

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

August 17, 2023

Kentucky Housing Corporation
1231 Louisville Road
Frankfort, KY 40601
502-564-7630

On or about August 28, 2023, Kentucky Housing Corporation (KHC) will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of HOME Investment Partnerships Program (HOME) funds under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, to undertake a project known as 93-95 Circle Dr-Lakeview Heights-KY-Frontier-HB22 for the purpose of the new construction of three unit of single-family detached housing for sale to income-eligible homebuyers.

Project Title: 93-95 Circle Dr-Lakeview Heights-KY-Frontier-HB22
Project Location: 93-95 Circle Dr. Lakeview Heights, KY 40351
(geographic coordinates: 38.15421, -83.50211)
Purpose of Project: The project consists of the new construction of three units of affordable, energy-efficient, single-family detached housing.
Project Cost: \$300,000 in HOME funds with a total development cost of \$720,000.
Applicant/Recipient Agency: Frontier Housing, Inc.
5445 Flemingsburg Rd, Morehead, KY 40351; 606-784-2131

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at <https://frontierky.org/> and <https://cpd.hud.gov/cpd-public/environmental-reviews> or at the office of Frontier Housing, Inc. at 5445 Flemingsburg Rd, Morehead, KY 40351 (606-784-2131) and may be examined or copied weekdays 9 A.M. to 4 P.M.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments via US Mail to KHC, Attn. Curtis Stauffer, at the address at the top of this notice or via email to cstauffer@kyhousing.org. All comments received by August 25, 2023 will be considered by KHC prior to authorizing submission of a request for release of funds. Comments should specify which notice they are addressing.

ENVIRONMENTAL CERTIFICATION

Kentucky Housing Corporation certifies to HUD that Curtis A. Stauffer in his capacity as Managing Director-Housing Contract Administration consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the Kentucky Housing Corporation to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of fund and the KHC's certification for a period of fifteen (15) days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of KHC; (b) KHC has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD Louisville Field Office at CPD_COVID-19OEE-LOU@hud.gov. Potential objectors should contact HUD to verify the actual last day of the objection period.

Curtis A. Stauffer, Managing Director-Housing Contract Administration



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: Lots-93-95-Circle-Dr-Lakeview-Heights-KY--Frontier-HB22

HEROS Number: 900000010324693

State / Local Identifier: HB22-0007-01

Project Location: Lots 93-95 Circle Drive, Lakeview Heights, KY 40351

Additional Location Information:

38.15421, -83.50211

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

Frontier Housing Inc., a Community Housing Development Organization (CDHO) located in Morehead, KY, will construct three single-family detached homes on lots 93 (0.32 acre), 94 (0.343 acre), and 95 (0.375 acre) on Circle Drive in the Lakeview Heights, Rowan County, Kentucky for sale to low-income homebuyers. The lots are currently treed and vacant in an existing residential community.

Level of Environment Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5:
58.35(a)(4)(i)

Funding Information

Grant Number	HUD Program	Program Name
M21SG210100	Community Planning and Development (CPD)	HOME Program

Estimated Total HUD Funded Amount: \$300,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$720,000.00

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
Endangered Species Act	To address potential Bat habitat loss, Frontier Housing agreed to make a voluntary payment into the Imperiled Bat Conservation Fund of \$6,786.00. The payment was made via check #64986 dated 6/29/2023. In addition, tree clearing must occur during the unoccupied period from August 16 to March 31st. Correspondence with the Kentucky Ecological Services Field Office of the USFWS has been initiated.	N/A	Frontier Housing submitted payment directly to the USFWS on June 30, 2023. Frontier Housing will also provide documentation to KHC to verify the tree clearing took place during the unoccupied period from August 16 to March 31st.

Determination:

<input 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 checked="" 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: 8/15/2023

Lots-93-95-Circle-Dr-Lakeview-
Heights-KY--Frontier-HB22

Lakeview Heights, KY

900000010324693

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

Responsible Entity Agency Official Signature:  _____ **Date:** 8/15/2023

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).



**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: Lots-93-95-Circle-Dr-Lakeview-Heights-KY--Frontier-HB22

HEROS Number: 900000010324693

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

State / Local Identifier: HB22-0007-01

RE Preparer: Curtis A. Stauffer

Certifying Officer: Curtis A. Stauffer

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable): Frye Environmental

Point of Contact: Sandra Frye

Project Location: Lots 93-95 Circle Drive, Lakeview Heights, KY 40351

Additional Location Information:

38.15421, -83.50211

Direct Comments to: Kentucky Housing Corporation
1231 Louisville Road
Frankfort, KY 40601
cstauffer@kyhousing.org

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

Frontier Housing Inc., a Community Housing Development Organization (CHDO) located in

Morehead, KY, will construct three single-family detached homes on lots 93 (0.32 acre), 94 (0.343 acre), and 95 (0.375 acre) on Circle Drive in the Lakeview Heights, Rowan County, Kentucky for sale to low-income homebuyers. The lots are currently treed and vacant in an existing residential community.

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

[Lakeview Heights Site Circle Drive lots.pdf](#)

Level of Environmental Review Determination:

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

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:

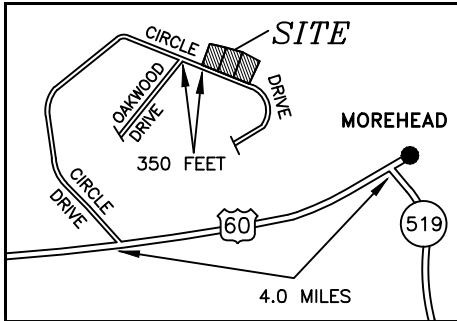
[HEROS Signature Pages 93-95 Circle Dr 2023-8-15.pdf](#)

7015.15 certified by Certifying Officer on:

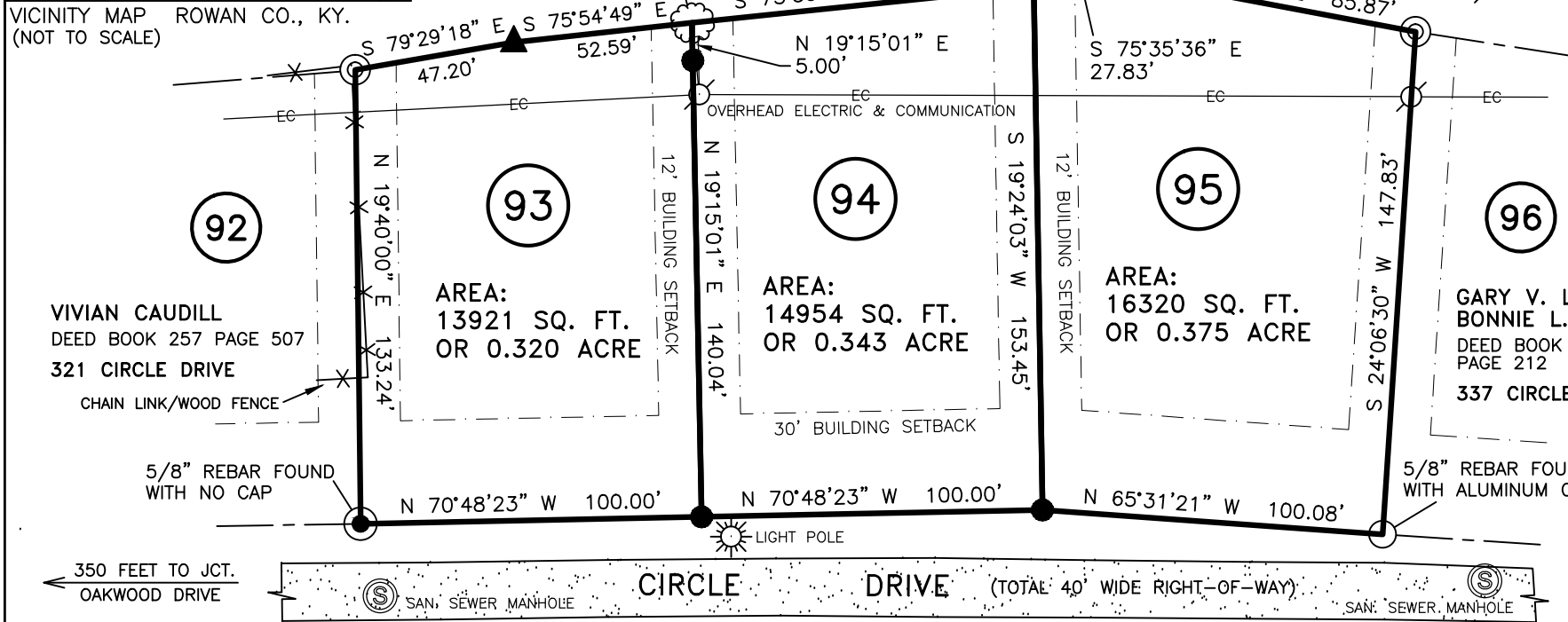
7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification	HUD Program	Program Name
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VICINITY MAP ROWAN CO., KY.
 (NOT TO SCALE)



LEGEND

- BOUNDARY LINE (THIS SURVEY)
- APPROXIMATE ADJOINING BOUNDARY LINE
- 1/2" REBAR WITH PLASTIC CAP STAMPED "TEK LS 2926" (SET THIS SURVEY)
- 1/2" IRON PIPE (FOUND THIS SURVEY)
- IRON "T" POST FOUND BROKEN AT BASE
- UTILITY POLE WITH GUY

SOURCES OF TITLE:
FRONTIER HOUSING, INC.
 DEED BOOK 270 PAGE 337
 LOT 93 & LOT 94
FRONTIER HOUSING, INC.
 DEED BOOK 270 PAGE 340
 LOT 95

BOUNDARY RESURVEY OF
LOTS 93, 94 AND 95
LAKEVIEW HEIGHTS
 (PLAT CABINET 1 SLIDE 162)
 CIRCLE DRIVE, LAKEVIEW HEIGHTS,
 ROWAN COUNTY, KY.
 (COMPLIANT WITH 201 KAR 18:150)
 FOR FRONTIER HOUSING, INC.
 5445 FLEMINGSBURG RD * MOREHEAD, KY. 40351

TIM E. KELLY, LAND SURVEYOR
 300 BLUEFIELD LANE
 MOREHEAD, KENTUCKY 40351 (606) 783-1811

DATE: 5/13/19	FILE # 744	SCALE: 1"=50'
DRAWN BY: TEK	EDITED BY: TEK	SHEET: 1 OF 1

SURVEYOR'S CERTIFICATION

I CERTIFY THAT THIS PLAT DEPICTS A SURVEY CONDUCTED UNDER MY DIRECTION USING THE METHOD OF RANDOM TRAVERSE ON 5/8/19. THE UNADJUSTED ERROR OF CLOSURE RATIO OF THE RANDOM TRAVERSE IS 1:19,000. THE BEARINGS AND DISTANCES HAVE NOT BEEN ADJUSTED FOR CLOSURE. THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS OF GOVERNING AUTHORITIES FOR AN URBAN SURVEY. THIS PARCEL IS SUBJECT TO ALL PERTINENT EASEMENTS. BEARINGS ARE ASSUMED FROM THE RECORD BEARINGS LISTED IN PLAT OF LAKEVIEW HEIGHTS (PLAT CABINET 1 SLIDE 162).

Timothy E. Kelly 5/13/19
 TIMOTHY E. KELLY L.S. 2926 DATE



Number		
M21SG210100	Community Planning and Development (CPD)	HOME Program

Estimated Total HUD Funded, Assisted or Insured Amount: \$300,000.00

Estimated Total Project Cost: \$720,000.00

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 nearest airport is the Morehead-Rowan County Airport, located 6.01 miles away from the project site.
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. There are no CBRS units in Kentucky.
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. This project does not occur in a special flood hazard area. Per the FIRMette Map for the project site (Panel # 21205C0144C dated

		4/18/2011), it is located in an Area of Minimal Flood Hazard (Zone X). The project is in compliance with Executive Order 11988.
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 consists of the new construction of three units 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. Per review of NEPAAssist, no facilities containing toxic, hazardous, or radioactive substances were found that could affect the health and safety of the occupants. The NEPAAssist Report for the project site identified 2 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. In addition, one of the sites (Dollar General located at 422 Bluestone Road), has a terminated permit and is no longer being inspected. The project is in compliance with contamination and toxic substances requirements.
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	This project May Affect, but is Not Likely to Adversely Affect, listed species, and informal consultation was conducted. With mitigation, identified in the mitigation section of this review, the

		<p>project will be in compliance with the Endangered Species Act. A Section 7 Informal Consultation request was submitted by KHC to the USFWS on June 20, 2023. On June 30, 2023, the USFWS responded and concurred with the "May Affect, Not Likely to Adversely Affect" finding. Due to the potential habitat loss for the Northern Long Eared Bat and Indiana Bat, Frontier Housing has agreed to make a voluntary payment into the Imperiled Bat Conservation Fund of \$6,786.00. The payment was made via check #64986 dated 6/29/2023 and submitted to USFWS on 6/30/2023. In addition, tree clearing must occur during the unoccupied period from August 16, 2023 to March 31 2024. Correspondence with the Kentucky Ecological Services Field Office of the USFWS and a copy of check payment was submitted on June 30, 2023 are attached.</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 are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. Per a review of the site via Google Earth and site visit on April 17, 2023, the area surrounding the site is mainly farmland or residential housing. West of the site is the Morehead Utility Plant (water treatment facility), and the only outdoor aboveground storage tanks (ASTs) are water tanks. No other ASTs were visible in the areas surrounding the site; therefore, the project is in compliance without mitigation. See attached Google aerial maps. The project is in compliance with explosive and flammable hazard requirements.</p>
<p>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project includes activities that could potentially convert agricultural land to a non-agricultural use, but an</p>

<p>and 1541; 7 CFR Part 658</p>		<p>exemption applies. The USDA NRCS Web Soil Survey Map shows that the project site consists of: "LaD-Latham silt loam, 12 to 20 percent slopes" (16.8%-not prime farmland); "MtF-Muse-Trappist stony silt loams, 30 to 60 percent slopes" (5.9%-not prime farmland); "TIB-Tilsit silt loam, 2 to 6 percent slopes - residual & alluvial landforms" (46.7%- prime farmland); "TIC-Tilsit silt loam, 6 to 12 percent slopes - residual & alluvial landforms" (30.4%-farmland of statewide importance); and "WtB-Whitley silt loam, terrace, 2 to 6 percent slopes" (0.2%-prime farmland). Because the project site contains prime farmland and farmland of statewide importance, the USDA NRCS State Soil Scientist Perri Pedley Brown was contacted May 8, 2023. On May 17, 2023, Ms. Brown responded and stated the following: "Based on the information contained in your request and accompanying maps, the area of inquiry is located within what would be considered a PREVIOUSLY DEVELOPED RESIDENTIAL AREA (SUBDIVISION) that appears to already be 'converted'. This being the case, there is no need to complete an AD-1006. With the site having previously been manipulated with infrastructure (such as roads, water/sewer, electrical, etc.) and thus removed from agricultural production, conversion has already taken place and any prime, unique, or farmland of local or statewide importance would no longer exist. The project is in compliance with the Farmland Protection Policy Act."</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. Per the FIRMette Map for the project site (Panel # 21205C0144C, eff. 4/18/2011) the project site is</p>

		located in an Area of Minimal Flood Hazard (Zone X). The project is in compliance with Executive Order 11988.
<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 June 1, 2023 letter from the Kentucky Heritage Council (SHPO) states "Based on the information provided, it does not appear the resources contain the integrity to be eligible for the NRHP, either individually or as a group. Our office has no above-ground concerns. Our office would concur with a determination of No Historic Properties Affected for this undertaking." On May 4, 2023, Kentucky Housing Corporation sent letters via email inviting the Cherokee Nation, Eastern Band of Cherokee Indians and the Osage Nation to become consulting parties on the Section 106 review for the project. None of the tribes responded 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: 50.0 dB. The project is in compliance with HUD's Noise regulation. Major Noise Source, Road or Highway: the project site is 606 feet from S. 9th Street, the only road with available AADT data within 1,000 feet of the project site. Based on analysis of historic traffic data from the Kentucky Transportation Cabinet, the projected traffic count (AADT) for 2033 is 5,703 cars, up from 4,086 in 2018. The nearest railroad is located 17,457 feet from the project site, beyond the 3,000-foot threshold. There is one airport within 15 miles of the project site, Morehead-Rowan County (6.01 miles away) but the HUD Airport Noise</p>

		Worksheet for the airport document that the airport is not expected to generate noise beyond the airport boundaries. The combined DNL calculation for all sources is 50 dB. The National Transportation Noise Map shows that the project site is below the 65 dB threshold.
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	The project is not located on a sole source aquifer area. There are no SSAs in the State of KY. The project is in compliance with Sole Source Aquifer requirements.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. Per the National Wetlands Inventory Map, there are no wetlands in the project area.
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 22.88 miles away from the Wild and Scenic portion of the Red River, Kentucky's only Wild and Scenic River and is 4.94 miles away from the Nationwide River Inventory portions of the Licking River, the nearest such 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. In addition, this project will have a beneficial impact on low-income individuals as it will provide additional affordable housing opportunities in the project area. The USFWS concurred with KHC's finding that the project "May Affect, Not Likely to Adversely Affect" the Indiana bat and the Northern Long-Eared bat. Due to the potential habitat

		loss for the Northern Long Eared Bat and Indiana Bat, Frontier Housing made a voluntary payment into the Imperiled Bat Conservation Fund of \$6,786.00. The payment was made via check #64986 dated 6/29/2023 and submitted to USFWS on 6/30/2023. In addition, tree clearing will occur during the unoccupied period from August 16, 2023 to March 31 2024 and bats will not be adversely impacted.
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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	Mitigation Plan	Complete
Endangered Species Act	To address potential Bat habitat loss, Frontier Housing agreed to make a voluntary payment into the Imperiled Bat Conservation Fund of \$6,786.00. The payment was made via check #64986 dated 6/29/2023. In addition, tree clearing must occur during the unoccupied period from August 16 to March 31st. Correspondence with the Kentucky Ecological Services Field Office of the USFWS has been initiated.	N/A	Frontier Housing submitted payment directly to the USFWS on June 30, 2023. Frontier Housing will also provide documentation to KHC to verify the tree clearing took place during the unoccupied period from August 16 to March 31st.	

Project Mitigation Plan

Frontier Housing submitted payment directly to the Imperiled Bat Fund (check #64986) on June 30, 2023. Frontier Housing will also provide documentation to Kentucky Housing Corporation to verify that the tree clearing took place during the unoccupied period from August 16, 2023, to March 31, 2024.

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 nearest airport is the Morehead-Rowan County Airport, located 6.01 miles away from the project site.

Supporting documentation

[Distance to Morehead-Rowan County Airport_93-95 Circle Dr.pdf](#)

Are formal compliance steps or mitigation required?

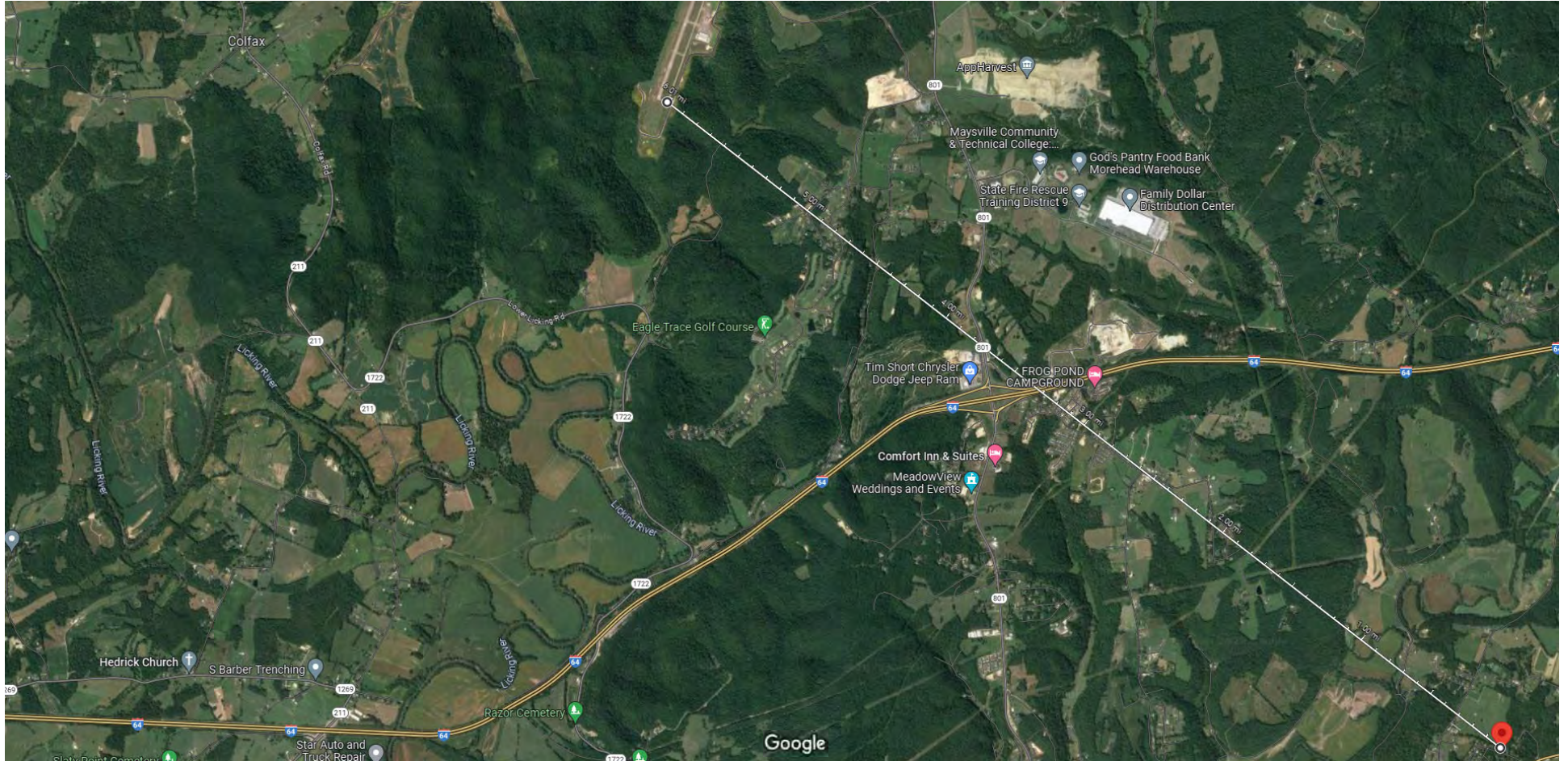
Yes

No



38°09'15.2"N 83°30'07.6"W

Distance to Morehead-Rowan County Airport from Lots 93-95 Circle Dr. Morehead, KY



Imagery ©2023 Airbus, CNES / Airbus, Commonwealth of Virginia, Landsat / Copernicus, Maxar Technologies, USDA/FPAC/Geo, Map data ©2023 2000 ft

Measure distance
Total distance: 6.01 mi (9.68 km)

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. There are no CBRS units in Kentucky.

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 93-95 Circle Dr.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. This project does not occur in a special flood hazard area. Per the FIRMette Map for the project site (Panel # 21205C0144C dated 4/18/2011), it is located in an Area of Minimal Flood Hazard (Zone X). The project is in compliance with Executive Order 11988.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No

National Flood Hazard Layer FIRMette



83°30'27"W 38°9'28"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Profile Baseline
		Hydrographic Feature

MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **4/16/2023 at 12:31 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

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

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 consists of the new construction of three units 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:

Per review of NEPAssist, no facilities containing toxic, hazardous, or radioactive substances were found that could affect the health and safety of the occupants. In addition, the site is vacant so there will be no demolition debris that could contain hazardous materials. The NEPAssist Report for the project site identified 2 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.

Per review of NEPAssist, no facilities containing toxic, hazardous, or radioactive substances were found that could affect the health and safety of the occupants. The NEPAssist Report for the project site identified 2 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. In addition, one of the sites (Dollar General located at 422 Bluestone Road), has a terminated permit and is no longer being inspected. The project is in compliance with contamination and toxic substances requirements.

Supporting documentation

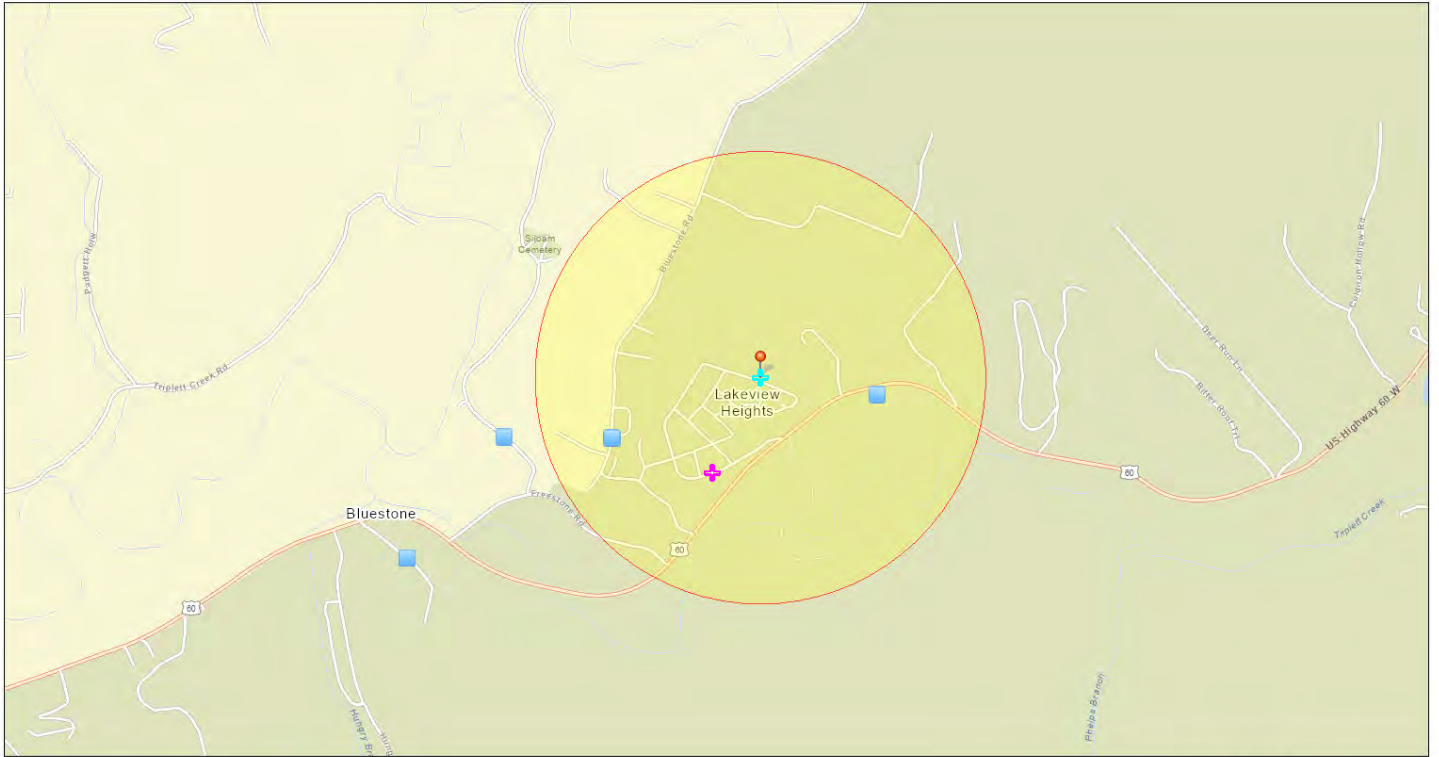
[Dollar General_US 60_Facility.pdf](#)
[Dollar General_US 60_ECHO.pdf](#)
[Dollar General_Bluestone_Facility.pdf](#)
[Dollar General_Bluestone_ECHO.pdf](#)
[NEPAssist report - Circle Drive.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

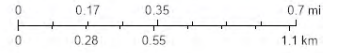
NEPAssist Report



May 11, 2023

- Water Dischargers (NPDES)
- Air Pollution (ICIS-AIR)
- Project 2
- + Search Result (point)
- Project Buffer
- +— Railroads

1:18,345



VGII, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc. METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, EPA OEI

Project Location	38.154058,-83.501978
Within 3000 feet of an Ozone 8-hr (1997 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of an Ozone 8-hr (2008 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a Lead (2008 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a SO2 1-hr (2010 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM2.5 24hr (2006 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM2.5 Annual (1997 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM2.5 Annual (2012 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a PM10 (1987 standard) Non-Attainment/Maintenance Area?	no
Within 3000 feet of a Federal Land?	yes
Within 3000 feet of an impaired stream?	yes
Within 3000 feet of an impaired waterbody?	no
Within 3000 feet of a waterbody?	yes
Within 3000 feet of a stream?	yes
Within 3000 feet of an NWI wetland?	Available Online
Within 3000 feet of a Brownfields site?	no
Within 3000 feet of a Superfund site?	no
Within 3000 feet of a Toxic Release Inventory (TRI) site?	no
Within 3000 feet of a water discharger (NPDES)?	yes
Within 3000 feet of a hazardous waste (RCRA) facility?	no
Within 3000 feet of an air emission facility?	no
Within 3000 feet of a school?	no

Within 3000 feet of an airport?	no
Within 3000 feet of a hospital?	no
Within 3000 feet of a designated sole source aquifer?	no
Within 3000 feet of a historic property on the National Register of Historic Places?	no
Within 3000 feet of a Toxic Substances Control Act (TSCA) site?	no
Within 3000 feet of a Land Cession Boundary?	no
Within 3000 feet of a tribal area (lower 48 states)?	no
Within 3000 feet of the service area of a mitigation or conservation bank?	yes
Within 3000 feet of the service area of an In-Lieu-Fee Program?	yes
Within 3000 feet of a Public Property Boundary of the Formerly Used Defense Sites?	no
Within 3000 feet of a Munitions Response Site?	no
Within 3000 feet of an Essential Fish Habitat (EFH)?	no
Within 3000 feet of a Habitat Area of Particular Concern (HAPC)?	no
Within 3000 feet of an EFH Area Protected from Fishing (EFHA)?	no
Within 3000 feet of a Bureau of Land Management Area of Critical Environmental Concern?	no
Within 3000 feet of an ESA-designated Critical Habitat Area per U.S. Fish & Wildlife Service?	no
Within 3000 feet of an ESA-designated Critical Habitat river, stream or water feature per U.S. Fish & Wildlife Service?	no

Created on: 5/11/2023 12:40:51 PM

Detailed Facility Report



Detailed Facility Report

Facility Summary

WISTERIA ESTATES

422 BLUESTONE RD, MOREHEAD, KY 40351

FRS (Facility Registry Service) ID: 110057193932

EPA Region: 04

Latitude: 38.151867

Longitude: -83.508857

Locational Data Source: FRS

Industries: Heavy and Civil Engineering Construction

Indian Country: N

Enforcement and Compliance Summary

Statute	CWA
Compliance Monitoring Activities (5 years)	--
Date of Last Compliance Monitoring Activity	01/07/2015
Compliance Status	Terminated Permit
Qtrs in Noncompliance (of 12)	0
Qtrs with Significant Violation	0
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

Regulatory Information

Clean Air Act (CAA): No Information

Clean Water Act (CWA): Minor, Permit Terminated; Compliance Tracking Off (KYR10I132)

Resource Conservation and Recovery Act (RCRA): No Information

Safe Drinking Water Act (SDWA): No Information

[Go To Enforcement/Compliance Details Known Data Problems](#)

Other Regulatory Reports

Air Emissions Inventory (EIS): No Information

Greenhouse Gas Emissions (eGGRT): No Information

Toxic Releases (TRI): No Information

Compliance and Emissions Data Reporting Interface (CEDRI): No Information

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110057193932					N	38.151867	-83.508857
ICIS-NPDES	CWA	KYR10I132	Minor: General Permit Covered Facility	Terminated; Compliance Tracking Off	Construction Stormwater	07/31/2014	N	38.1519	-83.50861

Facility Address

System	Statute	Identifier	Facility Name	Facility Address	Facility County
FRS		110057193932	WISTERIA ESTATES	422 BLUESTONE RD, MOREHEAD, KY 40351	
ICIS-NPDES	CWA	KYR10I132	WISTERIA ESTATES	422 BLUESTONE RD, MOREHEAD, KY 40351	Rowan County

Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Description
ICIS-NPDES	KYR10I132	1611	Highway And Street Construction

Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
ICIS-NPDES	KYR10I132	237310	Highway, Street, and Bridge Construction

Facility Industrial Effluent Guidelines

Identifier	Effluent Guideline (40 CFR Part)	Effluent Guideline Description
No data records returned		

Facility Tribe Information

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
No data records returned			

Enforcement and Compliance

Compliance Monitoring History Last 5 Years

Statute	Source ID	System	Activity Type	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
No data records returned							

Entries in italics are not counted as EPA official inspections.

Compliance Summary Data

Statute	Source ID	Current SNC (Significant Noncompliance)/HPV (High Priority Violation)	Current As Of	Qtrs with NC (Noncompliance) (of 12)	Data Last Refreshed
CWA	KYR10I132	No	03/31/2023	0	07/21/2023

Three-Year Compliance History by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	QTR 13+
CWA (Source ID: KYR10I132)		04/01-06/30/20	07/01-09/30/20	10/01-12/31/20	01/01-03/31/21	04/01-06/30/21	07/01-09/30/21	10/01-12/31/21	01/01-03/31/22	04/01-06/30/22	07/01-09/30/22	10/01-12/31/22	01/01-03/31/23	04/01-07/21/23
	Facility-Level Status	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit
	Quarterly Noncompliance Report History													

Informal Enforcement Actions Last 5 Years

Statute	System	Source ID	Type of Action	Lead Agency	Date
No data records returned					

Entries in italics are not counted as "informal enforcement actions" in EPA policies pertaining to enforcement response tools.

Formal Enforcement Actions Last 5 Years

Statute	System	Law/Section	Source ID	Type of Action	Case No.	Lead Agency	Case Name	Issued/Filed Date	Settlements/Actions	Settlement/Action Date	Federal Penalty Assessed	State/Local Penalty Assessed	Penalty Amount Collected	SEP Value	Comp Action Cost
No data records returned															

Environmental Conditions

Watersheds

12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Water Body Name (ICIS (Integrated Compliance Information System))	Beach Closures Within Last Year	Beach Closures Within Last Two Years	Pollutants Potentially Related to Impairment	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
No data records returned						

Assessed Waters From Latest State Submission (ATTAINS)

State	Report Cycle	Assessment Unit ID	Assessment Unit Name	Water Condition	Cause Groups Impaired	Drinking Water Use	Aquatic Life	Fish Consumption Use	Recreation Use	Other Use
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No data records returned

Air Quality Nonattainment Areas

Pollutant	Within Nonattainment Status Area?	Nonattainment Status Applicable Standard(s)	Within Maintenance Status Area?	Maintenance Status Applicable Standard(s)
No data records returned				

Pollutants

Toxics Release Inventory History of Reported Chemicals Released in Pounds per Year at Site

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Releases to Land	Total On-Site Releases	Total Off-Site Transfers
No data records returned								

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name
No data records returned

Community

Environmental Justice

This section shows indexes from EJScreen, EPA's screening tool for environmental justice (EJ) concerns. EPA uses these indexes to identify geographic areas that may warrant further consideration or analysis for potential EJ concerns. Use of these indexes does not designate an area as an "EJ community" or "EJ facility." EJScreen provides screening level indicators, not a determination of the existence or absence of EJ concerns. For more information, see the [EJScreen home page](#).

EJScreen Indexes Shown

Compare to US State

Index Type Environmental Justice Supplemental

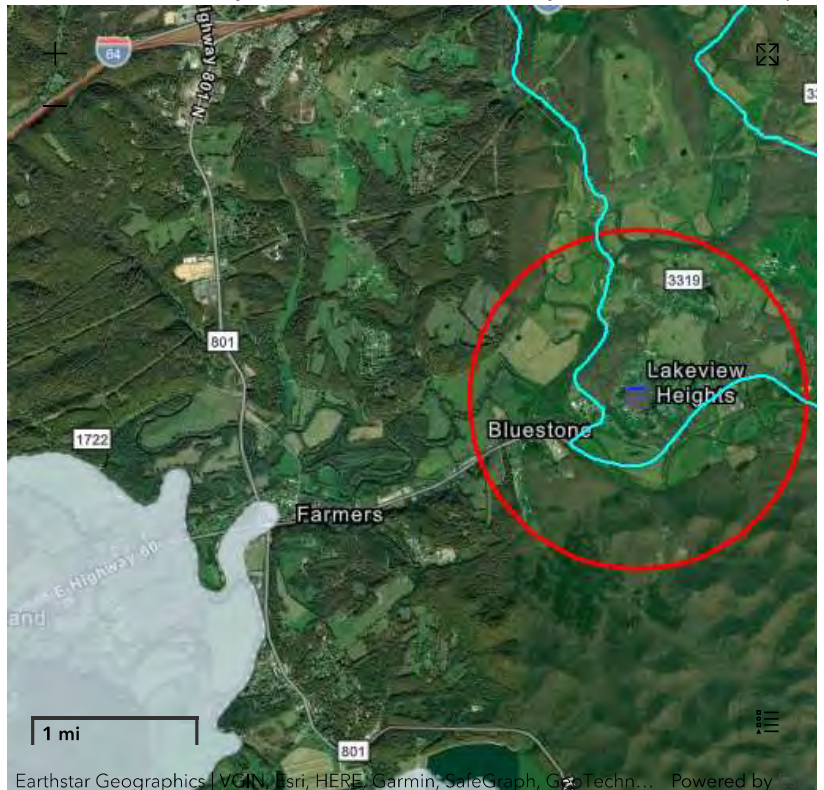
Related Reports

[EJScreen Community Report](#)

Download Data

Census Block Group ID: 212059502012	US (Percentile)	
Supplemental Indexes	Facility Census Block Group	1-mile Max
Count of Indexes At or Above 80th Percentile	0	0
Particulate Matter 2.5	33	43
Ozone	30	41
Diesel Particulate Matter	31	36
Air Toxics Cancer Risk	54	70
Air Toxics Respiratory Hazard Index	35	50
Traffic Proximity	9	19
Lead Paint	39	46
Risk Management Plan (RMP) Facility Proximity	41	67
Hazardous Waste Proximity	33	34
Superfund Proximity	57	67
Underground Storage Tanks (UST)	0	41
Wastewater Discharge	62	74

Facility 1-mile Radius Facility Census Block Group



Demographic Profile of Surrounding Area (1 mile)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 U.S. Census and 2016 - 2020 American Community Survey (ACS) 5-year Summary and are accurate to the extent that the facility latitude and longitude listed below are correct. EPA's spatial processing methodology considers the overlap between the selected radii and the census blocks (for U.S. Census demographics) and census block groups (for ACS demographics) in determining the demographics surrounding the facility. For more detail about this methodology, see the [DFR Data Dictionary](#).

