ENVIRONMENTAL REVIEW

FOR THE

WATERLINE PHASE V (KY 805 CROSSING & SIDE ROADS IN BURDINE)

BY

CITY OF JENKINS

PREPARED BY

KENTUCKY RIVER AREA DEVELOPMENT DISTRICT

ON BEHALF OF THE

CITY OF JENKINS
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Environmental Assessment
Determinations and Compliance Findings for HUD-assisted Projects
24 CFR Part 58

Project Information

Project Name: Waterline Replacement Phase V (KY 805 Crossing & Side Roads – Burdine)

Responsible Entity: City of Jenkins

Grant Recipient (if different than Responsible Entity):
State/Local Identifier: 19A-028  KY19806

Preparer: Shana Agee, Kentucky River Area Development District

Certifying Officer Name and Title: Todd DePriest, Mayor

Grant Recipient (if different than Responsible Entity): N/A

Consultant (if applicable): N/A

Direct Comments to:
Shana Agee
KY River Area Development District
941 N. Main St.
Hazard KY 41701
shanaagee@kradd.org
Project Location: KY 805 Jenkins, Kentucky

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:
This project will replace aging waterlines in the area. The waterlines in the project area are over sixty years old. The City of Jenkins experiences frequent water outages and line breaks due to the age of the lines. This project will provide 159 residents, within the Burdine area, with improved water services. Side roads included in this project are as follows: Cora Whitaker Drive, Squirrel Drive, Tin Can Hollow, Vanover Drive, Lilac Drive, Harvest Lane, Rocky Hollow Spur, East Jenkins Hill, Brooke Lane, No 2 Hill, No 3 Hill, Railroad Hill, No 1 Hill, Rocky Hollow, Store Hill Road, Adams Street, Forest Hill Circle, and HWY 805. This project will replace approximately 750 LF of 8” PVC, 5,870 LF of 6” PVC, 8,840 LF of 4” PVC, and 2,225 LF of 2” PVC.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:
This project will replace aging waterlines in the area; lines within the project area are over sixty years old. The City of Jenkins experiences an excessive amount of water outages and line breaks due to the age of the existing waterlines, which results in extensive repair costs. This project will provide 159 residents with improved water services, while aiding the city in cutting costs currently spent fixing aging lines.

Existing Conditions and Trends [24 CFR 58.40(a)]:
The city is located in an economically distressed county and continues to experience economic declines since the community has lost the vast majority of coal jobs in the area. It is imperative to the financial well-being of not only the community, but also the District that the rates remain affordable. The 159 residents with improved service in Burdine will benefit tremendously from this project, as well as the city, through savings on costly repairs.

Funding Information

<table>
<thead>
<tr>
<th>Grant Number</th>
<th>HUD Program</th>
<th>Funding Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARC 19A-028</td>
<td>ARC</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

Estimated Total HUD Funded Amount: $1,000,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: $1,000,000
**Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities**

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

<table>
<thead>
<tr>
<th>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Airport Hazards</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>□</td>
<td>☑</td>
<td>No impact.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>There are no airports on or near any of the proposed project areas.</td>
</tr>
<tr>
<td><strong>Coastal Barrier Resources</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>□</td>
<td>☑</td>
<td>No impact.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>There are no coastal areas in Jenkins, Kentucky.</td>
</tr>
<tr>
<td><strong>Flood Insurance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>□</td>
<td>☑</td>
<td>The City of Jenkins has completed the eight step process per the required 24 CFR 55 since sections of the water project appear to be located within the bounds of the 100-year floodplain. The City of Jenkins participates in the National Flood Insurance Program. The Floodplains and Wetlands Early Public Notice was run in the October 16th, 2019 edition of The Mountain Eagle. The Floodplain and the Wetland Notice of Explanation was run in the November 6th, 2019 edition of The Mountain Eagle. No public comments were received.</td>
</tr>
</tbody>
</table>

**STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5**

<p>| <strong>Clean Air</strong> | | |
| Yes | No | |
| □ | ☑ | No impact. | |
| | | According to a letter dated June 18, 2019 from the Energy and Environment Cabinet, Louanna Aldridge states the following: “Take reasonable precautions to prevent particulate matter from becoming airborne. Cover open-bodied trucks, operating outside the work area transporting materials.” | |</p>
<table>
<thead>
<tr>
<th>Category</th>
<th>Decision</th>
<th>Impact Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal Zone Management</td>
<td>Yes</td>
<td>No impact. There are no coastal areas in Jenkins, Kentucky.</td>
</tr>
<tr>
<td>Coastal Zone Management Act,</td>
<td>Yes</td>
<td>No impact. The US EPA web site database was searched in order to identify any listed contamination areas, none were noted.</td>
</tr>
<tr>
<td>sections 307(c) &amp; (d)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Contamination and Toxic</td>
<td>Yes</td>
<td>No impact.</td>
</tr>
<tr>
<td>Substances</td>
<td>No</td>
<td>The US EPA web site database was searched in order to identify any listed contamination areas, none were noted.</td>
</tr>
<tr>
<td>24 CFR Part 50.3(i) &amp; 58.5(i)(2)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Endangered Species</td>
<td>Yes</td>
<td>No impact.</td>
</tr>
<tr>
<td>Endangered Species Act of 1973,</td>
<td>No</td>
<td>According to Jennifer Garland with U.S. Fish and Wildlife, letter dated 05/26/2020, “Significant impact to federally listed species not likely to result from this project as currently proposed.”</td>
</tr>
<tr>
<td>particularly section 7; 50 CFR</td>
<td></td>
<td>According to Dan Stoeb, letter dated 10/14/19, “KDFWR does not anticipate impacts to federally or state-listed species or any associate critical habitat. KDFWR supports the use of erosion control measures to minimize environmental impacts.”</td>
</tr>
<tr>
<td>Part 402</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Explosive and Flammable</td>
<td>Yes</td>
<td>No impact.</td>
</tr>
<tr>
<td>Hazards</td>
<td>No</td>
<td>There will be no above ground storage tanks with explosive and/or flammable materials on or near the project.</td>
</tr>
<tr>
<td>24 CFR Part 51 Subpart C</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Farmlands Protection</td>
<td>Yes</td>
<td>No impact.</td>
</tr>
<tr>
<td>Farmland Protection Policy Act</td>
<td>No</td>
<td>Per letter dated 10/21/19 from Perri Pedley, Soil Scientist, NRCS, “no conversion of agricultural lands (prime, unique, or farmland of local or statewide importance) will occur or be negatively impacted by the proposed undertaking. Therefore, this office has no additional concerns at this time.”</td>
</tr>
<tr>
<td>of 1981, particularly sections</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1504(b) and 1541; 7 CFR Part 658</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floodplain Management</td>
<td>Yes</td>
<td>Per DOW comments, “The proposed plan may be affected by the 100 year floodplain; the plan contains line extensions with possible stream crossings. Permit to construct across or along a stream and/or water quality certification must be obtained.”</td>
</tr>
<tr>
<td>Executive Order 11988,</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>particularly section 2(a); 24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CFR Part 55</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
Stream Construction Permit has been obtained ( Permit No. 29640)

The City of Jenkins has completed the eight step process per the required 24 CFR 55 since a section of the water project appears to be located within the bounds of the 100-year floodplain. The City of Jenkins does participate in the National Flood Insurance Program. The Floodplains and Wetlands Early Public Notice was ran in the October 16th, 2019 edition of The Mountain Eagle. The Floodplain and the Wetland Notice of Explanation was run in the November 6th, 2019 edition of The Mountain Eagle.

No public comments were received.

<table>
<thead>
<tr>
<th>Historic Preservation</th>
<th>Yes</th>
<th>No</th>
<th>No Impact.</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</td>
<td>☒</td>
<td>☐</td>
<td>Per letter dated November 8th, 2019 from Craig A. Potts, Executive Director and State Historic Preservation Officer, “Project will not impact any properties or sites that are listed or eligible for the National Register of Historic Places, proposed project should not require an archaeological survey or cultural history survey...”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Noise Abatement and Control</th>
<th>Yes</th>
<th>No</th>
<th>No Impact.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51 Subpart B</td>
<td>☒</td>
<td>☐</td>
<td>The project is not located in a high noise area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sole Source Aquifers</th>
<th>Yes</th>
<th>No</th>
<th>No Impact.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safe Drinking Water Act of 1974, as amended, particularly section 1424E; 40 CFR Part 149</td>
<td>☒</td>
<td>☐</td>
<td>There are no sole source aquifers identified in the state of Kentucky on the sole source aquifers site.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wetlands Protection</th>
<th>Yes</th>
<th>No</th>
<th>No Impact.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Order 11990, particularly sections 2 and 5</td>
<td>☒</td>
<td>☐</td>
<td>No wetlands identified in the project area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wild and Scenic Rivers</th>
<th>Yes</th>
<th>No</th>
<th>No impact.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (e)</td>
<td>☒</td>
<td>☐</td>
<td>There are no wild and scenic rivers located within the project area or in Letcher County, Kentucky.</td>
</tr>
</tbody>
</table>

**ENVIRONMENTAL JUSTICE**

<table>
<thead>
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<th>Environmental Justice</th>
<th>Yes</th>
<th>No</th>
<th>No impact.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Order 12898</td>
<td>☒</td>
<td>☐</td>
<td>The project will benefit all area residents regardless of any protected class. The City of</td>
</tr>
</tbody>
</table>
Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]
Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. All conditions, attenuation or mitigation measures have been clearly identified.

