



U.S. Department of Housing and Urban
Development
451 Seventh Street, SW
Washington, DC 20410
www.hud.gov
espanol.hud.gov

**Environmental Review for Activity/Project that is
Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)**

Project Information

Project Name: 151-Eastbrooke-Loop-Harlan-KY-Browning-C-COAP-HB18

HEROS Number: 900000010141822

State / Local Identifier: KY500

Project Location: 151 Eastbrook Sta, Harlan, KY 40831

Additional Location Information:

151 Eastbrooke Loop, Harlan, Harlan County, KY 40831 (36.861488, -83.282005)

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

COAP, Inc., a non-profit housing organization located in Harlan, KY, is looking to rehabilitate a 1,056 square foot affordable housing unit on an approximately .18-acre tract of land located at 151 Eastbrooke Loop, Harlan, Harlan County, KY 40831 (36.861488, -83.282005) . The house is currently vacant and was constructed in 2003. The house is located in an established subdivision.

Level of Environment Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5:

58.34(a)(12)

58.35(a)(3)(i)

Funding Information

Grant Number	HUD Program	Program Name
M18SG210100	Community Planning and Development (CPD)	HOME Program

Estimated Total HUD Funded Amount: \$40,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$100,000.00

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

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project

contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Complete
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Determination:

<input checked="" type="checkbox"/>	This categorically excluded activity/project converts to EXEMPT per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; Funds may be committed and drawn down after certification of this part for this (now) EXEMPT project; OR
<input type="checkbox"/>	This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, publish NOI/RROF and obtain "Authority to Use Grant Funds" (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
<input type="checkbox"/>	This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature:  Date: 09/15/2020

Name / Title/ Organization: Suzie Loveday / Consultant / Loveday Consulting, LLC

Responsible Entity Agency Official Signature:  Date: 9/15/2020

Name/ Title: Curtis A. Stauffer/ Managing Director-Housing Contract Administration

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



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**Environmental Review for Activity/Project that is
Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)**

Project Information

Project Name: 151-Eastbrooke-Loop-Harlan-KY-BrowningC-COAP-HB18

HEROS Number: 900000010141822

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

State / Local Identifier: KY500

RE Preparer: Suzie Loveday

Certifying Officer: Curtis A. Stauffer

Grant Recipient (if different than Responsible Entity): N/A

PHA Code:

Point of Contact:

Consultant (if applicable): Loveday Consulting LLC

Point of Contact: Suzie Loveday

Project Location: 151 Eastbrook Sta, Harlan, KY 40831

Additional Location Information:

151 Eastbrooke Loop, Harlan, Harlan County, KY 40831 (36.861488, -83.282005)

Direct Comments to:

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

COAP, Inc., a non-profit housing organization located in Harlan, KY, is looking to rehabilitate a 1,056 square

foot affordable housing unit on an approximately .18-acre tract of land located at 151 Eastbrooke Loop, Harlan, Harlan County, KY 40831 (36.861488, -83.282005) . The house is currently vacant and was constructed in 2003. The house is located in an established subdivision.

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

[A TOPO Map.pdf](#)

[A Photos.pdf](#)

[A Aerial map 2.pdf](#)

[A Aerial map.pdf](#)

[A Photos\(1\).pdf](#)

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at 58.5:

58.34(a)(12)

58.35(a)(3)(i)

Determination:

✓	This categorically excluded activity/project converts to EXEMPT per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; Funds may be committed and drawn down after certification of this part for this (now) EXEMPT project; OR
	This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, publish NOI/RROF and obtain "Authority to Use Grant Funds" (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
	This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Approval Documents:

[ERR HEROS Signature Pages-COAP-Easterbrooke Loop 2020-9-15.pdf](#)

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name
M18SG210100	Community Planning and Development (CPD)	HOME Program

