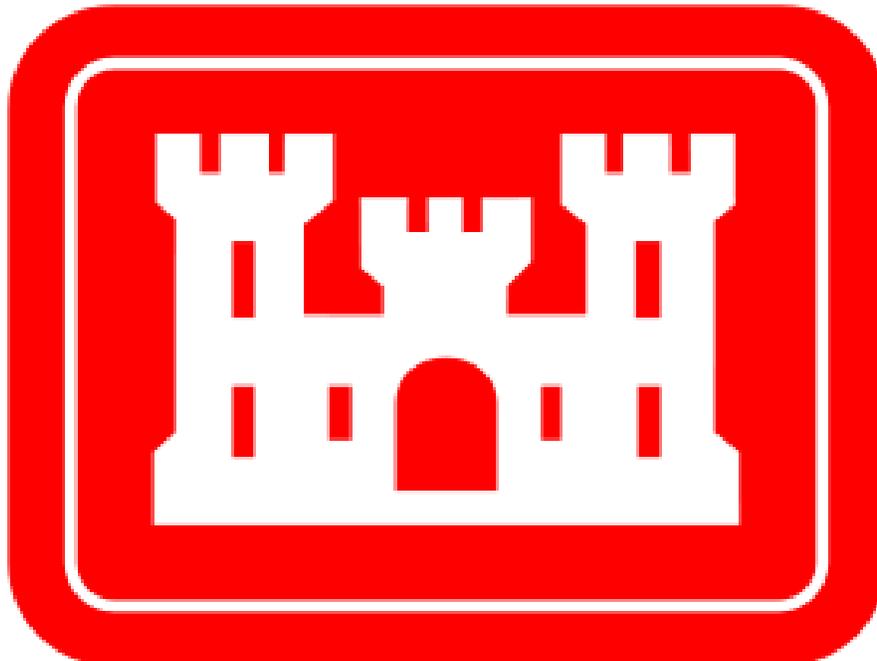




Draft Supplemental Environmental Assessment  
Section 202 Town of Martin  
Emergency Access Road  
Floyd County, Kentucky



U.S. Army Corps of Engineers  
Huntington District  
Huntington, West Virginia  
April 2018



**Draft Supplemental Environmental Assessment**  
**Emergency Access Road Section 202 Town of Martin Nonstructural Project**  
**Floyd County, Kentucky**  
**Executive Summary**

This Supplemental Environmental Assessment (SEA) has been developed pursuant to the National Environmental Policy Act (NEPA) by the U.S. Army Corps of Engineers (Corps), Huntington District, to identify the best alternative for emergency access at the redevelopment site. The Corps is proposing to construct an access road from the existing redevelopment site to Ice Plant Hollow Road, which is connected to Kentucky State Route 1428. The proposed road would provide emergency access for the redevelopment site and its users and the residents of Martin. This proposed action is part of the Town of Martin Nonstructural Project in Floyd County, Kentucky. The SEA tiers from previous environmental documentation, Final Environmental Assessment of July 2000, which was prepared concurrent with the development of the feasibility study for the Town of Martin Nonstructural Project, and for which a Finding of No Significant Impact was issued on August 8, 2000.

The Proposed Action Alternative would entail construction of a road approximately 520 feet in length, which will begin at the roadway section constructed adjacent to the Town Hall/Police Station. The roadway will feature two 12 foot lanes with two feet paved shoulders. Lane widening will be incorporated to address larger off-tracking vehicles. A curb and gutter roadway section will be utilized at the beginning of the project to tie into the existing redevelopment site. This curb and gutter roadway section will transition into a standard roadway typical section with roadside ditches to connect to Ice Plant Hollow Road. The proposed project would require roadway embankment, roadway excavation rock excavation, and borrow excavation. The majority of excavated material at the site would be suitable for the roadway embankment but the project would need to borrow and spoil material from the Mayo Hollow site. Several drainage features, temporary stream crossing, and replacement/improvement of existing culvert at Ice Plant Hollow Road.

The proposed project is a partnership agreement between the Floyd County Fiscal Court and the Corps established under the authority of Section 202 of the Energy and Water Development Appropriations Act of 1981 (Public Law 96-367), as amended. Additional legislation includes Section 367 of the Water Resource Development Act of 1999 (Public Law 106-541) as amended, and Section 107 of the Energy and Water Development Appropriations Act of 2010 (Public Law 111-85), as amended. This SEA is prepared pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality Regulations (40 CFR 1500-1508), and Corps implementing regulation, ER 200-2-2.

The SEA has concluded there are no significant impacts to the human environment associated with the implementation of the proposed Emergency Access Road for the Town of Martin Nonstructural Project.



SECTION 202  
EMERGENCY ACCESS ROAD  
SECTION 202 TOWN OF MARTIN NONSTRUCTURAL PROJECT  
FLOYD COUNTY, KENTUCKY

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*The brief and concise nature of this document is consistent with the 40 CFR requirements of the National Environmental Policy Act (NEPA) to reduce paperwork and delay by eliminating duplication with existing environmental documentation, incorporating pertinent material by reference, and by emphasizing interagency cooperation. The majority of data collection and analysis in this document was performed by the U.S. Army Corps of Engineers (Corps).*

