

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

**Project Information**

**Project Name:** Merryman-Village

**HEROS Number:** 900000010430877

**Start Date:** 10/10/2024

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

**RE Preparer:** Jennifer Oberlin

**State / Local Identifier:** RN24-1156-01

**Certifying Officer:** Winston Miller

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

**Point of Contact:**

**Consultant (if applicable):** CMec

**Point of Contact:** Suzanne Arnzen

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

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

**Project Location:** 3344 Wayne Sullivan Drive, Paducah, KY 42003

**Additional Location Information:**

The subject property will be located at 3344 Wayne Sullivan Drive in Paducah, Kentucky and is further identified as tax parcel number 12-40-00-007. Coordinates of the approximate center of the site are: 37.05394842802612, -88.5638728888489. The subject site consists of approximately 4.4 acres and will be improved with four two-story residential buildings featuring 48 one, two, and three-bedroom units, as well as a one-story community building and daycare.

**Direct Comments to:** Kentucky Housing Corporation, Attn. Winston Miller, 1231 Louisville Road, Frankfort, KY 40601 or via email to [environmentalreview@kyhousing.org](mailto:environmentalreview@kyhousing.org)

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

The subject property will be located at 3344 Wayne Sullivan Drive in Paducah, Kentucky and is further identified as tax parcel number 12-40-00-007. The subject site consists of approximately 4.4 acres and will be improved with four two-story residential buildings featuring 48 one, two, and three-bedroom units, as well as a one-story community building and daycare. The subject will be developed and owned by Women Aware, Inc., dba Merryman House Domestic Crisis Center (MHDCC), which is a 501 (C)(3) non-profit organization. As proposed, it will have 37, or 77% of its units dedicated to those who are primary victims of domestic violence and their children, with survivors of domestic violence receiving preference on the remaining 11 units. It is the Owner/Developer's intent to create a safe, resilient community that offers tenants opportunities to rebuild and transform their lives by providing meaningful access to robust supportive services, and by removing obstacles commonly experienced within this population. All construction will be completed in one phase and ground disturbance will occur.

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

There is a need for safe, decent, and affordable housing in McCracken County, Kentucky and the surrounding areas. The subject property will be located at 3344 Wayne Sullivan Drive in Paducah, Kentucky and is further identified as tax parcel number 12-40-00-007. The subject site consists of approximately 4.4 acres and will be improved with four two-story residential buildings featuring 48 one, two, and three-bedroom units, as well as a one-story community building and daycare. The subject will be developed and owned by Women Aware, Inc., dba Merryman House Domestic Crisis Center (MHDCC), which is a 501 (C)(3) non-profit organization. As proposed, it

will have 37, or 77% of its units dedicated to those who are primary victims of domestic violence and their children, with survivors of domestic violence receiving preference on the remaining 11 units. It is the Owner/Developer's intent to create a safe, resilient community that offers tenants opportunities to rebuild and transform their lives by providing meaningful access to robust supportive services, and by removing obstacles commonly experienced within this population. According to the market study completed by Valbridge Property Advisors dated August 14, 2023; generally, in an economically stable market, a capture rate of up to 20% is considered typical and highly feasible, and 20% to 30% is achievable, but above that level is generally considered marginal. The total capture rate for the scenario with rental assistance in the PMA is 2.5%. Based on the market study, there is very good demand in the PMA for the subject's units. Median household income for McCracken County is \$58,490 (Kentucky median household income is \$60,183). 16.4% of McCracken County residents have incomes below the poverty line (Kentucky residents with income below the poverty line is 15.2%). (July 2023 QuickFacts). Construction of these 48 affordable multi-family housing units will help meet the need for affordable housing in McCracken County.

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

The Property is currently vacant and undeveloped land comprised of one parcel. The Property is generally rectangular in shape and is grass and other vegetation covered. At the time of the site inspection the property had been mowed / brush-cut with the exception of the eastern boundary where a row of trees is located. The property is located on the west side Wayne Sullivan Drive (US-60 & 24 Business). No publicly owned roads are located on the property. The property is accessed from Wayne Sullivan Drive. The current use of the northern adjoining property is wooded with the Tennessee River levee; the current use of the southern adjoining property is the Kentucky Care Paducah South (medical facility) and wooded areas; the current use of the eastern adjoining property is the Tennessee River levee and undeveloped land; and the current use of the western adjoining property (Across Wanye Sullivan Drive) is the Walmart Supercenter. The property is situated in a developed area in Paducah, Kentucky. The adjacent properties were all noted to have been undeveloped or agricultural farm fields historically. Per the July 2023 Census QuickFacts, the estimated population for McCracken County is 67,872. The educational attainment level (bachelor's degree or higher) for McCracken County is 28.2%, which is higher than Kentucky's level of 26.5%. A majority of the population (84.6%) is white with 11.3% Black. The Hispanic ethnicity of the community is 3.5%. McCracken County has a lower median household income, \$58,490, and a lower poverty rate, 15.2% than the state of Kentucky (\$60,183 and 16.4%).

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

- [Merryman Village\\_Site Location Figure.pdf](#)
- [Paducah Merryman Village Photolog.pdf](#)

**Determination:**

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

**Approval Documents:**

- [MerrymanVillage\\_FONSI\\_signed.pdf](#)

**7015.15 certified by Certifying Officer on:**

**7015.16 certified by Authorizing Officer on:**

**Funding Information**

Grant / Project Identification Number	HUD Program	Program Name	Funding Amount
KY-23-005	Community Planning and Development (CPD)	HOME American Rescue Plan (HOME-ARP)	\$330,000.00
M23SG210100	Community Planning and Development (CPD)	HOME Program	\$12,400,000.00

**Estimated Total HUD Funded, Assisted or Insured Amount:** \$12,730,000.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$12,730,000.00

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

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
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<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The nearest civilian airport is Barkley Regional Airport (>60,000 feet from the project site) and the Metropolis Airport in Indiana (>70,000 feet from the project site). The project site is not within proximity of military airports (Ft. Campbell is >65 miles from the project site; Ft. Knox is >150 miles from the project site). The project is in compliance with Airport Hazards requirements.
<b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b>		
<b>Air Quality</b> 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	The project's county or air quality management district is in attainment status for all criteria pollutants. The project site is located in McCracken County, Kentucky. McCracken County is in attainment status. See attached. Kentucky counties not in attainment status are highlighted. The project is in compliance with the Clean Air Act.
<b>Coastal Zone Management Act</b> 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.

<p><b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Site contamination was evaluated as follows: ASTM Phase I ESA, ASTM Vapor Encroachment Screening. 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. There were no Recognized Environmental Conditions (RECs), Controlled RECs (CRECs), or Historic RECs (HRECS) found as part of the Phase I Environmental Site Assessment. Per the University of Kentucky Geology-based radon potential map, the site is in the 2.71-4.0 radon zone. As such, consideration of radon will occur following construction. Adverse radon impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements.</p>
<p><b>Endangered Species Act</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>This project was found Likely to Adversely Affect listed species, and formal consultation was conducted. The following correspondence/options were provided by the US Fish and Wildlife Service: (1) Indiana Bat - The proposed project is located within Known Summer 1 habitat for this species based on the presence of a nearby maternity record. As a result, removal of trees that provide suitable summer roosting, foraging, and commuting habitat for the Indiana bat would be considered an adverse effect to the species. Based on the submitted information and answers provided in the Indiana Bat Determination Key, the project will result in the removal of 0.27 acre of suitable habitat; therefore, the project would result in adverse effects to this species. The options to address these adverse effects include: 1) conducting a summer presence/absence</p>

		<p>survey, 2) performing emergence surveys on any suitable roost trees prior to removal, 3) formal consultation, or 4) a voluntary contribution to the Imperiled Bat Conservation Fund. The presence/absence and emergence surveys have specific survey periods that do not begin until the spring/summer. Formal consultation requires the preparation and submittal of a Biological Assessment and preparation of a Biological Opinion by the Service, which may take up to 135 days. The IBCF contribution can be completed in the shortest amount of time but requires mitigation to offset the adverse effects. (2) Tricolored Bat - Federal agencies (and their designated non-Federal representatives) are required to confer with the Service for a proposed species only if the project could jeopardize the continued existence of the species. If you determine that the project will not jeopardize the species, then conferencing is not required. The Service would agree with a no jeopardy finding for this project, so if you'd like to make such a determination, we can agree and conferencing would not be required. You may also voluntarily confer with the Service if you think the project may affect this species. If the trees can be removed during the unoccupied period for this species (November 16 to March 31), then the Service would agree with a "may affect, not likely to adversely affect" determination. If the trees will be removed during the occupied timeframe for summer habitat (April 1 to October 15), then the project could result in adverse effects to the species. In this case, the same options listed above for the Indiana bat could be used to address adverse effects to the</p>
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		<p>tricolored bat, except that formal conference would be used instead of formal consultation and the IBCF contribution option could not be used. A contribution of \$2,146.50 will be made to the IBCF will be made for the Indiana Bat. The receipt will be forwarded to Kentucky Housing Corporation and trees will only be removed during the unoccupied period of November 15th to March 31st. A finding of "may affect, not likely to adversely affect" determination will be made for the Tricolored bat. Trees will only be removed during the unoccupied period of November 16 to March 31. With mitigation, identified in the mitigation section of this review, the project will be in compliance with the Endangered Species Act.</p>
<p><b>Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C</b></p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>There is a current or planned stationary aboveground storage container of concern within 1 mile of the project site. A site visit was conducted on 11/5/2024 and no hazards defined by 24 CFR 51.201 (any stationary container which stores, handles, or processes hazardous substances of an explosive or fire prone nature) were located on-site, adjacent to, or visible from the subject property. Additional site reconnaissance from public roads of the areas accessible within the one-mile radius. Additionally, Google Earth Pro and ArcGIS were utilized to additionally evaluate these areas for tanks of this size which would be visible on the aerial photography. Tanks of concern were noted at two locations "Air Gas" and "Jimar Asphalt". Additionally, tanks containing sand/gravel and water were noted, but were not evaluated as they are exempt. The attached document includes distances to noted tanks and ASD calculations and backup of water/sand/gravel tanks. The</p>



