

**ENVIRONMENTAL
INFORMATION DOCUMENT**

FOR THE

**LEE COUNTY FISCAL COURT-
CRYSTAL CREEK SUBDIVISION
PROJECT**

BY

LEE COUNTY FISCAL COURT

**Prepared by
Kentucky River Area Development District
On behalf of the Lee County Fiscal Court**

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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: Crystal Creek Subdivision Project

Responsible Entity: Lee County Fiscal Court

Grant Recipient (if different than Responsible Entity):

State/Local Identifier: 19-065

Preparer: Angelia Hall

Certifying Officer Name and Title: Charles Caudill, County Judge Executive

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable):

Direct Comments to:

Angelia Hall
KY River Add
941 N. Main Street
Hazard, KY 41701
angelia@kradd.org

Project Location: Crystal Creek Subdivision Woodland Avenue Beattyville, KY 41311
GPS Coordinates: Latitude 37°35'51.91" N Longitude -83°42'27.18" W

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

This project will address safe, decent and affordable housing as part of the County's Development Plan in Lee County. The funding will provide development of infrastructure on the property as well as assist in building 7 energy efficient homes located at Woodland Avenue

(Crystal Creek Subdivision), Beattyville, KY, Census Tract 9501 (37°35'51.91", -83°42'27.18"). The Lee County Fiscal Court would like to partner with Beattyville Housing and Development as they have a proven track record developing affordable housing for residents in and around Lee County.

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

The purpose of the Crystal Creek Subdivision is to provide adequate affordable housing for residents who otherwise can't afford housing in the area. Lee County Fiscal Court in partnership with Beattyville Housing Development have purchased property and would like to develop single family homes and duplexes. The seven lots utilizing these funds will have deed restrictions tying the property to LMI families and each will have a forgivable mortgage and promissory note. The funding request will assist in the development of infrastructure on the property, as well as assist in building 7 energy efficient homes. The 7 energy efficient homes will be financed through several sources; an average of \$20,000 in CDBG, and HOME with the remaining balance being permanently financed either through USDA RD or a financial institution.

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

The project is located in Lee County, Kentucky. The decline in the coal industry in recent years has resulted in the loss of coal related jobs and coal severance tax revenue. The recent Covid-19 Pandemic has also caused job loss and economic stress for many of the residents in the project area. Alternatives were considered which included to do nothing. This alternative would not allow the residents to have safe, affordable and decent housing.

Funding Information

Grant Number	HUD Program	Funding Amount
19-065	CDBG	\$455,000.00
	HOMES	\$321,100.00

Estimated Total HUD Funded Amount: \$ 776,100.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$776,100.00

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

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

Compliance Factors: Statutes, Executive Orders,	Are formal compliance steps or	Compliance determinations
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and Regulations listed at 24 CFR §58.5 and §58.6	mitigation required?	
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STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6

Airport Hazards 24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>There are no airports on or near any of the proposed project areas. No Impact.</i>
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Beattyville, Lee, Kentucky has no Coastal areas. No Impact.</i>
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 <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>The Lee County Fiscal Court does participate in the National Flood Insurance Program. The project is not located in a floodplain or wetland area.</i>

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

Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>No Impact. The letter dated December 9, 2020 states the following: Required to prevent particulate matter from becoming airborne by covering of open bodied trucks, operating outside the work area transporting materials likely to become airborne, and that no one shall allow earth or other material being transported by truck or earth-moving equipment to be deposited onto a paved street or roadway. Suggestions include: Utilize alternatively fueled equipment, utilize other emission controls that are applicable to your equipment, and reduce idling time on equipment.</i>
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>There are no coastal areas within Beattyville, Lee County, Kentucky. No Impact.</i>

Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<i>The US EPA web site database was searched in order to identify any listed contamination areas, none were noted. No Impact.</i>
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<i>No Impact. According to Jennifer Garland letter dated December 9, 2020, "proposed project will result in no significant adverse impacts to federally-listed species or their habitat." According to Doug Dawson, KDFWR, in a letter dated November 10, 2020 indicated "we have no additional comments or concerns regarding state or federally protected species, wilderness areas or wildlife preserves, designated critical habitat, and migratory bird flyways." <i>"To minimize indirect impacts to the aquatic environment, the KDFWR 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".</i> </i>
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<i>No Impact. There will no above ground storage tanks with explosive and/or flammable materials on or near the project.</i>
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<i>No impact. Per letter dated 11/2/2020 from Perri Pedley, Soil Scientist, NRCS, "no conversion of agricultural lands (Prime or Statewide Important Farmland) will occur or be negatively impacted by the proposed undertaking. Therefore, this office has no other concerns at this time."</i>
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<i>The Lee County Fiscal Court does participate in the National Flood Insurance Program. The project is not located in a floodplain or wetland area. No Impact. Per correspondence with Justin Branham, USACOE (emails attached), based on the information submitted, it does not appear that a permit would be required.</i>

<p>Historic Preservation</p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>No Impact. Per letter dated 1/17/2020 Craig A. Potts, Executive Director and SHPO, "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."</i></p>
<p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>The project is not located in a high noise area. The project will have minimal and limited noise due to construction equipment. The construction will be carried out in order to minimize the potential impact.</i></p>
<p>Sole Source Aquifers</p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>No Impact. There were no sole source aquifers identified by the City of Beattyville during field visits, or according to any records obtained from state or federal resources.</i></p>
<p>Wetlands Protection</p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>No Impact. Per Army Corps of Engineer comments dated December 10, 2020 "Based on the information submitted, it does not appear that a permit would be required for the above referenced project." There were no wetlands located near the identified project area.</i></p>
<p>Wild and Scenic Rivers</p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>No Impact. There are no wild and scenic rivers located in the project area or in Lee County, Kentucky.</i></p>
<p>ENVIRONMENTAL JUSTICE</p>		
<p>Environmental Justice</p> <p>Executive Order 12898</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>No Impact. The project will benefit all area residents regardless of any protected class. The Lee County Fiscal Court is an equal opportunity provider and will serve all potential customers equally.</i></p>

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

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

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

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The City of Beattyville has no zoning ordinance in place. The project is anticipated to have a positive impact to the proposed area by improved housing development for LMI families.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	The project has some areas of moderate to steep slope. Appropriate erosion control measures and silt barriers will be utilized to minimize potential impacts.
Hazards and Nuisances including Site Safety and Noise	2	Any construction along state and county road right-of-way must have adequate safety measures in place to protect motorists and construction workers.
Energy Consumption	2	The project is located in a rural city area. No impact anticipated. The contractor must use EPA compliant equipment during construction activities.

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	1	The availability of energy efficient and affordable housing has the potential of increasing the economic development in the community.
Demographic Character Changes, Displacement	2	No Impact. The project will not displace any families nor will it require residents to relocate.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	1	With the availability of energy efficient and affordable housing, school age children will have reliable housing which will assist improved learning abilities.

Commercial Facilities	2	No commercial facilities will be impacted by the project.
Health Care and Social Services	1	Having decent, affordable housing will improve the health of residents.
Solid Waste Disposal / Recycling	2	All federal and state regulations will be followed in the disposal of any generated solid waste.
Waste Water / Sanitary Sewers	1	The developed housing will have public water/sewer and the project will have a positive impact on systems.
Water Supply	1	The developed housing will have public water/sewer and the project will have a positive impact on systems.
Public Safety - Police, Fire and Emergency Medical	2	The project is located within a rural area with access to adequate policing services, fire services, and emergency services. The project will not impact emergency services to area residents.
Parks, Open Space and Recreation	2	No impact.
Transportation and Accessibility	2	The contractor(s) must comply with all safety regulations and assure adequate measures for traffic and workers.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	There are no unique natural features located at the project site or within close proximity to the project site. The water system in the area will improve as the project will extend water into an unserved area of the county.
Vegetation, Wildlife	2	According to Jennifer Garland letter dated December 9, 2020, "proposed project will result in no significant adverse impacts to federally-listed species or their habitat." No Impact Anticipated.
Other Factors	2	No other factors have been identified.

Field Inspection (Date and Completed by): December 16, 2019 by Donna Hardin, Kentucky River Area Development District

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

- KY State Clearing house, Lee Nalley
- Department for Environmental Protection, Louanna Aldridge
- DOW, Daniel Fraley

- US Fish and Wildlife, Jennifer Garland
- Natural Resources Conversation Services, Perri Pedley
- State Historic Preservation Officer, Craig A. Potts
- Division of Waste Management
- KY Division of Water, Chloe Brantley
- KY Infrastructure Authority, Don Schierer
- KY River ADD, Jennifer McIntosh
- KY Transportation Cabinet, Jason Blackburn
- KY Heritage Council, Yvonne Sherrick
- Division of Water, Benjamin Currens.
- KY Fish and Wildlife, Dan Stoelb
- Division of Enforcement, Tim Harrod
- Army Corps of Engineers, Justin Branham

Public Outreach [24 CFR 50.23 & 58.43]:

- January 20, 2021 Combined Notice to Public of No Significant Effect on the Environment and Notice to Public of Request for Release of Funds

Cumulative Impact Analysis [24 CFR 58.32]:

It is highly anticipated that the project will have a positive impact on the proposed area by providing energy efficient and affordable housing. Lee County Fiscal Court has determined that the project will have no significant impact on the human environment. Erosion and sedimentation control will be required as needed. No significant adverse impacts to federally listed endangered or threatened species are anticipated.

