# Exhibit 5 US Fish and Wildlife Correspondence



## **Kentucky River**

AREA DEVELOPMENT DISTRICT

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

September 23, 2020

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

### BOARD OF DIRECTORS

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Executive Director Michelle Allen

Pam Pilgrim Shirley Halcomb

Meriwether Wash-Hall

E-Mail: michelle@kradd.org FAX NUMBER 605-436-2144 TDD NUMBER 1-800-247-2510 (Hearing Impaired) Mr. Lee Andrews Field Supervisor US Fish and Wildlife Service JC Watts Federal Building 330 West Broadway, Suite 265 Frankfort KY 40601 Based on additional information provided on 9/28/2020: Significant impacts to federally-listed species are not likely to result from this project as currently proposed. Project re-coordination is needed if the project changes or if new species or critical habitats are listed that could be impacted by the project.

JENNIFER GARLAND

Digitally signed by JENNIFER GARLAND Date: 2020.09.30 14:06:59 -04'00'

for Kentucky Field Supervisor
U.S. Fish and Wildlife Service

Date

RE: Breathitt County Water District – Breathitt Waterline Extension Phase 2 Project (WX21025033); IPaC Consultation Code: 04EK1000-2020-TA-1838

Dear Sir or Madam:

The Breathitt County Water District has received funding through the Appalachian Regional Commission for the above referenced project. This project will extend waterlines to four areas in Breathitt County; Creekside Road, War Creek Road, Joe Ward Fork, and Mann Road. This project will construct approximately 17,967 Linear Feet (LF) of 4" PVC and 930 LF of 2" PVC waterline throughout the service areas; serving approximately 28 households. Additionally, two pump stations within the Breathitt water system will be rebuilt or replace; one on 30 West and one on 30 East. The valves and piping will be replaced at the KY 541, River Caney, and KY 28 pressure reducing vaults.

This project is located throughout Breathitt County, Kentucky. This project will serve approximately 28 households in Breathitt County. Due to the scope of the project there will be ground disturbance in previously disturbed highway right-of-way or existing easements. There will be no tree removal.

The IPaC species list, dated September 23, 2020, identifies eleven federally listed endangered or threatened species. The area was defined as the entire county due mostly impart to the distance between the service areas. A complete list of species is attached.

Direct effects – The project will utilize best management practices and will observe local sedimentation and erosion control ordinances, therefore

very little minimal surface disturbance should occur during construction causing minimal effects to the surrounding environment.

Indirect effects — With the extension of waterlines into the four currently unserved roads, there is a possibility for new home construction or remodeling of existing structures in the future.

Cumulative effects—The four roads could see a small increase in housing due to the addition of potable water.

The Kentucky River Area Development District has been asked to undertake an environmental review of this project to ascertain the impact of the proposed activities. I would appreciate your office reviewing this project in relation to its potential impact(s) on any wetlands; vegetation; and animal life (i.e. disruption or alteration of habitat); and potential impact upon endangered or threatened species. I have enclosed a project location, floodplain, and wetlands map(s), 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. Reponses can be sent by email to: <a href="mailto:jennifer@kradd.org">jennifer@kradd.org</a>. Thank you, for your time and assistance.

Sincerely,

ennifer McIntosh

Water & Wustewater Planner

Subject Breathitt County Water District - Breathitt Waterline Extension Phase 2 Project

From KentuckyES, FW4 <kentuckyes@fws.gov>

Sender Hunter, Jumlongruk M <jumlongruk\_hunter@fws.gov>

To kasey@kradd.org <kasey@kradd.org>
Cc Allison, Carrie <Carrie\_Allison@fws.gov>

Date 2020-09-30 15:18

20-0727\_KRADD Breathitt PH2\_stamp\_cla.pdf (~668 KB)



The USFWS has determined that significant impacts to federally listed species are not likely to result from this project as currently proposed. Please see attached.

Thank you for your coordination with our office.

U.S Fish and Wildlife Service
KY Ecological Services Field Office
330 W. Broadway, Room 265
Frankfort, KY 40601
502.695.0468 (office)
502.695.1024 (fax)
\*\*Check us out at https://www.faxs.go.

\*\*Check us out at https://www.fws.gov/frankfort/



### Kentucky Ecological Services Field Office

Home page of the Region 4 U.S. Fish and Wildlife Service, representing Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, the US Virgin Island, and Puerto Rico, a bureau in the Department of Interior. Our mission is, working with others, to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of ...

www.fws.gov



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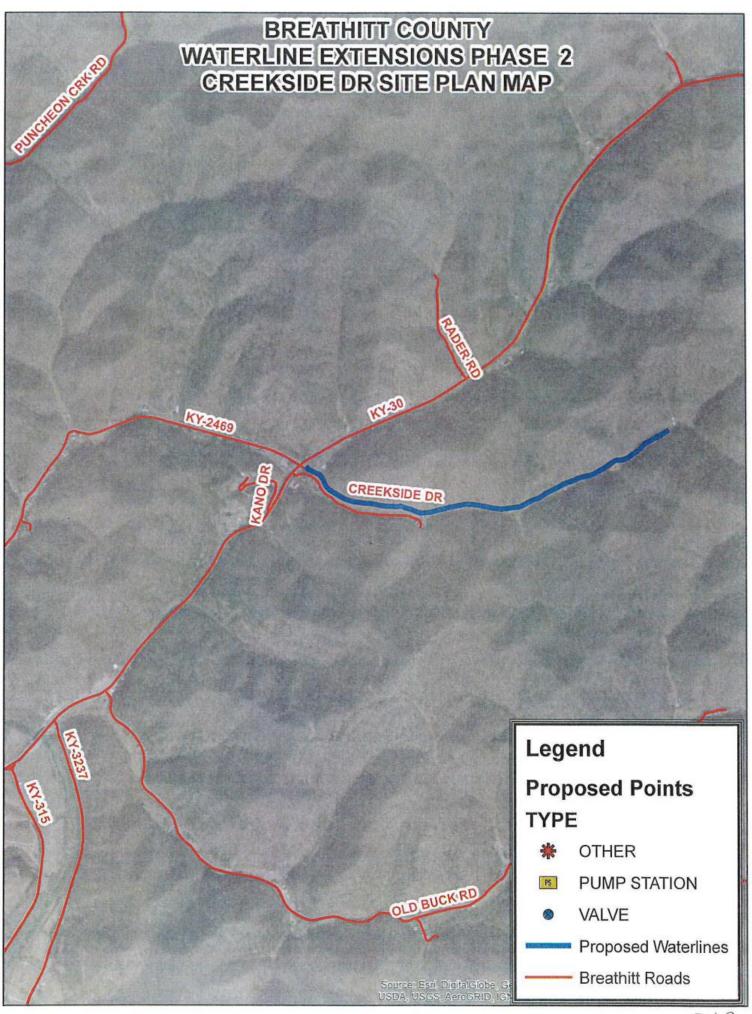
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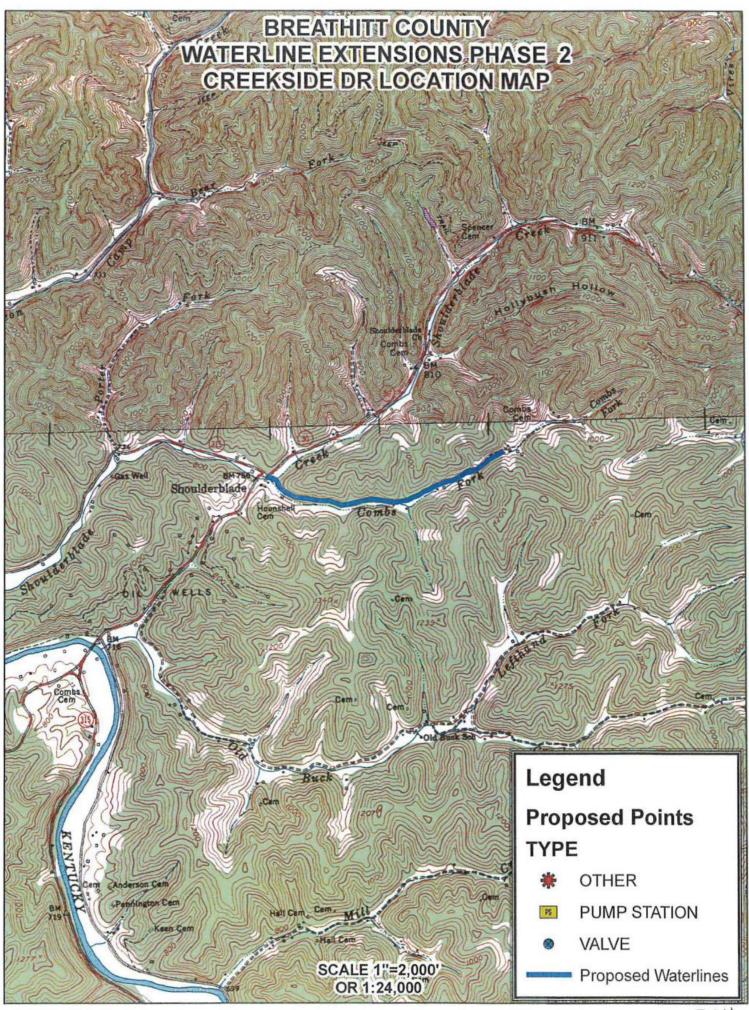
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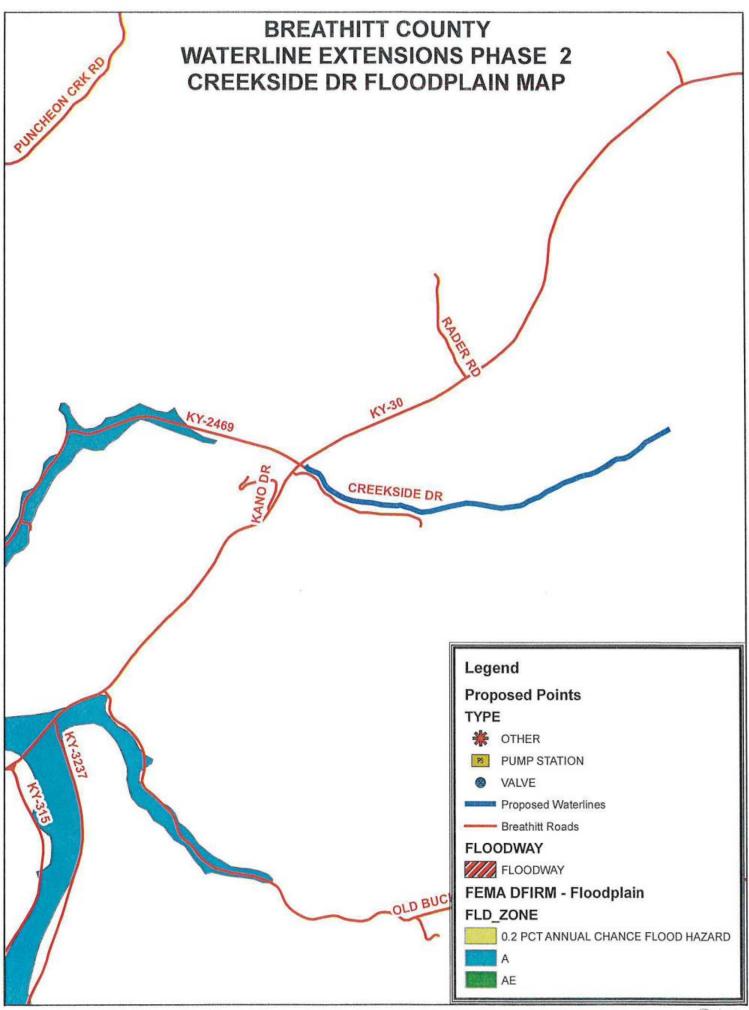
Sincerely,

