**Environmental Assessment**

**Determinations and Compliance Findings**

**for HUD-assisted Projects**

**24 CFR Part 58**

# Project Information

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| **Project Name:** | Echo-Trails-Apartments-Bowling-Green-KY-LDG |

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| **HEROS Number:**  | 900000010421804 |

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| **Responsible Entity (RE):**  | Kentucky Department for Local Government, 100 Airport Rd, 3rd Floor, Frankfort KY 40601 |

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| **RE Preparer:**  | Jennifer Peters |

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| **State / Local Identifier:**  | CDBG DR 21D-016 |

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| **Certifying Officer:** | Matt Sawyers |

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| **Grant Recipient (if different than Responsible Entity):** |  |

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| **Point of Contact:**  |  |

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| **Consultant (if applicable):** | Kriss Lowry & Associates, Inc. |

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| **Point of Contact:**  | KRISTEN M LOWRY |

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| **Project Location:** | , Bowling Green, KY 42101 |

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| **Additional Location Information:** |
| Across from 1900 Veterans Memorial Lane, Bowling Green KY 42101 36.99489, -86.4914  |

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| **Direct Comments to:** | Jennifer Peters  |

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| **Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:** |
| LDG Multifamily, LLC is developing the Echo Trails Apartments project. Sixteen multifamily garden style apartment buildings with a total of 256 units for lower income families will be constructed as part of the project. The project will target general-occupancy (family) households earning up to 50% and 60% of Area Median Household Income. The proposed units include 48 one-bedroom, 80 2-bedroom and 128 3-bedroom units. They will range in size from 750 to 1,195 square feet, with the one-bedroom units offering one full bathroom and the two- and three-bedroom units offering two full bathrooms. All units will also feature a patio/balcony area and dedicated laundry area with washer/dryer hookups. Community amenities will include a dog park, pool, playground and a clubhouse with a fitness center, business center and a community room with a kitchenette. The project includes acquisition of the property which is 17.55 acres of vacant land. It is located along the west side of Veterans Memorial Lane just outside of the Bowling Green city limits north of Morgantown Road. The property is located in Census Tract 102.  |

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

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| A disaster was presidentially declared on December 12, 2021, (DR-4630) for the 2021 severe storms, straight-line winds, flooding, and tornadoes that impacted the Commonwealth from December 10, 2021, through December 11, 2021. In total, 23 out of Kentucky's 120 counties were included in the disaster declaration under DR-4630. Warren County suffered damage from two EF3 and one EF2 tornados during this period and was found to be one of four of the most impacted and distressed counties as part of the disaster declaration. An estimated 475 homes were destroyed by the tornadoes, not including severe damage to other apartment complexes in the affected area. Of the 475 homes, FEMA estimates 65% of those were rentals, but the city's occupancy rate for apartments was already at a staggering 97%. The units that remain are unaffordable for the displaced, many of whom are low-income residents searching for permanent residency and currently have no guaranty of finding long-term living arrangements anytime soon. The CDBG-DR funds for this project were allocated by HUD to address unmet housing needs due to the impacts of these disasters. The Kentucky Housing Supply Gap Study found a need for 6,984 new housing units in Warren County including 4,388 rental units. There is a need for 3,697 new rental units for families with incomes below 50% AMI. All existing comparable LIHTC properties were surveyed in the Bowling Green area as part of the market study for the proposed project. All are 100 percent occupied. Further, all of these properties also maintain waiting lists for their next available units. The proposed Echo Trails project will help address rental housing needs in Warren County.  |

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

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| The Echo Trails site is currently 17.55 acers of land. The site had been cleared of trees and fence lines between June 2018 and July 2021. This was done by the current owner in preparation for developing the property or selling it for development. The site is situated in a partially developed area just outside the city limits of Bowling Green, Kentucky. The surrounding land uses generally consist of undeveloped land and commercial buildings, a mulch manufacturing facility/store (on the opposite side of Veterans Memorial Lane), and single-family and multifamily residential development. The site is gently rolling and slopes to the east towards Jennings Creek which is a tributary to the Barren River. Warren County lies in southwestern central Kentucky on the border between the Western Kentucky Coal Field and Mississippian Plateaus Physiographic Regions of Kentucky. The county's topography is split into two distinct plateau areas, divided by the Dripping Springs Escarpment. The southeastern plateaus area is slightly rolling sinkhole plains with few streams and drainages on the surface and many hundreds of sinkholes draining into subterranean drainages. The northwestern plateaus area is situated above the lower sinkhole plain, with a relief of 200 feet in places along the Dripping Springs Escarpment. This plateaus, unlike the lower sinkhole plains, is notably more dissected by streams and drainages. Relief is much greater here too as the plateaus has many more rises and ridges carved out by erosion. The project area lies just north and west of Jennings Creek and in the northwest portion of Bowling Green.  |

**Maps, photographs, and other documentation of project location and description:**

[Photos Echo Trails ASTM Phase I.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012290122)

[Develoment Plan Echo Trails.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281592)

[Topographic Map 2022 Echo Trails.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281570)

[Aerial Photo 2020 Echo Trails.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281569)

**Determination:**

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|  | Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment |
|  | Finding of Significant Impact |

**Approval Documents:**

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| **7015.15 certified by Certifying Officer on:** |  |

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| **7015.16 certified by Authorizing Officer on:** |  |

**Funding Information**

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| **Grant / Project Identification Number** | **HUD Program**  | **Program Name** | **Funding Amount** |
| 21D-016 | Community Planning and Development (CPD) | Community Development Block Grants (Disaster Recovery Assistance) | $11,950,000.00 |

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| **Estimated Total HUD Funded, Assisted or Insured Amount:**  | $11,950,000.00 |

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| **Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** | $74,459,840.00 |

