

## **NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

February 24, 2025

Kentucky Department for Local Government  
*Responsible Entity for Community Development Block Grant Disaster Recovery (CDBG-DR)  
and Community Development Block Grant (CDBG) funds*  
100 Airport Road, 3<sup>rd</sup> Floor  
Frankfort, KY 40601  
(502) 573-2382

AND

Kentucky Housing Corporation  
*Responsible Entity for HOME Investment Partnerships (HOME) funds*  
1231 Louisville Road  
Frankfort, KY 40601  
(502) 564-7630

**These notices are related to Federal assistance provided in response to the Presidentially declared disaster, Kentucky Severe Storms, Flooding, Landslides, and Mudslides (DR-4663-KY, Incident Period: July 26, 2022–August 11, 2022, Declaration Date July 29, 2022). These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Commonwealth of Kentucky.**

**NOTE:** The project will use U.S. Department of Housing and Urban Development (HUD) funding administered by two Responsible Entities: 1) Community Development Block Grant Disaster Recovery (CDBG-DR) and Community Development Block Grant (CDBG) funding through the Kentucky Department for Local Government (DLG) and 2) HOME Investment Partnerships (HOME) funding through Kentucky Housing Corporation (KHC).

### **REQUEST FOR RELEASE OF FUNDS**

On or about March 12, 2025, DLG will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant Disaster Recovery (CDBG-DR) funds (appropriated by the Continuing Appropriations Act, 2023 and the Department of Housing and Urban Development Appropriations Act, 2023 for major disasters occurring in 2022) and Community Development Block Grant (CDBG) funds [under Title 1 of the Housing and Community Development Act of 1974 (PL 93-383)] pursuant to undertake a project known as Grand View, Letcher County, KY-Team KY.

On or about March 12, 2025, KHC will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of release of HOME Investment Partnerships (HOME) Program funds (under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended) pursuant to undertake known as Grand View, Letcher County, KY-Team KY.

**Project Title:** Grand View, Letcher County, KY-Team KY  
**Project Location:** Northeast of the US-23/KY-805 intersection in Jenkins, Letcher County, KY  
Geographic Coordinates: 37.183158, -82.629281  
**Purpose of Project:** The Commonwealth of Kentucky will build up to 89 single-family detached housing units, or substitute potentially a minimum number of single-family lots to build 20 multi-family units to create replacement housing following the July 2022 southeastern Kentucky flood disaster.  
**Project Cost:** Up to \$34,234,200 in CDBG-DR funds administered by DLG, up to \$1,000,000 in CDBG funds administered by DLG, up to \$1,000,000 in HOME funds administered by KHC, and up to \$18,355,000 in non-HUD funding for a total project cost of \$54,589,200.  
**Applicant/Recipient Agency:** The Commonwealth of Kentucky, 702 Capital Avenue, Frankfort, KY 40601

### FINDING OF NO SIGNIFICANT IMPACT

The Kentucky Department for Local Government (DLG) and Kentucky Housing Corporation (KHC) have determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at <https://dlg.ky.gov/>, <https://www.kyhousing.org/>, and <https://cpd.hud.gov/cpd-public/environmental-reviews> or at Jenkins City Hall at 9409 Hwy 805 Jenkins, KY 41537 (606-832-2141) or DLG at 100 Airport Rd., 3rd Floor, Frankfort, KY 40601 (502-573-2382), or Kentucky Housing Corporation at 1231 Louisville Rd. Frankfort, KY 40601 (502-564-7630), and is available for public examination and copying, upon request, between the hours of 9A.M. and 4 P.M.

### PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project's use of CDBG-DR and CDBG funds may submit written comments to the Kentucky Department for Local Government-Office of Federal Grants, Attn. Jennifer Peters, at 100 Airport Rd., 3rd Floor, Frankfort, KY 40601 or via email at [jennifer.peters@ky.gov](mailto:jennifer.peters@ky.gov). All comments received by March 11, 2025, will be considered by DLG. Comments should specify which notice they are addressing.

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project's use of HOME funds may submit written comments to the Kentucky Housing Corporation, Attn. Curtis Stauffer, at 1231 Louisville Rd. Frankfort, KY 40601 or via email at [cstauffer@kyhousing.org](mailto:cstauffer@kyhousing.org). All comments received by March 11, 2025, will be considered by KHC. Comments should specify which notice they are addressing.

## ENVIRONMENTAL CERTIFICATION

DLG certifies to HUD that Matt Sawyers in his capacity as Commissioner consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies their responsibilities under NEPA and related laws and authorities and allows DLG to use CDBG-DR and CDBG funds.

KHC certifies to HUD that Winston E. Miller in his capacity as Executive Director consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies their responsibilities under NEPA and related laws and authorities and allows KHC to use HOME Program funds.

## OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DLG's certification for a period of 15 days following the anticipated submission date, or its actual receipt of the request (whichever is later), only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of DLG; (b) DLG has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections to CDBG-DR and CDBG funding must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to the HUD Office of Disaster Recovery at [disaster\\_recovery@hud.gov](mailto:disaster_recovery@hud.gov). Objections to HOME Investment Partnerships funding must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to the HUD Louisville Field Office at [LouisvilleRROF@hud.gov](mailto:LouisvilleRROF@hud.gov). Potential objectors should contact HUD to verify the actual last day of the objection period.

**Matt Sawyers, Commissioner- Department for Local Government and  
Winston E. Miller, Executive Director- Kentucky Housing Corporation**



U.S. Department of Housing and Urban  
Development  
451 Seventh Street, SW  
Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)  
[espanol.hud.gov](http://espanol.hud.gov)

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

### Project Information

**Project Name:** Grand-View-Letcher-County-KY-Team-KY-CDBGDR-HOME

**HEROS Number:** 900000010367809

**Start Date:** 11/28/2023

**Project Location:** US23, Jenkins, KY 41537

#### **Additional Location Information:**

Geographic Coordinates of Subdivision Development Area Centerpoint: 37.183158, -82.629281

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

The Commonwealth of Kentucky will build up to 89 single-family detached units, or substitute potentially a minimum number of single-family lots to build 20 multi-family units, in the new 94-acre Grand View subdivision (center point coordinates: 37.183086, -82.629508). The subdivision will be developed on reclaimed mine land in Letcher County, KY between Jenkins and US23, northeast of the US23/KY805 intersection. Portions of the site are not suitable for development due to steep slopes or hollow fill surface mine reclamation. This project will create replacement housing following the July 2022 Southeastern Kentucky flood disaster. The Commonwealth will select developers to build the homes to be sold to eligible homebuyers. Because developers have not yet been selected for the project, the specific unit count and the design, sizes, and values of the homes to be built are not yet known. Letcher County is a Most Impacted and Distressed (MID) area for CDBG-DR funding. The surface property includes previously mined lands under Premier Elkhorn Coal Company Permit No. 867-0355 which obtained bond release in 2004 and does not have continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977. The Commonwealth will acquire the property and will grade the site where needed. The City of Jenkins and Letcher County will develop road, water, and sewer infrastructure (USDA-RD-DR funding is anticipated for water tank installation and extension of water supply to the subdivision as a separate project). Kentucky Power will install electric utilities (with the exception of installation of underground conduit). Broadband access will be available via a provider selected by RFP. Recreational facilities and infrastructure will also be installed, including but not limited to trails, picnic shelters, sport courts, and playgrounds. Electric, water and sewer lines will be extended to service the project area. Access to the site will require construction of an access road from US23. Costs for housing unit underground connections to sewer, water, and electric will be considered part of total housing development costs and governed by this EA. Project activities may include, but not be limited to: acquisition; soft costs such as construction financing fees, permanent financing fees, application and tax credit fees, appraisals, title searches, professional fees, reserves, syndication costs,

property surveys, and other soft costs; fees related to title transfer, recording, closing costs, and similar charges; preparation of plans, specifications and bid documents; new construction; site utilities and amenities, including parking; contingency funds; architectural/engineering design fees and inspection; construction inspection; and planning/administrative/developer fees. Construction activities will include resiliency investments, particularly fortified roofing and buried electrical lines for individual units. The funding sources to be used for this project may include: CDBG-DR and CDBG from the KY Department for Local Government (DLG); HOME, KY Affordable Housing Trust Fund, and KY Rural Housing Trust Fund (RHTF) from Kentucky Housing Corporation (KHC); USDA-RD Disaster Recovery; Appalachian Regional Commission (ARC), State Local Match Participation Program-DLG Flood Control; local government funds; philanthropic funds. Funding is estimated over future funding award cycles in addition to funds already committed. DLG is RE for CDBG/CDBG-DR. KHC is RE for HOME. Estimated Total Development Cost budget: \$54,589,200 Anticipated Funding: CDBG-DR: \$34,234,200 CDBG: \$1,000,000 HOME: \$1,000,000 KY Affordable Housing Trust Fund: \$1,000,000 KY Rural Housing Trust Fund: \$500,000 Appalachian Regional Commission: \$ 5,000,000 USDA-RD-DR: \$5,215,500 DLG Flood Control: \$3,890,000 Local government or philanthropic funds: \$2,750,000

**Funding Information**

Grant Number	HUD Program	Program Name	
B22DF210001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$34,234,200.00
B24DC210001	Community Planning and Development (CPD)	Community Development Block Grants (Non-Entitlement) for States and Small Cities	\$1,000,000.00
M24SG210100	Community Planning and Development (CPD)	HOME Program	\$1,000,000.00

**Estimated Total HUD Funded Amount:** \$36,234,200.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$54,589,200.00

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

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

Law, Authority, or Factor	Mitigation Measure or Condition
Endangered Species Act	Because the revised project will require the removal of 7.8 acres of suitable summer roosting, foraging, and commuting habitat for the Northern Long-eared Bat and the Indiana Bat, the in a letter dated 6/4/24, the USFWS Kentucky Field Office (KFO) concurred with the determination that the project "may affect, is likely to adversely affect" these species. The Commonwealth will make a voluntary payment to

	<p>the Imperiled Bat Conservation Fund (IBCF), a measure that is identified in the KFO's 2016 Revised Conservation Strategy for Forest-Dwelling Bats (Conservation Strategy), as part of the proposed action to address Indiana and northern long-eared bat habitat loss. The Commonwealth will only remove habitat during the unoccupied period (October 15 to March 31). In consultation update email dated 1/17/25, the KFO revised the voluntary IBCF contribution amount to \$20,670.00 to reflect updates to the price per acre since the 6/4/24 consultation response.</p>
<p>Contamination and Toxic Substances</p>	<p>The University of Kentucky Geologically Based Indoor Radon Potential map, a science-based data source cited by HUD in the February 27, 2024, "HUD's Departmentwide Radon Policy Notice" webinar, shows that the project site is in the 2.71-4.0 picocuries per liter (pCi/L) zone, therefore post-construction radon testing is required. If post-construction radon testing is required. If postconstruction radon testing documents levels of 4.0 pCi/L or more, mitigation measures shall be installed by a National Radon Proficiency Program (NRPP)- certified professional according to the most current version of ANSI/AARST CCAH (American National Standards Institute/American Association of Radon Scientists and Technologists CCAH Reducing Radon in New Construction of 1 &amp; 2 Family Dwellings and Townhouses). If testing shows radon levels below 4.0 pCi/L, mitigation is not required.</p>
<p>Hazards and Nuisances including Site Safety and Site-Generated Noise</p>	<p>The UK Radon Potential map documents that the site is in the 2.71-4.00 pCi/L zone. Therefore, radon testing will be required upon completion of construction for each unit to determine if radon levels exceed 4.0 pCi/L. The KHC Radon Policy requires a passive radon reduction venting system for all newly constructed single-family units. The radon vent pipe shall pass through a heated portion of the structure and an accessible attic space and chase which will allow adequate working space to possibly install an inline fan. Electrical provisions shall be roughed in, in an accessible attic or chase, for possible future installation of an inline fan. If post construction radon testing shows levels of 4.0 pCi/L or more, then mitigation measures shall be completed according to the most current version of ANSI/AARST CCAH (American National Standards</p>


	<p>Institute/American Association of Radon Scientists and Technologists CCAH Reducing Radon in New Construction of 1 &amp; 2 Family Dwellings and Townhouses) and installed by a National Radon Proficiency Program (NRPP) certified professional. If testing shows levels below 4.0 pCi/L mitigation is not required.</p>
<p>Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)</p>	<p>The Commonwealth will make a voluntary payment of \$20,670.00 to the Imperiled Bat Conservation Fund (IBCF), a measure that is identified in the KFO's 2016 Revised Conservation Strategy for Forest-Dwelling Bats (Conservation Strategy), as part of the proposed action to address 7.8 acres of Indiana and northern long-eared bat habitat loss. The Commonwealth will only remove habitat during the unoccupied period (October 15 to March 31).</p>
<p>Permits, reviews, and approvals</p>	<p>There are no zoning regulations or permitting requirements in Letcher County or the City of Jenkins as stated in emails from Letcher County Judge Executive Terry Adams dated December 8, 2023 and Jenkins Mayor Todd DePriest dated December 6, 2023 The project must obtain a Kentucky Pollution Discharge Elimination System (KPDES) stormwater permit from the Kentucky Surface Water Permits Branch as noted in the attached letter from the Kentucky Energy and Environment Cabinet Department for Environmental Protection dated December 4, 2023. As also noted in the letter, the project must develop a Groundwater Protection Plan.</p>

**Project Mitigation Plan**

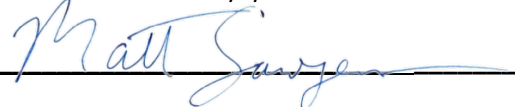
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**Determination:**

<input checked="" type="checkbox"/>	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
<input type="checkbox"/>	Finding of Significant Impact

Preparer Signature:  Date: 2/7/2025

Name / Title / Organization: Curtis A. Stauffer / / KENTUCKY HOUSING CORPORATION

Certifying Officer Signature:  Date: 2/7/2025

Name / Title: Matt Sawyers / Commissioner, Kentucky Department for Local Government

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





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Development  
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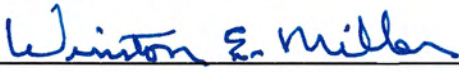
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**Determination:**

<input checked="" type="checkbox"/>	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
<input type="checkbox"/>	Finding of Significant Impact

Preparer Signature:  Date: 2/7/2025

Name / Title/ Organization: Curtis A. Stauffer / / KENTUCKY HOUSING CORPORATION

Certifying Officer Signature:  Date: 2-7-2025

Name/ Title: Winston E. Miller / Executive Director, Kentucky Housing Corporation

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

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

**Project Information**

**Project Name:** Grand-View-Letcher-County-KY-Team-KY-CDBGDR-HOME

**HEROS Number:** 900000010367809

**Start Date:** 11/28/2023

**Responsible Entity (RE):** KENTUCKY HOUSING CORPORATION, 1231 Louisville Rd  
Frankfort KY, 40601

**RE Preparer:** Curtis A. Stauffer

**State / Local Identifier:** KYDLG is RE for CDBG-DR

**Certifying Officer:** W Miller-HOME M Sawyers-CDBG

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

**Point of Contact:**

**Consultant (if applicable):**

**Point of Contact:**

40 CFR 1506.5(b)(4): The lead agency or, where appropriate, a cooperating agency shall prepare a disclosure statement for the contractor's execution specifying that the contractor has no financial or other interest in the outcome of the action. Such statement need not include privileged or confidential trade secrets or other confidential business information.



