APPENDIX G – AGENCY CORRESPONDENCE

Appendix G – Agency Correspondence

- Table G-1. Correspondence Tracking
- Federal Agencies
- State Agencies
- Local Agencies

Table G-1. Correspondence Tracking

Agency/Organization Name	Contact Name	Title	Response Date(s)
Federal Agencies			
U.S. Army Corps of Engineers (USACE) Louisville District	Ian Mitchell	Louisville Regulatory Branch	
U.S. Environmental Protection Agency (EPA) Region 4	Jeaneanne Gettle	Region 4 Administrator	
U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS)	Perri Brown	Resource Soil Scientist	November 1, 2024
U.S. Fish and Wildlife Services (USFWS)	Lee Andrews, Karah Jaffe	Kentucky Ecological Services Field Office	December 3, 2024
Federal Aviation Administration (FAA)	Benjamin Mayberry	Frontline Manager	
State Agencies			
Kentucky Heritage Council	Patricia Hutchins	Archaeology Review Coordinator	September 24, 2024
Kentucky Energy and Environment Cabinet	Gordon Slone	Commissioner	July 31, 2024
Kentucky Department of Fish and Wildlife Resources (DFWR)	Travis Neal	Primary Conservation Officer	
Kentucky Transportation Cabinet (KYTC)	Jami West	Environmental Coordinator	
Kentucky Department of Aviation (KDOA)	Mark Carter	Commissioner	July 31, 2024
Kentucky Energy and Environment Cabinet	Rebecca Goodman	Secretary	July 31, 2024
Kentucky Department of Environmental Protection	Tony Hatton	Commissioner	August 24, 2024
Kentucky Division for Air Quality	Michael Kennedy	Director	July 31, 2024
Kentucky Division of Water	Sarah Gaddis	Director	
Kentucky Division of Waste Management	Brian Osterman	Director	
Local Agencies			
Casey County Clerks Office	Casey Davis	Clerk	

Federal Agencies

U.S. Army Corps of Engineers (USACE)

From:	Morrison, Jordan
To:	jan.mitchell@usace.army.mil
Cc:	Regan.Michael@epa.gov; andrew.berke@usda.gov; jospeh.ranson@usda.gov; robert.deems@usda.gov; kate.moore@usda.gov; suzanne.kopich@usda.gov; Josh Young; Howell, Chris; Grace, Erika A; jerry.purvis@ekpc.coop
Bcc:	don.mosier@ekpc.coop; david.samford@ekpc.coop; craig.johnson@ekpc.coop; brad.young@ekpc.coop
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Tuesday, July 30, 2024 5:04:00 PM
Attachments:	Liberty_US Army Corps of Engineers_073024.pdf

Mr. Mitchell,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

Please review the attached letter and provide a response within 30 days (August 30, 2024) to Jerry Purvis, EKPC VP Environmental Affairs, via email at: jerry.purvis@ekpc.coop, voice call at: 859.745.9244, or physical mail at: P.O. Box 707, Winchester, KY 40391, with reference to the proposed Liberty RICE Plant Project.

Jordan Morrison \ Burns & McDonnell
Assistant Environmental Scientist | ENS
pronouns: she/her
jmorrison2@burnsmcd.com \ burnsmcd.com
80 International Dr, Suite 500, Greenville, SC 29615

U.S. Environmental Protection Agency (USEPA)

From:	Morrison, Jordan
To:	"Gettle.Jeaneanne@epa.gov"
Cc:	"Regan.Michael@epa.gov"; "andrew.berke@usda.gov"; "jospeh.ranson@usda.gov"; "robert.deems@usda.gov"; "kate.moore@usda.gov"; "suzanne.kopich@usda.gov"; Josh Young; Howell, Chris; Grace, Erika A; "jerry.purvis@ekpc.coop"
Bcc:	"don.mosier@ekpc.coop"; "david.samford@ekpc.coop"; "craig.johnson@ekpc.coop"; "brad.young@ekpc.coop"
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Tuesday, July 30, 2024 5:04:00 PM
Attachments:	Liberty_US Environmental Protection Agency_073024.pdf

Ms. Gettle,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

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Jordan Morrison \ Burns & McDonnell
Assistant Environmental Scientist | ENS
pronouns: she/her
jmorrison2@burnsmcd.com \ burnsmcd.com
80 International Dr, Suite 500, Greenville, SC 29615

U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS)

From:	Morrison, Jordan
To:	"eric.allness@usda.gov"
Cc:	"Regan.Michael@epa.gov"; "andrew.berke@usda.gov"; "jospeh.ranson@usda.gov"; "robert.deems@usda.gov"; "kate.moore@usda.gov"; "suzanne.kopich@usda.gov"; Josh Young; Howell, Chris; Grace, Erika A; "jerry.purvis@ekpc.coop"
Bcc:	"don.mosier@ekpc.coop"; "david.samford@ekpc.coop"; "craig.johnson@ekpc.coop"; "brad.young@ekpc.coop"
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Tuesday, July 30, 2024 5:04:00 PM
Attachments:	Liberty_USDA Natural Resources Conservation Service_073024.pdf

Mr. Allness,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

Please review the attached letter and provide a response within 30 days (August 30, 2024) to Jerry Purvis, EKPC VP Environmental Affairs, via email at: jerry.purvis@ekpc.coop, voice call at: 859.745.9244, or physical mail at: P.O. Box 707, Winchester, KY 40391, with reference to the proposed Liberty RICE Plant Project.

Jordan Morrison \ Burns & McDonnell
Assistant Environmental Scientist | ENS
pronouns: she/her
jmorrison2@burnsmcd.com \ burnsmcd.com
80 International Dr, Suite 500, Greenville, SC 29615

From: Josh Young <josh.young@ekpc.coop>
Sent: Monday, October 7, 2024 4:19 PM
To: Brown, Perri - FPAC-NRCS, KY <Perri.Brown@usda.gov>
Cc: Sarah Sams <sarah.sams@ekpc.coop>; Howell, Chris <chowell@burnsmcd.com>
Subject: Data Request - Liberty Reciprocating Internal Combustion Engine (RICE) Generating Facility Project

Good afternoon Perri,

EKPC is proposing to construct the Liberty Reciprocating Internal Combustion Engine (RICE) Generating Facility Project in Casey County, Kentucky. The Liberty RICE plant would be constructed within a 92-acre parcel of primarily cleared agricultural land approximately 3.5 miles north of the city of Liberty, located south of the intersection of Carl Sasser Rd and KY Hwy 49, and centered at 37.369806, -84.959253 (see attached maps). The purpose for the project, would be to construct a natural gas-fired generation facility that can provide up to 220 megawatts of electricity to support the reliability and resiliency of the EKPC electric power system. The Project would provide a new generation source in the area, which would help meet anticipated future demands, specifically ramping/voltage support for new renewable energy projects, using technology that reduces water usage and air emissions compared to conventional natural gas turbines and combustion turbines.

As currently planned, the Proposed Action would consist of the following (see attached maps for proposed locations):

- Site preparation (clearing and grading) of portions of the Project Site (impacts to forest, streams, and wetlands would be avoided to the maximum extent practicable);
- Creation of temporary laydown, staging, and parking areas during construction activities, and excavation of a new 2.5-acre stormwater pond;
- Construction of a new RICE plant comprised of 11 individual 20-MW reciprocating engines and associated equipment;
- Construction of a new transmission line (less than 1 mile long), associated transmission switchyard, and approximately 9-acre right-of-way (ROW) based on a total corridor width of 300 ft;
- Construction of new lateral connection to a third-party gas line (roughly 5-acre corridor surveyed); and
- Rebuilding an existing water line (approximately 0.5-acre corridor surveyed).
- Rebuild of an approximately 7.5-mile segment of the South Casey County-Liberty Junction transmission line with an approximately 136-acre ROW based on a total corridor width of 150 ft (Figure 1);

- Miscellaneous upgrades (e.g., OPGW installation, conductor operating temperature increases, transformer replacements, etc.) to the existing EKPC transmission system in the vicinity of the Project;

I have included an AD-1006 form for the site land conversion. The total acreage of the project area is 108 acres and the Total Acres to be Converted Directly for development of the generating facility is 53 acres. Approximately 31.2 acres would be indirectly affected while being used as a temporary laydown/staging yard during construction, and would be taken out of agricultural use but not permanently converted. The remaining 23.8 acres are within a forested drainage and will not be impacted by the project. The approximately 7.5-mile long South Casey County-Liberty Junction transmission line rebuild and line upgrade portions of the project would occur within the previously converted existing 150 foot wide ROW easements.

Additionally, EKPC would like to know if the project would impact any hydric soils or areas designated as floodplain. Attached are project maps showing the location of the project and shapefiles of the anticipated disturbance areas.

If you need any additional information or would like to discuss this project further, please let us know.

Sincerely,

Josh Young

East Kentucky Power Cooperative, Inc.

Manager, Natural Resources and Environmental Communications

4775 Lexington Road

Winchester, KY 40391

Office: (859) 745-9799

Cell: (859) 749-0553

josh.young@ekpc.coop

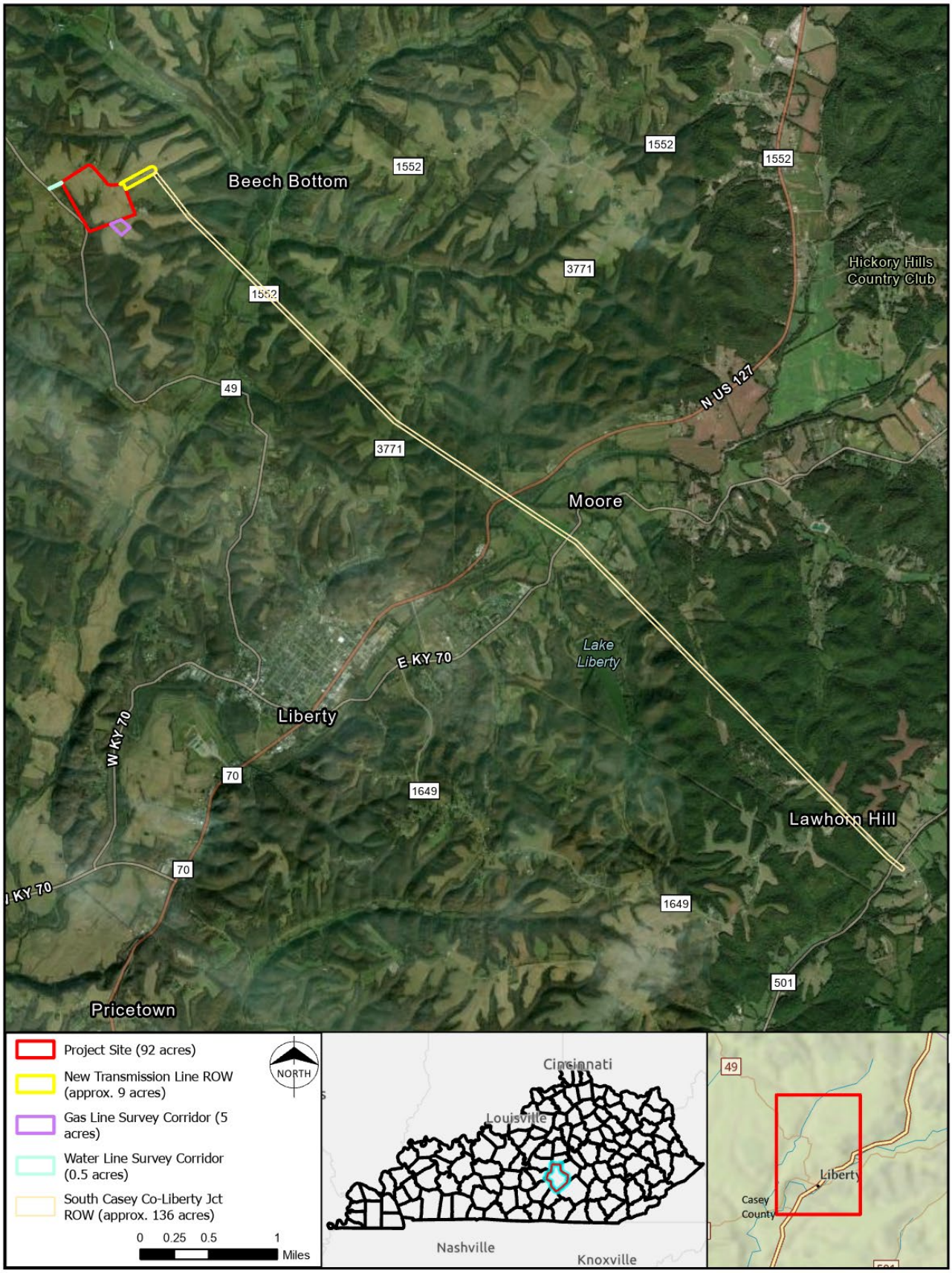
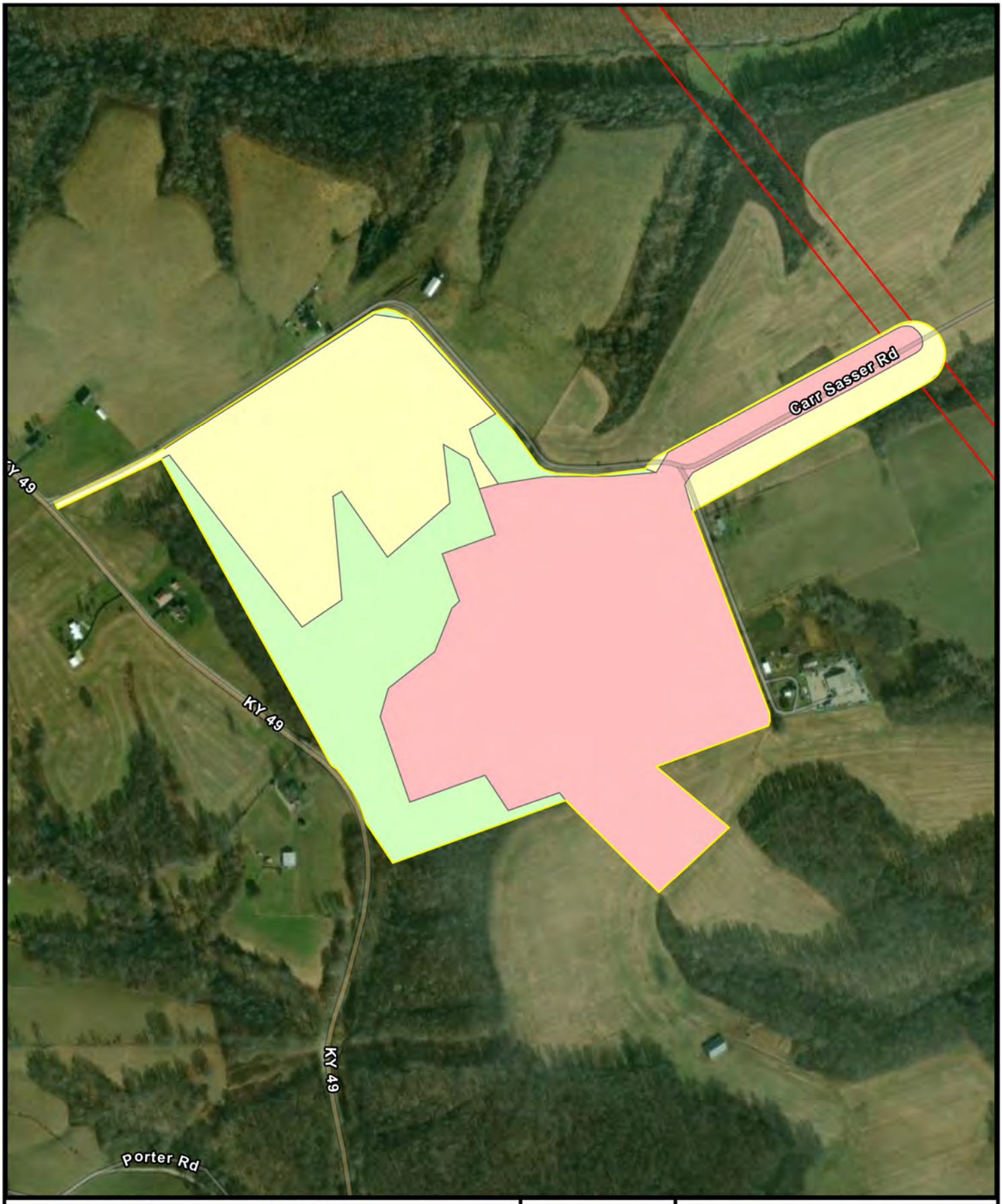


Figure 1. Liberty RICE Project Location Map



Transmission Line Upgrade and Rebuild 150-ft ROW (310 acres)

Liberty RICE Project Site (108 acres)

Undisturbed (23.8 acres)

Temporary Disturbance (31.2 acres)

Permanent Disturbance (53 acres)

NORTH

0 170 340 680 Feet

BURNS McDONNELL

Disturbance
Liberty RICE Project
East Kentucky Power Cooperative
Casey County, KY


Carr Sasser Rd
KY 49
KY 49
KY 49
Porter Rd
Liberty RICE Project Site (108 acres)
Transmission Upgrade and Rebuild 150-ft ROW (310 acres)
Reciprocating Internal Combustion Engine (RICE) Plant
Construction Parking
Stormwater Pond
Wartsila Engine Laydown Area
Trailer Complex
South Casey County Switching Station
Future Oil Tanks
Equipment Laydown Area
Access Roads
Water Line (0.6 mi)
Gas Line (0.4 mi)
Existing Gas Line
Stormwater Outfall Pipe (45 ft)
New Transmission Line (0.3 mi)
Casey County OPGW Upgrade (5.7 mi)
Liberty Junction Line Rebuild (7.5 mi)
Temporary Construction Fence
Perimeter Security Fence
NORTH
0 155 310 620
Feet
Proposed Project Site Layout
Liberty RICE Project
East Kentucky Power Cooperative
Casey County, KY

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request 10/07/24	
Name of Project Liberty RICE Generating Facility Project	Federal Agency Involved Rural Utilities Service	
Proposed Land Use Electrical Generating Facility	County and State Casey County, KY	
PART II *(To be completed by NRCS)*	Date Request Received By NRCS	Person Completing Form:

Does the site contain Prime, Unique, Statewide or Local Important Farmland? *(If no, the FPPA does not apply - do not complete additional parts of this form)*	YES ☐	NO ☐	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %		Amount of Farmland As Defined in FPPA Acres: %	
Name of Land Evaluation System Used	Name of State or Local Site Assessment System		Date Land Evaluation Returned by NRCS	

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	53			
B. Total Acres To Be Converted Indirectly	31.2			
C. Total Acres In Site	108			
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide Important or Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)				

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)*	**Maximum Points**	Site A	Site B	Site C	Site D
1. Area In Non-urban Use	(15)				
2. Perimeter In Non-urban Use	(10)				
3. Percent Of Site Being Farmed	(20)				
4. Protection Provided By State and Local Government	(20)				
5. Distance From Urban Built-up Area	(15)				
6. Distance To Urban Support Services	(15)				
7. Size Of Present Farm Unit Compared To Average	(10)				
8. Creation Of Non-farmable Farmland	(10)				
9. Availability Of Farm Support Services	(5)				
10. On-Farm Investments	(20)				
11. Effects Of Conversion On Farm Support Services	(10)				
12. Compatibility With Existing Agricultural Use	(10)				
TOTAL SITE ASSESSMENT POINTS	160	0	0	0	0
PART VII ***(To be completed by Federal Agency)***					
Relative Value Of Farmland *(From Part V)*	100	0	0	0	0
Total Site Assessment *(From Part VI above or local site assessment)*	160	0	0	0	0
TOTAL POINTS ***(Total of above 2 lines)***	260	0	0	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES ☐ NO ☐

Reason For Selection:

Name of Federal agency representative completing this form:	Date:

(See Instructions on reverse side) **Form AD-1006 (03-02)**

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, http://fppa.nrcs.usda.gov/lesa/.

Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s)of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map**,** or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)

Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.

Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.

Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.

Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.

Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

(For Federal Agency)

Part I: When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

Part VI: Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.

2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.
Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \text{ X } 160 = 144 \text{ points for Site A}$$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.

From: Brown, Perri - FPAC-NRCS, KY <Perri.Brown@usda.gov>
Sent: Friday, November 1, 2024 8:05 AM
To: Josh Young <josh.young@ekpc.coop>
Cc: Sarah Sams <sarah.sams@ekpc.coop>; Howell, Chris <chowell@burnsmcd.com>
Subject: RE: [External Email]Data Request - Liberty Reciprocating Internal Combustion Engine (RICE) Generating Facility Project

Josh,

The attached documents are in response to your request for the referenced project.

If I may be of additional assistance or if you have any further questions, please don't hesitate to contact me.

Thank you,

Perri P. Brown

Resource Soil Scientist

USDA Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE

3100 Alvey Park Drive W, Owensboro, KY 42303

p: (270) 684-9286 ext. 115 |

e: Perri.Brown@usda.gov | w: www.nrcs.usda.gov/Kentucky

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From: Josh Young <josh.young@ekpc.coop>
Sent: Monday, October 7, 2024 3:19 PM
To: Brown, Perri - FPAC-NRCS, KY <Perri.Brown@usda.gov>
Cc: Sarah Sams <sarah.sams@ekpc.coop>; Howell, Chris <chowell@burnsmcd.com>
Subject: [External Email]Data Request - Liberty Reciprocating Internal Combustion Engine (RICE) Generating Facility Project

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Additionally, EKPC would like to know if the project would impact any hydric soils or areas designated as floodplain. Attached are project maps showing the location of the project and shapefiles of the anticipated disturbance areas.

If you need any additional information or would like to discuss this project further, please let us know.

Sincerely,

Josh Young

East Kentucky Power Cooperative, Inc.

Manager, Natural Resources and Environmental Communications

4775 Lexington Road

Winchester, KY 40391

Office: (859) 745-9799

Cell: (859) 749-0553

josh.young@ekpc.coop

the Reason I Go Home Tonight

EKPC SAFETY IS RIGHT

Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE

Owensboro Service Center
3100 Alvey Park Drive W
Owensboro, KY 42303
PHONE: 270-684-9286

Josh Young
East Kentucky Power Cooperative
4775 Lexington Road
Winchester, KY 40391

November 1, 2024

RE: Liberty Reciprocating Internal Combustion Engine (RICE) Generating Facility Project

Dear Josh,

Enclosed is the Farmland Protection Policy Act (FPPA) site assessment for the proposed project in Casey County, Kentucky. The Natural Resources Conservation Service (NRCS) is mandated to provide information on the soils and/or impact to farmland according to the Farmland Protection Policy Act (P.L. 97-98) for projects that will be utilizing federal monies.

Based on the information contained in your request, it was determined that the proposed project has the potential to impact Prime Farmland/Farmland of Statewide Importance. The proposed project site has a relative LESA value of 85, as based on a scale of 0 to 100 points (see AD-1006). The percentage of farmland in Casey County having the same or higher value is 11.78%. The percentage of Casey County farmland to be converted as a result of the proposed action is 0.07%.

The proposed project contains no HYDRIC soils within the disturbance limits. Further information on this can be found within the enclosed Hydric Soils List for Casey County from the Kentucky Soil Survey.

