Appendix A

Exhibits

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

MARTIN QUADRANGLE
KENTUCKY–FLOYD CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
SE/4 PRESTONSBURG 15' QUADRANGLE

Access Road - CWL
-82.752884, 37.570319

Produced by the United States Geological Survey
in cooperation with Kentucky Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photographs taken 1951. Field checked 1954. Revised from aerial photographs taken 1988. Field checked 1989. Map edited 1992

Projection and 10,000-foot grid ticks: Kentucky coordinate system, south zone (Lambert conformal conic)
1000-meter Universal Transverse Mercator grid, zone 17
1927 North American Datum
The difference between 1927 North American Datum and North American Datum of 1983 (NAD 83) for 7.5-minute intersections is given in USGS Bulletin 1875. The NAD 83 is shown by dashed corner ticks

Unlabeled wells are gas wells

UTM GRID AND 1992 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

SCALE 1:24 000

CONTOUR INTERVAL 40 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

COMPLIES WITH U.S. GEOLOGICAL SURVEY STANDARDS FOR SPATIAL ACCURACY - CLASS 2
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
KENTUCKY GEOLOGICAL SURVEY, LEXINGTON, KENTUCKY 40506
AND KENTUCKY DEPARTMENT OF COMMERCE, FRANKFORT, KENTUCKY 40601
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

KENTUCKY
QUADRANGLE LOCATION

ROAD CLASSIFICATION

Primary highway, hard surface
Secondary highway, hard surface
Light-duty road, hard or improved surface
Unimproved road
Interstate Route
U. S. Route
State Route

MARTIN, KY.
SE/4 PRESTONSBURG 15' QUADRANGLE
37082-E7-TF-024

1992

DMA 4459 III SE-SERIES V853

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

HAROLD QUADRANGLE
KENTUCKY—FLOYD CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
SW/4 HAROLD 15' QUADRANGLE

4459 II NE (PRESTONSBURG)
4459 II NW (LANCER)
4459 II NE (THOMAS)
4459 III SE (MARTIN)
4458 I NW (MC DOWELL)
4458 I NE (PIKEVILLE)
4458 IV NE (WAYLAND)
4459 II SE (BROAD BOTTOM)

PAINTSVILLE 17 MI.
PRESTONSBURG 3.8 MI.
PRESTONSBURG 9 MI.
LANGLEY 6 MI.
HUNTER 2.5 MI.
GRETHEL 1.5 MI.
COAL RUN 4.9 MI.
PIKEVILLE 10 MI.

82°45' 37°37'30" 82°37'30" 37°30'
4165000mN 4152000mN
480 000 FEET 440 000 FEET
2 000 000 FEET

Mayo Hollow
-82.741196, 37.575752

Produced by the United States Geological Survey
in cooperation with Kentucky Geological Survey

Control by USGS, NOS/NOAA and USCE

Topography by photogrammetric methods from aerial photographs taken 1947. Field checked 1954. Revised from aerial photographs taken 1988. Field checked 1989. Map edited 1992

Projection and 10,000-foot grid ticks: Kentucky coordinate system, south zone (Lambert conformal conic)
1000-meter Universal Transverse Mercator grid, zone 17
1927 North American Datum
The difference between 1927 North American Datum and North American Datum of 1983 (NAD 83) for 7.5-minute intersections is given in USGS Bulletin 1875. The NAD 83 is shown by dashed corner ticks
Unlabeled wells are gas wells

UTM GRID AND 1992 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

SCALE 1:24 000

CONTOUR INTERVAL 40 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

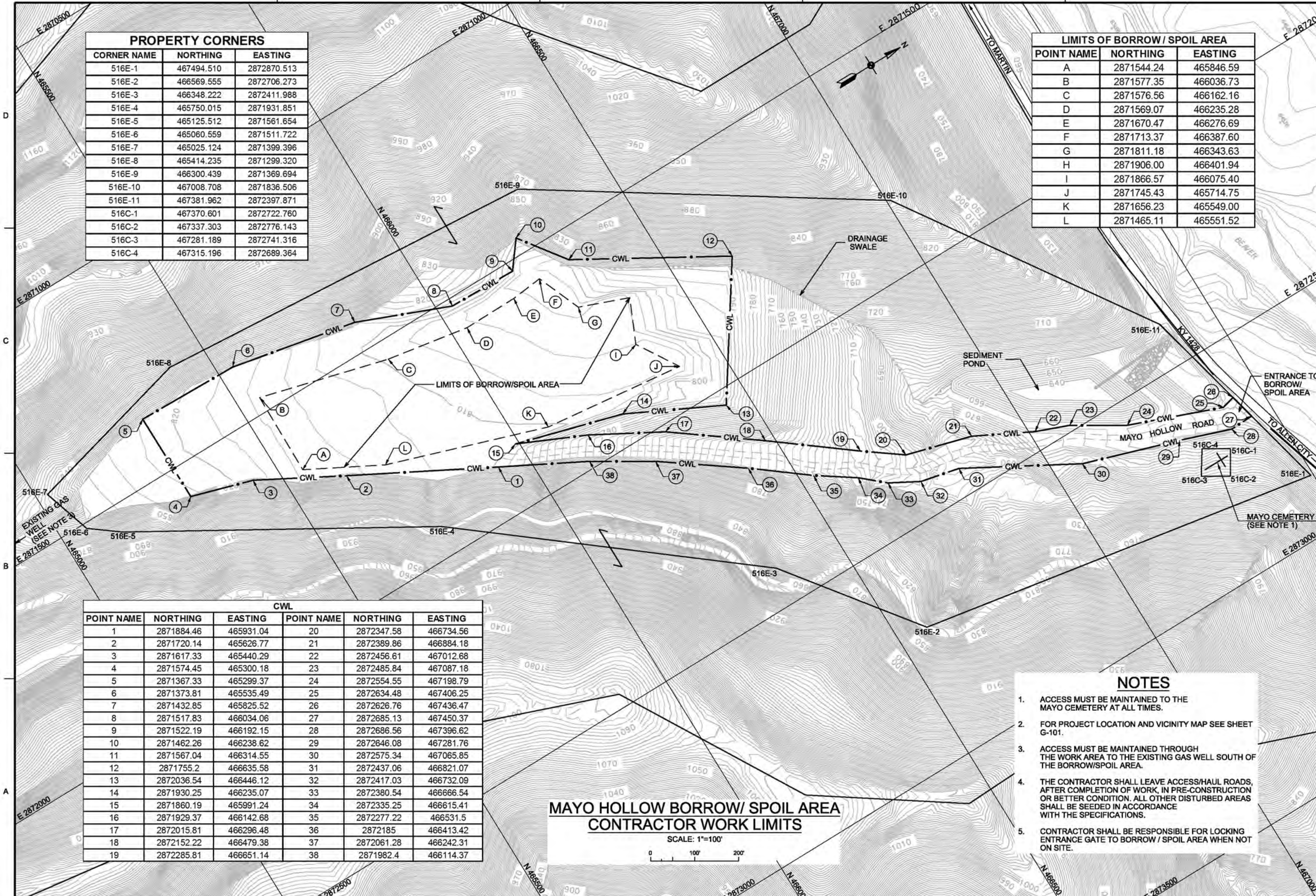
COMPLIES WITH U.S. GEOLOGICAL SURVEY STANDARDS FOR SPATIAL ACCURACY - CLASS 2
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
KENTUCKY GEOLOGICAL SURVEY, LEXINGTON, KENTUCKY 40506
AND KENTUCKY DEPARTMENT OF COMMERCE, FRANKFORT, KENTUCKY 40601
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

KENTUCKY
QUADRANGLE LOCATION

ROAD CLASSIFICATION
Primary highway, hard surface
Secondary highway, hard surface
Light-duty road, hard or improved surface
Unimproved road
Interstate Route
U. S. Route
State Route

HAROLD, KY.
SW/4 HAROLD 15' QUADRANGLE
37082-E6-TF-024
1992
DMA 4459 II SW - SERIES V853

INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1992



PROPERTY CORNERS

CORNER NAME	NORTHING	EASTING
516E-1	467494.510	2872870.513
516E-2	466569.555	2872706.273
516E-3	466348.222	2872411.988
516E-4	465750.015	2871931.851
516E-5	465125.512	2871561.654
516E-6	465060.559	2871511.722
516E-7	465025.124	2871399.396
516E-8	465414.235	2871299.320
516E-9	466300.439	2871369.694
516E-10	467008.708	2871836.506
516E-11	467381.962	2872397.871
516C-1	467370.601	2872722.760
516C-2	467337.303	2872776.143
516C-3	467281.189	2872741.316
516C-4	467315.196	2872689.364

LIMITS OF BORROW / SPOIL AREA

POINT NAME	NORTHING	EASTING
A	2871544.24	465846.59
B	2871577.35	466036.73
C	2871576.56	466162.16
D	2871569.07	466235.28
E	2871670.47	466276.69
F	2871713.37	466387.60
G	2871811.18	466343.63
H	2871906.00	466401.94
I	2871866.57	466075.40
J	2871745.43	465714.75
K	2871656.23	465549.00
L	2871465.11	465551.52

CWL

POINT NAME	NORTHING	EASTING	POINT NAME	NORTHING	EASTING
1	2871884.46	465931.04	20	2872347.58	466734.56
2	2871720.14	465626.77	21	2872389.86	466884.18
3	2871617.33	465440.29	22	2872456.61	467012.68
4	2871574.45	465300.18	23	2872485.84	467087.18
5	2871367.33	465299.37	24	2872554.55	467198.79
6	2871373.81	465535.49	25	2872634.48	467406.25
7	2871432.85	465825.52	26	2872626.76	467436.47
8	2871517.83	466034.06	27	2872685.13	467450.37
9	2871522.19	466192.15	28	2872686.56	467396.62
10	2871462.26	466238.62	29	2872646.08	467281.76
11	2871567.04	466314.55	30	2872575.34	467065.85
12	2871755.2	466635.58	31	2872437.06	466821.07
13	2872036.54	466446.12	32	2872417.03	466732.09
14	2871930.25	466235.07	33	2872380.54	466666.54
15	2871860.19	465991.24	34	2872335.25	466615.41
16	2871929.37	466142.68	35	2872277.22	466531.5
17	2872015.81	466296.48	36	2872185	466413.42
18	2872152.22	466479.38	37	2872061.28	466242.31
19	2872285.81	466651.14	38	2871982.4	466114.37

MAYO HOLLOW BORROW/ SPOIL AREA CONTRACTOR WORK LIMITS

SCALE: 1"=100'

NOTES

1. ACCESS MUST BE MAINTAINED TO THE MAYO CEMETERY AT ALL TIMES.
2. FOR PROJECT LOCATION AND VICINITY MAP SEE SHEET G-101.
3. ACCESS MUST BE MAINTAINED THROUGH THE WORK AREA TO THE EXISTING GAS WELL SOUTH OF THE BORROW/SPOIL AREA.
4. THE CONTRACTOR SHALL LEAVE ACCESS/HAUL ROADS, AFTER COMPLETION OF WORK, IN PRE-CONSTRUCTION OR BETTER CONDITION. ALL OTHER DISTURBED AREAS SHALL BE SEEDED IN ACCORDANCE WITH THE SPECIFICATIONS.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCKING ENTRANCE GATE TO BORROW / SPOIL AREA WHEN NOT ON SITE.

US Army Corps of Engineers® Huntington District

MARK	DESCRIPTION	DATE	APPR.