## **1.0 PROJECT DESCRIPTION**

### **1.1 Project Background**

Along with other areas of the Big Sandy River Basin, the Town of Martin in Floyd County, Kentucky, which lies along Beaver Creek, has experienced numerous floods throughout the past 100 years. The Town of Martin Nonstructural Project resulted from the April 1977 flood in the Levisa Fork Basin. As a direct result of millions of dollars in damages and losses from this flood, the Energy and Water Development Appropriations Act of 1981 (Public Law 96-367) provided authorization for development of flood protection measures for the Levisa and Tug Forks of the Big Sandy River Basin. Section 202 of that legislation directed the Secretary of the Army, acting through the Chief of Engineers, to design and construct, flood damage reduction measures in those areas implemented by the flood. Based upon the Section 202 legislation, the Corps submitted its proposed plans for flood damage reduction measures but the plan did not recommend specific measures. Subsequent to the authorizing legislation, another major flood occurred in the Tug Fork Basin in May 1984 resulting in millions of dollars in damages. As a result of the May 1984 flooding, legislation (Public Law 98-332) was passed directing implementation of features of the General Plan with funding specifically authorized. The new legislation directed the Chief of Engineers to “implement immediately nonstructural flood control measures such as relocation sites, floodproofing and floodplain evacuation as described in the General Plan...” Additionally, Public Law 104-206 (30 September 1996), states in Section 105 that “From the date of enactment of the Act, non-structural flood control measures implemented under section 202(a) of Public Law 96-367 shall prevent future losses that would occur from a flood equal in magnitude to the April 1977 level by providing protection from the April 1977 level or the 100-year frequency event whichever is greater.” In 2010, Section 107 of the Energy and Water Development Appropriations Act, directed the Corps to continue with acquisition and other project elements identified in a certain Plan A of the Chief of Engineers, Town of Martin Nonstructural Project Detailed Project Report, Appendix T, Section 202 General Plan, dated March 2000.

Under the Section 202 authority, the Corps evaluated alternative flood damage reduction measures for the Town of Martin. Initially the project consisted of four phases; Phase I- creation of a new redevelopment site, Phase II – acquisition of downtown properties, relocating portions of downtown areas and raising the downtown elevation to above the 100-year flood elevation (1% annual chance flood), followed by redevelopment on the raised surface; Phase III – additional relocating, raising, and redeveloping the other portion of downtown, and Phase IV – implement voluntary floodproofing.



Due to availability of funding, only portions of the proposed flood damage reduction measures have been constructed. A redevelopment site was created in 2006. Since that time, relocation of the fire station was completed in 2013, construction of the Town Hall/Police Station was completed in 2017, and currently construction of an Alternative School is underway at the redevelopment site. The Corps is currently reevaluating the initial construction phases identified and is in the process of reworking construction sequencing. At this time, the Corps is only proposing to construct an access road off of the redevelopment site to connect to Ice Plant Hollow Road for secondary emergency access at the redevelopment site. Any subsequent phases would be considered under NEPA as appropriate.

Temporary and permanent impacts due to construction of the redevelopment site were evaluated in the Final Environmental Assessment (FEA) dated July 2000. Through agreement of terrestrial mitigation commitments outlined in the 2000 FEA, a Finding of No Significant Impact was signed in August 2000 for the redevelopment site and Mayo Hollow disposal area. Construction of the redevelopment site required 11 acres of excavation, of which nine of these acres were forested. The disposal site (Mayo Hollow) was created to store the excavated material from the redevelopment site and is situated on 16 acres. Out of the 16 acres, six acres were forested prior to creation of the disposal area. Terrestrial mitigation requirements were developed with assistance from the U.S. Fish and Wildlife Service (USFWS) in the August 2000 Supplemental Fish and Wildlife Coordination Act Report. To address the loss of forested habitat, commitments of bottomland hardwood planting and seeding of native forbes/grasses in the downtown area and restoration and re-vegetation of upland deciduous forest at the Mayo Hollow disposal site were recommended. These mitigation commitments were initially planned to occur after all phases of the project were completed. However, due to availability of funding as mentioned above, only portions of the project phases have been implemented and therefore the subsequent mitigation commitments have not yet been fulfilled. The Corps is currently working with USFWS to identify alternative ways (i.e. Bat Conservation Fund) to fulfill mitigation commitments for impacts associated with the redevelopment site and the Mayo Hollow disposal site.

This Supplemental Environmental Assessment (SEA) examines the potential environmental impacts of the proposed Emergency Access Road, part of the Nonstructural Project in the Town of Martin, Kentucky. The purpose of the SEA is to analyze the potential environmental impacts of the proposed project and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). This SEA concisely documents environmental consideration and assists in determining whether significant impacts may be associated with the proposal (40 CFR 1508.9 (a)) and tiers (40 CFR 1508.28) from previous environmental documentation, FEA of July 2000, which was prepared concurrent with development of the feasibility study for the Town of Martin Nonstructural Project, and for which a Finding of No Significant Impact was issued in August 2000.

## **1.2 Project Location**

The Town of Martin, Floyd County, is located in north-eastern Kentucky. Floyd County is bordered on the north by Johnson County, west by Magoffin County and east and south by Pike County. The Levisa Fork River flows through Floyd County, where it is fed by one of its major



tributaries, Beaver Creek. The Town of Martin, Kentucky lies along the banks of Beaver Creek. In the past, the Town of Martin’s close proximity to the confluence of Beaver Creek and the Levisa Fork make it susceptible to both flooding events from Beaver Creek and backwater flooding from the Levisa Fork. Due to the steep topography of the project area, the majority of the town lies within the floodplain.

The site of the proposed Emergency Access Road is located at the existing redevelopment site and joins to Ice Plant Hollow Road, which is connected to Kentucky State Route (KY) 1428. Mayo Hollow disposal site, the area for spoil and borrow, is approximately two miles from the location of the proposed project. Project location mapping can be found in Appendix A.

