

APPENDIX A

**PUBLIC AND AGENCY
INVOLVEMENT**

Pike County (Levisa Fork Basin) Section 202 Project **Pikeville Public Meeting Summary**

Meeting Date: September 25, 2003

Meeting Time: 7:00 p.m. to 10:00 p.m.

Meeting Place: Pikeville High School Commons Area
120 Championship Drive
Pikeville, KY 41501

The two purposes of this public meeting were 1) to present information about the proposed flood damage reduction project and 2) to obtain comments and concerns from the public about the project.

The meeting used an open house/workshop format. Exhibits were grouped at stations in the commons area representing different aspect of the study. Project Team staff was stationed at each exhibit to explain the exhibits, answer questions, and listen to concerns and comments. No formal presentation was made to the public. Photographs of the public meeting are attached.

A total of 50 people exclusive of staff attended the public meeting, including residents, property owners, and jurisdictions. When signing in, each attendee received a fact sheet explaining the project as well as a comment card. Everyone was encouraged to use the comment card to register project-related concerns and opinions. Eleven written comments were received on September 25, 2003. An attendance list and comment summary is attached.

Seven Huntington District and three AMEC staff attended the meeting, as shown in the following list:

- | | |
|---------------------|--|
| ▪ Jay Aya-ay | Planning Branch, Environmental Analysis Section, Huntington District |
| ▪ Wallace Dean | Planning Branch, Environmental Analysis Section, Huntington District |
| ▪ Mark Kessinger | Project Management, Huntington District |
| ▪ Steve Ratliff | Planning Branch, Special Studies Section, Huntington District |
| ▪ Dr. Jagan Valluri | Marshall University |
| ▪ John Preston | Planning Branch, Environmental Analysis Section, Huntington District |
| ▪ Pete Dodgion | Planning Branch, Environmental Analysis Section, Huntington District |
| ▪ Rebecca Sabraoui | AMEC Earth and Environmental |
| ▪ Steve Paznokas | AMEC Earth and Environmental |
| ▪ Kenny Reutlinger | AMEC Earth and Environmental |

A total of 50 people exclusive of staff attended the public meeting, including residents, property owners, and jurisdictions. When signing in, each attendee received a fact sheet explaining the project as well as a comment card. Everyone was encouraged to use the comment card to register project-related concerns and opinions. Eleven written comments were received on September 25, 2003. An attendance list and comment summary is attached, as are the sign-in sheets and the actual comments received.

Attachments:

1. Fact Sheet
2. Comment Sheet
3. Photographs
4. Attendance List
5. Photographs
6. Sign-in Sheets
7. Comment Summary
8. Comments Received at Meeting

Pike County (Levisa Fork) Flood Damage Reduction

Attendance List: Scoping Meeting September 25, 2003

	Name	Address	City	State	Zip
1	Mr. Blake Salyers	10429 Regina-Belcher Hwy	Elkhorn City	KY	41522
2	Mr. Roger Salyers		Elkhorn City	KY	41522
3	Ms. Janet Burnette, Millard Middle School	15 Fords Branch Lane S.	Fords Branch	KY	41526
4	Ms. Jeanette C. Elswick	10 W. Thelma Avenue	Meta	KY	41501
5	Mr. James Bevins		Millard	KY	
6	Mr. Robert H. Bellamy	9926 Bent Branch Road	Pikeville	KY	41501
7	Mr. Don Cantrell	65 Bridgette	Pikeville	KY	41501
8	Mr. Kevin Gannis	1492 Broad Bottom Road	Pikeville	KY	40501
9	Mr. Larry Newsome	1464 Broad Bottom Road	Pikeville	KY	41501
10	Ms. Deborah Anderson	5058 Collins Hwy	Pikeville	KY	41501
11	Ms. Margaret Bellamy	37 E. Helena Avenue	Pikeville	KY	41501
12	Ms. Francie Adkins	5231 E. Shelbiana Road	Pikeville	KY	41501
13	Mr. Charles Bevins	10 JC Ratliff Street	Pikeville	KY	41501
14	Ms. Cheryl King	142 Kings Lane	Pikeville	KY	40501
15	Ms. Jackie Hamilton	561 Marion Branch Road	Pikeville	KY	41501
16	Ms. Ruth Thomas	65 Mossy Bottom 1st Street	Pikeville	KY	41501
17	Mr. Tommy Conway	26 Mullins 1st Street	Pikeville	KY	41501
18	Ms. Melinda Smallwood	Mullins 1st Street, P.O. Box 538	Pikeville	KY	41502
19	Mr. Ronald M. Wright	7469 N. Mayo Trail	Pikeville	KY	41501
20	Ms. Brenda Gooslin	58 Northwood Drive	Pikeville	KY	41501
21	Mr. Kurt Wells	44 Northwood Drive	Pikeville	KY	41501
22	Mike and Kathy Francisco	121 Oak Lane	Pikeville	KY	40501
23	Mr. Dennie Bentley	45 Peyton Creek	Pikeville	KY	41501
24	Mr. Rod Smith	146 Ratliff Street	Pikeville	KY	40501
25	Mr. Willie Runyon	27 Rosiland	Pikeville	KY	41501
26	Ms. Della Marie Johnson	57 RR Street	Pikeville	KY	41501
27	Ms. Vanessa Stamper	45 Stamper Lane	Pikeville	KY	41501
28	Ms. Evaleane Stamper	45 Stamper Lane	Pikeville	KY	41501
29	Claude and Vanessa Stamper	45 Stamper Lane	Pikeville	KY	41501
30	Ms. Cheryl Webster	69 Webster Way	Pikeville	KY	41501
31	Mr. Harry R. Reed	40 West Helena Avenue	Pikeville	KY	41501
32	Ms. Shelby J. Taylor	30 West Helena Avenue	Pikeville	KY	41501
33	Mr. Gene G. Salyers	391 Winright Road	Pikeville	KY	41501
34	Mr. Jeff Anderson, Pike County District 1 Magistrate	P.O. Box 1435	Pikeville	KY	40502
35	Ms. Alice Salyers	P.O. Box 486	Regina	KY	41559
36	Ms. Norma Baker	412 Fishtrap Road, P.O. Box 204	Shelbiana	KY	41562
37	Ms. Christine Keathley	1019 Fishtrap Road, P.O. Box 155	Shelbiana	KY	41562
38	Ms. Geneva Lowe	1013 Fishtrap Road, P.O. Box 184	Shelbiana	KY	41562
39	Mr. Willie Whitaker	2204 Fishtrap Lake	Shelbiana	KY	41562
40	Fred and Vanessa Belcher	715 Slones Branch	Shelbiana	KY	41562
41	Nancy and Bill Elswick	8 Slones Branch Road	Shelbiana	KY	41562
42	Ms. Dorothy Ford	38 Slones Branch Road	Shelbiana	KY	41562
43	Mr. Clinard Bentley	67 Sutton Bottom Route	Shelbiana	KY	41562
44	Ms. Linda Bevins	P.O. Box 199	Shelbiana	KY	41562
45	Mr. Smitty Bevins	P.O. Box 199	Shelbiana	KY	41562
46	Ms. Angelia Donithan	P.O. Box 225	Shelbiana	KY	41562