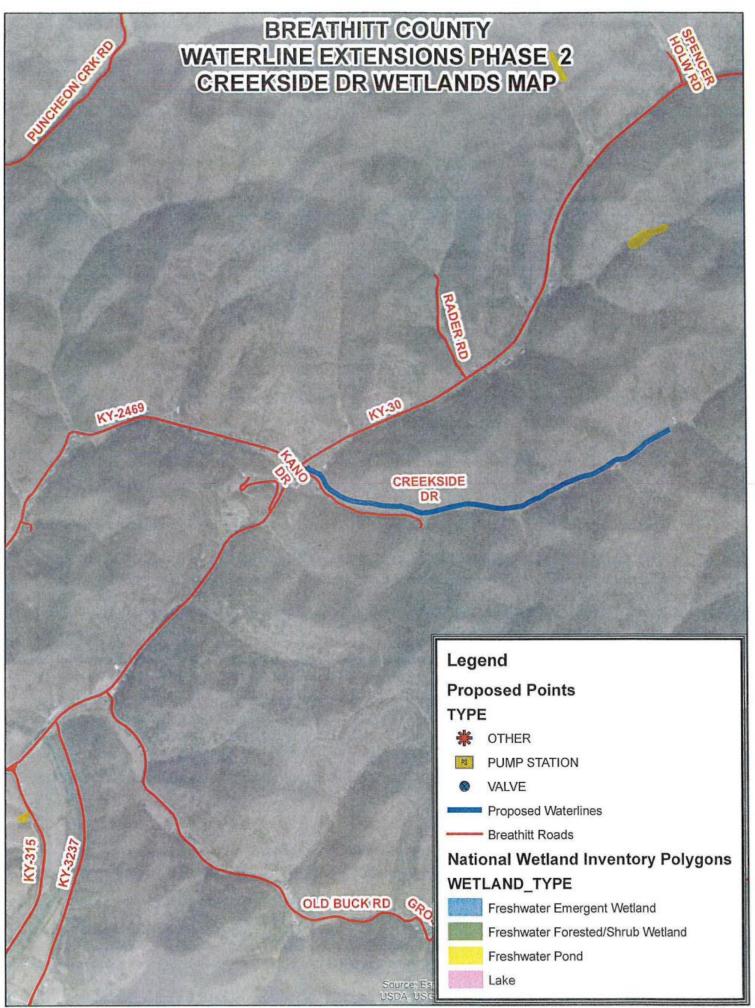
ennifer McIntosh

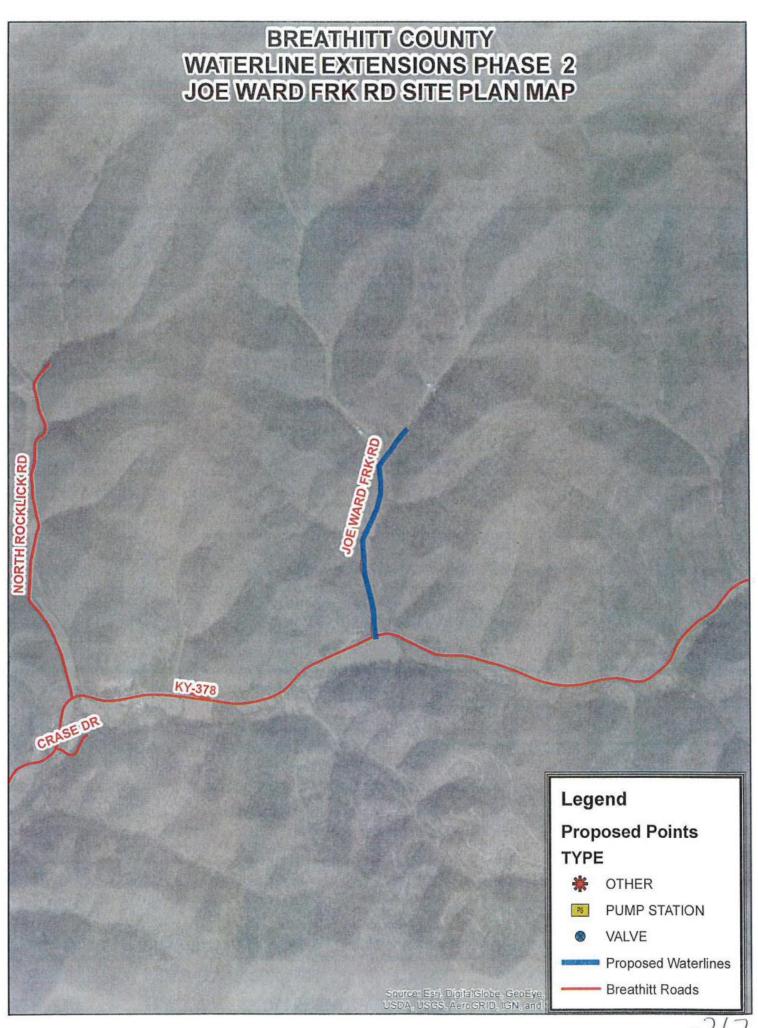
Water & Wastewater Planner

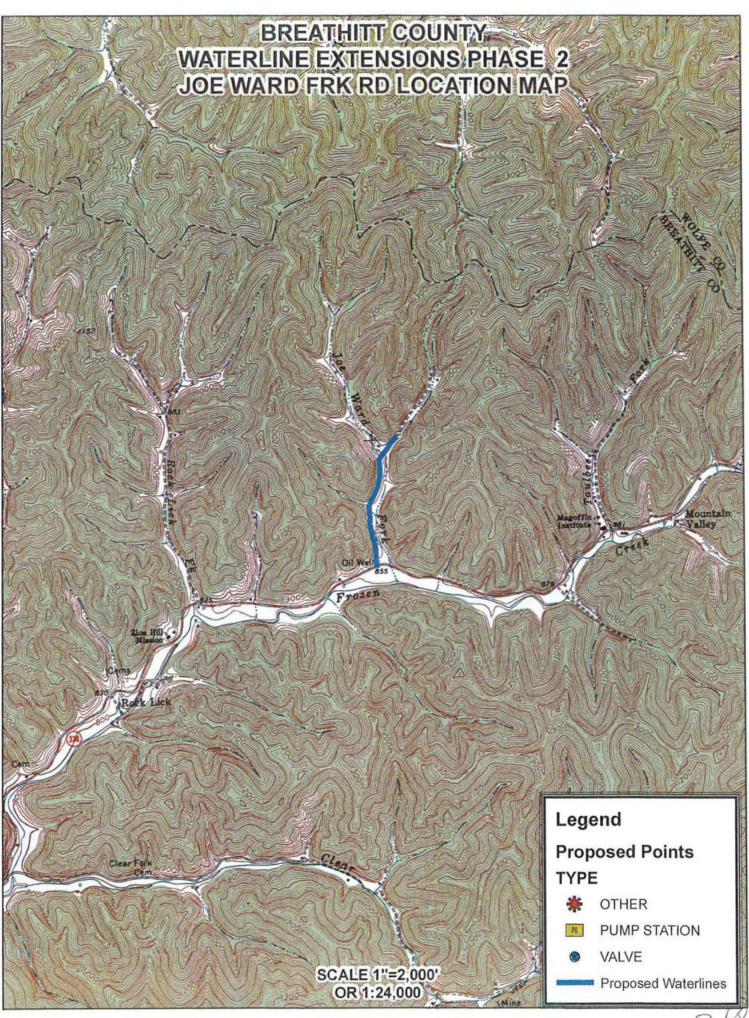




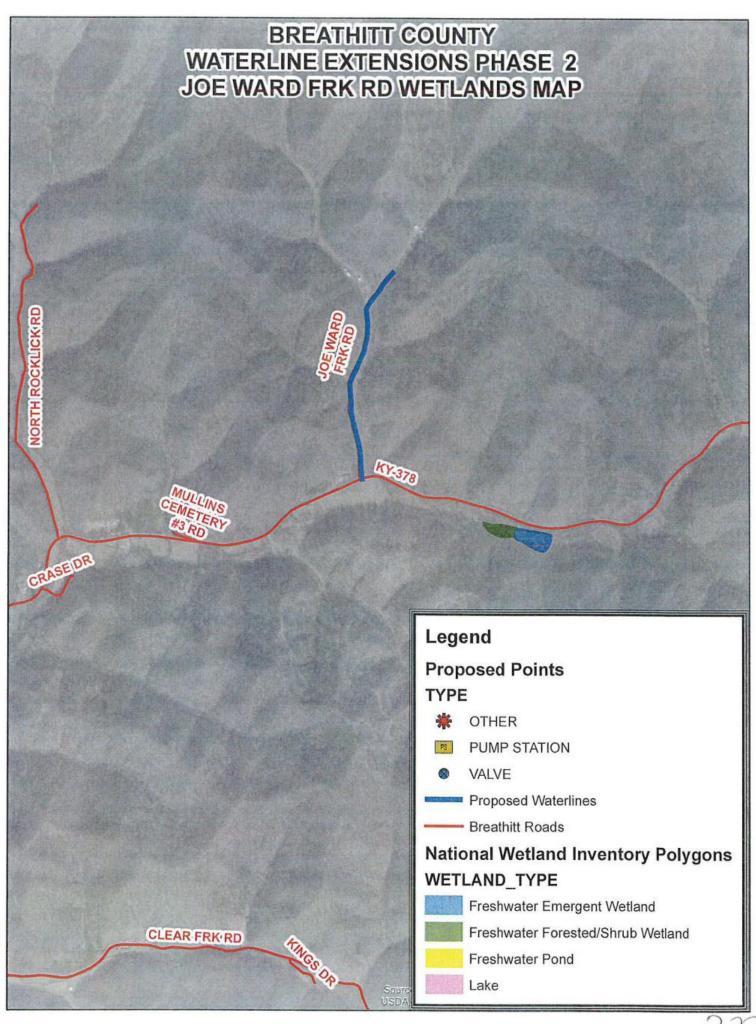


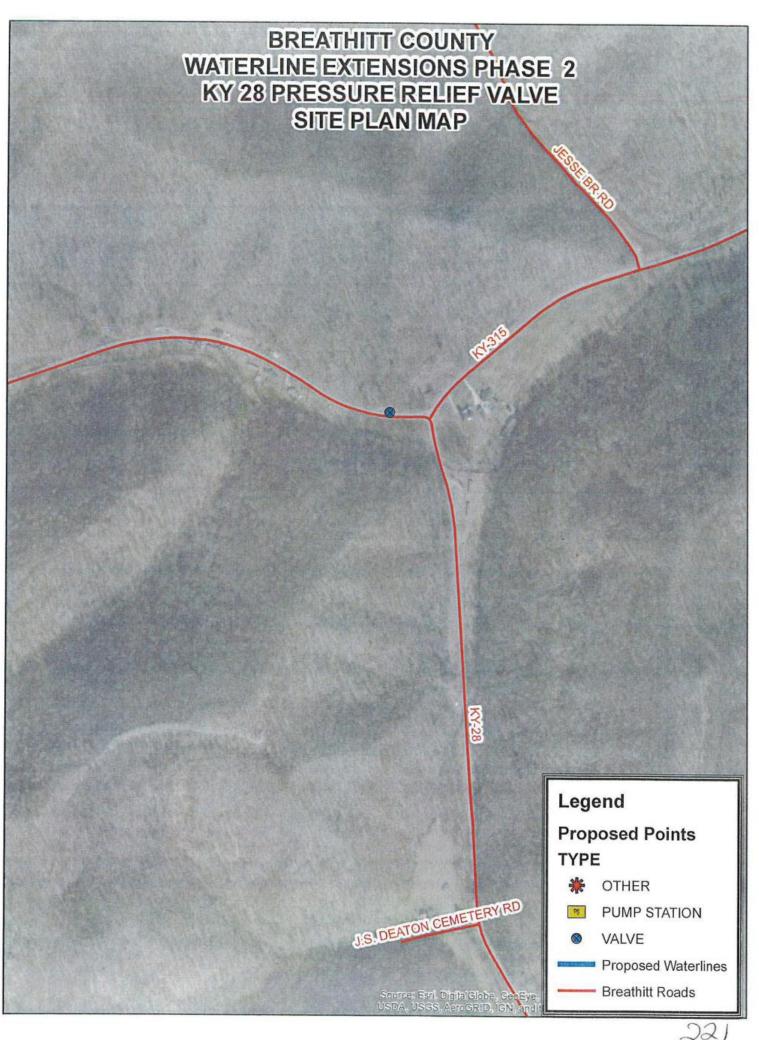


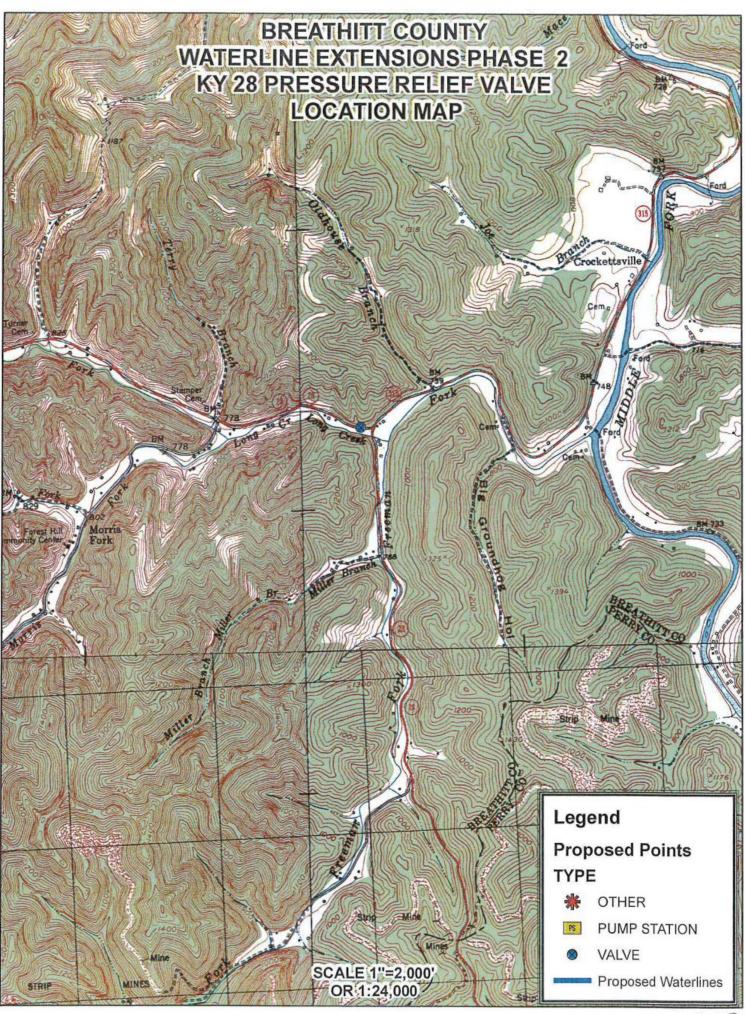


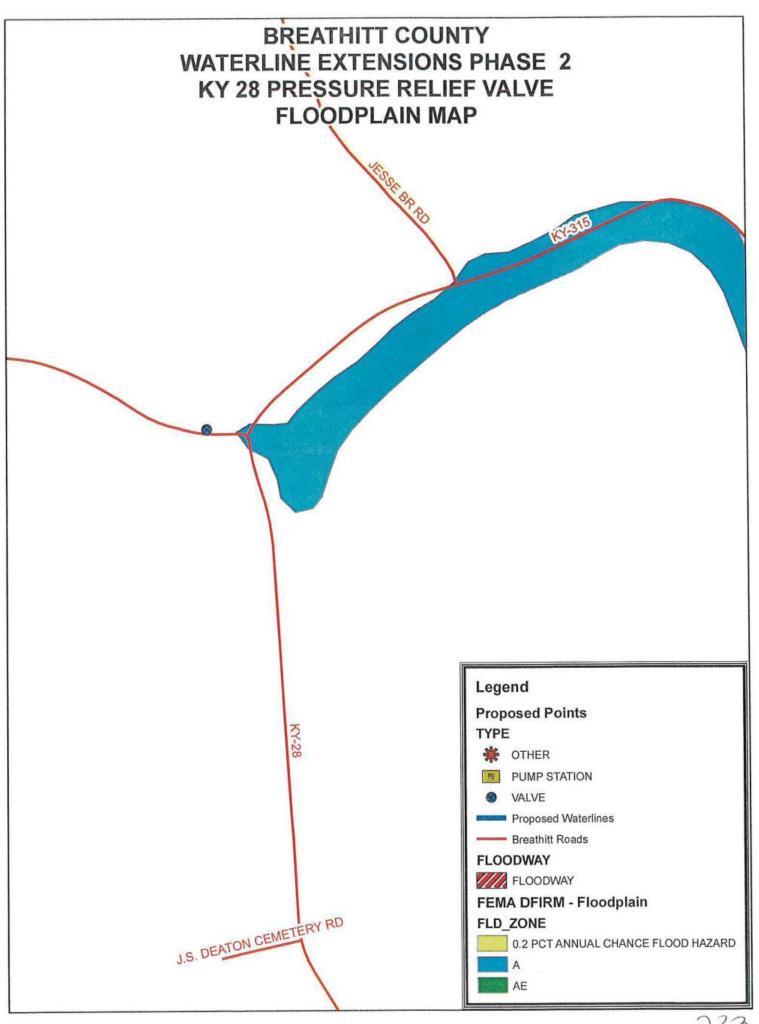