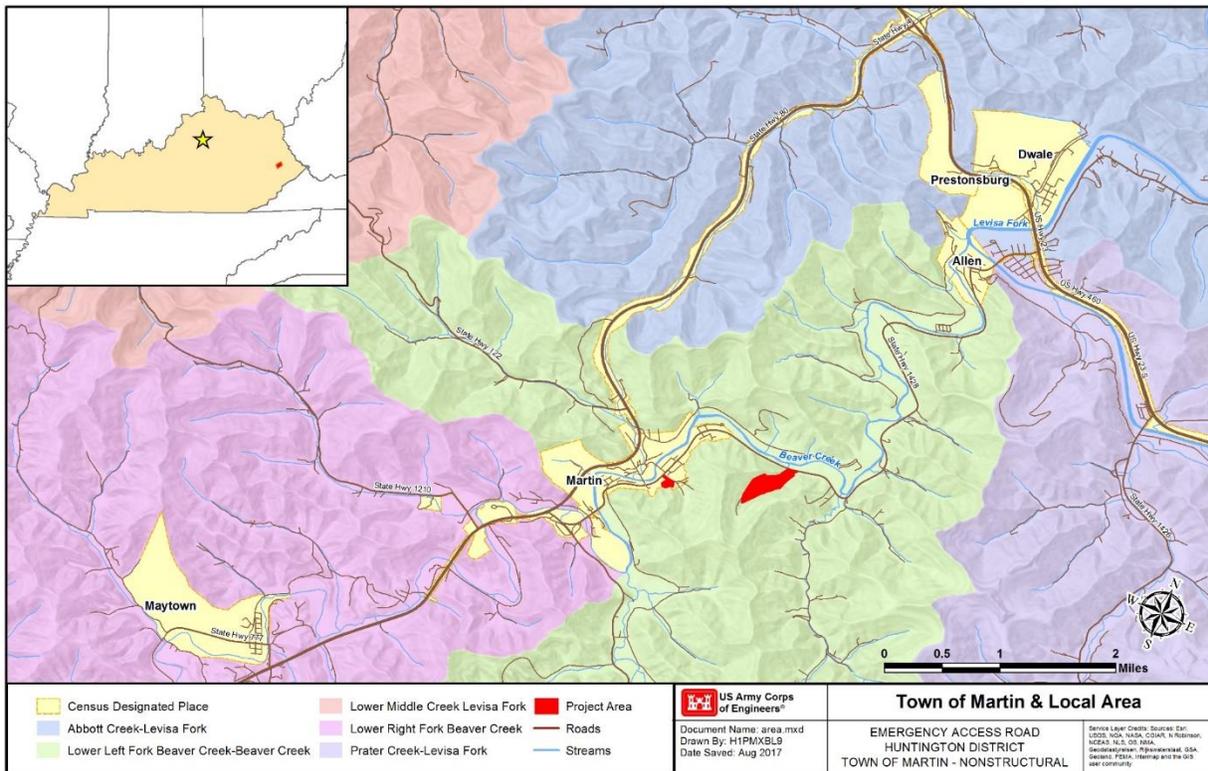


Figure 1: Project Location with Watershed Boundaries

## 1.2 Purpose, Need, and Authorization

The purpose of the Town of Martin Nonstructural Project is to provide flood damage reduction for the residences and businesses of Martin, Kentucky. The purpose of the proposed emergency access road action, part of Town of Martin Nonstructural Project, is to provide secondary access at the redevelopment site. Critical public facilities such as the fire station, police station/town hall, and alternative school are and/or would be located at the redevelopment site. Currently, there is only one road for access to and from the redevelopment site. The need for the access road is to provide emergency access to all users at the redevelopment site.



The proposed project is a partnership agreement between the Floyd County Fiscal Court and the Corps established under the authority of Section 202 of the Energy and Water Development Appropriations Act of 1981 (Public Law 96-367), as amended; by Section 367 of the Water Resource Development Act of 1999 (Public Law 106-541), as amended; and as amended by Section 107 of the Energy and Water Development Appropriations Act of 2010 (Public Law 111-85).

This EA is prepared pursuant to NEPA, Council on Environmental Quality (CEQ) Regulations (40 CFR 1500-1508), and Corps implementing regulation, ER 200-2-2.

## **2.0 PROPOSED ACTION AND ALTERNATIVES**

### **2.1 Proposed Action Alternative (PAA)**

The PAA would provide a direct emergency access route from the redevelopment site to Ice Plant Hollow Road, which is connected to KY 1428. The road will only be operational during emergency situations and closed for daily use by utilization of gates at both ends of the road. The proposed road, which would be approximately 520 feet in length, would begin at the roadway section constructed adjacent to the new Town Hall/Police Station. The roadway would feature two 12 feet lanes with two feet paved shoulders. Lane widening would be incorporated to address larger off-tracking vehicles. A curb and gutter roadway section would be utilized at the beginning of the project to tie into the existing redevelopment site. This curb and gutter roadway section would transition into a standard roadway typical section with roadside ditches to connect to Ice Plant Hollow Road.

The proposed project will require roadway embankment, roadway excavation (approximately 22,000 cubic yards), rock excavation (approximately 700 cubic yards), and borrow excavation. Rock excavation will be achieved using mechanical methods such as use of heavy excavation equipment, ripper teeth, and jack hammers. Blasting would not be permitted on the project. The roadway embankment would take approximately 25,000 cubic yards of material to construct. The majority of excavated material at the site would be suitable for the roadway embankment but the project would need to borrow and spoil material from the Mayo Hollow disposal site. It is estimated that the project would need to borrow an estimated 9,500 cubic yards and spoil approximately 8,000 cubic yards of material at Mayo Hollow. The Mayo Hollow disposal site was created during construction of the redevelopment site in the early 2000s and access to borrow and spoil would take place on an existing haul road at the site. The existing haul road has some potholes and may require additional maintenance once construction of the proposed road would begin.

Several drainage features would be needed on this project. These items include pipe, a manhole, an outlet structure, and 6 feet by 3 feet Kentucky Transportation Cabinet standard headwalls, and 54 linear feet of a 6 feet by 3 feet box culvert. The existing stream crossing at Ice Plant Hollow Road would be removed and replaced with a permanent box culvert. In addition, a temporary stream crossing is anticipated downstream of the proposed permanent culvert to handle the loads



of heavy construction equipment at the proposed road site. The length of this proposed culvert would be approximately 30 linear feet and would be removed upon completion of construction.

## **2.2 No Action Alternative (NAA)**

Under the NAA, the road would not be constructed and therefore no emergency access would be provided to the existing redevelopment site. This alternative was considered unacceptable due to safety of users at the redevelopment site and the need for emergency access.

## **3.0 ENVIRONMENTAL CONSEQUENCES**

Potential impacts from the alternatives considered in this SEA would be primarily to the aquatic resources of an unnamed tributary to Beaver Creek and terrestrial resources. Because this assessment tiers from the Final Environmental Assessment of July 2000, only those resources identified that may potentially be affected by the PAA action, Emergency Access Road, are addressed in this document. The following discussion focuses only on consideration of those resources determined to have potential for impacts associated with the alternatives, thus complying with the concise document requirement of 40 CFR 1508.9 (a).

