ENVIRONMENTAL REVIEW

FOR THE

KY RT 80/KY RT 476 Interconnection Project

BY

Perry County Fiscal Court

PREPARED BY

KENTUCKY RIVER AREA DEVELOPMENT DISTRICT

ON BEHALF OF THE

PERRY COUNTY FISCAL COURT
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ENVIRONMENTAL ASSESSMENT DETERMINATIONS AND COMPLIANCE FINDINGS FOR HUD –ASSISTED PROJECTS 24 CFR PART 58

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

Project Information

Project Name: KY RT 80/KY RT 476 Interconnection Project

Responsible Entity: Perry County Fiscal Court

Grant Recipient (if different than Responsible Entity):
State/Local Identifier: KY201909071177/19A-040

Preparer: Angelia Hall, Kentucky River Area Development District

Certifying Officer Name and Title: Scott Alexander, Judge Executive

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

Consultant (if applicable): N/A

Direct Comments to:
Angelia Hall
KY River Area Development District
941 N. Main St.
Hazard KY 41701
angelia@kradd.org
**Project Location:** Route 80/476, Perry County, KY 41701/Knott County, KY 41822 – GPS Coordinates; (North Pump Station) – Longitude -83°6′26.301″W, Latitude 37°22′4.21″N; (Water Storage Tank) – Longitude -83°6′49.7541″W, Latitude 37°21′22.931″N; (Master Meter) – Longitude -83°6′48.81″W, Longitude 37°21′22.227″N; (South Pump Station) – Longitude -83°8′33.444″W, Latitude 37°20′35.981″N.

**KY HWY 550, Perry County, KY 41701** – GPS Coordinates; (Meter) – Longitude -83°6′57.35″W, Latitude 37°20′34.948″N

**KY HWY 1087, Perry County, KY 41701** – GPS Coordinates; (Meter) – Longitude -83°7′7.529″W, Latitude 37°22′24.387″N

**Montgomery Creek, HWY 1102, Knott County, KY 41822** – GPS Coordinates; (Pump Station) – Longitude -83°2′19.632″W, Latitude 37°21′11.832″N

**Irishman Creek, HWY 1231, Knott County, KY 41822** – GPS Coordinates; (Pump Station) – Longitude -82°59′49.8″W, Latitude 37°16′30.439″N

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

The Perry County Fiscal Court is working to interconnect the systems of Knott County Water and Sewer District and the City of Hazard. Recently with cold weather the City of Hazard has experienced issues with supplying water to the Village of Buckhorn. This project should assist in alleviating some of these issues in the future. It will also assist in alleviating issues to Hazard: Appalachian Regional Health and the Industrial Park should they arise.

The project proposes to upgrade the Knott County Water and Sewer District (KCWSD) distribution system at its terminus at the Knott/Perry county line on KY 80. Upgrades will include modifying and upgrading 2 existing booster pump stations (BPS). The Irishman Creek BPS will require a minimum upgrade of pumps and VFD controls to increase the current flow capacity as well as the in-series Montgomery Creek BPS will require matching upgrade capacity. A new BPS will be required along RT 80 to pump to a new ground storage tank which be constructed near the Knott/Perry County. The tank will gravity flow thru approximately 6,000 linear feet (LF) of 8” SDR-17 PVC transmission line and tie into the Perry County system near the intersection of RT 80 and RT 476. Master meter and isolation valves with SCADA control will be installed along the 8” interconnect for wholesale service from KCWSD to the City of Hazard. There will also be two additional interconnections between the KCWSD and the City of Hazard. The first will be at Ball Fork and will extend approximately 400 LF of 6” PVC transmission line and the second will be at West Highway 550 and will extend approximately 2,100 LF 6” PVC transmission line and provide SCADA controls and master meters. With these upgrades KCWSD can supply up to 500,000 Gal/Day of additional water to Perry County.
Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:
This project will assist in providing a back-up water source to the City of Hazard and Perry County so that it will be able to provide water to residents of the Village of Buckhorn and to assist with providing extra pressure to other areas of the system, the east central and Northern sections of Perry County, during emergency water shortages, power outages, repairs to the City water system, and as a backup water supply to allow Hazard to better serve their residents, the Appalachian Regional Healthcare, Hazard Hospital complex and UK Center for Excellence in Rural Health Center.

