

ANNEX A. PUBLIC INVOLVEMENT

THIS PAGE INTENTIONALLY LEFT BLANK

A-1

Notice of Intent

THIS PAGE INTENTIONALLY LEFT BLANK



U.S. Environmental Protection Agency

Federal Register Environmental Documents

[Recent Additions](#) | [Contact Us](#) | [Print Version](#) Search: [GO](#)

[EPA Home](#) > [Federal Register](#) > [FR Years](#) > [FR Months](#) > [FR Days](#) > [FR Daily](#) > Intent To Prepare an Environmental Impact Statement for the Floyd County, Kentucky (Levisa Fork Basin), Section 202 Project

Intent To Prepare an Environmental Impact Statement for the Floyd County, Kentucky (Levisa Fork Basin), Section 202 Project

- [FR Home](#)
- [About the Site](#)
- [FR Listserv](#)
- [FR Search](#)
- [Contact Us](#)

- [Selected Electronic Dockets](#)
- [Regulatory Agenda](#)
- [Executive Orders](#)
- [Current Laws and Regulations](#)

[Federal Register: October 30, 2003 (Volume 68, Number 210)]
 [Notices]
 [Page 61793-61794]
 From the Federal Register Online via GPO Access [wais.access.gpo.gov]
 [DOCID:fr30oc03-42]

=====

DEPARTMENT OF DEFENSE
 Department of the Army; Corps of Engineers

Intent To Prepare an Environmental Impact Statement for the Floyd County, Kentucky (Levisa Fork Basin), Section 202 Project

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.
 ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), U.S. Army Corps of Engineers, DoD, Huntington District will prepare Environmental Impact Statement (EIS). The EIS will evaluate potent impacts to the natural, physical, and human environment as a result of the proposed flood damage reduction measure for the Levisa Fork basin in Floyd County, Kentucky.

The Corps of Engineers will conduct a public scoping meeting (DATES) to gain input from interested agencies, organizations, and general public concerning the content of the EIS, issues and impacts to be addressed in the EIS, and alternatives that should be analyzed.

DATES: A scoping meeting is scheduled for Nov. 13, 2003, 4:30-7:30 PM at Prestonsburg High School, 825 Blackcat Boulevard, Prestonsburg, KY 41649.

ADDRESSES: Send written comments and suggestions concerning this proposed project to:

[[Page 61794]]

project to S. Michael Worley PM-PD, U.S. Army Corps of Engineers, Huntington District, 502 Eight Street, Huntington, WV 25701-2070. Telephone: (304) 399-5802. Electronic mail: Stephen M.

Worley@Lrh01.usacre.army.mil. Requests to be placed on the mailing should also be sent to this address.

FOR FURTHER INFORMATION CONTACT: Ms. Tammy Conforti PM-PD-S, U.S. Corps of Engineers, Huntington District, 502 Eighth Street, Huntir WV 25701-2070. Telephone (304) 399-5834. Electronic mail: Tammyr@Lrh.usacre.army.mil

SUPPLEMENTARY INFORMATION:

1. Authority: The proposed project is authorized under section of the Water Resources Development Act (WRDA) of 1996, which provi the Corps authority to ``* * * design and construct flood control measures relating to the Levisa and Tug Fork of the Big Sandy rive Cumberland River, West Virginia, Kentucky and Virginia''.

2. Background: Since the earliest Levisa Fork Basin settlement the residents faced the problem of frequent and severe flooding. M Floyd County communities within the floodplain of the Levisa and Russell Fork and tributaries were devastated by the April 1977 flc which was the flood of record for much of the region. A significar flood again inundated the Levisa Fork communities in May of 1984. Congressional reaction to these flood events resulted in the inclu of funds and language in various legislative directives that manda expeditious implementation of flood damage reduction measures with the study area covered by the Huntington District's Section 202 Ge Plan.

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 reoccurrenc the April 1977 flood. The project requires providing flood protect measures to approximately 2,000 structures, 75 percent of which ar residential.

Alternatives being initially considered include floodwall/leve systems protecting Prestonsburg, non-structural flood-proofing and several ring walls protecting individual structures. Alternatives evaluated in detail in the Draft EIS will be selected from those described above.

3. Public Participation: The Corps invites full public participation to promote open communication and better decision-ma All persons and organizations that have an interest in the Levisa Basin Flooding problems as they affect Floyd County and the envirc are urged to participate in this NEPA environmental analysis proce Assistance will be provided upon request to anyone having difficul with learning how to participate.

Public comments are welcomed anytime throughout the NEPA proce Formal opportunities for public participation include: (1) A publi meeting in the community of Prestonsburg, KY (see DATES); (2) Anyt during the NEPA process via mail, telephone or e-mail; (3) During Review and Comment on the Draft EIS--approximately January of 2004 (4) Review of the Final EIS--Fall 2004. Schedules and locations wi announced in local news media. Interested parties should submit cc information to be included on the mailing list for public distribu of meeting announcements and documents (See ADDRESSES).

Luiz D. Ortiz,
Army Federal Register Liaison Officer.
[FR Doc. 03-27359 Filed 10-29-03; 8:45 am]

A-2

Regulatory Agency Correspondence

THIS PAGE INTENTIONALLY LEFT BLANK

March 24, 2004

Name

Agency

Address Line 1

Address Line 2

City, State, Zip

**Re: Intergovernmental and Interagency Environmental Planning Consultation
for the Levisa Fork (Floyd County, Kentucky) Section 202 Flood Damage
Reduction Project**

Dear **Representative**,

AMEC Earth & Environmental, Inc. (AMEC) has been contracted by the U.S. Army Corps of Engineers, Huntington District to assist with environmental documentation for the Levisa Fork (Floyd County, Kentucky) Section 202 Flood Damage Reduction Project.

Many Kentucky communities within the floodplain of the Levisa Fork and tributaries were devastated by the April 1977 and May 1984 floods. Congressional reaction to these flood events resulted in the inclusion of funds and language in various legislative directives that mandated implementation of flood damage reduction measures within the study area covered by the Huntington District's Section 202 General Plan.

Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers, DOD, Huntington District will prepare an Environmental Assessment (EA) to evaluate the environmental impact of various alternative measures. The EA will address potential impacts to the natural, physical, and human environment as a result of the proposed flood damage reduction measures.

The study area, primarily residential in nature, includes the incorporated areas of Prestonsburg, Kentucky and unincorporated areas in Floyd County subject to flood damage from the potential of a reoccurrence of the April 1977 flood. The project requires providing flood protection measures to more than 1,000 structures. Alternatives being initially considered include a floodwall/levee system protecting portions of Prestonsburg, non-structural flood-proofing throughout the study area and several ring walls protecting individual structures. The Floyd County and Prestonsburg Study Areas are shown in the attached mapping.

Information you may be able to provide on any of the following environmental issue areas (at or in the vicinity of the study area) would be appreciated:

<Representative>

March 24, 2004

Page 2

- Any potential environmental issues at, or in the vicinity of, the study areas;
- Surface and groundwater resources, including streams, wetlands, floodplains, open water features, and local aquifers;
- Soils data, including lists of both hydric soils and Prime and Unique Farmland Soils (NRCS only);
- Federally or state listed threatened or endangered species, or any species proposed for such listing, or critical habitat for such species that may occur within a one-mile radius around the project area;
- Parks, nature preserves, conservation areas, designated wild or scenic rivers, migratory bird habitats, special wildlife issues, and other natural resource issues of concern;
- Known cultural resource (historic or prehistoric) sites or issues; and
- Any additional environmental, cultural, or socioeconomic information or concern your agency may have with regard to the referenced study areas.

Any data that you can make available will provide input to the NEPA evaluation. As part of the integrated NEPA process, local citizens, groups, and agencies, among others, will have ample future opportunity to review and comment on the information and alternatives addressed in the document.

AMEC has requested information from a number of agencies (see attached list). If you are aware of other individuals, groups, or resource agencies who may possess additional information or knowledge that may assist us in preparing this document, please either contact us or forward this letter for their review, and include any applicable returned comments with your response.

We, in cooperation with the Huntington District, look forward to and welcome your participation in this study. Your response on or before May 15, 2004, will enable us to complete this phase of the project within the scheduled timeframe. If you have any questions concerning this request, please do not hesitate to contact me at (502) 643-5475.

Sincerely,

Rebecca Sabraoui, AICP
Project Manager

AGENCY CONTACT LIST

Mr. Christopher Slone, District Conservationist
Natural Resources Conservation Service
Prestonsburg Service Center
214 S Central Avenue
Prestonsburg, Kentucky 41653-1953

East Kentucky Economic Development Division
Steve Carter, Director
P.O. Box 49
530 South Lake Dr.
Prestonsburg, KY 41653

Mr. Lee Andrews, Field Supervisor
US Department of the Interior
Fish and Wildlife Service
3761 Georgetown Road
Frankfort, Kentucky 40601

Division of Forestry
Kentucky Dept. of Environmental Protection
14 Riley Road
Frankfort, Kentucky 40601

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

Department of Surface Mining Reclamation and
Enforcement
Kentucky Dept. of Environmental Protection
14 Riley Road
Frankfort, Kentucky 40601

Appalachian Regional Council, Washington, DC
1666 Connecticut Ave. NW, Suite 700
Washington, DC 20009

Department of Parks
Kentucky Dept. of Environmental Protection
14 Riley Road
Frankfort, Kentucky 40601

Highway District 12
Kentucky Transportation Cabinet
109 Loraine Street - Pikeville, Kentucky 41501

Department of Agriculture
Kentucky Dept. of Environmental Protection
14 Riley Road
Frankfort, Kentucky 40601

Danny Peete
Kentucky Division of Water
18 Riley Road
Frankfort, Kentucky 40601

State Nature Preserves Commission
Kentucky Dept. of Environmental Protection
14 Riley Road
Frankfort, Kentucky 40601

Mr. David L. Morgan
State Historic Preservation Officer
Director, Kentucky Heritage Council
300 Washington Street
Frankfort, Kentucky 40601

Division of Conservation
Kentucky Dept. of Environmental Protection
14 Riley Road
Frankfort, Kentucky 40601

Mr. Wayne L. Davis
Kentucky Department of Fish and Wildlife
Resources
No. 1 Game Farm Road
Frankfort, Kentucky 40601

Department for Natural Resources
Kentucky Dept. of Environmental Protection
14 Riley Road
Frankfort, Kentucky 40601

Division of Waste Management
Kentucky Dept. of Environmental Protection
14 Riley Road
Frankfort, Kentucky 40601

Big Sandy Area Development District
100 Resource Drive
Prestonsburg, Kentucky 41653

Division for Air Quality
Kentucky Dept. of Environmental Protection
14 Riley Road
Frankfort, Kentucky 40601

Department of Health Services
Kentucky Dept. of Environmental Protection
14 Riley Road
Frankfort, Kentucky 40601



ERNIE FLETCHER
GOVERNOR

COMMERCE CABINET
DEPARTMENT OF FISH & WILDLIFE RESOURCES
#1 GAME FARM ROAD
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-3400 FAX (502) 564-0506
(800) 858-1549
www.kentucky.gov

W. JAMES HOST
SECRETARY, COMMERCE CABINET

C. TOM BENNETT
COMMISSIONER

May 10, 2004

Jennifer Pyzoha
AMEC Earth and Environmental, Inc.
690 Commonwealth Center
110003 Bluegrass Parkway
Louisville, KY 40299

RE: Threatened/endangered species, critical habitat review, and potential environmental impacts for the Levisa Fork Section 202 Flood Damage Reduction, Floyd County, Kentucky.

Dear Ms. Pyzoha:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has received your request for the above-referenced information. The Kentucky Fish and Wildlife Information System indicates that the federally listed bald eagle (*Haliaeetus leucocephalus*) is known to occur within a 1 mile radius of the project area. Sampling of suitable nesting habitat may be required. Please be aware that our database system is a dynamic one that only represents our current knowledge of the various species distributions.