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.
(1) Minor beneficial impact
(2) No impact anticipated
(3) Minor Adverse Impact – May require mitigation
(4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

<table>
<thead>
<tr>
<th>Environmental Assessment Factor</th>
<th>Impact Code</th>
<th>Impact Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LAND DEVELOPMENT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conformance with Plans /</td>
<td>2</td>
<td>The City of Jenkins does not have a zoning ordinance in place. The project is anticipated to have a positive impact to the proposed areas by providing a safe, reliable source of water for drinking, cooking and bathing.</td>
</tr>
<tr>
<td>Compatible Land Use and Zoning/ Scale and Urban Design</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff</td>
<td>2</td>
<td>The project has some areas of moderate to steep slope. Appropriate erosion control measures and silt barriers will be utilized to minimize potential impacts.</td>
</tr>
<tr>
<td>Hazards and Nuisances including Site Safety and Noise</td>
<td>2</td>
<td>Adequate safety measures will be in place to protect motorists and construction workers.</td>
</tr>
<tr>
<td>Energy Consumption</td>
<td>2</td>
<td>The project is located in rural area. No impact anticipated. The contractor must use EPA compliant equipment during construction activities.</td>
</tr>
<tr>
<td>Environmental Assessment Factor</td>
<td>Impact Code</td>
<td>Impact Evaluation</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>-------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>SOCIOECONOMIC</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment and Income Patterns</td>
<td>1</td>
<td>The availability of a safe, reliable water source has the potential of increasing the economic development. The City will save on costly repairs of aging lines.</td>
</tr>
<tr>
<td>Demographic Character Changes, Displacement</td>
<td>2</td>
<td>No impact. The project will not displace any families nor will it require residents to relocate.</td>
</tr>
<tr>
<td><strong>COMMUNITY FACILITIES AND SERVICES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational and Cultural Facilities</td>
<td>1</td>
<td>With a safe, reliable water source for drinking, cooking and bathing, school age children will have improved learning abilities.</td>
</tr>
<tr>
<td>Commercial Facilities</td>
<td>2</td>
<td>No impact. There are no commercial facilities located in the project area.</td>
</tr>
<tr>
<td>Health Care and Social Services</td>
<td>1</td>
<td>A safe, reliable source of water for drinking, cooking and bathing will improve the overall health of the 159 residents located in the project area.</td>
</tr>
<tr>
<td>Solid Waste Disposal / Recycling</td>
<td>2</td>
<td>No impact. The project will not generate solid waste.</td>
</tr>
<tr>
<td>Waste Water / Sanitary Sewers</td>
<td>2</td>
<td>This project will not impact the existing waste water systems in the City of Jenkins.</td>
</tr>
<tr>
<td>Water Supply</td>
<td>1</td>
<td>The project will benefit 159 residents by providing them with a safe, reliable water source.</td>
</tr>
<tr>
<td>Public Safety - Police, Fire and Emergency Medical</td>
<td>1</td>
<td>The project is located within a rural area with access to adequate policing services, fire services, and emergency services. The project will have beneficial impact to emergency service; there is a Fire Department in project area.</td>
</tr>
<tr>
<td>Parks, Open Space and Recreation</td>
<td>2</td>
<td>The project will have no impact on parks, open space and recreation to area residents.</td>
</tr>
</tbody>
</table>
Transportation and Accessibility | 2 | The contractor(s) must comply with all safety regulations and assure adequate measures for traffic and workers.

<table>
<thead>
<tr>
<th>Environmental Assessment Factor</th>
<th>Impact Code</th>
<th>Impact Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unique Natural Features, Water Resources</td>
<td>2</td>
<td>There are no unique natural features located at the project site or within close proximity to the project site. The water quality in the area will improve as the project will provide 159 residents with a safe, reliable water sources for drinking, cooking, and bathing.</td>
</tr>
<tr>
<td>Vegetation, Wildlife</td>
<td>2</td>
<td>No Impact. According to Dan Stoelb, letter dated 10/14/19, &quot;KDFWR does not anticipate impacts to federally or state-listed species or any associate critical habitat. KDFWR supports the use of erosion control measures to minimize environmental impacts.&quot;</td>
</tr>
<tr>
<td>Other Factors</td>
<td>2</td>
<td>No other factors have been identified.</td>
</tr>
</tbody>
</table>


Field Inspection (Date and completed by): October 22, 2019, Shana Agee, Kentucky River Area Development District

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:
- Ky State Clearinghouse, Lee Nalley
- U S Fish and Wildlife, Jennifer Garland
- Natural Resources Conservation Services, Perri Pedley
- State Historic Preservation Officer, Craig A. Potts
- Energy and Environment Cabinet, Louanna Aldridge
- Division of Water, Ross Bishop PE
- KY Fish and Wildlife, Dan Stoelb
- U.S. Army Corp of Engineers, Justin Branham
- FEMA
- Eastern Band of Cherokee Indians, Russ Townsend

List of Permits Obtained:
- Stream Construction Permit has been obtained (Permit No. 29640)

Public Outreach [24 CFR 50.23 & 58.43]:
- October 16, 2019 - Floodplains and Wetlands Early Public Notice Activity in a 100-year
Floodplain
- November 6, 2019 - Floodplain and Wetland Notice of Explanation Activity in a 100-year Floodplain
- June 17, 2020 – Fair Housing Notice
- June 17, 2020 – Non-Discrimination Notice
- July 1, 2020 – Combined Notice to Public of No Significant Impact and Notice to Public of Request for Release of Funds

Cumulative Impact Analysis [24 CFR 58.32]:
It is highly anticipated that this project will have a positive impact on the proposed area by providing a safe, reliable source of potable water for drinking, cooking and bathing for 159 residents. The City of Jenkins has determined that the project will have no significant impact on the human environment. Erosion and sedimentation control will be implemented as needed. Any stream crossing will be completed by horizontal directionally drilled means in order to minimize impact on local surface waters. No significant adverse impacts to federally listed endangered or threatened species are anticipated.