Existing Conditions and Trends [24 CFR 58.40(a)]:
The City of Hazard water system serves 85% of the households in Perry County with potable water as well as a majority of the businesses and commercial customers. Several sections of the Hazard system are aged 50 plus years old and are experiencing severe problems especially in very cold winter weather. The system has encountered excessive water outages for prolonged periods of time resulting in some customers being without water for weeks at a time.

Funding Information

<table>
<thead>
<tr>
<th>Grant Number</th>
<th>HUD Program</th>
<th>Funding Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARC 19A-040</td>
<td>ARC</td>
<td>$500,000</td>
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<tr>
<td></td>
<td>AML Pilot</td>
<td>$1,200,000</td>
</tr>
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</table>

Estimated Total HUD Funded Amount: $500,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: $1,700,000

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities
Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<table>
<thead>
<tr>
<th>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
</tr>
</thead>
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<tr>
<td>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</td>
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<tr>
<td>Airport Hazards</td>
<td>Yes</td>
<td>No</td>
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<td>-----------------------------------------------------</td>
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<tr>
<td>24 CFR Part 51 Subpart D</td>
<td></td>
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<tr>
<td>Coastal Barrier Resources</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Coastal Barrier Resources, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flood Insurance</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Clean Air</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coastal Zone Management Act, sections 307(c) &amp; (d)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Contamination and Toxic Substances</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>24 CFR Part 50.3(i) &amp; 58.5(i)(2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endangered Species</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>
Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402

<table>
<thead>
<tr>
<th>Explosive and Flammable Hazards</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 CFR Part 51 Subpart C</td>
<td>☒</td>
<td>☑</td>
</tr>
</tbody>
</table>

No impact. There will be no above ground storage tanks with explosive and/or flammable materials on or near the project.

Farmlands Protection

Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658

<table>
<thead>
<tr>
<th>Farmlands Protection</th>
<th>Yes</th>
<th>No</th>
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<tbody>
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No impact. Per letter dated 2/28/2020, Perri Pedley, Soil Scientist, NRCS, “Based on the information contained in your request and accompanying maps, no conversion of agricultural lands will occur or be negatively impacted by the proposed undertaking. This office has no additional concerns at this time.”

Floodplain Management

Executive Order 11988, particularly section 2(a); 24 CFR Part 55

<table>
<thead>
<tr>
<th>Floodplain Management</th>
<th>Yes</th>
<th>No</th>
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The project was submitted to the DOW on February 5, 2020 and USACOE on February 21, 2020.

In a response dated May 11, 2020 the USACOE stated:

"[I]f any stream crossings are required, the crossing would be constructed utilizing directional bore methodology. Please note that streams and adjacent wetlands are considered waters of the United States pursuant to Section 404 of the Clean Water Act (CWA).

We encourage a construction plan that will avoid wetland and/or stream impacts if possible. If wetland or stream impacts are unavoidable, a DA permit application should be submitted to this office before any work is done. Based on the information included in your submittal and the
review of available maps, it does NOT appear that a DA permit would be required for this proposal.”

Per comments received on March 9, 2020 the DOW Division of Floodplain Management stated:

“For pipeline stream crossings that are not covered under 401 KAR 4:050, a Kentucky DOW Application for Permit to Construct Across or Along a Stream must be submitted”

Through review of maps on the US Fish and Wildlife website, there are no wetlands located in the project area.

Through review of FEMA Floodplain maps, the project is located in the 100 year Floodplain. A Floodplains and Wetlands Early Public Notice was published in the Hazard Herald on May 21, 2020. A Floodplain and Wetlands Notice of Explanation in a 100 Year Floodplain was published in the Hazard Herald on June 11, 2020. No public comments were received.