U.S. ARMY CORPS OF ENGINEERS
HUNTINGTON DISTRICT
HUNTINGTON, WEST VIRGINIA

DESIGNED BY: MWC		DATE: 03/27/2017
DWN BY: JWS	CKD BY: JMM	SOLICITATION NO.:
SUBMITTED BY: DLC		CONTRACT NO.:
PLOT SCALE: 200:1	PLOT DATE: 8/11/2017	FILE NUMBER: C-110.DGN
SIZE: ANSI D	FILE NAME:	C-110.dgn

BEAVER CREEK
MARTIN, KY
TOWN OF MARTIN N/S SEC 202
EMERGENCY ACCESS ROAD
MAYO HOLLOW BORROW / SPOIL AREA
CONTRACTOR WORK LIMITS

SHEET IDENTIFICATION
C-110
SHEET 27 OF 44

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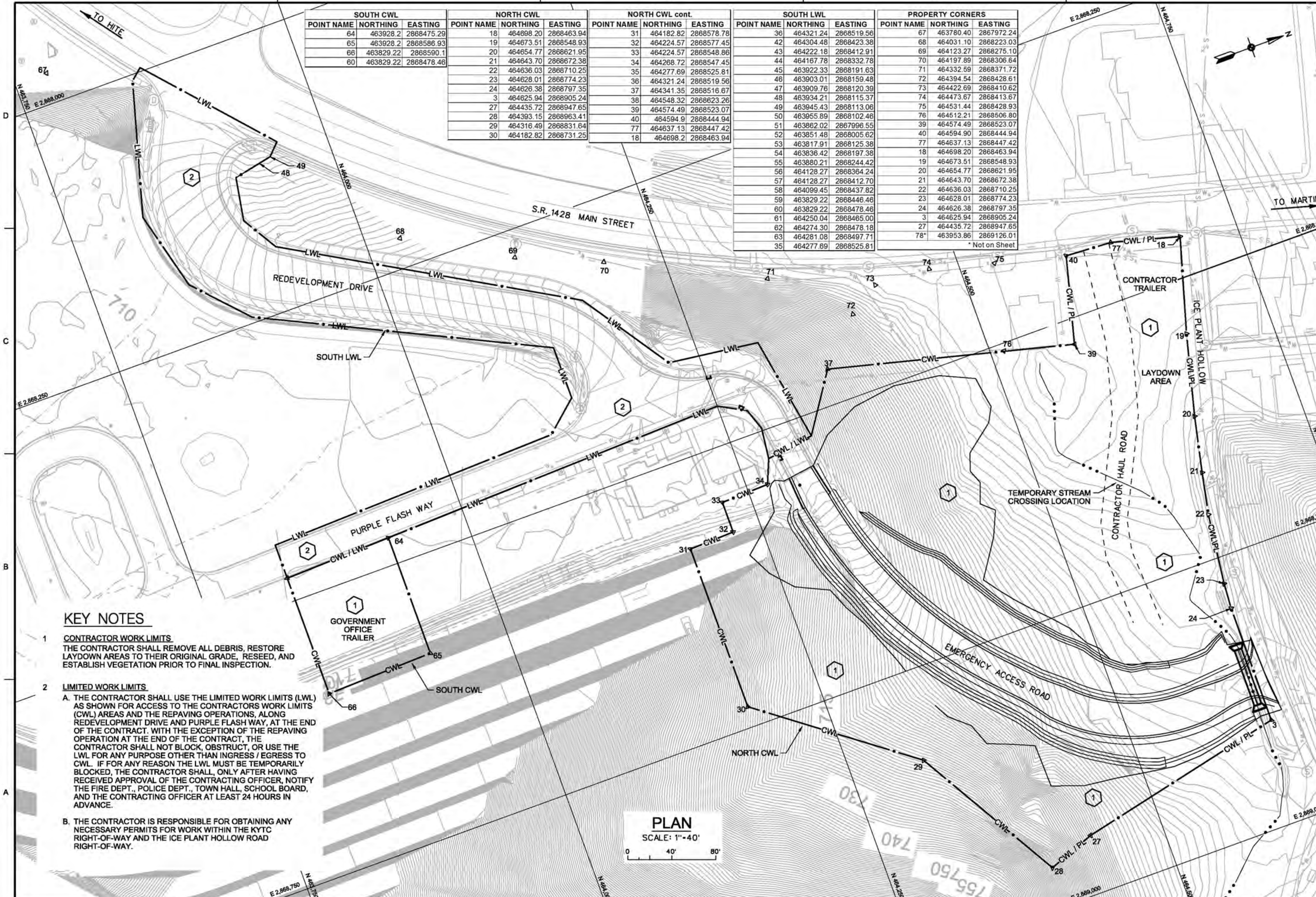

SOUTH CWL		
POINT NAME	NORTHING	EASTING
64	463928.2	2868475.29
65	463928.2	2868586.93
66	463829.22	2868590.1
60	463829.22	2868478.46

NORTH CWL		
POINT NAME	NORTHING	EASTING
18	464698.20	2868463.94
19	464673.51	2868548.93
20	464654.77	2868621.95
21	464643.70	2868672.38
22	464636.03	2868710.25
23	464628.01	2868774.23
24	464626.38	2868797.35
3	464625.94	2868905.24
27	464435.72	2868947.65
28	464393.15	2868963.41
29	464316.49	2868831.64
30	464182.82	2868731.25

NORTH CWL cont.		
POINT NAME	NORTHING	EASTING
31	464182.82	2868578.78
32	464224.57	2868577.45
33	464224.57	2868548.86
34	464268.72	2868547.45
35	464277.69	2868525.81
36	464321.24	2868519.56
37	464341.35	2868516.67
38	464548.32	2868623.26
39	464574.49	2868523.07
40	464594.9	2868444.94
77	464637.13	2868447.42
18	464698.2	2868463.94

SOUTH LWL		
POINT NAME	NORTHING	EASTING
36	464321.24	2868519.56
42	464304.48	2868423.38
43	464222.18	2868412.91
44	464167.78	2868332.78
45	463922.33	2868191.63
46	463903.01	2868159.48
47	463909.76	2868120.39
48	463934.21	2868115.37
49	463945.43	2868113.06
50	463955.89	2868102.46
51	463862.02	2867996.55
52	463851.48	2868005.62
53	463817.91	2868125.38
54	463836.42	2868197.38
55	463880.21	2868244.42
56	464128.27	2868364.24
57	464128.27	2868412.70
58	464099.45	2868437.82
59	463829.22	2868446.46
60	463829.22	2868478.46
61	464250.04	2868465.00
62	464274.30	2868478.18
63	464281.08	2868497.71
35	464277.69	2868525.81

PROPERTY CORNERS		
POINT NAME	NORTHING	EASTING
67	463780.40	2867972.24
68	464031.10	2868223.03
69	464123.27	2868275.10
70	464197.89	2868306.64
71	464332.59	2868371.72
72	464394.54	2868428.61
73	464422.69	2868410.62
74	464473.67	2868413.67
75	464531.44	2868428.93
76	464512.21	2868506.80
39	464574.49	2868523.07
40	464594.90	2868444.94
77	464637.13	2868447.42
18	464698.20	2868463.94
19	464673.51	2868548.93
20	464654.77	2868621.95
21	464643.70	2868672.38
22	464636.03	2868710.25
23	464628.01	2868774.23
24	464626.38	2868797.35
3	464625.94	2868905.24
27	464435.72	2868947.65
78*	463953.86	2869126.01
		* Not on Sheet

KEY NOTES

1 **CONTRACTOR WORK LIMITS**

THE CONTRACTOR SHALL REMOVE ALL DEBRIS, RESTORE LAYDOWN AREAS TO THEIR ORIGINAL GRADE, RESEED, AND ESTABLISH VEGETATION PRIOR TO FINAL INSPECTION.

2 **LIMITED WORK LIMITS**

A. THE CONTRACTOR SHALL USE THE LIMITED WORK LIMITS (LWL) AS SHOWN FOR ACCESS TO THE CONTRACTORS WORK LIMITS (CWL) AREAS AND THE REPAVING OPERATIONS, ALONG REDEVELOPMENT DRIVE AND PURPLE FLASH WAY, AT THE END OF THE CONTRACT. WITH THE EXCEPTION OF THE REPAVING OPERATION AT THE END OF THE CONTRACT, THE CONTRACTOR SHALL NOT BLOCK, OBSTRUCT, OR USE THE LWL FOR ANY PURPOSE OTHER THAN INGRESS / EGRESS TO CWL. IF FOR ANY REASON THE LWL MUST BE TEMPORARILY BLOCKED, THE CONTRACTOR SHALL, ONLY AFTER HAVING RECEIVED APPROVAL OF THE CONTRACTING OFFICER, NOTIFY THE FIRE DEPT., POLICE DEPT., TOWN HALL, SCHOOL BOARD, AND THE CONTRACTING OFFICER AT LEAST 24 HOURS IN ADVANCE.

B. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY NECESSARY PERMITS FOR WORK WITHIN THE KYTC RIGHT-OF-WAY AND THE ICE PLANT HOLLOW ROAD RIGHT-OF-WAY.

US Army Corps of Engineers® Huntington District

MARK	DESCRIPTION	DATE	APPR.

MARK	DESCRIPTION	DATE	APPR.

U.S. ARMY CORPS OF ENGINEERS
HUNTINGTON DISTRICT
HUNTINGTON, WEST VIRGINIA

DESIGNED BY: MWC		DATE: 05/08/2017
DWN BY: JWS	CKD BY: MWC	SOLICITATION NO.:
SUBMITTED BY: DLC		CONTRACT NO.:
PLOT SCALE: 80:1	PLOT DATE: 12/8/2017	FILE NUMBER: C-101.DGN
SIZE: ANSI D	FILE NAME:	C-101.dgn

BEAVER CREEK
MARTIN, KY
TOWN OF MARTIN N/S SEC 202
EMERGENCY ACCESS ROAD
CONTRACTOR WORK LIMITS
PLAN

SHEET IDENTIFICATION
C-101
SHEET 4 OF 44

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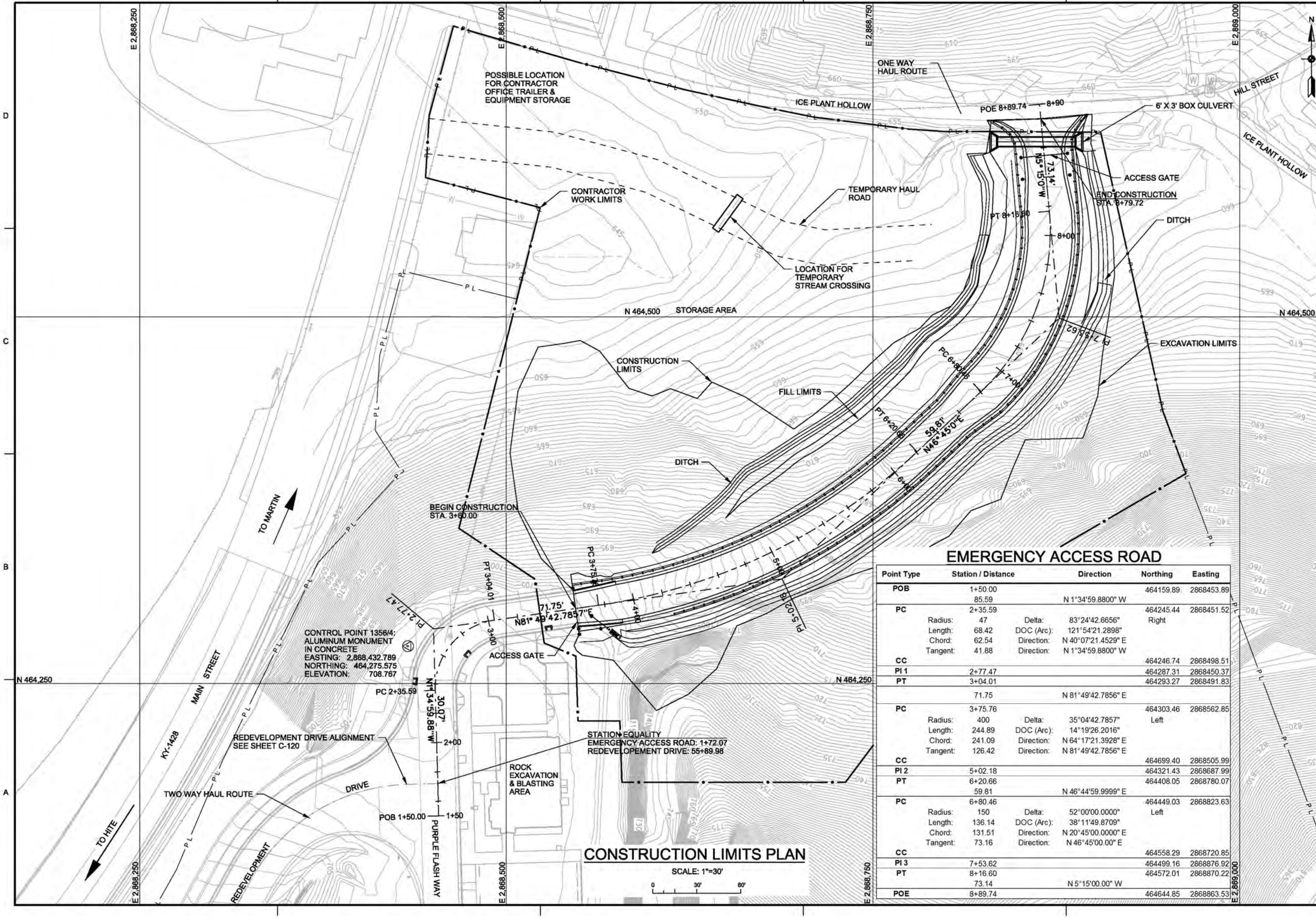


EMERGENCY ACCESS ROAD

Point Type		Station / Distance		Direction	Northing	Easting
POB		1+50.00			464159.89	2868453.89
		85.59		N 1°34'59.8800" W		
PC		2+35.59			464245.44	2868451.52
	Radius:	47	Delta:	83°24'42.6656"	Right	
	Length:	68.42	DOC (Arc):	121°54'21.2898"		
	Chord:	62.54	Direction:	N 40°07'21.4529" E		
	Tangent:	41.88	Direction:	N 1°34'59.8800" W		
CC					464246.74	2868498.51
PI 1		2+77.47			464287.31	2868450.37
PT		3+04.01			464293.27	2868491.83
		71.75		N 81°49'42.7856" E		
PC		3+75.76			464303.46	2868562.85
	Radius:	400	Delta:	35°04'42.7857"	Left	
	Length:	244.89	DOC (Arc):	14°19'26.2016"		
	Chord:	241.09	Direction:	N 64°17'21.3928" E		
	Tangent:	126.42	Direction:	N 81°49'42.7856" E		
CC					464699.40	2868505.99
PI 2		5+02.18			464321.43	2868687.99
PT		6+20.66			464408.05	2868780.07
		59.81		N 46°44'59.9999" E		
PC		6+80.46			464449.03	2868823.63
	Radius:	150	Delta:	52°00'00.0000"	Left	
	Length:	136.14	DOC (Arc):	38°11'49.8709"		
	Chord:	131.51	Direction:	N 20°45'00.0000" E		
	Tangent:	73.16	Direction:	N 46°45'00.00" E		
CC					464558.29	2868720.85
PI 3		7+53.62			464499.16	2868876.92
PT		8+16.60			464572.01	2868870.22
		73.14		N 5°15'00.00" W		
POE		8+89.74			464644.85	2868863.53

US Army Corps of Engineers® Huntington District

MARK	DESCRIPTION	DATE	APPR.	MARK	DESCRIPTION	DATE	APPR.

