

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

Project Information

Project Name: Sky-View-Estates-Area-1-Perry-County-KY-Team-KY-CDBGDR-HOME

HEROS Number: 900000010322100

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

RE Preparer: Curtis A. Stauffer

State / Local Identifier: RE is KY Dept for Local Govt

Certifying Officer: Dennis Keene

Grant Recipient (if different than Responsible Entity): Kentucky Housing Corporation

PHA Code:

Point of Contact: Winston Miller

Consultant (if applicable):

Point of Contact:

Project Location: Skyview Lane, Hazard, KY 47101

Additional Location Information:

The geographic coordinates of the approximate center of Skyview Estates Area 1 are 37.248952/ -83.269390

Direct Comments to: Kentucky Department for Local Government-Office of Federal Grants
Attn. Jennifer Peters
100 Airport Road, 3rd Floor
Frankfort, KY 40601
jennifer.peters@ky.gov

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

The Commonwealth of Kentucky, in partnership with Kentucky Housing Corporation (KHC), will build 90-153 single-family detached housing units on approximately 49.2 acres to be acquired in a new (up to) 178-unit subdivision (approximately 59.2 acres) to be called Sky View Estates Area 1 (coordinates: 37.248952/-83.269390). KHC 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 are not yet known. The subdivision will be developed on reclaimed mine land in Perry County, KY off of Skyview Road. Perry County is a Most Impacted and Distressed (MID) area for CDBG-DR/MIT funding. The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977. MTN View, Inc., a for-profit developer, will retain title to approximately 10-acres in Sky View Estates Area 1 to build up to 25 single-family detached units as a separate development project. This project will create replacement housing following the July 2022 Southeast Kentucky flood disaster. The Commonwealth will acquire the property and will grade the site where needed. Perry County, KY will develop road, water, and sewer infrastructure, while Kentucky Power will provide the electric utilities, all to support the development of single-family detached housing for the entire 4-phase Skyview development as a separate project using Kentucky SAFE and Appalachian Regional Commission funding. [This infrastructure project is not governed by this Environmental Assessment (EA) and will be completed prior to undertaking housing development activities. The Kentucky Dept. for Local Government (DLG) approved Perry County's EA for the ARC-funded infrastructure project on 7/24/2023.] Utilities are located adjacent to the project area. Electric, water and sewer lines will be extended to service the project area. Access to the site will be through existing public roads. Costs for individual housing unit underground connections to sewer, water, and electric will be considered part of total housing development costs and governed by this EA. Specific funded 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; CDBG-MIT; HOME, KY Affordable Housing Trust Fund, and KY Rural Housing Trust Fund (RHTF) from KHC; Team Eastern KY Flood Relief Fund; developer capital; and bank loans. Funding is being estimated over future funding award cycles in addition to funds already committed. The Commonwealth is invoking section "IV.A.3. Interchangeability of disaster funds" of FR-6393 to deploy 2021 CDBR-DR and CDBG-MIT funds for this project in addition to 2022 funds. Estimated Total Development Cost budget (for 153 units): \$29,835,000 Anticipated Funding: CDBG-DR: \$22,500,000 CDBG-MIT: \$765,000 HOME Investment Partnerships: \$1,500,000 KY Affordable Housing Trust Fund: \$1,000,000 KY Rural Housing Trust Fund: \$2,000,000 Team EKY Flood Relief Fund: \$ 1,000,000 Developer capital/bank loans: \$1,070,000

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. Perry 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). Perry 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 1,734 Perry County post disaster homeowner registrants and 651 renter registrants. (p. 13) 2) FEMA verified \$17,356,211 in real property loss and \$2,964,735 in personal property loss in Perry County (p. 18). 3) American Red Cross completed 1,537 Perry County housing damage assessments with 89 units destroyed, 223 units with major damage, and 91 units with minor damage. (p. 19) 4) HUD estimates that Perry County has 362 homeowner households and 68 renter households with serious housing damage and unmet need. (p.20) 5) Community engagement found "Stakeholders agree there is 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) Sky View Estates Area 1 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) Sky View Estates Area 1 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 Perry County, 19.2% of homeowners and 50.5% of renters are housing cost-burdened, paying more than 30% of household income on housing costs. Median household income for the county is only \$40,557, with 21.5% of Perry County residents with household incomes below the poverty line. The Sky View Estates Area 1 project will construct up to 153 single-family detached units, include infrastructure improvements and water, sewer, and utilities access. Construction of these affordable homes will help create housing for people displaced by flooding in Perry 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 Perry 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 Perry County is 28,421 persons, with 8,658 (76.9%) owner-occupied and 2,594 (23.1%) renter-occupied housing units. Additionally, Perry County has a lower median household income (\$40,557) and a higher poverty rate (21.5%) than the state of Kentucky (\$55,573 and 16.5%). According to the HUD DR-4663-KY Housing Impact Assessment, 39.4% of Perry County households receive income from Social Security, 20.6% of residents do not have a High School diploma, and 23.6% of the population are over age 60. (pp. 13-14) The surface property includes previously mined lands that have obtained Phase 3 bond release and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). 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. Specifically, the adjacent and underlying strata consist of the Princess Formation that forms the highest elevations in the immediate vicinity of the property. The formation occurs at elevations ranging from greater than 1,400 feet to 1,300 feet above sea level. The Four Corners Formation underlies the Princess Formation and is several hundred feet

thick in the area and it outcrops in the lowest elevation drainage in the area of the site. 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-4663-KY Housing Impact Assessment (p.9), the pre-disaster housing stock in Perry County consisted of 13,025 total housing units, of which 62.31% were single-family detached homes, 30.44% were mobile homes, boat RV, van etc., 6.01% were in multi-family structures of 2-19 units, and 1.16% 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. This site 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 Perry 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:

[Sky View Area 1 Photos 2023-5-13.pdf](#)

[Sky View Area 1 Photos 2023-1-24.pdf](#)

[Skyview Estates Area 1-Aerial Map with approximate boundaries.pdf](#)

[Sky View Estates Area 1 Plat Map 2023-4.pdf](#)

[Sky View Area 1 Photos 2023-5-13\(1\).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_Sky View Area 1 EA-2023-8-21.pdf](#)
[24 CFR 58-33 Combined Notice-Sky View Area 1_2023-8-24\(1\).pdf](#)

7015.15 certified by Certifying Officer 8/21/2023
on:

7015.16 certified by Authorizing Officer
on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name
2022 CDBG-DR	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)
2022 CDBG-MIT	Community Planning and Development (CPD)	Community Development Block Grant Mitigation (CDBG-MIT)
B21DF210001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)
B21DF210001,	Community Planning and Development (CPD)	Community Development Block Grant Mitigation (CDBG-MIT)
M22SG210100	Community Planning and Development (CPD)	HOME Program