General Statistics (U.S. Census)	
Total Persons	588
Population Density	164/sq.mi.
Housing Units in Area	282

General Statistics (ACS (American Community Survey))	
Total Persons	371
Percent People of Color	5%
Households in Area	152
Households on Public Assistance	0
Persons With Low Income	113
Percent With Low Income	31%

Geography	
Radius of Selected Area	1 mi.
Center Latitude	38.151867
Center Longitude	-83.508857
Land Area	98%
Water Area	2%

Income Breakdown (ACS (American Community Survey)) - Households (%)	
Less than \$15,000	17 (11.18%)
\$15,000 - \$25,000	14 (9.21%)
\$25,000 - \$50,000	38 (25%)
\$50,000 - \$75,000	23 (15.13%)
Greater than \$75,000	60 (39.47%)

Age Breakdown (U.S. Census) - Persons (%)	
Children 5 years and younger	37 (6%)
Minors 17 years and younger	118 (20%)
Adults 18 years and older	470 (80%)
Seniors 65 years and older	82 (14%)

Race Breakdown (U.S. Census) - Persons (%)	
White	570 (97%)
African-American	7 (1%)
Hispanic-Origin	6 (1%)
Asian/Pacific Islander	3 (1%)
American Indian	2 (0%)
Other/Multiracial	6 (1%)

Education Level (Persons 25 & older) (ACS (American Community Survey)) - Persons (%)	
Less than 9th Grade	13 (4.98%)
9th through 12th Grade	6 (2.3%)
High School Diploma	90 (34.48%)
Some College/2-year	43 (16.48%)
B.S./B.A. (Bachelor of Science/Bachelor of Arts) or More	80 (30.65%)

LAST UPDATED ON SEPTEMBER 21, 2022

[DATA REFRESH INFORMATION](#)

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ICIS Detailed Reports

<< Return

This page was created on JUL-26-2023

Results are based on data extracted on JUN-17-2023

Note: You are viewing results from the modernized data system, Integrated Compliance Information System (ICIS). The state reporting this data to EPA previously reported the data to a historic data system, Permit Compliance System (PCS). Use the following button to view the historic data from PCS.

[Run a PCS Search](#)

Facility

FACILITY NAME (1)	WISTERIA ESTATES	NPDES	KYR10I132
STREET 1	422 BLUESTONE RD	SIC CODE	1611 = Highway And Street Construction
CITY	Morehead (Rowan)	MAJOR / MINOR	

COUNTY NAME	Rowan	TYPE OF OWNERSHIP	
STATE	KY	ACTIVITY STATUS	Terminated
ZIP CODE	40351	INACTIVE DATE	
REGION	Region 4	TYPE OF PERMIT ISSUED	General Permit Covered Facility
LATITUDE	38.1519	ORIGINAL PERMIT ISSUE DATE	25-FEB-2014
LONGITUDE	-83.50861	PERMIT ISSUED DATE	25-FEB-2014
LAT/LON CODE OF ACCURACY	50	PERMIT EXPIRED DATE	31-JUL-2014
LAT/LON METHOD	Unknown		
LAT/LON SCALE		USGS HYDRO BASIN CODE	
LAT/LON DATUM		FLOW	
RECEIVING WATERS	Triplett Creek	FEDERAL GRANT IND	
PRETREATMENT CODE		SLUDGE CLASS FAC IND	NON-POTW
MAILING NAME	Wisteria Estates	SLUDGE RELATED PERMIT NUM	
MAILING STREET (1)	422 Bluestone Rd	ANNUAL DRY SLUDGE PROD	
MAILING STREET (2)			
MAILING CITY	Morehead (Rowan)		
MAILING STATE	Kentucky		
MAILING ZIP CODE	40351		
COGNIZANT OFFICIAL		COGNIZANT OFFICIAL TEL	

Activity

FACILITY NAME (1)	WISTERIA ESTATES	NPDES	KYR10I132
--------------------------	------------------	--------------	-----------

ACTIVITY NAME	ACTIVITY TYPE DESCRIPTION	ACTIVITY STATUS DESCRIPTION	ACTIVITY STATUS DATE	ACTUAL BEGIN DATE	ACTUAL END DATE
Wisteria Estates(KYR10I132) Comp Eval (Non-Sampling)	Inspection/Evaluation	Active	25-JAN-2015	07-JAN-2015	07-JAN-2015
	Permit	Active	01-MAR-2014		

Contacts

FACILITY NAME (1)	WISTERIA ESTATES	NPDES	KYR10I132
--------------------------	------------------	--------------	-----------

No Contacts Found.

Permit Tracking

FACILITY NAME (1)	WISTERIA ESTATES	NPDES	KYR10I132
PERMIT ISSUED BY	KY DEP	ORIGINAL DATE OF ISSUE	25-FEB-2014
PERMIT ISSUED DATE	25-FEB-2014	PERMIT EXPIRED DATE	31-JUL-2014
EFFECTIVE DATE	25-FEB-2014	RETIREMENT DATE	

Permit Tracking Events:

EVENT DESCRIPTION	EVENT DATE
Permit Termination	31-MAR-2016
Permit Expiration	31-JUL-2014

Permit Issued	25-FEB-2014
Permit Effective	25-FEB-2014
Application/NOI Received	24-FEB-2014

Inspections

FACILITY NAME (1)	WISTERIA ESTATES	NPDES	KYR10I132
--------------------------	------------------	--------------	-----------

INSPECTION TYPE	DATE OF INSPECTION	INSPECTION PERFORMED BY
Wisteria Estates(KYR10I132) Comp Eval (Non-Sampling)	25-JAN-2015	State

Outfalls/Pipe Schedules

FACILITY NAME (1)	WISTERIA ESTATES	NPDES	KYR10I132
OUTFALL TYPE		PIPE NUMBER	
ACTIVITY STATUS		REPORT DESIGNATOR	
LATITUDE		LONGITUDE	
LAT/LON ACCURACY		LAT/LON METHOD	
LAT/LON SCALE		LAT/LON DATUM	
INACTIVE DATE		USGS HYDRO BASIN CODE	
INIT DMR DUE DATE		SUBMISSION UNITS	
PIPE DESCRIPTION		UNITS IN SUBM. PERIOD	
INIT REPORTING DATE		REPORTING UNITS	
UNITS IN REPORTING PERIOD		DMR COMMENT	

Limits Report

FACILITY NAME (1)	WISTERIA ESTATES	NPDES	KYR10I132
PIPE NUMBER			
PIPE DESCRIPTION		REPORT DESIGNATOR	
DMR COMMENT		LIMIT SET TYPE	

No ICIS Limits Report Found.

Limits Report

FACILITY NAME (1)	WISTERIA ESTATES	NPDES	KYR10I132
--------------------------	------------------	--------------	-----------

No ICIS Limits Information Found.

Measurements and Violations

FACILITY NAME (1)	WISTERIA ESTATES	NPDES	KYR10I132
--------------------------	------------------	--------------	-----------

No ICIS Measurements Information Found.

Compliance Schedules and Violations

FACILITY NAME (1)	WISTERIA ESTATES	NPDES	KYR10I132
--------------------------	------------------	--------------	-----------

No Compliance Schedules Found.

Pretreatment Inspections/Audits

FACILITY NAME (1)	WISTERIA ESTATES	NPDES	KYR10I132
--------------------------	------------------	--------------	-----------

No ICIS Pretreatment Inspections Found.

Pretreatment Performance Summary

FACILITY NAME (1)	WISTERIA ESTATES	NPDES	KYR10I132
--------------------------	------------------	--------------	-----------

No ICIS Pretreatment Performance Summary Information Found.

Note: You are viewing results from the modernized data system, Integrated Compliance Information System (ICIS). The state reporting this data to EPA previously reported the data to a historic data system, Permit Compliance System (PCS). Use the following button to view the historic data from PCS.

[Run a PCS Search](#)

Detailed Facility Report



Detailed Facility Report

Facility Summary

DOLLAR GENERAL

4585 US 60 W, MOREHEAD (ROWAN), KY 40351

FRS (Facility Registry Service) ID: 110071371237

EPA Region: 04

Latitude: 38.153447

Longitude: -83.496575

Locational Data Source: NPDES

Industries: --

Indian Country: N

Enforcement and Compliance Summary

Statute	CWA
Compliance Monitoring Activities (5 years)	--
Date of Last Compliance Monitoring Activity	--
Compliance Status	No Violation Identified
Qtrs in Noncompliance (of 12)	0
Qtrs with Significant Violation	0
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

Regulatory Information

Clean Air Act (CAA): No Information

Clean Water Act (CWA): Minor, Permit Effective (KYR10R039)

Resource Conservation and Recovery Act (RCRA): No Information

Safe Drinking Water Act (SDWA): No Information

Other Regulatory Reports

Air Emissions Inventory (EIS): No Information

Greenhouse Gas Emissions (eGGRT): No Information

Toxic Releases (TRI): No Information

Compliance and Emissions Data Reporting Interface (CEDRI): No Information

[Go To Enforcement/Compliance Details](#)
[Known Data Problems](#)

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110071371237					N	38.153447	-83.496575
ICIS-NPDES	CWA	KYR10R039	Minor: General Permit Covered Facility	Effective	Construction Stormwater	11/30/2024	N	38.153447	-83.496575

Facility Address

System	Statute	Identifier	Facility Name	Facility Address	Facility County
FRS		110071371237	DOLLAR GENERAL	4585 US 60 W, MOREHEAD (ROWAN), KY 40351	
ICIS-NPDES	CWA	KYR10R039	DOLLAR GENERAL	4585 US 60 W, MOREHEAD (ROWAN), KY 40351	Rowan County

Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Description
ICIS-NPDES	KYR10R039	1611	Highway And Street Construction

Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
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No data records returned

Facility Industrial Effluent Guidelines

Identifier	Effluent Guideline (40 CFR Part)	Effluent Guideline Description
KYR10R039	000	No Applicable Effluent Guidelines

Facility Tribe Information

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
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No data records returned

Enforcement and Compliance

Compliance Monitoring History Last 5 Years

Statute	Source ID	System	Activity Type	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
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No data records returned

Entries in italics are not counted as EPA official inspections.

Compliance Summary Data

Statute	Source ID	Current SNC (Significant Noncompliance)/HPV (High Priority Violation)	Current As Of	Qtrs with NC (Noncompliance) (of 12)	Data Last Refreshed
CWA	KYR10R039	No	03/31/2023	0	07/21/2023

Three-Year Compliance History by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	QTR 13+
CWA (Source ID: KYR10R039)		04/01-06/30/20	07/01-09/30/20	10/01-12/31/20	01/01-03/31/21	04/01-06/30/21	07/01-09/30/21	10/01-12/31/21	01/01-03/31/22	04/01-06/30/22	07/01-09/30/22	10/01-12/31/22	01/01-03/31/23	04/01-07/21/23
	Facility-Level Status	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	Undetermined
	Quarterly Noncompliance Report History													

Informal Enforcement Actions Last 5 Years

Statute	System	Source ID	Type of Action	Lead Agency	Date
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No data records returned

Entries in italics are not counted as "informal enforcement actions" in EPA policies pertaining to enforcement response tools.

Formal Enforcement Actions Last 5 Years

Statute	System	Law/Section	Source ID	Type of Action	Case No.	Lead Agency	Case Name	Issued/Filed Date	Settlements/Actions	Settlement/Action Date	Federal Penalty Assessed	State/Local Penalty Assessed	Penalty Amount Collected	SEP Value	Comp Action Cost
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No data records returned

Environmental Conditions

Watersheds

12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Water Body Name (ICIS (Integrated Compliance Information System))	Beach Closures Within Last Year	Beach Closures Within Last Two Years	Pollutants Potentially Related to Impairment	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
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No data records returned

Assessed Waters From Latest State Submission (ATTAINS)

State	Report Cycle	Assessment Unit ID	Assessment Unit Name	Water Condition	Cause Groups Impaired	Drinking Water Use	Aquatic Life	Fish Consumption Use	Recreation Use	Other Use
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No data records returned

Air Quality Nonattainment Areas

Pollutant	Within Nonattainment Status Area?	Nonattainment Status Applicable Standard(s)	Within Maintenance Status Area?	Maintenance Status Applicable Standard(s)
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No data records returned

Pollutants

Toxics Release Inventory History of Reported Chemicals Released in Pounds per Year at Site

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Releases to Land	Total On-Site Releases	Total Off-Site Transfers
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No data records returned

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name

No data records returned

Community

Environmental Justice

This section shows indexes from EJScreen, EPA's screening tool for environmental justice (EJ) concerns. EPA uses these indexes to identify geographic areas that may warrant further consideration or analysis for potential EJ concerns. Use of these indexes does not designate an area as an "EJ community" or "EJ facility." EJScreen provides screening level indicators, not a determination of the existence or absence of EJ concerns. For more information, see the [EJScreen home page](#).

EJScreen Indexes Shown

Compare to US State

Index Type Environmental Justice Supplemental

Related Reports

[EJScreen Community Report](#)

Download Data

Census Block Group ID: 212059503023	US (Percentile)	
	Facility Census Block Group	1-mile Max
Supplemental Indexes		
Count of Indexes At or Above 80th Percentile	0	0
Particulate Matter 2.5	43	43
Ozone	41	41
Diesel Particulate Matter	23	36
Air Toxics Cancer Risk	70	70
Air Toxics Respiratory Hazard Index	50	50
Traffic Proximity	2	19
Lead Paint	46	46
Risk Management Plan (RMP) Facility Proximity	67	67
Hazardous Waste Proximity	34	34
Superfund Proximity	67	67
Underground Storage Tanks (UST)	41	41
Wastewater Discharge	74	74

Facility 1-mile Radius Facility Census Block Group





Demographic Profile of Surrounding Area (1 mile)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 U.S. Census and 2016 - 2020 American Community Survey (ACS) 5-year Summary and are accurate to the extent that the facility latitude and longitude listed below are correct. EPA's spatial processing methodology considers the overlap between the selected radii and the census blocks (for U.S. Census demographics) and census block groups (for ACS demographics) in determining the demographics surrounding the facility. For more detail about this methodology, see the [DFR Data Dictionary](#).

General Statistics (U.S. Census)	
Total Persons	639
Population Density	174/sq.mi.
Housing Units in Area	302

General Statistics (ACS (American Community Survey))	
Total Persons	421
Percent People of Color	3%
Households in Area	186
Households on Public Assistance	0
Persons With Low Income	117
Percent With Low Income	28%

Geography	
Radius of Selected Area	1 mi.
Center Latitude	38.153447
Center Longitude	-83.496575
Land Area	99%
Water Area	1%

Income Breakdown (ACS (American Community Survey)) - Households (%)	
Less than \$15,000	23 (12.37%)
\$15,000 - \$25,000	13 (6.99%)
\$25,000 - \$50,000	49 (26.34%)
\$50,000 - \$75,000	23 (12.37%)
Greater than \$75,000	78 (41.94%)

Age Breakdown (U.S. Census) - Persons (%)	
Children 5 years and younger	40 (6%)
Minors 17 years and younger	128 (20%)
Adults 18 years and older	511 (80%)
Seniors 65 years and older	89 (14%)

Race Breakdown (U.S. Census) - Persons (%)	
White	618 (97%)
African-American	9 (1%)
Hispanic-Origin	7 (1%)
Asian/Pacific Islander	3 (0%)
American Indian	2 (0%)
Other/Multiracial	7 (1%)

Education Level (Persons 25 & older) (ACS (American Community Survey)) - Persons (%)	
Less than 9th Grade	16 (4.95%)
9th through 12th Grade	5 (1.55%)
High School Diploma	114 (35.29%)
Some College/2-year	33 (10.22%)
B.S./B.A. (Bachelor of Science/Bachelor of Arts) or More	105 (32.51%)

LAST UPDATED ON SEPTEMBER 21, 2022

[DATA REFRESH INFORMATION](#)

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ICIS Detailed Reports

[<< Return](#)

This page was created on JUL-26-2023

Results are based on data extracted on JUN-17-2023

Note: You are viewing results from the modernized data system, Integrated Compliance Information System (ICIS). The state reporting this data to EPA previously reported the data to a historic data system, Permit Compliance System (PCS). Use the following button to view the historic data from PCS. [Run a PCS Search](#)

Facility

FACILITY NAME (1)	DOLLAR GENERAL	NPDES	KYR10R039
STREET 1	4585 US 60 W	SIC CODE	1611 = Highway And Street Construction
CITY	Morehead (Rowan)	MAJOR / MINOR	
COUNTY NAME	Rowan	TYPE OF OWNERSHIP	
STATE	KY	ACTIVITY STATUS	Effective
ZIP CODE	40351	INACTIVE DATE	
REGION	Region 4	TYPE OF PERMIT ISSUED	General Permit Covered Facility
LATITUDE	38.153447	ORIGINAL PERMIT ISSUE DATE	04-JAN-2023
LONGITUDE	-83.496575	PERMIT ISSUED DATE	04-JAN-2023
LAT/LON CODE OF ACCURACY		PERMIT EXPIRED DATE	30-NOV-2024
LAT/LON METHOD	Unknown		
LAT/LON SCALE		USGS HYDRO BASIN CODE	
LAT/LON DATUM		FLOW	

RECEIVING WATERS	Triplett Creek	FEDERAL GRANT IND	
PRETREATMENT CODE		SLUDGE CLASS FAC IND	NON-POTW
MAILING NAME	Dollar General	SLUDGE RELATED PERMIT NUM	
MAILING STREET (1)	4585 US 60 W	ANNUAL DRY SLUDGE PROD	
MAILING STREET (2)			
MAILING CITY	Morehead (Rowan)		
MAILING STATE	Kentucky		
MAILING ZIP CODE	40351		
COGNIZANT OFFICIAL		COGNIZANT OFFICIAL TEL	

Activity

FACILITY NAME (1)	DOLLAR GENERAL	NPDES	KYR10R039
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ACTIVITY NAME	ACTIVITY TYPE DESCRIPTION	ACTIVITY STATUS DESCRIPTION	ACTIVITY STATUS DATE	ACTUAL BEGIN DATE	ACTUAL END DATE
	Permit	Active	07-JAN-2023		

Contacts

FACILITY NAME (1)	DOLLAR GENERAL	NPDES	KYR10R039
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No Contacts Found.

Permit Tracking

FACILITY NAME (1)	DOLLAR GENERAL	NPDES	KYR10R039
PERMIT ISSUED BY	KY DEP	ORIGINAL DATE OF ISSUE	04-JAN-2023
PERMIT ISSUED DATE	04-JAN-2023	PERMIT EXPIRED DATE	30-NOV-2024
EFFECTIVE DATE	04-JAN-2023	RETIREMENT DATE	

Permit Tracking Events:

EVENT DESCRIPTION	EVENT DATE
Permit Expiration	30-NOV-2024
Permit Effective	04-JAN-2023
Permit Issued	04-JAN-2023
Application/NOI Complete	29-DEC-2022
Application/NOI Received	29-DEC-2022

Inspections

FACILITY NAME (1)	DOLLAR GENERAL	NPDES	KYR10R039
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No Inspections Found.

Outfalls/Pipe Schedules

FACILITY NAME (1)	DOLLAR GENERAL	NPDES	KYR10R039
OUTFALL TYPE		PIPE NUMBER	
ACTIVITY STATUS		REPORT DESIGNATOR	
LATITUDE		LONGITUDE	
LAT/LON ACCURACY		LAT/LON METHOD	
LAT/LON SCALE		LAT/LON DATUM	
INACTIVE DATE		USGS HYDRO BASIN CODE	
INIT DMR DUE DATE		SUBMISSION UNITS	
PIPE DESCRIPTION		UNITS IN SUBM. PERIOD	
INIT REPORTING DATE		REPORTING UNITS	
UNITS IN REPORTING PERIOD		DMR COMMENT	

Limits Report

FACILITY NAME (1)	DOLLAR GENERAL	NPDES	KYR10R039
PIPE NUMBER			
PIPE DESCRIPTION		REPORT DESIGNATOR	
DMR COMMENT		LIMIT SET TYPE	

No ICIS Limits Report Found.

Limits Report

FACILITY NAME (1)	DOLLAR GENERAL	NPDES	KYR10R039
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No ICIS Limits Information Found.

Measurements and Violations

FACILITY NAME (1)	DOLLAR GENERAL	NPDES	KYR10R039
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No ICIS Measurements Information Found.

Compliance Schedules and Violations

FACILITY NAME (1)	DOLLAR GENERAL	NPDES	KYR10R039
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No Compliance Schedules Found.

Pretreatment Inspections/Audits

FACILITY NAME (1)	DOLLAR GENERAL	NPDES	KYR10R039
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No ICIS Pretreatment Inspections Found.

Pretreatment Performance Summary

FACILITY NAME (1)	DOLLAR GENERAL	NPDES	KYR10R039
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No ICIS Pretreatment Performance Summary Information Found.

Note: You are viewing results from the modernized data system, Integrated Compliance Information System (ICIS). The state reporting this data to EPA previously reported the data to a historic data system, Permit Compliance System (PCS). Use the following button to view the historic data from PCS. [Run a PCS Search](#)

Endangered Species

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

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

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

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

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

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

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

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

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

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

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

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

4. Informal Consultation is required

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

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

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

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

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

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

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

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

- ✓ Mitigation as follows will be implemented:

To address potential Bat habitat loss, Frontier Housing agreed to make a voluntary payment into the Imperiled Bat Conservation Fund of \$6,786.00. The payment was made via check #64986 dated 6/29/2023. In addition, tree clearing must occur during the unoccupied period from August 16 to March 31st. Correspondence with the Kentucky Ecological Services Field Office of the USFWS has been initiated.

No mitigation is necessary.

Screen Summary

Compliance Determination

This project May Affect, but is Not Likely to Adversely Affect, listed species, and informal consultation was conducted. With mitigation, identified in the mitigation section of this review, the project will be in compliance with the Endangered Species Act. A Section 7 Informal Consultation request was submitted by KHC to the USFWS on June 20, 2023. On June 30, 2023, the USFWS responded and concurred with the "May Affect, Not Likely to Adversely Affect" finding. Due to the potential habitat loss for the Northern Long Eared Bat and Indiana Bat, Frontier Housing has agreed to make a voluntary payment into the Imperiled Bat Conservation Fund of \$6,786.00. The payment was made via check #64986 dated 6/29/2023 and submitted to USFWS on 6/30/2023. In addition, tree clearing must occur during the unoccupied period from August 16, 2023 to March 31 2024. Correspondence with the Kentucky Ecological Services Field Office of the USFWS and a copy of check payment was submitted on June 30, 2023 are attached.

Supporting documentation

[USFWS Response Letter 23-0081018_Circle Drive-2023-6-30.pdf](#)
[USFWS Section 7 Consultation Request letter 5 17 2023.pdf](#)
[KHC Request for Concurrence to Fish and Wildlife 6-20-23.pdf](#)
[ESA IBCF payment - 6 29 2023.pdf](#)

Are formal compliance steps or mitigation required?

✓ Yes

No



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kentucky Ecological Services Field Office
330 West Broadway, Suite 265
Frankfort, Kentucky 40601
(502) 695-0468

June 30, 2023

Curtis Stauffer
Kentucky Housing Corporation
1231 Louisville Road
Frankfort, KY 40601

Subject: FWS 2023-0081018; Circle Drive Single-family Housing Development, Rowan County, Kentucky

Dear Mr. Stauffer:

The U.S. Fish and Wildlife Service's (Service) Kentucky Field Office (KFO) has reviewed the information for the subject project received by our office from Frye Environmental on May 18, 2023, and the request for informal consultation from the Kentucky Housing Corporation (KHC) on June 20, 2023. The KHC is considering funding the Circle Drive Single-family Housing Development proposed by Frontier Housing, Inc. with HOME Investment Partnerships funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the KHC has assumed HUD's environmental review responsibilities for the project. The KFO offers the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Project Description

The proposed project involves the construction of three single-family homes on an approximately 1.04-acre site located between 321 and 337 Circle Drive in Lakeview Heights, Kentucky (38.15421°N, -83.50211°W). The project area consists of forested habitat. No waterbodies are present within the project area.

Federally Listed Species

The KHC has determined that the proposed project will have "no effect" on the gray bat (*Myotis grisescens*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*), clubshell (*Pleurobema clava*), fanshell (*Cyprogenia stegaria*), northern riffleshell (*Epioblasma rangiana*), pink mucket (*Lampsilis abrupta*), rabbitsfoot (*Quadrula cylindrica cylindrica*), or rough pigtoe (*Pleurobema plenum*) due to a lack of suitable habitat for these species within the project area. There is no requirement to request concurrence with a "no effect" determination; however, the KFO acknowledges this determination and has no additional comments or concerns regarding

these species. The KHC also determined that the proposed project has the potential to affect the northern long-eared bat (*Myotis septentrionalis*) and Indiana bat (*Myotis sodalis*).

Northern Long-eared Bat

The KHC reached a determination of “may affect, not likely to adversely affect” for the northern long-eared bat utilizing the Service’s Northern Long-eared Bat Rangewide Determination Key on the Information for Planning and Consultation website. We acknowledge this determination and have no additional comments or concerns regarding this species.

Indiana Bat

Based on information provided by Frye Environmental, no caves, mines, rock shelters, or other potential hibernacula or non-forested roosting habitat for the Indiana bat are present within the project area. The forested habitat in the project area was identified as suitable summer roosting, foraging, and commuting habitat for this species, and the proposed project will require the removal of 1.04 acres of this habitat. Based on impacts to suitable roosting, foraging, and commuting habitat within the project area, we concur with your determination that the proposed action “may affect, is likely to adversely affect” the Indiana bat.

The applicant has chosen to make a voluntary payment to the Imperiled Bat Conservation Fund (IBCF) as part of the proposed action to address Indiana bat habitat loss. A voluntary payment to the IBCF is a conservation measure that is identified in the KFO’s 2016 *Revised Conservation Strategy for Forest-Dwelling Bats* (Conservation Strategy). The proposed project is located within Known Summer 1 habitat for the Indiana bat, and the applicant proposes to remove habitat during the unoccupied period (August 16 to March 31). Based on the Conservation Strategy, the voluntary payment to the IBCF should be \$6,786.00¹.

We have determined that the proposed action is consistent with the actions evaluated in the 2015 Biological Opinion: *Kentucky Field Office’s Participation in Conservation Memoranda of Agreement for the Indiana Bat and/or Northern Long-eared Bat* (BO) that supports the Conservation Strategy. Any incidental take of Indiana bats resulting from forested habitat removal is not prohibited. The BO concludes that this incidental take is not likely to jeopardize the continued existence of the Indiana bat. To complete this proposed conservation measure, the applicant should mail the voluntary payment to the IBCF administered by Kentucky Natural Lands Trust. **The check or money order should be made payable to Kentucky Natural Lands Trust with “Imperiled Bat Conservation Fund” in the memo line.** At this time, payments can only be received via U.S. Postal Service delivery due to office closures in response to COVID-19. Payments can be sent by Priority Mail through the U.S. Postal Service for quicker delivery, but do not request a signature.

¹ The calculated amount is based on the current average value of farm real estate in Kentucky as reported by the U.S. Department of Agriculture in the Land Values and Cash Rents document (\$4,350). This figure is updated annually around the first week in August. If payment is not made prior to August 31, 2023, please contact the KFO to confirm the current cost value.

Mail to:
Imperiled Bat Conservation Fund
c/o Kentucky Natural Lands Trust
433 Chestnut Street
Berea, KY 40403

The voluntary payment should include a cover letter with the following information: the applicant's name, the FWS project number referenced in the subject line of this letter, and a contact name and address to receive the receipt of payment.

Summary

The KFO acknowledges the “may effect, not likely to adversely affect” determination for the northern long-eared bat reached through the Rangewide Determination Key. The KFO also concurs that the proposed action “may affect, is likely to adversely affect” the Indiana bat and that the project is consistent with the IBCF process. In view of these findings, we believe that the Section 7 requirements of the Endangered Species Act for this project are fulfilled. The KHC should reconsider their Section 7 obligation, if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated.

We appreciate the opportunity to review the proposed project. If you have any questions, please contact Seth Bishop of my staff at seth_bishop@fws.gov.

Sincerely,

for Virgil Lee Andrews, Jr.
Field Supervisor

Antwoine Linton

From: Sandra Frye
Sent: Wednesday, May 17, 2023 11:04 AM
To: 'Virgil Lee Andrews Jr.'
Cc: DeGarmo, Phil; Stephanie Cooley
Subject: Section 7 Consultation Request - Circle Drive, Lakeside Heights, KY
Attachments: USFWS Section 7 Consultation Request letter 5 17 2023 - Circle Drive.pdf; IPaC - Species List_ Kentucky Ecological Services Field Office - Circle Drive.pdf

Hello KY USFWS staff,

Attached please find the subject Section 7 Consultation request for a single family new construction project on Circle Drive in Lakeview Heights, KY. The project will be receiving federal funding through the U.S. Department of Housing and Urban Development.

I looked on the KY USFWS Office website and did not see any additional information on the status of the 4(d) Rule for the NLEB so am assuming nothing has changed. However, if so, please let me know where I can find that information and what we would need to do to revise this request.

Phil – I copied you as I am not sure I am submitting this to the correct email address. If this is not the correct address to submit a Section 7 Consultation request, please let me know.

Thank you!

Sandra Frye

President

Frye Environmental

Email: sandra@frye-environmental.com

Phone number: 404-313-7139

Website: www.frye-environmental.com



May 17, 2023

Mr. Virgil Lee Andrews, Jr.
U.S. Fish and Wildlife Service Kentucky Field Office
J.C. Watts Federal Building
330 West Broadway Room 265
Frankfort, KY 40601

Subject: Section 7 Consultation Request – IPaC Project Code: 2023-0081018
Circle Drive Single-family Housing Development, Lakeview Heights, KY

Dear Mr. Andrews:

On behalf of Frontier Housing, Inc. (non-profit affordable housing developer), I am currently working on the National Environmental Policy Act (NEPA) Environmental Assessment (EA) for the subject project as it is anticipating receiving federal assistance from the U.S. Department of Housing and Urban Development (HUD). As a result, compliance with Section 7 under the Endangered Species Act (ESA) is required for this project.

Based on the IPaC Report completed on May 11, 2023, for the subject project (see enclosed), there are four (4) endangered or threatened mammal species (Gray Bat, Indiana Bat, Northern Long-eared Bat, and the Virginia Big-eared Bat) and 6 clam species. The proposed single-family housing development includes the construction of three single-family homes on an approximately 1.04-acre site (see map below). The Action Area has not yet been cleared and it appears there may be suitable habitat for the Indiana Bat and Northern Long-eared Bat (NLEB) on the site. To determine potential effects on these species, the available Determination Keys were used for the Gray Bat, Indiana Bat and the Northern Long-eared Bat. A No Effect determination was made for the Gray Bat and the Virginia Big-Eared Bat as there is no suitable habitat present on the site (i.e. caves, mines or rock shelters). A No Effect was also made for the six Clam species as there are no streams or aquatic environments on or near the site that would be affected by this project.

Utilization of the Biological Opinion on the Final 4(d) Rule is proposed to address direct, indirect, and cumulative effects to the NLEB. The project will not remove a NLEB known occupied maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31 and will not remove any trees within .25 miles of a NLEB hibernaculum. However,

as there could be potential suitable habitat for the Indiana Bat on the project site and some trees will have to be cleared during the time period from August 16, 2023 to March 31, 2024, the developer of the project, Frontier Housing, proposes a contribution of \$4,160 to the Imperiled Bat Conservation Fund (IBCF) to mitigate impacts to the Indiana Bat assuming all clearing will take place between August 16, 2023, and March 31, 2024 and using the Summer 2 – Indiana Bat non-maternity summer habitat multiplier (1.0). Therefore, we respectfully request your concurrence with the findings outlined in this letter, associated IPaC submission, and approval of a \$4,160 payment into the IBCF to mitigate impacts to the Indiana Bat. We also request your concurrence that once the payment has been made, the requirements of Section 7 consultation will have been met for this project.

Habitat Type	Timeframe	Acres of Habitat Impact	Price per acre	Multiplier	Payment
Potential	August 16, 2023, to March 31, 2024	1.04	\$4,000	1.0	\$4,160

While informal Section 7 Consultation is not required for eight (8) of the endangered or threatened species identified in the IPaC report, I am submitting this Informal Consultation Request for all of the listed species to ensure Section 7 compliance is achieved for all listed species in the project’s area of impact.

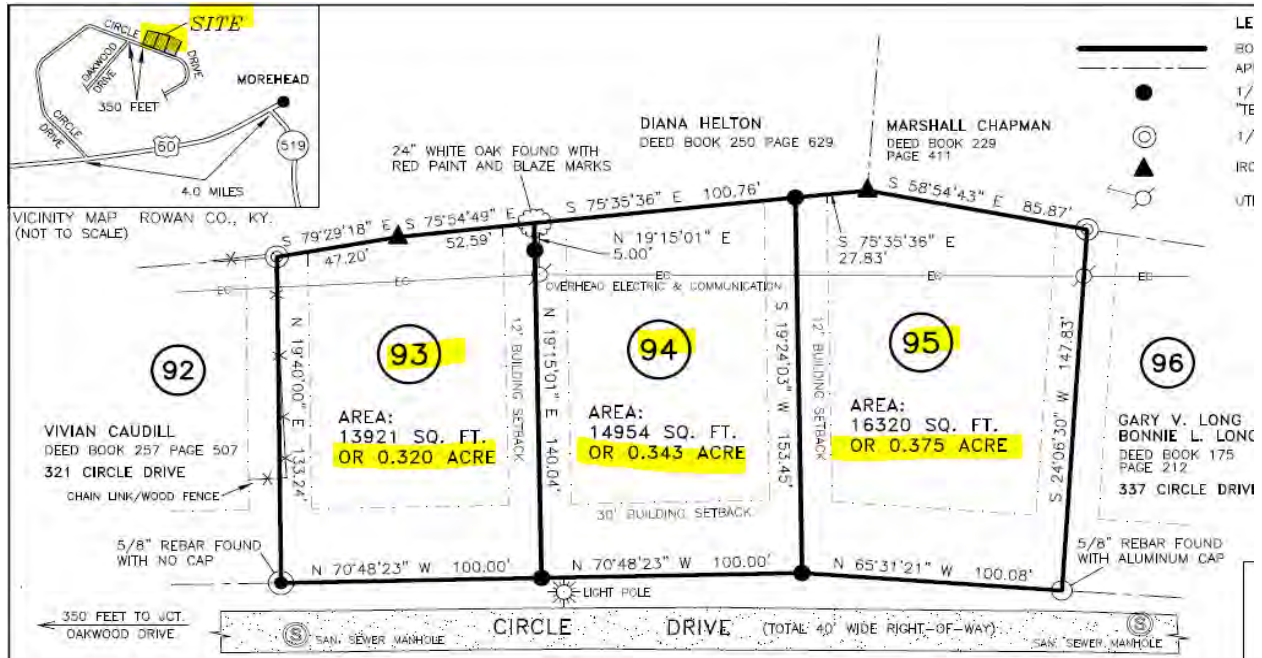
Thank you for your assistance in the Section 7 Consultation review of this project. If you have any questions or need additional information, please feel to contact me directly via email at sandra@frye-environmental.com or by telephone at (404)-313-7139.