Pike County (Levisa Fork) Flood Damage Reduction Comment Summary: Scoping Meeting September 25, 2003

	Name	Address	City	State	Zip	Comment Summary
1	Ms. Janet Burnette, Millard Middle School	15 Fords Branch Lane S.	Fords Branch	KY	41526	Represents Midland Middle School. Advocates flood wall rather than levee behind Midland Middle School. Mentions that elementary school planned at middle school site. Also concerned about potential future uses of evacuated flood plain. Does not want landfill.
2	Mr. Larry Newsome	1464 Broad Bottom Road	Pikeville	KY	41501	Wants to know if his property is within 1977 flood level project area. Has full basement built after 1983 flood; never flooded. Flood of 2003 got to bottom of patio.
3	Ms. Deborah Anderson	5058 Collins Hwy	Pikeville	KY	41501	Concern about unstable Robinson Creek stream bank near Rt 122. Home floods at 1977 level.
4	Ms. Ruth Thomas	65 Mossy Bottom 1st Street	Pikeville	KY	41501	Has been flooded 3 times. Thinks Mossy Bottom could be evacuated and made into a park.
5	Ms. Brenda Gooslin	58 Northwood Drive	Pikeville	KY	41501	Concern that her house, which is in the City of Coal Run, would be flooded worse if a flood wall is constructed as shown at the meeting. Concern that only part of the City would be protected. Concern that most Pikeville businesses would not be protected by alternatives shown at the meeting.
6	Mr. Kurt Wells	44 Northwood Drive	Pikeville	KY	41501	Wants flood wall to extend to Mossy Bottom Bridge.
7	Ms. Evaleane Stamper	45 Stamper Lane	Pikeville	KY	41501	Wants to know if her home is eligible for the relocation program.
8	Claude and Vanessa Stamper	45 Stamper Lane	Pikeville	KY	41501	Has been contacted about using property for borrow site. Wants more information about process and potential damage to property.
9	Ms. Shelby J. Taylor	30 West Helena Avenue	Pikeville	KY	41501	Wants flood assistance. Gets flooded 2-3 times per year. Concern that her street has not gotten state or local assistance. Concern about lowered property values in neighborhood due to flooding.
10	Ms. Christine Keathley	1019 Fishtrap Road, P.O. Box 155	Shelbiana	KY	41562	Thinks wall is needed between Fishtrap and Flannigan Dams. Gets backwater from Fishtrap. Does not want to relocate.
11	Ms. Geneva Lowe	1013 Fishtrap Road, P.O. Box 184	Shelbiana	KY	41562	Concerns about financial aspects of potential relocation. Lives in trailer on land owned by neighbors. Prefers to remain in area.

PUBLIC MEETING FACT SHEET

FLOYD COUNTY, KY (LEVISA FORK BASIN), SECTION 202 PROJECT

Background

The proposed project is authorized under Section 202 of the Water Resources Development Act (WRDA) of 1996, which provides the Corps authority to design and construct flood control measures relating to the Levisa and Tug Fork of the Big Sandy River and Cumberland River, West Virginia, Kentucky and Virginia.

