



Draft Environmental Assessment

**DR 4595-0030 Pike County Island Creek Cemetery
Acquisition Relocation Project
Pikeville, Pike County, Kentucky**

April 2025

Prepared by
Eric Ratliff, Executive Director
Big Sandy Area Development District
110 Resource Court
Prestonsburg, KY 41653

Prepared for
FEMA Region 4, Disaster 4595, Project ID #0030
3005 Chamblee Tucker Road
Atlanta, GA 30341



FEMA

List of Acronyms, Chemical Formulas, and Abbreviations

APE-Area of Potential Effects

BMP–Best Management Practice

CAA–Clean Air Act

CEQ–Council on Environmental Quality

CERCLA-Comprehensive Environmental Response, Compensation and Liability Act

CFR Code of Federal Regulations

CR–County Road

dB–Decibels

EA–Environmental Assessment

EIS–Environmental Impact Statement

EO–Executive Order

EPA–Environmental Protection Agency

ESA–Endangered Species Act

FEMA–Federal Emergency Management Agency

FIRM–Flood Insurance Rate Map

FONSI–Finding of No Significant Impact

FPPA–Farmland Protection Policy Act

GHG-Greenhouse Gas(es)

HMGP-Hazard Mitigation Grant Program

KY-Kentucky

KYEM-Kentucky Emergency Management Agency

KYTC-Kentucky Transportation Cabinet

KY OSA-Kentucky Office of State Archaeology

NAAQS–National Ambient Air Quality Standards

NPDES–National Pollutant Discharge Elimination System

NEPA–National Environmental Policy Act

NHIS–Natural Heritage Information System

NHPA–National Historic Preservation Act

NOI–Notice of Intent

NPL–National Priorities List

NRIS–National Resource Information System

NRCS–Natural Resources Conservation Service

NRHP–National Register of Historic Places

OSHA–Occupational Safety and Health Administration

SFHA–Special Flood Hazard Area

SHPO–State Historic Preservation Office

THPO–Tribal Historic Preservation Office

USACE–United States Army Corps of Engineers

USFWS–United States Department of the Interior Fish and Wildlife Service

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¹SECTION ONE: INTRODUCTION

1.1 Project Authority

On April 23, 2021, Governor Andy Beshear requested a major disaster declaration due to severe storms, flooding, landslides, and mudslides during the period of February 27 to March 14, 2021 (FEMA-4595-DR). The Governor requested a declaration for Public Assistance for 25 counties and Hazard Mitigation for the entire commonwealth. On April 23, 2021, President Biden declared that a major disaster exists in the Commonwealth of Kentucky. This declaration made Public Assistance available to the Commonwealth and eligible local governments, and certain private nonprofit organizations on a cost-sharing basis for emergency work and the repair or replacement of facilities damaged by the severe storms, flooding, landslides, and mudslides in Boyd, Breathitt, Carter, Casey, Cumberland, Elliott, Floyd, Franklin, Jackson, Johnson, Knott, Knox, Lawrence, Lee, Lincoln, Magoffin, Marion, Martin, Mason, Morgan, Ohio, Pike, Powell, Rockcastle, and Wolfe Counties. This declaration also made Hazard Mitigation Grant Program (HMGP) funds available for hazard mitigation measures for the entire commonwealth. Funds allocated to Hazard Mitigation Assistance totaled to \$9,354,581.48 and total public assistance grants dollars obligated totaled \$93,285,044.88. FEMA's Hazard Mitigation Assistance Program provides funding to state, local, tribal, and territorial governments to rebuild structures and facilities in a way that minimizes or mitigates future disaster losses within communities.

The proposed work is for the acquisition of the Island Creek Cemetery Lot, approximately 10 acres, and relocate twenty-eight (28) caskets to other existing cemeteries. The caskets will be relocated to Annie E. Young Cemetery at 4964 Chloe Rd. Pikeville, KY 41501 (37.43433, -82.48229) and Sword Cemetery off the left fork of Island Creek Rd. in Pikeville, Ky 41501 (37.42642, -82.59413) (Figure 1). The Island Creek Cemetery is located off Island Creek Road (KY Route 3416), in Pikeville, KY 41501 (37.43372, -82.56415). Island Creek Cemetery is in a flat area at the base of a hill and have been affected by many major rain events which caused significant damage to the cemetery. The hillside has failed twice below the cemetery which compromised the stability of the hillside as well as caused temporary closure of Island Creek Rd. Gabion baskets were installed at the toe of the hillside adjacent to Island Creek Rd. to stabilize the hillside, however, the gabion baskets were inundated during a heavy rain event and will be addressed in another project. Future land use of the acquired property will be dedicated to and maintained as open green space in perpetuity consistent with 44 CFR Part C 80.11 (f).

¹ Consistent with E.O. 14154, CEQ has rescinded the NEPA regulations, effective April 11, 2025, and is working with Federal agencies to revise or establish their own NEPA implementing procedures. Per CEQ Guidance, while revisions are ongoing, agencies should continue to follow their existing practices and procedures implementing NEPA and can voluntarily rely on the regulation in 40 CFR 1500-1508 in completing ongoing NEPA reviews (Implementation of the National Environmental Policy Act, February 19, 2025)

Figure 1: Sword Cemetery, Island Creek Cemetery, and Annie E. Young Cemetery in Pike County, KY



FEMA prepared this Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations to implement NEPA (40 Code of Federal Regulations [CFR] Parts 1500–1508), and FEMA guidance for implementing NEPA (U.S. Department of Homeland Security [DHS] Instruction 023-01-001 and FEMA Instruction 108-01-1). FEMA is required to consider potential environmental impacts before funding or approving actions and projects. The purpose of the EA is to analyze the potential environmental impacts of the proposed project and alternatives, including a No Action alternative. FEMA will use the findings in this EA to determine whether to prepare an environmental impact statement or to issue a Finding of No Significant Impact (FONSI).

1.2 Project Location

Pike County is the largest county in Kentucky on the eastern coalfields of the Commonwealth of Kentucky, Big Sandy Area Development, Appalachian Region, bordered by Virginia and West Virginia. The terrain is mostly hills with high elevations and some flat areas. The population in this area is around 3,000.