The Kentucky Fish and Wildlife Information System (KFWIS) indicates that state threatened or endangered (T&E) species are known to occur in the project area (see attached list). Please use necessary precautions to minimize any impact this project may have on these species.

Based on this information, KDFWR makes the following recommendations.

The KDFWR recommends that you contact the appropriate US Corps of Engineers office (Louisville COE (502) 582-5452) and the Kentucky Natural Resources and Environmental Protection Cabinet, Division of Water (502) 564-3410 prior to any excavation within the waterways of Kentucky. Additionally, KDFWR recommends the following for the portions of the project that cross intermittent or perennial streams:

1. Development/excavation during a low flow period to minimize disturbance;
2. Proper placement of erosion control structures below highly disturbed areas to minimize entry of silt to the stream;
3. Replanting of disturbed areas after construction, including stream banks and right-of-ways, with native vegetation for soil stabilization and enhancement of fish and wildlife populations;
4. Return all disturbed instream habitat to its original condition upon completion of construction in the area;
5. Preservation of any tree canopy overhanging the stream;
6. Return all right-of-ways to original elevation.

Ms. Pyzoha
10 May 2004
Page 2

It appears the project area may include wetland areas. KDFWR recommends that you look at the appropriate US Department of the Interior National Wetlands Inventory Map to determine where the proposed project may impact these wetlands. The appropriate US Army Corps of Engineers office and the Kentucky Division of Water should be contacted before any construction takes place in jurisdictional wetlands. Additionally, KDFWR will recommend at least 2:1 mitigation for any permanent loss or degradation of wetland acreage. Any planning should include measures designed to reduce or eliminate impacts to these areas. If impacts cannot be avoided, mitigation should be properly designed and proposed to offset these losses.

The proposed project area appears to be adjacent to Jenny Wiley State Park and Dewey Lake Wildlife Management Area. Please contact the appropriate manager to discuss any potential impacts to these publicly owned lands.

It appears portions of the project may impact a trout stream at the Dewey Lake tailwaters. Please address any impacts the project may have on this fisheries resource.

I hope this information proves useful to you. If you have any questions or require additional comment, please call me at 502-564-7109, extension 366.

Sincerely,



Brad Pendley
Wildlife Biologist II
cc: Environmental Section File

State listed species within a 1 mile radius of the project area.

<u>ScientificName</u>	<u>CommonName</u>	<u>QuadName</u>	<u>CountyName</u>	<u>KSNPC Status</u>
<i>Ursus americanus</i>	AMERICAN BLACK BEAR	Lancer	FLOYD	S
<i>Lampetra appendix</i>	AMERICAN BROOK LAMPREY		FLOYD	T
<i>Lampetra appendix</i>	AMERICAN BROOK LAMPREY		PIKE	T
<i>Haliaeetus leucocephalus</i>	BALD EAGLE	Vest	KNOTT	E
<i>Anas discors</i>	BLUE-WINGED TEAL	Lancer	FLOYD	E
<i>Phalacrocorax auritus</i>	DOUBLE-CRESTED CORMORANT	Lancer	FLOYD	H
<i>Ardea herodias</i>	GREAT BLUE HERON	Lancer	FLOYD	S
<i>Villosa lienosa</i>	LITTLE SPECTACLECASE		FLOYD	S
<i>Percina macrocephala</i>	LONGHEAD DARTER		PIKE	T
<i>Rhinichthys cataractae</i>	LONGNOSE DACE		PIKE	E
<i>Fusconaia subrotunda subrotunda</i>	LONGSOLID		FLOYD	S
<i>Fusconaia subrotunda subrotunda</i>	LONGSOLID		JOHNSON	S
<i>Fusconaia subrotunda subrotunda</i>	LONGSOLID	Lancer	FLOYD	S
<i>Fusconaia subrotunda subrotunda</i>	LONGSOLID	Prestonsburg	FLOYD	S
<i>Ichthyomyzon fossor</i>	NORTHERN BROOK LAMPREY		PIKE	T
<i>Ichthyomyzon fossor</i>	NORTHERN BROOK LAMPREY		JOHNSON	T
<i>Ichthyomyzon fossor</i>	NORTHERN BROOK LAMPREY		FLOYD	T
<i>Ichthyomyzon fossor</i>	NORTHERN BROOK LAMPREY	Harold	FLOYD	T
<i>Circus cyaneus</i>	NORTHERN HARRIER	Offutt	MARTIN	T
<i>Noturus stigmosus</i>	NORTHERN MADTOM		PIKE	S
<i>Falco peregrinus</i>	PEREGRINE FALCON	Prestonsburg	FLOYD	E
<i>Podilymbus podiceps</i>	PIED-BILLED GREBE	Lancer	FLOYD	E
<i>Quadrula cylindrica cylindrica</i>	RABBITSFOOT		FLOYD	T
<i>Quadrula cylindrica cylindrica</i>	RABBITSFOOT	Prestonsburg	FLOYD	T
<i>Percopsis omiscomaycus</i>	TROUT-PERCH		FLOYD	S
<i>Percopsis omiscomaycus</i>	TROUT-PERCH	Martin	FLOYD	S
<i>Percopsis omiscomaycus</i>	TROUT-PERCH	Wayland	FLOYD	S

State listed species within a 1 mile radius of the project area.

<u>ScientificName</u>	<u>CommonName</u>	<u>QuadName</u>	<u>CountyName</u>	<u>KSNPC Status</u>
<i>Ursus americanus</i>	AMERICAN BLACK BEAR	Lancer	FLOYD	S
<i>Lampetra appendix</i>	AMERICAN BROOK LAMPREY		FLOYD	T
<i>Lampetra appendix</i>	AMERICAN BROOK LAMPREY		PIKE	T
<i>Haliaeetus leucocephalus</i>	BALD EAGLE	Vest	KNOTT	E
<i>Anas discors</i>	BLUE-WINGED TEAL	Lancer	FLOYD	E
<i>Phalacrocorax auritus</i>	DOUBLE-CRESTED CORMORANT	Lancer	FLOYD	H
<i>Ardea herodias</i>	GREAT BLUE HERON	Lancer	FLOYD	S
<i>Villosa lienosa</i>	LITTLE SPECTACLECASE		FLOYD	S
<i>Percina macrocephala</i>	LONGHEAD DARTER		PIKE	T
<i>Rhinichthys cataractae</i>	LONGNOSE DACE		PIKE	E
<i>Fusconaia subrotunda subrotunda</i>	LONGSOLID		FLOYD	S
<i>Fusconaia subrotunda subrotunda</i>	LONGSOLID		JOHNSON	S
<i>Fusconaia subrotunda subrotunda</i>	LONGSOLID	Lancer	FLOYD	S
<i>Fusconaia subrotunda subrotunda</i>	LONGSOLID	Prestonsburg	FLOYD	S
<i>Ichthyomyzon fossor</i>	NORTHERN BROOK LAMPREY		PIKE	T
<i>Ichthyomyzon fossor</i>	NORTHERN BROOK LAMPREY		JOHNSON	T
<i>Ichthyomyzon fossor</i>	NORTHERN BROOK LAMPREY		FLOYD	T
<i>Ichthyomyzon fossor</i>	NORTHERN BROOK LAMPREY	Harold	FLOYD	T
<i>Circus cyaneus</i>	NORTHERN HARRIER	Offutt	MARTIN	T
<i>Noturus stigmosus</i>	NORTHERN MADTOM		PIKE	S
<i>Falco peregrinus</i>	PEREGRINE FALCON	Prestonsburg	FLOYD	E
<i>Podilymbus podiceps</i>	PIED-BILLED GREBE	Lancer	FLOYD	E
<i>Quadrula cylindrica cylindrica</i>	RABBITSFOOT		FLOYD	T
<i>Quadrula cylindrica cylindrica</i>	RABBITSFOOT	Prestonsburg	FLOYD	T
<i>Percopsis omiscomaycus</i>	TROUT-PERCH		FLOYD	S
<i>Percopsis omiscomaycus</i>	TROUT-PERCH	Martin	FLOYD	S
<i>Percopsis omiscomaycus</i>	TROUT-PERCH	Wayland	FLOYD	S



COMMONWEALTH OF KENTUCKY
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR NATURAL RESOURCES
FRANKFORT, KENTUCKY 40601
SUSAN C. BUSH
COMMISSIONER

May 10, 2004

Ms. Rebecca C. Sabraoui, AICP, Project Manager
Ms. Jennifer F. Pyzoha, Environmental Planner
AMEC Earth & Environmental, Inc.
690 Commonwealth Center
11003 Bluegrass Parkway
Louisville, Kentucky 40299

RE: AMEC Project 3-4819-0009

Dear Ms. Sabraoui and Ms. Pyzoha:

In response to your letter of April 29, 2004 that seeks information regarding several environmental issue areas, I offer the following comments:

Most, if not all, of the information requested could be found in surface mining permit applications that relate to specific areas of Floyd County, Kentucky at our Prestonsburg Regional Office (3140 South Lake Drive, Suite 6, Prestonsburg, KY 41653 or (606) 886-8536). Our central office (# 2 Hudson Hollow, Frankfort, KY or (502) 564-2320) also has these files and our personnel can certainly assist you in gathering data from individual permits.

Information regarding federally and state listed threatened and endangered species can be obtained from the Natural Heritage database of the Kentucky State Nature Preserves Commission and information regarding surface and groundwater data as well as designated streams can be obtained from the Kentucky Division of Water.

If you have further questions, please do not hesitate to call my office at (502) 564-2320.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry D. Adams".

Larry D. Adams, P.E., Director
Division of Permits

RECEIVED MAY 22 2004



ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR NATURAL RESOURCES
DIVISION OF FORESTRY
LEAH W. MACSWORDS, DIRECTOR
627 COMANCHE TRAIL
FRANKFORT, KENTUCKY 40601

May 20, 2004

Jennifer E. Pyzoha, Environmental Planner
AMEC Earth and Environmental, Inc.
690 Commonwealth Center
11003 Bluegrass Parkway
Louisville, Kentucky 40299

Dear Ms. Pyzoha:

Re: Intergovernmental and Interagency Environmental Planning Consultation
for the Levisa Fork (Floyd County, KY)
Section 202 Flood Damage Reduction Project
AMEC Project No. 3-4819-0009

In regard to your request for information, the division is not aware of environmental issues relating to forest resources at or in the vicinity of your study area. One area of consideration in your planning for the project is that of streamside management zones. During commercial timber harvesting operations, along regular streams (those not designated as coldwater aquatic habitats), it is required that 50 percent of the overstory be retained to shade the water. Also, the natural vegetation on the stream banks must be retained in such a width as based on the slope adjacent to the stream banks. This can range from 25 to 165 feet. These distances are better defined by the information found on pages 40 and 41 of the Best Management Practices (BMP) Field Guide enclosed with this letter. Consideration of vegetation along streams is critical during any disturbance of a stream or riparian area.

If you have any questions, please contact Larry Lowe, Timber Harvesting Compliance Program Coordinator, at (502) 564-4496.

Sincerely,

A handwritten signature in black ink, appearing to read "Leah W. MacSwords".

Leah W. MacSwords
Director

LWM:fap
Enclosure
c Dexter Conley
Larry Lowe

United States Department of Agriculture



214 South Central Ave.
Suite 102
Prestonsburg, Ky. 41653

June 9, 2004

Jennifer E. Pyzoha, Environmental Planner
AMEC Earth & Environmental, Inc.
690 Commonwealth Center
11003 Bluegrass Parkway
Louisville, Ky. 40299

Re: Intergovernmental and Interagency Environmental Planning Consultation for the Levisa Fork (Floyd County, Kentucky) Section 202 Flood Damage Reduction Project
AMEC Project No. 3-4819-0009

Mrs. Pyzoha:

As requested, I have compiled the soils information you need for the above mentioned project.