### **3.1 Terrestrial Habitat**

The PAA would be constructed primarily within previously disturbed areas, including the existing Mayo Hollow disposal and borrow site; therefore, potential impacts to vegetation would be minimal. The Town of Martin has removed vegetation and trees from the northern section of the construction work limits (area adjacent to the old Town Hall and area along Ice Plant Hollow Road) last year. Tree clearing is anticipated in the southern section of the construction work limits along the area of rock excavation and the beginning portion of the roadway alignment. The contractor would most likely enter this part of the site via a single haul road for access. However, due to uncertainty on contractor access during construction of the Emergency Access road, it is estimated that approximately 1.3 acres of clearing and grubbing would occur within the construction work limits. No tree clearing is anticipated at the Mayo Hollow disposal site. Only minor impacts during construction are anticipated to occur. Therefore, no significant long-term impacts to terrestrial habitat are anticipated as part of the PAA.

As the selection of the NAA would entail no changes to the project area, there are no impacts to terrestrial habitat anticipated as part of the NAA.

### **3.2 Floodplains**

Executive Order 11988 requires Federal agencies to consider the potential effects of their proposed actions to floodplains. In order to determine the PAA's potential floodplain impact, the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) were reviewed and portions of the proposed construction work limits are located within the base floodplain or the area that has a 1-percent chance or greater of having a flood in any given year (<https://www.fema.gov/floodplain-management/flood-zones>). The area within the floodplain



would be mainly utilized for staging of equipment and access. Once construction is completed, this area will be returned to existing conditions. The location of the proposed Emergency Access Road will be located outside of the floodplain.

Therefore, no impacts to floodplains are anticipated to occur from the PAA or NAA.

### **3.3 Aquatic Habitat/Water Quality**

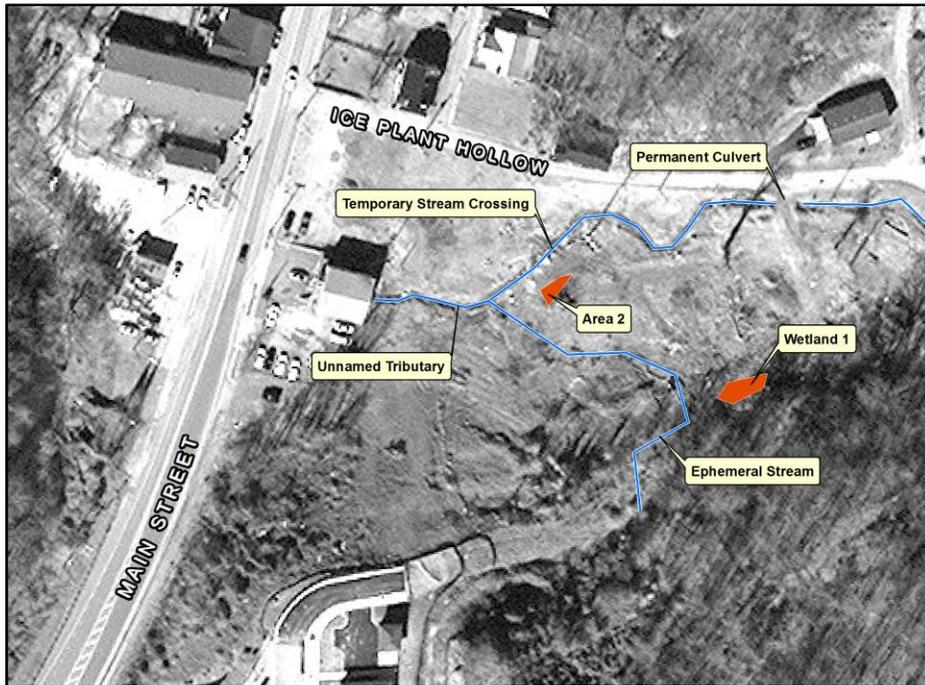
The proposed project area is located within the Lower Left Fork Beaver Creek, part of the Lower Levisa Watershed. Several water bodies within the watershed are listed in the Environmental Protection Agency's Waterbody Quality Assessment Report. The major sources of impairment in Beaver Creek is pathogens, metals, nutrients, organic enrichment/oxygen depletion, sediment, salinity, total dissolved solids, and turbidity. Implementation of the PAA would not result in any new discharge of pollutants.

Construction of the PAA would have permanent and temporary in-stream impacts. On May 19, 2017, the Corps Planning and Engineering Staff, performed a site visit to identify waters on-site and potential impacts. An Identification of Waters Report is located in Appendix C. At the Emergency Access Road site, the proposed project would involve replacement of an existing culvert and a temporary stream crossing downstream of the permanent culvert. An unnamed intermittent stream, a tributary to Beaver Creek, runs adjacent and within the construction work limits. It is anticipated two stream crossing would be needed (one permanent and one temporary). There is an existing crossing (approximately 20 linear feet) which would be removed and replaced with a permanent box culvert for approximately 54 linear feet. The length of the proposed temporary culvert would be approximately 30 linear feet and would be removed upon completion of construction. One ditch would be constructed on each side of the road to handle storm water. The ditches would convey water directly to the unnamed tributary of Beaver Creek. Additionally, an ephemeral stream traverses though the proposed Emergency Access Road from the adjacent hillside and continues down the slope until it reaches the unnamed intermittent stream. This area would be filled and re-graded as part of the road construction and 400 linear feet is anticipated to be permanently filled. The water from the ephemeral channel would be handled by the proposed roadside ditches installed adjacent to the roadway.

The proposed action would require spoil and borrow at the Mayo Hollow disposal site. An intermittent unnamed tributary flows through the site and the downstream portion of the property contains an open water sediment pond. There are no anticipated impacts to the sediment pond. Temporary impacts to the unnamed tributary are expected for actions such as potential minor grading/repair of the channel as 1600 linear feet of the unnamed tributary is located within the



proposed construction limits of the spoil and borrow area but a limited work area would be established within the construction work limit to avoid and minimize impacts to the channel to the extent practicable.



