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Exhibit 8  
Air Quality Data



ANDY BESHEAR  
GOVERNOR

REBECCA W. GOODMAN  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

ANTHONY R. HATTON  
COMMISSIONER

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

December 9, 2020

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

Re: Lee Co. Fiscal Court/Beattyville Housing and Development - Crystal Creek Subdivision  
Project--SERO 2020-44

Dear Ms. Napier,

The Energy and Environment Cabinet serves as the state clearinghouse for review of environmental documents generated pursuant to the National Environmental Policy Act (NEPA). Within the Cabinet, the Commissioner's Office in the Department for Environmental Protection coordinates the review for Kentucky state agencies. We received your letter requesting an environmental review for this project. We have reviewed the document and provided comments below.

**Division of Water**

**Water Infrastructure Branch:**

No comments. Questions should be directed to Jennifer Taimi, Municipal Planning Section, (502) 782-7087, [Jennifer.Taimi@ky.gov](mailto:Jennifer.Taimi@ky.gov).

The Division received an Asset Inventory Report Form on February 26, 2019 so the City of Beattyville has fulfilled the requirements for the wastewater planning requirements for regional planning agencies, 401 KAR 5:006. Questions should be directed to Lori Dials, Municipal Planning Section, (502) 782-6937, [Lori.Dials@ky.gov](mailto:Lori.Dials@ky.gov).

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[M.Malone@ky.gov](mailto:M.Malone@ky.gov).

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[andrea.Fredenburg@ky.gov](mailto:andrea.Fredenburg@ky.gov).

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[ky.gov](http://ky.gov) or (502) 564-3410.

**Management:**

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M.

**tions Branch:**

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**t Branch:**

- Utilize other emission controls that are applicable to your equipment.
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The Division also suggests an investigation into compliance with applicable local government regulations.

### Kentucky Nature Preserves

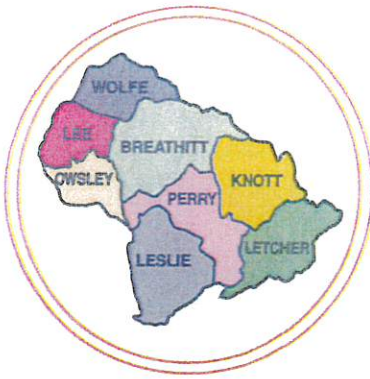
Your project might have the potential of impacting federally or state listed species and natural communities. Go to the Kentucky Biological Assessment Tool ([kynaturepreserves.org](http://kynaturepreserves.org)) to obtain a Standard Occurrence Report for information regarding listed species known within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

This review is based upon the information that was provided by the applicant. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major concerns from the review of the proposed project as presented other than those stated as conditions or comments. If you should have any questions, please contact me at (502) 782-0863 or e-mail [Louanna.Aldridge@ky.gov](mailto:Louanna.Aldridge@ky.gov).

Sincerely,



Louanna Aldridge  
Staff Assistant  
Office of the Commissioner  
Department for Environmental Protection  
Energy and Environment Cabinet



# Kentucky River

AREA  
DEVELOPMENT  
DISTRICT

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

October 29, 2020

**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**  
Jeff Noble - Breathitt Co.  
Jeff Dobson - Knott Co.  
Chuck Caudill - Lee Co.  
William R. Lewis - Leslie Co.  
Terry Adams - Letcher Co.  
Cale Turner - Owsley Co.  
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" 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)

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

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

Dear Louanna:

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

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

There will be some ground disturbance in previously disturbed area. 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 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

# LEE COUNTY CRYSTAL CREEK SUBDIVISION LOCATION MAP

PROJECT LOCATION

SCALE 1"=2000'  
or 1:24000

Legend 62  
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 9

Division of Water Correspondence





ANDY BESHEAR  
GOVERNOR

REBECCA W. GOODMAN  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

ANTHONY R. HATTON  
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**Water Infrastructure Branch:**

No comments. Questions should be directed to Jennifer Taimi, Municipal Planning Section, (502) 782-7087, [Jennifer.Taimi@ky.gov](mailto:Jennifer.Taimi@ky.gov).

The Division received an Asset Inventory Report Form on February 26, 2019 so the City of Beattyville has fulfilled the requirements for the wastewater planning requirements for regional planning agencies, 401 KAR 5:006. Questions should be directed to Lori Dials, Municipal Planning Section, (502) 782-6937, [Lori.Dials@ky.gov](mailto:Lori.Dials@ky.gov).

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issue the construction permit. Questions should be directed to Michael Snyder, Engineering Section, (502) 782-1235, [Michael.Snyder@ky.gov](mailto:Michael.Snyder@ky.gov).

No comments. Questions should be directed to Mollye Malone, Engineering Section, (502) 782-0148, [Mollye.Malone@ky.gov](mailto:Mollye.Malone@ky.gov).

**Water Quality Branch:**

No comments. Questions should be directed to Andrea Fredenburg, Water Quality Branch, (502) 782-6950, [Andrea.Fredenburg@ky.gov](mailto:Andrea.Fredenburg@ky.gov).

**Water Resources Branch:**

This proposed project does not require a Kentucky DOW Application for Permit to Construct Across or Along a Stream. Questions should be directed to Shawn Hokanson, Floodplain Management Section, (502) 782-6977, [Shawn.Hokanson@ky.gov](mailto:Shawn.Hokanson@ky.gov).

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

**Watershed Management:**

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](mailto:Chloe.Brantley@ky.gov).

The proposed work is endorsed by the Groundwater Section of the Watershed Management Branch. However, there are domestic groundwater water well users in the vicinity of the proposed work. 401 KAR 6:310 provides minimum standards and requirements for construction, modification, and abandonment of water supply wells. 401 and KAR 6:320 provides for the certification of water well drillers, including the requirements for examination, application, and disciplinary action. Questions should be directed to Scotty Robertson at 502-782-7054 or [Scotty.Robertson@ky.gov](mailto:Scotty.Robertson@ky.gov). 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 Adam Nolte, Groundwater Section, (502) 782-1312, [Adam.Nolte@ky.gov](mailto:Adam.Nolte@ky.gov) or Kurtis Spears, Groundwater Section, (502) 782-7119, [Kurtis.Spears@ky.gov](mailto:Kurtis.Spears@ky.gov).

**Field Operations Branch:**

Since the site area would be greater than 1 acre, developers would need to submit an application for a Kentucky Pollutant Discharge Elimination System (KPDES) General Stormwater Construction Activities permit and receive approval from DOW before implementing construction. Construction plans would need to include development of a Stormwater Pollution Prevention Plan (SWPPP) applicable to the site and install/maintain proper Best Management Practices (BMPs) within the project area and throughout the duration of project to ensure protection of surface waters. Questions should be directed to Connie Coy, Field Operations Branch, (502) 782-6587, [Constance.Coy@ky.gov](mailto:Constance.Coy@ky.gov).

**Enforcement Branch:**

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](mailto:Timothy.Harrod@ky.gov).

**Division of Waste Management**

Based on the information provided by the applicant for this project:  
UST Branch records indicate the following underground storage tank site issues identified within the project impact area:

Active Sites:

**Southside Fuels**

**MASTER AI ID:** 59981

**LONGITUDE:** -83.7073

**LATITUDE:** 37.5959

**Bobcat Restaurant**

**MASTER AI ID:** 59979

**LONGITUDE:** -83.7073

**LATITUDE:** 37.5959

Closed Sites:

**Youth Haven Bible Camp**

**MASTER AI ID:** 59958

**LONGITUDE:** -83.7073

**LATITUDE:** 37.5959

**Lee Co Bd Of Ed School Bus Garage**

**MASTER AI ID:** 59994

**LONGITUDE:** -83.709206

**LATITUDE:** 37.583889

If any UST's are encountered during the project construction they should be reported to KDWM. Any UST issues or questions should be directed to the UST Branch.

Superfund Branch records indicate the following superfund site issues identified within the project impact area:

**Beattyville Housing & Development Corp Property**

**MASTER AI ID:** 126553

**SUBJECT ITEM DESIGNATION:** Meth Lab

**CLOSURE OPTION DESC:** Option C Restored

**CLOSURE DATE:** 07/19/2015

**LAT LONG SOURCE:** SI

**LONGITUDE:** -83.707504

**LATITUDE:** 37.59815

Any superfund issues or questions should be directed to the Superfund Branch.