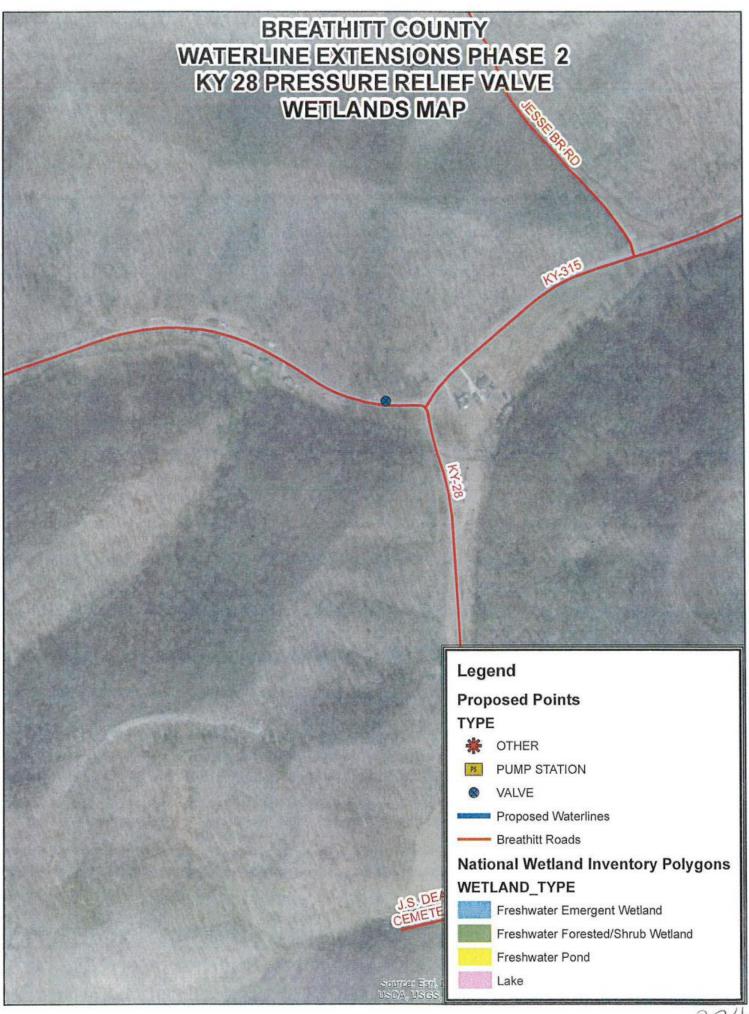
# **BREATHITT COUNTY** WATERLINE EXTENSIONS PHASE 2 JOE WARD FRK RD FLOODPLAIN MAP NORTH ROCKLICK RD KY-378 Legend CRASE DR **Proposed Points** TYPE \* OTHER PUMP STATION VALVE Proposed Waterlines - Breathitt Roads **FLOODWAY** FLOODWAY FEMA DFIRM - Floodplain FLD ZONE 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