Since the earliest Levisa Fork Basin settlements, Floyd County residents have faced the problem of frequent and severe flooding. Floyd County communities within the floodplain of the Levisa Fork and tributaries were devastated by the April 1977 flood, which was the flood of record for much of the region. A significant flood again inundated Levisa Fork communities in May of 1984. Congressional reaction to these flood events resulted in the inclusion of funds and language in various legislative directives mandating expeditious implementation of flood damage reduction measures within the study area covered by the Huntington District's Section 202 General Plan.

Study Area

The study area, primarily residential in nature, includes the incorporated areas of Prestonsburg and unincorporated areas in the county subject to flood damage from the potential of a reoccurrence of the April 1977 flood. The project requires providing flood protection measures to approximately 1,300 structures.

Alternatives

Initial alternatives include:

- floodwall/levee systems protecting Prestonsburg,
- non-structural flood-proofing (raise in place)
- non-structural flood-proofing (voluntary evacuation), and
- ring walls protecting individual structures.

Alternatives to be evaluated in detail in the Draft EIS will be selected from those described above.

Public Participation

The Corps invites full public participation to promote open communication and better decision-making. Public comments are welcomed anytime throughout the NEPA process. All persons and organizations that have an interest in the Levisa Fork Basin flooding problems as they affect Floyd County and the environment are urged to participate in this NEPA environmental analysis process. Assistance will be provided upon request to anyone having difficulty with learning how to participate. Formal opportunities for public participation include:

- this Public Meeting
- anytime during the NEPA process via mail, telephone or e-mail;
- another Public Meeting during Review and Comment on the Draft EIS in late 2004; and,
- during review of the Final EIS in late 2005. Schedules and locations will be announced in local news media. Interested parties should submit contact information to be included on the mailing list of public

MAIL COMMENTS TO

Jay Aya-ay at the address below:

Jonathan J. Aya-ay
U.S. Army Corps of Engineers, Huntington District
502 Eighth Street, Huntington, WV 25701-2070.

Telephone: (304) 399-5872

Electronic mail:

Jonathan.J.Ayaay@usace.army.mil

FOR FURTHER INFORMATION CONTACT

Jay Aya-ay or Tammy Conforti at the address below:

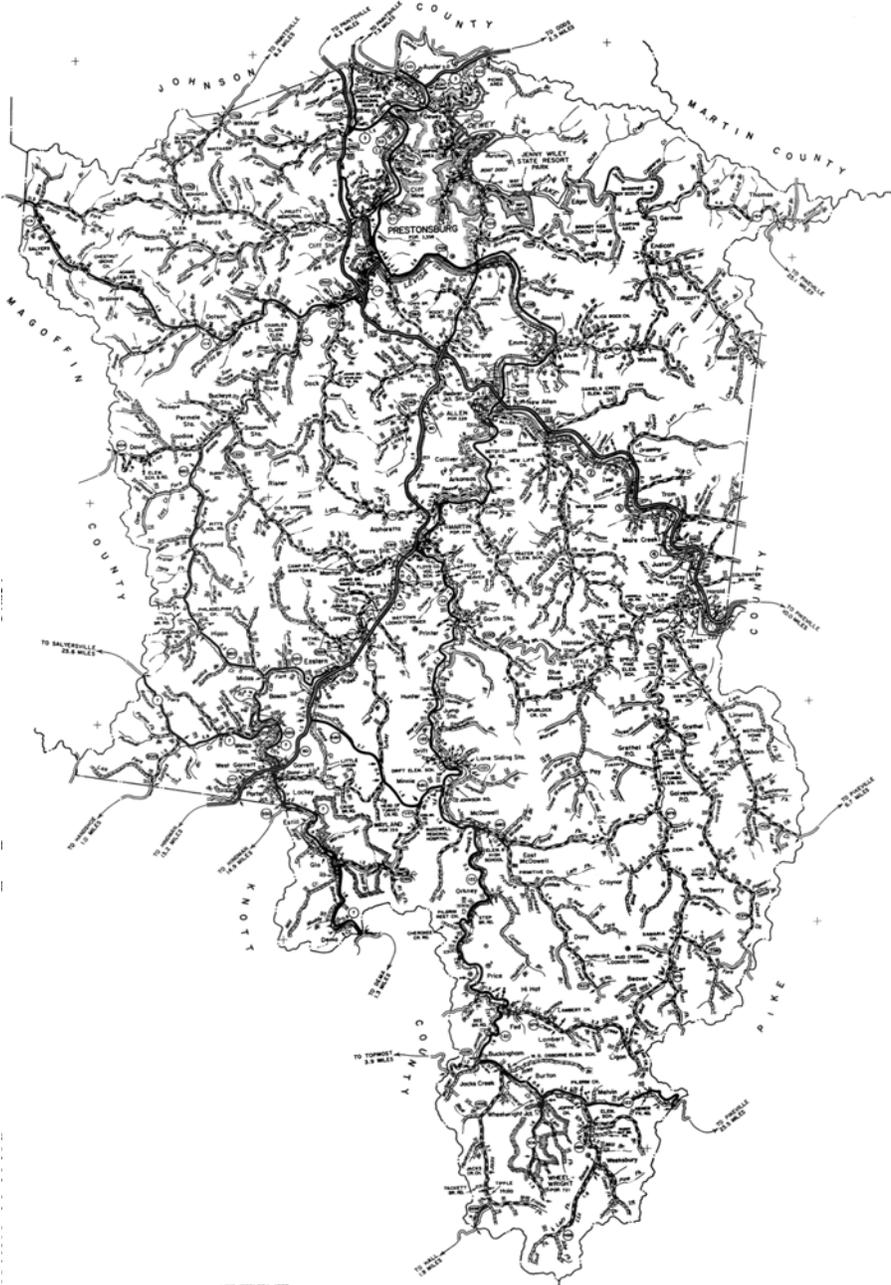
Tammy Conforti
U.S. Army Corps of Engineers, Huntington District
502 Eighth Street, Huntington, WV, 25701-2070