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

Alternative 1: Do nothing. This is not the chosen alternative due to the fact it would leave seven families without sanitary and decent housing.

Alternative 2: Rental Assistance Housing. This is not the chosen alternative due to the fact it would be more expensive and cost prohibited.

Alternative 3: Construct the project as proposed. This is the selected alternative because it will allow 7 families to live in sanitary and dependable housing and homes they will permanently own.

No Action Alternative [24 CFR 58.40(e)]: This is the least preferred alternative of doing nothing.

Summary of Findings and Conclusions: The proposed project will have an overall positive environmental impact. All required mitigation actions must be strictly adhered to.

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

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

Law, Authority, or Factor	Mitigation Measure
KY Fish and Wildlife	<i>Prior to construction erosion control measures must be developed and implemented to reduce siltation into waterways located within the project area. Erosion control measures may include, but not limited to silt fences, staked straw bales, brush barriers, sediment basins, and diversion ditches.</i>

Determination:

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

Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27] The project may significantly affect the quality of the human environment.

Preparer Signature: Angelina Hall Date: 1/19/2021

Name/Title/Organization: Angelina Hall, Associate Director, CED
Kentucky River Area Development District

Certifying Officer Signature: Charles Caedill Date: 1-13-21

Name/Title: Charles Caedill, Judge Executive

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

ENVIRONMENT REVIEW STATUS

Exempt

Administration

Planning

Historic and Environmental Studies

Engineering

Categorically Excluded

Assessment

The project will:

- Address safe, decent and affordable housing as part of the County's Development Plan.
- Provide development of property located at Woodland Avenue.
- Construction of 7 energy efficient homes.

ENVIRONMENTAL CERTIFICATION

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

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

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

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

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

Item	Publication MO/DAY/YR	Commence MO/DAY/YR	Expire MO/DAY/YR
Notice of Finding of No Significant Impact (FONSI): Publication Date			
Same: Comment period			
Notice of Intent to Request Release of Funds (NOI/RROF): Publication Date			
Concurrent Notice (FONSI & NOI/RROF): Publication Date	January 20, 2021	January 21, 2021	February 4, 2021
Same: Local Comment Period	January 20, 2021	January 21, 2021	February 4, 2021
State Decision Period		February 10, 2021	February 25, 2021
Notice of Intent to Prepare EIS: Publication			
Draft EIS: Comment Period			
Same: 90-day period (NEPA Regs)			
Final EIS: 30-day period (NEPA Regs)			
Other (Specify)			
Other (Specify)			

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

That I am authorized to consent to, and do, accept on behalf of the applicant and personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my official capacity as certifying officer of the applicant.

Lee County Fiscal Court
Applicant Name

Judge Executive, P.O. Box 307 Beattyville, KY 41311

Signature, Title and Address of
Certifying Officer of Applicant



Chuck Caudill, Judge Executive

Name, Environmental Certifying Officer

P.O. Box 307 Beattyville, KY 41311

City Hall, (City), Kentucky (Zip)

19-085

Contract #: 606-464-4100

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

DLG Environmental Submittal Checklist

Project/Program Name: Crystal Creek Subdivision Project

Project/Program ID Number: 19-065

Project Location (if applicable): Center: Lat.: 37° 35'51.91" N Long: -83°42'27.18" W

Level of Environmental Review Completed:

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

Exempt [§58.34(a)] Date completed: _____

Environmental Review Status Form submitted to KY DLG Date: _____

Exempt/CENST determination form

Request for Approval of Evidentiary Materials and Release of Funds submitted to KY DLG with copy of the above completed form Date: _____

Categorically excluded *not subject to* §58.5 [§58.35(b)]

Date completed: _____

Environmental Review Status Form submitted to KY DLG Date: _____

Exempt/CENST determination form

Request for Approval of Evidentiary Materials and Release of Funds submitted to KY DLG with copy of the above completed form Date: _____

Categorically excluded *subject to* §58.5 [§58.35(a)]:

Converted to exempt (§ 58.35(a)(12)) Date converted: _____

OR

NOI/RROF published Date: January 20,2021

Environmental Certification submitted to KY DLG Date: February 5, 2021

Request for Approval of Evidentiary Materials and Release of Funds submitted to KY DLG Date: February 5, 2021

Environmental Review Status Form-submitted to KY DLG February 5, 2021

KY State eClearinghouse comments-submitted to KY DLG February 5, 2021

KY Heritage Council-SHPO comments and approval- submitted to KY DLG February 5, 2021

All required publication(s) tear sheets- submitted to KY DLG February 5, 2021

KY DLG Approval received Date signed by KY DLG: _____



Environmental Assessment (§58.36)

FONSI/NOI published Date: _____

Environmental Certification submitted to KY DLG Date: _____

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

Environmental Review Status Form submitted to KY DLG Date: _____

KY State eClearinghouse comments submitted to KY DLG

KY Heritage Council-SHPO comments and approval- submitted to DLG

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

KYDLG approval received Date signed by KY DLG: _____

ENVIRONMENTAL REVIEW RECORD CHECKLIST

- Finding of Exemption and/or Categorical Exclusion not Subject to
- Statutory Checklist and all supporting documentation
- Historic Preservation Procedures Completed and Documented including Tribal Consultation
- Floodplains/Wetlands Procedures Completed and Documented
 - Early Public Notice Published
 - Notice of Explanation Published
- Environmental Assessment and Checklist (Format II) and all supporting documentation
- Notice of Intent to Request Release of Funds (NOIRROF) Publication (tear sheet)
- Concurrent Notice of Finding and No Significant Effect and Notice of Intent to Request Release of Funds (FONSI-NOIRROF) (tear sheet)
- Notice of Availability of Environmental Assessment (if joint project with Rural Development only)
- Distribution List for all Public Notices
- Comments Received and City/County responses
- Environmental Certification, Request for Approval of Evidentiary Materials and Release of Funds Submitted
- Post-Review Revisions and Changes, Written Decisions, Amendments and Supplements

(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
Clearinghouse Comments



ANDY BESHEAR
GOVERNOR

DEPARTMENT FOR LOCAL GOVERNMENT
OFFICE OF THE GOVERNOR
100 AIRPORT ROAD, 3rd FLOOR
FRANKFORT, KENTUCKY 40601-8204
PHONE (502) 573-2382 FAX (502) 573-2939
TOLL FREE (800) 346-3606/ TDD: 711
WWW.kydlgweb.ky.gov

DENNIS KEENE
COMMISSIONER

January 17, 2020

Judge Charles Caudill
Lee County Fiscal Court
P O Box G
Beattyville, KY 41311

RE: Crystal Creek Subdivision Phase 4
SAI# KY201912201375
CFDA# 14.219

Dear Judge Caudill:

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

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

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

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

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

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

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.

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

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

If an existing water server is to be utilized for new water tap-ons (rehabilitations, new constructions), ascertain the capacity and operating condition of the originating water treatment plant and of the server (if different) in comparison to the water needs of the proposed housing. DOW cannot permit connections to water servers under tap-on bans, Agreed Orders, or Court Orders. DOW may not give approval to connections to water systems operating near, at, or over capacity. If a new water source is to be utilized, ascertain the source's (stream's or well's) low flow ability to serve the proposed project. Prior approval from DOW is required for water withdrawals of over 10,000 gallons per day and for all public drinking water. Final plans and specifications are subject to review by DOW.

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

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

Prior approval from DOW is required for all discharges into streams and for all wastewater treatment facilities. DOW reminds the applicant to seal abandoned wastewater service connections.

Fish and Wildlife
Dan Stoelb

Based on the information provided, the Kentucky Department of Fish & Wildlife Resources has no comments concerning the proposed project. Please contact Dan Stoelb @ 502-892-4453 or Daniel.Stoelb@ky.gov if you have further questions or require additional information.

Kentucky River Area Development District
Angelia Hall

For File

Kentucky Transportation Cabinet (10)
Jason Blackburn (D 10)

Applicant must acquire approved Highway Encroachment Permit before applicant or its contractors begin any work on Commonwealth Right of Way.

KY Department of Housing Buildings and Construction
Duane Curry

The Department of Housing, Buildings and Construction will not require permits and plans on this project. The local building inspection department may require permits for these projects.