- ✓ By checking this box, I attest that as a preparer, I have no financial or other interest in the outcome of the undertaking assessed in this environmental review.

**Project Location:** US23, Jenkins, KY 41537

**Additional Location Information:**

Geographic Coordinates of Subdivision Development Area Centerpoint: 37.183158, -82.629281

**Direct Comments to:** Dept for Local Govt-CDBG RE  
100 Airport Rd  
Frankfort, KY 40601  
jennifer.peters@ky.gov

KHC- HOME RE  
1231 Louisville Rd  
Frankfort, KY 40601  
cstauffer@kyhousing.org

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

The Commonwealth of Kentucky will build up to 89 single-family detached units, or substitute potentially a minimum number of single-family lots to build 20 multi-family units, in the new 94-acre Grand View subdivision (center point coordinates: 37.183086, -82.629508). The subdivision will be developed on reclaimed mine land in Letcher County, KY between Jenkins and US23, northeast of the US23/KY805 intersection. Portions of the site are not suitable for development due to steep slopes or hollow fill surface mine reclamation. This project will create replacement housing following the July 2022 Southeastern Kentucky flood disaster. The Commonwealth will select developers to build the homes to be sold to eligible homebuyers. Because developers have not yet been selected for the project, the specific unit count and the design, sizes, and values of the homes to be built are not yet known. Letcher County is a Most Impacted and Distressed (MID) area for CDBG-DR funding. The surface property includes previously mined lands under Premier Elkhorn Coal Company Permit No. 867-0355 which obtained bond release in 2004 and does not have continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977. The Commonwealth will acquire the property and will grade the site where needed. The City of Jenkins and Letcher County will develop road, water, and sewer infrastructure (USDA-RD-DR funding is anticipated for water tank installation and extension of water supply to the subdivision as a separate project). Kentucky Power will install electric utilities (with the exception of installation of underground conduit). Broadband access will be available via a provider selected by RFP. Recreational facilities and infrastructure will also be installed,

including but not limited to trails, picnic shelters, sport courts, and playgrounds. Electric, water and sewer lines will be extended to service the project area. Access to the site will require construction of an access road from US23. Costs for housing unit underground connections to sewer, water, and electric will be considered part of total housing development costs and governed by this EA. Project activities may include, but not be limited to: acquisition; soft costs such as construction financing fees, permanent financing fees, application and tax credit fees, appraisals, title searches, professional fees, reserves, syndication costs, property surveys, and other soft costs; fees related to title transfer, recording, closing costs, and similar charges; preparation of plans, specifications and bid documents; new construction; site utilities and amenities, including parking; contingency funds; architectural/engineering design fees and inspection; construction inspection; and planning/administrative/developer fees. Construction activities will include resiliency investments, particularly fortified roofing and buried electrical lines for individual units. The funding sources to be used for this project may include: CDBG-DR and CDBG from the KY Department for Local Government (DLG); HOME, KY Affordable Housing Trust Fund, and KY Rural Housing Trust Fund (RHTF) from Kentucky Housing Corporation (KHC); USDA-RD Disaster Recovery; Appalachian Regional Commission (ARC), State Local Match Participation Program-DLG Flood Control; local government funds; philanthropic funds. Funding is estimated over future funding award cycles in addition to funds already committed. DLG is RE for CDBG/CDBG-DR. KHC is RE for HOME. Estimated Total Development Cost budget: \$54,589,200 Anticipated Funding: CDBG-DR: \$34,234,200 CDBG: \$1,000,000 HOME: \$1,000,000 KY Affordable Housing Trust Fund: \$1,000,000 KY Rural Housing Trust Fund: \$500,000 Appalachian Regional Commission: \$ 5,000,000 USDA-RD-DR: \$5,215,500 DLG Flood Control: \$3,890,000 Local government or philanthropic funds: \$2,750,000

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

From 7/26-8/11/22, southeastern Kentucky was devastated by torrential rains, flooding, landslides, and mudslides. This caused severe damage in 13 counties with Breathitt, Knott, Letcher, and Perry most impacted. Letcher County's infrastructure (water, phones, electricity), bridges, and roads were blocked or collapsed under the debris. Deadly flooding washed away entire homes and damaged many beyond repair. According to the HUD DR-4663-KY Housing Impact Assessment most residents in the disaster area lacked insurance coverage, with 61.2% of homeowners and 98.9% of renters without a private insurance policy and just 6.1% of all households with a flood insurance policy (p. 12). Letcher County is a Most Impacted and Distressed area for CDBG-DR funding (FR-6393-N-01). Per the HUD DR-4663-KY Housing Impact Assessment: 1) FEMA reported 2,383 Letcher County post disaster homeowner registrants and 768 renter registrants. (p. 13) 2) FEMA verified \$1,996,708 in real property loss and \$4,638,545 in personal property loss in Letcher County (p. 18). 3) American Red Cross completed 2,240 Letcher County housing damage assessments with 67 units destroyed, 505 units with major damage, and 191 units with minor damage. (p. 19) 4) HUD estimates that Letcher County has 597 homeowner households and 129 renter households with serious housing damage and unmet need.



(p.20) 5) Community engagement found "Stakeholders agree there is a lack of consistent regulations and/or lack of compliance and building code enforcement. Current standards do not include building housing in the floodplain with a minimum first floor elevation. When the decision to rebuild homes is made, specific housing standards should be adhered to, and homes should be rebuilt to sustain future flooding events. Homes should be built to a higher standard than they were."(p.31) Additionally, "All interviews and focus groups identified affordable housing as the number one necessity or problem to be solved regarding Eastern Kentucky housing recovery. Specifically, the need for mixed income developments, multifamily housing, and single-family homes was emphasized." (p.37) Grand View will help meet these needs. 6) "Due to the topography of the region, there is an overall lack of flat buildable land in the hardest hit areas with most of flat buildable land being reclaimed strip mines." (p.38) Grand View takes advantage of available reclaimed mining land. 7) There is a constricted housing market in the disaster region. "In 2021, the median sales price of homes increased 15.4%. This priced many potential homebuyers out of the ownership market, increased the need for rental housing and drove up rental prices due to demand. Most renters couldn't afford the prices they were paying before the flood. As increased prices are passed on by owners through high rents, the result could be renters choosing to pay less and live in substandard conditions including unsanitary housing, with insufficient heating, a lack of plumbing in units and other similar deplorable living conditions." (p. 30-31) According to the 2017-2021 American Community Survey (ACS) 5-year estimate for Letcher County, 32.5% of homeowners with a mortgage, 12.3% of homeowners without a mortgage, and 54.6% of renters are housing cost-burdened, paying more than 30% of household income on housing costs. Median household income for the county is only \$35,278 with 31.2% of Letcher County residents with household incomes below the poverty line. The Grand View project will construct up to 116 single-family units, and include infrastructure improvements and water, sewer, and utilities access. Construction of these affordable homes will help create housing for people displaced by flooding in Letcher County and beyond and ensure replacement housing is out of the flood plain. These new energy-efficient affordable homes will also help meet the great need for affordable housing in Letcher County

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

According to the 2017-2021 American Community Survey (ACS) 5-year estimate, the total population of Letcher County is 21,784 persons, with 6,298 (74.9%) owner-occupied and 2,108 (25.1%) renter-occupied housing units. Additionally, Letcher County has a much lower median household income (\$35,278) and a much higher poverty rate (31.2%) than the state of Kentucky (\$55,573 and 16.5%). According to the ACS 5-year estimate, 49.6% of Letcher County households receive income from Social Security and 14.9% have Supplemental Security income. The Census also reports that

22.9% of residents over age 25 do not have a High School diploma, and 25.8% of the population is over age 60. In addition to the remarkable amount of downpour, some characteristics specific to Eastern Kentucky made it particularly vulnerable to the devastation. Many residences in the region sit deep in flood plains, along winding creeks and surrounded by the steep Appalachian foothills and rugged topography. Sedimentary rocks typical of the Appalachian Basin coalfield underlie the property. The surface property consists of previously mined lands under Premier Elkhorn Coal Company, permit no. 867-035 which achieved Phase III bond release on December 4, 2004, and has no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977. The site is comprised of 2 geologic units, the Hyden and Pikeville formations, and an area of mine spoils. Historically, mining can potentially threaten nearby communities with air and water pollution and risk of flooding. Even after reclamation, the flow of water is unregulated and the natural course of can be diverted due to mining activities. This situation has been the source and probable cause of flooding in mining communities. As weather patterns continue to be unpredictable, flood prone communities express concern for safer alternatives and sustainable solutions. Using reclaimed mineland to create new affordable housing outside of the special flood hazard area will help mitigate these threats by putting the property to its highest and best use. The pre-disaster housing stock was made up of manufactured housing and/or mobile style homes common in rural areas. Moreso, these structures are particularly susceptible to wind and water damage in a straight-line windstorm or flood. Per the HUD DR-663-KY Housing Impact Assessment (p.9), the pre-disaster housing stock in Letcher County consisted of 11,808 total housing units, of which 63.46% were single-family detached homes, 30.46% were mobile homes, boat RV, van etc., 5.55% were in multi-family structures of 2-19 units, and 0.53% were in multi-family structures of 20 or more units (p. 9). In addition to tight market conditions, due to increasing housing costs and rents tenants may have no other choice but to live in substandard conditions including unsanitary housing, with insufficient heating, a lack of plumbing in units and other similar deplorable living conditions. Perry, Knott, Letcher, and Breathitt counties account for a combined 75% of the homes lost to flood damage. The Grand View project will help communities to recover and uplift economic initiatives in an area characterized by decades or more of coal mining and help meet the great need for affordable housing in Letcher County. Additionally, this new "higher ground" community will help meet the "need for housing and infrastructure to be developed with consideration of future climate-related natural hazard risks, such as violent storms and floods, and how to increase structural resiliency" identified by the HUD DR-4663-KY Housing Impact Assessment (p.37).

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

[Grand View Waterline Site Map.pdf](#)

[Grand View Plat Map 2025-1-23.pdf](#)

[Grand View Neighborhood Master Plan 2025-1-23.pdf](#)

[Grand View Lot Aerial Map w planned access road.pdf](#)

[Aerial Map-Grand View Lot with Development Area.pdf](#)

[Grand View Plat Map w geographic coordinates.pdf](#)

[Site Photos taken 2025-1-22 for Grand View Phase I ESA KY EEC.pdf](#)

**Determination:**

✓	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:**

[HEROS Signature Pages\\_Grand View\\_KHC\\_2025-2-7.pdf](#)

[HEROS Signature Pages\\_Grand View\\_DLG\\_2025-2-7.pdf](#)

[DLG-KHC Combined Notice-Grand View\\_2025-2-24.pdf](#)

[ARC-KYDLG State Basic Agency MOU executed 2016-12-16.pdf](#)

[Email alerting EPA about Grand View RROF\\_2025-2-10.pdf](#)

[Email alerting Letcher JE and Jenkins Mayor about Grand View RROF\\_2025-2-10.pdf](#)

[HUD FFRMS Final Rule\\_2024-4-23.pdf](#)

**7015.15 certified by Certifying Officer  
on:**

**7015.16 certified by Authorizing Officer  
on:**

**Funding Information**

<b>Grant / Project Identification Number</b>	<b>HUD Program</b>	<b>Program Name</b>	<b>Funding Amount</b>
B22DF210001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)	\$34,234,200.00
B24DC210001	Community Planning and Development (CPD)	Community Development Block Grants (Non-Entitlement) for States and Small Cities	\$1,000,000.00

M24SG210100	Community Planning and Development (CPD)	HOME Program	\$1,000,000.00
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**Estimated Total HUD Funded, Assisted or Insured Amount:** \$36,234,200.00

**This project anticipates the use of funds or assistance from another federal agency in addition to HUD in the form of:**

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$54,589,200.00

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

<b>Compliance Factors:</b> 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)
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 project site is 14.17 miles from Lonesome Pine Airport, the nearest airport.
<b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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

		<p>in compliance with flood insurance requirements. The FIRM Panel map that contains the project site (Panel #21133C0142C, eff 3-18-2008) documents that it is in an area of minimal flood hazard (Zone X).</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b></p>		
<p><b>Air Quality</b> Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>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. The EPA Green Book Current Nonattainment Counties for All Criteria Pollutants Report (current as of October 31, 2023) documents that Letcher County, KY is in attainment status for all criteria pollutants.</p>
<p><b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>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.</p>
<p><b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>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. Given the size of the subdivision, NEPAassist searches were conducted for EPA-regulated facilities within 3,000 feet of the project site's center point and north, northeast, east, south, and west boundaries. ECHO Reports for the 4 EPA-regulated facilities identified via these searches documented that they have had no violations within the last 12</p>