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

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

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

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

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

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

### **Division for Air Quality**

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

**401 KAR 63:005** states that open burning shall be prohibited except as specifically provided. Open Burning is defined as the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney. However, open burning may be utilized for the expressed purposes listed on the Open Burning Brochure located at <https://eec.ky.gov/Environmental-Protection/Air/Pages/Open-Burning.aspx>

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

- Utilize alternatively fueled equipment.

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

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

### Kentucky Nature Preserves

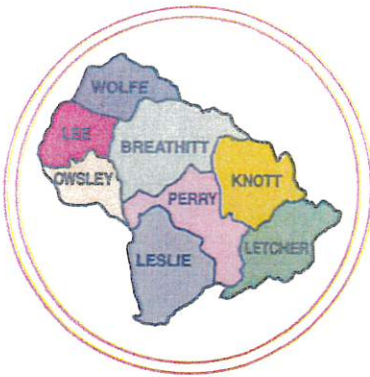
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Staff Assistant  
Office of the Commissioner  
Department for Environmental Protection  
Energy and Environment Cabinet



# Kentucky River AREA DEVELOPMENT DISTRICT

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

October 29, 2020

**CHAIRMAN**  
Pam Pilgrim  
**VICE-CHAIRMAN**  
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**TREASURER**  
Terry Adams  
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Cale Turner - Owsley Co.  
Scott Alexander - Perry Co.  
Raymond Banks - Wolfe Co.  
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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" 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  
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(Hearing Impaired)

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Thank you, for your time and assistance.

Sincerely,

Lisa Napier  
Community and Economic Development Specialist


# LEE COUNTY CRYSTAL CREEK SUBDIVISION LOCATION MAP



PROJECT LOCATION

SCALE 1"=2000'  
or 1:24000

**Legend**

-  Project Area

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Crystal Creek Subdivision  
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Exhibit 10  
Site Contamination Data



ANDY BESHEAR  
GOVERNOR

REBECCA W. GOODMAN  
SECRETARY

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DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

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

**Watershed Management:**

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](mailto:Chloe.Brantley@ky.gov).

The proposed work is endorsed by the Groundwater Section of the Watershed Management Branch. However, there are domestic groundwater water well users in the vicinity of the proposed work. 401 KAR 6:310 provides minimum standards and requirements for construction, modification, and abandonment of water supply wells. 401 and KAR 6:320 provides for the certification of water well drillers, including the requirements for examination, application, and disciplinary action. Questions should be directed to Scotty Robertson at 502-782-7054 or [Scotty.Robertson@ky.gov](mailto:Scotty.Robertson@ky.gov). 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 Adam Nolte, Groundwater Section, (502) 782-1312, [Adam.Nolte@ky.gov](mailto:Adam.Nolte@ky.gov) or Kurtis Spears, Groundwater Section, (502) 782-7119, [Kurtis.Spears@ky.gov](mailto:Kurtis.Spears@ky.gov).

**Field Operations Branch:**

Since the site area would be greater than 1 acre, developers would need to submit an application for a Kentucky Pollutant Discharge Elimination System (KPDES) General Stormwater Construction Activities permit and receive approval from DOW before implementing construction. Construction plans would need to include development of a Stormwater Pollution Prevention Plan (SWPPP) applicable to the site and install/maintain proper Best Management Practices (BMPs) within the project area and throughout the duration of project to ensure protection of surface waters. Questions should be directed to Connie Coy, Field Operations Branch, (502) 782-6587, [Constance.Coy@ky.gov](mailto:Constance.Coy@ky.gov).

**Enforcement Branch:**

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](mailto:Timothy.Harrod@ky.gov).

### **Division of Waste Management**

Based on the information provided by the applicant for this project:  
UST Branch records indicate the following underground storage tank site issues identified within the project impact area:

Active Sites:

**Southside Fuels**

**MASTER AI ID:** 59981

**LONGITUDE:** -83.7073

**LATITUDE:** 37.5959

**Bobcat Restaurant**

**MASTER AI ID:** 59979

**LONGITUDE:** -83.7073

**LATITUDE:** 37.5959

Closed Sites:

**Youth Haven Bible Camp**

**MASTER AI ID:** 59958

**LONGITUDE:** -83.7073

**LATITUDE:** 37.5959

**Lee Co Bd Of Ed School Bus Garage**

**MASTER AI ID:** 59994

**LONGITUDE:** -83.709206

**LATITUDE:** 37.583889

If any UST's are encountered during the project construction they should be reported to KDWM. Any UST issues or questions should be directed to the UST Branch.

Superfund Branch records indicate the following superfund site issues identified within the project impact area:

**Beattyville Housing & Development Corp Property**

**MASTER AI ID:** 126553

**SUBJECT ITEM DESIGNATION:** Meth Lab

**CLOSURE OPTION DESC:** Option C Restored

**CLOSURE DATE:** 07/19/2015

**LAT LONG SOURCE:** SI

**LONGITUDE:** -83.707504

**LATITUDE:** 37.59815

Any superfund issues or questions should be directed to the Superfund Branch.

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

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

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

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

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

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

### **Division for Air Quality**

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

**401 KAR 63:005** states that open burning shall be prohibited except as specifically provided. Open Burning is defined as the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney. However, open burning may be utilized for the expressed purposes listed on the Open Burning Brochure located at <https://eec.ky.gov/Environmental-Protection/Air/Pages/Open-Burning.aspx>

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

- Utilize alternatively fueled equipment.

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

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

### Kentucky Nature Preserves

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

This review is based upon the information that was provided by the applicant. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major concerns from the review of the proposed project as presented other than those stated as conditions or comments. If you should have any questions, please contact me at (502) 782-0863 or e-mail [Louanna.Aldridge@ky.gov](mailto:Louanna.Aldridge@ky.gov).

Sincerely,

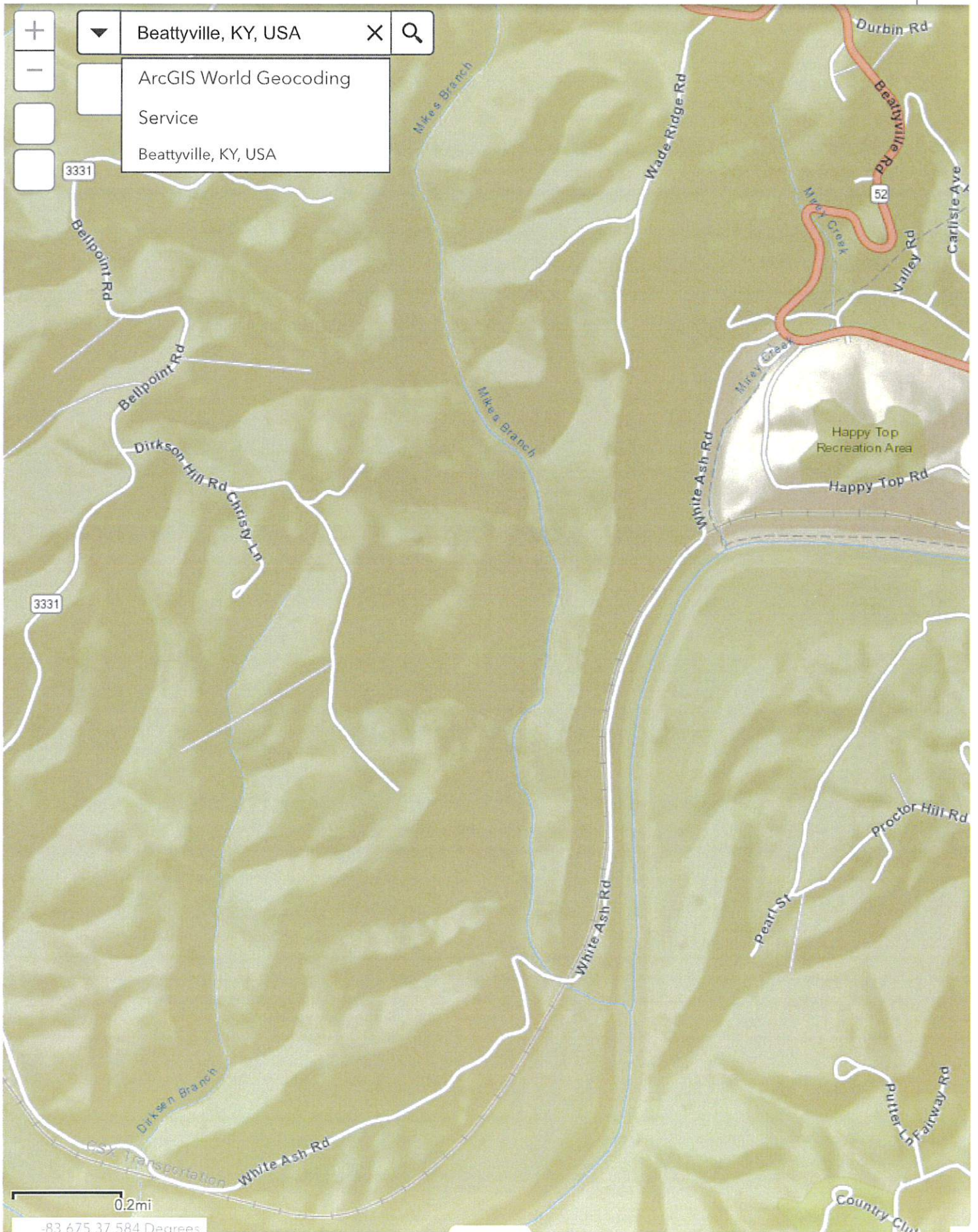


Louanna Aldridge  
Staff Assistant  
Office of the Commissioner  
Department for Environmental Protection  
Energy and Environment Cabinet