*Figure 2: Identification of Waters at the Emergency Access Road*



*Figure 3: Identification of Waters at Mayo Hollow*



Under the Clean Water Act, the Corps submitted a 401 application for the proposed action to the Kentucky Division of Water. Through coordination efforts and review of the 401 application, KY Division of Water issued Certification in the form of a Nationwide Permit 14 Linear Transportation Projects for the Emergency Access Road. The Mayo Hollow disposal site had been permitted in the past due to on-going work and commitments with the creation of the redevelopment site. KY Division of Water is currently working with the Corps to modify the original certification for Mayo Hollow. A National Pollutant Discharge Elimination System (NPDES) permit will be required due to the size of construction area. Best Management Practices (BMPs) would be used throughout the project to prevent runoff from the project into adjacent surface waters. Based on the above, implementation of the PAA would not result in significant environmental impacts to aquatic habitat and water quality.

Under the NAA, no aquatic impacts would occur and water quality in the project area would remain unchanged.

### 3.4 Wetlands

National Wetland Inventory Maps (NWI) were reviewed for the proposed project area and a site visit as mentioned above was conducted on May 19, 2017 to determine validity of NWI maps and to identify waters on-site and potential impacts. An additional site visit was conducted on August 16, 2017. The site visit identified the presence of two wetlands within the footprint of the proposed Emergency Access Road construction work limits. The first wetland (Wetland 1) was observed at the toe of the slope of the location of the proposed road. This wetland area was comprised of herbaceous vegetation consisting of *Impatiens capensis*, *Typha latifolia*, *Carex sp.* Soils were hydric and standing water was present. Wetland 1 measures approximately 30 feet by 10 feet and is less than 0.01 acre. The second wetland (Wetland 2) is located in the northern portion of the construction work limits where the Town of Martin recently cleared vegetation. This area showed recent disturbance with some standing water at the time of the site visits. Vegetation such as *Juncus effusus*, and *Carex sp.* was starting to emerge but is not the dominant vegetation. The area measured approximately 30 feet by 15 feet (0.01 acres). Both wetland areas are small (approximately 0.02 acre) and are of lower quality. The impacts to both wetland areas would be permanent. No wetlands were identified at the Mayo Hollow Site within the construction work limits.



*Figure 4: Photo of Wetland 1, May 2017*



*Figure 5: Wetland 2 (left photo taken in May 2017 and right photo taken in August 2017)*



The Corps identified these wetland areas and impacts in a 401 application submitted to the Kentucky Division of Water. Due to minor impacts and as mentioned above, KY Division of Water issued Certification through a Nationwide Permit 14 Linear Transportation Projects for the Emergency Access Road. Based on the above, implementation of the PAA would result in negligible adverse impacts to wetlands due to their size and quality.

No impacts to wetlands are anticipated as part of the NAA.

### **3.5 Hazardous, Toxic, and Radioactive Waste (HTRW)**

A Phase 1 HTRW Environmental Site Assessment (ESAs) was conducted from 1999 to 2004 for the redevelopment and Mayo Hollow disposal sites. The Phase 1 ESAs determined there were no recognized environmental concerns (RECs) at either site. Subsequently, the Corp's Huntington District purchased the real estate tracts for the Town of Martin, Kentucky, and Section 202 Nonstructural Project. The Mayo Hollow Site has been used for disposal of non-hazardous construction debris from the redevelopment site's construction.

Huntington District HTRW staff, performed a re-assessment and site visit of the redevelopment and Mayo Hollow site tracts to identify environmental conditions and to identify the potential presence of HTRW contamination located in the project's construction work limits. Below are the following Phase 1 HTRW findings:

The Corps HTRW staff determined the re-assessment showed no evidence of RECs or HTRW concerns within the property and no further HTRW action is required. Only some minor, non-HTRW concerns such as missing access gate, non-hazardous rock and soil dumping, etc. were noted. Therefore, no impacts to HTRW are anticipated with the PAA. A clearance re-assessment document provided by Corps HTRW staff on November 9, 2017.

The NAA would not result in ground disturbing activities, and thus would not disturb areas of potential HTRW contamination. Therefore, there are no HTRW impacts associated with the NAA.

### **3.6 Cultural Resources**

Background research and literature review recognized that previous cultural resource identification efforts have been performed. Hoyer (1999) cultural resource investigation efforts for the proposed Town of Martin Fire Station Hillside Flood Protection Project, did not result in the location of any archeological resources or historic structures within the current area of potential effect. In 2001 Huntington District geotechnical staff performed soil borings for the abovementioned project. Within the area of potential effect three soil borings were performed, one along the steep slope and two within at lower elevation adjacent to Ice Plant Hollow Rd. The data from the soil boring demonstrated that the area has been previously filled with displaced soils that consist of sandy clay and silty clay fill with fragments of gravel and coal to a depth of 7.5 – 9 feet below surface. The results of those borings as well as the archeology lead to the determination that the only relatively level land was associated with a filled hollow.



On June 16, 2017, the District Archeologist, and Archeological Technician, traveled to the site and conducted a Phase I pedestrian survey of the proposed project area to determine the presence of cultural resources due to the fact that the 1954 and 1992 USGS topographic maps show structures within the footprint of this area. The area of potential effect was systematically shovel tested, while steep side slopes and benches were visually inspected in parallel transects, all to determine the presence of archeological resources and historic structures. Since much of the area in question recently had the brush, understory, and trees removed, ground visibility allowed for visual inspection for the presence of archeological and structural features. The location of the project area consists primarily of moderate to steep sideslopes (21-32° slope), with two small wetland features. 14 shovel test pits were attempted in locations that exhibited fairly suitable conditions, being placed approximately 15-20 meters apart. All shovel tests exhibited some form of previous disturbance or extensive water saturation. A majority of the test pits also contained forms of recent-historic materials, from aluminum soda cans, corroded wire nails, plastic bags, and thin brown beer bottle glass. No archeological resources were located during the survey.