Estimated Total HUD Funded, Assisted or Insured Amount: \$29,835,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$24,765,000.00

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
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STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
<p>Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>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 7.62 miles from Duff Airport, the nearest airport.</p>
<p>Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>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.</p>
<p>Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. The FIRMette Maps for the project site (due to FIRMette Maps' scale, two maps are required to cover the entirety of Sky View Estates Area 1) demonstrate that it is an area of minimal flood hazard (Panel Number 21193C0300D, 8/2/2006, Not Printed; Panel Number 21193C0175D, eff. 8/2/2006). NOTE: FEMA Preliminary FIRM Panels issued 10/27/2022 also show that the project site is in an area of minimal flood hazard. (Preliminary Panel Numbers 21193C0300E and 21193C0175E)</p>
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		
<p>Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The project's county or air quality management district is in attainment status for all criteria pollutants. Perry County is not in non-attainment or maintenance status for any criteria pollutants. See EPA's Greenbook county</p>

		<p>list, found at: https://www3.epa.gov/airquality/green/book/ancl.html#KY. The project is in compliance with the Clean Air Act.</p>
<p>Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (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>Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input type="checkbox"/> Yes <input checked="" 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. The project is in compliance with contamination and toxic substances requirements. NEPAassist reports found no EPA-regulated facilities within a 3,000-foot radius of the northernmost point, mid- point, and southernmost point of Sky View Estates Area 1. The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). The Kentucky Energy and Environment Cabinet Conducted an ASTM Phase I study of the project site (5/16/2023), which found: "*The site was previously used for mining activities. The mining permit had a Phase 3 release in 2014. This aspect is seen as complete from a regulatory standpoint and therefore is not considered a recognized environmental condition (REC). *There is a record of one domestic use well on-site but there are no plugging records; it was not found during the site reconnaissance. * The property is largely undeveloped; supplying the necessary utilities and creating</p>

	<p>appropriate property access may incur additional costs. This may be considered a business environmental risk (BER). * Radon is not within the scope of this assessment. However, the site is listed in the 0.0 - 2.7 pCi/L radon potential range based on rock type. EPA suggested radon action level is 4.0 pCi/L or greater, and the World Health Organization suggested action level is 2.7 pCi/L or greater. Radon testing may be necessary for site development which could incur additional costs. This may be considered a business environmental risk (BER)." The Phase I report also stated "no recognized environmental conditions (RECs), HRECs, or CRECs were identified for the site during this assessment" and "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." Phase I ESA Appendix F stated that activities comprised of both mining and reclamation do not constitute any permit requirements or any potential environmental liability under the Commonwealth's hazardous waste, solid waste, or state Superfund statutes or regulations. To that extent, the act of mining and reclamation do not represent a recognized environmental condition that would potentially arise under the aforementioned programs. However, the Commonwealth performed a focused investigation of this as part of the Phase I ESA. Since other activities (except mining) that might have resulted in environmental contamination were determined to not have occurred at the property, the investigation was centered on the</p>
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		<p>occurrence of naturally occurring metals that are present in the native soil and rocks but would potentially pose risk under a residential use scenario. Field screening and laboratory analysis for arsenic, iron, and lead were conducted. Arsenic and iron (iron oxyhydroxides) naturally occur together so both of these metals were analyzed to determine how they coexist at the site. Also, the laboratory analytical data was compared to the Commonwealth's robust soil background data and the metals occur at the site at concentrations well within the boundaries of state background and the relationship between arsenic and iron concentrations further substantiates that they represent natural background. In conclusion, the concentrations in the surficial soil at the site pose no risk in addition to what might be present from naturally occurring and native conditions. Lead concentrations in the analytical laboratory samples were an order of magnitude lower than the EPA residential screening level of 400 milligrams per kilogram.</p>
<p>Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act. Kentucky Housing Corporation (KHC) reviewed the US Fish and Wildlife Service IPaC website for a list of species and critical habitats that have potential to occur within the action area on May 3, 2023. According to the endangered species list generated on IPaC (Project Code: 2023-0077091) there are five species that may be present but "there are no critical habitats within your project area</p>

		<p>under this office's jurisdiction." In a letter sent via email dated May 9, 2023, KHC requested US Fish and Wildlife Service concurrence with the determination that development of the proposed subdivision not likely to adversely affect the Kentucky Arrow Darter (<i>Etheostoma spilotum</i>), Gray Bat (<i>Myotis grisescens</i>), the Northern Long-Eared Bat (<i>Myotis septentrionalis</i>), the Indiana Bat (<i>Myotis sodalist</i>), and the Monarch Butterfly (<i>Danaus plexippus</i>). In a stamped response digitally signed on June 16, 2023 by Melanie Olds, Kentucky Field Supervisor, the US Fish and Wildlife Service stated "Significant impacts to federally-listed species are not likely to result from the project as currently proposed."</p>
<p>Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C</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 set of two above ground storage tanks 3,873 feet from the project site located at Home Lumber-Hazard Reddi-Mix, a concrete plant at 4852 KY 451 in Hazard, Home Lumber-Hazard Hazard Reddi-Mix's Air Quality permit # S-17-073 with Commonwealth of Kentucky Energy and Environment Cabinet Department for Environmental Protection Division for Air Quality states that there are two silos on site, one containing cement and the other containing fly ash, neither of which are explosive or flammable hazards. Therefore, these above ground storage tanks pose no risk to residents at Sky View Estates Area 1.</p>

<p>Farmlands Protection 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 for the project site shows that it consists "FaB-Fairpoint soils, undulating" (22.0%), "FaF-Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony" (77.9%) and "uShgF-Shelocta-Highsplint-Gilpin complex, 20 to 70 percent slopes, very stony," (0.1%). All of these soils are not prime farmland nor farmland of statewide importance.</p>
<p>Floodplain Management 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 a floodplain. The project is in compliance with Executive Order 11988. The FIRMette Maps for the project site (due to FIRMette Maps' scale, two maps are required to cover the entirety of Sky View Estates Area 1) demonstrate that it is an area of minimal flood hazard (Panel Number 21193C0300D, 8/2/2006, Not Printed; Panel Number 21193C0175D, eff. 8/2/2006). NOTE: FEMA Preliminary FIRM Panels issued 10/27/2022 also show that the project site is in an area of minimal flood hazard. (Preliminary Panel Numbers 21193C0300E and 21193C0175E)</p>
<p>Historic Preservation 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 June 16, 2023, the Kentucky Heritage Council (SHPO) stated "Our review indicates that the proposed project will not</p>

