# Appendix H Resource Agency Coordination Responses

DEPARTMENT OF THE ARMY

U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059
FAX: (502) 315-6677
http://www.irl.usace.army.mil/
June 22, 2006

Operations Division Regulatory Branch (South) ID no. LRL-2006-758-pmh

This is in response to your request for comments concerning:

Project No:

8-136.00

Description:

Pre-Design Scoping Study, Cumberland-Metcalfe Counties,

KY 90 Spot Improvements, From Burkesville to the

Metcalfe/Barren County Line

Name of Organization requesting early coordination: Kentucky Transporation Cabinet

We do not have any comments on the general environmental impacts of the proposed project(s). This agency is not funded or authorized to provide general environmental assessments for all federally related development proposals. Our lack of comments on specific potential environmental impacts should not be construed as concurrence that no significant environmental damage would result from the project.

1. The proposed improvement may impact the following waterway(s) under our jurisdiction:

Marrowbone Creek, Unnamed tributaries of Marrowbone Creek, Ferris Fork Creek, Casey Fork, Dutch Creek, Unnamed of Dutch Creek, Allen Creek, Baggard Branch, and Unnamed tributaries of Baggard Branch.

2. Current and/or future plans to develop the waterway(s) include:

None

3. The following Corps of Engineer's projects and/or studies are located within the area:

None

4. The depth or elevation of Ordinary High Water (OHW) is:

Feet mean	n sea .	level.
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The OHW elevation is the line on the bank established by the changing water surface and indicated by physical characteristics such as a clear natural line impressed on the bank; shelving; changes in the character of the soil; destruction of terrestrial vegetation; and other indications as determined upon inspection of the area. If additional information is needed for the OHW you may contact our Hydrology & Hydraulics Branch by calling (502) 315-6456.

#### 5. The project site is within flood elevations:

Flood plain information is available by writing this office directly and requesting a floodplain delineation for a specific area. However, we are required by law to collect a fee for this service. The fee varies with the scope and complexity of the request. If you are interested in receiving this service please re-submit this request to the above address, ATTN: CELRL-PMP or call (502) 315-6892 and we will provide information on the fee schedule. Otherwise you may be able to obtain this information from local agency sources such as planning commissions.

#### 6. Wetlands:

\_\_\_\_ are located on the site as indicated on the attached sheet.

X To our knowledge, no wetland mapping of your proposed project site has been done, nor does the Corps of Engineers have any future plans to delineate and map jurisdictional wetlands for public or private use. If you suspect wetlands would be impacted by the discharge of dredged or fill material, a wetland delineation report conforming to the "Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1," would have to be submitted. Members of our regulatory staff having expertise in this area, would evaluate and verify the wetland delineation report as part of our review process. If you need assistance in preparing a wetland delineation, there are several environmental consultants in your geographic area having this expertise.

- 7. If based on your coordination with the State Historic Preservation Officer, it is determined that the project may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the Department of the Army permit application must include information stating which historic property may be affected by the proposed work and/or a vicinity map indicating the location of the historic property.
- 8. If your project would impact any "waters of the United States," including jurisdictional wetlands, then you should submit a Department of the Army (DA) permit application for review by this office. Copies of DA permit application forms can be obtained by writing to the above address ATTN: CELRL-OP-FN or by calling (502) 315-6733.

Phyllis Hockett Project Manager Regulatory Branch

Myllis Hocket



## DEPARTMENT OF THE ARMY NASHVILLE DISTRICT, CORPS OF ENGINEERS Regulatory Branch 3701 Bell RD

Nashville, TN 37214 June 29, 2006

Regulatory Branch

SUBJECT: File No. 200601329; Pre-Design Scoping Study KY-90 Spot Improvements, From Burkesville to Metcalfe/Barren County Line (KTC Item No. 8-136.00)

Tom Clouse, P.E. TEBM Planning Kentucky Transportation Cabinet 1660 S. Highway 27 Somerset, Kentucky 42502

Dear Mr. Clouse:

This concerns your request for input and comments regarding the potential effects of the subject proposal on areas of interest or programs administered by our agency. Please reference File No. 200601329 in future communications with us about this work.

The regulatory authorities and responsibilities of the Corps of Engineers (Corps) are based mainly on two laws: Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344). Section 10 prohibits the obstruction or alteration of navigable waters of the United States (NWUS) without a Corps permit. Section 404 requires a Corps permit for any discharge of dredged or fill material into waters of the United States (WUS).

Based on a review of the proposed study area on the Water-view, Dubre, Sulphur Lick, and Summer Shade U.S. Geological Survey Quadrangle maps, the highway improvements would likely involve stream construction activities in or over Marrowbone Creek and its tributaries and several other streams and wetlands in the Burkesville, Grider, Waterview, Marrowbone, Dubre, Willow Shade, Beaumont, and Summer Shade vicinities. The Commonwealth of Kentucky has classified Marrowbone Creek as an Outstanding Resource Water in the state. We strongly encourage your avoidance of impacts to this stream and its major tributaries. No NWUS exist within the study area.

Please note that our permit review includes application of the Section 404(b)(1) Guidelines. As such, the design of the project must avoid impacts or adverse modification to WUS (including wetlands) to the extent practicable. Constructing bridges or bottomless culverts that completely span streams, limiting approach fills to areas above the ordinary high water mark, and avoiding stream relocations and wetland fills whenever practicable are options that must be considered. Documentation of avoidance, minimization, and mitigation efforts should be provided with the permit application package.

Thank you for including us in your scoping process. We are available to discuss our permit requirements in detail as well as efforts to avoid or minimize the project's aquatic resource impacts. I may be reached at the above address, telephone (615) 369-7519. My email address is jose.r.hernandez2@us.army.mil.

Sincerely,

J. Ruben Hernandez Project Manager

Operations Division

#### United States Department of Agriculture



771 Corporate Drive Suite 210 Lexington, KY 40503-5479 (859) 224-7350

June 21, 2006

Mr. Tom Clouse TEBM Planning, Kentucky Transportation Cabinet PO Box 780 Somerset, KY 42502

Dear Mr. Clouse:

In regards to the Pre-Design Scoping Study, Cumberland and Metcalfe Counties, KY 90 Spot Improvements, the USDA-Natural Resources Conservation Service (NRCS) is concerned with potential impacts that the proposed highway project might have upon prime farmland soils and additional farmlands of statewide importance.