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

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| **Compliance Factors**: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6 | Are formal compliance steps or mitigation required? | Compliance determination(See Appendix A for source determinations) |
| **STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6** |
| **Airport Hazards**Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D |  Yes X No | 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 closest airport is the Bowling Green-Warren Co Regional Airport which is 4.32 miles from the project site and therefore more than 2,500 feet from the nearest civilian airport and 15,000 feet (2.84 miles) from the nearest military airport. |
| **Coastal Barrier Resources Act** Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501] |  Yes X No | 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. |
| **Flood Insurance**Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a] |  Yes X No | 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 and is not in an area with a 0.2 percent annual chance of flood hazard which is the FFRMS (Panel #21227C0301E effective May 2, 2007). |
| **STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5** |
| **Air Quality**Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93 |  Yes X No | 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. According to the EPA Greenbook Warren County is in attainment for all air quality standards. See EPA's Greenbook county list found at: https://www3.epa.gov/airquality/greenbook/ancl.html#KY |
| **Coastal Zone Management Act**Coastal Zone Management Act, sections 307(c) & (d) |  Yes X No | 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. |
| **Contamination and Toxic Substances**24 CFR 50.3(i) & 58.5(i)(2)] | X Yes  No | 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. 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. A Phase 1 ASTM report dated December 14, 2023 prepared by Arnold Consulting Engineering Services, Inc., Bowling Green, KY. This assessment found no recognized environmental conditions, controlled recognized environmental conditions, and/or significant data gaps in connection with the subject property. The University of Kentucky Geologically Based Indoor Radon Potential Map for the project site documents that it is in the 16.01 to 25.30 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). Radon testing must occur post construction but before occupancy. A passive radon vent system with electrical provisions for installation of future fans will be installed during construction. Testing must be done in accordance with the American National Standards Institute/American Association of Radon Scientists and Technologists (ANSI/AARST) MA-MFLB-2023 radon testing standards for multifamily buildings, schools, and large buildings. If post construction radon testing 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.  |
| **Endangered Species Act**Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402 |  Yes X No | 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. 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, there are a total of 16 threatened, endangered, or candidate species on this species list. The proposed project will have ''no effect'' on the gray bat (Myotis grisescens), Indiana bat (Myotis sodalis), clubshell (Pleurobema clava), fanshell (Cyprogenia stegaria), longsolid (Fusconaia subrotunda), pink mucket (Lampsilis abrupta), rabbitsfoot (Quadrula cylindrica cylindrica), ring pink (Obovaria retusa), rough pigtoe (Pleurobema plenum), round hickorynut (Obovaria subrotunda), and Kentucky cave shrimp (Palaemonias ganteri) due to lack of suitable habitat within the project area. It was also determined that the proposed project has the potential to affect the northern long-eared bat (Myotis septentrionalis) and Price's Potato-bean (Apios priceana). Northern long-eared bat: No features that could be used as hibernacula by these species were identified at the project site. There are no trees within the action area; as such, there is no summer roosting, foraging, or commuting habitat for this species. Based on the lack of impacts to roosting, foraging, and commuting habitat, it was determined that the proposed action ''may affect, but is not likely to adversely affect'' the northern long-eared bat. Price's potato-bean: The proposed action area consists of graded, open fields. Price's potato-bean thrives in open, wooded areas, often in forest gaps or along forest edges. The species tends to prefer mesic environments and is frequently found in open, low areas near streams or along the banks of streams and rivers. It is also sometimes found near the base of small limestone bluffs. Based on the habitat assessment, the project area does not contain suitable habitat for this species; therefore, it was determined that the proposed action, ''may affect, but is not likely to adversely affect'' Price's potato-bean. No mitigation is required.  |
| **Explosive and Flammable Hazards**Above-Ground Tanks)[24 CFR Part 51 Subpart C |  Yes X No | 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 of Google Earth Pro aerial maps identified one current or planned stationary aboveground storage container was within 1 mile of the project site. The tank is located behind a Walmart Supercenter and it is a water tank and does not contain explosive or flammable liquids. |
| **Farmlands Protection**Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658 |  Yes X No | 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 Farmland Conversion Impact Rating is 63. The site has not been used as farmland in over 20 years and the majority of the surrounding sites are dedicated to urban development. The need for affordable units outweighs any loss of prime farmlands. |
| **Floodplain Management**Executive Order 11988, particularly section 2(a); 24 CFR Part 55 |  Yes X No | This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690. According to the FFRMS Freeboard Value Approach report dated July 27, 2024 the project is not in the FFRMS floodplain. The Firmette map for the site shows that the project is in an area of minimal flood hazard and is not in an area with a 0.2 percent annual chance of flood hazard. (Panel #21227CO301E effective May 2, 2007). |
| **Historic Preservation**National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800 |  Yes X No | Based on Section 106 consultation the project will have No Adverse Effect on historic properties. Conditions: None. On February 7, 2024, Cultural Resource Analysts, Inc. completed a Cultural Historic Resource Survey for the Proposed Development in Warren County, Kentucky. The field survey identified one cultural historic site within the APE, which is the NRHP-listed Walnut Lawn (WA 193). CRA recommended that this site retrains integrity for continued listing in the National Register of Historic Places. Due to recent commercial and residential development surrounding WA 193, they found that the proposed construction of the Echo Trail Apartment project will not diminish any of the characteristics for which the NRHP-listed site is eligible for listing in the NRHP. HMB Professional Engineers, LLC completed a Phase I archaeological survey for the site on February 15, 2024. One new field site, a precontact open habitation without mounds of indeterminate date. They recommended that the portion of the site within the area of potential effect was not eligible for inclusion on the National Register. The SHPO agreed with the findings of both reports in their letter dated April 1, 2024 and concurred with a determination of No Adverse Effect to Historic Properties for this undertaking. Kentucky Housing Corporation invited the three Indian tribes identified in the HUD Tribal Directory Assessment Tool to be consulting parties on June 3, 2024. As of October 10, 2024 no Indian Tribes had commented on the proposed project and the 30 day comment period has expired.  |
| **Noise Abatement and Control**Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B |  Yes X No | A Noise Assessment was conducted. The noise level was acceptable: 60.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. There is one road with AADT traffic data within 1000 feet of the site which is Veterans Memorial Lane. See the Noise Calculation Spreadsheet for ten year projected ADT. The nearest railroad is the CSX Railroad which is 10,550 feet away so outside the 3000 feet area of concern. The closest airport is the Bowling Green-Warren Co Regional Airport which is 4.32 miles from the project site. It was determined that the noise attributed to the airplanes will not extend beyond the boundaries of the airport. The combined DNL noise calculation for roads is 60, which is acceptable. |
| **Sole Source Aquifers**Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149 |  Yes X No | 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. |
| **Wetlands Protection**Executive Order 11990, particularly sections 2 and 5 |  Yes X No | 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. |
| **Wild and Scenic Rivers Act**Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c) |  Yes X No | This project is not within proximity of a NWSRS river. 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 165 miles from the western end of the wild and scenic portion of the Red River so it is more than 1/2 mile away. There are no current Study Rivers in Kentucky. According to the National Rivers Inventory, there are no listed rivers within one half mile of the site. The nearest listed river is the Barren River which is 1.65 miles from the site.  |
| **HUD HOUSING ENVIRONMENTAL STANDARDS** |
| **ENVIRONMENTAL JUSTICE** |
| **Environmental Justice**Executive Order 12898 |  Yes X No | 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. No other adverse environmental impacts were identified. |

**Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]**

**Impact Codes**: An impact code from the following list has been used 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** | **Mitigation** |
| --- | --- | --- | --- |
| **LAND DEVELOPMENT** |
| Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design | 2 | The current zoning designation for the area in question is RM-4 (Multi-Family Residential). The development will also meet the development plan conditions from the rezoning of the property in 2023. See the zoning certification from the City County Planning Commission of Warren County dated December 28, 2023. |   |
| Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff | 2 | The soils on the site are suitable for the development. The soils on the site are Crider silt loam, 2 to 6 percent slopes (27 percent), Fredonia-Vertrees complex, 2 to 6 percent slopes, rocky (34 percent) and Fredonia-Vertrees complex, 6 to 12 percent slopes, very rocky (39 percent). The Crider silt loam is prime farmland soil. The Fredonia-Vertrees soils are not prime farmland soils. See the USDA Soils Report Sites located within this geologic setting are susceptible to sinkhole activity. During the geotechnical investigation, at least 2 visible surface anomalies were identified on the site, which is consistent for a project site this size in this geographic region. Based on the subsurface information and the identified potential karst features, the geotechnical engineer found that the site can be developed provided that any visible anomalies are repaired, and their site recommendations are implemented. It should be noted that even with the identified anomalies, the risk of further sinkhole development is no greater at this site than any other site in this geologic setting. The typical repairs consist of excavating the feature to bedrock and stabilizing the area with rock and a geotextile fabric. See the geotechnical report for more detailed information. The report offered the following recommendations to reduce the potential for future sinkhole development: Control storm water drainage during and after earthwork operations by properly grading the site to promote complete and rapid runoff of surface water away from construction areas and avoid the ponding of water on the site. Avoid leaving open excavations overnight or when rain is expected. Excavations holding water can lead to dropouts. Locate detention/retention ponds as far as practical from the building Construct underground plumbing systems in a leak-proof manner To the extent practicable, provide ditches or pipes for discharge of storm water Evaluate any area of suspected sinkhole development, such as areas of abnormally thick topsoil deposits, depressed areas, and locations of soil collapse or voids within the overburden Where incipient sinkholes are detected, perform remedial treatment as recommended by our geotechnical engineer based on the actual conditions encountered Undetected sinkholes are more likely to appear during construction when site drainage patterns have been altered. Therefore, particular care should be taken during grading to check for surface indications of sinkhole activity. Drainage/Storm water detention: On-site detention shall be provided by two onsite detention basins which meets design requirements. Erosion and Sediment Control: A soil and sedimentation control plan will be implemented in accordance with local standards before construction begins. See the Drainage and Erosion Control plans.  |   |
| Hazards and Nuisances including Site Safety and Site-Generated Noise | 2 | See the ASTM Phase I Environmental Site Assessment for Veterans Memorial Lane Bowling Green, Kentucky, Project No. 23-3258-L dated December 14, 2023 prepared by Arnold Consulting Engineering Services, Inc. This assessment found no recognized environmental conditions, controlled recognized environmental conditions, and/or significant data gaps in connection with the subject property. The market study for the project notes that no visible nuisances were observed within proximity of the site during the site visit.  |   |
| **SOCIOECONOMIC** |
| Employment and Income Patterns | 2 | The labor force within the Bowling Green Site PMA is based primarily in four sectors. Health Care & Social Assistance (which comprises 16.2%), Retail Trade, Manufacturing, and Accommodation & Food Services comprise approximately 57.0% of the Site PMA labor force. the Warren County employment base has increased by more than 4,500, or 7.6%, since 2020 (through October of 2023). This growth rate reported for the county (7.6%) is higher than that reported for the state of Kentucky (4.0%) for the same time period. Further, the total employment base reported for the county through October of 2023 (63,908) is higher than pre-pandemic levels. According to a representative of the Bowling Green Chamber of Commerce, Bowling Green and Warren County continue to experience significant and remarkable growth. In 2022, the chamber announced 11 new projects with existing companies generating $2.69 billion in total investment and creation of 2,714 new jobs. In 2023, six new projects were announced within the South-Central Kentucky region that are expected to generate $61.1 million in total investments and create approximately 305 new direct jobs in the region. Given the expected increase in employment opportunities, household income is expected to increase for the PMA. In 2023, the median household income is estimated to be $54,041. By 2028, it is projected that the median household income will be $59,624, an increase of 10.3% over 2023. See the Economy and Demographics sections of the Market Feasibility Analysis for Market Feasibility Analysis for Veterans Memorial, Veterans Memorial Lane north of Walnut Creek Drive Bowling Green, Warren County, Kentucky 42101 prepared by Bowen National Research dated January 14, 2024 (Market Study).  |   |
| Demographic Character Changes / Displacement | 2 | The Primary Market Area (PMA) is the geographic area where the majority of tenants for the proposed site are expected to originate, and where the community services that site residents will likely utilize are located. The PMA for this project comprises the City of Bowling Green and several smaller nearby communities such as Plum Springs and Blue Level, and other unincorporated portions in Warren County. The Bowling Green Site PMA population base increased by 18,408 between 2010 and 2020. This represents a 21.3% increase over the 2010 population, or an annual rate of 2.1%. Between 2020 and 2023, the population increased by 5,648, or 5.4%. It is projected that the population will increase by 5,700, or 5.2%, between 2023 and 2028. Given the population trends, the proposed project will help address the need for more affordable housing in the area. For a detailed discussion of the demographic characteristics and trends in the area see the Demographics section file from the Market Study. There will be no displacement due to the project as the site is vacant land.  |   |
| Environmental Justice EA Factor | 2 | 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. No other adverse environmental impacts were identified. Overall, the project will be beneficial to low income persons by providing much needed affordable housing. |   |
| **COMMUNITY FACILITIES AND SERVICES** |
| Educational and Cultural Facilities (Access and Capacity) | 2 | The project is located near an urban area and within two miles of most basic area services. This includes various convenience stores, grocery stores, discount shopping opportunities, pharmacies, and restaurants. Most area services are located south and southeast of the subject site along the Morgantown Road and Russellville Road corridors or east of the site in or near the downtown portion of Bowling Green. See the Site Description and Evaluation Section of the Market Study. |   |