The results of the cultural resource investigation was submitted to the Kentucky Heritage Council (KHC) on June 19, 2017, where the Huntington District determined that pursuant to through coordination with the KHC under Section 106 of the National Historic Preservation Act of 1966, it was determined that the proposed undertaking would result in a no effect to historic properties. KHC concurred with the District's determination on December 12, 2017. Coordination under Section 106 has been completed.

In addition, KHC inquired about the status of a previous cemetery relocation, known as the Parker Teague Cemetery. Planning personnel identified the location where the cemetery was relocated and provided information concerning the relocation of the interments at the Parker Teague Cemetery to the Mayo Cemetery in Prestonsburg, Kentucky. On January 10, 2018, KHC provided the Corps notification that they received the documentation.

Additionally, all borrow and spoil material taken from the emergency access road project in Martin, Kentucky would be disposed of at Mayo Hollow, which is an area where borrow material has been excavated for the Martin redevelopment site. Because this area has been heavily disturbed due to its use as a borrow area it does not contain aboveground historic structures, nor is it likely to contain intact archeological resources. The haul road entering Mayo Hollow may require additional maintenance once construction begins, but this would not result in any ground disturbance. Therefore, in compliance with 36 CFR 800.16(Y), the Huntington District has determined this action at Mayo Hollow will result in no potential to cause effects to historic properties. In accordance with 36 CFR 800.4(d)(1)(i), the District has fulfilled its obligations under Section 106 in regards to Mayo Hollow.

If unanticipated archeological deposits or human remains are discovered at Mayo Hollow, all work near the location of the discovery shall cease and the Resource Manager and District Archeologist shall be contacted immediately. The Kentucky State Police, county Coroner, and the Kentucky Heritage Council shall also be notified immediately if human remains are discovered. There would be no impacts associated with the NAA.



### 3.7 Threatened and Endangered Species

According to the U.S. Fish and Wild Service (USFWS) Information for Planning and Consultation (IPaC) website, there are four threatened and endangered listed species in the vicinity of the proposed project. They are the Big Sandy crayfish (*Cambarus callainus*), Indiana bat (*Myotis sodalis*), Grey bat (*Myotis grisescens*), and Northern Long-Eared bat (*Myotis septentrionalis*).

On November 27, 2017, Corps Planning Staff met with USFWS Kentucky Field Office to discuss path forward for mitigation commitments from the past construction of the redevelopment site, Mayo Hollow and potential impacts from the proposed Emergency Access Road. At this meeting USFWS indicated that in-water work at these locations would not be within the range of the Big Sandy Crayfish. Therefore, the Corp's Huntington District has determined that the proposed action would have no effect on the Big Sandy Crayfish.

There is potential for tree clearing and grubbing in approximate 1.3 acres at the site of the proposed road. Tree species within the project area include oaks, maples, box elder, and hickory. Seasonal tree clearing to avoid and minimize impacts to the bats would not be feasible due to timing of the project. Therefore, the Corp's Huntington District has determined the proposed action may affect and is likely to adversely affect the Indiana bat, Grey bat, and Northern Long-Eared bat. To mitigate for the impacts, the Corps proposes to utilize the Bat Conservation fund through an agreement with the USFWS. Coordination under Section 7 of the Endangered Species Act and the Fish and Wildlife Coordination Act is ongoing and will be completed prior to issuance of a FONSI.

The NAA would not result in additional ground disturbing activities. Therefore, there would be no effect to Threatened and Endangered Species associated with the NAA.

### 3.8 Air Quality

The air quality of Floyd County is in attainment for all criteria pollutants. Construction activities of the PAA would have the potential to cause localized temporary, nuisance air quality impacts which includes particulate emissions. Emission sources include diesel exhaust and fuel odors associated with operation of heavy equipment, engine emissions associated with construction and construction activities. All construction would be performed in compliance with applicable control requirements established by the Kentucky Department for Environmental Protection Division for Air Quality. The PAA is exempted by 40 CFR Part 93.153 from making a conformity determination, since estimated emissions from construction equipment would not be expected to exceed de minimis levels, direct emissions of a criteria pollutant, or its precursors. Any impacts would be short-term, localized, and would occur only during construction phase activities. Impacts to air quality under the PAA would be temporary during construction and minor.

No impacts to air quality are anticipated to occur as part of the NAA.



### 3.9 Noise

Noise associated with the PAA would be limited to that generated during construction except for noise at the pump station. The noise associated with construction would be short in duration and would only occur during daylight hours. Noise is measured as Day Night average noise levels (DNL) in “A-weighted” decibels that the human ear is most sensitive to (dBA). There are no Federal standards for allowable noise levels. According to the Department of Housing and Urban Development Guidelines, DNLs below 65 dBA are normally acceptable levels of exterior noise in residential areas. The Federal Aviation Administration (FAA) denotes a DNL above 65 dBA as the level of significant noise impact. Several other agencies, including the Federal Energy Regulatory Commission, use a DNL criterion of 55 dBA as the threshold for defining noise impacts in suburban and rural residential areas. According to Dr. Paul Schomer in his 2001 Whitepaper, while there are numerous thresholds for acceptable noise in residential areas, research suggests an area’s current noise environment, which has experienced noise in the past, may reasonably expect to tolerate a level of noise about 5 dBA higher than the general guidelines. The Corps Safety and Health Requirements Manual provides criteria for temporary permissible noise exposure levels (see Table 3.1 below), for consideration of hearing protection or the need to administer sound reduction controls. Ambient noise around the project area is representative of a mixed commercial and residential.

Duration/day (hours)	Noise level (dBA)
8	90
6	92
4	95
3	97
2	100
1.5	102
1	105

Construction of the proposed project would temporarily increase ambient noise levels due to the operation of construction equipment. The noise levels at the site would fluctuate depending on the types of equipment in use and the way the equipment is operated, therefore noise levels would be variable throughout the workday and project duration. Equipment to be used during project construction, including, but not limited to excavators, end loader, road grader and/or vibratory roller would contribute to ambient noise in the area. Construction would be limited to daytime hours and at times, noise may not be as noticeable in the project vicinity due to ambient noise from traffic on KY 1428, Ice Plant Hollow Road, and neighboring commercial businesses.