If federal dollars are to be used to convert important farmlands from agricultural uses to non-agricultural uses a Form AD-1006 (or Form NRCS-CPA-106 if the project is a corridor type project) must be submitted to the local NRCS office. These forms may be obtained from the local NRCS office and are also available as electronic forms on the web at <a href="http://www.nrcs.usda.gov/programs/fppa/pdf">http://www.nrcs.usda.gov/programs/fppa/pdf</a> files/AD1006.PDF and <a href="http://www.nrcs.usda.gov/programs/fppa/pdf">http://www.nrcs.usda.gov/programs/fppa/pdf</a> files/CPA106.pdf

The NRCS contact persons are: James Dedmon, District Conservationist for Cumberland County at 270-864-2606 or <a href="mailto:james.dedmon@ky.usda.gov">james.dedmon@ky.usda.gov</a> and Melinda Cave, District Conservationist for Metcalfe County at 270-432-3191 or <a href="mailto:melinda.cave@ky.usda.gov">melinda.cave@ky.usda.gov</a>. These staff can help in identifying important farmlands in the proposed project area.

To further assist with the planning efforts, I am enclosing a CD containing ArcView GIS shapefiles of basic soils information for Cumberland County. A set of Arc View legend files are also included. You will want to symbolize the soils using the "farmland.classif.avl" legend file. Unfortunately, we do not have digital soils data for Metcalfe County; however, the Metcalfe NRCS office can provide you with further information regarding soils in Metcalfe County. If you have any questions regarding the digital data, please contact, Steve Crabtree, State GIS Coordinator, at #859-224-7400.

Sincerely,

DAVID G. SAWYER State Conservationist

cc:

James D. Dedmon, District Conservationist, NRCS, Cumberland County Melinda P. Cave, District Conservationist, NRCS, Metcalfe County



Centers for Disease Control and Prevention (CDC) Atlanta GA 30333

June 22, 2006

Tom Clouse, P.E.
TEBM Planning
District 8 - Somerset
Kentucky Transportation Cabinet
P.O. Box 780
Somerset, Kentucky 42502

Dear Mr. Clouse:

This is in response to your letter of May 24, 2006 requesting our agency's input and comments on a planning study to determine the need for, and the potential impacts from possible improvements to KY 90 between Burkesville and Metcalf/Berren County line. We are responding on behalf of the Department of Health and Human Services (DHHS), U.S. Public Health Service.

While we have no project specific comments to offer at this time, we do recommend that the topics listed below be considered during the NEPA process along with other necessary topics, and addressed if appropriate. Mitigation plans which are protective of the environment and public health should be described in the DEIS wherever warranted.

#### AREAS OF POTENTIAL PUBLIC HEALTH CONCERN:

#### I. Air Quality

- dust control measures during project construction, and potential releases of air toxins potential process air emissions after project completion
- · compliance with air quality standards

#### II. Water Quality/Quantity

- special consideration to private and public potable water supply, including ground and surface water resources
- compliance with water quality and waste water treatment standards
- ground and surface water contamination (e.g. runoff and erosion control)
- body contact recreation

#### III. Wetlands and Flood Plains

- potential contamination of underlying aquifers
- · construction within flood plains which may endanger human health
- · contamination of the food chain

#### Page 2 -Mr. Tom Clouse, P.E.

#### IV. Hazardous Materials/Wastes

- · identification and characterization of hazardous/contaminated sites
- · safety plans/procedures, including use of pesticides/herbicides; worker training
- · spill prevention, containment, and countermeasures plan

#### V. Non-Hazardous Solid Waste/Other Materials

any unusual effects associated with solid waste disposal should be considered

#### VI. Noise

 identify projected elevated noise levels and sensitive receptors (i.e. residential, schools, hospitals) and appropriate mitigation plans during and after construction

#### VII. Occupational Health and Safety

· compliance with appropriate criteria and guidelines to ensure worker safety and health

#### VIII. Land Use and Housing

- special consideration and appropriate mitigation for necessary relocation and other potential adverse impacts to residential areas, community cohesion, community services
- · demographic special considerations (e.g. hospitals, nursing homes, day care centers, schools
- consideration of beneficial and adverse long-term land use impacts, including the potential influx of people into the area as a result of a project and associated impacts
- potential impacts upon vector control should be considered

#### IX. Environmental Justice

• federal requirements emphasize the issue of environmental justice to ensure equitable environmental protection regardless of race, ethnicity, economic status or community, so that no segment of the population bears a disproportionate share of the consequences of environmental pollution attributable to a proposed project. (Executive Order 12898)

While this is not intended to be an exhaustive list of possible impact topics, it provides a guide for typical areas of potential public health concern which may be applicable to this project. Any health related topic which may be associated with the proposed project should receive consideration when developing the draft and final EISs. Please furnish us with one copy of the draft document when it becomes available for review.

Sincerely yours,

Paul Joe, DO, MPH

Medical Officer

Part Je

National Center for Environmental Health (F16)

Centers for Disease Control & Prevention



U. S. Department of Housing and Urban Development Louisville Field Office, Region IV 601 West Broadway, Room 110 Louisville, Kentucky 40202

June 6, 2006

Mr. Tom Clouse, P.E Kentucky Transportation Cabinet PO Box 780 Somerset, Kentucky 42502

Subject: Pre-Design Scoping Study

Cumberland-Metcalfe Counties KY 90 Spot Improvements

From Burkesville to the Metcalfe/Barren County Line

Item No. 8-136.00

Dear Mr. Clouse:

Thank you for your letter of May 24, 2006 regarding the subject improvements in Cumberland and Metcalfe counties. At this time, we do not have any issues or concerns that would affect the development of this project.

Please feel free to call me at 502-582-6163, extension 203, should you have any further inquires on this project.

Sincerely

Krista Mills

Field Office Director



#### KENTUCKY COMMERCE CABINET

Ernie Fletcher Governor

Capital Plaza Tower, 24th Floor 500 Mero Street Frankfort, Kentucky 40601 Phone (502) 564-4270 Fax (502) 564-1512 www.commerce.ky.gov George Ward Secretary

June 5, 2006

Mr. Tom Clouse, P.E. Kentucky Transportation Cabinet P.O. Box 780 Somerset KY 42502

Re: Pre-Design Scoping Study
Cumberland-Metcalf Counties
KY 90 Spot Improvements

Item No. 8-136.00

Dear Mr. Clouse:

The Commerce Cabinet has reviewed your correspondence to me regarding the subject. The study will not directly impact any of our facilities. I would like to state in general that our agency's mission is protecting the environment associated with our facilities and we are certainly concerned about environmental impacts for the entire Commonwealth.

I appreciate you seeking our agency's comments on this project.

