



## **Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58**

**This is a suggested format that may be used by Responsible Entities to document completion of an Environmental Assessment.**

### **Project Information**

**Project Name:** Partnership Housing Benton Way Phase 2

**Responsible Entity:** KY Department for Local Government

**Grant Recipient** (if different than Responsible Entity): Partnership Housing, Inc.

**State/Local Identifier:** KY CDBG-DR 21D-026

**Preparer:** Jennifer Peters, Branch Manager; KY Department for Local Government

**Certifying Officer Name and Title:** Matt Sawyers, Commissioner

**Grant Recipient** (if different than Responsible Entity): Partnership Housing, Inc.

**Consultant** (if applicable):

**Direct Comments to:** Jennifer Peters; [jennifer.peters@ky.gov](mailto:jennifer.peters@ky.gov)

**Project Location:**

50 KY 28, Booneville, KY 41314

Longitude: -83.489134 Latitude: 37.357934

**Description of the Proposed Project** [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The proposed project includes the construction of seventeen duplexes with a total of 34 rental housing units for low-income families. Partnership Housing Inc, a non-profit Community Housing Development Organization, owns the six-acre site at 50 KY 28 Booneville, Owsley County, Kentucky 41314. It is anticipated that they will be two- and three-bedroom units. All will be energy efficient and will meet Kentucky Housing Corporation Minimum Design Standards. It is anticipated that the units will be constructed in phases. The first phase includes five lots (Lots #'s: 6,7,14, 15 and 17) for a total of five duplexes or 10-units. The second phase includes six lots (Lots #'s: 1,2,3,4, 5 and 15) for a total of six duplexes or 12-units. The third phase includes six lots (Lots #'s: 8,9,10,11, 12 and 13) for a total of six duplexes or 12-units. The uploaded site plan includes all phases. Site work will include construction of two access drives, parking areas, and all utilities including public water and sanitary sewers. Vegetation on the site consists mainly of grass and herbaceous plants, reflecting its current use as a hay field. A strip of deciduous hardwood forest borders a stream that forms the west and north boundaries of the site. The project is located in Census Tract 9301. Current approved funding from Kentucky Housing Corporation for Phase One includes \$3,842,000 in HOME-ARP funds and \$2,500,000 in Emergency Rental Assistance 2.0 (U.S. Treasury) funds. The Kentucky Department for Local Government awarded \$5,000,000.00 in CDBG-DR funds to support the construction of the 12 units in Phase 2 of the project. Phase Three has not yet been submitted for funding but it is anticipated to include HOME and/or CDBG funds. It is anticipated that total development cost for all three phases will be \$16,342,000.00.

**Statement of Purpose and Need for the Proposal** [40 CFR 1508.9(b)]:

There is a shortage of decent, safe and sanitary housing for low-income households in Owsley County, Kentucky. The proposed project will provide 17 new duplexes (34 units) to provide affordable housing to households at or below 50% of area median income (AMI). The targeted population to be served are low-income families. According to the 2010 census reports, Owsley County has the second-highest level of child poverty of any county in the United States. In terms of income per household, the county was the poorest in the nation in 2010. While much of the City of Booneville is within the 100-year floodplain, this site is not in the floodplain. The surrounding area is tree covered hills with steep slopes so there is limited land available for affordable, safe housing. On March 1, 2021 after 3 winter snow/ice storms followed by 3 days of rain, the South Fork of the Kentucky River at Booneville reached a peak of 44.27 feet, the highest flood level ever recorded. Additional flooding occurred from July 25th through July 30th, 2022, after several complexes of training thunderstorms developed south of I-64 and brought heavy rain, deadly flash flooding, and devastating river flooding to eastern Kentucky. A disaster was presidentially declared on July 29, 2022, (DR-4663). Owsley County is one of a total of 20 Kentucky counties included in the disaster declaration under DR-4663. Many homes and businesses in the community were damaged or destroyed by flooding emphasizing the need for affordable flood free housing in Booneville and eastern Kentucky.

**Existing Conditions and Trends [24 CFR 58.40(a)]:**

The project site is located three fourths of a mile east of the central part of the City of Booneville, Kentucky immediate adjacent to KY 28. The site is just outside of Booneville city limits but it will be annexed into the City of Booneville. The site is not located within the 100 year floodplain or the FFRMS floodplain. The area is rural in nature with large lot single family residences immediately adjacent to the site. There are multi-family properties to the northeast on the other side of KY 28 and the two schools in the county are located within a 1/2 mile of the site. The site is approximately 6 acres of fairly level mowed hay field sited atop a low ridge adjacent to, and northeast of, a small secondary tributary of the South Fork of the Kentucky River. The ground cover is primarily grasses and herbaceous plants typical of a hay field. Due to very little housing or commercial development in the Booneville area, in absence of the project, the site is likely to remain a hay field or be purchased as a site for a single family home.

**Funding Information**

Grant Number	HUD Program	Funding Amount
2024-0072011	HOME ARP phase I	\$3,842,100.00
21D-026	CDBG-DR phase II	\$5,000,000.00

**Estimated Total HUD Funded Amount:** \$8,842,100.00

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:** \$16,342,000.00

**Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities**

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b>		
<b>Airport Hazards</b>  24 CFR Part 51 Subpart D	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. The site is

		approximately 103,470 feet (approx. 20.8 miles) from the Duff Airport. The site is approximately 109,614 feet (approx. 19.46 miles) from the Julian Carroll Airport. Support documentation attached.
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. The Firmette map for the site shows that the project is in an area of minimal flood hazard (Panel #21189C0156C effective 03/16/2009) and LOMR 17-04-7624P effective 8/31/2018.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act. Owsley County is not in non-attainment or maintenance status for any criteria pollutants. See EPA's Greenbook county list and the attached maps.
<b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) & (d)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.
<b>Contamination and Toxic Substances</b>  24 CFR Part 50.3(i) & 58.5(i)(2)	Yes    No <input checked="" type="checkbox"/> <input type="checkbox"/>	Site contamination was evaluated as follows: ASTM Phase I ESA. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. A Phase 1 ASTM report dated April 15, 2024 prepared by Linebach Funkhouser Inc. found no evidence of Recognized