	<p>quarters. The KY Dept. of Environmental Protection Superfund Branch (KYDEPSB) prepared an ASTM Phase I Environmental Site Assessment (ESA) for the project site dated January 30, 2025. The ESA determined that " his assessment did not reveal recognized environmental conditions in connection with the property...Further environmental assessments are not recommended at this time with the exception of assessments (such as geotechnical or radon) that may be related to future property development." The ESA also provided a summary of the project site's mining history. The project area includes a reclaimed mining site formerly permitted by Premier Elkhorn Coal Company, permit no. 867-0355. 405 KAR Chapter 10:040, Section (2) defines the criteria and schedule for release of the permit and performance bond upon successful completion of the approved reclamation plan. Reclamation Phase III release occurs "when the permittee has successfully completed all coal mining and reclamation operations in accordance with the approved reclamation plan, such that the land is capable of supporting the post mining land used approved pursuant to 405 KAR 16:210...and the applicable liability period under 405 KAR 10:020, Section 3(2) has expired." The "approved reclamation plan" required the permittee to: * Backfill, regrade, replace topsoil, and restore drainage patterns consistent with the approximate original contour (AOC) of the land prior to mining; *Revegetate the permit area in accordance with the approved post mining land use of fish &amp; wildlife habitat; and *Ensure the reclaimed area was capable of supporting the fish &amp;</p>
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		<p>wildlife habitat post mining land use upon expiration of the 5-year liability period required in 405 KAR Chapter 10. Per the KYDEPSP, the permit area and was granted Phase III release on December 4, 2004. The University of Kentucky Geologically Based Indoor Radon Potential Map documents that the site is in the 2.71 - 4.00 pCi/L zone. Therefore, radon testing will be required upon completion of construction to determine if radon levels exceed 4.0 pCi/L. The Kentucky Housing Corporation (KHC) Radon Testing and Mitigation Policy will apply to this project. It requires a passive radon reduction venting system for all newly constructed single-family units. The radon vent pipe shall pass through a heated portion of the structure and an accessible attic space and chase which will allow adequate working space to possibly install an inline fan. Electrical provisions shall be roughed in, in an accessible attic or chase, for possible future installation of an inline fan. If post construction radon testing shows levels of 4.0 pCi/L or more, then mitigation measures shall be completed according to the most current version of the ANSI/AARS CCAH Reducing Radon in New Construction of 1 &amp; 2 Family Dwellings and Townhouses standards and installed by a National Radon Proficiency Program-certified professional. If testing shows levels below 4.0 pCi/L mitigation is not required.</p>
<p><b>Endangered Species Act</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>This project was found Likely to Adversely Affect listed species, and formal consultation was conducted. With mitigation, identified in the mitigation section of this review, the project will be in compliance with the</p>

	<p>Endangered Species Act. KHC used the USFWS IPaC website to generate a list of species that have potential to occur within the action area on 12/4/23. Per IPaC (Project Code: 2024-0022609), there are 5 species that may be present but "there are no critical habitats within your project area under this office's jurisdiction." In a 12/19/23 letter sent via email, KHC requested USFWS Kentucky Field Office (KFO) concurrence with effects determinations for the Gray Bat, the Northern Long-Eared (NLE) Bat, the Indiana Bat, the Big Sandy Crayfish, and the Monarch Butterfly. In an 1/4/24 email, KFO provided additional information and requested updated determinations for the Big Sandy Crayfish and Gray, NLE, and Indiana bats. The KFO email also stated, "There is no requirement to consider potential effects or make an effects determination for the monarch butterfly, as this species is currently only a candidate for federal listing and is not afforded any protections under the Endangered Species Act." KHC then consulted with the Office of Kentucky Nature Preserves (OKNP). In a 2/29/24 letter, OKNP provided the Grand View Bat Habitat Assessment and stated "Site assessments were conducted on January 12, January 24, and February 23, 2024, by qualified OKNP biologists...The site contains four habitat types: mature forest (22.6 acres), young forest (53.6 acres), shrubland (8.0 acres), and grassland (11.0 acres). While most of the mature forest resides on steep slopes outside of the project disturbance limits, 4.2 acres of mature forest (i.e. potential summer roosting habitat for both the Indiana bat and northern long-eared bat) were delineated within the initial project</p>
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	<p>footprint/disturbance limits." OKNP recommended KHC "request concurrence on a determination of 'may affect, not likely to adversely affect', for both the Indiana bat and the northern long-eared bat. OKNP staff have also reviewed your effects determination for the gray bat (may affect, not likely to adversely affect), Big Sandy crayfish (no effect), and monarch butterfly (no effect) and agree with your conclusion." In a 3/4/24 letter, KHC requested KFO concurrence with these updated effects determinations. In a 3/25/25 letter, the KFO concurred with these determinations. Following an update to site design requiring removal of 7.8 acres of suitable summer habitat for the NLE and Indiana bats, OKNP requested reevaluation from KFO on 6/13/24. In a 6/14/24 letter, KFO stated "The KHC has determined that the revised project will have 'no effect' on the Big Sandy crayfish. The KFO agrees that the revised project 'may affect but is not likely to adversely affect' the gray bat...KFO also agrees that the revised project 'may affect, is likely to adversely affect' the Indiana and Northern Long-Eared bats and that the project is consistent with the actions evaluated in the 2015 BO. We also acknowledge use of a voluntary payment to the [Imperiled Bat Conservation Fund] IBCF as a compensatory mitigation measure..." On 1/16/25, KHC requested that the KFO verify that the 6/14/24 determinations still applied. On 1/17/2025, a KFO Biologist stated " Since the project design and potential effects to listed species are the same and there are no newly listed species that were not considered under the previous coordination, there is no need for additional coordination with our</p>
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		<p>office for this project. The price per acre that we use to calculate the IBCF contribution amount increased from \$4,700 to \$5,300 on September 1, 2024. Since the contribution has not been made yet...the revised contribution to the IBCF should be \$20,670.00. There is no need to re-coordinate due to this change."</p>
<p><b>Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C</b></p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>There is a current or planned stationary aboveground storage container of concern within 1 mile of the project site. The Separation Distance from the project is acceptable. The project is in compliance with explosive and flammable hazard requirements. A search of Google Earth Pro aerial maps found one water tank and two clusters of above ground storage tanks surrounding oil wells within a 1-mile radius of the project site. In an email to the Kentucky Energy and Environment Cabinet dated December 11, 2023, Dennis R. Hatfield, Director of the Kentucky Division of Oil and Gas, detailed the contents of the aboveground storage tanks, stating "This is a Diversified Oil and Gas facility, with 8 producing wells (7 gas wells and 1 oil well). There are eight storage tanks there, seven 50 Barrel tanks with crude oil/water mix and one 210 Barrel tank containing crude oil. None are pressurized. You will also notice there is a large white municipal freshwater tank down below the oil and gas facility." Mr. Hatfield also provided an aerial map with data labels and photos of the aboveground tanks. For the tank cluster with four 50 Barrel (2100 gallon) tanks containing an oil/water mix located 3,340 feet from the project site, the HUD Acceptable Separation Distance (ASD) Electronic Assessment</p>

		<p>Tool calculated the ASD for Thermal Radiation for People (ASDPPU) as 376.74 feet and the ASD for Thermal Radiation for Buildings (ASDBPU) as 70.85 feet. For the tank cluster with one 210 Barrel (8820 gallon) crude oil tank and three 50 Barrel (2100 gallon) tanks containing an oil/water mix located 3,511feet from the project site, the HUD Acceptable Separation Distance (ASD) Electronic Assessment Tool calculated the ASDPPU as 684.99 feet and the ASDBPU as 137.56 feet. The project site is beyond the Acceptable Separation Distance thresholds for all tanks.</p>
<p><b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project includes activities that could convert agricultural land to a non-agricultural use, but "prime farmland", "unique farmland", or "farmland of statewide or local importance" regulated under the Farmland Protection Policy Act does not occur on the project site. The project is in compliance with the Farmland Protection Policy Act. The USDA NRCS Web Soil Survey Map documents that the project site consists of "KfF-Kaymine, Fairpoint, and Fiveblock soils, benched, 2 to 70 percent slopes, very stony," "uCskF-Cloverlick-Shelocta-Kimper complex, 20 to 80 percent slopes, very stony," and "uHfsF-Handshoe-Feds creek-Shelocta complex, 30 to 80 percent slopes, very stony." All of three soil types are not prime farmland.</p>
<p><b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690. The Federal Flood Standard Support Tool FFRMS Freeboard Value Approach Report documents that the project site "is not</p>

		in the coastal or riverine FFRMS floodplain."
<p><b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106. In a letter dated December 11, 2023, the Kentucky Heritage Council stated "Thank you for your submittal of maps and project specifics for the above-referenced undertaking. We understand that the use of HUD CDBG-DR funds is being proposed for the purchase and development of up to 116 single-family houses on reclaimed mining lands. Based on the information provided, all areas of development are previously disturbed. No cultural resource survey is warranted for this undertaking and we would concur with a finding of No Historic Properties Affected." Kentucky Housing Corporation invited the tribes identified in the TDAT search results for Letcher County (the Cherokee Nation and the Eastern Band of Cherokee Indians) to become consulting parties on the Section 106 review of this project in letters sent via email on December 4, 2023. The tribes did not respond within the 30-day threshold specified by HUD CPD Notice 12-006.</p>
<p><b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>A Noise Assessment was conducted. The noise level was acceptable: 53.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. Major Noise Source, Road or Highway: There are two roadways with available AADT data from the Kentucky Transportation Cabinet within 1,000 feet of the project site: US-23 (798 feet away) and KY-805 (887 feet away). Kentucky Transportation Cabinet</p>

		<p>Historic Traffic Volume Summary data was used to project AADT in 2033. Because the 2033 projected traffic counts for both roads were higher than their most recent traffic counts conducted in 2020, the most recent AADT data was used to complete the HUD DNL calculation. The DNL Calculator determined a road noise level of 53 dB for the project site. Railroad: Per the Federal Rail Administration Crossing Viewer map, the project site is located 8.91 miles from the nearest active railroad, beyond the 3,000-foot evaluation threshold. Airport: Per the attached map, Lonesome Pine Airport (located 14.71 miles away) is the only FAA-regulated airport within a 15-mile radius of the project site. The HUD Airport Noise Worksheet for the airport documents that noise is not expected to be generated beyond the airport boundaries. The National Transportation Noise Map for the project site shows that it is beyond the 45 dB threshold. The HUD DNL Calculation for the project site (road noise only) is 53 dB, below the 65 dB threshold.</p>
<p><b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>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 Kentucky.</p>
<p><b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. The USFWS National Wetlands Inventory Map documents that the project site is not on nor directly adjacent to any wetlands.</p>
<p><b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic</p>

		Rivers Act. The project site is 63.51 miles from the Wild and Scenic portion of the Red River, Kentucky's only Wild and Scenic river, and is 9.17 miles from Bad Branch, the nearest Nationwide Rivers Inventory body.
<b>HUD HOUSING ENVIRONMENTAL STANDARDS</b>		
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. The development of new single-family homes at this location will help Letcher County, KY recover from the 2002 flood disaster. Radon testing will occur post-construction. If testing documents that indoor radon levels are above 4.0 pCi/L, mitigation measures will be employed.

**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.

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
<b>LAND DEVELOPMENT</b>			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	In an email dated December 8, 2023, Letcher County Judge Executive Terry Adams stated "There is no countywide planning and zoning and no local permitting needed." In an email dated December 6,	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>2023, City of Jenkins Mayor Todd DePriest stated "There are no city codes for the single-family housing proposed" and also stated in a follow up email that there are "[n]o permits required." The project will be beneficial in that it is providing a significant increase in new affordable housing located out of the flood zone that will help meet Letcher County's significant housing need following the disaster. It will also put reclaimed mineland near the city of Jenkins to its highest and best use. Buildable land of this size is difficult to find in Letcher County.</p>	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	<p>The surface property consists of previously mined lands under Premier Elkhorn Coal Company Permit No. 867-0355, which achieved Phase III bond release on December 4, 2004, and has no continuing regulatory jurisdiction under the Surface Mining Control &amp; Reclamation Act of 1977 (SMCRA). This aspect is seen as complete from a regulatory standpoint and therefore is not considered a recognized environmental condition (REC). Geology: As stated in the "Site-Specific Phase I Environmental Site Assessment, Grand View</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Development, Johnson Property Letcher County, KY, January 30, 2025" (Phase I ESA) "According to the Kentucky Geological Survey, the site is comprised of 2 geologic units, the Hyden and Pikeville formations, and an area of mine spoils. Both the Hyden and Pikeville formations are subdivisions of the Breathitt Group. The Breathitt Group is Middle Pennsylvanian in age and its primary lithology consists of sandstone, siltstone, shale and coal. The Hyden formation includes the Kendrick Shale member at its base with various coal beds throughout, including the Fire Clay, Whitesburg, and Amburgy coal beds. The Pikeville formation also has a shale base, the Betsie Shale member, and has several coal beds throughout. The area of mine spoils is a small area located on the east-central portion of the eastern border of the site. It is likely mine tailings and displaced overburden left over from historical mining activities. Per the USDA Web Soil Survey map, the project site consists of "Kff- Kaymine, Fairpoint, and Fiveblock soils, benched, 2 to 70 percent slopes, very stony" (95.4%), "CskF-Cloverlick-Shelocta-</p>	



Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Kimper complex, 20 to 80 percent slopes, very stony (2.3%), and "uHfsF-Handshoe-Feds creek-Shelocta complex, 30 to 80 percent slopes, very stony (2.3%). Per the Geocheck Physical Setting Source Summary attached to the Phase I ESA, the soils evaluated are a "well-drained" soil class. Design of the project and construction methods employed will work to ensure that the project does not negatively affect slope or erosion of the surrounding area, The National Wetlands Inventory Map shows there are no Wetlands on the project site. The Commonwealth will employ nature-based solutions for stormwater mitigation to prevent increased downstream flows as a result of construction. The project must obtain a Kentucky Pollution Discharge Elimination System (KPDES) stormwater permit from the Kentucky Surface Water Permits Branch as noted in the attached letter from the Kentucky Energy and Environment Cabinet Department for Environmental Protection (DEP) dated December 4, 2023. The DEP letter also</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		states that the project must develop a Groundwater Protection Plan and "prior to the start of construction on any water or sewer lines, plans and specifications that have been signed, stamped and dated by a Licensed Professional Engineer shall be submitted to the Division of Water for review and approval."	
Hazards and Nuisances including Site Safety and Site-Generated Noise	3	This project involves new construction, therefore, there is no opportunity for lead-based paint or asbestos to be encountered. There are 2 sets of above ground storage tanks containing flammable materials within one mile of the project site, but the project site is well beyond the Acceptable Separation Distance from those tanks as calculated by the HUD Acceptable Separation Distance Assessment Tool. Given the size of the development area, NEPAAssist searches were conducted for EPA-regulated facilities within 3,000 feet of the center point and the north, northeast, east, south, and west boundaries of the project site. ECHO Reports for the 5 EPA-regulated facilities identified via these searches documented that they have had no violations within the last 12 quarters. The	The UK Radon Potential map documents that the site is in the 2.71-4.00 pCi/L zone. Therefore, radon testing will be required upon completion of construction for each unit to determine if radon levels exceed 4.0 pCi/L. The KHC Radon Policy requires a passive radon reduction venting system for all newly constructed single-family units. The radon vent pipe shall pass through a heated portion of the structure and an accessible attic space and chase which will allow adequate working space to possibly install an inline fan. Electrical provisions shall be roughed in, in an accessible attic or chase, for possible future installation of an inline fan. If post construction radon testing shows levels of 4.0 pCi/L or more, then mitigation measures shall be completed according to the most current version of

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Kentucky Energy and Environment Cabinet (EEC) Dept. of Environmental Protection Superfund Branch (DEPSB) "Site-specific Phase I Environmental Site Assessment Grand View Development Johnson Property, Letcher County, Kentucky, January 30, 2025." stated "This assessment did not reveal recognized environmental conditions in connection with the property...Further environmental assessments are not recommended at this time with the exception of assessments (such as geotechnical or radon) that may be related to future property development." The University of Kentucky Geologically Based Indoor Radon Potential map, a science-based data source cited by HUD in the February 27, 2024, "HUD's Departmentwide Radon Policy Notice" webinar, shows that the project site is in the 2.71-4.0 picocuries per liter (pCi/L) zone, therefore post-construction radon testing is required. If post-construction radon testing is required. If postconstruction radon testing documents levels of 4.0 pCi/L or more, mitigation measures shall be installed by a National Radon</p>	<p>ANSI/AARST CCAH (American National Standards Institute/American Association of Radon Scientists and Technologists CCAH Reducing Radon in New Construction of 1 &amp; 2 Family Dwellings and Townhouses) and installed by a National Radon Proficiency Program (NRPP) certified professional. If testing shows levels below 4.0 pCi/L mitigation is not required.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Proficiency Program (NRPP)-certified professional according to the most current version of ANSI/AARST CCAH (American National Standards Institute/American Association of Radon Scientists and Technologists CCAH Reducing Radon in New Construction of 1 &amp; 2 Family Dwellings and Townhouses). If testing shows radon levels below 4.0 pCi/L, mitigation is not required. A Noise Assessment was conducted. The project is in compliance with HUD's Noise regulation. There are two roadways with available AADT data from the Kentucky Transportation Cabinet within 1,000 feet of the project site: US-23 (798 feet away) and KY-805 (887 feet away) Per the Federal Rail Administration Crossing Viewer map, the project site is located 8.91 miles from the nearest active railroad, beyond the 3,000-foot evaluation threshold. Lonesome Pine Airport (located 14.71 miles away) is the only FAA-regulated airport within a 15-mile radius of the project site. The HUD Airport Noise Worksheet for the airport documents that noise is not expected to be generated beyond the airport boundaries. The DNL</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Calculator determined a noise level of 53 dB for the project site, below the 65dB mitigation threshold. Efforts will be made to reduce noise exposure as much as possible during construction.</p>	
<b>SOCIOECONOMIC</b>			
Employment and Income Patterns	1	<p>The creation of up to 89 single-family detached units (or substitute potentially a minimum number of single-family lots to build 20 multi-family units) of affordable housing should have a positive effect on the Letcher County workforce and economic conditions. It will allow residents to remain in the community following the flood disaster and reside in new, safe housing located in an area of minimal flood hazard. Creation of this "higher ground" community will help sustain demand for businesses and services in Letcher County and help preserve or enhance the county's economic strength in the aftermath of the disaster. Additionally, the construction of these housing units will provide job opportunities to Letcher County residents.</p>	
Demographic Character Changes / Displacement	1	<p>The creation of up to 89 single-family detached units (or substitute potentially a minimum number of single-family lots to build 20 multi-</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>family units) of affordable housing should have a positive effect on Letcher County's demographic character by preventing the permanent displacement/ relocation of households to other regions. The project will provide new, affordable, energy-efficient, resilient housing outside of the flood zone that could encourage residents seeking safer housing to remain in the community.</p>	
<p>Environmental Justice EA Factor</p>	<p>1</p>	<p>No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. The project will be the highest and best use of previously disturbed reclaimed mineland and will provide residents at risk of future flooding with safe energy-efficient, resilient housing located outside of the flood zone. TThe Kentucky Energy and Environment Cabinet (EEC) Dept. of Environmental Protection Superfund Branch (DEPSB) "Site-specific Phase I Environmental Site Assessment Grand View Development Johnson Property, Letcher County, Kentucky, January 30, 2025." stated "This assessment did not reveal recognized</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>environmental conditions in connection with the property...Further environmental assessments are not recommended at this time with the exception of assessments (such as geotechnical or radon) that may be related to future property development." This affordable housing development will have a positive impact on environmental justice in Letcher County by reclaiming mineland to provide much needed safe, affordable, energy-efficient, resilient housing to Letcher County as it recovers from the 2022 flood disaster. Radon testing will occur post-construction. If testing documents that indoor radon levels are above 4.0 pCi/L, mitigation measures will be employed.</p>	
<b>COMMUNITY FACILITIES AND SERVICES</b>			
Educational and Cultural Facilities (Access and Capacity)	1	<p>The project site includes land both within the borders of the City of Jenkins and in unincorporated Letcher County. Jenkins Independent Schools has an elementary school and a combined middle and high school. Letcher County Public Schools includes 4 elementary schools, 1 combined elementary and middle school, 2 middle schools, and 1 high school. The project site</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>is 1.35 miles from Burdine Elementary School and 1.65 miles from Jenkins Middle-High School (Jenkins Independent Schools). The project site is 6.35 miles from Martha Jane Porter Elementary School, 4.57 miles from Fleming-Neon Middle School, and is 9.82 miles from Letcher County Central High School (Letcher County Public Schools). In an email dated December 6, 2023, Letcher County Public Schools Superintendent Denise Yonts stated "A new subdivision would bring more students to Letcher County Schools, which in turn, brings in more resources. The more resources we can provide for our students will give them more opportunities while they are in school and beyond. We want to build a workforce for Letcher County and adequate housing is integral to that goal." In an email dated December 21, 2023, Jenkins Independent Schools Superintendent Damian Johnson stated "We anticipate that, once complete with full occupancy, the Grand View 'Higher Ground' subdivision will have a significant positive impact on Jenkins Independent School. Located on the mountain directly above our</p>	



Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>middle high school, the subdivision will provide middle class housing that we anticipate will have a positive impact on our enrollment. In addition, the housing will generate tax revenue for our district that will help ensure that we continue to provide state of the art instructional resources and equipment, as well as highly qualified staff, to meet the needs of our students." Cultural facilities that Letcher County has to offer include: Campbell's Branch, Hemphill, and Carcassonne Community Centers; Appalshop; Wiley's Last Resort; Cowan Creek Mountain Music School; The Little Shepherd of Kingdom Come outdoor drama; Roadside Theater; Letcher County Veteran's Memorial Museum; the David A. Zegeer Coal-Railroad Museum; and outdoor adventure tourism facilities such as ATV trails and the Bad Branch Falls Nature Preserve. By offering residents displaced by the flooding an opportunity to stay in Letcher County, this project can help sustain demand for these cultural facilities.</p>	
Commercial Facilities (Access and Proximity)	1	This project site is located on reclaimed mineland near the City of Jenkins, which has many commercial facilities.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>The project site is 4,748 feet away from a Save-a-Lot grocery store and 4,180 feet from a Walgreens drug store. Downtown Jenkins also contains banks, a coffee shop, Family Dollar, a post office, hair salons, and restaurants, among other businesses. The City of Whitesburg also contains many shopping and service amenities, including a Walmart (10.16 miles away). The City of Wise, TN has other retail and service providers, including a Lowe's (14.6 miles away). Creation of this higher ground community will help sustain demand for commercial facilities in Letcher County and surrounding areas following the flood disaster.</p>	
Health Care / Social Services (Access and Capacity)	1	<p>This project site is located on reclaimed mineland near the City of Jenkins, where medical services are available, including the Jenkins ARH Family Care Center (4,439 feet away). The nearest hospital is the Whitesburg ARH Hospital, located 11.15 miles from the project site. Social services amenities are located in Whitesburg. The project site is 10.32 miles from the nearest Cabinet for Health and Family Services Office. LKLP Community Action</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Council, the regional Community Action Agency, has a satellite office in Whitesburg located 11.56 miles from the project site. Creation of this higher ground community will help sustain demand for existing medical and social services in Letcher County following the flood disaster.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	The project site has access to adequate solid waste services from the Letcher County Sanitation Department, which provides residents with weekly garbage and recycling pick up	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	The Letcher County Water and Sewer District will install sanitary sewer infrastructure to serve the housing development.	
Water Supply (Feasibility and Capacity)	2	The Letcher County Water and Sewer District will install water supply infrastructure to serve the housing development.	
Public Safety - Police, Fire and Emergency Medical	2	The project site is located on reclaimed mineland in Letcher County near the City of Jenkins in the Appalachian Mountains. The project site has access to nearby public safety facilities. The project site is 4583 feet from the Jenkins Police Department, 11.68 miles from the Letcher County Sheriff's Office, and 23.33 miles from Kentucky State Police Post 9. It is 4,777	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		feet from Jenkins Volunteer Fire Department Station 1, which also provides EMS services.	
Parks, Open Space and Recreation (Access and Capacity)	2	<p>Open Space: the project site is on reclaimed mineland and provides one of the larger areas of open space in Letcher County, which is located in the mountains of Appalachia. Recreation: The project will include the preservation of several lots and the steeper terrain within the acreage to be acquired by the Commonwealth as open space. Letcher County has abundant opportunities for outdoor recreation. With an elevation of 3273 feet, Pine Mountain is the second highest peak in the Commonwealth of Kentucky and is home to the rugged and meandering Little Shepherd Trail. A 60-foot waterfall is the focal point of Bad Branch Falls State Nature preserve, a 2,639-acre preserve that is home to one of the largest concentrations of rare and endangered species in the state providing numerous opportunities for hiking, birding, nature photography and research. The Tanglewood Trail is a pedestrian and bike trail traveling mostly along an abandoned railway bed and</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		parallel with the Kentucky River in Whitesburg. Letcher County also provides many locations for boating and fishing, including the North Fork of the Kentucky River and Fish Pond Lake, which is centerpiece to the 895-acre Little Laurel Park. Creation of this higher ground community will help sustain demand for existing recreational facilities in Letcher County following the flood disaster.	
Transportation and Accessibility (Access and Capacity)	2	LKLP Community Action Council offers transportation services for a minimal fee. The subdivision will have quick access to US-80, a major road which provides access to commercial, educational cultural, medical, and social service amenities available in the cities of Jenkins (1-mile drive) and Whitesburg (11-mile drive).	
<b>NATURAL FEATURES</b>			
Unique Natural Features /Water Resources	2	The project site lacks unique natural features because it is reclaimed mineland that has already been disturbed. The surface property consists of previously mined lands under Premier Elkhorn Coal Company Permit No. 867-0355 issued by the Commonwealth of Kentucky, Department for Natural Resources (DNR) on August 4, 1995. under the Surface	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Mining Control &amp; Reclamation Act of 1977 (SMCRA). 405 KAR Chapter 10:040, Section (2) defines the criteria and schedule for release of the permit and performance bond upon successful completion of the approved reclamation plan. The regulation defines three (3) phases of release, with each phase requiring achievement of different reclamation requirements. Reclamation Phase III release, "...is deemed to have been completed on the entire permit area or increment when the permittee has successfully completed all coal mining and reclamation operations in accordance with the approved reclamation plan, such that the land is capable of supporting the post mining land used approved pursuant to 405 KAR 16:210; and has achieved compliance with the requirements of KRS Chapter 350, 405 KAR Chapters 7 through 24, and the permit; and the applicable liability period under 405 KAR 10:020, Section 3(2) has expired." The "approved reclamation plan" in the SMCRA permit required the permittee to: 1) Backfill, regrade, replace topsoil, and restore drainage patterns</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>consistent with the approximate original contour (AOC) of the land prior to mining; 2) Revegetate the permit area in accordance with the approved post mining land use of fish &amp; wildlife habitat; and 3) Ensure the reclaimed area was capable of supporting the fish &amp; wildlife habitat post mining land use upon expiration of the 5-year liability period required in 405 KAR Chapter 10. Per bond release documentation issued by the DNR, the permit successfully reclaimed the permit area and was granted Phase III release on December 4, 2004, and has no continuing regulatory jurisdiction under the Surface Mining Control &amp; Reclamation Act of 1977 (SMCRA). Site inspection by the Kentucky Energy and Environment Cabinet on November 17, 2023, found no portals, caves or karst on the site. The National Wetlands Inventory Map shows there are no Wetlands on the project site. The Commonwealth will employ nature-based solutions for stormwater mitigation during construction.</p>	
Vegetation / Wildlife (Introduction, Modification,	3	The project site has already been disturbed because it consists of previously mined lands under Premier Elkhorn	The Commonwealth will make a voluntary payment of \$20,670.00 to the Imperiled Bat Conservation Fund (IBCF),