<table>
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<tr>
<th>Historic Preservation</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</td>
<td>☑️</td>
<td>🔵</td>
</tr>
<tr>
<td>No impact. Per letter dated April 17, 2020, Craig A. Potts, Executive Director and State Historic Preservation Officer stated, “Our review indicates that the proposed project will not impact any properties or sites that are listed in or eligible for the National Register of Historic Places. The proposed project should not require an archaeological survey or cultural historic survey.”</td>
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<table>
<thead>
<tr>
<th>Noise Abatement and Control</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</td>
<td>☑️</td>
<td>🔵</td>
</tr>
<tr>
<td>No Impact. The project is not located in a high noise area.</td>
<td></td>
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<thead>
<tr>
<th>Sole Source Aquifers</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safe Drinking Water Act of 1974, as amended, particularly section 1424(f); 40 CFR Part 149</td>
<td>☑️</td>
<td>🔵</td>
</tr>
<tr>
<td>No impact. There are no sole source aquifers identified in the state of Kentucky on the HUD exchange sole source aquifer site.</td>
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<table>
<thead>
<tr>
<th>Wetlands Protection</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Order 11990, particularly sections 2 and 5</td>
<td>☑️</td>
<td>🔵</td>
</tr>
<tr>
<td>No impact. Through review of maps on the US Fish and Wildlife website, there are no wetlands located in the project area.</td>
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<td></td>
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<table>
<thead>
<tr>
<th>Wild and Scenic Rivers</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wild and Scenic Rivers Act of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No impact. There are no wild and scenic rivers located within the project area or in Perry County,</td>
<td></td>
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1968, particularly section 7(b) and (c) ☑ ☐ Kentucky.

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<th>ENVIRONMENTAL JUSTICE</th>
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<tr>
<td>Environmental Justice</td>
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<tr>
<td>Executive Order 12898</td>
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</table>

No impact.

The project will benefit all area residents regardless of any protected class. The Perry County Fiscal Court is an equal opportunity provider and will serve all potential customers equally.

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

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<th>Impact Evaluation</th>
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<tr>
<td>LAND DEVELOPMENT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conformance with Plans / Compatible Land Use and Zoning/ Scale and Urban Design</td>
<td>1</td>
<td>The project is anticipated to have a positive impact to the proposed areas by installing infrastructure to provide continued water supplies to businesses and residents in times of emergency.</td>
</tr>
<tr>
<td>Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff</td>
<td>2</td>
<td>Appropriate erosion control measures will be utilized to minimize potential impacts.</td>
</tr>
<tr>
<td>Environmental Assessment Factor</td>
<td>Impact Code</td>
<td>Impact Evaluation</td>
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</tr>
<tr>
<td><strong>SOCIOECONOMIC</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment and Income Patterns</td>
<td>1</td>
<td>No impacts. The project will not create any new jobs. The project will provide a backup water source for the Appalachian Regional Commission and several other businesses in the Hazard area. The backup water source will ensure businesses are still operational in times of emergency water situations.</td>
</tr>
<tr>
<td>Demographic Character Changes, Displacement</td>
<td>2</td>
<td>No impact. The project will not displace any families nor will it require residents to relocate.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Assessment Factor</th>
<th>Impact Code</th>
<th>Impact Evaluation</th>
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<tr>
<td><strong>COMMUNITY FACILITIES AND SERVICES</strong></td>
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<tr>
<td>Educational and Cultural Facilities</td>
<td>1</td>
<td>The project will have an impact on two educational facilities in the Hazard area. The project will provide a backup water source for these educational facilities.</td>
</tr>
<tr>
<td>Commercial Facilities</td>
<td>1</td>
<td>This project will not construct any commercial facilities. The improved infrastructure will allow for commercial facilities in the project area to have continued water services during emergency situations.</td>
</tr>
<tr>
<td>Health Care and Social Services</td>
<td>1</td>
<td>The project is located within a rural area with access to adequate medical and social services. This project will construct infrastructure that will supply continued water services to health care and social service facilities in times of emergency.</td>
</tr>
<tr>
<td>Solid Waste Disposal / Recycling</td>
<td>2</td>
<td>No impact. The project is located in an area with access to adequate solid waste disposal.</td>
</tr>
<tr>
<td>Waste Water / Sanitary Sewers</td>
<td>2</td>
<td>No impact. The project will not have an impact on existing sewer service.</td>
</tr>
<tr>
<td>Water Supply</td>
<td>1</td>
<td>The project will provide the necessary infrastructure for water service to serve the residents and businesses during emergency situations.</td>
</tr>
<tr>
<td>Public Safety - Police, Fire and Emergency Medical</td>
<td>1</td>
<td>The project is located within a rural area with access to adequate policing services, fire services, and emergency services.</td>
</tr>
<tr>
<td>Parks, Open Space and Recreation</td>
<td>2</td>
<td>The project will have no impact on parks, open space and recreation to area residents.</td>
</tr>
<tr>
<td>Transportation and Accessibility</td>
<td>2</td>
<td>The contractor(s) must comply with all safety regulations and assure adequate measures for traffic and workers.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Environmental Assessment Factor</th>
<th>Impact Code</th>
<th>Impact Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NATURAL FEATURES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unique Natural Features, Water Resources</td>
<td>2</td>
<td>No adverse impacts anticipated on Unique Natural Features because of the project.</td>
</tr>
<tr>
<td>Vegetation, Wildlife</td>
<td>2</td>
<td>The project is located on a previously disturbed mining site or highway right-of-way and existing easements. There will be a quarter acre of tree removal on the previously disturbed mining site. Per response from Jennifer Garland dated May 12, 2020, the US Fish and Wildlife states, “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.”</td>
</tr>
<tr>
<td>Other Factors</td>
<td>2</td>
<td>No other factors have been identified.</td>
</tr>
</tbody>
</table>