		<p>impact any properties or sites that are listed in or eligible for the National Register of Historic Places. The proposed project should not require a cultural resource survey. We would concur with a finding of No Historic Properties Affected. Kentucky Housing Corporation, the Responsible Entity for HOME funding, initiated consultation with the tribes identified in the TDATE search for Perry County, KY (the Eastern Band of Cherokee Indians and the Cherokee Nation) using letters sent via email on May 2, 2023 that invited the tribes to become consulting parties on the Section 106 review for this project. The tribes did not respond within the 30-day threshold specified by HUD CPD Notice 12-006.</p>
<p>Noise Abatement and Control 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: 56.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. The project site is 9, 881 feet from the nearest railroad (nearest crossing is CSX #346102B), which is beyond the 3,000-foot threshold distance. There are two airports within 15 miles of the project site: Duff Airport (7.62 miles away) and Wendell H. Ford Airport (8.65 miles away.) HUD Airport Noise Worksheets for both airports document that noise is not expected to be generated beyond the airport boundaries. Hal Rogers Parkway (515 feet away) is the only road with available AADT data within 1,000 feet of the project site. Because ten year projections of AADT data for Hal Rogers Parkway show a significant decrease, the most current AADT data was used in the HUD DNL calculation for road noise of 56.0 dB.</p>

<p>Sole Source Aquifers 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>Wetlands Protection 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 National Wetlands Inventory Map shows there are no Wetlands on the project site. Briar Fork, the nearest body of water is approximately 679 feet from the western edge of the project site and should not be impacted by construction. The Commonwealth will employ nature-based solutions for stormwater mitigation to prevent increased downstream flows as a result of construction.</p>
<p>Wild and Scenic Rivers Act 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 Rivers Act. The project site is 38.09 miles from the Wild & Scenic portion of the Red River, Kentucky's only Wild and Scenic River. The project site is 21.1 miles from the South Fork Kentucky River, the nearest Nationwide Rivers Inventory body.</p>
<p>HUD HOUSING ENVIRONMENTAL STANDARDS</p>		
<p>ENVIRONMENTAL JUSTICE</p>		
<p>Environmental Justice Executive Order 12898</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.</p>

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

Impact Codes: An impact code from the following list has been used to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated

(3) Minor Adverse Impact – May require mitigation

(4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	Perry County does not have a comprehensive plan or zoning. In an email dated 5/12/2023, Angelia Hall, Perry County Grants Coordinator stated "The Sky View Estates Housing Development site is located outside the City of Hazard boundaries, therefore, City zoning and permitting is not applicable. The Perry County Fiscal Court has no zoning laws. The only Perry County Fiscal Court permits required is electrical permits which is \$25 for residential and \$100 for commercial." 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 Perry County's significant housing need following the disaster. It will also put reclaimed mineland near the city of Hazard to its highest and best use. Buildable land of this size is very difficult to find in Perry County.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014. This aspect is seen as complete from a regulatory standpoint and therefore is not considered a recognized environmental condition (REC). Soil Conditions: Sedimentary rocks typical of the Appalachian Basin coalfield underlie the property. Specifically, the adjacent and underlying strata consist of the Princess Formation that forms the highest elevations in the immediate vicinity of the property. The formation occurs at elevations ranging from greater than 1,400 feet to 1,300 feet above sea level. The Four Corners Formation underlies the Princess Formation and is	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>several hundred feet thick in the area and it outcrops in the lowest elevation drainage in the area of the site. Both of these formations consists primarily of silicate (quartz) rich rocks such as sandstone and siltstone, interbedded with clay rich shale horizons and coal. The sandstone, siltstone and shale contain a variety of natural occurring minerals that includes quartz, clay minerals and other minerals (such as pyrite) that contain naturally occurring metals. The surficial soils at the property are comprised of either overburden resulting from previous surface mining or borrow soil from the immediate vicinity used to reclaim the area after mining was completed. So, the surficial soils consist of chemically weathered and physically altered materials from the Princess and Four Corners formations that are naturally occurring and are thus native to the area. Per the USDA Web Soil Survey map, the project site consists of "FaB-Fairpoint soils, undulating" (22.0%) and "FaF-Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony" (77.9%) and "uShgF-Shelocta-Highsplint-Gilpin complex, 20 to 70 percent slopes, very stony"(0.1%). Per the Geospatial Physical Setting Source Summary attached to the Phase I ESA, Fairpoint soils 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. Briar Fork, the nearest body of water is approximately 679 feet from the western edge of the project site and should not be impacted by construction. The Commonwealth will employ nature-based solutions for stormwater mitigation to prevent increased runoff as a result of construction. The project must obtain a Kentucky Pollution</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>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 July 3, 2023. As also noted in the letter, the proposed work is endorsed by the Groundwater Section of the Watershed Management Branch but the project must develop a Groundwater Protection Plan.</p>	
<p>Hazards and Nuisances including Site Safety and Site-Generated Noise</p>	<p>2</p>	<p>This project involves new construction, therefore, there is no opportunity for lead-based paint or asbestos to be encountered. There are no above ground storage tanks containing flammable materials within the vicinity of the project that are within the Acceptable Separation Distance threshold requirement, and there are no EPA-monitored facilities within a 3,000-foot radius of the project site that could be sources of pollution. The noise analysis for the project site found a DNL calculation of 56 dB from road noise, below the 65 dB threshold. Efforts will be made to reduce noise exposure as much as possible during construction though there are no residential units nearby the project site who would be affected. The Specific Phase I Environmental Site Assessment for the Sky View Former Mine Site, Skyview Lane, Hazard, KY prepared by the Kentucky Energy and Environment Cabinet Department for Environmental Protection Division of Waste Management Superfund Branch found "no recognized environmental conditions (RECs), HRECs, or CRECs were identified for the site during this assessment."</p>	
<p>SOCIOECONOMIC</p>			
<p>Employment and Income Patterns</p>	<p>1</p>	<p>The creation of up to 153 units of affordable single-family housing should have a positive effect on the Perry County workforce and</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>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 Perry County and help preserve or enhance the county's economic strength in the aftermath of the disaster. Additionally, the construction of these homes will provide job opportunities to Perry County residents.</p>	
<p>Demographic Character Changes / Displacement</p>	<p>1</p>	<p>The creation of up to 153 units of affordable single-family housing should have a positive effect on the Perry 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. The Specific Phase I Environmental Site Assessment for the Sky View Former Mine Site, Skyview Lane, Hazard, KY prepared by the Kentucky Energy and Environment Cabinet Department for Environmental Protection Division of Waste Management Superfund Branch found "no recognized environmental conditions (RECs), HRECs, or CRECs were identified for the site during this assessment." This affordable housing development will have a positive impact on</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		environmental justice in Perry County be reclaiming mineland to provide much needed safe, affordable, energy-efficient, resilient housing to Perry County as it recovers from the 2022 flood disaster.	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	1	<p>The project site is located within the Perry County School District which includes 6 elementary schools (K-8), 1 K-12 school, 1 alternative school, and 1 high school. The project site is 2.8 miles from West Perry Elementary school and is 4.01 miles to Perry County High School. In an email dated 5/9/2023, Jody Maggard, Finance Officer for Perry County Schools stated "No Perry County student has lived what we would consider a 'normal' student life since March, 2020. Our district, like the rest of the world, suffered through the pandemic, which left some students entering the 2nd grade without having physically attended school before. Additionally, the flooding on July 28, 2022, devastated many of our school communities, destroying two of our schools, and displacing hundreds of our students. The proposed housing development will be a light at the end of a dark tunnel. Over 75% of our students are at identified as at-risk, hundreds are identified as homeless because of living with a non-parent, or the parent(s) are not able to sustain a home of their own. This project is greatly needed in our county, and the Perry County School district, and our students, will be a direct beneficiary."</p> <p>Cultural facilities that Perry County has to offer include the Perry County Cultural Arts Center, the Southeast Kentucky African-American Museum and Cultural Center, Inc., and outdoor adventure tourism facilities such as ATV centers and trails, elk viewing stations, skate parks, and state parks. By offering residents displaced by the flooding</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		an opportunity to stay in Perry County, this project can help sustain demand for these cultural facilities.	
Commercial Facilities (Access and Proximity)	1	This project site is located on reclaimed mineland in rural Perry County in the Appalachian Mountains. It is a primarily rural area that has access to nearby urban facilities. All shopping amenities are located in Hazard, with the nearest shopping center 2.9 miles from the project site. Creation of this higher ground community will help sustain demand for commercial facilities in Perry County following the flood disaster.	
Health Care / Social Services (Access and Capacity)	1	This project site is located on reclaimed mineland in rural Perry County in the Appalachian Mountains. It is a primarily rural area that has access to nearby urban facilities. All medical and social services amenities are located in Hazard. The project site is 2.83 miles from Fresenius Medical Care by Appalachian Regional Hospital and is 2.48 from LKLP Community Action Partnership, the nearest social services provider. Creation of this higher ground community will help sustain demand for existing medical and social services in Perry County following the flood disaster.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	The project is located within a rural area with access to adequate solid waste services provided by Waste Connections.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	1	Perry County Fiscal Court will install sanitary sewer infrastructure as a separate project prior to the initiation of the housing development to be governed by this environmental review record. The newly constructed homes will access this new sanitary sewer collection system. Per the RM Johnson Engineering Preliminary Engineering Report for this Perry County project, "There will be approximately 18,500 LF of 4" to 6" HDPE Sanitary Sewer Force Main that will	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		interconnect with the City of Hazard potable wastewater collection system. The sanitary collection system will include a 150 - 200 GPM Duplex Pump Station with a SCADA system and odor control receiving the subdivision sanitary sewer collection will be with an 8" SDR-35 PVC gravity system that will be constructed along street ROW's and routed downstream to the proposed Sanitary PS then force or pump the waste to the Hazard Collection System. The gravity sewer system will include approximately 21,000 LF of 8" collection line with approximately 60 - 4' diameter manholes and 4" to 6" PVC laterals installed as the lots develop."	
Water Supply (Feasibility and Capacity)	1	Perry County Fiscal Court will install potable water infrastructure as a separate project prior to the initiation of the housing development to be governed by this environmental review record. The newly constructed homes will access this new sanitary sewer collection system. Per the RM Johnson Engineering Preliminary Engineering Report for this Perry County Fiscal Court project, "The project includes approximately 4,500 LF of new 6" HDPE waterline and a 200 GPM Duplex Pump Station to the subdivision. The residential development of this project will include approximately 20,000 LF of 6" HDPE waterline and a 100,000 gal elevated water storage tank. As the property develops there will be water service lines and meters installed for each lot." This Perry County Fiscal Court investment will ensure Sky View Estates will have sufficient water supply.	
Public Safety - Police, Fire and Emergency Medical	2	This project site is located on reclaimed mineland in rural Perry County in the Appalachian Mountains. It is a primarily rural area that has access to nearby public safety facilities. The project site is 1.02 miles from the Avawam Volunteer Fire Department station, 4.53 miles from the Perry County	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Ambulance station, and 4.44 miles from Kentucky State Police Post 13.	
Parks, Open Space and Recreation (Access and Capacity)	1	Open Space: the project site is on reclaimed mineland and provides one of the larger areas of open space in Perry County, which is located in the mountains of Appalachia. Recreation: Perry County Park consists of a walking track, skateboard park, basketball courts, five picnic shelters, baseball and softball fields, a stage area for concerts, an outdoor pool, putt-putt golf, tennis courts, a boat ramp for access to the Kentucky River, Horse Park and a playground area. Hazard-Perry County has been designated the 20th Kentucky Trail Town sponsored by the state of Kentucky Office of Adventure Tourism. Trails include walking, hiking, biking, horseback riding, ATV/dirt bikes, quiltblock tours, and specialty shopping. This region also offers rugged, natural beauty, wildlife viewing, rivers, lakes and streams, camping, fishing, historical attractions, original arts and crafts, and festivals.	
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 KY-451, which connect to KY-80 and the Hal Rogers Parkway. The project site is a 3-to-5-mile drive to commercial, educational, cultural, medical, and social service amenities available in the City of Hazard, KY.	
NATURAL FEATURES			
Unique Natural Features /Water Resources	2	The project site lacks unique natural features because it is reclaimed mineland that has already been disturbed. The project site has already been disturbed as it consists of reclaimed mineland that received bond release on January 6, 2014. Per the Kentucky Energy and Environment Cabinet, the mine reclamation received bond release on January 6, 2014 and "the approved reclamation plan in the Surface Mining	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Control and Reclamation Act permit for Revelation Energy LLC 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 pastureland; and * Ensure the reclaimed area was capable of supporting the pastureland post mining land use upon expiration of the 5?year liability period required in 405 KAR Chapter 10." Site inspection by the Energy and Environment Cabinet in January and May 2023, found no portals, caves or karst on the site. According to the US Fish and Wildlife Service National Wetlands Inventory Map, there are no wetlands on the project site. Briar Fork, the nearest body of water is approximately 679 feet from the western edge of the project site and should not be impacted by construction. The Commonwealth will employ nature-based solutions for stormwater mitigation to prevent increased downstream flows as a result of construction</p>	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	<p>The project site has already been disturbed as it consists of reclaimed mineland that received bond release on January 6, 2014. Per the Kentucky Energy and Environment Cabinet, "the approved reclamation plan in the Surface Mining Control and Reclamation Act permit for Revelation Energy LLC 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 pastureland; and * Ensure the reclaimed area was capable of supporting the pastureland post mining land</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>use upon expiration of the 5-year liability period required in 405 KAR Chapter 10." Site inspection by the Energy and Environment Cabinet in January and May 2023, found no portals, caves or karst on the site, it does not appear that there is endangered species habitat present on the footprint of the old mine site and no roost trees are present that will be removed. The surface vegetation consists of autumn olive, willow, other immature trees and ground plants. Because this site is previously disturbed land with no critical habitat present it should have minimal disruption of wildlife.</p>	
Other Factors 1			
Other Factors 2			
CLIMATE AND ENERGY			
Climate Change	2	<p>Using data that predates the 2022 flood disaster, the FEMA National Risk Index Community Report for Perry County, KY finds that the Risk Index score of 31.6 is "very low" when compared to the rest of the US and that they community has a "very low" Expected Annual Loss Score of 30.6. However, the Community Report also finds that Perry County has a Social Vulnerability score of 65.9, which demonstrates "Relatively High susceptibility to the adverse impacts of natural hazards." The Community Report also states that "Communities in Perry County, KY have a Relatively 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 31.0. 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 Perry County, KY also rates</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>historic loss ratios by hazard type as follows: very low (cold wave, landslide, riverine flooding, wildfire); relatively low (earthquake, heat wave, hurricane, ice storm, lightning, strong wind, winter weather); relatively moderate (hail, tornado). The report also states that "in Perry 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 30.61. The Headwaters Institute has developed a county-by-county climate projection tool to estimate changes in heat and precipitation given either higher projected emissions (RCP8.5) or lower projected emissions (RCP4.5). Under the higher emission model, Perry County is expected to experience 15 more days about 95 degrees and a 2 degree increase in average annual temperature by 2073. The model also shows that Perry County will see only 0.19 more days of heavy precipitation annually and a 0.02" decrease in annual average precipitation by 2073. Given these risk analyses, Perry County, KY faces fewer climate risks than most of the nation. The new homes to be constructed in Sky View Estates Area 1 will help minimize the impact of climate risk to the homebuyers. First, the project site has minimal risk. It is a 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, establish energy standards for building components and systems, and require Energy Star appliances, amongst other energy efficiency requirements. Per FR-</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>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 Standard.</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 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</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>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) Earth Advantage New Homes; or (vii) any other equivalent energy efficiency standard acceptable to HUD." KHC 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.</p>	

