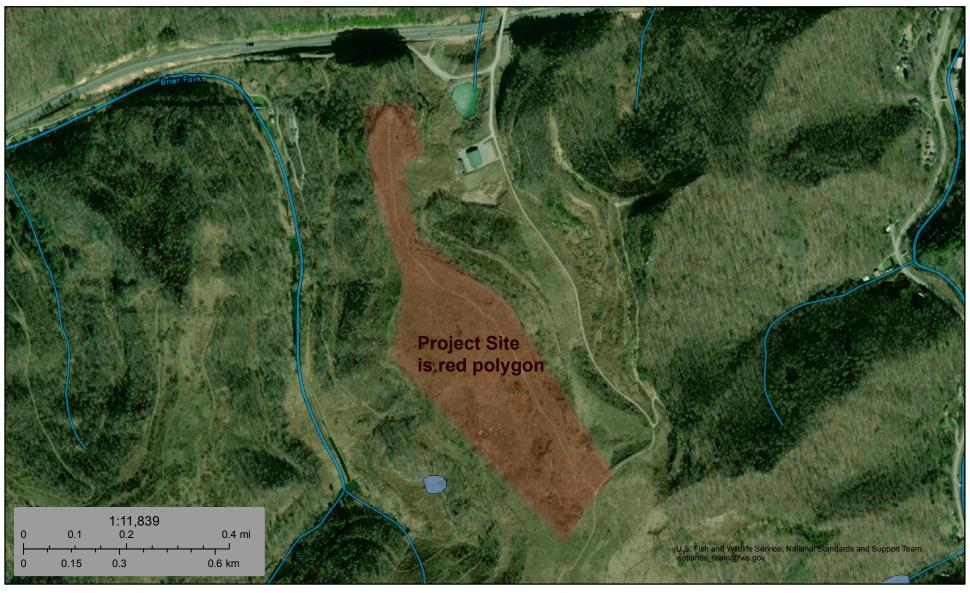
Yes

✓ No

U.S. Fish and Wildlife Service

National Wetlands Inventory

Sky View Estates Area 1, Perry County, KY



May 1, 2023

Wetlands

Estuarine and Marine Deepwater

Estuarine and Marine Wetland

Freshwater Emergent Wetland

Freshwater Forested/Shrub Wetland

Freshwater Pond

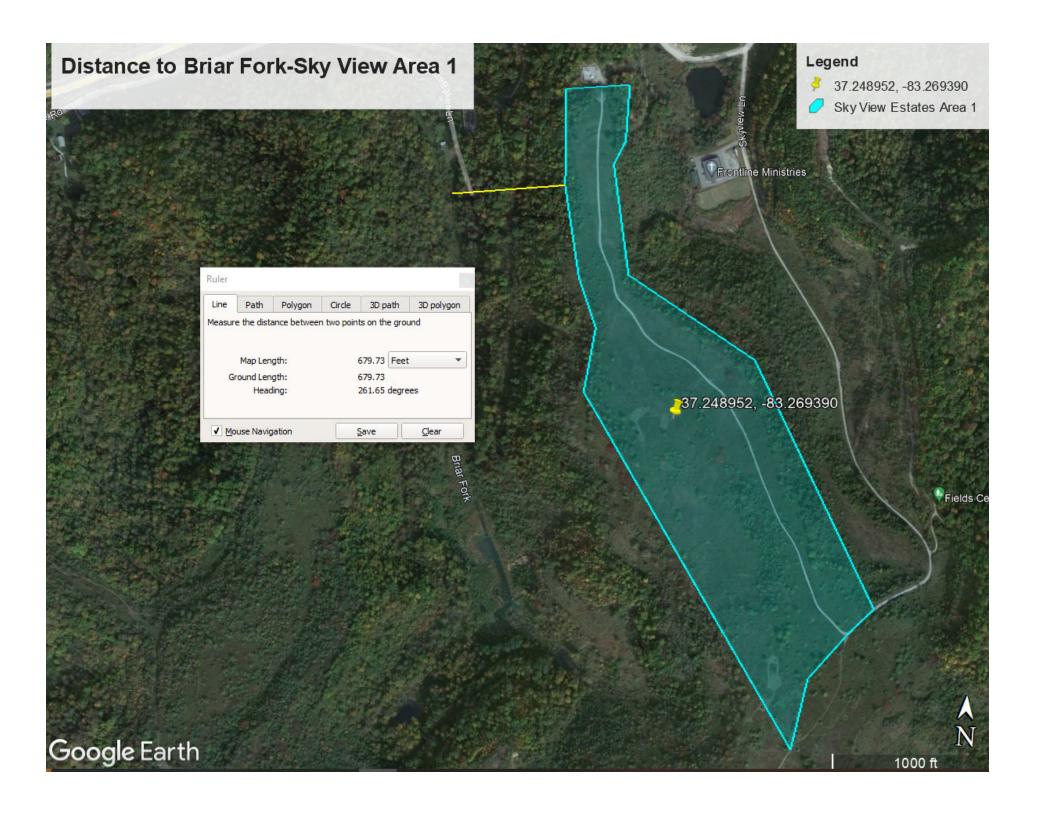
Lake

Other

Riverine

__ Othe

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act	The Wild and Scenic Rivers	36 CFR Part 297
provides federal protection for	Act (16 U.S.C. 1271-1287),	
certain free-flowing, wild, scenic	particularly section 7(b) and	
and recreational rivers	(c) (16 U.S.C. 1278(b) and (c))	
designated as components or		
potential components of the		
National Wild and Scenic Rivers		
System (NWSRS) from the effects		
of construction or development.		