**Additional Studies Performed:** Air Quality Attainment Report, Air Quality Index, Wild and Scenic River report, Contamination and Toxic Substance Report, Sole Source Aquifers

**Field Inspection (Date and completed by):** March 26, 2020, Kasey Malone, Kentucky River Area Development District

9
List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

- Ky State Clearinghouse, Lee Nalley
- U S Fish and Wildlife, Virgil Lee Andrews, Jr.
- Natural Resources Conservation Services, Perri Pedley
- State Historic Preservation Officer, Craig A. Potts
- Division of Waste Management
- Division of Water
- KY Fish and Wildlife, Dan Stoelb
- Eastern Band of Cherokee Indians, Russ Townsend
- Division of Air Quality
- Division of Waste Management
- FEMA
- Division of Flood Plain Management
- U.S. Army Corps of Engineers – Louisville District Eastern Kentucky, Justin Branham

List of Permits Obtained:

- May 20, 2020 - Kentucky Transportation Cabinet Encroachment Permit. Permit #: 12-2020-00083
- June 23, 2020 – Department for Environmental Protection Stream Construction Permit. Permit #: 29958

Public Outreach [24 CFR 50.23 & 58.43]:

- May 21, 2020 - Floodplains and Wetlands Early Public Notice Activity in a 100-year Floodplain
- June 11, 2020 - Floodplain and Wetland Notice of Explanation Activity in a 100-year Floodplain

Cumulative Impact Analysis [24 CFR 58.32]:

It is highly anticipated the project will have a positive impact on the proposed area by constructing, installing, and rehabilitating public infrastructure that will continues to provide water services to residents and businesses of Perry County. The Perry County Fiscal Court has determined the project will have no significant impact on the human environment. They will take measures to ensure erosion control measures to reduce impact to the aquatic environment. There is approximately a quarter acre of anticipated tree removal on previously disturbed abandon mine land. There are no significant impacts to federally listed endangered or threatened species anticipated.

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

Alternative #1: The preferred alternative is to construct the project as designed. This alternative has been deemed the most advantageous and environmentally sound. The construction of this project will greatly increase the quality of life for residents in the area.
Alternative #2: Build a new water treatment plant—This would not be an ideal alternative as constructing a new water treatment plant would require additional funding and would most likely require mitigation as a new project site would have to be selected and a source of water would have to be determined.

No Action Alternative [24 CFR 58.40(e)]: The least preferred alternative is to do nothing. This alternative would see residents and local businesses go without water services in emergency situations.

Summary of Findings and Conclusions: The proposed project will overall have a positive environmental impact as well as an economic impact on Perry County, Kentucky. The project will provide continued water services to residents and businesses in times of emergency. The only mitigation required is erosion control. The Perry County Fiscal Court will take all measures to ensure erosion control measures are utilized during project construction.