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

Alternative 1: Delete leaking waterlines from system. Shutting the project area off of the system would eliminate the loss of water. However this would discontinue service to current customers.

Alternative 2: Improvement to existing water supply. This alternative would include helping the City in locating all existing waterlines, extensive testing of existent waterlines, and offering assistance to locate leaks. This alternative would include substantial financial investment by the City and is considered a semi-permanent solution.

Alternative 3: Improvement of existing facilities by replacement. Replacing the existing water distribution system is the third alternative. This is a permanent solution, offering residents public water supply, with assured quality.

No Action Alternative [24 CFR 58.40(e)]: This alternative would result in residents having to continue utilizing failing infrastructure and deal with regular water outages. Proper maintenance of the system will continue to be costly due to frequent line breaks.

Summary of Findings and Conclusions: The proposed project will have an overall positive environmental impact, 159 residents will have access to a safe, reliable source of potable water for drinking, cooking and bathing. All required mitigation actions must be strictly adhered to.
**Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

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

<table>
<thead>
<tr>
<th>Law, Authority, or Factor</th>
<th>Mitigation Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>KY Fish and Wildlife</td>
<td>Erosion control measures will be developed and implemented to reduce siltation into waterways. These erosion control measures may include silt fences, staked straw bales or other measures.</td>
</tr>
<tr>
<td>Energy and Environment Cabinet – Water Quality Branch</td>
<td>Best management practices should be utilized to reduce runoff from project construction activities into nearby waters.</td>
</tr>
</tbody>
</table>
| Floodplain Management                                 | Permit to construct across or along a stream and/or water quality certification must be obtained.  
  - *Stream Construction Permit has been obtained*  
    *(Permit No. 29640)*                                                                 |
| Energy and Environment Cabinet – Division of Waste Management | Any solid waste encountered by this project must be disposed of at a permitted facility.                                                             |
Determination:

X Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

☐ Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: ___________________________ Date: ______________

Name/Title/Organization: Shana Agee/Public Administration Specialist/Kentucky River Area Development District.

Certifying Officer Signature: ___________________________ Date: ______________
Name/Title: Todd DePriest, Mayor

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).
ENVIRONMENT REVIEW STATUS

Exempt
Administration
Planning
Historic and Environmental Studies
Engineering

Categorically Excluded

Assessment

Water lines – construct/replace approximately 750 LF of 8" PVC, 5,870 LF of 6" PVC, 8,840 LF of 4" PVC, and 2,225 LF of 2" PVC
## DLG Environmental Submittal Checklist

**Project/Program Name:** Waterline Replacement Phase V (KY 805 Crossing & Side Roads Burdine)

**Project/Program ID Number:** 19A-028 / KY19806

**Project Location (if applicable):** KY 805 Jenkins, Kentucky

**Level of Environmental Review Completed:**

Date Commitment and Expenditure of Funds was authorized by the Responsible Entity/Environmental Certifying Officer: __________________________

1. Exempt [§58.34(a)] Date completed: __________________________
   - Environmental Review Status Form submitted to KY DLG Date: __________
   - Exempt/CENST determination form
   - Request for Approval of Evidentiary Materials and Release of Funds submitted to KY DLG with copy of the above completed form Date: __________

2. Categorically excluded not subject to §58.5 [§58.35(b)]
   - Date completed: __________________________
   - Environmental Review Status Form submitted to KY DLG Date: __________
   - Exempt/CENST determination form
   - Request for Approval of Evidentiary Materials and Release of Funds submitted to KY DLG with copy of the above completed form Date: __________

3. Categorically excluded subject to §58.5 [§58.35(a)];
   - Converted to exempt (§ 58.35(a)(12) Date converted: __________

OR
Environmental Assessment (§58.36)

FONSI/NOI published Date: 07/01/2020

Environmental Certification submitted to KY DLG Date: 

Request for Approval of Evidentiary Materials and Release of Funds submitted to KY DLG Date: 

Environmental Review Status Form submitted to KY DLG Date: 

KY State eClearinghouse comments submitted to KY DLG: 07/23/2019

KY Heritage Council-SHPO comments and approval- submitted to DLG: 11/01/2019

All required publication(s) tear sheets- submitted to KY DLG: 

KYDLG approval received Date signed by KY DLG: 

Attachment 2-15

SAMPLE ENVIRONMENTAL REVIEW RECORD CHECKLIST

☐ Finding of Exemption and/or Categorical Exclusion not Subject to

X Statutory Checklist and all supporting documentation

X Historic Preservation Procedures Completed and Documented including Tribal Consultation

X Floodplains/Wetlands Procedures Completed and Documented
  - Early Public Notice Published
  - Notice of Explanation Published

X Environmental Assessment and Checklist (Format II) and all supporting documentation

☐ Notice of Intent to Request Release of Funds (NOIRROF) Publication (tear sheet)

☐ Concurrent Notice of Finding and No Significant Effect and Notice of Intent to Request Release of Funds (FONSI-NOIRROF) (tear sheet)

☐ Notice of Availability of Environmental Assessment (if joint project with Rural Development only) N/A

X Distribution List for all Public Notices

☐ Comments Received and City/County responses: No comments received.