1. Is your project within proximity of a NWSRS river?

✓ No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

Screen Summary

Compliance Determination

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. The project site is 38.09 miles from the Wild & Scenic portion of the Red River, Kentucky's only Wild and Scenic River. The project site is 21.1 miles from the South Fork Kentucky River, the nearest Nationwide Rivers Inventory body.

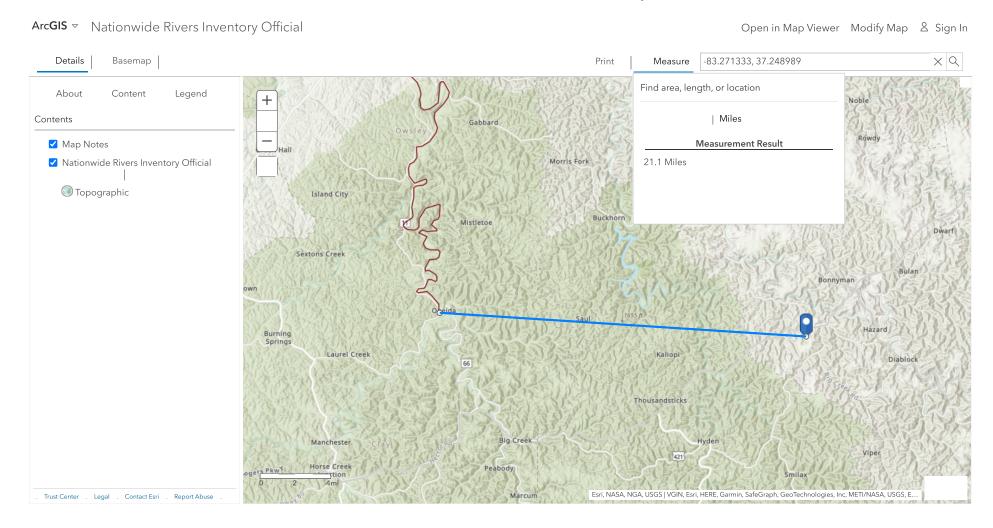
Supporting documentation

<u>Distance to S Fork Kentucky River-Sky View Estates Area 1.pdf</u> <u>Red River Kentucky NWSRS Map.pdf</u> <u>Distance to Red River-Sky View Estates.pdf</u>

Are formal compliance steps or mitigation required?