Exhibit 11  
Sole Source Aquifer Data



# Sole Source Aquifers





Sole Source Aquifers

Beattyville, KY, USA X Q

ARCIS World Geocoding Service

Beattyville, KY, USA

Search result: Beattyville, KY, USA

Zoom to

83.70437, 38.583 Degrees

11:55 AM 1/6/2021

Exhibit 12

Division of Waste Management Correspondence



ANDY BESHEAR  
GOVERNOR

REBECCA W. GOODMAN  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

ANTHONY R. HATTON  
COMMISSIONER

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

December 9, 2020

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

Re: Lee Co. Fiscal Court/Beattyville Housing and Development - Crystal Creek Subdivision  
Project--SERO 2020-44

Dear Ms. Napier,

The Energy and Environment Cabinet serves as the state clearinghouse for review of environmental documents generated pursuant to the National Environmental Policy Act (NEPA). Within the Cabinet, the Commissioner's Office in the Department for Environmental Protection coordinates the review for Kentucky state agencies. We received your letter requesting an environmental review for this project. We have reviewed the document and provided comments below.

**Division of Water**

**Water Infrastructure Branch:**

No comments. Questions should be directed to Jennifer Taimi, Municipal Planning Section, (502) 782-7087, [Jennifer.Taimi@ky.gov](mailto:Jennifer.Taimi@ky.gov).

The Division received an Asset Inventory Report Form on February 26, 2019 so the City of Beattyville has fulfilled the requirements for the wastewater planning requirements for regional planning agencies, 401 KAR 5:006. Questions should be directed to Lori Dials, Municipal Planning Section, (502) 782-6937, [Lori.Dials@ky.gov](mailto:Lori.Dials@ky.gov).

Construction of water and sewer lines will each require separate construction permits from the KY DOW. For sewer lines, Construction Permit Application Form S-1 will need to be submitted. Form S-1 can be downloaded here: <https://eec.ky.gov/Environmental-Protection/Water/PermitCert/Pages/WWCSConst.aspx>. For waterlines, Construction Permit Application Form DW-1 will need to be submitted. Form DW-1 can be downloaded here: <https://eec.ky.gov/Environmental-Protection/Water/PermitCert/Pages/Approvals.aspx>. Include the engineering plans and specifications as well as utility/owner approval letters with each form. The DOW Water Infrastructure Branch's Engineering Section will review each application and

issue the construction permit. Questions should be directed to Michael Snyder, Engineering Section, (502) 782-1235, [Michael.Snyder@ky.gov](mailto:Michael.Snyder@ky.gov).

No comments. Questions should be directed to Mollye Malone, Engineering Section, (502) 782-0148, [Mollye.Malone@ky.gov](mailto:Mollye.Malone@ky.gov).

**Water Quality Branch:**

No comments. Questions should be directed to Andrea Fredenburg, Water Quality Branch, (502) 782-6950, [Andrea.Fredenburg@ky.gov](mailto:Andrea.Fredenburg@ky.gov).

**Water Resources Branch:**

This proposed project does not require a Kentucky DOW Application for Permit to Construct Across or Along a Stream. Questions should be directed to Shawn Hokanson, Floodplain Management Section, (502) 782-6977, [Shawn.Hokanson@ky.gov](mailto:Shawn.Hokanson@ky.gov).

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

**Watershed Management:**

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The proposed work is endorsed by the Groundwater Section of the Watershed Management Branch. However, there are domestic groundwater water well users in the vicinity of the proposed work. 401 KAR 6:310 provides minimum standards and requirements for construction, modification, and abandonment of water supply wells. 401 and KAR 6:320 provides for the certification of water well drillers, including the requirements for examination, application, and disciplinary action. Questions should be directed to Scotty Robertson at 502-782-7054 or [Scotty.Robertson@ky.gov](mailto:Scotty.Robertson@ky.gov). 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 Adam Nolte, Groundwater Section, (502) 782-1312, [Adam.Nolte@ky.gov](mailto:Adam.Nolte@ky.gov) or Kurtis Spears, Groundwater Section, (502) 782-7119, [Kurtis.Spears@ky.gov](mailto:Kurtis.Spears@ky.gov).

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**Enforcement Branch:**

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](mailto:Timothy.Harrod@ky.gov).

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#### **Lee Co Bd Of Ed School Bus Garage**

**MASTER AI ID:** 59994

**LONGITUDE:** -83.709206

**LATITUDE:** 37.583889

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**CLOSURE OPTION DESC:** Option C Restored

**CLOSURE DATE:** 07/19/2015

**LAT LONG SOURCE:** SI

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### **Division for Air Quality**

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**401 KAR 63:005** states that open burning shall be prohibited except as specifically provided. Open Burning is defined as the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney. However, open burning may be utilized for the expressed purposes listed on the Open Burning Brochure located at <https://eec.ky.gov/Environmental-Protection/Air/Pages/Open-Burning.aspx>

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

- Utilize alternatively fueled equipment.

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

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

### Kentucky Nature Preserves

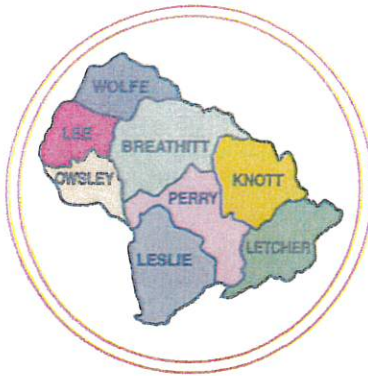
Your project might have the potential of impacting federally or state listed species and natural communities. Go to the Kentucky Biological Assessment Tool ([kynaturepreserves.org](http://kynaturepreserves.org)) to obtain a Standard Occurrence Report for information regarding listed species known within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

This review is based upon the information that was provided by the applicant. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major concerns from the review of the proposed project as presented other than those stated as conditions or comments. If you should have any questions, please contact me at (502) 782-0863 or e-mail [Louanna.Aldridge@ky.gov](mailto:Louanna.Aldridge@ky.gov).

Sincerely,



Louanna Aldridge  
Staff Assistant  
Office of the Commissioner  
Department for Environmental Protection  
Energy and Environment Cabinet



# Kentucky River AREA DEVELOPMENT DISTRICT

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

October 29, 2020

**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**

- Jeff Noble - Breathitt Co.
- Jeff Dobson - Knott Co.
- Chuck Caudill - Lee Co.
- William R. Lewis - Leslie Co.
- Terry Adams - Letcher Co.
- Cale Turner - Owsley Co.
- 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)

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

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

Dear Louanna:

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

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

There will be some ground disturbance in previously disturbed area. 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 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



# LEE COUNTY CRYSTAL CREEK SUBDIVISION LOCATION MAP



PROJECT LOCATION

SCALE 1"=2000'  
or 1:24000

**Legend** 89

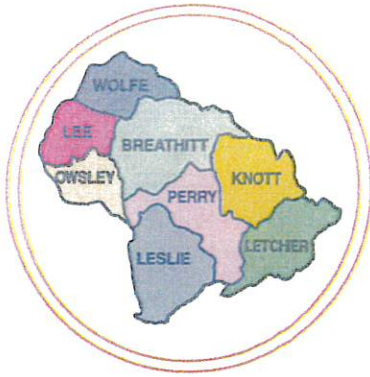
 Project Area

**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 13  
FEMA Correspondence



# Kentucky River

AREA  
DEVELOPMENT  
DISTRICT

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

October 29, 2020

**CHAIRMAN**  
Pam Pilgrim  
**VICE-CHAIRMAN**  
Tracy Neice  
Mayor  
**TREASURER**  
Terry Adams  
Judge/Executive  
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Gregory Whitson  
**PARLIAMENTARIAN**  
Laura Thomas  
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**Mayors**  
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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" 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)

Federal Emergency Management Agency  
Region IV  
3003 Chamblee Tucker Road  
Atlanta GA 30341

**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 issues under your jurisdiction for Lee County or the Commonwealth of Kentucky. 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](mailto:lisa@kradd.org).