Perri P. Brown

Perri P. Brown
Resource Soil Scientist
Perri.Brown@usda.gov

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request 10/07/24	
Name of Project Liberty RICE Generating Facility Project	Federal Agency Involved Rural Utilities Service	
Proposed Land Use Electrical Generating Facility	County and State Casey County, KY	
PART II *(To be completed by NRCS)*	Date Request Received By NRCS	Person Completing Form:

Does the site contain Prime, Unique, Statewide or Local Important Farmland? *(If no, the FPPA does not apply - do not complete additional parts of this form)*	YES ☐	NO ☐	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %		Amount of Farmland As Defined in FPPA Acres: %	
Name of Land Evaluation System Used	Name of State or Local Site Assessment System		Date Land Evaluation Returned by NRCS	

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	53			
B. Total Acres To Be Converted Indirectly	31.2			
C. Total Acres In Site	108			
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide Important or Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)				

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)*	**Maximum Points**	Site A	Site B	Site C	Site D
1. Area In Non-urban Use	(15)				
2. Perimeter In Non-urban Use	(10)				
3. Percent Of Site Being Farmed	(20)				
4. Protection Provided By State and Local Government	(20)				
5. Distance From Urban Built-up Area	(15)				
6. Distance To Urban Support Services	(15)				
7. Size Of Present Farm Unit Compared To Average	(10)				
8. Creation Of Non-farmable Farmland	(10)				
9. Availability Of Farm Support Services	(5)				
10. On-Farm Investments	(20)				
11. Effects Of Conversion On Farm Support Services	(10)				
12. Compatibility With Existing Agricultural Use	(10)				
TOTAL SITE ASSESSMENT POINTS	160	0	0	0	0
PART VII ***(To be completed by Federal Agency)***					
Relative Value Of Farmland *(From Part V)*	100	0	0	0	0
Total Site Assessment *(From Part VI above or local site assessment)*	160	0	0	0	0
TOTAL POINTS ***(Total of above 2 lines)***	260	0	0	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES ☐ NO ☐

Reason For Selection:

Name of Federal agency representative completing this form:	Date:

(See Instructions on reverse side) **Form AD-1006 (03-02)**

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, http://fppa.nrcs.usda.gov/lesa/.

Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s)of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map**,** or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)

Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.

Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.

Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.

Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.

Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

(For Federal Agency)

Part I: When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

Part VI: Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.

2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.
Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \text{ X } 160 = 144 \text{ points for Site A}$$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.

Hydric Soils

Casey County, Kentucky

[This report lists only those map unit components that are rated as hydric. Dashes (---) in any column indicate that the data were not included in the database. Definitions of hydric criteria codes are included at the end of the report]

Map symbol and map unit name	Component	Percent of map unit	Landform	Hydric rating	Hydric criteria
Jo:					
Johnsburg silt loam	Hydric soils	1	Drainageways	Yes	2
La:					
Lawrence silt loam, rarely flooded	Melvin, occasionally flooded	2	Flood plains	Yes	2
	Robertsville, rarely flooded	2	Stream terraces	Yes	2
Ln:					
Lindside silt loam, occasionally flooded	Melvin, occasionally flooded	1	Flood plains	Yes	2
Me:					
Melvin silt loam, 0 to 2 percent slopes, occasionally flooded	Melvin, occasionally flooded	90	Flood plains	Yes	2
Ne:					
Newark silt loam, 0 to 2 percent slopes, occasionally flooded	Melvin, ocassionally flooded	2	Flood plains	Yes	2
No:					
Nolin silt loam, 0 to 2 percent slopes, occasionally flooded	Dunning, occasionally flooded	1	Flood plains	Yes	2
Rb:					
Robertsville silt loam, 0 to 2 percent slopes, rarely flooded	Robertsville, rarely flooded	90	Stream terraces	Yes	2
	Melvin, frequently flooded	2	Flood plains	Yes	2
	Robertsville, ponded	1	Stream terraces	Yes	2, 3
Sk:					
Skidmore very gravelly loam, frequently flooded	Hydric soils	1	Flood plains	Yes	2
Yo:					
Yosemite gravelly silt loam, frequently flooded	Melvin, occasionally flooded	1	Flood plains	Yes	2

Hydric Soils

This table lists the map unit components that are rated as hydric soils in the survey area. This list can help in planning land uses; however, onsite investigation is recommended to determine the hydric soils on a specific site (National Research Council, 1995; Hurt and others, 2002).

The three essential characteristics of wetlands are hydrophytic vegetation, hydric soils, and wetland hydrology (Cowardin and others, 1979; U.S. Army Corps of Engineers, 1987; National Research Council, 1995; Tiner, 1985). Criteria for all of the characteristics must be met for areas to be identified as wetlands. Undrained hydric soils that have natural vegetation should support a dominant population of ecological wetland plant species. Hydric soils that have been converted to other uses should be capable of being restored to wetlands.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). These soils, under natural conditions, are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2003) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and others, 2002).

Hydric soils are identified by examining and describing the soil to a depth of about 20 inches. This depth may be greater if determination of an appropriate indicator so requires. It is always recommended that soils be excavated and described to the depth necessary for an understanding of the redoximorphic processes. Then, using the completed soil descriptions, soil scientists can compare the soil features required by each indicator and specify which indicators have been matched with the conditions observed in the soil. The soil can be identified as a hydric soil if at least one of the approved indicators is present.

Map units that are dominantly made up of hydric soils may have small areas, or inclusions, of nonhydric soils in the higher positions on the landform, and map units dominantly made up of nonhydric soils may have inclusions of hydric soils in the lower positions on the landform.

The criteria for hydric soils are represented by codes in the table (for example, 2B3). Definitions for the codes are as follows:

1. All Histels except for Folistels, and Histosols except for Folists.
2. Soils in Aquic suborders, great groups, or subgroups, Albolls suborder, Historthels great group, Histoturbels great group, Pachic subgroups, or Cumulic subgroups that:
   A. are somewhat poorly drained and have a water table at the surface (0.0 feet) during the growing season, or
   B. are poorly drained or very poorly drained and have either:
      1) a water table at the surface (0.0 feet) during the growing season if textures are coarse sand, sand, or fine sand in all layers within a depth of 20 inches, or
      2) a water table at a depth of 0.5 foot or less during the growing season if permeability is equal to or greater than 6.0 in/hr in all layers within a depth of 20 inches, or
      3) a water table at a depth of 1.0 foot or less during the growing season if permeability is less than 6.0 in/hr in any layer within a depth of 20 inches.
3. Soils that are frequently ponded for long or very long duration during the growing season.
4. Soils that are frequently flooded for long or very long duration during the growing season.

References:

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
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Hurt, G.W., P.M. Whited, and R.F. Pringle, editors. Version 5.0, 2002. Field indicators of hydric soils in the United States.
National Research Council. 1995. Wetlands: Characteristics and boundaries.
Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.
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Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service. U.S. Department of Agriculture Handbook 436.
Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.
United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.

U.S. Fish and Wildlife Service (USFWS)

From:	Morrison, Jordan
To:	leeandrews@fws.gov
Cc:	Regan.Michael@epa.gov; andrew.berke@usda.gov; jospeh.ranson@usda.gov; robert.deems@usda.gov; kate.moore@usda.gov; suzanne.kopich@usda.gov; Josh Young; Howell, Chris; Grace, Erika A
Bcc:	don.mosier@ekpc.coop; david.samford@ekpc.coop; craig.johnson@ekpc.coop; brad.young@ekpc.coop
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Tuesday, July 30, 2024 5:05:00 PM
Attachments:	Liberty_US Fish and Wildlife Service_073024.pdf

Mr. Andrews,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

Please review the attached letter and provide a response within 30 days (August 30, 2024) to Jerry Purvis, EKPC VP Environmental Affairs, via email at: jerry.purvis@ekpc.coop, voice call at: 859.745.9244, or physical mail at: P.O. Box 707, Winchester, KY 40391, with reference to the proposed Liberty RICE Plant Project.

Jordan Morrison \ Burns & McDonnell
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80 International Dr, Suite 500, Greenville, SC 29615

EAST KENTUCKY POWER COOPERATIVE

October 15, 2024

Mr. Lee Andrews
U.S. Fish and Wildlife Service
J. C. Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601

Dear Mr. Andrews,

East Kentucky Power Cooperative, Inc. (EKPC) plans to request financing from the U.S. Department of Agriculture (USDA), Rural Utilities Service (RUS) for construction of the proposed new generation facility project. Because EKPC plans to apply for project financing assistance from RUS, the proposal constitutes a Federal action subject to review in accordance with Rural Development's (RD) *Environmental Policy and Procedures* for implementing the National Environmental Policy Act (7 CFR Part 1970). On behalf of RUS, EKPC has conducted a biological assessment and respectfully submits this Request for Informal Consultation to the U.S. Fish and Wildlife Service, Kentucky Field Office (USFWS KFO) in accordance with Section 7 of the Endangered Species Act (16 U.S.C. 1531 et seq.) for the following proposed project:

Liberty Reciprocating Internal Combustion Engine Project

IPaC Project Code: 2025-0004951

EKPC is proposing to construct and operate the Liberty Reciprocating Internal Combustion Engine Project (Project) in Casey and Marion Counties, Kentucky. The Project would include construction and operation of a 220-megawatt (MW) reciprocating engine electrical generating facility. The Reciprocating Internal Combustion Engine (RICE) facility would be comprised of eleven (11) individual 20-MW engines that would be constructed at a new power generation facility located approximately 3.2 miles north of Liberty, Kentucky. The proposed RICE generating facility would be centered at approximately 38.369806°N, 84.959253°W. The addition of this new generation facility would also require upgrades to approximately 6.6 miles of existing electric transmission line, rebuild of approximately 7.6 mile of existing transmission line, and construction of 0.3 miles of new transmission line. Topographic maps and aerial photos depicting the location of the project are enclosed with this letter.

PROJECT DESCRIPTION

EKPC's electrical generation portfolio is focused on assets that are designed to support renewable project integration and energy efficiency efforts, increase the renewable energy mix in the generation portfolio and reduce system greenhouse gas (GHG) emissions. A key component of this plan is supporting the reliability and resiliency of the EKPC electric power system when accounting for increased capacity of intermittent renewable resources. The proposed Liberty RICE generating facility has been identified as a new asset necessary to support the integration of increased amounts of intermittent renewable energy generation on the EKPC system. The new RICE engines would provide ramping and voltage support for new renewable energy generation using technology that reduces water usage and air emissions compared to conventional natural gas turbines. As greater amounts of intermittent resources are added to the system, EKPC will need resources that can quickly be ramped up or down to maintain appropriate system frequency as renewable resource power output fluctuates. The new generation source would also provide necessary voltage support, system reliability, and resiliency in this region of south-central Kentucky.

4775 Lexington Road 40391
P.O. Box 707, Winchester
Kentucky 40392-0707

Tel. (859) 744-4812
Fax: (859) 744-6008
http://www.ekpc.coop

The 108-acre generating facility site is currently agricultural land that EKPC would develop for the Project. Within the Project Site, approximately 53.0 acres would be permanently disturbed, 31.2 acres would be temporarily disturbed, and 23.8 acres would be undisturbed (Figure 1-3). A security fence would be constructed around the permanent facilities.

To support the Liberty RICE generating facility, ancillary project components would include installation of a new natural gas lateral pipeline, which would be constructed to supply fuel to the Project Site. The new 10-inch diameter pipeline would extend approximately 0.4 miles from the proposed RICE plant to a tap point on an existing natural gas pipeline, located approximately 530 feet southeast from the Project Site boundary (see Figure 1-2). An existing four (4)-inch water line would be upgraded to an eight (8)-inch high-density polyethylene (HDPE) pipe that would tap into an existing water main, located approximately 0.1 miles east of the Project Site boundary along KY Route 49. A new 161-kilovolt (kV) switching station ("South Casey County Switching Station") would be built on-site and looped into the Casey County-Liberty Junction 161-kV line via a new transmission line and associated facilities (0.3 miles).

To support interconnection into the grid, EKPC is also proposing the following transmission upgrades and rebuilds within Casey and Marion Counties, Kentucky:

- Install Optical Ground Wire (OPGW) on the South Casey Co.-Casey Co. 161-kV line (5.7 miles).
- Increase maximum conductor operating temperature of the 795 MCM ACSR conductor in the Marion Co.-Marion Co. Industrial Park Tap 161-kV line to 212 degrees Fahrenheit (3.9 miles).
- Install an additional 161/138-kV, 200 MVA transformer at the Marion County substation.
- Increase the maximum conductor operating temperature of the 636 MCM ACSR conductor in the South Casey County-Casey County 161-kV line to 212 degrees F Fahrenheit.
- Rebuild the Marion County-Lebanon 138-kV line using 795 MCM ACSR conductor (0.1 miles).
- Rebuild the South Casey Co.-Liberty Jct 161-kV line using 795 MCM ACSR conductor (7.5 miles).

The OPGW installation, transformer addition, transmission line temperature upgrades, and 0.1-mile Marion County line rebuild would occur within EKPC's existing 150 wide right-of-way (ROW) easement and at the Marion County substation site. These activities would only require modifications or upgrades to the existing transmission lines and substation site and would occur within previously developed areas. Due to the minimal impacts anticipated for the facility modifications/upgrades with no potential to adversely affect federally listed species, these components of the project will not be discussed further in this letter.

The proposed South Casey Co.-Liberty Jct line rebuild would consist of removing the existing 7.5-mile-long transmission line and associated wood-pole structures and construction of the new line in its place, within the existing 150-foot-wide ROW easement. While the exact new structure locations have not been identified at this time, the new line would be constructed using the stronger, approximately 12-foot taller steel pole structures, which would allow for a fewer number of structures than the 49 currently present. Within the existing ROW, the vegetation is maintained by EKPC, rural residential property owners, and agricultural practices as a low growing herbaceous plant community. As part of this project, EKPC will field verify and clear any identified hazard trees and encroaching vegetation to reestablish the 150-foot-wide ROW, although any vegetation clearing is anticipated to be minimal due to the 150-foot width of the existing ROW. Because there is an existing transmission line facility and associated maintenance access points, EKPC anticipates using existing roads and the ROW easement to access the new structure locations by driving over the existing terrain, without having to create new roads. However, due to the rugged topography within portions of the line rebuild there is potential some of the previously disturbed existing access points will need to be reestablished to allow for the larger construction vehicles to reach the project area.

SITE DESCRIPTION

The proposed project area is located in north-central Casey County and lies within the Eastern Pennyroyal physiographic region (Mississippian Plateau) of Kentucky. This physiographic region is characterized as a well-dissected upland, with broad valleys and long, flat-topped ridges[1]. Elevations in the project area range from approximately 1300 feet Above Mean Sea Level (AMSL) on the higher ridgetops to approximately 900 feet AMSL along the numerous valleys throughout the project area, with local relief in some areas between 250-300 feet. The northern and southern sections of the project area (near the Liberty RICE facility site and the Liberty Junction substation) contain moderately rugged topography with steeply sloping and rugged terrain. Within the central portion of the project area, north of Liberty, the transmission line traverses an increasingly agricultural/rural residential landscape of alternating open fields and isolated woodlots. The project area contains numerous intermittent, unnamed tributaries and small streams, as well as several perennial streams including Brush Creek and Moccasin Creek. In addition, the transmission line spans the Green River just northeast of the community of Liberty.

The rugged topography interspersed throughout the project area limits the majority of residences and agricultural practices to the valley bottoms and flat ridgetops, while the better part of the steeper hillsides remain forested and unsuitable for agriculture. Within the valley bottoms and neighboring ridgetops, the topography is relatively flat, allowing for agricultural and residential development, and these areas are currently utilized for row crop, hay, and livestock production. Near the community of Liberty, the transmission line traverses a largely rural residential and/or agricultural landscape. However, outside of Liberty, this region of Kentucky is extremely remote and there has been little, to no development in the project area. Private residences and farm buildings are interspersed throughout the project area, but no commercial or industrial facilities are present. The forested hillsides are mostly second and third growth, meaning they have been logged two to three times since the 1800's. Evidence of small logging operations were observed within wooded areas in the southern portion of the project area during the current field survey. Representative photographs are presented below.

Within the immediate vicinity of the proposed Liberty RICE site, land use is predominantly agricultural; however, there is a wooded ravine within the southwestern portion of the property that contains an unnamed tributary that drains to Brush Creek. An additional unnamed ephemeral tributary drains the southeastern portion of the site to a small pond on the east side of Carr Sasser Road and ultimately to Reynold Creek. The area surrounding the Project site is comprised of rural residences, agricultural fields, and small woodlots. The project area is bounded to the north by Carr Sasser Road, beyond which is agricultural land and a small woodlot. The area to the south is a wooded ravine, beyond which is KY Hwy 49 and other rural residences. The property to the east is rural residential and agricultural land, beyond which is additional agricultural land. The property to the west includes a small woodlot, agricultural land, and rural residences, beyond which is KY Hwy 49 and additional rural residences.

EKPC biologists conducted a site-specific field survey of the proposed project area to determine the habitat types present. The project area is located in the Oak-Hickory Forest Region of Kentucky, which extends across much of the western two-thirds of Kentucky. In this portion of the state, a mixture of deciduous tree species, especially oaks and hickories, as well as American elm, American basswood, black cherry, black walnut, and white ash, generally characterizes the forests[2]. However, the proposed Liberty RICE site is currently an agricultural cornfield and no tree clearing would be required. Likewise, the proposed South Casey Co.-Casey Co. transmission line rebuild portion of the project would involve the rebuilding of an existing facility, which is maintained by EKPC and private property owners as agricultural/rural residential lands, low growing herbaceous plant communities, and small woody stemmed vegetation. Common species

[1] McGrain, P. and J. C. Currens. 1978. *Topography of Kentucky. Kentucky Geological Survey*, Ser. X, Special Pub., 25University of Kentucky, Lexington, KY.
[2] Jones, R. L. 2005. *Plant Life of Kentucky*. University Press of Kentucky. Lexington, Kentucky.

observed within the existing ROW during the field survey were tall fescue (*Festuca arundinacea*), broomsedge (*Andropogon virginicus*), common teasel (*Dipsacus fullonum*), frost aster (*Symphyotrichum pilosum*), ironweed (*Vernonia fasciculata*), raspberries (*Rubus sp.*), goldenrod (*Solidago sp.*), and Japanese honeysuckle (*Lonicera japonica*). The forested areas adjacent to the existing transmission line ROW are typical of the region and included red oak (*Quercus rubra*), white oak (*Quercus alba*), chestnut oak (*Quercus montana*), shagbark hickory (*Carya ovata*), black cherry (*Prunus serotina*), black walnut (*Juglans nigra*), American beech (*Fagus grandifolia*), tulip poplar (*Liriodendron tulipifera*), sugar maple (*Acer saccharum*), green ash (*Fraxinus pennsylvanica*), hackberry (*Celtis occidentalis*), sycamore (*Platanus occidentalis*), Virginia pine (*Pinus virginiana*), eastern red cedar (*Juniperus virginiana*), flowering dogwood (*Cornus florida*), mountain laurel (*Kalmia latifolia*), and greenbrier (*Smilax sp.*).

Photo 1. View north across Liberty RICE facility site

Photo 2. View south across Liberty RICE facility site

Photo 3. View east across Liberty RICE facility site

Photo 4. View west across Liberty RICE facility site from Carr Sasser Road

Photo 5. Representative view of South Casey Co.-Casey Co. line at interconnection location

Photo 5. Representative view of South Casey Co.-Casey Co. line rebuild area.

Photo 7. Representative view of South Casey Co.-Casey Co. line rebuild at Moccasin Creek crossing.

Photo 8. Representative view of Marion County-Marion County Industrial Park at southern terminus

Photo 9. Representative view of Marion County-Marion County Industrial Park, south of HWY 429

Photo 10. Existing Marion Co substation and transmission line rebuild project area

SPECIES CONSIDERED AND EVALUATED

Based upon the construction activities outlined above and the resulting disturbance to the existing environment, EKPC evaluated the potential of the project to affect federally listed threatened or endangered species or critical habitats that are known to occur, or could potentially occur, within the vicinity of the proposed project area. To assess these potential effects, EKPC reviewed available information for Marion County, acquired from the following sources:

- U.S. Fish and Wildlife Service (USFWS) – *Information for Planning and Conservation – IPaC website* (*https://ecos.fws.gov/ipac/*), IPaC Project Code: 2025-0004951, accessed October 11, 2024
- USFWS – *Known Indiana bat habitat in Kentucky and within 20 Miles* map, August 2019 (*https://www.fws.gov/frankfort/pdf/MYSO_Habitat_map.pdf*)
- USFWS – *Known northern long-eared bat habitat in Kentucky and within 20 Miles* map, August 2019 (*https://www.fws.gov/frankfort/pdf/MYSE_Habitat_Map.pdf*
- Office of Kentucky Nature Preserves (OKNP) – *Kentucky Biological Assessment Tool* for OKNP-monitored species within 3.0-miles of proposed project area, October 14, 2024

Information contained within these resources identified nine federally listed species known to occur or having the potential to occur in this region of the state. These include the Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*), tricolored bat (*Perimyotis subflavus*), fanshell (*Cyprogenia stegaria*), pink mucket (*Lampsilis abrupta*), salamander mussel (*Simpsonaias ambigua*), snuffbox mussel (*Epioblasma triquetra*), and whooping crane (*Grus americana*).

Table 1. *Federally Listed Species Identified in the Vicinity of the Liberty RICE Project Area*

Group	Species	Common name	Legal Status*	Occurrence**	Comments***
Mammals	*M. sodalis*	Indiana bat	E	P	Known swarming habitat ~24 miles E of project area in Rockcastle County
	M. septentrionalis	Northern long-eared bat	T	K	Known Summer 1 habitat in line rebuild portion of project area
	M. grisescens	Gray bat	E	P	Known from adjacent Adair, Taylor, Marion and Pulaski Counties
	P. subflavus	Tricolored bat	PE	P	Known from Casey County
Mussels	*C. stegaria*	Fanshell	E	P	Known from Green River, downstream of Green River Lake, 35+ miles SW
	L. abrupta	Pink Mucket	E	P	Known from Green River, downstream of Green River Lake, 35+ miles SW
	S. ambigua	Salamander Mussel	PE	P	Known from Green River, downstream of Green River Lake, 35+ miles SW
	E. triquetra	Snuffbox	E	P	Known from Green River, downstream of Green River Lake, 35+ miles SW
Birds	*G. americana*	Whooping Crane	EXPN	P	Annually migrates across western Kentucky

NOTES: Key to Notations

* E = Endangered, T = Threatened, PE = Proposed for Listing Endangered, CH = Critical Habitat
** K = Known occurrence record within the project area, P = Potential for the species to occur within the project area based upon historic range, proximity to known occurrence records, biological, and physiographic characteristics.
*** Freshwater mussel occurrence data based on Haag, W.R., and R.R Cicerello, 2016. A Distributional Atlas of the Freshwater Mussels of KY. Scientific and Technical Series 8. KY State Nature Preserves Commission, Frankfort, KY.

DATA REVIEW & SURVEY METHODS

To determine the likelihood of these species being impacted by the proposed project, permitted EKPC biologists reviewed existing occurrence data, topographic maps, aerial photographs, and conducted field surveys to determine the presence or probable absence of these species in the proposed project area. The Liberty and Yosemite, Kentucky USGS 7.5-minute topographic quadrangle maps and recent aerial photographs were reviewed and utilized to create the enclosed project location maps. EKPC permitted biologist Chris Carpenter and Josh Young conducted the field surveys on August 14 and 20, 2024, which consisted of making visual observations of existing habitat and site-specific conditions while traversing the proposed project area.