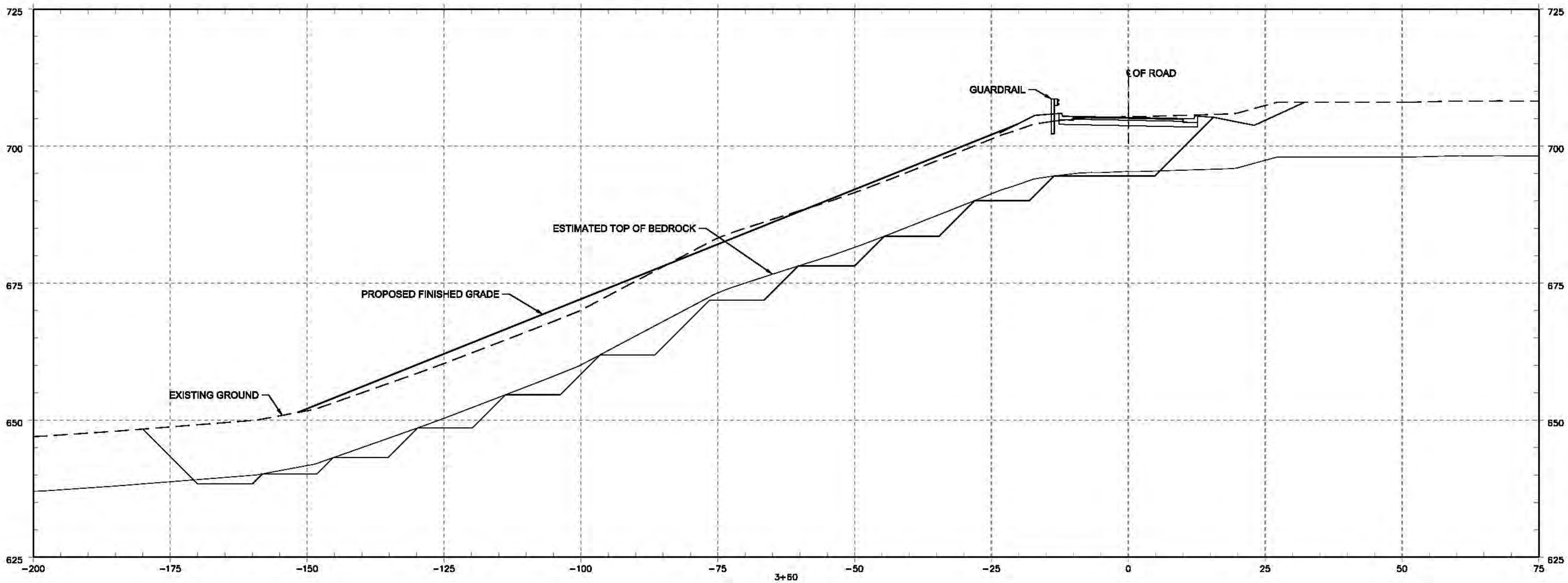
DESIGNED BY:			DATE:
DWN BY:	CKD BY:		SOLICITATION NO.:
SUBMITTED BY:			CONTRACT NO.:
PLOT SCALE: 60:1	PLOT DATE: 12/8/2017		FILE NUMBER:
SIZE:	FILE NAME: Plan View for Geotech NEW.dgn		

U.S. ARMY CORPS OF ENGINEERS
HUNTINGTON DISTRICT
HUNTINGTON, WEST VIRGINIA

BEAVER CREEK
MARTIN, KY
TOWN OF MARTIN N/S SEC 202
EMERGENCY ACCESS ROAD

SHEET IDENTIFICATION

SHEET 0 OF 0



SCALE: 1"-10'
0 10' 20'

US Army Corps of Engineers® Huntington District

MARK	DESCRIPTION	DATE	APPR.	MARK	DESCRIPTION	DATE	APPR.

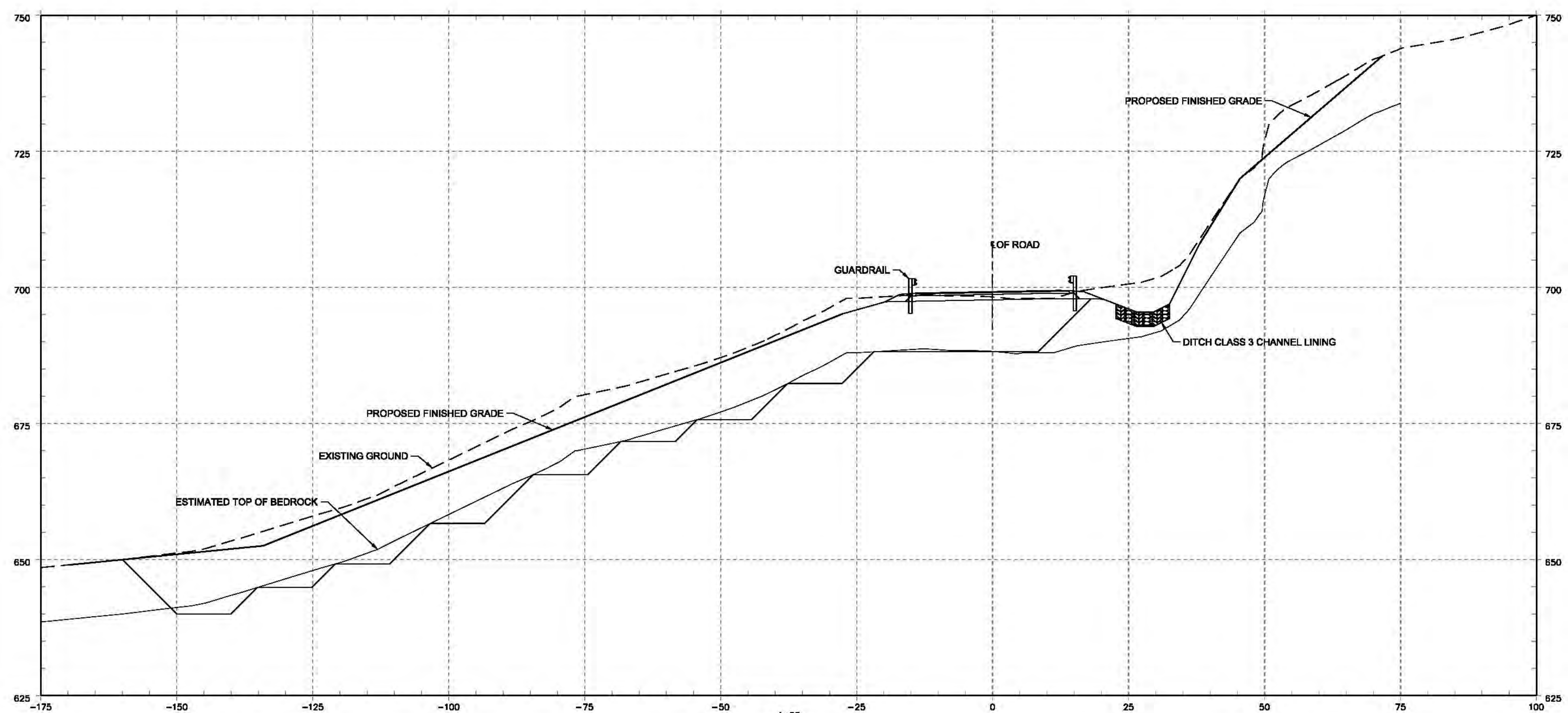
U.S. ARMY CORPS OF ENGINEERS
HUNTINGTON DISTRICT
HUNTINGTON, WEST VIRGINIA

DESIGNED BY:		DATE:
DWN BY:	CKD BY:	SOLICITATION NO.:
SUBMITTED BY:		CONTRACT NO.:
PLOT SCALE: 20:1	PLOT DATE: 12/8/2017	FILE NUMBER:
SIZE:	FILE NAME: PLANNING 1 Cross Sections for Geotech.dgn	

BEAVER CREEK
MARTIN, KY
TOWN OF MARTIN N/S SEC 202
EMERGENCY ACCESS ROAD

CROSS SECTION AT 3+60

SHEET IDENTIFICATION
SHEET 0 OF 0



SCALE: 1"-10'

0 10' 20'

US Army Corps of Engineers®
Huntington District

MARK	DESCRIPTION	DATE	APPR.	MARK	DESCRIPTION	DATE	APPR.

U.S. ARMY CORPS OF ENGINEERS
HUNTINGTON DISTRICT
HUNTINGTON, WEST VIRGINIA

DESIGNED BY:		DATE:
DWN BY:	CKD BY:	SOLICITATION NO.:
SUBMITTED BY:		CONTRACT NO.:
PLOT SCALE: 20:1	PLOT DATE: 12/8/2017	FILE NUMBER:
SIZE:	FILE NAME: PLANNING 2 Cross Sections for Geotech.dgn	

BEAVER CREEK
MARTIN, KY
TOWN OF MARTIN N/S SEC 202
EMERGENCY ACCESS ROAD
CROSS SECTION 4+20

SHEET IDENTIFICATION

SHEET 0 OF 0

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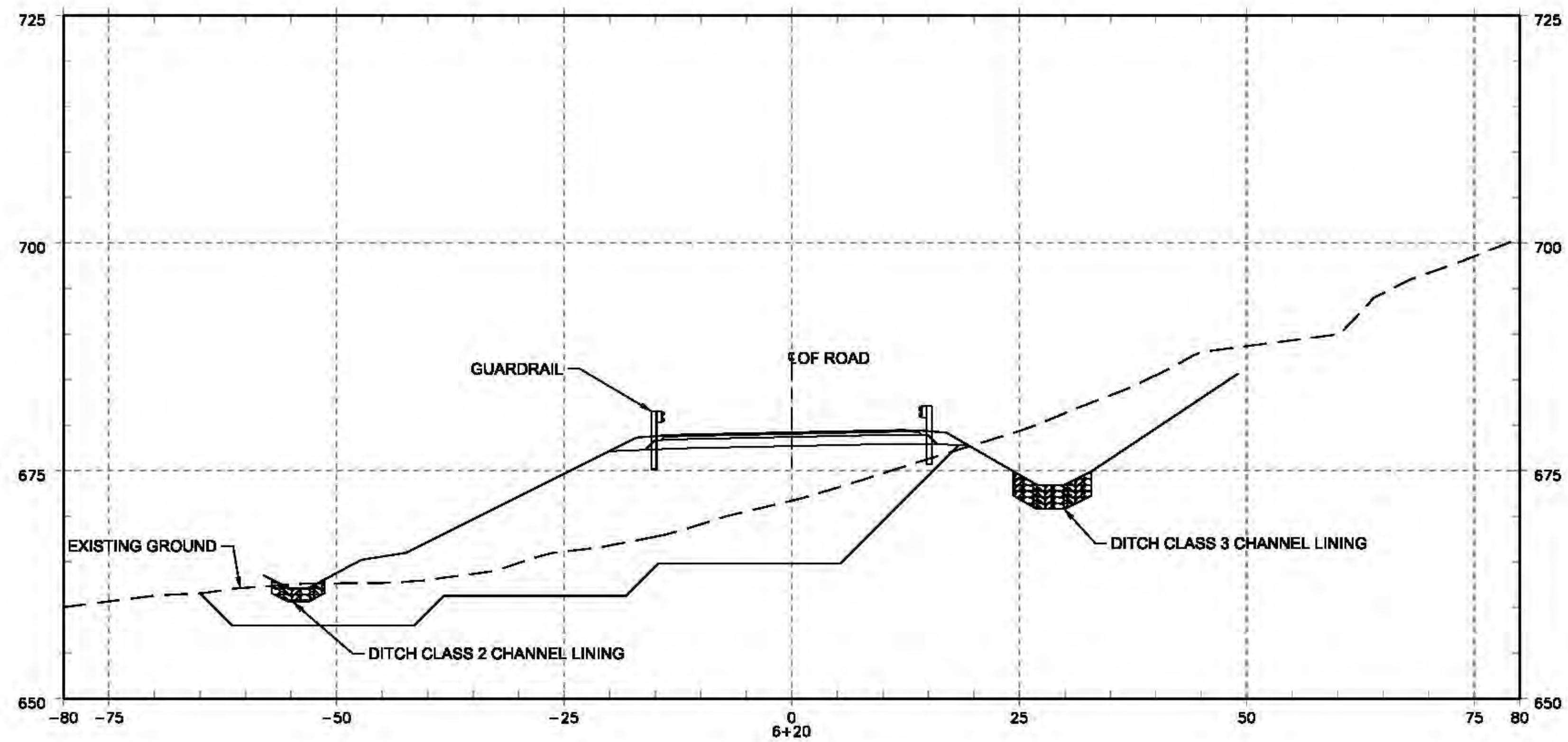