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

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

<table>
<thead>
<tr>
<th>Law, Authority, or Factor</th>
<th>Mitigation Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>KY Fish and Wildlife</td>
<td>Erosion control measures will be developed and implemented to reduce siltation into waterways. These erosion control measures may include silt fences, staked straw bales or other measures.</td>
</tr>
<tr>
<td>Division of Water</td>
<td>Best management practices should be utilized to reduce runoff from project construction activities into nearby waters.</td>
</tr>
</tbody>
</table>
Determination:

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

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

Preparer Signature: _______________________________ Date: ________________

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

Certifying Officer Signature: _______________________________ Date: ________________
Name/Title: Scott Alexander, 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

Water lines – construct/replace approximately 6,449 LF of 8” PVC and 2,458 LF of 6” PVC.
Water Storage Tank – construct one 250,000 gallon tank.
Booster Pump Station – construct/rehabilitate four pump stations.
Meters – construct three interconnection meters.
DLG Environmental Submittal Checklist

Project/Program Name: KY RT 80/KY RT 476 Interconnection Project

Project/Program ID Number: KY201909071177/19A-040

Project Location (if applicable): KY HWY 80/476, Hazard, Kentucky 41701

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: ________________
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

KY State eClearinghouse comments submitted to KY DLG

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

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

KY DLG Approval received  Date signed by KY DLG: ______________

Environmental Assessment (§58.36)

FONSI/NOI published  Date: 07/03/2020

Environmental Certification submitted to KY DLG  Date: ______________

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

Environmental Review Status Form submitted to KY DLG  Date: ______________

KY State eClearinghouse comments submitted to KY DLG: 02/05/2020

KY Heritage Council-SHPO comments and approval submitted to DLG: 04/03/2020

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) N/A

☒ Distribution List for all Public Notices

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

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

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

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

Clearinghouse Comments
March 9, 2020

Judge Scott Alexander  
Perry County Fiscal Court  
P.O. Drawer 210  
Hazard, KY 41702  

RE: KY RT 80/KY RT 476 Interconnect Project  
WX21193040  
SAI# KY2020002050085  
CFDA# 23.002

Dear Judge Alexander:

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

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

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

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

Sincerely,

Lee Nalley, SPOC  
Kentucky State Clearinghouse

Attachment
Department for Environmental Protection
Louanna Aldridge

Joel Murphy - Endorse with Comments The proposed project is subject to Division of Water (DOW) jurisdiction because the following are or appear to be involved: water lines and appurtenances. Prior approval must be obtained from the DOW before construction can begin. The applicant must cite the State Application Identifier (SAI #KY202002050085) when submitting plans and specifications.

The Perry County Fiscal Court is working to interconnect the systems of Knott County Water and Sewer District and the City of Hazard. Recently with cold weather, the City of Hazard has experienced issues with supplying water to the Village of Buckhorn. This project should assist in alleviating some of these issues in the future. It will also assist in alleviating issues to Appalachian Regional Healthcare (ARH) and the Industrial Park should they arise. The project proposes to upgrade the Knott County Water and Sewer District (KCWSD) distribution system at its terminus at the Knott/Perry county line on KY 80. Upgrades will include modifying and upgrading 2 existing booster pump stations (BPS). The Irishman Creek BPS will require a minimum upgrade of pumps and variable frequency drive (VFD) controls to increase the current flow capacity as well as the in-series Montgomery Creek BPS will require matching upgrade capacity. A new BPS will be required along Route 80 to pump to a new ground storage tank which will be constructed near the Knott/Perry County line on the Knott County side (location, capacity to be determined, designed and land acquired). Another booster pump station on the Perry County side will also be constructed located at Red Star. The tank will gravity flow thru a new +/- 6,000 linear feet of 8-inch SDR-17 PVC transmission line and tie into the Perry County system near the intersection of Route 80 and Route 476. Master meter and isolation valves with Supervisory Control and Data Acquisition (SCADA) control will be installed along the 8-inch interconnect for wholesale service from KCWSD to the City of Hazard. There will also be two additional interconnections between the KCWSD and the City of Hazard. The first will be at Ball Fork and will extend approximately +/- 400 linear feet of 6-inch PVC transmission line and the second will be at West Highway 550 and will extend approximately +/- 2,100 linear feet of 6-foot PVC transmission line and provide SCADA controls and master meters. With these upgrades, KCWSD can supply up to 500,000 gallons per day of additional water to Perry County. The County is currently seeking funds for this project and it is their number one priority at this time.