Thank you, for your time and assistance.

Sincerely,

Lisa Napier  
Community and Economic Development Specialist

Enclosures

92


# LEE COUNTY CRYSTAL CREEK SUBDIVISION LOCATION MAP



PROJECT LOCATION

SCALE 1"=2000'  
or 1:24000

**Legend 93**

 Project Area

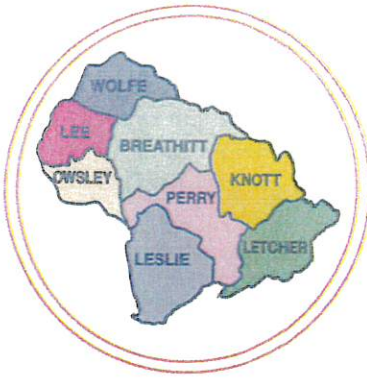
**Lee County Fiscal Court/Beattyville Housing and Development  
Crystal Creek Subdivision  
Project Description**

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 14

Tribal Historic Preservation Office



# Kentucky River

AREA  
DEVELOPMENT  
DISTRICT

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

October 29, 2020

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Terry Adams  
Judge/Executive  
**SECRETARY**  
Gregory Whitson  
**PARLIAMENTARIAN**  
Laura Thomas  
Mayor

Richard Townsend  
Eastern Band of Cherokee Indians  
Tribal Historic Preservation Office  
PO Box 455  
Cherokee, NC 28719

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

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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

Dear Richard:

The Lee County Fiscal Court/Beattyville Housing and Development have been approved 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 historic properties in the project area that may have religious and cultural significance to your tribe. 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](mailto:lisa@kradd.org).

Thank you, for your time and assistance.

Sincerely,

Lisa Napier  
Community and Economic Development Specialist

**Executive Director**  
Michelle Allen

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

Enclosures

96



# LEE COUNTY CRYSTAL CREEK SUBDIVISION LOCATION MAP



PROJECT LOCATION

SCALE 1"=2000'  
or 1:24000

Legend 97

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 15

USACOE

**From:** Branham, Justin L CIV USARMY CELRL (USA) <Justin.L.Branham@usace.army.mil>  
**Sent:** Thursday, December 10, 2020 12:43 PM  
**To:** lisa@kradd.org  
**Subject:** LRL-2020-1057 - Lee County Fiscal Court Crystal Creek Subdivision

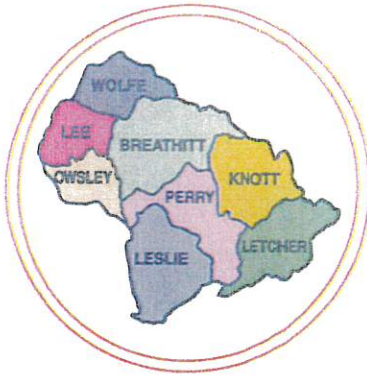
**From:** Branham, Justin L CIV USARMY CELRL (USA)  
**Sent:** Thursday, December 10, 2020 12:42 PM  
**To:** lisa@kradd.org  
**Subject:** LRL-2020-1057 - Lee County Fiscal Court Crystal Creek Subdivision

Ms. Napier;

This email will serve as our official response to the above referenced request. A hard copy will not be mailed unless one is requested. Based on the information submitted, it does NOT appear that a permit would be required for the above referenced project as no discharge of fill or dredged material is proposed within aquatic resources. The information submitted by the applicant, consultant or agent indicated that the project does not involve the discharge of dredged or fill material into "waters of the U.S." and is therefore not a regulated activity. If the scope of the project changes and the project would necessitate the discharge of fill material into any aquatic resource, please contact our office to determine permit requirements. If you have any questions, please do not hesitate to contact me. Thank you for your awareness of our regulatory program

Thank you,

Justin Branham  
Team Leader / Regulatory Specialist  
U.S. Army Corps of Engineers - Louisville District Eastern Kentucky Regulatory Office  
845 Sassafras Creek Road  
Sassafras, KY 41759  
Phone: 606-642-3208  
Email: [Justin.L.Branham@usace.army.mil](mailto:Justin.L.Branham@usace.army.mil)  
Comments on our Regulatory Services are invited:  
[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)



# Kentucky River

AREA  
DEVELOPMENT  
DISTRICT

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

October 29, 2020

**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**

Jeff Noble - Breathitt Co.  
Jeff Dobson - Knott Co.  
Chuck Caudill - Lee Co.  
William R. Lewis - Leslie Co.  
Terry Adams - Letcher Co.  
Cale Turner - Owsley Co.  
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" Mobelini - Hazard  
Tom Burns - Buckhorn  
Kathi May - Campton

**Citizen Members**

Roy Darrell Herald  
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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)

Justin Branham  
Team Leader / Regulatory Specialist  
U.S. Army Corps of Engineers - Louisville District Eastern Kentucky Regulatory Office  
845 Sassafras Creek Road  
Sassafras, KY 41759

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

Dear Mr. Branham:

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 or permit issues under 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](mailto:lisa@kradd.org).

Thank you, for your time and assistance.