Sincerely,

George Ward

Secretary

Kentucky Commerce Cabinet

word

GW/jmd

cc: John Drake





### JUSTICE AND PUBLIC SAFETY CABINET

**Ernie Fletcher** Governor

Kentucky Vehicle Enforcement Frankfort, Kentucky 40601

Lt. Gov. Stephen B. Pence Secretary

> Gregory G. Howard Commissioner

June 13, 2006

Mr. Tom Clouse, P.E. Kentucky Transportation Cabinet PO Box 780 Somerset, KY 42502

Dear Mr. Clouse:

We are in receipt of your letter in regards to the Pre-Design Scoping Study of KY 90 in Cumberland and Metcalfe counties from Burkesville to the Metcalfe/Barren county line.

After having my staff research the information, we can see no issues that KVE would have with these road improvements. In fact, it appears the road would be widened in several spots that would help accommodate the large volume of truck traffic.

If you need any further information, please do not hesitate to contact us.

Sincerely,

Gregory G. Howard

Commissioner

Kentucky Vehicle Enforcement





ERNIE FLETCHER
GOVERNOR

#### **CABINET FOR HEALTH AND FAMILY SERVICES**

275 EAST MAIN STREET, HS1GWA FRANKFORT, KENTUCKY 40621-0001 (502) 564-3970 (502) 564-9377 FAX MARK D. BIRDWHISTELL SECRETARY

June 12, 2006

Tom Clouse, P.E. TEBM Planning District 8 – Somerset Somerset, KY 42502

RE: Your Ltr, pre-Design Scoping Study, May 24, 2006

Dear Mr Clouse.

On behalf of the Cabinet for Health & Family Services, thank you for the opportunity to comment on the pre-design scoping study related to KY 90 spot improvements. The following comments are provided for your consideration as you move forward with planning.

- a. Attention should be given to existing installed septic systems, potential impact of activity in surrounding vicinity of septic systems, and the fact a plan for remedy should be in place if altered. Planning should include determination of whether grading and/or improvements will impact drainage, including existing septic lateral fields and wells.
- b. Improvements will no doubt encourage growth. Please ensure planners provide attention to water and sewer needs.

We recommend use of local health departments to determine the location of existing septic systems and water sources. We wish you well with the project. If we can be of further assistance, please feel free to contact the Division of Public Health Protection & Safety at 502-564-7398.

Sincerely,

Clyge Bolton, Director

Division of Public Health Protection & Safety

Cc:

William D. Hacker, MD, FAAP, CPE

Undersecretary for Health



#### Richie Farmer Commissioner



Division of Food Distribution 107 Corporate Drive Frankfort, KY 40601 Phone: (502) 573-0282

Fax: (502) 573-0304

## Kentucky Department of Agriculture A Consumer Protection And Service Agency

Tom Couse, P.E. Kentucky Transportation Cabinet P.O. Box 780 Somerset, KY 42502

SUBJECT: Pre-Design Scoping Study

Cumberland-Metcalf Counties KY 90 Spot Improvements

From Burkesville to the Metcalfe/Barren County Line

Item No. 8-136.00

Dear Mr. Clouse:

Please be advised that the proposed project has no impact on agricultural operations in this area.

Sincerely,

Richie Farmer

Commissioner of Agriculture





## KENTUCKY COMMERCE CABINET KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

**Ernie Fletcher** Governor

#1 Sportsman's Lane Frankfort, Kentucky 40601 Phone (502) 564-3400 1-800-858-1549 Fax (502) 564-0506 fw.ky.gov June 26, 2006 George Ward Secretary

Dr. Jonathan W. Gassett
Commissioner

Tom Clouse, P. E. Kentucky Transportation Cabinet P. O. Box 780 Somerset, KY 42502

RE: Threatened/endangered species, critical habitat review, and potential environmental impacts associated with the proposed spot improvements to KY 90 from the Metcalfe/Barren County Line to Burkesville, Metcalfe/Cumberland County, Kentucky. KYTC Item No. 8-136.00

Dear Mr. Clouse:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) have received your request for the above-referenced information. The Kentucky Fish and Wildlife Information System indicates that federal/state threatened and/or endangered fish and wildlife species are known to occur within close proximity to the project area (see attached list). Please be aware that our database system is a dynamic one that only represents our current knowledge of the various species distributions.

- The Indiana bat utilizes a wide array of habitats, including riparian forests, upland forest, and fencerows for both summer foraging and roosting habitat. Indiana bats typically roost under exfoliating bark, in cavities of dead and live trees, and in snags (i.e., dead trees or dead portions of live trees). Trees in excess of 16 inches diameter at breast height (DBH) are considered optimal for maternity colony roosts, but trees in excess of 9 inches DBH appear to provide suitable maternity roosting habitat. Male Indiana bats have been observed roosting in trees as small as 3 inches DBH. Removal of suitable Indiana bat roost trees due to construction of the proposed project should be completed between October 15 and March 31 in order to avoid impacting summer roosting Indiana bats. However, if any Indiana bat hibernacula are identified on the project area or are known to occur within 10 miles of the project area, we recommend the applicant only remove trees between November 15 and March 31 in order to avoid impacting Indiana bat "swarming" behavior.
- In areas where bats are known to occur, cave entrances, mine portals, and/or rock shelters that
  exist within the project area should be surveyed for potential use by such species as gray bats,
  eastern small footed bats, Rafinesque's big-eared bats, and Indiana bats. KDFWR recommends
  avoiding those areas that provide adequate habitat for bats.
- To minimize impacts to aquatic resources strict erosion control measures should be developed and
  implemented prior to construction to minimize siltation into streams located within the project
  area. Such erosion control measures may include, but are not limited to silt fences, staked straw



bales, brush barriers, sediment basins, and diversion ditches. Erosion control measures will need to be installed prior to construction and should be inspected and repaired regularly as needed.

It appears that the proposed project has the potential to impact wetland habitats. KDFWR recommends that you look at the appropriate US Department of Interior National Wetland Inventory Map (NWI) and the appropriate county soil surveys to determine where the proposed project may impact wetlands. Additionally, field verification may be needed to determine the extent and quality of wetland habitats within the project area. Any planning should include measures designed to eliminate and/or reduce impacts to wetland habitats. If impacts cannot be avoided, mitigation should be properly designed and proposed to offset the losses. KDFWR will recommend, at a minimum, a 2:1 mitigation ratio for any permanent loss or degradation of wetland habitats.