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.

Exhibit 2
State Historic Preservation Officer (SHPO)
Correspondence

KRADD
DATE RECEIVED

JAN 23 2020

TO: Donna H.



MATTHEW G. BEVIN
GOVERNOR

TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL
THE STATE HISTORIC PRESERVATION OFFICE

REGINA STIVERS
DEPUTY SECRETARY

DON PARKINSON
SECRETARY

THE BARSTOW HOUSE
410 HIGH STREET
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-7005
FAX (502) 564-5820
www.heritage.ky.gov
January 17, 2020

CRAIG A. POTTS
EXECUTIVE DIRECTOR
& STATE HISTORIC
PRESERVATION OFFICER

Donna Hardin
KY River Area Development District
941 N. Main St.
Hazard, KY 41701

Re: **Crystal Creek Subdivision Project, Beattyville, Lee Co., KY**

Dear Ms. Hardin:

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.

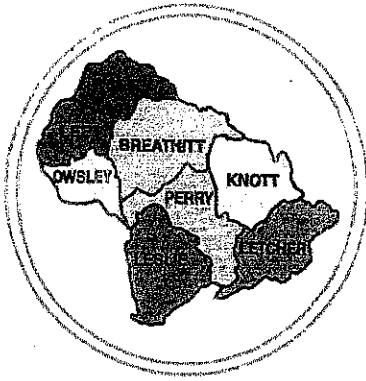
In the event that human remains are encountered during project activities, all work should be immediately stopped in the area. The area should be cordoned off, and in accordance with KRS 72.020 the county coroner and local law enforcement must be contacted immediately. Upon confirmation that the human 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 Laracuate of my staff at nicolas.laracuate@ky.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Craig A. Potts".

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



Kentucky River

AREA
DEVELOPMENT
DISTRICT

941 N. MAIN ST. • HAZARD, KENTUCKY 41701 • PHONE 606-436-3158

January 7, 2020

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

RE: Crystal Creek Subdivision Project (Lee County Fiscal Court)

Dear Mr. Potts:

The Lee County Fiscal Court is in the process of conducting an environmental review pursuant to the State Environmental Review Process for the Community Development Block Grant program. The purpose of the review is to assess the environmental impacts of the Crystal Creek Subdivision Project in Beattyville, Lee County, Kentucky.

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

As documented by the maps and supporting documentation enclosed, the ground disturbance will occur in previously disturbed areas. The activities include extending water and sewer services and constructing seven single family homes. Due to the nature of the project, we feel that there will be no effect on properties eligible for the Historic Register or on any historical structures. Please advise us of any present concerns your office may have related to possible effects of the above mentioned project.

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

Sincerely,

Donna Hardin
Community and Economic Development Specialist

enclosures
CC: Lee County Fiscal Court/file

CHAIRMAN
Pam Pilgrim
VICE-CHAIRMAN
Tracy Neice
Mayor
TREASURER
Terry Adams
Judge/Executive
SECRETARY
Gregory Whitson
PARLIAMENTARIAN
Laura Thomas
Mayor

BOARD OF DIRECTORS

County Judge Executives

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Jeff Dobson - Knott Co.
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Terry Adams - Letcher Co.
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Raymond Banks - Wolfe Co.

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Laura Thomas - Jackson
Tracy Neice - Hindman
Scott Cornett - Pippa Passes
Scott Jackson - Beattyville
Carol Joseph - Hyden
Susan Polts - Fleming-Neon
James W. Craft - Whitesburg
Todd DePriest - Jenkins
Nelson Bobrowski - Booneville
Ernest Back - Vicco
Donald "Happy" Mobelini - Hazard
Tom Burns - Buckhorn
Kathi May - Campton

Citizen Members

Roy Darrell Herald
Gary Campbell
Ray D. Moore
Larry Parke
Larry Perkins
Zach Sandlin
Hiram Cornett
Eugene Stewart
Everett Marshall
Doug Brandenburg
Fred Hall
Jack Burkich
Dale Bishop
Derrick Bowling
Neil Napier
Gregory Whitson
Meriwether Wash-Hall
Pam Pilgrim
Shirley Halcomb

Executive Director
Michelle Allen

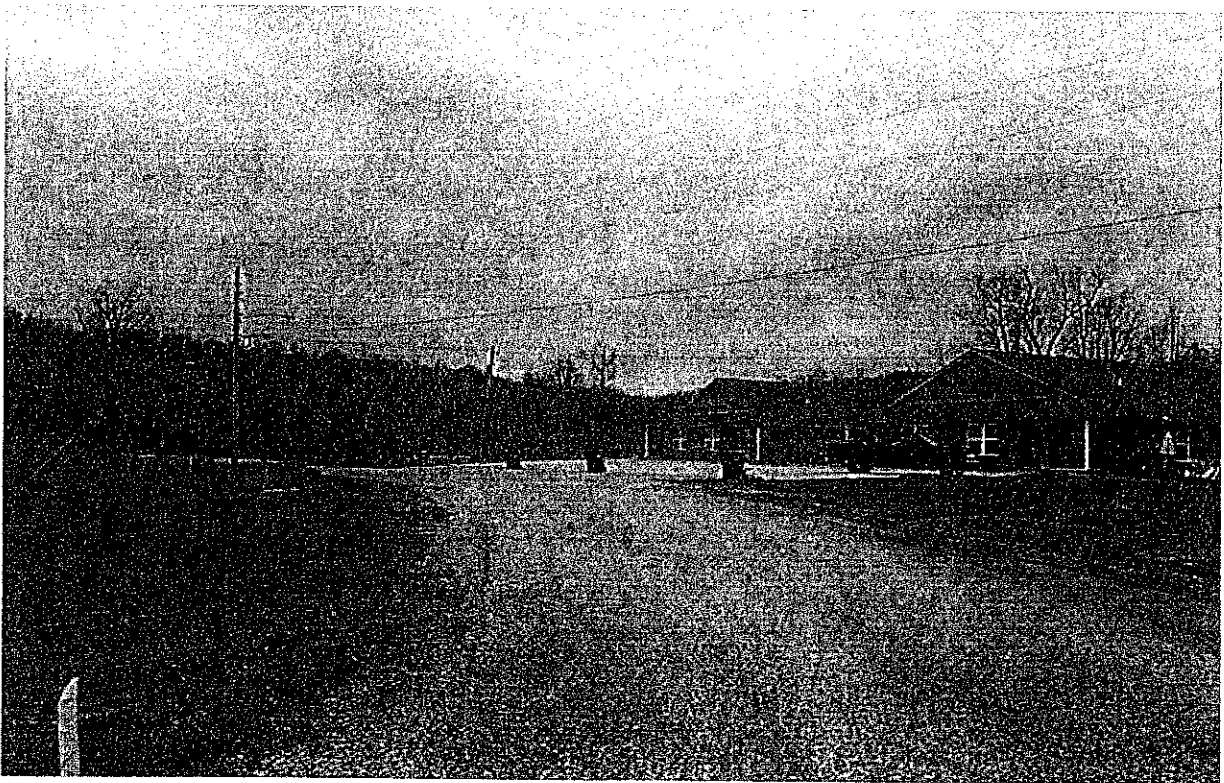
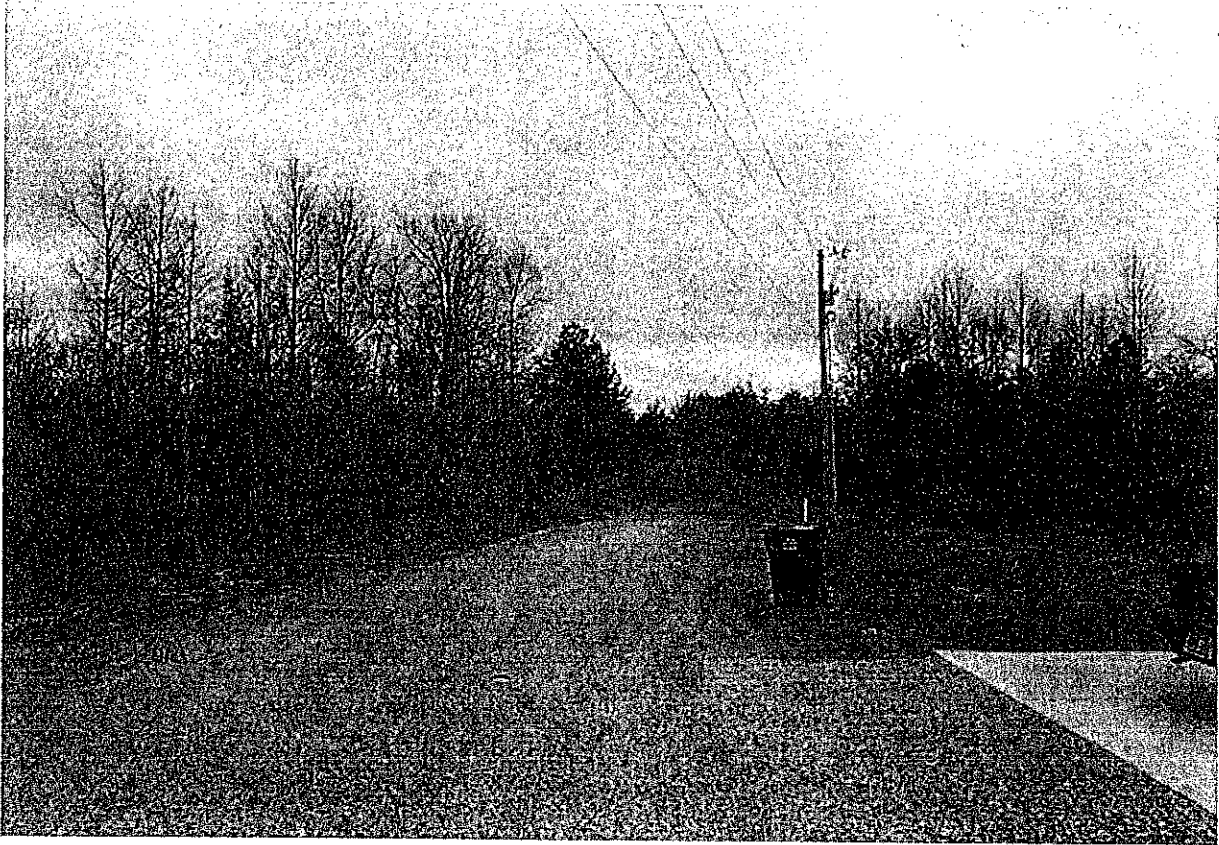
E-Mail: michelle@kradd.org
FAX NUMBER 606-436-2144
TDD NUMBER 1-800-247-2510
(Hearing Impaired)