Sincerely,

Lisa Napier  
Community and Economic Development Specialist

Enclosures

101


# LEE COUNTY CRYSTAL CREEK SUBDIVISION LOCATION MAP



PROJECT LOCATION

SCALE 1" = 2000'  
or 1:24000

**Legend** 102

 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 16**  
**Project Maps**




# LEE COUNTY CRYSTAL CREEK SUBDIVISION LOCATION MAP



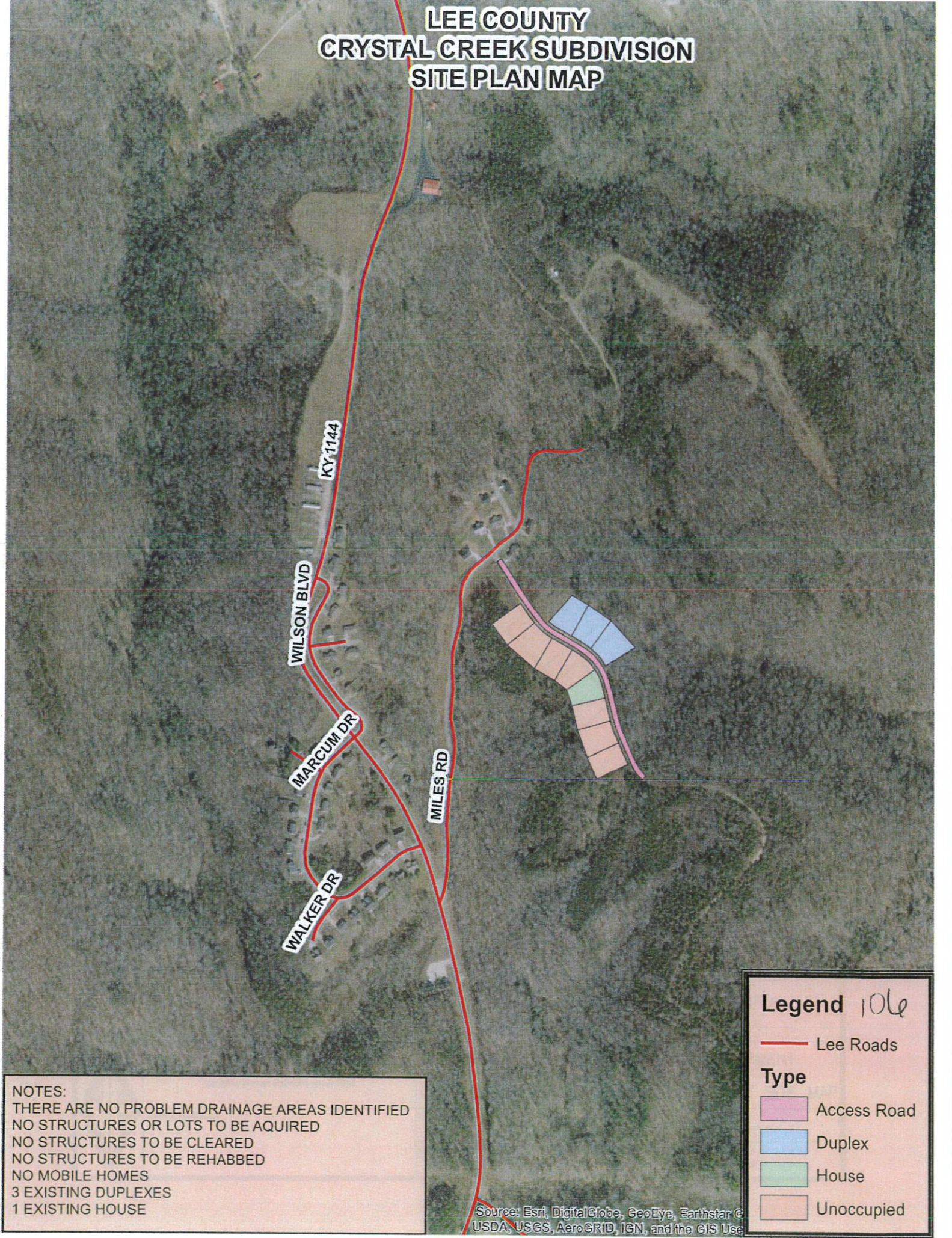
PROJECT LOCATION

SCALE 1"=2000'  
or 1:24000

**Legend 105**

 Project Area

# 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** 106

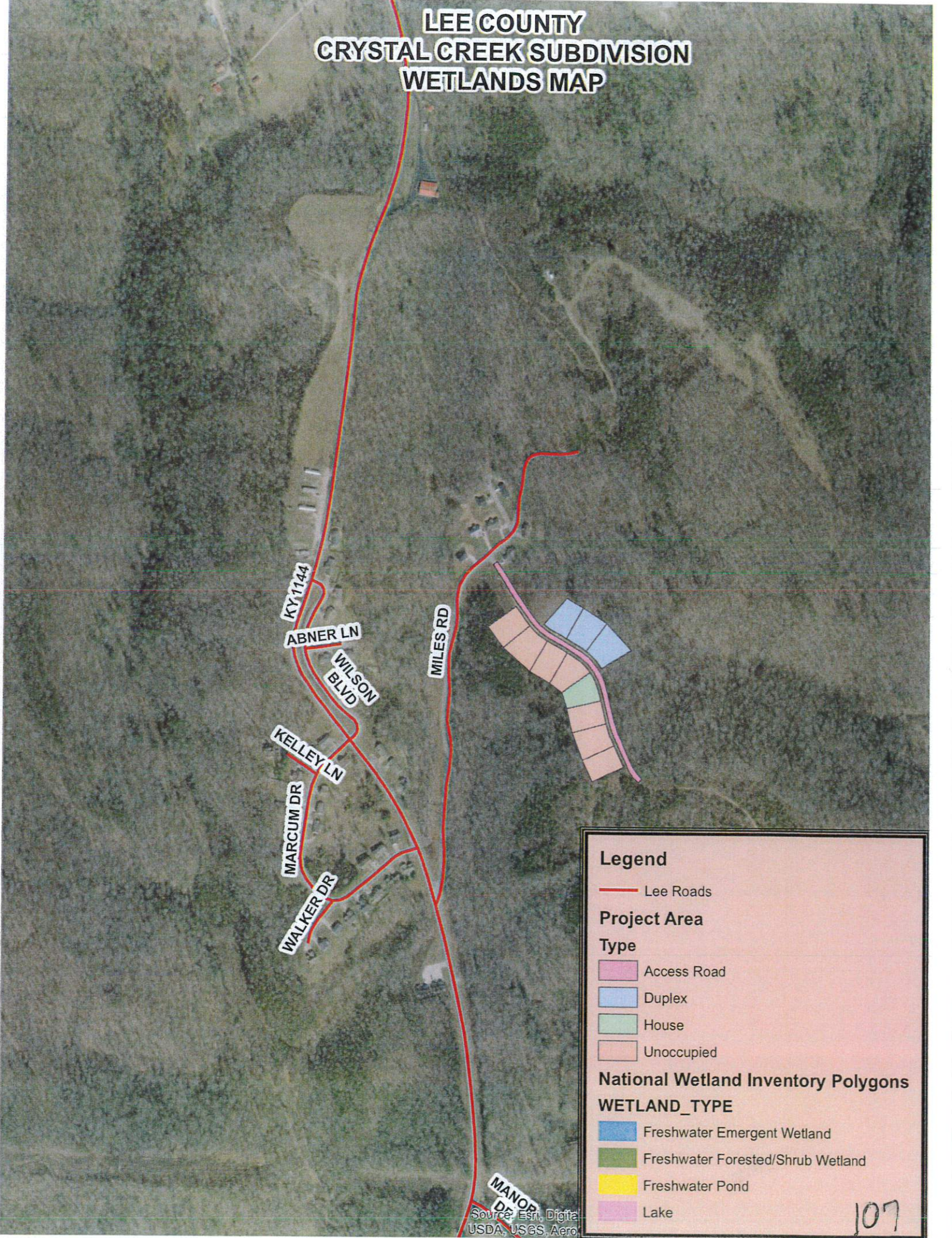
- Lee Roads

**Type**

- Access Road
- Duplex
- House
- Unoccupied

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

# LEE COUNTY CRYSTAL CREEK SUBDIVISION WETLANDS MAP



## Legend

— Lee Roads

### Project Area

#### Type

- Access Road
- Duplex
- House
- Unoccupied