KDFWR recommends that you contact the appropriate US Army Corps of Engineers office and the Kentucky Division of Water prior to any work within the waterways or wetland habitats of Kentucky. Additionally, KDFWR recommends the following for the portions of the project that impact streams:

- Channel changes located within the project area should incorporate natural stream channel design.
- If culverts are used, the culvert should be designed to allow the passage of aquatic organisms.
- Culverts should be designed so that degradation upstream and downstream of the culvert does not occur.
- Development/excavation during low flow period to minimize disturbances.
- Proper placement of erosion control structures below highly disturbed areas to minimize entry of silt into area streams.
- Replanting of disturbed areas after construction, including stream banks, with native vegetation for soil stabilization and enhancement of fish and wildlife populations. We recommend a 100 foot forested buffer along each stream bank.
- Return all disturbed instream habitat to its original condition upon completion of construction in the area.
- Preservation of any tree canopy overhanging any streams within the project area.

I hope this information proves helpful to you. If you have any questions or require additional information, please call me at (800) 852-0942 Extension 366.

Sincerely,

Doug Dawson

Wildlife Bjologist III

Cc: Environmental Section File

State/Federally Listed Species that could be impacted by the proposed project.

Scientific Name	Common Name	: <u>Federal Status</u>	KSNPC Status
Alasmidonta marginata	ELKTOE	N	T
Ammodramus henslowii	HENSLOW'S SPARROW	N	S
Anas discors	BLUE-WINGED TEAL	N	T
Ardea herodias	GREAT BLUE HERON	N	S
Circus cyaneus	NORTHERN HARRIER	N N	<b>Т</b> .
Corynorhinus rafinesquii	RAFINESQUE'S BIG-EARED BAT	N N	S
Cumberlandia monodonta	SPECTACLECASE	N ,	S E
Cyprogenia stegaria	FANSHELL	LE	E
Elaphe guttata guttata	CORN SNAKE	N	S S
Epioblasma brevidens	CUMBERLANDIAN COMBSHELL	LE	S E
Epioblasma capsaeformis	OYSTER MUSSEL	LE	E E
Epioblasma obliquata obliquata	CATSPAW	LE	
Epioblasma triquetra	SNUFFBOX	N.	E E
Erimystax insignis	BLOTCHED CHUB	N N	E E
Etheostoma maculatum	SPOTTED DARTER	N N	
Eumeces inexpectatus	SOUTHEASTERN FIVE-LINED SKINK	N N	s S
Fulica americana	AMERICAN COOT	N	5 E
Fusconaia subrotunda	LONGSOLID	N N	S
Lampsilis abrupta	PINK MUCKET	LE	E E
Lampsilis ovata	POCKETBOOK	N N	E E
Myotis grisescens	GRAY MYOTIS	LE	E T
Myotis leibii	EASTERN SMALL-FOOTED MYOTIS	N.	T
Myotis sodalis	INDIANA BAT	LE	E
Notropis albizonatus	PALEZONE SHINER	LE	E .
Obovaria retusa	RING PINK	LE	E
Percina macrocephala	LONGHEAD DARTER	N	E
Phenacobius uranops	STARGAZING MINNOW	N	S
Pituophis melanoleucus melanoleucus	NORTHERN PINE SNAKE	N	T
Plethobasus cooperianus	ORANGEFOOT PIMPLEBACK	LE	Ë
Plethobasus cyphyus	SHEEPNOSE	N	E
Pleurobema plenum	ROUGH PIGTOE	LE	E
Pleurobema rubrum	PYRAMID PIGTOE	N LE	E
Quadrula cylindrica cylindrica	RABBITSFOOT	N N	T T
Thoburnia atripinnis	BLACKFIN SUCKER	N N	S
moserma aurphina	DE TOTAL IN COUNCE	I.A.	3

#### **US Fish & Wildlife Service Status:**

N = None

C = Candidate

LT = Listed as Threatened

LE = Listed as Endangered

#### **KY State Nature Preserves Commission Status**

N = None

E = Endangered

T = Threatened

S = Special Concern

H = Historic

X = Extirpated

#### Clouse, Tom (KYTC-D08)

From:

Turner, Rebecca (KYTC)

Sent:

Wednesday, June 14, 2006 8:42 AM

To:

Shields, Carl (KYTC); Harmon, Dave (KYTC); Clouse, Tom (KYTC-D08)

Cc:

Blair, Cathi (KYTC-D08); Hixon, James (KYTC)

Subject:

RE: 8-136 Cumberland/Metcalfe KY 90

Historic comments: (hard copy to follow)

A topo is attached to the letter from Tom Clouse and indicates red and blue dots that denotes historic sites that have been surveyed in the project vicinity. These dots and other sites should be re-evaluated and evaluated respectively to determine the eligibility of the structures.

The area between Burkesville and Marrowbone was part of John Hunt Morgan's Last Raid through Kentucky in 1863. The Morgan Trail has been established since the last survey of historic structures and other structures may be located adjacent to the project that have not yet been identified.

A full baseline for cultural historic resources is recommended for the entire project. Although the project is for spot improvements, a full baseline for historic could be used as a tool by the project team to inform them of all challenges along KY 90.

Let me know if you have further questions.

Rebecca Horn Turner Historic Preservation Coordinator Kentucky Transportation Cabinet Division of Environmental Analysis 200 Mero Frankfort, Kentucky 40622 502-564-7250

#### ----Original Message----

From:

Shields, Carl (KYTC)

Sent:

Tuesday, June 13, 2006 3:42 PM

To: Cc:

Harmon, Dave (KYTC); Clouse, Tom (KYTC-D08)

Turner, Rebecca (KYTC); Blair, Cathi (KYTC-D08); Hixon, James (KYTC)

Subject:

8-136 Cumberland/Metcalfe KY 90

Archaeology comments for 8-136 (Cumberland-Metcalfe) Pre-Design scoping study:

#### Previous Archaeological Work:

Not much archaeological survey has been conducted within the corridor. Surveys include the proposed KY 90 relocation (1977), the KY 90 Slate Creek alignment (1979), the Wolf Creek Dam cargo lift area (1980), the realignment of KY 163 (1999), and the KY 100 bridge replacement over Marrowbone (2004). These surveys all recorded archaeological sites, but most were not examined sufficiently to determine eligibility to the National Register. Recorded archaeological sites within the overall corridor include historic homes and farmsteads, rock shelters, and Native American open-air habitation. However, none have been examined sufficiently to determine eligibility to the National Register, and none are listed on the National Register.