Estimated Total HUD Funded, Assisted or Insured Amount: \$40,000.00

Estimated Total Project Cost: \$100,000.00

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)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. The project site is 3.87 miles from Tucker-Guthrie Memorial Airport, the nearest airport.
Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. The FIRMette map for the project site demonstrates that it is in an area of minimal flood hazard (Panel

		#21095C0281E , eff. 3/16/2015).
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		
Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act. The project is the rehabilitation of one unit of single-family detached housing.
Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.
Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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. A NEPAassist search, documented in a NEPAassist report, found two EPA-regulated facilities within a 3,000-foot radius of the project site. ECHO reports for both facilities demonstrate that they have had no violations within the last 12 quarters.
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. The project includes the rehabilitation of an existing building in an established subdivision and does not have the potential of impacting a species or habitats.
Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements. The project includes rehabilitation of an existing housing unit.

<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>This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. The project includes rehabilitation of an existing housing unit only.</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 map for the project site demonstrates that it is in an area of minimal flood hazard (Panel #21095C0281E , eff. 3/16/2015).</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. A September 10, 2020 letter from the Kentucky Heritage Council (SHPO) states "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 an archaeological survey or cultural historic survey. Tribal Consultation is not required for the rehabilitation of an existing single-family detached home.</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>The project is modernization or minor rehabilitation of an existing residential property. A Preliminary Screening was performed leading to the following determinations. The project site is located 613 feet from Highway 38. The project is located 425 feet from a railroad, but the railroad is inactive per US DOT reports, There are two airports within 15 miles of the project site, but HUD Airport Noise Worksheets demonstrate that they are not expected to generate noise beyond the boundaries of the airport.. The HUD DNL Calculator was used to assess road noise. A total of 56 decibels was</p>

	<p>calculated. Therefore, no noise attenuation is required. The project is in compliance with HUD's Noise regulation without mitigation. Major Noise Source, Road or Highway: The project site is located 613 feet from Highway 38 which has a total AADT of 7,390 for 2010. The % for Single Truck volume as a percentage of AADT is 8.963%. $7,390 \times 8.963\% = 662$ (medium trucks). The % of Combo truck volume is 4.792%. $7,390 \times 4.792\% = 354$ (heavy trucks). $7,390 - 662 - 354 = 6,374$ (cars) See attached report from KYTC. Standard assumption of night volume of 15% was used. The average speed is 45 MPH. The average road grade of the segment of Highway 38, approximately 1,000 feet either side of a perpendicular line between the project site and the highway, must also be determined and entered in the appropriate field for Heavy Trucks. 1,000 feet west elevation is 1,221. 1,000 feet east is 1,292. The difference is 71. $71/2000 \text{ feet} = 3.55\%$. Refer to the attached National Transportation Noise Map and Kentucky Department of Transportation Maps. Therefore, no noise attenuation is required. Railroad: The project site is located 425 feet from an inactive railroad. See attached US DOT inventory report showing that the railroad is currently inactive. Therefore, no further action is required. See attached google map showing the distance from the site to the railroad. Also see map from the Federal Rail Administration showing the location of the railroad. Airport: Per the attached map, there are 2 FAA regulated civil airports located within 15 miles of the project site. However, according to the attached reports and small airport worksheets, the project site will not be noise impacted by an airport. The Tucker-Guthrie Memorial Airport is</p>
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		located 3.87 miles from the project site, and the Lee County Airport is located 14.49 miles from the site.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. The project is in compliance with Sole Source Aquifer requirements. The project consists of the rehabilitation of one unit of affordable housing. Additionally, there are no Sole Source Aquifers in Kentucky.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990. Additionally, the project site is not located in a wetland. See attached map.
Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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 65.52 miles from the Wild and Scenic portions of the Red River, Kentucky's only Wild and Scenic River, and is 11.47 miles from the Martin's Fork Cumberland River, the nearest Nationwide Rivers Inventory body.
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

Mitigation Measures and Conditions [40 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	Complete
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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 3.87 miles from Tucker-Guthrie Memorial Airport, the nearest airport.

Supporting documentation

[Airports Map-COAP-Easterbrooke Loop.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.