EVALUATED SPECIES INFORMATION

Indiana and Northern long-eared bats

A review of existing data provided by the USFWS known bat habitat maps revealed that the proposed project area is located in potential habitat for the Indiana bat. Based on available information, the closest Indiana bat known habitat (Swarming 1) is approximately 24 miles east of the proposed project area in Rockcastle County. A review of the USFWS known northern long-eared bat (NLEB) habitat map revealed that the majority of the proposed line rebuild portion of the project is located within NLEB known habitat (Summer 1). Based on the proximity to this known habitat, historic range, and biological and physiographic characteristics, the USFWS assumes these species have the potential to occur throughout the entire region of Kentucky in which the project area is located. Therefore, forested areas present in the project area may provide suitable summer roosting, commuting, and/or foraging habitat for the Indiana bat and NLEB. Additionally, any caves, rock shelters, or underground mines located in the proposed project area may

provide potential Indiana bat and NLEB winter hibernacula habitat. Any project-related impacts to this summer and/or winter habitat could adversely affect these species; therefore, EKPC survey efforts focused on the identification of suitable Indiana bat and NLEB habitat.

Suitable summer roosting habitat for the Indiana bat has been defined by the USFWS as live and dead trees with a diameter at breast height (DBH) of five (5) inches or greater that exhibit exfoliating bark, crevices, and/or cracks where Indiana bats could potentially roost. Indiana bats have also been observed roosting in human-made structures, such as bridges and bat houses (artificial roost structures). Suitable roosting habitat for the NLEB has been defined by the USFWS as live and dead trees and/or snags with a DBH of three (3) inches or greater that exhibit exfoliating bark, crevices, and/or cracks where NLEBs could potentially roost. NLEBs have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses. Based on the results of the field reconnaissance and subsequent desktop map review, no suitable Indiana/NLEB summer habitat would be affected at the new Liberty RICE generating facility site. There would be minimal hazard tree clearing required along the edges of the existing ROW easement for the line rebuild portion of the project, which could affect individual trees that meet the USFWS definition of a suitable roost tree for the Indiana bat and NLEB. However, due to the existing transmission line being 161 kV with a 150-foot-wide ROW, it is anticipated that any hazard tree clearing would be very minimal. EKPC does not believe reconstruction of the transmission line and removal of a limited number of hazard trees is likely to adversely affect the Indiana bat or NLEB. To minimize the potential for the project to effect Indiana bats or NLEBs that may be utilizing the area during the spring, summer, summer, or fall, EKPC is committed to only removing trees within the project area during the unoccupied timeframe of October 15 – March 31. Therefore, construction of the proposed Liberty RICE facility and line rebuild project during the unoccupied timeframe is not expected to have significant adverse effects on Indiana bat or NLEB summer roosting, commuting, and/or foraging habitat.

During the current field surveys and data review, no caves, rock shelters, or abandoned underground mines that could provide potential winter habitat for the Indiana bat or NLEB were discovered within the project area. In addition, the review of topographic maps and GIS mine survey data did not show any records for mining or quarrying within the proposed project area. A review of the USFWS known bat habitat maps revealed the closest known hibernaculum for either species is located more than 29 miles to the east of the proposed project area in Rockcastle County. Based on the negative results of the habitat assessment and distance of the known hibernacula, no significant adverse effects to the Indiana bat or NLEB with regard to winter habitat impacts are anticipated.

Gray Bat

According to USFWS and KSNPC occurrence data, gray bats have been documented to occur in several adjacent counties, are considered to likely occur in Casey County, and it was assumed that this species has the potential to occur within the project area. Gray bats roost, breed, rear young, and hibernate in caves, rock shelters, and underground mines year-round. Therefore, any of these features that are located in the proposed project area could provide potential winter/summer roosting habitat for this species, and impacts to this habitat could adversely affect the gray bat. As previously discussed, no caves, rock shelters, or abandoned underground mines that could provide suitable winter/summer roosting habitat for the gray bat were identified within the project area. Based on no known occurrences and the lack of suitable roosting habitat, no adverse effects to the gray bat with respect to roosting habitat are anticipated.

Gray bats typically forage for flying aquatic and terrestrial insects over streams, rivers, and lakes. As a result, any of these features that occur within, or in the vicinity of, the project area could provide potential gray bat foraging habitat. During the topographic map review and subsequent field survey, the project area was examined for streams, rivers, or lakes that could provide potential gray bat foraging habitat. The proposed Liberty RICE generating facility site is predominantly an agricultural field and does not provide any potential habitat for gray bats. The line rebuild portion of the project spans Brush Creek, Moccasin

Creek, and the Green River, which appear to represent suitable gray bat foraging habitat. However, the transmission line currently spans these streams and will continue to span these streams after project completion. Other than minimal vegetation clearing along the edges of the existing ROW there are no new disturbances anticipated at these water crossings for the proposed line rebuild project. In addition, significant portions of these stream corridors are located within agricultural landscapes that area primarily surrounded by pastures and open fields with limited riparian zones primarily composed of low-growing native and naturalized vegetation. Therefore, no significant direct adverse effects to gray bat foraging habitat are anticipated within the project area.

Although no direct effects to gray bat habitat are anticipated, the project area ultimately drains to waterbodies that provide suitable gray bat foraging habitat. To avoid and minimize potential indirect effects to gray bat foraging habitat associated with water quality degradation from the project, EKPC will prepare, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) that outlines how and where Best Management Practices (BMPs) will be used to prevent or reduce the discharge of pollutants into Waters of the Commonwealth. The goal of this plan is to implement appropriate and adequate erosion prevention measures, sediment control measures, and other site management practices necessary to manage stormwater runoff during the construction period. These practices are aimed primarily at controlling erosion and sediment transport, but also include controls such as good housekeeping practices aimed at other pollutants such as construction chemicals and solid waste. The plan describes the site management practices that will be utilized in order to effectively minimize such discharges for storm events up to and including a two-year, 24-hour event. Therefore, indirect impacts to water quality are not anticipated from the proposed project and the proposal is not likely to adversely affect the gray bat.

Tricolored Bat

The tricolored bat was proposed for federal listing as endangered on September 13, 2022, with this listing expected to be finalized by the end of 2024. Construction of the proposed project is not anticipated to start within this timeframe and project impacts to suitable tricolored bat habitat are likely to occur after the formal listing of this species as endangered. Therefore, EKPC would like to request an Informal Conference on the proposed tricolored bat with a recommended not likely to jeopardize the continued existence finding for the project based on the following analysis. Once listed, EKPC will plan to follow up with the KFO to request a conversion to Informal Consultation for this species.

Prior to the impacts of WNS, this bat occurred commonly across Kentucky (documented in 109 of the 120 counties) in summer and during migration, and nearly every cave across the state harbored at least a few hibernating individuals. These tiny bats hibernate in a variety of sites including mines, rock shelters, and quarries, but they use caves most frequently. Tricolored bats are somewhat migratory, and many individuals wintering in Kentucky may go farther north for the summer. Although little is known about summer roosting requirements of this species, it is thought that they primarily use high tree foliage, hollow trees, buildings, and bridges. Females gather into small maternity colonies where one or two pups are born during May/June. Males probably roost in tree cavities, high tree foliage, and in hollow trees during summer, but during spring and fall, a few individuals seem to show up just about anywhere. Tricolored bats feed entirely on minute flying insects, which they capture in forest understory, along stream corridors, and along woodland edges[3].

No caves, rock shelters, or abandoned underground mines that could provide suitable winter/summer roosting habitat for the tricolored bat were identified within the project area. Based on the lack of suitable roosting habitat, no adverse effects to the tricolored bat with respect to winter hibernacula are anticipated for the proposed Liberty RICE project.

[3] Kentucky Department of Fish and Wildlife Resources 2020. Small mammal and bat species accounts – online resource. *https://fw.ky.gov/Wildlife/Pages/Small-Mammals-and-Bats.aspx* (Accessed: April 2024).

As discussed, minimal hazard tree clearing may be required along the edges of the existing ROW for the transmission line rebuild portion of the project. This would likely affect individual trees meeting the definition of suitable tricolored bat summer roosting, commuting, and/or foraging habitat. However, it is not anticipated that removal of the relatively small amount of suitable habitat would jeopardize this species. Furthermore, EKPC is committed to only removing trees within the project area during the unoccupied timeframe of October 15 – March 31, which would minimize potential project impacts to this species. Therefore, the proposed action is not likely to jeopardize the continued existence of the tricolored bat.

Freshwater Mussels

Occurrence data obtained from the USFWS IPaC report indicates that three federally-listed freshwater mussels (see Table 1) have the potential to occur within the project area. However, location-specific data was not available through either the OKNP or USFWS. Mapping contained in the *Kentucky State Nature Preserves Commission 2016 Distributional Atlas of the Freshwater Mussels of Kentucky* indicates that all of these species are known from the Green River, or tributaries, downstream of Green River Lake, 35+ river miles southwest of the proposed project area.

The Salamander Mussel was proposed for federal listing as an endangered species, with this listing expected to be finalized before this project would be completed. Therefore, EKPC would like to request an Informal Conference on the proposed mussel with a recommended not likely to jeopardize the continued existence finding for the project based on the following analysis. Once listed, EKPC will plan to follow up with the KFO to request a conversion to Informal Consultation for these species.

As previously discussed, no potential mussel habitat is present at the proposed Liberty RICE generating facility site. An evaluation of line rebuild portion of the project resulted in the identification of several unnamed tributaries, perennial streams and one river that are traversed by the project transmission line. Following the field survey, it was determined that all of these water features except the Green River and Brush Creek were small intermittent and/or headwater streams that do not exhibit suitable hydrologic conditions necessary to support the identified mussel species due to their small size, and low flows. The Green River and Brush Creek appear to offer suitable habitat for the identified mussel species. However, the aerial transmission line currently spans these water features and no new disturbances would occur within or directly adjacent to these streams during the proposed construction activities. In addition, the known occurrences for these species are located well downstream of the project area, and there were no mussels or relict shells observed along these waterbodies during the field survey. Therefore, no direct effects to the listed freshwater mussels are expected from the proposed project.

Although no freshwater mussels will be directly affected by the proposed project, suitable mussel habitat is ultimately located downstream of the project area in the Green River. As previously discussed, to avoid and minimize indirect effects associated with potential water quality degradation from the project, EKPC would prepare and implement a SWPPP that outlines how and where BMPs will be used to prevent or reduce the discharge of pollutants into waters of the Commonwealth during the construction period. Therefore, adverse impacts to water quality are not anticipated from the proposed project and the proposal is not likely to adversely affect the federally listed mussel species.

Federally Protected Bird Species

In addition to federally listed species or critical habitats that could be affected by the proposed project, EKPC evaluated the potential for the proposed project to impact federally-protected bird species with respect to the *Migratory Bird Treaty Act* and the *Bald and Golden Eagle Protection Act*. As a conservation measure, EKPC will incorporate the guidelines listed in the Avian Power Line Interaction Committee's *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006* into the proposed project design to avoid or minimize the potential electrocution risks posed to federally protected bird species from the project. The project will also be designed in accordance with recommended guidelines issued by

RUS to ensure compliance with state and federal codes. Additionally, the proposed project area is not located within a major flyway or principal route for migratory birds. No other areas of significant concern were identified during the field survey. Likewise, based on information provided in the IPaC Report, there are no known eagle occurrences within the vicinity of the proposal, and there were no eagles or eagle nests observed within the project area during the field investigation. Based on information in the IPaC Report, the whooping crane is listed as an Experimental population, Non-essential (EXPN) with known populations in Kentucky, but the proposed project is not within the principle migratory route for this experimental population. Therefore, construction of the proposed project is not expected to cause significant adverse impacts to federally protected birds or eagles.

RECOMMENDATIONS FOR DETERMINATION OF EFFECT FINDINGS

Based on the existing occurrence data, negative survey results, aquatic habitat avoidance/minimization measures to be implemented during construction, and avoidance of suitable bat habitat impacts during the occupied timeframe (April 1 – October 14), it is not anticipated the proposed project would adversely affect/jeopardize the federally-listed species that occur, or have the potential to occur, within the project area, as outlined below.

Table 3. *Recommendations for Determination of Effect Findings*

Common Name	Effects Determination
Indiana bat	Not likely to adversely affect
Northern long-eared bat	Not likely to adversely affect
Gray bat	Not likely to adversely affect
Tricolored bat	Not likely to jeopardize
Fanshell	Not likely to adversely affect
Pink Mucket	Not likely to adversely affect
Salamander Mussel	Not likely to jeopardize
Snuffbox	Not likely to adversely affect
Whooping Crane	Not likely to jeopardize
Federally protected bird species	Not likely to adversely affect

EKPC asks that your office review these recommendations for determination of effect and provide your comments on this project as soon as possible. Please inform EKPC if any other threatened or endangered species or critical habitats should be addressed in regards to the proposed project. If you need any further information or wish to discuss this project, please feel free to contact me by phone at (859) 745-9799 or by email at *josh.young@ekpc.coop*.

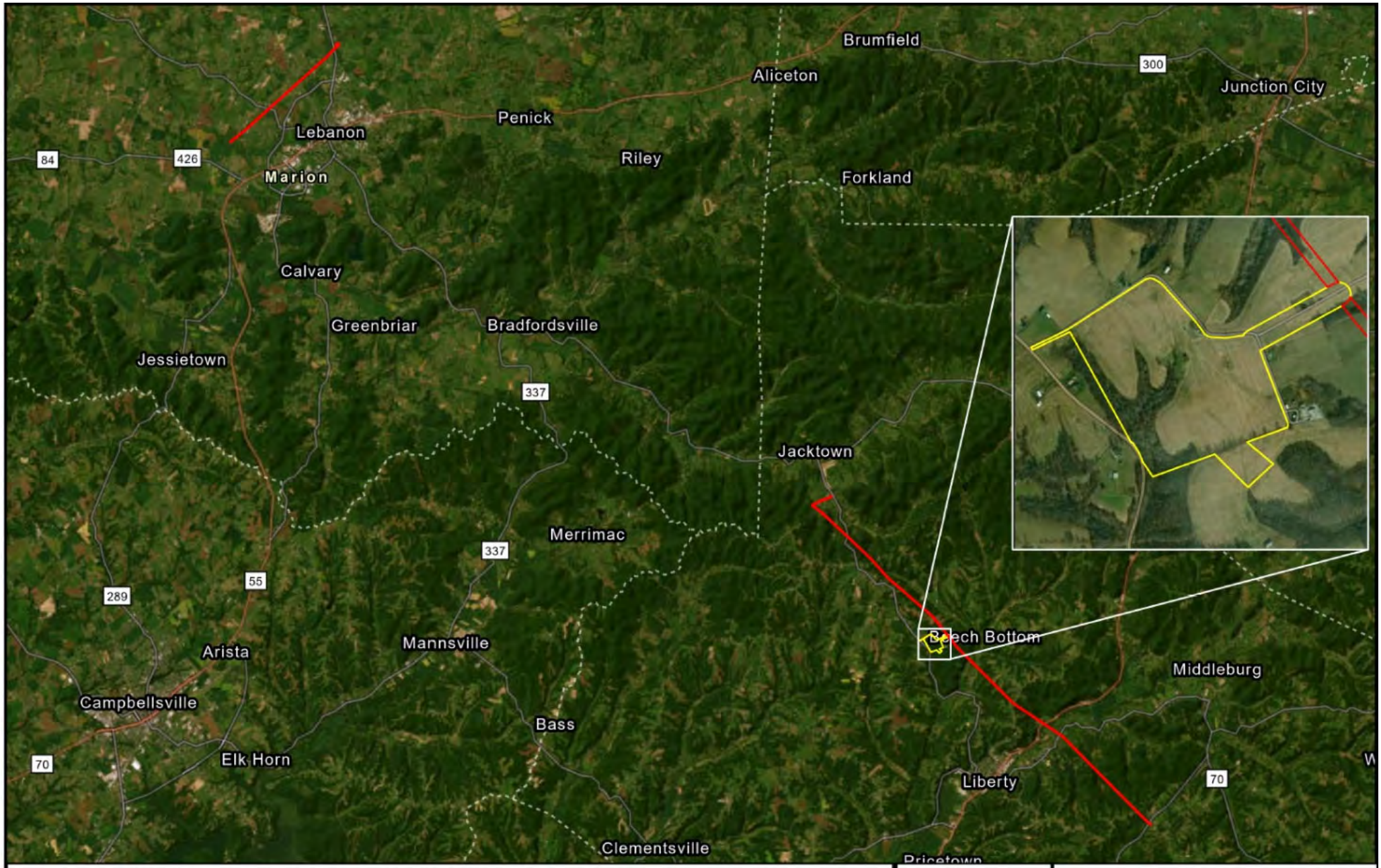
Thank you very much for your assistance in this matter.

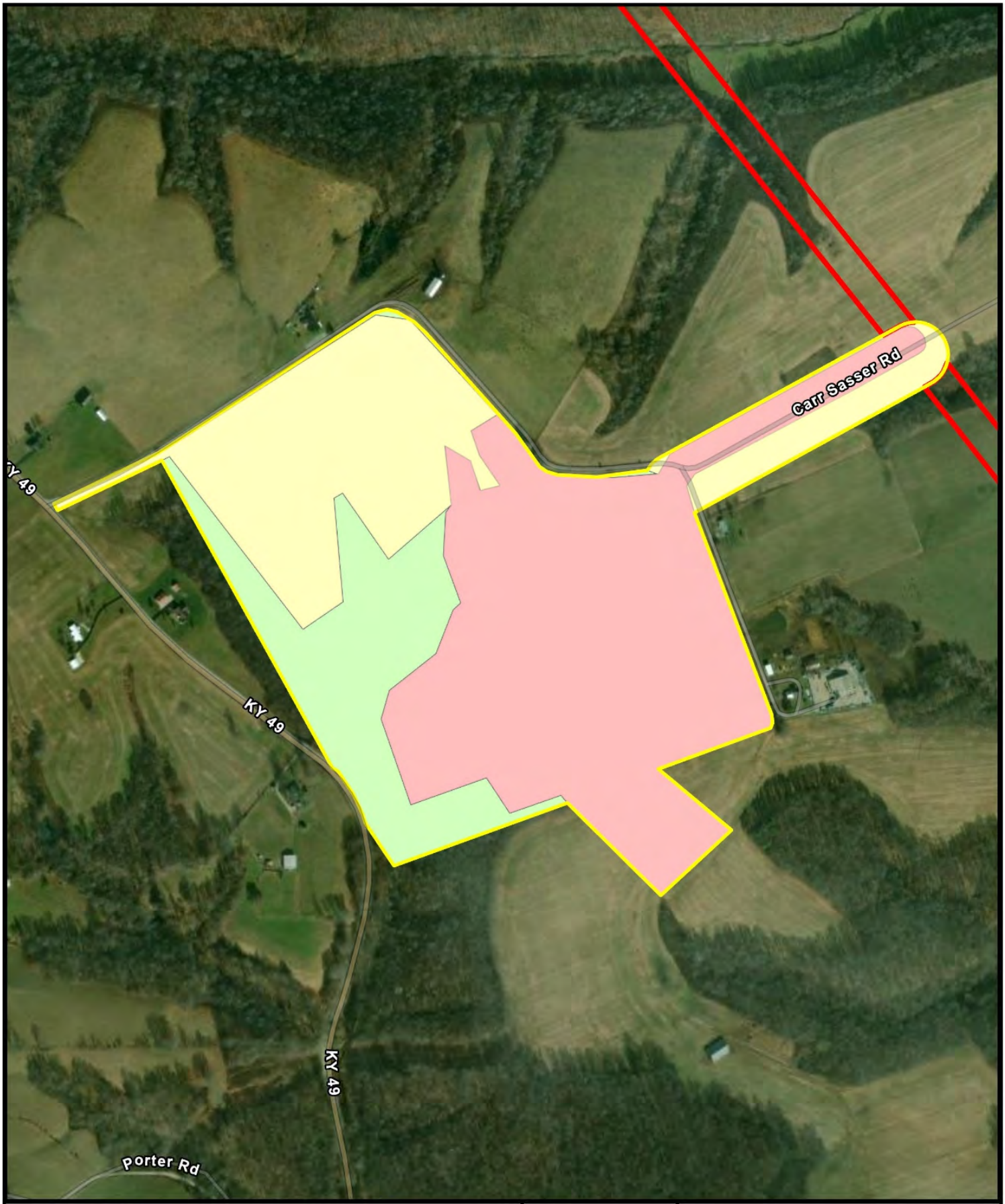
Sincerely,

Josh Young
Supervisor, Natural Resources
& Environmental Communications

Enclosures
cc: Jerry Purvis (EKPC), Darrin Adams (EKPC), Steve Anderson (EKPC)

ENCLOSURES


Brumfield
Aliceton
300
Junction City
Penick
Lebanon
84
426
Marion
Riley
Forkland
Calvary
Greenbriar
Bradfordsville
Jessietown
337
Jacktown
Merrimac
337
55
289
Arista
Mannsville
Campbellsville
Bass
70
Elk Horn
Middleburg
Liberty
70
Clementsville
Transmission Line Upgrade and Rebuild 150-ft ROW (310 acres)
Liberty RICE Project Site (108 acres)
Kentucky Counties
NORTH
0 1.75 3.5 7
Miles
BURNS McDONNELL
Project Location
Liberty RICE Project
East Kentucky Power Cooperative
Marion and Casey County, KY



Transmission Line Upgrade and Rebuild 150-ft ROW (310 acres)

Liberty RICE Project Site (108 acres)

Undisturbed (20.6 acres)

Temporary Disturbance (31.2 acres)

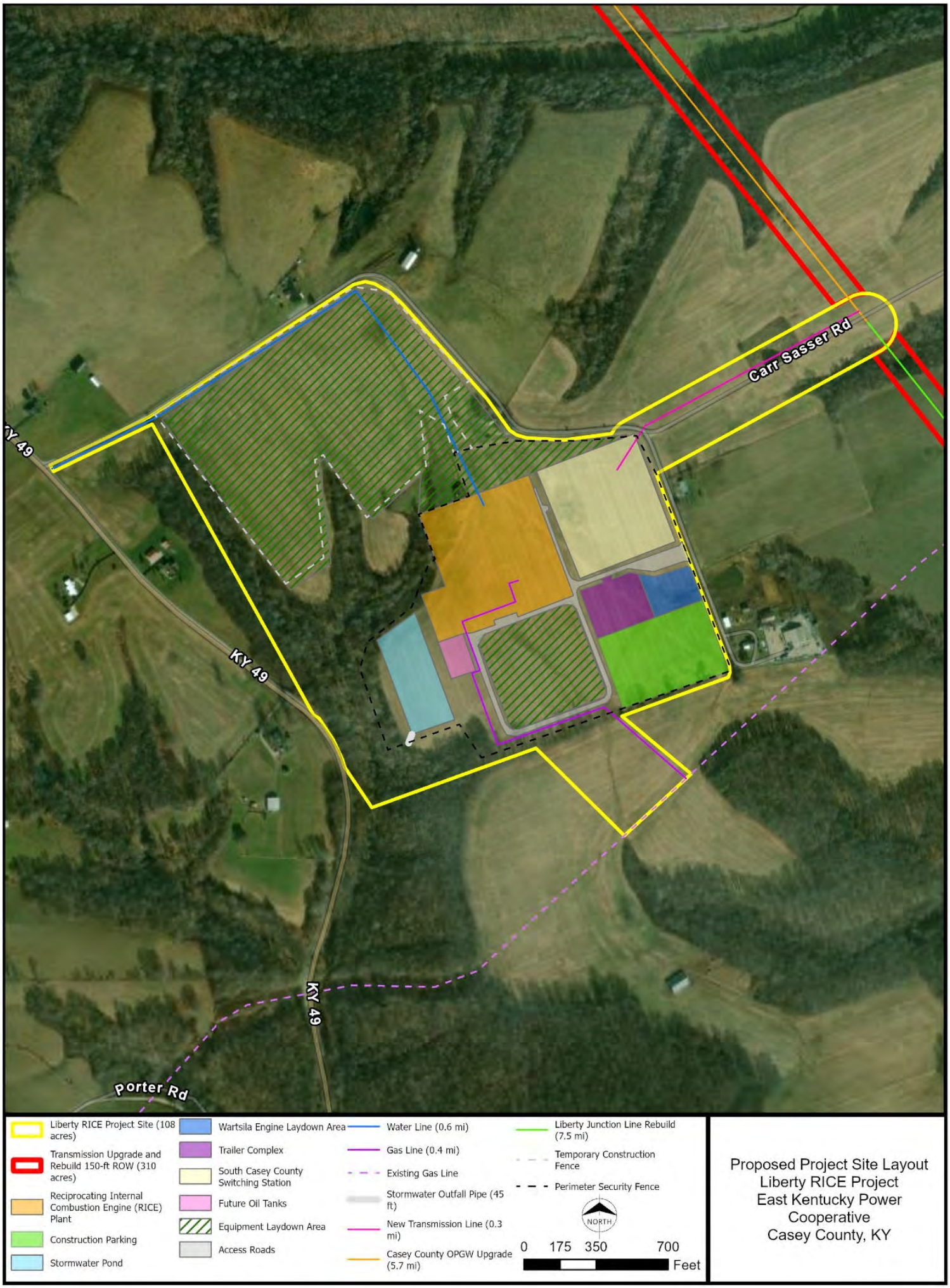
Permanent Disturbance (56.2 acres)