The only hydric soil listed for Floyd County is Knowlton silt loam. However, two soil complexes could have hydric inclusion. They are Shelocta-Grigsby-Stokly complex and Stokly fine sandy loam, with Stokly being the soil in each that could have hydric inclusions.

The Prime Farmland Soils are as follows:

- Allegheny loam, 2 to 6 percent slopes, rarely flooded
- Alleghany loam, 2 to 6 percent slope, occasionally flooded
- Chavies fine sandy loam, 2 to 6 percent slopes, rarely flooded
- Cotaco loam, rarely flooded
- Grigsby fine sandy loam, occasionally flooded
- Knowlton silt loam, rarely flooded (where soil has been drained)
- Stokly fine sandy loam, occasionally flooded (where soil has been drained)

The Statewide Important Soils are as follows:

- Alleghany loam, 6 to 15 percent slopes, occasionally flooded
- Shelocta loam, 6 to 15 percent slopes

Other soil complexes which could have inclusions of both Prime Farmland Soils and Soils of Statewide Importance are as follows:

- Potomac-Shelocta-Grigsby complex, 2 to 15 percent slopes
- Rayne-Gilpin complex, 6 to 15 percent slopes
- Shelocta-Grigsby-Stokly complex, 2 to 15 percent slopes

The proposed work you have described in your letter will mostly take place in urban areas, and generally should not affect any of the categories listed above.

For more detailed information, I have included a copy of the soil survey which covers Floyd County.

If you have any further questions concerning this matter, please feel free to contact me in Prestonsburg at 606-888-9545 Ext. 3

Sincerely,

Chris Slone
District Conservationist

RECEIVED JUN 17 2004



ERNIE FLETCHER
GOVERNOR

COMMERCE CABINET

KENTUCKY HERITAGE COUNCIL
THE STATE HISTORIC PRESERVATION OFFICE
300 WASHINGTON STREET
FRANKFORT, KENTUCKY 40601
(502) 564-7005 (502) 564-5820 FAX
www.kentucky.gov

W. JAMES HOST
SECRETARY

DAVID L. MORGAN
EXECUTIVE DIRECTOR AND
STATE HISTORIC PRESERVATION OFFICER

June 4, 2004

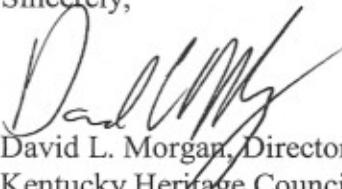
Ms. Jennifer E. Pyzoha
Environmental Planner
and
Rebecca C. Sabraoui
Project Manager
AMEC Earth & Environmental, Inc.
11003 Bluegrass Parkway
Louisville, Kentucky 40299

Dear Ms. Pyzoha and Ms. Sabraoui:

Thank you for your letter of April 29, 2004 (received May 4, 2004) concerning environmental planning for the Floyd County portion of the Levisa Fork Section 202 Flood Damage Reduction Project. The Kentucky Heritage Council has signed a Programmatic Agreement with the U. S. Army Corps of Engineers (Huntington District) to outline the treatment of cultural resources in the Levisa Basin in Floyd, Johnson, Lawrence, and Pike counties, Kentucky. The Programmatic Agreement provides stipulations that outline how structures and archaeological sites will be identified and treated by the Corps. I have enclosed a copy of the Programmatic Agreement for your use.

Should you have any questions, feel free to contact Charles Hockensmith of my staff at (502) 564-7005.

Sincerely,


David L. Morgan, Director
Kentucky Heritage Council and
State Historic Preservation Officer

Enclosure



Maxwell C. Bailey
Secretary of Transportation

Commonwealth of Kentucky
Transportation Cabinet
Department of Highways, District Twelve
109 Loraine Street
Pikeville, Kentucky 41501
606-433-7791, (Fax) 606-433-7765
May 28, 2004

Ernie Fletcher
Governor

Jennifer E. Pyzoha, Environmental Planner
AMEC Earth & Environmental, Inc.
690 Commonwealth Center
11003 Bluegrass Parkway
Louisville, KY 40299

Dear Ms. Pyzoha:

In your letter dated April 29, 2004, you requested information regarding all areas of the natural and human environment to satisfy requirements set forth by the National Environmental Policy Act (NEPA). The last page of your letter was a contact list consisting of all the resource agencies you have contacted. The resource agencies on your list are the same agencies KYTC contacts when we are compiling NEPA data for road construction projects.

At this time, I regret to inform you that we have no centrally compiled environmental information. However, if we can be of any additional assistance, please contact our office at (606) 433-7791.

Sincerely,

A handwritten signature in black ink, appearing to read "Danl Hall".

Danl Hall
Chief District Engineer
District 12 - Pikeville

DLH/RM/KP

C: Rich McCune



COMMONWEALTH OF KENTUCKY
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION FOR AIR QUALITY
803 SCHENKEL LN
FRANKFORT, KY 40601-1403

March 29, 2004

Ms. Jennifer E. Pyzoha
690 Commonwealth Center
11003 Bluegrass Parkway
Louisville, KY 40299

Dear Ms. Pyzoha:

I received your request for information on the air quality in Floyd and Johnson counties. Both counties are currently listed in 401 KAR 51:010 as being in attainment of the standards for all of the criteria pollutants (particulates, carbon monoxide, sulfur dioxide, nitrogen dioxide, ozone and lead). The particulate sampler once operated in Floyd County was discontinued at the end of 1999. The air-monitoring site we currently operate in Pikeville is the closest site to Floyd and Johnson counties. Ambient data summaries for the Pikeville site can be obtained at our website: www.air.ky.gov. Ambient Air Quality Annual Reports for 2000 through 2002 are located on the *Public Information* bar near the top of the homepage.

I trust the above information will be adequate, but should you have questions or desire additional information, please contact me at (502) 573-3382, extension 422.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Sudduth".

Jerry Sudduth, Environmental Technologist
Technical Services Branch

JS/bs

**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.

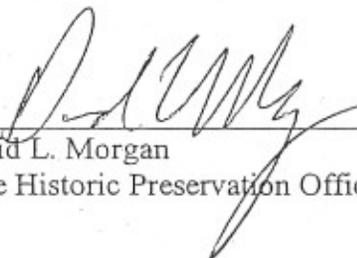
U.S. ARMY CORPS OF ENGINEERS, HUNTINGTON DISTRICT

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

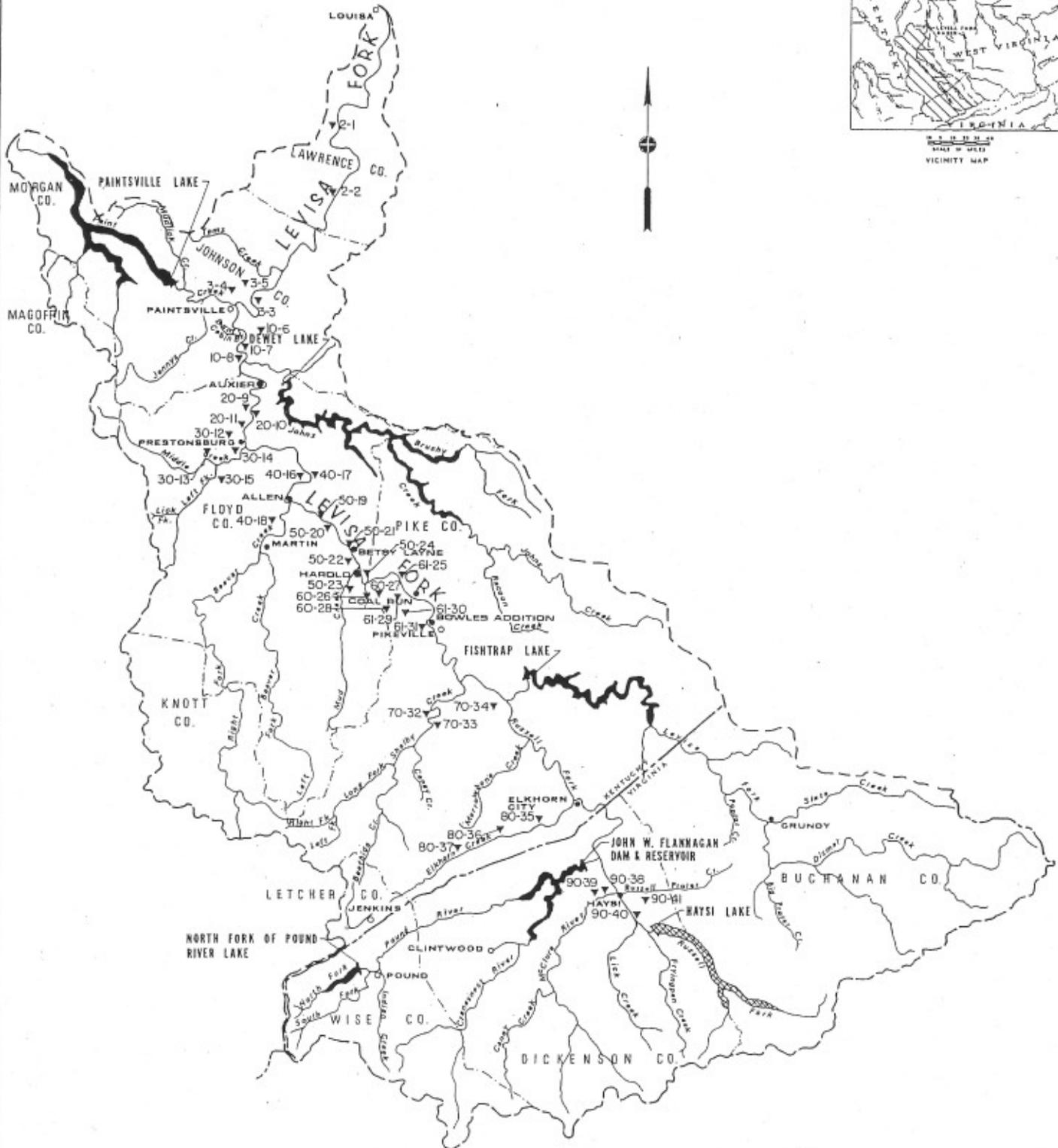
Date: 3-21-03

APPENDIX A

Levisa Fork Basin Section 202 Map



SCALE IN MILES
VICINITY MAP



— REACH
— SITE NO.
50-20 ▽ SITE LOCATION

LEWIS FORK AND RUSSELL FORK
MAINSTEM FLOOD DAMAGE REDUCTION STUDIES

POTENTIAL HOUSING AND
COMMUNITY DEVELOPMENT SITES

US ARMY CORPS OF ENGINEERS
ADJUTANT DISTRICT
HARRISBURG, MISSISSIPPI





DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

REPLY TO
ATTENTION OF

28 February 2003

Planning, Programs and Project Management Division
Planning Branch, Environmental Analysis Section

RECEIVED

MAR 5 2003

KY HERITAGE
COUNCIL

#7841

Mr. David L. Morgan
State Historic Preservation Officer
The Kentucky Heritage Council
300 Washington Street
Frankfort, Kentucky 40601

Dear Mr. Morgan:

Enclosed for your signature is the Programmatic Agreement between the U. S. Army Corps of Engineers, Huntington District and the Kentucky State Historic Preservation Officer regarding Section 202 Flood Damage Reduction Plan for the Levisa Basin, Floyd, Johnson Lawrence and Pike Counties, Kentucky. All of the suggestions made by Mr. Thomas N. Sanders, of your staff, have been included in the agreement and the agreement has been signed by our District Engineer, Colonel John D. Rivenburgh. This agreement covers the proposed construction of several structural and nonstructural flood protection projects which will be implemented over a multi-year period. The agreement is patterned after the Tug Fork Agreement which covered flood control projects in Kentucky and West Virginia. A similar agreement has been executed with the Virginia SHPO for the Levisa Basin in Virginia.