		<p>Environmental Conditions, Historical Recognized Environmental Conditions or Controlled Recognized Environmental Conditions in connection with the site. Radon analysis indicated elevated levels of radon or consideration of radon will occur following construction. Adverse radon impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements. To ensure compliance with HUD CPD Notice 23 103 as of July 9, 2024, Kentucky Housing Corporation has adopted the updated Radon Policy. The University of Kentucky Geologically Based Indoor Radon Potential Map for the project site documents that it is in the 2.71 to 4.0 picocuries per liter (pCi/L) zone. Therefore, testing will be required upon completion of construction to determine if radon levels exceed 4.0 picocuries per liter (pCi/L). A passive radon reduction venting system is required for all newly constructed single family units. The radon vent pipe shall pass through a heated portion of the structure and an accessible attic space and chase which will allow adequate working space to possibly install an inline fan. Electrical provisions shall be roughed in, in an accessible attic or chase, for possible future installation of an inline fan. Radon testing must occur post construction but before occupancy. If post construction radon testing shows 4.0 pCi/L or more, then mitigation measures shall be completed according to the most current version of ANSI/AARST CCAH (American National Standards Institute/American Association of Radon Scientists and Technologists CCAH Reducing Radon in New Construction of 1 &amp; 2 Family Dwellings and Townhouses). If radon levels exceed 4.0 pCi/L, mitigation measures will be installed by a National Radon Proficiency Program (NRPP) certified professional. If testing shows levels below 4.0 pCi/L mitigation is not required."</p>
<p><b>Endangered Species</b></p>	<p>Yes    No  <input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>This project May Affect, but is Not Likely to Adversely Affect, listed species, and informal consultation was conducted. This project is in</p>

<p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>		<p>compliance with the Endangered Species Act without mitigation. There are no caves on or adjacent to the site and no tree removal is anticipated. The small secondary tributary stream that borders the site will not be disturbed. The project is not likely to adversely affect any Federally listed species.</p>
<p><b>Explosive and Flammable Hazards</b></p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes    No  <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements. A search with Google maps of a one mile radius of the site did not find any above ground storage tanks.</p>
<p><b>Farmlands Protection</b></p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes    No  <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>The project includes activities that could convert agricultural land to a non-agricultural use. "Prime farmland," "unique farmland," or "farmland of statewide or local importance" regulated under the Farmland Protection Policy Act occurs on the project site. Form AD-1006, "Land Evaluation and Site Assessment" has been completed. The project may proceed without mitigation and be in compliance with the Farmland Protection Policy Act. The site has no on farm investment and has not been used as farmland in at least 18 years. The Farmland Conversion Impact Rating is 148. The surrounding area is committed to urban causes. Booneville and Owsley County is a very rural community hence the high scoring in several of the assessment areas.</p>
<p><b>Floodplain Management</b></p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes    No  <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690. The FFRMS Freeboard Value Report for the project site documents that it is not in the FFRMS floodplain.</p>
<p><b>Historic Preservation</b></p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes    No  <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106. An archaeological survey was conducted over the 6-acre area of potential effect, and the survey methods included a pedestrian survey and shovel testing. Two isolated finds were recorded. No</p>

		archaeological sites were documented as a result of this survey. As of May 24, 2024 no Indian Tribes had commented on the proposed project and the 30 day comment period has expired. The SHPO found that No Historic Properties would be Affected by the project.
<b>Noise Abatement and Control</b>  Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The Preliminary Screening identified no noise generators in the vicinity of the project. The project is in compliance with HUD's Noise regulation. There are no roads with AADT traffic data within 1000 feet of the site. The nearest railroad is 9.27 miles from the site. The two nearest airport are the Julian Carroll airport which is approximately 20.8 miles from the site and the Duff Airport which is approximately 19.5 miles from the site.
<b>Sole Source Aquifers</b>  Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. There are no sole source aquifers in the State of Kentucky.
<b>Wetlands Protection</b>  Executive Order 11990, particularly sections 2 and 5	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. Per the USFWS Wetlands Map, there are no wetlands on the project site. The small secondary tributary stream that borders the site will not be disturbed.
<b>Wild and Scenic Rivers</b>  Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project is in proximity of a NWSRS river, but it will not have an adverse effect on it. The project is in compliance with the Wild and Scenic Rivers Act. The only Wild and Scenic river in Kentucky is the Red River. The project site is over 23 miles from the designated wild and scenic portions of the Red River so it is more than one half mile away. There are no current Study Rivers in Kentucky. According to the National Rivers Inventory. The South Fork of the Kentucky River is located approximately 1,640 feet from the site. A consultation regarding the potential impact of the project on the river was initiated on June 4, 2024 (copy of correspondence below) and no response was received within the 30 day threshold therefore approval is assumed. The project is not

		expected to have an adverse impact on the South Fork of the Kentucky River.
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b>  Executive Order 12898	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. The only potential contaminant is radon gas which is present throughout Kentucky. Testing will be required upon completion of construction and before occupancy to determine if radon levels exceed 4.0 picocuries per liter (pCi/L). If post construction radon testing shows 4.0 pCi/L or more, then mitigation measures shall be completed and radon levels reduced to acceptable levels before units are occupied.

**Environmental Assessment Factors** [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

**Impact Codes:** Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	There is no planning or zoning in the City of Booneville or Owsley County. See the zoning letter from the Mayor of Booneville dated April 1, 2024. The project consists of the construction of 34 rental duplexes and is compatible with



		surrounding land use which is primarily low-density single-family homes, multi-family housing and a school.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	The soils on the site are suitable for the development. Development will occur on portions of the site with Grigsby fine sandy loam soils with a 0 to 3% slope. Best management practices will be used to control erosion and storm water runoff during construction. See the USDA Soils Report and the development site plan. If the construction area disturbed is one acre or more, the applicant will need to apply for a Kentucky Pollutant Discharge Elimination System storm water discharge permit. See the Clearinghouse comments.
Hazards and Nuisances including Site Safety and Noise	2	Based on a review of Google earth imagery and site photos, there are no hazards, nuisances or safety issues on the site. Also see the Phase 1 ASTM Environmental Report and the archeological report. The surrounding land uses are single and multi-family residential properties and a school which will not have an impact on site safety or produce unacceptable noise.

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns	2	According to the American Community Survey, there were no industrial employers in Owsley County in 2018. In 2021, there were only 39 establishments with employees and an employment of 366 persons. The primary employers are local schools, government, health care and retail establishments. Due to the lack of local employment, the employment rate was 31.9% in 2022 compared to 56.8% for Kentucky overall. Some 28.8% of persons lived in poverty in the county compared to 16.5% for Kentucky. The median household income for Owsley County in 2022 was \$32,844 which compares to \$59,341 for Kentucky for the same period. The proposed project will provide much needed affordable housing but is not expected to have any impact on local employment or income patterns. See the Demographic Profile of Owsley County from the 2023 American Community Survey and US Census data.
Demographic Character Changes, Displacement	2	The proposed project includes the construction of 34 housing units and they will be constructed in three phases over several years. There are an estimated 2.86 persons per household in Owsley County so the units will house about 97 persons. Most of these people are most likely to already be residents of Owsley County so there will be minimal impact to the demographic character of the community. The population of Owsley County declined from 4,755 in 2010 to 4,001 for the 2020 census, a

		decrease of 15.9 percent. A lack of decent, safe, flood free affordable housing is believed to have contributed to the decline in population so the addition of these units will have a positive impact on the community. No displacement will occur. See the Demographic Profile of Owsley County from the 2023 American Community Survey.
Environmental Justice	2	There are no negative environmental impacts from the project so there will be no negative impact to environmental justice.