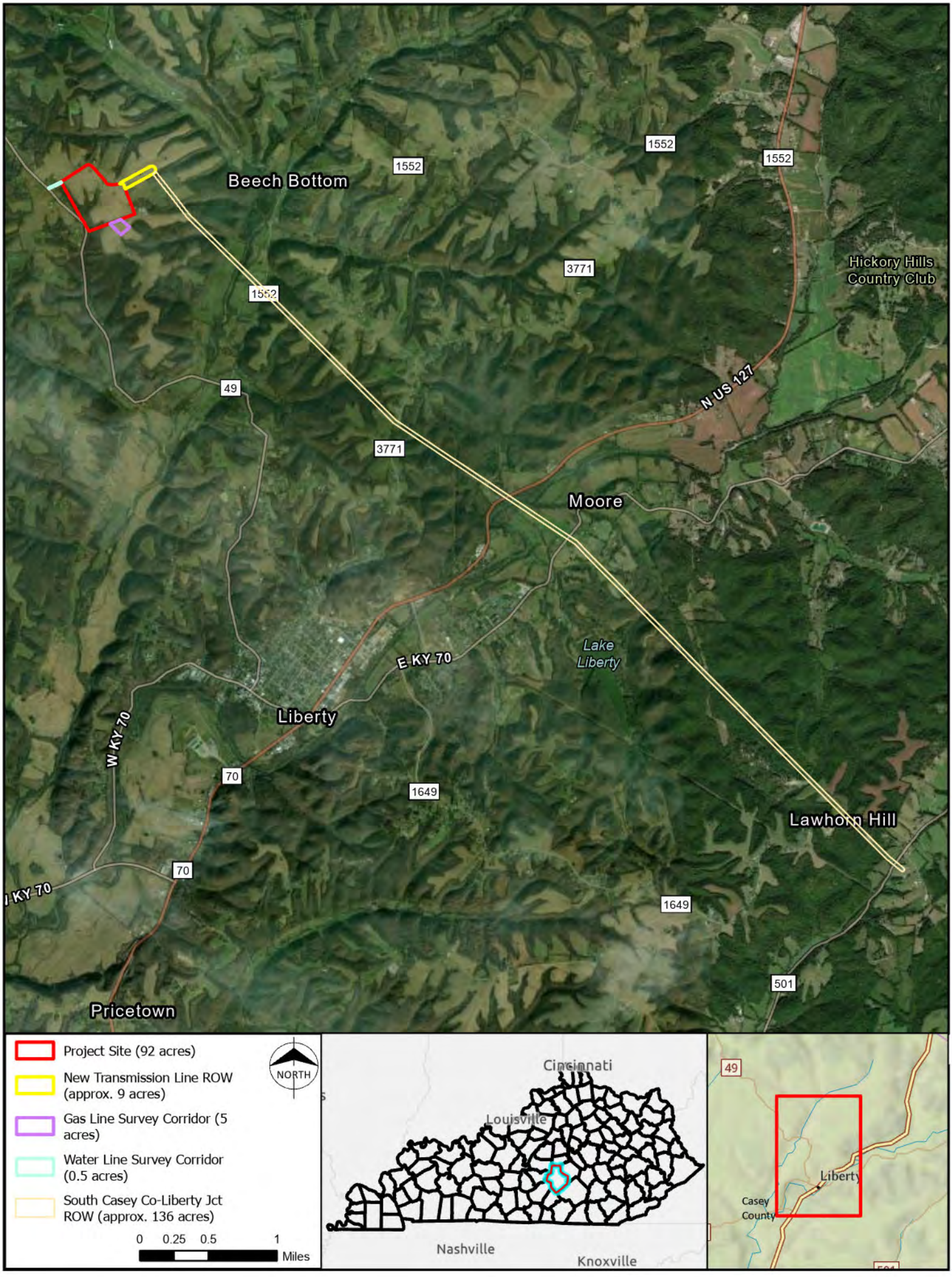
NORTH

0 175 350 700 Feet

BURNS McDONNELL

Disturbance
Liberty RICE Project
East Kentucky Power Cooperative
Casey County, KY


Carr Sasser Rd
KY 49
KY 49
KY 49
Porter Rd
Liberty RICE Project Site (108 acres)
Transmission Upgrade and Rebuild 150-ft ROW (310 acres)
Reciprocating Internal Combustion Engine (RICE) Plant
Construction Parking
Stormwater Pond
Wartsila Engine Laydown Area
Trailer Complex
South Casey County Switching Station
Future Oil Tanks
Equipment Laydown Area
Access Roads
Water Line (0.6 mi)
Gas Line (0.4 mi)
Existing Gas Line
Stormwater Outfall Pipe (45 ft)
New Transmission Line (0.3 mi)
Casey County OPGW Upgrade (5.7 mi)
Liberty Junction Line Rebuild (7.5 mi)
Temporary Construction Fence
Perimeter Security Fence
NORTH
0 175 350 700
Feet
Proposed Project Site Layout
Liberty RICE Project
East Kentucky Power Cooperative
Casey County, KY


Beech Bottom
1552
1552
1552
3771
1552
Hickory Hills Country Club
49
N US 127
3771
Moore
Lake Liberty
E KY 70
Liberty
W KY 70
70
1649
Lawhorn Hill
70
KY 70
1649
501
Pricetown
Project Site (92 acres)
New Transmission Line ROW (approx. 9 acres)
Gas Line Survey Corridor (5 acres)
Water Line Survey Corridor (0.5 acres)
South Casey Co-Liberty Jct ROW (approx. 136 acres)
NORTH
0 0.25 0.5 1
Miles
Cincinnati
Louisville
Nashville
Knoxville
49
Liberty
Casey County

Josh Young

From: Josh Young
Sent: Wednesday, November 20, 2024 4:25 PM
To: 'Jaffe, Karah R'
Subject: RE: FWS 2025-0004951; EKPC Liberty Reciprocating Internal Combustion Engine Project; Casey and Marion Counties, Kentucky
Attachments: Liberty RICE_USFWS Species List_11-20-2024.pdf

Hi Karah.

Thank you for your review. Please see responses below.

i) The only vegetation clearing at the Liberty RICE site would be brush and small saplings located within a Fenceline on the southern property boundary where the gas line would enter the property. Less than 5 small trees and brush would be impacted. No PMRTs were observed at this site.

ii) In the map on page 18, the dark pink line from the new plant site along Carr Sasser Rd to the existing line would be new ROW, but is in an agricultural field and would not require any tree removal. The lime green line to the southeast would be the South Casey County-Liberty Junction line rebuild section, and hazard tree removal would occur along portions of this line. The line section has been surveyed, no impacts to PMRTs are anticipated. The orange line to the north would only be an upgrade to replace the existing static wire with optical ground wire, no tree clearing would occur on this line section.

iii) See attached, we have updated IPaC to include the areas where project activities have the potential to affect the environment. Per the answer to ii above we consider the line upgrade activities to be minimal, occurring within the existing facility, and having no potential to affect T&E species. Thus, we did not include line upgrades in the assessment. Should we include line upgrades in the IPaC action area?

iv) Reestablishing the existing access points is not expected to affect suitable bat habitat. This work would include improvements to the roadbed for the larger construction vehicles. Sometimes the existing access roads form gullies or rills that are not an issue for maintenance pickup truck/ATV but are not safe for larger bucket truck. We started including this language in the project descriptions because we were getting a lot of questions from an archaeology perspective regarding new ground disturbances, and now that you point it out I see that we may need to reword. We can use "regraded" instead of "reestablished" if that would be better? With this said, there could be a limb that has to be removed due to clearance issues, but this would be very minimal.

Let me know if there are any additional questions or information required.

Sincerely,

Josh Young
East Kentucky Power Cooperative, Inc.
Manager, Natural Resources and Environmental Communications
4775 Lexington Road

Winchester, KY 40391
Office: (859) 745-9799
Cell: (859) 749-0553
josh.young@ekpc.coop

the Reason I Go Home Tonight

EKPC SAFETY IS RIGHT

From: Jaffe, Karah R <karah_jaffe@fws.gov>
Sent: Tuesday, November 19, 2024 3:38 PM
To: Josh Young <josh.young@ekpc.coop>
Subject: FWS 2025-0004951; EKPC Liberty Reciprocating Internal Combustion Engine Project; Casey and Marion Counties, Kentucky

Hello,

The Kentucky Field Office received the above-referenced project on October 16, 2024, and we are requesting additional information.

i) Could you please clarify whether any tree removal is proposed at the Liberty RICE generating facility site? If so, how many acres will be cleared? Additionally, were any suitable Indiana bat primary maternity roost trees (PMRTs) identified during the habitat assessment of the proposed facility site?

ii) Hazard tree removal is proposed within EKPC's existing right-of-way (ROW). Will hazard tree removal occur along all portions of the ROW displayed in the map on page 18, or only along the proposed South Casey County-Liberty Junction line rebuild section? Have the ROW sections proposed for hazard tree removal been surveyed for PMRTs?

iii) The existing ROW shown on the map on page 18 of the submitted project information does not align with the project area in IPaC. Please confirm which accurately describes the proposed project area and modify IPaC's action area if necessary, requesting an updated species list.

iv) The submitted project description also indicates that the project may need to reestablish existing access points to accommodate larger construction vehicles. Does EKPC plan to reinitiate consultation if reestablishment is required? Without information or a maximum estimate of the extent of tree clearing or

trimming, we would not be able to agree with a "Not Likely to Adverse Effect" determination for the Indiana bat.

Thank you for your coordination,

Karah Jaffe (she/her)
Biologist
U.S. Fish and Wildlife Service
Ecological Services | Kentucky Field Office
330 W. Broadway, Room 265
Frankfort, KY 40601
Phone: +1 502-653-0550

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
330 West Broadway, Suite 265
Frankfort, Kentucky 40601
(502) 695-0468

December 3, 2024

Josh Young
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
Winchester, KY 40391

Subject: FWS 2025-0004951; EKPC Liberty Reciprocating Internal Combustion Engine Project; Casey and Marion Counties, Kentucky

Dear Josh Young:

The U.S. Fish and Wildlife Service's Kentucky Field Office (KFO) has reviewed the above-referenced project information received by our office on October 16, 2024, and additional information provided on November 20, 2024. The East Kentucky Power Cooperative, Inc. (EKPC) plans to request financing from the U.S. Department of Agriculture, Rural Utilities Service for the construction of a new electrical generation facility project in Casey and Marion Counties, Kentucky. The KFO offers the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Project Description
EKPC is proposing the construction and operation of a 220-megawatt (MW) Reciprocating Internal Combustion Engine (RICE) electrical generating facility. This RICE facility will consist of eleven individual 20-MW engines, situated approximately 3.2 miles north of Liberty, Kentucky (38.369806°N, -84.959253°W). The proposed facility site consists of open fields, forested habitat, and two ephemeral streams.

To support the RICE generating facility, several ancillary components are proposed near the facility, including:

- Natural Gas Lateral Pipeline: The installation 10-inch diameter pipeline extending approximately 0.4 miles from the RICE facility to a connection point on an existing natural gas pipeline, located about 530 feet southeast of the site.
- Water Main Upgrade: The existing four-inch water line will be upgraded to an eight-inch high-density polyethylene pipe, which will connect to an existing water main approximately 0.1 miles east of the facility along KY Route 49.
- 161-kV Switching Station: A new switching station (South Casey County Switching Station) will be constructed on-site and connected to the Casey County-Liberty Junction 161-kV line via a new 0.3-mile transmission line and related facilities.

In addition to the RICE facility, EKPC proposes the following transmission upgrades and rebuilds to support grid interconnection:

- Installation of Optical Ground Wire (OPGW) on the South Casey County-Casey County 161-kV line (5.7 miles).
- Increase the maximum operating temperature of the 795 MCM ACSR conductor on the Marion County-Marion County Industrial Park Tap 161-kV line to 212°F (3.9 miles).
- Installation of an additional 161/138-kV, 200 MVA transformer at the Marion County substation.
- Increase the maximum operating temperature of the 636 MCM ACSR conductor on the South Casey County-Casey County 161-kV line to 212°F.
- Rebuild the Marion County-Lebanon 138-kV line using 795 MCM ACSR conductor (0.1 miles).
- Rebuild the South Casey County-Liberty Junction 161-kV line using 795 MCM ACSR conductor (7.5 miles).

The OPGW installation, transformer addition, transmission line temperature upgrades, and the 0.1-mile rebuild of the Marion County line will take place within EKPC's existing 150-foot-wide right-of-way (ROW) easement and at the Marion County substation site. These activities will involve modifications or upgrades to existing transmission lines and the substation, all within previously developed areas.

The proposed rebuild of the South Casey County-Liberty Junction line will involve removing the existing 7.5-mile transmission line and associated wood-pole structures, then constructing a new line in its place within the existing 150-foot-wide ROW. New steel pole structures will replace the 49 existing wooden poles. The total number of poles will be reduced, as the stronger steel poles, which are 12 feet taller, allow for greater spacing between them.

The existing transmission line ROW consists of open fields, woodlots, and several intermittent streams, as well as perennial streams such as Brush Creek and Moccasin Creek. The line also spans the Green River just northeast of Liberty. No direct impacts to streams are proposed, and selective tree removal will be required.

Federally Listed Species

EKPC has determined that the proposed project has the potential to affect the gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), fanshell (*Cyprogenia stegaria*), pink mucket (*Lampsilis abrupta*), and snuffbox mussel (*Epioblasma triquetra*). EKPC has also determined that the proposed action is not likely to jeopardize the continued existence of the tricolored bat (*Perimyotis subflavus*) and salamander mussel (*Simpsonaias ambigua*). A habitat assessment of the project site was performed by EKPC biologists on August 14 and 20, 2024.

<u>Gray bat</u>

No features that could be used as hibernacula by these species were identified at the project site during the habitat assessment. The KFO does not have any records of known gray bat hibernacula or roosting habitat within the proposed generating facility site or transmission line

improvement areas. The closest known hibernacula is located more than 25 miles from the facility and line improvements. Additionally, the proposed Action will not require blasting or other activities that could result in impacts to potential hibernacula or roosting habitat beyond the limits of disturbance. As a result, no effects to hibernating or roosting gray bats or their hibernacula or roosting habitat are anticipated from the proposed action.

The proposed RICE generating facility site is primarily an agricultural field and does not provide suitable foraging habitat for gray bats. The transmission line re-establishment portion of the project spans Brush Creek, Moccasin Creek, and the Green River, which may represent suitable foraging habitat. However, no direct impacts are proposed to these features. Aside from minimal vegetation clearing along the edges of the existing right-of-way (ROW), no new disturbances are expected at these water crossings. Significant portions of these stream corridors are situated within agricultural landscapes, primarily surrounded by pastures and open fields, with limited riparian zones composed of low-growing native and naturalized vegetation. Consequently, no significant direct adverse effects on gray bat foraging habitat are anticipated within the project area.

To mitigate potential indirect effects on gray bat foraging habitat, EKPC will prepare, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP). This plan will outline the Best Management Practices (BMPs) to be implemented to prevent or reduce pollutant discharge into downstream waters through effective erosion prevention, sediment control, and site management practices during construction. The SWPPP will detail site management strategies to minimize sediment and pollutants entering downstream waters during storm events, including those up to a two-year, 24-hour event. Based on the lack of impacts to roosting habitat, insignificant impacts to foraging and commuting habitat, and the implementation of a SWPPP and BMPs, the KFO agrees the proposed action, "may affect, but is not likely to adversely affect" the gray bat.

<u>Indiana bat and northern long-eared bat (NLEB)</u>
No caves, abandoned mine portals, sinkholes, or other underground features that could be used as hibernacula by the Indiana and northern long-eared bats are present in the action area based on the habitat assessments performed by the applicant. No blasting or other activities that could result in impacts beyond the action area would occur during construction. Additionally, no bridges or culverts that may provide suitable non-forested roosting habitat for these species were identified in the action area. As a result, no effects to hibernating or non-tree roosting Indiana or northern long-eared bats or their hibernacula or non-forested roosting habitat are anticipated from the proposed action.

The forested habitat in the action area has been identified as suitable for summer roosting, foraging, and commuting for both the Indiana and northern long-eared bats. The proposed action will involve the removal of "Potential" habitat for these species. Specifically, the Liberty RICE facility will require the removal of fewer than five small trees and some brush, while the South Casey County-Liberty Junction line rebuild will necessitate the removal of hazard trees along this section. No suitable Indiana bat primary maternity roost trees (PMRTs) have been identified for removal within the entire project area. In addition, to minimize potential effects to the

Indiana and northern long-eared bats, removal of this habitat would be restricted to the unoccupied period for these species (October 15 to March 31).

Based on the lack of suitable hibernacula and non-forested roosting habitat in the action area, insignificant effects from removal of summer roosting, foraging, and commuting habitat during the unoccupied period, and lack of PMRTs, we agree with your determination that the proposed action "may affect, but is not likely to adversely affect" the Indiana bat and northern long-eared bat.

Federally listed mussels

No potential mussel habitat is present at the proposed Liberty RICE generating facility site, as determined by EKPC's habitat assessment. The KFO has no records of federally listed mussel occurrences within the proposed facility site or the areas of transmission line improvements. Furthermore, the proposed action will not involve in-stream work that could impact potential mussel habitat beyond the designated limits of disturbance.

To mitigate potential indirect effects on downstream mussel habitat, EKPC will prepare, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP). This plan will outline the Best Management Practices (BMPs) to be implemented to prevent or reduce pollutant discharge into downstream waters through effective erosion prevention, sediment control, and site management practices during construction. The SWPPP outlines site management practices designed to effectively minimize sediment and pollutant discharges during storm events, up to and including a two-year, 24-hour event.

Based on lack of impacts to suitable mussel habitat and the implementation of a SWPPP and BMPs, the KFO agrees that the proposed action, "may affect, but is not likely to adversely affect" the above-referenced federally listed mussel species.

Summary

The KFO agrees that the proposed action "may affect but is not likely to adversely affect" the gray bat, Indiana bat, northern long-eared bat, fanshell, pink mucket, and snuffbox mussel. If the proposed action is subsequently modified or new information indicates that the proposed action may affect listed species or their habitat in a manner not previously considered, additional coordination with our office may be necessary.

We appreciate the opportunity to review the proposed project. If you have any questions, please contact Karah Jaffe of my staff at karah_jaffe@fws.gov.

Sincerely,

for Virgil Lee Andrews, Jr.
Field Supervisor

Federal Aviation Administration

From:	Morrison, Jordan
To:	Benjamin.J.Mayberry@faa.gov
Cc:	Regan.Michael@epa.gov; andrew.berke@usda.gov; jospeh.ranson@usda.gov; robert.deems@usda.gov; kate.moore@usda.gov; suzanne.kopich@usda.gov; Josh Young; Howell, Chris; Grace, Erika A; jerry.purvis@ekpc.coop
Bcc:	don.mosier@ekpc.coop; david.samford@ekpc.coop; craig.johnson@ekpc.coop; brad.young@ekpc.coop
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Tuesday, July 30, 2024 5:04:00 PM
Attachments:	Liberty_Federal Aviation Administration_073024.pdf

Mr. Mayberry,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

Please review the attached letter and provide a response within 30 days (August 30, 2024) to Jerry Purvis, EKPC VP Environmental Affairs, via email at: jerry.purvis@ekpc.coop, voice call at: 859.745.9244, or physical mail at: P.O. Box 707, Winchester, KY 40391, with reference to the proposed Liberty RICE Plant Project.

Jordan Morrison \ Burns & McDonnell
Assistant Environmental Scientist | ENS
pronouns: she/her
jmorrison2@burnsmcd.com \ burnsmcd.com
80 International Dr, Suite 500, Greenville, SC 29615

State Agencies

Kentucky Heritage Council

From:	Gunn, Christopher - RD, KY
To:	khc.section106@ky.gov
Cc:	Josh Young
Subject:	USDA-RUS EKPC Liberty RICE, Casey and Marion Counties, Kentucky
Date:	Wednesday, August 28, 2024 1:47:10 PM
Attachments:	Liberty RICE Initiation map packet.pdf Liberty RICE APE.kmz 2024-08-28 RUS to SHPO EKPC Liberty RICE initiate.pdf

Hello,

The USDA-RUS would like to initiate Section 106 consultation with the Kentucky Heritage Council concerning the proposed East Kentucky Power Cooperative Liberty RICE project in Casey and Marion Counties. The project proposes to construct a natural gas fired generation facility, to rebuild a section of existing transmission line, and make other improvements to existing transmission line segments. The attached letter describe the project, and the RUS's proposed APE and level of effort for the identification of historic properties and assessment of effect. Additionally attached are maps and a .kmz file showing the proposed APE.

Please let me know if I can answer any questions concerning the project.

Thank you,
Chris Gunn

Christopher M. Gunn, Ph.D.
Archaeologist
Environmental and Historic Preservation Division
Rural Utilities Service, Rural Development
United States Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250
Mobile: 1-202-577-3525
Desk: 1-202-720-2657

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USDA
United States Department of Agriculture

8/28/2024

Rural Development
Rural Utilities Service
1400 Independence Ave SW
Mail Stop 1570,
Washington, DC,
20250

Mr. Craig Potts
State Historic Preservation Officer
Kentucky Heritage Council
410 High Street
Frankfort, KY 40601

Subject: United States Department of Agriculture (USDA) – Rural Development (RD)
Rural Utility Service (RUS) Section 106 Initiation
Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Casey County, KY

Dear Mr. Potts:

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Utilities Service (RUS) for the Liberty Reciprocating Internal Combustion Engine (RICE) Plant Project (Project). This Project will not be using the NPA.[4] The RUS is writing today to initiate consultation on the potential effects of the Project on historic properties pursuant to 36 CFR § 800, Section 106 of the National Historic Preservation Act.

The purpose for the project, would be to construct a natural gas-fired generation facility that can provide up to 220 megawatts to support the reliability and resiliency of the EKPC electric power system. The Project would provide a new generation source in the area, which would help meet anticipated future demands, specifically ramping/voltage support for new renewable energy projects, using technology that reduces water usage and air emissions compared to conventional natural gas turbines and combustion turbines.