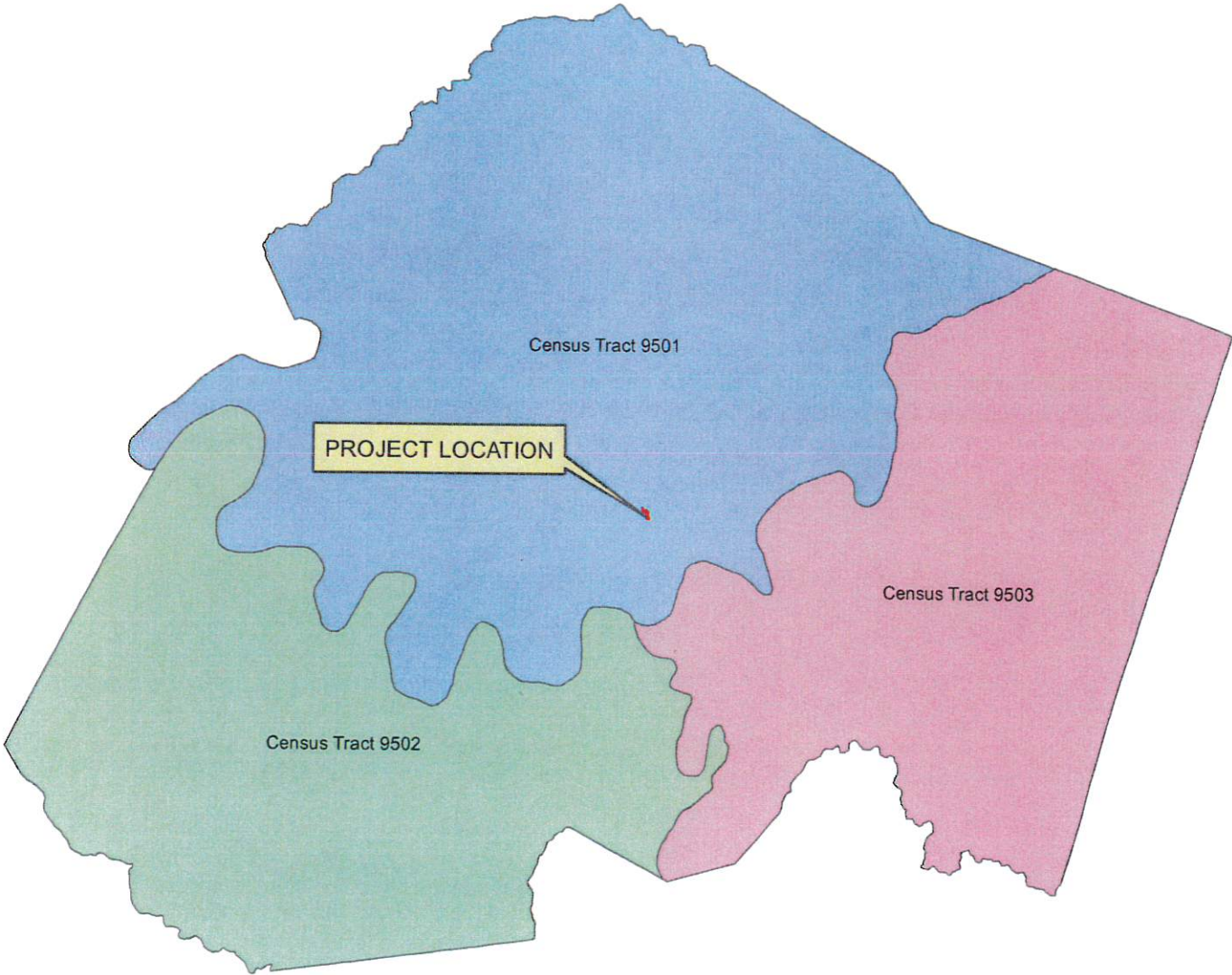
### National Wetland Inventory Polygons

#### WETLAND\_TYPE


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

MANOP DR  
Source: Esri, Digital  
USDA, USGS, Aero

LEE COUNTY  
CRYSTAL CREEK SUBDIVISION  
CENSUS TRACT MAP





**Legend**


 Project Area

**Census Tracts**

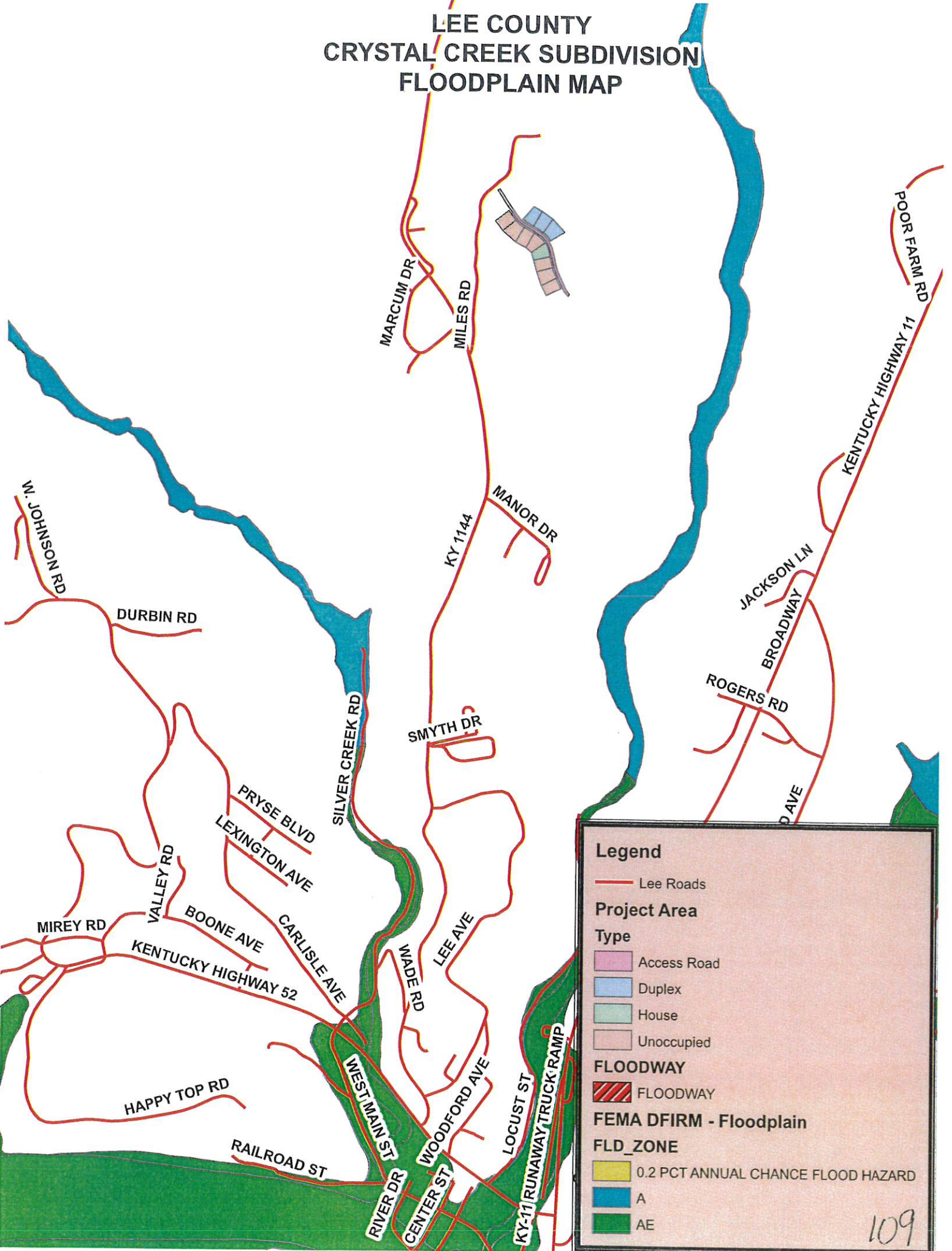
**Tract Name**

 Census Tract 9501

 Census Tract 9502

 Census Tract 9503

# LEE COUNTY CRYSTAL CREEK SUBDIVISION FLOODPLAIN MAP



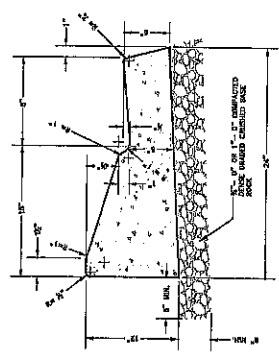
**Legend**

- 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



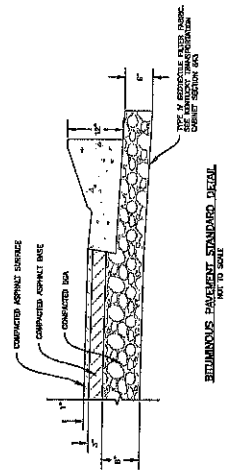
September, 2018  
 1" = 50'  
 BEATTYVILLE HOUSING & DEVELOPMENT, INC.  
 BEATTYVILLE CREEK - PHASE 4  
 BEATTYVILLE HOUSING & DEVELOPMENT, INC.  
 66 EAST MAIN STREET  
 BEATTYVILLE, KENTUCKY 41311