Supporting documentation

- [KY DEP Letter Sky View Housing Development 2023-7-3\(1\).pdf](#)
- [Headwaters Institute Climate Projections-Lower Emissions-Perry County KY.pdf](#)
- [Headwaters Institute Climate Projections-Higher Emissions-Perry County KY.pdf](#)
- [FEMA National Risk Index Community Report-Perry County KY.pdf](#)
- [FINAL CDBG-DR Fed Register 6393 2022 Published2023-05-18.pdf](#)
- [KHC Minimum Design Standards New Construction Single Family Dwelling Units.pdf](#)
- [RM Johnson Engineering Sky View-Perry County Preliminary Engineering Report 2023-5.pdf](#)
- [USDA Web Soil Survey Map-Sky View Estates Area 1\(1\).pdf](#)
- [Perry County Schools email re impact of Sky View 2023-5-19.pdf](#)
- [Sky View Phase I ESA 2023-5-16\(1\).pdf](#)
- [Sky View Estates Preliminary Engineering Report 2023-5.pdf](#)
- [Perry County email re Zoning and Permits 2023-5-12.pdf](#)
- [Distance to West Perry Elementary-Sky View.pdf](#)
- [Distance to social services agencies-Sky View.pdf](#)
- [Distance to shopping center-Sky View.pdf](#)
- [Distance to Perry County Central High School-Sky View.pdf](#)
- [Distance to Perry County Ambulance-Sky View.pdf](#)
- [Distance to Kentucky State Police Post 13-Sky View.pdf](#)
- [Distance to Fresenius Medical Care-Sky View.pdf](#)
- [Distance to Avawam Volunteer Fire Department-Sky View.pdf](#)

Additional Studies Performed:

Site Specific Phase I Environmental Site Assessment: Sky View Former Mine Site, Skyview Lane, Hazard, KY prepared by the Kentucky Energy and Environment Cabinet

Department for Environmental Protection Division of Waste Management Superfund Branch; Sky View Estates Perry County Fiscal Court Residential Subdivision Project: Preliminary Engineering Report prepared by RM Johnson Engineering, Inc. (prepared for Perry County infrastructure project).

[Sky View Phase I ESA 2023-5-16\(2\).pdf](#)
[RM Johnson Engineering Sky View-Perry County Preliminary Engineering Report_2023-5\(1\).pdf](#)

Field Inspection [Optional]: Date and completed

by:

Sarah Yount

5/10/2023 12:00:00 AM

[Sky View Area 1 Photos 2023-5-13\(1\).pdf](#)

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

Kentucky Heritage Council; Eastern Band of Cherokee Indians; Cherokee Nation; Perry County Judge Grants Coordinator Angelia Hall; Perry County Schools Finance Officer Jody Maggard; Kentucky Energy and Environment Cabinet; RM Johnson Engineering, Inc.; MTN View, 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; 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 NEPAAssist Tool; EPA ECHO Report; EPA Facility Reports; 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

[Perry County email re Zoning and Permits 2023-5-12\(1\).pdf](#)
[KY DEP Letter Sky View Housing Development 2023-7-3.pdf](#)

List of Permits Obtained:

There are no construction permits required other than an electrical permit, as stated in an email from Angelia Hall, Perry County Grants Coordinator dated May 12, 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 July 3, 2023. As also noted in the letter, the proposed

work is endorsed by the Groundwater Section of the Watershed Management Branch but the project must develop a Groundwater Protection Plan.