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
Removal, Disruption, etc.)		<p>Coal Company Permit No. 867-0355 issued on 8/5/95. 405 KAR Chapter 10:040, Section (2) defines the criteria and schedule for release of the permit and performance bond upon successful completion of the approved reclamation plan. The regulation defines three (3) phases of release, with each phase requiring achievement of different reclamation requirements. Reclamation Phase III release, "...is deemed to have been completed on the entire permit area or increment when the permittee has successfully completed all coal mining and reclamation operations in accordance with the approved reclamation plan, such that the land is capable of supporting the post mining land used approved pursuant to 405 KAR 16:210; and has achieved compliance with the requirements of KRS Chapter 350, 405 KAR Chapters 7 through 24, and the permit; and the applicable liability period under 405 KAR 10:020, Section 3(2) has expired." The "approved reclamation plan" required the permittee to: 1) Backfill, regrade, replace topsoil, and restore drainage patterns consistent with the</p>	<p>a measure that is identified in the KFO's 2016 Revised Conservation Strategy for Forest-Dwelling Bats (Conservation Strategy), as part of the proposed action to address 7.8 acres of Indiana and northern long-eared bat habitat loss. The Commonwealth will only remove habitat during the unoccupied period (October 15 to March 31).</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>approximate original contour (AOC) of the land prior to mining; 2) Revegetate the permit area in accordance with the approved post mining land use of fish &amp; wildlife habitat; and 3) Ensure the reclaimed area was capable of supporting the fish &amp; wildlife habitat post mining land use upon expiration of the 5-year liability period required in 405 KAR Chapter 10. Per bond release documentation issued by the DNR, the permit successfully reclaimed the permit area and was granted Phase III release on 12/4/04 and has no continuing regulatory jurisdiction under the Surface Mining Control &amp; Reclamation Act of 1977 (SMCRA). The KY Energy &amp; Environment Cabinet (EEC) conducted site reconnaissance on 11/17/23, for the "Site-Specific Phase I Environmental Site Assessment Grand View Development Johnson Property, Letcher County, Kentucky, November 29, 2023." and again on 1/22/25, for an updated Phase I Environmental Site Assessment (ESA) dated 1/30/25. The ESA observed that "The site is largely undeveloped; it is mostly vegetated and has a road</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>running through the center of the property." In an email dated 12/1/23, S. Yount, a member of the EEC site assessment team, described vegetation on the site as "The interior of the property is primarily composed of tall, fast growing grasses and small shrubs. The centermost portion of the site is cleared and contains possibly fescue and weeds. Moving out from the center of the property, the grasses are taller with different kinds of bluestems. The perimeter of the property slopes downward and contains mature trees and shade tolerant plants that grow under the canopy, such as briars and ferns. Both deciduous and coniferous trees are present, and some of the varieties observed are Eastern white pine, red oak, and American beech." The EEC site inspections also found no portals, caves or karst on the site. Because the project will require the removal of 7.8 acres of suitable summer roosting, foraging, and commuting habitat for the Northern Long-eared Bat and the Indiana Bat, in a letter dated 6/14/24, the USFWS Kentucky Field Office (KFO) concurred with the determination that the</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>project "may affect, is likely to adversely affect" these species. The Commonwealth will make a voluntary payment of \$20,670.00 to the Imperiled Bat Conservation Fund (IBCF), a measure that is identified in the KFO's 2016 Revised Conservation Strategy for Forest-Dwelling Bats (Conservation Strategy), as part of the proposed action to address Indiana and northern long-eared bat habitat loss. The Commonwealth will only remove habitat during the unoccupied period (October 15 to March 31).</p>	
Other Factors 1			
Other Factors 2			
<b>CLIMATE AND ENERGY</b>			
Climate Change	2	<p>Using data that predates the 2022 flood disaster, the FEMA National Risk Index Community Report for Letcher County, KY finds that the Risk Index score of 29.84 is "very low" when compared to the rest of the US and that they community has a "very low" Expected Annual Loss Score of 26.2. However, the Community Report also finds that Letcher County has a Social Vulnerability score of 76.6, which demonstrates "Relatively High susceptibility to the adverse impacts of natural hazards when compared to the rest of the</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>U.S." The Community Report also states that "Communities in Letcher County, KY have a Very Low ability to prepare for anticipated natural hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions when compared to the rest of the U.S." with a Community Resilience score of only 5.25. The social vulnerability and community resilience ratings largely stem from the high poverty and low median income rates for the county. The FEMA National Risk Index Community Report for Letcher County, KY also rates historic loss ratios by hazard type as follows: very low (cold wave, hail, landslide, riverine flooding); relatively low (earthquake, heat wave, hurricane, ice storm, lightning, strong wind, wildfire, winter weather); and relatively moderate (tornado).The report also states that "in Letcher County, KY, expected loss each year due to natural hazards is Very Low when compared to the rest of the US" with an expected annual loss score of 26.18. The Headwaters Institute has developed a county-by-county climate projection tool to estimate changes in</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>heat and precipitation given either higher projected emissions (RCP8.5) or lower projected emissions (RCP4.5). Under the higher emission model, Letcher County is expected to experience 25 more days above 95 degrees and a 5 degree increase in average annual temperature by 2073. The model also shows that Letcher County will see 0.9 more days of heavy precipitation annually and a 1 inch increase in annual average precipitation by 2073. Given these risk analyses, Letcher County, KY faces fewer climate risks than most of the nation. The new homes to be constructed in the Grand View subdivision will help minimize the impact of climate risk to the homebuyers. First, the project site has minimal risk. It is a largely flat site on reclaimed mineland that is in an area of minimal flood hazard. Second, the homes to be built will meet energy efficiency standards. They must meet Kentucky Housing Corporation's Minimum Design Standards for New Construction of Single Family Units, which require that the building envelope meets or exceeds the 2012 IECC requirements,</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>establish energy standards for building components and systems, and require Energy Star appliances, amongst other energy efficiency requirements. Per "FR-6393 Allocations for Community Development Block Grant Disaster Recovery and Implementation of the CDBG-DR Consolidated Waivers and Alternative Requirements Notice" governing the CDBG-DR funding, they must also meet HUD's Green and Resilient Building Standard for new construction and reconstruction of housing. KHC will also incorporate resilient building standards, including fortified roofs and flood resistant construction techniques in design guidelines for the homes to be built that will also ensure compliance with HUD's Green and Resilient Building Standards.</p>	
Energy Efficiency	1	<p>The state of Kentucky requires housing developments to meet the KY Residential Building Code and encourages the use of Green Building Techniques and Energy Efficient Design Components. Kentucky Housing Corporation's Minimum Design Standards for New Construction of Single-Family Units requires that the building envelope</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>meets or exceeds the 2012 IECC requirements, establish energy standards for building components and systems, and require Energy Star appliances, amongst other energy efficiency requirements. Additionally, FR-6393 "Allocations for Community Development Block Grant Disaster Recovery and Implementation of the CDBG-DR Consolidated Waivers and Alternative Requirements Notice" governing the CDBG-DR funding establishes a Green and Resilient Building Standard for new construction and reconstruction of housing. This requires that "all such covered construction must achieve a minimum energy efficiency standard, such as (i) ENERGY STAR (Certified Homes or Multifamily High-Rise); (ii) DOE Zero Energy Ready Home; (iii) EarthCraft House, EarthCraft Multifamily; (iv) Passive House Institute Passive Building or EnerPHit certification from the Passive House Institute US (PHIUS), International Passive House Association; (v) Greenpoint Rated New Home, Greenpoint Rated Existing Home (Whole House or Whole Building label); (vi)</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Earth Advantage New Homes; or (vii) any other equivalent energy efficiency standard acceptable to HUD." The Commonwealth will specify which of these Green and Resilient Building Standards will be used for any building in this subdivision receiving CDBG-DR funding for construction in its CDBG-DR program policies to be developed.	

**Supporting documentation**

- [FEMA National Risk Index Community Report-Letcher County KY.pdf](#)
- [EEC S Yount Vegetation Description email 2023-12-1.pdf](#)
- [USFWS Email Reconfirming Grand View Bat Determination w new IBCF payment 2025-1-17\(1\).pdf](#)
- [KHC Radon Testing and Mitigation Policy revised 2024-07-09\(1\).pdf](#)
- [UK Indoor Radon Potential Map Grand View 2025-01-21\(1\).pdf](#)
- [Grand View-Johnson Phase I ESA KY EEC 2025-1-30.pdf](#)
- [Jenkins Independent Schools Grand View Impact email 2023-12-21.pdf](#)
- [KHC Minimum Design Standards New Construction Single Family Dwelling Units.pdf](#)
- [Headwaters Institute Climate Projections-Higher Emissions-Letcher County KY.pdf](#)
- [Fed Reg 6393 CDBG-DR 2022 Allocations 2023-5-18.pdf](#)
- [Distance to Letcher County Sheriff Grand View.pdf](#)
- [Distance to KY State Police Post 9 Grand View.pdf](#)
- [Distance to Jenkins Police Department Grand View.pdf](#)
- [Distance to Jenkins Fire Department Grand View.pdf](#)
- [Distance to Whitesburg ARH Hospital Grand View.pdf](#)
- [Distance to LKLP-Whitesburg Grand View.pdf](#)
- [Distance to Jenkins ARH Family Care Center Grand View.pdf](#)
- [Distance to Cabinet for Health and Family Services-Whitesburg Grand View.pdf](#)
- [Distance to Walmart-Whitesburg Grand View.pdf](#)
- [Distance to Walgreens Grand View.pdf](#)
- [Distance to Save-a-Lot Grand View.pdf](#)
- [Distance to Lowes-Wise Grand View.pdf](#)
- [Distance to Martha Jane Potter Elementary-Grand View.pdf](#)
- [Distance to Letcher County Central High School Grand View.pdf](#)



[Distance to Jenkins Middle-High School\\_Grand View.pdf](#)  
[Distance to Fleming-Neon Middle School\\_Grand View.pdf](#)  
[Distance to Burdine Elementary-Grand View.pdf](#)  
[Letcher County Public Schools\\_Grand View Impact\\_email\\_2023-12-6.pdf](#)  
[USFWS National Wetlands Inventory Map\\_Grand View\(1\).pdf](#)  
[USDA NRCS Web Soil Survey Map\\_Grand View\(1\).pdf](#)  
[KY DEP Letter\\_Grand View-Johnson\\_2023-12-4.pdf](#)  
[Letcher County\\_Zoning and Permits\\_email\\_2023-12-8.pdf](#)  
[City of Jenkins\\_Zoning and Permits\\_email\\_2023-12-6.pdf](#)

**Additional Studies Performed:**

'Site-Specific Phase I Environmental Site Assessment. Grand View Development, Johnson Property Letcher County, KY, November 29, 2023 'Site-Specific Phase I Environmental Site Assessment. Grand View Development, Johnson Property Letcher County, KY, January 30, 2025

[Grand View-Johnson Phase I ESA\\_KY EEC\\_2025-1-30\(1\).pdf](#)  
[Grand View-Johnson Phase I ESA\\_KY EEC\\_2023-11-29\(1\).pdf](#)

**Field Inspection [Optional]:** Date and completed

by:

Sarah Yount

1/22/2025 12:00:00 AM

[Site Photos taken 2025-1-22 for Grand View Phase I ESA\\_KY EEC.pdf](#)

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

Kentucky Heritage Council; Eastern Band of Cherokee Indians; Cherokee Nation; Letcher County Judge Executive Terry Adams; City of Jenkins Mayor Todd DePriest; Letcher County Schools Superintendent Diane Yonts; Jenkins Independent Schools Superintendent Damian Johnson; Kentucky Energy and Environment Cabinet; HA Spalding Engineers, Inc.; US Fish and Wildlife Service Kentucky Field Office; US Fish and Wildlife Service IPaC; US Fish and Wildlife Service National Wetlands Inventory; FEMA Flood Map Service Center; Federal Flood Standard Support Tool; National Wild and Scenic Rivers System; Nationwide Rivers Inventory; EPA Sole Source Aquifers for Drinking Water Interactive Map; Kentucky Transportation Cabinet Functional Class Mapping Tool; USDA Web Soil Survey; Federal Railroad Administration Pop Up Viewer; Federal Aviation Administration Airport Master Record; EPA Greenbook; EPA NEPAssist Tool; EPA ECHO Report; EPA Facility Reports; University of Kentucky Geologically Based Indoor Radon Potential Mapping Tool; US Department of Housing and Urban Development DR-4663 Housing Impact Assessment; US Census Bureau;

FEMA National Risk Index Community Report; Headwaters Institute; Google Earth Pro; and Google Maps.

[KY DEP Letter Grand View-Johnson 2023-12-4\(1\).pdf](#)  
[Letcher County Zoning and Permits\\_email 2023-12-8\(1\).pdf](#)  
[City of Jenkins Zoning and Permits\\_email 2023-12-6\(1\).pdf](#)

**List of Permits Obtained:**

There are no zoning regulations or permitting requirements in Letcher County or the City of Jenkins as stated in emails from Letcher County Judge Executive Terry Adams dated December 8, 2023 and Jenkins Mayor Todd DePriest dated December 6, 2023. The project must obtain a Kentucky Pollution Discharge Elimination System (KPDES) stormwater permit from the Kentucky Surface Water Permits Branch as noted in the attached letter from the Kentucky Energy and Environment Cabinet Department for Environmental Protection dated December 4, 2023. As also noted in the letter, the project must develop a Groundwater Protection Plan.