This project will likely help to increase Technical, Managerial, and Financial (TMF) capacity for the Hazard Water Department. Any recommendations listed within the Sanitary Survey results letter (dated October 31, 2019,) which have not already been implemented, are still highly advised. Questions should be directed to Jennifer Taimi, Municipal Planning Section, (502) 782-7087, Jennifer.Taimi@ky.gov.

Submit all plans and specifications to DOW for review and approval prior to the start of construction. Additionally, if this is a new interconnect, ensure disinfection protocols for both treatment plants are compatible with each other. Questions should be directed to Mollye Malone, Engineering Section, (502) 782-0148, Mollye.Malone@ky.gov.

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

The portion of the project involving the pump station along Big Branch Road is within the Hazard Water District designated Source Water Protection Area, Zone 3 (Zone of Potential Impact). Questions should be directed to Chloe Brantley, Water Supply Section, (502) 782-6898, Chloe.Brantley@ky.gov.

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

The proposed work is endorsed by the Groundwater Section of the Watershed Management Branch. However, there are domestic groundwater water well users in the vicinity of the proposed work. It is our recommendation that site be made aware of the requirements of 401 KAR 5:037 and the need to develop a Groundwater Protection
Plan (GPP) for the protection of groundwater resources within that area. Questions should be directed to Adam Nolte, Groundwater Section, (502) 782-1312, Adam.Nolte@ky.gov or Kurtis Spears, Groundwater Section, (502) 782-7119, Kurtis.Spears@ky.gov.

For pipeline stream crossings that are not covered under 401 KAR 4:050, a Kentucky DOW Application for Permit to Construct Across or Along a Stream must be submitted. Questions should be directed to Shawn Hokanson, Floodplain Management Section, (502) 782-6977, Shawn.Hokanson@ky.gov.

The Division of Enforcement does not object to the project proposed by the applicant. Questions should be directed to Tim Harrod, Division of Enforcement, (502) 782-6858, Timothy.Harrod@ky.gov.

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

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

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

Department of Housing, Buildings and Construction
Kevin Carlin

The Department of Housing Buildings and Construction, Division of Building Code Enforcement, has no comments concerning this proposed project. Please contact this office to inquire about the requirements for required permitting.

Division of Enforcement
Tim Harrod

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

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

Division of Water
Andrea Fredenburg

Best management practices should be utilized to reduce runoff from project construction activities into nearby waters.

DOW
Daniel Fraley

Endorse
Division of Water
Jennifer Taimi

This project will likely help to increase TMF capacity for the Hazard Water Department. Any recommendations listed within the Sanitary Survey results letter (dated October 31, 2019,) which have not already been implemented, are still highly advised.

Fish and Wildlife
Dan Stoelb

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

Kentucky Division of Water
Chloe Brantley

Project filed.

Kentucky Infrastructure Authority
Don Schrierer

This project was reviewed in the WRIS Portal by KIA staff.

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 Division of Water
Allan Singleton

For pipeline stream crossings that are not covered under 401 KAR 4:050, a Kentucky Division of Water Application for Permit to Construct Across or Along a Stream must be submitted. Questions should be directed to Shawn Hokanson at 502-782-6977 or Shawn.Hokanson@ky.gov.

The portion of the project involving the pump station along Big Branch Road is within the Hazard Water District designated Source Water Protection Area, Zone 3 (Zone of Potential Impact). Questions should be submitted to Chloe Brantley at 502-782-6898 or Chloe.Brantley@ky.gov.

KY Heritage Council
Yvonne Sherrick

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

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

KY. Division of Water
Kurtis Spears

The proposed work is endorsed by the Groundwater Section of the Watershed Management Branch. However, there are domestic groundwater water well users in the vicinity of the proposed work. It is our recommendation that site be made aware of the requirements of 401 KAR 5:037 and the need to develop a Groundwater Protection Plan (GPP) for the protection of groundwater resources within that area. Questions should be directed to Adam Nolte (502-782-1312) or Kurtis Spears (502-782-7119).