Best regards,

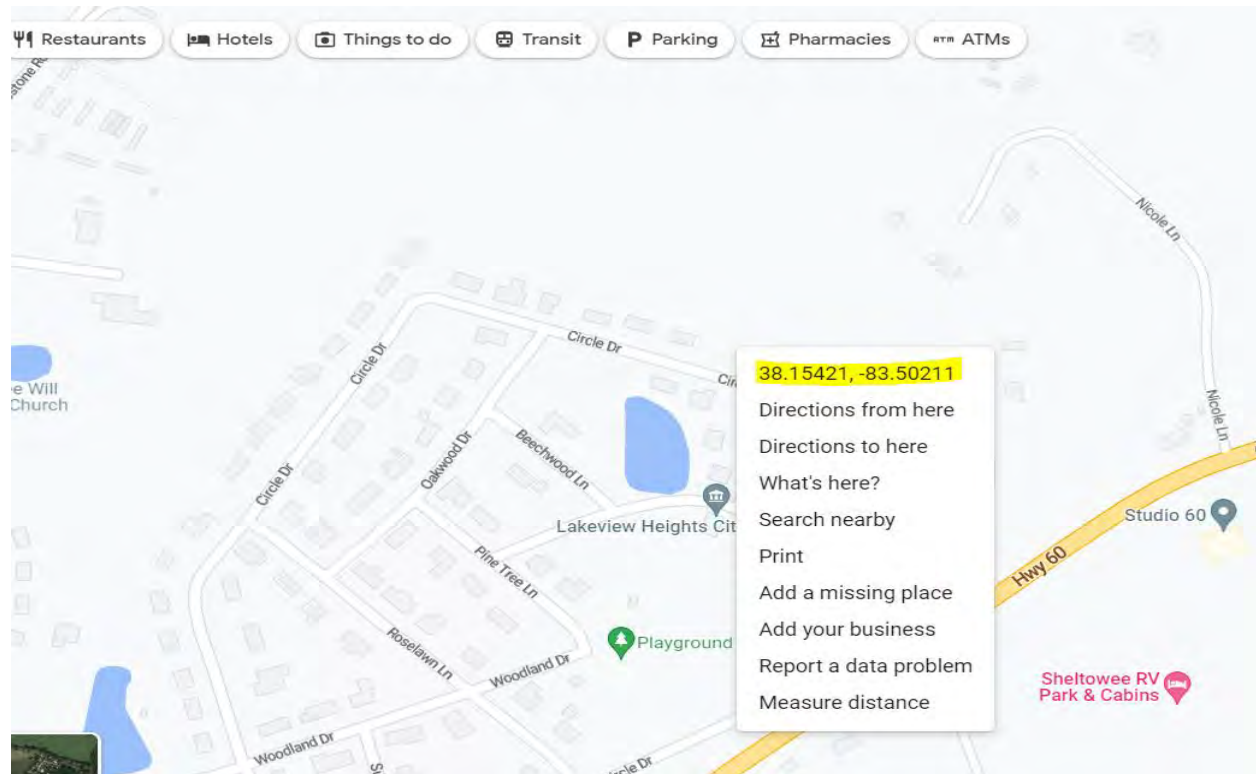
Sandra L Frye

Sandra Frye, President

Action Area and Site boundary – Circle Drive, Lakeview Heights, KY



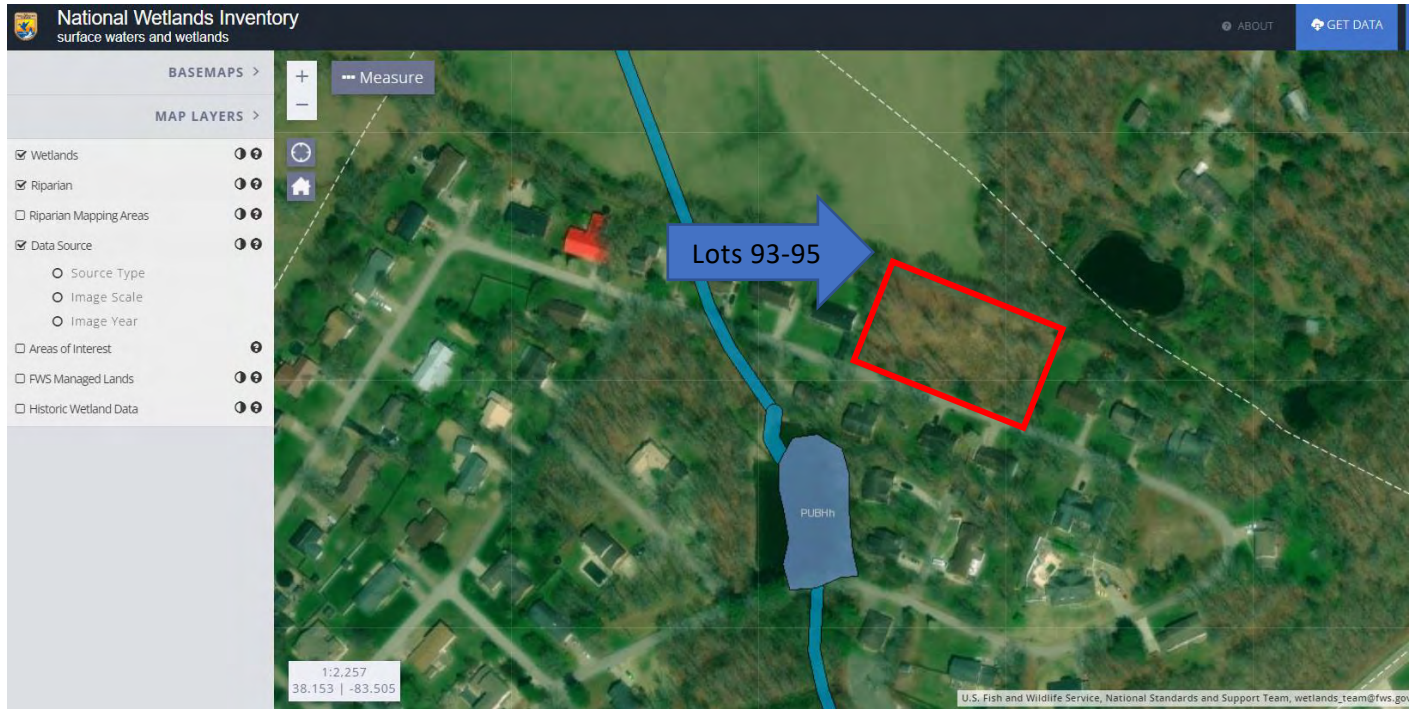
Latitude and longitude:



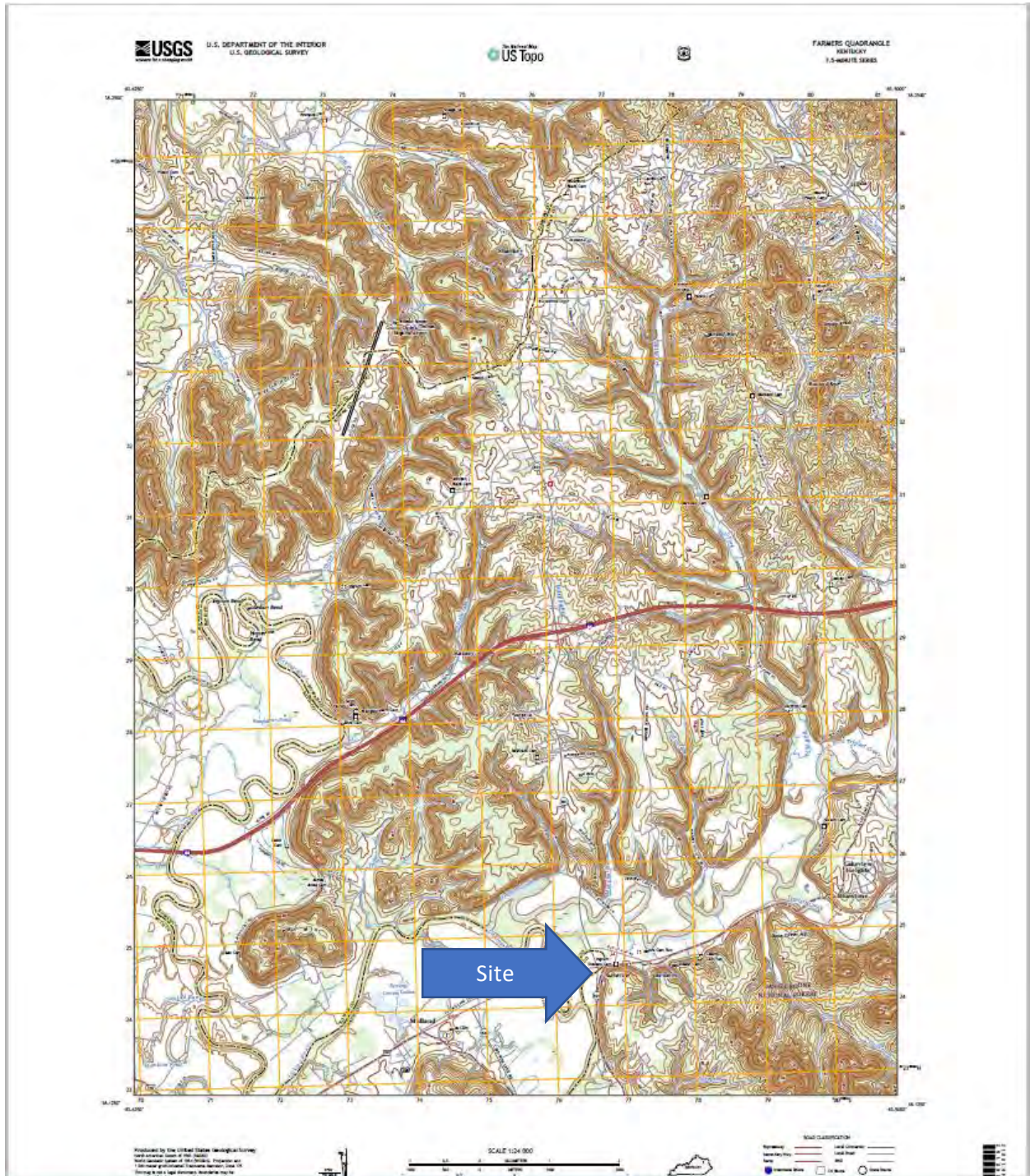
Google Earth aerial view of the property with site boundary in red.

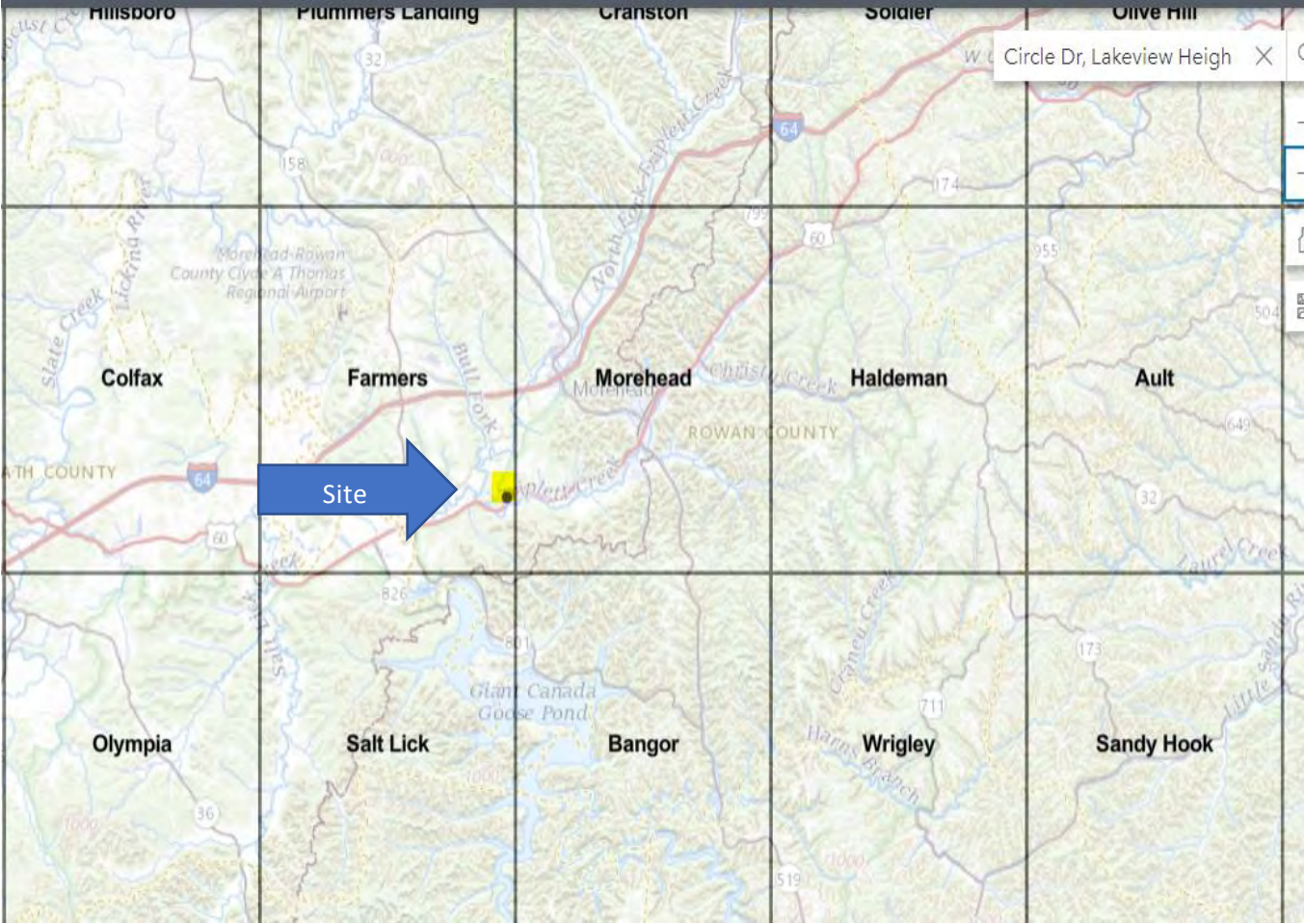


NWI Map showing there are no streams on or adjacent to the site.



U.S. Quadrangle Map showing location of site on the Farmers Quadrangle Map. The Bangor KY Topographic Quadrangle containing known NLEB roost trees and/or hibernaculum is more than 4 miles to the south of the proposed project.







United States Department of the Interior



FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0468 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov

In Reply Refer To:
Project Code: 2023-0081018
Project Name: Circle Drive

May 11, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the

human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Kentucky Ecological Services Field Office

J C Watts Federal Building, Room 265

330 West Broadway

Frankfort, KY 40601-8670

(502) 695-0468

PROJECT SUMMARY

Project Code: 2023-0081018

Project Name: Circle Drive

Project Type: New Constr - Above Ground

Project Description: New Construction of 3 single family homes on vacant lots. Lots contain some trees, grass and vegetation.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.1536809,-83.50126438688291,14z>



Counties: Rowan County, Kentucky

ENDANGERED SPECIES ACT SPECIES

There is a total of 11 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 7 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.
-

MAMMALS

NAME	STATUS
<p>Gray Bat <i>Myotis grisescens</i></p> <p>No critical habitat has been designated for this species. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The project area includes potential gray bat habitat. <p>Species profile: https://ecos.fws.gov/ecp/species/6329 General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/6422.pdf</p>	Endangered
<p>Indiana Bat <i>Myotis sodalis</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The project area includes known 'summer 1 (outer-tier)' habitat. <p>Species profile: https://ecos.fws.gov/ecp/species/5949 General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/6422.pdf</p>	Endangered
<p>Northern Long-eared Bat <i>Myotis septentrionalis</i></p> <p>No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/6422.pdf</p>	Endangered
<p>Virginia Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii virginianus</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8369 General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/6422.pdf</p>	Endangered

CLAMS

NAME	STATUS
<p>Clubshell <i>Pleurobema clava</i></p> <p>Population: Wherever found; Except where listed as Experimental Populations</p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The species may be affected by projects that significantly impact the Licking River and/or its tributary, the South Fork Licking River. <p>Species profile: https://ecos.fws.gov/ecp/species/3789</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/5639.pdf</p>	Endangered
<p>Fanshell <i>Cyprogenia stegaria</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The species may be affected by projects that significantly impact the Licking River and/or its tributary, the South Fork Licking River. <p>Species profile: https://ecos.fws.gov/ecp/species/4822</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/5639.pdf</p>	Endangered
<p>Northern Riffleshell <i>Epioblasma rangiana</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The species may be affected by projects that significantly impact, directly or indirectly, the following rivers: Green, Licking, or Ohio. <p>Species profile: https://ecos.fws.gov/ecp/species/527</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/5639.pdf</p>	Endangered
<p>Pink Mucket (pearlymussel) <i>Lampsilis abrupta</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/7829</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/5639.pdf</p>	Endangered
<p>Rabbitsfoot <i>Quadrula cylindrica cylindrica</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The species may be affected by projects that significantly impact the Licking River and/or its tributary, the South Fork Licking River. <p>Species profile: https://ecos.fws.gov/ecp/species/5165</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/5639.pdf</p>	Threatened
<p>Rough Pigtoe <i>Pleurobema plenum</i></p> <p>No critical habitat has been designated for this species.</p>	Endangered

NAME	STATUS
<p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The species may be affected by projects that significantly impact the Licking River and/or its tributary, the South Fork Licking River. <p>Species profile: https://ecos.fws.gov/ecp/species/6894</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/5639.pdf</p>	

INSECTS

NAME	STATUS
<p>Monarch Butterfly <i>Danaus plexippus</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/9743</p>	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Frye Environmental
Name: Sandra Frye
Address: 26 Placer Drive
City: Dahlonega
State: GA
Zip: 30533
Email: sandra@frye-environmental.com
Phone: 4043137139

Antwoine Linton

From: Curtis Stauffer
Sent: Tuesday, June 20, 2023 2:55 PM
To: 'Bishop, Seth R'
Cc: sandra@frye-environmental.com; Jessica Shelton; Keli Reynolds; Antwoine Linton; Betty Carroll; Stephanie Cooley
Subject: RE: FWS 2023-0081018; Circle Drive Single-family Housing Development, Rowan County, Kentucky
Attachments: Frye USFWS Section 7 Consultation Request_Circle Dr_2023-5-17.pdf; IPaC - Species List_Kentucky Ecological Services Field Office - Circle Drive.pdf; USFWS Response_23-0081018_Circle Drive_2023-6-12.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Seth-

In response to your email dated June 16, 2023 to Sandra Frye, President of Frye Environmental, Kentucky Housing Corporation (KHC) submits the following consultation request via email.

KHC is considering funding the project listed in the subject line with HOME Investment Partnerships (HOME) funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, KHC has assumed HUD's environmental review responsibilities for the project, including endangered species consultation related to single-family new construction development. The proposed single-family housing development project includes the construction of three single-family homes by Frontier Housing, Inc. on an approximately 1.04-acre lot in Rowan County, Kentucky (geographic coordinates: 38.15421, -83.50211).

KHC acknowledges that Frye Environmental, working on behalf of Frontier Housing, submitted an informal consultation request letter (attached) with supporting documentation to the US Fish and Wildlife Service (USFWS) Kentucky Field Office dated May 17, 2023 which resulted in a response letter from USFWS dated June 12, 2023 (attached) KHC concurs with Frye Environmental's analysis and we wish to use the project information, effects analysis, effects determinations, and supporting documentation included in Frye Environmental's submittal to support our consultation request for this project.

Based on the IPaC Report completed on May 11, 2023, for the subject project, there are four (4) endangered or threatened mammal species (Gray Bat, Indiana Bat, Northern Long-eared Bat, and the Virginia Big-eared Bat) and 6 clam species. To determine potential effects on these species, the available Determination Keys were used for the Gray Bat, Indiana Bat and the Northern Long-eared Bat.

KHC is requesting concurrence from the US Fish and Wildlife Service that the proposed single family development:

- 1) will have no effect on the gray bat (*Myotis grisescens*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*), clubshell (*Pleurobema clava*), fanshell (*Cyprogenia stegaria*), northern riffleshell (*Epioblasma rangiana*), pink mucket (*Lampsilis abrupta*), rabbitsfoot (*Quadrula cylindrica cylindrica*), or rough pigtoe (*Pleurobema plenum*) due to a lack of suitable habitat for these species within the project area;
- 2) may affect, but not likely to adversely affect the northern long-eared bat (*Myotis septentrionalis*) as determined by the USFWS Northern Long-eared Bat Rangewide Determination Key on the IPaC website because the project will not remove a northern long-eared bat known occupied maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31 and will not remove any trees within 0.25 miles of a NLEB hibernaculum; and
- 3) may affect, and is likely to adversely affect the Indiana bat (*Myotis sodalist*) based on impacts to suitable roosting, foraging, and commuting habitat within the project area.

As a result of the "may affect, likely to adversely affect" determination for the Indiana bat, KHC requests that Frontier Housing be permitted to make a voluntary contribution in the amount of \$6,786 to the Imperiled Bat Conservation Fund (IBCF) to mitigate the impacts to the Indiana Bat assuming all clearing will take place between August 16, 2023, and March 31, 2024.

Thank you for your time and assistance. Please let me know if you have any questions or require additional information.

Sincerely,

Curtis Stauffer

Curtis A. Stauffer, MA, PMP, HDFP
Managing Director,
Housing Contract Administration
Pronouns: he/him/his
Kentucky Housing Corporation
1231 Louisville Rd.
Frankfort, KY 40601
502-874-5329 (direct)
800-633-8896 x. 115 (KY only)
TTY 711
cstauffer@kyhousing.org
www.kyhousing.org

For all your technical assistance needs regarding any Housing Contract Administration program, please visit our [HCA Partner Agency Portal](#).



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KHC's blog: www.StrategicHousing.com

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May 17, 2023

Mr. Virgil Lee Andrews, Jr.
U.S. Fish and Wildlife Service Kentucky Field Office
J.C. Watts Federal Building
330 West Broadway Room 265
Frankfort, KY 40601

Subject: Section 7 Consultation Request – IPaC Project Code: 2023-0081018
Circle Drive Single-family Housing Development, Lakeview Heights, KY

Dear Mr. Andrews:

On behalf of Frontier Housing, Inc. (non-profit affordable housing developer), I am currently working on the National Environmental Policy Act (NEPA) Environmental Assessment (EA) for the subject project as it is anticipating receiving federal assistance from the U.S. Department of Housing and Urban Development (HUD). As a result, compliance with Section 7 under the Endangered Species Act (ESA) is required for this project.

Based on the IPaC Report completed on May 11, 2023, for the subject project (see enclosed), there are four (4) endangered or threatened mammal species (Gray Bat, Indiana Bat, Northern Long-eared Bat, and the Virginia Big-eared Bat) and 6 clam species. The proposed single-family housing development includes the construction of three single-family homes on an approximately 1.04-acre site (see map below). The Action Area has not yet been cleared and it appears there may be suitable habitat for the Indiana Bat and Northern Long-eared Bat (NLEB) on the site. To determine potential effects on these species, the available Determination Keys were used for the Gray Bat, Indiana Bat and the Northern Long-eared Bat. A No Effect determination was made for the Gray Bat and the Virginia Big-Eared Bat as there is no suitable habitat present on the site (i.e. caves, mines or rock shelters). A No Effect was also made for the six Clam species as there are no streams or aquatic environments on or near the site that would be affected by this project.

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Habitat Type	Timeframe	Acres of Habitat Impact	Price per acre	Multiplier	Payment
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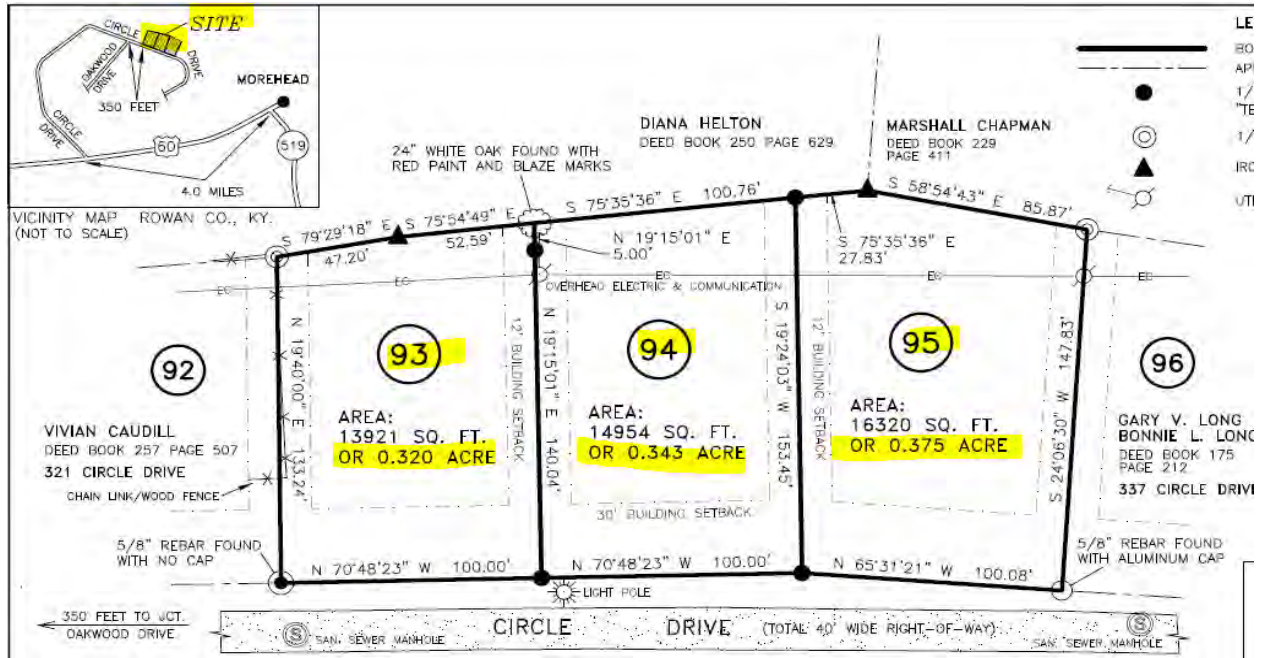
Thank you for your assistance in the Section 7 Consultation review of this project. If you have any questions or need additional information, please feel to contact me directly via email at sandra@frye-environmental.com or by telephone at (404)-313-7139.

Best regards,

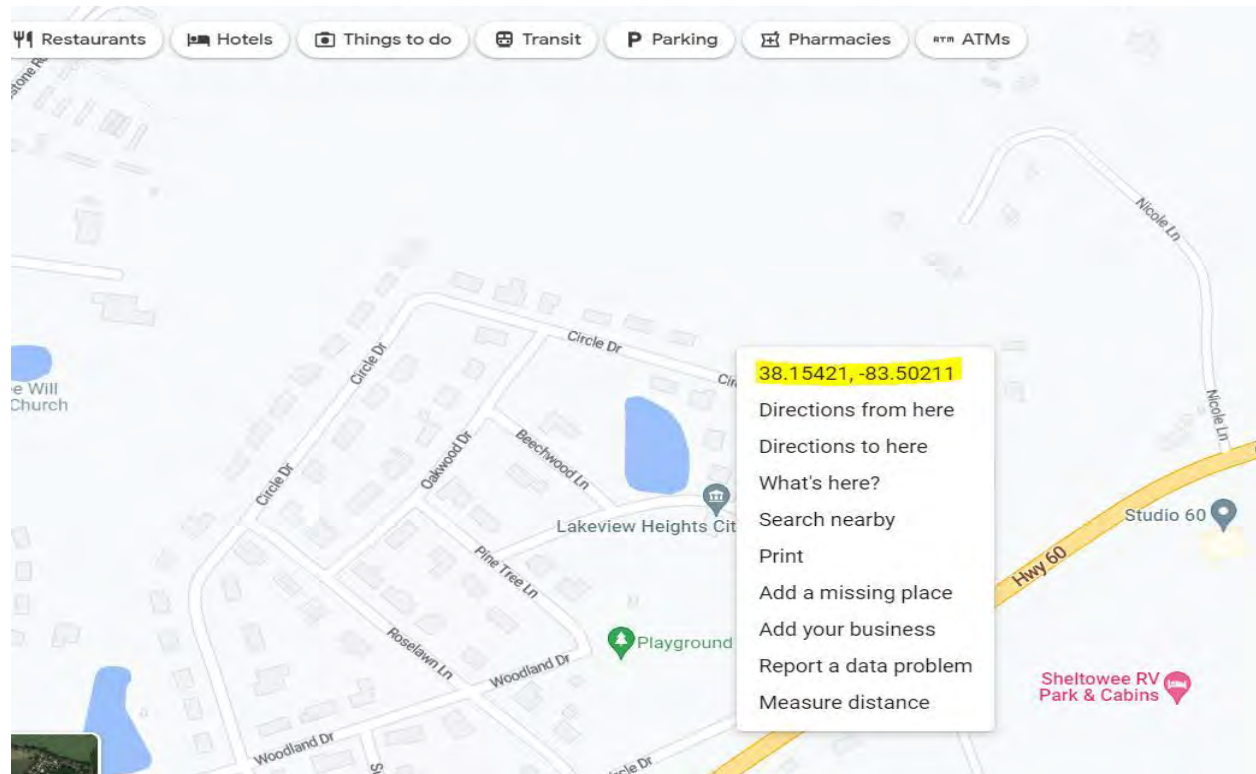


Sandra Frye, President

Action Area and Site boundary – Circle Drive, Lakeview Heights, KY



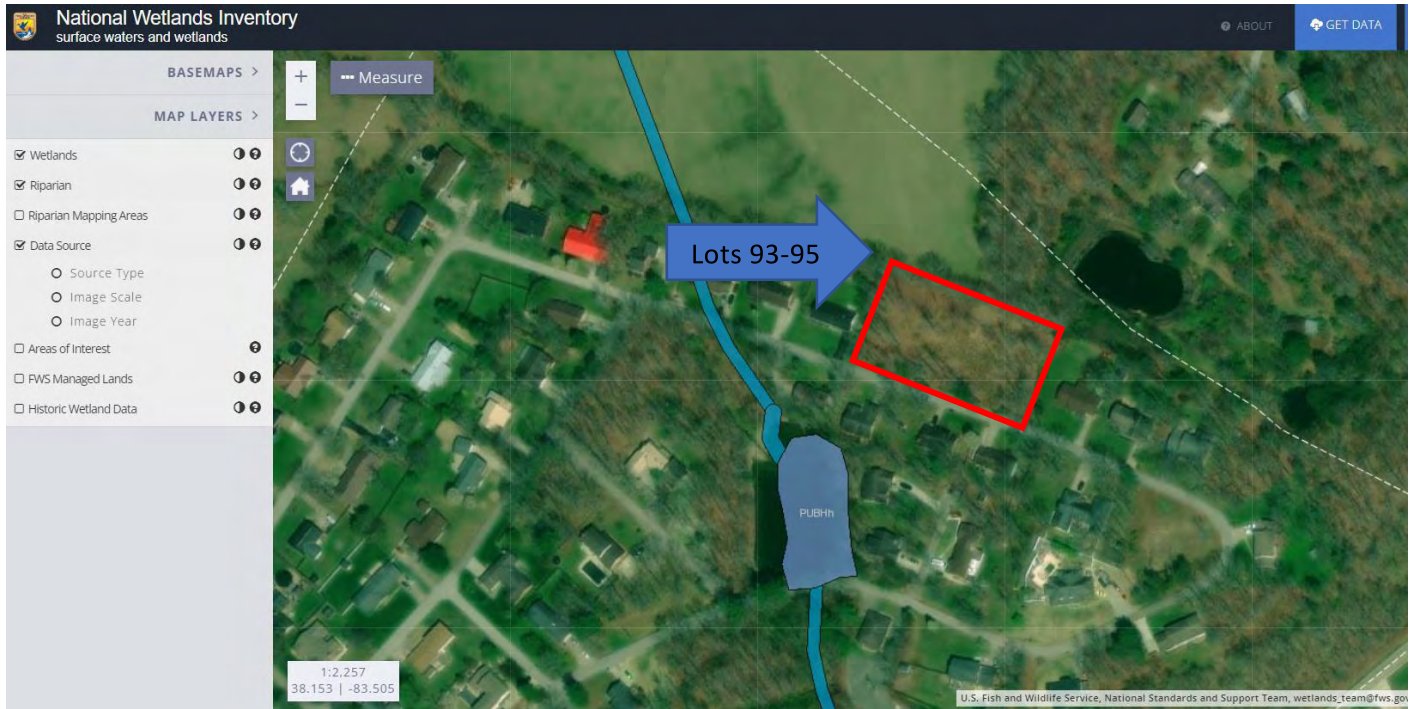
Latitude and longitude:



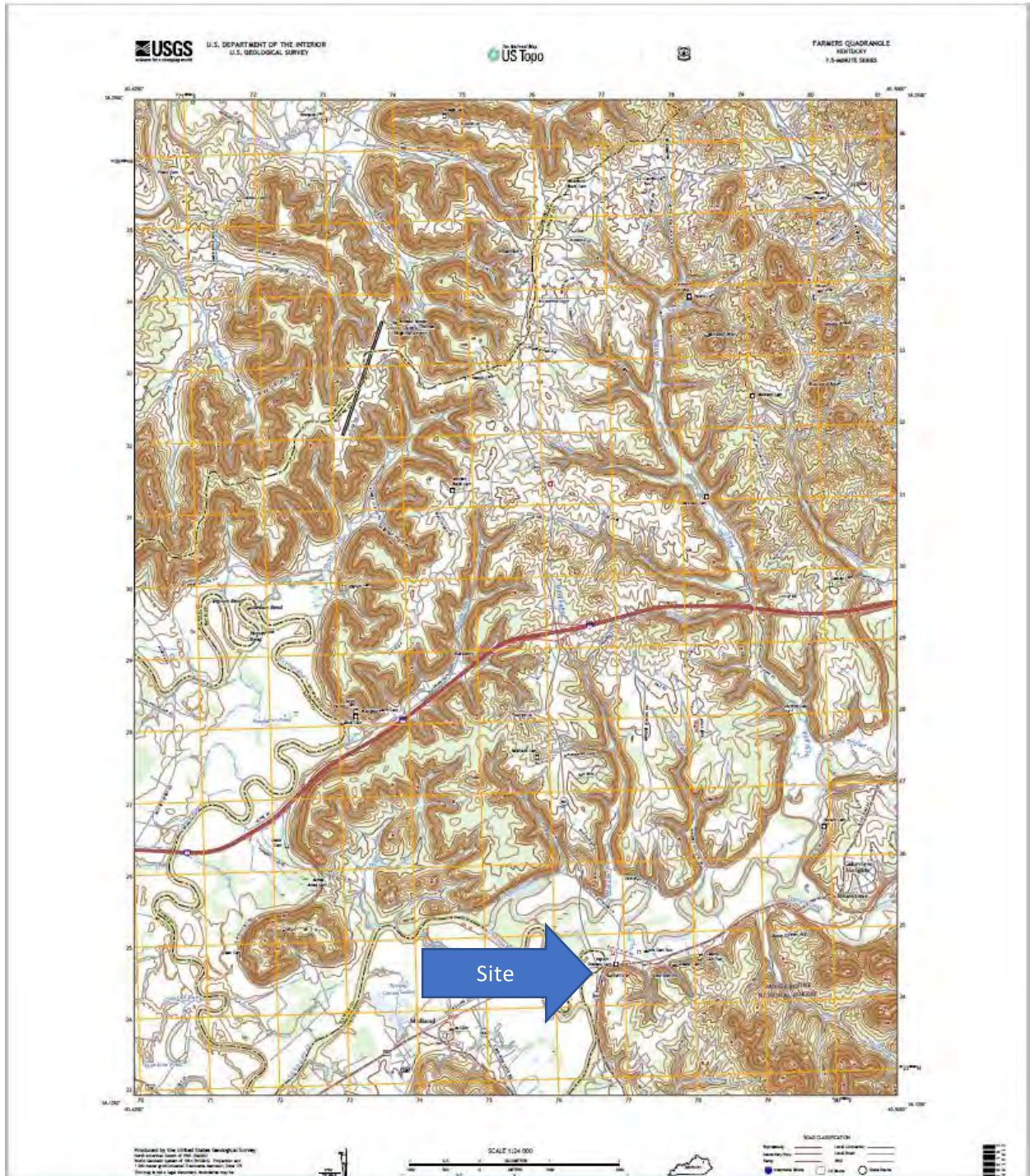
Google Earth aerial view of the property with site boundary in red.