Public Outreach [24 CFR 58.43]:

The public was notified about the Combined Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOIRROF) via publication of a classified advertisements in The Hazard Herald, the Louisville Courier-Journal, and the Lexington Herald-Leader on August 24, 2023. The Kentucky Dept. for Local Government will also issue a press release about the public notice and comment period. Public comment will be accepted for 15 days following the publication of the classified ads with the public comment period ending September 8, 2023. Because this activity is in response to a declared disaster, Kentucky Housing Corporation and the Department for Local Government will invoke 24 CFR 58.33, which allows the Combined Notice of FONSI and Notice of Intent to Request Release of Funds (NOI/RROF) to be published simultaneously with the submission of the RROF to HUD. The Notice invites commenters to submit their comments to both HUD and DLG. 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 offices of the Perry County Fiscal Court at 481 N Main Street, First Floor, Hazard, KY 41701. 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 will be posted on the Department for Local Government's website at <https://kydlgweb.ky.gov/> and on the HUD Environmental Review Records website at <https://cpd.hud.gov/cpd-public/environmental-reviews> for the duration of the public comment period.

[24 CFR 58-33 Combined Notice-Sky View Area 1_2023-8-24.pdf](#)

Cumulative Impact Analysis [24 CFR 58.32]:

There are no mitigating environmental factors resulting from the proposed project. The project will greatly benefit Perry County by creating up to 153 new, safe, decent, affordable homeownership units in a "higher ground" community that will help address the community's enormous need for additional affordable single-family 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 Perry County residents. As stated by Perry County Schools Finance Officer Jody Maggard, Finance Officer for Perry County Schools in an email dated May 9, 2023 "No Perry County student has lived what we would consider a 'normal' student life since March, 2020. Our district, like the rest of the world, suffered through the pandemic, which left some students entering the 2nd grade without having physically attended school before. Additionally, the flooding on July 28, 2022, devastated many of our school communities, destroying two of our schools,

and displacing hundreds of our students. The proposed housing development will be a light at the end of a dark tunnel. Over 75% of our students are at identified as at-risk, hundreds are identified as homeless because of living with a non-parent, or the parent(s) are not able to sustain a home of their own. This project is greatly needed in our county, and the Perry County School district, and our students, will be a direct beneficiary." This project helps meet a need identified in the HUD DR-Housing Impacts 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 Perry County and Southeastern Kentucky. The HUD DR-Housing Impacts 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, Perry 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 no comparable pieces of land of this size available in Perry County that could support the development of up to 153 units of affordable housing that is out of the flood plain. The location is ideal for the project as this is a centrally located relatively flat piece of vacant land within a short drive to commercial, medical, social, educational, cultural, and public safety facilities in the City of Hazard. a primarily rural, mountainous area where adequate housing and 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 Perry County's efforts to rebuild and retain residents following the 2022 flood disaster.

No Action Alternative [24 CFR 58.40(e)]

To "Do nothing" alternative is unacceptable as there is a critical need for affordable housing located out of the special flood hazard area in Perry 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:

There are no mitigating environmental factors resulting from the proposed project, which is in compliance with all related laws and authorities. 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 to the site. There are no explosive or flammable hazards in above ground storage tanks within one mile of the project site. Perry 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 Perry 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
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Project Mitigation Plan

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 7.62 miles from Duff Airport, the nearest airport.

Supporting documentation

[Skyview Estates Area 1-15000 foot radius-no airports.pdf](#)
[Distance to Duff Airport-Sky View Estates.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:

[FIRMETTE_Sky View Estates Area 1- Map 2.pdf](#)
[FIRMETTE_Sky View Estates Area 1- Map 1.pdf](#)

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

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

✓ No

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

Yes

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

Yes

✓ No

Screen Summary

Compliance Determination

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. The FIRMette Maps for the project site (due to FIRMette Maps' scale, two maps are required to cover the entirety of Sky View Estates Area 1) demonstrate that it is an area of minimal flood hazard (Panel Number 21193C0300D, 8/2/2006, Not Printed; Panel Number 21193C0175D, eff. 8/2/2006). NOTE: FEMA Preliminary FIRM Panels issued 10/27/2022 also show that the project site is in an area of minimal flood hazard. (Preliminary Panel Numbers 21193C0300E and 21193C0175E)

Supporting documentation

[FEMA Preliminary FIRM Map 21193C0300E_2022-10-27.pdf](#)

[FEMA Preliminary FIRM Map 21193C0175E_2022-10-27.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Air Quality

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

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

Yes

No

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

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

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

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

Screen Summary

Compliance Determination

The project's county or air quality management district is in attainment status for all criteria pollutants. Perry County is not in non-attainment or maintenance status for any criteria pollutants. See EPA's Greenbook county list, found at:

Sky-View-Estates-Area-1-
Perry-County-KY-Team-KY-
CDBGDR-HOME

Hazard, KY

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<https://www3.epa.gov/airquality/green/book/ancl.html#KY>. The project is in compliance with the Clean Air Act.

Supporting documentation

[Current Nonattainment Counties for All Criteria Pollutants _ Green Book _ US EPA_ 2023-5-1.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)

1. Evaluate the site for contamination. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property?

✓ No

Explain:

NEPAssist reports found no EPA-regulated facilities within a 3,000-foot radius of the northernmost point, mid- point, and southernmost point of Sky View Estates Area 1. The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). The Kentucky Energy and Environment Cabinet Conducted an ASTM Phase I study of the project site (5/16/2023), which found: "*The site was previously used for mining activities. The mining permit had a Phase 3 release in 2014. This aspect is seen as complete from a regulatory standpoint and therefore is not considered a recognized environmental condition (REC). *There is a record of one domestic use well on-site but there are no plugging records; it was not found during the site reconnaissance. * The property is largely undeveloped; supplying the necessary utilities and creating appropriate property access may incur additional costs. This may be considered a business environmental risk (BER). * Radon is not within the scope of this assessment. However, the site is listed in the 0.0 - 2.7 pCi/L radon potential range based on rock type. EPA suggested radon action level is 4.0 pCi/L or greater, and the World Health Organization suggested action level is 2.7 pCi/L or greater. Radon testing may be necessary for site development which could incur additional costs. This may be

considered a business environmental risk (BER)." The Phase I report also stated "no recognized environmental conditions (RECs), HRECs, or CRECs were identified for the site during this assessment" and "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."