Island Creek Cemetery is, privately owned and located north of the Left Fork of Island Creek Road (KY Route 3416), Pikeville, KY 41501 (37.43372, -82.56415). The cemetery is in a rural area, primarily residential with a few small businesses south of Pikeville (Figure 2).

Figure 2: Island Creek Cemetery Project Site in Pike County, KY



1.3 Purpose and Need

The purpose of FEMA's HMGP grant program is to provide financial assistance to eligible applicants to implement hazard mitigation or resiliency measures to protect life, property, and community resources.

The purpose of the proposed project is to relocate the existing caskets to nearby established cemeteries due to unstable geology and to prevent the caskets from sliding downslope. The unstable slope of the cemetery property and the constant heavy rainfall events are causing major slippage to the site. The site was inspected by Matthew M. Crawford, University of Kentucky Geologist, in 2021 and concluded that the landslide activity and hillslope displacement was evident in and surrounding the cemetery. Landscape scarps are defined as a steep slope or cliff

that forms the edge of a flat or gently sloping area. Older landscape scarps were also observed, as well as curved tree trunks which is an indicator of downslope ground movement. Additionally, the multiple scarps may indicate additional retrogressive movement upslope and unless properly drained with stabilization, the hillside will fail again.

Pike County proposes to acquire the 10+/- acres and relocate twenty-eight (28) existing graves to sites selected by family members. The funeral home will be responsible for obtaining all permits for the relocation of the existing graves. Caskets will be removed by using hand shovels to dig up each individual plot (8'L X 4'W X 6'D) and the grave pit will be filled back in with approximately seven (7) cubic yards of dirt from within the project area. All exposed areas will be seeded with grass and covered with straw. Future land use of the acquired property will be dedicated to and maintained as open green space in perpetuity consistent with 44 CFR Part C 80.11 (f). After the caskets are removed, Pike County is planning on stabilizing the hillside with a separate project.

In accordance with federal laws and FEMA regulations, the EA process for a proposed federal action must include an evaluation of alternatives and a discussion of the potential environmental impacts. This EA was prepared in accordance with FEMA's regulations as required under NEPA. As part of this NEPA review, the requirements of other environmental laws and executive orders are addressed.

SECTION TWO: ALTERNATIVE ANALYSIS

This section describes the alternatives considered during the planning process. Alternative 1: No Action and Alternative 2: Proposed Action are carried forward for detailed analysis in this EA. Other alternative elements that were analyzed and eliminated and the rationale for those elimination are included in this section.

2.1 Alternative 1 – No Action

First alternative action considered was to take no action at all. If no action is taken, future rainfall events, along with geologic instability will continue to occur, causing further damage to the cemetery, and threaten to expose and move the caskets down slope. There would be long-term adverse effects to the cemetery, hillside, and Island Creek Rd., as well as distressing effects to the family members. Additionally, if the slope failed again, it could jeopardize the houses at the other side of Island Creek Rd. as well as Island Creek's water quality. The hillside cannot be stabilized without the removal of the caskets. Any groundbreaking work would destabilize the area around the cemetery and cause irreparable damage to the caskets. Pike County is currently working on a plan to address the unstable slope after the casket are relocated.

2.2 Alternative 2 – Proposed Action

The proposed action is for Pike County Fiscal Court to acquire the property located on Island Creek Rd (KY Route 3416) Pikeville, KY 41501 (37.43372, -82.56415) and relocate the twenty-eight (28) caskets. Caskets will be removed using hand tools, the grave pit will be filled in with borrow soil from within the project area, and all exposed areas will be seeded with grass and covered with straw. The property will be maintained as open green space in perpetuity consistent with 44 CFR Part C 80.11 (f).

2.3 Alternatives Considered and Eliminated from Further Consideration

The Island Creek Cemetery is on an unstable slope prone to movement and failure. Increased rainfall events have further destabilized the area and the caskets are in danger of sliding. Any action to stabilize the site will cause unintended disturbance to the cemetery plots. Pike County is currently working on designing plans for slope stabilization after the caskets are removed. Therefore, there are no other alternatives that would be possible without the initial removal of the cemetery caskets.

SECTION THREE: AFFECTED ENVIRONMENT AND CONSEQUENCES

3.1 Physical Environment

3.1.1 Geology, Seismicity and Soils

Island Creek Cemetery is in Pike County which is the easternmost county in the Eastern Kentucky Coal Field. It is a highly dissected upland with irregular mountain ridges occupying about the same amount of area as the valleys. Mountaintop elevations range from 1,300 to 1,600 feet in the north; some are more than 2,000 feet in the south. Local reliefs of 500 to 800 feet or more are common over most of the county (McGrain & Currens accessed 10/17/2024).

The Island Creek Cemetery is in eastern Kentucky and landslides occur in colluvial soils or at the colluvium-bedrock contact which are commonly triggered by heavy rainfall (Crawford et al. 2015). According to the Kentucky Geologic Map Service accessed on 10/17/2024, there is a Class 3 landslide above the cemetery which indicates that there is a landslide likely at or near the location. Due to the past failures at the site, visible cracks, and heavy rainfall at the cemetery, it's highly likely that there is an active landslide above the cemetery which has caused past failures.

The Farmland Protection Policy Act (FPPA) (P.L. 97-98, Sec. 1539-1549; 7 U.S.C. 4201, et seq.), which states that federal agencies must “minimize the extent to which federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses,” was considered in this EA. On May 15, 2023, the National Resource Conservation Service (NRCS) was consulted to determine if any prime or unique soils exist in the project area. In a response dated May 15, 2023, the NRCS indicated that no 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.

Alternative 1 – No Action

If no action is taken, future rainfall events, along with geologic instability will continue to occur, causing further damage to the cemetery, and threaten to expose and move the caskets down slope. There would be long-term moderate adverse effects to the cemetery, hillside, and Island Creek Rd. as well as distressing effects to the family members.

Alternative 2 – Proposed Action

There will be short-term, minor, adverse impacts to soils from the implementation of Alternative 2, proposed action. No heavy equipment will be used for this project, the plots will be hand dug and back filled with shovels. Best Management Practices (BMP's) will be implemented as part of the project to reduce potential impacts. All exposed areas will be seeded with grass and covered with straw to minimize erosion.