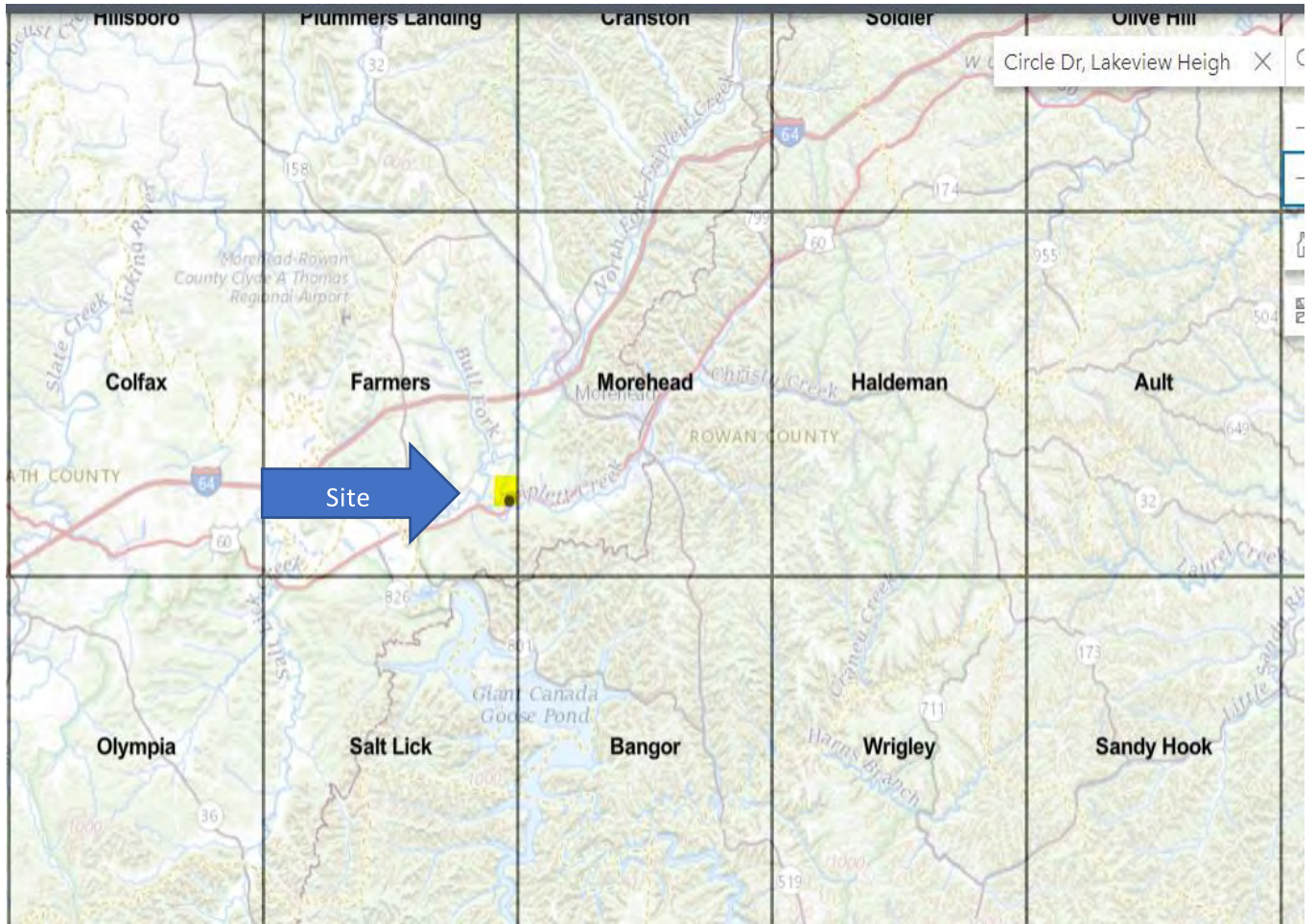


NWI Map showing there are no streams on or adjacent to the site.



U.S. Quadrangle Map showing location of site on the Farmers Quadrangle Map. The Bangor KY Topographic Quadrangle containing known NLEB roost trees and/or hibernaculum is more than 4 miles to the south of the proposed project.







United States Department of the Interior



FISH AND WILDLIFE SERVICE
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Frankfort, KY 40601-8670
Phone: (502) 695-0468 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov

In Reply Refer To:
Project Code: 2023-0081018
Project Name: Circle Drive

May 11, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the

human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Kentucky Ecological Services Field Office

J C Watts Federal Building, Room 265

330 West Broadway

Frankfort, KY 40601-8670

(502) 695-0468

PROJECT SUMMARY

Project Code: 2023-0081018

Project Name: Circle Drive

Project Type: New Constr - Above Ground

Project Description: New Construction of 3 single family homes on vacant lots. Lots contain some trees, grass and vegetation.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.1536809,-83.50126438688291,14z>



Counties: Rowan County, Kentucky

ENDANGERED SPECIES ACT SPECIES

There is a total of 11 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 7 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.
-

MAMMALS

NAME	STATUS
<p>Gray Bat <i>Myotis grisescens</i></p> <p>No critical habitat has been designated for this species. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The project area includes potential gray bat habitat. <p>Species profile: https://ecos.fws.gov/ecp/species/6329 General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/6422.pdf</p>	Endangered
<p>Indiana Bat <i>Myotis sodalis</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The project area includes known 'summer 1 (outer-tier)' habitat. <p>Species profile: https://ecos.fws.gov/ecp/species/5949 General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/6422.pdf</p>	Endangered
<p>Northern Long-eared Bat <i>Myotis septentrionalis</i></p> <p>No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/6422.pdf</p>	Endangered
<p>Virginia Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii virginianus</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8369 General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/6422.pdf</p>	Endangered

CLAMS

NAME	STATUS
<p>Clubshell <i>Pleurobema clava</i></p> <p>Population: Wherever found; Except where listed as Experimental Populations</p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The species may be affected by projects that significantly impact the Licking River and/or its tributary, the South Fork Licking River. <p>Species profile: https://ecos.fws.gov/ecp/species/3789</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/5639.pdf</p>	Endangered
<p>Fanshell <i>Cyprogenia stegaria</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The species may be affected by projects that significantly impact the Licking River and/or its tributary, the South Fork Licking River. <p>Species profile: https://ecos.fws.gov/ecp/species/4822</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/5639.pdf</p>	Endangered
<p>Northern Riffleshell <i>Epioblasma rangiana</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The species may be affected by projects that significantly impact, directly or indirectly, the following rivers: Green, Licking, or Ohio. <p>Species profile: https://ecos.fws.gov/ecp/species/527</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/5639.pdf</p>	Endangered
<p>Pink Mucket (pearlymussel) <i>Lampsilis abrupta</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/7829</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/5639.pdf</p>	Endangered
<p>Rabbitsfoot <i>Quadrula cylindrica cylindrica</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The species may be affected by projects that significantly impact the Licking River and/or its tributary, the South Fork Licking River. <p>Species profile: https://ecos.fws.gov/ecp/species/5165</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/5639.pdf</p>	Threatened
<p>Rough Pigtoe <i>Pleurobema plenum</i></p> <p>No critical habitat has been designated for this species.</p>	Endangered

NAME	STATUS
<p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The species may be affected by projects that significantly impact the Licking River and/or its tributary, the South Fork Licking River. <p>Species profile: https://ecos.fws.gov/ecp/species/6894</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/EMFFWX6UBNE6HP56WCHUA5HBWY/documents/generated/5639.pdf</p>	

INSECTS

NAME	STATUS
<p>Monarch Butterfly <i>Danaus plexippus</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/9743</p>	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Frye Environmental

Name: Sandra Frye

Address: 26 Placer Drive

City: Dahlonega

State: GA

Zip: 30533

Email: sandra@frye-environmental.com

Phone: 4043137139



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kentucky Ecological Services Field Office
330 West Broadway, Suite 265
Frankfort, Kentucky 40601
(502) 695-0468

June 12, 2023

Ms. Sandra Frye
Frye Environmental
26 Placer Drive
Dahlonega, GA 30533

Subject: FWS 2023-0081018; Circle Drive Single-family Housing Development, Rowan County, Kentucky

Dear Ms. Frye:

The U.S. Fish and Wildlife Service's (Service) Kentucky Field Office (KFO) has reviewed the information for the subject project received by our office on May 18, 2023. Frontier Housing, Inc. is proposing to construct single-family housing in Rowan County, Kentucky. The KFO offers the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Project Description

The proposed project involves the construction of three single-family homes on an approximately 1.04-acre site located between 321 and 337 Circle Drive in Lakeview Heights, Kentucky. Frontier Housing, Inc. is anticipating receiving federal assistance for the project from the U.S. Department of Housing and Urban Development. The project area consists of forested habitat. No waterbodies are present within the project area.

Federally Listed Species

On behalf of Frontier Housing, Inc., Frye Environmental has determined that the proposed project will have "no effect" on the gray bat (*Myotis grisescens*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*), clubshell (*Pleurobema clava*), fanshell (*Cyprogenia stegaria*), northern riffleshell (*Epioblasma rangiana*), pink mucket (*Lampsilis abrupta*), rabbitsfoot (*Quadrula cylindrica cylindrica*), or rough pigtoe (*Pleurobema plenum*) due to a lack of suitable habitat for these species within the project area. There is no requirement to request concurrence with a "no effect" determination; however, the KFO acknowledges this determination and has no additional comments or concerns regarding these species. Frye Environmental also determined that the proposed project has the potential to affect the northern long-eared bat (*Myotis septentrionalis*) and Indiana bat (*Myotis sodalis*).

Northern Long-eared Bat

Frye Environmental reached a determination of “may affect, not likely to adversely affect” for the northern long-eared bat utilizing the Service’s Northern Long-eared Bat Rangewide Determination Key on the Information for Planning and Consultation website. We acknowledge this determination and have no additional comments or concerns regarding this species.

Indiana Bat

Based on information provided by Frye Environmental, no caves, mines, rock shelters, or other potential hibernacula or non-forested roosting habitat for the Indiana bat are present within the project area. The forested habitat in the project area was identified as suitable summer roosting, foraging, and commuting habitat for this species, and the proposed project will require the removal of 1.04 acres of this habitat. Based on impacts to suitable roosting, foraging, and commuting habitat within the project area, we believe that the proposed action “may affect, is likely to adversely affect” the Indiana bat.

The applicant has chosen to make a voluntary payment to the Imperiled Bat Conservation Fund (IBCF) as part of the proposed action to address Indiana bat habitat loss. A voluntary payment to the IBCF is a conservation measure that is identified in the KFO’s 2016 *Revised Conservation Strategy for Forest-Dwelling Bats* (Conservation Strategy). The proposed project is located within Known Summer 1 habitat for the Indiana bat, and the applicant proposes to remove habitat during the unoccupied period (August 16 to March 31). Based on the Conservation Strategy, the voluntary payment to the IBCF should be \$6,786.00¹.

We have determined that the proposed action is consistent with the actions evaluated in the 2015 Biological Opinion: *Kentucky Field Office’s Participation in Conservation Memoranda of Agreement for the Indiana Bat and/or Northern Long-eared Bat* (BO) that supports the Conservation Strategy. Any incidental take of Indiana bats resulting from forested habitat removal is not prohibited. The BO concludes that this incidental take is not likely to jeopardize the continued existence of the Indiana bat. To complete this proposed conservation measure, the applicant should mail the voluntary payment to the IBCF administered by Kentucky Natural Lands Trust. **The check or money order should be made payable to Kentucky Natural Lands Trust with “Imperiled Bat Conservation Fund” in the memo line.** At this time, payments can only be received via U.S. Postal Service delivery due to office closures in response to COVID-19. Payments can be sent by Priority Mail through the U.S. Postal Service for quicker delivery, but do not request a signature.

Mail to:

Imperiled Bat Conservation Fund
c/o Kentucky Natural Lands Trust
433 Chestnut Street
Berea, KY 40403

¹ The calculated amount is based on the current average value of farm real estate in Kentucky as reported by the U.S. Department of Agriculture in the Land Values and Cash Rents document (\$4,350). This figure is updated annually around the first week in August. If payment is not made prior to August 31, 2023, please contact the KFO to confirm the current cost value.

The voluntary payment should include a cover letter with the following information: the applicant's name, the FWS project number referenced in the subject line of this letter, and a contact name and address to receive the receipt of payment.

Summary

The KFO acknowledges the “may effect, not likely to adversely affect” determination for the northern long-eared bat. The KFO also agrees that the proposed action “may affect, is likely to adversely affect” the Indiana bat and that the project is consistent with the IBCF process. In view of these findings, we believe that the Section 7 requirements of the Endangered Species Act for this project are fulfilled. If the proposed action is subsequently modified or new information indicates that the proposed action may affect listed species or their habitat in a manner not previously considered, additional coordination with our office may be necessary.

We appreciate the opportunity to review the proposed project. If you have any questions, please contact Seth Bishop of my staff at seth_bishop@fws.gov.

Sincerely,

for Virgil Lee Andrews, Jr.
Field Supervisor

Payee KENTUCKY NATURAL LANDS TRUST

6/29/2023

Account #:

Invoice	Description	Amount
KNLT 06222023	IMPERILED BAT CONSERVATION FUND	\$6,786.00

Total : \$6,786.00


Frontier Housing, Inc. Development Account 5445 Flemingsburg Road Morehead, KY 40351	Stock Yards Bank & Trust 1040 E. Main St Louisville, KY 40206 21-56/830	64986 <small>FRALDARMOR</small>
****Six Thousand Seven Hundred Eighty Six and 00/100 Dollars		
PAY TO THE ORDER OF	KENTUCKY NATURAL LANDS TRUST 433 CHESTNUT ST BERA, KY 40403	 AUTHORIZED SIGNATURE
⑈064986⑈ ⑆083000564⑆ ⑆430033109⑈		

Photo Safe Deposit® Details on Back.

Explosive and Flammable Hazards

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

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

No

Yes

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

No

Yes

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

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

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

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

No

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

Yes

Screen Summary

Compliance Determination

There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. Per a review of the site via Google Earth and site visit on April 17, 2023, the area surrounding the site is mainly farmland or residential housing. West of the site is the Morehead Utility Plant (water treatment facility), and the only outdoor aboveground storage tanks (ASTs) are water tanks. No other ASTs were visible in the areas surrounding the site; therefore, the project is in compliance without mitigation. See attached Google aerial maps. The project is in compliance with explosive and flammable hazard requirements.

Supporting documentation

[Explosive Hazards - Circle Drive.pdf](#)

Are formal compliance steps or mitigation required?

Yes

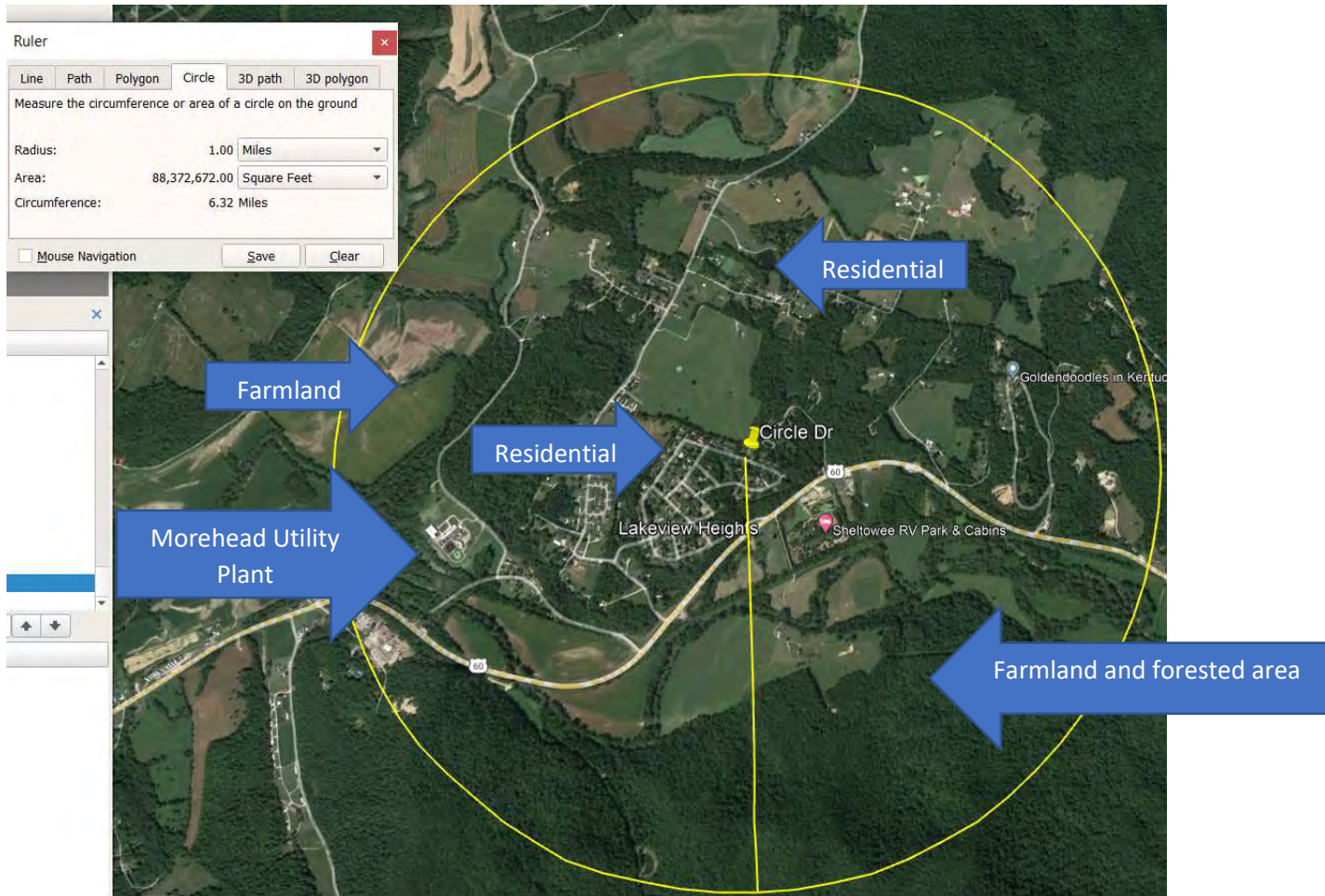
✓ No

Explosive and Flammable Facilities

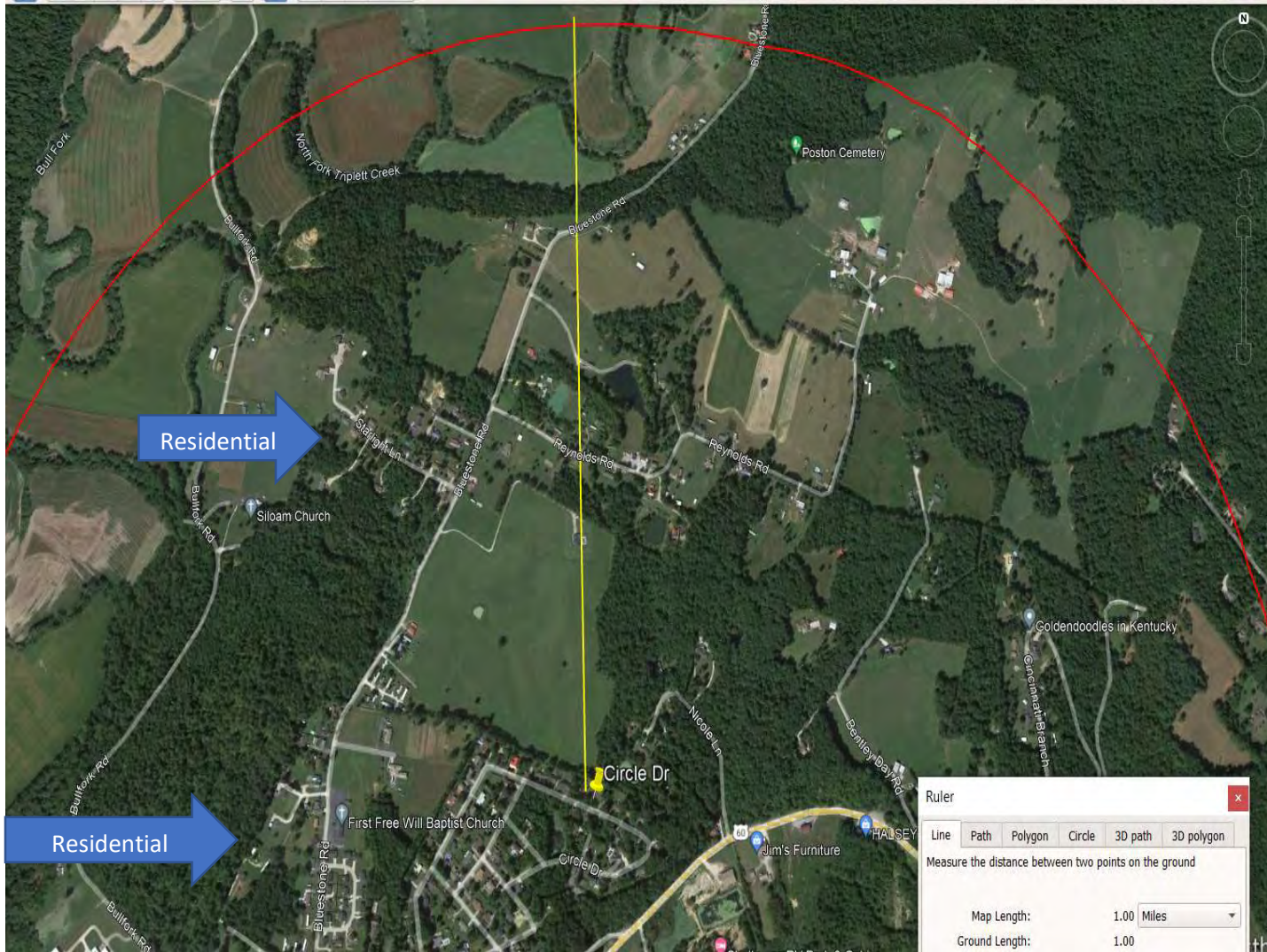
Circle Drive Lots 93-95

ASTs within 1 mile radius: Per a review of the site via Google Earth and site visit on April 17, 2023, the area surrounding the site is mainly farmland or residential housing. West of the site is the Morehead Utility Plant (water treatment facility), and the only outdoor ASTs are water tanks. No other ASTs were visible in the areas surrounding the site; therefore, the project is in compliance without mitigation. See Google Earth maps and site photos below.

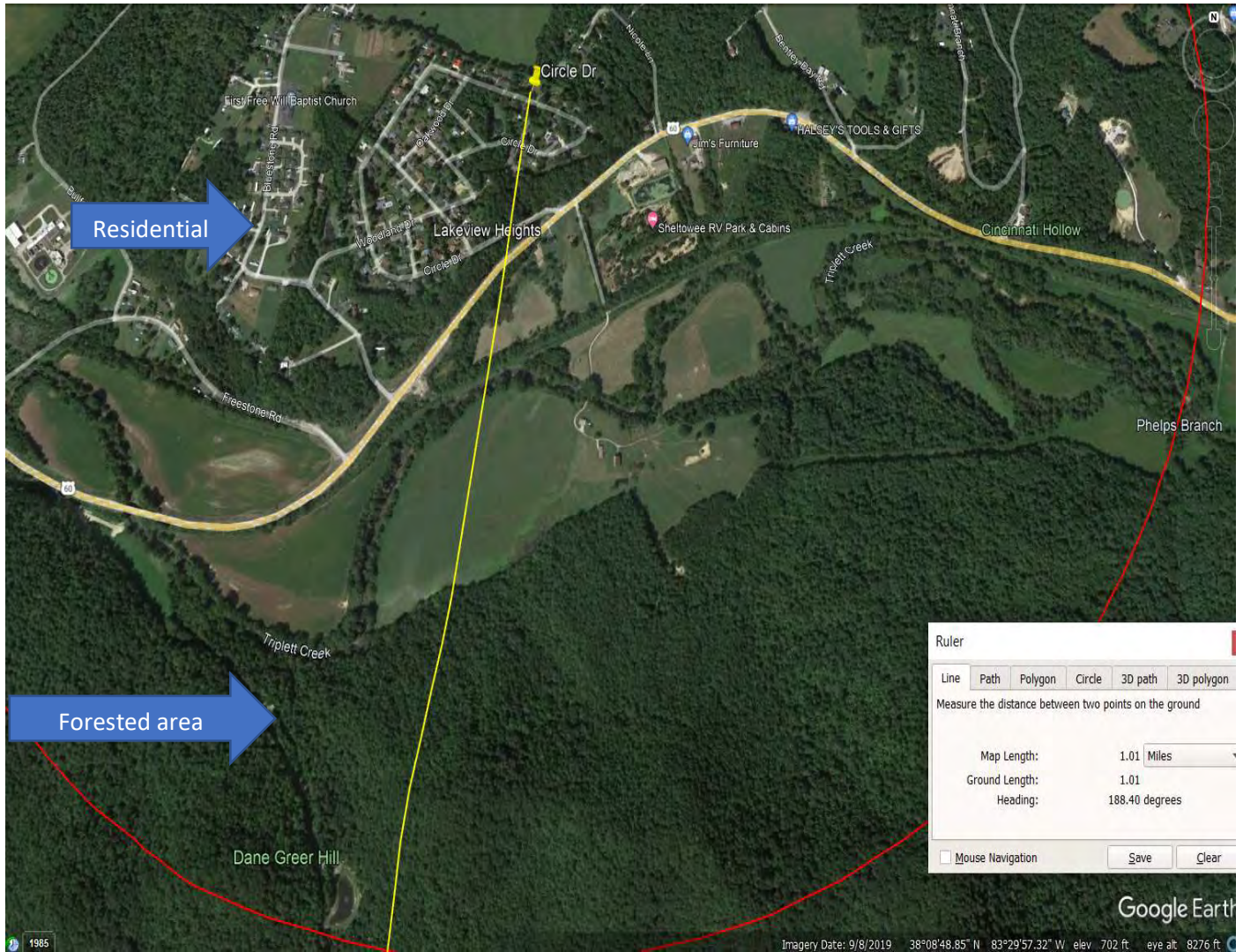
1 mile radius



1 mile north of the site. The area north of the site is mainly residential and farmland – no ASTs are visible in the area.



1 mile south of the site. No ASTs were observed.

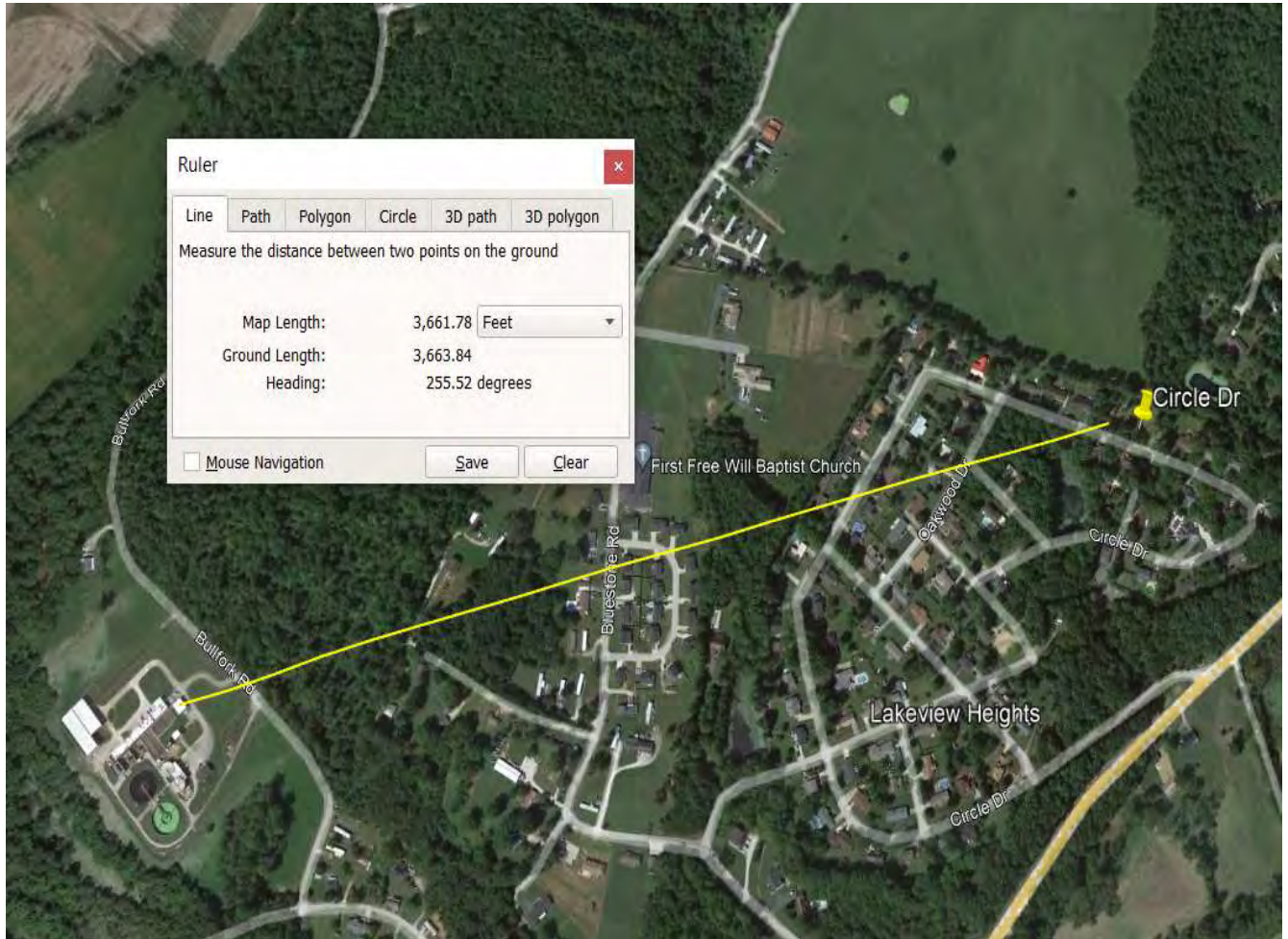


Residential area surrounding the site. No ASTs observed.



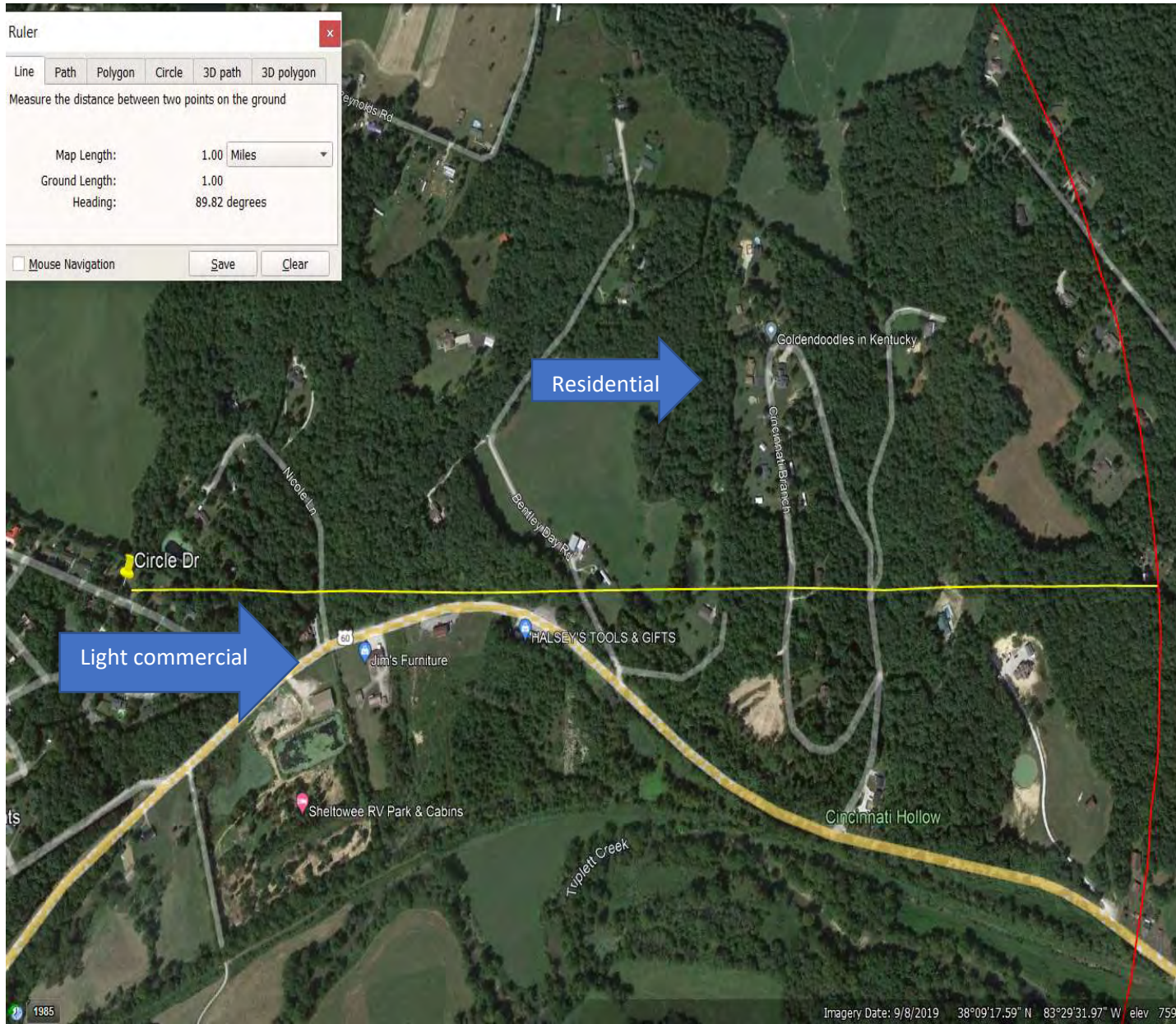
1 mile west of the site.

The Morehead Utility Plant is located at the western edge of the 1 mile radius. It is a water treatment facility with no exterior ASTs other than water tanks.





1 mile east of the site. No ASTs were observed.



Homes across the street from lots 94 and 95 on Circle Drive.



Street view along Circle Drive.



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

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

No

Screen Summary

Compliance Determination

This project includes activities that could potentially convert agricultural land to a non-agricultural use, but an exemption applies. The USDA NRCS Web Soil Survey Map shows that the project site consists of: "LaD-Latham silt loam, 12 to 20 percent slopes" (16.8%-not prime farmland); "MtF-Muse-Trappist stony silt loams, 30 to 60 percent slopes" (5.9%-not prime farmland); "TIB-Tilsit silt loam, 2 to 6 percent slopes - residual & alluvial landforms" (46.7%-prime farmland); "TIC-Tilsit silt loam, 6 to 12 percent slopes - residual & alluvial landforms" (30.4%-farmland of statewide importance); and "WtB-Whitley silt loam, terrace, 2 to 6 percent slopes" (0.2%-prime farmland). Because the project site contains prime farmland and farmland

of statewide importance, the USDA NRCS State Soil Scientist Perri Pedley Brown was contacted May 8, 2023. On May 17, 2023, Ms. Brown responded and stated the following: "Based on the information contained in your request and accompanying maps, the area of inquiry is located within what would be considered a PREVIOUSLY DEVELOPED RESIDENTIAL AREA (SUBDIVISION) that appears to already be 'converted'. This being the case, there is no need to complete an AD-1006. With the site having previously been manipulated with infrastructure (such as roads, water/sewer, electrical, etc.) and thus removed from agricultural production, conversion has already taken place and any prime, unique, or farmland of local or statewide importance would no longer exist. The project is in compliance with the Farmland Protection Policy Act."

Supporting documentation

[NRCS Email Request.pdf](#)

[NRCS Web Soil Survey Map - Farmland Classification - Circle Drive.pdf](#)

[NRCS response - Circle Drive-Lakeview Heights.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

May 17, 2023

Sandra Frye
Frye Environmental

RE: Circle Drive—Lakeview Heights, KY

Dear Sandra,

In response to your request regarding the above referenced project in Rowan County, Kentucky, the Natural Resources Conservation Service (NRCS) is mandated to provide information on the soils and/or impact to farmland according to the Farmland Protection Policy Act (P.L. 97-98) for projects that will be utilizing federal funding.

Based on the information contained in your request and accompanying maps, the area of inquiry is located within what would be considered a PREVIOUSLY DEVELOPED RESIDENTIAL AREA (SUBDIVISION) that appears to already be 'converted'. This being the case, there is no need to complete an AD-1006. With the site having previously been manipulated with infrastructure (such as roads, water/sewer, electrical, etc.) and thus removed from agricultural production, conversion has already taken place and any *prime, unique, or farmland of local or statewide importance* would no longer exist.

Sincerely,



Perri P. Brown
Resource Soil Scientist
Perri.Brown@usda.gov

Antwoine Linton

From: Sandra Frye
Sent: Monday, May 8, 2023 3:50 PM
To: Brown, Perri - NRCS, Owensboro, KY
Subject: Farmland Protection Policy Act review - Circle Drive in Lakeview Heights
Attachments: AD-1006 Form - Circle Drive - Lakeview Heights.pdf; Farmland AD-1006 supporting Documentation - Lakeview Heights Circle Drive.docx

Hi Perri,

I am working on another HUD funded project through Kentucky Housing Corporation and Frontier Housing which will involve the construction of three single family homes on Circle Drive in Lakeview Heights, KY. These lots are again in an existing subdivision (see attached maps). When I completed the NRCS Soil Survey for the site (see attached), it shows the lots are located in an area designated as Prime Farmland so I have completed Parts I and III of the AD-1006 form for your review.

Thanks for your review and please let me know if you have any questions or need additional information!