Noise exposure would occur when persons are entering/exiting residences or businesses, driving on Ice Plant Hollow Road, Redevelopment Drive, and KY 1428, or outside of nearby structures.



Construction equipment would be operated during daylight hours; therefore a reasonable exposure time of two hours would be expected during the time residents may be home during the day or at visiting businesses. Noise generated from construction equipment (i.e. backhoe and excavator) to be utilized during construction range from 80 and 85 dBA at 50 feet. Peak outdoor noise levels ranging from 78-90 dBA would occur during the time in which equipment is directly in front of or in proximity to homes and businesses (within 25-100 feet). A maximum noise exposure of approximately 98 dBA, for one hour could occur if equipment were within 10 feet of homes and business. For instance, the alternative school is located over 700 feet from the closest part of the access road and the hillside will further act as a barrier to reduce noise. The closest receptacles are the old and new Town Hall/Police Station buildings. There is uncertainty if the old Town Hall/Police Station building would remain. The existing building is located within 20 feet of the construction work limit area and the new Town Hall/Police Station is within 30 feet of the proposed access road. Individuals' ingress and egress from these structures would experience temporary increased noise levels. However, once inside the structures, the buildings would reduce or muffle the construction noise.

The noise projections do not account for screening objects, such as hillsides or other objects that muffle and reduce the noise being emitted (i.e. inside buildings). The outdoor construction noise would be further muffled while residents are inside their homes and/or business and public facilities. The USACE Safety and Health Requirements Manual, indicate that temporary noise exposure for a period of eight hours at a level of 90 dBA is permissible for Non-Department of Defense Noise Exposures. The noise levels and the period of exposure would fall within acceptable limits and would not require additional sound reduction controls. Therefore, noise impacts associated with the PAA would be temporary and minor. As stated earlier, no blasting would be used for the construction work.

While the anticipated noise levels generated from construction would be below the level necessary to protect human health, it has the potential to be a nuisance and interfere with outdoor activities. However, given that the elevated noise levels would be short in duration for individual receptors, and no risk to hearing damage would be present, only temporary minor impacts from the PAA would be expected.

There would be no change in noise and thus no impact under the NAA.

### **3.10 Environmental Justice and Protection of Children**

Executive Order (E.O.) 12898 requires Federal actions to address environmental justice in minority populations and low-income populations. According to the U.S. Census Bureau, the 2016 population estimate for Floyd County was 37,110 and does not contain significant minority populations. The 2015 census indicates Floyd County is 97.9% white and has a median household income of \$30,540 compared with the median household income of \$44,811 for the Commonwealth of Kentucky. Individuals residing in the county below the poverty level is 30.4% compared to 18.5% statewide.



EO 13045 requires each Federal agency “to identify and assess environmental health risks and safety risks that may disproportionately affect children” and “ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.” This EO was prompted by the recognition that children, still undergoing physiological growth and development, are more sensitive to adverse environmental health and safety risks than adults. The potential for impacts on the health and safety of children is greater where projects are located near residential areas.

Implementation of the PAA would provide safe emergency access to all users of the facilities at the redevelopment site including the alternative school, thereby improving the living environment for all users. No homes or buildings would be impacted by the proposed project; therefore, the PAA meets the directive of EO 12898 and EO 13045 by avoiding any disproportionately high adverse human health or environmental effects on minority or low income populations or children.

Under the NAA, no emergency access road at the redevelopment site could potentially impact the critical facilities and their users including the children at the alternative school should an emergency arise and more than one access is needed either to or from the redevelopment site. There are no impacts on minority or low income populations under the NAA. However, potential for impacts to children safety could occur from the NAA in the event of an emergency.

### **3.11 Aesthetics**

The project area is rural, primarily consisting of residential properties and small commercial properties including the redevelopment site. Temporary disturbance of the local aesthetics would be anticipated during construction of the emergency access road such as temporary stream crossing and staging areas. Disturbance of local aesthetics has already occurred with the recent clearing of vegetation at the site of the proposed road. The emergency access road would be one of the permanent changes to the aesthetics of the area. The proposed road is an extension off of the previously constructed redevelopment site and therefore, the PAA would not significantly impact local aesthetics.

Under the NAA, recent clearing of trees and brush from the northern section of the proposed project work limits has already occurred. Therefore, under the NAA no impacts to local aesthetics would occur.

### **3.12 Transportation and Traffic**

During construction of the proposed access road, the contractor will utilize Redevelopment Drive and Ice Plant Hollow Road for access to the site. Since Ice Plant Hollow Road is only wide enough for one vehicle, hauling would be restricted to one-way traffic. KY 1428 would be utilized to haul spoil and borrow material from Mayo Hollow. Once at Mayo Hollow, an existing haul road is accessible to reach the limits of the spoil and borrow area. Maintenance of traffic, during construction, would be in accordance with the Manual on Uniform Traffic Control Devices and Kentucky Transportation Cabinet Guidelines. After construction, Redevelopment Drive and Ice



Plant Hollow Road would be restored to pre-construction conditions. All appropriate guidelines for traffic control would be implemented and emergency access would be maintained. As stated earlier, the proposed road would provide a secondary access during emergencies and allow emergency vehicles to be able to access the site as needed. Impacts anticipated to occur from the PAA would be minimal and temporary.

No impacts to transportation and traffic are anticipated to occur from the NAA.

### **3.13 Health and Safety**

The PAA has been designed to provide safe, emergency access to users of facilities at the redevelopment site. The connection of the access road from the redevelopment site to Ice Plant Hollow Road would allow for emergency access. There is currently one road, Redevelopment Drive, for access to and from the redevelopment site which currently houses critical public facilities such as the fire station, police station/town hall, and alternative school. The PAA is anticipated to have a long term beneficial impact on health and safety for users of the facilities and area residents.

Under the NAA, users of the facilities would only have access to and from the site via Redevelopment Drive. If there was an emergency there would only be one access road. This could cause negative impacts on the safety of all users of the facilities and area residents.