| Commercial Facilities (Access and Proximity) | 2 | The project is located near an urban area and within two miles of most basic area services. This includes various convenience stores, grocery stores, discount shopping opportunities, pharmacies, and restaurants. Most area services are located south and southeast of the subject site along the Morgantown Road and Russellville Road corridors or east of the site in or near the downtown portion of Bowling Green. See the Site Description and Evaluation Section of the Market Study. |   |
| Health Care / Social Services (Access and Capacity) | 2 | Bowling Green is a regional center for health care and social services. The Medical Center at Bowling Green is a 337-bed facility in the city which offers comprehensive medical services and is the site of the University of Kentucky College of Medicine - Bowling Green Campus, the first 4-year regional medical school in Kentucky. Tristar Greenview Regional Hospital is a 211-bed hospital located at 1801 Ashley Circle in Bowling Green also offers a wide range of medical services. The project is not expected to have any impact on local health care or social services. See the Medical Services Bowling Green and Social Services Bowling Green files for a sample of available services. |   |
| Solid Waste Disposal and Recycling (Feasibility and Capacity) | 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 report. Solid waste collection services will be provided by Scott Waste Services LLC. See their letter dated January 4, 2024. |   |
| Waste Water and Sanitary Sewers (Feasibility and Capacity) | 2 | Sanitary sewer service will be provided by Bowling Green Municipal Utilities (BGMU) which has the capacity to serve the development. See the letter from BGMU dated January 16, 2024. |   |
| Water Supply (Feasibility and Capacity) | 2 | Public water service will be provided by the Warren County Water District which has agreed to extend their lines to serve the development. See the letter from the Warren County Water District dated January 17, 2024. |   |
| Public Safety - Police, Fire and Emergency Medical | 2 | The Warren County Sheriff's Office provides the primary police protection services in the unincorporated areas of Warren County. They have a mutual cooperation and aid agreement with the Bowling Green Police Department. Fire protection is provided by the Barren River Fire Department. Station 2 is located at 529 Brookwood Drive and is about 2.2 miles driving distance from the site. Medical Center EMS provides Emergency Medical Services (EMS) service to the site. The project will not have any impact on Public Safety Services. See the Public Safety file for additional information. |   |
| Parks, Open Space and Recreation (Access and Capacity) | 2 | There are numerous parks, recreational facilities and cultural facilities of all types in Bowling Green. CW Lampkin Park is an 80-acre park with numerous ball fields, a walking path, playground and other facilities. It is located 1.2 miles east of the site. The Russell Sims Aquatic Center is one mile south of the site. No impacts to parks or recreational facilities are anticipated from the proposed new construction. Recreational opportunities on the project site will include a dog park, pool, playground and a clubhouse with a fitness center, business center and a community room with a kitchenette. See the Bowling Green Parks and Recreation Program Guide for additional information. |   |
| Transportation and Accessibility (Access and Capacity) | 2 | The site has access to major thoroughfares, including US 68 (Veterans Memorial Lane) which is adjacent to the site. US 231 is 0.3 miles south of the site and I-165 is 0.9 miles west of the site. Go BG Transit provide public bus service in Bowing Green. There is a bus stop located 0.8 miles southeast of the site. See the Site Description and Evaluation File from the Market Study. |   |
| **NATURAL FEATURES** |
| 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. As part of the archeological investigation a pedestrian survey was conducted across the entirety of the project area. The visual inspection was focused on locating aboveground evidence of archaeological sites such as artifact concentrations and features including structural foundations, refuse dumps, wells and cisterns, gravestones, quarry pits, and earthen and stone mounds. Field personnel also examined the project area for caves, benches, rock faces and rock overhangs, and springs and sinks that may have been utilized by precontact or historic groups and none were identified on the site. The project will not use any groundwater resources or septic systems. There are no bodies of water on or adjacent to the site. See the US Fish and Wildlife Service Wetlands Inventory Map. |   |
| Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.) |   | The predominate vegetation on the site is grass. The only plant species of concern is Price's potato-bean which is a threatened species. The proposed action area consists of graded, open fields. Price's potato-bean thrives in open, wooded areas, often in forest gaps or along forest edges. The species tends to prefer mesic environments and is frequently found in open, low areas near streams or along the banks of streams and rivers. It is also sometimes found near the base of small limestone bluffs. Based on the habitat assessment, the project area does not contain suitable habitat for this species; therefore, it was determined that the proposed action, ''may affect, but is not likely to adversely affect'' Price's potato-bean. See the Archaeology Report for photos showing site vegetation. No special or threatened or endangered vegetation will be negatively impacted by the proposed project. See the US Fish and Wildlife Service species list. The site is graded open fields mostly covered in grass. It is not suitable habitat for any threatened or endangered wildlife species. See the Species List for a list of threatened or endangered wildlife species that could be potentially found in the area and the discussion and documentation under Endangered Species. |   |
| Other Factors 1 |   |   |   |
| Other Factors 2 |   |   |   |
| **CLIMATE AND ENERGY** |
| Climate Change | 2 | The National Risk Index for Waren County finds that Warren Henderson County is at high risk for ice storms and tornados. See the National Risk Index Report for Warren County. The project site does not have any trees as it was previously in grass and any trees were removed by the former owner. Also, all utilities will be underground. This will reduce the risk from both ice storms and tornados. Other design features which will reduce the risk from these types of storms include fiber-cement siding (Hardie Plank), stone, and brick which are very durable materials, no large landscaping over buildings and 30-year dimensional shingles rated for 130 mph winds with ice and water shielding. |   |
| Energy Efficiency | 2 | The project is within the Bowling Green Municipal Utilities service area. BGMU has 500 Megawatts of system transformer capacity, serves almost 50,000 customers, and employs approximately 100 electric employees. Power is purchased from the Tennessee Valley Authority (TVA) and is distributed through more than 362 miles of electrical lines that run underground and on poles. 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 established minimum energy efficiency requirements. Per the CDBG grant requirements, the project will also meet EnergyStar requirements and will be EnergyStar certified. See the service request dated 12/28/23 from Arnold Consulting Engineering. |   |