		<p>Separation Distance from the project is acceptable. The project is in compliance with explosive and flammable hazard requirements.</p>
<p><b>Farmlands Protection</b>                  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project includes activities that could convert agricultural land to a non-agricultural use. "Prime farmland," "unique farmland," or "farmland of statewide or local importance" regulated under the Farmland Protection Policy Act occurs on the project site. A NRCS Web Soil Survey was obtained and approximately 0.5% of the land at the site is considered prime farmland (if drained). The site is documented as in urban usage. Concurrence from the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service was requested. On November 13, 2024 Perri Brown, Resource Soil Scientist with the USDA indicated "Based on the information contained in your request, no significant conversion of agricultural lands (Prime or Statewide Important Farmland) will occur or be negatively impacted by the proposed undertaking. Therefore, an AD-1006/CPA-106 form is not needed, and this office has no concerns at this time." The request and USDA response is attached. The project may proceed without mitigation and be in compliance with the Farmland Protection Policy Act.</p>
<p><b>Floodplain Management</b>                  Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project does not occur in the FFRMS floodplain. See attached report utilizing the Federal Flood Standard Support Tool recognized by HUD. The project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690.</p>
<p><b>Historic Preservation</b>                  National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. Wabuck Development Group (Wabuck) initiated consultation with the Kentucky Heritage Council (Kentucky</p>

		<p>SHPO) in June 2024. On July 9, 2024 the SHPO responded indicating "...Based on the documentation provided, an archeological survey is warranted for all areas where ground disturbing activities are to take place." This letter is attached. As such Environment and Archaeology conducted a Phase I archeological study and submitted the findings to the SHPO. On July 30, 2024 the SHPO responded "We would concur with a finding of No Historic Properties Affected and accept this report (the Abbreviated Archaeological Report for the Phase I Survey of the Wabuck Development Company Merryman Village Housing Project McCracken County, Kentucky) without revisions" This letter is attached. Additionally, KHC as the Responsible Entity communicated with tribes identified in the HUD Tribal Directory Report (TDAT) inviting them to be consulting parties on the project. None of the remaining tribes responded within the 30-day threshold specified by HUD CPD Notice 12-006. The project is in compliance with Section 106.</p>
<p><b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>A Noise Assessment was conducted. The noise level was acceptable: 62.0 db. See noise analysis. Major Noise Source, Road or Highway: There is one roadway with AADT data available from the Kentucky Transportation Cabinet located within the 1,000-foot threshold of this site. The project site is located 210 feet from Wayne Sullivan Drive which has a projected FY34 AADT of 9774. See attached reports from KYTC. Standard assumption of night volume of 15% was used. The average road grade of the segment of the roadway, approximately 1,000 feet either side of a perpendicular line between the project site and Wayne Sullivan Drive, was determined to be 0.10% (rounded to 0%). The speed limit is 45. There are</p>

		<p>no stop signs or intersections within 600 feet on either side of the site. The HUD DNL Calculator was used to calculate a total of 61 decibels for this roadway. The individual source's DNL calculation was included in the combined total DNL calculation for all noise sources of 62dB. Railroad: Per the Federal Rail Administration Crossing Viewer map, the project site is located 2128 feet from the nearest active railroad crossing (297205P). Railroad crossing and available FRA report information was used in the HUD DNL Calculator. The HUD DNL calculator was used to calculate a total of 59dB for this rail line. The individual source's DNL calculation was included in the combined total DNL calculation for all noise sources of 62dB. Airport: There are no military airports located within 15 miles. There are two civil/regional airports located within 15 miles from the site. The closest airport, the Paducah Regional Airport (KPAH), is over 10-miles from the site. The Metropolis Municipal Airport (M30) is over 10 miles from the project site. The HUD Airport Noise Worksheet for the airport document that noise is not expected to be generated beyond the airport boundaries. No further evaluation is required. The National Transportation Noise Map for the project site shows that it is at the 60 dB threshold. The project is in compliance with HUD's Noise regulation.</p>
<p><b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project is not located on a sole source aquifer area. The nearest sole source aquifer is near Cincinnati, OH over 200 miles from the project site. See attached map. The project is in compliance with Sole Source Aquifer requirements.</p>
<p><b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project will not impact on- or off-site wetlands. The USFWS National Wetlands Inventory map shows there</p>

		<p>are no wetlands on or adjacent to the project site with the exception of streams on adjacent properties that will not be affected by the subject project. Work will not occur near these streams and all stormwater protections, including silt fencing, will be utilized. Wetlands were not noted during the site reconnaissance and vegetation commonly associated with wetlands was not noted at the project site. Additionally, CETCO conducted a site reconnaissance on June 24-25, 2024 including soils sampling. Per their report dated July 9, 2024 "CETCO is providing this wetlands assessment letter for the project site in Paducah, Kentucky. We conducted as site reconnaissance on July 24-25, 2024 and soil sampling as part of our services. It is our opinion that the site does not contain wetland areas. There are no obvious drainage features, upland areas or surface springs on site. The site and adjacent areas have minimal topographic relief and the site lacks wetland hydrology. Vegetation on-site is mostly mowed grasses with some perimeter small bushes and shrubs and small to mature trees, with less than a fourth of the species observed being obvious wetland type. The surface soils sampled were mostly brown and orange brown sandy lean clay soils (Lacustrine and Fluvial glacial/alluvial soils) and not containing hydric soil indicators (no oxidization markings and minimal mottling) and mostly very well-drained due to the high sand content. This letter report is attached. The project is in compliance with Executive Order 11990.</p>
<p><b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project site is not in the vicinity of the Red River, Kentucky's only Wild and Scenic River. Per the Nationwide Rivers Inventory Map, the site is approximately 0.6-miles from a split of the Tennessee River / Ohio River, the nearest</p>

		Nationwide Rivers Inventory body. There are no study rivers in Kentucky. See attached list found at the HUD Exchange <a href="https://www.rivers.gov/study.php">https://www.rivers.gov/study.php</a> . The project is in compliance with the Wild and Scenic Rivers Act.
<b>HUD HOUSING ENVIRONMENTAL STANDARDS</b>		
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. Radon testing will occur post construction. Mitigation, if required, will be conducted. This impact is not disproportionately high for low-income and/or minority communities as radon is naturally occurring in various areas throughout Kentucky potentially have elevated radon. The project is in compliance with Executive Order 12898.