Our historic and architectural report for the Levisa Basin in Kentucky indicates that 288 structures of 5,416 surveyed are potentially eligible for the National Register of Historic Places and will require additional research. The breakdown by county includes the following:

Lawrence	5
Johnson	76
Floyd	183
Pike	24

Alternative plans for flood protection of structures include raising in place and acquisition. Some structures would be raised in place to elevations above the design flood, whereas acquisition may be required for structures within planned floodwall alignments or those determined unsuitable for raising in place. Therefore, direct impacts to individual structures cannot be assessed at this time. The report completed for the Levisa Fork Basin Project, referenced below, was previously provided for your review.

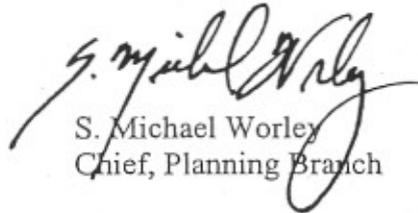
Amos, Christine

1995 A Historic and Architectural Reconnaissance and Survey for the Levisa Basin Flood Control Project, Western Virginia and Eastern Kentucky. Report prepared for the U.S. Army Corps of Engineers, Huntington District. NTIS Accession #PB98-117682, \$21.50 paper, \$10.00 microfiche plus, shipping and handling.

It is requested that you sign and return the Programmatic Agreement to us. We will make copies and send the original to the National Advisory Council on Historic Preservation.

If you have any questions concerning the project, please contact our staff archeologist, Dr. Robert F. Maslowski, who can be reached at 304-529-5712. Thank you for your cooperation in this matter.

Sincerely,



S. Michael Worley
Chief, Planning Branch

Enclosures

A-3

Public Scoping and Community Meetings

THIS PAGE INTENTIONALLY LEFT BLANK

PUBLIC MEETING ATTENDANCE RECORD

Date: November 13, 2003 Time: 4:30 – 7:30 p.m.

Location: Prestonsburg High School, 825 Blackcat Boulevard, Prestonsburg, KY

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

(PLEASE PRINT CLEARLY)

	Name	Representing	Address
1	Jeanne George	Jeanne George	505 Cliff Rd Prestonsburg Ky
2	Norma Daniels	Norma Daniels	543 Cliff Rd Prestonsburg Ky
3	Mr. & Mrs. Marvin Music	Mr. & Mrs. Marvin Music	615 N. Arnold Ave. Prestonsburg.
4	Rodney Tackett		85 Harris St Prestonsburg
5	Jerry Shephard		44 S Stawling Ave W Prestonsburg
6	Eunice Shepherd		108 Harris Street
7	Lon May	Floyd County Fiscal Court & The City of Prestonsburg	1419 South Central Ave Prestonsburg Ky 41653
8	STEVE RANSCLIFF	CORPS OF ENGINEERS	
9	TAMMIE CONFORTI	CORPS OF ENGINEERS	502 8TH STREET, HUNTINGTON
10			

PUBLIC MEETING ATTENDANCE RECORD

Date: November 13, 2003 Time: 4:30 – 7:30 p.m.

Location: Prestonsburg High School, 825 Blackcat Boulevard, Prestonsburg, KY

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

(PLEASE PRINT CLEARLY)

	Name	Representing	Address
1	GERALDINE BARTRUM	SELF	87 BRAWLEY ST. MARTINS KY
2	Sharon Melching	self	87 Brawley St Martins, Ky
3	Greg Wilson	FIRST Commonwealth BANK	311 N. Arnold Ave. 41649
4	Eileen Buckett	self	573 N. Arnold
5	Clyde Buckett	"	"
6	Willie Joe Dotson		
7	Jerry Patton	self	637 N. Arnold
8	Jennifer Patton	self	637 N. Arnold
9	Jane W. Howard	self	127 N Front
10			

PUBLIC MEETING ATTENDANCE RECORD

Date: November 13, 2003 Time: 4:30 – 7:30 p.m.

Location: Prestonsburg High School, 825 Blackcat Boulevard, Prestonsburg, KY

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

(PLEASE PRINT CLEARLY)

	Name	Representing	Address
1	Margo Barber		691 N. Arnold Ave. Prestonsburg, Ky.
2	Damon Newton		Harris St. West P. Blvd
3	Blake Burchett		715 N Arnold Ave Prestonsburg Ky 41653
4	Alan Gullett		555 N. Arnold Ave Prestonsburg, KY 41653
5	TC Music		HC 70 Box 540 Van Lear Ky 41265
6	Wm D. Roberts		781 N. Lake Drive Prestonsburg Ky 41653
7	Pat Heesone		110 4th 178 Hatfield Dr. Prestonsburg, Ky. 41653
8			
9			
10			

PUBLIC MEETING ATTENDANCE RECORD

Date: November 13, 2003 Time: 4:30 – 7:30 p.m.

Location: Prestonsburg High School, 825 Blackcat Boulevard, Prestonsburg, KY

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

(PLEASE PRINT CLEARLY)

	Name	Representing	Address
1	Clifford Ward		52 Bingham St Prestonsburg Ky
2	FREDDIE GOBLE	BIG SANDY A.D.D.	100 Resource Drive Prestonsburg, KY. 41653
3	Beverly A. Goble	Resident	591 Riverside Drive Prestonsburg, Ky 41653
4	Janita Sidome	Resident	587 N. Arnold Ave Prestonsburg, Ky 41653
5	Doug Adams	BUSINESS OWNER	158 N. Arnold Prestonsburg, KY
6			
7			
8			
9			
10			

PUBLIC MEETING ATTENDANCE RECORD

Date: November 13, 2003 Time: 4:30 – 7:30 p.m.

Location: Prestonsburg High School, 825 Blackcat Boulevard, Prestonsburg, KY

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

(PLEASE PRINT CLEARLY)

	Name	Representing	Address
1	Dick LESLIE	ARNOLD AVE.	PRESTONSBURG, Ky
2	Kicky Howard	180 Hatfield Dr	Prestonsburg, Ky
3	Penny Maran	165 Hatfield Dr	Prestonsburg Ky
4	Kenneth & Patsy Marsillett	96 Hatfield Dr.	Prestonsburg Ky.
5	Mary Music	F. County Times	
6	Kristal Bradley	220 No Old Cliff Rd.	Prestonsburg, Ky.
7	Dorcas Lawson	59 Hibiscus Ct. Old Cliff Rd.	Prestonsburg, Ky,
8			
9			
10			

PUBLIC MEETING ATTENDANCE RECORD

Date: November 13, 2003 Time: 4:30 – 7:30 p.m.

Location: Prestonsburg High School, 825 Blackcat Boulevard, Prestonsburg, KY

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

(PLEASE PRINT CLEARLY)

	Name	Representing	Address
1	Bill J DOTSON		157 Hatfield Dr
2	Paul FANNING	Floyd County Schools	106 N. Front Ave, Prestonsburg, Ky 41653
3	Blaker Becky Burchett		715 N. Arnold Ave Prestonsburg Ky 41653
4	Eddy & Robin Clark		763 N. Arnold Ave Prestonsburg, Ky 41653
5	Wendy [unclear]		126 N. Old Cliff Road
6	Burt Wells Spurlink		311 N Arnold Ave -
7	Ed Beall		
8	Fred Ames		257 E. CT. ST Prestonsburg, Ky
9	Don & Joyce [unclear]		539 MAYS Bn Rd. Prestonsburg Ky. 41653
10	Ms + Mrs. James Gullett		Cliff P-Burg

PUBLIC MEETING ATTENDANCE RECORD

Date: November 13, 2003 Time: 4:30 – 7:30 p.m.

Location: Prestonsburg High School, 825 Blackcat Boulevard, Prestonsburg, KY

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

(PLEASE PRINT CLEARLY)

	Name	Representing	Address
1	JAMES R & WILMA Mc CLUNG		42 BINGHAM ST. PRESTONSBURG, KY. 41653
2	Keith + Teresa Leslie		601 N. Arnold Prestonsburg, Ky 41653
3	Oddie Cooley		28 Dickerson St. Prestonsburg, Ky. 41653
4	Eugene Hannin		160 FANNING PRESTONSBURG
5	Paul Lane		543 N. ARNOLD AVE
6	Paul Lane		426 N. ARNOLD AVE
7	Randy + Lynn Hays		338 Old Cliff Rd.
8	Paul Lafferty		BOX 909 Cliff Rd.
9	Johnnie Lafferty		
10	Rene Cooley	Donner & Weasls because	445 May's B. Ave.



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

RANDALL BURCHETT
277 W. COURT ST
PRESTONBURG, KY 40373

PHONE

606-886-1729
8397

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

- SELF ORGANIZATION
 GOVERNMENT AGENCY OTHER PARENTS

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

ALL YEARS OF RESIDENCE AT ARNOLD AVE THE FLOOD HAS NOT BEEN A LIFE SAFETY ISSUE. RESIDENCE WAS ON RIVER BANK & WATER HAS NEVER BROKEN OVER RIVER BANK.

DISAGREE WITH CONTINUOUS WALL FOR EFFECT OF SEVERAL THINGS: LAND VALUE, AESTHETICS, PROPERTY FUNCTION & THIS EFFECTS FUTURE DEVELOPMENT - RESIDENTIAL & COMMERCIAL. WOULD LIKE TO BE ALTERNATE SOLUTIONS: IE DRESSING, ADDITIONAL DAMMING, & OTHER WATER RETENTION.

Additional space is available on back of this sheet. Attach additional sheets as required.



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

Robin Clark
763 N. Arnold Ave.
Prestonsburg, Ky 41653

PHONE

606-886-2847

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

- SELF ORGANIZATION
 GOVERNMENT OTHER
AGENCY

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

Please! Please! We don't want a flood wall!
I love Prestonsburg and my home
and I don't want to open my back
door to a concrete wall! If we
decide to move, who would buy
my house? Please consider another
alternative.

Additional space is available on back of this sheet. Attach additional sheets as required.



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

PAUL HATHURTON
Box 709 Cliff Rd.
P-Buoy Ky

PHONE

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

- SELF ORGANIZATION
 GOVERNMENT AGENCY OTHER

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

Water being forced upon residents of low lying area, flood waters have been in this area for a number of years. Water is backed up through a culvert under C&O railway. Money was allotted for a flood gate upon construction of Cliffside Housing Project. Money was misused & flood gate was never installed. I rented 63" pumps in 1983 & kept water off said property. City of Prestonsburg reimbursed money for pumps.

Additional space is available on back of this sheet. Attach additional sheets as required.



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

Paul W. FANNING
Floyd County Bd of Education
1016 N. Front Ave.
Prestonsburg, Ky 41653

PHONE

(606) 886-4538

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

- SELF ORGANIZATION
 GOVERNMENT OTHER
AGENCY

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Paul W. FANNING, Superintendent - Floyd County Board of Education

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

This Board of Education Needs to know information applicable to its schools/roads that could be affected by this project. Since the school board will be receiving state funds for a new school in the Prestonsburg area, the information will be critical to site selection.

Additional space is available on back of this sheet. Attach additional sheets as required.



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

EUNICE Shepherd
108 HARRIS ST
PRESTONSBURG KY 41653

PHONE

806-886-8077

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

- SELF ORGANIZATION
 GOVERNMENT AGENCY OTHER

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

1st. Just leave us alone, 2. If you want to buy our land
resell to county - County officials combined with chair buddies
fifteen land make lots of money off our lives. Its all for money
making for a few officials (I am against all of it)
you know nothing about us. find another way or get
a job somewhere else. you are only helping our dead
beat officials + their friends money. Dont pretend to help other
people. if I get flooded I will help (me)
~~We need a sewer system~~
(We need a sewer system) if you have money fix a sewer

Additional space is available on back of this sheet. Attach additional sheets as required.

YOU ALL ARE A TOTAL BUNCH OF IDIOTS
FROM SOME PLACE ELSE - GO HOME



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

Jerry Patton, Atty. at Law
119 East Court St.
Prossersburg, Ky.
41653

PHONE

606-886-1779

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

SELF ORGANIZATION

GOVERNMENT AGENCY OTHER CLIENT

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

A floodwall is a bad idea. It is a waste of taxpayer money. It would be unsightly and would ruin the beautiful view we have presently. The solution is to raise the houses, if any, which are being flooded and dredge the river and clear the river banks. The potential for a serious flood is nominal and does not justify taking citizen's property with citizen's money.