The Liberty RICE plant would be constructed within a 92-acre parcel of cleared agricultural land near Liberty, Casey County, Kentucky (see enclosed map packet). The property (37°22'11.30"N / 84°57'33.31"W) is located south of the intersection of Carl Sasser Rd and KY Hwy 49. Once constructed, the RICE facility would occupy a smaller footprint within the 92-acre parcel, and the final layout of the facility is still in preparation. However, it is known that the project will entail the following activities:

[4] *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106* (NPA).

- Site preparation (clearing and grading) of portions of the 92-acre Project site
- Creation of temporary laydown, staging, and parking areas on the 92-acre parcel during construction activities, and excavation of a new 2.5-acre stormwater pond
- Construction of a new RICE plant comprised of 11 individual 20-MW reciprocating engines and associated equipment. The new plant requires two (2) combustion exhaust stacks that will be approximately 186 feet tall
- Construction of approximately 0.25 miles of new transmission line between the RICE facility and the adjacent South Casey County transmission line. The line will be constructed within a 150-foot wide right-of-way (ROW). The exact layout of the new line has not been determined, and a 300-foot wide corridor would be analyzed to allow flexibility in structure placement and alignment.
- Construction of a new connection to a third-party gas line requiring an additional 5-acre ROW extending to the southeast of the RICE facility
- A proposed water line rebuild at the proposed RICE facility requiring an additional 0.5-acre ROW extending to the southwest from the RICE facility
- Rebuild of an approximately 7.5-mile segment of the South Casey County-Liberty Junction transmission line between the proposed RICE facility and the Liberty Junction substation. The rebuild will occur within the transmission line's existing 150-foot ROW. The existing wooden poles will be replaced by steel poles that are 10-15 feet taller, but fewer poles will be needed for the rebuilt line.
- Modify the grounding and conductor spacing on approximately 6.2 miles of the existing South Casey County-Casey County 161 kV Line. The existing static ground wire would be replaced with optical ground wire (OPGW). Increasing clearance between conductors is needed to operate the transmission line at a higher operating temperature. The work will be completed by modifying the line supports on the existing transmission structures and both this and the grounding upgrade will be conducted within the transmission line's existing 150-foot ROW
- Modify the conductor spacing on approximately 4.0 miles of the existing Marion County-Marion County Industrial Park Tap 161 kV Line. Increasing clearance between conductors is needed to operate the transmission line at a higher operating temperature. The work will be completed by modifying the line supports on the existing transmission structures within the transmission line's existing 150-foot ROW
- Install an additional transformer at the existing Marion County substation within the existing boundaries of the substation
- Rebuild approximately 300 feet of the Marion County-Lebanon 138 kV line where it enters the Marion County Substation.

If RUS elects to fund the Project, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

The RUS identified the following as consulting parties for the proposed project: the Kentucky State Historic Preservation Office (SHPO), the Cherokee Nation, the Eastern Band of Cherokee Indians, and the Osage Nation.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

The APE for the referenced project consists of the 92-acre parcel within which the RICE facility would be constructed, the three corridors within which the RICE facilities utilities connections (water line, gas line, interconnecting transmission line) would extend beyond the 92-acre parcel, the segments of the two transmission line corridors requiring modification to increase conductor spacing, and the short transmission line rebuild and addition of a new transformer at the Marion County substation. These segments of the APE include the areas where impacts from construction and the movement of vehicles may affect historic properties, if present. The APE also includes a radius around the RICE facility and the South Casey County-Liberty Junction transmission lines where new visual impacts to historic properties, if present, could result. For the RICE facility, the RUS proposes a ½ mile radius is reasonable to identify where the exhaust towers may result in an adverse impact to the setting of a historic property, if present. Along the South Casey County-Liberty Junction transmission line corridor, the RUS proposes a 750-foot radius is reasonable to identify visual impacts that may result from the 10-15 foot increase in height of the new line support structures.

The RUS, in coordination with EKPC, proposes that the APE will be assessed by SOI qualified professionals through archaeological and architectural surveys that will vary in level of effort depending on the proposed activities.

The RUS proposes that archaeological survey should include the 92-acre parcel for the RICE facility, the areas that would be potentially impacted by the new water and gas service connections to the RICE facility, the new 300-foot transmission line interconnection corridor between the RICE facility and the existing South Casey Couty transmission line, and the length of the South Casey County-Liberty Junction transmission line rebuild corridor. Archaeological survey methods and reporting will take into consideration current Kentucky SHPO and Tribal guidelines.

For the rebuild of the short 300-foot segment of 138 kV line at the Marion County substation, the replacement of existing static wire with OPGW and increasing the clearances between

conductors on the South Casey County 161 kV transmission line, increasing the clearances between conductors on the Marion County-Marion County Industrial Park Tap 161 kV transmission line, and the installation of a new transformer at the existing Marion County substation, the RUS proposes no new archaeological survey. The work along the existing South Casey County and two Marion County transmission lines can be achieved with small, truck-mounted equipment. The new transformer will be placed within the existing substation boundaries that have been previously disturbed. To ensure that previously identified resources along these routes are not adversely affected, a search of the Kentucky Office of State Archaeology database will be performed. If eligible or potentially eligible (undetermined NRHP eligibility) properties are present in these portions of the APE, the RUS will consult further on adequate protection measures.

Architectural survey will consider the visual impact portion of the APE where new buildings and infrastructure will be constructed and some existing infrastructure will increase in height. Specifically, the RUS recommends that architectural survey will consider the visual impact radii of the RICE facility and rebuild of the South Casey County-Liberty Junction transmission line included in the proposed APE. The RUS proposes that identification of any historic properties in this portion of the APE follow the Overview Study approach developed in consultation with the SHPO. EKPC's contractor would document and assess the effects of the proposed project on historic properties within the APE. Properties that are listed, formerly determined eligible for listing, or appear potentially eligible for listing in the National Register will be documented to KHC survey standards, including a full description and National Register evaluation of each property and completion of a KHC survey form. Properties containing resources 50 years of age or older that appear ineligible for listing in the National Register will be mapped, photographed, and summarized in a table including a brief description of the property and its current condition as they relate to the potential eligibility of the resource; resources recommended ineligible will not be formally surveyed.

The RUS does not recommend additional assessment of visual impact for other project activities, including the installation of optical ground wire and modification of conductor spacing on the South Casey County transmission line, the modification of conductor spacing on the Marion County-Marion County Industrial Park transmission line, or for the short transmission line rebuild and transformer installation at the Marion County substation. These activities entail minor modifications to existing infrastructure and will not introduce any visual elements that are not already present.

The RUS would appreciate any comments on the adequacy of the proposed APE and level of identification effort to account for effects to historic properties that could potentially result from the proposed project. Please review the enclosed map attachments and the information concerning the scope of the proposed project contained within this letter.

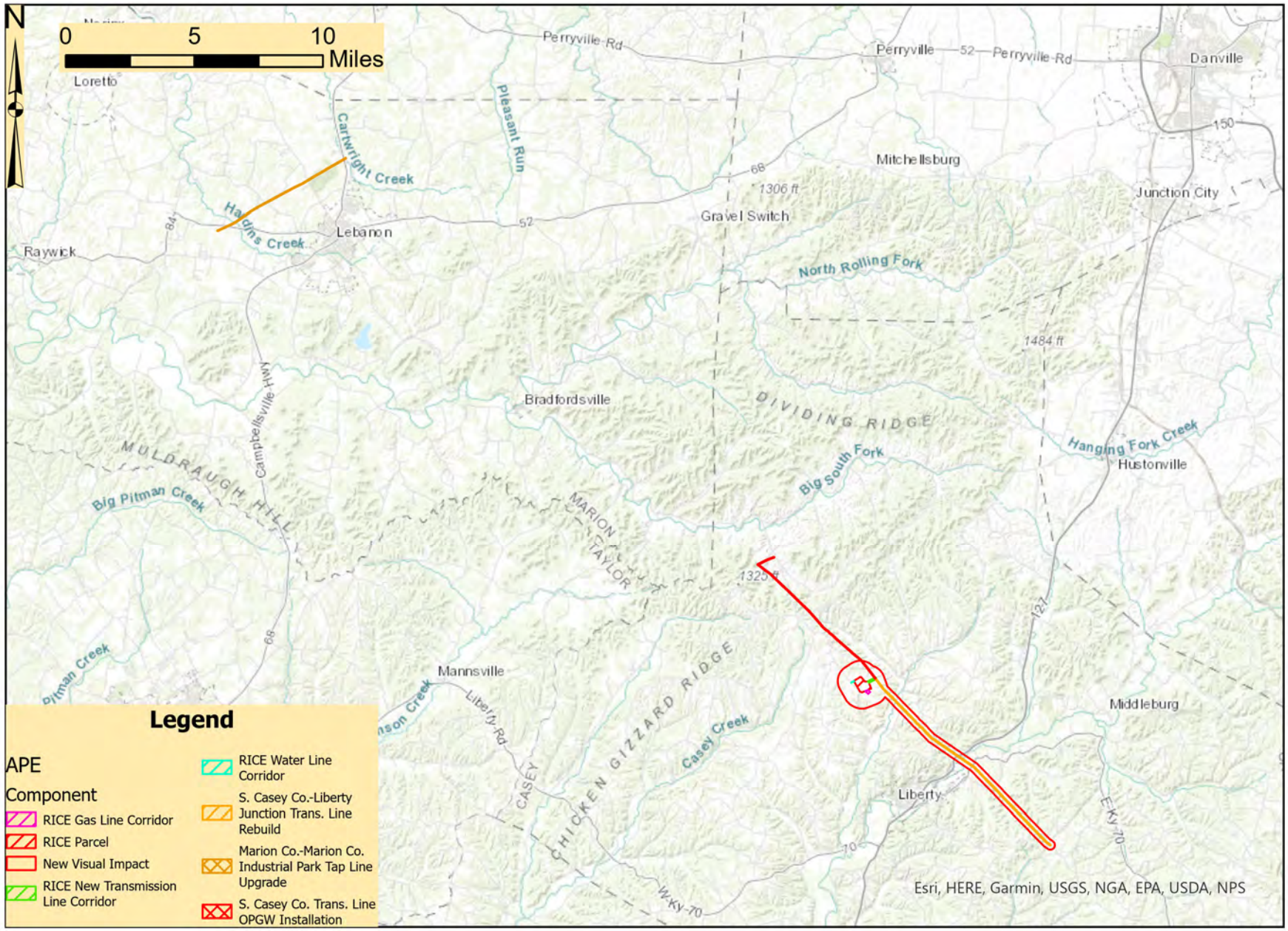
Please provide any questions or comments, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days.

Should you have any questions, please contact Christopher Gunn at Christopher.gunn@usda.gov or 202-255-3525 (mobile).

Sincerely,

Christopher M. Gunn
Archaeologist
Environmental and Historic Preservation Division
Rural Utilities Service
United States Department of Agriculture

Enclosures:
- Project Area Map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S. Casey Co.-Liberty Junction Trans. Line Rebuild
Marion Co.-Marion Co. Industrial Park Tap Line Upgrade
S. Casey Co. Trans. Line OPGW Installation

PEYTON'S STORE

CASEY COUNTY

LIBERTY JUNCTION

Reed Hollow
McAnelly Branch
Indian Creek
Buck Branch
Bald Knob
Pruitt Branch
Gusty Branch
Hill Branch
Murphy Branch
Peyton Branch
Hill Ridge Rd
Long Hollow Rd
Slate Hill Rd
Long Hollow
Turkeyfoot Knob
1429 ft
Carpenter Creek Rd
Carpenter Creek
CASEY
LINCOLN
Ky Highway
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Shuck Creek
Horse Lick Creek
Robin Lick Creek
Frey Creek
BARK RIDGE
Martins Creek Rd
Peyton Ridge
Martin Creek
Peyton Ridge Rd
Cox Branch
Wolf Pen Branch
Burton Knob Rd
Snake Ridge Rd
Shucks Creek Rd
Sheb Scott Rd
Snake Ridge
Reynold Creek
Reynolds Creek Rd
Brush Creek
George Branch Rd
George Branch
Griffith Ridge
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Caney Fork Rd
Caney Fork Ridge
Wilson Ridge Rd
Upper Brush Creek Rd
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Casey Creek
Smith Rd
Woodrum Ridge Rd
Barger Branch
Moore Branch
US-127
Hickory Hills Country Club
Moccasin Creek
Doe Creek
Hamlin Branch
Oak Ridge
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Kettle Creek
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Elliott Knob
Clear Branch
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Liberty RICE - Transmission

- South Casey County Switching Station
- New Transmission Loop-in LIne
- South Casey Co-Liberty Jct Line Rebuild
- South Casey Co-Casey Co OPGW-Upgrade
- Liberty Property Boundary
- Existing EKPC Transmission Line

0 0.5 1 2 Miles

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CONTOWN

Preliminary

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KU Lebanon

North Lebanon

EKPC Lebanon

Marion County Industrial

Liberty RICE - Transmission
Marion County Upgrades

- Marion Co-KU Lebanon Rebuild
- Marion Co-Marion Co Industrial Upgrade
- Existing EKPC Transmission Line

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Preliminary

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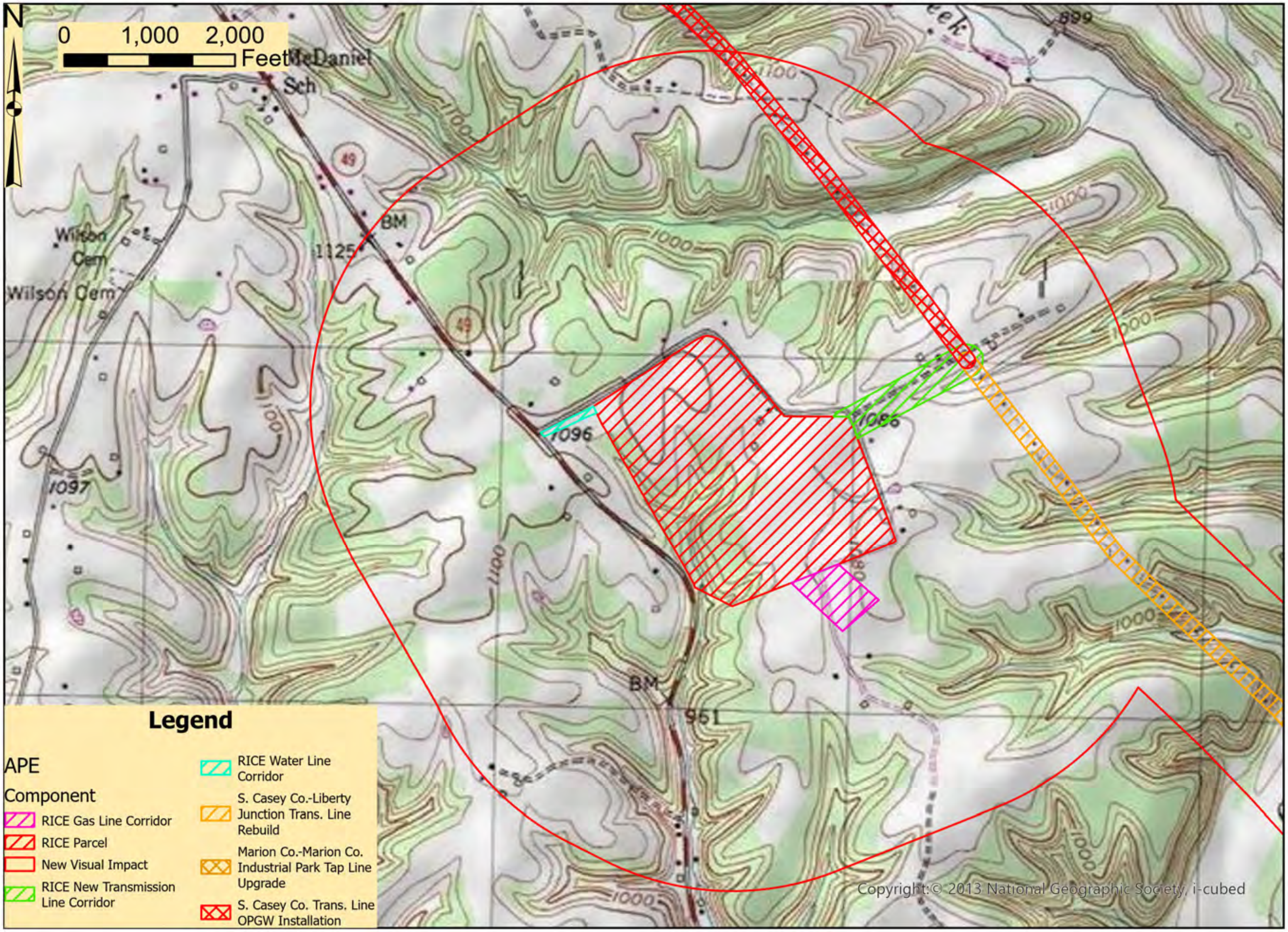
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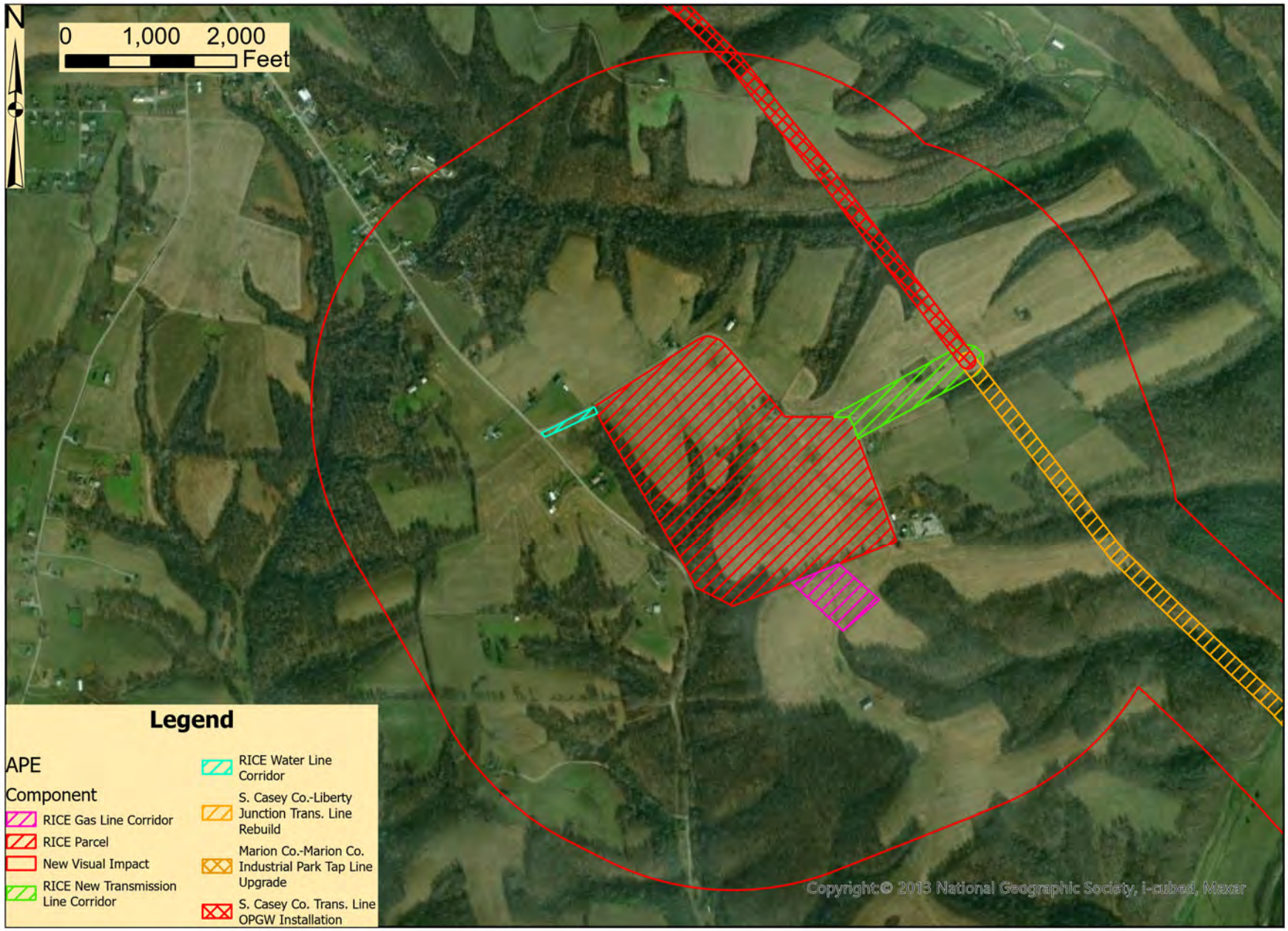
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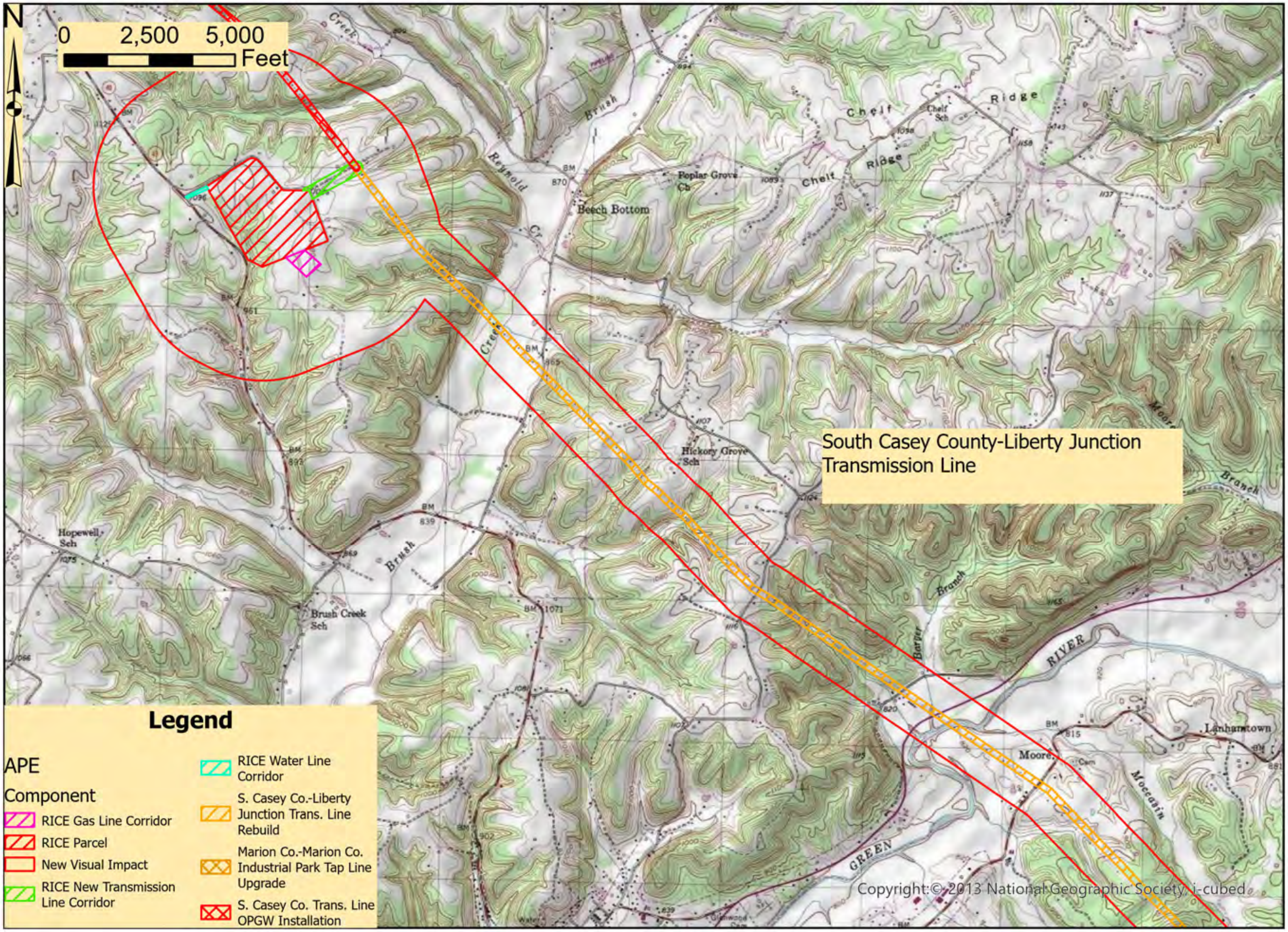