Water Infrastructure Branch - DOW
Mollye Malone

Submit all plans and specifications to DOW for review and approval prior to the start of construction. Additionally, if this is a new interconnect, ensure disinfection protocols for both treatment plants are compatible with each other.
Exhibit 2
State Historic Preservation Officer (SHPO)
Correspondence
Angelia Hall  
Kentucky River Area Development Dist.  
941 N. Main St.  
Hazard, KY 41701  

Re: KY RT 80/KY RT 476 Interconnect Project (WX21193040), Hazard, Perry Co., KY  

Dear Ms. Hall:  

Our review indicates that the proposed project will not impact any properties or sites that are listed in or eligible for the National Register of Historic Places. The proposed project should not require an archaeological survey or cultural historic survey.  

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

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

Sincerely,  

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

CP:nrl KHC #57881
April 3, 2020

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

RE: KY RT 80/KY RT 476 Interconnect Project (WX21193040)

Dear Mr. Potts:

The Perry County Fiscal Court is in the process of conducting an environmental review pursuant to the State Environmental Review Process for an ARC Grant for the above reference project. The purpose of the review is to assess the environmental impacts of the KY RT 80/KY RT 476 Interconnect Project in Hazard, 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, there will be ground disturbance in previously disturbed highway right-of-way, existing easements, and on reclaimed abandoned mine land. 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 angelia@kradd.org.

Sincerely,

Angelina Hall
Associate Director, CED

enclosures

CC: Perry County Fiscal Court/file
KENTUCKY HERITAGE COUNCIL COVER SHEET
FOR SECTION 106 REVIEW AND COMPLIANCE

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

<table>
<thead>
<tr>
<th>SECTION 1: APPLICANT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Sponsor or Applicant: Perry County Fiscal Court</td>
</tr>
<tr>
<td>Contact Person (name &amp; position): Angelia Hall, Associate Director, CED</td>
</tr>
<tr>
<td>Return Address: 941 North Main Street, Hazard, KY 41701</td>
</tr>
<tr>
<td>Telephone: 606-436-3158  Fax: 606-436-2144</td>
</tr>
<tr>
<td>Project Title: KY RT 80/KY RT 476 Interconnect Project</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SECTION 2: AGENCY INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding/Permitting Agency: Appalachian Regional Commission (ARC)</td>
</tr>
<tr>
<td>Agency Contact Person (name &amp; position): Scott Sharp, ARC Program Manager</td>
</tr>
<tr>
<td>Telephone: (602) 892-3476  E-mail: <a href="mailto:scott.sharp@ky.gov">scott.sharp@ky.gov</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SECTION 3: PROJECT LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>E911 Street Address (or other description): KY HWY 80 East and KY HWY 476</td>
</tr>
<tr>
<td>City/Township: Hazard  County: Perry</td>
</tr>
<tr>
<td>Latitude: 37°21'22.931&quot;N  Longitude: -83°56'49.754&quot;W</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SECTION 4: PROJECT TYPE (please check all that apply)</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Demolition  □ Rehabilitation  □ Structural Relocation  □ Trails</td>
</tr>
<tr>
<td>□ New Construction  □ Land and/or Building Acquisition  □ Sewer/Water Lines  □ Roads/Bridges</td>
</tr>
<tr>
<td>□ Non-Construction Planning/Refinancing  □ Other (describe):</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SECTION 5: IDENTIFICATION OF KNOWN HISTORIC PROPERTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>KHC Preliminary Site Check #: 47161220  OSA Preliminary Site Check #: P246173</td>
</tr>
</tbody>
</table>

If your project involves ground disturbance, has the site been previously disturbed? □ Yes  □ No

This project will construct 6,400 Linear Feet of 8" and 2,500 Linear Feet of 6" wateline, a new water tank, two new pump stations, and rehab two pump stations throughout Perry and Knott County. All construction will be performed in previously disturbed highway right-of-way, existing easements, or on reclaimed mine land.