Additional space is available on back of this sheet. Attach additional sheets as required.



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

Jerry Shepherd
445 Stanley Ave
Prestonsburg Ky 41653

PHONE

606-886-9031

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

- SELF ORGANIZATION
 GOVERNMENT OTHER
AGENCY

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

Move The River! AND dont let The County
MAKE money from buying My Property Cheap
AND Then Reselling it AFTER The fill it up.

CUT River To Brandy Key Thru dam hole AND out
The dam open it to down The River leave it alone.

dont sell my home To county for 5%

Additional space is available on back of this sheet. Attach additional sheets as required.



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

Jennifer Patton
Attorney At Law
637 W. Arnold Ave
Prestonsburg, Ky.

PHONE

(606) 886-2640

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

- SELF ORGANIZATION
 GOVERNMENT OTHER
AGENCY

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

We don't want a flood wall. This project is not supported by the Community; the residents or the public in general.

Please, do not build this monstrosity!

Additional space is available on back of this sheet. Attach additional sheets as required.



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

Oddie Cooley
28 Dickerson Street
Prestonsburg, Ky.

PHONE

(H) 606 889-0427 (W) 874-2088

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

- SELF ORGANIZATION
 GOVERNMENT OTHER
AGENCY

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

I live and own rental property along the riverbank in Prestonsburg. I would like information on how this will effect my property. My property is considered to be out of flood plain, due to elevation. By looking @ your map today, it seems this wall will run ~~thru~~ thru my property.

Additional space is available on back of this sheet. Attach additional sheets as required.



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD
(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

Keith + Teresa Leslie
601 N. Arnold Ave
Prestonsburg, Ky 41653

PHONE

606-886-9006

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

- SELF ORGANIZATION
 GOVERNMENT OTHER
AGENCY

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

How much money has been spent on flooding in Prestonsburg since 1977 and all the dam projects that have come on line? Verses what this project will cost.

This project will devalue my property to near zero and I'm not even surrounded by water with the flood of 1977.

If this project goes through I will leave the County for my residence. There will be lost of tax dollars to the city & County.

Additional space is available on back of this sheet. Attach additional sheets as required.



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN) SECTION 202 PROJECT AND ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

DAVID LAYNE

543 N. ARNOLD AVE

Prestonsburg KY 41653

PHONE

606-886-6101

INFORMATION ON THIS FORM WILL BE USED TO NOTIFY YOU OF FUTURE ACTIONS AND TO RECORD BRIEF WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

SELF ORGANIZATION

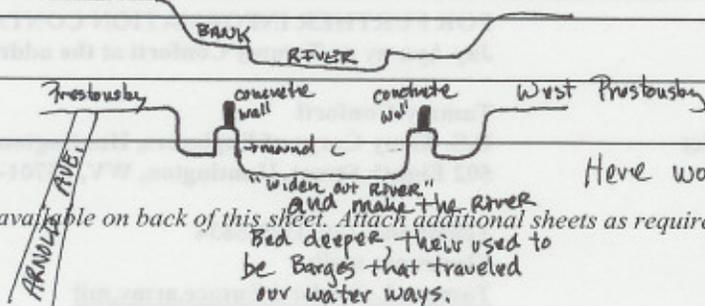
GOVERNMENT AGENCY OTHER AGENCY

NAME OF ORGANIZATION OR AGENCY AND YOUR POSITION OR TITLE

Floyd County Fiscal Court, "Treasurer"

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

The reason I purchased my home was the community and the location, "ON THE RIVER". ARNOLD AVE WOULD BE ^{the} highest priced residential property in Floyd County. The largest Commercial Building in Prestonsburg is also located on our street, Along with @ numerous business leaders and owners who call this street their home. The river bank could be cut back and the River widened. By doing so the Corp. of Engineers could sell the sand and the coal as a profit. Build the wall on top of this mound.



Additional space is available on back of this sheet. Attach additional sheets as required.

Here would be the example of what I would suggest. If needed concrete all the wall to the River. If you say river dredging will only last 5 or 6 years.

WE DO NOT NEED A FLOOD WALL,
There needs to be another engineer study on the elevation, because we feel that FEMA had this elevation raised \rightarrow causing

Amount of money FEMA has to protect other areas. \rightarrow which increases the amount of money FEMA has to pay Flood Ins. \rightarrow move citizens to pay Flood Ins. \rightarrow causing



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

Eddy CLARK
763 N. ARN. AVE.
Prestonsburg, Ky. 41653

PHONE

606 886-9847

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

- SELF ORGANIZATION
 GOVERNMENT OTHER
AGENCY

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

We appreciate the fact that you are trying to solve a difficult problem in this area; however the impact on some home owners is going to be ~~very~~ ^{very} difficult. A wall in my backyard instead of the view of the river will pretty much destroy the reason we bought our house. Please be fair to those of us on the river. We have spent many years and lots of money on these homes.

Additional space is available on back of this sheet. Attach additional sheets as required.



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

Alan Gullett
555 N. Arnold Ave
Prestonsburg, KY 41653

PHONE

(606) 889-9860

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

- SELF ORGANIZATION
 GOVERNMENT OTHER
AGENCY

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

I am totally against a flood wall being constructed. If an alternative such as dredging or widening the river basin is possible, I would see it as a much more suitable solution. I moved to the area because of the nature and surroundings. If a wall is built I will find another place to call home, because I see no benefit to a wall.

Additional space is available on back of this sheet. Attach additional sheets as required.



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

Woody G. Jarrell

P.O. Box 342

126 N. Old Cliff Rd.

Prestonsburg, Ky 41653

PHONE

606-886-6899

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

- SELF ORGANIZATION
 GOVERNMENT OTHER
AGENCY

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

Our Citizens have already decided That we do not
Want or need This Flood Wall. Hal Rodgers and
Mitch Maxwell does not need to decide This. We
Need Them to Fight Against. We don't want
This Thing In our City.

Additional space is available on back of this sheet. Attach additional sheets as required.



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

Randy Rogers
P.O. Box #1519
Prestonsburg Ky 41653

PHONE

(606) 886-9460

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

- SELF ORGANIZATION
 GOVERNMENT AGENCY OTHER AGENCY

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

Your Surveyors Are Telling People who And
What The Flood wall Will Do. You Say You Don't
Have That Kind Of Information. If You Sell The
Land You ~~buy~~ Buy Back To The County And
They Fill It In It Can't Help But Put Water
Somewhere Else. If People Live Here And Tell
You Water Wasn't In Their House You Then
Go From The "77" Flood To The #100 year Flood Plan.
I See Where This Could Make An Impact
For Cheap Land For The County To

Additional space is available on back of this sheet. Attach additional sheets as required.

Build Businesses But At The Cost To The
Land Owners.

PRIVACY ACT STATEMENT

Authority: Section 101(b), Public Law 91-190, National Environmental Policy Act of 1969, (83 Stat. 852),
1 January 1970.

ER 1105-2-30, "General Planning Principles", & EP 1105-2-35, Public Involvement and
Coordination."

Permit Activities-Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and/or Section
404 of the "Clean Water Act", 33CFR 327, "Public Hearings."

Principal

Purposes: To obtain information from individuals in attendance at public meetings. Requested data include
name, address, title/occupation, representing self or organization, address of organization, and
brief written comments. The form also asks if the individual desires to make an oral statement
concerning the proposed activity under discussion.

Routine Uses: Purposes of this form are as follows:

1. To obtain data to be used in notifying appropriate individuals of future hearings or meetings and of
decision(s) concerning the activity,
2. To learn the desires of individuals regarding statements he/she wishes to make at the meeting so that
all persons will be given an opportunity during the meeting,
3. To gather a brief occupational profile to facilitate agency correlation of views and areas of expertise,
4. To record written comments of attendees at the public meeting.

Non-participation

Notice: All data requested is voluntary. Public meetings are held to offer individuals an opportunity to
participate in the planning or review process. The only effect on individuals choosing not to
furnish requested data is that the effectiveness of their participation would be lessened.

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.Avaay@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



US Army Corps
of Engineers
Huntington District

FLOYD COUNTY, KY (LEVISA FORK BASIN)
SECTION 202 PROJECT AND
ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD

(Privacy Act Statement on Reverse)

NAME AND ADDRESS (Please Print Clearly)

Prestonsburg Clinic Assoc,
400 University Dr
Prestonsburg, Ky 41653

PHONE

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

- SELF ORGANIZATION
 GOVERNMENT AGENCY OTHER *Business*

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

owner and manager

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

The Clinic has been in its location since 1973. There has never been flood water in the clinic. Why should rate taxes support this project when there has never been water or may never be water in the clinic. This is a "pork" project. There are too many people in the county that has water problems year round. The money for the project should help those people.

Additional space is available on back of this sheet. Attach additional sheets as required.

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:

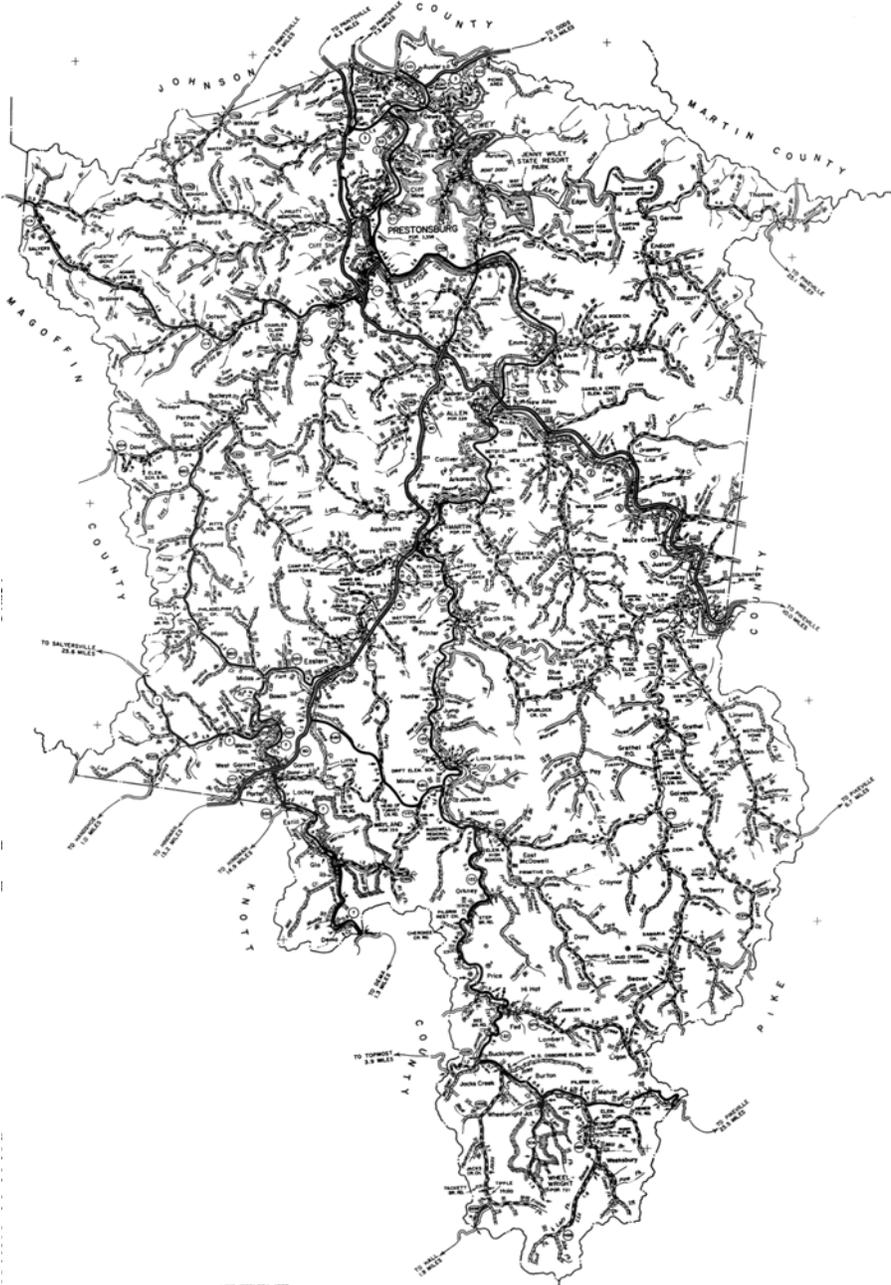
Tammy Conforti
U.S. Army Corps of Engineers, Huntington District
502 Eighth Street, Huntington, WV, 25701-2070