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Hopewell Sch
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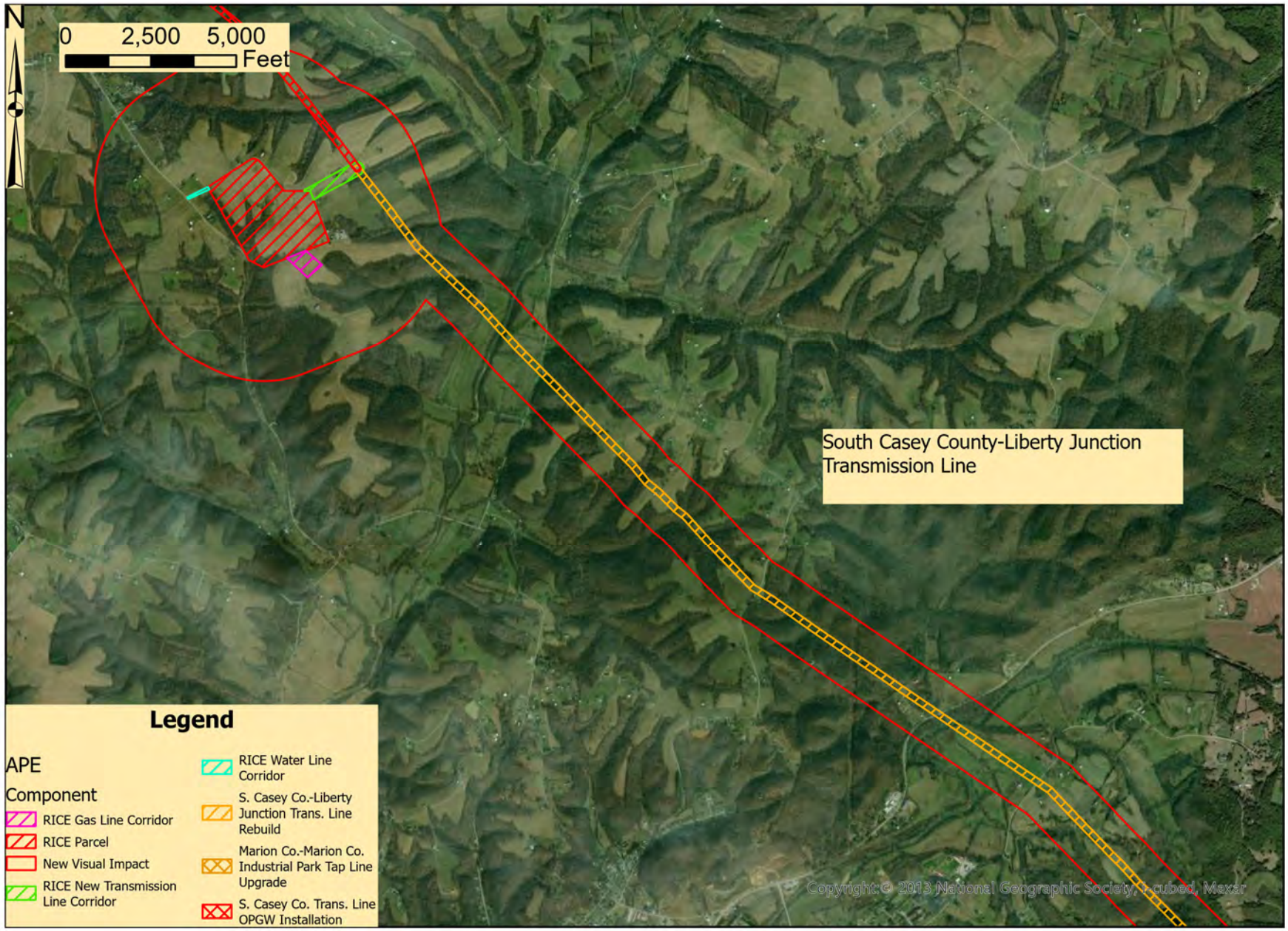
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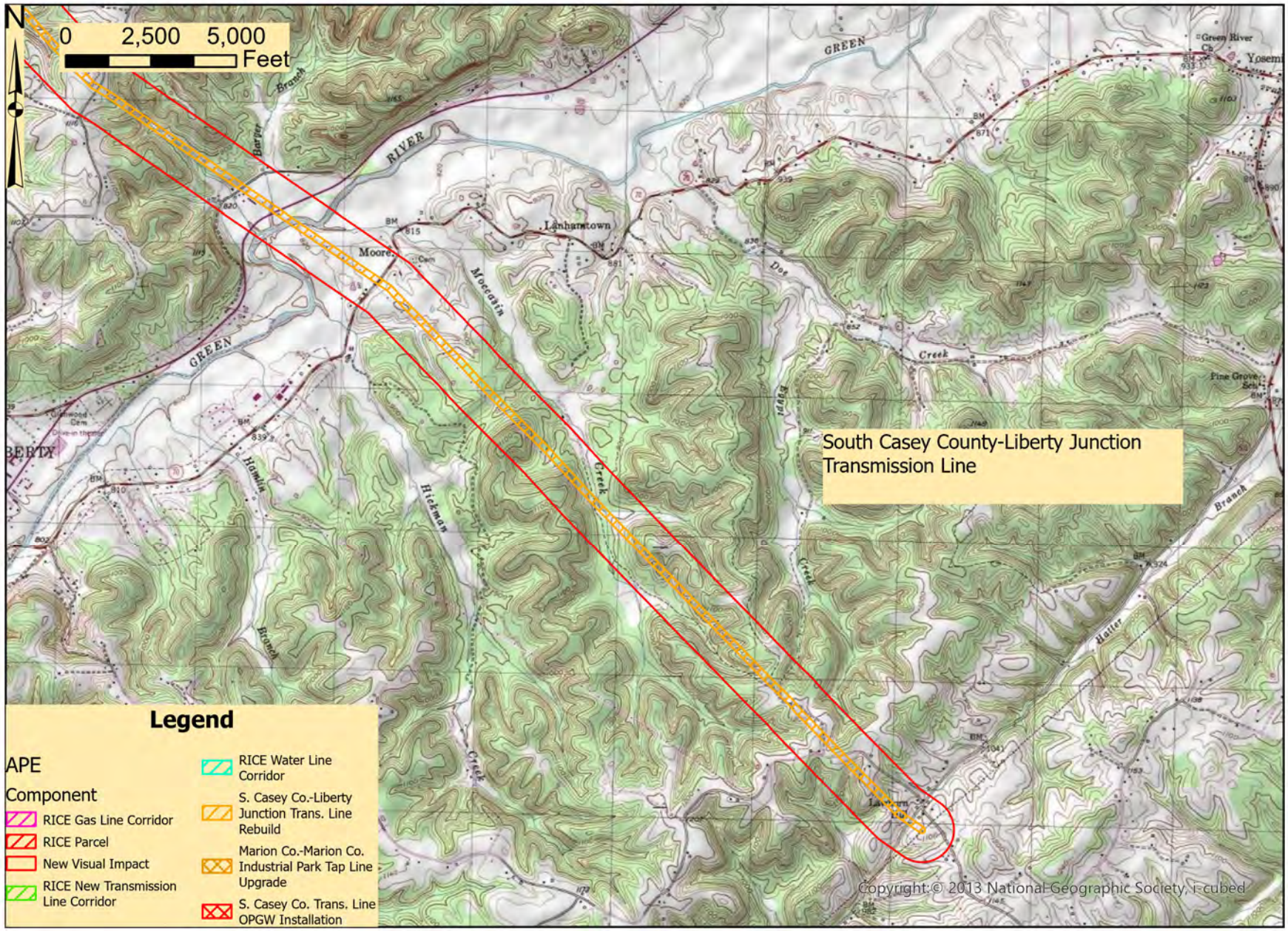
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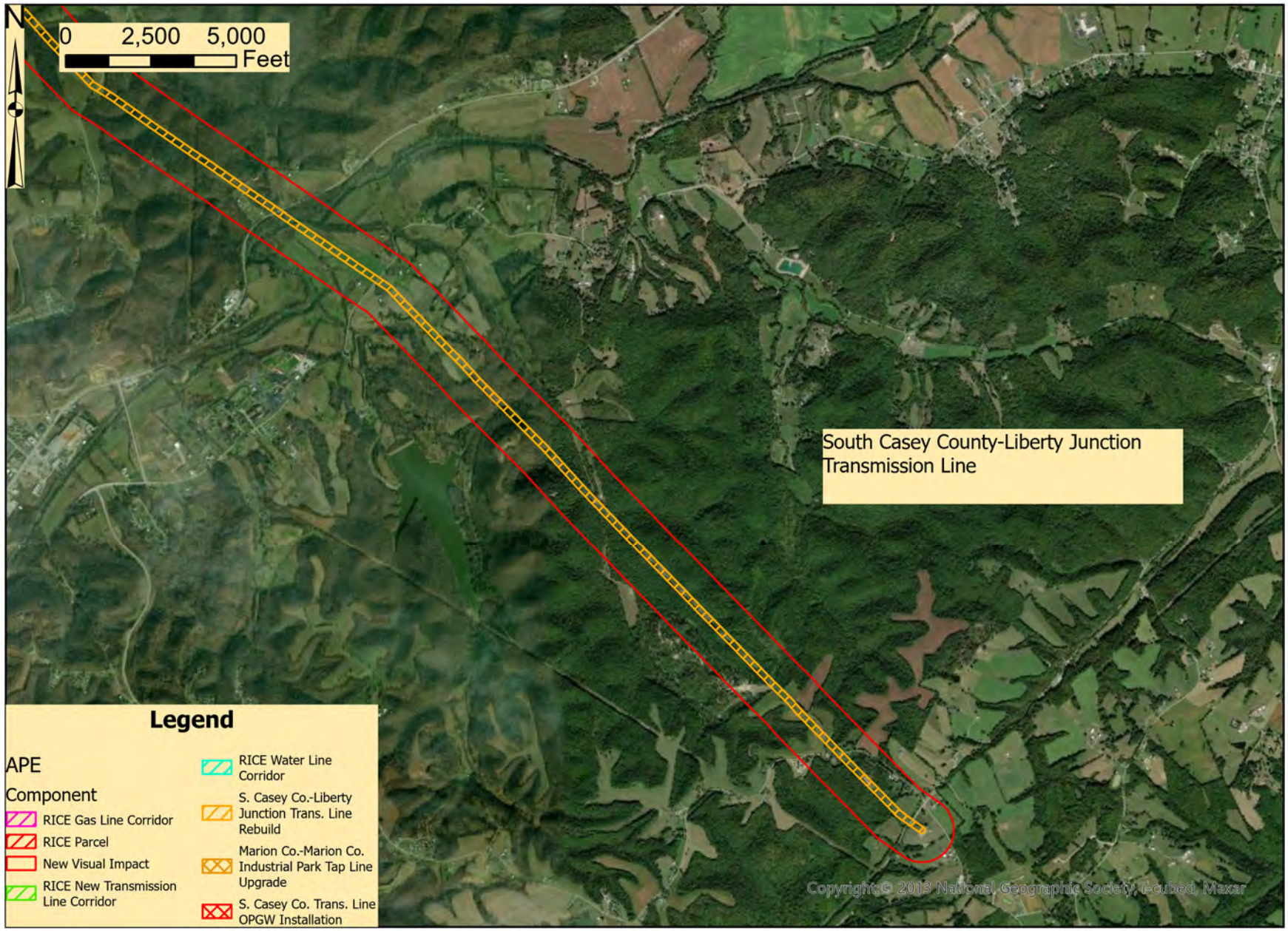
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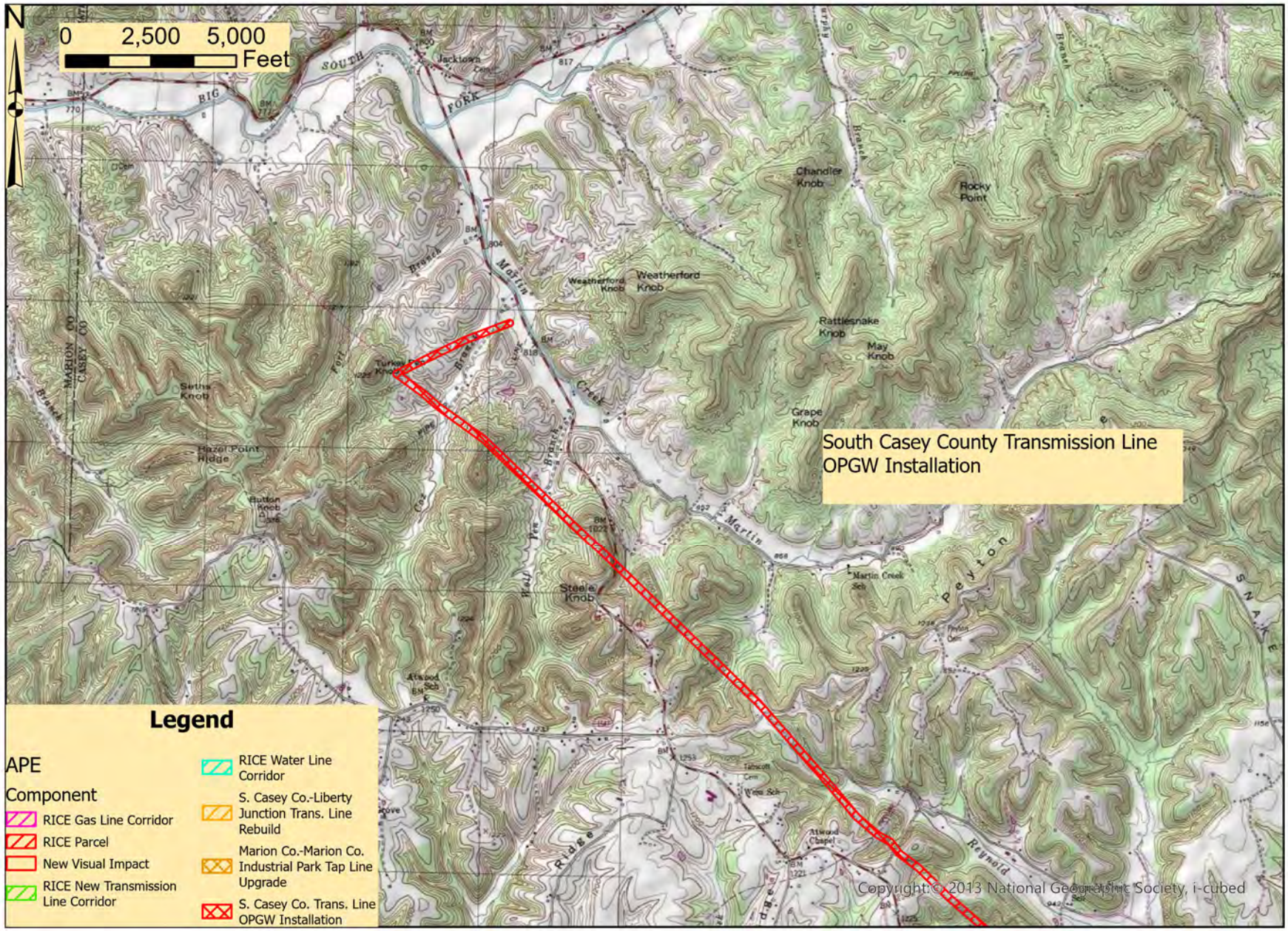
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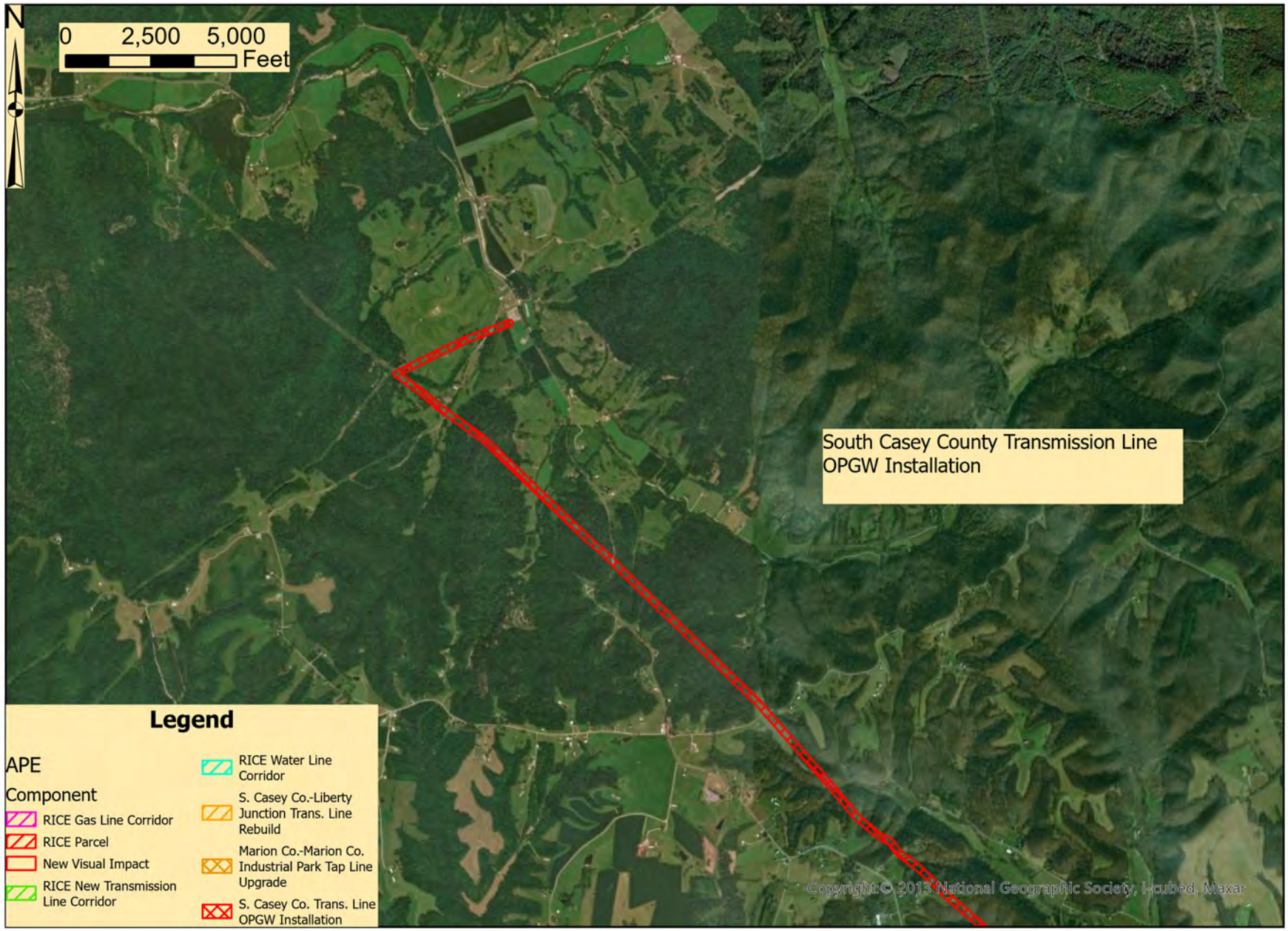
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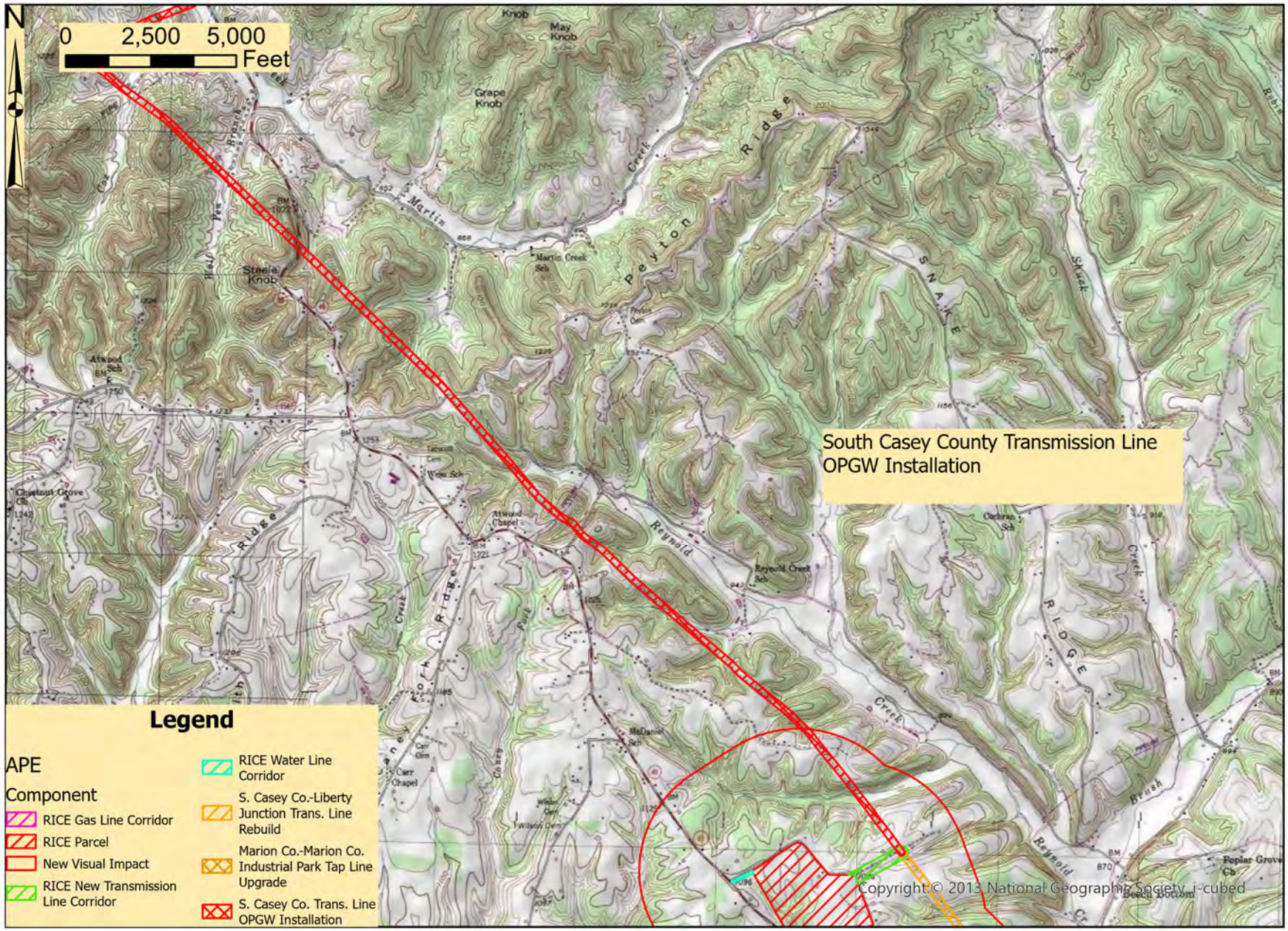
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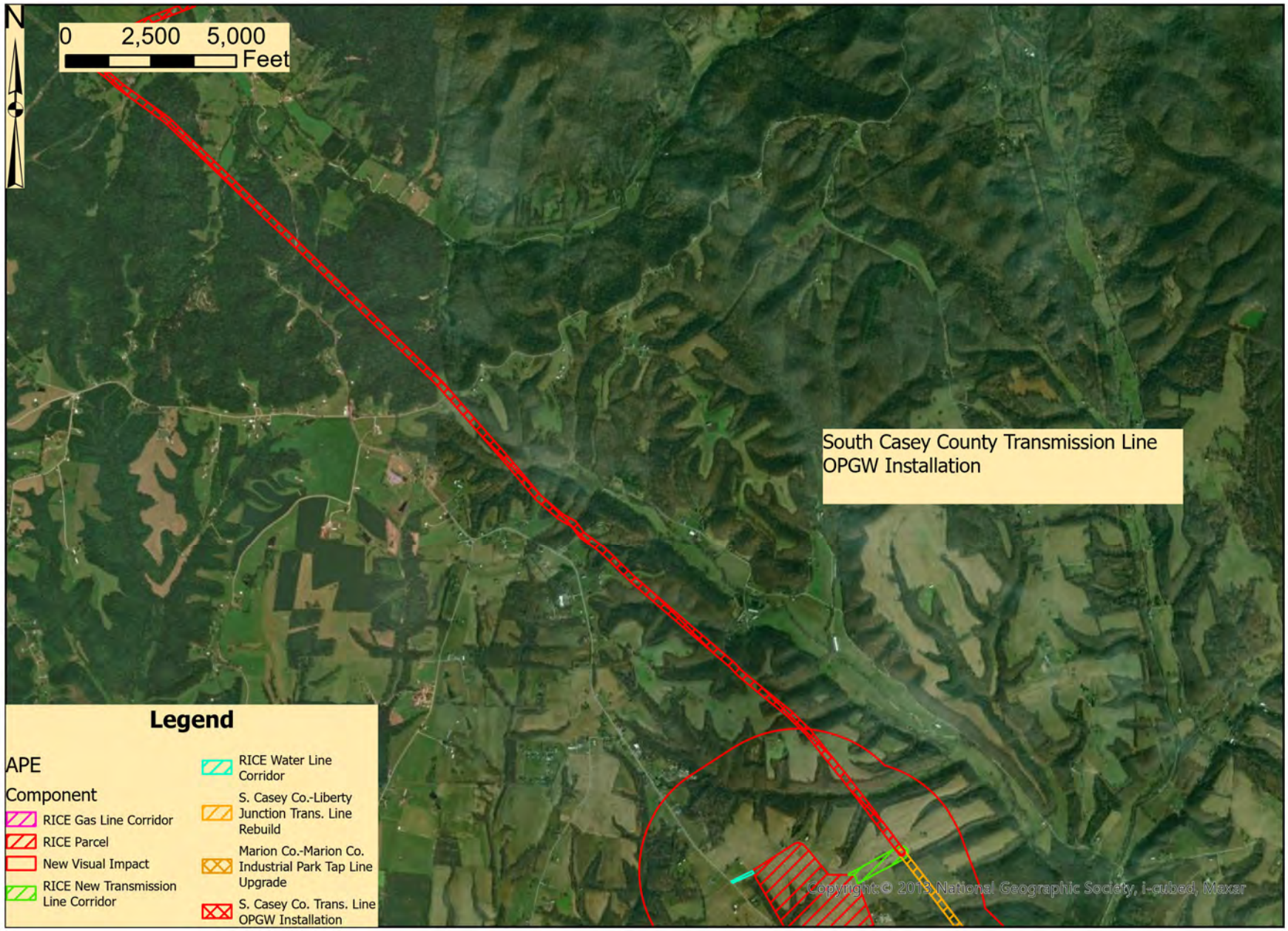
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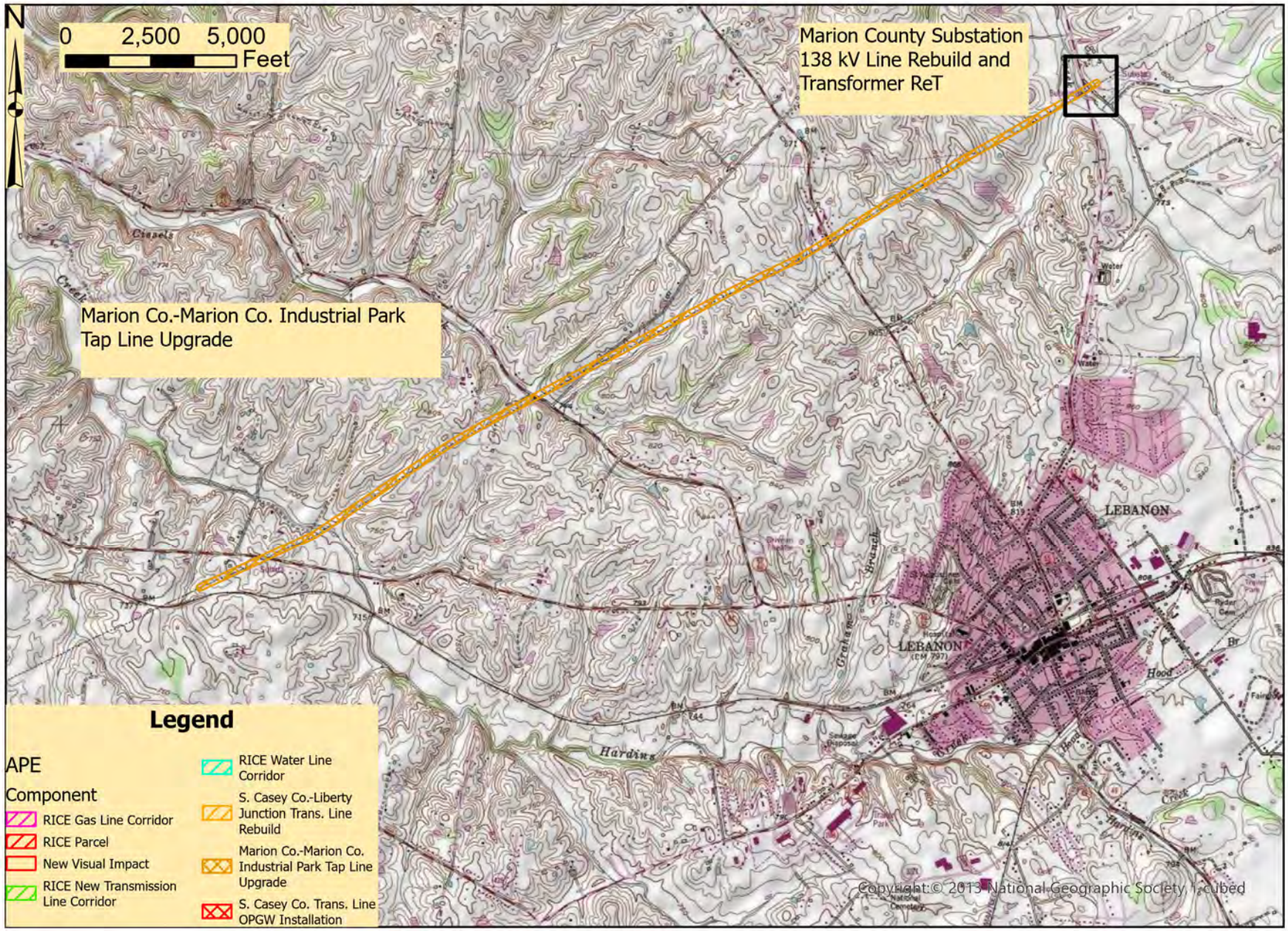
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S. Casey Co. Trans. Line OPGW Installation
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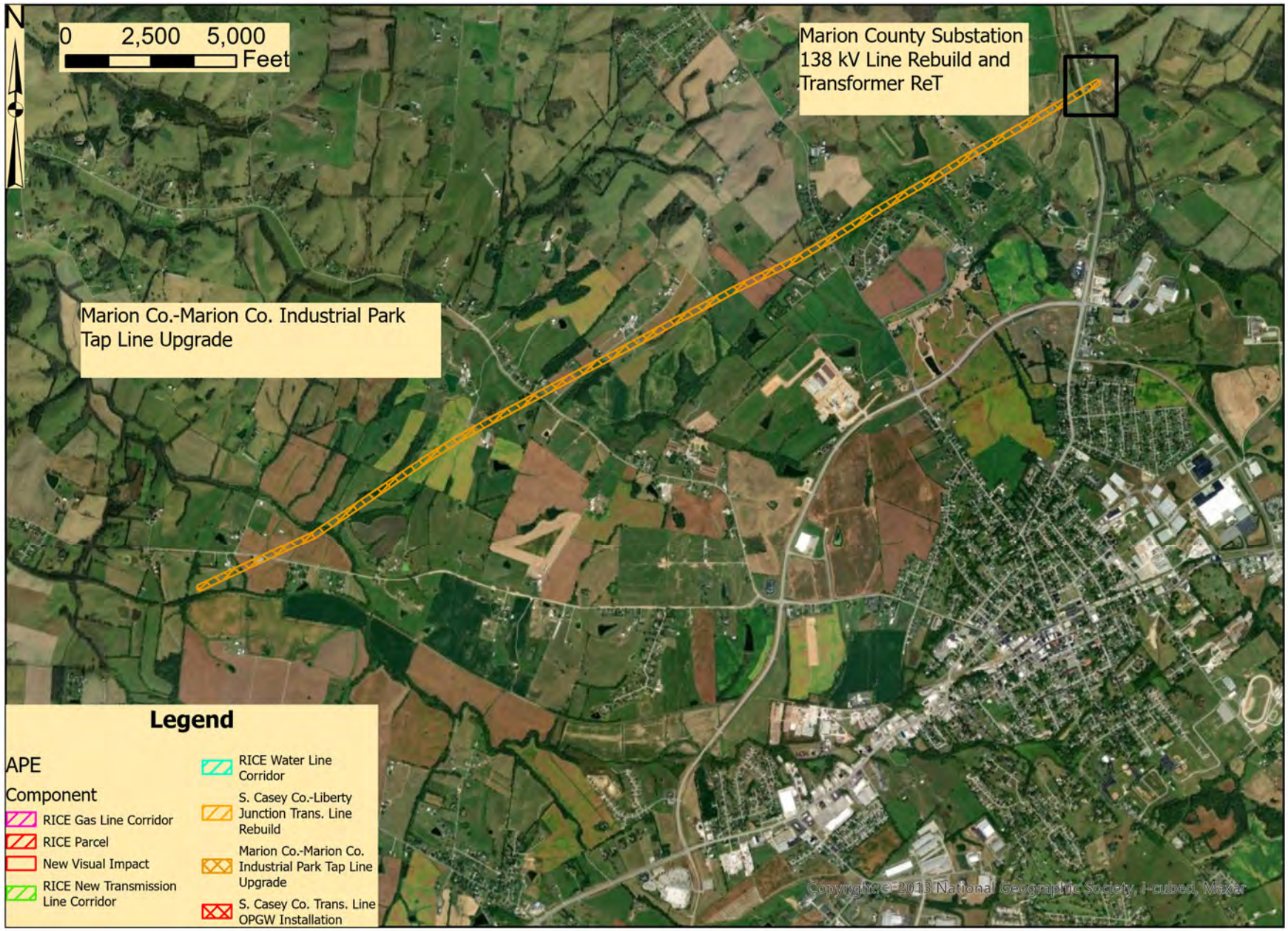
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Feet
Marion County Substation
138 kV Line Rebuild and
Transformer ReT
Marion Co.-Marion Co. Industrial Park
Tap Line Upgrade
Legend
APE
Component
RICE Gas Line Corridor
RICE Parcel
New Visual Impact
RICE New Transmission Line Corridor
RICE Water Line Corridor
S. Casey Co.-Liberty Junction Trans. Line Rebuild
Marion Co.-Marion Co. Industrial Park Tap Line Upgrade
S. Casey Co. Trans. Line OPGW Installation
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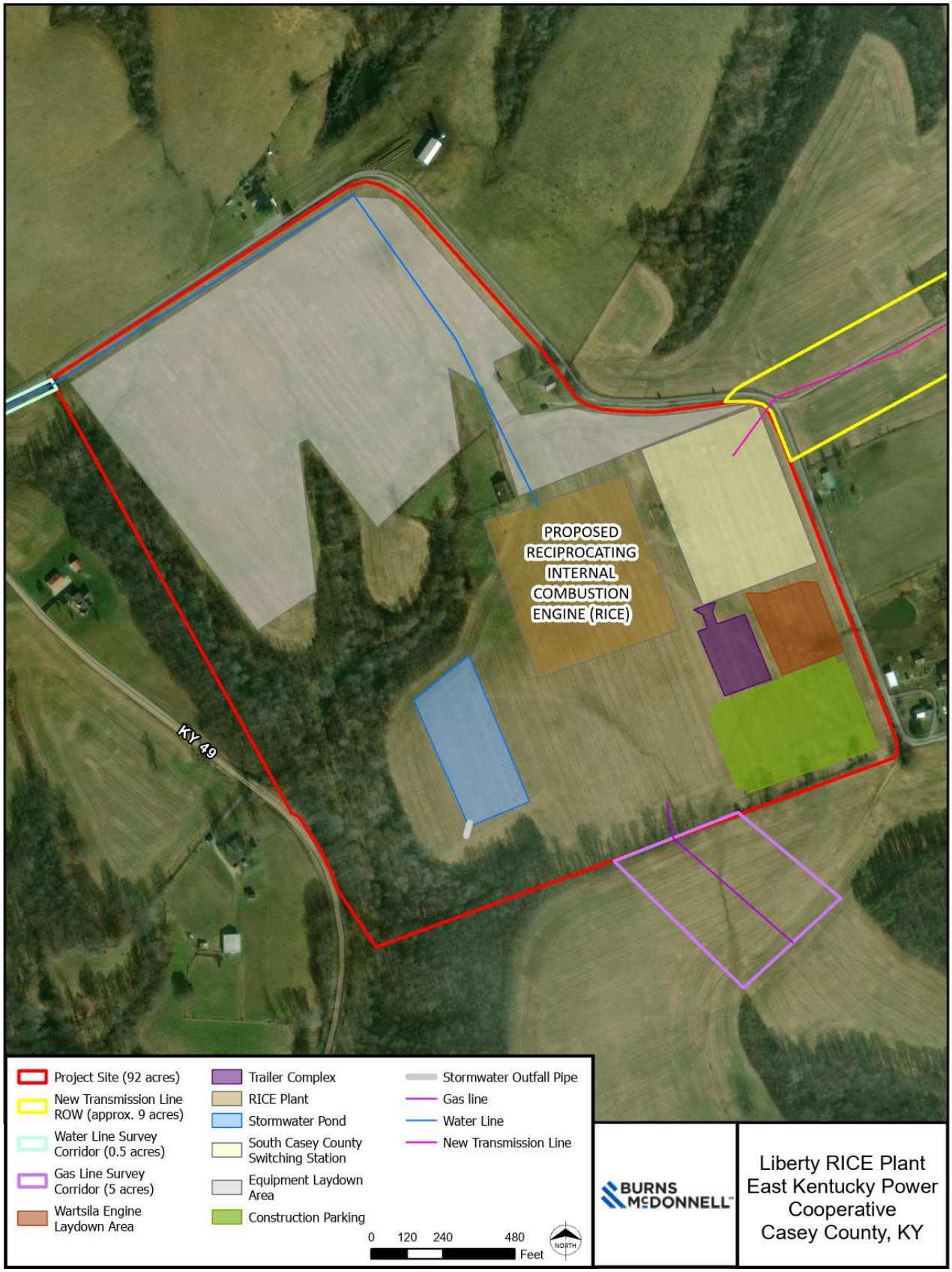