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

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

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
<b>LAND DEVELOPMENT</b>			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	Comprehensive planning and zoning regulations are available for Paducah. The City Planning Department for Paducah develops and administrates the Zoning Code, which regulates the use and development of all private property in Paducah. Merryman Village is designated as Zone B-3, General Business Zone, which is	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>appropriate for several different uses. Residential dwelling units are one of these appropriate uses. Surrounding properties are similarly zoned and currently occupied by commercial use or vacant land. The project will be beneficial in that it is improving the urban design of McCracken County and the city of Paducah and meeting affordable housing needs.</p>	
<p>Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff</p>	<p>2</p>	<p>This site has several types of soil, including Cascilla-Colp-Wheeling complex (4.7%), Ginat silt loam (3.1%), LEVEE (2.7%), and Urban land - Udorthents complex (89.5%). The majority of the soil is Urban land - Udorthents complex, composing 89.5% of the soil on the subject site. This soil is a combination of Urban land and Udorthents complex. Urban land has high runoff and Udorthents complex has medium runoff. No data on permeability is given for these soils, but it is not prone to flooding. It is not prime farmland. LEVEE covers 2.7% of the subject site and is used as a levee. For this reason, it is not prime farmland, and no other pertinent information is listed. Ginat silt loam comprises 3.1% of the site, and it is poorly drained with low runoff. It can be prime farmland if it is properly drained. Cascilla-Colp-Wheeling complex makes up 4.7% of the land, is not prime farmland, has low runoff, and is well-drained. This soil can occasionally become flooded. Seeing as almost all of this area is not fit for farming, the proposed plan for a 48-unit low-income housing complex is a positive use for a currently vacant lot. Plus, affordable housing is a need in McCracken County since many of the prospective tenants have housing vouchers and there is a waiting list. The proposed project will not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		runoff. Due to the changes to the soil and land composition and the potential water runoff impact on the environment, the project has implemented an erosion control plan.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	This project involves new construction, therefore, there is no opportunity for lead-based paint or asbestos to be encountered. Noise will be minimized to the extent possible during construction which will occur in one phase. No site-generated noise is expected post construction.	
<b>SOCIOECONOMIC</b>			
Employment and Income Patterns	2	Referring to the Market Study conducted by Valbridge Property Advisors for this site on August 14, 2023, the leading employment industry in Paducah is Office / Administrative Support, employing 11.7% of the population. Sales and Sales Related follows with 10.9%, and Transportation / Material Moving is the third most common industry with 9.5% of the population employed here. The top two employers in the area are Baptist Health - Paducah and Mercy Health - Lourdes, both healthcare industries, but transportation is also an important industry due to proximity to the Ohio River. The addition of 48 affordable housing units provides housing for families with members in the workforce. 60% of Paducah households earn \$50,000 or more per year, which is lower than McCracken's county's average, but higher than Kentucky's. However, 13% of Paducah's population earns under \$15,000 per year, reinforcing the need for 48 affordable housing units. The unemployment rate in Paducah is above that of the state and county, but it has been decreasing steadily since 2013, with the exception of 2020 when many places saw an increase in unemployment due to the Covid-19 pandemic. The population of the area is expected to decrease slightly in the next five	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		years due to lack of economic growth. The addition of 48 affordable housing units allows the possibility for those in Paducah to stay in the area and prevent more residents from relocating.	
Demographic Character Changes / Displacement	2	<p>The population of Paducah and the county were relatively stable between 2000 and 2010, but Paducah's population dropped over the next 13 years and is expected to continue decreasing over the next five years. This is due to lack of economic growth in the area and a higher unemployment rate than the county and state. Despite this, the economy does seem stable. The lot is currently vacant, causing no displacement of any individuals who live or work in the area. The new construction of 48 affordable housing units in Paducah will have a positive impact on the city as the land is currently vacant, and there is a need for affordable housing in the area. The project will have a positive effect on Paducah and McCracken County's demographic character by allowing residents to have safe, energy efficient, and affordable housing designed for their needs, eliminating the need to relocate to other areas. This is important not only because there is a need for affordable housing, but because 77% of these units are being used for survivors of domestic violence. The goal of this housing project is to create a safe community for these survivors to recover in. 36.13% of the population is aged 25-54. This is the section of the population which is expected to decrease the most in the next five years. This is also the range of the population most likely to have a family. If these families cannot move, or do not want to, affordable housing is the most practical solution. The addition of 48 affordable housing units will help relieve the stress on affordable housing agencies when new families are in need of assistance.</p>	



Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
Environmental Justice EA Factor	2	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. The project will be the highest and best use of land as it utilizes a tract of land for affordable, safe, and resilient housing that would otherwise be vacant. The Phase I Environmental Site Assessment prepared by Linebach Funkhouser completed on August 19, 2024 revealed no evidence of environmental conditions (REC), Historic RECs (HREC), or Controlled (CREC) identified for the site during their assessment.	
<b>COMMUNITY FACILITIES AND SERVICES</b>			
Educational and Cultural Facilities (Access and Capacity)	2	McCracken County Schools is the district that currently provides education to the students that would live in this new development. Currently, McCracken County Public Schools consists of 11 schools: three for kindergarten through third grade, two for kindergarten through fifth grade, two for fourth through fifth grade, three middle schools, and one high school. The closest school for students at this location is Morgan Elementary School, which is 3.18 miles away. There are two schools which are slightly closer to the site, but neither school is included in McCracken County Public Schools. There are plans, however, to reopen Farley Elementary School. Once this school opens, it will be the closest school to the site, 1.9 miles away. There are several private schools in the area for parents who prefer to send their children there. Western Kentucky Community and Technical College has several campuses and options. There is also a campus for University of Kentucky and Murray State University. A technical school and a beauty school are also options. All of these higher education pathways are located under 6.5 miles away. The project scope is contained and small in nature and will not negatively impact educational	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>facilities. There are several stops in Paducah to make for cultural activities. For art fanatics, there is the Yeiser Art Center, Maiden Alley Cinema and Gallery, Market House Theatre, Clemens Fine Art Center, and The Carson Center, offering showcases of different forms of art, theatre, and orchestra performances. For history lovers there is the Lloyd Tilghman House and Civil War Museum, the Paducah Railroad Museum, and the William Clark Market House Museum. Finally, Paducah has the Inland Waterways Museum, the Port of Paducah Kentucky, and the National Quilt Museum. The waterfront also has some historical landmarks and murals for visitors to enjoy. Most of these museums and the Yeiser Art Center are clustered near the waterfront, and they are no more than 3.5 miles from the project site. This project will positively impact the educational and cultural facilities of McCracken County by helping to sustain their implementation.</p>	
<p>Commercial Facilities (Access and Proximity)</p>	<p>2</p>	<p>There is a Kroger and a Walmart right across the street from this site offering grocery services. The Kroger is 0.40 miles away, and the Walmart is even closer, at 0.17 miles away. Other shopping amenities include Best Buy, Chico's, Academy, Dick's Sporting Goods, Dillard's, Dollar General, Hobby Lobby, JcPenny, Menards, Michael's Arts and Crafts, Talbots, Ulta, Tractor Supply, and a multitude of other stores, shops, and boutiques. There are several malls in Paducah, including Paducah City Center, Paducah Square, Hannan Plaza, LaBelle Plaza Paducah, and Cardinal Point Shopping Center. All of these malls are fairly close to the site, none being more than 4.58 miles away. Paducah has many local and chain restaurants, the closest to the site being Mi Lindo Michoacan Mexican Restaurant, Los Amigos Mexican Restaurant, Dairy Queen, McDonald's, Burger King, Wendy's, Popeyes,</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		KFC, and Kountry Kastle, all within a 0.60 mile radius. Other options a little further away include Just Hamburgers, Happy's Chili Parlor, Over/Under, Stella's, Broussard's Cajun Cuisine, Big Ed's, La Juicy Seafood, Waffle Hut, J. Bella's Pizzeria, Flamingo Row, Sonic, and Culvers, among others. The development of this 48-unit housing project will provide affordable and reliable housing resources for the community which will ultimately help sustain the demand for commercial facilities.	
Health Care / Social Services (Access and Capacity)	2	The closest doctor is Isaac Mittendorf, 3.56 miles away, but there are several other family care physicians within 5 miles of the site. Also nearby, is Four Rivers Internal Medicine, Mercy Health - Paducah Family Medicine, and Baptist Health Medical Group. While Baptist Health Medical Group is closer to 7 miles away from the site, the other two centers are under 4.5. There are three Baptist Health Hospitals 3.77 miles from the site, and Mercy Health - Lourdes Hospital 4.63 miles from it. Within 6.75 miles of the site there are multiple counseling centers, psychiatrists, physical therapists, and addiction centers. There are also several nursing homes and retirement centers within the same radius. The closest counseling center is Compass Counseling LLC, 3.63 miles from the project site. Cummings Veterinary Clinic for pets is less than 0.5 miles away. The development of this 48-unit housing project will provide affordable and reliable housing resources for the community, which will ultimately help sustain the demand for existing medical and social services in McCracken County.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	The subject site, located within Paducah and McCracken County, has access to adequate solid waste services provided by the McCracken County Solid Waste Division. 26,000 tons of garbage are collected each year from residential and commercial	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>properties by this business. 2024 marks the first time since 2009 that solid waste fees have been increased, and beginning during 2025, recycling fees will begin to be included in solid waste fees. This site has garbage pickup on Fridays, and recycling pickup on the second and fourth Monday of each month. The size and scope of the project will not negatively impact or overwhelm the Public Works Department. This project will provide affordable housing needs that are needed in the community.</p>	
<p>Waste Water and Sanitary Sewers (Feasibility and Capacity)</p>	<p>2</p>	<p>The project will connect to existing wastewater/sanitary sewer connections provided by the Paducah McCracken County Joint Sewer Agency (JSA). JSA may require one or several permits depending on the type of new construction project and the amount of wastewater being discharged from a site before construction can be completed. JSA has two Wastewater Treatment Plants and one Wastewater Treatment Facility, with a combined capacity of 10.9 million gallons per day. A Sewer Use Ordinance is in place with all rules and regulations that must be followed regarding sewer use and lines. All regulations in this ordinance will be adhered to during the construction of this 48-unit affordable housing complex. Questions pertaining to the Sewer Use Ordinance, permit applications, permit needs, or requirements should be directed to JSA by calling their office number.</p>	
<p>Water Supply (Feasibility and Capacity)</p>	<p>2</p>	<p>This subject site has access to adequate water supply provided by Paducah Water, which serves Paducah, McCracken County, and the surrounding areas. Paducah water has served the area for over 130 years, producing 20 million gallons of water daily for 29,000 customers. Paducah Water has many forms and documents on their website for installation guides, erosion control, procedures, specifications, and</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		applications for different water usage and projects. For questions regarding required Best Management Practices (BMPs) or other requirements, forms, or applications, Jacob Northington, PE, or Scott Smith with Paducah Water should be contacted.	
Public Safety - Police, Fire and Emergency Medical	2	The McCracken County Sheriff and the Reidland & Farley Sheriff offices are both about 2.8 miles from the project site, located a street away from each other. Farley is the local neighborhood this project is located in. Additionally, the Sheriffs Department Detective Division is also located in the same building as the McCracken County Sheriff. 3.29 miles from the site is the Paducah City Police Department. There are several fire safety options nearby, the closest one being the Paducah Fire Station 2, 0.59 miles away. However, the Reidland Farley Fire Department is also close, at 1.22 miles away. The closest emergency room is the Baptist Health Paducah: Emergency Room, 3.77 miles away. Less than 5 miles away is the Jackson Purchase ER Physicians: Vanderboegh Brian MD and the Mercy Health - Lourdes Hospital Emergency Room. Mercy Health - Paducah Urgent Care is also 4.42 miles from the project site. The development of this 48-unit housing project will provide affordable and reliable housing resources for the community which will ultimately help sustain the demand for existing public safety services in Paducah.	
Parks, Open Space and Recreation (Access and Capacity)	2	Paducah offers multiple parks, a boat dock, and a dog park. The closest park is Kolb Park, located 1.76 miles from the project site. It has a playground, picnic shelter, and restrooms. Metropolis Lake State Nature Preserve has hiking, birding, and nature study, with several species of rare fish. Additional outdoor activities include the Clarks River National Wildlife Refuge and Land Between The Lakes for hiking, fishing,	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>and hunting. Land Between The Lakes also has mountain biking, cycling, camping, horseback riding, off-highway vehicle trails, and water sports. All of these attractions are less than an hour's drive away from the project site. For those who do not prefer the above outdoor activities, Paducah offers Beacon Dragway for car racing and Carson Park for horse shows, the McCracken County Fair, and other events. There is also a Paducah Recreation Center that offers indoor services. Robert Coleman Park Sprayground is a spray park that also includes a basketball court, a playground, a mini slide, a grassy area, and benches shaded by umbrellas. There are also a couple different walking tours of the city. The project will not negatively impact the capacity of these services.</p>	
<p>Transportation and Accessibility (Access and Capacity)</p>	<p>2</p>	<p>The site has adequate access to US highways and interstates that lead out of the city. US-45 serves as primary north-south access, crossing the Ohio River and eventually heading northwest. I-24 is another major interstate that heads north and southeast. US-60 and US-62 both head west, and eventually intersect, heading south, but KY-286 intersects US-62 and continues west. To the east, US-60 crosses the Tennessee River and then follows the Ohio River north. US-62 heads straight east until hitting a lake and then heads north. US-641 heads south at this same point. I-24 heads east for a stretch, before also heading north and connecting to I-69 for southern access. US-62 is 0.27 miles from the site and connects to US-60 and US-45 not far from the site. I-24 is about 3 miles from the site, with different connection points via US-62. The county is serviced by all regional and national freight carriers, with FedEx, UPS, and USPS locations all within 5 miles of the project site. A Greyhound Bus station is 0.76 miles from the site, and Uber, Lyft. And taxi</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>services are available. The Barkley Regional Airport is about 12 miles from the subject site. The closest international airports are the Nashville International Airport, the Memphis International Airport, and Louisville International Airport, located 147, 179, and 210 miles away, respectively.</p>	
<b>NATURAL FEATURES</b>			
<p>Unique Natural Features /Water Resources</p>	<p>2</p>	<p>The project will not have an impact on water resources or unique natural features. The proposed project will not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage system or provide substantial additional sources of polluted runoff. The project will connect to existing wastewater/sanitary sewer connections provided by JSA. A geotechnical report is in progress and will include specific construction design methods to ensure that the project does not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Design of the project and construction methods employed will ensure that the project does not negatively affect slope or erosion of the surrounding neighborhood. The project will have an erosion control plan. Erosion control practices during construction and seeding and stabilizing all areas after grading will protect the watershed.</p>	
<p>Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)</p>	<p>2</p>	<p>The Kentucky Department of the Interior has decided that the project activities will not affect many species in the area. The decision was made that project activities may affect the Indiana Bat and Fat Pocketbook, a mussel. There was also a determination made for the Gray Bat that project activities are Not Likely to Adversely Affect. However, this site will complete all excavation and grading and put BMPS in place to stabilize all excavated and graded</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>areas within one month as a conservation measure. There were no obvious areas of stressed vegetation or wildlife observed on-site. The current vacant lot is comprised of manicured grass and several trees along property lines. The current landscaping will be disturbed; however, within the design of the new building, new landscaping will be included. The proposed project will not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage system or provide substantial additional sources of polluted runoff. The project will connect to existing wastewater/sanitary sewer connections provided by JSA.</p>	
Other Factors 1			
Other Factors 2			
<b>CLIMATE AND ENERGY</b>			
Climate Change	2	<p>The FEMA National Risk Index Community Report for McCracken County, KY finds that the Risk Index score of 89.7 is 'relatively moderate' when compared to the rest of the US and the community has a 'Relatively Moderate' Expected Annual Loss Score of 90.2. The Community Report also finds that McCracken County has a Social Vulnerability score of 55.7, which demonstrates 'Relatively Moderate susceptibility to the adverse impacts of natural hazards.' However, the Community Report also states that "Communities in McCracken County, KY have a Relatively High ability to prepare for anticipated natural hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions when compared to the rest of the U.S." with a Community Resilience score of 77.4. The FEMA National Risk Index Community Report for McCracken County, KY also rates historic loss ratios by hazard type as follows: very low (riverine flooding, lightning, landslide, and hurricane); relatively low</p>	



Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>(heat wave, wildfire, and strong wind); relatively moderate (hail, ice storm, winter weather, and drought), relatively high (tornado), very high (earthquake) and no rating (cold wave). The report also states that "in McCracken County, KY, expected loss each year due to natural hazards is Relatively Moderate when compared to the rest of the US" with an expected annual loss score of 90.16. The Headwaters Institute has developed a county-by-county climate projection tool to estimate changes in heat and precipitation given either higher projected emissions (RCP8.5) or lower projected emissions (RCP4.5). Under the higher emission model, McCracken County is expected to experience 23 more days of about 95 degrees and a 2 degree increase in average annual temperature by 2049. The model also shows that McCracken County will see only 0.4 more days of heavy precipitation annually and a 0.8" increase in annual average precipitation by 2049. Given these risk analyses, McCracken County, KY faces comparable climate risks to most of the nation. The new construction of 48 affordable housing units in McCracken County will have a positive impact on the county and will help minimize the impact of climate risk to the renters. The project site has minimal risk. It is a flat site in an area of minimal flood hazard. Units will be constructed to meet energy-efficiency standards. They must meet Kentucky Housing Corporation's Minimum Design Standards for New Construction of Multifamily Housing Units, which require that the building envelope meets or exceeds the 2012 IECC requirements.</p>	
Energy Efficiency	2	<p>The state of Kentucky requires developments to meet the KY Residential Building Code and encourages the use of Green Building Techniques and Energy Efficient Design Components. The 2020</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Kentucky Housing Corporation Minimum Design Standards for Multifamily Housing Units states that projects must be energy efficient with a design that exceeds the 2012 International Energy Conservation Code.	

### Supporting documentation

[Zoning.pdf](#)

[Wastewater.pdf](#)

[Vegetation and Wildlife\(1\).pdf](#)

[Vegetation and Wildlife 2.pdf](#)

[Transportation.pdf](#)

[Solid Waste Disposal.pdf](#)

[Site to ER - Police - Fire.pdf](#)

[Schools.pdf](#)

[Phase I Report - Merryman Village.pdf](#)

[Health Services.pdf](#)

[Paducah Water.pdf](#)

[Paducah Parks and Recreation.pdf](#)

[JSA Sewer Use Ordinance.pdf](#)

[Energy Efficiency - KHC 2020 Minimum Design Standards for Multifamily Housing.pdf](#)

[Energy Efficiency - Kentucky Residential Building Code.pdf](#)

[Economics.pdf](#)

[Demographics.pdf](#)

[Cultural Facilities.pdf](#)

[Commercial Facilities.pdf](#)

[Climate Change.pdf](#)

[A-95 Clearinghouse Letter - Merryman Village.pdf](#)

[3344 Wayne Sullivan Drive Soil Map.pdf](#)

### Additional Studies Performed:

Phase 1 Environmental Site Assessment dated August 19, 2024 by Linebach

Funkhouser; Market Study completed by Valbridge Property Advisors dated August 14, 2023.