**Supporting documentation**

[Clearinghoue comments Echo Trail KY202401190087.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012296882)

[Minimum Design Standards for Multifamily Housing 2020.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282787)

[Warren County Housing Units Needed 2024.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282786)

[Warren Co School Facilites Plan DFP.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282785)

[Social Services Bowling Green.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282782)

[Site Description\_Evaluaiton Echo Trails Market Study.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282781)

[Public Saftey Services Warren County.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282779)

[Medical Services Bowling Green.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282777)

[Economy Echo Trails Market Study.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282775)

[Demographics Echo Trails Market Study.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282773)

[Cultural activities and events Bowling Green.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282772)

[Bowling Green Parks\_Rec Program Guide.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282768)

[2023-12-28 Zoning Certification - Veterans Memorial Lane - December 2023 (County).pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282765)

[2024-01-17 Will Serve Letter - Water.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282763)

[2024-01-16 Will Serve Letter - Sewer.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282762)

[2024-01-04 Will Serve Letter - Scott Waste Services - VMP.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282761)

[2023-12-28 Will Serve Letter - Electric.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282759)

[Erosion Control Echo Trails Apts.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282758)

[Drainage Plans Echo Trails Apts.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282756)

**Additional Studies Performed:**

|  |
| --- |
| Memorial Lane north of Walnut Creek Drive Bowling Green, Warren County, Kentucky 42101 prepared by Bowen National Research dated January 14, 2024 ASTM Phase I Environmental Site Assessment for Veterans Memorial Lane Bowling Green, Kentucky, Project No. 23-3258-L dated December 14, 2023 prepared by Arnold Consulting Engineering Services, Inc. PHASE I ARCHAEOLOGICAL SURVEY FOR THE ECHO TRAIL APARTMENTS, WARREN COUNTY, KENTUCKY, OSA Project No. FY24-12669 prepared by HMB Professional Engineers, LLC dated February 16, 2024. Cultural Historic Resource Survey for the Proposed Echo Trails Development in Warren County, Kentucky CRA Project No.: K240026, prepared by Cultural Resource Analysts, Inc. dated February 7, 2024 Report of Geotechnical Investigation, Echo Trails Apartments, Bowling Green, KY Prepared by Arnold Consulting Engineering Services, Inc. dated February 15, 2024.  |

[2024-02-15 Echo Trails Apts Geotechnical Investigation Report.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282743)

|  |  |
| --- | --- |
| **Field Inspection [Optional]:** Date and completed by: |  |
| Jeff Arnold | 12/12/2023 12:00:00 AM |

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

|  |
| --- |
| USDA-NRCS Soils Report U.S. Fish and Wildlife Service Kentucky Field Office Craig Potts, State Historic Preservation Officer, Kentucky Heritage Council Elizabeth Toomes, Cherokee Nation Deborah Dotson, President, Delaware Nation, Oklahoma Craig Harper, Chief, Peoria Tribe of Indians of Oklahoma Everett Bandy, THPO, Quapaw Nation Russell Townsand, THPO, Eastern Band of Cherokee Indians Douglas Lankford Chief, Miami Tribe of Oklahoma Andrea Hunter THPO, Osage Nation Perri Pedley, Soil Scientist USDA NRCS Kyle Simmons, Scott Waste Services LLC Joe V. Pavoni, P.E., LEED AP, Assoc. DBIA - Bowling Green Municipal Utilities Clint Harbison, P.E., Warren County Water District  |

**List of Permits Obtained:**

|  |
| --- |
| State Building Permit, KPDES permit, local planning commission development plan approval. |

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

|  |
| --- |
| LDG Development held a CDBG-DR Pre-submission Public Hearing at 1:00 PM on February 29, 2024 at the Warren County Public Library, Lisa Rice Library, Meeting Room 2. The address is 1225 State Street, Bowling Green, KY 42101 |

[Public Hearing Tear Sheet Echo Trails.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282752)

[Public Hearing Minutes signed Echo Trails.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282749)

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

|  |
| --- |
| There is no future development, additional phases or related activities expected to occur as the result of this project. Therefore, no cumulative effects are anticipated as a result of the project. |

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

|  |
| --- |
| The purpose of the proposed project is to provide multi-family rental housing to address unmet housing needs due to the impacts of a declared national disaster in Warren County which was one of four of the most impacted counties. A search for sites available on the open market in Warren County was conducted by LDG Multifamily LLC. The selected site was the only one that met the requirements for future development based on several key factors: its size, purchase price, favorable topography, available utilities, appropriate zoning, and its location within a Qualified Census Tract (QCT) for low income tax credits. The site was also evaluated for potential environmental issues and it was determined that it was not located in a floodplain and noise levels would be acceptable. Furthermore, the seller is a strong advocate for affordable housing and was highly responsive in addressing inquiries regarding the property and the surrounding area. |

**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 would be developed for market rate housing which would not help address the need for affordable multi-family housing for lower income residents in Warren County. |

**Summary of Findings and Conclusions:**

|  |
| --- |
| The project is not located in a FEMA-designated FFMRS Floodplain. 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 levels exceed 4.0 pCi/L, mitigation measures will be taken to reduce radon to acceptable levels prior to occupancy. A total of sixteen federally listed species have the potential to be present within the project area. The project will have no effect on fourteen of the listed species. The project may affect, but is not likely to adversely affect the northern long-eared bat and Price's potato-bean. There are no above ground storage tanks which contain potentially explosive or flammable materials within one mile of the site. The project will have no effect on any sites on or eligible for listing on the National Register of Historic Places. Noise levels are acceptable. Some prime farmland will be lost to development but the surrounding area is already committed to urban causes. No wetlands, wild or scenic rivers will be impacted by the project. Silt fencing, sediment traps, and other appropriate best management practices will be implemented to minimize impacts during construction. The project will provide 256 units of much needed affordable, multi-family rental housing in an area with a documented need for 3,697 new rental units for families with incomes below 50% AMI. The project will also address unmet housing needs due to the impacts of tornadoes on housing from a declared natural disaster. The benefits of providing this much needed housing outweigh any environmental concerns.  |

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

Summarized below areall 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 or Condition** | **Comments on Completed Measures** | **Mitigation Plan** | **Complete** |
| Contamination and Toxic Substances | To ensure compliance with HUD CPD Notice 23 103 as of July 9, 2024, Kentucky Housing Corporation has adopted an updated Radon Policy. The University of Kentucky Geologically Based Indoor Radon Potential Map for the project site documents that it is in the 16.01 to 25.30 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). Radon testing must occur post construction but before occupancy. A passive radon vent system with electrical provisions for installation of future fans will be installed during construction. Testing must be done in accordance with the American National Standards Institute/American Association of Radon Scientists and Technologists (ANSI/AARST) MA-MFLB-2023 radon testing standards for multifamily buildings, schools, and large buildings. If post construction radon testing 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. | N/A | Upon completion and before residency, building will be tested for radon by a radon professional certified by the National Radon Proficiency Program (NRRP) program. They will test the buildings in accordance with ANSI/AARST Protocols for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings. 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 Jennifer Peters at the Department for Local Government. If radon levels are above 4.0 pCi/L, a certified mitigation specialist will prepare a mitigation plan. The mitigation plan will identify the radon levels at initial testing, consider the risk to occupant's health and describe the radon reduction system that will be installed. The plan will also establish an ongoing maintenance plan, include a reasonable time for implementation and require the installation of mitigation measures and post-installation testing by a licensed radon professional. Brett Butt with LDG Multifamily LLC will be responsible for insuring radon testing and mitigation, if required, is implemented. Once testing and mitigation, if applicable, is complete, the owner will provide the DLG Environmental Review Specialist with the required documentation. Once DLH has approved the documentation and emailed the developer a copy of the completed ERR, then developers may allow residents to occupy units provided all other occupancy requirements have been met.  |   |