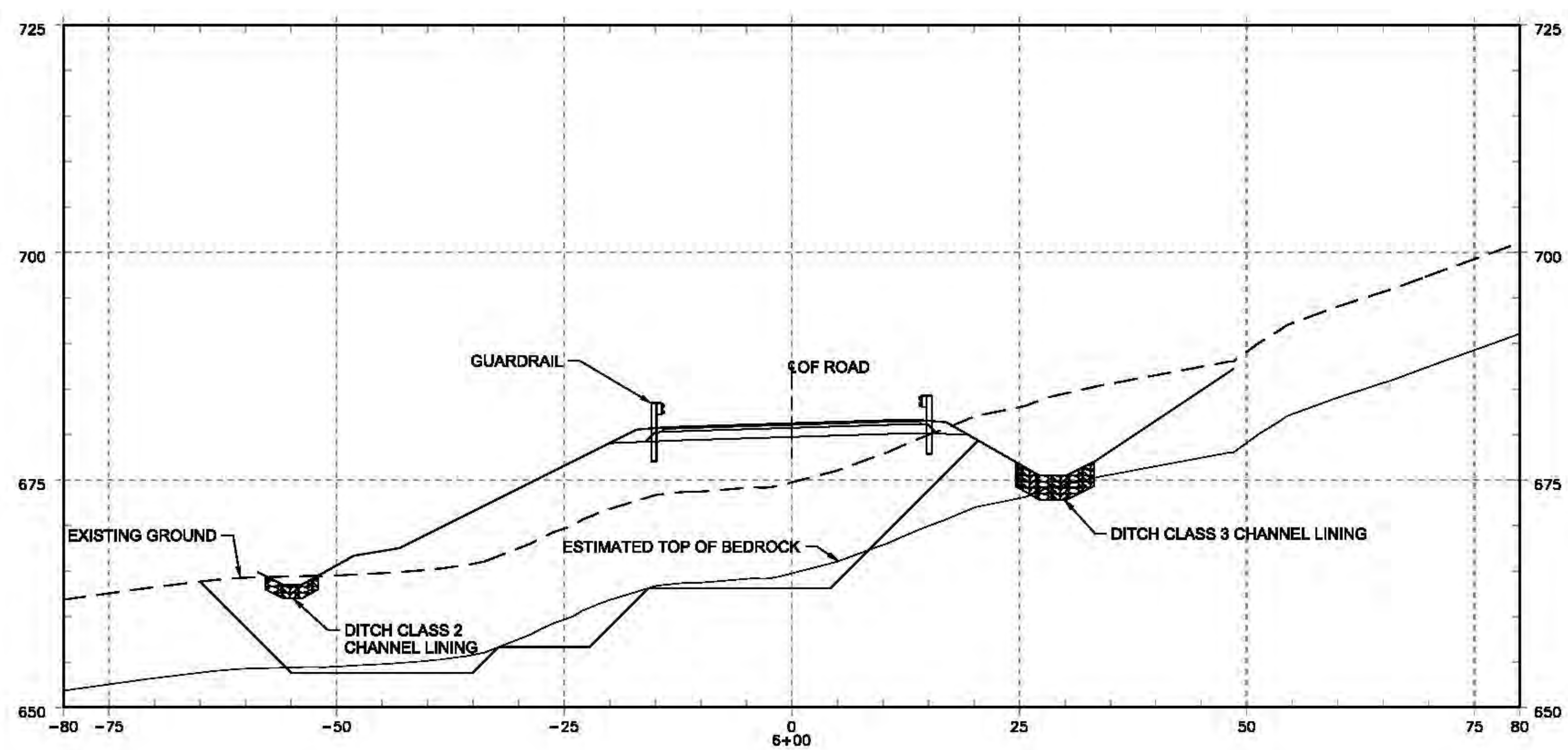

SCALE: 1"-10'

0 10' 20'

US Army Corps of Engineers®
Huntington District

MARK	DESCRIPTION	DATE	APPR.	MARK	DESCRIPTION	DATE	APPR.

U.S. ARMY CORPS OF ENGINEERS
HUNTINGTON DISTRICT
HUNTINGTON, WEST VIRGINIA

DESIGNED BY:		DATE:
DWN BY:	CKD BY:	SOLICITATION NO.:
SUBMITTED BY:		CONTRACT NO.:
PLOT SCALE: 20:1	PLOT DATE: 12/8/2017	FILE NUMBER:
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BEAVER CREEK
MARTIN, KY
TOWN OF MARTIN N/S SEC 202
EMERGENCY ACCESS ROAD
CROSS SECTIONS 6+00 & 6+20

SHEET IDENTIFICATION

SHEET 0 OF 0

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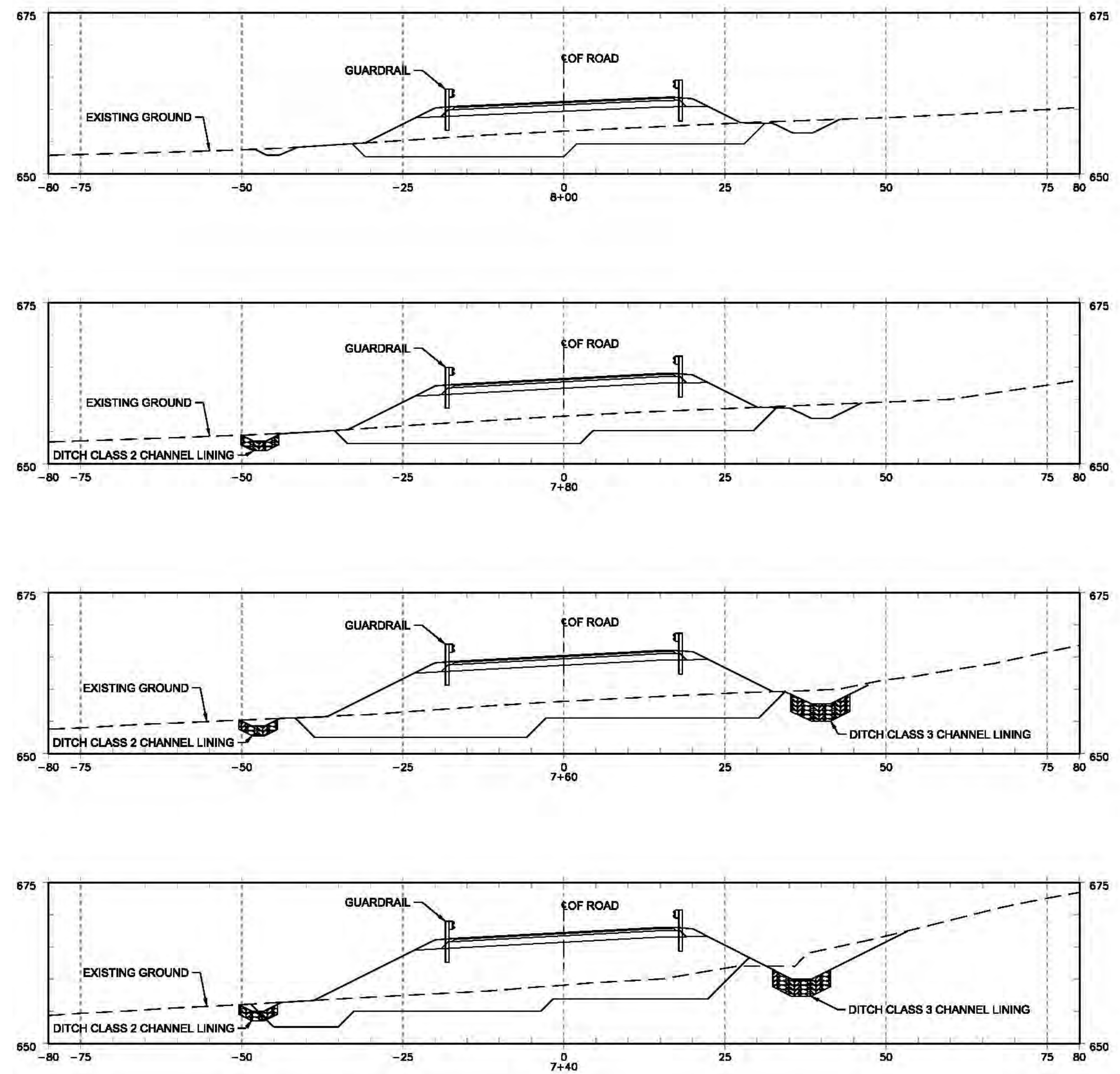

SCALE: 1"-10'

0 10' 20'

US Army Corps of Engineers® Huntington District

MARK	DESCRIPTION	DATE	APPR.	MARK	DESCRIPTION	DATE	APPR.

U.S. ARMY CORPS OF ENGINEERS
HUNTINGTON DISTRICT
HUNTINGTON, WEST VIRGINIA

DESIGNED BY:		DATE:	
DWN BY:	CKD BY:	SOLICITATION NO.:	
SUBMITTED BY:		CONTRACT NO.:	
PLOT SCALE: 20:1	PLOT DATE: 12/8/2017	FILE NUMBER:	
SIZE:	FILE NAME: PLANNING 4 Cross Sections for Geotech.dgn		

BEAVER CREEK
MARTIN, KY
TOWN OF MARTIN N/S SEC 202
EMERGENCY ACCESS ROAD

CROSS SECTIONS 7+40 THRU 8+00

SHEET IDENTIFICATION

SHEET 0 OF 0

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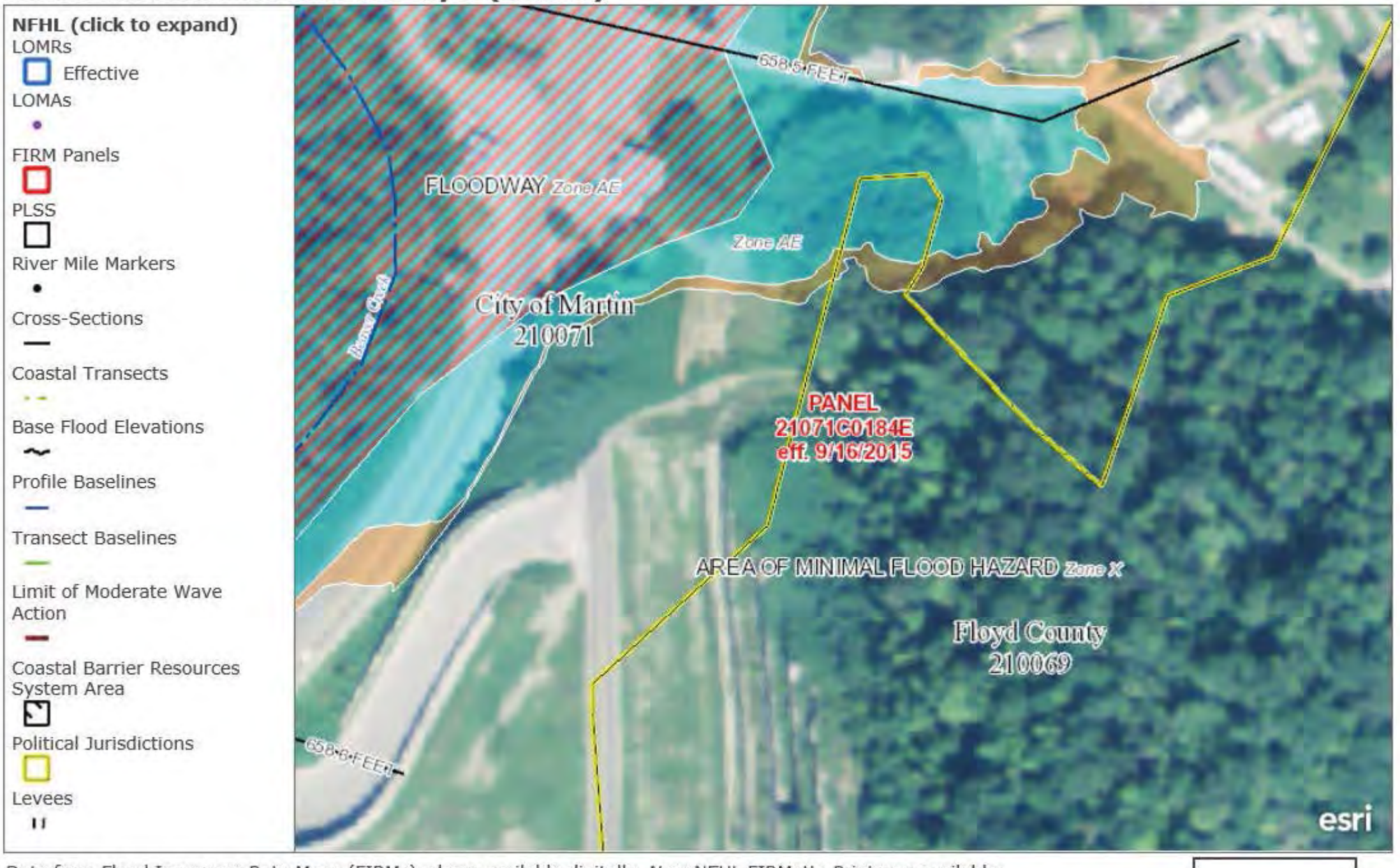
FEMA's National Flood Hazard Layer (Official)