☐ Environmental Certification, Request for Approval of Evidentiary Materials and Release of Funds Submitted

☐ Post-Review Revisions and Changes, Written Decisions, Amendments and Supplements

(This listing is for all types of possible projects. For a more complete listing of required documentation for the ERR as it relates to a specific type of project, see Section 58.30 of the regulations and the Handbook Chapter 2.)
Exhibit 1

Clearing House Comments
August 16, 2019

Mayor Todd DePriest
City of Jenkins
9409 HWY 805
Jenkins, KY 41537

RE: Waterline Replacement Phase 5 (KY 805 Crossing and Side Roads in Burdine)
WX21133058
SAI# KY201907231023
CFDA# 23.002

Dear Mayor DePriest:

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

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

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

If you have any questions regarding this letter or the review process please contact the e-Clearinghouse office at 502-573-2382, ext. 274.

Sincerely,

Lee Nalley, SPOC
Kentucky State Clearinghouse

Attachment
Department for Environmental Protection
Louanna Aldridge

Joel Murphy - Endorse with Comments The proposed project is subject to Division of Water (DOW) jurisdiction because the following are or appear to be involved: water lines and appurtenances. Prior approval must be obtained from the DOW before construction can begin. The applicant must cite the State Application Identifier (SAI #KY201907231023) when submitting plans and specifications.

This project will replace approximately 750 linear feet of 8-inch PVC, 5,870 linear feet of 6-inch PVC, 8,840 linear feet of 4-inch PVC, and 2,225 linear feet of 2-inch PVC. The project will replace the existing radio read meters with updated meters. Approximately 159 customers will be serviced with this project.

There are no objections to the proposed project. Plans and specifications along with hydraulic analysis of the proposed project must be submitted to the DOW’s Water Infrastructure Branch by a registered professional engineer in Kentucky. The applicant must receive a written approval from the DOW prior to the beginning of the construction. Questions should be directed to Abbas Pourghasemi, Engineering Section, (502) 782-7041, Abbas.Pourghasemi@ky.gov.

The system was lacking technical, managerial, and financial capacity as of the most recent Sanitary Survey (April 2018). This project will likely help increase system capacity. However, the non-significant deficiency noted as a result of the aforementioned survey should have been sufficiently addressed as of September 16, 2018. There is no response in the DOW’s database. This deficiency must be addressed immediately. Additionally, recommendations listed within the Sanitary Survey results letter (dated July 16, 2018), which have not already been implemented, are still highly advised. Questions should be directed to Jennifer Taimi, Municipal Planning Section, (502) 782-7087, Jennifer.Taimi@ky.gov.

Best management practices should be utilized to reduce runoff from project construction activities into nearby waters. Questions should be directed to Andrea Fredenburg, Water Quality Branch, (502) 782-6950, Andrea.Fredenburg@ky.gov.

The Water Supply Section strongly supports this project that prioritizes water loss, which is reportedly 33% for the Jenkins Water System. This proposed project is not within a designated Source Water Protection Area. Questions should be directed to Chloe Brantley, Water Supply Section, (502) 782-6898, Chloe.Brantley@ky.gov.

Endorse. Questions should be directed to Daniel Fraley, Field Operations Branch, (606) 783-8655, Daniel.Fraley@ky.gov.

The proposed work is endorsed by the Groundwater Section of the Watershed Management Branch. However, 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 Kurtis Spears, Groundwater Section, (502) 782-7119, Kurtis.Spears@ky.gov or David Jackson, Groundwater Section, (502) 782-6986, David.A.Jackson@ky.gov.

For pipeline stream crossings that are not covered under 401 KAR 4:050, a Kentucky DOW Application for Permit to Construct Across or Along a Stream must be submitted. The Freedom Lane section, the section of KY 805 200 feet west of the 805/East Jenkins Hill Lane, the section of KY 805 crossing Little Potter Branch adjacent to the 805/Rocky Hollow intersection, and the sections adjacent to the intersection of Store Hill Road and Tin Can Hollow of the proposed project will require a Kentucky DOW Application for Permit to Construct Across or Along a Stream. Questions should be directed to Ron Dutta, Floodplain Management Section, (502) 782-6941, Ramendra.Dutta@ky.gov.
The Division of Enforcement does not object to the project proposed by the applicant. Questions should be directed to Tim Harrod, Division of Enforcement, (502) 782-6858, Timothy.Harrod@ky.gov.

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) storm water discharge permit.

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

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.

**Division of Enforcement**

Tim Harrod

The Division of Enforcement does not object to the project proposed by the applicant.