Screen Summary

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:

[Flood Map.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

Screen Summary

Compliance Determination

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all

insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. The FIRMette map for the project site demonstrates that it is in an area of minimal flood hazard (Panel #21095C0281E , eff. 3/16/2015).

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No

Air Quality

General requirements	Legislation	Regulation
<p>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.</p>	<p>Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))</p>	<p>40 CFR Parts 6, 51 and 93</p>

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

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

Screen Summary

Compliance Determination

Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act. The project is the rehabilitation of one unit of single-family detached housing.

Supporting documentation

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:

A NEPAssist search, documented in a NEPAssist report, found two EPA-regulated facilities within a 3,000-foot radius of the project site. ECHO reports for both facilities demonstrate that they have had no violations within the last 12 quarters.

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. A NEPAssist search, documented in a NEPAssist report, found two EPA-regulated facilities within a 3,000-foot radius of the project site. ECHO reports for both facilities demonstrate that they have had no violations within the last 12 quarters.

Supporting documentation

[Contamination Facility 2 - Facility Report2.pdf](#)

[Contamination Facility 2 - Facility Report.pdf](#)

[Contamination Facility 2 - ECHO Report.pdf](#)

[Contamination Facility 1 - Facility Report.pdf](#)

[Contamination Facility 1 - ECHO Report.pdf](#)

[Contamination - NEPAassist Report.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Endangered Species

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

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

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

This selection is only appropriate if none of the activities involved in the project have potential to affect species or habitats. Examples of actions without potential to affect listed species may include: purchasing existing buildings, completing interior renovations to existing buildings, and replacing exterior paint or siding on existing buildings.

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

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.

Screen Summary

Compliance Determination

This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. The project includes the rehabilitation of an existing building in an established subdivision and does not have the potential of impacting a species or habitats.

Supporting documentation

Are formal compliance steps or mitigation required?

151-Eastbrooke-Loop-Harlan-
KY-BrowningC-COAP-HB18

Harlan, KY

900000010141822

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

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

Yes

Screen Summary

Compliance Determination

Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements. The project includes rehabilitation of an existing housing unit.

Supporting documentation

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

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

The project includes rehabilitation of an existing housing unit only.

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

Screen Summary

Compliance Determination

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. The project includes rehabilitation of an existing housing unit only.

Supporting documentation

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:

[Flood Map.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 map for the project site demonstrates that it is in an area of minimal flood hazard (Panel #21095C0281E , eff. 3/16/2015).

Supporting documentation

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" http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html

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)

Other Consulting Parties

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

A September 10, 2020 letter from the Kentucky Heritage Council (SHPO) states "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 an archaeological survey or cultural historic survey."

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

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:**

151 Eastbrooke Loop, Harlan, Harlan County, KY 40831 (36.861488, -83.282005)

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

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

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

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

Yes

✓ 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. A September 10, 2020 letter from the Kentucky Heritage Council (SHPO) states "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 an archaeological survey or cultural historic survey. Tribal Consultation is not required for the rehabilitation of an existing single-family detached home.

Supporting documentation

[SHPO Letter-COAP Easterbrooke Loop 2020-9-10.pdf](#)

[Tribal Consultation Checklist-COAP Easterbrooke.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

Rehabilitation of an existing residential property

NOTE: For modernization projects in all noise zones, HUD encourages mitigation to reduce levels to acceptable compliance standards. See 24 CFR 51 Subpart B for further details. The definition of “modernization” is determined by program office guidance.

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

3. 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).

Describe findings of the Preliminary Screening:

The project site is located 613 feet from Highway 38. The project is located 425 feet from a railroad, but the railroad is inactive per US DOT reports, There are two airports within 15 miles of the project site, but HUD Airport Noise Worksheets demonstrate that they are not expected to generate noise beyond the boundaries of the airport.. The HUD DNL Calculator was used. A

total of 56 decibels was calculated. Therefore, no noise attenuation is required.