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.

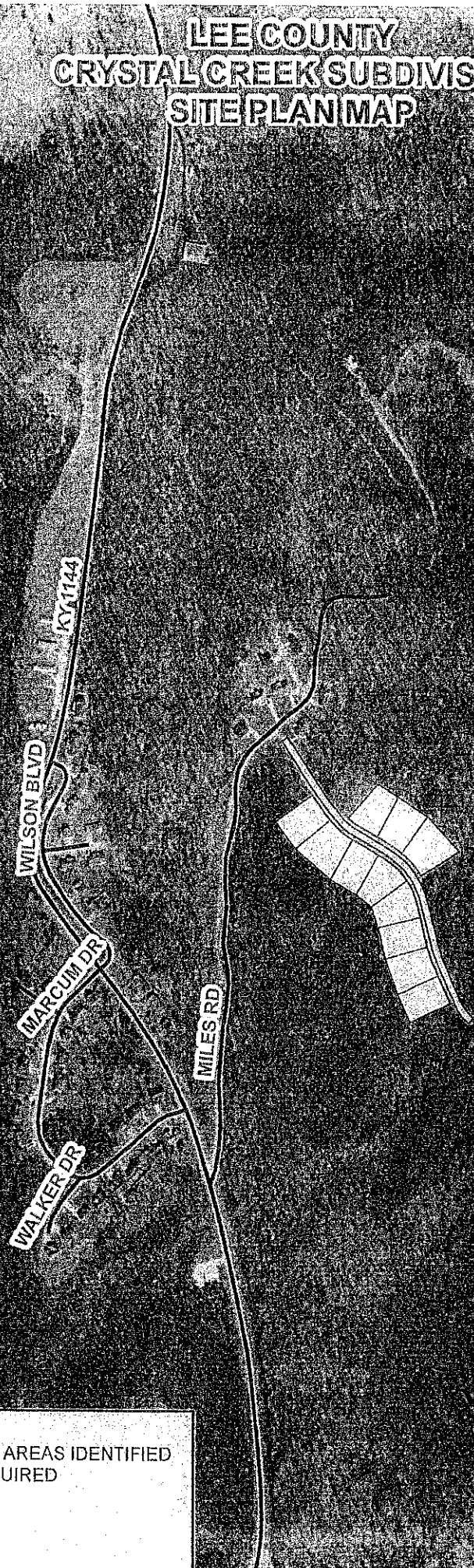
SECTION 1: APPLICANT INFORMATION	
Project Sponsor or Applicant: Lee County Fiscal Court	
Contact Person (name & position): Donna Hardin, Community & Economic Development Specialist	
Return Address: 941 N Main St., Hazard KY 41701	
Telephone: (606) 436-3158	Fax: (606) 436-2144
Project Title: Crystal Creek Subdivision Phase 4 Project	
SECTION 2: AGENCY INFORMATION	
Funding/Permitting Agency: Kentucky Department for Local Government	
Agency Contact Person (name & position): Cathy Figlestahler, Local Government Advisor	
Telephone: (502) 892-3445	E-mail: cathy.figlestahler@ky.gov
SECTION 3: PROJECT LOCATION	
E911 Street Address (or other description): Woodland Avenue	
City/Township: Beattyville	County: Lee
Latitude: 37°35'51.91"	Longitude: -83°42'27.18"
SECTION 4: PROJECT TYPE (please check all that apply)	
Proposed Activity: <input type="checkbox"/> Demolition <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Structural Relocation <input type="checkbox"/> Trails	
<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Land and/or Building Acquisition <input checked="" type="checkbox"/> Sewer/Water Lines <input type="checkbox"/> Roads/Bridges	
<input type="checkbox"/> Non-Construction Planning/Refinancing <input type="checkbox"/> Other (describe):	
SECTION 5: IDENTIFICATION OF KNOWN HISTORIC PROPERTIES	
KHC Preliminary Site Check #: 46890292	OSA Preliminary Site Check #: P244566
If your project involves ground disturbance, has the site been previously disturbed?	
<input checked="" type="checkbox"/> Yes (describe in detail below) <input type="checkbox"/> No	
The site has been developed to contain 2 duplexes and 1 home which includes water and sewer to a portion of the proposed project.	
Is there anything over 50 years of age in or visible from the project location? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
SECTION 6: ATTACHMENTS - Attach all as applicable	
<i>All documentation should be labeled with the project name or site address.</i>	
<input checked="" type="checkbox"/> Clear, current photographs of the project site and anything over 50 years of age in or visible from it. <input checked="" type="checkbox"/> Site map/plan indicating the exact location and boundaries of the project area. <input checked="" type="checkbox"/> Detailed description of the project (may include plans, scope of work, and other available information.) <input checked="" type="checkbox"/> Documentation of prior ground disturbance (e.g. maps, photographs, underground utility plans, etc.) <input type="checkbox"/> 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.	







LEE COUNTY CRYSTAL CREEK SUBDIVISION SITE PLAN MAP



NOTES:
 THERE ARE NO PROBLEM DRAINAGE AREAS IDENTIFIED
 NO STRUCTURES OR LOTS TO BE ACQUIRED
 NO STRUCTURES TO BE CLEARED
 NO STRUCTURES TO BE REHABBED
 NO MOBILE HOMES
 3 EXISTING DUPLEXES
 1 EXISTING HOUSE