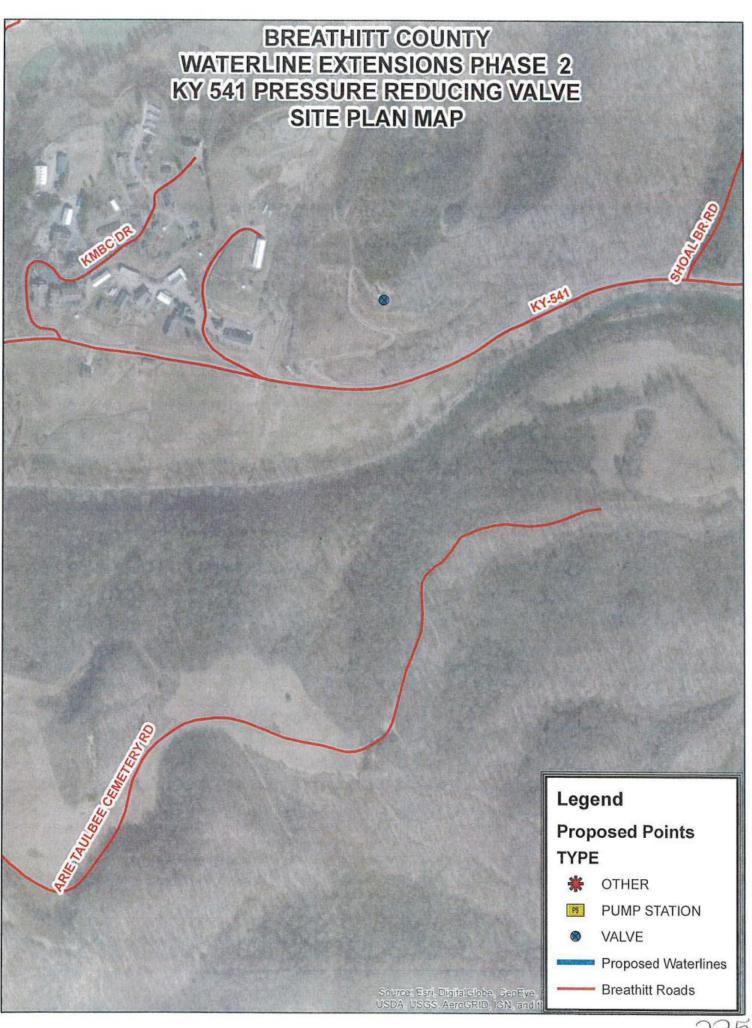


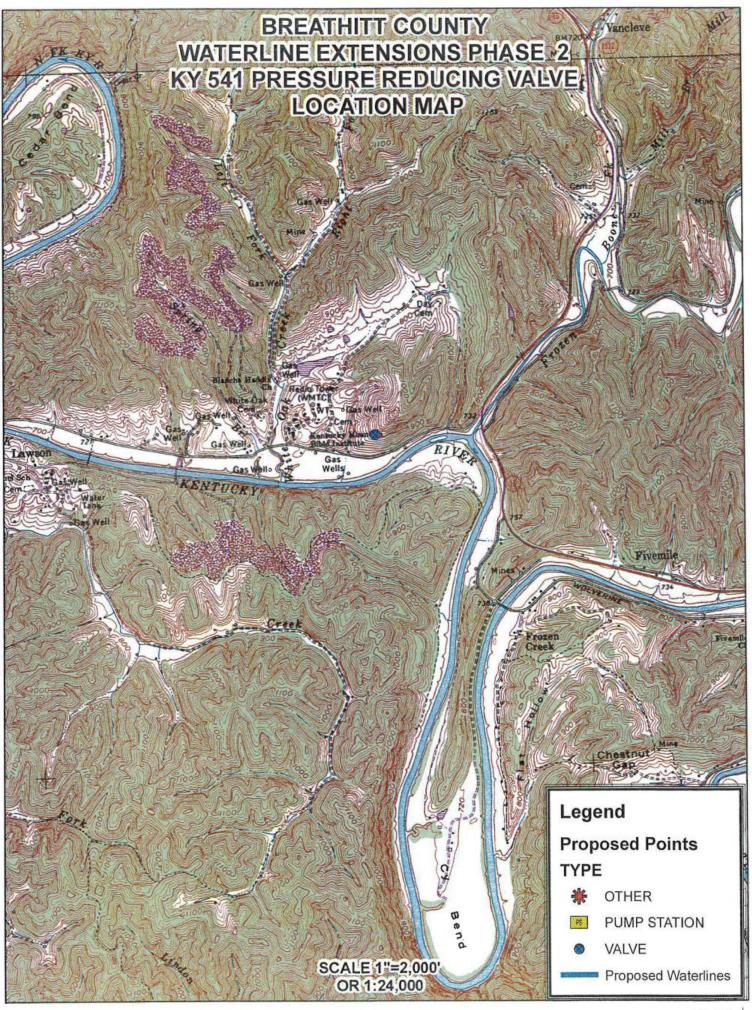


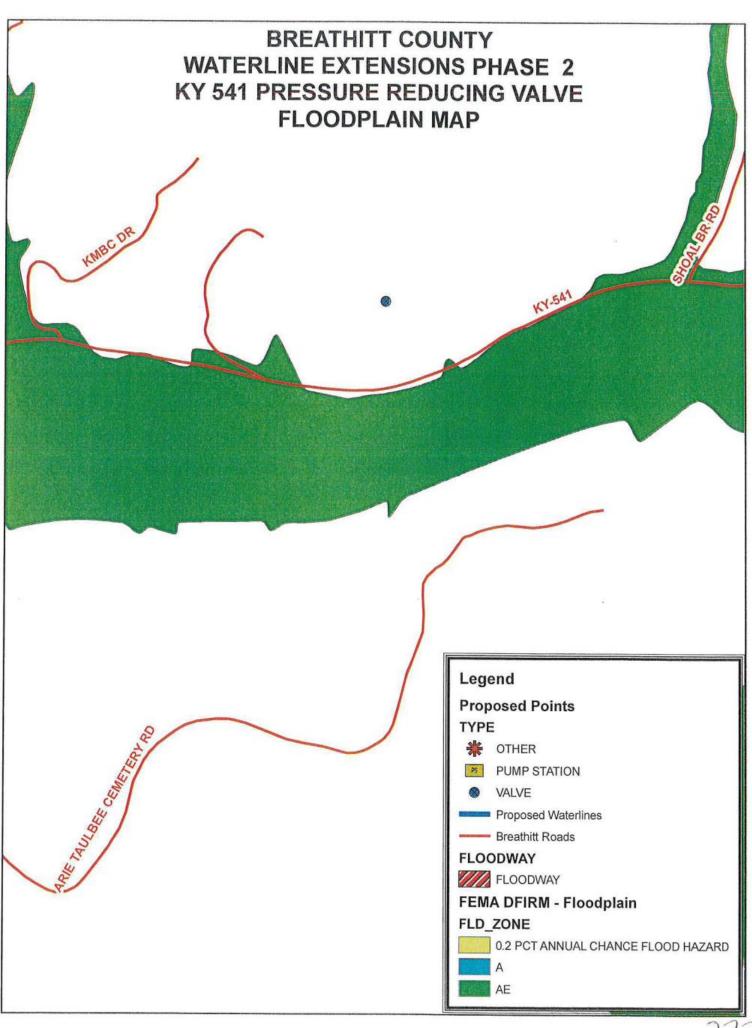


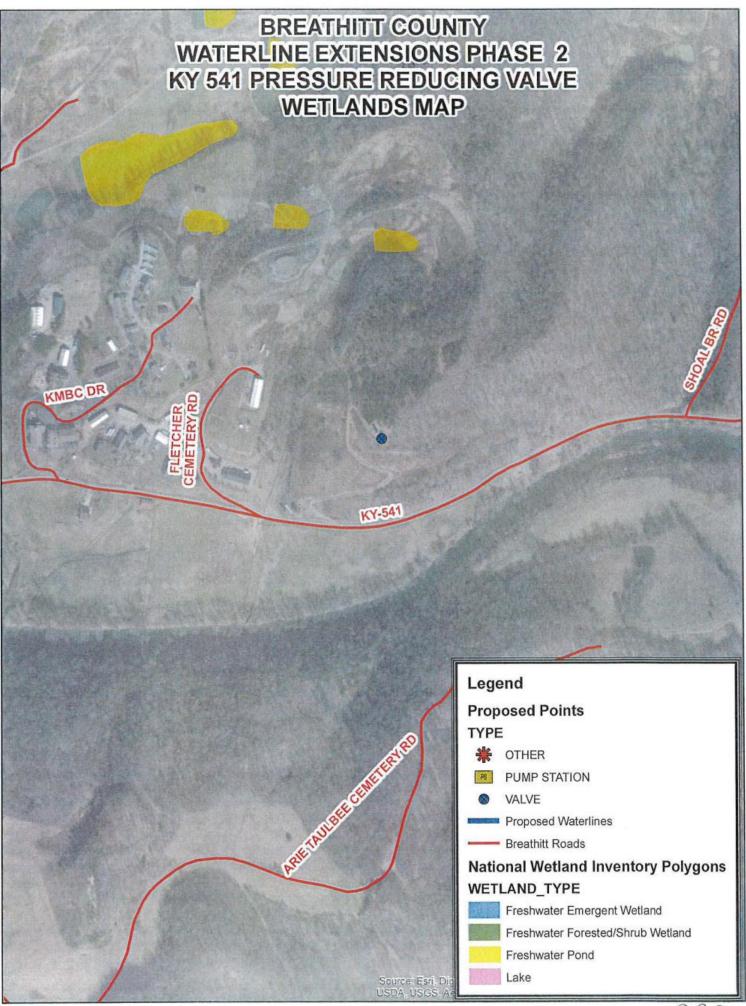




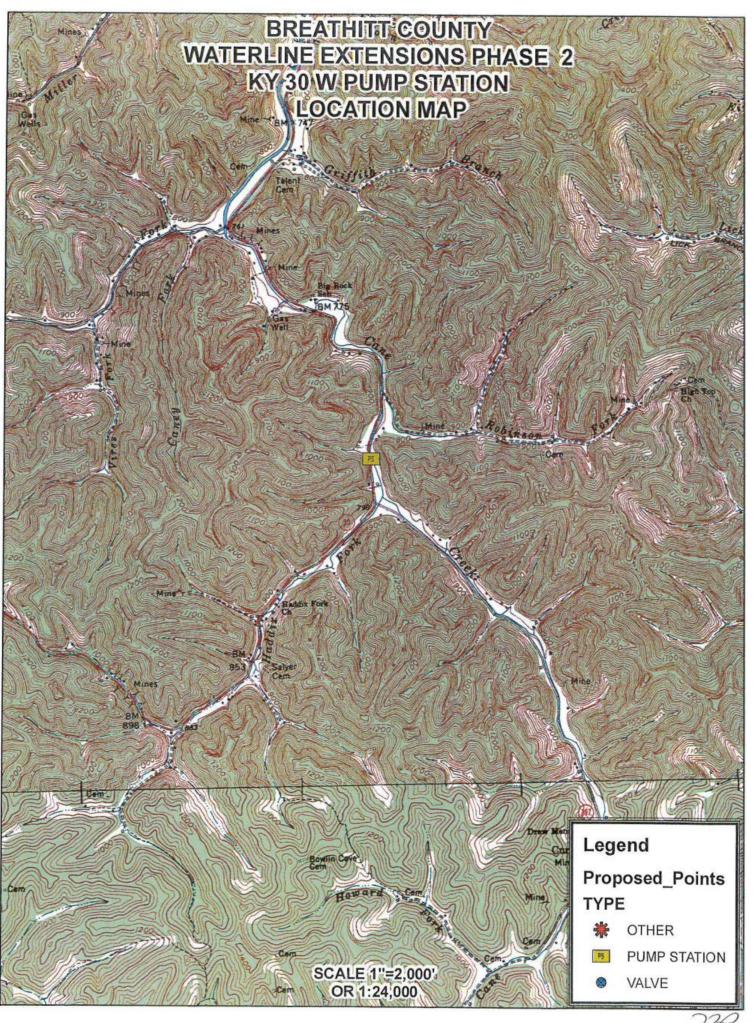


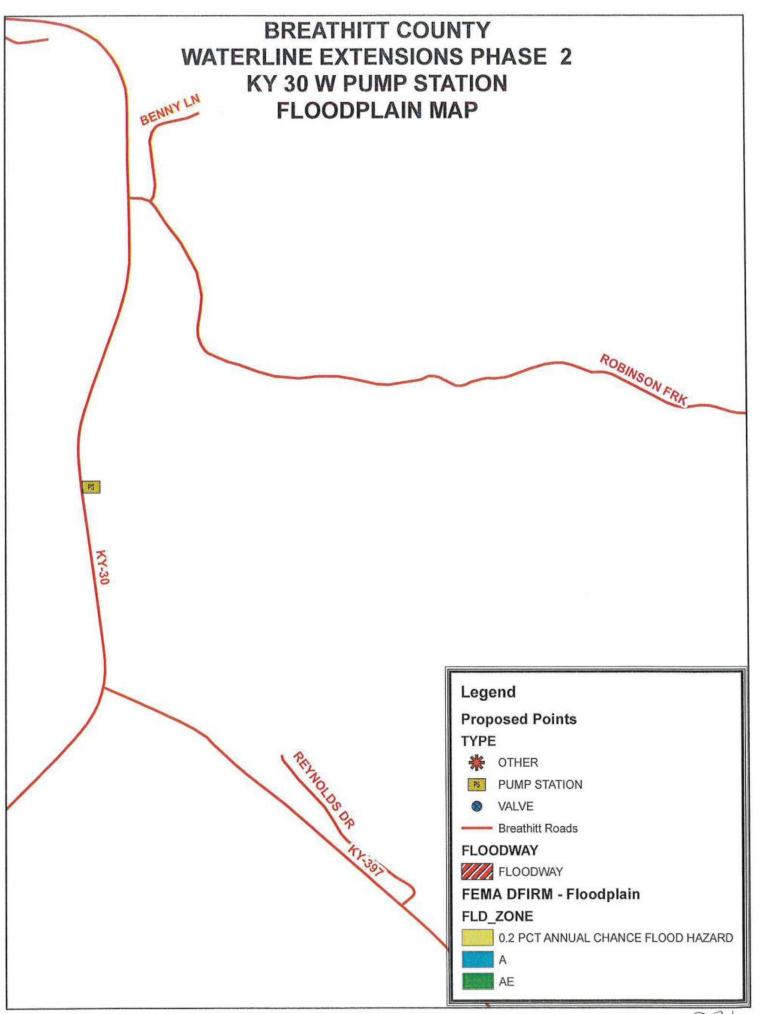


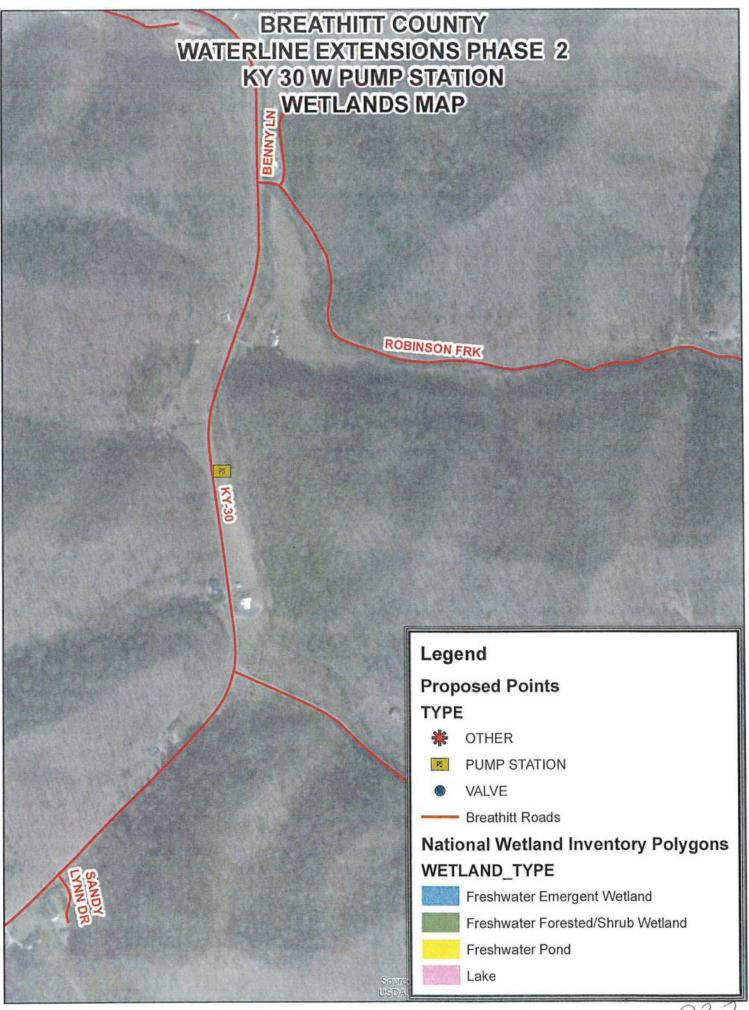


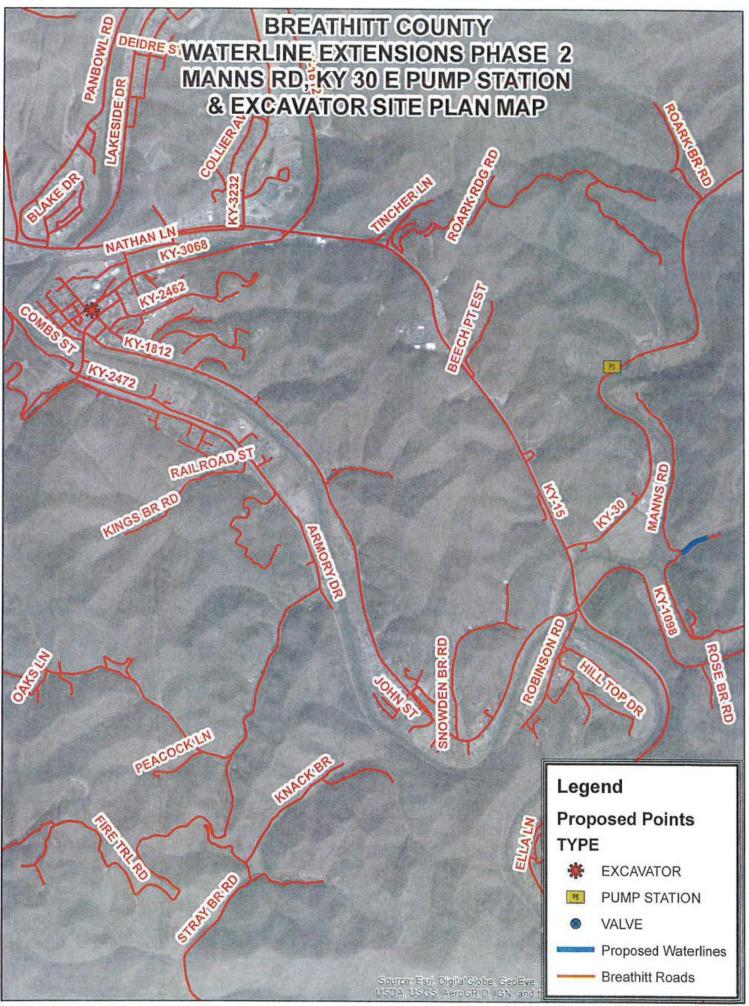


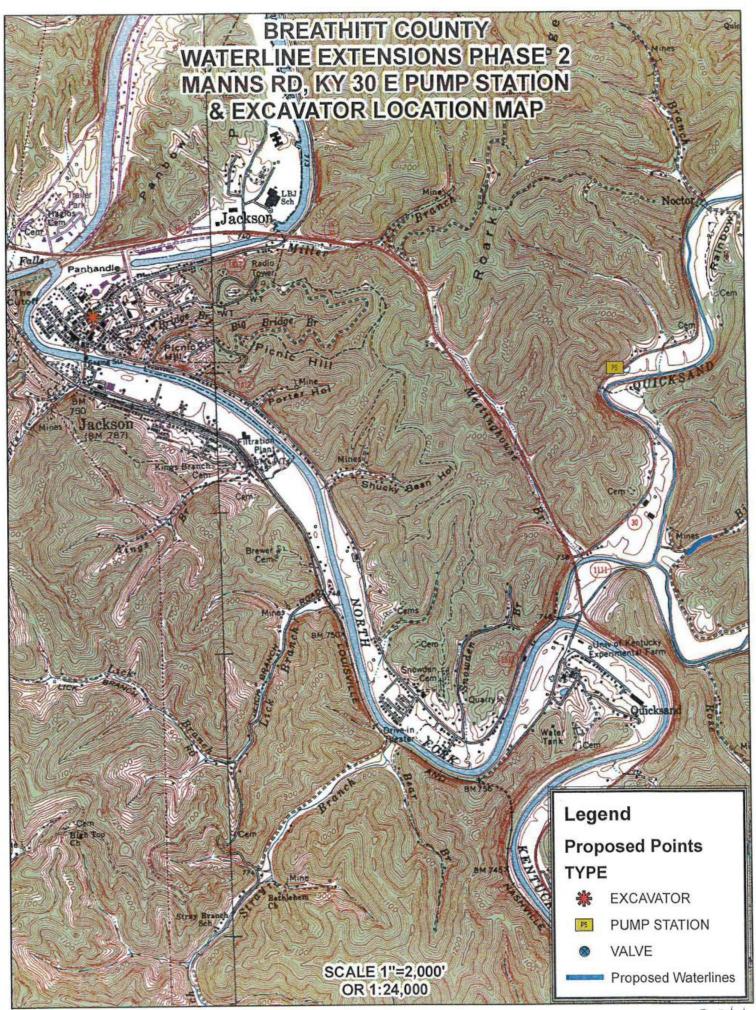