Data from Flood Insurance Rate Maps (FIRMs) where available digitally. New NFHL FIRMette Print app available: http://tinyurl.com/j4xwp5e

USGS The National Map: Orthoimagery | National Geospatial-Intelligence Agency (NGA); Delta State University; Esri | Print here instead: http://tinyurl.com/j4xwp5e Support: FEMAMapSpecialist@riskmapcds.com | Commonwealth of Virginia, USDA FSA, Microsoft

FEMA's National Flood Hazard Layer (Official)



Data from Flood Insurance Rate Maps (FIRMs) where available digitally. New NFHL FIRMette Print app available: http://tinyurl.com/j4xwp5e

USGS The National Map: Orthoimagery | National Geospatial-Intelligence Agency (NGA); Delta State University; Esri | Print here instead: http://tinyurl.com/j4xwp5e Support: FEMAMapSpecialist@riskmapcds.com | Commonwealth of Virginia, Microsoft

Appendix B

Agency Correspondence

MATTHEW G. BEVIN
GOVERNOR

DON PARKINSON
SECRETARY

TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL
THE STATE HISTORIC PRESERVATION OFFICE
410 HIGH STREET
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-7005
FAX (502) 564-5820
www.heritage.ky.gov

REGINA STIVERS
DEPUTY SECRETARY

CRAIG A. POTTS
EXECUTIVE DIRECTOR
& STATE HISTORIC
PRESERVATION OFFICER

January 10, 2018

United States Army Corps of Engineers
ATTN: Ms. Rebecca Rutherford
Chief, Environmental Analysis Section
502 Eighth Street
Huntington, WV 25701-2070

Re: Parker-Teague Cemetery, Town of Martin, Floyd County, Kentucky

Dear Ms. Rutherford:

Thank you for your letter concerning the relocation of the Parker-Teague Cemetery. This cemetery was described in Donald Hoyer's 1999 archaeological survey report, *An Archaeological Survey for the Proposed Town of Martin Fire Station Hillside Project, Floyd County, Kentucky*. At that time, the cemetery was not assigned a resource number by either the Office of State Archaeology or the Kentucky Heritage Council. Your letter provides information concerning the relocation of the interments at the Parker-Teague Cemetery to the Mayo Cemetery in Prestonsburg, Kentucky.

Because this cultural resource location is no longer extant, we feel that it is not appropriate to request a site number from the OSA or KHC. However, I will forward your letter to the Office of State Archaeology so that the information can be appended to Hoyer's original survey.

Thank you for sending this information. Should you have any questions, feel free to contact Chris Gunn of my staff at (502) 564-7005, extension 4450 or chris.gunn@ky.gov.

Sincerely,

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

CP:cmg KHC # 50631
cc: George Crothers (OSA)

MATTHEW G. BEVIN
GOVERNOR

DON PARKINSON
SECRETARY

TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL
THE STATE HISTORIC PRESERVATION OFFICE
410 HIGH STREET
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-7005
FAX (502) 564-5820
www.heritage.ky.gov

REGINA STIVERS
DEPUTY SECRETARY

CRAIG A. POTTS
EXECUTIVE DIRECTOR
& STATE HISTORIC
PRESERVATION OFFICER

December 12, 2017

United States Army Corps of Engineers
ATTN: Ms. Ashley Taylor
502 Eighth Street
Huntington, WV 25701-2070

Re: **Cultural Resources Investigation for Town of Martin, Emergency Access Road, Floyd County, Kentucky** prepared by Rodney Parker of the United States Corps of Engineers, Huntington District. Report dated November 7, 2017.

Dear Ms. Taylor:

Thank you for your letter concerning the abovementioned project, received November 13, 2017. The enclosed report provides additional information concerning a previous submission to our office, received June 23, 2017. Based on that initial submission, we indicated that additional information was needed for the project review, and that we understood that the City of Martin had already begun work on this undertaking. For the last reason, we indicated our belief that we had been precluded from comment on the effect of the proposed project on cultural resources.

We met with cultural and environmental resources staff from the Huntington District on November 3, 2017, and they provided clarification on the project. Likewise, the enclosed report provides better documentation on the scope of the proposed project and the investigations performed by Corps archaeological staff. During their field visit, they documented that the project area had been heavily modified by previous activity in the area, including substantial deposition of fill. Based on these results, the Corps determined that the proposed undertaking would result in **No Effect to Historic Properties**. After review of the report, we **concur** with the Corps' determination.

If the project design or boundaries change, this office should be consulted to determine the nature and extent of additional documentation that may be needed. In the event of the unanticipated discovery of an archaeological site or object of antiquity, the discovery should be reported to the Kentucky Heritage Council and to the Kentucky Office of State Archaeology in the Anthropology Department at the University of Kentucky in accordance with KRS 164.730. In the event that human remains are encountered during project activities, all work should be immediately stopped in the area and the area cordoned off, and in accordance with KRS 72.020 the county coroner and local law enforcement must be contacted immediately. Upon confirmation that the human remains are not of forensic interest, the unanticipated discovery must be reported to the Kentucky Heritage Council.

Should you have any questions, feel free to contact Chris Gunn of my staff at 502.564.7005, extension 4450 or chris.gunn@ky.gov.

Sincerely,

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

CP:cmg, KHC # 50382
cc: George Crothers (OSA)

From: Vogeler, Samantha N (EEC)
To: Stephens, Ashley L CIV USARMY CELRH (US); Clark, Matthew W CIV USARMY CELRH (US)
Subject: [EXTERNAL] Nationwide Permit 14 - Kentucky Division of Water
Date: Friday, October 13, 2017 10:40:03 AM
Attachments: NWP 14 2017.pdf

RE: §401 Water Quality Certification

Project Name: Town of Martin – Access Road

AI #:135010

Project Coordinates: 37.571634N, 82.755149W

USACE – Huntington District,

The KY Division of Water, Water Quality Certification Section has reviewed the Combined Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification received August 22, 2017 for Town of Martin – Access Road in Unnamed Tributary to Beaver Creek in Floyd County. The Water Quality Certification Section has determined that this project is covered under the KY General Certification of the Nationwide Permit 14 for Linear Transportation Projects provided that this project has received the appropriate Nationwide Permit from the U.S. Army Corps of Engineers and all conditions of the enclosed General Water Quality Certification are met. Please carefully review the enclosed General Water Quality Certification conditions.

Please contact our office if the scope of the project or plans change, as this may change the type of certification that is required. Additional information regarding the KY Division of Water, Water Quality Certification can be found at our website: Blockedhttp://water.ky.gov/permitting/Pages/KYWaterQualityCertProg.aspx <Blockedhttp://water.ky.gov/permitting/Pages/KYWaterQualityCertProg.aspx>

Other permits from the Division of Water may be required. If this activity occurs within a floodplain, a Floodplain Construction Permit may be required. Please contact the Floodplains Section Supervisor (502-564-3410) for more information. If the project will disturb one acre or more of land, or is part of a larger common plan of development or sale that will ultimately disturb one acre or more of land, a Kentucky Pollution Discharge Elimination System (KPDES) Stormwater Permit shall be required. Please contact the Surface Water Permits Branch (502-564-3410 or SWPBSupport@ky.gov <mailto:SWPBSupport@ky.gov>) for more information.

Please note that the reference number for this project is AI No. 135010. Please contact me by phone at (502) 782-6995 or email at Samantha.Vogeler@ky.gov if you have any questions.

Thank you,

Samantha (Kaiser) Vogeler

Environmental Biologist Consultant

Water Quality Section

Division of Water

300 Sower Blvd.

Frankfort, KY 40601

502-782-6995

Appendix C

Identification of Waters Report

Identification of Waters Report
U.S. Army Corps of Engineers
Town of Martin Section 202 Emergency Access Road
Martin, Kentucky
August 2017

Introduction

Background - The Town of Martin Nonstructural Project resulted from the April 1977 flood in the Levisa Fork Basin. As a direct result of millions of damages and losses from this flood, the Energy and Water Development Appropriations Act of 1981 (Public Law 96-367) provided authorization for development of flood protection measures for the Levisa and Tug Forks of the Big Sandy River Basin. Section 202 of that legislation directed the Secretary of the Army, acting through the Chief of Engineers, to design and construct, flood damage reduction measures in those areas implemented by the flood. Based upon the Section 202 legislation, the U.S. Army Corps of Engineers (Corps) submitted its proposed plans for flood damage reduction measures but the plan did not recommend specific measures. Subsequent to the authorizing legislation, another major flood occurred in the Tug Fork Basin in May 1984 resulting in millions of damages. As a result of the May 1984 flooding, legislation (Public Law 98-332) was passed directing implementation of features of the General Plan with funding specifically authorized. The new legislation directed the Chief of Engineers to "implement immediately nonstructural flood control measures such as relocation sites, floodproofing and floodplain evacuation as described in the General Plan…"

Under the Section 202 authority, the Corps evaluated alternative flood damage reduction measures for the Town of Martin. Initially the project consisted of three phases. However, due to availability of funding, only portions of the flood damage reduction measures have been constructed. A redevelopment site was created in 2006. A 401 Water Quality Certification (WQC) was received for this action (attached). Since that time, relocation of the fire station was completed in 2013, the Town Hall/Police Station was completed in 2017, and currently construction of an Alternative School is underway at the redevelopment site. The Corps is currently reevaluating the initial construction phases identified and is in the process of reworking construction sequencing. Currently, the Corps, at this time, is proposing to construct an emergency access road off of the redevelopment site to connect to Ice Plant Hollow Road and for future access to the completed redevelopment site and the subject of this 401 WQC application.

The Town of Martin emergency access road will provide a direct route from the redevelopment site to Ice Plant Hollow Road, which is connected to KY 1428. The proposed road, which will be approximately 520 feet in length, will begin at the roadway section constructed adjacent to the Town Hall. The roadway will feature two 12 feet lanes with two feet paved shoulders. Lane widening will be incorporated to address larger off-tracking vehicles. A curb and gutter roadway section will be utilized at the beginning of the project to tie into the existing redevelopment site. This curb and gutter roadway section will transition into a standard roadway typical section with roadside ditches. This proposed project will require roadway embankment, roadway excavation, borrow excavation, and rock excavation. The project would spoil and dispose of material from at the Mayo Hollow site. During construction, the contractor may need to utilize a temporary stream crossing to handle the loads of heavy construction equipment at the proposed emergency access site.

On May 19, 2017, the Corps Planning and Engineering staff, performed a site visit to the Town of Martin redevelopment Site for the proposed emergency access road. This site visit was conducted to identify waters on-site and potential impacts. Below is a summary of the waters within the proposed project area.