Liberty RICE Preliminary Facility Layout

From: Josh Young
To: Howell, Chris; Grace, Erika A
Subject: FW: USDA-RUS EKPC Liberty RICE, Casey and Marion Counties, Kentucky
Date: Tuesday, September 24, 2024 2:27:00 PM
Attachments: image001.png

From: Hutchins, Patricia (Heritage Council) <patricia.hutchins@ky.gov>
Sent: Tuesday, September 24, 2024 12:32 PM
To: Christopher.Gunn@usda.gov
Cc: Josh Young <josh.young@ekpc.coop>
Subject: USDA-RUS EKPC Liberty RICE, Casey and Marion Counties, Kentucky

Good afternoon,

We concur with the proposed area of potential effect and level of effort for the proposed East Kentucky Power Cooperative Liberty RICE project in Casey and Marion Counties (KHC # 241772). Please ensure survey methods and reporting adhere to our current guidelines.

Thank you,
Patti

Patricia E. Hutchins
Archaeology Review Coordinator
Kentucky Heritage Council
410 High Street
Frankfort, Kentucky 40601
Email: patricia.hutchins@ky.gov

Important Note about Section 106 Submissions:
In order for your Section 106 submission to be accepted, distributed, and reviewed all documents must be sent via email to our dedicated address: khc.section106@ky.gov.

For additional information on how and what to submit for Section 106 review, please visit our webpage:
https://heritage.ky.gov/compliance/Pages/overview.aspx

Kentucky Energy and Environment Cabinet

From:	Morrison, Jordan
To:	"gordon.slone@ky.gov"
Cc:	"Regan.Michael@epa.gov"; "andrew.berke@usda.gov"; "jospeh.ranson@usda.gov"; "robert.deems@usda.gov"; "kate.moore@usda.gov"; "suzanne.kopich@usda.gov"; Josh Young; Howell, Chris; Grace, Erika A; "jerry.purvis@ekpc.coop"
Bcc:	"don.mosier@ekpc.coop"; "david.samford@ekpc.coop"; "craig.johnson@ekpc.coop"; "brad.young@ekpc.coop"
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Tuesday, July 30, 2024 5:04:00 PM
Attachments:	Liberty_Kentucky Energy and Environment Cabinet_Slone_073024.pdf

Mr. Slone,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

Please review the attached letter and provide a response within 30 days (August 30, 2024) to Jerry Purvis, EKPC VP Environmental Affairs, via email at: jerry.purvis@ekpc.coop, voice call at: 859.745.9244, or physical mail at: P.O. Box 707, Winchester, KY 40391, with reference to the proposed Liberty RICE Plant Project.

Jordan Morrison \ Burns & McDonnell
Assistant Environmental Scientist | ENS
pronouns: she/her
jmorrison2@burnsmcd.com \ burnsmcd.com
80 International Dr, Suite 500, Greenville, SC 29615

From: Slone, Gordon (EEC)
To: Morrison, Jordan
Subject: RE: Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date: Wednesday, July 31, 2024 9:33:16 AM
Attachments: image001.png

Jordan,

Thank you for your email and the attached letter. The proposed RICE plant doesn't seem to fall within the authority of the Department for Natural Resources but I have forwarded your email to the Department of Environmental Protection, also within the Energy and Environment Cabinet, for their review.

Thank you,

Gordon Slone
Commissioner
Department for Natural Resources
(502) 782-2903

TEAM KENTUCKY
ENERGY AND ENVIRONMENT CABINET

From: Morrison, Jordan <jmorrison2@burnsmcd.com>
Sent: Wednesday, July 30, 2024 5:02 PM
To: Slone, Gordon (EEC) <gordonr.slone@ky.gov>
Subject: Liberty Reciprocating Internal Combustion Engine (RICE) Plant

---

Mr. Slone,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

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at: 859.745.9244, or physical mail at: P.O. Box 707, Winchester, KY 40391, with reference to the proposed Liberty RICE Plant Project.

Jordan Morrison \ Burns & McDonnell
Assistant Environmental Scientist | ENS
pronouns: she/her
jmorrison2@burnsmcd.com \ burnsmcd.com
80 International Dr, Suite 500, Greenville, SC 29615

From:	Morrison, Jordan
To:	rebecca.goodman@ky.gov
Cc:	Regan.Michael@epa.gov; andrew.berke@usda.gov; jospeh.ranson@usda.gov; robert.deems@usda.gov; kate.moore@usda.gov; suzanne.kopich@usda.gov; Josh Young; Howell, Chris; Grace, Erika A; jerry.purvis@ekpc.coop
Bcc:	don.mosier@ekpc.coop; david.samford@ekpc.coop; craig.johnson@ekpc.coop; brad.young@ekpc.coop
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Tuesday, July 30, 2024 5:04:00 PM
Attachments:	Liberty_Kentucky Energy and Environment Cabinet_Goodman_073024.pdf

Ms. Goodman,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

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Jordan Morrison \ Burns & McDonnell
Assistant Environmental Scientist | ENS
pronouns: she/her
jmorrison2@burnsmcd.com \ burnsmcd.com
80 International Dr, Suite 500, Greenville, SC 29615

From: Goodman, Rebecca W (EEC)
To: Morrison, Jordan
Subject: RE: Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date: Wednesday, July 31, 2024 9:33:30 AM
Attachments: image001.png

Thank you. I will forward to the appropriate staff and we will contact Mr. Purvis with our reply.

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet
300 Sower Blvd, Third Floor
Frankfort, KY 40601
(502) 564-7075
(502) 229-7066, cell

TEAM KENTUCKY
ENERGY AND ENVIRONMENT CABINET

From: Morrison, Jordan <jmorrison2@burnsmcd.com>
Sent: Wednesday, July 30, 2024 5:04 PM
To: Goodman, Rebecca W (EEC) <RebeccaW.Goodman@ky.gov>
Subject: Liberty Reciprocating Internal Combustion Engine (RICE) Plant

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Ms. Goodman,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

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Jordan Morrison \ Burns & McDonnell

Assistant Environmental Scientist | ENS
pronouns: she/her
jmorrison2@burnsmcd.com \ burnsmcd.com
80 International Dr, Suite 500, Greenville, SC 29615

Kentucky Department of Fish and Wildlife Resources (DFWR)

From:	Morrison, Jordan
To:	travis.neal@ky.gov
Cc:	Regan.Michael@epa.gov; andrew.berke@usda.gov; jospeh.ranson@usda.gov; robert.deems@usda.gov; kate.moore@usda.gov; suzanne.kopich@usda.gov; Josh Young; Howell, Chris; Grace, Erika A; jerry.purvis@ekpc.coop
Bcc:	don.mosier@ekpc.coop; david.samford@ekpc.coop; craig.johnson@ekpc.coop; brad.young@ekpc.coop
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Tuesday, July 30, 2024 5:04:00 PM
Attachments:	Liberty_Kentucky Department of Fish and Wildlife Resources_073024.pdf

Mr. Neal,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

Please review the attached letter and provide a response within 30 days (August 30, 2024) to Jerry Purvis, EKPC VP Environmental Affairs, via email at: jerry.purvis@ekpc.coop, voice call at: 859.745.9244, or physical mail at: P.O. Box 707, Winchester, KY 40391, with reference to the proposed Liberty RICE Plant Project.