CRYSTAL CREEK - PHASE 4 - PRELIMINARY

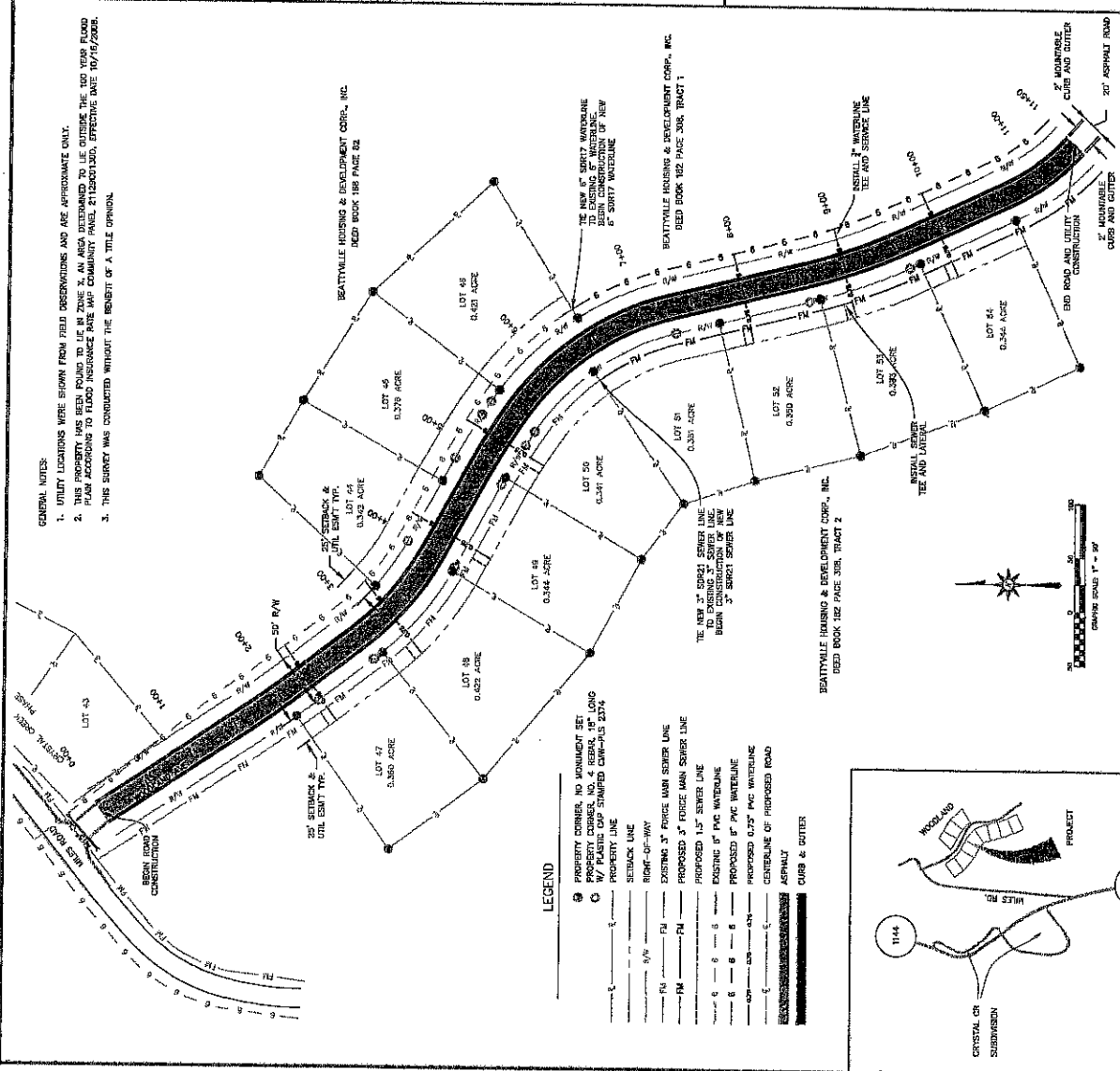


12" DIAMETER CURB STANDARD DRAIN  
 NOT TO SCALE

1. ALL DRAIN AND PAVING LAY SUBGRADE TO BE PROOF ROLLED AND TESTED PER TO THE PER OF GENERAL
2. ALL PAVING SHALL MEET THE REQUIREMENTS OF THE EXISTING TRANSPORTATION COMMISSION SPECIFICATIONS.
3. THE SUBGRADE SHALL BE PROOF ROLLED AND TESTED PER TO THE PER OF GENERAL
4. GENERAL FIELD NOTES IS INCORPORATED TO THE THIS OF APPROVAL.

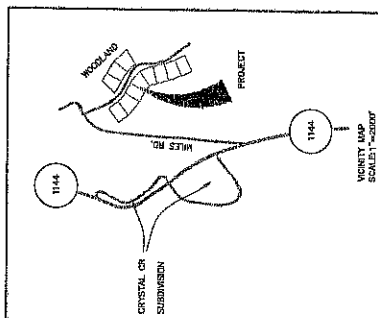


BITUMINOUS PAVEMENT STANDARD DRAIN  
 NOT TO SCALE

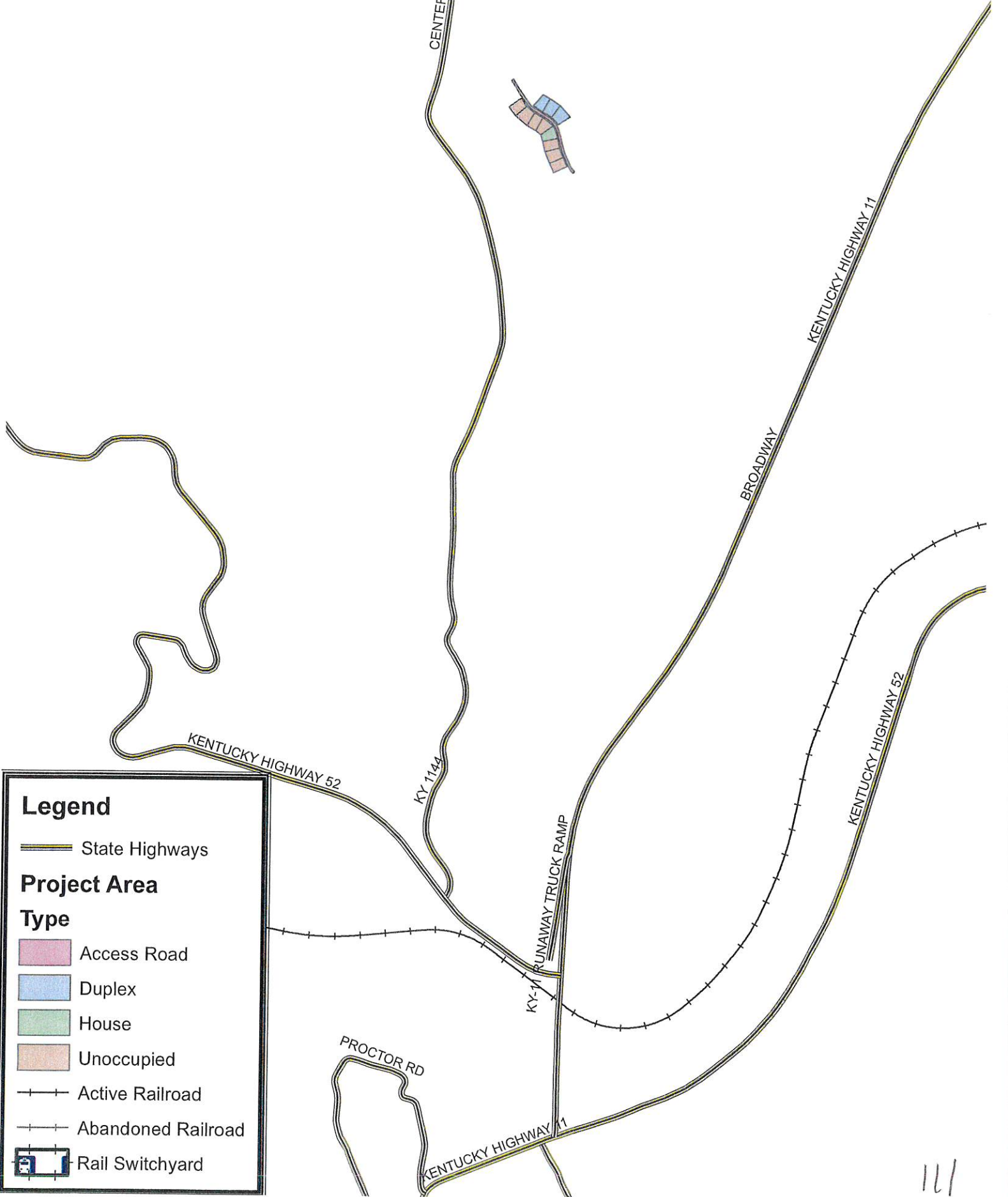


- GENERAL NOTES:
1. UTILITY LOCATIONS WERE SHOWN FROM FIELD OBSERVATIONS AND ARE APPROXIMATE ONLY.
  2. THIS PROPERTY WAS BEING FOUND TO BE IN ZONE X, AN AREA DETERMINED TO BE OUTSIDE THE 100 YEAR FLOOD PLAIN ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL 2112010100. EFFECTIVE DATE 10/16/2008.
  3. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE OPINION.