Legend	
	Lee Roads
Type	
	Access Road
	Duplex
	House 27
	Unoccupied

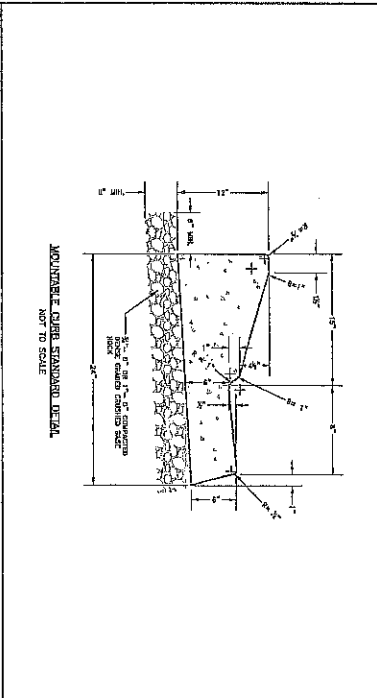
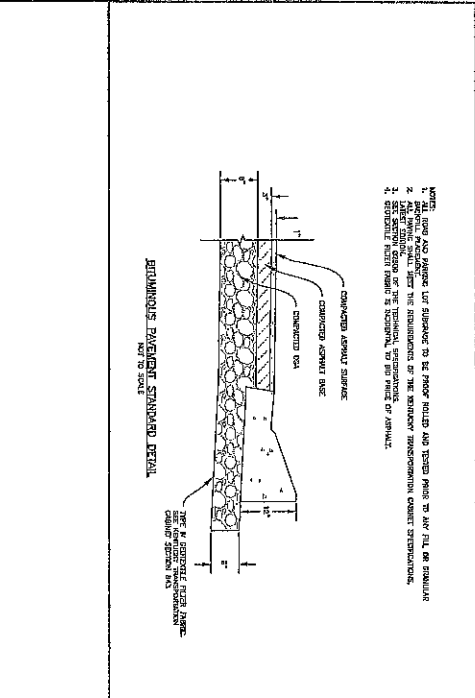
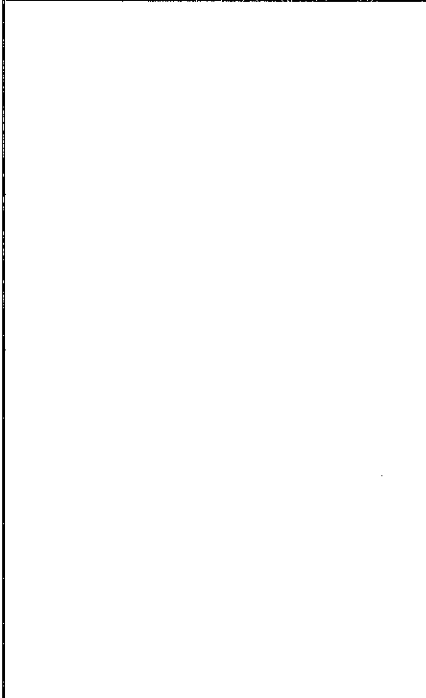
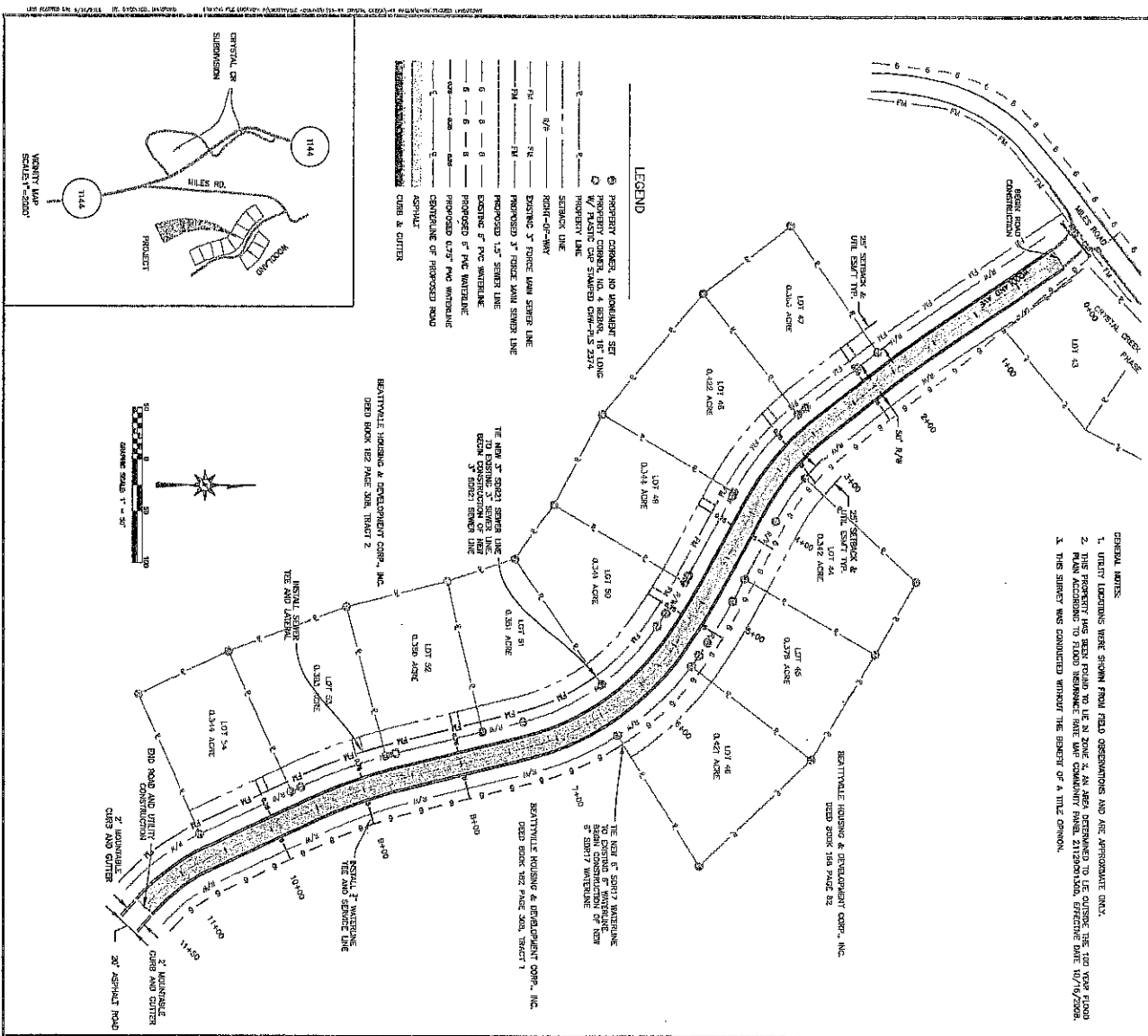
Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AeroGRID, IGN, and the GIS User

**Lee County Fiscal Court/Beattyville Housing and Development
Crystal Creek Subdivision
Project Description**

The Lee County Fiscal Court is requesting \$462,042 to address safe, decent and affordable housing as part of the County's Development Plan. The funding will provide development of property located at Woodland Avenue (Crystal Creek Subdivision), Beattyville, KY, Census Tract 9501 (37°35'51.91", -83°42'27.18"), and the construction of 7 energy efficient homes.

The Lee County Fiscal Court would like to partner with Beattyville Housing and Development as they have a proven track record developing affordable housing for residents in and around Lee County. Beattyville Housing and Development purchased property located at Woodland Avenue and would like to develop single family homes and duplexes. The seven lots utilizing CDBG funds will have deed restrictions tying the property to LMI families and each will have a forgivable mortgage and promissory note.

The funding request would assist in the development of infrastructure (\$243,542) on the property, as well as assist in building 7 energy efficient homes (\$140,000). Partnership Housing is requesting \$26,000 for a developer fee for the duplex. The 7 energy efficient homes will be financed through several sources; an average of \$20,000 in CDBG, and HOME with the remaining balance being permanent financing either through USDA RD or a financial institution. Attached in the application are the funding agreements from HOME (\$321,100).



nesbitt engineering, inc.
BEATTYVILLE HOUSING & DEVELOPMENT INC.
CRYSTAL CREEK - PHASE 4

DATE: 11/05/2018
SCALE: 1" = 50'

SEPTEMBER, 2019

BEATTYVILLE HOUSING & DEVELOPMENT INC.
65 EAST MAIN STREET
BEATTYVILLE, KENTUCKY 41311

CRYSTAL CREEK - PHASE 4 - PRELIMINARY

Kentucky Office of State Archaeology
University of Kentucky, 1020A Export Street, Lexington, KY 40506
Phone:859-257-1944 Fax:859-323-1698 email:ky-osa@lsv.uky.edu

**Confidential Information
Not for Public Release**

Preliminary Records Review Coversheet

Date Request Processed: 1/3/2020

Preliminary Review Number: P244566

Paid via: Check (Check No.:)

Credit Card (Transaction ID: 1412379730)

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

Kentucky Office of State Archaeology

University of Kentucky, 1020a Export Street, Lexington, KY 40506

Phone: (859)257-1944 Fax: (859)323-9866 email: ky-osa@uky.edu

Confidential Information; Not for Public Release

P244566

Crystal Creek Subdivision Phase 4 Project

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

Date Request Filled: 01/03/20

Site Type

National Register Status

cemetery

National Register status not assessed

Kentucky Office of State Archaeology
University of Kentucky, 1020A Export Street, Lexington, KY 40506
Phone:(859)257-1944 Fax: (859)323-9866 Email: ky-osa@uky.edu

Confidential Information; Not for Public Release

P244566: Crystal Creek Subdivision Phase 4 Project

Site Check Performed On: 01/03/20

065-017 579982 1994 Kerr, Jonathan P.