3.1.2 Water Resources and Water Quality

The United States Army Corps of Engineers (USACE) is responsible for permitting and enforcement functions dealing with building in US waters and discharging dredged or fill material into Waters of the US. Under the Rivers and Harbors Act of 1899, particularly Section 10 (33 U.S.C. § 403), the U.S. Army Corps of Engineers (USACE) is authorized to regulate and require permits for the construction of structures, excavation, dredging, or discharge of fill material in, over, or under navigable waters of the United States. . These regulations often go hand in hand with Section 404 of the Clean Waters Act (CWA), which establishes the USACE permit program for discharging dredged or fill material into Waters of the US. The regulations are often used together because building in navigable waters of the United States also constitutes discharging dredged or fill material into water of the United States. In addition to regulating construction or work being done in navigable waters of the United States, USACE regulates discharging into wetlands through the "Section 404" permit program.

Under Section 401 of the CWA, a Federal agency may not issue a permit or license to conduct any activity that may result in any discharge into waters of the United States unless a Section 401 water quality certification is issued, verifying compliance with State or delegated tribe water quality requirements, or certification is waived. States and authorized tribes where the discharge would originate are generally responsible for issuing water quality certifications under Section 401 of the CWA. Permitting/compliance or conditions under both Section 404 and 401 would be required if any impact to jurisdictional waters of the United States (temporary or permanent) occur as part of a project.

The proposed project will have negligible impact on water resources and surface water quality. There are no sources of water (i.e. streams, springs, pools) at the subject site. The nearest stream (Island Creek) and wetland is on the opposite site of the Island Creek Rd., approximately 150 feet south of the cemetery. Although erosion and runoff are not anticipated since the graves will be hand dug, BMPs such as bales of straw and silt fencing will ensure runoff containment. All equipment will be stored off-site on property across from the cemetery adjacent to Island Creek Rd. Additionally, the proposed project will not affect any drinking water resources as the closest source is approximately three miles from the project

site. A National Pollutant Discharge Elimination System (NPDES) permit is not required since there's no point source discharge into the waters of the U.S. (EPA, 2024).

Alternative 1 – No Action

If no action is taken, future rainfall events, along with geologic instability will continue to occur, causing further damage to the cemetery, and threaten to expose and move the caskets down slope. If there is further failure of the slope, it could cause detrimental effects to Island Creek Cemetery as well as to the homes alongside Island Creek Rd. Slide material could end up at the creek and have negative impacts to stream turbidity, animals, and drinking water, as well as the temporary closure of the road. Residents in the area depend on Island Creek Rd. for access. There is potential for moderate adverse impacts to water resource and water quality with the no action alternative.

Alternative 2 – Proposed Action

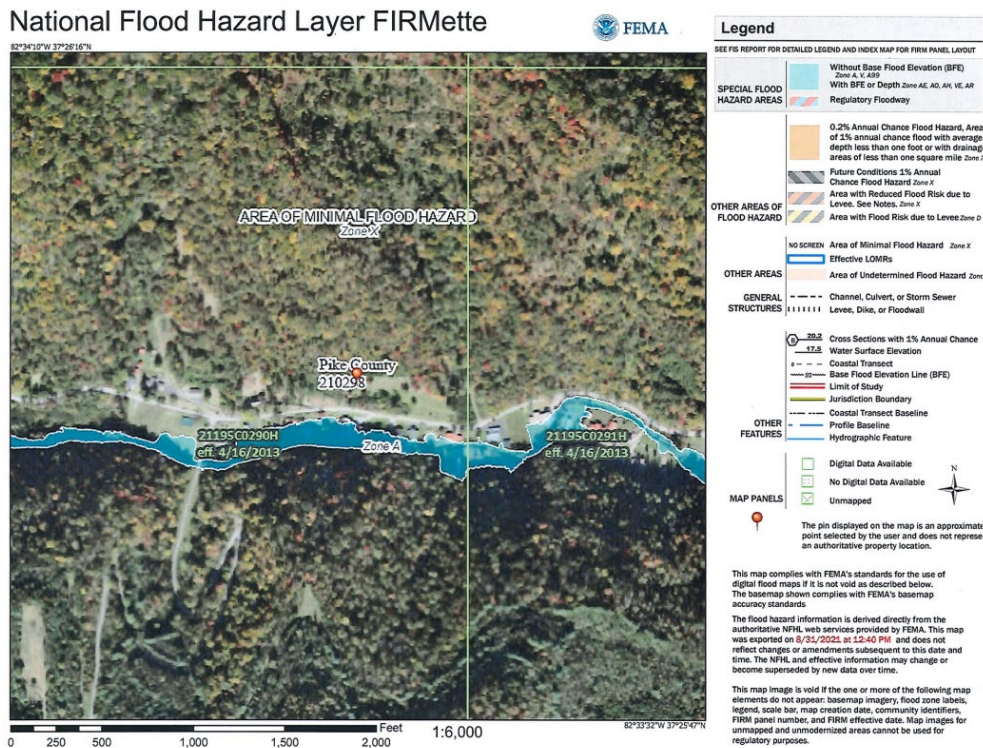
There would be short-term, negligible, adverse impacts to surface water quality that would result from the exposed surfaces from the casket removal, however, since there's no use of heavy machinery and the plots will be hand dug and filled, the effects will be minimized. There are no permits required for the proposed action and the implementation of BMPs will minimize any runoff. BMPs include temporary straw bales and silt fencing, as well as all exposed surfaces will be covered with straw and seeded with grass.

3.1.3 Floodplain Management (Executive Order 11988)

The intent of Executive Order (EO) 11988, "Floodplain Management" is to require federal agencies to avoid, to the extent possible, short and long-term adverse impacts associated with the occupancy of and modifications to floodplains. For regulatory floodways (a type of Zone AE) and coastal high hazard areas (Zone V or VE); fill is not allowed, and new construction or substantial improvement requires the structure or facility to be functionally dependent functionally dependent or facilitate open space use. Per 44 C.F.R. § 9.6(b), FEMA uses an 8-step decision making process for actions within a floodplain. An 8-step was not necessary for this project since it's not in a designated floodplain.