[Market Study.pdf](#)

[Phase I Report Merryman Village\(1\).pdf](#)

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

by:

Suzanne Arnzen

10/10/2024 12:00:00 AM

[Paducah Merryman Village Photolog.pdf](#)

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

Kentucky Heritage Council; Cherokee Nation; Chickasaw Nation; Delaware Nation; Miami Tribe of OK; Osage Nation; Peoria Tribe; Quapaw Nation; US Fish and Wildlife Service Kentucky Field Office; US Fish and Wildlife Service IPaC; US Fish and Wildlife Service National Wetlands Inventory; FEMA Flood Map Service Center; National Wild and Scenic Rivers System; Nationwide Rivers Inventory; EPA Sole Source Aquifers for Drinking Water Interactive Map; Kentucky Transportation Cabinet Functional Class Mapping Tool; USDA Web Soil Survey; Federal Railroad Administration Pop Up Viewer; Federal Aviation Administration Airport Master Record; EPA Greenbook; EPA NEPAAssist Tool; EPA ECHO Report; EPA Facility Reports;; US Census Bureau; FEMA National Risk Index Community Report; Headwaters Institute; Google Earth Pro; and Google Maps

**List of Permits Obtained:**

See attached Office of the Governor Department for Local Government Clearinghouse letter regarding preliminary reviews from various agencies including additional requirements and information. Department for Environmental Protection; Department of Housing Buildings and Construction; Kentucky Department of Fish and Wildlife Resources; Kentucky Transportation Cabinet; KY Heritage Council; and Northern Kentucky Area Development District.

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

The public was notified about the Combined Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOIRROF) via publication of a classified advertisement on <<website>> on <<date>>. Public comment was accepted for 15 days following the publication of the classified ads with the public comment period ending <<date>>. The Environmental Review Record (ERR) for this project was made available for public review during the comment period via a physical copy at the offices of Wabuck Development Company at 100 Wabuck Way Leitchfield, Kentucky and the Kentucky Housing Corporation at 1231 Louisville Rd, Frankfort, KY 40601. The physical copy was made available for public examination and copying, upon request, between the hours of 9 A.M. and 4 P.M. An electronic version will be posted on the HUD Environmental Review Records website at <https://cpd.hud.gov/cpd-public/environmental-reviews> for the duration of the public comment period. <<No>> comments were received during the public comment period.

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

There are no mitigating environmental factors resulting from the proposed project that cannot be appropriately mitigated. Radon testing will occur post construction and the structures will have a radon mitigation system installed during construction. If post construction testing is elevated compared to applicable standards, additional mitigation activities and follow-up testing will occur. The structures will not be inhabited until radon testing is  $<4\text{pC/L}$ . A contribution to the IBCF will be made to offset any potential impacts to the Indiana Bat. Tree removal will only occur during specified "unoccupied" timeframes which will protect both the Indiana Bat and the TriColored Bat. The project will benefit McCracken County by creating 48 new, safe, decent, affordable multifamily housing units that will help address the community's great need for additional affordable multi-family housing.

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

1. No action - leave the area as it is with no corrective action. It is possible that the property would remain vacant with minimal use without this project. Furthermore, McCracken County needs quality, affordable housing. 2. Acquire a different piece of property - The location is ideal for the project as this is a centrally located relatively flat piece of vacant land within a short drive to commercial, medical, social, educational, cultural, and public safety facilities in the city of Paducah, a mix of urban and rural area where adequate housing is a need for the community. 3. Proceed with Project. This is the best use of the project site. This project will be a vital asset to McCracken County residents, especially those at lower income brackets that are unable to afford rent on their own. Providing residents with affordable housing leads to an increase in economic benefits in the community because as more people have housing, they tend to also obtain jobs.

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

To "Do nothing" alternative is unacceptable as there is a critical need for affordable housing in McCracken County. The move to an alternate site is also unacceptable as there is not a significant amount of vacant, flat land suitable for the project.

**Summary of Findings and Conclusions:**

There are no mitigating environmental factors resulting from the proposed project that cannot be appropriately mitigated. Radon testing will occur post construction and the structures will have a radon mitigation system installed during construction. If post construction testing is elevated compared to applicable standards, additional mitigation activities and follow-up testing will occur. The structures will not be inhabited until radon testing is  $<4\text{pC/L}$ . A contribution to the IBCF will be made to offset any potential impacts to the Indiana Bat. Tree removal will only occur during specified "unoccupied" timeframes which will protect both the Indiana Bat and the TriColored Bat. The project site is not located in a wetland or floodplain area. There are no historical preservation concerns. The site is not located near a Wild and Scenic or Nationwide Rivers Inventory body. There are no sole source aquifers in Kentucky.

The site will not impact endangered species. The land is not prime farmland of concern to the USDA. There are no noise generators that cumulatively exceed the 65dB threshold nearby to the site. There are no explosive or flammable hazards such as above ground storage tanks within one mile of the project site within the ASD of concern. McCracken County's air quality is in compliance with federal standards. There is no evidence of contamination or toxic substances that would pose a threat to residents at the project site as detailed in the Phase I Environmental Site Assessment. This project will help meet McCracken County's need for safe, affordable, energy-efficient, and senior housing.

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

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

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Endangered Species Act	<p>The following correspondence/options were provided by the US Fish and Wildlife Service:</p> <p>(1) Indiana Bat - The proposed project is located within Known Summer 1 habitat for this species based on the presence of a nearby maternity record. As a result, removal of trees that provide suitable summer roosting, foraging, and commuting habitat for the Indiana bat would be considered an adverse effect to the species. Based on the submitted information and answers provided in the Indiana Bat Determination Key, the project will result in the removal of 0.27 acre of suitable habitat; therefore, the project</p>	N/A	<p>A contribution to the IBCF will be made for the Indiana Bat corresponding to the timeframe of tree removal by Wabuck. Ms. April Bowman will send the contribution and forward the receipt from the US Fish and Wildlife Service to the Kentucky Housing Corporation</p>	

	<p>would result in adverse effects to this species. The options to address these adverse effects include: 1) conducting a summer presence/absence survey, 2) performing emergence surveys on any suitable roost trees prior to removal, 3) formal consultation, or 4) a voluntary contribution to the Imperiled Bat Conservation Fund. The presence/absence and emergence surveys have specific survey periods that do not begin until the spring/summer. Formal consultation requires the preparation and submittal of a Biological Assessment and preparation of a Biological Opinion by the Service, which may take up to 135 days. The IBCF contribution can be completed in the shortest amount of time but requires mitigation to offset the adverse effects.</p> <p>(2) Tricolored Bat - Federal agencies (and their designated non-Federal representatives) are required to confer with the Service for a proposed species only if the project could jeopardize the continued existence of the species. If you determine that the project will not jeopardize the species, then conferencing is not required. The Service would agree with a no jeopardy finding for this project, so if you'd like to make such a determination, we can agree and conferencing would not be</p>		<p>via email. The receipt will also be kept on file at Wabuck. Ms. April Bowman will also provide confirmation of tree removal and the time period of removal to Kentucky Housing Corporation via email including photographs. Additionally, a finding of "may affect, not likely to adversely affect" determination will be made for the Tricolored bat. Trees will only be removed during the unoccupied period of November 16 to March 31. Ms. April Bowman will also provide confirmation of tree removal and the time period of</p>
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	<p>required. You may also voluntarily confer with the Service if you think the project may affect this species. If the trees can be removed during the unoccupied period for this species (November 16 to March 31), then the Service would agree with a "may affect, not likely to adversely affect" determination. If the trees will be removed during the occupied timeframe for summer habitat (April 1 to October 15), then the project could result in adverse effects to the species. In this case, the same options listed above for the Indiana bat could be used to address adverse effects to the tricolored bat, except that formal conference would be used instead of formal consultation and the IBCF contribution option could not be used.</p> <p>A contribution to the IBCF will be made for the Indiana Bat. The receipt will be forwarded to Kentucky Housing Corporation and trees will only be removed during the designated time.</p> <p>A finding of "may affect, not likely to adversely affect" determination will be made for the Tricolored bat. Trees will only be removed during the unoccupied period of November 16 to March 31.</p>		<p>removal to Kentucky Housing Corporation via email including photographs.</p>	
<p>Contamination and Toxic Substances</p>	<p>There are no structures at the site currently. Per the University of Kentucky Geology-based radon potential</p>	<p>N/A</p>	<p>An active radon mitigation system will be</p>	