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

Flood Damage Reduction Study

Floyd County

Floyd County Community Meeting

March 9, 2004

Flood Damage Reduction Study

Welcome and Introductions

Paul Hunt Thompson, Judge Executive
 COL William E. Bulen, Corps of Engineers
 Tammy L. Conforti, Corps of Engineers

Floyd County Community Meeting

Flood Damage Reduction Study

Agenda

- I. Welcome and Introductions
- II. Overview of Study Authorization and Purpose
- III. Flood Damage Reduction Study Overview
- IV. Next Steps in the Study Process
- V. Staying in Contact
- VI. Public Comment Period

Floyd County Community Meeting

Flood Damage Reduction Study

Overview of Study Authorization and Purpose

Floyd County Community Meeting

Flood Damage Reduction Study

History of Flooding in Floyd County

Historic Flood Events in Floyd County, Kentucky

Floyd County Community Meeting

Flood Damage Reduction Study

Flood of April 1977

Floyd County Community Meeting

Summary of Damages from 1977 Flood

- ▶ Throughout the Levisa Fork Basin, a total of \$282 million in damages occurred (current dollars).
- ▶ Floyd County incurred \$133 million in damages (current dollars).

Flood Damage Reduction Study

Floyd County Community Meeting

Study Authorization

“The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to design and construct...such flood control measures...the Chief of Engineers determines necessary and advisable to afford these communities and other flood damaged localities and their immediate environs on both the Levisa and Tug Fork...a level of protection against flooding at least sufficient to prevent any future losses to these communities from the likelihood of flooding such as occurred in April 1977...”

Section 202 of the 1981 Energy and Water Development Appropriations Act (Public Law 96-367)

Flood Damage Reduction Study

Floyd County Community Meeting

Study Purpose

- ▶ To develop the most cost effective plan for providing flood damage reduction along the Levisa Fork and its tributaries in Floyd County, Kentucky.

Flood Damage Reduction Study

Floyd County Community Meeting

Flood Damage Reduction Study Overview

Flood Damage Reduction Study

Floyd County Community Meeting

Study Process

Flood Damage Reduction Study

Floyd County Community Meeting

Flood Threat

- ▶ Corps authorized to begin Floyd County flood damage reduction study in 2002
- ▶ Flood threat to Floyd County
 - Approximately 5,500 residential structures
 - Approximately 800 nonresidential structures

Flood Damage Reduction Study

Floyd County Community Meeting

Flood County Study Phasing

- ▶ Study area delineation
- ▶ Flood County phasing plan
 - Phase 1 – Prestonsburg and downstream to county boundary
 - Phase 2 – upstream of Prestonsburg to county boundary
 - Phase 3 – all remaining areas in Floyd County
- ▶ Begin Detailed Project Report for Phase 1

Flood Damage Reduction Study

Floyd County Community Meeting

Flood County Study Phasing

Flood Damage Reduction Study

Floyd County Community Meeting

Flood Threat

- ▶ Flood threat to Phase 1 area (Prestonsburg and lower Levisa Fork)
 - 348 residential structures
 - 168 nonresidential structures

Flood Damage Reduction Study

Floyd County Community Meeting

Flood Threat

- ▶ Flood threat to downtown Prestonsburg
 - 51 residential structures
 - 91 nonresidential structures

Flood Damage Reduction Study

Floyd County Community Meeting

Simulation of 100-Year Flood Event

Flood Damage Reduction Study

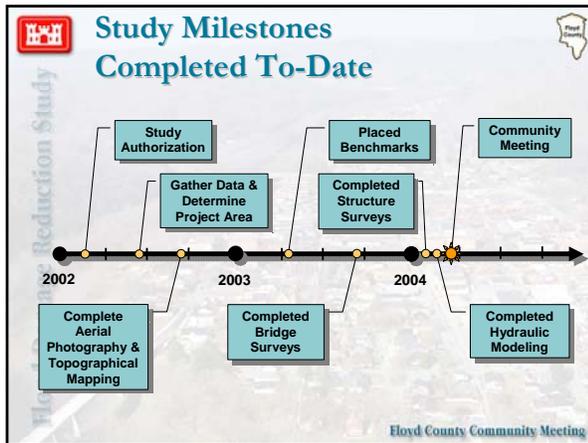
Floyd County Community Meeting

Economic Impact of Flooding

Area	100-year Flood Damage (millions of dollars)	500-year Flood Damage (millions of dollars)
DPR Phase 1	\$40	\$141
Prestonsburg	\$36	\$130
Downtown Prestonsburg	\$8	\$40

Flood Damage Reduction Study

Floyd County Community Meeting



Flood Protection Alternatives

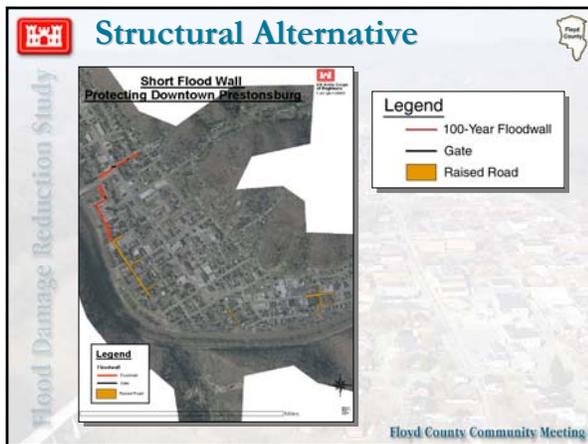
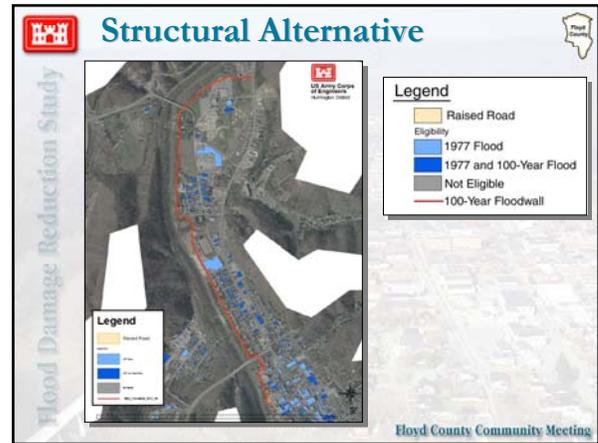
- ▶ Structural measures
- ▶ Nonstructural measures
- ▶ Combination of structural and nonstructural measures

Floyd County Community Meeting

Floyd County Alternatives Under Consideration

- ▶ Structural measures
 - Floodwall to protect downtown Prestonsburg (long and short)
- ▶ Nonstructural measures
 - Floodproofing structures
 - Floodplain evacuation
 - Floodplain evacuation plan
 - Flood warning system

Floyd County Community Meeting



Structural Alternative

Flood Damage Reduction Study

Floyd County Community Meeting

Nonstructural Alternatives

- ▶ Floodproofing structures
 - Raise-in-place
 - Move on site
 - Replacement
 - Veneer wall
 - Ringwall
- ▶ Floodplain evacuation
 - ▶ Flood warning system
 - ▶ Floodplain evacuation plan

Flood Damage Reduction Study

Floyd County Community Meeting

Nonstructural Alternative

Raise-in-place

Before

After

Flood Damage Reduction Study

Floyd County Community Meeting

Nonstructural Alternative

Raise-in-place

Flood Damage Reduction Study

Floyd County Community Meeting

Nonstructural Alternative

Raise-in-place

Flood Damage Reduction Study

Floyd County Community Meeting

Nonstructural Alternative

Raise-in-place

Flood Damage Reduction Study

Floyd County Community Meeting

Flood **Nonstructural Alternative**

Flood Damage Reduction Study

Replacement

Floyd County Community Meeting

Flood **Nonstructural Alternative**

Flood Damage Reduction Study

Ringwall

Floyd County Community Meeting

Flood **Nonstructural Alternative**

Flood Damage Reduction Study

Ringwall and veneer wall

Floyd County Community Meeting

Flood **Nonstructural Alternative**

Flood Damage Reduction Study

Veneer wall

Floyd County Community Meeting

Flood **Nonstructural Alternative**

Flood Damage Reduction Study

Floodplain Evacuation

Floyd County Community Meeting

Flood **Nonstructural Alternative**

Flood Damage Reduction Study

Tug Fork Valley
Big Sandy River Basin
Flood Warning and
Emergency Evacuation
Plan For Lower Mingo
County Project, W. Va.

Floodplain
evacuation and
flood warning
system

Floyd County Community Meeting

Flood Damage Reduction Study

Potential Project Benefits

- ▶ Reduce flood hazard risk (during flood)
- ▶ Reduce property damage caused by flooding
- ▶ Reduce public health risk (post-flood)
- ▶ Create economic development opportunities

Floyd County Community Meeting

Flood Damage Reduction Study

Potential Project Benefits

- ▶ Enhance GIS and 911 systems
- ▶ Reduce flood insurance costs
- ▶ Improve sewer and stormwater system
- ▶ Improve social well-being

Floyd County Community Meeting

Flood Damage Reduction Study

Next Steps in the Study Process

Floyd County Community Meeting

Flood Damage Reduction Study

Next Steps

- ▶ Finalize surveying for Phase 1
- ▶ Develop structural alternatives for West Prestonsburg
- ▶ Complete alternatives development for Phase 1
- ▶ Cost estimate each alternative and compare alternatives by cost
- ▶ Recommend most cost effective alternative to local sponsor (Summer 2006)
- ▶ Local sponsor makes decision
- ▶ Begin project implementation

Floyd County Community Meeting

Flood Damage Reduction Study

Staying in Contact

Floyd County Community Meeting

Flood Damage Reduction Study

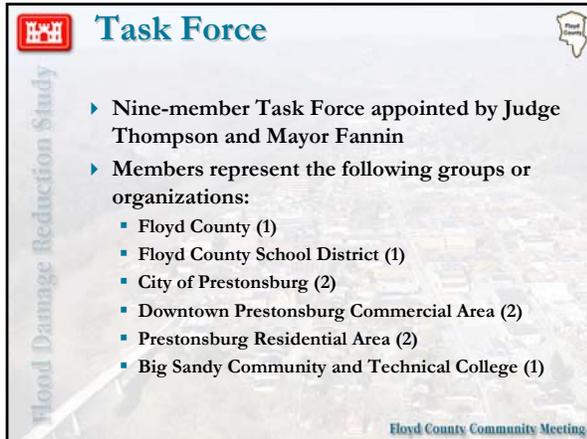
Staying in Contact

- ▶ Future public meetings
- ▶ Task force
- ▶ Local media updates
- ▶ Local government
 - Judge Paul Hunt Thompson
 - Mr. Lon May
- ▶ Corps project information office
- ▶ Corps presentations to local organizations
- ▶ Corps of Engineers
 - Ms. Tammy Conforti

Floyd County Community Meeting



Task Force

- ▶ Nine-member Task Force appointed by Judge Thompson and Mayor Fannin
- ▶ Members represent the following groups or organizations:
 - Floyd County (1)
 - Floyd County School District (1)
 - City of Prestonsburg (2)
 - Downtown Prestonsburg Commercial Area (2)
 - Prestonsburg Residential Area (2)
 - Big Sandy Community and Technical College (1)