Telephone: (304)399-5834

Electronic mail:

Tammy.L.Conforti@usace.army.mil

Floyd County, KY (Levisa Fork Basin) Section 202 Project



Floodplain Evacuation



Ring Walls



Raising-in-Place



Floodwall/Levee



**US Army Corps
of Engineers**
Huntington District



Memorandum

To: Jay Aya-ay, Huntington District

CC: see Attendees, plus
Stevin Paznokas, AMEC
Brian Boose, AMEC
Stephen Noe, AMEC

From: Rebecca Sabraoui, AICP

Subject: **Pike County, KY (Levisa Fork Basin) Section 202 Project
October 9, 2003 Meeting Minutes**
AMEC Project No. 3-481-90001

Date: October 20, 2003

The following are my notes from the October 9 Agency Coordination Meeting in Pikeville, Kentucky. The meeting began at 8:00 a.m. on October 9, 2003 in the project area in Pikeville, KY.

Purpose of the Meeting: To view the two proposed floodwall/levee areas in Pike County (North Pikeville and Coal Run) in order to identify potential environmental and permitting issues.

Meeting Attendees:

Name	Agency	Phone	Email
Jay Aya-ay	US Corps of Engineers, Huntington District	304-399-5872	Jonathan.J.Ayaay@usace.army.mil
Mike Armstrong	US Fish and Wildlife Service	502-695-0468	Mike.Armstrong@fws.gov
Brad Pendley	KY Division of Fish and Wildlife Resources	502-564-7109 x 366	Brad.Pendley@mail.state.ky.us
Wayne Davis	KY Division of Fish and Wildlife Resources	502-564-7109 x 365	Wayne.Davis@mail.state.ky.us
Danny Peake	KY Division of Water	502-564-3410	Danny.Peake@mail.state.ky.us
Don Whitmore	US Corps of Engineers, Huntington District	304-399-6941	Donald.A.Whitmore@usace.army.mil
David Willett	US Corps of Engineers, Huntington District	304-399-6941	David.A.Willett@usace.army.mil
Rebecca Sabraoui	AMEC Earth and Environmental	502-643-5475	Rebecca.Sabraoui@amec.com

The meeting was informal. Huntington District staff described the Pike County Section 202 project, including the two proposed structural elements, and provided mapping for the structural elements. Then the group toured each of the two areas and discussed potential environmental issues.

AMEC Earth and Environmental, Inc.

1. Floodwall/levee design

- a. Footprint. A general suggestion was to minimize the proposed project footprint to limit the potential for impacts. Another general suggestion was to keep the proposed walls as far as possible from the Levisa Fork in order to avoid affecting the remaining riparian habitat. The Corps indicated that the walls will be set back from the river (out of the floodway) except for a short section of the North Pikeville wall near the Pikeville High School. In this area Corps representatives explained that a sheet pile retaining wall would likely be necessary to provide the room needed for the construction of the floodwall. Additionally, stone slope protection would be necessary on the streambank due to the proximity of the sheet pile retaining wall and floodwall. Also, near the new football field, a sheet pile retaining wall may also be needed if the construction footprint were moved back to completely avoid the field. Another discussion ensued of whether the Coal Run floodwall/levee could be moved farther from the river without taking more homes. The Corps will investigate this.
- b. Designs. The Huntington District indicated that wall designs are not yet set. Sheet pile, “cans”, and impervious materials are all under consideration.
- c. Borrow Material Sources. In the Detailed Project Report, the Corps must identify two sites of suitable material. While several sites are under evaluation, none has to date been selected. Two suggestions were made during the discussions:
 - i. Check whether was coal mine overburden would be available at the time of construction of the levee, at a reasonably close proximity to the project, and suitable as borrow material, and
 - ii. Check whether cut material from the KYTC I-460 project would be available and suitable as borrow material.

2. Public Involvement

A suggestion was made to have as much of the affected area as possible defined prior to future public involvement meetings.

3. Stream Involvement and Mitigation

General suggestions were to include plantings rather than relying on natural succession as a way to avoid dominance by exotic species.