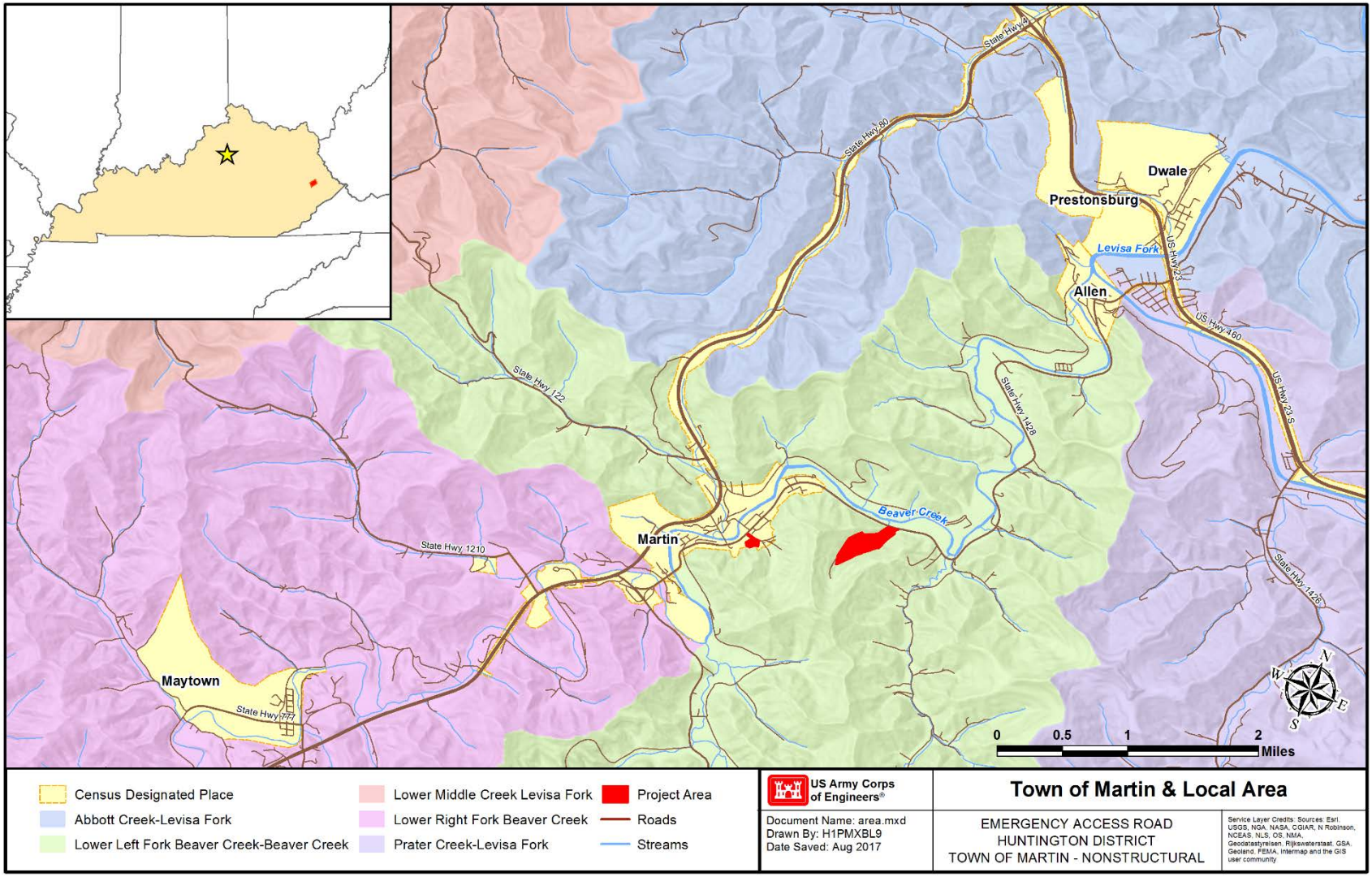


Figure 1: Project Location with Watershed Boundaries

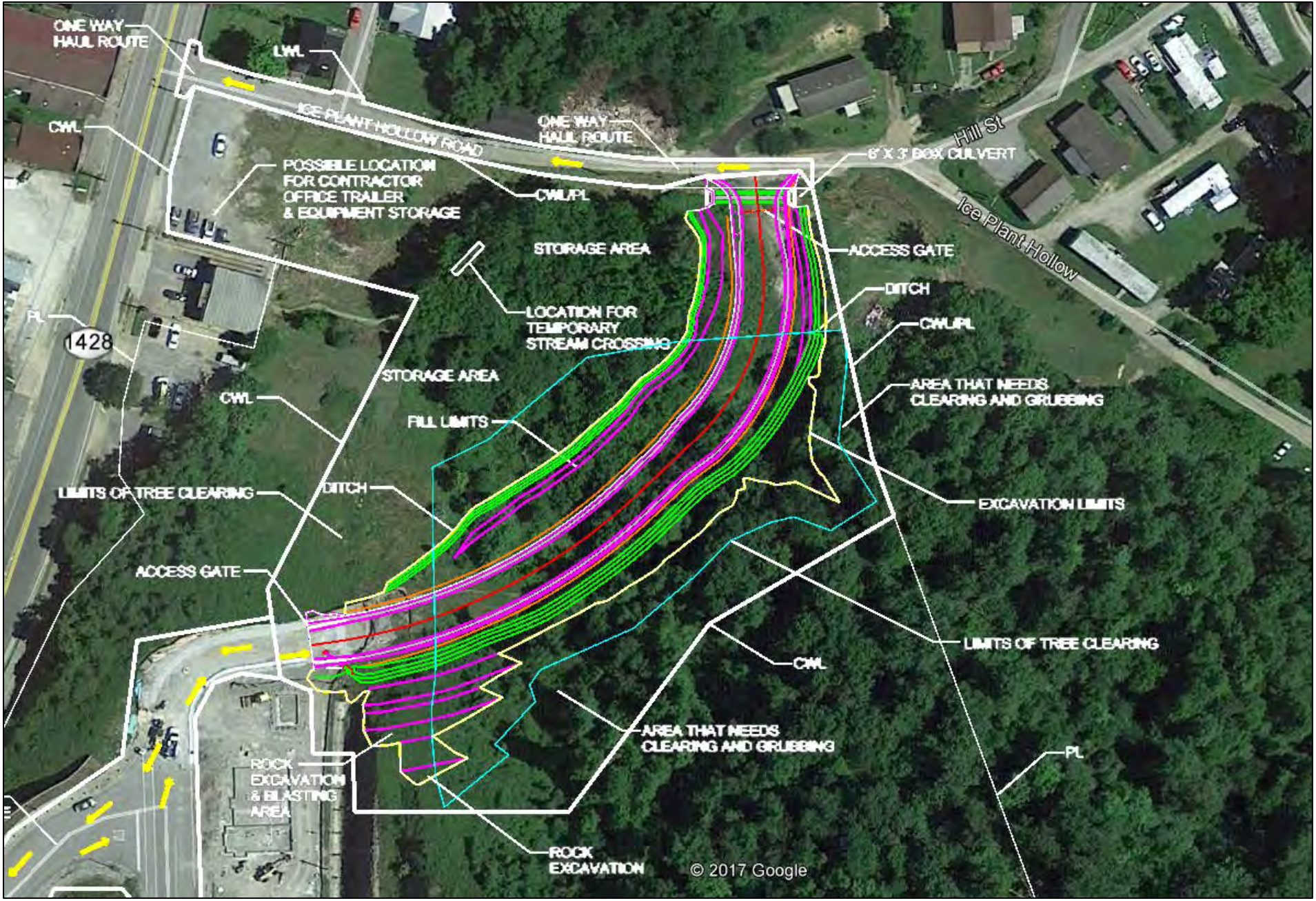


Figure 2: Emergency Access Road Construction Work Limits

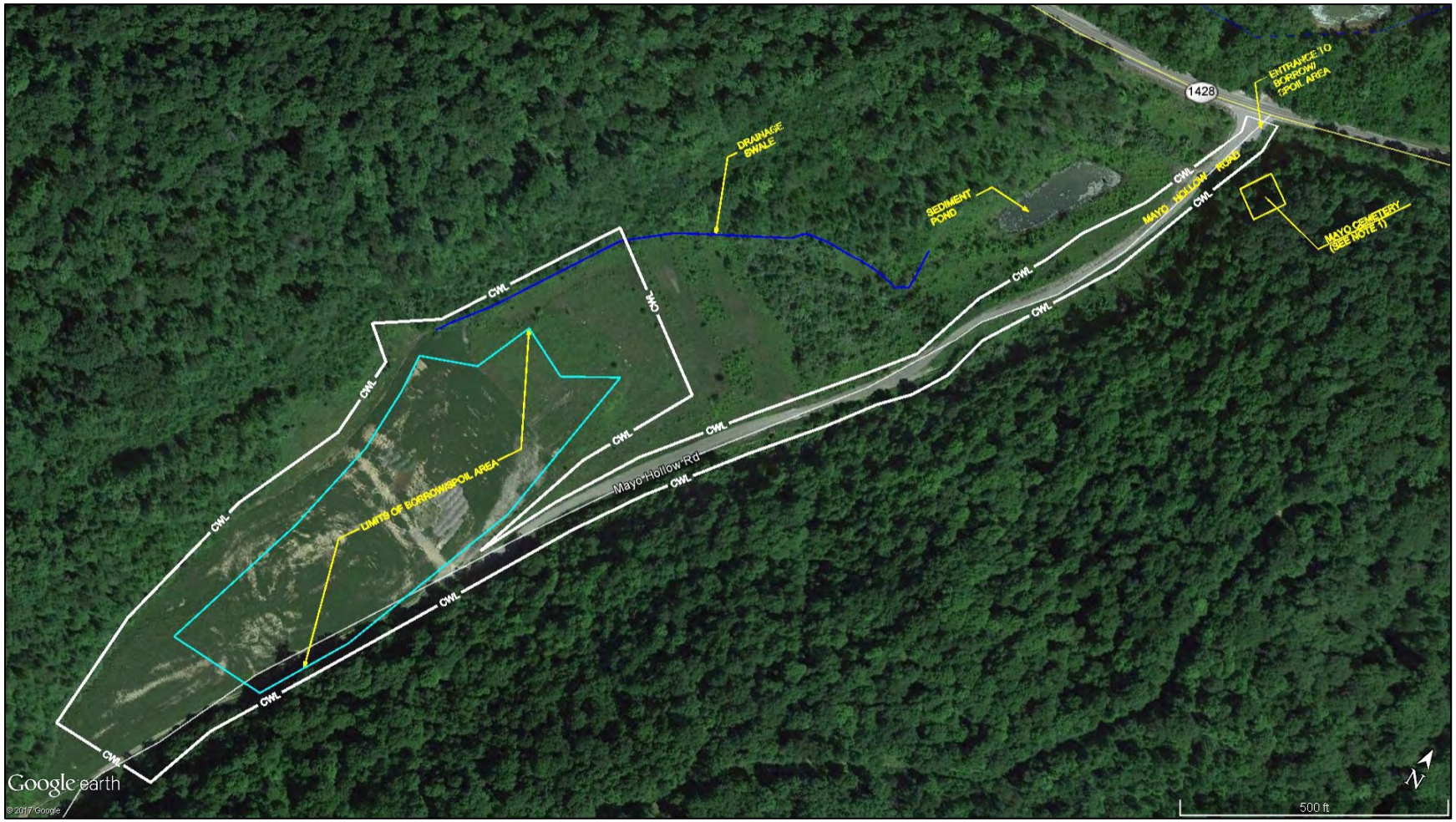


Figure 3: Mayo Hollow Construction Work Limits (CWL)

Identification of Waters

During the May 2017 site visit as mentioned above, Corps staff identified waters at the location of the proposed Emergency Access Road and Mayo Hollow spoil/borrow site. An identification of waters including Wetland 1, Wetland 2 (referred to as Area 2 on the mapping), Unnamed Tributary to Beaver Creek (Intermittent Stream), Ephemeral Stream, and Mayo Hollow Intermittent Stream are explained in this section. The following National Wetland Inventory and Identification of Waters maps are shown below.