Floyd County Community Meeting



U.S. Army Corps of Engineers Huntington District




- ▶ Ms. Tammy Conforti, Project Manager
502 Eighth Street
Huntington, WV 25701
- ▶ 1-866-401-3980 or 304-399-5834
- ▶ tammy.l.conforti@lrh01.usace.army.mil

Floyd County Community Meeting



Public Comment Period




Floyd County Community Meeting

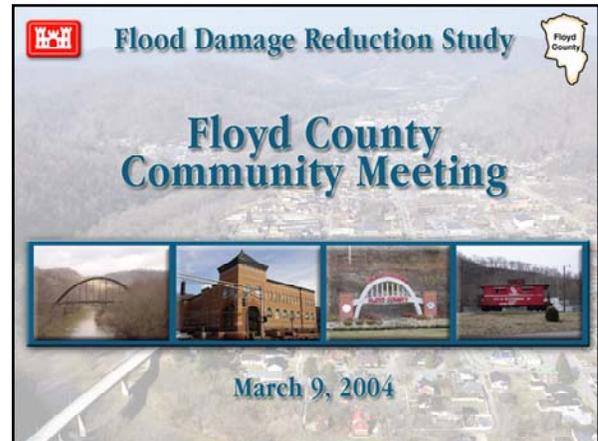


Flood Damage Reduction Study

Floyd County Community Meeting



March 9, 2004




Public Involvement Completed To-Date




- ▶ February 2002 - Study authorization
- ▶ March 2002 - Project kick-off meeting and postcards mailed to residents
- ▶ April 2002 - Fire Department distributes informational flyers
- ▶ November 2003 - Public meeting
- ▶ January 2004 - Project information office established
- ▶ March 2004 - Public meeting

Floyd County Community Meeting

A-4

US Fish and Wildlife Coordination Act Correspondence

**A Fish and Wildlife Coordination Act Report will be provided in the
Final EIS**

THIS PAGE INTENTIONALLY LEFT BLANK



Memorandum

To: Mike Armstrong, U.S. Fish and Wildlife Service
Wayne Davis, KY Department of Fish and Wildlife Resources
Kevin Frey, KY Department of Fish and Wildlife Resources
Mike Hardin, KY Department of Fish and Wildlife Resources
Neal Jackson, KY Department of Fish and Wildlife Resources
Danny Peake, KY Division of Water

CC: see Attendees, plus Brian Boose, Stevin Paznokas

From: Jonathan J. Aya-ay, DEIS Coordinator, Corps of Engineers
Rebecca Sabraoui, AICP, AMEC Earth and Environmental

Subject: **Pike and Floyd Counties, KY (Levisa Fork Basin) Section 202 Projects
June 29, 2004 Regulatory Meeting Summary**
AMEC Project No. 3-481-90008 and 3-481-90009

Date: July 7, 2004

The following are notes from the June 29 Regulatory Consultation held at the Holiday Inn in Prestonsburg, KY and in the Prestonsburg project area. The meeting was informal. The morning meeting included a slide presentation and discussion, and the afternoon consisted of a site visit. This summary incorporates discussion from both morning and afternoon sessions.

Please review these notes and indicate within three business days if the text does not match your recollection. Thank you.

Purpose of the Meeting: To review project status, impacts, and proposed mitigation for Draft Environmental Impact Statements for flood damage control in Pike and Floyd Counties, Kentucky.

Meeting Attendees:

Name	Agency	Phone	Email
Jay Aya-ay	U.S. Corps of Engineers, Huntington District	304-399-5872	Jonathan.j.ayaay@lrh01.usace.army.mil
Amanda Dethman		304-399-5819	Amanda.J.Dethman@lrh01.usace.army.mil
Ted Hamb		304-399-5887	Theodore.W.Hamb@lrh01.usace.army.mil
Jared Bledsoe		304-399-5826	Jared.W.Bledsoe@lrh01.usace.army.mil
Jagan Valluri		304-696-24909	valluri@marshall.edu
Mike Armstrong	U.S. Fish and Wildlife	502-695-0468	Mike.Armstrong@fws.gov
Danny Peake	KY Division of Water	502-564-3410	Danny.Peake@ky.gov
Wayne Davis	KY Department of Fish and Wildlife Resources	502-564-7109x355	Wayne.Davis@ky.gov
Mike Hardin		502-564-7109x365	Mike.Hardin@ky.gov
Kevin Frey		606-886-9161	kfrey@mikrotec.com
Neal Jackson		606-886-9161	njackson@mikrotec.com
Kelly Phillips	AMEC	704-236-3496	Kelly.Phillips@amec.com
Mary Motte Walker		615-333-0630	Marymotte.Walker@amec.com
Jennifer Pyzoha		502-267-0700	Jennifer.Pyzoha@amec.com
Rebecca Sabraoui		502-643-5475	Rebecca.sabraoui@amec.com



Memorandum

To: Distribution

From: Jonathan J. Aya-ay, DEIS Coordinator, Corps of Engineers
Rebecca Sabraoui, AICP, AMEC Earth and Environmental

Subject: **Floyd County, KY (Levisa Fork Basin) Section 202 Project**
June 15, 2005 Regulatory Meeting Summary
AMEC Project No. 3-481-90009

Date: June 17, 2005

The following is a summary of the June 15 Regulatory Consultation held on site in the Prestonsburg, Kentucky project area. Please review and indicate within three business days if the text does not match your recollection. Thank you.

Purpose of the Meeting: To review project status, impacts, and proposed mitigation for flood damage control structural measures in Floyd County, Kentucky.

Meeting Attendees:

Agency	Name	Phone	Email
U.S. Corps of Engineers, Huntington District	Jay Aya-ay	304-399-5872	Jonathan.j.ayaay@lrh01.usace.army.mil
	Tammy Consorti	304-399-5819	Amanda.J.Dethman@lrh01.usace.army.mil
	Ted Hamb	304-399-5887	Theodore.W.Hamb@lrh01.usace.army.mil
	Kevin Nelson		Kevin.Nelson@lrh01.usace.army.mil
	Steve Radcliff		steven.d.radcliff@lrh01.usace.army.mil
	Jared Bledsoe	304-399-5826	Jared.W.Bledsoe@lrh01.usace.army.mil
	Jagan Valluri	304-696-24909	valluri@marshall.edu
U.S. Fish and Wildlife	Mike Armstrong	502-695-0468	Mike.Armstrong@fws.gov
KY Department of Fish and Wildlife Resources	Doug Dawson	502-564-7109	Doug.Dawson@ky.gov
	Dean Barbo	614-430-0487	Dean.Barbo@amec.com
AMEC	Mary Motte Walker	615-333-0630	Marymotte.Walker@amec.com
	Rebecca Sabraoui	614-430-0487	Rebecca.sabraoui@amec.com

Alternatives: The Corps presented the project status and changes to alternatives since the June 29, 2004 meeting. The biggest change is that the extended long wall was reconsidered and is now the preferred alternative, making a total of seven alternatives.

- Plan 1: No Action
- Plan 2: Total Nonstructural Program
- Plan 3: Long Floodwall Ending at Community College plus Nonstructural Program (*preferred*)
- Plan 4: Long Floodwall Ending at Blackbottom plus Nonstructural Program
- Plan 5: Downtown Prestonsburg Short Floodwall Plus Nonstructural Program
- Plan 6: Blackbottom Floodwall Plus Nonstructural Program
- Plan 7: Downtown Prestonsburg Short Floodwall Plus Blackbottom Floodwall Plus Nonstructural Program



Impacts and Mitigation:

- **Indiana bat** – Although the Indiana bat has not been recorded in Floyd County, they are known in adjacent counties and the USFWS indicates that their presence is likely. The summer and winter habitat survey has been completed and will be submitted as part of the Ecological Survey. Mike Armstrong indicated that evaluation and agency coordination requirements may be changing soon in response to new understanding of bat summer roosting habits. A commitment for additional evaluation of summer roosting habitat may be necessary prior to clearing activities.
- **Riparian Corridor** – For areas riverward of the floodwall/levees, the Corps proposed a strategy similar to that used in the Pike County Section 202 project, including revegetation of disturbed areas and preservation of existing undisturbed areas.
- **Streams** – The Corps intends at this time to use Kentucky’s in-lieu fee provision to mitigate unavoidable stream impacts. Stream characterizations have been performed and will be submitted shortly as part of the ecological survey. In general, stream quality is low. Various ideas were discussed for the Community College area ponding area/stream, and will be discussed with the Community College.
- **Borrow Areas** – The Corps has identified several borrow areas, but investigations on suitability are not complete. The DEIS will be written to so indicate, and establish a procedure for evaluating environmental impacts of borrow areas and developing mitigation if needed. Obtaining rock from commercial sources is also a possibility.
- **Submittal Requirements** – Submittal of a stand-alone Ecological Survey Report or the entire draft DPR-1/DEIS was discussed. To facilitate review, the decision was made for the Corps to submit an Ecological Survey Report that includes a description of existing terrestrial and aquatic resources, project impacts, and proposed mitigation plans. For terrestrial impacts, a HEP will be included. For streams, the habitat evaluation will include quantitative habitat units using eastern KY spreadsheets for existing conditions and for proposed mitigation. Five copies of the report should be submitted to Mike Armstrong at USFWS. Mike will distribute to KDOW and KDFWR and will combine comments from the three agencies in preparing the Fish and Wildlife Coordination Act Report.

Action Items:

- 1 Adjust Construction Work Limits where possible to reduce terrestrial impacts. (Corps)
- 2 Revise Land Cover Mapping as needed based on field verification. (AMEC)
- 3 Modify draft Habitat Evaluation Procedure (HEP) as needed, in consultation with USFWS, to incorporate additional indicator species (AMEC/Corps)
- 4 Calculate Impacts for each alternative (AMEC)
- 5 Prepare Draft Mitigation Plan for Riparian Corridor incorporating above recommendations. (AMEC/Corps)
- 6 Schedule and conduct meeting with Prestonsburg Community College regarding ponding area restoration potential. (Corps/AMEC)
- 7 Evaluate impact of projected Levisa Fork velocity changes on special aquatic sites that may be in the project area. (Corps/AMEC)
- 8 Prepare and submit Ecological Survey Report. (AMEC/Corps)

Distribution: Attendees, plus Danny Peake, Kentucky Division of Water
 Brian Boose, AMEC Jennifer Pyzoha, AMEC File



PIKE COUNTY

The Corps presented the project status and the recommended alternative. Impacts for the recommended alternative were reviewed and proposed mitigation was presented. The discussion primarily concerned mitigation options and submittal requirements.

Mitigation of Terrestrial Impacts:

- A. Staging Areas Inside Floodwall/Levee Structure.** For areas disturbed by construction that are landward of the floodwall/levees, the Corps proposed to revegetate them to at least their current condition. This land, primarily used for staging areas, will have limited potential for enhancement because it is in a developed area and will not belong to the Corps or the County unless it is intended for use as a ponding area. In principle, this appeared acceptable to the Agencies.
- B. Riparian Corridor.** For areas riverward of the floodwall/levees, the Corps proposed revegetation of disturbed areas and enhancement of existing undisturbed areas. Revegetation measures are proposed for the corridor riverward of the structures except directly behind Pikeville High School, where the school has expressed interest in having access for athletic training purposes. In principle, this appeared acceptable to the Agencies. The following suggestions/recommendations were discussed:
- Get suggested mitigation species from Kentucky website. Select those appropriate for Pike County. Additionally, the agencies prefer hard mast species such as oaks and hickories.
 - Keep in mind availability of species and its ability to survive.
 - Remove some soft mast species and replace with hard mast to enhance existing forested riparian areas. This involves clearing small “holes” in existing vegetated corridor and planting with hard mast species.
 - Monitoring /managing revegetated areas needs to be part of mitigation plan to ensure proper survival and subsequent function of restored riparian buffer areas. This includes monitoring/managing invasive species such as Japanese Knotweed and Kudzu.
 - Include shrub planting such as native dogwoods in addition to native tree species.
 - Calculate benefit credits based on project lifespan.