**Project Mitigation Plan**

|  |
| --- |
| Upon completion and before residency, building will be tested for radon by a radon professional certified by the National Radon Proficiency Program (NRRP) program. They will test the buildings in accordance with ANSI/AARST Protocols for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings. 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 Jennifer Peters with the Department for Local Government. If radon levels are above 4.0 pCi/L, a certified mitigation specialist will prepare a mitigation plan. The mitigation plan will identify the radon levels at initial testing, consider the risk to occupant's health and describe the radon reduction system that will be installed. The plan will also establish an ongoing maintenance plan, include a reasonable time for implementation and require the installation of mitigation measures and post-installation testing by a licensed radon professional. Brett Butt with LDG Multifamily LLC will be responsible for insuring radon testing and mitigation, if required, is implemented. Once testing and mitigation, if applicable, is complete, the owner will provide the DLG Environmental Review Specialist with the required documentation. Once DLG has approved the documentation and emailed the developer a copy of the completed ERR, then developers may allow residents to occupy units provided all other occupancy requirements have been met.  |

**Supporting documentation on completed measures**

**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 closest airport is the Bowling Green-Warren Co Regional Airport which is 4.32 miles from the project site and therefore more than 2,500 feet from the nearest civilian airport and 15,000 feet (2.84 miles) from the nearest military airport. |

**Supporting documentation**

[Echo Trail Apts Distance to nearest airport.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281647)

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

|  |  |
| --- | --- |
|  |  |
|  | 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?**

|  |  |
| --- | --- |
|  |  |
|  | 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\_Echo Trail Apartments.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281656)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](http://www.msc.fema.gov) 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 and is not in an area with a 0.2 percent annual chance of flood hazard which is the FFRMS (Panel #21227C0301E effective May 2, 2007). |

**Supporting documentation**

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

|  |  |
| --- | --- |
|  |  |
|  | 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. According to the EPA Greenbook Warren County is in attainment for all air quality standards. See EPA's Greenbook county list found at: https://www3.epa.gov/airquality/greenbook/ancl.html#KY |

**Supporting documentation**

[Kentucky Counties in Nonattainment Greenbook June 2024.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281666)

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

|  |  |
| --- | --- |
|  |  |
|  | 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?**

|  |  |
| --- | --- |
|  |  |
|  | 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) |
| **Reference** |
| <https://www.onecpd.info/environmental-review/site-contamination> |

**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 December 14, 2023 prepared by Arnold Consulting Engineering Services, Inc., Bowling Green, KY. This assessment found no recognized environmental conditions, controlled recognized environmental conditions, and/or significant data gaps in connection with the subject property.

|  |  |
| --- | --- |
|  | Yes |

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

\*\* Utilize EPA’s Enviromapper, NEPAssist, 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](https://www.hud.gov/sites/dfiles/CPD/documents/CPD_Notice_on_Addressing_Radon_in_the_Environmental_Review_Process.pdf) 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 an updated Radon Policy. The University of Kentucky Geologically Based Indoor Radon Potential Map for the project site documents that it is in the 16.01 to 25.30 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). Radon testing must occur post construction but before occupancy. A passive radon vent system with electrical provisions for installation of future fans will be installed during construction. Testing must be done in accordance with the American National Standards Institute/American Association of Radon Scientists and Technologists (ANSI/AARST) MA-MFLB-2023 radon testing standards for multifamily buildings, schools, and large buildings. If post construction radon testing 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. 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. A Phase 1 ASTM report dated December 14, 2023 prepared by Arnold Consulting Engineering Services, Inc., Bowling Green, KY. This assessment found no recognized environmental conditions, controlled recognized environmental conditions, and/or significant data gaps in connection with the subject property. To ensure compliance with HUD CPD Notice 23 103 as of July 9, 2024, Kentucky Housing Corporation has adopted an updated Radon Policy. The University of Kentucky Geologically Based Indoor Radon Potential Map for the project site documents that it is in the 16.01 to 25.30 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). Radon testing must occur post construction but before occupancy. A passive radon vent system with electrical provisions for installation of future fans will be installed during construction. Testing must be done in accordance with the American National Standards Institute/American Association of Radon Scientists and Technologists (ANSI/AARST) MA-MFLB-2023 radon testing standards for multifamily buildings, schools, and large buildings. If post construction radon testing 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**

[Radon Potential Map Echo Trails.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281686)

[2023-12-15 Phase 1 ESA Veterans Memorial Multi Family Housing.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281685)

**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 *et seq*.); particularly section 7 (16 USC 1536). | 50 CFR Part 402 |

**1. Does the project involve any activities that have the potential to affect specifies 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:

|  |
| --- |
| The proposed project will have ''no effect'' on the gray bat (Myotis grisescens), Indiana bat (Myotis sodalis), clubshell (Pleurobema clava), fanshell (Cyprogenia stegaria), longsolid (Fusconaia subrotunda), pink mucket (Lampsilis abrupta), rabbitsfoot (Quadrula cylindrica cylindrica), ring pink (Obovaria retusa), rough pigtoe (Pleurobema plenum), round hickorynut (Obovaria subrotunda), and Kentucky cave shrimp (Palaemonias ganteri) due to lack of suitable habitat within the project area. It was also determined that the proposed project has the potential to affect but is not likely to adversely affect the northern long-eared bat (Myotis septentrionalis) and Price's Potato-bean (Apios priceana).  |