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities	2	Owsley County has two public schools. Owsley County Elementary School serves students in pre-school through 5th Grade. Owsley County High School serves students in Grades 6-12. Both schools are within one half mile of the site. According to the Owsley County School District Facility Plan, the High School is somewhat over capacity and the Elementary School has capacity for additional students. As it is expected that most of the new occupants of the 34 duplexes will already be Owsley County residents, the project will not have a negative impact on county schools or cultural facilities.
Commercial Facilities	2	The project is located in a rural area and will have no impact on existing commercial facilities. The majority of commercial facilities in Owsley County are located within the City of Booneville and are one to two miles from the project site. See the Booneville City Map which shows where commercial businesses are located.
Health Care and Social Services	2	Mountain Comprehensive Health Corporation provides healthcare throughout Eastern Kentucky. They operate the Owsley County Medical/Dental Clinic at 826 KY Highway 11 North, Booneville, KY 41314. They provide a comprehensive list of basic medical services at this and other clinics in nearby counties. See the list of MCHC services. There is no local hospital. The Kentucky River District Health Department operates a health clinic in Owsley County Health Center and provides immunizations and other basic health care services. Social services are available through Middle Kentucky Community Action Partnership, Inc. which is a Community Action Agency serving Owsley County and located at the Owsley County Courthouse, 1st. Floor and the Kentucky Cabinet for Health and Family Services. The best place to access Kentucky social services is through the <a href="http://kynect.ky.gov">kynect.ky.gov</a> web site.
Solid Waste Disposal / Recycling	2	No readily apparent evidence of suspect fill material, solid waste, or landfills were identified on the subject property, according to the ASTM Phase I EA. Solid waste collection services will be

		provided by the county run Owsley County Solid Waste services. They do not provide recycling services at this time.
Waste Water / Sanitary Sewers	2	Sanitary sewer lines are available to the site from the City of Booneville who will provide waste water collection and treatment. See the letter from the City of Booneville dated April 1, 2024 confirming they will provide these utility services to the property. The site plan for the project shows the location of sanitary sewers along the north boundary of the site.
Water Supply	2	Public treated water is provided to the site by the City of Booneville. See the letter from the City of Booneville dated April 1, 2024 confirming they will provide public water to the property. The site plan for the project shows the location of public water lines within the KY 28 right of way adjacent to the north side of the site.
Public Safety - Police, Fire and Emergency Medical	2	The property is served by the Owsley County Sheriff's Office with backup from the City of Booneville Police Department as needed. Fire protection and emergency medical services are provided by the Booneville-Owsley Volunteer Fire Department located in Booneville. The addition of 34 housing units near city limits will not have a significant impact on these services.
Parks, Open Space and Recreation	2	The proposed project is located in a rural area and there is abundant open space in the vicinity. Other recreational opportunities are available at Owsley County Recreation Center, 99 County Barn Rd., Owsley County Park, 103 County Barn Rd. and Booneville Family Life Center, 66 Mulberry St. all located in Booneville, KY 41314. Basketball courts, a gymnasium, exercise equipment, tennis courts, a baseball field and meeting rooms are available at these facilities.
Transportation and Accessibility	2	There are no major Interstate or US highways near the site. Access to Booneville is provided by KY 28. There is no public transportation service in Booneville.

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources	2	No unique natural features or areas were identified within visible distance of the site. Examples of unique natural features or areas include: sand dunes, waterfalls, unique rock outcroppings, caves with limestone or gypsum deposits, canyons, and petrified forests. See the Phase 1 ASTM Environmental Assessment for the property for information on surrounding uses and mapping of the surrounding area. There are no known karst, caves, sinkholes or similar features on the site. The project will not use any groundwater resources or septic systems. There are no bodies of water on the site. The project will not have any affect on water resources.

Vegetation, Wildlife	2	There is no special vegetation on the site. The site is covered in grasses and herbaceous plants typical of a hay field. There are trees along the secondary tributary adjacent to the site but they will not be disturbed by construction. See the ASTM Phase 1 EA and the archeological report for a discussion of vegetation on the site. No special or threatened or endangered vegetation will be negatively impacted by the proposed project. As the site is a hay field, it does not provide habitat for any special wildlife. Kentucky Housing Corporation (KHC) obtained an Official Species List for the subject property using the USFWS Information on for Planning and Consultation (IPAC). According to the Official Species List a total of twelve federally listed species have the potential to be present within the project area. There are no critical habitats within the project area. There are no caves on or adjacent to the site and no tree removal is anticipated so there is no anticipated impact to bats. The small secondary tributary stream that borders the site will not be disturbed. KHC consulted with the USFWS and they concurred that the project is not likely to adversely affect any of the 12 Federally listed species.
Other Factors		

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>CLIMATE AND ENERGY</b>		
Climate Change Impacts	2	The National Risk Index for Owsley County does not identify that Owsley County is at high risk for any of 18 natural hazards. See the National Risk Index report for Owsley County. The Risk Factor website shows that Owsley County has an extreme flood factor risk, however, the proposed project is not located within the floodplain. Overall, Owsley County has a major risk of wildfire over the next 30 years. The project site does not have trees which will reduce the risk from wildfire and homeowner's will be required to carry insurance for fire risks. Owsley County has a minor risk from wind and a minimal risk for air quality. Leslie County has a moderate risk from heat. The risk from heat will be reduced as the site is in a rural area with minimal surrounding concrete and asphalt pavement so is not in a heat island. All houses will have air conditioning.
Energy Efficiency	1	The subject property receives electric services from Jackson Energy Cooperative. The development will be all electric. See the letter from Jackson Energy Cooperative dated April 1, 2024 stating they can provide service, are in support of the project and are donating energy efficient lighting for the project. The project will meet Kentucky Housing Corporation's Minimum

	Design Standards which requires that all newly constructed residential building envelope designs shall meet or exceed the minimum energy efficiency requirements of the 2012 International Energy Conservation Code.
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**Supporting documentation:**