Is there anything over 50 years of age in or visible from the project location? □ Yes  □ No

<table>
<thead>
<tr>
<th>SECTION 6: ATTACHMENTS (Attach all as applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All documentation should be labeled with the project name or site address.</td>
</tr>
<tr>
<td>□ Clear, current photographs of the project site and anything over 50 years of age in or visible from it.</td>
</tr>
<tr>
<td>□ Site map/plan indicating the exact location and boundaries of the project area.</td>
</tr>
<tr>
<td>□ Detailed description of the project (may include plans, scope of work, and other available information.)</td>
</tr>
<tr>
<td>□ Documentation of prior ground disturbance (e.g. maps, photographs, underground utility plans, etc.)</td>
</tr>
<tr>
<td>□ Any known information about the history/use of the property and local significance.</td>
</tr>
</tbody>
</table>

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

KHC 106 Cover Sheet Version 4-17
Project Description:

Perry County Fiscal Court in partnership with the City of Hazard will construct approximately 6,400 feet of 8" water main along KYHWY 80 east and KY 476 to connect the Knott County Water System to the City of Hazard Water System to provide potable water to approximately 1,500 customers – 3,435 citizens per 2010 census persons per household in the east central and Northern sections of Perry County during emergency water shortages, power outages, repairs to the City water system, and as a backup water supply to allow Hazard to better serve the Appalachian Regional Healthcare, Hazard Hospital complex and UK Center for Excellence in Rural Health Center. The project will also include a 250,000 gallon water storage tank, one new pressure booster pump station, and upgrade to 2 additional pressure booster pump stations with related appurtenances and master meter tie-in between Knott Co. Water system and City of Hazard Water System.
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 #: 47161220

Preliminary Historic Resources Check Performed On: 1/3/2020

There were no previously recorded historic resources within or adjacent to your project area.
Preliminary Records Review Coversheet

Date Request Processed: 1/7/2020

Preliminary Review Number: P246173

Paid via:  ☑ Check (Check No.: )

☑ Credit Card (Transaction ID: 1421432964)

If you have any questions, please contact KyOSA at (859)257-1944 or ky-osu@uky.edu.
P246173

Knott County - City of Hazard Water System Connector

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: 01/07/20

Site Type: open habitation w/o mounds

National Register Status: National Register status not assessed
P246173: Knott County - City of Hazard Water System Connector

Site Check Performed On: 01/07/20

060-016 578479 1990  Hand, Robert B.

A Coal Mine Survey along Troublesome Creek, in Knott and Perry County, Kentucky

060-018 578588 1990  Pecora, Albert M., III

A Coal Mine Survey along Bear Branch of Troublesome Creek, in Knott and Perry County, Kentucky

097-002 576413 1978  Gatus, Thomas W. and Thomas N. Sanders

A Reconnaissance and Evaluation of Archaeological Sites in Perry County
Irishman Creek Pump Station Upgrade site - Aerial View

GPS: 37°16'30.439”N
-82°59'49.8” W
Irishman Creek Pump Station Upgrade - East View
Trishman Creek Pump Station Upgrade - North View
Irishman Creek Pump Station Upgrade - South View
Trishman Creek Pump Station Upgrade - West View
KY 80, North site, New Pump Station - Aerial View

GPS: 37°22′4.21″ N
   - 83°6′26.30″ W
KY 80, North Site, Pump Station - East View
KY 80, North Site, New Pump Station - North View
KY 80, North Site, New Pump Station - South View
KY 80, North Site, New Pump Station - West View
KY 80, South Site, New Pump Station - Aerial View

GPS: 37° 20' 35.981" N
-83° 8' 33.444" W
KY-80, South Site, New Pump Station - East View
KY 80, South Site, New Pump Station - North View
KY 80, South Site, New Pump Station - South View
KY 80, South Site, New Pump Station - West View
KY 80 New Water Tank & Muster Meter - Aerial View

GPS: Water Tank - 37° 21' 22.931" N
-83° 6' 49.754" W

Muster Meter - 37° 21' 22.227" N
-83° 6' 48.81" W
KY 80 New Water Tank & Master Meter - East View
KY 80 New Water Tank + Master Meter - North View
KY 80 New Water Tank + Master Meter - South View
KY 80 New Water Tank + Master Meter - East View
KY 550 Mostar Meter - Aerial View

GPS: 37°20'34.998"N
-83°6'57.35"W
KY 550 Mosher Meter - East View
KY 550 Master Meter - North View
KY 550 Master Meter - South View