Sandra Frye

President

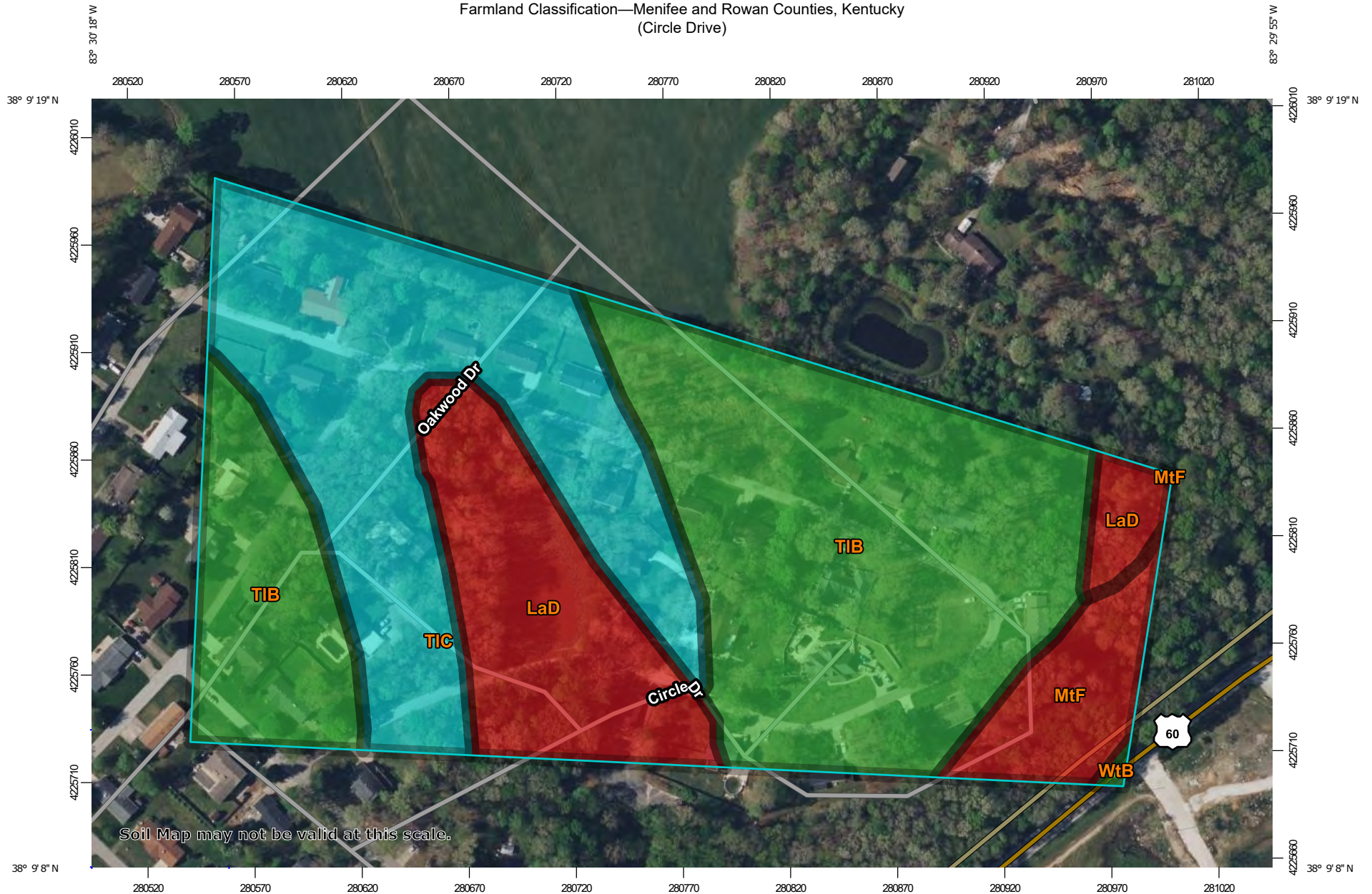
Frye Environmental

Email: sandra@frye-environmental.com

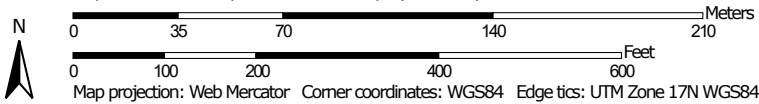
Phone number: 404-313-7139

Website: www.frye-environmental.com

Farmland Classification—Menifee and Rowan Counties, Kentucky
(Circle Drive)




Map Scale: 1:2,520 if printed on A landscape (11" x 8.5") sheet.



Farmland Classification—Menifee and Rowan Counties, Kentucky
(Circle Drive)









MAP LEGEND








Area of Interest (AOI)






 Area of Interest (AOI)








Soils



Soil Rating Polygons

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season









-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of statewide importance, if drained
-  Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated

-  Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated and drained
-  Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
-  Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
































-  Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough
-  Farmland of statewide importance, if thawed
-  Farmland of local importance
-  Farmland of local importance, if irrigated

-  Farmland of unique importance
-  Not rated or not available


Soil Rating Lines

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

Farmland Classification—Menifee and Rowan Counties, Kentucky
(Circle Drive)

	Prime farmland if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium		Farmland of unique importance		Prime farmland if subsoiled, completely removing the root inhibiting soil layer
	Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if irrigated and drained		Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season		Soil Rating Points Not prime farmland		Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	Prime farmland if irrigated and reclaimed of excess salts and sodium		Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season		Prime farmland if drained		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance		Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if warm enough		Prime farmland if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance
	Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if thawed		Prime farmland if irrigated		Farmland of statewide importance, if drained
	Farmland of statewide importance, if irrigated				Farmland of local importance		Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated
					Farmland of local importance, if irrigated		Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		

Farmland Classification—Menifee and Rowan Counties, Kentucky
(Circle Drive)

<ul style="list-style-type: none">  Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if irrigated and drained  Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer  Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60 	<ul style="list-style-type: none">  Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium  Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if warm enough  Farmland of statewide importance, if thawed  Farmland of local importance  Farmland of local importance, if irrigated 	<ul style="list-style-type: none">  Farmland of unique importance  Not rated or not available <p>Water Features</p> <ul style="list-style-type: none">  Streams and Canals <p>Transportation</p> <ul style="list-style-type: none">  Rails  Interstate Highways  US Routes  Major Roads  Local Roads <p>Background</p> <ul style="list-style-type: none">  Aerial Photography 	<p>The soil surveys that comprise your AOI were mapped at 1:20,000.</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>Warning: Soil Map may not be valid at this scale.</p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.</p> </div> <p>Please rely on the bar scale on each map sheet for map measurements.</p> <p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)</p> <p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Menifee and Rowan Counties, Kentucky Survey Area Data: Version 17, Sep 2, 2022</p> <p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p> <p>Date(s) aerial images were photographed: May 1, 2021—Jun 17, 2021</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>
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Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
LaD	Latham silt loam, 12 to 20 percent slopes	Not prime farmland	3.8	16.8%
MtF	Muse-Trappist stony silt loams, 30 to 60 percent slopes	Not prime farmland	1.3	5.9%
TIB	Tilsit silt loam, 2 to 6 percent slopes - residual & alluvial landforms	All areas are prime farmland	10.6	46.7%
TIC	Tilsit silt loam, 6 to 12 percent slopes - residual & alluvial landforms	Farmland of statewide importance	6.9	30.4%
WtB	Whitley silt loam, terrace, 2 to 6 percent slopes	All areas are prime farmland	0.0	0.2%
Totals for Area of Interest			22.6	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

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_93-95 Circle Dr.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. Per the FIRMette Map for the project site (Panel # 21205C0144C, eff. 4/18/2011) the project site is located in an Area of Minimal Flood Hazard (Zone X). The project is in compliance with Executive Order 11988.

Supporting documentation

Are formal compliance steps or mitigation required?

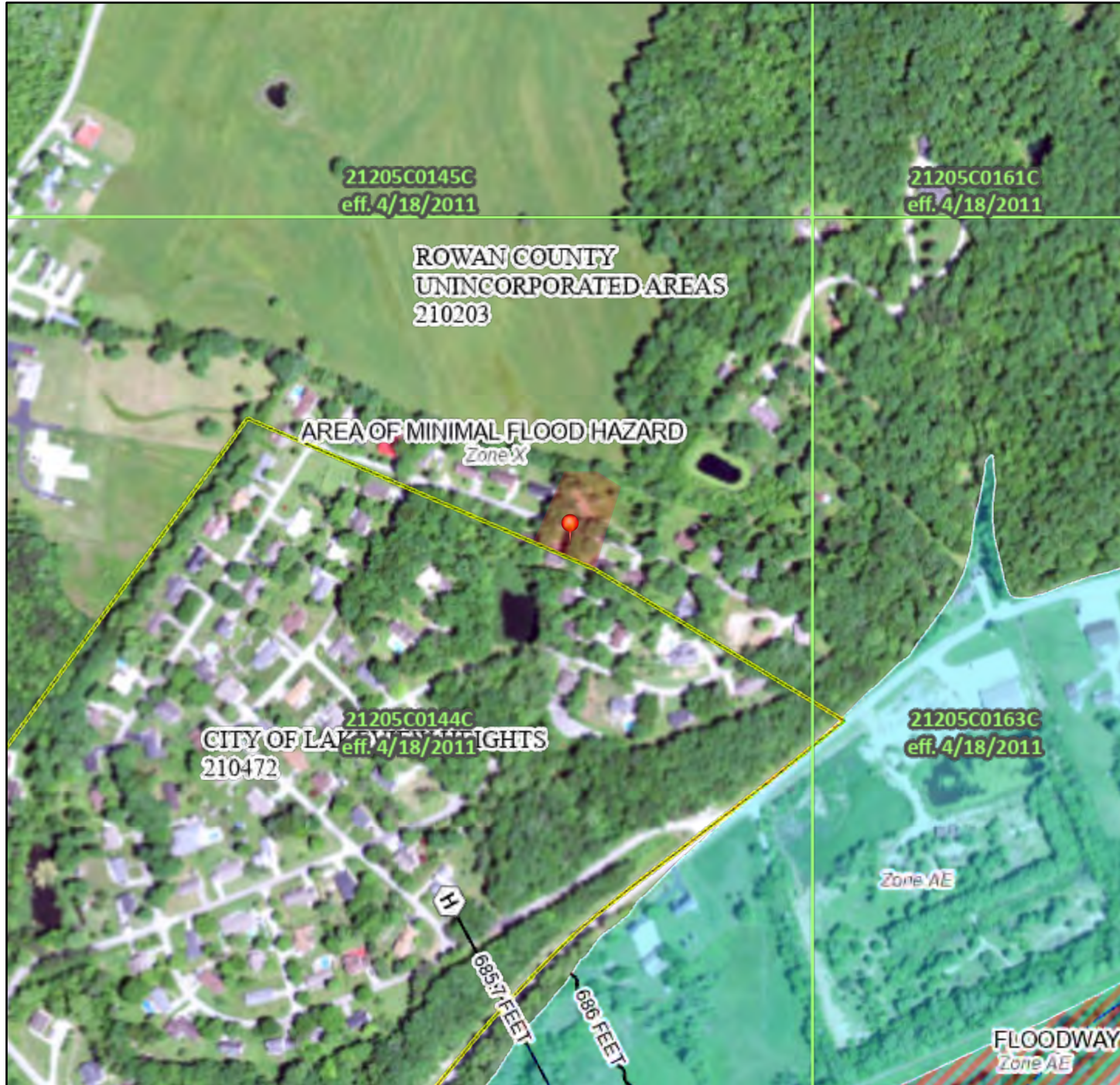
Yes

✓ No

National Flood Hazard Layer FIRMMette



83°30'27"W 38°9'28"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature

MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **4/16/2023 at 12:31 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Historic Preservation

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

Threshold

Is Section 106 review required for your project?

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

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

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

Step 1 – Initiate Consultation

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

- ✓ State Historic Preservation Offer (SHPO) Completed
- ✓ Advisory Council on Historic Preservation Not Required
- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

✓ Cherokee Nation

Response Period Elapsed

- ✓ Eastern Band of Cherokee Indians Response Period Elapsed
- ✓ Osage Tribe of Indians Response Period Elapsed

Other Consulting Parties

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

Frye Environmental initiated consultation with the Kentucky Heritage Council (SHPO). On May 4, 2023, Kentucky Housing Corporation sent letters via email inviting the tribes identified in the TDAT search results for Rowan County, KY (Cherokee Nation, Eastern Band of Cherokee Indians and the Osage Nation) to become consulting parties on the Section 106 review for the 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:**

Lots 93-95 Circle Drive, Lakeview Heights, KY

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
Lots 93-95 Circle Drive, Lakeview Heights, KY	Not Eligible	Yes	✓ Not Sensitive

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 June 1, 2023 letter from the Kentucky Heritage Council (SHPO) states "Based on the information provided, it does not appear the resources contain the integrity to be eligible for the NRHP, either

individually or as a group. Our office has no above-ground concerns. Our office would concur with a determination of No Historic Properties Affected for this undertaking." On May 4, 2023, Kentucky Housing Corporation sent letters via email inviting the Cherokee Nation, Eastern Band of Cherokee Indians and the Osage Nation to become consulting parties on the Section 106 review for the project. None of the tribes responded within the 30-day threshold specified by HUD CPD Notice 12-006.

Supporting documentation

[Tribal Memo_93-95 Circle Drive_2023-7-27.pdf](#)
[SHPO response_HUD_Lakeview Heights_Rowan.pdf](#)
[Osage Nation Combined.pdf](#)
[Eastern Band Combined.pdf](#)
[Cherokee Nation Combined.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No



ANDY BESHEAR
GOVERNOR

TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL
THE STATE HISTORIC PRESERVATION OFFICE

LINDY CASEBIER
SECRETARY

JACQUELINE COLEMAN
LT. GOVERNOR

410 HIGH STREET
FRANKFORT, KENTUCKY 40601
(502) 564-7005
www.heritage.ky.gov

CRAIG A. POTTS
EXECUTIVE DIRECTOR &
STATE HISTORIC PRESERVATION OFFICER

June 1, 2023

Sandra Frye
President
Frye Environmental
Via email only: sandra@frye-environmental.com

RE: HUD, Lakeview Heights New Construction Project
Circle Drive, Lakeview Heights, Rowan County, Kentucky

Dear Ms. Frye,

Thank you for your submittal of maps and project specifics for the above-referenced undertaking. We understand construction of three single-family homes is proposed along Circle Drive in Lakeview, Rowan County. The lots are currently vacant.

Available information indicates the proposed project area has been disturbed by activities unrelated to this undertaking. We have no concerns regarding archaeological resources.

No previously recorded historic properties are located within the APE. Historic aerials indicate the neighborhood was developed primarily between 1969-1983. Residential resources within the neighborhood and adjacent to the undertaking represent a variety of building types over multiple construction campaigns. Based on the information provided, it does not appear the resources contain the integrity to be eligible for the NRHP, either individually or as a group. Our office has no above-ground concerns.

Our office would concur with a determination of **No Historic Properties Affected** for this undertaking.

In the unlikely event that human remains are found during construction for this project, work should cease immediately, and the county coroner and the Kentucky Heritage Council should be contacted. Should project plans change or should there be any future concerns or questions regarding cultural resources in the vicinity of this project area, please contact



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Page 2

RE: HUD, Lakeview Heights New Construction Project
Circle Drive, Lakeview Heights, Rowan County, Kentucky

Gabrielle Fernandez or Patti Hutchins of my staff at Gabrielle.Fernandez@ky.gov or
Patricia.Hutchins@ky.gov.

Sincerely,



Craig Potts
Executive Director and
State Historic Preservation Officer

KHC# 231133
CP: peh, gf



An Equal Opportunity Employer M/F/D

May 4, 2023

Elizabeth Toombs (THPO)
Cherokee Nation
PO Box 948
Tahlequah, OK 74465

Via e-mail to: elizabeth-toombs@cherokee.org

RE: Circle Drive Lots 93-95 Lakeview Heights KY 40351- Rowan County (38.15421, -83.50211): HUD HOME Investment Partnerships Single-Family Homebuyer Development

Dear Tribal Historic Preservation Specialist Toombs:

Kentucky Housing Corporation (KHC) is considering funding the project listed above with HOME Investment Partnerships funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Kentucky Housing Corporation has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

KHC will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations found at 36 CFR Part 800 in consultation with the Kentucky Heritage Council, our State Historic Preservation Office. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

Enclosed is a map that shows the project area and, if applicable, an additional area of potential indirect effects. Frontier Housing, a non-profit organization located in Morehead, KY, is looking to construct three (3) single-family homes for low-income homebuyers at Lots 93-95 Circle Drive, Lakeview Heights, KY 40351 in Rowan County (**38.15421, -83.50211**). It is not clear if the site has been previously developed but ground disturbing activities are planned to clear any tress and prepare the lots for construction of the housing units. The lots are in a sub-division and the units will be built according to any restrictions and/or covenants that the homeowner association has in place. The housing units will have city water and city sewer. More information on the Section 106 review process is available at

<https://www.achp.gov/protecting-historic-properties/section-106-process/introduction-section-106> and HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.hudexchange.info/programs/environmental-review/historic-preservation/>.

To meet project time frames, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response? If you do not wish to consult on this project, can you please inform us? We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Betty A. Carroll

Betty A. Carroll

cc: Sandra Frye (sandra@frye-environmental.com)
Jessica Shelton (jshelton@kyhousing.org)

Attachments: Attachment A form
Site Map,
Site Photos,
SHPO letter (if applicable)

When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If a project includes any of the types of activities below, invite tribes to consult:

- significant ground disturbance (digging)**
Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads
- new construction in undeveloped natural areas**
Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas
- incongruent visual changes**
Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area
- incongruent audible changes**
Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience
- incongruent atmospheric changes**
Examples: introduction of lights that create skyglow in an area with a dark night sky
- work on a building with significant tribal association**
Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall
- transfer, lease or sale of a historic property of religious and cultural significance**
Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association
- None of the above apply**

Lakeview Heights
Project

Sarah L Frye
Reviewed By

5/3/2023
Date

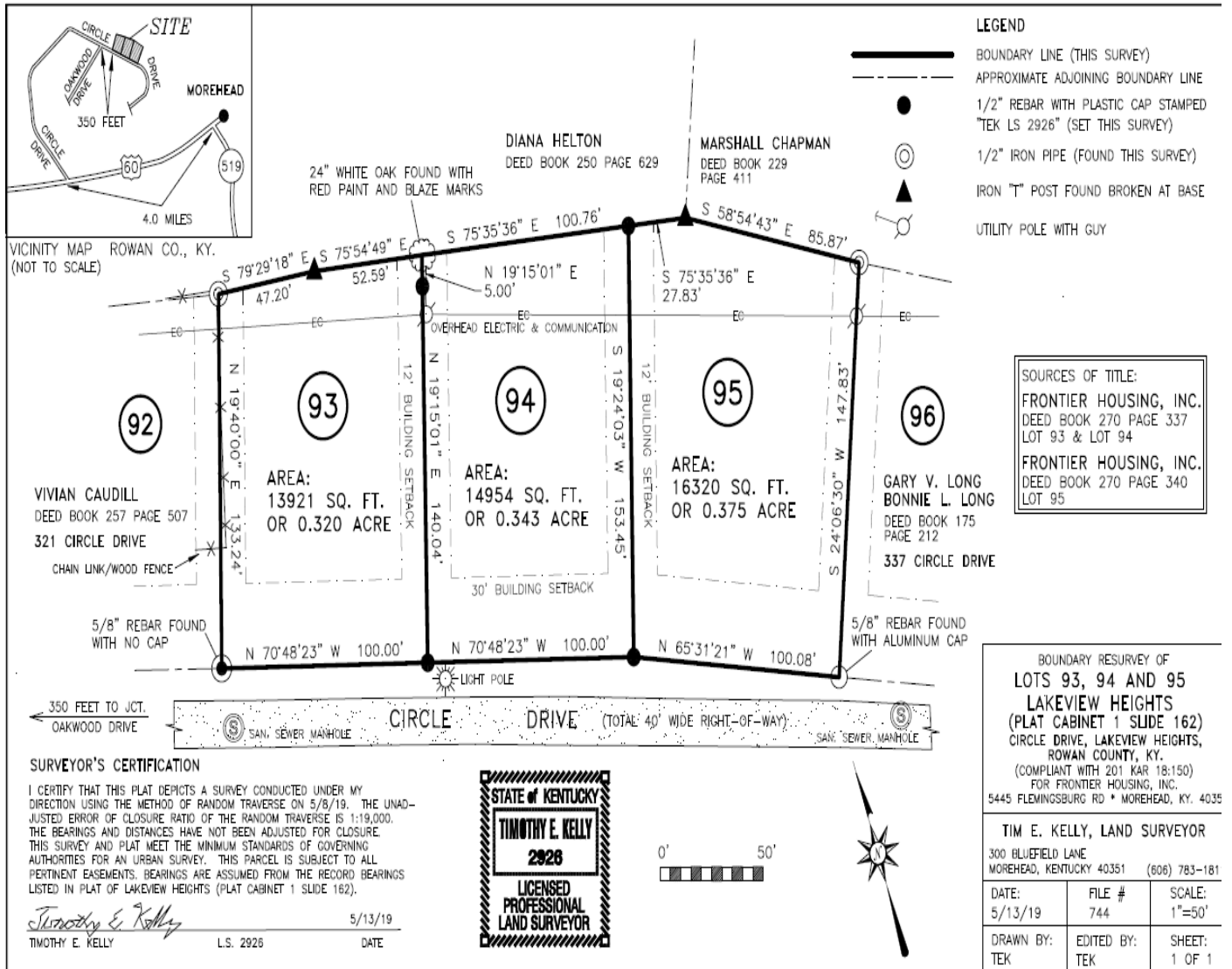
Section 106 Consultation Request

Lakeview Heights New Construction Project

Circle Drive, Lakeview Heights, Rowan County, Kentucky

Project description – Construction of three single family homes on vacant lots located on Circle Drive in Lakeview Heights, KY. The lots are currently wooded and vacant. Currently they don't have an official address listed for Circle Drive but the site map is shown below. The Area of Potential Effect is considered the sites themselves and the adjacent properties within the viewshed. None of the surrounding properties appear to be 50 years or older; therefore, No Effect to historic properties is anticipated.

Site map



Google Earth Site photos – Lots 93, 94 and 95 below.



View of vacant lot 93 and the adjacent property at 316 Circle Drive.



View of lot 94 and the property across the street at 324 Circle Drive.



View of lot 95 and house adjacent to the lot on Circlce Drive.



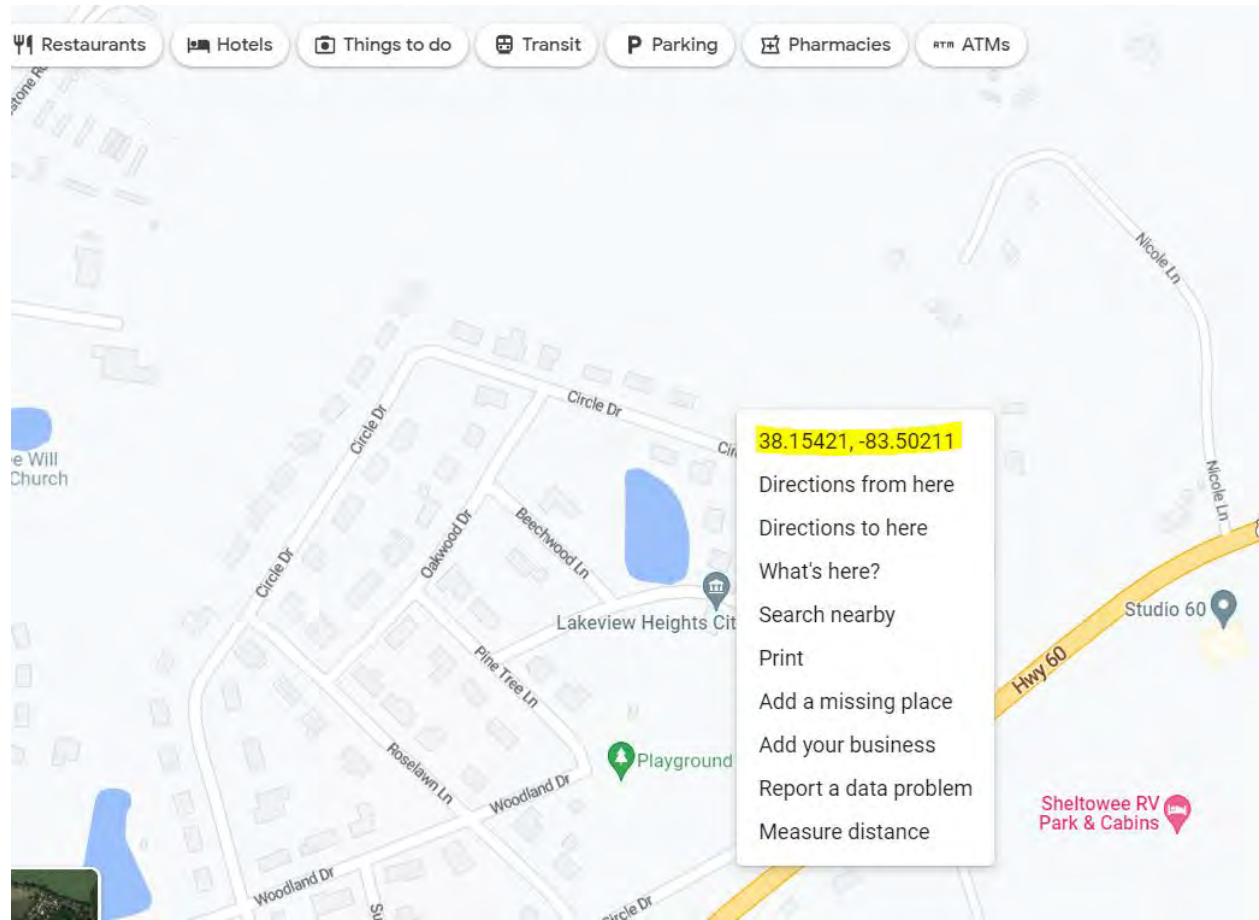
Homes across the street from lots 94 and 95 on Circle Drive.



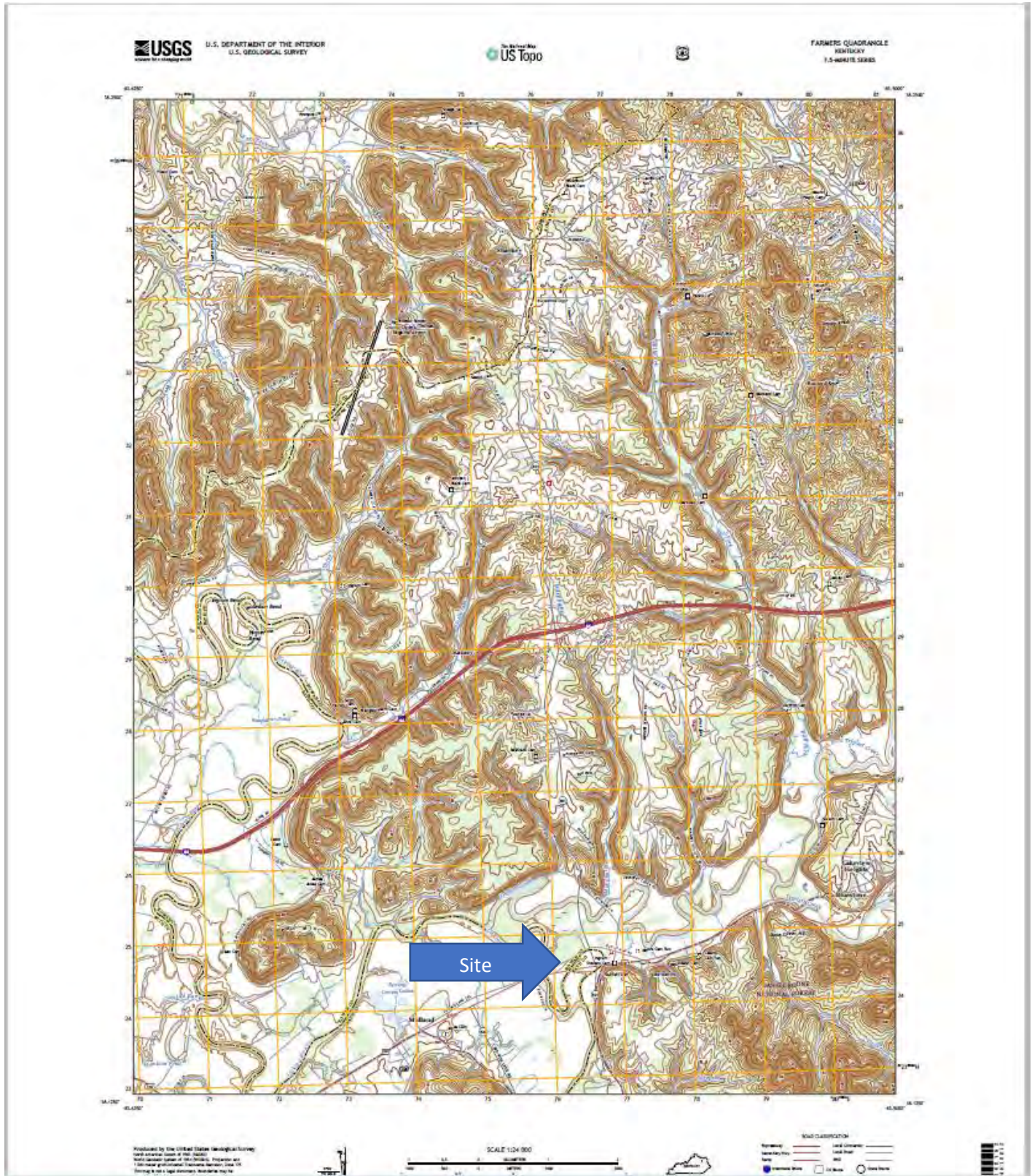
Street view along Circle Drive.



Latitude and longitude:



Topo Map – Farmers, KY



1 Map Types

Map Types

Select an OnDemand Topo type, click Next

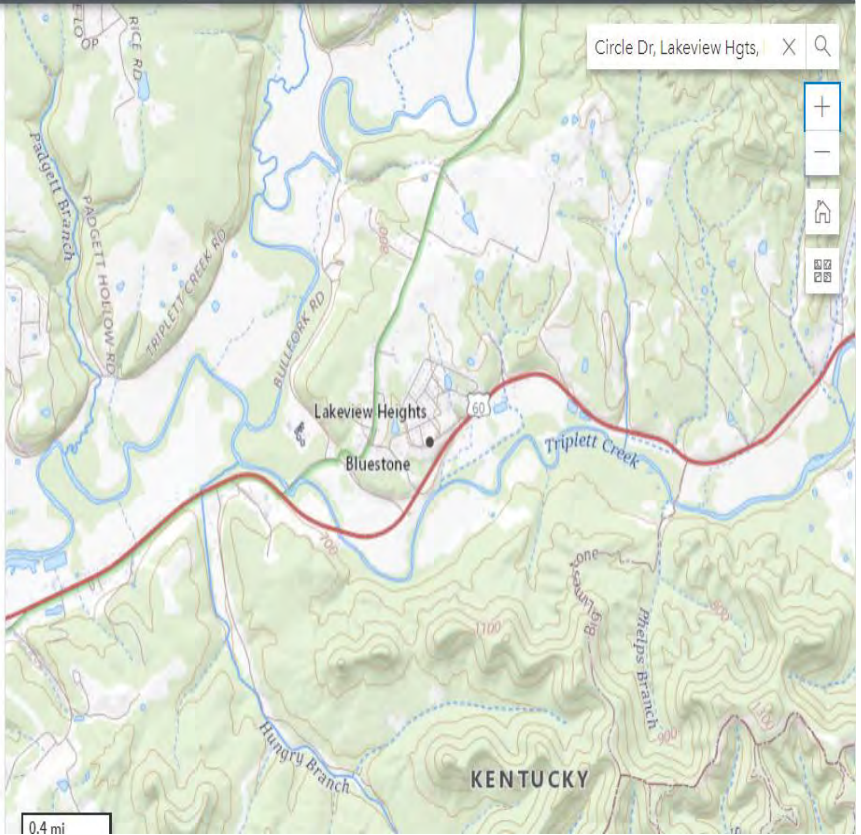
2 Maps

3 Cart 0

Track

4 Help

7.5-Minute Topo





Tribal Directory Assessment Information



Contact Information for Tribes with Interests in Rowan County, Kentucky

Tribal Name		County Name				
- Cherokee Nation		Rowan				
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Email Address	URL
Elizabeth Toombs	THPO	PO Box 948, Tahlequah, OK - 74465	(918) 453-5389		elizabeth-toombs@cherokee.org	http://www.cherokee.org
- Eastern Band of Cherokee Indians		Rowan				
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Email Address	URL
Russell Townsend	Tribal Historic Preservation Specialist	Qualla Boundary P.O. Box 455, Cherokee, NC - 28719	(828) 554-6851	(828) 497-1590	syerka@nc-choerokee.com	https://ebci.com/
Richard Sneed	Principal Chief	88 Council House Loop Road, Cherokee, NC - 28719	(828) 359-7000	(828) 359-0344	ashlstep@nc-choerokee.com	https://ebci.com/
- Osage Nation		Rowan				
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Email Address	URL
Andrea A. Hunter	Director and THPO	627 Grandview Avenue, Pawhuska, OK - 74056	(918) 287-5328	(918) 287-5376	s106@osagenation-nsn.gov	https://www.osagenation-nsn.gov/

1 - 3 of 3 results

Betty Carroll

From: hcadev
Sent: Wednesday, May 3, 2023 1:43 PM
To: Betty Carroll; Antwoine Linton
Subject: FW: Tribal Consultation Request - Frontier Housing - Circle Drive Lots 93-95 Lakeview Heights KY - Rowan County
Attachments: Tribal Checklist - Lakeview Heights.pdf; Section 106 Consultation Request - Circle Drive lots 93-95 Lakeview Heights KY.pdf

Good afternoon to you both!

Here is a tribal for the lucky one who wants it. 😊

Have a great day,
Tisha

From: Sandra Frye <sandra@frye-environmental.com>
Sent: Wednesday, May 3, 2023 1:29 PM
To: hcadev <hcadev@kyhousing.org>
Subject: Tribal Consultation Request - Frontier Housing - Circle Drive Lots 93-95 Lakeview Heights KY - Rowan County

EXTERNAL EMAIL: Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

Frontier Housing would like to request that Kentucky Housing Corporation prepare the Tribal Consultation letters for a proposed HOME funded single family new construction project for three lots located on Circle Drive in Lakeview Heights, KY in Rowan County. It is not clear if the site has been previously developed and ground disturbing activities are planned. Attached is a map of the site, site photos, Tribal Checklist and latitude and longitude information. This project has also been submitted to the SHPO and Office of State Archeology via the Preliminary Site Check process.

According to TDAT, there are three Tribes listed for Rowan County – see below.



← Back to search

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Contact Information for Tribes with Interests in Rowan County, Kentucky

Tribal Name		County Name		
- Cherokee Nation		Rowan		
Contact Name	Title	Mailing Address	Work Phone	Fax Number
Elizabeth Toombs	THPO	PO Box 948, Tahlequah, OK - 74465	(918) 453-5389	
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- Osage Nation		Rowan		
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Andrea A. Hunter	Director and THPO	627 Grandview Avenue, Pawhuska, OK - 74056	(918) 287-5328	(918) 287-5376

1 - 3 of 3 results

Thanks for your consideration and please let me know if you need additional information for the submission.

Sandra Frye
President

Frye Environmental

Email: sandra@frye-environmental.com

Phone number: 404-313-7139

Website: www.frye-environmental.com

May 4, 2023

Richard Sneed, Principal Chief
Eastern Band of Cherokee Indians
PO Box 455
Cherokee, NC 28719

Via e-mail to: ashlstep@nc-chokeee.com

RE: Circle Drive Lots 93-95 Lakeview Heights KY 40351- Rowan County (38.15421, -83.50211): HUD HOME Investment Partnerships Single-Family Homebuyer Development

Dear Principal Chief Sneed:

Kentucky Housing Corporation (KHC) is considering funding the project listed above with HOME Investment Partnerships funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Kentucky Housing Corporation has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

KHC will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations found at 36 CFR Part 800 in consultation with the Kentucky Heritage Council, our State Historic Preservation Office. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

Enclosed is a map that shows the project area and, if applicable, an additional area of potential indirect effects. Frontier Housing, a non-profit organization located in Morehead, KY, is looking to construct three (3) single-family homes for low-income homebuyers at Lots 93-95 Circle Drive, Lakeview Heights, KY 40351 in Rowan County (**38.15421, -83.50211**). It is not clear if the site has been previously developed but ground disturbing activities are planned to clear any tress and prepare the lots for construction of the housing units. The lots are in a sub-division and the units will be built according to any restrictions and/or covenants that the homeowner association has in place. The housing units will have city water and city sewer. More information on the Section 106 review process is available at

<https://www.achp.gov/protecting-historic-properties/section-106-process/introduction-section-106> and HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.hudexchange.info/programs/environmental-review/historic-preservation/>.