Jordan Morrison \ Burns & McDonnell
Assistant Environmental Scientist | ENS
pronouns: she/her
jmorrison2@burnsmcd.com \ burnsmcd.com
80 International Dr, Suite 500, Greenville, SC 29615

Kentucky Transportation Cabinet (KYTC)

From:	Morrison, Jordan
To:	jami.west@ky.gov
Cc:	Regan.Michael@epa.gov; andrew.berke@usda.gov; jospeh.ranson@usda.gov; robert.deems@usda.gov; kate.moore@usda.gov; suzanne.kopich@usda.gov; Josh Young; Howell, Chris; Grace, Erika A; jerry.purvis@ekpc.coop
Bcc:	don.mosier@ekpc.coop; david.samford@ekpc.coop; craig.johnson@ekpc.coop; brad.young@ekpc.coop
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Tuesday, July 30, 2024 5:04:00 PM
Attachments:	Liberty_Kentucky Transportation Cabinet_073024.pdf

Ms. West,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

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Jordan Morrison \ Burns & McDonnell
Assistant Environmental Scientist | ENS
pronouns: she/her
jmorrison2@burnsmcd.com \ burnsmcd.com
80 International Dr, Suite 500, Greenville, SC 29615

Kentucky Department of Aviation (KDOA)

From:	Morrison, Jordan
To:	Mark.Carter@ky.gov
Cc:	Regan.Michael@epa.gov; andrew.berke@usda.gov; jospeh.ranson@usda.gov; robert.deems@usda.gov; kate.moore@usda.gov; suzanne.kopich@usda.gov; Josh Young; Howell, Chris; Grace, Erika A; jerry.purvis@ekpc.coop
Bcc:	don.mosier@ekpc.coop; david.samford@ekpc.coop; craig.johnson@ekpc.coop; brad.young@ekpc.coop
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Tuesday, July 30, 2024 5:05:00 PM
Attachments:	Liberty_Kentucky Department of Aviation_073024.pdf

Mr. Carter,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

Please review the attached letter and provide a response within 30 days (August 30, 2024) to Jerry Purvis, EKPC VP Environmental Affairs, via email at: jerry.purvis@ekpc.coop, voice call at: 859.745.9244, or physical mail at: P.O. Box 707, Winchester, KY 40391, with reference to the proposed Liberty RICE Plant Project.

Jordan Morrison \ Burns & McDonnell
Assistant Environmental Scientist | ENS
pronouns: she/her
jmorrison2@burnsmcd.com \ burnsmcd.com
80 International Dr, Suite 500, Greenville, SC 29615

From: Carter, Mark B (KYTC)
To: Morrison, Jordan
Subject: RE: Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date: Wednesday, July 31, 2024 1:01:01 PM

Jordan,

We have reviewed the attachment and have no issues or comments.

Mark

From: Morrison, Jordan <jmorrison2@burnsmcd.com>
Sent: Tuesday, July 30, 2024 5:05 PM
To: Carter, Mark B (KYTC) <Mark.Carter@ky.gov>
Cc: Regan.Michael@epa.gov; andrew.berke@usda.gov; jospeh.ranson@usda.gov; robert.deems@usda.gov; kate.moore@usda.gov; suzanne.kopich@usda.gov; Josh Young <josh.young@ekpc.coop>; Howell, Chris <chowell@burnsmcd.com>; Grace, Erika A <eagrace@burnsmcd.com>; Jerry Purvis <jerry.purvis@ekpc.coop>
Subject: Liberty Reciprocating Internal Combustion Engine (RICE) Plant

---

Mr. Carter,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

Please review the attached letter and provide a response within 30 days (August 30, 2024) to Jerry Purvis, EKPC VP Environmental Affairs, via email at: jerry.purvis@ekpc.coop, voice call at: 859.745.9244, or physical mail at: P.O. Box 707, Winchester, KY 40391, with reference to the proposed Liberty RICE Plant Project.

Jordan Morrison \ Burns & McDonnell
Assistant Environmental Scientist | ENS
pronouns: she/her
jmorrison2@burnsmcd.com \ burnsmcd.com
80 International Dr, Suite 500, Greenville, SC 29615

Kentucky Department of Environmental Protection

From:	Morrison, Jordan
To:	"tony.hatton@ky.gov"
Cc:	"Regan.Michael@epa.gov"; "andrew.berke@usda.gov"; "jospeh.ranson@usda.gov"; "robert.deems@usda.gov"; "kate.moore@usda.gov"; "suzanne.kopich@usda.gov"; Josh Young; Howell, Chris; Grace, Erika A; "jerry.purvis@ekpc.coop"
Bcc:	"don.mosier@ekpc.coop"; "david.samford@ekpc.coop"; "craig.johnson@ekpc.coop"; "brad.young@ekpc.coop"
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE)
Date:	Tuesday, July 30, 2024 5:05:00 PM
Attachments:	Liberty_Kentucky Department of Environmental Protection_Hatton_073024.pdf

Mr. Hatton,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

Please review the attached letter and provide a response within 30 days (August 30, 2024) to Jerry Purvis, EKPC VP Environmental Affairs, via email at: jerry.purvis@ekpc.coop, voice call at: 859.745.9244, or physical mail at: P.O. Box 707, Winchester, KY 40391, with reference to the proposed Liberty RICE Plant Project.

Jordan Morrison \ Burns & McDonnell
Assistant Environmental Scientist | ENS
pronouns: she/her
jmorrison2@burnsmcd.com \ burnsmcd.com
80 International Dr, Suite 500, Greenville, SC 29615

ANDY BESHEAR
GOVERNOR

REBECCA W. GOODMAN
SECRETARY

ANTHONY R. HATTON
COMMISSIONER

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
TELEPHONE: 502-564-2150 TELEFAX: 502-564-4245

August 26, 2024

EKPC
P.O. Box 707, ,
Winchester, Kentucky 40391

Re: Liberty Reciprocating Internal Combustion Engine (RICE) Plant – NEPA 2024-0070

Dear Sir or Madam,

The Energy and Environment Cabinet serves as the state clearinghouse for review of environmental documents generated pursuant to the National Environmental Policy Act (NEPA). Within the Cabinet, the Commissioner's Office in the Department for Environmental Protection coordinates the review for Kentucky state agencies. We received your letter requesting an environmental review for this project. We have reviewed the document and provided comments below.

Division of Water:

Based on the location information provided, this project appears to be outside the regulated floodplain and will not require stream construction permitting. This project may require a water quality certification from the Division of Water if work is being completed below the ordinary high-water mark in Waters of the US. See the following page for information on permitting procedures: https://eec.ky.gov/Environmental-Protection/Water/PermitCert/WQ401Cert/Pages/Apply-for-Certification.aspx

The Water Quality Branch has no comments on this project.

The only comment that Field Operations Branch has is a concern if East Casey Water can provide for the facility.

The Director's Office has no comments.

The Water Supply Section has the following comment: The main construction site is outside of any delineated source water protection zones, however, the proposed Right of Way (ROW) will impact the Liberty Water Works (KY0230987) Source Water Protection (SWPA) Zone 1. These zones are based on potential time of travel of a contaminant to the drinking water intake and are defined as follows:
SWPA:

Zone 1 (Critical Zone/Less than 1 hour Time of Travel)
Zone 2 (Zone of Responsibility/1 hour to 5 hour Time of Travel)
Zone 3 (Zone of Potential Impact/2.5 to 12.5 hour Time of Travel)

Source Water Protection should include best management practices or BMP's that prevent, reduce, or eliminate storm water runoff, soil erosion, and movement of nutrients, bacteria, and contaminants into unprotected waterways that may pose threats to public drinking water supplies. It should also include contingency planning strategies if protective measures fail or accidents and/or disasters occur and emergency response planning for water supply contamination or service interruption. Examples can be referenced here: https://www.epa.gov/sourcewaterprotection/source-water-protection-practices or https://eec.ky.gov/Environmental-Protection/Water/Protection/Pages/SWP.aspx

Water supply is a concern for this project as Liberty Water Works has no interconnections with other systems. The water plant has a design capacity of 2.1 MGD and a High Use of 1.87 MGD according to the Water Resources Information System (https://wris.ky.gov/portal/DwSysData/KY0230987). Water loss for the system is estimated at 31%. Without knowing the daily water requirements of this project, it is not possible to determine if the water supply is adequate to support this project.

The proposed work is endorsed by the Groundwater Section of the Watershed Management Branch. However, it is our recommendation that site be made aware of the requirements of 401 KAR 5:037 and the need to develop a Groundwater Protection Plan (GPP) for the protection of groundwater resources within that area.

Division of Enforcement:

East Kentucky Power Cooperative, Inc. (EKPC) is seeking financial assistance from the United States Department of Agriculture (USDA) Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for the Liberty Reciprocating Internal Combustion Engine (RICE) Plant. In anticipation of National Environmental Policy Act (NEPA), Clean Air Act (CAA), Clean Water Act (CWA), Endangered Species Act (ESA) Section 7, and National Historic Preservation Act (NHPA) Section 106 compliance, the purpose of this letter is to introduce the project and gather information on preliminary concerns, if any, for consideration in this compliance process. As the NEPA lead agency, RUS has determined that an Environmental Assessment (EA) is the appropriate NEPA class of action for this Project pursuant to 7 Code of Federal Regulations (CFR) § 1970.101. RUS has delegated responsibility for transmittal of Agency Scoping letters to EKPC and their consultant Burns & McDonnell per 7 CFR 1970.5(b)(2), subject to RUS oversight.
The project would be located on approximately 92 acres of cleared agriculture land in Casey County, Kentucky, that will be owned by EKPC. Within the boundary of the project site are four existing bars/shred structures that will be removed and patchy forested areas along the western border of the property. Based on preliminary design, the project will nominally produce up to 220 megawatts (MW).
As currently planned, the project would provide ramping and voltage support for new EKPC renewable generation projects and would consist of the following:
Site preparation (clearing and grading) of portions of the project site (impacts to forest, streams, and wetlands would be avoided to the maximum extent practicable);
Creation of temporary laydown, staging, and parking areas during construction activities, and excavation of a new 2.5-acre stormwater pond;

Construction of a new RICE plant comprised of 11 individual 20-MW reciprocating engines and associated equipment;
Construction of a new transmission line (less than 1 mile long), associated transmission switchyard, and approximately 9-acre right-of-way (ROW) based on a total corridor width of 300 feet;
Rebuild of an approximately 7.5-mile segment of the South Casey County-Liberty Junction transmission line with an approximately 136-acre ROW based on a total corridor width of 150 feet;
Miscellaneous upgrades (e.g., Optical Power Ground Wire (OPGW) installation, conductor operating temperature increases, transformer replacements, etc.) to the existing EKPC transmission system in the vicinity of the project; Construction of a new lateral connection to a third-party gas line approximately 5-acre corridor surveyed); and rebuilding an existing water line (approximately 0.5-acre corridor surveyed).
The project would provide a new generation source in the area, which would help meet anticipated future electricity demands, specifically ramping/voltage support for new renewable energy projects, using technology that is highly flexible. RICE technology has become a popular option for power generators (i.e., utilities and cooperatives) for various services such as backup for renewable generation, system regulation, black-start capabilities, and to provide peaking power at a high efficiency to reduce fuel costs. EKPC would ultimately be responsible for the plant design, permitting, construction, start-up testing, operations, and maintenance.
The Kentucky Division of Enforcement endorses this project.

Division of Waste Management:

Based on the information provided by the applicant for this project:

Underground Storage Tank (UST) Branch records indicate the following underground storage tank site issues identified within the project impact area:
Active Sites:
S & T Market
MASTER AI ID: 62680
LONGITUDE: -84.974975
LATITUDE: 37.38054
Maupin Brothers Garage
MASTER AI ID: 62730
LONGITUDE: -84.84239101
LATITUDE: 37.30935541
Casey Co School Bus Garage
MASTER AI ID: 62766
LONGITUDE: -84.903275
LATITUDE: 37.328262
Closed Sites:
Tony Buis
MASTER AI ID: 62685
LONGITUDE: -84.822708
LATITUDE: 37.269138
Denson Grocery
MASTER AI ID: 62711
LONGITUDE: -84.934623
LATITUDE: 37.371103
Hilltop Grocery

MASTER AI ID: 62723
LONGITUDE: -84.93868232
LATITUDE: 37.33815027
J & B Mini Mart
MASTER AI ID: 62724
LONGITUDE: -84.872921
LATITUDE: 37.299625
Hatters Grocery
MASTER AI ID: 63260
LONGITUDE: -84.822657
LATITUDE: 37.269205
Jerald Emerson Property
MASTER AI ID: 66900
LONGITUDE: -84.9445
LATITUDE: 37.3578
If any UST's are encountered during the project construction they should be reported to KDWM. Any UST issues or questions should be directed to the UST Branch.

Superfund Branch records indicate the following superfund site issues identified within the project impact area:
Hidden Valley Gate Co
MASTER AI ID: 48718
SUBJECT ITEM DESIGNATION: 51250
CLOSURE OPTION DESC: Option C Restored
CLOSURE DATE: 03/11/2001
LAT LONG SOURCE: SI
LONGITUDE: -84.8935
LATITUDE: 37.3174
Columbia Gas Transmission Pipeline - Casey Co
MASTER AI ID: 180868
SUBJECT ITEM DESIGNATION: 34847
CLOSURE OPTION DESC: Option C Restored
CLOSURE DATE: 02/25/2013
LAT LONG SOURCE: SI
LONGITUDE: -84.982119
LATITUDE: 37.352735
Any superfund issues or questions should be directed to the Superfund Branch.

Solid Waste Branch records indicate the following active or historic landfill sites within the project impact area:
MASTER AI ID: 77493
MASTER AI NAME: Liberty City Dump #1 - Woodrum Ridge
USER GROUP DESCRIPTION: DWMSWB- General
ALTERNATE AI ID: SW02300000
LONGITUDE: -84.931192
LATITUDE: 37.339054
MASTER AI ID: 77495
MASTER AI NAME: Liberty City Dump #2 - East 70
USER GROUP DESCRIPTION: DWMSWB- General
ALTERNATE AI ID: SW02300001
LONGITUDE: -84.891611

LATITUDE: 37.324225
MASTER AI ID: 43561
MASTER AI NAME: George Luttrell Landfill
USER GROUP DESCRIPTION: DWMSWB- General
ALTERNATE AI ID: SW02300006
LONGITUDE: -84.931389
LATITUDE: 37.325556
Solid Waste Branch records indicate the following sites within the project impact area:
MASTER AI ID: 749
MASTER AI NAME: Liberty Water Works
USER GROUP DESCRIPTION: DWMSWB- General
ALTERNATE AI ID: SW02300011
LONGITUDE: -84.89819
LATITUDE: 37.32534
MASTER AI ID: 747
MASTER AI NAME: Columbia GULF Transmission
USER GROUP DESCRIPTION: DWMSWB- General
ALTERNATE AI ID: SW02300005
LONGITUDE: -84.941769
LATITUDE: 37.374248
Any solid waste issues or questions should be directed to the Solid Waste Branch.

Hazardous Waste Branch records indicate no hazardous waste issues identified within the project impact area. Any hazardous waste issues or questions should be directed to the Hazardous Waste Branch.

Recycling and Local Assistance (RLA) Branch records indicate the following RLA tracked open dump sites within the project impact area:
MASTER AI ID: 72070
MASTER AI NAME: Smith Road Dump
USER GROUP DESCRIPTION: RCLA Dump ID
ALTERNATE AI ID: 023-017
LONGITUDE: -84.92583333
LATITUDE: 37.3609
Any questions or issues should be directed to the RLA Branch.

All solid waste generated by this project must be disposed of at a permitted facility.

If asbestos, lead paint and/or other contaminants are encountered during this project contact the Division of Waste Management for proper disposal and closure.

The information provided is based on those facilities or sites that KDWM currently has in its database. If you would like additional information on any of these facilities or sites, you may contact the file room custodian at (502) 782-6357. Please keep in mind additional locations of releases, potential contamination or waste facilities may be present but unknown to the agency. Therefore, it is recommended that appropriate precautions be taken during construction activities. Please report any evidence of illegal waste disposal facilities and releases of hazardous substances, pollutants, contaminants or petroleum to the 24-hour Environmental Response Team at 1-800-928-2380.

Division for Air Quality:

As this project is presented, the owner or operator of this company should comply with any applicable Division for Air Quality permitting requirements contained in 401 KAR Chapter 52 Permits, Registrations, and Prohibitory Rules located at https://legislature.ky.gov/Pages/index.aspx and https://eec.ky.gov/Environmental-Protection/Air/Pages/Air-Permitting.aspx. For permitting information, please contact the Division for Air Quality Permit Review Branch Manager, at (502) 782-6555.

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 https://eec.ky.gov/Environmental-Protection/Air/Documents/Fugitive%20Dust%20Fact%20Sheet.pdf

401 KAR 63:005 states that open burning shall be prohibited except as specifically provided. 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 Brochure located at https://eec.ky.gov/Environmental-Protection/Air/Pages/Open-Burning.aspx

The Division would like to offer the following suggestions on how this project can help us stay in compliance with the National Ambient Air Quality Standards (NAAQS). These air quality control strategies are beneficial to the health of citizens of Kentucky.

- ¿ Utilize alternatively fueled equipment.
- ¿ Utilize other emission controls that are applicable to your equipment.
- ¿ Reduce idling time on equipment.

The Division also suggests an investigation into compliance with applicable local government regulations.

Kentucky Nature Preserves

Your project might have the potential of impacting federally or state listed species and natural communities. Go to the Kentucky Biological Assessment Tool (kynaturepreserves.org) to obtain a Standard Occurrence Report for information regarding listed species known within your project area. The report will also provide information on public and private conservation lands, areas of biodiversity significance, and other natural resources in your project area for which the Office of Kentucky Nature Preserves maintains data.

This review is based upon the information that was provided by the applicant. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major

Department for Natural Resources/Division of Oil and Gas:

concerns from the review of the proposed project as presented other than those stated as conditions or comments. If you should have any questions, please contact me at (502) 782-0863 or e-mail Louanna.Aldridge@ky.gov.

Sincerely,

Louanna Aldridge
Environmental Scientist Consultant
Office of the Commissioner
Department for Environmental Protection
Energy and Environment Cabinet

Kentucky Division for Air Quality

From:	Morrison, Jordan
To:	michael.kennedy@ky.gov
Cc:	Regan.Michael@epa.gov; andrew.berke@usda.gov; jospeh.ranson@usda.gov; robert.deems@usda.gov; kate.moore@usda.gov; suzanne.kopich@usda.gov; Josh Young; Howell, Chris; Grace, Erika A; jerry.purvis@ekpc.coop
Bcc:	don.mosier@ekpc.coop; david.samford@ekpc.coop; craig.johnson@ekpc.coop; brad.young@ekpc.coop
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Tuesday, July 30, 2024 5:04:00 PM
Attachments:	Liberty_Kentucky Division for Air Quality_073024.pdf

Mr. Kennedy,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

Please review the attached letter and provide a response within 30 days (August 30, 2024) to Jerry Purvis, EKPC VP Environmental Affairs, via email at: jerry.purvis@ekpc.coop, voice call at: 859.745.9244, or physical mail at: P.O. Box 707, Winchester, KY 40391, with reference to the proposed Liberty RICE Plant Project.

Jordan Morrison \ Burns & McDonnell
Assistant Environmental Scientist | ENS
pronouns: she/her
jmorrison2@burnsmcd.com \ burnsmcd.com
80 International Dr, Suite 500, Greenville, SC 29615

From:	Kennedy, Michael (EEC)
To:	Morrison, Jordan
Cc:	Regan.Michael@epa.gov; andrew.berke@usda.gov; jospeh.ranson@usda.gov; robert.deems@usda.gov; kate.moore@usda.gov; suzanne.kopich@usda.gov; Josh Young; Howell, Chris; Grace, Erika A; Jerry Purvis
Subject:	RE: Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Wednesday, July 31, 2024 8:57:59 AM

Thank you, Jordan. We will review.

Michael Kennedy, P.E.
Director - KY Division for Air Quality
Office (502)782-6997
Cell (502)892-9559

TEAM KENTUCKY
ENERGY AND ENVIRONMENT CABINET

From: Morrison, Jordan <jmorrison2@burnsmcd.com>
Sent: Tuesday, July 30, 2024 5:05 PM
To: Kennedy, Michael (EEC) <michael.kennedy@ky.gov>
Cc: Regan.Michael@epa.gov; andrew.berke@usda.gov; jospeh.ranson@usda.gov; robert.deems@usda.gov; kate.moore@usda.gov; suzanne.kopich@usda.gov; Josh Young <josh.young@ekpc.coop>; Howell, Chris <chowell@burnsmcd.com>; Grace, Erika A <eagrace@burnsmcd.com>; Jerry Purvis <jerry.purvis@ekpc.coop>
Subject: Liberty Reciprocating Internal Combustion Engine (RICE) Plant

Mr. Kennedy,

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859.745.9244, or physical mail at: P.O. Box 707, Winchester, KY 40391, with reference to the proposed Liberty RICE Plant Project.

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Kentucky Division of Water

From:	Morrison, Jordan
To:	sarah.gaddis@ky.gov
Cc:	Regan.Michael@epa.gov; andrew.berke@usda.gov; jospeh.ranson@usda.gov; robert.deems@usda.gov; kate.moore@usda.gov; suzanne.kopich@usda.gov; Josh Young; Howell, Chris; Grace, Erika A; jerry.purvis@ekpc.coop
Bcc:	don.mosier@ekpc.coop; david.samford@ekpc.coop; craig.johnson@ekpc.coop; brad.young@ekpc.coop
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Tuesday, July 30, 2024 5:05:00 PM
Attachments:	Liberty_Kentucky Division of Water_073024.pdf

Ms. Gaddis,

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Kentucky Division of Waste Management

From:	Morrison, Jordan
To:	brian.osterman@ky.gov
Cc:	Regan.Michael@epa.gov; andrew.berke@usda.gov; jospeh.ranson@usda.gov; robert.deems@usda.gov; kate.moore@usda.gov; suzanne.kopich@usda.gov; Josh Young; Howell, Chris; Grace, Erika A; jerry.purvis@ekpc.coop
Bcc:	don.mosier@ekpc.coop; david.samford@ekpc.coop; craig.johnson@ekpc.coop; brad.young@ekpc.coop
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Tuesday, July 30, 2024 5:05:00 PM
Attachments:	Liberty_Kentucky Division of Waste Management_073024.pdf

Mr. Osterman,

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Local Agencies

Casey County Clerks Office

From:	Morrison, Jordan
To:	casey.davis@ky.gov
Cc:	Regan.Michael@epa.gov; andrew.berke@usda.gov; jospeh.ranson@usda.gov; robert.deems@usda.gov; kate.moore@usda.gov; suzanne.kopich@usda.gov; Josh Young; Howell, Chris; Grace, Erika A; jerry.purvis@ekpc.coop
Bcc:	don.mosier@ekpc.coop; david.samford@ekpc.coop; craig.johnson@ekpc.coop; brad.young@ekpc.coop
Subject:	Liberty Reciprocating Internal Combustion Engine (RICE) Plant
Date:	Tuesday, July 30, 2024 5:04:00 PM
Attachments:	Liberty_Casey County Clerks Office_073024.pdf

Mr. Davis,

East Kentucky Power Cooperative, Inc. (EKPC) plans to seek financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for construction of the proposed Liberty Reciprocating Internal Combustion Engine (RICE) Plant in Casey County, Kentucky. In anticipation of National Environmental Policy Act (NEPA) compliance, the purpose of the attached letter is to introduce the Project, gather information, and request input from your office on any preliminary questions or concerns, if any, you may have for consideration in the Environmental Assessment process.

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