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

Yes

- ✓ Check here if an ASTM Phase I Environmental Site Assessment (ESA) report was utilized. [Note: HUD regulations does not require an ASTM Phase I ESA report for single family homes]

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. The project is in compliance with contamination and toxic substances requirements. NEPAassist reports found no EPA-regulated facilities within a 3,000-foot radius of the northernmost point, mid- point, and southernmost point of Sky View Estates Area 1. The surface property includes previously mined lands under Revelation Energy LLC Permit No. 897-0563 that obtained Phase 3 bond release in 2014 and have no continuing regulatory jurisdiction under the Surface Mining Control & Reclamation Act of 1977 (SMCRA). The Kentucky Energy and Environment Cabinet Conducted an ASTM Phase I study of the project site (5/16/2023), which found: "*The site was previously used for mining activities. The mining permit had a Phase 3 release in 2014. This aspect is seen as complete from a regulatory standpoint and therefore is not considered a recognized environmental condition (REC). *There is a record of one domestic use well on-site but there are no plugging records; it was not found during the site reconnaissance. * The property is largely undeveloped; supplying the necessary utilities and creating appropriate property access may incur additional costs. This may be considered a business environmental risk (BER). * Radon is not within the scope of this assessment. However, the site is listed in the 0.0 - 2.7 pCi/L radon potential range based on rock type. EPA suggested radon action level is 4.0 pCi/L or greater, and the World Health Organization suggested action level is 2.7

pCi/L or greater. Radon testing may be necessary for site development which could incur additional costs. This may be considered a business environmental risk (BER)." The Phase I report also stated "no recognized environmental conditions (RECs), HRECs, or CRECs were identified for the site during this assessment" and "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." Phase I ESA Appendix F stated that activities comprised of both mining and reclamation do not constitute any permit requirements or any potential environmental liability under the Commonwealth's hazardous waste, solid waste, or state Superfund statutes or regulations. To that extent, the act of mining and reclamation do not represent a recognized environmental condition that would potentially arise under the aforementioned programs. However, the Commonwealth performed a focused investigation of this as part of the Phase I ESA. Since other activities (except mining) that might have resulted in environmental contamination were determined to not have occurred at the property, the investigation was centered on the occurrence of naturally occurring metals that are present in the native soil and rocks but would potentially pose risk under a residential use scenario. Field screening and laboratory analysis for arsenic, iron, and lead were conducted. Arsenic and iron (iron oxyhydroxides) naturally occur together so both of these metals were analyzed to determine how they coexist at the site. Also, the laboratory analytical data was compared to the Commonwealth's robust soil background data and the metals occur at the site at concentrations well within the boundaries of state background and the relationship between arsenic and iron concentrations further substantiates that they represent natural background. In conclusion, the concentrations in the surficial soil at the site pose no risk in addition to what might be present from naturally occurring and native conditions. Lead concentrations in the analytical laboratory samples were an order of magnitude lower than the EPA residential screening level of 400 milligrams per kilogram.

Supporting documentation

[Sky View Phase I ESA_2023-5-16.pdf](#)

[NEPAssist Report-Sky View Estates Area 1-South Boundary.pdf](#)

[NEPAssist Report-Sky View Estates Area 1-North Boundary.pdf](#)

[NEPAssist Report-Sky View Estates Area 1-Mid Point.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Sky-View-Estates-Area-1-
Perry-County-KY-Team-KY-
CDBGDR-HOME

Hazard, KY

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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

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

Documentation may include letters from the Services, species lists from the Services’ websites, surveys or other documents and analysis showing that there are no species in the action area.

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

Screen Summary

Compliance Determination

This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act. Kentucky Housing Corporation (KHC) reviewed the US Fish and Wildlife Service IPaC website for a list of species and critical habitats that have potential to occur within the action area on May 3, 2023. According to the endangered species list generated on IPaC (Project Code: 2023-0077091) there are five species that may be present but "there are no critical habitats within your project area under this office's jurisdiction." In a letter sent via email dated May 9, 2023, KHC requested US Fish and Wildlife Service concurrence with the determination that development of the proposed subdivision not likely to adversely affect the Kentucky Arrow Darter (*Etheostoma spilotum*), Gray Bat (*Myotis grisescens*), the Northern Long-Eared Bat (*Myotis septentrionalis*), the Indiana Bat (*Myotis sodalist*), and the Monarch Butterfly (*Danaus plexippus*). In a stamped response digitally signed on June 16, 2023 by Melanie Olds, Kentucky Field Supervisor, the US Fish and Wildlife Service stated "Significant impacts to federally-listed species are not likely to result from the project as currently proposed."

Supporting documentation

[KHC USFWS Consultation Request Letter Sky View 2023-05-09.pdf](#)

[USFWS Consultation Response Sky View 2023-6-16.pdf](#)

[USFWS Consultation Request Email- Sky View 2023-5-9.pdf](#)

[Species List Kentucky Ecological Services Field Office Sky View 2023-5-3.pdf](#)

[NE Consistency Letter NLEB Rangewide Determination Key Sky View 2023-05-03.pdf](#)

[MA Consistency Letter KY State-wide Determination Key Sky View 2023-05-03.pdf](#)

[IPaC KY State-Wide Determination Key Sky View 2023-5-3.pdf](#)

[IPaC Indiana Bat Determination Key Sky View 2023-5-3.pdf](#)

[IPaC Regulatory review -Sky View 2023-5-3.pdf](#)

[Distance to Briar Fork-Sky View Estates\(1\).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 set of two above ground storage tanks 3,873 feet from the project site located at Home Lumber-Hazard Reddi-Mix, a concrete plant at 4852 KY 451 in Hazard, Home Lumber-Hazard Hazard Reddi-Mix's Air Quality permit # S-17-073 with Commonwealth of Kentucky Energy and Environment Cabinet Department for Environmental Protection Division for Air Quality states that there are two silos on site, one containing cement and the other containing fly ash, neither of which are explosive or flammable hazards. Therefore, these above ground storage tanks pose no risk to residents at Sky View Estates Area 1.

Supporting documentation

[Home Lumber Hazard Reddi-Mix EEC Permit S-17-073 Final 12-23-2017.pdf](#)
[Distance to above ground storage tanks-Sky View.pdf](#)
[Concrete Plant Above Ground Storage Tanks_4852 KY-451.pdf](#)
[1 Mile Radius-Sky View Estates-1 set of ASTs.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.)	7 CFR Part 658

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 for the project site shows that it consists "FaB-Fairpoint soils, undulating" (22.0%), "FaF-Fairpoint and Bethesda soils, 2 to 70 percent slopes, benched, stony" (77.9%) and "uShgF-Shelocta-Highsplint-Gilpin complex, 20 to 70 percent slopes, very stony," (0.1%). All of these soils are not prime farmland nor farmland of statewide importance.