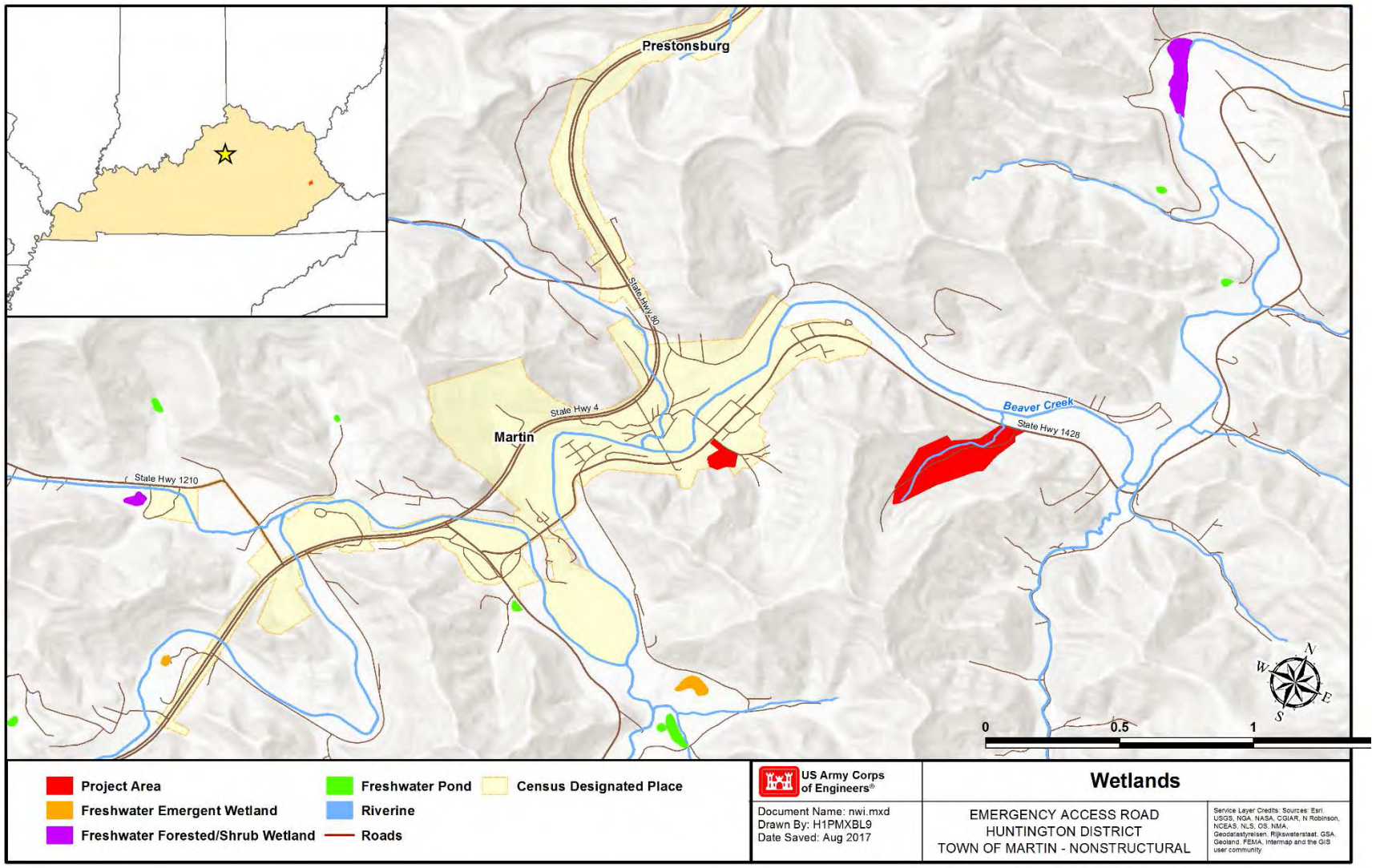


Figure 4: National Wetland Inventory

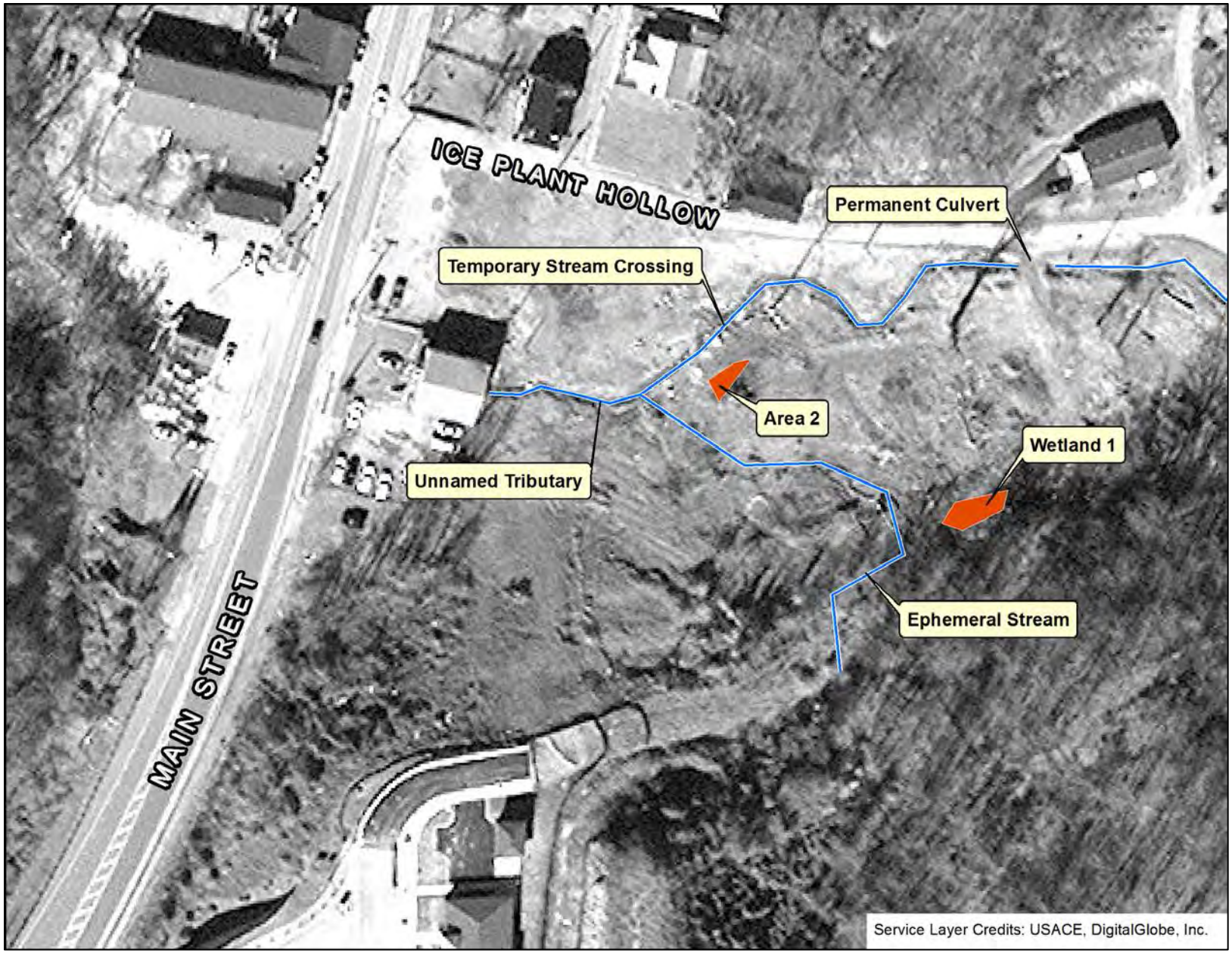


Figure 5: Identification of Waters at the proposed Emergency Access Road

Figure 6: Identification of Waters at Mayo Hollow

Wetland 1

One small wetland was observed at the toe of the slope at the location of the proposed Emergency Access Road. The wetland area was comprised of herbaceous vegetation consisting of *Impatiens capensis, Typha latifolia, Carex sp*. Soils were hydric and standing water was present. Wetland 1 measures approximately 30 feet by 10 feet and is less than 0.01 acre.

Figure 7: Photo of Wetland 1, May 17, 2017

Figure 8: Photo of Wetland 1, May 17, 2017

Wetland 2 (Area 2)

In the footprint of the proposed Emergency Access Road where the town cleared trees there was an area showing recent disturbance with some standing water. Soils were disturbed within this area. At the time of the May 2017 site visit, *Juncus effusus*, and *Carex sp*. was starting to emerge but was not the dominant vegetation. A subsequent site investigation was conducted on August 16, 2017. Photos from both site visits are included below. The area measured approximately 30 feet by 15 feet (0.01 acres).

Figure 9: Left photo of Area 2 on May 17, 2017 and right photo of Area 2 on August 16, 2017

Unnamed Tributary

This stream is an unnamed tributary (Intermittent Stream) to Beaver Creek. This tributary runs adjacent and within the construction area of the proposed access route (Ice Plant Hollow Rd). It is anticipated the existing crossing (approximately 20 linear feet) would be removed and replaced with a permanent box culvert for approximately 60 linear feet. In addition, a temporary stream crossing is anticipated downstream of the proposed permanent culvert. The approximate location of the temporary culvert is illustrated in Figures 2 and 12. The length of this proposed culvert would be approximately 30 linear feet and would be removed upon completion of construction. For the emergency access road, one ditch will be constructed on each side of the road to handle stormwater. These ditches will convey water directly to the unnamed tributary of Beaver Creek.

Figure 10: Unnamed Tributary May 17, 2017

Figure 11: Existing Culvert, May 17, 2017

Figure 12: Approx. Location of Temporary Stream Crossing, May 17, 2017

Ephemeral Stream

The ephemeral stream traverses through the proposed emergency access road location from the adjacent hillside and continues down the slope until it reaches the unnamed intermittent stream. This area would be filled and re-graded as part of the access road construction. It is anticipated that approximately 460 linear feet of this tributary would be permanently filled.

Figure 10: The photo on the left is the upstream area of the Ephemeral Stream and the photo on the right is the downstream area, May 17, 2017. Both pictures were taken on the existing slope where the proposed emergency access road would be located.

Mayo Hollow Unnamed Tributary

This area was part of the original 401 WQC for construction of the redevelopment site. A 401 WQC certification application and permit information is attached this application. The existing 401 WQC for Mayo Hollow is expired. Special conditions in the existing permit have not yet been fulfilled because the Corps did not receive funding to construct the subsequent phases of the project. Recently, some funding has been allocated to the Town of Martin 202 project to pursue efforts on portions of the originally identified project. As discussed in our June 2017 pre-application meeting, KY Division of Water indicated after review of the application, a collaborative path forward would be determined on how to proceed with the previous WQC and the proposed action.

The new proposed emergency access road action would require spoil and borrow at Mayo Hollow. Figures 3 and 6 show the proposed work limits and identification of waters. As illustrated on those figures, an intermittent unnamed tributary flows through the site. In addition, the downstream portion of the property contains an open water area (sediment pond). A wetland area is located immediately upstream of the sediment pond and includes a fringe around the pond. However, for this proposed action, spoil and borrow activities would be limited to the upstream portion of the property. No permanent impacts are anticipated for this action. However, it is anticipated minor disturbance/temporary impact (i.e. minor grading/repair of the channel for spoil and borrow area) would occur since approximately 390 linear feet of the unnamed tributary is located within the proposed construction work limits.

Figure 11: The open water area/sediment pond, May 11, 2017

Figure 15: The open water area/sediment pond, May 11, 2017

Figure 16: Unnamed Tributary (Intermittent Stream) Upstream Section at Mayo Hollow, May 17, 2017

Table 1: Summary of Waters within the Project Area

Type of Water	Length / Area on Site	Permanent Impact	Temporary Impact
Wetland 1	0.01 acres	0.01 acres	0 acres
Wetland 2 (Area 2)	0.01 acres	0.01 acres	0 acres
Unnamed Tributary (Intermittent Stream)	315 linear feet	60 linear feet	30 linear feet
Ephemeral Stream	460 linear feet	460 linear feet	0 linear feet
Mayo Hollow Site Unnamed Tributary (Intermittent Stream)	1600 linear feet	No permanent impacts	390 linear feet

*Total proposed permanent intermittent stream impacts are 60 linear feet

*Total proposed temporary intermittent stream impacts are 420 linear feet

* Total proposed permanent ephemeral stream impacts are 460 linear feet

* Total proposed permanent wetland impacts are 0.02 acres

Appendix D

Mailing List

Section 202 Town of Martin
Emergency Access Road
Floyd County, Kentucky
Draft Supplemental Environmental Assessment
Mailing List

Federal Agencies and Officials

The Honorable Mitch McConnell
United States Senate
771 Corporate Drive
Lexington, Kentucky 40503

The Honorable Rand Paul
United States Senate
1029 State Street
Bowling Green, Kentucky 42101

The Honorable Harold Rogers
United States House of Representatives
110 Resource Court, Suite A
Prestonsburg, Kentucky 41653

Mr. Steve Blanford
NRCS KY State Soil Scientist
771 Corporate Drive, Suite 205
Lexington, KY 40503-5438

Ms. Carrie Allison
United States Fish and Wildlife Service
Kentucky Field Office
330 West Broadway, Suite 265
Frankfort, Kentucky 40601

U.S. Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

State Agencies and Officials

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Avenue, Suite 100
Frankfort, Kentucky 40601

Kentucky Department of Fish and Wildlife Resources
#1 Sportsmen's Lane
Frankfort, Kentucky 40601

Mr. Craig Potts
Kentucky Heritage Council
300 Washington Street
Frankfort, Kentucky 40601

Ms. Samantha Vogeler
Kentucky 401 Water Quality Certification Section Division of Water
300 Sower Boulevard
Frankfort, Kentucky 40601

County Agencies and Officials

Floyd County Public Library
161 N Arnold Ave
Prestonsburg, KY 41653

Lon May
Floodplain Coordinator
313 Westminister Street
Prestonsburg, Kentucky 41653

Appendix D
404(b) (1) Analysis

SECTION 404(b) (1) EVALUATION
TOWN OF MARTIN FLOOD PROTECTION PROJECT
FLOYD COUNTY, KENTUCKY

This report concerning and fill activities is submitted in accordance with Section 404 of the Clean Water Act (CWA) of 1977, (Public Law 95-217)

I. PROJECT DESCRIPTION

Phase I of the proposed project would consist of the relocation of the volunteer fire department building and excavation of the Fire Station Housing and Commercial Development (H&CD) site. The H&CD site would require the excavation of a redevelopment site on the hillside adjacent to, and including the Martin fire station. Approximately one million cubic yards of spoil material would be excavated to create the H&CD site. The excavated material would be spoiled at the Mayo Hollow disposal area (a reclaimed coal refuse area). Spoil placement would require the construction of a 70 foot high by 570 foot fill, thereby affecting approximately 17.5 acres. Upon completion of Phase I, some of the stored spoil would then be removed from the disposal area and used to construct an engineered fill in the downtown area in order to raise elevation of the 100-year floodplain or the 77 flood profile, whichever is greater.