	<p>map, the site is in the 2.71-4.0 radon zone. As such, radon testing will occur on the structure(s) once they are complete. All onsite structures will be designed with radon mitigation systems.</p>		<p>designed into all structure(s) at the site. The system will be designed and installed to the current AARST standards. Wabuck Development Group (Anthony Elmore) is responsible for ensuring the design is included, appropriate, and installed during construction. Post construction radon testing will occur and will be contracted through Mr. Elmore with Wabuck Development Group to ensure the active radon mitigation system installed is operating as designed. If sample results indicate additional radon mitigation is</p>
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			warranted, Mr. Elmore with the Wabuck Group will ensure this is conducted and additional confirmation testing will occur. Post construction testing results will be kept on file at the Wabuck Development Group office at 100 Wabuck Drive Leitchfield, Kentucky 42754.	
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**Project Mitigation Plan**

A radon mitigation system will be designed into all structure(s) at the site. The system will be designed and installed to the current AARST standards. Wabuck Development Group (Anthony Elmore) is responsible for ensuring the design is included, appropriate, and installed during construction. Post construction radon testing will occur and will be contracted through Mr. Elmore with Wabuck Development Group to ensure the radon mitigation system installed is operating as designed. If sample results indicate additional radon mitigation is warranted, Mr. Elmore with the Wabuck Group will ensure this is conducted and additional confirmation testing will occur. Post construction testing results will be kept on file at the Wabuck Development Group office at 100 Wabuck Drive Leitchfield, Kentucky 42754 and communicated to the Kentucky Housing Corporation. A contribution to the IBCF will be made for the Indiana Bat corresponding to the timeframe of tree removal by Wabuck. Ms. April Bowman will send the contribution and forward the receipt from the US Fish and Wildlife Service to the Kentucky Housing Corporation via email. The receipt will also be kept on file at Wabuck. Ms. April Bowman will also provide confirmation of tree removal and the time period of removal to Kentucky Housing Corporation via email including photographs. Additionally, a finding of "may affect, not likely to adversely affect" determination will be made for the Tricolored bat. Trees will only be removed during the unoccupied period of November 16 to March 31. Ms. April Bowman will also provide confirmation of tree removal and the time period of removal to Kentucky Housing Corporation via email including photographs.

**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 nearest civilian airport is Barkley Regional Airport (>60,000 feet from the project site) and the Metropolis Airport in Indiana (>70,000 feet from the project site). The project site is not within proximity of military airports (Ft. Campbell is >65 miles from the project site; Ft. Knox is >150 miles from the project site). The project is in compliance with Airport Hazards requirements.

#### Supporting documentation

[Nearest Civilian Airports Mapped.pdf](#)  
[Merryman to Ft Knox.pdf](#)  
[Merryman to Ft Campbell.pdf](#)  
[Merryman no Military Airports 15000.pdf](#)  
[Merryman no Civilian Airports 2500 feet.pdf](#)

Are formal compliance steps or mitigation required?

Yes

Merryman-Village

Paducah, KY

900000010430877

✓ No

## Coastal Barrier Resources

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

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

### Compliance Determination

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

### Supporting documentation

[Coastal Barrier Maps.pdf](#)

**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:**

[Floodplain Map.pdf](#)

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

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

No

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

Yes

**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.

**Supporting documentation**

[Floodplain Map\(1\).pdf](#)

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

Yes

✓ No

**Air Quality**

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

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

Yes

No

**Air Quality Attainment Status of Project’s County or Air Quality Management District**

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

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

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

**Screen Summary**

**Compliance Determination**

The project's county or air quality management district is in attainment status for all criteria pollutants. The project site is located in McCracken County, Kentucky. McCracken County is in attainment status. See attached. Kentucky counties not in attainment status are highlighted. The project is in compliance with the Clean Air Act.

**Supporting documentation**



[Current Nonattainment Counties for All Criteria Pollutants \\_ Green Book \\_ US EPA.pdf](#)

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

Yes

No

**Coastal Zone Management Act**

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

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

**Screen Summary**

**Compliance Determination**

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

**Supporting documentation**

[Coastal Zone Management.pdf](#)

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

Yes

✓ No

**Contamination and Toxic Substances**

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

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

- ASTM Phase I ESA
- ASTM Phase II ESA
- Remediation or clean-up plan
- ASTM Vapor Encroachment Screening.
- None of the above

\* HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site. For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD’s toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

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

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

✓ No

Explain:

There were no RECs, CRECs, or HRECs found as part of the Phase I ESA. As such, there was no Phase II ESA conducted. Additionally, there were no De Minimus conditions identified.

Yes

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

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

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

Yes

Explain:

✓ No

\* Notes:

- Buildings with no enclosed areas having ground contact.
- Buildings containing crawlspaces, utility tunnels, or parking garages would not be exempt, however buildings built on piers would be exempt, provided that there is open air between the lowest floor of the building and the ground.
- Buildings that are not residential and will not be occupied for more than 4 hours per day.
- Buildings with existing radon mitigation systems - document radon levels are below 4 pCi/L with test results dated within two years of submitting the application for HUD assistance and document the system includes an ongoing maintenance plan that includes periodic testing to ensure the system continues to meet the current EPA recommended levels. If the project does not require an application, document test results dated within two years of the date the environmental review is certified. Refer to program office guidance to ensure compliance with program requirements.
- Buildings tested within five years of the submission of application for HUD assistance: test results document indoor radon levels are below current the EPA's recommended action levels of 4.0 pCi/L. For buildings with test data older than five years, any new environmental

review must include a consideration of radon using one of the methods in Section A below.

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

✓ Yes

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

No

**8. Mitigation**

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

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

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

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

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

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

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

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

There are no structures at the site currently. Per the University of Kentucky Geology-based radon potential map, the site is in the 2.71-4.0 radon zone. As such, radon testing will occur on the structure(s) once they are complete. All onsite structures will be designed with radon mitigation systems.

If a remediation plan or clean-up program was necessary, which standard does it follow?

Complete removal

Risk-based corrective action (RBCA)

Other

\* Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, caps, covers, dikes, trenches, leachate collection systems, radon mitigation systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, slurry walls and ground water pumping systems.

\*\* Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

### **Screen Summary**

#### **Compliance Determination**

Site contamination was evaluated as follows: ASTM Phase I ESA, ASTM Vapor Encroachment Screening. 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. There were no Recognized Environmental Conditions (RECs), Controlled RECs (CRECs), or Historic RECs (HRECS) found as part of the Phase I Environmental Site Assessment. Per the University of Kentucky Geology-based radon potential map, the site is in the 2.71-4.0 radon zone. As such, consideration of radon will occur following construction. Adverse radon impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements.

**Supporting documentation**

[KHC Radon Testing and Mitigation Policy revised 2024-08-15.pdf](#)

[Merryman Village Radon.pdf](#)

[Phase I Report Merryman Village.pdf](#)

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

Yes

No

**Endangered Species**

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

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

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

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

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

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

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

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

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



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

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

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

**5. Formal consultation is required**

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

Document and upload the following below:

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

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

- ✓ Mitigation as follows will be implemented:

The following correspondence/options were provided by the US Fish and Wildlife Service: (1) Indiana Bat - The proposed project is located within Known Summer 1 habitat for this species based on the presence of a nearby maternity record. As a result, removal of trees that provide suitable summer roosting, foraging, and commuting habitat for the Indiana bat would be considered an adverse effect to the species. Based on the submitted information and answers provided in the Indiana Bat Determination Key, the project will result in the removal of 0.27 acre of suitable habitat; therefore, the project would result in adverse effects to this species. The options to address these adverse effects include: 1) conducting a summer presence/absence survey, 2) performing emergence surveys on any suitable roost trees prior to removal, 3) formal consultation, or 4) a voluntary contribution to the Imperiled Bat Conservation Fund. The presence/absence and emergence surveys have specific survey periods that do not begin until the spring/summer. Formal consultation requires the preparation and submittal of a Biological Assessment and preparation of a Biological Opinion by the Service, which may take up to 135 days. The IBCF contribution can be completed in the shortest amount of time but requires mitigation to offset the adverse effects. (2) Tricolored Bat - Federal agencies (and their designated non-Federal representatives) are required to confer with the Service for a proposed species only if the project could jeopardize the continued existence of the species. If you determine that the project will not jeopardize the species, then conferencing is not required. The Service would agree with a no jeopardy finding for this project, so if you'd like to make such a determination, we can agree and conferencing would not be required. You may also voluntarily confer with the Service if you think the project may affect this species. If the trees can be removed during the unoccupied period for this species (November 16 to March 31), then the Service would agree with a "may affect, not likely to adversely affect" determination. If the trees will be removed during the occupied timeframe for summer habitat (April 1 to October 15), then the project could result in adverse effects to the species. In this case, the same options listed above for the Indiana bat could be used to address adverse effects to the tricolored bat, except that formal conference would be used

instead of formal consultation and the IBCF contribution option could not be used. A contribution to the IBCF will be made for the Indiana Bat. The receipt will be forwarded to Kentucky Housing Corporation and trees will only be removed during the designated time. A finding of "may affect, not likely to adversely affect" determination will be made for the Tricolored bat. Trees will only be removed during the unoccupied period of November 16 to March 31.

No mitigation is necessary.