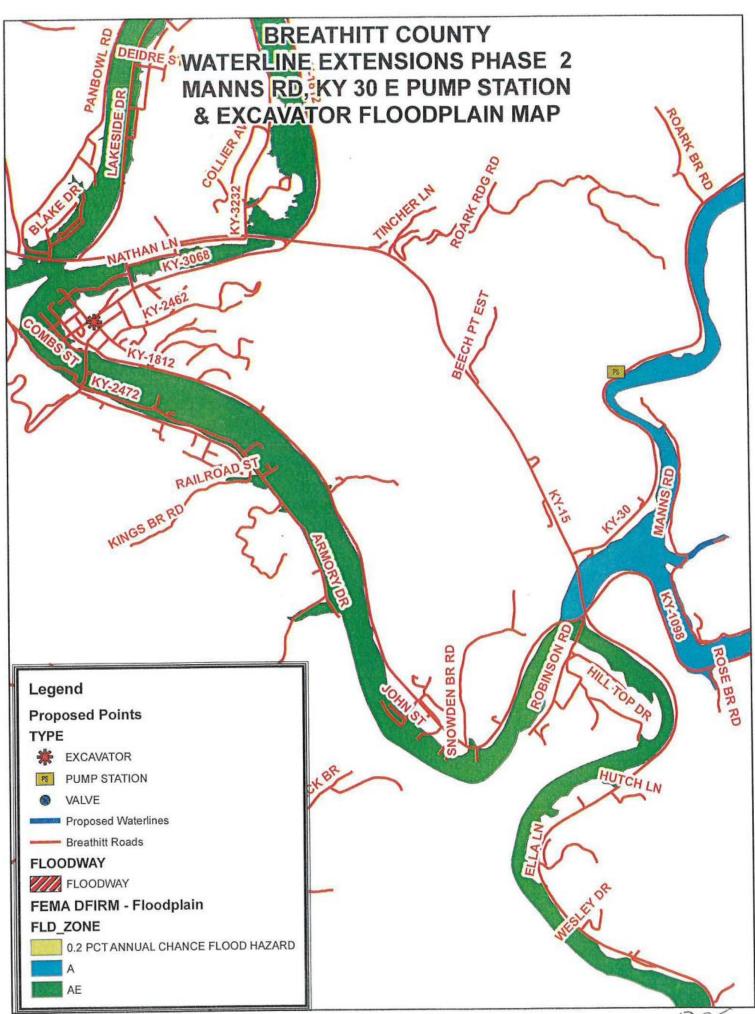


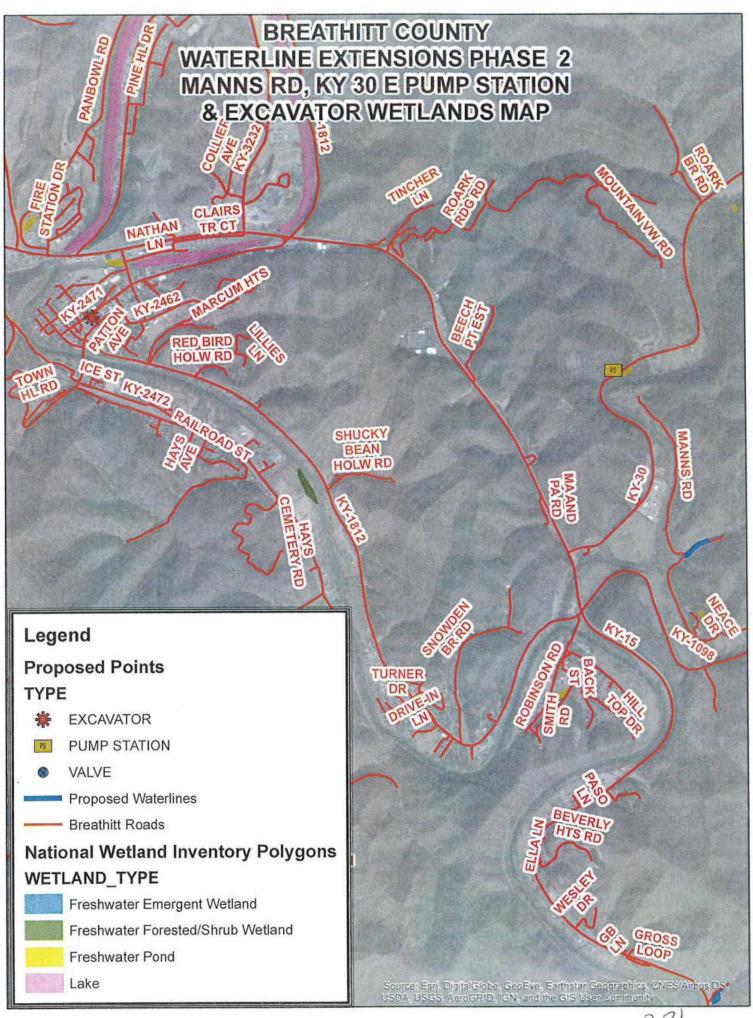


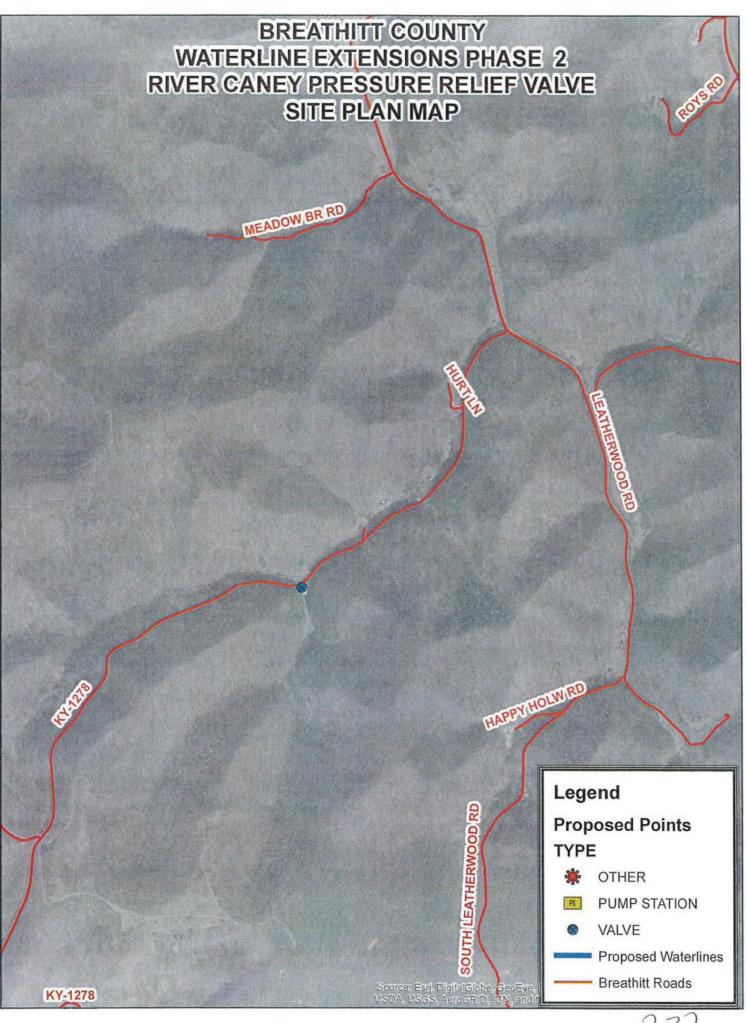


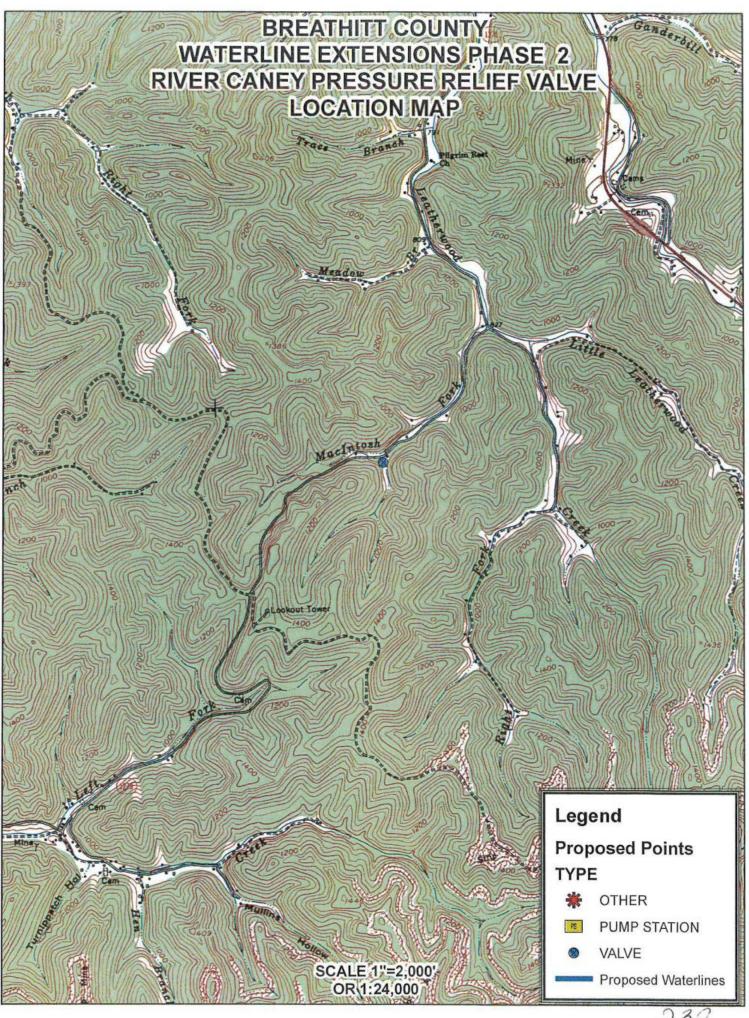


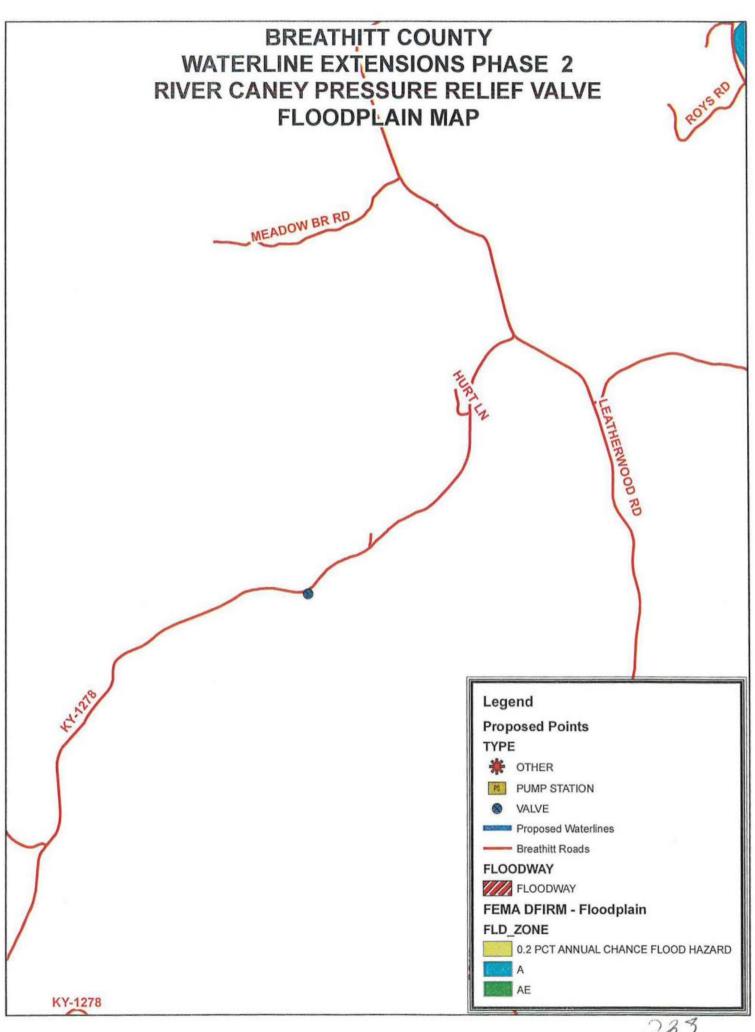


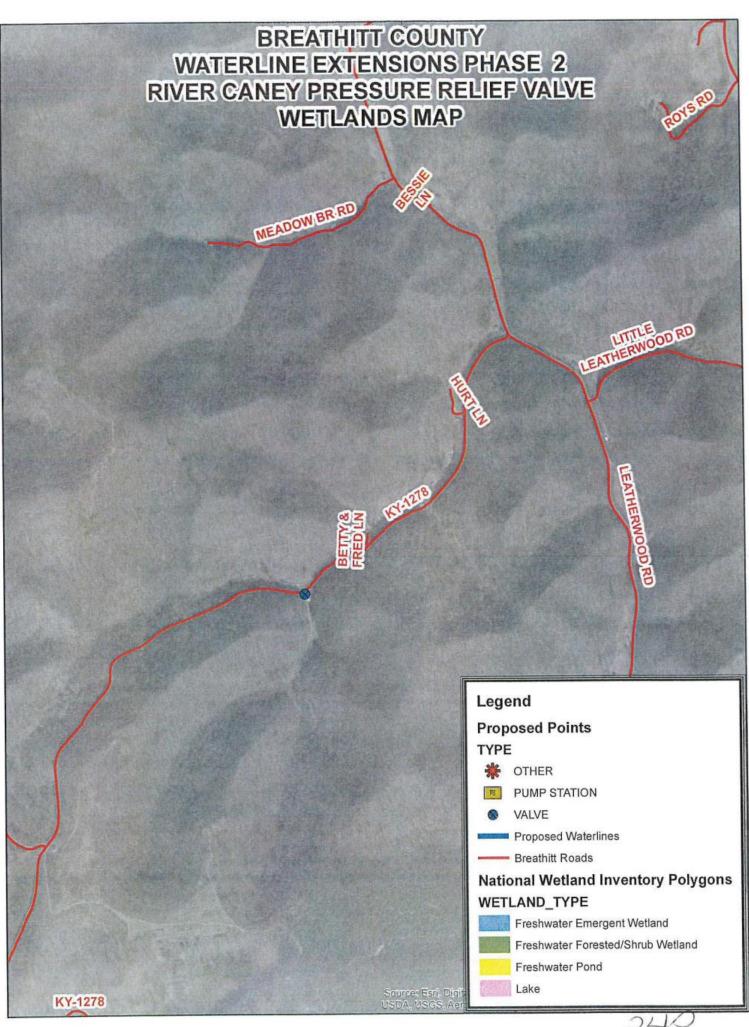


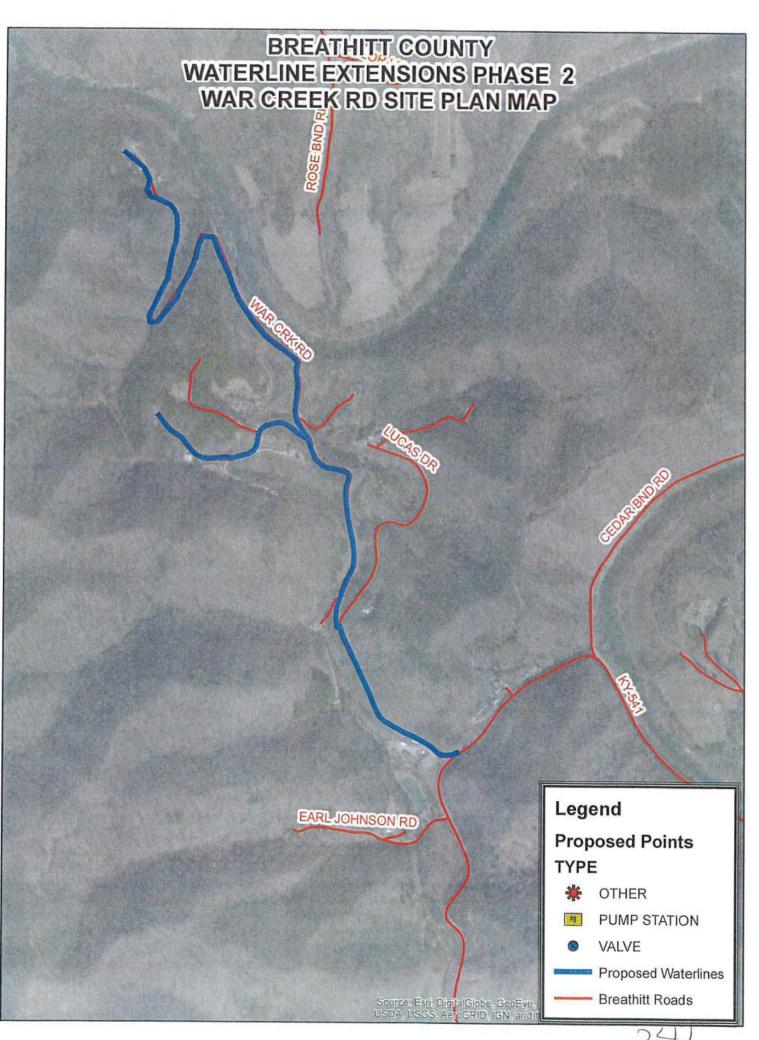


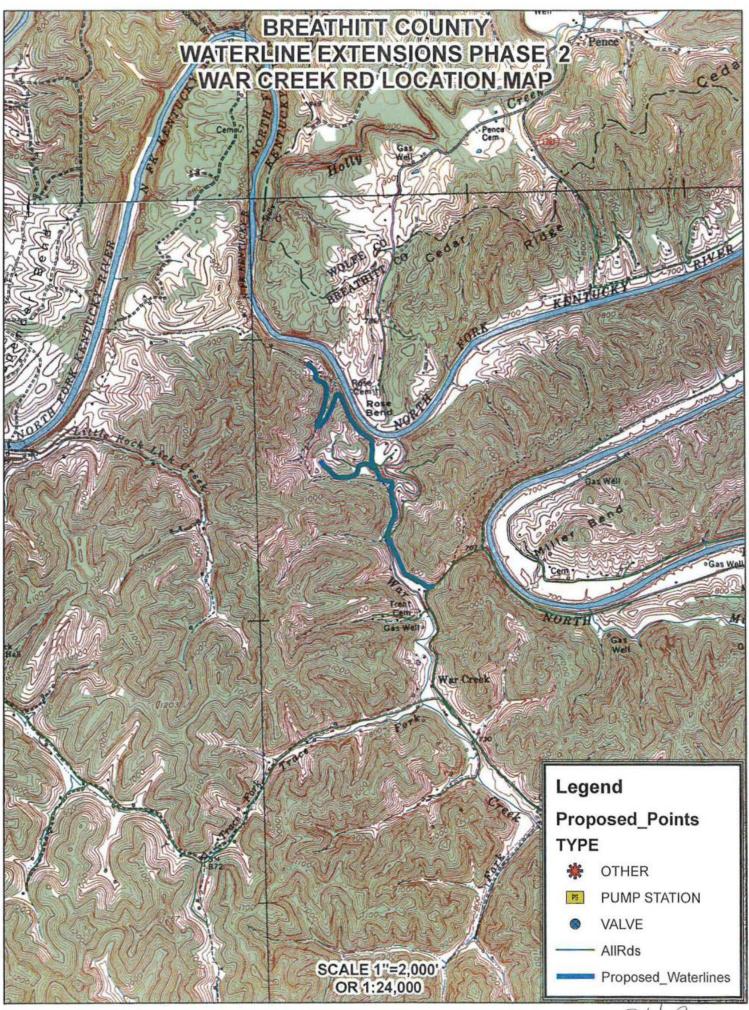


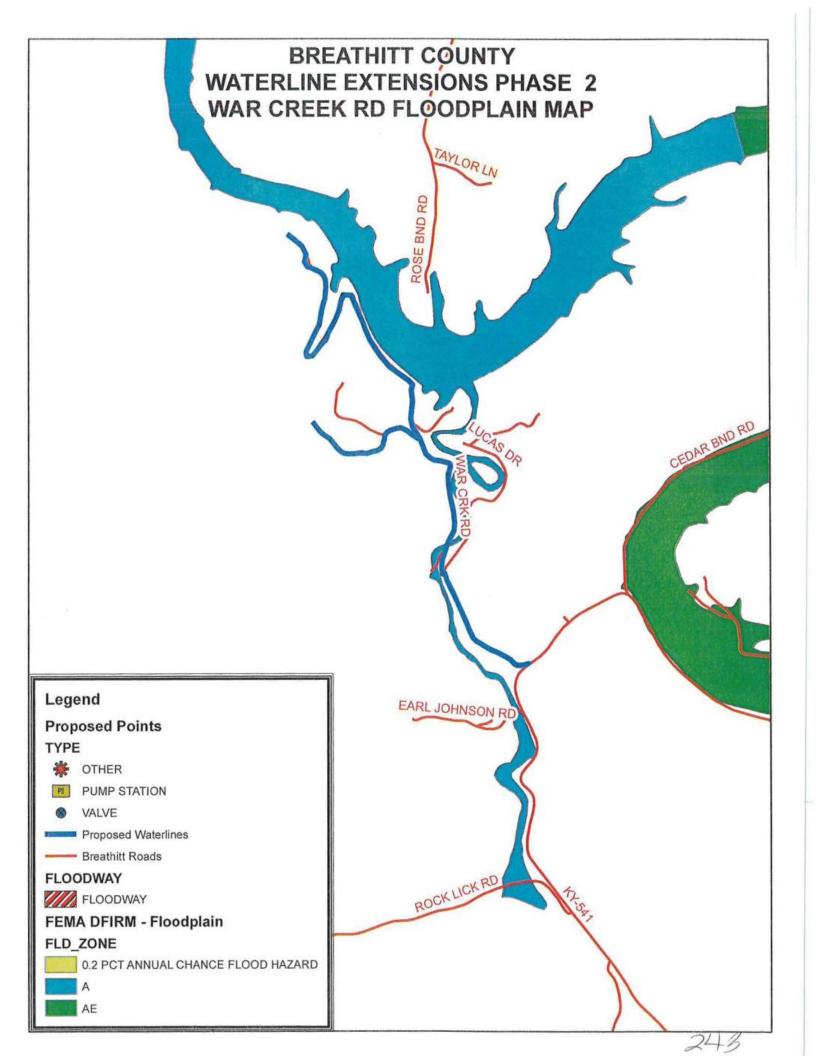