- a. Levisa Fork. Levisa Fork would be affected directly in the following places:
 - i. At the entrance of Ratliff Branch, where stone slope protection would be used
 - ii. Near Pikeville High School, where the school annex comes very close to the edge of bank. A sheet piling retaining wall and stone slope protection are proposed. About 200 feet of riprap are anticipated. A water feature in Levisa Fork near the school may qualify as a “special aquatic site”, i.e., riffle pool complex. The streambed appeared to be sandy with sparse cobbles and a few boulders in this area.
 - iii. A potential impact area near the football field, if the construction footprint were moved back to avoid the field. Moving the floodwall further toward the river in this area could require a sheet pile retaining wall.

AMEC Earth and Environmental, Inc.

The environmental document would need to show the differential effect on the riffle with and without the floodwall. H & H modeling was discussed as a possible method to calculate the difference in water velocity and show what size stone could be moved.

Potential mitigation for Levisa Fork was discussed. The general preference for mitigation is enhancement of the Levisa Fork itself, preferably within the project. The Corps is hopeful that all necessary mitigation can occur within the project limits. Existing riffles within the North Pike project area were noted by state staff and identified as potential mitigation areas. Stream reconstruction to make the existing bank less sheer near the High School was also mentioned as potential mitigation.

Existing conditions in the Levisa Fork would need to be documented in order to evaluate the amount of enhancement proposed.

- b. Ratliff Branch. Ratliff Branch is proposed to be cleared and used as drainage with a gate closure location and would need mitigation. KY DEP Stream Mitigation Protocol should be used as guidance. There was general agreement that the stream quality appears low. An enhancement of the Levisa Fork was suggested as one potential mitigation alternative for the Ratliff Branch.
- c. An alternative drainage site to Ratliff Creek, beyond the floodwall limits near Big K, was considered to be impractical by the Corps. The evaluation of this alternate site will need documentation in the environmental document. This alternate stream may also be of a higher quality.

4. Investigations

The sufficiency of previous investigations towards the environmental documentation was discussed. USFWS and KY Division of Water indicated that the newly-obtained copy of the ecological survey prepared for the US 23 improvements would likely not suffice for this project. Project-specific terrestrial and aquatic surveys would likely be required.

The USFWS indicated that potential winter habitat for bats would need to be identified within the proposed footprints for the two floodwall/levee elements. Winter habitat surveys must be completed prior to November 15 of the year to be within USFWS guidance limits. USFWS will send the KY guidance for surveys.

The project area can be surveyed for potential summer habitat, or presence of habitat can be assumed. If presence is assumed, schedule restrictions on clearing must be a commitment in the environmental document. For summer habitat, surveys can be completed between May 15 and August 15. Fall surveys can be performed between September 15 and October 15.

The foregoing constitutes our understanding of matters discussed and conclusions reached. Please review these items and advise the undersigned, in writing and within five (5) business days, of any errors or omissions.

Rebecca Sabraoui, AICP
Senior Project Manager
AMEC Earth and Environmental, Inc.

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, HUNTINGTON DISTRICT AND
THE KENTUCKY STATE HISTORIC PRESERVATION OFFICER
REGARDING
SECTION 202 FLOOD REDUCTION PLAN FOR THE LEVISA BASIN,
FLOYD, JOHNSON, LAWRENCE AND PIKE COUNTIES, KENTUCKY**

WHEREAS, the U.S. Army Corps of Engineers, Huntington District (Corps) proposes to implement the Flood Damage Reduction Plan for the Levisa Fork Basin, Floyd, Johnson, Lawrence and Pike Counties, Kentucky; and

WHEREAS, the Project that is the subject of this Programmatic Agreement (PA) is as described in the document entitled *Levisa Fork Basin/Haysi Dam Project, Draft Supplement to the Section 202 General Plan for Flood Damage Reductions* and dated April 1997; and

WHEREAS, the Corps has determined that the Project will affect properties included in or eligible for inclusion in the National Register of Historic Places (National Register) and has consulted with the Advisory Council on Historic Preservation (Council) and the Kentucky State Historic Preservation Officer (SHPO), pursuant to the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the Corps has arranged for public participation appropriate to the subject matter and the scope of the program, pursuant to Section 800.2(d) of the above-referenced regulations, through compliance with ER 200-2-2 and the National Environmental Policy Act guidelines, and through the preparation and release of environmental assessments, covering components of this program; and the Corps will submit plans for implementing the program of improvements, to include project location maps, drawings, and specifications for the proposed work to the SHPO for review and comment; and

WHEREAS, the Kentucky Levisa Fork Basin Section 202 Map is attached as Appendix A;

NOW, THEREFORE, the Corps and the SHPO agree that the Project shall be implemented in accordance with the following stipulations to satisfy the Corps' Section 106 responsibilities for all individual undertakings of the Project.

Stipulations

Prior to implementation, the Corps shall develop a schedule for the treatment plans prepared for both architectural and archeological properties and provide notification to the SHPO of the initiation of work. The Corps shall ensure that the following measures are carried out for all Project activities:

I. Nonstructural Flood Protection Measures

The Corps will submit plans for implementing the program of nonstructural flood protection measures, to include project location map, drawings, specifications for the proposed work, as well as its opinion on the need for further identification efforts, to the SHPO for review and comment. The Corps will consider any comments received with 30 calendar days after receipt.