[Prime Farmland Soils Report PH Duplex Project 11\(1\).pdf](#)  
[Owsley County Housing Units Needed 2024.pdf](#)  
[Clearinghouse comments PH Duplex 11 KY202401020003.pdf](#)  
[Owsley County School Facilities Plan.pdf](#)  
[Owsley County Poverty Income ACSS 2019.xlsx](#)  
[MCHC Medical services list.pdf](#)  
[Income and Poverty Owsley Co.pdf](#)  
[Employment Owsley County.pdf](#)  
[Demographics Owsley County 2023 ACS.pdf](#)  
[Demographics Owsley County 2019 ACS.pdf](#)  
[Booneville Commercial Area Map.png](#)  
[zoning.pdf](#)  
[Utility City of Booneville.pdf](#)  
[PRTC Utility Letter.pdf](#)  
[Jackson Energy Utility Letter.pdf](#)  
[National Risk Index Report Owsley County.pdf](#)

**Additional Studies Performed:**

Phase I Environmental Site Assessment for the Undeveloped Property at 50 KY HWY 28. Booneville, Owsley County Kentucky dated April 15, 2024 prepared by Linebach Funkhouser Inc., Louisville, Kentucky AN INTENSIVE PHASE 1 ARCHAEOLOGICAL SURVEY OF THE BENTON WAY DEVELOPMENT, OWSLEY COUNTY, KENTUCKY, Technical Report 6, Laboratory of Archaeology, Anthropology Program, Eastern Kentucky University Richmond, Kentucky, Jon C. Endonino Ph.D., RPA, Principal Investigator dated December 22, 2022

**Field Inspection** (Date and completed by):

Ethan Johnson 4/26/2024 12:00:00 AM

**List of Sources, Agencies and Persons Consulted** [40 CFR 1508.9(b)]:

Kentucky State Clearinghouse, Clearinghouse comments SAI# KY2024 01020003 January 18, 2024 Perri Pedley, Soil Scientist, USDA-NRCS Jennifer Oberlin, Environmental Review Technical Administrator, Kentucky Housing Corporation, 1231 Louisville Rd., Frankfort, KY 40601, 502-564-7630 (121) U.S. Fish and Wildlife Service Mayor Nelson Bobrowski, City of Booneville. Cassie Hudson, Partnership Housing Inc. EPA NEPA Assist Craig Potts, State Historic Preservation Officer, Kentucky Heritage Council Elizabeth Toomes, Cherokee Nation

Richard Sneed, Principal Chief, Eastern Band of Cherokee Indians    Andrea Hunter, Osage Nation    April Renner, Jackson Energy Cooperative    Brad Greenwell, M.S., P.E., L.S.I.T. with Nesbitt Engineering    James Pendergrass, Emergency Manager for Owsley County

**List of Permits Obtained:**

Building Permit - KY Department of Housing Buildings and Construction    Kentucky Pollutant Discharge Elimination System storm water discharge permit

**Public Outreach** [24 CFR 50.23 & 58.43]:

Public Hearing for the CDBG-DR project application March 8, 2024 - No comments received

**Cumulative Impact Analysis** [24 CFR 58.32]:

The project will be developed in three phases. The first ten duplexes and site improvements will be constructed in the first two years as Phase One using HOME-ARP funds and Emergency Rental Assistance. Upon completion of the site infrastructure, Phase Two will be constructed which includes 12 units funded with CDBG-DR funds (disaster recovery). The final 12 units will be constructed as Phase Three depending on the availability of funding. This environmental assessment covers development of the entire site and all three phases therefore, no cumulative effects are anticipated as a result of the project.

**Alternatives** [24 CFR 58.40(e); 40 CFR 1508.9]

Buildable housing sites are very difficult to find in and around the City of Booneville as much of the flatter land is floodplain surrounded by hills which are too steep to develop. Partnership Housing works to find suitable, safe building sites for affordable housing and this site was one of the few available. The only alternative would be the no action alternative which would not provide needed housing.

**No Action Alternative** [24 CFR 58.40(e)]:

The no action alternative would be to not develop the site. The most likely outcome would be that the site could possibly be developed for market rate housing but there is very little private housing development in or near Booneville and the area has been losing population. The opportunity to provide affordable, flood free, energy efficient housing for low income families would be lost if the project does not proceed.

**Summary of Findings and Conclusions:** The project is not located in the FFRMS floodplain. While flood insurance is not mandatory, it is recommended that all insurable structures maintain flood insurance under the National Flood Insurance Program. The project will have no effect on any sites on or eligible for listing on the National Register of Historic Places. No threatened or endangered species will be adversely impacted by the project. The only potential contaminant is

radon gas which is present throughout Kentucky. Testing will be required upon completion of construction and before occupancy to determine if radon levels exceed 4.0 picocuries per liter (pCi/L). If post construction radon testing shows 4.0 pCi/L or more, then mitigation measures shall be completed and radon levels reduced to acceptable levels before units are occupied.

Providing affordable, flood free, energy efficient housing to low income residents of an improvised community are beneficial to the community overall.

### **Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Contamination and Toxic Substances	<p>Upon completion and before residency, each unit will be tested for radon. The first ten units will be constructed within 2 years of release of funds. The construction timeline for the remaining units will depend on approval of funding. As there are no certified radon test professionals in Owsley County or nearby, Partnership Housing (PH) will use DIY testing provided by the Kentucky River District Health Department. PH has already contacted them about the tests. The unit will be closed up with HVAC system on for 24 hours prior to testing. Two tests will be placed 4-8 inches apart in an open location. If average radon levels are above 4.0 pCi/L, the two tests will be repeated. All test results including test date, the test method, detailed explanation of the test (doors shut, windows shut, time of testing), testing conductor, and test results will be emailed to <a href="mailto:environmentalreview@kyhousing.org">environmentalreview@kyhousing.org</a>. If radon levels are above 4.0 pCi/L, PH will have a certified mitigation specialist install an inline fan in the previously installed radon vent pipe. They will also provide a mitigation plan. The unit will be retested two weeks after installation and ongoing operation of the inline fan. If radon levels are still above 4.0 pCi/L, PH will work with the pass through a heated portion of the structure and an accessible attic space and chase which will allow adequate working space to possibly install an inline fan. Electrical provisions shall be roughed in, in an accessible attic or chase, for possible future installation of an inline fan. Radon testing must occur post construction but before occupancy. If post construction radon testing shows 4.0 pCi/L or more, then mitigation measures shall be completed according to the most current version of ANSI/AARST CCAH (American National Standards</p>

	Institute/American Association of Radon Scientists and Technologists CCAH Reducing Radon in New Construction of 1 & 2 Family Dwellings and Townhouses). If radon levels exceed 4.0 pCi/L, mitigation measures will be installed by a National Radon Proficiency Program (NRPP) certified professional. If testing shows levels below 4.0 pCi/L mitigation is not required."

**Determination:**

**Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]  
 The project will not result in a significant impact on the quality of the human environment.

**Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]  
 The project may significantly affect the quality of the human environment.