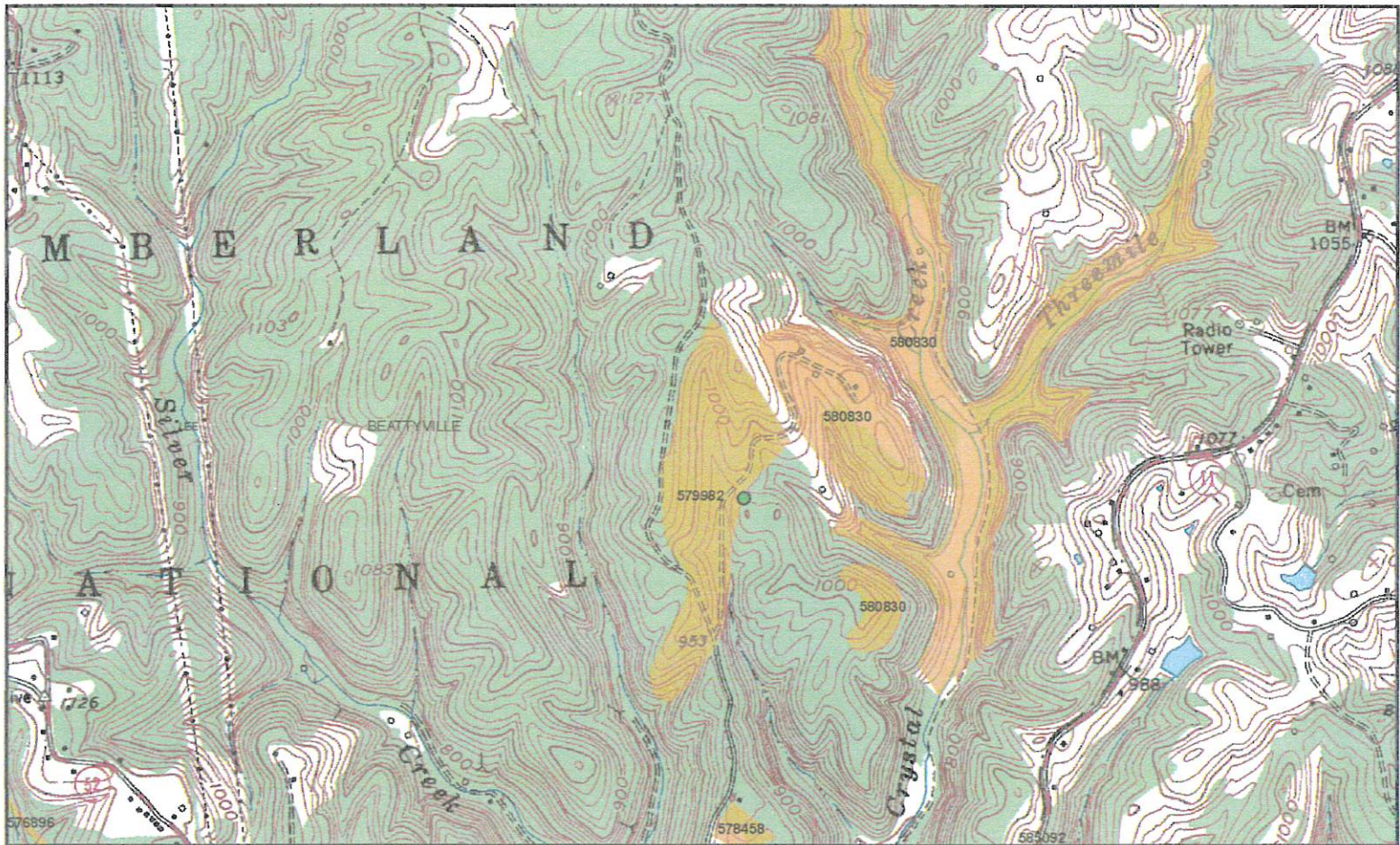
An Archeological Survey of the Proposed Beattyville Affordable Housing Subdivision, Site No. 2, Lee County, Kentucky

065-021 580830 1998 Kerr, Jonathan P.

An Archeological Survey of the Proposed Crystal Creek Dam Project, Lee County, Kentucky

065-021 580830 1998 Kerr, Jonathan P.

An Archeological Survey of the Proposed Crystal Creek Dam Project, Lee County, Kentucky



- Project Coordinates Submitted to OSA
- Previous Archaeological Survey Boundaries
- Phase 2 & 3 Archaeological Surveys

Note: Archaeological Site Locations NOT Shown



P244566
Crystal Creek Subdivision Phase 4 Project

Kentucky Office of State Archaeology
 University of Kentucky, 1020A Export Street, Lexington, KY 40506
 phone: 859-257-8207 email: ky-osa@uky.edu

Confidential Information: Not for Public Release

Donna Hardin

From: KHC-sitecheck <KHC-sitecheck@ky.gov>
Sent: Friday, December 20, 2019 5:10 PM
To: Donna Hardin
Subject: KHC Preliminary Site check- 46890292
Attachments: 46890292_Preliminary Site Check.pdf

Confirmation #: 46890292

Project Title: Crystal Creek Subdivision Phase 4 Project

This message is being sent in response to your request for Preliminary Site Check data from the Site Identification Program of the Kentucky Heritage Council (KHC) for the above-listed project. The attached report(s) include only those above-ground historic resources within or near the project area that have been previously recorded with the Site Identification Program of the KHC and may not be exhaustive of all historic resources that are actually present.

If your project involves ground disturbance contact the Office of State Archaeology at the University of Kentucky <http://anthropology.as.uky.edu/office-state-archaeology> to determine if any previous archaeological sites have been recorded within your project boundaries.

Note: this information report does not constitute Section 106 consultation or "clearance" from the KHC/SHPO.

If you have any questions please contact: khc-sitecheck@ky.gov.

Thank you and have a nice day!

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.

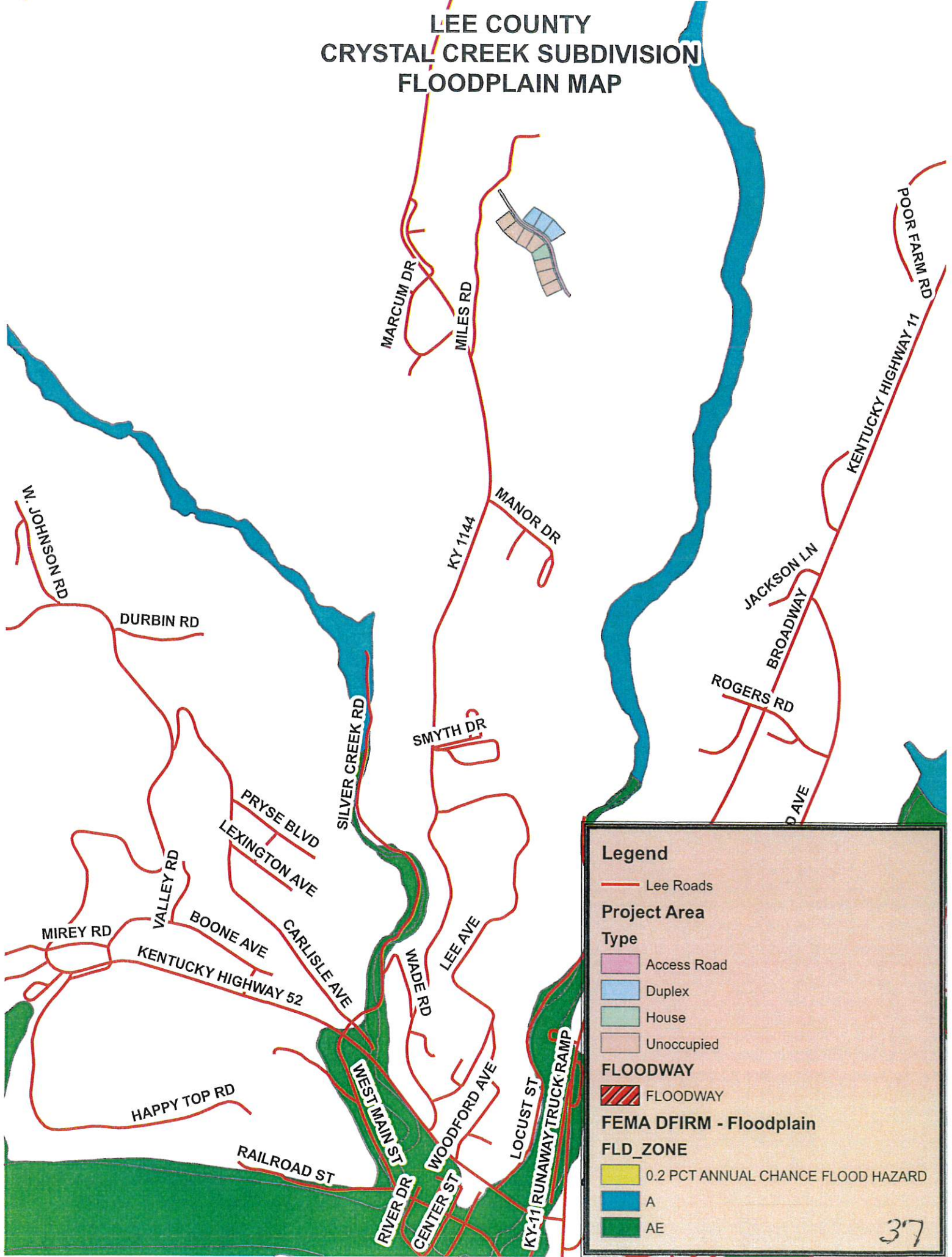
KHC Preliminary Request #: 46890292

Preliminary Historic Resources Check Performed On: 12/20/2019

There were no previously recorded historic resources within or adjacent to your project area.