#### Archaeological Potential:

Additional prehistoric (Native American) sites can be expected within the corridor. Locations range from open-air habitations in upland settings and floodplains, and rock shelters. The age of sites within the

corridor range from the Early Archaic, through the Woodland, and into the Late Prehistoric. Paleo-Indian sites could also be expected. If present, significant prehistoric sites would likely be located in alluvial areas adjacent to Marrowbone Creek and Glover Creek, and in rock shelters, where proposed alternates cross deeply dissected uplands.

Additional historic sites can be expected within the corridor. The KY 90 corridor has been in existence since the early 1800's and early farmsteads and historic homes are likely. Civil War activities include both Union and Confederate camps at Marrowbone. Confederate General John Hunt Morgan's Great Raid into Kentucky began July 1, 1863, when he and some 2,500 troops crossed the Cumberland River into Burkesville. At that time, about 3000 Federal troops were encamped at Marrowbone. During the raid, a skirmish occurred along KY 90 in the vicinity of Norris Branch (July 2, 1863) <a href="http://www.10000trails.com/morgan/index.html">http://www.10000trails.com/morgan/index.html</a>. Remnants of Civil War activities may be present from Marrowbone to Burkesville. Significant historic archaeological sites would likely relate to early settlement and the Civil War.

#### Spot Improvements/Archaeological Concerns or Comments

1-1/Alluvial setting - potential for deeply buried sites

1-2/Alluvial setting - potential for deeply buried sites

3/Portions have been previously surveyed

7-1/Potential for rock shelters

7-2/Potential for rock shelters

8/Potential Civil War activities

9/Alluvial setting - potential for deeply buried sites

11/Portions have been previously surveyed

12/Alluvial setting - potential for deeply buried sites

13/Alluvial setting - potential for deeply buried sites

14/Potential Civil War activities

15/Potential for rock shelters and Civil War activities

16/Slight potential for rock shelters

17/Potential for rock shelters

#### Summary/Recommendations:

There are no known significant sites within the spot improvements or the corridor. Little work has been done in the corridor, but there is a potential for significant sites. At this stage no recommendations can be made for avoidance or alignment selection. Additional archival research may shed more light on specific Civil War activities and locations within the corridor. Once the project moves to Design, archaeological work will likely be required. An early focus on identifying significant rock shelters and deeply buried sites may allow for avoidance or minimization early in the process.

#### Carl

Carl R. Shields - Archaeologist Kentucky Transportation Cabinet Division of Environmental Analysis 200 Mero Street Frankfort, Kentucky 40622 phone: (502) 564-7250 x3345 fax: (502) 564-5655 Carl.Shields@ky.gov

#### Clouse, Tom (KYTC-D08)

From:

Shields, Carl (KYTC)

Sent:

Tuesday, June 13, 2006 3:42 PM

To:

Harmon, Dave (KYTC); Clouse, Tom (KYTC-D08)

Cc:

Turner, Rebecca (KYTC); Blair, Cathi (KYTC-D08); Hixon, James (KYTC)

Subject:

8-136 Cumberland/Metcalfe KY 90

Archaeology comments for 8-136 (Cumberland-Metcalfe) Pre-Design scoping study:

#### Previous Archaeological Work:

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#### Archaeological Potential:

Additional prehistoric (Native American) sites can be expected within the corridor. Locations range from openair habitations in upland settings and floodplains, and rock shelters. The age of sites within the corridor range from the Early Archaic, through the Woodland, and into the Late Prehistoric. Paleo-Indian sites could also be expected. If present, significant prehistoric sites would likely be located in alluvial areas adjacent to Marrowbone Creek and Glover Creek, and in rock shelters, where proposed alternates cross deeply dissected uplands.

Additional historic sites can be expected within the corridor. The KY 90 corridor has been in existence since the early 1800's and early farmsteads and historic homes are likely. Civil War activities include both Union and Confederate camps at Marrowbone. Confederate General John Hunt Morgan's Great Raid into Kentucky began July 1, 1863, when he and some 2,500 troops crossed the Cumberland River into Burkesville. At that time, about 3000 Federal troops were encamped at Marrowbone. During the raid, a skirmish occurred along KY 90 in the vicinity of Norris Branch (July 2, 1863) <a href="http://www.10000trails.com/morgan/index.html">http://www.10000trails.com/morgan/index.html</a>. Remnants of Civil War activities may be present from Marrowbone to Burkesville. Significant historic archaeological sites would likely relate to early settlement and the Civil War.

#### Spot Improvements/Archaeological Concerns or Comments

1-1/Alluvial setting - potential for deeply buried sites

1-2/Alluvial setting - potential for deeply buried sites

3/Portions have been previously surveyed

7-1/Potential for rock shelters

7-2/Potential for rock shelters

8/Potential Civil War activities

9/Alluvial setting - potential for deeply buried sites

11/Portions have been previously surveyed

12/Alluvial setting - potential for deeply buried sites

13/Alluvial setting - potential for deeply buried sites

14/Potential Civil War activities

15/Potential for rock shelters and Civil War activities

16/Slight potential for rock shelters

17/Potential for rock shelters

#### Summary/Recommendations:

There are no known significant sites within the spot improvements or the corridor. Little work has been done in the corridor, but there is a potential for significant sites. At this stage no recommendations can be made for avoidance or alignment selection. Additional archival research may shed more light on specific Civil War activities and locations within the corridor. Once the project moves to Design, archaeological work will likely be required. An early focus on identifying significant rock shelters and deeply buried sites may allow for avoidance or minimization early in the process.

#### Carl

Carl R. Shields - Archaeologist Kentucky Transportation Cabinet Division of Environmental Analysis 200 Mero Street Frankfort, Kentucky 40622 phone: (502) 564-7250 x3345 fax: (502) 564-5655

Carl.Shields@ky.gov



#### **ENVIRONMENTAL AND PUBLIC PROTECTION CABINET**

**Ernie Fletcher** Governor

Division of Conservation 375 Versailles Road Frankfort, Kentucky 40601 Phone (502) 573-3080 Fax (502) 573-1692 www.conservation.ky.gov LaJuana S. Wilcher Secretary

Stephen A. Coleman Director

June 27, 2006

Mr. Tom Clouse, P.E. Kentucky Transportation Cabinet P.O. Box 780 Somerset, KY 42502

Subject: Pre-Design Scoping Study for KY 90 Improvements in Cumberland-Metcalfe Counties

Dear Mr. Clouse:

As requested, the Division of Conservation has reviewed the proposed study for spot improvements along KY 90 between Burkesville and the Metcalfe/Barren County line. The following comments and concerns provided may be helpful in this initial data-gathering stage to minimize or avoid negative impacts.