Preparer Signature: Jennifer Peters Date: 2/27/25

Name/Title/Organization: Jennifer Peters/Branch Manager/KY Department for Local Government

Certifying Officer Signature: Matt Sawyers Date: 2/27/2025

Name/Title: Matt Sawyers/Commissioner

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).



## APPENDIX A: Related Federal Laws and Authorities

### Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

✓ No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

### Screen Summary

#### Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. The site is approximately 103,470 feet (approx. 20.8 miles) from the Duff Airport. The site is approximately 109,614 feet (approx. 19.46 miles) from the Julian Carroll Airport. Support documentation attached.

#### Supporting documentation

[Distance Site to DuffAirport.pdf](#)

[Nearest Airport PH Duplex 11 Project 20 mi.png](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

### Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

**This project is located in a state that does not contain CBRA units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.**

#### Compliance Determination

This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

#### Supporting documentation

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

**1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?**

No. This project does not require flood insurance or is excepted from flood insurance.

✓ Yes

**2. Upload a FEMA/FIRM map showing the site here:**

[Firmette PH Housing Project 11 FM21189C0156C\(1\).pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

**Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?**

✓ No

Based on the response, the review is in compliance with this section.

Yes

**4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?**

Yes

✓ No

### **Screen Summary**

#### **Compliance Determination**

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. The Firmette map for the site shows that the project is in an area of minimal flood hazard (Panel #21189C0156C effective 03/16/2009) and LOMR 17-04-7624P effective 8/31/2018.

#### **Supporting documentation**

[Firmette PH Housing Project 11 FM21189C0156C.pdf](#)

#### **Are formal compliance steps or mitigation required?**

Yes

✓ No

## Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

**1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?**

Yes

No

### Air Quality Attainment Status of Project's County or Air Quality Management District

**2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?**

No, project's county or air quality management district is in attainment status for all criteria pollutants.

Yes, project's management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

### Screen Summary

#### **Compliance Determination**

The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act. Owsley County is not in non-attainment or maintenance status for any criteria pollutants. See EPA's Greenbook county list and the attached maps.

**Supporting documentation**

[Kentucky Counties in Nonattainment Greenbook June 2024.png](#)

[Ky SO2 nonattainment areas map.pdf](#)

[Air quality nonattainment areas map KY.pdf](#)

[Air quality nonattainment areas map US March 2024.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

### Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

**This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.**

#### Screen Summary

##### **Compliance Determination**

This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.

##### **Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Contamination and Toxic Substances

General Requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
<b>Reference</b>		
<a href="https://www.onecpd.info/environmental-review/site-contamination">https://www.onecpd.info/environmental-review/site-contamination</a>		

**1. How was site contamination evaluated?\* Select all that apply.**

ASTM Phase I ESA

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening.

None of the above

\* HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site.

For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD's toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances\* (excluding radon) found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

Provide a map or other documentation of absence or presence of contamination\*\* and explain evaluation of site contamination in the Screen Summary at the bottom of this screen.



✓ No

Explain:

A Phase 1 ASTM report dated April 15, 2024 prepared by Linebach Funkhouser Inc. found no evidence of recognized environmental conditions in connection with the site.

Yes

\* This question covers the presence of radioactive substances excluding radon. Radon is addressed in the Radon Exempt Question.

\*\* Utilize EPA's Enviromapper, NEPAAssist, or state/tribal databases to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Additional supporting documentation may include other inspections and reports.

**3. Evaluate the building(s) for radon. Do all buildings meet any of the exemptions\* from having to consider radon in the contamination analysis listed in CPD Notice [CPD-23-103](#)?**

Yes

Explain:

✓ No

\* Notes:

- Buildings with no enclosed areas having ground contact.
- Buildings containing crawlspaces, utility tunnels, or parking garages would not be exempt, however buildings built on piers would be exempt, provided that there is open air between the lowest floor of the building and the ground.
- Buildings that are not residential and will not be occupied for more than 4 hours per day.
- Buildings with existing radon mitigation systems - document radon levels are below 4 pCi/L with test results dated within two years of submitting the application for HUD assistance and document the system includes an ongoing maintenance plan that includes periodic testing to ensure the system continues to meet the current EPA recommended levels. If the project does not require an application, document test results dated within two years of the date the environmental review is certified. Refer to program office guidance to ensure compliance with program requirements.
- Buildings tested within five years of the submission of application for HUD assistance: test results document indoor radon levels are below current the EPA's recommended action

levels of 4.0 pCi/L. For buildings with test data older than five years, any new environmental review must include a consideration of radon using one of the methods in Section A below.

**4. Is the proposed project new construction or substantial rehabilitation where testing will be conducted but cannot yet occur because building construction has not been completed?**

✓ Yes

Compliance with this section is conditioned on post-construction testing being conducted, followed by mitigation, if needed. Radon test results, along with any needed mitigation plan, must be uploaded to the mitigation section within this screen.

No

**8. Mitigation**

Document the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental impacts cannot be mitigated, then HUD assistance may not be used for the project at this site.

For instances where radon mitigation is required (i.e. where test results demonstrated radon levels at 4.0 pCi/L and above), then you must include a radon mitigation plan\*.

**Can all adverse environmental impacts be mitigated?**

No, all adverse environmental impacts cannot feasibly be mitigated.  
Project cannot proceed at this location.

✓ Yes, all adverse environmental impacts can be eliminated through mitigation, and/or consideration of radon and radon mitigation, if needed, will occur following construction.  
Provide all mitigation requirements\*\* and documents in the Screen Summary at the bottom of this screen.

\* Refer to CPD Notice [CPD-23-103](#) for additional information on radon mitigation plans.

\*\* Mitigation requirements include all clean-up requirements required by applicable federal, state, tribal, or local law. Additionally, please upload, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

**9. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls\*, or use of institutional controls\*\*.**

To ensure compliance with HUD CPD Notice 23 103 as of July 9, 2024, Kentucky Housing Corporation has adopted the updated Radon Policy. The University of Kentucky Geologically Based Indoor Radon Potential Map for the project site documents that it is in the 2.71 to 4.0 picocuries per liter (pCi/L) zone. Therefore, testing will be required upon completion of construction to determine if radon levels exceed 4.0 picocuries per liter (pCi/L). A passive radon reduction venting system is required for all newly constructed units. The radon vent pipe shall pass through a heated portion of the structure and an accessible attic space and chase which will allow adequate working space to possibly install an inline fan. Electrical provisions shall be roughed in, in an accessible attic or chase, for possible future installation of an inline fan. Radon testing must occur post construction but before occupancy. If post construction radon testing shows 4.0 pCi/L or more, then mitigation measures shall be completed according to the most current version of ANSI/AARST CCAH (American National Standards Institute/American Association of Radon Scientists and Technologists CCAH Reducing Radon in New Construction of 1 & 2 Family Dwellings and Townhouses). If radon levels exceed 4.0 pCi/L, mitigation measures will be installed by a National Radon Proficiency Program (NRPP) certified professional. If testing shows levels below 4.0 pCi/L mitigation is not required."