According to the Flood Insurance Rate Map (FIRM) for the subject site FIRM Panel 21195C0290H, effective 04/16/2013. The cemetery is in Flood Zone Unshaded X, area of minimal flood hazard, outside of the 500-year flood zone. Since the project site is not in a designated floodplain, an 8-Step analysis is not required for this project per 44 CFR Part 9 Floodplain Management and Protection of Wetlands.

Figure 3: FEMA Flood Zone Map for Island Creek Cemetery



Alternative 1 – No Action

The no Action alternative will have no impact to the floodplain. However, the slope has failed previously and there's evidence in and around the cemetery that another failure is eminent. If it failed again, there's a chance that the cemetery would be compromised further and increase the risk of the caskets sliding down the hillside and onto Island Creek Rd. below which would be catastrophic.

Alternative 2 – Proposed Action

The proposed action alternative will have no impact to the floodplain since the proposed project is outside of the floodplain. The caskets will be relocated to Annie E. Young Cemetery at 4964 Chloe Rd. Pikeville, KY 41501 (37.43433, -82.48229) and Sword Cemetery off the left fork of Island Creek Rd. in Pikeville, Ky 41501 (37.42642, -82.59413). Both sites are out of the floodplain.

3.2.2 Wetlands (Executive Order 11990)

Executive Order (EO) 11990, Protection of Wetlands, requires federal agencies to take action to minimize the loss of wetlands. The NEPA compliance process requires federal agencies to consider direct and indirect impacts to wetlands, which may result from federally funded actions. There are no wetlands located on or within a reasonable distance of the project area that will be affected by this acquisition and casket relocation. The nearest wetland is on the opposite side of the road, approximately 150 feet from the site.

Figure 4: U.S. Fish & Wildlife Service National Wetland Inventory Map for Island Creek Cemetery



Alternative 1 – No Action

Under the no action alternative, there's no effect to wetlands because there are no wetlands within the proposed project area. However, if the hillside failed again, it could impact the wetland at Island Creek by overwhelming the wetland with sedimentation and suffocate existing wetland vegetation which would impact water quality.

Alternative 2 – Proposed Action

There are no effects to wetlands in the proposed project site. Staging area adjacent to Island Creek Road (KY Route 3416) will not impact wetlands.

3.1.4 Air Quality

The Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment; the Clean Air Act established two types of national air quality standards; primary standards set limits to protect public health, including the health of “sensitive” populations such as asthmatics, children, and the elderly; secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation and buildings; current criteria pollutants are: Carbon Monoxide (CO), Nitrogen Dioxide (NO₂), Ozone (O₃), Lead (Pb), Particulate Matter (PM₁₀), and Sulfur Dioxide (SO₂).

No permits are required for this project since no fuel burning internal combustion equipment will be used. All graves will be dug and filled by hand.

Alternative 1 – No Action

There are no impacts to air quality with the no action alternative.

Alternative 2 – Proposed Action

There will be no effect or impacts to air quality since there’s no use of fuel burning internal combustion equipment. All grave plots will be dug and filled by hand.

3.2 Biological Resources

The section is a discussion of the existing environment, environmental consequences, and BMPs for biological resources including terrestrial and aquatic resources, wetlands, threatened and endangered species, and migratory birds.

Pike County is part of the Central Appalachians with rugged terrain and extensive forests than the outer Appalachians with narrow ridges, deep coves, and narrow valleys (KY Native Plant Project, accessed 10/03/2024). Vegetation around the Island Creek Cemetery consists of christmas fern (*Polystichum acrostichoides*), tulip poplar (*Liriodendron tulipifera*), pawpaw (*Asimina triloba*), box elder (*Acer negundo*), sassafras (*Sassafras albidum*), eastern redbud (*Cercis canadensis*), American sweetgum (*Liquidambar styraciflua*), American beech (*Fagus grandifolia*), American sycamore (*Platanus occidentalis*), red maple (*Acer rubrum*), and eastern white pine (*pinus strobus*)

Wildlife in this environment includes songbirds, such as northern cardinal (*Cardinalis cardinalis*), eastern towhee (*Pipilo erythrophthalmus*), northern mockingbird (*Mimus polyglottos*), song sparrow (*Melospiza melodia*), and Carolina wren (*Thryothorus ludovicianus*); common raccoon (*Procyon lotor*); Virginia opossum (*Didelphis virginiana*); and gray fox (*Urocyon cinereoargenteus*) (iNaturalist, accessed 10/03/2024). There are no aquatic species in the project area.

3.2.1 Terrestrial and Aquatic Environment

The project site is on a hillside surrounded on 3 sides by a mixed pine and hardwood forest. Common upland vegetation in the area include Christmas fern (*Polystichum acrostichoides*), tulip poplar (*Liriodendron tulipifera*), pawpaw (*Asimina triloba*), box elder (*Acer negundo*), sassafras (*Sassafras albidum*), eastern redbud (*Cercis canadensis*), American sweetgum (*Liquidambar styraciflua*), American Beech (*Fagus grandifolia*), American sycamore (*Platanus occidentalis*), and red maple (*Acer rubrum*).

The subject cemetery is located on the Left Fork of Island Creek Road (KY Route 3416), Pikeville, KY 41501. The GPS coordinates are 37.43372 -82.56415. The area is a residential area with a few small businesses. The terrain is mostly hills with high elevations and some flat areas. The site is located outside the city limits of Pikeville, Kentucky. The subject property is currently used as a cemetery. Once the site is purchased, graves removed and relocated, the disturbed areas grass seed will be planted and covered with straw. The site will remain as open green space. No future development will be conducted on the site. There will be no adverse effect on wildlife habitat or native trees within the project area. Native trees are listed in Table 1.