There are no agricultural districts or agricultural conservation easements established in the project area, therefore land enrolled in the Agricultural District Program or PACE Program will not have to be mitigated by the Department of Transportation.

We would like to see the issue of the loss of farmland addressed. Every year pressure imposed by utility right-of-ways, urban expansion, and new roads reduce the land available for agricultural use in the Commonwealth. There are three documents that could be utilized to identify these farmland designations: the Soil Survey of Metcalfe County (NRCS 1967), the Soil Survey of Cumberland County (NRCS 1998), and Important Farmland Soils of Kentucky (NRCS 1981). These documents are available through this office. The soil survey information can also be downloaded at the following web site: <a href="http://soildatamart.nrcs.usda.gov/">http://soildatamart.nrcs.usda.gov/</a>.

One other concern we would like to comment on is the control of erosion and sedimentation during and after earth-disturbing activities once this project begins. We recommend best management practices (BMPs) be utilized to prevent nonpoint source water pollution. This would protect the water quality and aquatic habitat of the perennial and intermittent streams that this project could impact.

"这一大,我们还是我们的我们,我们还是我<mark>是我想到</mark>你的身边,我们也是我的一起,我们还是这一个人,就是这一个人。"

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Mr. Tom Clouse June 27, 2006 Page Two

The manual, Best Management Practices for Construction Activities, contains information on the kinds of BMPs most appropriate for this project and is available through the Metcalfe or Cumberland County Conservation Districts, the Kentucky Division of Water, and this office. Also an electronic version of the Kentucky Erosion Prevention and Sediment Control Field Guide is available online at <a href="http://www.water.ky.gov/sw/nps/Publications.htm">http://www.water.ky.gov/sw/nps/Publications.htm</a>

We appreciate the opportunity to comment on this project. If you have any questions, please contact this office any time.

Sincerely,

Stephen A. Coleman, Director

Kentucky Division of Conservation

SAC/MD/aeh



## ENVIRONMENTAL AND PUBLIC PROTECTION CABINET DEPARTMENT FOR NATURAL RESOURCES

**Ernie Fletcher** Governor

2 Hudson Hollow Frankfort, Kentucky 40601 Phone (502) 564-6940 Fax (502) 564-5698 www.naturalresources.ky.gov www.kentucky.gov

LaJuana S. Wilcher Secretary

> Susan C. Bush Commissioner

June 13, 2006

Tom Clouse, P.E. Kentucky Transportation Cabinet TEBM Planning P.O. Box 780 Somerset, Kentucky 42502

RE: Pre-Design Scoping Study
Cumberland-Metcalfe Counties
KY 90 Spot Improvements
From Burkesville to the Metcalfe/Barren County Line
Item No. 8-136.00

Dear Mr. Clouse:

Thank you for the opportunity to comment on the proposed improvements on KY 90 in Metcalfe and Cumberland Counties, Kentucky. The Department for Natural Resources has examined the documentation for the above Pre-Design Scoping Study. The Kentucky Divisions of Forestry and Mine Reclamation and Enforcement offer the following comments.

#### **Division of Forestry:**

- ➤ Utilizing the map in Exhibit 2, the proposed changes in Sections 1-1 and 1-2 in the Summer Shade District will have a minimal impact on the forestland in this area. The proposed changes will primarily affect small patches of forest (2-5 acres in size), primarily fencerow trees. The small patches of forest affected have already been fragmented due to power/gas line rights of way. Essentially the affects on the forestland in this proposed area are negligible.
- > Sections 4-1 and 4-2 in the Beaumont District will affect only a small-forested area. Nothing out of the ordinary was found in this area, thus impacts to the forestland will be slight.
- > Sections 5 and 6 do not involve any forestland.



Tom Clouse, P.E. Kentucky Transportation Cabinet June 13, 2006 Page Two

- Sections 7-1 and 7-2 in the Marrowbone Bypass area will have the greatest impact on timberland. The timber here is typical timber for the area, with no extraordinary features. This forestland has been harvested within the last twenty years and was burned extensively during the 1999 fire season. A large expanse of forestland would border this "bypass" area and fragmentation is not a concern.
  - > Section 9 involves no forestland.
  - Sections 10-1 and 10-2 in the Waterview District: Section 10-1 will affect two small forestland areas as well as a couple of wooded fencerows. Section 10-2 would affect a smaller percentage of forestland than Section 10-1. The forestlands affected are very common for the area.
  - > Sections 11, 12, 13 and 14 do not involve any forestland changes.
  - Section 15 will affect an area very similar to that of sections 7-1 and 7-2. A small percentage of woodland will be sectioned off the front of an expansive forestland. The timber on this property is very common for the area.
  - > Section 16 would affect a small portion of common timber.
  - > Section 17 will affect a significant portion of the hillsides in the proposed area. This land is very steep and suitable for little else than timber. The timber in this area is common as well.
  - > Section 18 will not affect the forested areas.

#### Division of Mine Reclamation and Enforcement:

This division regulates mining activities for the state. Review of the agency records indicates an active limestone quarry operating approximately ½ mile south of the community of Grider in Cumberland County. The specific details of the operation are outlined below and shown on the attached map.

Gaddie-Shamrock LLC Permit # 029-9400 Latitude 36847'56.52"; Longitude -85825'41.47" Permittee Address: PO Box 257 Columbia, KY 42728

Contact: Roy Beard

Phone: (502) 384-2451

Tom Clouse, P.E. Kentucky Transportation Cabinet June 13, 2006 Page Three

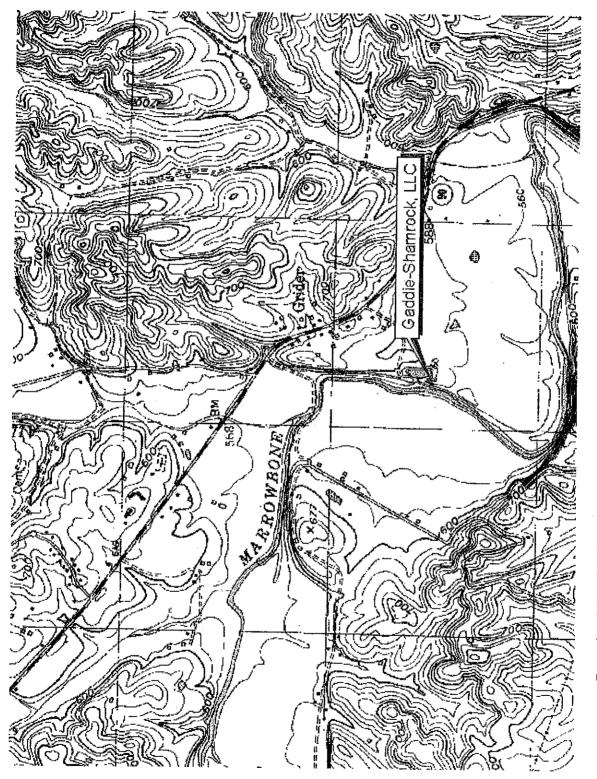
Review of records associated with the 'mined' out coal beds in the footprint of your proposed project does not indicate the presence of any abandoned or active underground mines within the area of interest.