If a remediation plan or clean-up program was necessary, which standard does it follow?

Complete removal

Risk-based corrective action (RBCA)

✓ Other

\* Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, caps, covers, dikes, trenches, leachate collection systems, radon mitigation systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, slurry walls and ground water pumping systems.

\*\* Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land,

and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

### **Screen Summary**

#### **Compliance Determination**

Site contamination was evaluated as follows: ASTM Phase I ESA. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. A Phase 1 ASTM report dated April 15, 2024 prepared by Linebach Funkhouser Inc. found no evidence of Recognized Environmental Conditions, Historical Recognized Environmental Conditions or Controlled Recognized Environmental Conditions in connection with the site. Radon analysis indicated elevated levels of radon or consideration of radon will occur following construction. Adverse radon impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements. To ensure compliance with HUD CPD Notice 23 103 as of July 9, 2024, Kentucky Housing Corporation has adopted the updated Radon Policy. The University of Kentucky Geologically Based Indoor Radon Potential Map for the project site documents that it is in the 2.71 to 4.0 picocuries per liter (pCi/L) zone. Therefore, testing will be required upon completion of construction to determine if radon levels exceed 4.0 picocuries per liter (pCi/L). A passive radon reduction venting system is required for all newly constructed single family units. The radon vent pipe shall pass through a heated portion of the structure and an accessible attic space and chase which will allow adequate working space to possibly install an inline fan. Electrical provisions shall be roughed in, in an accessible attic or chase, for possible future installation of an inline fan. Radon testing must occur post construction but before occupancy. If post construction radon testing shows 4.0 pCi/L or more, then mitigation measures shall be completed according to the most current version of ANSI/AARST CCAH (American National Standards Institute/American Association of Radon Scientists and Technologists CCAH Reducing Radon in New Construction of 1 & 2 Family Dwellings and Townhouses). If radon levels exceed 4.0 pCi/L, mitigation measures will be installed by a National Radon Proficiency Program (NRPP) certified professional. If testing shows levels below 4.0 pCi/L mitigation is not required."

#### **Supporting documentation**

[KHC Radon Testing and Mitigation Policy revised 2024-07-09.pdf](#)  
[Radon potential map PH Duplex 11 Project.png](#)  
[119-24 Booneville Phase I ESA \(Final\).pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

## Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i> ); particularly section 7 (16 USC 1536).	50 CFR Part 402

**1. Does the project involve any activities that have the potential to affect species or habitats?**

No, the project will have No Effect due to the nature of the activities involved in the project.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

- ✓ Yes, the activities involved in the project have the potential to affect species and/or habitats.

**2. Are federally listed species or designated critical habitats present in the action area?**

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

- ✓ Yes, there are federally listed species or designated critical habitats present in the action area.

**3. What effects, if any, will your project have on federally listed species or designated critical habitat?**

No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat. in the action area.

- ✓ May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

**4. Informal Consultation is required**

Section 7 of ESA (16 USC. 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

**Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?**

- ✓ Yes, the Service(s) concurred with the finding.

Based on the response, the review is in compliance with this section. Document and upload the following below:

- (1) A biological evaluation or equivalent document
- (2) Concurrence(s) from FWS and/or NMFS
- (3) Any other documentation of informal consultation

Exception: If finding was made based on procedures provided by a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office, provide whatever documentation is mandated by that agreement.

No, the Service(s) did not concur with the finding.

**6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.**

Mitigation as follows will be implemented:

- ✓ No mitigation is necessary.

Explain why mitigation will not be made here:

There are no caves on or adjacent to the site and no tree removal is anticipated. The small secondary tributary stream that borders the site will not be disturbed. The project is not likely to adversely affect any Federally listed species.

#### **Screen Summary**

##### **Compliance Determination**

This project May Affect, but is Not Likely to Adversely Affect, listed species, and informal consultation was conducted. This project is in compliance with the Endangered Species Act without mitigation. There are no caves on or adjacent to the site and no tree removal is anticipated. The small secondary tributary stream that borders the site will not be disturbed. The project is not likely to adversely affect any Federally listed species.

##### **Supporting documentation**

[USFWS Duplex Consult Request FNL.pdf](#)

[USFWS determination PH Duplex 11 240404 Email 24-0072011 KHCtoFWS NO SIG STAMP JCL.pdf](#)

##### **Are formal compliance steps or mitigation required?**

Yes

- ✓ No



## Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

**1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?**

No

Yes

**2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?**

No

Yes

**3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:**

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR

- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer "No." For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer "Yes."

No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes

**Screen Summary**

**Compliance Determination**

There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements. A search with Google maps of a one mile radius of the site did not find any above ground storage tanks.

**Supporting documentation**

[Above Ground ST one mile radius PH Duplex Project 11.png](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>

**1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?**

Yes

No

**2. Does your project meet one of the following exemptions?**

- Construction limited to on-farm structures needed for farm operations.
- Construction limited to new minor secondary (accessory) structures such as a garage or storage shed
- Project on land already in or committed to urban development or used for water storage. (7 CFR 658.2(a))

Yes

No

**3. Does “important farmland,” including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the Farmland Protection Policy Act, occur on the project site?**

- Utilize USDA Natural Resources Conservation Service’s (NRCS) Web Soil Survey <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
- Check with your city or county’s planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
- Contact NRCS at the local USDA service center <http://offices.sc.egov.usda.gov/locator/app?agency=nrcs> or your NRCS state soil scientist <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/contact/states/> for assistance

No

✓ Yes

**4. Consider alternatives to completing the project on important farmland and means of avoiding impacts to important farmland.**

- Complete form AD-1006, "Farmland Conversion Impact Rating" and contact the state soil scientist before sending it to the local NRCS District Conservationist (NOTE: for corridor type projects, use instead form **NRCS-CPA-106**, "Farmland Conversion Impact Rating for Corridor Type Projects.")
- Work with NRCS to minimize the impact of the project on the protected farmland. When you have finished with your analysis, return a copy of form AD-1006 (or form NRCS-CPA-106 if applicable) to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination.

**Document your conclusion:**

Project with proceed with mitigation.

✓ Project with proceed without mitigation.

**Explain why mitigation will not be made here:**

The site has no on farm investment and has not been used as farmland in at least 18 years. The Farmland Conversion Impact Rating is 148. The surrounding area is committed to urban causes. Booneville and Owsley County is a very rural community hence the high scoring in several of the assessment areas.