Tim Harrod, Enforcement Specialist Division of Enforcement Timothy.Harrod@ky.gov

**Division of Water**

Benjamin Currens

The Water Supply Section strongly supports this project that prioritizes water loss, which is reportedly 33% for the Jenkins Water System. Questions should be directed to Chloe Brantley at 502-782-6898 or Chloe.Brantley@ky.gov

This proposed project is not within a designated Source Water Protection Area. Questions should be directed to Chloe Brantley at 502-782-6898 or Chloe.Brantley@ky.gov

For pipeline stream crossings that are not covered under 401 KAR 4:050, a Kentucky Division of Water Application for Permit to Construct Across or Along a Stream must be submitted. The Freedom Lane section, the section of KY 805 200 feet west of the 805/East Jenkins Hill Lane, the section of KY 805 crossing Little Potter Branch adjacent to the 805/Rocky Hollow intersection, and the sections adjacent to the intersection of Store Hill Rd and Tin Can Hollow of the proposed project will require a Kentucky Division of Water Application for Permit to Construct Across or Along a Stream. Questions should be directed to Ron Dutta at 502-782-6941 or Ramendra.Dutta@ky.gov

**Division of Water**

Andrea Fredenburg

Best management practices should be utilized to reduce runoff from project construction activities into nearby waters.
Division of Water
Abba Pourghasemi

No objections to the proposed project. Plans and specifications along with hydraulic analysis of the proposed project must be submitted to the Division of Water's Water Infrastructure Branch by a registered professional engineer in Kentucky. Must receive a written approval from the Division of Water prior to the beginning of the construction.

Division of Water
Jennifer Taimi

System was lacking technical, managerial, and financial capacity as of the most recent Sanitary Survey (April 2018). This project will likely help increase system capacity. However, the non-significant deficiency noted as a result of the aforementioned survey should have been sufficiently addressed as of September 16, 2018. There is no response in the Division of Water’s database. This deficiency must be addressed immediately. Additionally, recommendations listed within the Sanitary Survey results letter (dated July 16, 2018), which have not already been implemented, are still highly advised.

DOW
Daniel Fraley

Endorse

Fish and Wildlife
Dan Stoelb

To minimize impacts to the aquatic environment the Kentucky Dept. of Fish & Wildlife Resources recommends that erosion control measures be developed and implemented prior to construction to reduce siltation into waterways located within the project area. Such erosion control measures may include, but are not limited to silt fences, staked straw bales, brush barriers, sediment basins, and diversion ditches. Erosion control measures will need to be installed prior to construction and should be inspected and repaired regularly as needed. Please contact Dan Stoelb @ 502-892-4453 or Daniel.Stoelb@ky.gov if you have further questions or require additional information.

Kentucky Division of Water
Chloe Brantley

Project filed.

Kentucky Infrastructure Authority
Don Schierer

This project was reviewed in the WRIS Portal by KIA staff.
Kentucky River ADD
Jennifer McIntosh

KY River ADD has reviewed the project and it matches the project profile submitted to the WMC. The ADD asks that upon completion a copy of the as-builts be submitted digitally so that the WRIS may be updated.

Kentucky River Area Development District
Angelia Hall

KRADD has no concerns with the proposed project.

KY Department of Housing Buildings and Construction
Duane Curry

The Kentucky Department of Housing, Buildings and Construction approves with no comments.

KY Heritage Council
Yvonne Sherrick

To receive a review from the KY Heritage Council/State Historical Preservation Office (SHPO) you must follow the instructions located on their website at http://www.heritage.ky.gov/siteprotect/. There you will find the required documents for the Section 106 Review and Compliance for 36 CFR Part 800. This Section 106 submission process to SHPO will assist applicants and agencies in providing the appropriate level of information to receive comments from SHPO. If you have any questions please contact Yvonne Sherrick, Administrative Specialist III, (502) 564-7005, Ext. 113, yvonne.sherrick@ky.gov.

Please note: If your project is funded through Transportation Alternative (TAP), Transportation Enhancements (TE), Congestion, Mitigation, Air Quality (CMAQ), or Safe Routes to School (SRTS) you will need to send this information to Michael Jones, Historic Preservation Program Administrator with the Kentucky Transportation Cabinet via email MichaelR.Jones2@ky.gov or hard copy to Michael Jones, Office of Local Programs, KY Transportation Cabinet, 200 Mero Street Frankfort, KY 40622. Do not send materials directly to SHPO if your project involves funding from these four sources as it will cause delays in the review process. Michael Jones will consult directly with the SHPO on projects with these funding sources to complete the Section 106 review.

KY. Division of Water
Kurtis Spears

The proposed work is endorsed by the Groundwater Section of the Watershed Management Branch. However, 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 Kurtis Spears (502-782-7119) or the Section Supervisor David Jackson (502-782-6986).

KYTC DISTRICT 12
Samuel Hale

Notify the Permit Office of the Transportation Cabinet at 109 Loraine Street Pikeville, KY 41501 (606) 433-7791 before working on or near the highway right of way.
Exhibit 2
State Historic Preservation Officer (SHPO)
Correspondence
Ms. Shana Agee  
Kentucky River Area Development District  
941 N. Main St.  
Hazard, KY 41701

Re: City of Jenkins-Waterline Replacement Phase 5 (KY 805 Crossing & Side Roads In Burdine),  
Letcher Co., KY

Dear Ms. Agee:

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 an archaeological survey or cultural historic survey.