Action Items:

- 1 Prepare Draft Mitigation Plan for Riparian Corridor incorporating above recommendations.
Corps and AMEC – submit draft plan to USFWS as part of Ecological Survey Report by July 30.
 - 2 Schedule and conduct meeting with Pikeville High School, City of Pikeville Parks Department, and Pikeville Independent District regarding use of terraced area behind school that will be cut off with floodwall.
Corps and AMEC – conduct meeting and incorporate decisions into mitigation plan as needed.
- C. Borrow Areas.** For Borrow Areas #1 and/or #2, the Corps proposed revegetation with native species and establishment of a buffer area of at least 100 feet to avoid impact to an existing wetland (Borrow Area #1). In principle, this appeared acceptable to the Agencies. However, alternative borrow sites were recommended, and concerns were expressed over hydrology and invasive species. Borrow Area #1 has extensive areas of kudzu. The following suggestions/recommendations were discussed.



- A management plan for kudzu in borrow area #1 needs to be part of the mitigation plan. The management plan needs to discuss methods of reducing kudzu spread as a result of borrowing soil. NRCS may have some good information to use in this management plan.
- Alternative borrow sources such as transportation and coal projects should be used if possible instead of the proposed borrow areas. The Corps agreed that the use of spoil from these sources would be quite beneficial, however expressed concern with the timing of availability of such material and need during construction. Resource agencies stated that there are always ongoing project that may have acceptable borrow material. Using these may reduce costs. The use of alternative borrow material could be written into the specifications for the project as a priority, and the contractor would be responsible to find suitable, available borrow material.

Action Items:

- 3 Prepare Kudzu Management Plan for Borrow Area #1 incorporating above recommendations.

Corps and AMEC – submit draft plan to USFWS as part of Ecological Survey Report by July 30.
- 4 Investigate alternative borrow material sources such as transportation and coal projects.

Corps – If feasible, incorporate language into specifications that would encourage construction contractor to use such alternate borrow if available.

Mitigation of Stream Impact

- A. Ratliff Branch.** Approximately 1000 feet of the Ratliff Branch would be impacted by the recommended alternative. The portion of the stream riverward of the floodwall would be lined with riprap. The portion of the stream between the floodwall and the Big Lots culvert would be incorporated into a ponding area associated with the floodwall.

Several measures had been previously discussed and evaluated in prior meetings. First, an oil/water separator system to treat water entering Ratliff Branch was determined to be infeasible because of the level of maintenance required by the City of Pikeville and/or the local sponsor. The system would probably not remain in operation through the project life. Next, a wetland buffer had been suggested by the KDOW to passively treat runoff from paved areas before it entered Ratliff Branch. This system was also determined infeasible by the Corps due to the negative impact on ponding volume necessary for efficient operation of pump station during flood events. Moreover, additional volume cannot be created as the Ratliff Branch is constrained by AEP and Big Lots parking lots.

The Corps proposed a stream-within-a-stream design for the Upper portion of Ratliff Branch. There would be limited natural stream design elements at the stream bed, with some vegetation on the lower banks. Above this, riprap would stabilize the upper banks where periodic floodwaters would be temporarily stored. During low-water periods, the stream would flow through an open box culvert to the Levisa Fork. During high-water events, stream flow would be cut off at the pump station and interior drainage would be routed to the Ratliff Branch ponding area and pumped over the floodwall as necessary.



During the ensuing discussion, concerns were expressed by the agencies over the actual improvement in aquatic habitat that could be realized with this plan, versus its cost and complexity. The agencies admitted that aquatic habitat units would probably go up based on the East Kentucky Stream Assessment Protocol calculations, but the actual benefit to the overall watershed would be very small.

The following suggestions/recommendations were discussed.

- Optimize the opened length of tributary for its needed function of water conveyance rather than doing natural stream design.
- Call the entire impacted length of Ratliff Branch a loss and look for a new stream for mitigation.
- Include quantitative evaluation of proposed mitigation (habitat units) using the Eastern Kentucky protocol.
- Investigate the in-lieu fee provision that would allow KDFWS to use the money for mitigation projects.
- Stream alterations must be mitigated with a stream. Wetlands can not be substituted. The agencies would not consider this mitigation, just a bonus enhancement.

Action Items:

- 5 Investigate alternative mitigation sites/strategies and propose alternative mitigation in plan.

Corps and AMEC – submit results to USFWS as part of Ecological Survey Report by July 30.

- B. Kentucky Transportation Cabinet Maintenance Branch.** Approximately 139 feet of an unnamed tributary would be impacted by the recommended alternative. This drainage exits a culvert behind the KTC parking lot, descends a steep bank, and enters the Levisa Fork. The banks are now severely eroded and unstable. This portion of the stream would be riverward of the floodwall and would be lined with riprap. The existing culvert under the KTC lot would be opened up and a streambed and ponding area would be created, associated with a pumping station.

The Corps proposed a stream-within-a-stream channel for the newly-opened portion of Ratliff Branch, similar to that proposed for Ratliff Branch (see above). There would be limited natural stream design elements at the stream bed, with some vegetation on the lower banks. Above this, riprap would stabilize the upper banks where periodic floodwaters would be temporarily stored. During low-water periods, the stream would flow through an open box culvert to the Levisa Fork. During high-water events, the stream would be closed and interior drainage would be routed to the ponding area and pumped over the floodwall as necessary.

The agencies agreed that the improvement realized by opening the now-culverted tributary would be beneficial, and would mitigate for the 139 feet of stream to be lined with riprap. However, the same concerns were expressed as for Ratliff Branch regarding the cost-benefit of natural stream design.

The following suggestions/recommendations were discussed.

- Optimize the opened length of tributary for its needed function of water conveyance rather than doing natural stream design.



- C. Levisa Fork.** Previous discussions had resulted in agreement that the Levisa Fork would not be greatly impacted by construction of floodwall/levee structures as proposed, since the structures are well away from the riverbank. However, the agencies had requested evaluation of any special aquatic sites noted, such as riffles, runs, or pools. One such site was noted behind the Pikeville High School during October 2003 site reconnaissance. No additional sites have been noted within the North Pikeville and Coal Run project areas. High water conditions had precluded characterization of the Pikeville High School site as of the meeting date.

The following suggestions/recommendations were discussed.

- Characterization of special aquatic sites is needed in order to evaluate potential impacts from floodwall/levee construction.
- The entire Levisa Fork project corridor needs to be investigated during low-water conditions to identify whether other special aquatic sites are present.
- Streambed characterization will identify substrate types and particle sizes. This will allow analysis of differences in transport velocities between floodwall and no-floodwall conditions.

Action Items:

- 6 Characterize Levisa Fork site behind Pikeville High School.

Corps and AMEC – submit to USFWS as part of Ecological Survey Report by July 30.

- 7 Complete reconnaissance of entire river corridor within project area for special aquatic sites.

Corps and AMEC – submit to USFWS as part of Ecological Survey Report by July 30.

Submittal Requirements:

One combined Ecological Survey Report that includes a description of existing terrestrial and aquatic resources, project impacts, and proposed mitigation plans. For terrestrial impacts, a habitat evaluation will be included. For streams, the habitat evaluation will include quantitative habitat units using eastern KY spreadsheets for existing conditions and for proposed mitigation. The report will be submitted to Mike Armstrong at USFWS. Five copies should be sufficient. Mike will distribute to KDOW and KDFWR and will combine comments from the three agencies in preparing the Fish and Wildlife Coordination Act Report. Turnaround from submission of the report to a FWCAR should be under 90 days, according to Mike Armstrong.



FLOYD COUNTY

The Corps presented the project status and the five alternatives. The discussion primarily concerned description of the project area and the survey requirements. The Alternatives presented are shown below (Also refer to attached mapping):

1. No action
2. Long Wall* -- a combination of roadway raising and floodwalls would be implemented to protect of Prestonsburg including downtown Prestonsburg and extending north (downstream) to the ??? Shopping plaza and new Food Lion construction area.
3. Short Wall – a combination of roadway raising and floodwalls would protect only downtown Prestonsburg.
4. Black Bottom Wall – A floodwall starting at the High School would extend north (downstream) to the new Food Lion construction area, and would protect the upper Prestonsburg (Black Bottom) area. Additionally, because this alternative cuts off an area of low elevation just south of the High School, the Black Bottom Wall would provide 1977 level flood protection (approximately a 40 year flood) to the remainder of Prestonsburg
5. Short Wall & Black Bottom Wall – combination of 3 and 4.
6. Nonstructural – no floodwall structure would be constructed, but eligible residents/businesses would be offered floodproofing (raise-in-place, ringwall) or floodplain acquisition, as appropriate.

In addition, a potential structure in Allen, Kentucky is being investigated for feasibility.

* Long Wall Alternative Update: As of 7-8-04, the long wall 1, which was planned to extend downstream to protect the community college, has been eliminated from further consideration. This extended version of the current long wall (previously long wall 2) alignment would have considerably more environmental impacts and would not be cost effective as the extension would only protect 1 community college structure from a 100 year level flood event. This eligible structure would be offered a nonstructural flood damage reduction measure.

Terrestrial Survey Requirements:

- A. **Indiana bat.** Although the Indiana bat has not been recorded in Floyd County, they are known in adjacent counties and the USFWS indicates that their presence is likely. A summer and winter habitat survey is required as part of the Ecological Survey.
- B. **Habitat Evaluation Protocol (HEP) plots.** Three HEP plots are required per community. It was agreed that three communities are found within the Prestonsburg project area: riparian, hardwood, and pine.

Action Items:

- 8 Conduct Bat Habitat Survey.
Corps and AMEC – submit to USFWS as part of Ecological Survey Report.
- 9 Complete HEP plots as part of terrestrial survey
Corps and AMEC – submit to USFWS as part of Ecological Survey Report.



Aquatic Survey Requirements:

- A. Streams Needing Evaluation.** It was agreed that the May Branch, Lick Branch, and Trimble Branch should have habitat evaluations per the Eastern Kentucky protocol. The collapsed stormwater drainage area near the grocery store construction does not need to be evaluated, but should be marked and photographed. Stormwater drainages in the North Arnold area should be evaluated. For streams to be impacted, mitigation must be proposed. The Lick Branch at the community college would not be impacted except for the Long Wall 1 scenario. It was agreed that the Lick Branch would be a good mitigation site for impacts to other streams in the project area.
- B. Levisa Fork.** Issues are similar to those in Pike County. The entire Levisa Fork project corridor needs to be looked during low-water conditions to identify whether other special aquatic sites are present. If sites are identified, the same type of analysis should be done as for the area behind Pikeville High School.

Action Items:

- 10 Evaluate streams and if impacted, develop mitigation proposals
Corps and AMEC – submit to USFWS as part of Ecological Survey Report.
- 11 Complete reconnaissance of entire river corridor within project area for special aquatic sites.
Corps and AMEC – submit to USFWS as part of Ecological Survey Report.

THIS PAGE INTENTIONALLY LEFT BLANK

A-5

Programmatic Agreement for Cultural Resources

THIS PAGE INTENTIONALLY LEFT BLANK

**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.

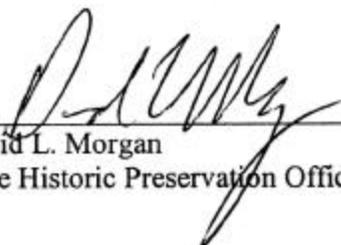
Execution and implementation of this Programmatic Agreement evidences that the Corps has satisfied its Section 106 responsibilities for all individual undertakings for the Flood Reduction Plan for the Levisa Fork Basin, Floyd, Johnson, Lawrence and Pike Counties, Kentucky.

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