To meet project time frames, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response? If you do not wish to consult on this project, can you please inform us? We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Betty A. Carroll

Betty A. Carroll

cc: Russell Townsend (syerka@nc-choke.com)
Sandra Frye (sandra@frye-environmental.com)
Jessica Shelton (jshelton@kyhousing.org)

Attachments: Attachment A form
Site Map,
Site Photos,
SHPO letter (if applicable)

When To Consult With Tribes Under Section 106

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If a project includes any of the types of activities below, invite tribes to consult:

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Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association
- None of the above apply**

Lakeview Heights
Project

Sarah L Frye
Reviewed By

5/3/2023
Date

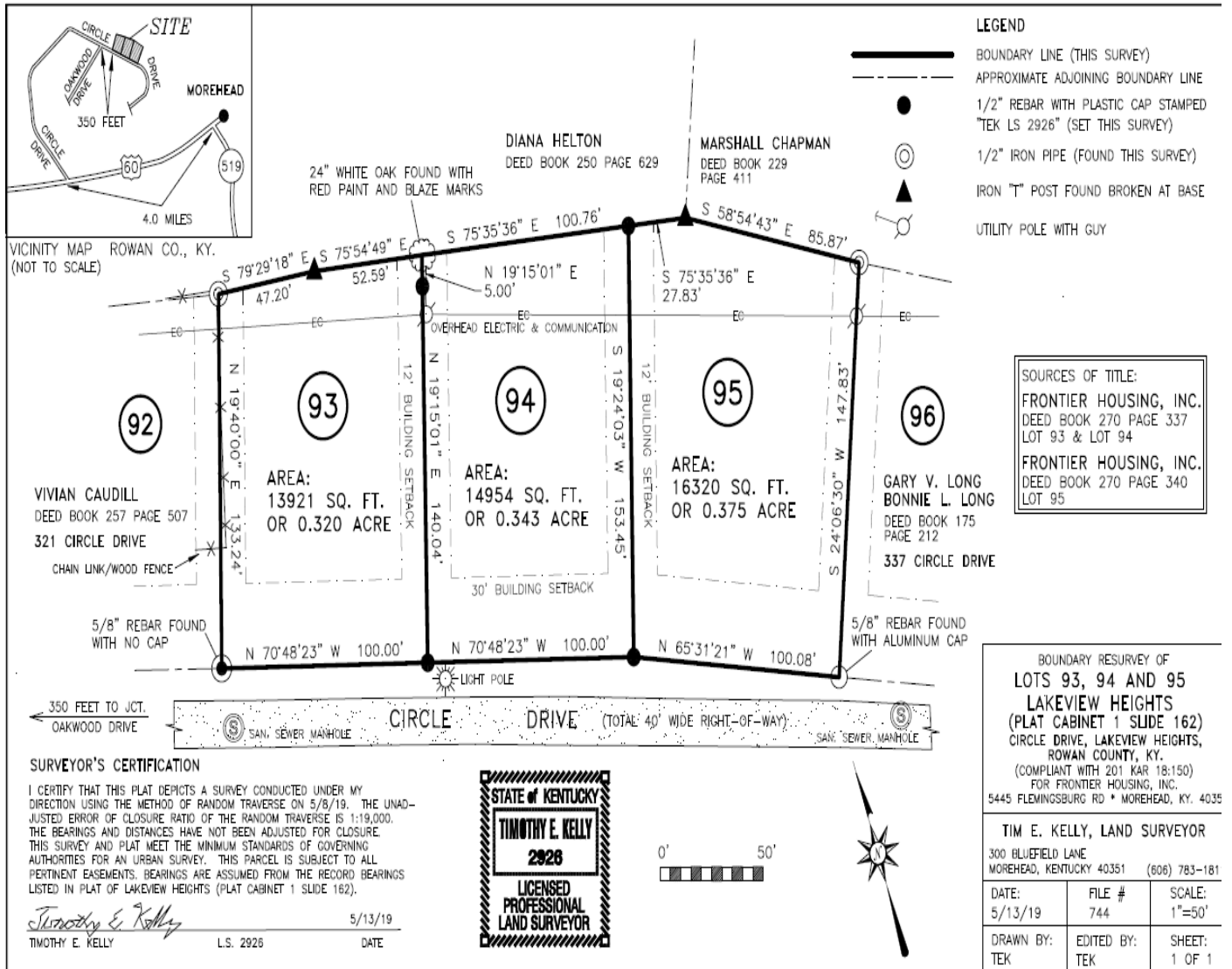
Section 106 Consultation Request

Lakeview Heights New Construction Project

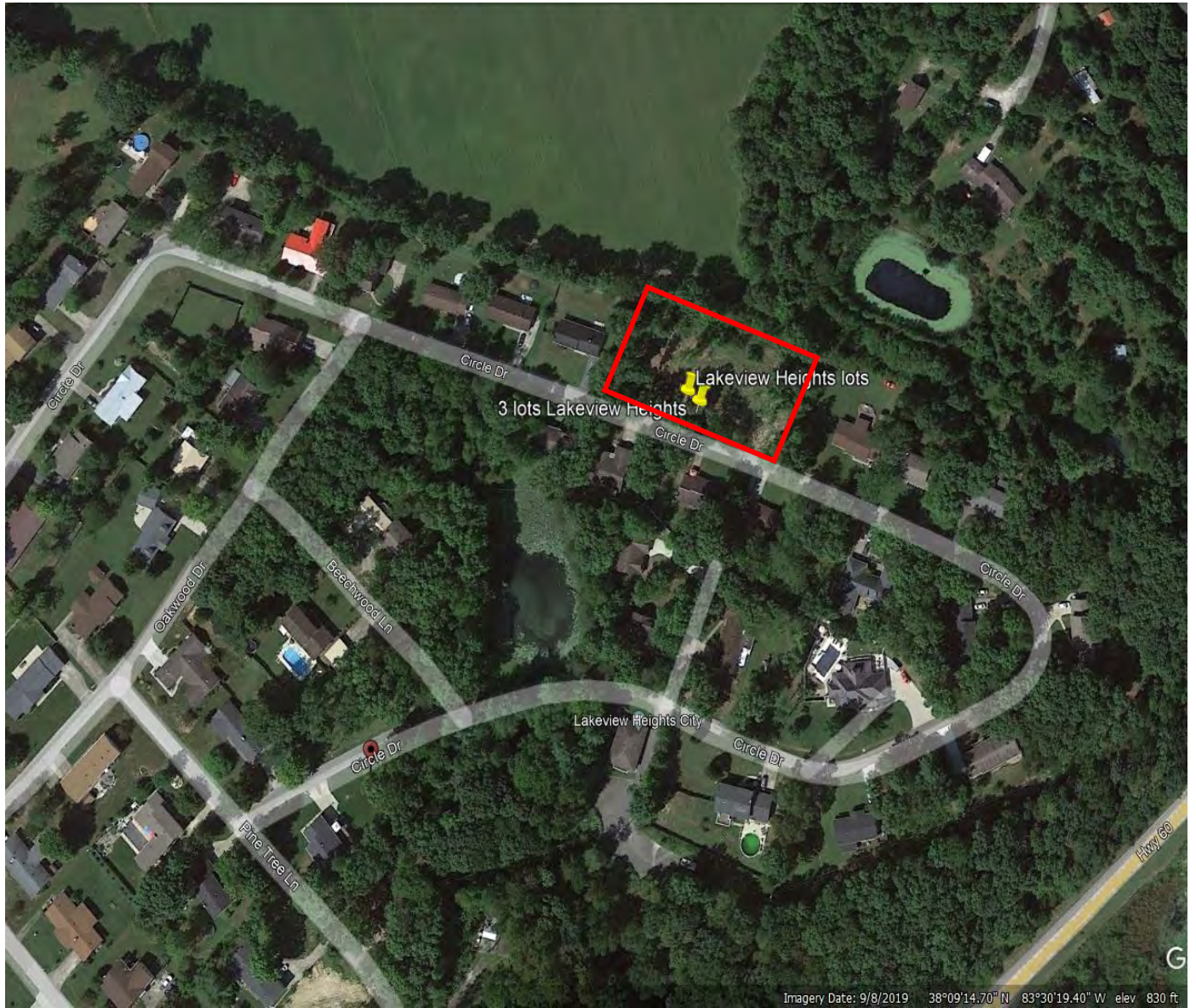
Circle Drive, Lakeview Heights, Rowan County, Kentucky

Project description – Construction of three single family homes on vacant lots located on Circle Drive in Lakeview Heights, KY. The lots are currently wooded and vacant. Currently they don't have an official address listed for Circle Drive but the site map is shown below. The Area of Potential Effect is considered the sites themselves and the adjacent properties within the viewshed. None of the surrounding properties appear to be 50 years or older; therefore, No Effect to historic properties is anticipated.

Site map



Google Earth Site photos – Lots 93, 94 and 95 below.



View of vacant lot 93 and the adjacent property at 316 Circle Drive.



View of lot 94 and the property across the street at 324 Circle Drive.



View of lot 95 and house adjacent to the lot on Cirlce Drive.



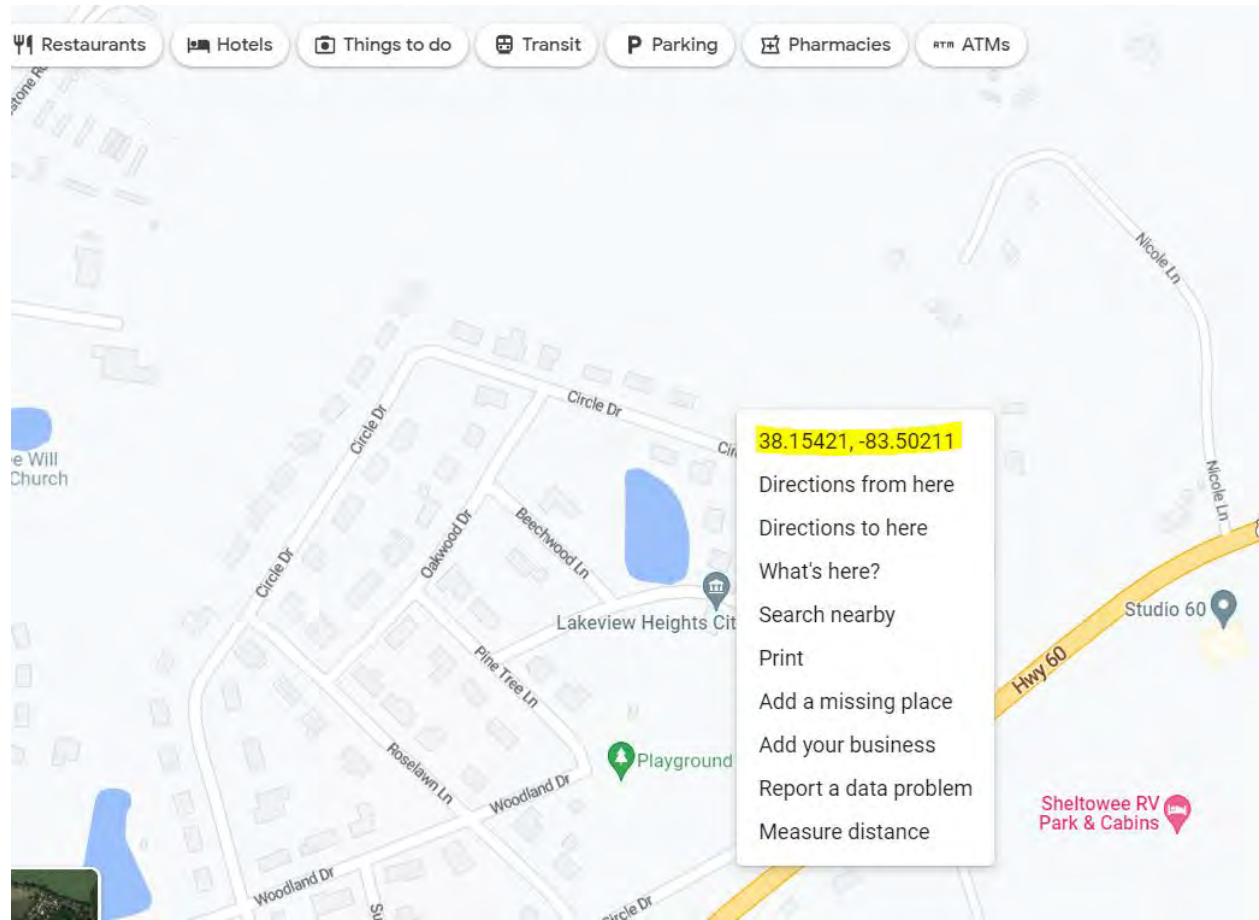
Homes across the street from lots 94 and 95 on Circle Drive.



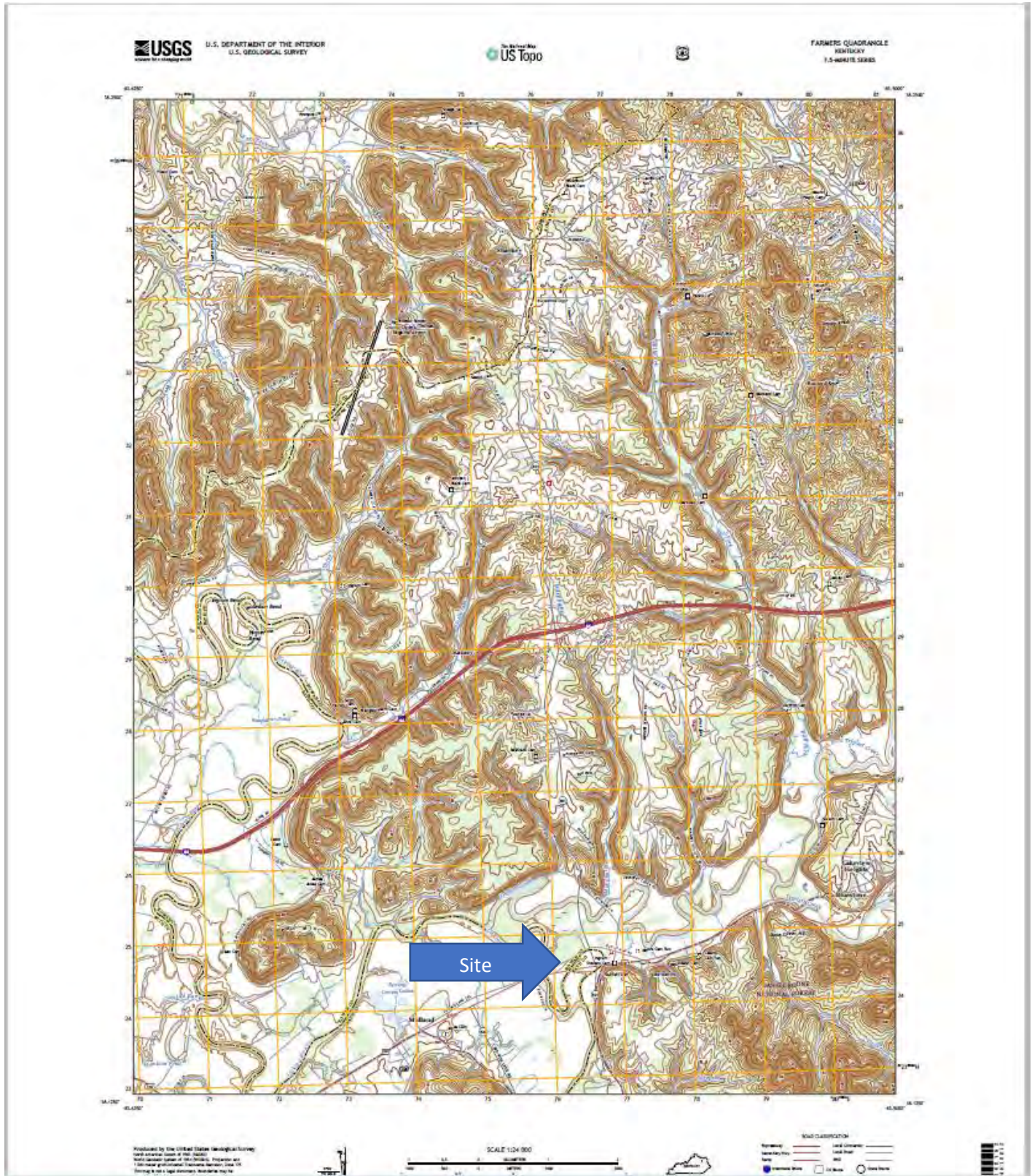
Street view along Circle Drive.



Latitude and longitude:



Topo Map – Farmers, KY



1 Map Types

Map Types

Select an OnDemand Topo type, click Next

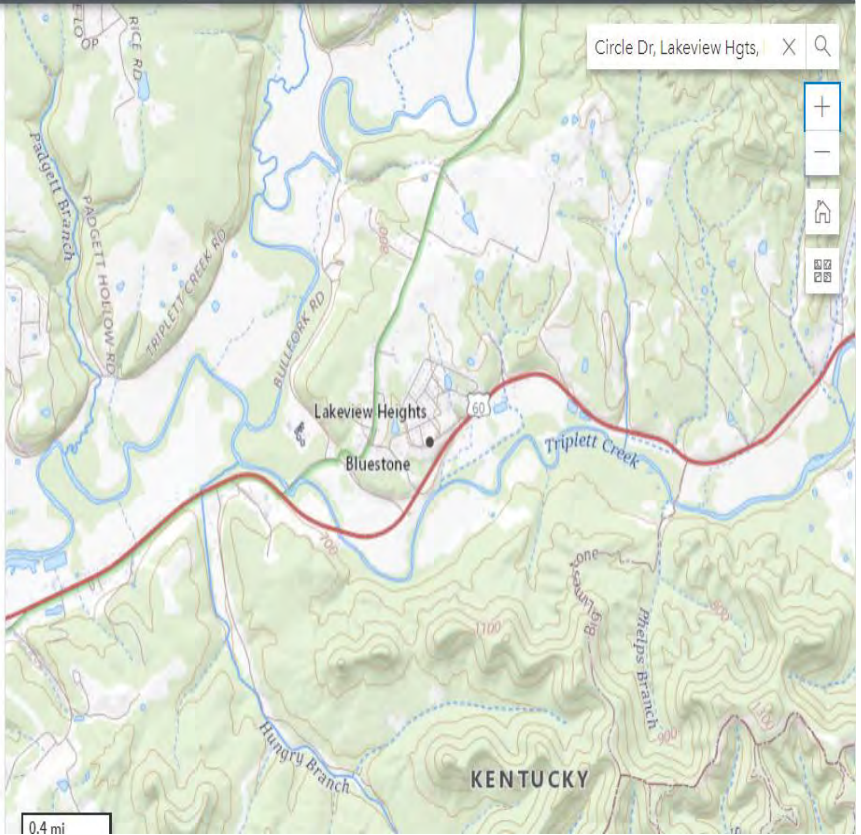
2 Maps

3 Cart 0

Track

4 Help

7.5-Minute Topo





Tribal Directory Assessment Information



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1 - 3 of 3 results

« < 1 > » 10 ▼

Betty Carroll

From: hcadev
Sent: Wednesday, May 3, 2023 1:43 PM
To: Betty Carroll; Antwoine Linton
Subject: FW: Tribal Consultation Request - Frontier Housing - Circle Drive Lots 93-95 Lakeview Heights KY - Rowan County
Attachments: Tribal Checklist - Lakeview Heights.pdf; Section 106 Consultation Request - Circle Drive lots 93-95 Lakeview Heights KY.pdf

Good afternoon to you both!

Here is a tribal for the lucky one who wants it. 😊

Have a great day,
Tisha

From: Sandra Frye <sandra@frye-environmental.com>
Sent: Wednesday, May 3, 2023 1:29 PM
To: hcadev <hcadev@kyhousing.org>
Subject: Tribal Consultation Request - Frontier Housing - Circle Drive Lots 93-95 Lakeview Heights KY - Rowan County

EXTERNAL EMAIL: Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

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Thanks for your consideration and please let me know if you need additional information for the submission.

Sandra Frye
President

Frye Environmental

Email: sandra@frye-environmental.com

Phone number: 404-313-7139

Website: www.frye-environmental.com

May 4, 2023

Osage Nation
627 Grandview Avenue
Pawhuska, Oklahoma 74056

Via e-mail to: s106@osagenation-nsn.gov

RE: Circle Drive Lots 93-95 Lakeview Heights KY 40351- Rowan County (38.15421, -83.50211): HUD HOME Investment Partnerships Single-Family Homebuyer Development

To Whom it may Concern:

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cc: Sandra Frye (sandra@frye-environmental.com)
Jessica Shelton (jshelton@kyhousing.org)

Attachments: Attachment A form
Site Map,
Site Photos

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Lakeview Heights
Project

Sarah L Frye
Reviewed By

5/3/2023
Date

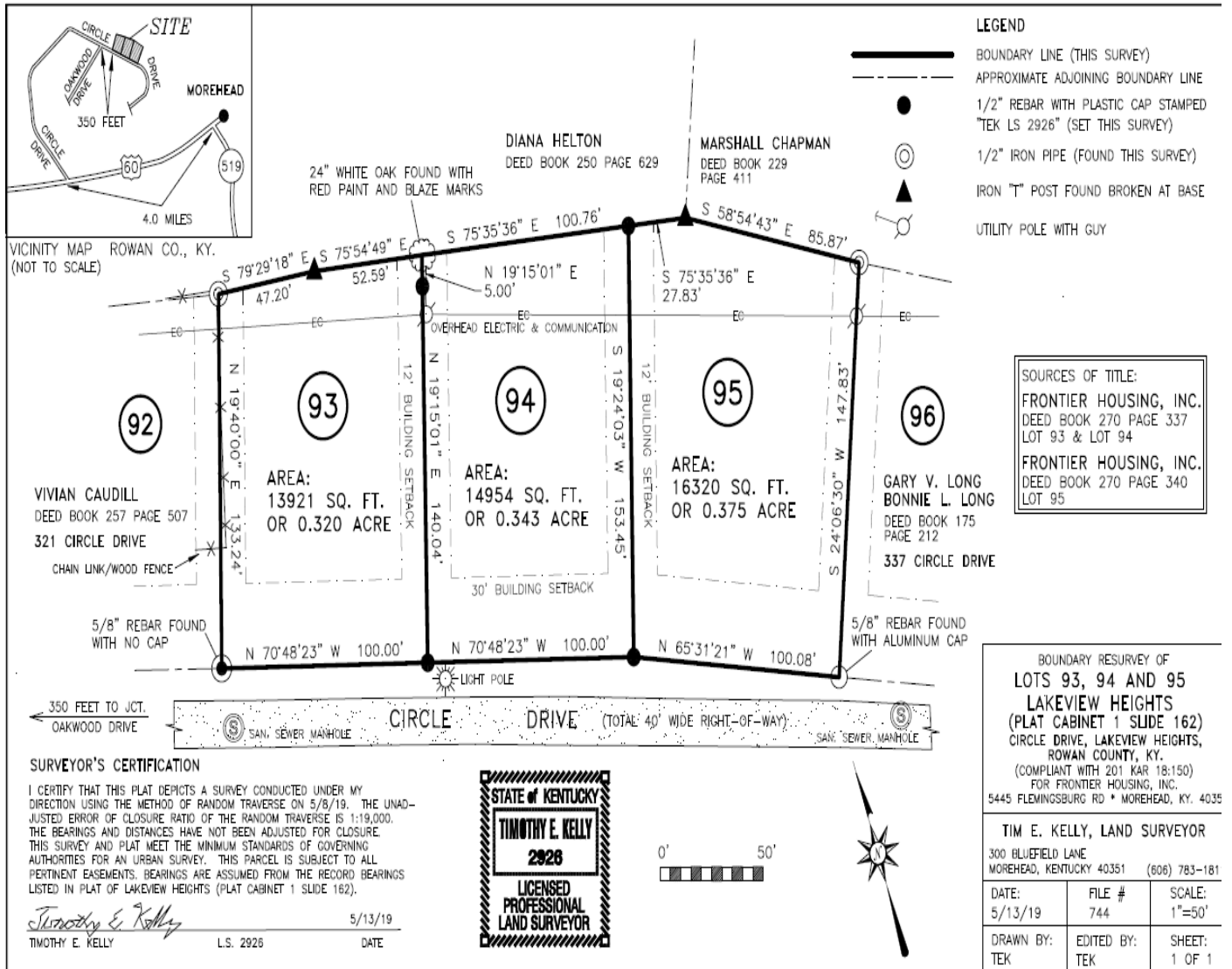
Section 106 Consultation Request

Lakeview Heights New Construction Project

Circle Drive, Lakeview Heights, Rowan County, Kentucky

Project description – Construction of three single family homes on vacant lots located on Circle Drive in Lakeview Heights, KY. The lots are currently wooded and vacant. Currently they don't have an official address listed for Circle Drive but the site map is shown below. The Area of Potential Effect is considered the sites themselves and the adjacent properties within the viewshed. None of the surrounding properties appear to be 50 years or older; therefore, No Effect to historic properties is anticipated.

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Google Earth Site photos – Lots 93, 94 and 95 below.



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View of lot 94 and the property across the street at 324 Circle Drive.



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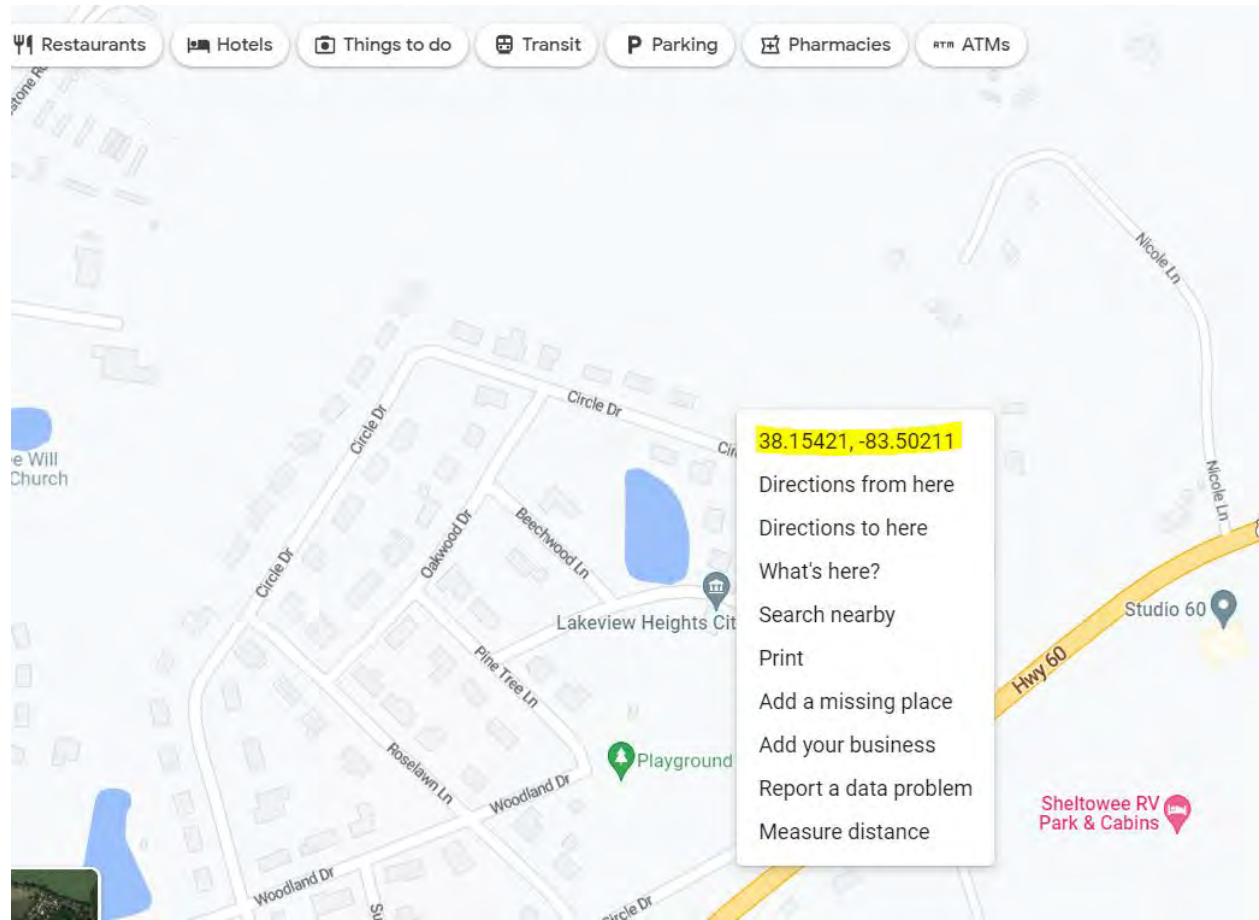
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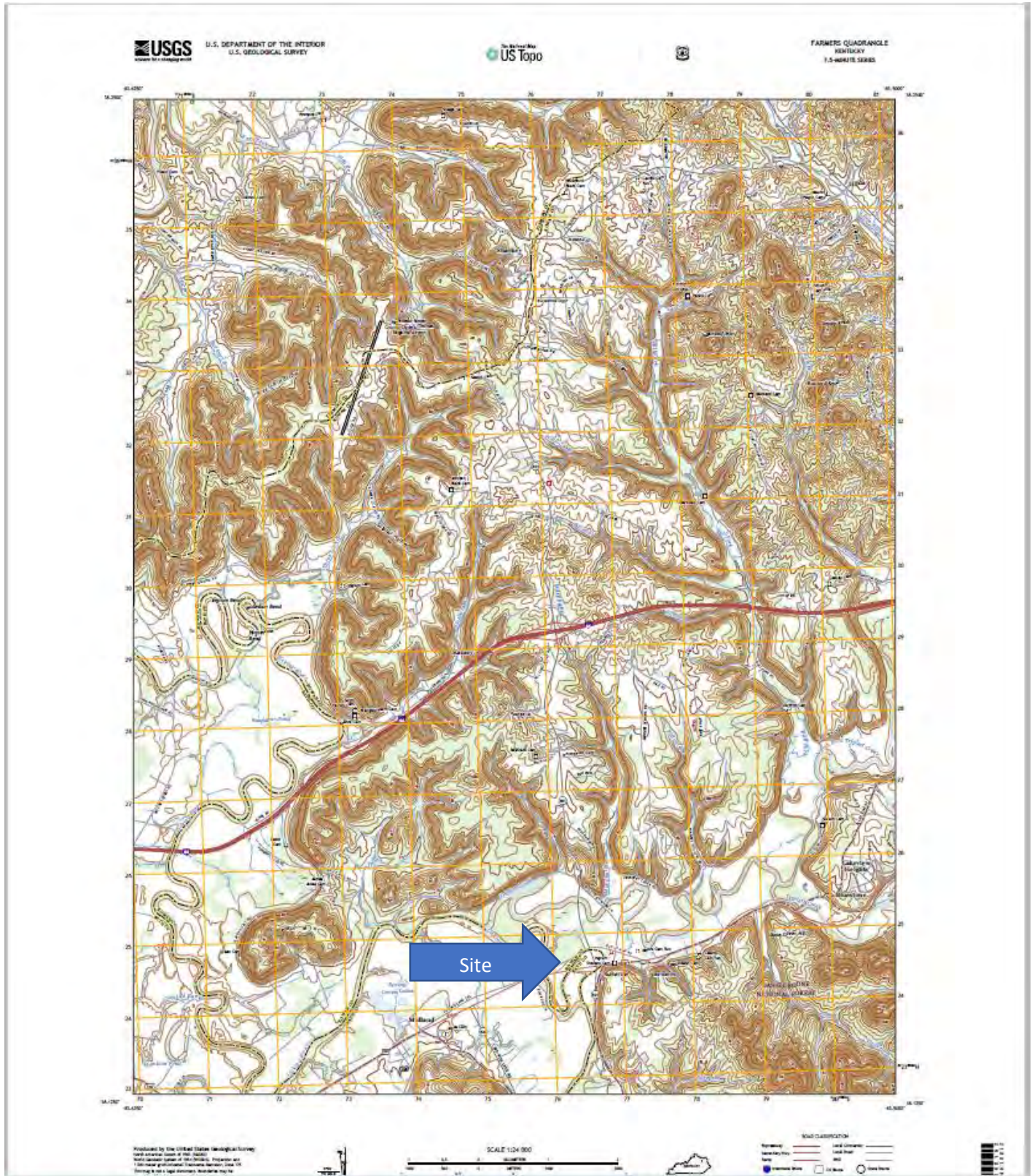
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Topo Map – Farmers, KY



1 Map Types

Map Types

Select an OnDemand Topo type, click Next

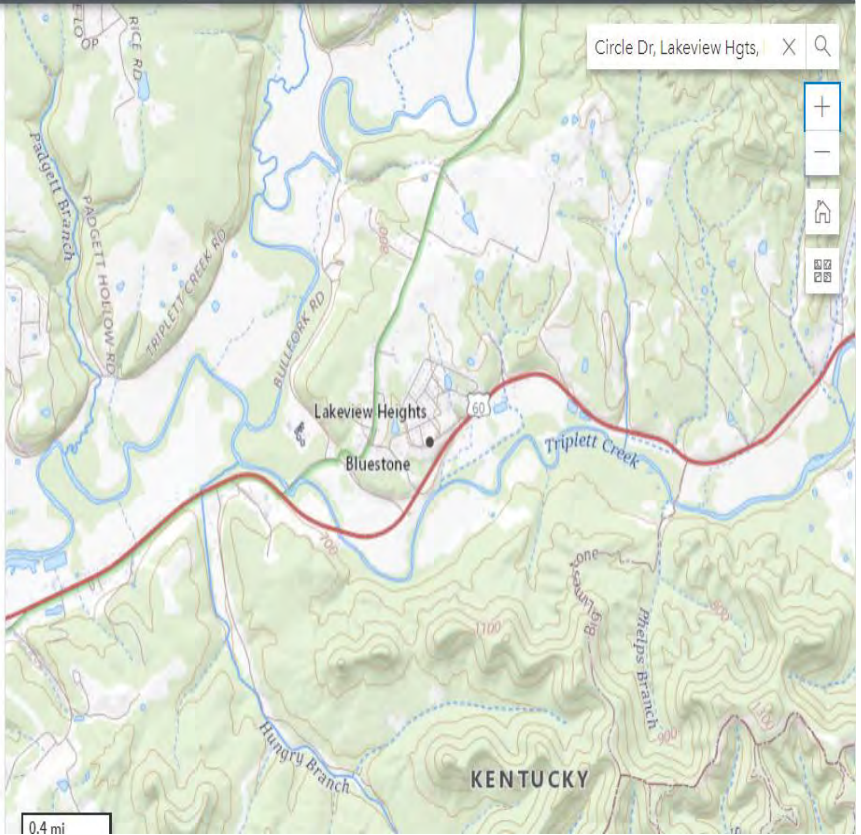
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Betty Carroll

From: hcadev
Sent: Wednesday, May 3, 2023 1:43 PM
To: Betty Carroll; Antwoine Linton
Subject: FW: Tribal Consultation Request - Frontier Housing - Circle Drive Lots 93-95 Lakeview Heights KY - Rowan County
Attachments: Tribal Checklist - Lakeview Heights.pdf; Section 106 Consultation Request - Circle Drive lots 93-95 Lakeview Heights KY.pdf

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Tisha

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Thanks for your consideration and please let me know if you need additional information for the submission.

Sandra Frye
President

Frye Environmental

Email: sandra@frye-environmental.com

Phone number: 404-313-7139

Website: www.frye-environmental.com

MEMORANDUM

TO: Project File
FROM: Antwoine Linton, Project Specialist II
SUBJECT: Tribal response to Section 106 Consultation Letter
DATE: July 27, 2023

On May 4, 2023, Betty Carroll sent a letters via email inviting the Eastern Band of Cherokee Indians, Cherokee Nation and the Osage Nation to become consulting parties on the Section 106 review for the new construction of three (3) single-family homes on 3 adjoining plots of land identified as Lots 93-95 Circle Drive in the Lakeview Heights, Rowan County, KY at the decimal latitude/longitude coordinates 38.15421, -83.50211 by Frontier Housing, Inc. None of the tribes responded within the 30-day threshold specified by HUD CPD Notice 12-006.

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: 50

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)

Screen Summary

Compliance Determination

A Noise Assessment was conducted. The noise level was acceptable: 50.0 dB. The project is in compliance with HUD's Noise regulation. Major Noise Source, Road or Highway: the project site is 606 feet from S. 9th Street, the only road with available AADT data within 1,000 feet of the project site. Based on analysis of historic traffic data from the Kentucky Transportation Cabinet, the projected traffic count (AADT) for 2033 is 5,703 cars, up from 4,086 in 2018. The nearest railroad is located 17,457 feet from the project site, beyond the 3,000-foot threshold. There is one airport within 15 miles of the project site, Morehead-Rowan County (6.01 miles away) but the HUD Airport Noise Worksheet for the airport document that the airport is not expected to generate noise beyond the airport boundaries. The combined DNL calculation for all sources is 50 dB. The National Transportation Noise Map shows that the project site is below the 65 dB threshold.

Supporting documentation

[Noise Analysis Narrative and Documentation- 93-95 Circle Drive.pdf](#)
[National Transportation Map.pdf](#)
[DNL Calculator.pdf](#)

Lots-93-95-Circle-Dr-
Lakeview-Heights-KY--
Frontier-HB22

Lakeview Heights, KY

900000010324693

Are formal compliance steps or mitigation required?