Based on the response, the review is in compliance with this section. Document and upload form AD-1006 and all other documents used to make your determination below.

**Screen Summary**

**Compliance Determination**

The project includes activities that could convert agricultural land to a non-agricultural use. "Prime farmland," "unique farmland," or "farmland of statewide or local importance" regulated under the Farmland Protection Policy Act occurs on the project site. Form AD-1006, "Land Evaluation and Site Assessment" has been completed. The

project may proceed without mitigation and be in compliance with the Farmland Protection Policy Act. The site has no on farm investment and has not been used as farmland in at least 18 years. The Farmland Conversion Impact Rating is 148. The surrounding area is committed to urban causes. Booneville and Owsley County is a very rural community hence the high scoring in several of the assessment areas.

**Supporting documentation**

[USDA response letter Partnership Housing Duplex Project 11 Benton Way.pdf](#)

[Prime Farmland Soils\\_Report PH Duplex Project 11.pdf](#)

[OwsleyCoPHDuplexAD1006Notes.pdf](#)

[OwsleyCoPHDuplexAD1006.pdf](#)

[NRCSOwsleyCountyFarmData.pdf](#)

[Letter to USDA Farmlands Conversion PH Duplex 11.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No



## Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988 * Executive Order 13690 * 42 USC 4001-4128 * 42 USC 5154a * only applies to screen 2047 and not 2046	24 CFR 55

**1. Does this project meet an exemption at 24 CFR 55.12 from compliance with HUD's floodplain management regulations in Part 55?**

Yes

(a) HUD-assisted activities described in 24 CFR 58.34 and 58.35(b).

(b) HUD-assisted activities described in 24 CFR 50.19, except as otherwise indicated in § 50.19.

(c) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, where a permanent covenant or comparable restriction is placed on the property's continued use for flood control, wetland protection, open space, or park land, but only if:

(1) The property is cleared of all existing buildings and walled structures; and

(2) The property is cleared of related improvements except those which:

(i) Are directly related to flood control, wetland protection, open space, or park land (including playgrounds and recreation areas);

(ii) Do not modify existing wetland areas or involve fill, paving, or other ground disturbance beyond minimal trails or paths; and

(iii) Are designed to be compatible with the beneficial floodplain or wetland function of the property.

(d) An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance,

or other HUD assistance.

(e) Policy-level actions described at 24 CFR 50.16 that do not involve site-based decisions.

(f) A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland.

(g) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in the FFRMS floodplain (not including the floodway, LiMWA, or coastal high hazard area) but only if: (1) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the FFRMS floodplain except de minimis improvements such as recreation areas and trails; and (2) the proposed project will not result in any new construction in or modifications of a wetland .

(h) Issuance or use of Housing Vouchers, or other forms of rental subsidy where HUD, the awarding community, or the public housing agency that administers the contract awards rental subsidies that are not project-based (i.e., do not involve site-specific subsidies).

(i) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Describe:

No

**2. Does the project include a Critical Action? Examples of Critical Actions include projects involving hospitals, fire and police stations, nursing homes, hazardous chemical storage, storage of valuable records, and utility plants.**

Yes

Describe:

No

**3. Determine the extent of the FFRMS floodplain and provide mapping documentation in support of that determination**



The extent of the FFRMS floodplain can be determined using a Climate Informed Science Approach (CISA), 0.2 percent flood approach (0.2 PFA), or freeboard value approach (FVA). For projects in areas without available CISA data or without FEMA Flood Insurance Rate Maps (FIRMs), Flood Insurance Studies (FISs) or Advisory Base Flood Elevations (ABFEs), use the best available information<sup>1</sup> to determine flood elevation. Include documentation and an explanation of why this is the best available information<sup>2</sup> for the site. Note that newly constructed and substantially improved<sup>3</sup> structures must be elevated to the FFRMS floodplain regardless of the approach chosen to determine the floodplain.

Select one of the following three options:

CISA for non-critical actions. If using a local tool, data, or resources, ensure that the FFRMS elevation is higher than would have been determined using the 0.2 PFA or the FVA.

0.2-PFA. Where FEMA has defined the 0.2-percent-annual-chance floodplain, the FFRMS floodplain is the area that FEMA has designated as within the 0.2-percent-annual-chance floodplain.

- ✓ FVA. If neither CISA nor 0.2-PFA is available, for non-critical actions, the FFRMS floodplain is the area that results from adding two feet to the base flood elevation as established by the effective FIRM or FIS or — if available — a FEMA-provided preliminary or pending FIRM or FIS or advisory base flood elevations, whether regulatory or informational in nature. However, an interim or preliminary FEMA map cannot be used if it is lower than the current FIRM or FIS.

<sup>1</sup> Sources which merit investigation include the files and studies of other federal agencies, such as the U. S. Army Corps of Engineers, the Tennessee Valley Authority, the Soil Conservation Service and the U. S. Geological Survey. These agencies have prepared flood hazard studies for several thousand localities and, through their technical assistance programs, hydrologic studies, soil surveys, and other investigations have collected or developed other floodplain information for numerous sites and areas. States and communities are also sources of information on past flood 'experiences within their boundaries and are particularly knowledgeable about areas subject to high-risk flood hazards such as alluvial fans, high velocity flows, mudflows and mudslides, ice jams, subsidence and liquefaction.

<sup>2</sup> If you are using best available information, select the FVA option below and provide supporting documentation in the screen summary. Contact your [local environmental officer](#) with additional compliance questions.

<sup>3</sup> Substantial improvement means any repair or improvement of a structure which costs at least 50 percent of the market value of the structure before repair or improvement or results in an increase of more than 20 percent of the number of dwelling units. The full definition can be found at [24 CFR 55.2\(b\)\(12\)](#).

5. Does your project occur in the FFRMS floodplain?

Yes

✓ No

**Screen Summary**

**Compliance Determination**

This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690. The FFRMS Freeboard Value Report for the project site documents that it is not in the FFRMS floodplain.

**Supporting documentation**

[Booneville Gauge information NOAA.pdf](#)

[Nesbitt Engineering FEMA floodplain Map with Elevations.pdf](#)

[Firmette PH Housing Project 11 FM21189C0156C\(2\).pdf](#)

[Federal Flood Standard Support Tool Report PH Duplex 11.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 "Protection of Historic Properties" <a href="https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf">https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf</a>

### **Threshold**

#### **Is Section 106 review required for your project?**

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA ). (See the PA Database to find applicable PAs.)