Screen Summary

Compliance Determination

The project is modernization or minor rehabilitation of an existing residential property. A Preliminary Screening was performed leading to the following determinations. The project site is located 613 feet from Highway 38. The project is located 425 feet from a railroad, but the railroad is inactive per US DOT reports, There are two airports within 15 miles of the project site, but HUD Airport Noise Worksheets demonstrate that they are not expected to generate noise beyond the boundaries of the airport.. The HUD DNL Calculator was used to assess road noise. A total of 56 decibels was calculated. Therefore, no noise attenuation is required. The project is in compliance with HUD's Noise regulation without mitigation. Major Noise Source, Road or Highway: The project site is located 613 feet from Highway 38 which has a total AADT of 7,390 for 2010. The % for Single Truck volume as a percentage of AADT is 8.963%. $7,390 \times 8.963\% = 662$ (medium trucks). The % of Combo truck volume is 4.792%. $7,390 \times 4.792\% = 354$ (heavy trucks). $7,390 - 662 - 354 = 6,374$ (cars) See attached report from KYTC. Standard assumption of night volume of 15% was used. The average speed is 45 MPH. The average road grade of the segment of Highway 38, approximately 1,000 feet either side of a perpendicular line between the project site and the highway, must also be determined and entered in the appropriate field for Heavy Trucks. 1,000 feet west elevation is 1,221. 1,000 feet east is 1,292. The difference is 71. $71/2000 \text{ feet} = 3.55\%$. Refer to the attached National Transportation Noise Map and Kentucky Department of Transportation Maps. Therefore, no noise attenuation is required. Railroad: The project site is located 425 feet from an inactive railroad. See attached US DOT inventory report showing that the railroad is currently inactive. Therefore, no further action is required. See attached google map showing the distance from the site to the railroad. Also see map from the Federal Rail Administration showing the location of the railroad. Airport: Per the attached map, there are 2 FAA regulated civil airports located within 15 miles of the project site. However, according to the attached reports and small airport worksheets, the project site will not be noise impacted by an airport. The Tucker-Guthrie Memorial Airport is located 3.87 miles from the project site, and the Lee County Airport is located 14.49 miles from the site.

Supporting documentation

[Noise Airport Tucker-Guthrie Worksheet.pdf](#)
[Noise Airport Tucker-Guthrie 5010.pdf](#)
[Noise Airport Lee County Worksheet.pdf](#)
[Noise Airport Lee County 5010.pdf](#)
[Noise Airport - Transportation Map\(1\).pdf](#)
[Noise - Railroad InventoryReport.PDF](#)
[Noise - Railroad FRA Distance Map.PDF](#)
[Noise - Roadway west Elevation 1221 feet.pdf](#)
[Noise - Roadway East Elevation 1292 feet.pdf](#)
[Noise - Roadway site Elevation 1273 feet.pdf](#)
[Noise - Roadway Traffic Counts.pdf](#)
[Noise - Roadway Traffic Count Map.pdf](#)

[Noise - Roadway 1000 radius Map.pdf](#)
[Noise - National Transportation Noise Map.pdf](#)
[Noise DNL Calculator - HUD Exchange.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

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

No

Screen Summary

Compliance Determination

Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. The project is in compliance with Sole Source Aquifer requirements. The project consists of the rehabilitation of one unit of affordable housing. Additionally, there are no Sole Source Aquifers in Kentucky.

Supporting documentation

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

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

Yes

Screen Summary

Compliance Determination

Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990. Additionally, the project site is not located in a wetland. See attached map.

Supporting documentation

[Wetlands Map.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 65.52 miles from the Wild and Scenic portions of the Red River, Kentucky's only Wild and Scenic River, and is 11.47 miles from the Martin's Fork Cumberland River, the nearest Nationwide Rivers Inventory body.

Supporting documentation

[Wild River - Cumberland River.pdf](#)

[Wild River - Red River.pdf](#)

[Wild Rivers - Red River in Kentucky.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