A. Identification of Historic Properties

1. The Corps shall conduct a reconnaissance level survey of those structures subject to nonstructural flood protection measures and which are indicated on the Map in Appendix A to identify those properties which may be eligible for listing on the National Register of Historic Places. The survey shall be conducted in a manner consistent with the *Secretary of Interior's Standards and Guidelines for Identification* (48 FR 44720-23) and the Kentucky SHPO's most current *Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports* (revised June, 2001). The survey shall be conducted in consultation with the Kentucky SHPO, as appropriate. The Corps shall submit a report of the survey, meeting the standards of the SHPO, to the SHPO for review and approval.

2. If the Corps, in consultation with the SHPO, determines that further identification efforts are needed, the Corps shall ensure that an archeological testing program is developed in consultation with the SHPO. Prior to affecting any potentially eligible archeological site, the Corps will develop a testing program of sufficient intensity to provide an evaluation of eligibility for the National Register of Historic Places by the Corps in consultation with the SHPO, following the regulations outlined in 36 CFR 800.4 (c).

B. Treatment of Historic Structures and Buildings

1. Based upon the results of the reconnaissance level survey, and in consultation with the SHPO, the Corps shall develop a research design for a thematic survey and overview of the Levisa Fork project area in Floyd, Johnson, Lawrence and Pike Counties, Kentucky. This report will include, but not be limited to, the following:

- a. An historical overview of the Levisa Fork Basin, including a detailed history of each of the affected communities;

- b. An architectural history of the Levisa Fork Basin, including:
 - (1) Housing
 - (2) Outbuildings
 - (3) Commercial Architecture

- c. A thematic history of the Levisa Fork Basin that will develop a series of Historic Contexts for the following:
 - (1) development patterns for local communities;
 - (2) the effects of industry on previous settlement patterns and existing communities;
 - (3) an analysis of industrial development within the region, highlighting the coal industry;
 - (4) an analysis of the significance of the railroad in the region; and
 - (5) an analysis of the role and effects of the river on transportation patterns, both before and following the advent of the railroad.

2. The Corps shall prepare documentation to a level determined appropriate by the Corps and the SHPO of structures that are individually eligible for listing on the National Register of Historic Places.

3. The conditions outlined in Stipulations 1(B)(1-3) shall be included in appropriate Real Estate and Engineering Documents to ensure required coordination and implementation.

C. Treatment of Archeological Properties

1. If the survey conducted in accordance with Stipulation I(A)(2) results in the identification of archeological properties that are eligible for listing on the National Register of Historic Places, the Corps, in consultation with the SHPO, shall develop and implement plans for their avoidance, protection, or recovery of information. The plan shall adhere to the *Secretary of the Interior's Standards and Guidelines for Archeological Documentation* (48 FR 44734-37) and take into account the Council's publication, *Treatment of Archeological Properties*. The plan shall specify at a minimum:

- a. the research questions to be addressed through the data recovery, with an explanation of their relevance and importance;

- b. the methods to be used, with an explanation of their relevance to the research questions;
 - c. the methods to be used in analysis, data management, and dissemination of data, including a schedule;
 - d. the proposed disposition of recovered materials and records;
 - e. proposed methods for disseminating results of the data recovery to interested public; and
 - f. a proposed schedule for the submission of progress reports to the SHPO.

2. The Corps shall ensure that the data recovery plan is submitted to the SHPO. The Corps will consider all comments received within 30 calendar days of receipt of the plan. The Corps shall ensure that the plan is implemented prior to and in coordination with those Project activities that could disturb the site.

3. All archeological materials and appropriate field and research notes, maps, drawing and photographic records collected as part of this project (with the exception of human skeletal remains and associated artifacts) will be cared for in accordance with the requirements in 36 CFR Part 79, Curation of Federally Owned and Administered Archeological Collections, at the University of Kentucky, Museum of Anthropology. All such items will be made available to educational institutions and individual scholars for appropriate exhibit and/or research under the operating policies of Terms of the Agreement.

II. Structural Flood Protection Measures

A. The Corps will submit plans for implementing the structural flood protection measures, to include project location map, drawings, specifications for the proposed work, as well as its opinion on the need for further identification efforts, to the SHPO for review and comment. The Corps will consider any comments received with 30 calendar days after receipt.

B. The Corps, in consultation with the SHPO, shall develop and implement surveys to identify and evaluate historic properties within the area of potential effect for proposed structural flood protection measures. Such surveys shall be conducted in a manner consistent with the *Secretary of the Interior's Standards and Guidelines for Identification* (48 FR 44720-23) and the Kentucky SHPO's most current *Specifications*

for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports (revised June, 2001). Results of the surveys, meeting the standards of the SHPO, shall be submitted to the SHPO for review and approval.

C. Should the Corps, in consultation with the SHPO, determine that further identification efforts are needed, the Corps shall follow the procedures outlined in stipulations I.A.2 and I.C.

D. Should the Corps, in consultation with the SHPO, determine that proposed structural flood protection measures will affect archeological properties, the Corps shall develop and implement data recovery plans in accordance with Stipulation I(C).

III. Project Modifications

A. The Corps shall notify the SHPO of any proposed modifications to the current Project and initiate consultation regarding identification and evaluation of historic properties.