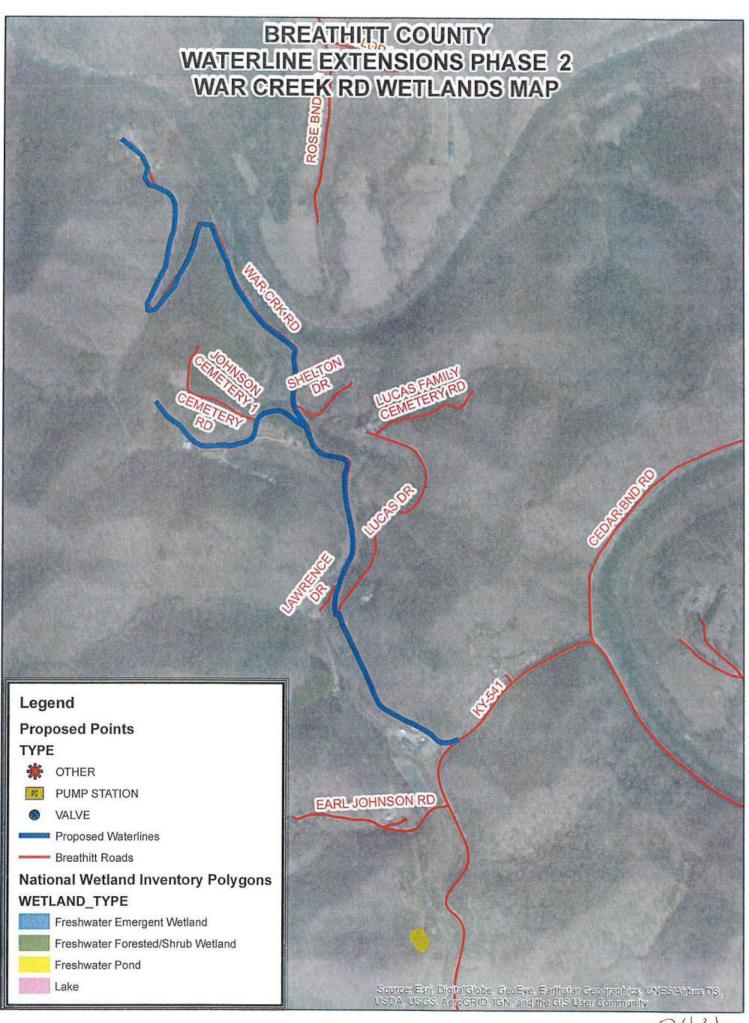












# Exhibit 6 Kentucky Fish and Wildlife Correspondence



#### 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

September 29, 2020

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

RE:

**Breathitt County Water District** 

Breathitt Waterline Extension Phase 2 Project

WX21025033

Dear Ms. McIntosh:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has received your request for information regarding the subject project. Due to the location and nature of the project, KDFWR does not believe the project will impact any federal or state-listed threatened/endangered species or any associated critical habitat. No critical areas, wildlife preserves, or other significant ecological areas will be impacted by the proposed project.