In the event that human remains are encountered during project activities, all work should be immediately stopped in the area. The area should be cordoned off, and in accordance with KRS 72.020 the county coroner and local law enforcement must be contacted immediately. Upon confirmation that the human remains are not of forensic interest, the unanticipated discovery must be reported to the Kentucky Heritage Council.

Should the project plans change, or should additional information become available regarding cultural resources or citizens’ concerns regarding impacts to cultural resources, please submit that information to our office as additional consultation may be warranted. Should you have any questions, feel free to contact Nick Laracuente of my staff at nicolas.laracuente@ky.gov.

Sincerely,

Craig A. Potts,  
Executive Director and  
State Historic Preservation Officer

CP:nrl KHC #56175
Mr. Craig Potts  
Executive Director/SHPO  
Kentucky Heritage Council  
410 High Street  
Frankfort, KY 40601  

November 1, 2019  

RE: City of Jenkins – Waterline Replacement Phase 5 (KY 805 Crossing and Side Roads in Burdine)  

Dear Mr. Potts:  

The City of Jenkins is in the process of conducting an environmental review pursuant to the State Environmental Review Process for an ARC Grant for the above referenced project. The purpose of the review is to assess the environmental impacts of the project. The project is a dig and replace project to replace aging waterlines in the Jenkins area.  

Enclosed is the KHC cover sheet for Section 106 Review and Compliance with project information. Also enclosed you will find project maps and photographs of the project site, along with a project description. Both of the historic sites noted in the Preliminary Request #45121238 were photographed and included in the packet.  

Also, photos are enclosed of any properties that run along the project site. We feel that there will be no effect on properties eligible for the Historic Register or on any historical structures, as the project is dig and replace. The ground has been previously disturbed, where existing waterlines are already in place and this project will only see the installation of new lines. Please advise us of any present concerns your office may have related to the possible effects of the above mentioned project.  

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

Sincerely,  

Shana Agee  
Public Administration Specialist  

Enclosures  
CC: City of Jenkins, file
KENTUCKY HERITAGE COUNCIL COVER SHEET
FOR SECTION 106 REVIEW AND COMPLIANCE

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

SECTION 1: APPLICANT INFORMATION

Project Sponsor or Applicant: City of Jenkins
Contact Person (name & position): Todd DePriest, Mayor
Return Address: 9409 HWY 805, Jenkins, Kentucky 41537
Telephone: (806) 832-2141 Fax: (606)
Project Title: Waterline Replacement Phase 5 (KY 805 Crossing and Side Roads in Burdine)

SECTION 2: AGENCY INFORMATION

Funding/Permitting Agency: Appalachian Regional Commission
Agency Contact Person (name & position): Scott Sharp
Telephone: (502) 892-3476 E-mail: s.sharp@ky.gov

SECTION 3: PROJECT LOCATION

E911 Street Address (or other description): KY 805 Crossing and Side Roads
City/Township: Jenkins County: Letcher
Latitude: 37° 11' 17.1888" N Longitude: 82° 36' 13.9104" W

SECTION 4: PROJECT TYPE (please check all that apply)

☐ Demolition ☐ Rehabilitation ☐ Structural Relocation ☐ Trails
☐ New Construction ☐ Land and/or Building Acquisition ☐ Sewer/Water Lines ☐ Roads/Bridges
☐ Non-Construction Planning/Refinancing ☐ Other (describe):

SECTION 5: IDENTIFICATION OF KNOWN HISTORIC PROPERTIES

KHC Preliminary Site Check #: 45121238 OSA Preliminary Site Check #: P234140

If your project involves ground disturbance, has the site been previously disturbed?

☐ Yes (describe in detail below) ☐ No

Yes, project is a dig and replace of existing water lines.

Is there anything over 50 years of age in or visible from the project location?

☐ Yes ☐ No

SECTION 6: ATTACHMENTS (Attach all as applicable)

All documentation should be labeled with the project name or site address.

☐ Clear, current photographs of the project site and anything over 50 years of age in or visible from it.
☐ Site map/plans indicating the exact location and boundaries of the project area.
☐ Detailed description of the project (may include plans, scope of work, and other available information.)
☐ Documentation of prior ground disturbance (e.g. maps, photographs, underground utility plans, etc.)
☐ Any known information about the history/use of the property and local significance.

Submit all information to Craig Potts, Executive Director/SHPO, Kentucky Heritage Council, 410 High Street, Frankfort, KY 40601.

KHC 106 Cover Sheet Version 4-17
Kentucky Heritage Council
Site Identification Program
410 High Street, Frankfort, KY 40601
Confidential Information Not for Public Release

This information report includes only those historic resources within or near the project area that have been previously recorded with the Site Identification Program of the Kentucky Heritage Council and may not be exhaustive of all historic resources that are actually present. Note: this information report does not constitute Section 106 consultation or "clearance" from the KHC/SHPO.