Table 1. Native Trees Central Appalachian Region (Pike County)

Scientific Name	Common Name
<i>Polystichum acrostichoides</i>	christmas fern
<i>Liriodendron tulipifera</i>	tulip popular
<i>Asimina triloba</i>	pawpaw
<i>Acer negundo</i>	box elder
<i>Sassafras albidum</i>	sassafras
<i>Cercis canadensis</i>	eastern redbud
<i>Liquidambar styraciflua</i>	American sweetgum
<i>Fagus grandifolia</i>	American beech
<i>Platanus occidentalis</i>	American sycamore
<i>Acer rubrum</i>	red maple
<i>Pinus strobus</i>	eastern white pine

Alternative 1 – No Action

There is the potential for moderate impacts in the no action alternative as the hillside has failed twice previously and is threatening to fail again. If the hillside were to fail, it would be catastrophic to family members of the cemetery occupants as the failure would compromise the caskets. Additionally, the failure would block Island Creek Rd. (KY Route 3416) and impede traffic as well as cause adverse impacts to Island Creek.

Alternative 2 – Proposed Action

There would be negligible impacts to terrestrial habitat due to the ground disturbance associated with the removal of caskets. Impacts will be localized to each grave plot. Caskets will be hand dug and BMPs will minimize disturbances by covering all exposed surfaces with hay and seeded with grass.

3.2.3 Threatened and Endangered Species

The Endangered Species Act (ESA) of 1973 establishes a federal program to conserve, protect and restore plants and animals that are listed as threatened and/or endangered and their critical habitats. ESA specifically charges federal agencies with the responsibility of using their authority to conserve listed threatened and endangered species. All federal agencies must ensure any action they authorize, fund or carry out is not likely to jeopardize the continued existence of an endangered or threatened species or result in the destruction of critical habitat for these species.

A desktop review of the Information for Planning and Consultation (IPaC) portal managed by the US Fish and Wildlife Service (FWS) indicates the following listed species as potentially occurring in Pike County:

- Big Sandy crayfish (*Cambarus callainus*)
- Gray bat (*Myotis grisescens*)
- Indiana bat (*Myotis sodalist*)
- Northern long-eared bat (*Myotis septentrionalis*)

Based on the results of the IPaC review, it was determined that the following species have the potential to occur within the project area:

- Gray bat (*Myotis grisescens*)
- Indiana bat (*Myotis sodalist*)
- Northern long-eared bat (*Myotis septentrionalis*)

Alternative 1 – No Action

The no-action alternative would not involve any changes to the existing habitats within the project area; therefore, there would be no impact to any threatened or endangered species. However, the hillside is very unstable and have failed twice previously, causing fissures in the earth in and around the cemetery as well as damages to the road below. Due to the unstable ground, existing foraging habitat (trees) could be uprooted or compromised and cause the loss of foraging habitat for threatened and endangered species.

Alternative 2 – Proposed Action

Implementation of the proposed action has the potential to impact threatened and endangered species that occur within the project area; however, there are no features that could be used as hibernacula or roosting habitat by any endangered species at the project site per concurrence

letter dated March 15, 2024, from U.S. Fish and Wildlife Service Kentucky Field Office. Impacts for each species occurring within the project area are discussed below.

- **Gray bat** (*Myotis grisescens*) – (Endangered Status) May affect, but not likely to adversely affect.

The gray bat is geographically found in the southeastern states of the USA with primary residency in Alabama, Arkansas, Kentucky, Missouri, and Tennessee. There are smaller populations in neighboring states however the gray bat population began to see decline and considered endangered in 1976. Due to episodes of cave disturbance and commercialization in the past, although cave protection efforts have reduced this threat. Additionally, these bats are indirectly affected by use of forestry insecticides and crop pesticides in areas adjacent to riparian corridors. Other threats include deforestation and impoundment of waterways in which an increase chance of flooding may occur in bat occupied caves. They migrate between winter caves for hibernating and summer caves to roost and raise their young. They have been known to roost and form maternity colonies in rock shelters and other karst features during the summer (USFWS, accessed 2024). The project areas are not located near any known caves or rock features that may be suitable habitat, additionally, there will be no tree removal. However, the project implementation will be during spring and summer and due to the potential for noise above ambient levels, the proposed actions may affect, but not adversely affect the gray bat and any effects will be negligible.

- **Indiana Bat** (*Myotis sodalis*) – (Endangered Status) May affect, but not likely to adversely affect.

The Indiana bat is geographically located on the eastern side of the US and was listed as endangered in 1967 due to habitat loss, forest fragmentation, winter disturbance, white nose syndrome, and environmental contaminants. During the summer, the Indiana bat roosts under the peeling bark of dead and dying trees. However, it is not likely to affect the species because there is no removal of trees. However, the project implementation will be during spring and summer and due to the potential for noise above ambient levels, the proposed actions may affect, but not adversely affect the Indiana bat and any effects will be negligible.

- **Northern Long-eared Bat** (*Myotis septentrionalis*) – (Endangered Status) May affect, but not likely to adversely affect.

The northern long-eared bat has a large range of distribution stretching from eastern and mid central USA to western Canada. The species was upgraded to endangered status in 2022 due to the continued impact of white-nose syndrome on the species in addition to wind-energy development, habitat modification and destruction. This bat is known to hibernate in caves and mines, and to roost and forage in upland forests during spring and summer. During the summer, this bat may roost underneath bark, in cavities or in crevices of both live and dead trees. The project area may include trees suitable for northern long-eared bat roosting. This project is not likely to affect the species because there is no removal of trees. However, the project implementation will be during spring and summer and due to the potential for noise above ambient levels, the proposed actions may affect, but not adversely affect the northern long-eared bat and any effects will be negligible.

3.2.4 Migratory Birds

The Migratory Bird Treaty Act of 1918 (MBTA) protects migratory birds, their parts, nests, and eggs from take, which includes killing, capture, transport, sale, and or otherwise harmed, except as authorized by the U.S. Fish and Wildlife Service (USFWS) (16 U.S.C. § 703 et seq). The MBTA provides protections for a variety of bird species native to the U.S. that are not necessarily listed as threatened or endangered and therefore not protected by the ESA.

The Bald and Golden Eagle Protection Act of 1940 specifically protects eagles from take or disturbance, (including killing, capturing, disturbing, or disturbing their nests) and mandates protection of **eagle nests**) requiring a 660-foot buffer zone between any development or construction and an active eagle nest during the nesting season (16 U.S.C. §§ 668-668d).