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

Doug Dawson
Environmental Section Chief



1-800-858-1549



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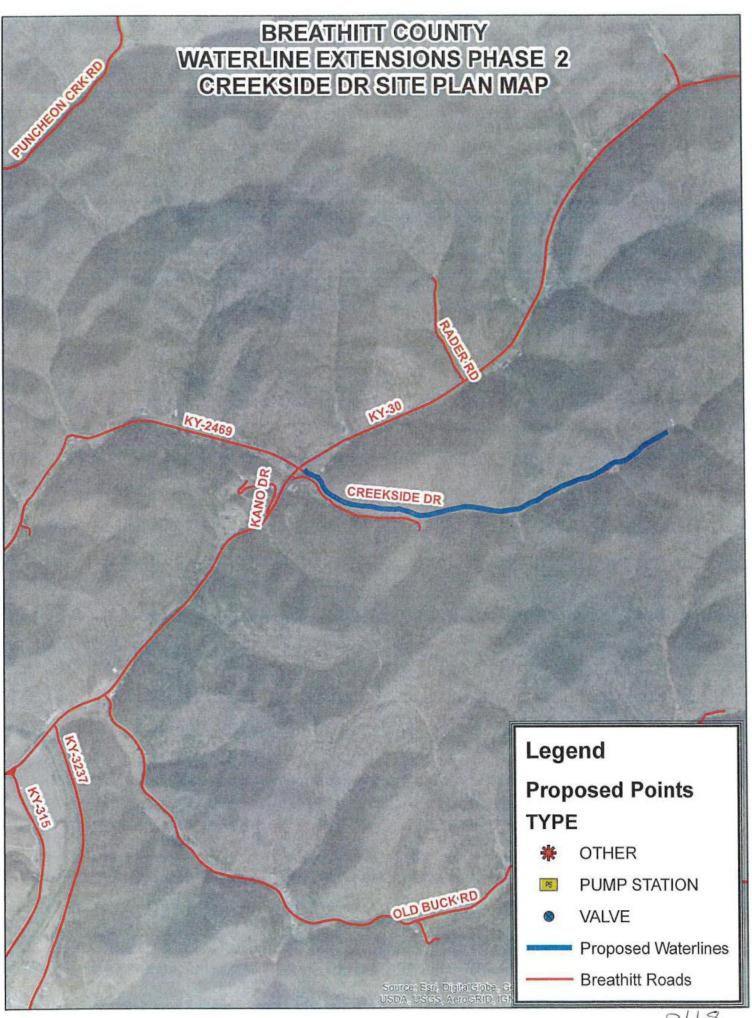
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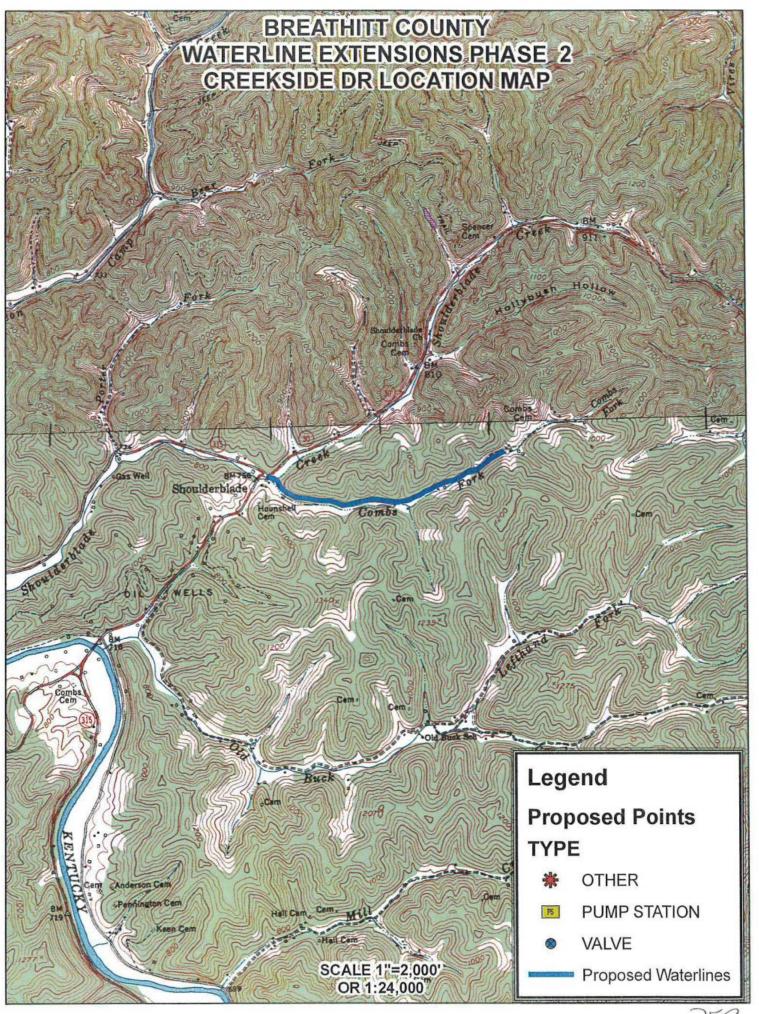
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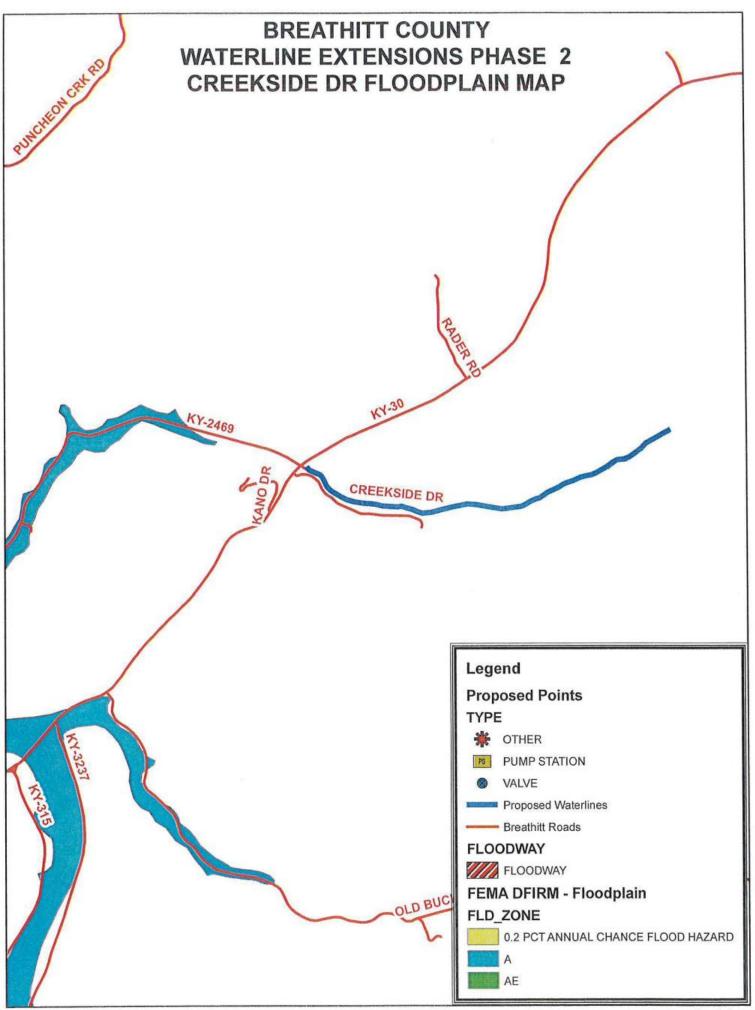
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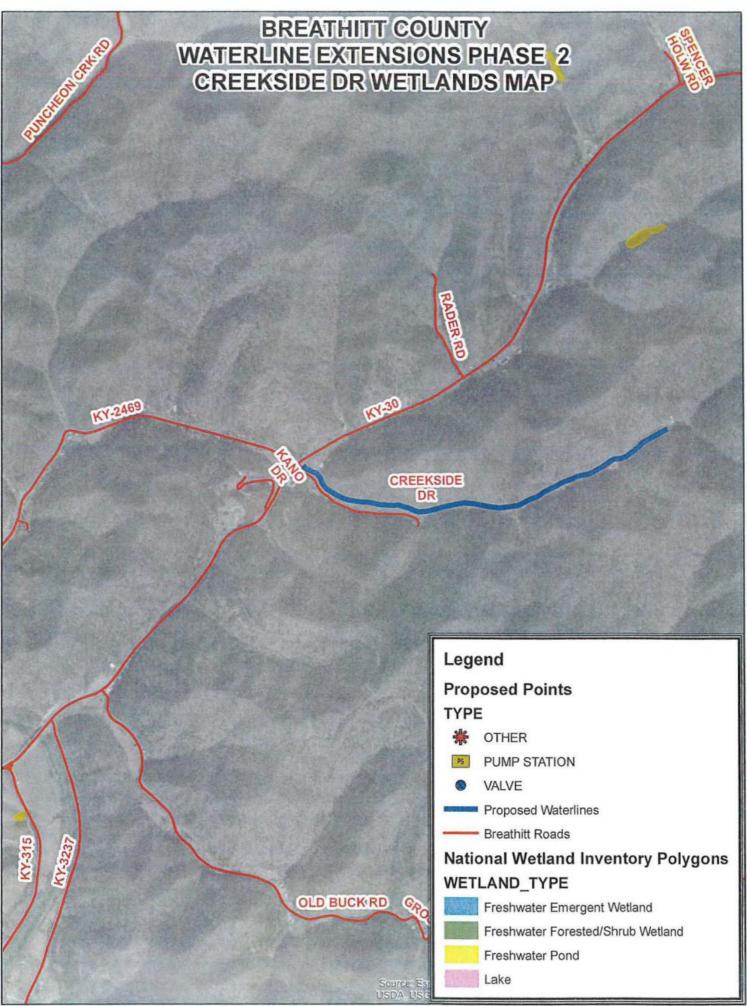
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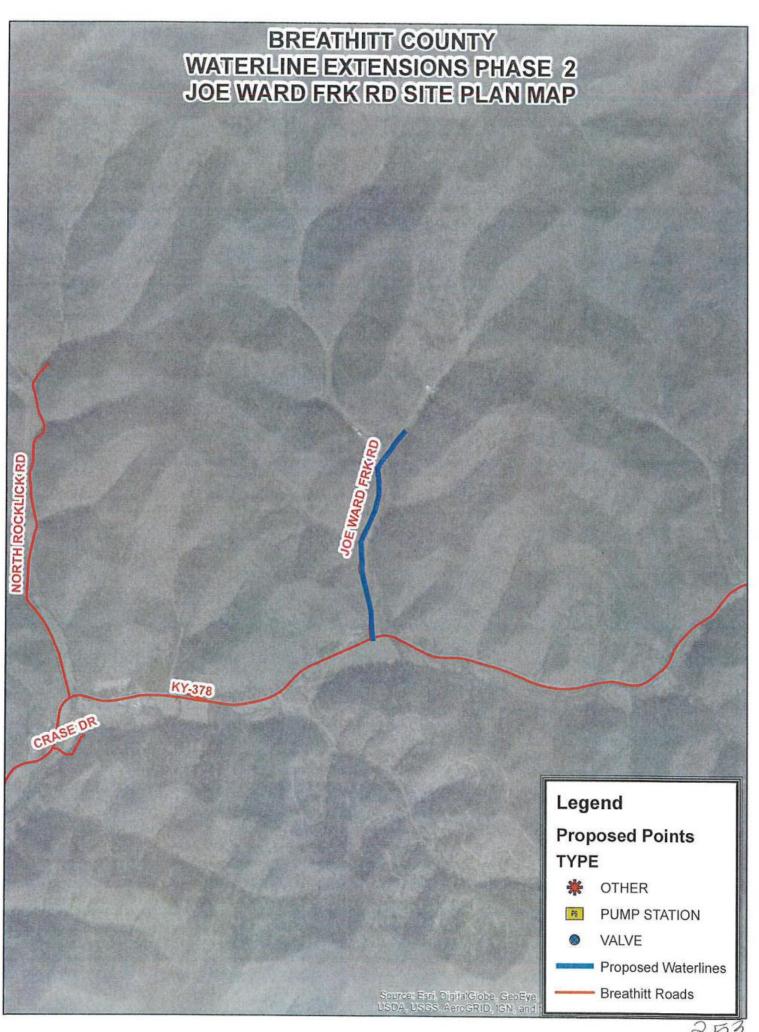
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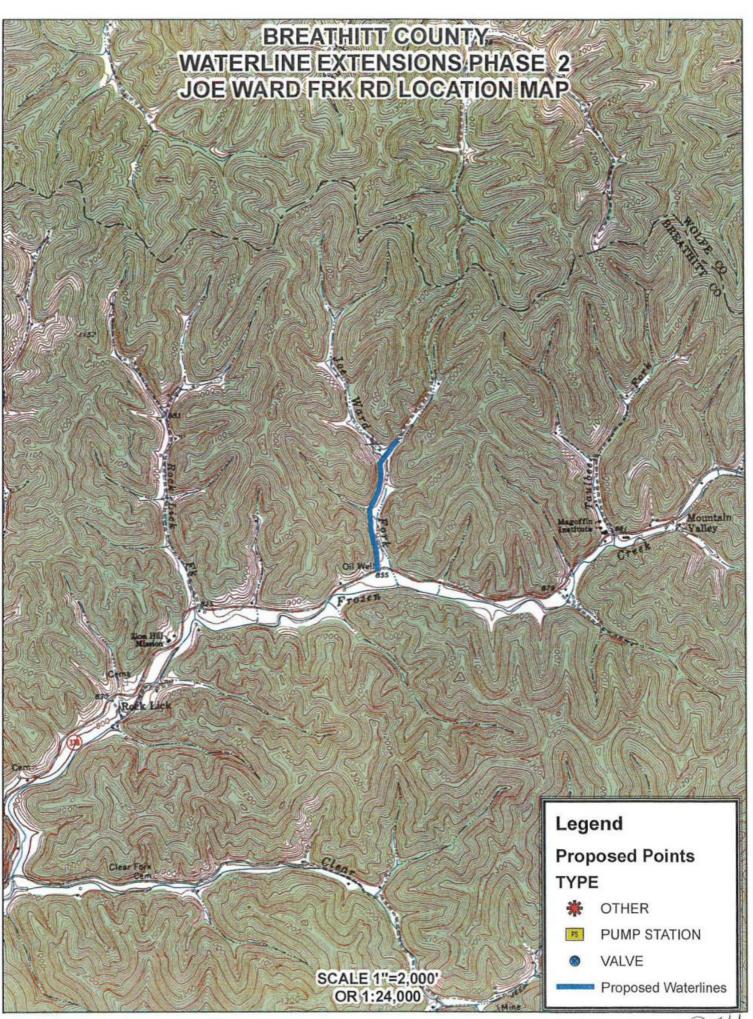












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