### **3.14 Cumulative Effects**

The Corps must consider the cumulative effects of the proposed project on the environment as stipulated by NEPA. Cumulative effects are "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or Non-Federal) or person undertakes such actions". Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR Part 1508.7 Council on Environmental Quality [CEQ] Regulations).

The cumulative effects analysis is based on the potential effects of the proposed project when added to similar impacts from other projects in the region. An inherent part of the cumulative effects analysis is the uncertainty surrounding actions that have not yet been fully developed. The CEQ regulations provide for the inclusion of uncertainties in the analysis and states that "when an agency is evaluating reasonably foreseeable significant adverse effects on the human environment...and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking" (40 CFR 1502.22).

Temporal and geographical limits for this project must be established in order to frame the analysis. These limits can vary by the resources that are affected. The construction of the proposed emergency access road would have minimal and insignificant negative impacts on the environment. Long term safety will result from the project as the road would offer secondary access at the redevelopment site in case of an emergency. The temporal limits for assessment of



this impact would initiate in 1981 with the passage of the Section 202 of the Energy and Water Development Appropriations Act and end 50 years after completion of this project. The geographical extent would be broadened to consider effects beyond the PAA. The geographical extent considered is the Lower Levisa Watershed.

Then Levisa Watershed is listed in the Environmental Protection Agency's Waterbody Quality Assessment Report where it is listed as impaired for pathogens, metals, nutrients, organic enrichment/oxygen depletion, sediment, salinity, total dissolved solids, and turbidity. In the past, flood damage reduction measures such as creation of a redevelopment site and Mayo Hollow disposal site, and acquisition of structures under the Section 202 authority has occurred. Additionally, other nonstructural and structural measures have occurred under the Section 202 authority in the Levisa Fork Watershed. These past actions had similar temporary impacts but no significant cumulative impact. The Lower Levisa Watershed is part of the Big Sandy River Basin. Watershed studies for the Big Sandy River Basin have been undertaken recently by both the Corps and the USDA, but currently, no watershed programs are active in the Big Sandy Watershed. The Big Sandy Area Development District (BSADD) is a regional planning organization that serves Floyd, Johnson, Magoffin, Martin, and Pike Counties. BSADD performs services in water management and has a water management council that meets to discuss existing projects and needs within the service area. In the future, watershed programs may address obstruction to stream flow and other maintenance activities. Impairment of the Levisa Watershed is expected to continue.

Section 3.0 documents the existing environment and potential environmental effects of the PAA and NAA with respect to existing conditions. The effects of the PAA, as discussed beforehand, are localized and minor. Past actions that may have resulted in similar effects include nonstructural and structural actions and construction of the redevelopment site. In the future, there is potential, depending on funding, to construct additional flood damage reduction measures identified in the feasibility study for the Town of Martin Nonstructural Project (i.e. elevating KY 1428). If these actions would occur they would have similar impacts as the proposed action identified. However at this time, the current access road is the only new construction identified. In scoping cumulative effects issues, no resources were identified as having a potential to be significantly affected. Only minor and temporary impacts to ecological resources would be sustained with the implementation of the PAA. The majority of resources would be reestablished upon completion of construction.

The availability of Federal funds through programs, such as the 202 Program, to assist the Town of Martin, an area that has in the past received numerous flooding and damages throughout the years, with flood risk management in an area, is an additional benefit. The significance of this action on safety would be positive. Given the current program is in place for the foreseeable future and the overall beneficial effect from implementation of the PAA, there is expected to be a positive, though small, cumulative effect on safety based on past, present, and reasonably foreseeable actions.



#### 4.0 Status of Environmental Compliance

The PAA will be in full compliance with all local, state, and Federal statutes as well as Executive Orders prior to issuance of a FONSI. Compliance is documented below in Table 2.

<b>Table 2 - Environmental Compliance Status</b>			
Statute/Executive Order	Full	Partial	N/A
National Environmental Policy Act (considered partial until the FONSI is signed)*		X	
Fish and Wildlife Coordination Act*		X	
Endangered Species Act*		X	
Clean Water Act*		X	
Wild and Scenic Rivers Act	X		
Clean Air Act	X		
National Historic Preservation Act	X		
Archeological Resources Protection Act			N/A
Comprehensive, Environmental Response, Compensation and Liability Act	X		
Resource Conservation and Recovery Act	X		
Toxic Substances Control Act	X		
Quiet Communities Act	X		
Farmland Protection Act	X		
Executive Order 11988 Floodplain Management	X		
Executive Order 11990 Protection of Wetlands	X		
Executive Order 12898 Environmental Justice in Minority Populations and Low-Income Populations	X		
Executive Order 13045 Protection of Children	X		

\* All partial statuses will be in full compliance prior to issuance of a FONSI

\* Anticipated FONSI signature to occur after public review

#### 5.0 REQUIRED COORDINATION

##### 5.1 Agencies Contacted

Direct coordination with the KY Division of Water, USFWS, and SHPO was completed prior to publication of the SEA. Agency correspondence is included in Appendix B.

##### 5.2 Public Review and Comments

The SEA and FONSI will be made available for public review and comment for a period of 30 days, as required under NEPA. A Notice of Availability will be published in the local newspaper, Floyd County Chronicle & Times, advising the public of this document’s availability for review and comment. A copy of the SEA will also be placed in the Floyd County Public Library and



will be made available on-line at <http://www.lrh.Corps.army.mil/Missions/PublicReview.aspx>.  
The mailing list for the EA is located in Appendix C.

## **6.0 CONCLUSION**

The proposed road would provide emergency access for the safety of all users and facilities at the redevelopment site in Martin, Kentucky. No significant adverse impacts have been identified as a result of implementation of the proposed improvements project. The majority of construction would take place on previously disturbed land. Safety in regards to accessibility during emergencies to and from the redevelopment site would be realized immediately with project implementation. Effects associated with construction would be minor and temporary. BMPs would be implemented during construction to minimize impacts to residents and the environment. Therefore, the PAA would not be expected to have significant impacts on the human environment.