KHC Preliminary Request #:
Date:

KHC Historic Resources

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<th>Location</th>
<th>Est. Construction</th>
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<td>1900-1924</td>
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<td>BURDINE</td>
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Please note that those resources for which National Register status is listed as 'undetermined' may include those that have been previously determined eligible for listing in the National Register of Historic Places as part of a consensus determination between the SHPO and a Federal agency, but for which the determination field has not yet been updated.
Project Description for Waterline Replacement
Phase 5 (Crossing and Side Roads Burdine)

This project will replace aging waterlines in the area. The waterlines in the project area are over 60 years old. The City of Jenkins experiences a lot of water outages and line breaks due to the age of the lines. This results in extensive repair costs due to line breaks. The project will provide 159 residents, within the Burdine area, with improved water services. Side roads included in this project are as follows: Cora Whitaker Drive, Squirrel Drive, Tin Can Hollow, Vanover Drive, Lilac Drive, Harvest Lane, Rocky Hollow Spur, East Jenkins Hill, Brooke Lane, No 2 Hill, No 3 Hill, Railroad Hill, No 1 Hill, Rocky Hollow, Store Hill Road, Adams Street, Forest Hill Circle, and Hwy 805. This project will replace approximately 750 LF of 8" PVC, 5,870 LF of 6" PVC, 8,840 LF of 4" PVC, and 2,225 LF of 2" PVC.
City of Jenkins – Waterline Replacement Phase 5 (KY805 Crossing and Side Roads in Burdine)

Consolidated Coal
Company Store (Site Location)

Consolidated Coal Company Store was previously demolished, and this is the structure that currently sits in location where store had been located.
City of Jenkins – Waterline Replacement Phase 5 (KY805 Crossing and Side Roads in Burdine)

Waterline Replacement Phase 5 (KY 805 Crossing and Side Roads in Burdine) Project Site
Appalachian Regional Commission
Preliminary Grant Application

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<th>For DLG Use Only</th>
<th>If a Project involves Water or Sewer Activities</th>
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<td>WRIS Number WX21133058</td>
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PROJECT TITLE: Waterline Replacement Phase 5 (KY 805 Crossing and Side Roads Burdine)

PROJECT ADDRESS/LOCATION: 37.186900 – 82.607748
KY 805 and Side Road in Burdine, Kentucky

APPLICANT

<table>
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<tr>
<th>Name</th>
<th>Agency</th>
<th>Telephone Number</th>
<th>E-mail address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Todd DePriest</td>
<td>City of Jenkins</td>
<td>(606) 832-2141</td>
<td><a href="mailto:mayors@mikrotec.com">mayors@mikrotec.com</a></td>
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<tr>
<td>P. O. Box 568</td>
<td></td>
<td>Letcher</td>
<td>KY</td>
<td>41537</td>
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CONTACT PERSON

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<th>Telephone Number</th>
<th>E-mail address</th>
</tr>
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<tbody>
<tr>
<td>Shana Agee</td>
<td>KRADD</td>
<td>(606) 436-3158</td>
<td><a href="mailto:shana@kradd.org">shana@kradd.org</a></td>
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<tr>
<td>941 North Main Street</td>
<td>Hazard</td>
<td>Perry</td>
<td>KY</td>
<td>41701</td>
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LIST OF COUNTIES TO BE SERVED

Letcher County, Kentucky

Number of Clients Served: 159

Project Period

From: 12/01/2019 To: 03/31/2021

Congressional District: 5th

Area Development District: KRADD
BRIEF DESCRIPTION OF PROJECT (Attach a separate sheet if necessary)

This project will replace aging waterlines in the area. The waterlines in the project area are over 60 years old. The City of Jenkins experiences a lot of water outages and line breaks due to the age of the lines. This results in extensive repair costs due to line breaks. The project will provide 159 residents, within the Burdine area, with improved water services. Side roads included in this project are as follows: Cora Whitaker Drive, Squirrel Drive, Tin Can Hollow, Vanover Drive, Lilac Drive, Harvest Lane, Rocky Hollow Spur, East Jenkins Hill, Brooke Lane, No 2 Hill, No 3 Hill, Railroad Hill, No 1 Hill, Rocky Hollow, Store Hill Road, Adams Street, Forest Hill Circle, and Hwy 805. This project will replace approximately 750 LF of 8’ PVC, 5,870 LF of 6” PVC, 8,440 LF of 4” PVC, and 2,225 LF of 2” PVC.

ARC STRATEGIC GOAL(S) ADDRESSED

Goal 3: Kentucky’s Investment in Critical Infrastructure through maintenance and expansion of Appalachian Kentucky’s highway system, water/wastewater systems, gas, broadband and telecommunications access.

State Objective 3.2: Provide quality infrastructure including water and sewer.

State Objective 3.2.3: Improve access and overall quality of water utility services.

PROJECT BENEFITS (Attach a separate sheet if necessary)

One of the major benefits of this project will be improved water service to 159 of the residents in the Burdine area. Replacement of the aging lines will save on maintenance and operational costs for the city in the future. Updating the aged lines will also help the city to provide higher quality water service to residents while keeping water service costs low. The project will reduce line breaks and water outages.