### **Screen Summary**

#### **Compliance Determination**

This project was found Likely to Adversely Affect listed species, and formal consultation was conducted. The following correspondence/options were provided by the US Fish and Wildlife Service: (1) Indiana Bat - The proposed project is located within Known Summer 1 habitat for this species based on the presence of a nearby maternity record. As a result, removal of trees that provide suitable summer roosting, foraging, and commuting habitat for the Indiana bat would be considered an adverse effect to the species. Based on the submitted information and answers provided in the Indiana Bat Determination Key, the project will result in the removal of 0.27 acre of suitable habitat; therefore, the project would result in adverse effects to this species. The options to address these adverse effects include: 1) conducting a summer presence/absence survey, 2) performing emergence surveys on any suitable roost trees prior to removal, 3) formal consultation, or 4) a voluntary contribution to the Imperiled Bat Conservation Fund. The presence/absence and emergence surveys have specific survey periods that do not begin until the spring/summer. Formal consultation requires the preparation and submittal of a Biological Assessment and preparation of a Biological Opinion by the Service, which may take up to 135 days. The IBCF contribution can be completed in the shortest amount of time but requires mitigation to offset the adverse effects. (2) Tricolored Bat - Federal agencies (and their designated non-Federal representatives) are required to confer with the Service for a proposed species only if the project could jeopardize the continued existence of the species. If you determine that the project will not jeopardize the species, then conferencing is not required. The Service would agree with a no jeopardy finding for this project, so if you'd like to make such a determination, we can agree and conferencing would not be required. You may also voluntarily confer with the Service if you think the project may affect this species. If the trees can be removed during the unoccupied period for this species (November 16 to March 31), then the Service would agree with a "may affect, not likely to adversely affect" determination. If the trees will be removed during the occupied timeframe for summer habitat (April 1 to October 15), then the project could result in adverse effects to the species. In this case, the same options listed above for the Indiana bat could be used to address

adverse effects to the tricolored bat, except that formal conference would be used instead of formal consultation and the IBCF contribution option could not be used. A contribution of \$2,146.50 will be made to the IBCF will be made for the Indiana Bat. The receipt will be forwarded to Kentucky Housing Corporation and trees will only be removed during the unoccupied period of November 15th to March 31st. A finding of "may affect, not likely to adversely affect" determination will be made for the Tricolored bat. Trees will only be removed during the unoccupied period of November 16 to March 31. With mitigation, identified in the mitigation section of this review, the project will be in compliance with the Endangered Species Act.

**Supporting documentation**

[25-0011988 MerrymanVillage USFWS FNL Ltr.pdf](#)  
[FWS 2025 0011988 Merryman Village McCracken Co KY.pdf](#)

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

Yes

No

## Explosive and Flammable Hazards

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

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

No

Yes

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

No

Yes

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

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

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

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

No

Yes

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

Yes

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

No

**Screen Summary**

**Compliance Determination**

There is a current or planned stationary aboveground storage container of concern within 1 mile of the project site. A site visit was conducted on 11/5/2024 and no hazards defined by 24 CFR 51.201 (any stationary container which stores, handles, or processes hazardous substances of an explosive or fire prone nature) were located on-site, adjacent to, or visible from the subject property. Additional site reconnaissance from public roads of the areas accessible within the one-mile radius. Additionally, Google Earth Pro and ArcGIS were utilized to additionally evaluate these areas for tanks of this size which would be visible on the aerial photography. Tanks of concern were noted at two locations "Air Gas" and "Jimar Asphalt". Additionally, tanks containing sand/gravel and water were noted, but were not evaluated as they are exempt. The attached document includes distances to noted tanks and ASD calculations and backup of water/sand/gravel tanks. The Separation Distance from the project is acceptable. The project is in compliance with explosive and flammable hazard requirements.

**Supporting documentation**

[Merryman Village Explosive and Flammable\\_FNL.pdf](#)

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

Yes

No

**Farmlands Protection**

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

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

Yes

No

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

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

Yes

No

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

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

No

✓ Yes

**4. Consider alternatives to completing the project on important farmland and means of avoiding impacts to important farmland.**

- Complete form AD-1006, "Farmland Conversion Impact Rating" and contact the state soil scientist before sending it to the local NRCS District Conservationist (NOTE: for corridor type projects, use instead form **NRCS-CPA-106**, "Farmland Conversion Impact Rating for Corridor Type Projects.")
- Work with NRCS to minimize the impact of the project on the protected farmland. When you have finished with your analysis, return a copy of form AD-1006 (or form NRCS-CPA-106 if applicable) to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination.

**Document your conclusion:**

Project with proceed with mitigation.

✓ Project with proceed without mitigation.

**Explain why mitigation will not be made here:**

A NRCS Web Soil Survey was obtained and approximately 0.5% of the land at the site is considered prime farmland (if drained). The site is documented as in urban usage. Concurrence from the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service was requested. On November 13, 2024 Perri Brown, Resource Soil Scientist with the USDA indicated "Based on the information contained in your request, no significant conversion of agricultural lands (Prime or Statewide Important Farmland) will occur or be negatively impacted by the proposed undertaking. Therefore, an AD-1006/CPA-106 form is not needed, and this office has no concerns at this time." The request and USDA response is attached.

Based on the response, the review is in compliance with this section. Document and upload form AD-1006 and all other documents used to make your determination below.

**Screen Summary**  
**Compliance Determination**



The project includes activities that could convert agricultural land to a non-agricultural use. "Prime farmland," "unique farmland," or "farmland of statewide or local importance" regulated under the Farmland Protection Policy Act occurs on the project site. A NRCS Web Soil Survey was obtained and approximately 0.5% of the land at the site is considered prime farmland (if drained). The site is documented as in urban usage. Concurrence from the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service was requested. On November 13, 2024 Perri Brown, Resource Soil Scientist with the USDA indicated "Based on the information contained in your request, no significant conversion of agricultural lands (Prime or Statewide Important Farmland) will occur or be negatively impacted by the proposed undertaking. Therefore, an AD-1006/CPA-106 form is not needed, and this office has no concerns at this time." The request and USDA response is attached. The project may proceed without mitigation and be in compliance with the Farmland Protection Policy Act.

**Supporting documentation**

[Merryman Village McCracken Co.pdf](#)

[Merryman Village Paducah KY USDA Correspondence\\_Farmlands.pdf](#)

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

Yes

✓ No



## Floodplain Management

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

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

Yes

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

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

(c) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, where a permanent covenant or comparable restriction is place on the property's continued use for flood control, wetland projection, open space, or park land, but only if:

(1) The property is cleared of all existing buildings and walled structures; and

(2) The property is cleared of related improvements except those which:

(i) Are directly related to flood control, wetland protection, open space, or park land (including playgrounds and recreation areas);

(ii) Do not modify existing wetland areas or involve fill, paving, or other ground disturbance beyond minimal trails or paths; and

(iii) Are designed to be compatible with the beneficial floodplain or wetland function of the property.

(d) An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance,

or other HUD assistance.

(e) Policy-level actions described at 24 CFR 50.16 that do not involve site-based decisions.

(f) A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland.

(g) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in the FFRMS floodplain (not including the floodway, LiMWA, or coastal high hazard area) but only if: (1) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the FFRMS floodplain except de minimis improvements such as recreation areas and trails; and (2) the proposed project will not result in any new construction in or modifications of a wetland .

(h) Issuance or use of Housing Vouchers, or other forms of rental subsidy where HUD, the awarding community, or the public housing agency that administers the contract awards rental subsidies that are not project-based (i.e., do not involve site-specific subsidies).

(i) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Describe:

No

**2. Does the project include a Critical Action? Examples of Critical Actions include projects involving hospitals, fire and police stations, nursing homes, hazardous chemical storage, storage of valuable records, and utility plants.**

Yes

Describe:

No

**3. Determine the extent of the FFRMS floodplain and provide mapping documentation in support of that determination**

The extent of the FFRMS floodplain can be determined using a Climate Informed Science Approach (CISA), 0.2 percent flood approach (0.2 PFA), or freeboard value approach (FVA). For projects in areas without available CISA data or without FEMA Flood Insurance Rate Maps (FIRMs), Flood Insurance Studies (FISs) or Advisory Base Flood Elevations (ABFEs), use the best available information<sup>1</sup> to determine flood elevation. Include documentation and an explanation of why this is the best available information<sup>2</sup> for the site. Note that newly constructed and substantially improved<sup>3</sup> structures must be elevated to the FFRMS floodplain regardless of the approach chosen to determine the floodplain.

Select one of the following three options:

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

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

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

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

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

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

5. Does your project occur in the FFRMS floodplain?

Yes

✓ No

**Screen Summary**

**Compliance Determination**

This project does not occur in the FFRMS floodplain. See attached report utilizing the Federal Flood Standard Support Tool recognized by HUD. The project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690.