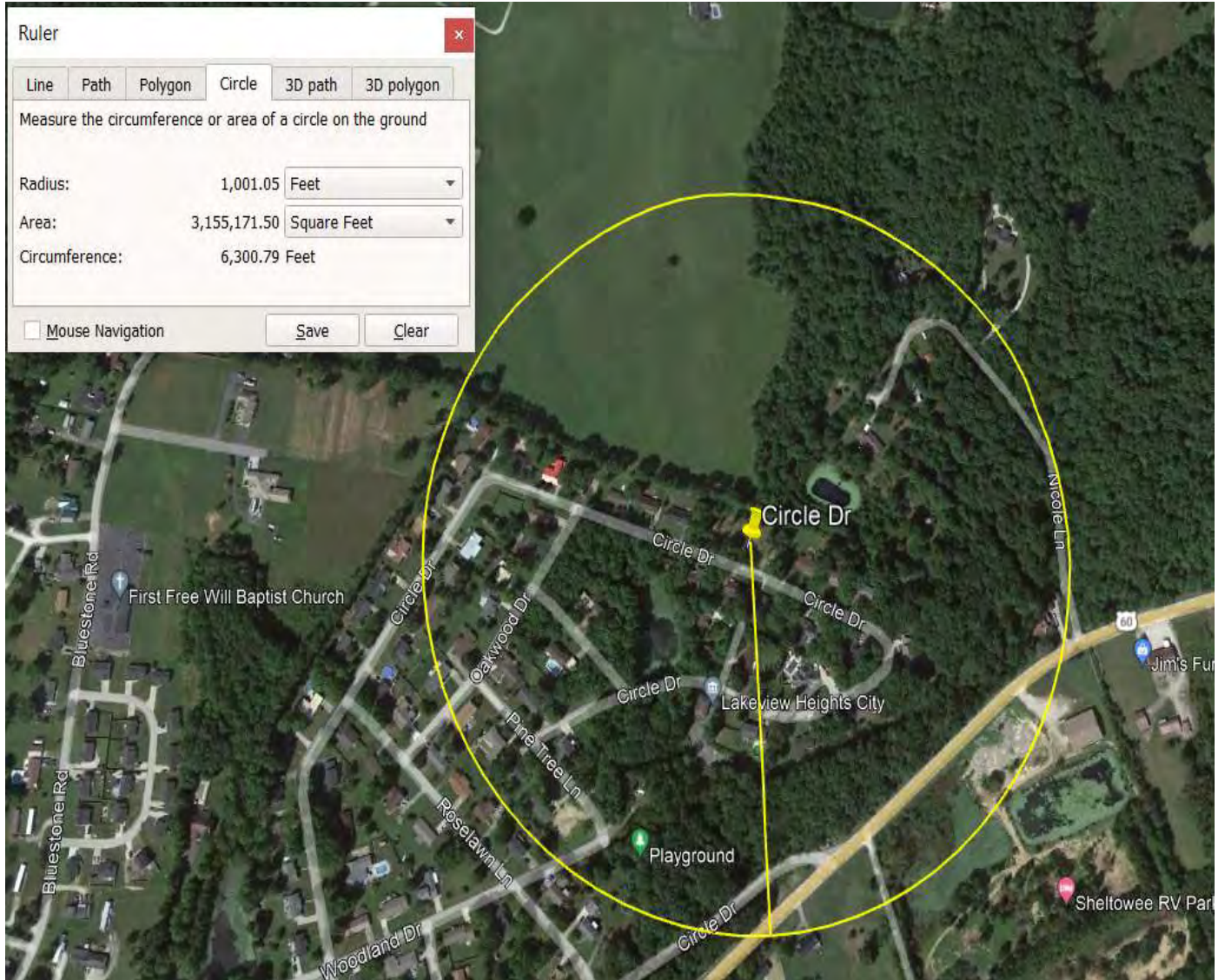
Yes

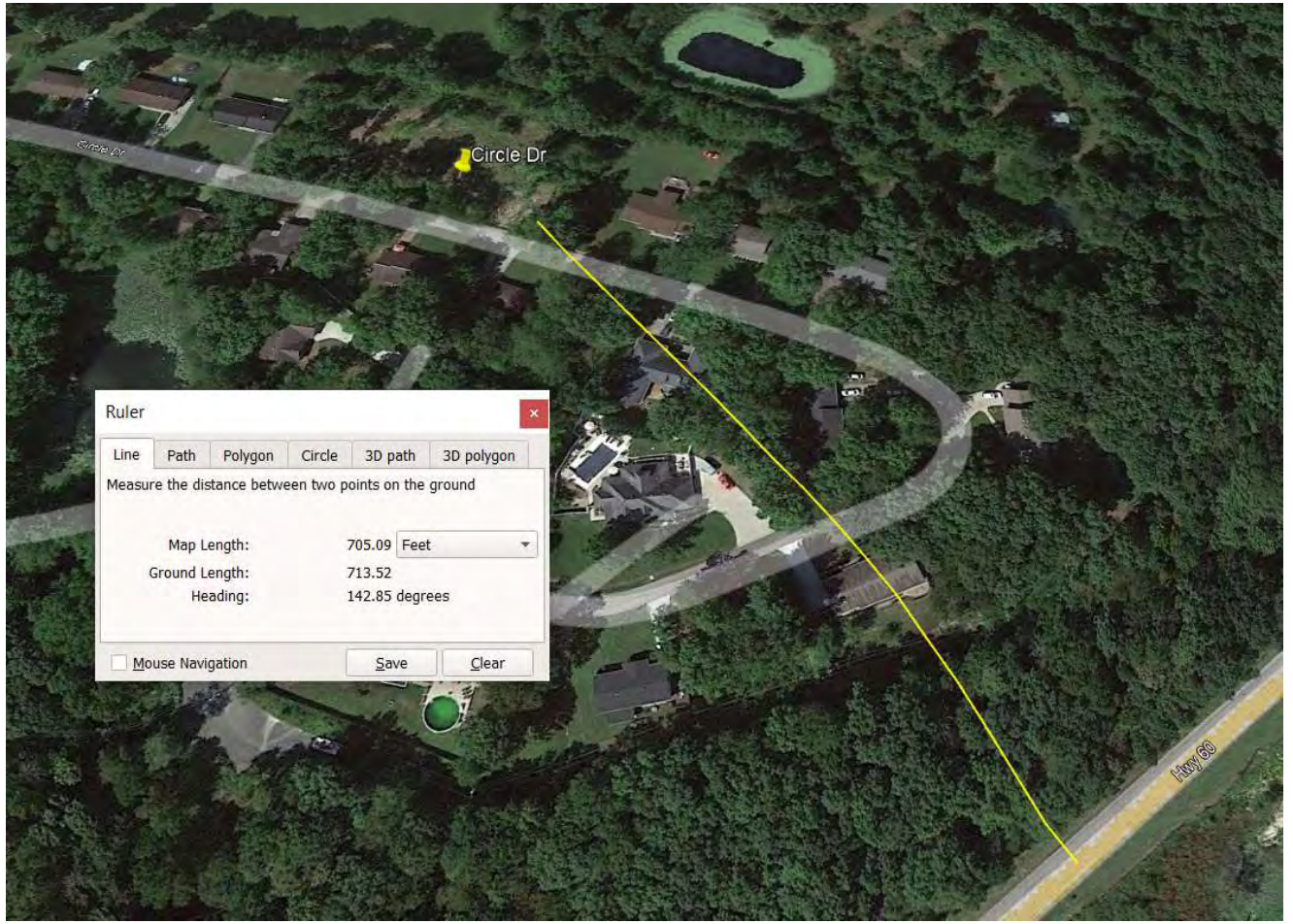
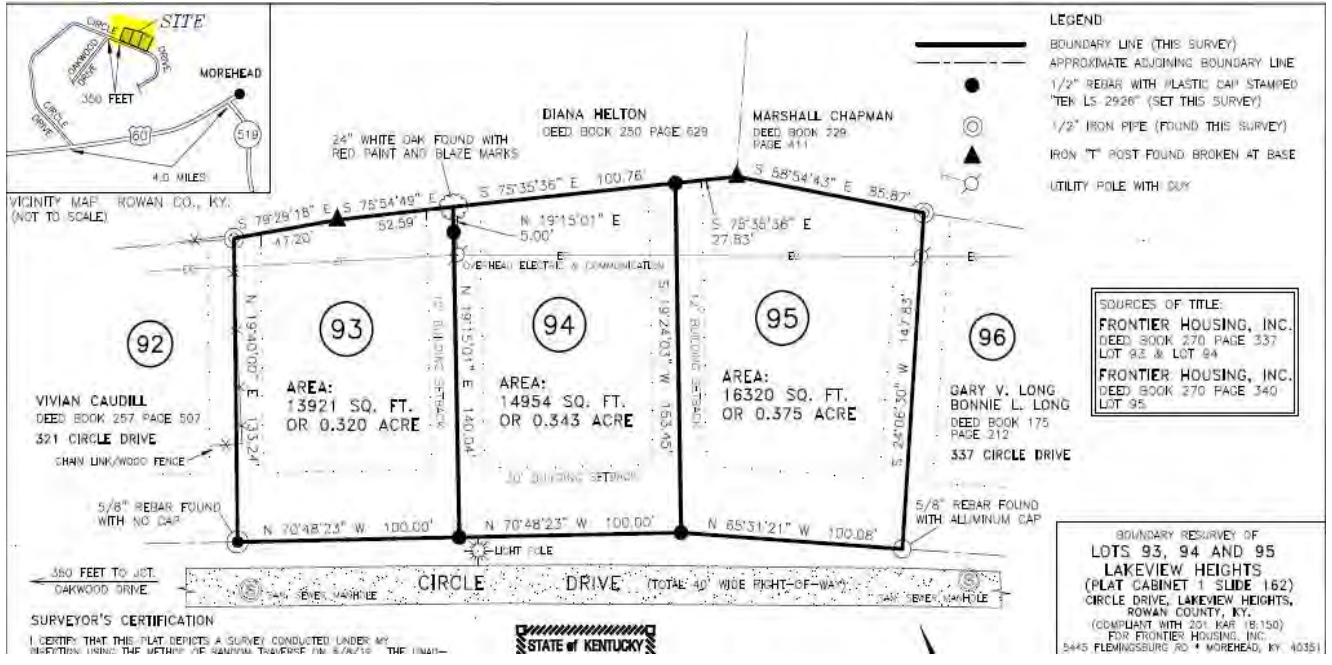
✓ No

Noise Analysis

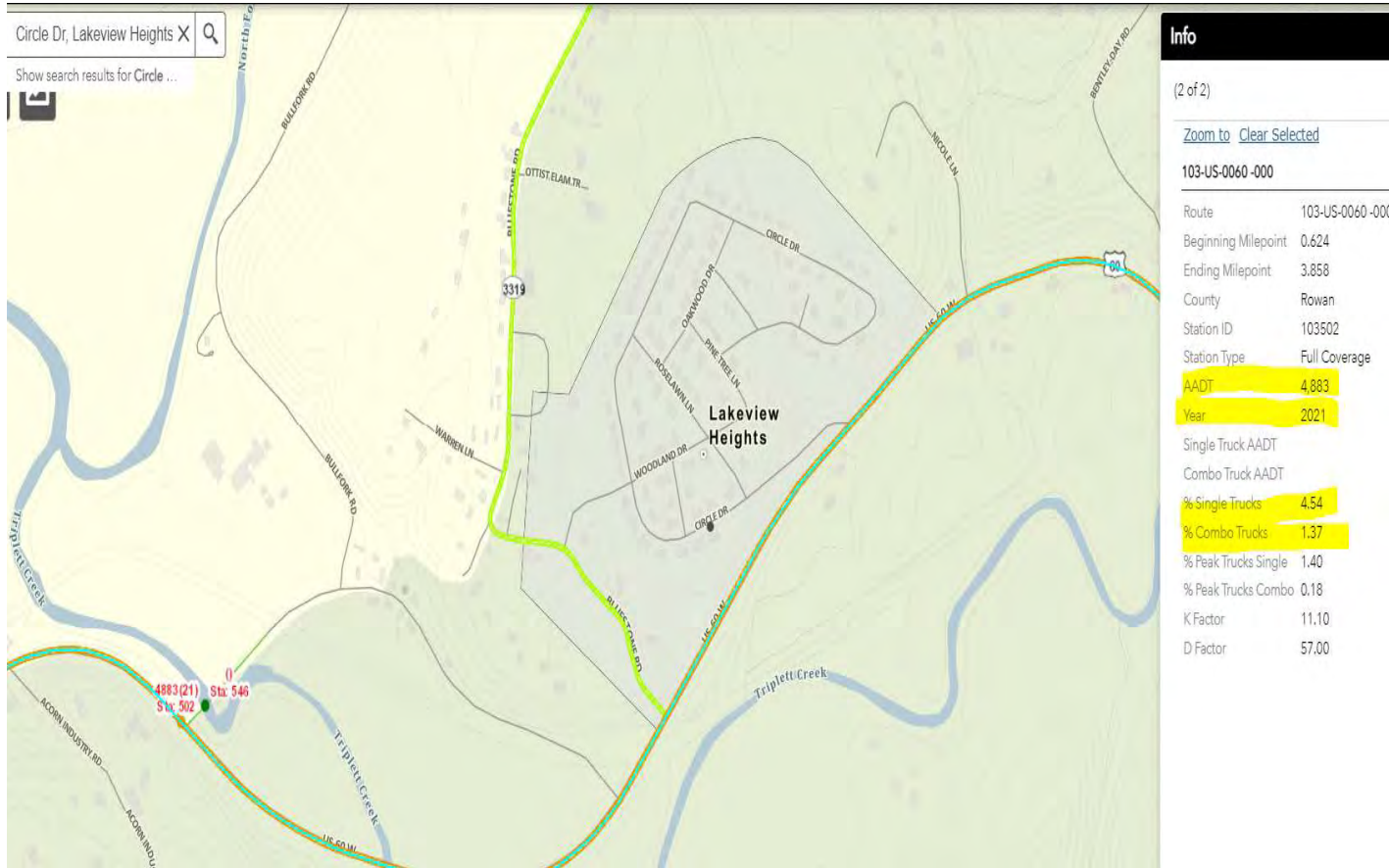
Circle Drive, Lakeview Heights, KY

Roadways: There is one major roadway within 1,000 feet of the site, **US HWY 60**. US HWY 60 is approximately 705 ft. from the Lot 95 property line which is closest to the noise source for an **effective distance of 698.5 ft.** See Google Maps below.





KY DOT Map – Per the KY DOT, the 2021 AADT for HWY 60 is 4,883. The Single Truck/Medium Truck AADT is 4.54% and Combo/Heavy Trucks at 1.37%. Based on historical data over the past 10 years, the traffic in this area has increased approximately 16.8% from an AADT of 4063 in 2012 to 4,883 in 2021. There was a decrease in 2018 to 4,086. Therefore, it is estimated the traffic will increase again by approximately 16.8% in the next 10-15 years for **an estimated total AADT in 2033 of 5,703**. See DOT information below. Truck traffic is shown as 4.54% for Single (Medium) Trucks and 1.37% for Combo (Heavy) Trucks. The speed limit is 55 mph.





Print Download Station Details

Historical Traffic Volume Summary

Station Details:

Sta ID:	103502
Sta Type:	Full Coverage
Map:	MapIt
District:	9
County:	Rowan
Route:	103-US-0060 -000
Route Desc:	US-60 W

Begin MP:	0.6240
Begin Desc:	KY 2522
End Mp:	3.8580
End Desc:	CINNATI BRANCH ROAD
Impact Year:	
Year Added:	

Newest Count:

AADT:	4883
Year:	2021
% Single:	4.5370
% Combo:	1.3710
K Factor:	11.10
D Factor:	57

Definitions:

Sta. ID - Three digit county number + station number

MP - milepoint

Impact Year - year of significant change to traffic pattern within station segment

AADT - Annual Average Daily Traffic - the annualized average 24-hour volume of vehicles on a segment of roadway

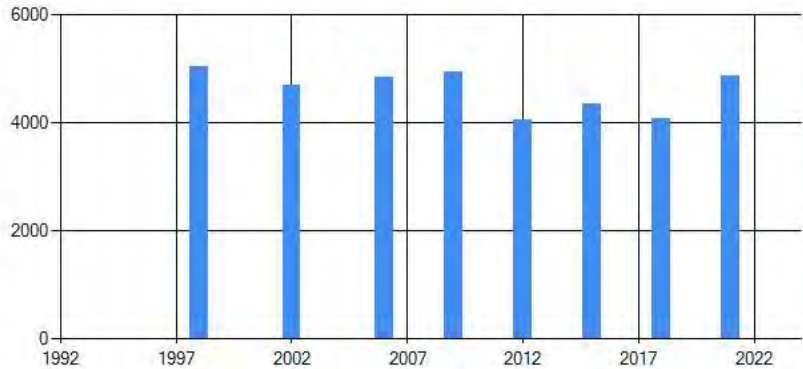
% Single - single unit truck volume as a percentage of the AADT

% Combo - combination truck volume as a percentage of the AADT

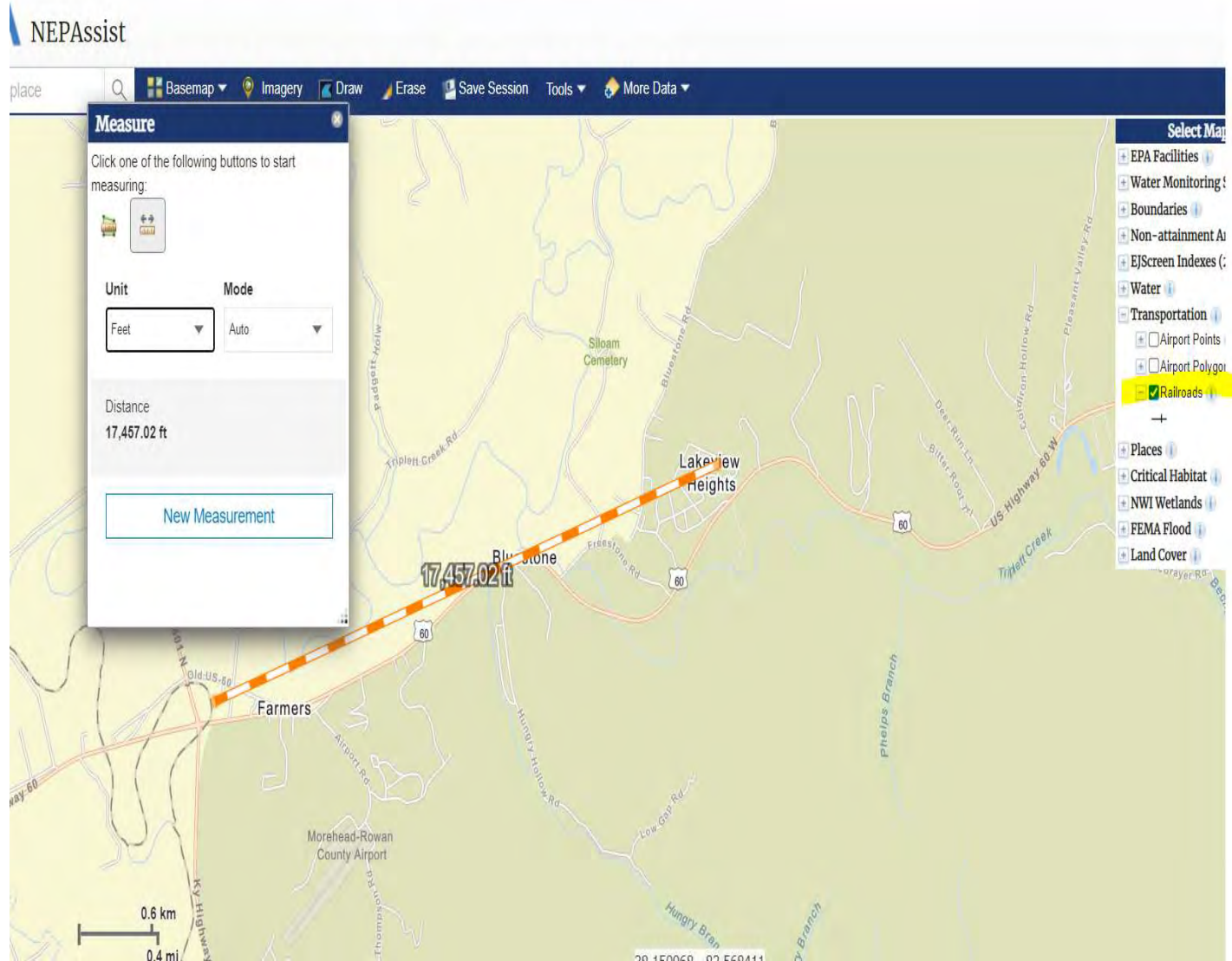
K Factor - peak hour volume as a percentage of the AADT

D Factor - percentage of peak hour volume flowing in the peak direction

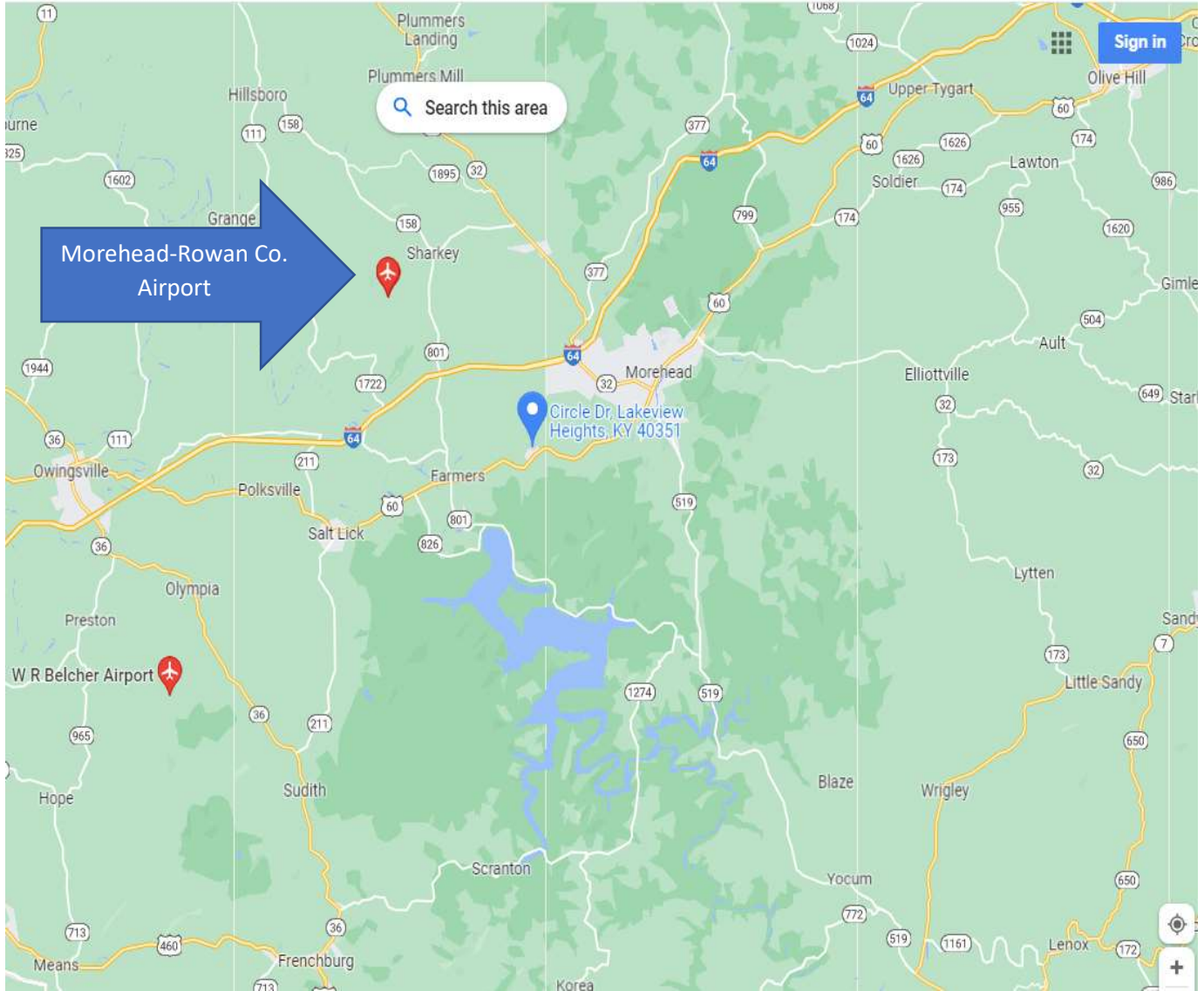
Year	AADT	Year	AADT	Year	AADT
2023		2013		2003	
2022		2012	4063	2002	4700
2021	4883	2011		2001	
2020		2010		2000	
2019		2009	4940	1999	
2018	4086	2008		1998	5040
2017		2007		1997	
2016		2006	4850	1996	
2015	4343	2005		1995	
2014		2004		1994	

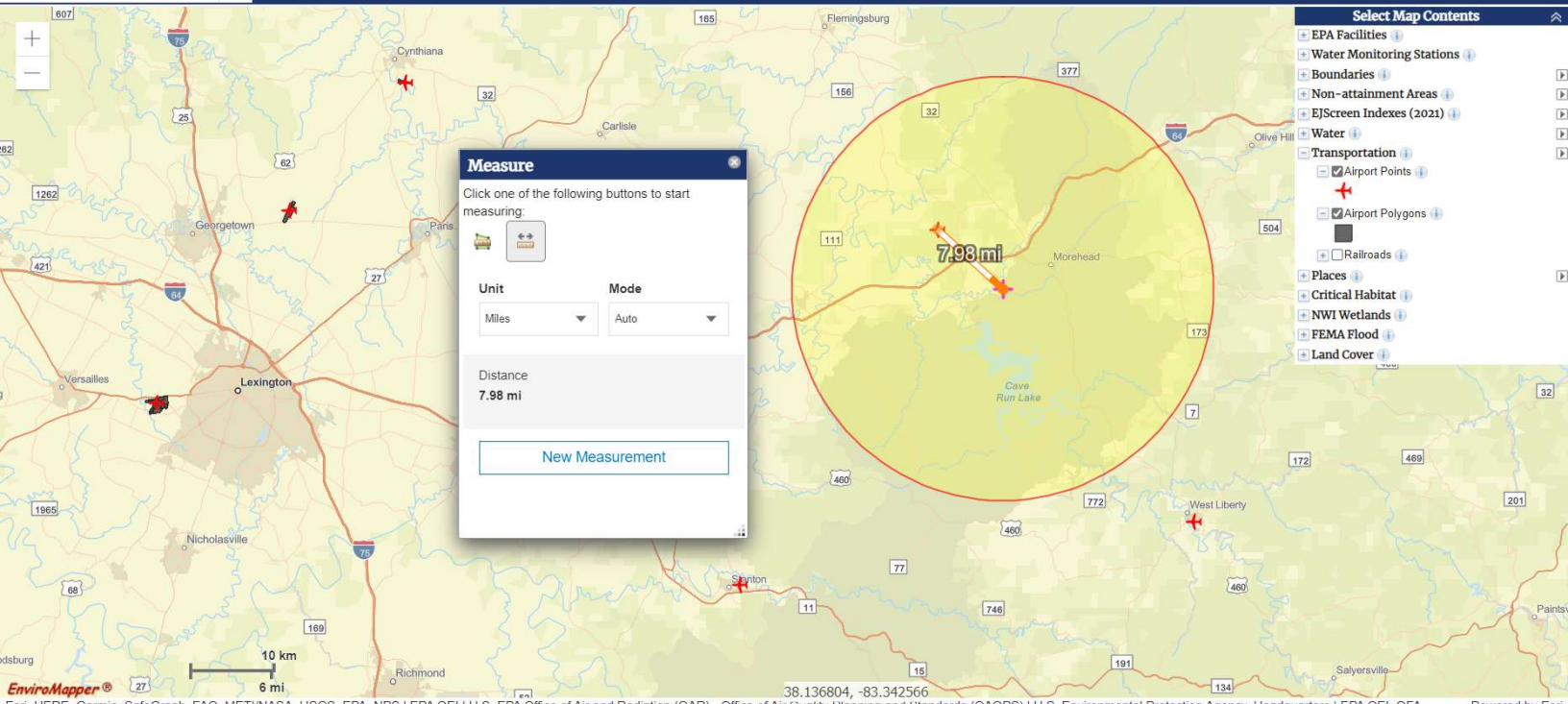


Railroads: There are no railroads within 3,000 feet of the site. Per NEPAssist, the closest railroad is over 17,000 feet from the site.



Airports: According to Google Maps, there is one airport within 15 miles, the Morehead- Rowan County Airport which is 6.01 miles from the site. Per the HUD Small Airport Worksheet, airport noise will not extend beyond the airport boundary. Also, Google Maps identifies the W R Belcher Airport as within the 15-mile radius, however, this private airport is no longer in operations and is not FAA -regulated. Therefore, there will be no impacts from airport noise at the site. See maps below and attached Airport

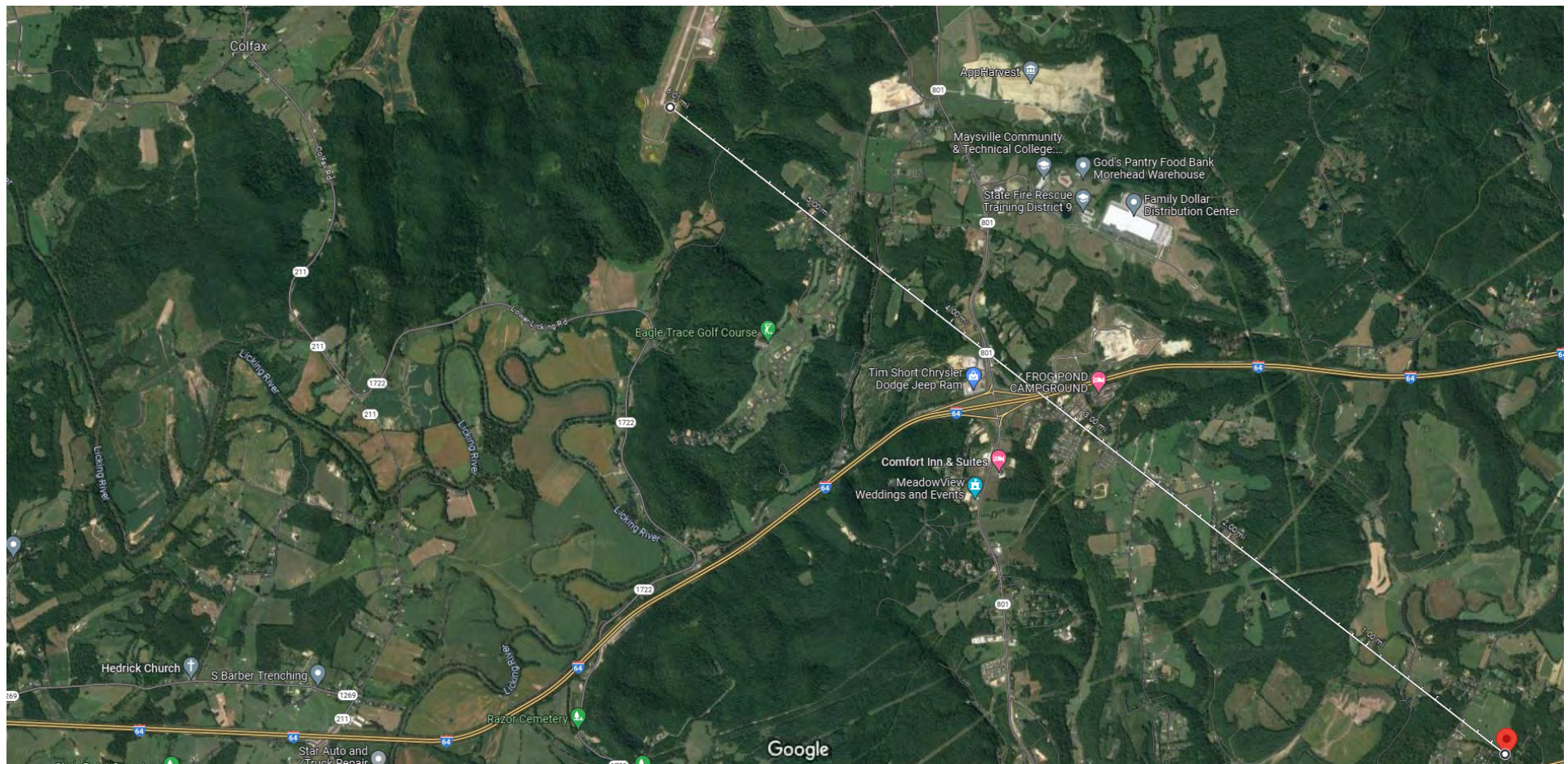






38°09'15.2"N 83°30'07.6"W

Distance to Morehead-Rowan County Airport from Lots 93-95 Circle Dr. Morehead, KY



Imagery ©2023 Airbus, CNES / Airbus, Commonwealth of Virginia, Landsat / Copernicus, Maxar Technologies, USDA/FPAC/Geo, Map data ©2023 2000 ft

Measure distance
Total distance: 6.01 mi (9.68 km)

According to the Airport Master Record for the Morehead-Rowan County Airport and the HUD Small Airport Worksheet, the number of operations at the site indicate the noise generated will not extend beyond the boundaries of the airport. **Therefore, airport noise will also not be an issue at the site.** See below and the attached Airport Worksheet.

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION		AIRPORT MASTER RECORD		PRINT DATE: 05/11/2023
				AFD EFF 04/20/2023
				FORM APPROVED OMB 2120-0015
> 1 ASSOC CITY:	MOREHEAD	4 STATE: KY	LOC ID: SYM	FAA SITE NR: 07286.*A
> 2 AIRPORT NAME:	MOREHEAD-ROWAN COUNTY CLYDE A THOMAS RGNL	5 COUNTY: ROWAN, KY	7 SECT AERO CHT: CINCINNATI	
3 CBD TO AIRPORT (NM): 7 NW		6 REGION/ADO: ASO /MEM		
GENERAL			SERVICES	BASED AIRCRAFT
10 OWNERSHIP:	PUBLIC	> 70 FUEL:	100LL A+	90 SINGLE ENG: 22
> 11 OWNER:	MOREHEAD-ROWAN COUNTY AIRPORT BOARD	> 71 AIRFRAME RPRS:		91 MULTI ENG: 0
> 12 ADDRESS:	1800 RODNEY HITCH BLVD MOREHEAD, KY 40351	> 72 PWR PLANT RPRS:		92 JET: 0
> 13 PHONE NR:	(606) 776-1232	> 73 BOTTLE OXYGEN:		93 HELICOPTERS: 1
> 14 MANAGER:	JACK & JODI HOLLEY	> 74 BULK OXYGEN:		TOTAL: 23
> 15 ADDRESS:	1800 RODNEY HITCH BLVD MOREHEAD, KY 40351	75 TSNT STORAGE: HGR TIE		94 GLIDERS: 0
> 16 PHONE NR:	606-780-0085	76 OTHER SERVICES:		95 MILITARY: 0
> 17 ATTENDANCE SCHEDULE:				96 ULTRA-LIGHT: 0
MONTHS	DAYS	HOURS		
ALL	SUN	1300-1600		
ALL	SAT	1000-1600		
ALL	MON-FRI	0800-1600		
18 AIRPORT USE:	PUBLIC		FACILITIES	OPERATIONS
19 ARPT LAT:	38-12-54N ESTIMATED	> 80 ARPT BCN:	WG	100 AIR CARRIER: 0
20 ARPT LONG:	83-35-15.4W	> 81 ARPT LGT SKED:	SEE RMK	102 AIR TAXI: 50
21 ARPT ELEV:	1028.4 SURVEYED	BCN LGT SKED:	SS-SR	103 G A LOCAL: 4,000
22 ACREAGE:	325	> 82 UNICOM:	122.700	104 G A ITNRNT: 2,950
> 23 RIGHT TRAFFIC:	NO	> 83 WIND INDICATOR:	YES-L	105 MILITARY: 300
		84 SEGMENTED CIRCLE:	YES	TOTAL: 7,300
		85 CONTROL TWR:	NO	
		86 FSS:	LOUISVILLE	
		87 FSS ON ARPT:		OPERATIONS FOR 12

Airport Noise Worksheet

Use this worksheet to identify information needed to evaluate a site's exposure to aircraft noise.

Name and Location of Project: 93-95 Circle Drive, Lakeview Heights, KY-Frontier Housing

Name of Airport: Morehead-Rowan County Airport

Person completing worksheet: Curtis Stauffer Date: 8/14/2023

1. Determine if the proposed site/project is within 15 miles of a civil or military airport.

- No. Attach a scaled map identifying the location of the proposed project site and the location of any airports. *Further use of this worksheet is not required.*
- Yes. Attach a scaled map identifying the location of the proposed project site and the location of any airports. *Continue.*

2. Determine the number of operations at the airport by:

- Go to: <http://www.gcr1.com/5010web/advancedsearch.cfm>
- Find your airport using the Search function
- Open the report under "Print 5010"
- Complete section 3 below by using Operations data found in the report (see yellow arrow in the example below)

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION	AIRPORT MASTER RECORD	PRINT DATE: 3/29/2018 AFD EFF 03/29/2018 FORM APPROVED OMB 2120-0015
> 1 ASSOC CITY: GREAT BEND > 2 AIRPORT NAME: GREAT BEND MUNI 3 CBD TO AIRPORT (NM): 04 W	4 STATE: KS 6 REGION/ADO: ACE/NONE	LOC ID: GBD 5 COUNTY: BARTON KS 7 SECT AERO CHT: WICHITA
FAA SITE NR: 06636.*A		

GENERAL	SERVICES	BASED AIRCRAFT
> 10 OWNERSHIP: PUBLIC	> 70 FUEL: 100LL A	90 SINGLE ENG: 37
> 11 OWNER: CITY OF GREAT BEND	> 71 AIRFRAME RPRS: MAJOR	91 MULTI ENG: 9
> 12 ADDRESS: CITY HALL, BOX 1168 GREAT BEND, KS 67530	> 72 PWR PLANT RPRS: MAJOR	92 JET: 2
> 13 PHONE NR: 620-793-4111	> 73 BOTTLE OXYGEN:	TOTAL: 48
> 14 MANAGER: MR. MARTIN MILLER	> 74 BULK OXYGEN: LOW	93 HELICOPTERS: 0
> 15 ADDRESS: CITY HALL, BOX 1168 GREAT BEND, KS 67530	75 TSNT STORAGE: HGR, TIE	94 GLIDERS: 0
> 16 PHONE NR: 620-793-4168	76 OTHER SERVICES: AGRI, INSTR	95 MILITARY: 0
PERFORMANCE SCHEDULE: ALL 0630-1800		96 ULTRA-LIGHT: 0
	FACILITIES	OPERATIONS
> 17 AIRPORT USE: PUBLIC	> 80 ARPT BCN: CG	100 AIR CARRIER: 0
19 ARPT LAT: 38-20-39.3000N ESTIMATED	> 81 ARPT LGT SKED: SEE RMK	102 AIR TAXI: 1,944
20 ARPT LONG: 098-51-33.1000W	BCN LGT SKED: SS-SR	103 G A LOCAL: 8,760
21 ARPT ELEV: 1886.5 SURVEYED	> 82 UNICOM: 122.800	104 G A ITRNRT: 4,512
22 ACREAGE: 1,887	> 83 WIND INDICATOR: YES-L	105 MILITARY: 360
> 23 RIGHT TRAFFIC: NO	84 SEGMENTED CIRCLE: YES	TOTAL: 15,576
> 24 NON-COMM LANDING: NO	85 CONTROL TWR: NO	OPERATIONS FOR 12 MONTHS ENDING: 10/31/2017
25 NPIAS/FED AGREEMENTS: NGPRY	86 FSS: WICHITA	
> 26 FAR 139 INDEX: III A S 06/1976	87 FSS ON ARPT: NO	
	88 FSS PHONE NR:	
	89 TOLL FREE NR: 1-800-WX-BRIEF	

3. Determine if the annual number of operations for air carriers (#100), air taxis (#102), military (#105), and general aviation (#103 plus #104) exceeds the thresholds provided below.