A. Location.

The Town of Martin Flood Protection Project is located in Floyd County, Kentucky, along the waters of Beaver Creek a tributary of Levisa Fork of the Big Sandy River. The project is located about 5.5 miles above the mouth of Beaver Creek and about 70.5 above the mouth of the Big Sandy River. The disposal/storage site (Mayo Hollow) is located on an unnamed tributary approximately 1200 feet upstream from its confluence with Beaver Creek, approximately one mile from the Town of Martin. Note: Mayo Hollow has been used by C. Reiss Coal Company under Permit No. 836-9015 as a mining and disposal site. (Attachment 1) The District will spoil for storage on the existing fill and landscape and seed the area with forbs and grasses of known wildlife value after project completion.

B. Description of the Proposed Work.

The proposed Corps of Engineers, Huntington District "Town of Martin Flood Protection" project would provide flood protection for approximately 213 structures (124 residential and 89 nonresidential) along Beaver Creek and its associated tributaries in the project area. Approximately 28% of the Town of Martin is located in the statutory floodway and 66% is located in the 100-year floodplain. Over the past 100 years, the proposed project area has been affected by numerous flood events. In particular, the January 1957, April

1977 and May 1984 floods have significantly affected this project area. Section 202 of Public Law 96-367 specifies that the project area would be protected against the recurrence of the April 1977 flood as a minimum level of protection.

Phase I of the proposed project would consist of the relocation of the volunteer fire department building and excavation of the Fire Station Housing and Commercial Development (H&CD) site. The H&CD site would require the excavation of a redevelopment site on the hillside adjacent to, and including the Martin fire station. The excavated material would be spoiled at the Mayo Hollow disposal area (a reclaimed coal refuse area). Spoil placement would require the construction of a 70 foot high by 570 foot long fill, thereby affecting approximately 17.5 acres. Upon completion of Phase I approximately 500 thousand cubic yards of the stored spoil would then be removed from the disposal area and used to construct an engineered fill in the downtown area in order to raise the elevation of the 100-year floodplain of the 77 profile, whichever is greater.

C. Authority and Purpose.

Authority for the Town of Martin Flood Protection Project is contained in Section 202 of Public Law 96-367 (October 1980) which authorizes the design and construction, at Full Federal expenses, of flood control measures as the Chief of Engineers determines necessary and advisable, affording a level of protection sufficient to prevent any future losses to the community from a recurrence of a flood such as the April 1977 flood. Additional authority for the action is contained in Senate Report 97-673, dated 6 December 1982, of the FT 1983, Energy and Water Development Appropriations Act. The Civil Works Information System (CWIS) number for the Town of Martin Project is 075395.

D. Distribution of Materials.

The majority of materials to be excavated consist of rock, gravel, sands, clays and silts typically found within the Levisa Fork basin. No contaminated materials will be distributed with the excavation and construction of the project.

E. Description of Proposed Discharge.

1. Location. The location will be the same as described in I.A. above.

2. Size. The size of the project area to be affected is described in I.B. above.

3. Type of fill site and habitat. The area directly affected by the proposed fill has been disturbed and is composed of aquatic, riparian and upland habitat comprised of birch, willow, elm and sycamore with more widely distributed yellow poplar. Fill material used in the construction of the project will result in permanent inundation of the intermittent stream for a total distance of 1500 lineal feet.

4. Timing and Duration of Discharge. The proposed construction of the project is expected to require approximately 10 years, beginning in 2003 and continuing through 2013. Construction will be performed on a year-round basis, but may be temporarily curtailed by periodic flood events or other weather conditions.

5. Description of Disposal Method. Development of the H&CD site will require both overburden and rock excavation. Excavated material will be spoiled over coal refuse fill that has been placed in a hollow about 2 miles downstream of the relocation site. After clearing the existing fill surface, spoil material will be dumped, spread, and lightly compacted. The entire spoil area will be kept as level as practicable during filling to prevent ponding of rain water during construction. The final spoil area surface will be sloped to drain to the outer edge, where ditches will transport runoff to an existing storm sewer inlet at the base of the original coal refuse fill. Transport of spoil material from the proposed H&CD site to the spoil area will be done via county roads and existing access roads.

II. FACTUAL DETERMINATIONS.

A. Physical Substrate Determinations.

1. Substrate, Elevation and Slope. The streambed of the intermittent stream consists of rock, sand and gravel. The stream originates at elevation 258 feet.

2. Sediment Type. The stream under normal conditions is dry and has no flow, but can become quite turbid during storm events. The flows transport suspended particulates composed of sand, clay and silt. The sediment load is the result of poor land-use practices, porous soil and steep slopes.

3. Dredged/Fill Material Movement. No movement of any fill materials is expected to occur. A Sediment Control Plan has been prepared and will be implemented.

4. Physical Effects on Benthos. Benthic populations and habitat will not be significantly impacted as at the best they only occur during temporary storm conditions.

5. Other Effects. No other effects are known.

6. Action Taken to Minimize Impacts. Appropriate erosion and sediment control measures (Sediment Control Plan) will be installed to prevent the unplanned introduction of materials into the streams.

B. Water Circulation, Fluctuation, and Sanitary Determination.

1. Water
    a. Salinity. Not applicable.
    b. Water Chemistry. During major storm events, runoff from the disposal sites may introduce some suspended solids into the streams. The fill materials themselves are no sources of chemical pollution and these potential additions would coincide with and contribute little to the existing storm water load and can be considered insignificant.

2. Clarity. Only short-term increases in turbidity are expected during storm events. A Sediment Control Plan has been prepared and will be implemented.

C. Color. See B2 above.

D. Odor. No Significant Impact (NSI)

E. Taste. NSI

F. Dissolved Gas Levels. NSI

G. Nutrients. NSI

H. Eutrophication. NSI

1. Current Patterns and Circulation.

a. Current Patterns and Flow NSI

b. Velocity. NSI

c. Stratification. Not Applicable.

d. Hydrologic Regime. NSI

2. Normal Water Level Fluctuations. The severity or frequency of water level fluctuations will no be significantly impacted.

3. Salinity Gradients. Not Applicable.

4. Actions Taken to Minimize Impacts. Appropriate measures will be taken to minimize impacts of the project.

I. Suspended Particulate/Turbidity Determination.

1. Expected changes in suspended particulates and turbidity levels in vicinity of disposal site. NSI

2. Effects on chemical and physical properties of the water column.

a. Light Penetration. No Significant Impact (NSI)

b. Dissolved Oxygen. NSI

c. Toxic Materials. NSI Fill materials will be tested before placement.

d. Pathogens. NSI

e. Aesthetics. Placement of fill materials will adversely impact the aesthetics of the site, especially during construction. The disposal sites will be reclaimed during and after construction activities.

3. Effects on Biota.

a. Primary Projection, Photosynthesis. No Significant Impact (NSI).

b. Suspension/Filter Feeders. NSI

c. Sight Feeders. NSI

4. Actions to Minimize Impacts. An Erosion Control Plan has been prepared and will be implemented. The disposal sites will be reclaimed during and after construction activities.

J. Contaminant Determination. See I.1, I.2, c. above

K. Aquatic Ecosystem and Organism Determinations.

1. Effects on Plankton. Resources not present.

2. Effects on Benthos. No Significant Impact (NSI)

3. Effects on Nekton. NSI

4. Effects on Aquatic Food Web. NSI

5. Effects on Special Aquatic Sites

a. Sanctuaries and Refuges. Not Applicable.

b. Wetlands. See attached Wetland Delineation Report. Attachment 2.

c. Riffle Pool Complexes. Not Applicable.

d. Threatened and Endangered Species. U.S. Fish and Wildlife Services (USFWS) and Elkins, West Virginia offices consultation with the Cookeville, Tennessee. Review of Federal listings from the Region IV Red Book USFWS indicates three mammals: gray bat (Myotis grisescens), Indiana bat (Myotis sodalis), and the Easter cougar (Fleis concolor). Five birds: bald eagle (Haliaeetus leucocephalus), American peregrine falcon (Falco peregrinus), Kirtlands' warbler (Dendroica kirtlandii), and the red-cockaded woodpecker (Picoides borealis) may be found in the project area. None of these species, however, would be adversely impacted as a result of the disposal action.

e. Species of Concern. The following species of concern could occur in the impacted area. These include the eastern sand darter (Etheostoma pellucidum); longhead darter (Percina

macrocephala); Allegheny woodrat (Neotoma magister) and the cerulean warbler (Dendrocia cerulean). None of these species have been reported for the area, Kentucky Department Fish and Wildlife Resources.

6. Other Wildlife. No Significant Impact.

7. Actions Taken to Minimize Impacts. The Proposed material placement activities would be accomplished under conditions that would minimize, to the extent practicable, adverse effects on the aquatic ecosystem. Appropriate measures will be taken to minimize adverse effects of the fill on the aquatic environment. These include proper design and placement of environmentally acceptable fill, implementation of an Erosion Control Plan and reclamation of the disposal sites during and after construction activities.

L. Proposed Disposal Site Determinations.

1. Mixing Zone Determination. No discharge of liquid material would be involved with project implementation. Accidental discharges of petroleum products may occur during operation and maintenance of construction equipment, however, standard preventatives measures will be taken to minimize such risks.

2. Determination of Compliance with Applicable Water Quality Standards. Disposal of fill materials will be in conformance with Federal and Commonwealth of Kentucky standards.

3. Potential Effects on Human-Use Characteristics.

    a. Municipal and Private Water Supply. The discharge associated with the disposal of fill material will not cause any violations of drinking water standards.

    b. Recreational and Commercial Fisheries. Not Applicable.

    c. Water Related Recreation. No Applicable.

    d. Aesthetics. See II.I.E. above.

    e. Parks, National and Historic Monuments, National Seashores, Wilderness Areas, Research Sites and Similar Preserves. No Significant Impact.

M. Determination of Cumulative Effects on the Aquatic Ecosystem.

Based on the most probable future conditions, there should be no cumulative or secondary impacts on the aquatic ecosystem as a result of fill material placement.

III. FINDINGS OF COMPLIANCE OR NONCOMPLIANCE WITH THE RESTRICTIONS ON DISCHARGE.

A. Guidelines.

No Significant adaptations of the 404 (b) (1) guidelines were made relative to this evaluation.

B. Evaluation of Availability of Practicable Alternatives to the Proposed Discharge Site which would have Less Adverse Impact on the Aquatic Ecosystem.

Evaluation of proposal involving the discharge of fill materials in waters of the United States must consider the practicability of alternatives actions, their relative impact on the aquatic ecosystem, and other significant adverse effects they may have on the environment.

Alternatives to this proposal are discussed in the attached Environmental Assessment, Town of Martin Nonstructural Project Floyd, Kentucky.

C. Compliance with Applicable State Water Quality Standards.

The planned placement of fill materials will not violate any applicable state water quality standards.

D. Compliance with Applicable Toxic EPFluent Standards or Prohibition under section 307 of the Clean Water Act.

The proposed fill would not violate section 307 of the Clean Water Act.

E. Compliance with the Endangered Species Act of 1973.

In accordance with the Endangered Species Act of 1973, a Biological Assessment (Literature Review) for Impacts to Threatened or Endangered species was conduct.

F. Compliance with Specified Protected Measures For Marine Sanctuaries Designed by the Marine protection, research, and Sanctuaries Act of 1972.

Not Applicable.

G. Evaluation of Extend of Degradation of the Waters of the United States.

The proposed placement of fill materials will not result in significant adverse effects on human health and welfare, including municipal and private water supplies, benthos, fish, aquatic food web, wetlands, endangered species and wildlife. General changes brought about indirectly by placement of fill material may create impacts on aquatic ecosystem diversity, particularly downstream over the life of the project. Wildlife dependent on the aquatic ecosystem will not be adversely affected. Gross productivity and stability will not be significantly affected.

H. Appropriate and Practicable Steps Taken to Minimize Potential Adverse Impacts of the Discharge on the Aquatic Ecosystem.

Appropriate steps to minimize potential adverse impacts from the discharge on the aquatic ecosystem have been incorporated and include the use of clean fill material obtained from and unpolluted source and placement in a confined area. In addition, the contractor(s) placing the fill material will be governed by detailed contract specifications to prevent environmental pollution and damage as a result of construction operations.

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John D. Rivenburgh
Colonel, Corps of Engineers
District Engineer

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Date