Please contact Linda Potter in the Commissioner's Office at (502) 564-6940 if you need additional information.

Sincerely,

Susan C. Bush Commissioner

Kentucky Department for Natural Resources



Location Map for Gaddie-Shamrock Limestone Quarry, Noncoal Permit #029-9400.



### ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Ernie Fletcher Governor

**Department for Natural Resources** 

2 Hudson Hollow Frankfort, Kentucky 40601 Phone: (502) 564-6940 Fax: (502) 564-5698 www.naturalresources.ky.gov www.kentucky.gov

May 31, 2006

LaJuana S. Wilcher Secretary

> Susan C. Bush Commissioner

Tom Clouse, P. E. Kentucky Transportation Cabinet P. O, Box 780 Somerset, KY 42502

SUBJECT:

Pre-Design Scoping Study Cumberland-Metcalfe Counties KY 90 Spot Improvements

From Burkesville to the Metcalfe/Barren County Line

Item No. 8-136.00

Dear Mr. Clouse:

Thank you for the opportunity to comment on the proposed road improvement projects on KY 90 in Metcalfe and Cumberland Counties, Kentucky.

Our agency regulates mining activities for the state. Review of our division records indicates an active limestone quarry operating approximately ½ mile south of the community of Grider in Cumberland County. The specific details of the operation are outlined below and on the attached map.

Gaddie-Shamrock LLC Permit # 029-9400 Latitude 36°47'56.52"; Longitude -85°25'41.47" Permittee Address: PO Box 257

Columbia, KY 42728

Contact: Roy Beard Phone: (502) 384-2451

Review of records associated with the 'mined' out coal beds in the footprint of your proposed project does not indicate the presence of any abandoned or active underground mines within the area of interest.



Memo – Clouse May 31, 2006 Page 2

I appreciate the notification and the opportunity to comment on the proposed project. If you have any questions regarding this correspondence, please feel free to contact Jim McKenzie or Pam Carew at (502) 564-2340.

Sincerely,

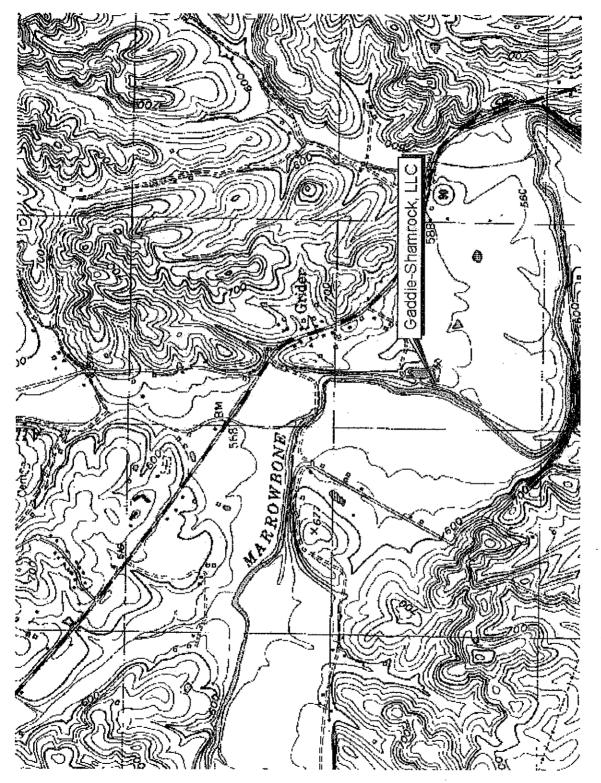
Paul Rothman, Director

Division of Mine Reclamation and Enforcement

PR/pbc

Attachment

cc: Jim McKenzie



Location Map for Gaddie-Shamrock Limestone Quarry, Noncoal Permit #029-9400.



# COMMONWEALTH OF KENTUCKY ENVIRONMENTAL AND PUBLIC PROTECTION CABINET DEPARTMENT FOR ENVIRONMENTAL PROTECTION DIVISION FOR AIR QUALITY

803 SCHENKEL LN FRANKFORT, KY 40601-1403

June 29, 2006

Mr. Tom Clouse, P.E. Kentucky Transportation Cabinet P.O. Box 780 Somerset, Kentucky 42502

Dear Mr. Clouse,

The Division has reviewed the pre-design scoping study for evaluating proposed "spot improvements" along KY 90 between Burkesville and the Metcalfe/Barren County line, Item Number 08-136.00. The following Kentucky Administrative Regulations apply to this proposed project:

Kentucky Division for Air Quality Regulation 401 KAR 63:010 Fugitive Emissions states that no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored without taking reasonable precaution to prevent particulate matter from becoming airborne. Additional requirements include the covering of open bodied trucks, operating outside the work area transporting materials likely to become airborne, and that no one shall allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway. Please note the Fugitive Emissions Fact Sheet located at http://www.air.ky.gov/e\_clearinghouse.html.

Kentucky Division for Air Quality Regulation 401 KAR 63:005 states that open burning is prohibited. Open Burning is defined as the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney. However, open burning may be utilized for the expressed purposes listed on the Open Burning Fact Sheet incorporated by reference in 401 KAR 63:005 Section 3, Prohibition of Open Burning. The Fact Sheet is located at http://www.air.ky.gov/e\_clearinghouse.html.

Finally, the projects listed in this document must meet the conformity requirements of the Clean Air Act as amended and the transportation planning provisions of Title 23 and Title 49 of United States Code.



Mr. Tom Clouse Letter June 29, 2006 Page 2

Every effort should be made to maintain compliance with the preceding regulations and requirements. The Division also suggests an investigation into compliance with applicable regulations in the local governments. If there are any questions relating to this matter, please contact me at (502) 573-3382 extension 347.