- LEGEND
- PROPERTY CORNER, NO MONUMENT SET
  - PROPERTY CORNER, NO. 4 REBAR, 18" LONG
  - PROPERTY CORNER, 1/2" STAMPED CONCRETE, 18" x 18"
  - PROPERTY LINE
  - SEWER LINE
  - RIGHT-OF-WAY
  - EXISTING 3" FORCE MAIN SEWER LINE
  - PROPOSED 3" FORCE MAIN SEWER LINE
  - EXISTING 1.5" WATERLINE
  - PROPOSED 1.5" WATERLINE
  - EXISTING 6" PVC WATERLINE
  - PROPOSED 6" PVC WATERLINE
  - PROPOSED 0.75" PVC WATERLINE
  - CENTRELINE OF PROPOSED ROAD
  - ASPHALT
  - CURB & GUTTER



# LEE COUNTY CRYSTAL CREEK SUBDIVISION HIGHWAY & RAILROAD MAP



**Legend**

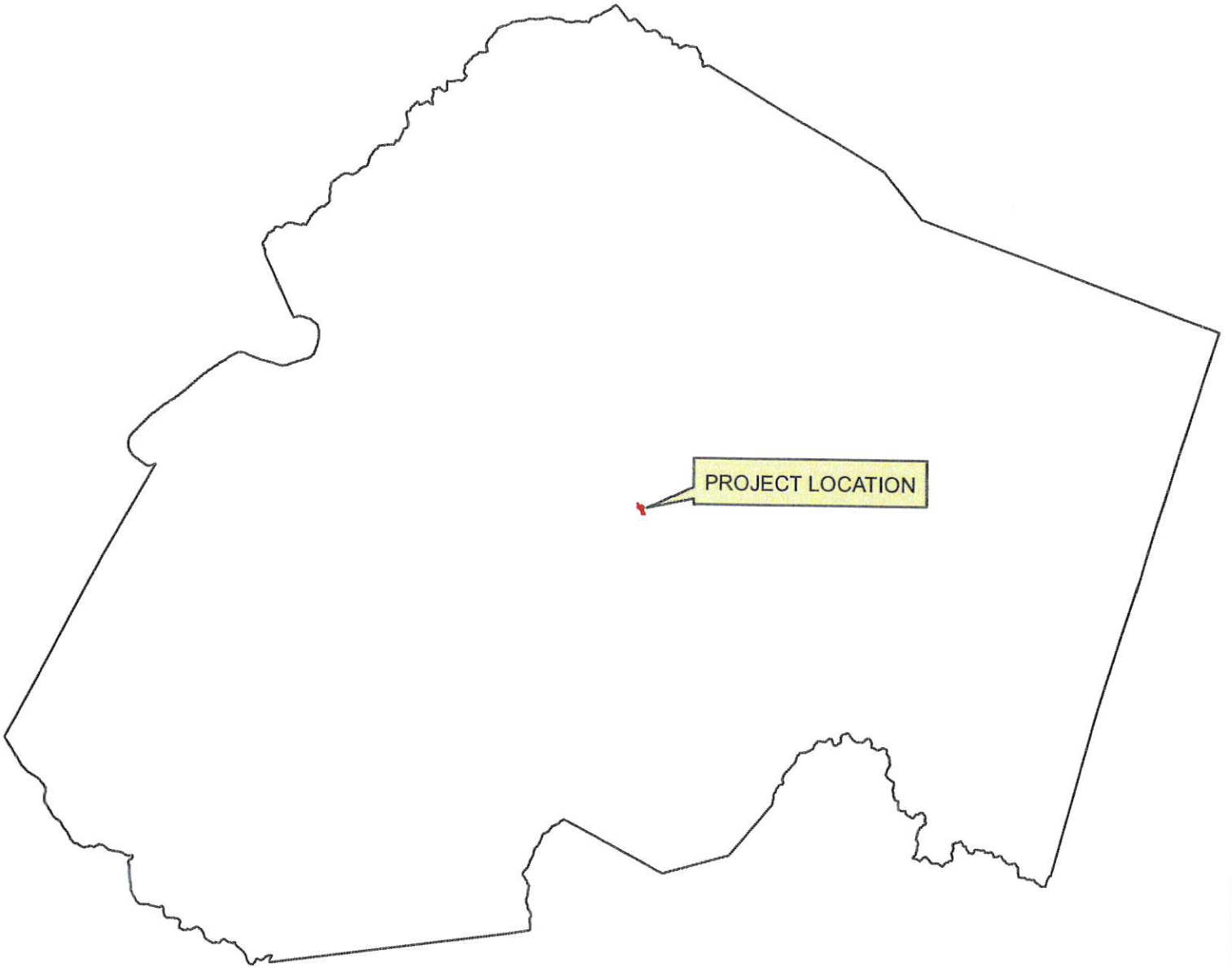
State Highways

**Project Area**

**Type**

- Access Road
- Duplex
- House
- Unoccupied
- Active Railroad
- Abandoned Railroad
- Rail Switchyard

**LEE COUNTY  
CRYSTAL CREEK SUBDIVISION  
JURISDICTION MAP**



**Legend**

-  Project Area
-  Lee County

**Notes:**  
There are no Minority Concentrations  
within the jurisdiction.

112



Exhibit 17  
Combined Notice to Public of No Significant Impact  
And  
Notice to Public of Request for Release of Funds  
And Tear Sheet

**COMBINED NOTICE**  
**NOTICE TO PUBLIC OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT**  
**AND NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FUNDS**

Date January 20, 2021

Lee County Fiscal Court

(Name of Applicant)

256 Main Street, Beattyville, KY 41311

(Street, City, Zip Code)

(606) 464-4100

(Telephone #)

These notices shall satisfy two separate but related procedural requirements for the activities to be undertaken by the Lee County Fiscal Court

TO ALL INTERESTED AGENCIES, GROUPS, AND PERSONS:

Request for Release of Funds

On or about February 5, 2021, the Lee County Fiscal Court will submit a request to the Department for Local Government for the release of the Community Development Block Grant (CDBG) and Appalachian Regional Commission (ARC) funds under Title 1 of the Housing and Community Development Act of 1974 (PI 93-383) to undertake the following project:

Crystal Creek Subdivision Project

(Project Title or Name)

Provide development of infrastructure as well as assist in building seven (7) energy efficient homes.

(Purpose or Nature of the Project)

Beattyville, Lee County, Kentucky

(Location – City, County, State – of Project)

9501

(Census Tract(s))

Finding of No Significant Impact

The Lee County Fiscal Court has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) (PL-91-190) is not required. An Environmental Review Record (ERR) respecting the within project has been made by the Lee County Fiscal Court which documents the environmental review of the project and more fully sets forth the reasons why such Statements is not required. This Environmental Review Record is on file at the Fiscal Court's office at 256 Main Street, Beattyville, KY and is available at [www.kradd.org](http://www.kradd.org) for public examination and copying, or upon request at the Fiscal Court's office between the hours of 8:00 AM and 4:00 PM. No further

environmental review of such project is proposed to be conducted.

### Public Comments

All interested agencies, groups and persons disagreeing with the ERR decision are invited to submit written comments for consideration by the Lee County Fiscal Court to the Fiscal Court's office. Such written comments should be received at 256 Main Street, Beattyville, KY 41311 or [lisa@kradd.org](mailto:lisa@kradd.org) on or before February 4, 2021. All such comments so received will be considered prior to authorizing submission of a request for a release of funds or taking any administrative action on the within project prior to the date specified on the proceeding sentence. Comments should specify which Notice they are addressing.

### Environmental Certification

The Lee County Fiscal Court will undertake the project described above with Community Development Block Grant and Appalachian Regional Commission funds from the Department for Local Government under Title I of the Housing and Community Development Act of 1974. The Lee County Fiscal Court is certifying to the state that the Lee County Fiscal Court and Charles Caudill, in his official capacity as Judge Executive consent to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval the Lee County Fiscal Court may use the Community Development Block Grant and Appalachian Regional Commission funds and the state and HUD will have satisfied their responsibilities under the National Environmental Policy Act of 1969 and related laws and authorities.

### Objection to Release of Funds

The state will accept objections to its release of funds and the Lee County Fiscal Court

certification for a period of fifteen days following the anticipated submission dates or it's actual receipt for the request (whichever is the later) only if they are on one of the following bases:

- (a) The certification was not in fact executed by the Lee County Fiscal Court's Certifying Officer.
- (b) The Lee County Fiscal Court has failed to make one of the two findings pursuant to S58.41 or to make the written determination decision required by SS578.57, 58.53 or 58.64 for the project, as applicable.
- (c) The Lee County Fiscal Court has omitted one or more of the steps set forth at Subparts F and G for the preparation and completion of an EA.
- (d) No opportunity was given to the Advisory Council on Historic

Preservation or its Executive Director to review the effect of the project on a property listed on the National Register of Historic Places, or found to be eligible for such listing by the Secretary of the Interior, in accordance with 36 CFR Part 800.

- (e) The recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR part 58 before approval of the release of funds and approval of the Environmental Certification by HUD or the State.
- (f) Another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to the Department for Local Government, Office of Federal Grants, 100 Airport Drive, 3<sup>rd</sup> Floor Frankfort, Kentucky 40601.

Objections to the release of funds on bases other than those stated above will not be considered by the state. No objection received after February 25, 2021 will be considered by the state. Potential objectors should contact the Department for Local Government to verify the actual last day of the state Comment period.

Charles Caudill

(Name of Certifying Officer of Applicant/Title)

256 Main Street

(Address)

Beattyville, KY 41311