Exhibit 3
Floodplain and Wetlands
Correspondence, Maps and Data

LEE COUNTY CRYSTAL CREEK SUBDIVISION FLOODPLAIN MAP



Legend

- Lee Roads

Project Area

Type

- Access Road
- Duplex
- House
- Unoccupied

FLOODWAY

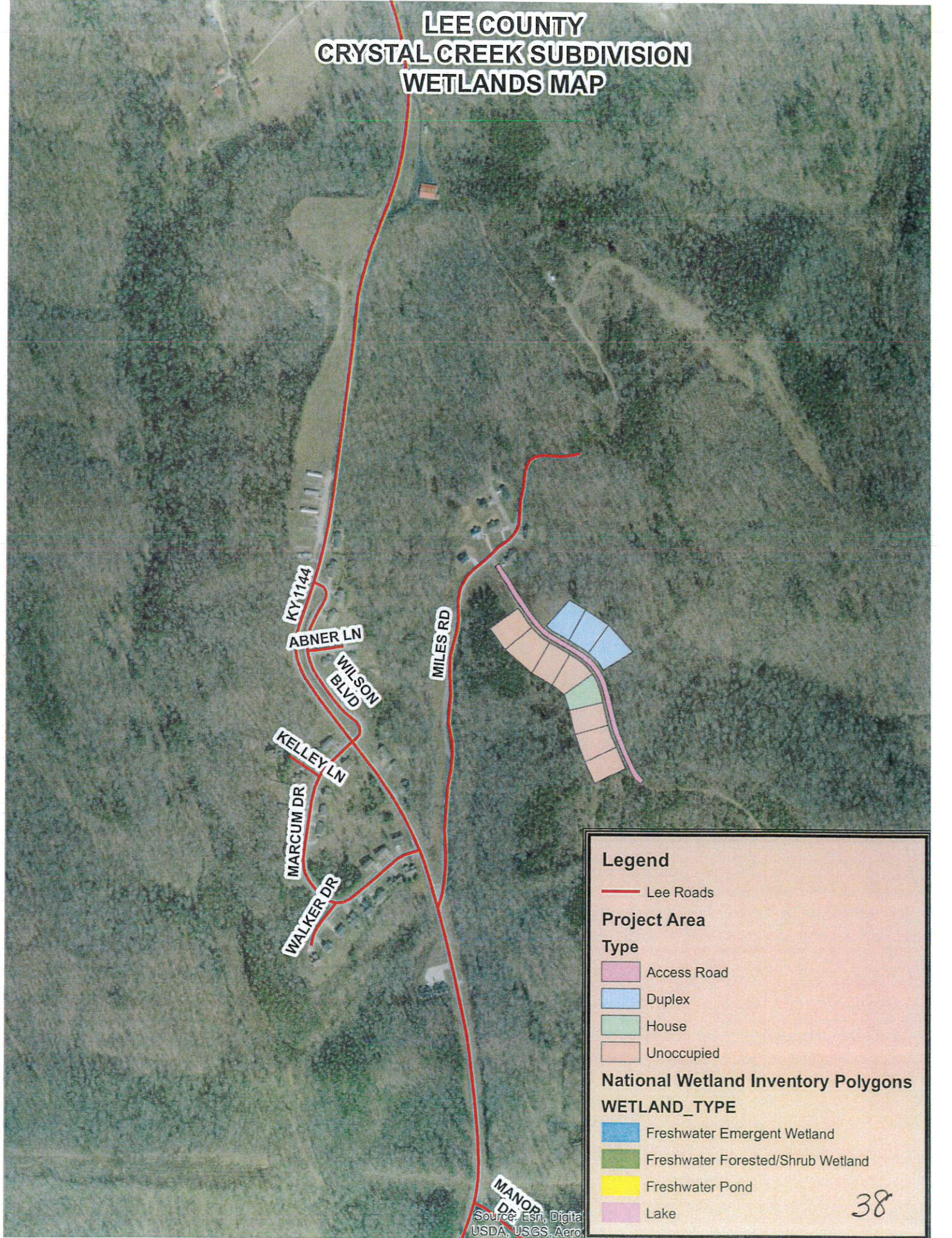
- FLOODWAY

FEMA DFIRM - Floodplain

FLD_ZONE

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE

LEE COUNTY CRYSTAL CREEK SUBDIVISION WETLANDS MAP



Legend

- Lee Roads

Project Area

Type

- Access Road
- Duplex
- House
- Unoccupied

National Wetland Inventory Polygons

WETLAND_TYPE

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake

Source: Esri, Digital
USDA, USGS, Aero

Exhibit 4

Natural Resource Conservation Service Correspondence



United States Department of Agriculture

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

November 2, 2020

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

RE: CRYSTAL CREEK SUBDIVISION

Dear Ms. Napier:

In response to your request from 10/29/2020 regarding the above referenced project in Beattyville, Kentucky, the Natural Resources Conservation Service (NRCS) has no congressional authority for conducting Environmental Assessments (EA).

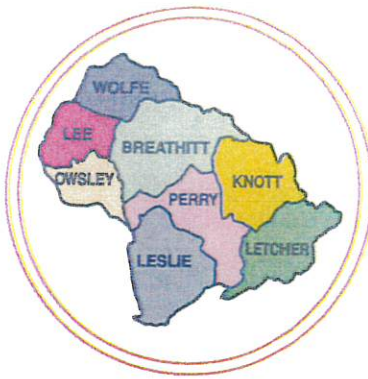
NRCS is mandated to provide information on the soils and/or impact to farmland according to the Farmland Protection Policy Act (P.L. 97-98) for projects that will be utilizing federal funding.

Based on the information contained in your request and accompanying maps, no conversion of agricultural lands (*Prime or Statewide Important Farmland*) will occur or be negatively impacted by the proposed undertaking. Therefore, this office has no concerns at this time.

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

Sincerely,

Perri Pedley
Soil Scientist
Perri. Pedley@usda.gov



Kentucky River

AREA
DEVELOPMENT
DISTRICT

941 N. MAIN ST. • HAZARD, KENTUCKY 41701 • PHONE 606-436-3158

October 29, 2020

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VICE-CHAIRMAN
Tracy Neice
Mayor
TREASURER
Terry Adams
Judge/Executive
SECRETARY
Gregory Whitson
PARLIAMENTARIAN
Laura Thomas
Mayor

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Scott Alexander - Perry Co.
Raymond Banks - Wolfe Co.
Mayors
Laura Thomas - Jackson
Tracy Neice - Hindman
Scott Cornett - Pippa Passes
Scott Jackson - Beattyville
Carol Joseph - Hyden
Susan Polis - Fleming-Neon
James W. Craft - Whitesburg
Todd DePriest - Jenkins
Nelson Bobrowski - Booneville
Ernest Back - Vicco
Donald "Happy" Moberlini - Hazard
Tom Burns - Buckhorn
Kathi May - Campton
Citizen Members
Roy Darrell Herald
Gary Campbell
Ray D. Moore
Larry Parke
Larry Perkins
Zach Sandlin
Hiram Cornett
Eugene Stewart
Everett Marshall
Doug Brandenburg
Fred Hall
Jack Burkich
Dale Bishop
Derrick Bowling
Neil Napier
Gregory Whitson
Meriwether Wash-Hall
Pam Pilgrim
Shirley Halcomb

Executive Director
Michelle Allen

E-Mail: michelle@kradd.org
FAX NUMBER 606-436-2144
TDD NUMBER 1-800-247-2510
(Hearing Impaired)

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

RE: Lee County Fiscal Court/Beattyville Housing and Development – Crystal Creek Subdivision Project

Dear Perri:

The Lee County Fiscal Court/Beattyville Housing and Development have been approved for funding through the Community Development Block Grant Program and the Appalachian Regional Commission for the above referenced project. The project will provide funding for the development of the property located at Woodland Avenue (Crystal Creek Subdivision), Beattyville, KY and the construction of 7 energy efficient homes.

The Kentucky River Area Development District has been asked to undertake an environmental review of this project to ascertain the impact of the proposed activities. There will be some ground disturbance in previously disturbed areas. The ground disturbance will occur from the construction of water and sewer lines, construction of curbs, and construction of homes and paving. The project will require tree and vegetation removal to clear the locations where the homes will be constructed and no impacts are anticipated to prime farmland. I would appreciate your office reviewing this project in relation to its potential impact(s) on any environmental areas within your jurisdiction. I have enclosed a project location map and project description for your reference.