**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. 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, there are a total of 16 threatened, endangered, or candidate species on this species list. The proposed project will have ''no effect'' on the gray bat (Myotis grisescens), Indiana bat (Myotis sodalis), clubshell (Pleurobema clava), fanshell (Cyprogenia stegaria), longsolid (Fusconaia subrotunda), pink mucket (Lampsilis abrupta), rabbitsfoot (Quadrula cylindrica cylindrica), ring pink (Obovaria retusa), rough pigtoe (Pleurobema plenum), round hickorynut (Obovaria subrotunda), and Kentucky cave shrimp (Palaemonias ganteri) due to lack of suitable habitat within the project area. It was also determined that the proposed project has the potential to affect the northern long-eared bat (Myotis septentrionalis) and Price's Potato-bean (Apios priceana). Northern long-eared bat: No features that could be used as hibernacula by these species were identified at the project site. There are no trees within the action area; as such, there is no summer roosting, foraging, or commuting habitat for this species. Based on the lack of impacts to roosting, foraging, and commuting habitat, it was determined that the proposed action ''may affect, but is not likely to adversely affect'' the northern long-eared bat. Price's potato-bean: The proposed action area consists of graded, open fields. Price's potato-bean thrives in open, wooded areas, often in forest gaps or along forest edges. The species tends to prefer mesic environments and is frequently found in open, low areas near streams or along the banks of streams and rivers. It is also sometimes found near the base of small limestone bluffs. Based on the habitat assessment, the project area does not contain suitable habitat for this species; therefore, it was determined that the proposed action, ''may affect, but is not likely to adversely affect'' Price's potato-bean. No mitigation is required.  |

**Supporting documentation**

[USFWS\_KFO\_Response Echo Trails.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012290145)

[Site\_Photos.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012290144)

[FIRMETTE\_Echo Trail Apartments(2).pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012290143)

[EchoTrl\_ConsistencyLtr\_KYDetermination.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012290142)

[EchoTrl\_ConsistencyLtr\_IBat.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012290141)

[EchoTrails\_Species List\_USFWS\_KFO.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012290140)

[Development Plan Echo Trial Apts 2024-01-08 Civil Concept 1 - 1-8-2024.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012290139)

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

|  |  |
| --- | --- |
|  |  |
|  | 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 of Google Earth Pro aerial maps identified one current or planned stationary aboveground storage container was within 1 mile of the project site. The tank is located behind a Walmart Supercenter and it is a water tank and does not contain explosive or flammable liquids. |

**Supporting documentation**

[Above Ground Storage Tanks within 1 mile radius of Echo Trails.docx](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281719)

[One mile radius Above Ground Storage Tank search Echo Trails.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281718)

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

|  |  |
| --- | --- |
|  |  |
|  | 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.) | [7 CFR Part 658](http://www.access.gpo.gov/nara/cfr/waisidx_11/7cfr658_11.html) |

**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 Farmland Conversion Impact Rating is 63. The site has not been used as farmland in over 20 years and the majority of the surrounding sites are dedicated to urban development. The need for affordable units outweighs any loss of prime farmlands.  |

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 Farmland Conversion Impact Rating is 63. The site has not been used as farmland in over 20 years and the majority of the surrounding sites are dedicated to urban development. The need for affordable units outweighs any loss of prime farmlands. |

**Supporting documentation**

[USDA Soils\_Report Echo Trails Apartments.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281732)

[FNL\_PrimeFarmland\_Docs\_EchoTrail.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281730)

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

|  |  |
| --- | --- |
|  |  |
|  | 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 place on the property’s continued use for flood control, wetland projection, 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 information1 to determine flood elevation. Include documentation and an explanation of why this is the best available information2 for the site. Note that newly constructed and substantially improved3 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. |

 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.

2 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](https://www.hudexchange.info/programs/environmental-review/hud-environmental-staff-contacts/#region-i-regional-and-field-environmental-officers) with additional compliance questions.

3 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)](https://www.ecfr.gov/current/title-24/subtitle-A/part-55).

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. According to the FFRMS Freeboard Value Approach report dated July 27, 2024 the project is not in the FFRMS floodplain. The Firmette map for the site shows that the project is in an area of minimal flood hazard and is not in an area with a 0.2 percent annual chance of flood hazard. (Panel #21227CO301E effective May 2, 2007). |

**Supporting documentation**

[FIRMETTE\_Echo Trail Apartments(1).pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281734)

[Echo Trail FFRMS-Freeboard-Value-Approach-Report.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281733)

**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” <https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf> |

***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 |

|  |  |
| --- | --- |
|  |  |
|  Advisory Council on Historic Preservation | Not Required |

|  |  |
| --- | --- |
|  | 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:**

|  |
| --- |
| After completion of a Phase I Archeological Survey and a Cultural Historic Survey for the site, LDG Multifamily, LLC had their environmental consultant initiate consultation with the Kentucky Heritage Council (SHPO) March 8, 2024. Kentucky Housing Corporation invited three Indian nations with interest in Warren County to be consulting parties in a letter sent via email on June 3, 2024. As of September 10, 2024 there had been no THPO response from the three tribes. |

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 for the archeological survey is the 17.55 acres of site located across from 1900 Veterans Memorial Lane, Bowling Green, Warren County, KY 42101 36.99489, -86.4914. |

**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** |
| 1800 Morgantown Rd., Walnut Lawn | Listed | Yes |  Not Sensitive |

**Additional Notes:**

|  |
| --- |
| The CRA field survey identified one cultural historic site within the APE, which is the NRHP-listed Walnut Lawn. CRA recommends that Site 1 retrains integrity for continued listing in the National Register under Criterion B. Further, since CRA personnel were unable to access the property in order to complete a more thorough survey of the property, CRA recommends Site 1 (WA 193) should remain listed in the NRHP under Criterion C. Due to current vegetative screening, the proposed residential development and its access roads are unlikely to be visible from the NRHP-listed boundary for Walnut Lawn (WA 193). Further, due to recent commercial and residential development surrounding WA 193, the proposed construction of the Echo Trail Apartment project will not diminish any of the characteristics for which the NRHP-listed site is eligible for listing in the NRHP under Criterion B or C. Thus, CRA recommends a finding of No Adverse Effect for the proposed project.  |