No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

### **Step 1 – Initiate Consultation**

#### **Select all consulting parties below (check all that apply):**

- ✓ State Historic Preservation Offer (SHPO) Completed

- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

- ✓ Cherokee Nation Response Period Elapsed
- ✓ Eastern Band of Cherokee Indians Response Period Elapsed

✓ Osage Nation

Response Period Elapsed

Other Consulting Parties

**Describe the process of selecting consulting parties and initiating consultation here:**

Partnership Housing initiated consultation with the Kentucky Heritage Council (SHPO), who responded with a letter dated Feb 6, 2023. Kentucky Housing Corporation invited the Cherokee Nation, Eastern Band of Cherokee Indians and Osage Nation to become consulting parties on the Section 106 review of this project party in letters sent via email on April 2, 2024.

Document and upload all correspondence, notices and notes (including comments and objections received below).

**Was the Section 106 Lender Delegation Memo used for Section 106 consultation?**

- Yes
- No

**Step 2 – Identify and Evaluate Historic Properties**

1. **Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:**

The APE is the six acre project site at 50 KY 28 Booneville, KY 41314.

**In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.**

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
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**Additional Notes:**

2. **Was a survey of historic buildings and/or archeological sites done as part of the**

**project?** Yes

Document and upload surveys and report(s) below.

For Archeological surveys, refer to HP Fact Sheet #6, Guidance on Archeological Investigations in HUD Projects.

Additional Notes:

No

***Step 3 –Assess Effects of the Project on Historic Properties***

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

**Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.**

 No Historic Properties Affected

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

**Document reason for finding:** No historic properties present.

Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

**Screen Summary****Compliance Determination**

Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106. An archaeological survey was conducted over the 6-acre area of potential effect, and the survey methods included a pedestrian survey and shovel testing. Two isolated finds were recorded. No archaeological sites were documented as a result of this survey. As of May 24, 2024 no Indian Tribes had commented on the proposed project and the 30 day comment period has expired. The SHPO found that No Historic Properties would be Affected by the project.

**Supporting documentation**

[Tribal Directory Owsley County KY.pdf](#)

[FNL THPO DuplexBooneville.pdf](#)

[Archaeological Phase I Survey Benton Way Owsley County.pdf](#)

[SHPO Clearance 230166 State Benton Way Development Owsley PH Duplex 11.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Noise Abatement and Control

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B

**1. What activities does your project involve? Check all that apply:**

- New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

None of the above

**4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).**

**Indicate the findings of the Preliminary Screening below:**

- There are no noise generators found within the threshold distances above.

Based on the response, the review is in compliance with this section. Document and upload a map showing the location of the project relative to any noise generators below.

Noise generators were found within the threshold distances.

### **Screen Summary**

#### **Compliance Determination**

The Preliminary Screening identified no noise generators in the vicinity of the project. The project is in compliance with HUD's Noise regulation. There are no roads with AADT traffic data within 1000 feet of the site. The nearest railroad is 9.27 miles from the site. The two nearest airport are the Julian Carroll airport which is approximately 20.8 miles from the site and the Duff Airport which is approximately 19.5 miles from the site.

#### **Supporting documentation**

[Distance Site to DuffAirport\(1\).pdf](#)

[Roads\\_1000\\_feet.pdf](#)

[Traffic Count Map PH Duplex Project 11.png](#)

[Roads within 1000 ft PH Duplex 11 Project.png](#)

[Nearest Airport PH Duplex 11 Project 20 mi\(1\).png](#)

[National Transportation Noise Map PH Duplex 11.png](#)

[Distance to Nearest Railroad 9 mi PH Duplex 11 Project.png](#)

#### **Are formal compliance steps or mitigation required?**

Yes

✓ No



## Sole Source Aquifers

General requirements	Legislation	Regulation
<b>The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.</b>	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

✓ No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

✓ No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

### Screen Summary

#### Compliance Determination

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. There are no sole source aquifers in the State of Kentucky.

**Supporting documentation**

[KY Sole Source Aquifers Map.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

**1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order**

No

✓ Yes

**2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.**

**"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."**

✓ No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

### Screen Summary

**Compliance Determination**

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. Per the USFWS Wetlands Map, there are no wetlands on the project site. The small secondary tributary stream that borders the site will not be disturbed.

**Supporting documentation**

[Wetlands Inventory Map PH Duplex No 11.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

## Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

### 1. Is your project within proximity of a NWSRS river?

No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

- ✓ Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

### 3. Could the project do *any* of the following?

- Have a direct and adverse effect within Wild and Scenic River Boundaries?
- Invade the area or unreasonably diminish the river outside Wild and Scenic River Boundaries?
- Have an adverse effect on the natural, cultural, and/or recreational values of a NRI segment?

Consultation with the appropriate federal/state/local/tribal Managing Agency(s) is required, pursuant to Section 7 of the Act, to determine if the proposed project may have an adverse effect on a Wild & Scenic River or a Study River and, if so, to determine the appropriate avoidance or mitigation measures.

- ✓ No, the Managing Agency has concurred that the proposed project will not alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

Based on the response, the review is in compliance with this section. Document and upload documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination below.

Yes, the Managing Agency was consulted and the proposed project may alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

### **Screen Summary**

#### **Compliance Determination**

This project is in proximity of a NWSRS river, but it will not have an adverse effect on it. The project is in compliance with the Wild and Scenic Rivers Act. The only Wild and Scenic river in Kentucky is the Red River. The project site is over 23 miles from the designated wild and scenic portions of the Red River so it is more than one half mile away. There are no current Study Rivers in Kentucky. According to the National Rivers Inventory. The South Fork of the Kentucky River is located approximately 1,640 feet from the site. A consultation regarding the potential impact of the project on the river was initiated on June 4, 2024 (copy of correspondence below) and no response was received within the 30 day threshold therefore approval is assumed. The project is not expected to have an adverse impact on the South Fork of the Kentucky River.

#### **Supporting documentation**

[Study Rivers National Wild and Scenic Rivers System.pdf](#)

[NWSRS Website\\_Red River KY.pdf](#)

[National Rivers Inventory Map PH Duplex Project No11.png](#)

[Map to Wild Scenic Red River.pdf](#)

[Letter National Park Service PH Duplex Project 11.pdf](#)

[Distance to South Fork KY River PH Duplex Project 11.png](#)

#### **Are formal compliance steps or mitigation required?**

Yes

✓ No

## Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

**HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.**

**1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?**

Yes

No

Based on the response, the review is in compliance with this section.

### Screen Summary

#### **Compliance Determination**

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. The only potential contaminant is radon gas which is present throughout Kentucky. Testing will be required upon completion of construction and before occupancy to determine if radon levels exceed 4.0 picocuries per liter (pCi/L). If post construction radon testing shows 4.0 pCi/L or more, then mitigation measures shall be completed and radon levels reduced to acceptable levels before units are occupied.

#### **Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

No