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

The Kentucky Department of Local Government (DLG) is the Responsible Entity (RE) for CDBG-DR and CDBG funds. Kentucky Housing Corporation (KHC) is the Responsible Entity for HOME funds. Each RE will submit a separate request for release of funds (RROF) to HUD for the funding source for which they are responsible. The public was notified about the DLG CDBG-DR/MIT Combined Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOIRROF) via publication of the Combined Notice on <https://dlg.ky.gov/> on February 13, 2025. The public was notified about the KHC HOME FONSI and NOIRROF via publication of the Combined Notice on <https://www.kyhousing.org> and <https://dlg.ky.gov/> on February 10, 2025. KHC also issued a press release about the Environmental Assessment and Combined Notice on February 10, 2025. Both DLG and KHC will accept comment for 15 days following the publication of the Combined Notices with the public comment period ending February 26, 2025. Because this activity is in response to a declared disaster, both DLG and KHC will invoke 24 CFR 58.33, which allows the Combined Notice of FONSI and NOIRROF to be published simultaneously with the submission of the RROF to HUD. The Combined Notices invite commenters to submit their comments to both HUD and the respective RE for the funding source. The Environmental Review Record (ERR) for this project will be made available for public review during the comment period via a physical copy at the Jenkins City Hall at 9409 Hwy 805, Jenkins, KY 41537, at KHC Offices at 1231 Louisville Rd. Frankfort, KY 40601 and at DLG offices at 100 Airport Rd., 3rd Floor, Frankfort, KY 40601. The physical copy will be made available for public examination and copying, upon request,

between the hours of 9 A.M. and 4 P.M. An electronic version of the Environmental Assessment will be posted on KHC's website at <https://www.kyhousing.org>, on DLG's website at <https://dlg.ky.gov/>, and on the HUD Environmental Review Records website at <https://cpd.hud.gov/cpdpublic/environmental-reviews> for the duration of the public comment period. The EPA, Jenkins Mayor Todd DePriest, and Letcher County Judge Executive Terry Adams were notified about the EA and KHC and DLG's intent to request release of funds.

[Email alerting EPA about Grand View RROF\\_2025-2-10\(1\).pdf](#)

[KHC Website Posting of Grand View Environmental Assessment and Combined Notice\\_2025-2-10\(1\).pdf](#)

[KHC Press Release\\_Grand View Environmental Assessment Public Notice\\_2025-2-10\(1\).pdf](#)

[Email alerting Letcher JE and Jenkins Mayor about Grand View RROF\\_2025-2-10\(1\).pdf](#)

[DLG Website Posting of Grand View Environmental Assessment and Combined Notice\\_2025-2-10.pdf](#)

[HUD CPD Website Posting of Grand View Environmental Assessment\\_2025-2-11.pdf](#)

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

The project is in compliance with all related laws and authorities, with mitigating activities. Because the project site is in the 2.7-4.0 pCi/L zone according to the UK Geologically Based Indoor Radon Potential Map, post-construction radon testing is required for all units, with mitigation required if levels are at or above 4.0 pCi/L. The Commonwealth will make a voluntary payment of \$20,670 to the Imperiled Bat Conservation Fund (IBCF), a measure that is identified in the KFO's 2016 Revised Conservation Strategy for Forest-Dwelling Bats (Conservation Strategy), as part of the proposed action to address Indiana and northern long-eared bat habitat loss. The Commonwealth will only remove bat habitat trees during the unoccupied period (October 15 to March 31). The project will greatly benefit Letcher County by creating up to 89 new, safe, decent, affordable single-family detached housing units (or substitute potentially a minimum number of single-family lots to build 20 multi-family units) in a "higher ground" community that will help address the community's enormous need for additional affordable housing located out of a special flood hazard area following the devastating 2022 flood disaster. The project will put reclaimed mine land to its highest and best use as affordable housing for Letcher County residents. As stated by Letcher County Schools Superintendent Diane Yonts in an email dated December 6, 2023, "A new subdivision would bring more students to Letcher County Schools, which in turn, brings in more resources. The more resources we can provide for our students will give them more opportunities while they are in school and beyond. We want to build a workforce for Letcher County and adequate housing is integral to that goal." Jenkins Independent Schools Superintendent Damian

Johnson expressed similar thoughts in a December 21, 2023, email: "We anticipate that, once complete with full occupancy, the Grand View 'Higher Ground' subdivision will have a significant positive impact on Jenkins Independent School. Located on the mountain directly above our middle high school, the subdivision will provide middle class housing that we anticipate will have a positive impact on our enrollment. In addition, the housing will generate tax revenue for our district that will help ensure that we continue to provide state of the art instructional resources and equipment, as well as highly qualified staff, to meet the needs of our students." This project helps meet a need identified in the HUD DR-Housing Impact Assessment, which stated "Due to the topography of the region, there is an overall lack of flat buildable land in the hardest hit areas with most of flat buildable land being reclaimed strip mines." This housing construction project is key to the post-disaster future of Letcher County and Southeastern Kentucky. The HUD DR-Housing Impact Assessment also affirmed that "Without replacement of housing in rural areas, there will be a continued migration of the next generation into more densely populated city centers leaving these isolated areas further neglected. The impacted rural areas were already disproportionately populated with low-income and aging residents. Lack of housing and residents will lead to a lack of business investment as well as lesser opportunities for future generations."

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

- 1) No action: leave the area as it is with no corrective action. It is possible that this property would remain undeveloped without the creation of these affordable housing units. Furthermore, Letcher County has an enormous need for quality, affordable housing located out of a special flood hazard area following the 2022 flood disaster.
- 2) Acquire a different piece of property: there are few comparable pieces of land of this size available in Letcher County that could support the development of up to 116 units of affordable housing that is out of the flood plain. The location is ideal for the project as this is a relatively flat piece of vacant land within a reasonable drive to commercial, medical, social, educational, cultural, and public safety facilities in the cities of Jenkins and Whitesburg. The project is located in a primarily rural, mountainous area where adequate housing is a need for the community. Additionally, the project will put a piece of reclaimed surface mine land to its highest and best use.
- 3) Proceed with Project: this is the best use of the project site and will be a vital to Letcher County's efforts to rebuild and retain residents following the 2022 flood disaster.

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

The "do nothing" alternative is unacceptable as there is a critical need for affordable housing located out of the special flood hazard area in Letcher County following the 2022 flood disaster. The move to an alternate site is also unacceptable as there is not

a significant amount of vacant, flat land suitable for an affordable housing development project of this scale located out of the floodplain.

**Summary of Findings and Conclusions:**

The project is in compliance with all related laws and authorities, with mitigating activities. Because the project site is in the 2.7-4.0 pCi/L zone according to the UK Geologically Based Indoor Radon Potential Map, post-construction radon testing is required for all units, with mitigation required if levels are at or above 4.0 pCi/L. The Commonwealth will make a voluntary payment of \$20,670 to the Imperiled Bat Conservation Fund (IBCF), a measure that is identified in the KFO's 2016 Revised Conservation Strategy for Forest-Dwelling Bats (Conservation Strategy), as part of the proposed action to address Indiana and northern long-eared bat habitat loss. The Commonwealth will only remove bat habitat trees during the unoccupied period (October 15 to March 31). The project site is not located in a wetland or floodplain area. There are no historical preservation concerns. The site is not located close to a Wild and Scenic River or Nationwide Rivers Inventory body. There are no sole source aquifers in Kentucky. The site will not impact endangered species. The land is not comprised of Prime Farmland or Farmland of Statewide Importance. There are no noise generators that exceed the 65 dB threshold nearby the site. There are no explosive or flammable hazards within the acceptable separation distance to the site. Letcher County's air quality is in compliance with federal standards. There is no evidence of contamination or toxic substances that would pose a threat to residents at the project site as verified in the Phase I Environmental Site Assessment. There are no airport hazards in proximity to the project site. This "higher ground" project will help meet Letcher County's great need for safe, affordable, energy-efficient, and resilient housing located in an area of minimal flood hazard and enhance the community's recovery from the 2022 flood disaster.

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

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

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Endangered Species Act	Because the revised project will require the removal of 7.8	N/A	The Commonwealth	

	<p>acres of suitable summer roosting, foraging, and commuting habitat for the Northern Long-eared Bat and the Indiana Bat, the in a letter dated 6/4/24, the USFWS Kentucky Field Office (KFO) concurred with the determination that the project "may affect, is likely to adversely affect" these species. The Commonwealth will make a voluntary payment to the Imperiled Bat Conservation Fund (IBCF), a measure that is identified in the KFO's 2016 Revised Conservation Strategy for Forest-Dwelling Bats (Conservation Strategy), as part of the proposed action to address Indiana and northern long-eared bat habitat loss. The Commonwealth will only remove habitat during the unoccupied period (October 15 to March 31). In consultation update email dated 1/17/25, the KFO revised the voluntary IBCF contribution amount to \$20,670.00 to reflect updates to the price per acre since the 6/4/24 consultation response.</p>		<p>of Kentucky will make a payment of \$20,670.00 to the Imperiled Bat Conservation Fund (IBCF) as part of the proposed action to address Indiana and northern long-eared bat habitat loss. Tree removal will only occur during the unoccupied period (October 15 to March 31).</p>	
<p>Contamination and Toxic Substances</p>	<p>The University of Kentucky Geologically Based Indoor Radon Potential map, a science-based data source cited by HUD in the February 27, 2024, "HUD's Departmentwide Radon Policy Notice" webinar, shows that the project site is in the 2.71-4.0 picocuries per liter (pCi/L)</p>	<p>N/A</p>	<p>To ensure compliance with HUD CPD Notice 23-103, Kentucky Housing Corporation has adopted the following Radon Policy</p>	

	<p>zone, therefore post-construction radon testing is required. If post-construction radon testing is required. If postconstruction radon testing documents levels of 4.0 pCi/L or more, mitigation measures shall be installed by a National Radon Proficiency Program (NRPP)- certified professional according to the most current version of ANSI/AARST CCAH (American National Standards Institute/American Association of Radon Scientists and Technologists CCAH Reducing Radon in New Construction of 1 &amp; 2 Family Dwellings and Townhouses). If testing shows radon levels below 4.0 pCi/L, mitigation is not required.</p>		<p>that will be applied to Grand View homes. A passive radon reduction venting system is required for all newly constructed single-family units. The radon vent pipe shall pass through a heated portion of the structure and an accessible attic space and chase which will allow adequate working space to possibly install an inline fan. Electrical provisions shall be roughed in, in an accessible attic or chase, for possible future installation of an inline fan. Post Construction: Radon testing must occur post construction but before occupancy. The University of Kentucky</p>	
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			Geologically Based Indoor Radon Potential Map for the project site documents that it is in the 2.71-4.0 pCi/L zone, therefore testing will be required upon completion of construction to determine if radon levels exceed 4.0 pCi/L, which would require further radon mitigation measures installed by a National Radon Proficiency Program (NRPP)-certified professional. If testing shows levels below 4.0 pCi/L, mitigation is not required.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	The UK Radon Potential map documents that the site is in the 2.71-4.00 pCi/L zone. Therefore, radon testing will be required upon completion of construction for each unit to determine if radon levels exceed 4.0 pCi/L. The KHC Radon Policy requires a passive radon reduction venting system for all newly	N/A	To ensure compliance with HUD CPD Notice 23-103, Kentucky Housing Corporation has adopted the following Radon Policy that will be	



	<p>constructed single-family units. The radon vent pipe shall pass through a heated portion of the structure and an accessible attic space and chase which will allow adequate working space to possibly install an inline fan. Electrical provisions shall be roughed in, in an accessible attic or chase, for possible future installation of an inline fan. If post construction radon testing shows levels of 4.0 pCi/L or more, then mitigation measures shall be completed according to the most current version of ANSI/AARST CCAH (American National Standards Institute/American Association of Radon Scientists and Technologists CCAH Reducing Radon in New Construction of 1 &amp; 2 Family Dwellings and Townhouses) and installed by a National Radon Proficiency Program (NRPP) certified professional. If testing shows levels below 4.0 pCi/L mitigation is not required.</p>		<p>applied to Grand View homes. A passive radon reduction venting system is required for all newly constructed single-family units. The radon vent pipe shall pass through a heated portion of the structure and an accessible attic space and chase which will allow adequate working space to possibly install an inline fan. Electrical provisions shall be roughed in, in an accessible attic or chase, for possible future installation of an inline fan. Post Construction: Radon testing must occur post construction but before occupancy. The University of Kentucky Geologically</p>	
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			Based Indoor Radon Potential Map for the project site documents that it is in the 2.71-4.0 pCi/L zone, therefore testing will be required upon completion of construction to determine if radon levels exceed 4.0 pCi/L, which would require further radon mitigation measures installed by a National Radon Proficiency Program (NRPP)-certified professional. If testing shows levels below 4.0 pCi/L, mitigation is not required.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	The Commonwealth will make a voluntary payment of \$20,670.00 to the Imperiled Bat Conservation Fund (IBCF), a measure that is identified in the KFO's 2016 Revised Conservation Strategy for Forest-Dwelling Bats (Conservation Strategy), as part of the proposed action to address 7.8 acres of Indiana and northern long-eared bat	N/A	The Commonwealth of Kentucky will make a payment of \$20,670.00 to the Imperiled Bat Conservation Fund (IBCF) as part of the proposed	

	habitat loss. The Commonwealth will only remove habitat during the unoccupied period (October 15 to March 31).		action to address Indiana and northern long-eared bat habitat loss. Tree removal will only occur during the unoccupied period (October 15 to March 31).	
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**Project Mitigation Plan**

If post-construction radon testing shows 4 picocuries per liter (pCi/L) or more, mitigation measures shall be completed according to the most current version of ANSI/AARST CCAH (American National Standards Institute/American Association of Radon Scientists and Technologists CCAH Reducing Radon in New Construction of 1 & 2 Family Dwellings and Townhouses) and installed by a National Radon Proficiency Program (NRPP)- certified professional. If testing shows radon levels below 4.0 pCi/L, mitigation is not required. Developers selected to build homes in the Grand View subdivision will be responsible for compliance with these radon testing and mitigation (if applicable) requirements. The Kentucky Department for Local Government will ensure developers comply. Travis Weber and/or Jennifer Peters will provide oversight. The Commonwealth of Kentucky will make a payment of \$20,670.00 to the Imperiled Bat Conservation Fund (IBCF) as part of the proposed action to address Indiana and northern long-eared bat habitat loss. Tree removal will only occur during the unoccupied period (October 15 to March 31). The Kentucky Energy and Environment Cabinet will ensure compliance. John Lyons, Deputy Secretary, Kentucky Energy and Environment Cabinet will provide oversight.