B. Should the Corps and the SHPO determine that a proposed modification will affect a property determined eligible for listing on the National Register of Historic Places, the Corps shall consult with the SHPO to develop and implement treatment plans.

IV. Performance Standards

The Corps shall ensure that all historic and archeological work conducted pursuant to this Agreement shall be carried out by or under the direct supervision of a person or persons meeting at a minimum the appropriate qualification standards set forth in the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (48 FR 4473 8-9) and who have experience in the region and in the pertinent sub-fields of their disciplines. All archeological work conducted pursuant to this PA shall be conducted with reference to and be consistent with the principles contained in the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*, in the Council's *Treatment of Archeological Properties* and the Kentucky SHPO's most current *Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports* (revised June, 2001).

V. Reporting and Review

A. The Corps shall ensure that all reports required for the execution of this PA are prepared in accordance with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* and the Kentucky SHPO's most current *Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports* (revised June, 2001).

B. The Corps shall submit to the SHPO two draft copies of any reports prepared pursuant to this PA for 30 days' review and comment. The Corps shall take into account the SHPO's comments in revising each of the reports for final publication.

C. The Corps shall provide two copies of final reports prepared pursuant to this PA to the SHPO. One copy of the report shall include original photographs or halftones and shall be printed on acid-free paper. All completed site forms submitted to the SHPO shall also be printed on acid-free paper.

D. The Corps shall submit a copy of all final reports to the Defense Technical Information Service for possible submission to the National Technical Information Service, in order to allow for the distribution of technical information to the professional public.

E. On or before February 15, 2004, and every two years after 2004 until the Corps, the Council and the SHPO agree in writing that the terms of the PA have been fulfilled, the Corps shall prepare and provide a report to the SHPO and the Council outlining the status of all work carried out pursuant to this PA.

VI. Emergency Discovery Plan

A. If during Real Estate Appraisals or during any demolition or raising of structures, the affected property is determined to be a log structure, the Corps shall notify the SHPO and document the structure to the most current standards of the SHPO, as appropriate. The Corps shall provide copies of the documentation to the SHPO and notify local agencies regarding the availability of the structures, if proposed for demolition.

B. The Corps shall include in relevant project contracts, plans and specifications, guidance on recognizing archeological resources and direction regarding appropriate procedures in accordance with Stipulation VIII(C).

C. If during Project construction or other Project-related ground disturbance, a previously unidentified archeological property is discovered or impacted within Project boundaries, or a known archeological property is impacted in an unanticipated manner, the Corps shall proceed as follows:

1. The Corps' contractor shall cease all work in the immediate area of the discovery and in the surrounding area where further subsurface remains can reasonably be expected to occur. Upon notification of the appropriate Corps office by the contractor, the Corps shall notify the SHPO. The Corps' archeologist, or an archeologist approved by

the Corps and the SHPO, shall then inspect the discovery to determine the extent and nature of the potential archeological property.

2. In consultation with the SHPO, the Corps shall evaluate the archeological property's eligibility for listing on the National Register of Historic Places. If the Corps and the SHPO agree that the property is not eligible, work may proceed. If the Corps and the SHPO agree that the property is eligible for listing on the National Register, the Corps shall implement the plan outlined in Stipulation I(C). If the Corps and the SHPO do not agree about a property's eligibility, the Corps shall request a determination of eligibility from the Secretary of the Interior in accordance with 36CFR Section 63.2
3. If the District Engineer determines that there is an overriding concern for human health and safety, the property shall not be documented and Project work shall continue. The Corps shall document the rationale for the decision and notify the SHPO accordingly.

VII. Treatment of Human Remains

A. In the event that human remains are encountered during any Project-related activities, all work shall immediately cease in the area and the contractor shall notify the appropriate Corps office. The Corps shall then notify the SHPO and the Council of the discovery and consult to develop and implement a treatment plan in accordance with all applicable State and local laws.

VIII. Dispute Resolution

A. Should the SHPO object to any actions proposed or carried out by the Corps pursuant to this Agreement, the Corps shall consult with the SHPO to resolve the objection. If after initiating such consultation, the Corps determines that the objection cannot be resolved through consultation, the Corps shall provide all relevant documentation to the Council, including the Corps' proposed decision on the objection. Within thirty (30) days of receipt of all pertinent documentation, the Council shall exercise one of the following options:

1. Advise the Corps that the Council concurs in the Corps' proposed resolution, whereupon the Corps will respond to the objection accordingly; or
2. Provide the Corps with recommendations, which the Corps shall consider prior to reaching a final decision on the objection; or
3. Notify the Corps that the objection will be referred to the Council for comment pursuant to Section 800.7 of the Regulations. The resulting comment shall be taken into consideration by the Corps in reaching a final decision.

B. Should the Council not exercise one of the above options within thirty (30) days of receipt of all pertinent documentation, the Corps may assume the Council's concurrence in its proposed response to the objection.

C. If at any time during the tenure of this agreement, a member of the public shall raise an objection, the Corps shall consult with the person or entity raising the objection, and should the objector so request, consult with the SHPO or the Council as appropriate in preparing its response.