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

|  |  |
| --- | --- |
|  | Yes |

Document and uploadsurveys 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 |

|  |  |
| --- | --- |
|  | No Adverse Effect |

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

 **Document reason for finding:**

|  |
| --- |
| On February 7, 2024, Cultural Resource Analysts, Inc. completed a Cultural Historic Resource Survey for the Proposed Development in Warren County, Kentucky. The field survey identified one cultural historic site within the APE, which is the NRHP-listed Walnut Lawn (WA 193). CRA recommended that this site retrains integrity for continued listing in the National Register of Historic Places. Due to recent commercial and residential development surrounding WA 193, they found that the proposed construction of the Echo Trail Apartment project will not diminish any of the characteristics for which the NRHP-listed site is eligible for listing in the NRHP. HMB Professional Engineers, LLC completed a Phase I archaeological survey for the site on February 15, 2024. One new field site, a precontact open habitation without mounds of indeterminate date. They recommended that the portion of the site within the area of potential effect was not eligible for inclusion on the National Register. The SHPO agreed with the findings of both reports in their letter dated April 1, 2024 and concurred with a determination of No Adverse Effect to Historic Properties for this undertaking.  |

 **Does the No Adverse Effect finding contain conditions?**

|  |  |
| --- | --- |
|  | Yes (check all that apply) |

|  |  |
| --- | --- |
|  | No |

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

|  |  |
| --- | --- |
|  | Adverse Effect |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| Based on Section 106 consultation the project will have No Adverse Effect on historic properties. Conditions: None. On February 7, 2024, Cultural Resource Analysts, Inc. completed a Cultural Historic Resource Survey for the Proposed Development in Warren County, Kentucky. The field survey identified one cultural historic site within the APE, which is the NRHP-listed Walnut Lawn (WA 193). CRA recommended that this site retrains integrity for continued listing in the National Register of Historic Places. Due to recent commercial and residential development surrounding WA 193, they found that the proposed construction of the Echo Trail Apartment project will not diminish any of the characteristics for which the NRHP-listed site is eligible for listing in the NRHP. HMB Professional Engineers, LLC completed a Phase I archaeological survey for the site on February 15, 2024. One new field site, a precontact open habitation without mounds of indeterminate date. They recommended that the portion of the site within the area of potential effect was not eligible for inclusion on the National Register. The SHPO agreed with the findings of both reports in their letter dated April 1, 2024 and concurred with a determination of No Adverse Effect to Historic Properties for this undertaking. Kentucky Housing Corporation invited the three Indian tribes identified in the HUD Tribal Directory Assessment Tool to be consulting parties on June 3, 2024. As of October 10, 2024 no Indian Tribes had commented on the proposed project and the 30 day comment period has expired.  |

**Supporting documentation**

[WA-193\_SurveyForm Walnut Lawn.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012296867)

[Echo Trail Apts Cultural Historic report.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012296862)

[Tribal Assessment list Warren Co Echo Trail Apts.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012296849)

[Phase I Archaeology Echo Trail Apartments 3-4-24.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012296848)

[SHPO letter for Section 106 Review Echo Trails Apartments.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012296827)

[SHPO Clearance 240843\_KHC\_Echo Trail Apartments\_Warren.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012296825)

[THPO\_docs\_Final Echo Trials Apts.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012296823)

[APE Map Echo Trails.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012296788)

[APE Map Cultural Historic Echo Trails.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012296786)

**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 1972General 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.  |

|  |  |
| --- | --- |
|  | Noise generators were found within the threshold distances.  |

5**. Complete the Preliminary Screening to identify potential noise generators in the**

|  |  |
| --- | --- |
|  | Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))  |

|  |  |
| --- | --- |
| Indicate noise level here:  | 60 |

Based on the response, the review is in compliance with this section. Document and upload noise analysis, including noise level and data used to complete the analysis below.

|  |  |
| --- | --- |
|  | Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a)) |

|  |  |
| --- | --- |
|  | Unacceptable: (Above 75 decibels) |

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels.

|  |  |
| --- | --- |
|  | Check here to affirm that you have considered converting this property to a non-residential use compatible with high noise levels.  |

|  |  |
| --- | --- |
| Indicate noise level here:  | 60 |

Document and upload noise analysis, including noise level and data used to complete the analysis below.

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| A Noise Assessment was conducted. The noise level was acceptable: 60.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. There is one road with AADT traffic data within 1000 feet of the site which is Veterans Memorial Lane. See the Noise Calculation Spreadsheet for ten year projected ADT. The nearest railroad is the CSX Railroad which is 10,550 feet away so outside the 3000 feet area of concern. The closest airport is the Bowling Green-Warren Co Regional Airport which is 4.32 miles from the project site. It was determined that the noise attributed to the airplanes will not extend beyond the boundaries of the airport. The combined DNL noise calculation for roads is 60, which is acceptable. |

**Supporting documentation**

[Airport Noise Worksheet Bowling Green Airport.docx](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282698)

[Distance from Echo Trail Apts to nearest roads.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282690)

[Echo Trail Apts Distance to nearest airport(1).png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282688)

[National Transportation Noise Map Echo Trail Apt.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282686)

[Distance to Nearest Railroad Echo Trail Apt.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282685)

[Bowling Green-Warren Co Regional Airport Annual Operations.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282684)

[KYTC Road Data Echo Trail Apts.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282681)

[KYTC Traffic Count Data Sta114C89.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282680)

[KYTC Traffic Count locations Echo Trail Apts.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282679)

[1000 feet N of Echo Trails.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282677)

[1000 feet S of Echo Trails.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282676)

[Elevation 1000 Feet S Echo Trails.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282675)

[Elevation 1000 Feet N Echo Trails.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282673)

[DNL Noise Calculation Echo Trail Apts.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282671)

[Noise calcuations Echo Trails.xlsx](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012282670)

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

|  |  |
| --- | --- |
|  | Yes |
|  | No |

**Sole Source Aquifers**

|  |  |  |
| --- | --- | --- |
| **General requirements** | **Legislation** | **Regulation** |
| **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.** | 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](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281761)

**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. |

**Supporting documentation**

[USFWS National Wetlands Inventory Map Echo Trails.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281767)

**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. |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| This project is not within proximity of a NWSRS river. 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 165 miles from the western end of the wild and scenic portion of the Red River so it is more than 1/2 mile away. There are no current Study Rivers in Kentucky. According to the National Rivers Inventory, there are no listed rivers within one half mile of the site. The nearest listed river is the Barren River which is 1.65 miles from the site.  |

**Supporting documentation**

[Study Rivers National Wild and Scenic Rivers System.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281803)

[NWSRS Website\_Red River KY.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281801)

[Nationwide River Inventory Map Echo Trails.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281800)

[Distance Map Echo Trails Apts to Western Boundry Red River.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281799)

[Distance Map Echo Trails Apts to Barren River.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012281798)

**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. No other adverse environmental impacts were identified. |

**Supporting documentation**

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

|  |  |
| --- | --- |
|  | Yes |
|  | No |