In compliance with the MBTA and the Bald and Golden Eagle Protection Act, searches were conducted using the IPaC database and The Cornell Lab of Ornithology eBird database (eBird). The IPaC database identifies birds of particular concern that may be present in the search area, including species listed under the USFWS Birds of Conservation Concern and species that require special attention in the project location. The eBird database compiles data submitted by citizen scientists of varying skill levels informally observing, identifying, and recording birds at a particular “hotspot.” Hotspots are geographical locations, including parks, golf courses, and cemeteries, from which users may submit eBird checklists containing species data.

The IPaC database identified three species of concern with the potential to occur in the project area. These species are listed in Table 2 below, along with their breeding season, where applicable. All three birds listed breed in the area, mostly during the spring and summer.

Table 2. Migratory Birds Identified by IPaC Database

Common Name	Scientific Name	Breeding Season
Chimney Swift	<i>Chaetura pelagica</i>	March 8 th – August 30 th
Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>	May 8 th – September 15 th
Wood Thrush	<i>Hylocichla mustelina</i>	May 8 th – August 30 th

The nearest eBird hotspot to the project area is Bob Amos Park & Trails. This hotspot is located approximately 2.5 miles to the Northeast of the proposed project area. A total of 43 complete checklists have been submitted by eBird users from this location. Across all checklists submitted from this hotspot, 65 distinct species have been recorded. This includes raptors and many songbirds, also called passerines.

Many of the passerines identified in these searches prefer forested habitat or manmade yards. The project area provides limited breeding habitat for the bird species identified due to very few trees in the lot. However, the project area is surrounded by trees which may provide suitable habitat for the bird species identified. Any effects will be negligible.

Alternative 1 – No Action

The no-action alternative would not involve any changes to the existing habitats within the project area; therefore, there would be no impact to any migratory bird species.

Alternative 2 –Proposed Action

The proposed project will not be removing any trees or the use of heavy equipment. There's the potential for migratory birds to be affected from the actions of the proposed project if affected birds are nesting.

Chimney Swifts breed in urban and suburban habitats across the eastern half of the United States and southern Canada. They are most common in areas with a large concentration of chimneys for nest sites and roosts and in urban areas, they nest in masonry chimneys and other manmade structures. In rural areas, they nest in hollow trees of old-growth forests, tree cavities, or caves. Their diet consists of airborne insects. The project site is in a rural area and there are no old growth trees in or near the project site. There is a potential for the Chimney Swift to be present at the project site for feeding but there is no suitable nesting habitat at the project site.

The Red-headed Woodpecker prefer pine savannahs and other open forests with clear understories. They are also found in swamps, wetlands, and nest in tree cavities. Red-headed Woodpeckers eat insects, fruits, and seeds. The project site contains very few trees and is surrounded by a mix hardwood and conifer stands. The nearest wetland is approximately 150 feet away at Island Creek. There is a potential for the Red-headed Woodpecker to be present at the project site, however, there are no suitable nesting habitat at the project site. Wood Thrushes prefer mature deciduous and mix forests and most abundant in the interior of mature, shady, broad-leaved and palm tropical forests in lowlands. They nest somewhat less successfully in fragmented forests and even suburban parks where there are enough large trees for a territory. Ideal habitat includes trees over 50 feet tall, a moderate understory of saplings and shrubs, an open floor with moist soil and decaying leaf litter, and water nearby. The Island Creek Cemetery contains very few trees, no shrubs, and no leaf litter. There is no suitable habitat for the Wood Thrush at the project site.

3.3 Hazardous Materials

Hazardous materials are declared hazardous through various federal regulations including 40 CFR Parts 302.4 and 355, and 29 CFR Part 1910.1200. Hazardous waste is any waste material solid, liquid, or contained gas waste that is dangerous or potentially harmful to human health or the environment (See definition in 42 U.S.C. § 6903(5)). Thousands of contaminated sites exist nation-wide due to hazardous waste being dumped, left out in the open, or otherwise improperly managed and disposed. In response, Congress established the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) on December 11, 1980 (see 42 U.S.C. §§ 9601-9675). CERCLA, commonly known as the Superfund law, was

enacted on December 11, 1980 to allow EPA to clean up contaminated sites. The EPA utilizes the National Priorities List (NPL), the list of contaminated sites of national priority, to guide the determination of which sites warrant further investigation. According to the NPL, accessed March 14, 2024, the project area does not contain any Superfund sites. Additionally, there are no visual signs of vegetation staining, paint cans, barrels, underground storage tanks or small or large quantity generators of hazardous waste within the subject site.

Alternative 1 – No Action

The no Action Alternative would not involve any construction activities, therefore, there would be no potential to disturb existing hazardous materials or create any potential new hazardous waste sites within the area. There would be no impact to human health or the surrounding environment from hazardous or solid waste.

Alternative 2 – Proposed Action

Alternative 2 would not involve any construction activities, therefore, there would be no potential to disturb existing hazardous materials or create any potential new hazardous waste sites within the area. Even though the deceased bodies are hazardous due to embalment, the caskets will not be opened during transfer. If there's accidental spillage, BMPs will ensure proper protocols for clean-up. Therefore, there would be no impact to human health or the surrounding environment from hazardous or solid waste.

3.4 Socioeconomics

Island Creek Cemetery is in unincorporated Pike County, KY, in a rural setting. There are no zoning laws for unincorporated Pike County. Pike County has vast fossil fuel (coal and natural gas) reserves. The county is one of the nation's leading coal and natural gas producers. Population is greatest at the City of Pikeville which is approximately 8 miles Northeast of the project site. Traffic count for Island Creek Rd. (KY Route 3416) from Kentucky Traffic Count Reporting System for 2021 is estimated to be 1230 vehicles on average per day (KY Transportation Cabinet, accessed 07/01/2024).

Population estimates for Pike County from 2023 is 55,973 with a median age of 42.5 years. There are 23,967 households in Pike County with a median household income of \$41,271 with 25.1% of the population below poverty level. Most of the population in Pike County consists of white at 97.5% with 0.8% black or African American, 0.2% American Indian and Alaska Native, 0.6% Asian, and 1.1% Hispanic or Latino (US Census Bureau 2023).