**Supporting documentation**

[FFRMS Freeboard Value Approach Report.pdf](#)

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

Yes

✓ No

**Historic Preservation**

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

**Threshold**

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

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA ). (See the PA Database to find applicable PAs.)  
 No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

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

**Step 1 – Initiate Consultation**

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

- ✓ State Historic Preservation Offer (SHPO) Completed
- ✓ 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
  - ✓ Chickasaw Nation Response Period Elapsed

- ✓ Delaware Nation, Oklahoma      Response Period Elapsed
- ✓ Miami Tribe of Oklahoma      Response Period Elapsed
- ✓ Osage Nation      Response Period Elapsed
- ✓ Peoria Tribe of Indians of Oklahoma      Response Period Elapsed
- ✓ Quapaw Nation      Response Period Elapsed

Other Consulting Parties

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

Wabuck Development Group (Wabuck) initiated consultation with the Kentucky Heritage Council (Kentucky SHPO) in June 2024. On July 9, 2024 the SHPO responded indicating "...Based on the documentation provided, an archeological survey is warranted for all areas where ground disturbing activities are to take place." This letter is attached. As such Environment and Archaeology conducted a Phase I archeological study and submitted the findings to the SHPO. On July 30, 2024 the SHPO responded "We would concur with a finding of No Historic Properties Affected and accept this report (the Abbreviated Archaeological Report for the Phase I Survey of the Wabuck Development Company Merryman Village Housing Project McCracken County, Kentucky) without revisions" This letter is attached. Tribes identified on HUD's tribal consultation report (TDAT) were contacted via email by Kentucky Housing Corporation on November 6, 2024 and no responses were received from any of the tribes as of December 7, 2024. Documentation is attached.

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:**

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

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or



objection(s), notes, and photos) that justify your National Register Status determination below.

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

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

Yes

Document and upload surveys and report(s) below.  
For Archeological surveys, refer to HP Fact Sheet #6, Guidance on Archeological Investigations in HUD Projects.

Additional Notes:

Environment and Archaeology prepared an "Abbreviated Archaeological Report for the Phase I Survey of the Wabuck Development Company Merryman Village Housing Project McCracken County, Kentucky" which was submitted to the SHPO with the recommendation of No Historic Properties Affected. This report is attached.

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. Wabuck Development Group (Wabuck) initiated consultation with the Kentucky Heritage Council (Kentucky SHPO) in June 2024. On July 9, 2024 the SHPO responded indicating "...Based on the documentation provided, an archeological survey is warranted for all areas where ground disturbing activities are to take place." This letter is attached. As such Environment and Archaeology conducted a Phase I archeological study and submitted the findings to the SHPO. On July 30, 2024 the SHPO responded "We would concur with a finding of No Historic Properties Affected and accept this report (the Abbreviated Archaeological Report for the Phase I Survey of the Wabuck Development Company Merryman Village Housing Project McCracken County, Kentucky) without revisions" This letter is attached. Additionally, KHC as the Responsible Entity communicated with tribes identified in the HUD Tribal Directory Report (TDAT) inviting them to be consulting parties on the project. None of the remaining tribes responded within the 30-day threshold specified by HUD CPD Notice 12-006. The project is in compliance with Section 106.

**Supporting documentation**

[Section106\\_Submittal.pdf](#)

[Merryman THPO consultation requests.pdf](#)

[SHPO Clearance.pdf](#)

[final merryman Phase I Arch Report.pdf](#)

[SHPO Request for Arch.pdf](#)

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

Yes

Merryman-Village

Paducah, KY

900000010430877

✓ No

**Noise Abatement and Control**

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

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

- New construction for residential use

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

Rehabilitation of an existing residential property

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

An interstate land sales registration

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

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

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

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

- ✓ Noise generators were found within the threshold distances.

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

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

Indicate noise level here: 62

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

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

Unacceptable: (Above 75 decibels)

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

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

Indicate noise level here: 62

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

### **Screen Summary**

#### **Compliance Determination**

A Noise Assessment was conducted. The noise level was acceptable: 62.0 db. See noise analysis. Major Noise Source, Road or Highway: There is one roadway with AADT data available from the Kentucky Transportation Cabinet located within the 1,000-foot threshold of this site. The project site is located 210 feet from Wayne Sullivan Drive which has a projected FY34 AADT of 9774. See attached reports from KYTC. Standard assumption of night volume of 15% was used. The average road grade of the segment of the roadway, approximately 1,000 feet either side of a

perpendicular line between the project site and Wayne Sullivan Drive, was determined to be 0.10% (rounded to 0%). The speed limit is 45. There are no stop signs or intersections within 600 feet on either side of the site. The HUD DNL Calculator was used to calculate a total of 61 decibels for this roadway. The individual source's DNL calculation was included in the combined total DNL calculation for all noise sources of 62dB. Railroad: Per the Federal Rail Administration Crossing Viewer map, the project site is located 2128 feet from the nearest active railroad crossing (297205P). Railroad crossing and available FRA report information was used in the HUD DNL Calculator. The HUD DNL calculator was used to calculate a total of 59dB for this rail line. The individual source's DNL calculation was included in the combined total DNL calculation for all noise sources of 62dB. Airport: There are no military airports located within 15 miles. There are two civil/regional airports located within 15 miles from the site. The closest airport, the Paducah Regional Airport (KPAH), is over 10-miles from the site. The Metropolis Municipal Airport (M30) is over 10 miles from the project site. The HUD Airport Noise Worksheet for the airport document that noise is not expected to be generated beyond the airport boundaries. No further evaluation is required. The National Transportation Noise Map for the project site shows that it is at the 60 dB threshold. The project is in compliance with HUD's Noise regulation.

**Supporting documentation**

[Merryman Noise\\_FNL.pdf](#)

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

Yes

✓ No

**Sole Source Aquifers**

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

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

- Yes
- No

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

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

- No

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

Yes

**Screen Summary**

**Compliance Determination**

The project is not located on a sole source aquifer area. The nearest sole source aquifer is near Cincinnati, OH over 200 miles from the project site. See attached map. The project is in compliance with Sole Source Aquifer requirements.

**Supporting documentation**

[Sole Source Aquifers.pdf](#)  
[Merryman Sole Source.pdf](#)

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

Yes

✓ No



**Wetlands Protection**

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

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

No

Yes

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

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

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

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

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

**Screen Summary  
Compliance Determination**

The project will not impact on- or off-site wetlands. The USFWS National Wetlands Inventory map shows there are no wetlands on or adjacent to the project site with the exception of streams on adjacent properties that will not be affected by the subject project. Work will not occur near these streams and all stormwater protections, including silt fencing, will be utilized. Wetlands were not noted during the site reconnaissance and vegetation commonly associated with wetlands was not noted at the project site. Additionally, CETCO conducted a site reconnaissance on June 24-25, 2024 including soils sampling. Per their report dated July 9, 2024 "CETCO is providing this wetlands assessment letter for the project site in Paducah, Kentucky. We conducted a site reconnaissance on July 24-25, 2024 and soil sampling as part of our services. It is our opinion that the site does not contain wetland areas. There are no obvious drainage features, upland areas or surface springs on site. The site and adjacent areas have minimal topographic relief and the site lacks wetland hydrology. Vegetation on-site is mostly mowed grasses with some perimeter small bushes and shrubs and small to mature trees, with less than a fourth of the species observed being obvious wetland type. The surface soils sampled were mostly brown and orange brown sandy lean clay soils (Lacustrine and Fluvatile glacial/alluvial soils) and not containing hydric soil indicators (no oxidization markings and minimal mottling) and mostly very well-drained due to the high sand content. This letter report is attached. The project is in compliance with Executive Order 11990.

**Supporting documentation**

[Merryman Village CETCO Wetlands Letter.pdf](#)  
[Merryman Wetlands Map.pdf](#)

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

Yes

✓ No

## Wild and Scenic Rivers Act

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

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

No

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

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

### Screen Summary

#### **Compliance Determination**

The project site is not in the vicinity of the Red River, Kentucky's only Wild and Scenic River. Per the Nationwide Rivers Inventory Map, the site is approximately 0.6-miles from a split of the Tennessee River / Ohio River, the nearest Nationwide Rivers Inventory body. There are no study rivers in Kentucky. See attached list found at the HUD Exchange <https://www.rivers.gov/study.php>. The project is in compliance with the Wild and Scenic Rivers Act.

#### **Supporting documentation**

[Paducah Kentucky\\_Wild and Scenic\\_FNL.pdf](#)

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

Yes

No

**Environmental Justice**

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

**HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.**

**1. Were any adverse environmental impacts identified in any other compliance review portion of this project’s total environmental review?**

Yes

No

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

**Screen Summary**

**Compliance Determination**

No adverse environmental impacts were identified in the project's total environmental review. Radon testing will occur post construction. Mitigation, if required, will be conducted. This impact is not disproportionately high for low-income and/or minority communities as radon is naturally occurring in various areas throughout Kentucky potentially have elevated radon. The project is in compliance with Executive Order 12898.

**Supporting documentation**

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

Yes

No