**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 project site is 14.17 miles from Lonesome Pine Airport, the nearest airport.

#### Supporting documentation

[Distance to Lonesome Pine Airport-Grand View.pdf](#)  
[Airports in 15-mile radius of Grand View.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

### Coastal Barrier Resources

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

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

#### Compliance Determination

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

#### Supporting documentation

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

Yes

✓ No

## Flood Insurance

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

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

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

✓ Yes

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

[FIRM Panel 21133C0142C\\_eff\\_3-18-2008.pdf](#)

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

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

✓ No

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

Yes

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

Yes

✓ No

**Screen Summary**

**Compliance Determination**

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. The FIRM Panel map that contains the project site (Panel #21133C0142C, eff 3-18-2008) documents that it is in an area of minimal flood hazard (Zone X).

**Supporting documentation**

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

Yes

✓ No

## Air Quality

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

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

Yes

No

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

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

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

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

### Screen Summary

#### Compliance Determination

The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act. The EPA Green Book Current Nonattainment Counties for All Criteria Pollutants Report (current as of



October 31, 2023) documents that Letcher County, KY is in attainment status for all criteria pollutants.

**Supporting documentation**

[EPA Green Book Current Nonattainment Counties for All Criteria Pollutants 2023-10-31.pdf](#)

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

Yes

✓ No

### Coastal Zone Management Act

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

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

#### Screen Summary

##### **Compliance Determination**

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

##### **Supporting documentation**

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

Yes

✓ No

## Contamination and Toxic Substances

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

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

ASTM Phase I ESA

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening.

None of the above

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

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

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

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

✓ No

Explain:

Given the size of the development area, NEPAassist searches were conducted for EPA-regulated facilities within 3,000 feet of the center point, north boundary, northeast boundary, east boundary, south boundary, and west boundary of the project site. ECHO Reports for the 4 EPA-regulated facilities identified via these searches documented that they have had no violations within the last 12 quarters. The Kentucky Energy and Environment Cabinet Department of Environmental Protection Superfund Branch prepared an ASTM Phase I Environmental Site Assessment (ESA) titled "Site-Specific Phase I Environmental Site Assessment Grand View Development Johnson Property, Letcher County, Kentucky, January 30, 2025." The ESA stated "This assessment did not reveal recognized environmental conditions in connection with the property...Further environmental assessments are not recommended at this time with the exception of assessments (such as geotechnical or radon) that may be related to future property development."

Yes

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

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

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

Yes

Explain:

✓ No

\* Notes:

- Buildings with no enclosed areas having ground contact.
- Buildings containing crawlspaces, utility tunnels, or parking garages would not be

exempt, however buildings built on piers would be exempt, provided that there is open air between the lowest floor of the building and the ground.

- Buildings that are not residential and will not be occupied for more than 4 hours per day.
- Buildings with existing radon mitigation systems - document radon levels are below 4 pCi/L with test results dated within two years of submitting the application for HUD assistance and document the system includes an ongoing maintenance plan that includes periodic testing to ensure the system continues to meet the current EPA recommended levels. If the project does not require an application, document test results dated within two years of the date the environmental review is certified. Refer to program office guidance to ensure compliance with program requirements.
- Buildings tested within five years of the submission of application for HUD assistance: test results document indoor radon levels are below current the EPA's recommended action levels of 4.0 pCi/L. For buildings with test data older than five years, any new environmental review must include a consideration of radon using one of the methods in Section A below.

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

✓ Yes

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

No

**8. Mitigation**

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

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

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

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

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

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

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

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

The University of Kentucky Geologically Based Indoor Radon Potential map, a science-based data source cited by HUD in the February 27, 2024, "HUD's Departmentwide Radon Policy Notice" webinar, shows that the project site is in the 2.71-4.0 picocuries per liter (pCi/L) zone, therefore post-construction radon testing is required. If post-construction radon testing is required. If postconstruction radon testing documents levels of 4.0 pCi/L or more, mitigation measures shall be installed by a National Radon Proficiency Program (NRPP)-certified professional according to the most current version of ANSI/AARST CCAH (American National Standards Institute/American Association of Radon Scientists and Technologists CCAH Reducing Radon in New Construction of 1 & 2 Family Dwellings and Townhouses). If testing shows radon 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**

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. Given the size of the subdivision, NEPAassist searches were conducted for EPA-regulated facilities within 3,000 feet of the project site's center point and north, northeast, east, south, and west boundaries. ECHO Reports for the 4 EPA-regulated facilities identified via these searches documented that they have had no violations within the last 12 quarters. The KY Dept. of Environmental Protection Superfund Branch (KYDEPSB) prepared an ASTM Phase I Environmental Site Assessment (ESA) for the project site dated January 30, 2025. The ESA determined that "his assessment did not reveal recognized environmental conditions in connection with the property...Further environmental assessments are not recommended at this time with the exception of assessments (such as geotechnical or radon) that may be related to future property development." The ESA also provided a summary of the project site's mining history. The project area includes a reclaimed mining site formerly permitted by Premier Elkhorn Coal Company, permit no. 867-0355. 405 KAR Chapter 10:040, Section (2) defines the criteria and schedule for release of the permit and performance bond upon successful completion of the approved reclamation plan. Reclamation Phase III release occurs "when the permittee has successfully completed all coal mining and reclamation operations in accordance with the approved reclamation plan, such that the land is capable of supporting the post mining land used approved pursuant to 405 KAR 16:210...and the applicable liability period under 405 KAR 10:020, Section 3(2) has expired." The "approved reclamation plan" required the permittee to: \* Backfill, regrade, replace topsoil, and restore drainage patterns consistent with the approximate original contour (AOC) of the land prior to mining;

\*Revegetate the permit area in accordance with the approved post mining land use of fish & wildlife habitat; and \*Ensure the reclaimed area was capable of supporting the fish & wildlife habitat post mining land use upon expiration of the 5-year liability period required in 405 KAR Chapter 10. Per the KYDEPSP, the permit area and was granted Phase III release on December 4, 2004. The University of Kentucky Geologically Based Indoor Radon Potential Map documents that the site is in the 2.71 - 4.00 pCi/L zone. Therefore, radon testing will be required upon completion of construction to determine if radon levels exceed 4.0 pCi/L. The Kentucky Housing Corporation (KHC) Radon Testing and Mitigation Policy will apply to this project. It requires a passive radon reduction venting system for all newly constructed single-family units. The radon vent pipe shall pass through a heated portion of the structure and an accessible attic space and chase which will allow adequate working space to possibly install an inline fan. Electrical provisions shall be roughed in, in an accessible attic or chase, for possible future installation of an inline fan. If post construction radon testing shows levels of 4.0 pCi/L or more, then mitigation measures shall be completed according to the most current version of the ANSI/AARS CCAH Reducing Radon in New Construction of 1 & 2 Family Dwellings and Townhouses standards and installed by a National Radon Proficiency Program-certified professional. If testing shows levels below 4.0 pCi/L mitigation is not required.

#### **Supporting documentation**

[KHC Radon Testing and Mitigation Policy revised 2024-07-09.pdf](#)  
[UK Indoor Radon Potential Map Grand View 2025-01-21.pdf](#)  
[NEPAssist Report Grand View West Boundary.pdf](#)  
[NEPAssist Report Grand View South Boundary.pdf](#)  
[NEPAssist Report Grand View Northeast Boundary.pdf](#)  
[NEPAssist Report Grand View North Boundary.pdf](#)  
[NEPAssist Report Grand View East Boundary.pdf](#)  
[NEPAssist Report Grand View Centerpoint.pdf](#)  
[EPA Facility Report Rite Aid 2575.pdf](#)  
[EPA Facility Report Kentucky Diamond Inc 867-0326.pdf](#)  
[EPA Facility Report Dollar General Store 349.pdf](#)  
[EPA Facility Report Adams Ashland-Estate Of Gordon Adams Jr.pdf](#)  
[ECHO Report Rite Aid 2575.pdf](#)  
[ECHO Report Kentucky Diamond Inc 867-0326-Terminated Permit.pdf](#)  
[ECHO Report Dollar General Store 349.pdf](#)  
[ECHO Report Adams Ashland-Estate Of Gordon Adams Jr.pdf](#)  
[KY Abandoned Mine Lands Program Site Eligibility Data Johnson Property 2023-11-4.pdf](#)  
[Johnson Property-Superfund Site Investigation Report KY EEC 2023-11-29.pdf](#)



[PREMIER ELKHORN COAL CO\\_867-0355\\_Phase III Mine Inspection Report\\_2005-02-03.pdf](#)

[PREMIER ELKHORN COAL CO\\_Mine Reclamation Program Map\\_1999-02-11.pdf](#)

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

Yes

No

## Endangered Species

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

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

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

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

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

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

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

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

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

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

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

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

**5. Formal consultation is required**

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

Document and upload the following below:

- (1) A biological assessment, evaluation, or equivalent document
- (2) Biological opinion(s) issued by FWS and/or NMFS
- (3) Any other documentation of formal consultation

**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:

Because the revised project will require the removal of 7.8 acres of suitable summer roosting, foraging, and commuting habitat for the Northern Long-eared Bat and the Indiana Bat, the in a letter dated 6/4/24, the USFWS Kentucky Field Office (KFO) concurred with the determination that the project "may affect, is likely to adversely affect" these species. The Commonwealth will make a voluntary payment to the Imperiled Bat Conservation Fund (IBCF), a measure that is identified in the KFO's 2016 Revised Conservation Strategy for Forest-Dwelling Bats (Conservation Strategy), as part of the proposed action to address Indiana and northern long-eared bat habitat loss. The Commonwealth will only remove habitat during the unoccupied period (October 15 to March 31). In consultation update email dated 1/17/25, the KFO revised the voluntary IBCF contribution amount to \$20,670.00 to reflect updates to the price per acre since the 6/4/24 consultation response.

No mitigation is necessary.

### **Screen Summary**

#### **Compliance Determination**

This project was found Likely to Adversely Affect listed species, and formal consultation was conducted. With mitigation, identified in the mitigation section of this review, the project will be in compliance with the Endangered Species Act. KHC used the USFWS IPaC website to generate a list of species that have potential to occur within the action area on 12/4/23. Per IPaC (Project Code: 2024-0022609), there are 5 species that may be present but "there are no critical habitats within your project area under this office's jurisdiction." In a 12/19/23 letter sent via email, KHC requested USFWS Kentucky Field Office (KFO) concurrence with effects determinations for the Gray Bat, the Northern Long-Eared (NLE) Bat, the Indiana Bat, the Big Sandy Crayfish, and the Monarch Butterfly. In an 1/4/24 email, KFO provided additional information and requested updated determinations for the Big Sandy Crayfish and Gray, NLE, and Indiana bats. The KFO email also stated, "There is no requirement to consider potential effects or make an effects determination for the monarch butterfly, as this species is currently only a candidate for federal listing and is not afforded any protections under the Endangered Species Act." KHC then consulted with the Office of Kentucky Nature Preserves (OKNP). In a 2/29/24 letter, OKNP provided the Grand View Bat Habitat Assessment and stated "Site assessments were conducted on January 12, January 24, and February 23, 2024, by qualified OKNP biologists...The site contains four habitat types: mature forest (22.6 acres), young

forest (53.6 acres), shrubland (8.0 acres), and grassland (11.0 acres). While most of the mature forest resides on steep slopes outside of the project disturbance limits, 4.2 acres of mature forest (i.e. potential summer roosting habitat for both the Indiana bat and northern long-eared bat) were delineated within the initial project footprint/disturbance limits." OKNP recommended KHC "request concurrence on a determination of 'may affect, not likely to adversely affect', for both the Indiana bat and the northern long-eared bat. OKNP staff have also reviewed your effects determination for the gray bat (may affect, not likely to adversely affect), Big Sandy crayfish (no effect), and monarch butterfly (no effect) and agree with your conclusion." In a 3/4/24 letter, KHC requested KFO concurrence with these updated effects determinations. In a 3/25/25 letter, the KFO concurred with these determinations. Following an update to site design requiring removal of 7.8 acres of suitable summer habitat for the NLE and Indiana bats, OKNP requested reevaluation from KFO on 6/13/24. In a 6/14/24 letter, KFO stated "The KHC has determined that the revised project will have 'no effect' on the Big Sandy crayfish. The KFO agrees that the revised project 'may affect but is not likely to adversely affect' the gray bat...KFO also agrees that the revised project 'may affect, is likely to adversely affect' the Indiana and Northern Long-Eared bats and that the project is consistent with the actions evaluated in the 2015 BO. We also acknowledge use of a voluntary payment to the [Imperiled Bat Conservation Fund] IBCF as a compensatory mitigation measure..." On 1/16/25, KHC requested that the KFO verify that the 6/14/24 determinations still applied. On 1/17/2025, a KFO Biologist stated " Since the project design and potential effects to listed species are the same and there are no newly listed species that were not considered under the previous coordination, there is no need for additional coordination with our office for this project. The price per acre that we use to calculate the IBCF contribution amount increased from \$4,700 to \$5,300 on September 1, 2024. Since the contribution has not been made yet...the revised contribution to the IBCF should be \$20,670.00. There is no need to re-coordinate due to this change."