John E. Gowins

Supervisor, Evaluation Section

Prøgram Planning & Administration Branch

JEG/jmf

From:

Winsett, Robert (KSP)

Sent:

Thursday, June 29, 2006 12:45 AM

To: Cc: Clouse, Tom (KYTC-D08)

Subject:

Speck, Greg (KSP); Hancock, Jeff (KSP) Pre-Design Scoping Study Item No. 8-136.00

RE:

Pre-Design Scoping Study Cumberland-Metcalfe Counties KY 90 Spot Improvements

From Burkesville to the Metcalfe/Barren County Line

Item No. 8-136.00

#### Dear Mr. Clouse.

I have conducted a survey with the troopers in my squad that work the area of KY 90 in Cumberland County and Metcalfe County, and obtained the following recommendations. Some of these may have already been addressed in your study. The recommendations are for the current route of KY 90.

#### **Cumberland County:**

- 1. Area commonly called Sawmill Cuts (S curves just out of Burkesville) are very slick when wet.
- 2. Junction of 691 This intersection is in the curve. This has caused several wrecks and complaints.
- 3. Claylick Hill Sharp left curve as westbound that motorist over steer.
- Junction of Allen's Creek Blind pullout onto KY 90.
- 5. Dutch Creek Bridge Vehicles loose traction when approaching the bridge.
- 6. Junction of KY 100 There is a blind spot pulling out onto KY 90.
- 7. Hadley Stretch Vehicles passing causing head on collisions. Passing lane needed.
- 8. Curve west at KY 969 Vehicles enter too fast and loose control.
- 9. Dubree Store area There is a sharp curve where several accidents have occurred.
- Cumberland/Metcalfe County line There is a sharp curve that should be eliminated.

#### Metclafe County:

Intersection of KY 163 - There is a hillcrest that should be eliminated. Limited traffic view.

Should you need any additional information or assistance, please don't hesitate to contact Captain Speck, Lieutenant Roper of myself at Post 15.

Sincerely,

Sergeant Robert Winsett For Captain Greg Speck

Sgt. Robert W. Winsett Post 15 Columbia Kentucky State Police (270) 384-4796 Robert.Winsett@ky.gov

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From:

Houlihan, John (KYTC)

Sent:

Wednesday, May 31, 2006 2:26 PM

To:

Clouse, Tom (KYTC-D08)

Subject:

Pre-Design Scoping Study Item No. 8-136.00

Mr. Clouse,

I have reviewed the proposed route for the KY 90 Spot Improvements and have found the proposed construction will have no adverse effect on air navigation. However, if any structure or construction equipment exceeds 200 feet above ground level, it will require a permit from the KY Airport Zoning Commission. If you have any questions, please let me know.

Kentucky Airport Zoning Commission John Houlihan, Administrator 200 Mero Street Frankfort KY 40622 502.564.9900 Ext. 3854 Fax 502.564.7953 www.transportation.ky.gov/aviation/zoning.htm

Mark your calendar:
The 2006 Kentucky Aviation Conference
September 13-15
Crowne Plaza (The Campbell House) Lexington, KY
www.transportation.ky.gov/aviation

From:

Palmer-Ball, Brainard (EPPC OOS KNPC)

Sent:

Monday, July 03, 2006 9:51 AM

To: Cc: Clouse, Tom (KYTC-D08) Phil DeGarmo (E-mail)

Subject:

KY 90 Scoping Study, Metcalfe/Cumberland cos

Mr. Clouse,

We have reviewed the KY 90 spot improvements pre-design scoping study for Metcalfe/Cumberland counties. There may be issues concerning Gray bat (Myotis grisescens) and several rare aquatic species (mussels and fish) within the project area that should be addressed. Most can likely be mitigated for by assuring that strict erosion and sediment control measures are enforced and that stream crossings be conducted in the most environmentally sensitive manner as is possible.

Brainard Palmer-Ball, Jr. KSNPC -- Environmental Review Coordinator

From: Cathy Nunn [cnunn@scrtc.com]

Sent: Wednesday, May 31, 2006 7:35 AM

To: Clouse, Tom (KYTC-D08)

Subject: KY 90 SPOT IMPROVEMENTS

This project would be a asset to our community because it would complete the connection for the scenic byway. This could give us the next step to National Scenic Byway development, without this connection it will be impossible. This could lead to economic growth for our county. The cross road has always been a dangerous stop, would love to see something good happen there.

Cathy Nunn Tourism Director Metcalfe County

FREE Emoticons for your email! Click Here!



MAGISTRATES:

Dist. 1 Thomas Brown

Dist. 2 Edward Anderson

Dist. 3 J.V. Groce

Dist. 4 Earl Branham

# Cumberland County Judge Executive

## TIM HICKS

P.O. BOX 826 • BURKESVILLE, KY 42717-0826 OFFICE: 270-864-3444 • FAX: 270-864-1757 • HOME: 270/433-6477 DEPUTY JUDGE Eugenia Ferguson

COUNTY TREASURER Stacey Thrasher

June 23, 2006

Mr. Tom Clouse, P. E. Kentucky Transportation Cabinet P.O. Box 780 Somerset, KY 42502

Dear Mr. Clouse,

My recommendation as Deputy Judge Executive, would be for the team to look at Highway 90 West approximately one half mile from city of Burkesville (called the Saw Mill Cut). Personally, I have lived within 2 miles of the Saw Mill Cut for 40 years, and within that 40 years, there have been an unbelievable amount of accidents, and numerous deaths as a result.

As I stated above, speaking from experience living on Highway 90, the traffic is astronomical. With Cagle Industry semi-trucks, and visitor's to Dale Hollow State Resort Park, etc.... it is a 24-7 heavily traveled highway.

It would be greatly appreciated is you would consider this particular stretch of Highway 90 West.

Sincerely,
Cagua Occusor

Eugenia Ferguson
Deputy Judge Executive

CUMBERLAND COUNTY

# Burkesville Police Department

9.0. Box 250 Burkesville, Kentucky 42717

Phone 270 -864 -4141 Fax 270 - 864 - 1795 TDD 270 -864 -4141

June 23, 2006

Stevie Wheat Chief of Police Burkesville Police Department P.O. Box 250 Burkesville, Kentucky 42717

Mr Clouse:

Thank you for asking for our input and comments on Item #8-136-00. We have an area here locally known as the Sawmill Cut. It is located within the city limits and between point 18 and point 16 on the map that you sent us. We are very concerned about this stretch of roadway due to the number of accidents including fatalities that occur there. Any consideration that you could give to this area would be greatly appreciated.

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Stevie Wheat

Chief of Police

Burkesville Police Department