D. This Programmatic Agreement will continue in full force and effect until five years after the date of the last signature. At any time in the sixth-month period prior to this date, the Corps may request the SHPO to review the Corps' implementation of this Agreement and consider an extension or modification. No extension or modification will be effective unless all parties to the Programmatic Agreement have agreed with it in writing.

Execution and implementation of this Programmatic Agreement evidences that the Corps has satisfied its Section 106 responsibilities for all individual undertakings for the Flood Reduction Plan for the Levisa Fork Basin, Floyd, Johnson, Lawrence and Pike Counties, Kentucky.

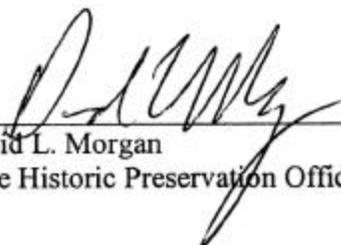
U.S. ARMY CORPS OF ENGINEERS, HUNTINGTON DISTRICT

By: 

John D. Rivenburgh
Colonel, Corps of Engineers

Date: 28 Feb 03

KENTUCKY STATE HISTORIC PRESERVATION OFFICER

By: 

David L. Morgan
State Historic Preservation Officer, Kentucky

Date: 3-21-03

REFERENCE SLIP

6/18/96

TO

Walley Dean

- | | |
|--|---|
| <input type="checkbox"/> ACTION | <input type="checkbox"/> NOTE AND RETURN |
| <input type="checkbox"/> APPROVAL | <input type="checkbox"/> PER PHONE CALL |
| <input checked="" type="checkbox"/> AS REQUESTED | <input type="checkbox"/> RECOMMENDATION |
| <input type="checkbox"/> FOR COMMENT | <input type="checkbox"/> REPLY FOR SIGNATURE OF |
| <input type="checkbox"/> FOR INFORMATION | <input type="checkbox"/> RETURNED |
| <input type="checkbox"/> INITIALS | <input type="checkbox"/> SEE ME |
| <input type="checkbox"/> NOTE AND FILE | <input type="checkbox"/> YOUR SIGNATURE |

REMARKS Mr. Dean

Enclosed are the
AD 1006 forms for
Pike and Floyd Counties.
If you have any questions
please contact Doug McIntosh
at 606-593-5103

FROM Jim RospopoPrestonsburg, KY.

FARMLAND CONVERSION IMPACT RATING

PAH (To be completed by Federal Agency)		Date Of Land Evaluation Request
Name Of Project	Pike County Nonstructural Project	Federal Agency Involved U.S. Army Corps of Engineers
Proposed Land Use	Return Ownership to the County*	County And State Pike County, Kentucky
PART II (To be completed by SCS)		Date Request Received By SCS

Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Acres Irrigated None	Average Farm Size 108
Major Crops Corn	Farmable Land In Govt. Jurisdiction Acres: 30504 % 6.05	Amount Of Farmland As Defined In FPPA Acres: 24936 % 4.96		
Name Of Land Evaluation System Used Land Evaluation Site Assessment	Name Of Local Site Assessment System	Date Land Evaluation Returned By SCS 6-12-96		

PART III (To be completed by Federal Agency)	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	234.75*			
B. Total Acres To Be Converted Indirectly				
C. Total Acres In Site	234.75*			

PART IV (To be completed by SCS) Land Evaluation Information	Site A	Site B	Site C	Site D
A. Total Acres Prime And Unique Farmland	4000			
B. Total Acres Statewide And Local Important Farmland	None			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	0.13%			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	2.77%			

PART V (To be completed by SCS) Land Evaluation Criterion	Site A	Site B	Site C	Site D
Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)	82			

PART VI (To be completed by Federal Agency)	Maximum Points	Site A	Site B	Site C	Site D
1. Area In Nonurban Use	15	12			
2. Perimeter In Nonurban Use	10	7			
3. Percent Of Site Being Farmed	20	5			
4. Protection Provided By State And Local Government	20	0			
5. Distance From Urban Builtup Area	15	5			
6. Distance To Urban Support Services	15	10			
7. Size Of Present Farm Unit Compared To Average	10	10			
8. Creation Of Nonfarmable Farmland	10	0			
9. Availability Of Farm Support Services	5	5			
10. On-Farm Investments	20	12			
11. Effects Of Conversion On Farm Support Services	10	0			
12. Compatibility With Existing Agricultural Use	10	0			
TOTAL SITE ASSESSMENT POINTS	160	66			

PART VII (To be completed by Federal Agency)	Maximum Points	Site A	Site B	Site C	Site D
Relative Value Of Farmland (From Part V)	100	66			
Total Site Assessment (From Part VI above or a local site assessment)	160				
TOTAL POINTS (Total of above 2 lines)	260				

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/>
----------------	-------------------	---

Reason For Selection:
 * Areas to be converted will consist of commercial, residential and institutional land-uses that will be protected in place by various floodproofing methods or voluntarily acquired. No valuable lands (without a structure) will be acquired in this program. Acquired lands will be purchased in the name of the County. Future use of these lands is at the discretion of the County. The majority of the evacuated land will be available for such uses as farming, gardening, forestry and passive recreation in accordance with the County's local floodplain ordinance. Some selected areas may be set aside for Fish and Wildlife habitat in the County.