#### **Supporting documentation**

[Zach Couch\\_EEC\\_USFWS Grandview Reconsultation Email\\_2024-6-13.pdf](#)  
[USFWS Consultation Update Response Letter\\_2024-6-14.pdf](#)  
[KHC email to USFWS-Bishop re Grandview Determinations Still in Effect\\_2025-1-16.pdf](#)  
[USFWS Email Reconfirming Grand View Bat Determination w new IBCF payment\\_2025-1-17.pdf](#)  
[USFWS Response Email to KHC Consultation Request\\_Grand View 2024-1-4.pdf](#)  
[USFWS Concurrence Letter\\_Grand View\\_2024-3-25.pdf](#)  
[KHC USFWS Consultation Update Letter\\_Grand View\\_2024-3-4.pdf](#)  
[KHC USFWS Consultation Update EMAIL\\_Grand View\\_2024-3-4.pdf](#)

[Grand View Bat Habitat Assessment Ofc of KY Nature Preserves 2024-2-29.pdf](#)  
[Grand View Bat Effect Recommendation Letter Ofc of KY Nature Preserves 2024-2-29.pdf](#)  
[Species List Kentucky Ecological Services Field Office Grand View 2023-12-4.pdf](#)  
[MA Consistency Letter NLE Bat Grand View 2023-12-19.pdf](#)  
[MA Consistency Letter KY State-wide determination key Grand View 2023-12-7.pdf](#)  
[MA Consistency Letter Indiana Bat Grand View 2023-12-19.pdf](#)  
[KHC USFWS Consultation Request Letter Grand View 2023-12-19.pdf](#)  
[KHC USFWS Consultation Request EMAIL Grand View subdivision 2023-12-19.pdf](#)

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

Yes

No

## Explosive and Flammable Hazards

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

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

No

Yes

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

No

Yes

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

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR
- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

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

No

Yes

**4. Based on the analysis, is the proposed HUD-assisted project located at or beyond the required separation distance from all covered tanks?**

✓ Yes

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

No

**Screen Summary**

**Compliance Determination**

There is a current or planned stationary aboveground storage container of concern within 1 mile of the project site. The Separation Distance from the project is acceptable. The project is in compliance with explosive and flammable hazard requirements. A search of Google Earth Pro aerial maps found one water tank and two clusters of above ground storage tanks surrounding oil wells within a 1-mile radius of the project site. In an email to the Kentucky Energy and Environment Cabinet dated December 11, 2023, Dennis R. Hatfield, Director of the Kentucky Division of Oil and Gas, detailed the contents of the aboveground storage tanks, stating "This is a Diversified Oil and Gas facility, with 8 producing wells (7 gas wells and 1 oil well). There are eight storage tanks there, seven 50 Barrel tanks with crude oil/water mix and one 210 Barrel tank containing crude oil. None are pressurized. You will also notice there is a large white municipal freshwater tank down below the oil and gas facility." Mr. Hatfield also provided an aerial map with data labels and photos of the aboveground tanks. For the tank cluster with four 50 Barrel (2100 gallon) tanks containing an oil/water mix located 3,340 feet from the project site, the HUD Acceptable Separation Distance (ASD) Electronic Assessment Tool calculated the ASD for Thermal Radiation for People (ASDPPU) as 376.74 feet and the ASD for Thermal Radiation for Buildings (ASDBPU) as 70.85 feet. For the tank cluster with one 210 Barrel (8820 gallon) crude oil tank and three 50 Barrel (2100 gallon) tanks containing an oil/water mix located 3,511 feet from the project site, the HUD Acceptable Separation Distance (ASD) Electronic Assessment Tool calculated the ASDPPU as 684.99 feet and the ASDBPU as 137.56 feet. The project site is beyond the Acceptable Separation Distance thresholds for all tanks.

**Supporting documentation**



[Distance to 210bbl tank cluster\\_Grand View\\_3511 ft.pdf](#)  
[KY Division of Oil and Gas Email-Aboveground Tank Data-Grand View\\_2023-12-11.pdf](#)  
[Google Earth Pro 1-Mile Radius\\_Grand View.pdf](#)  
[ASTs within 1-Mile Radius\\_Grand View.pdf](#)  
[KY Division of Oil and Gas\\_Aerial Map and Photos-Aboveground Tanks Near Grand View.pdf](#)  
[HUD Acceptable Separation Distance \(ASD\) Electronic Assessment\\_210 bbl tank.pdf](#)  
[HUD Acceptable Separation Distance \(ASD\) Electronic Assessment\\_50 bbl tank.pdf](#)  
[Distance to 50bbl tank cluster\\_Grand View\\_3340 ft.pdf](#)

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

Yes

✓ No

## Farmlands Protection

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

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

Yes

No

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

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

Yes

No

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

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

assistance

No

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**

The project includes activities that could convert agricultural land to a non-agricultural use, but "prime farmland", "unique farmland", or "farmland of statewide or local importance" regulated under the Farmland Protection Policy Act does not occur on the project site. The project is in compliance with the Farmland Protection Policy Act. The USDA NRCS Web Soil Survey Map documents that the project site consists of "KfF-Kaymine, Fairpoint, and Fiveblock soils, benched, 2 to 70 percent slopes, very stony," "uCskF-Cloverlick-Shelocta-Kimper complex, 20 to 80 percent slopes, very stony," and "uHfsF-Handshoe-Feds creek-Shelocta complex, 30 to 80 percent slopes, very stony." All of three soil types are not prime farmland.

#### **Supporting documentation**

[USDA NRCS Web Soil Survey Map\\_Grand View.pdf](#)

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

Yes

No



## Floodplain Management

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

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

Yes

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

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

(c) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, where a permanent covenant or comparable restriction is 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 information<sup>1</sup> to determine flood elevation. Include documentation and an explanation of why this is the best available information<sup>2</sup> for the site. Note that newly constructed and substantially improved<sup>3</sup> structures must be elevated to the FFRMS floodplain regardless of the approach chosen to determine the floodplain.

Select one of the following three options:

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

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

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

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

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

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

5. Does your project occur in the FFRMS floodplain?

Yes

No

**Screen Summary**

**Compliance Determination**

This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690. The Federal Flood Standard Support Tool FFRMS Freeboard Value Approach Report documents that the project site "is not in the coastal or riverine FFRMS floodplain."

**Supporting documentation**

[FFRMS-Freeboard-Value-Approach-Report\\_Grand View\\_2025-01-15.pdf](#)

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

Yes

No



## Historic Preservation

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

### **Threshold**

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

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

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

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

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

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

- ✓ State Historic Preservation Offer (SHPO) Completed

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

- ✓ Cherokee Nation In progress

Grand-View-Letcher-  
County-KY-Team-KY-  
CDBGDR-HOME

Jenkins, KY

900000010367809

✓ Eastern Band of Cherokee  
Indians In progress

Other Consulting Parties

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

Kentucky Housing Corporation initiated consultation with the Kentucky Heritage Council (SHPO), who responded with a letter sent via email dated December 11, 2023. Kentucky Housing Corporation invited the tribes identified in the TDAT search results for Letcher County (the Cherokee Nation and the Eastern Band of Cherokee Indians) to become consulting parties on the Section 106 review of this project in letters sent via email on December 4, 2023.

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:**  
92 acres between US-23 and KY-508 near the City of Jenkins, KY with the center point coordinates of 37.1828718, -82.6294332.

**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
-------------------------------	--------------------------	------------------	-----------------------

**Additional Notes:**

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

Yes

✓ No

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

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

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

✓ No Historic Properties Affected

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

**Document reason for finding:**

✓ No historic properties present.

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

No Adverse Effect

Adverse Effect

**Screen Summary**

**Compliance Determination**

Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106. In a letter dated December 11, 2023, the Kentucky Heritage Council stated

"Thank you for your submittal of maps and project specifics for the above-referenced undertaking. We understand that the use of HUD CDBG-DR funds is being proposed for the purchase and development of up to 116 single-family houses on reclaimed mining lands. Based on the information provided, all areas of development are previously disturbed. No cultural resource survey is warranted for this undertaking and we would concur with a finding of No Historic Properties Affected." Kentucky Housing Corporation invited the tribes identified in the TDAT search results for Letcher County (the Cherokee Nation and the Eastern Band of Cherokee Indians) to become consulting parties on the Section 106 review of this project in letters sent via email on December 4, 2023. The tribes did not respond within the 30-day threshold specified by HUD CPD Notice 12-006.

**Supporting documentation**

[Tribal Memo-Grand View 2024-1-4.pdf](#)

[Tribal Consultation Checklist-Grand View.pdf](#)

[TDAT Results\\_Letcher County\\_2023-11-30.pdf](#)

[KHC-Grand View\\_E Band of Cherokees Consultation Letter\\_2023-12-4.pdf](#)

[KHC-Grand View\\_Cherokee Nation Consultation Letter\\_2023-12-4.pdf](#)

[KHC-Grand View\\_Cherokee Nation Consultation EMAIL\\_2023-12-4.pdf](#)

[KHC-Grand View\\_E Band of Cherokees Consultation EMAIL\\_2023-12-4.pdf](#)

[SHPO Letter\\_Grand View\\_2023-12-11.pdf](#)

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

Yes

✓ No

## Noise Abatement and Control

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

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

- New construction for residential use

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

Rehabilitation of an existing residential property

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

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster  
None of the above

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

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

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

- ✓ 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: 53

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: 53

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: 53.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. Major

Noise Source, Road or Highway: There are two roadways with available AADT data from the Kentucky Transportation Cabinet within 1,000 feet of the project site: US-23 (798 feet away) and KY-805 (887 feet away). Kentucky Transportation Cabinet Historic Traffic Volume Summary data was used to project AADT in 2033. Because the 2033 projected traffic counts for both roads were higher than their most recent traffic counts conducted in 2020, the most recent AADT data was used to complete the HUD DNL calculation. The DNL Calculator determined a road noise level of 53 dB for the project site. Railroad: Per the Federal Rail Administration Crossing Viewer map, the project site is located 8.91 miles from the nearest active railroad, beyond the 3,000-foot evaluation threshold. Airport: Per the attached map, Lonesome Pine Airport (located 14.71 miles away) is the only FAA-regulated airport within a 15-mile radius of the project site. The HUD Airport Noise Worksheet for the airport documents that noise is not expected to be generated beyond the airport boundaries. The National Transportation Noise Map for the project site shows that it is beyond the 45 dB threshold. The HUD DNL Calculation for the project site (road noise only) is 53 dB, below the 65 dB threshold.

#### **Supporting documentation**

[Slope and Projected AADT calculations\\_US-23 and KY-805.pdf](#)  
[National Transportation Noise Map\\_Grand View.pdf](#)  
[Lonesome Pine SmallAirportNoiseWorksheet 2023-11-29.pdf](#)  
[KyTC\\_US-23\\_Historic Traffic Volume Summary.pdf](#)  
[KyTC\\_US-23 Elevation1000 ft SW.pdf](#)  
[KyTC\\_US-23 Elevation1000 ft NE.pdf](#)  
[KyTC\\_US-23 AADT Data.pdf](#)  
[KyTC\\_KY-805\\_Historic Traffic Volume Summary.pdf](#)  
[KyTC\\_KY-805 Elevation1000 ft SW.pdf](#)  
[KyTC\\_KY-805 Elevation1000 ft NE.pdf](#)  
[KyTC\\_KY-805 AADT Data.pdf](#)  
[FRA Map\\_Distance to Nearest Active Railroad-Grand View.pdf](#)  
[FAA Master Record\\_Lonesome Pine Airport.pdf](#)  
[DNL Calculation\\_Grand View.pdf](#)  
[Distance to US-23\\_Grand View.pdf](#)  
[Distance to Nearest US-23 Stop Sign\\_Grand View.pdf](#)  
[Distance to Nearest KY-805 Stop Sign\\_Grand View.pdf](#)  
[Distance to Lonesome Pine Airport-Grand View\(1\).pdf](#)  
[Distance to KY-805\\_Grand View.pdf](#)  
[Airports in 15-mile radius of Grand View\(1\).pdf](#)

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

Grand-View-Letcher-  
County-KY-Team-KY-  
CDBGDR-HOME

Jenkins, KY

900000010367809

Yes

✓ No



## Sole Source Aquifers

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

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

Yes

✓ No

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

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

✓ No

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

Yes

### Screen Summary

#### Compliance Determination

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

**Supporting documentation**

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

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

Yes

No

## Wetlands Protection

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

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

No

Yes

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

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

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

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

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

**Screen Summary**

**Compliance Determination**

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. The USFWS National Wetlands Inventory Map documents that the project site is not on nor directly adjacent to any wetlands.

**Supporting documentation**

[USFWS National Wetlands Inventory Map\\_Grand View.pdf](#)

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

Yes

✓ No

## Wild and Scenic Rivers Act

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

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

✓ No

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

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

### 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 project site is 63.51 miles from the Wild and Scenic portion of the Red River, Kentucky's only Wild and Scenic river, and is 9.17 miles from Bad Branch, the nearest Nationwide Rivers Inventory body.

#### **Supporting documentation**

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

[Distance to Red River\\_Grand View.pdf](#)

[Distance to Bad Branch\\_Grand View.pdf](#)

#### **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 development of new single-family homes at this location will help Letcher County, KY recover from the 2002 flood disaster. Radon testing will occur post-construction. If testing documents that indoor radon levels are above 4.0 pCi/L, mitigation measures will be employed.

#### **Supporting documentation**

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

Yes

No