Supporting documentation

[USDA Web Soil Survey Map-Sky View Estates Area 1.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	24 CFR 55

1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]

55.12(c)(3)

55.12(c)(4)

55.12(c)(5)

55.12(c)(6)

55.12(c)(7)

55.12(c)(8)

55.12(c)(9)

55.12(c)(10)

55.12(c)(11)

None of the above

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

[FIRMETTE_Sky View Estates Area 1- Map 2.pdf](#)

[FIRMETTE_Sky View Estates Area 1- Map 1.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

Does your project occur in a floodplain?

No

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

Yes

Screen Summary

Compliance Determination

This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. The FIRMette Maps for the project site (due to FIRMette Maps' scale, two maps are required to cover the entirety of Sky View Estates Area 1) demonstrate that it is an area of minimal flood hazard (Panel Number 21193C0300D, 8/2/2006, Not Printed; Panel Number 21193C0175D, eff. 8/2/2006). NOTE: FEMA Preliminary FIRM Panels issued 10/27/2022 also show that the project site is in an area of minimal flood hazard. (Preliminary Panel Numbers 21193C0300E and 21193C0175E)

Supporting documentation

[FEMA Preliminary FIRM Map 21193C0300E_2022-10-27\(1\).pdf](#)
[FEMA Preliminary FIRM Map 21193C0175E_2022-10-27\(1\).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” https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf

Threshold

Is Section 106 review required for your project?

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

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

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

Step 1 – Initiate Consultation

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

- ✓ State Historic Preservation Offer (SHPO) Completed

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

- ✓ Cherokee Nation Response Period Elapsed

✓ Eastern Band of Cherokee
Indians Response Period Elapsed

Other Consulting Parties

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

Kentucky Housing Corporation, the Responsible Entity for HOME funding, initiated Section 106 consultation with the Kentucky Heritage Council. Kentucky Housing Corporation initiated consultation with the tribes identified in the TDAQ search for Perry County, KY (the Eastern Band of Cherokee Indians and the Cherokee Nation) using letters sent via email on May 2, 2023 that invited the tribes to become consulting parties on the Section 106 review for this project.

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:**

See Google Earth Pro Aerial Map of Project Site (center point geographic coordinates 37.248952, -83.269390)

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 June 16, 2023, the Kentucky Heritage Council (SHPO) stated

"Our review indicates that the proposed project will not impact any properties or sites that are listed in or eligible for the National Register of Historic Places. The proposed project should not require a cultural resource survey. We would concur with a finding of No Historic Properties Affected. Kentucky Housing Corporation, the Responsible Entity for HOME funding, initiated consultation with the tribes identified in the TDAT search for Perry County, KY (the Eastern Band of Cherokee Indians and the Cherokee Nation) using letters sent via email on May 2, 2023 that invited the tribes to become consulting parties on the Section 106 review for this project. The tribes did not respond within the 30-day threshold specified by HUD CPD Notice 12-006.

Supporting documentation

[SHPO Response Letter_Sky View_2023-6-16.pdf](#)

[Skyview Estates Area 1-Aerial Map with approximate boundaries\(1\).pdf](#)

[Tribal Memo-Sky View Estates_2023-6-12.pdf](#)

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

[KHC-Sky View Estates_E Band of Cherokee Indians Consultation Letter_2023-5-2.pdf](#)

[KHC-Sky View Estates_E Band of Cherokee Indians Consultation EMAIL_2023-5-2.pdf](#)

[TDAT Results-Perry County KY 2023-5-2.pdf](#)

[KHC-Sky View Estates_Cherokee Nation Consultation Letter_2023-5-2.pdf](#)

[KHC-Sky View Estates_Cherokee Nation Consultation EMAIL_2023-5-2.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: 56

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: 56

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

site is 9, 881 feet from the nearest railroad (nearest crossing is CSX #346102B), which is beyond the 3,000-foot threshold distance. There are two airports within 15 miles of the project site: Duff Airport (7.62 miles away) and Wendell H. Ford Airport (8.65 miles away.) HUD Airport Noise Worksheets for both airports document that noise is not expected to be generated beyond the airport boundaries. Hal Rogers Parkway (515 feet away) is the only road with available AADT data within 1,000 feet of the project site. Because ten year projections of AADT data for Hal Rogers Parkway show a significant decrease, the most current AADT data was used in the HUD DNL calculation for road noise of 56.0 dB.

Supporting documentation

[KYTC Map of Road with AADT data closest to Sky View Area 1.pdf](#)
[Distance to KY-80-Sky View Estates-beyond 1000ft.pdf](#)
[1000 ft east elevation- Hal Rogers Pkwy.pdf](#)
[Wendell H Ford Airport-FAA Master Record.pdf](#)
[Wendell H Ford Airport HUDAirportNoiseWorksheet 2023-5-1.pdf](#)
[Slope and Projected AADT calculations-Hal Rogers Pkwy.pdf](#)
[Hal Rogers Pkwy-Historic Traffic Counts-KYTC.pdf](#)
[Duff Airport-FAA Master Record.pdf](#)
[Duff Airport HUDAirportNoiseWorksheet 2023-5-1.pdf](#)
[DNL Calculation-Sky View Estates.pdf](#)
[Distance to Wendell H Ford Airport-Sky View Estates.pdf](#)
[Distance to Nearest Railroad-Sky View Estates.pdf](#)
[Distance to Nearest Hal Rogers Parkway Stop Sign-Sky View Estates.pdf](#)
[Distance to KY 451-Sky View Estates-beyond 1000ft.pdf](#)
[Distance to Hal Rogers Parkway-Sky View Estates.pdf](#)
[Distance to Duff Airport-Sky View Estates\(1\).pdf](#)
[AADT Data-Hal Rogers Parkway.pdf](#)
[1000 ft west elevation- Hal Rogers Pkwy.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Sole Source Aquifers

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

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

Yes

✓ No

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

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

✓ No

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

Yes

Screen Summary

Compliance Determination

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. There are no sole source aquifers in 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 National Wetlands Inventory Map shows there are no Wetlands on the project site. Briar Fork, the nearest body of water is approximately 679 feet from the western edge of the project site and should not be impacted by construction. The Commonwealth will employ nature-based solutions for stormwater mitigation to prevent increased downstream flows as a result of construction.

Supporting documentation

[Distance to Briar Fork-Sky View Estates.pdf](#)

[National Wetlands Inventory Map-Sky View Estates.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 38.09 miles from the Wild & Scenic portion of the Red River, Kentucky's only Wild and Scenic River. The project site is 21.1 miles from the South Fork Kentucky River, the nearest Nationwide Rivers Inventory body.

Supporting documentation

[Distance to S Fork Kentucky River-Sky View Estates Area 1.pdf](#)

[Red River Kentucky NWSRS Map.pdf](#)

[Distance to Red River-Sky View Estates.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.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No