Yes

✓ No

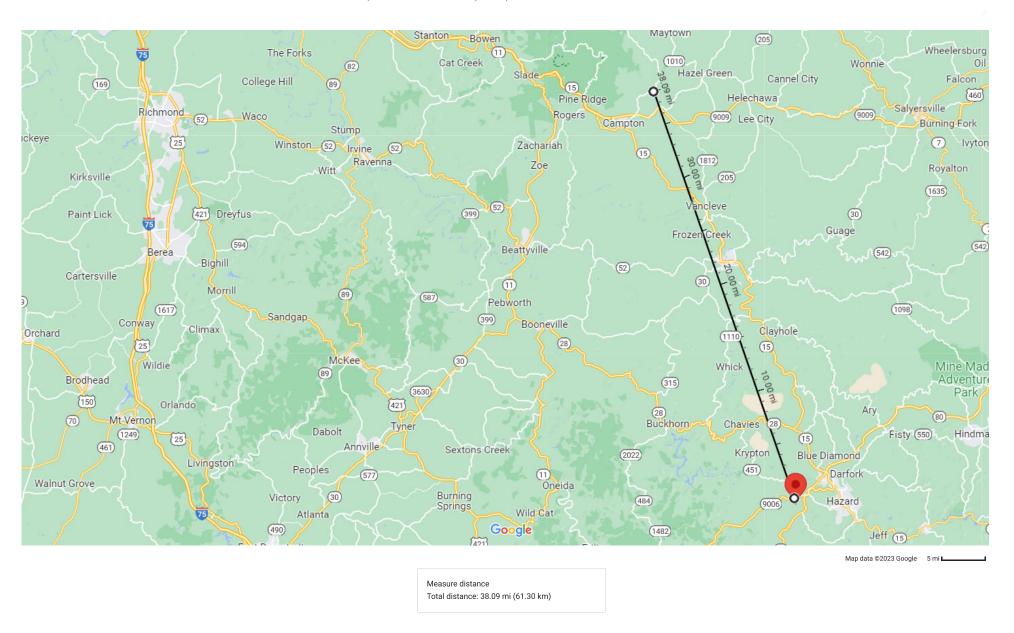


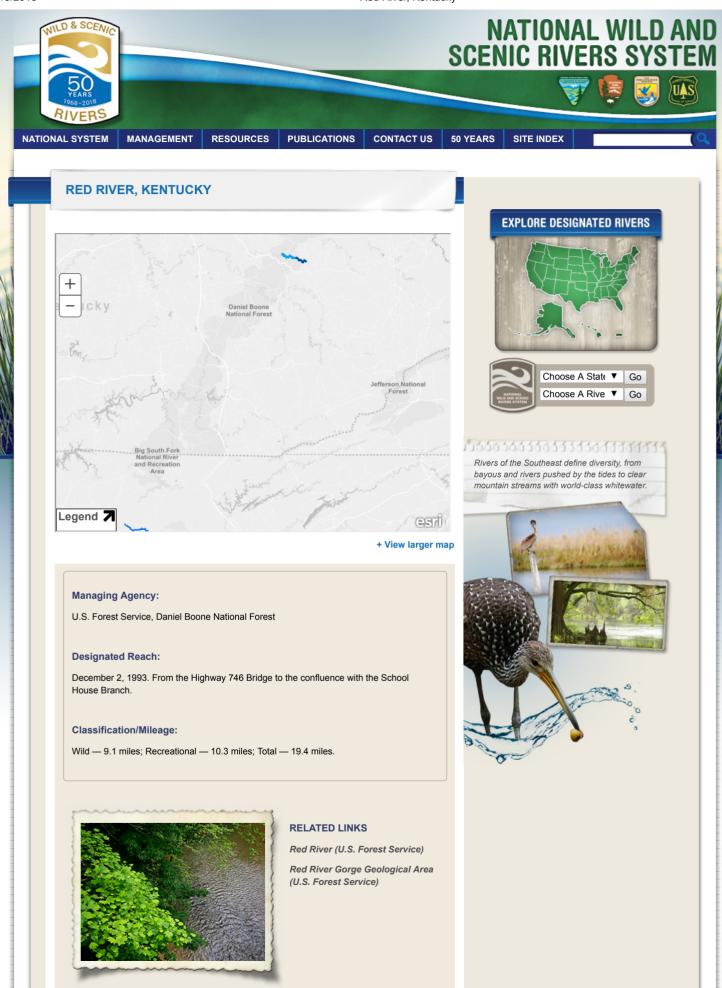
Distance to South Fork Kentucky River from westernmost point of Sky View Estates Area 1, Perry County, KY

Google Maps

37°14'56.2"N 83°16'09.8"W

Distance to Wild and Scenic Portions of Red River from Sky View Estates Area 1, Perry County, KY





Tim Palmer

Red River

The Red River flows through the Red River Gorge geological area and bisects the Clifty Wilderness. Sandstone cliffs, rock shelters, natural stone arches and boulders provide excellent views of unique geological features nestled among the mountain laurel, rhododendron and hemlocks. The river offers scenic views as well as protection for numerous prehistoric and historic sites featuring unique ethnobotanic remains and other features that led to the designation of this area as a Natural Historic Landmark. The surrounding clifflines are home to the white-haired goldenrod, a plant only found in the Red River Gorge, as well as numerous other species of wildlife. More than 70 species of fish and 16 mussels thrive in the free flowing waters of the Red River. The scenic beauty and geological formations throughout the river corridor attract thousands of canoeists, kayakers, hikers, rock climbers and backcountry enthusiasts each year.

The U.S. Forest Service maintains one access point at Copperas Creek Canoe Launch on Highway 715. The river is too low for canoeing or kayaking most of the year. However, Class I, II and III rapids may be experienced after late fall and spring floods or heavy rains.

A camping permit is required for dispersed camping in the Red River Gorge Geological Area. Permits can be purchased at local vendors or Gladie Learning Center.

The Red River corridor is black bear habitat. Proper food storage is required. The forest website and area bulletin boards provide additional information regarding food storage requirements and other rules.

NATIONWIDE RIVERS INVENTORY **CONTACT US** PRIVACY NOTICE Q & A SEARCH ENGINE SITE MAP flickr **Designated Rivers National System River Management** Resources About WSR Act WSR Table Council Q & A Search State Listings Study Rivers Bibliography Agencies Profile Pages Stewardship Management Plans Publications WSR Legislation **GIS Mapping** River Mgt. Society **GIS Mapping** Logo & Sign Standards

Environmental Justice

General requirements	Legislation	Regulation
Determine if the project	Executive Order 12898	
creates adverse environmental		
impacts upon a low-income or		
minority community. If it		
does, engage the community		
in meaningful participation		
about mitigating the impacts		
or move the project.		

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?

Yes

✓ No

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No