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

Thank you, for your time and assistance.

Sincerely,

Lisa Napier
Community and Economic Development Specialist

Enclosures


LEE COUNTY CRYSTAL CREEK SUBDIVISION LOCATION MAP



PROJECT LOCATION

SCALE 1"=2000'
or 1:24000

Legend 42

 Project Area

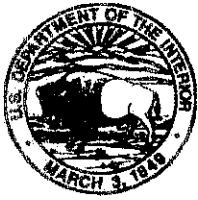
**Lee County Fiscal Court/Beattyville Housing and Development
Crystal Creek Subdivision
Project Description**

The Lee County Fiscal Court request funding to address safe, decent and affordable housing as part of the County's Development Plan. The funding will provide development of the property located at Woodland Avenue (Crystal Creek Subdivision), Beattyville, KY, Census Tract 9501 (37°35'51.91", -83°42'27.18"), and the construction of 7 energy efficient homes.

The Lee County Fiscal Court would like to partner with Beattyville Housing and Development as they have a proven track record developing affordable housing for residents in and around Lee County. Beattyville Housing and Development purchased property located at Woodland Avenue and would like to develop single family homes and duplexes. The seven lots utilizing CDBG funds will have deed restrictions tying the property to LMI families and each will have a forgivable mortgage and promissory note.

Exhibit 5

U.S. Fish and Wildlife Documentation



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kentucky Ecological Services Field Office
330 West Broadway, Suite 265
Frankfort, Kentucky 40601
(502) 695-0468

December 9, 2020

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

Subject: FWS 2021-B-0096; Lee County Fiscal Court/Beattyville Housing and Development, Crystal Creek Subdivision Project; Lee County, Kentucky

Dear Mr. Bates:

The U.S. Fish and Wildlife Service's Kentucky Field Office (KFO) has reviewed the request for site-specific environmental review received on October 29, 2020 along with additional information submitted on November 24, 2020. The KFO offers the following comments.

The Lee County Fiscal Court/Beattyville Housing and Development has been approved for funding through the Community Development Block Grant Project and the Appalachian Regional Commission for the development of the property at the Crystal Creek subdivision and the construction of seven energy efficient homes. The project will involve the construction of water and sewer lines, curbs, homes and paving. Based on your November 24, 2020 email, this project will not affect any caves or cave-like structures. Additionally, no tree removal is proposed.

The KFO believes that proposed project will result in no significant adverse impacts to federally listed species or their habitat. If the proposed action is subsequently modified or new information indicates that the proposed action may affect listed species or their habitat in a manner not previously considered, additional coordination with our office may be necessary.

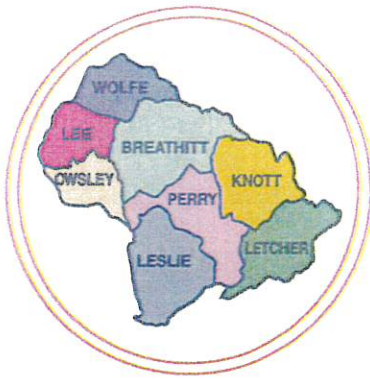
We appreciate the opportunity to review the proposed project. If you have any questions, please contact Jennifer of my staff at 502-695-0468, extension 46115.

Sincerely,

JENNIFER GARLAND

Digitally signed by JENNIFER
GARLAND
Date: 2020.12.09 11:44:10 -05'00'

for Virgil Lee Andrews, Jr.
Field Supervisor



Kentucky River

AREA
DEVELOPMENT
DISTRICT

941 N. MAIN ST. • HAZARD, KENTUCKY 41701 • PHONE 606-436-3158

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Executive Director
Michelle Allen

E-Mail: michelle@kradd.org
FAX NUMBER 606-436-2144
TDD NUMBER 1-800-247-2510
(Hearing Impaired)

October 29, 2020

US Fish and Wildlife Service
Frankfort Field Office
JC Watts Federal Building
330 West Broadway, Suite 265
Frankfort KY 40601

RE: Lee County Fiscal Court/Beattyville Housing and Development – Crystal Creek Subdivision Project

Dear Sir or Madam:

The Lee County Fiscal Court/Beattyville Housing and Development have been approved for funding through the Community Development Block Grant Program and the Appalachian Regional Commission for the above referenced project. The project will provide funding for the development of the property located at Woodland Avenue (Crystal Creek Subdivision), Beattyville, KY and the construction of 7 energy efficient homes.

The Kentucky River Area Development District has been asked to undertake an environmental review of this project to ascertain the impact of the proposed activities. There will be some ground disturbance in previously disturbed areas. The ground disturbance will occur from the construction of water and sewer lines, construction of curbs, and construction of homes and paving. The project will require tree and vegetation removal to clear the locations where the homes will be constructed. I would appreciate your office reviewing this project in relation to its potential impact(s) on any wetlands, vegetation and animal life and endangered/threatened species. I have enclosed IPAC correspondence, project location map and a project description for your reference.

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

Thank you, for your time and assistance.

Sincerely,

Lisa Napier
Community and Economic Development Specialist

Enclosures

46

LEE COUNTY CRYSTAL CREEK SUBDIVISION LOCATION MAP

PROJECT LOCATION

SCALE 1"=2000'
or 1:24000

Legend 47

 Project Area



**Lee County Fiscal Court/Beattyville Housing and Development
Crystal Creek Subdivision
Project Description**

The Lee County Fiscal Court request funding to address safe, decent and affordable housing as part of the County's Development Plan. The funding will provide development of the property located at Woodland Avenue (Crystal Creek Subdivision), Beattyville, KY, Census Tract 9501 (37°35'51.91", -83°42'27.18"), and the construction of 7 energy efficient homes.

The Lee County Fiscal Court would like to partner with Beattyville Housing and Development as they have a proven track record developing affordable housing for residents in and around Lee County. Beattyville Housing and Development purchased property located at Woodland Avenue and would like to develop single family homes and duplexes. The seven lots utilizing CDBG funds will have deed restrictions tying the property to LMI families and each will have a forgivable mortgage and promissory note.

Exhibit 6

Kentucky Fish and Wildlife Correspondence



**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES**

Andy Beshear
Governor

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

Mike Berry
Secretary

November 10, 2020

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

RE: Lee County Fiscal Court/Beattyville Housing and Development
Crystal Creek Housing Development Project

Dear Ms. Napier:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has received your request for information regarding the subject project. Based on our review of the Kentucky Fish and Wildlife Information System and the information provided we have no additional comments or concerns regarding state or federally protected species, wilderness areas or wildlife preserves, designated critical habitat, and migratory bird flyways.

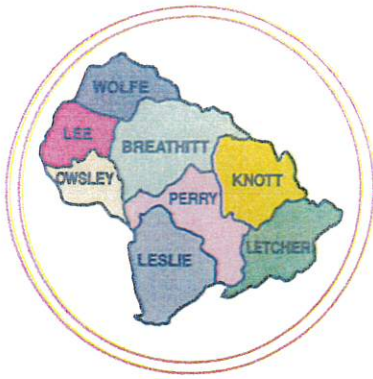
To minimize indirect impacts to the aquatic environment, the KDFWR recommends that erosion control measures be developed and implemented prior to construction to reduce siltation into waterways located within the project area. Such erosion control measures may include, but are not limited to silt fences, 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.

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

Sincerely,

Doug Dawson
Environmental Section Chief





Kentucky River

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October 29, 2020

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

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Responses can be sent by email to: lisa@kradd.org.

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Sincerely,

Lisa Napier
Community and Economic Development Specialist

Enclosures

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EXHIBIT 7

Wild and Scenic River Data



NATIONAL SYSTEM | MANAGEMENT | RESOURCES | PUBLICATIONS | CONTACT US | 50 YEARS | SITE INDEX

KENTUCKY

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



Choose A State

Choose A River

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

[+ View larger map](#)

Red River

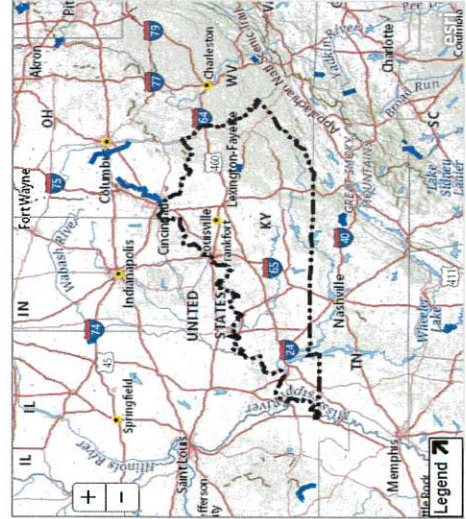
NATIONWIDE RIVERS INVENTORY | CONTACT US | PRIVACY NOTICE | Q & A SEARCH ENGINE | SITE MAP





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