#100 Annual air carrier operations <u>0</u>	Is this 9,000 or more?	Yes ___ No <u>X</u>
#102 Annual air taxi operations <u>50</u>	Is this 18,000 or more?	Yes ___ No <u>X</u>
#105 Annual military operations <u>300</u>	Is this 18,000 or more?	Yes ___ No <u>X</u>
#103+#104 Annual general aviation operations <u>6,950</u>	Is this 72,000 or more?	Yes ___ No <u>X</u>

4. If you answer "No" on each of the questions above, it is assumed the noise attributed to the airplanes will not extend beyond the boundaries of the airport. Maintain the documentation

in your Environmental Review Record (ERR). You are finished with the evaluation of airport noise for this airport.

If you have marked any question in #3 with “Yes,” continue to 5.

5. Contact the airport manager, (see blue arrow above) and ask them if the airport has noise contour maps. Are contour maps available?
- Yes. Locate your project on the noise contour map. If there are no roads or railroads that are being considered for noise, utilize the information from the contour map to determine if the site is acceptable. If roads or railroads are being considered, input the information obtained from the airport noise contours, along with the road and railroad information, into HUD online noise calculation tool at <http://www.hud.gov/offices/cpd/environment/dnlcalculator.cfm>.
 - No. Construct the approximate DNL contours by using the guidance on page 52 and 53 of the HUD [Noise Guidebook](#). You will need to obtain the following information from the airport:
 - (a) The number of nighttime jet operations (10pm to 7 am).
 - (b) The number of daytime jet operations (7 am to 10 pm).
 - (c) The flight paths of the major runways.
 - (d) Any available information about expected changes in airport traffic (e.g., will the number of operations increase or decrease in the next 10 to 15 years?).

Contact your HUD Environmental Officer if you need assistance.

Overall DNL: Per the HUD Noise Calculator, the noise level at the site is **50 DNL**. Therefore, the project is in compliance without mitigation.

DNL Calculator

Site ID	Circle Drive lots 93-95 Lakeview Heights KY
Record Date	05/12/2023 <input type="checkbox"/>
User's Name	Sandy Frye

Road # 1 Name:	US 60
----------------	-------

Road #1

Vehicle Type	Cars <input checked="" type="checkbox"/>	Medium Trucks <input checked="" type="checkbox"/>	Heavy Trucks <input checked="" type="checkbox"/>
Effective Distance	699	699	699
Distance to Stop Sign			
Average Speed	45	45	45
Average Daily Trips (ADT)	5703	259	78
Night Fraction of ADT	15	15	15
Road Gradient (%)			2
Vehicle DNL	46	43	46
Calculate Road #1 DNL	50	Reset	

Add Road Source Add Rail Source

Airport Noise Level

0

Loud Impulse Sounds?

Yes No

Combined DNL for all
Road and Rail sources

50

Combined DNL including Airport

N/A

Site DNL with Loud Impulse Sound

Calculate Reset

[Home \(/\)](#) > [Programs \(/programs/\)](#) > [Environmental Review \(/programs/environmental-review/\)](#) > DNL Calculator

DNL Calculator

The Day/Night Noise Level Calculator is an electronic assessment tool that calculates the Day/Night Noise Level (DNL) from roadway and railway traffic. For more information on using the DNL calculator, view the [Day/Night Noise Level Calculator Electronic Assessment Tool Overview \(/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/\)](#).

Guidelines

- To display the Road and/or Rail DNL calculator(s), click on the "Add Road Source" and/or "Add Rail Source" button(s) below.
- All Road and Rail input values must be positive non-decimal numbers.
- All Road and/or Rail DNL value(s) must be calculated separately before calculating the Site DNL.
- All checkboxes that apply must be checked for vehicles and trains in the tables' headers.
- **Note #1:** Tooltips, containing field specific information, have been added in this tool and may be accessed by hovering over all the respective data fields (site identification, roadway and railway assessment, DNL calculation results, roadway and railway input variables) with the mouse.
- **Note #2:** DNL Calculator assumes roadway data is always entered.

DNL Calculator

Site ID

Record Date

User's Name

Road # 1 Name:

Road #1

Vehicle Type	Cars <input checked="" type="checkbox"/>	Medium Trucks <input checked="" type="checkbox"/>	Heavy Trucks <input checked="" type="checkbox"/>
Effective Distance	<input type="text" value="699"/>	<input type="text" value="699"/>	<input type="text" value="699"/>
Distance to Stop Sign	<input type="text"/>	<input type="text"/>	<input type="text"/>
Average Speed	<input type="text" value="45"/>	<input type="text" value="45"/>	<input type="text" value="45"/>
Average Daily Trips (ADT)	<input type="text" value="5703"/>	<input type="text" value="259"/>	<input type="text" value="78"/>
Night Fraction of ADT	<input type="text" value="15"/>	<input type="text" value="15"/>	<input type="text" value="15"/>
Road Gradient (%)			<input type="text" value="2"/>
Vehicle DNL	46	43	46
<input type="button" value="Calculate Road #1 DNL"/>	50	<input type="button" value="Reset"/>	

Airport Noise Level

Loud Impulse Sounds? Yes No

Combined DNL for all Road and Rail sources	50
Combined DNL including Airport	N/A
Site DNL with Loud Impulse Sound	

Mitigation Options

If your site DNL is in Excess of 65 decibels, your options are:

- **No Action Alternative:** Cancel the project at this location.
- **Other Reasonable Alternatives:** Choose an alternate site.
- **Mitigation**
 - Contact your Field or Regional Environmental Officer (</programs/environmental-review/hud-environmental-staff-contacts/>)
 - Increase mitigation in the building walls (only effective if no outdoor, noise sensitive areas)
 - Reconfigure the site plan to increase the distance between the noise source and noise-sensitive uses
 - Incorporate natural or man-made barriers. See *The Noise Guidebook* (</resource/313/hud-noise-guidebook/>)
 - Construct noise barrier. See the **Barrier Performance Module** (</programs/environmental-review/bpm-calculator/>)

Tools and Guidance

Day/Night Noise Level Assessment Tool User Guide (</resource/3822/day-night-noise-level-assessment-tool-user-guide/>)

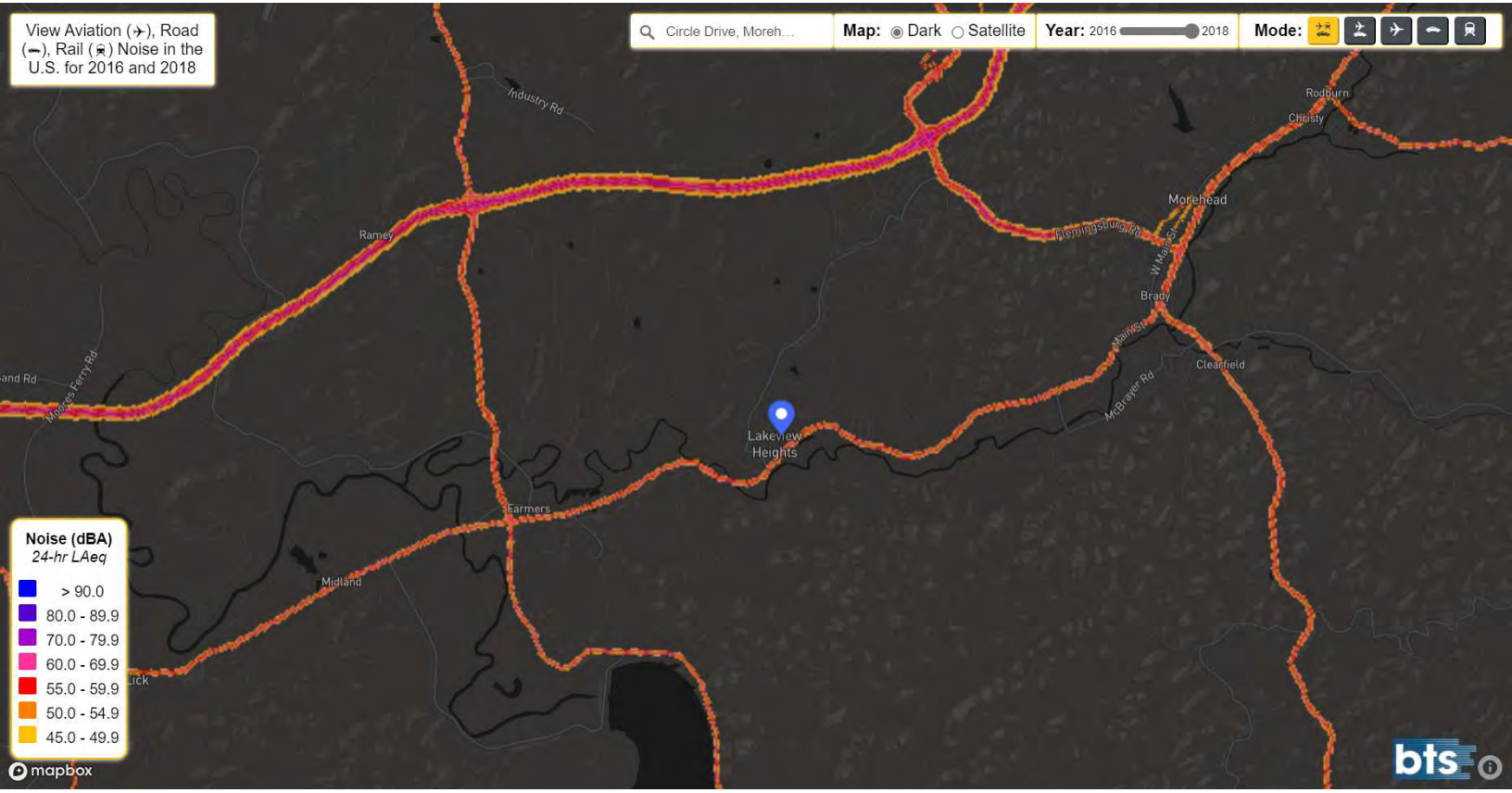
Day/Night Noise Level Assessment Tool Flowcharts (</resource/3823/day-night-noise-level-assessment-tool-flowcharts/>)

View Aviation (✈), Road (🚗), Rail (🚆) Noise in the U.S. for 2016 and 2018

Search: Circle Drive, Moreh... Map: Dark Satellite Year: 2016 2018 Mode:

Noise (dBA)
24-hr LAeq

> 90.0
80.0 - 89.9
70.0 - 79.9
60.0 - 69.9
55.0 - 59.9
50.0 - 54.9
45.0 - 49.9



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

3. Does your region have a memorandum of understanding (MOU) or other working agreement with Environmental Protection Agency (EPA) for HUD projects impacting a sole source aquifer?

Yes

No

Screen Summary

Compliance Determination

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

Supporting documentation

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

Are formal compliance steps or mitigation required?

Yes

✓ No

ArcGIS Web Map

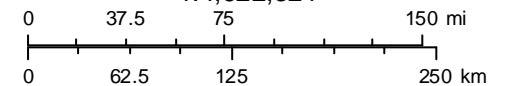


3/26/2019, 10:39:24 AM

Sole Source Aquifers - Labels

SSA

1:4,622,324



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Wetlands Protection

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

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

No

✓ Yes

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

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

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

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

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

Screen Summary

Compliance Determination

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. Per the National Wetlands Inventory Map, there are no wetlands in the project area.

Supporting documentation

[National Wetlands Inventory Map_93-95 Circle Dr.pdf](#)

Are formal compliance steps or mitigation required?

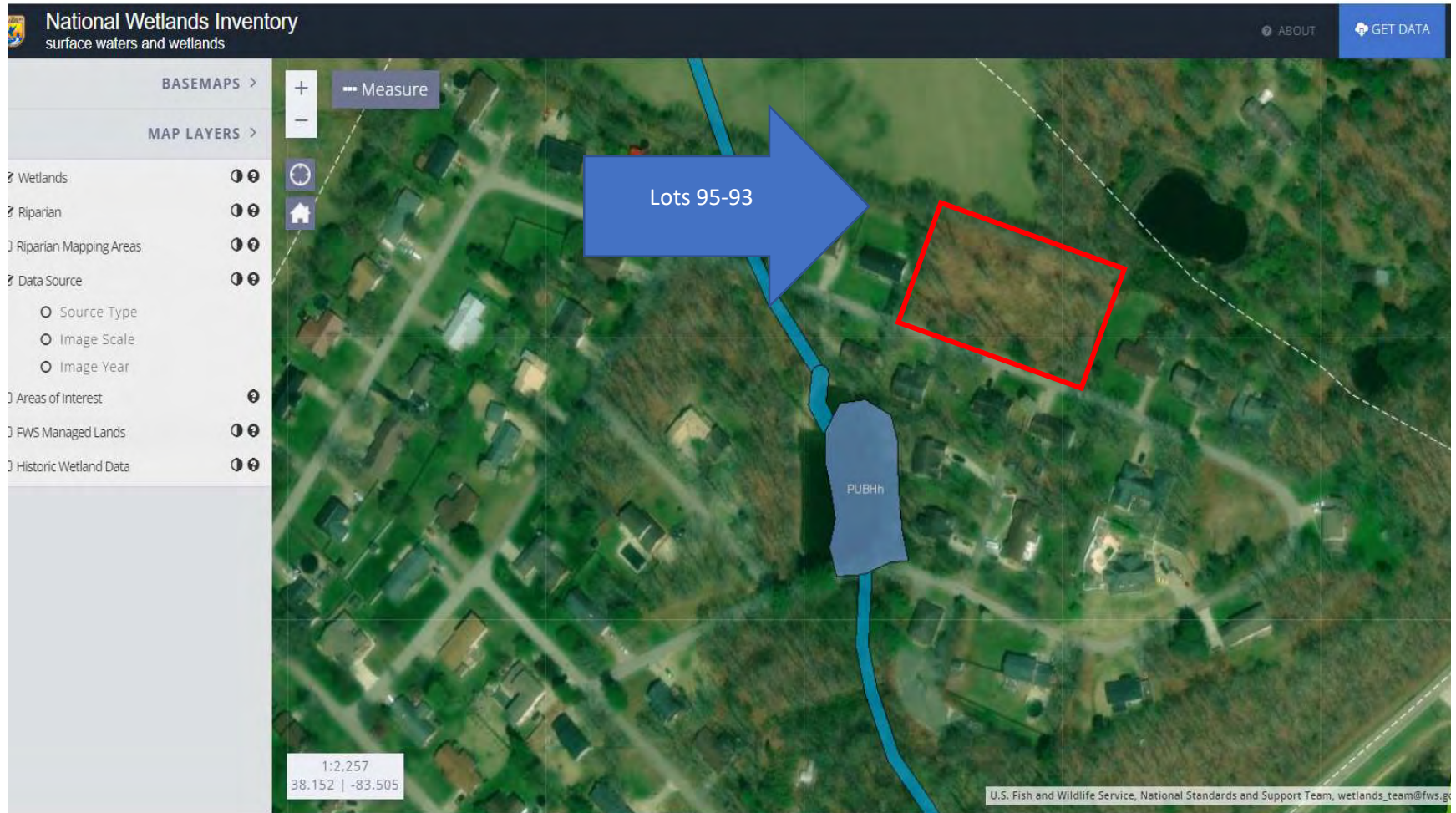
Yes

✓ No

E.O. 11990 Wetlands Protection

Circle Drive lots 93-95, Lakeview Heights, KY

The site is not located in a wetland area. See National Wetlands Inventory (NWI) Map below.



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 22.88 miles away from the Wild and Scenic portion of the Red River, Kentucky's only Wild and Scenic River and is 4.94 miles away from the Nationwide River Inventory portions of the Licking River, the nearest such body.

Supporting documentation

[NWSRS Website Red River KY.pdf](#)

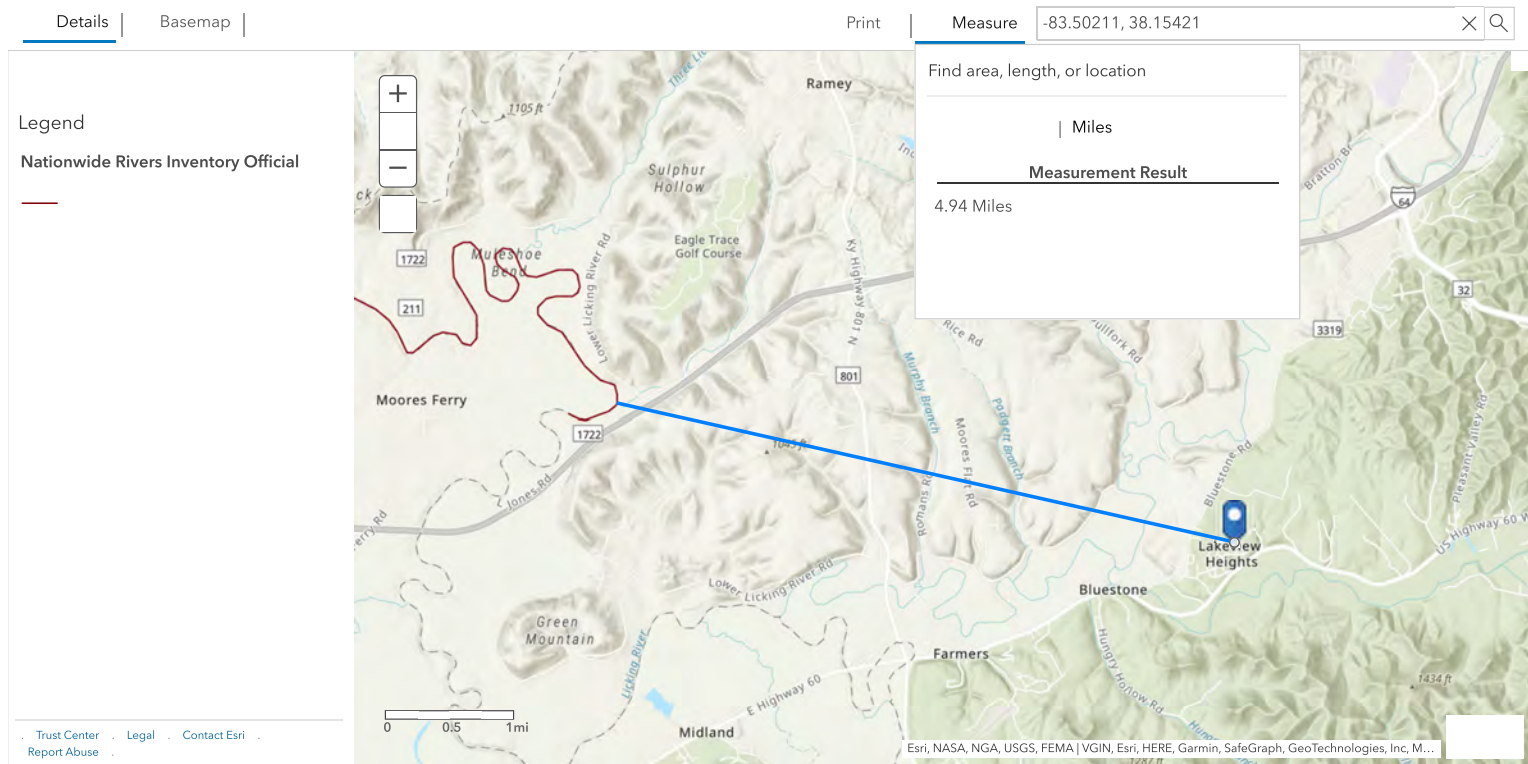
[Distance to Red River 93-95 Circle Dr.pdf](#)

[Distance to Licking River 93-95 Circle Drive.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

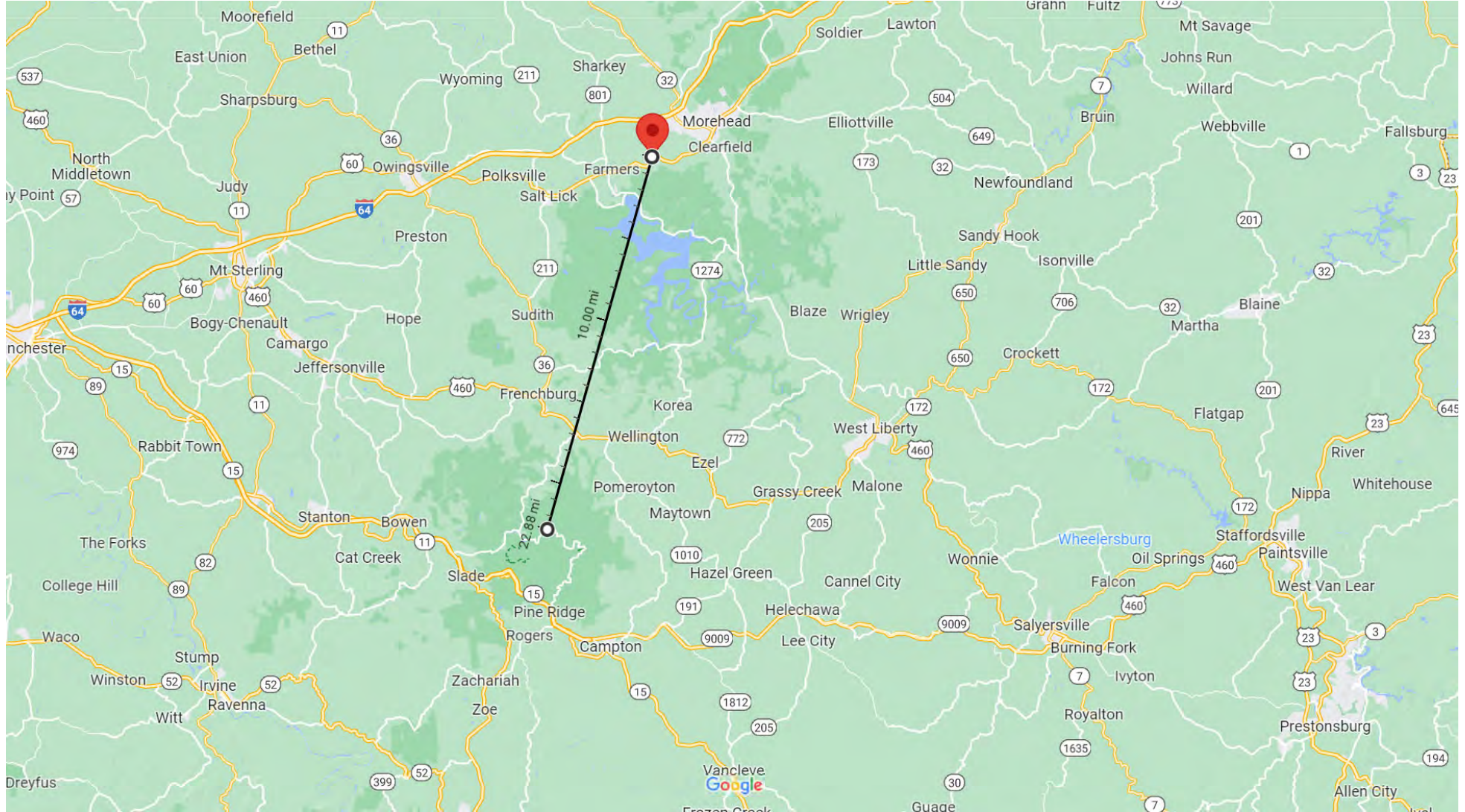


Distance to Licking River from 93-95 Circle Dr. Lakeview Heights, KY



38°09'15.2"N 83°30'07.6"W

Distance to Wild & Scenic portions of Red River from 93-95 Circle Dr. Lakeview Heights, KY



Measure distance
Total distance: 22.88 mi (36.82 km)



Image Details
Tim Palmer

📍 Red River

Kentucky

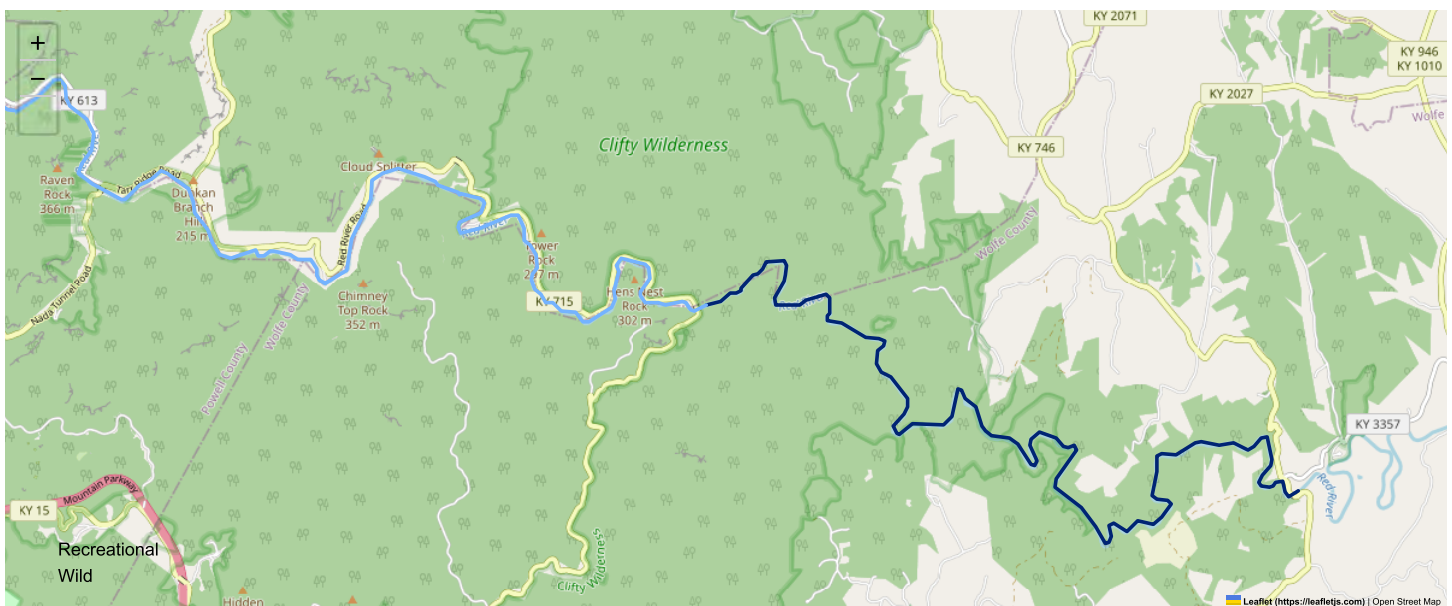
The Red River flows through the Red River Gorge geological area and bisects the Clifty Wilderness. Sandstone cliffs, rock shelters, natural stone arches, and boulders provide excellent views of unique geological features nestled among the mountain laurel, rhododendron, and hemlocks. The river offers scenic views, as well as protection for numerous prehistoric and historic sites featuring unique ethnobotanic remains and other features that led to the designation of this area as a Natural Historic Landmark. The surrounding cliff lines are home to the white-haired goldenrod, a plant only found in the Red River Gorge, as well as numerous other species of wildlife. More than 70 species of fish and 16 mussels thrive in the free-flowing waters of the Red River. The scenic beauty and geological formations throughout the river corridor attract thousands of visitors each year.

This area is managed as wilderness to provide a semi-primitive, non-motorized experience near trails, access points, and other areas of concentrated use. In other more remote areas, primitive recreation experiences are available. Access to the river corridor is limited to a few primitive hiking trails in order to protect natural resources rather than provide for human comfort or convenience. People are challenged to rely on their own physical abilities and follow primitive "leave no trace" recreational pursuits. Facilities, such as trailheads and bulletin boards, are usually located outside the wilderness. Hiking, primitive camping, rock climbing, fishing, hunting, canoeing, kayaking, and rafting are allowed where they do not adversely impact the wilderness resource.

The U.S. Forest Service maintains one access point at Copperas Creek Canoe Launch on Highway 715. The river is too low for canoeing or kayaking most of the year. However, Class I-III rapids may be experienced after late fall and spring floods or heavy rains.

A camping permit is required for dispersed camping in the Red River Gorge Geological Area. Permits can be purchased at local vendors or Gladie Learning Center.

The Red River corridor is black bear habitat. Proper food storage is required. The forest website and area bulletin boards provide additional information regarding food storage requirements and other rules.



[VIEW LARGER MAP \(/MAP?RIVER=RED\)](#)

Designated Reach

December 2, 1993. From the Highway 746 Bridge to the confluence with the School House Branch.

Outstandingly Remarkable Values

Botany

The conjunction of several climatological, geologic, and topographic features has created a diversity of plant life in a variety of ecological niches. Of particular interest is the drip line area at the base of cliff lines where rock shelters exist. These areas provide suitable environment for th...

Show More ▾

Fish

The river environment contains 3 at-risk aquatic species in addition to 16 mussel species. It also provides a high quality warm-water fishery of 70 fish species, including such sport fish as rock bass, catfish, and smallmouth bass, as well as numerous types of sunfish and muskellunge. The river i...

Show More ▾

Geology

The area is famous for its rugged and unique topography and geology, including numerous natural arches, pinnacles, and prominent cliffs. Perhaps the most striking feature of the area is the sandstone arches carved out by years of wind and water erosion. The most popular arch is Sky Bridge, a grac...

Show More ▾

History

Old saltpeter mine activity from as far back as the Civil War era can be found in some rockshelters. In the 1880s, there was a boom in logging activity in the area. The Nada Tunnel, the western portal for the area, is a narrow tunnel dug out of the rock originally created for a narrow-gage rail l...

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Prehistory

The uniqueness of the Red River Gorge Geological Area and its river corridor is not only a draw for present day adventurers, but as far back as 10,000 years, it drew Native Americans to its natural beauty and abundant resources. Most ridges harbor cliff lines with rock shelters at their base. The...

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Recreation

The Red River draws river enthusiasts from all over Kentucky, as well as surrounding states. Rugged shorelines edged with steep rock cliffs and a river with abundant large boulders provide canoeists and kayakers a variety of whitewater, from Class II and III during the winter and spring run-offs ...

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Scenery

The Red River is a central feature of the Red River Gorge Geological Area. The eastern part of the area contains the Clifty Wilderness, which is bisected by the wild segment of the Red River. Because of its outstanding natural features, the Red River Gorge Geological Area is also designated as a ...

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Managing Partners And Contacts

Daniel Boone National Forest 

 (606) 713-3688 (tel:%28606%29713-3688)

Documents

 **Public Law 103-170 (Red River Designation Act)** (<https://www.rivers.gov/sites/rivers/files/2022-10/Public%20Law%20103-170.pdf>)

 **Public Law 95-625** (<https://www.rivers.gov/sites/rivers/files/2022-10/Public%20Law%2095-625.pdf>)

Classification/Mileage



Recreational — 10.3 miles; Wild — 9.1 miles; Total — 19.4 miles.

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PARTNERS

[Bureau of Land Management \(https://blm.gov/programs/national-conservation-lands/wild-and-scenic-rivers\)](https://blm.gov/programs/national-conservation-lands/wild-and-scenic-rivers)
[National Park Service \(https://www.nps.gov/orgs/1912/index.htm\)](https://www.nps.gov/orgs/1912/index.htm)
[NPS Partnership Rivers \(https://www.nps.gov/orgs/1912/partnership-wild-and-scenic-rivers.htm\)](https://www.nps.gov/orgs/1912/partnership-wild-and-scenic-rivers.htm)
[U.S. Fish & Wildlife Service \(https://fws.gov\)](https://fws.gov)
[U.S. Forest Service \(https://www.fs.usda.gov/managing-land/wild-scenic-rivers\)](https://www.fs.usda.gov/managing-land/wild-scenic-rivers)
[River Management Society \(http://river-management.org/\)](http://river-management.org/)

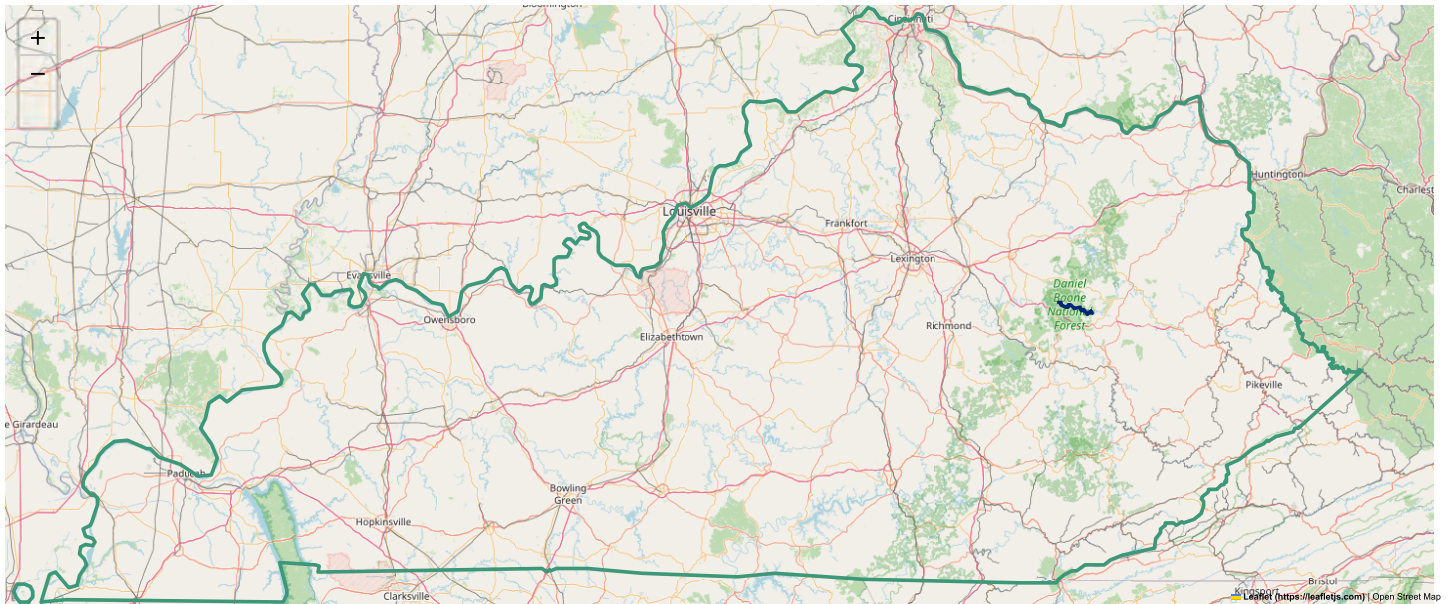
REFERENCES

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[Vulnerability Disclosure Policy \(/vulnerability-disclosure-policy\)](/vulnerability-disclosure-policy)

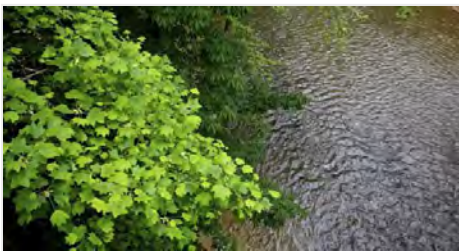


Kentucky has many lakes and rivers that are perfect for fishing, swimming, or just relaxing on the water. All rivers in Kentucky flow to the Mississippi River, nearly all by virtue of flowing to its major tributary, the Ohio River, which forms the state's entire northern border.

Kentucky has approximately 49,105 miles of river, of which 19.4 miles of one river, the Red, are designated as Wild & Scenic—less than 4/100ths of 1% of the state's river miles.



Rivers In Kentucky



(/river/red)

Red River (/river/red)

Kentucky (/river/red)

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 [The Numbers \(/numbers\)](#) |
 [Nationwide Rivers Inventory \(/nri\)](#) |
 [Documents \(/documents\)](#)

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. In addition, this project will have a beneficial impact on low-income individuals as it will provide additional affordable housing opportunities in the project area. The USFWS concurred with KHC's finding that the project "May Affect, Not Likely to Adversely Affect" the Indiana bat and the Northern Long-Eared bat. Due to the potential habitat loss for the Northern Long Eared Bat and Indiana Bat, Frontier Housing made a voluntary payment into the Imperiled Bat Conservation Fund of \$6,786.00. The payment was made via check #64986 dated 6/29/2023 and submitted to USFWS on 6/30/2023. In addition, tree clearing will occur during the unoccupied period from August 16, 2023 to March 31 2024 and bats will not be adversely impacted.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

Lots-93-95-Circle-Dr-
Lakeview-Heights-KY--
Frontier-HB22

Lakeview Heights, KY

900000010324693

✓ No