Table 3. Comparison of Population Demographics

Demographic Category	Pike County	Kentucky	United States
Median Household Income (dollars)	41,271	60,183	75,149

Population Below Poverty Level (%)	25.1	16.5	11.5
Median Age (years)	42.5	39.1	38.5
Population (persons)	55,973	4,526,154	334,914,895
White (not Hispanic or Latino) (%)	97.5	86.9	75.5
Black or African American (%)	0.8	8.7	13.6
American Indian or Alaska Native (%)	0.2	0.3	1.3
Asian (%)	0.6	1.8	6.3
Native Hawaiian or Pacific Islander (%)	0.0	0.1	0.3
Hispanic or Latino (%)	1.1	4.3	19.1
Two or More Races (%)	0.8	2.3	3

Source: US Census Bureau 2023

Alternative 1 – No Action

There is a moderate impact to socioeconomic resources with the no action alternative. The hillside where the cemetery is located at is unstable and has failed twice previously. Also, there are visible cracks and fissures near the plots. If the hillside fails again, the cemetery plots will be more compromised and at risk for movement. Moreover, the road below the cemetery, Island Creek Rd (KY Routh 3416) will be unusable to the public which is approximately 1,230 vehicles per day.

Alternative 2 – Proposed Action

There is no effect to socioeconomic resources with the proposed action. The caskets will be moved to other existing cemeteries and the lot is to remain as greenspace.

3.4.1 Zoning and Land Use

The Island Creek cemetery is located on the Left Fork of Island Creek Road (KY Route 3416), Pikeville, KY 41501 in Pike County. The GPS coordinates are 37.43372 -82.56415. The subject site is located outside the corporate limit of Pikeville, Kentucky. Pike County has no zoning laws or regulations for property within its jurisdiction. There will be no potential short term or long-term effects to zoning and/or land use. Once the project is completed, the subject site will remain as green space for perpetuity.

Alternative 1 – No Action

There are no impacts or effects to zoning and land use for the no action alternative. The Island Creek Cemetery is located outside the corporate limit of Pikeville, Kentucky. Pike County has no zoning laws or regulations for property within its jurisdiction. There will be no potential short term or long-term effects to zoning and/or land use.

Alternative 2 – Proposed Action

There are no impacts or effects to zoning and land use for the proposed alternative. The Island Creek Cemetery is located outside the corporate limit of Pikeville, Kentucky. Pike County has no zoning laws or regulations for property within its jurisdiction. There will be no potential short term or long-term effects to zoning and/or land use.

3.4.2 Visual Resources

The terrain for this area is mostly hills with high elevations and some flat land. The subject site is not located near any scenic areas, hiking, or biking trails. There will be no short term and long-term effects to visual resources in the project area. The cemetery is not visible from the road because it is on a hillside and a line of trees blocks the view.

Alternative 1 – No Action

The No Action will not have an impact on visual resources in the Project Area.

Alternative 2 – Proposed Action

The proposed action would not have an impact to visual resources in the Project Area since the cemetery is on a hillside and not visible from the road and a line of trees blocks the view.

3.4.3 Noise

The Noise Control Act of 1972 (42 U.S.C. § 4901 et seq) established a national policy to promote an environment free from noise that jeopardizes health and welfare. It granted the Environmental Protection Agency (EPA) authority to regulate major sources of noise, including motor vehicles and motorcycles, construction equipment, rail and motor carriers, or low noise emission products. Equipment required for the project would be very minimal. Each grave site will be hand dug with a shovel, pickup truck vehicle with hoist to remove and transport the caskets. Equipment would only be operated during daytime hours in accordance with Pike County noise ordinance. The project area would be accessed via pickup truck. Staggering will be across the road from the proposed project site. No project activities would occur between the hours of 10:00 pm and 7:00 am EST. Minor impacts are expected and will be temporary. There are no schools or hospitals located near the project area.

Alternative 1 – No Action

The No Action Alternative would not have an impact to residents in the Project Area.

Alternative 2 – Proposed Action

There will be negligible impact to noise with the proposed action even though there will be no use of heavy machinery, the presence of workers working at the site will be above ambient noise levels.

3.4.4 Public Services and Utilities

The subject site is in Pike County, Kentucky. The County is served by the Pike County Sheriff's Office and the Island Creek Volunteer Fire Department. There are no schools or hospitals located in the project area. This area of Pike County is served by Mountain Water District, Kentucky Power Company, Diversified Gas. There are no municipal sanitary sewer or storm water systems within the project area. No utilities or emergency services will be affected by this project.

Alternative 1 – No Action

In the no action alternative, public services and utilities will not be impacted.

Alternative 2 – Proposed Action

There will be no impacts to public utilities, schools, hospitals, water, stormwater systems, gas, sewers, utilities, and emergency services because they are not located in the project area.

3.4.5 Traffic and Circulation

The 10+/- acres cemetery contains twenty-eight grave plots which is located off Island Creek Rd (KY Route 3416) Pikeville, KY 41501 (37.43372 -82.56415). KY Route 3416 is a rural two-lane road that is maintained by the Kentucky Transportation Cabinet's District 12 Office. There is a slight potential of short-term effects to traffic and circulation in the project area due to trucks pulling in and out from project site on to the roadway.

Alternative 1 – No Action

In the no action alternative, there is no impact to traffic and circulation unless the hillside fails again and the road becomes blocked, residents will not be able to use the roadway until the road is cleared. Therefore, there is the potential for moderate impacts if the hillside fails.

Alternative 2 – Proposed Action

In the proposed action, there is negligible impact to the traffic for vehicles from pulling in and out of the project site as well as transportation for the relocation of the caskets may take multiple trips. Since there is no use of heavy equipment associated with this project, traffic will not be stopped or detoured. Relocation of the caskets will take several days but the effects to traffic will be short-termed.

3.4.6 Safety and Security

The 10+/- acres cemetery contains twenty-eight grave plots which is located off Island Creek Rd (KY Route 3416) Pikeville, KY 41501 (37.43372, -82.56415). KY Route 3416 is a two-lane road that is maintained by the Kentucky Transportation Cabinet's District 12 Office. To minimize risks to safety and human health, the removal of the grave sites would be dug with hand shovels. All appropriate safety precautions: additionally, all activities would be conducted in a safe manner in accordance with the standards specified in Occupational Safety and Health Administration (OSHA) regulations.

Alternative 1 – No Action

The No Action Alternative would have no impact to safety and security.

Alternative 2 – Proposed Action

The proposed action will have negligible impact on safety and security in the proposed project. No heavy equipment will be used, and the graves will be hand dug and removed. All appropriate safety precautions: additionally, all activities would be conducted in a safe manner in accordance with the standards specified in Occupational Safety and Health Act (OSHA) regulations.

3.5 Historic and Cultural Resources

As a federal agency, FEMA must consider the potential effects of its actions upon cultural resources prior to engaging in any project. Cultural resources are defined as prehistoric and historic sites, structures, districts, buildings, objects, artifacts, or any other physical evidence of human activity considered important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. There are several laws a federal agency must consider when working with and identifying cultural resources. For the Pike County Island Creek Cemetery Acquisition Stabilization Project, FEMA will meet this obligation through its Section 106 of the National Historic Preservation Act of 1966 (NHPA) (see 54 U.S.C. § 306108) consultation. Section 106 of the NHPA, as amended and implemented by 36 CFR Part 800, outlines the required process for federal agencies to consider a project's effects to historic properties. The NHPA defines a historic property as "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register." (see

54 U.S.C. § 300308) Eligibility criteria for listing a property on the National Register of Historic Places (NRHP) are found at 36 C.F.R. Part 60. While the definition of a cultural resource under NEPA can be broader, FEMA regularly uses Section 106 to meet its obligations to consider effects to cultural resources. For this project, FEMA determined that it was appropriate to use its NHPA review to fulfill its NEPA obligations.

Cultural resources determined to be potentially significant under the NHPA are subject to a higher level of review and federal agencies must consider the potential effects of their projects on those resources and consider steps to avoid, minimize, or mitigate those effects. To be considered significant, a cultural resource must meet one or more of the criteria established by the National Park Service that would make that resource eligible for inclusion in the NRHP. The term “eligible for inclusion in the NRHP” includes all properties that meet the NRHP listing criteria, which are specified in the Department of Interior regulations Title 36, Part 60.4 and further interpreted in NRHP Bulletin 15. Properties and sites that have not been evaluated at the time of the undertaking may be considered potentially eligible for inclusion in the NRHP and, as such, are afforded the same regulatory consideration as nominated properties. The University of Kentucky Office of State Archaeology (KY OSA) maintains an online database of Kentucky’s archaeological resources, and the State Historic Preservation Office (SHPO) maintains an online database of historic resources. FEMA used this database, along with the NRHP National Resources Information Service (NRIS), as part of its efforts to identify significant cultural resources that may be impacted by a project.

Pursuant to 36 CFR Part 800.16(d), the Area of Potential Effect (APE), “is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.” Within the APE, impacts to cultural resources are evaluated prior to the undertaking for both Standing Structures (above ground resources) and Archaeology (below ground resources). The APE for this undertaking consists of the footprint of ground disturbance for the relocation of twenty-eight (28) graves that are endangered from erosional slope failure.

In order to fulfill its Section 106 responsibilities, FEMA has initiated consultation on this project in accordance with the Kentucky Statewide Historic Preservation Programmatic Agreement (2014 Statewide Agreement) executed on July 21, 2014, and subsequently amended, among the Kentucky Heritage Council (SHPO); KY Emergency Management; and participating tribes. In addition to identifying historic properties that may exist in the proposed project’s APE, federal agencies must also determine, in consultation with the appropriate State Historic Preservation Officer (SHPO) and interested Tribal Historic Preservation Officers (THPO), what effect, if any, the action will have on historic properties.

3.5.1 Historic and Archaeological Resources

FEMA evaluated potential resources in the Area of Potential Effects (APE) utilizing the National Park Service (NPS) National Register of Historic Places (NRHP) GIS resource, the University of Kentucky Office of State Archaeology (KY OSA) online database of Kentucky’s archaeological resources, and the Kentucky Heritage Council (SHPO) Historic Resources Survey online cultural resources mapper. The project area is located on a slope on the north side of Island Creek and Island Creek Road southwest of the City of Pikeville in Pike County,

Kentucky. The review identified no archaeological sites within close proximity to the APE. No above ground resources will be impacted by the undertaking.

Alternative 1 – No Action

First alternative action considered was to take no action at all. If no action is taken, then the significantly higher than average accumulative rainfall for Pike County will continue to occur and erode the site causing continued slippage to the property. This would be an adverse impact to the cemetery in that it will continue to erode, and burials will erode downslope into the roadway.

Alternative 2 – Proposed Action

Under the proposed action, there would be no potential to effect historic properties. In accordance with Section 106 of the NHPA, the implementing regulations, 36 CFR Part 800, and the Kentucky HP PA on June 24, 2024 FEMA consulted with the Kentucky Heritage Council (SHPO) and federally recognized Tribes with an ancestral interest in the project area: the Cherokee Nation, Eastern Shawnee of Oklahoma, Eastern Band of Cherokee Indians, Peoria Tribe of Oklahoma, Shawnee Tribe, and the United Keetowah Band of Cherokee Indians with a finding of No Historic Properties Affected for this undertaking in accordance with 36 CFR 800.4(d)(1). A request for additional information was received by the Cherokee Nation on June 24, 2024. A response was also received from the SHPO on July 10, 2024, requesting additional information. Updated consultation was sent to the Cherokee Nation and SHPO on September 3, 2024. Concurrence with FEMA’s determination of No Historic Properties Affected was received from the SHPO on October 2, 2024.

To ensure that FEMA-funded activities will not adversely affect archaeological resources, FEMA is placing the following condition(s) on the project:

Any changes to the approved scope of work will require submission to, and evaluation and approval by, the State and FEMA, prior to initiation of any work, for compliance with Section 106.

(Please see Appendix C for copies of consultation sent to the KY SHPO).

3.6 Comparison of Alternatives

A table and an explanation of the table should be included that compares the potential impacts that could result for all the alternatives from each environmental and/or historic regulation studied. If more than one action alternative is provided, the table may be formatted in landscape orientation. If use of landscape pages is necessary, FEMA staff can assist in reformatting this section.

Impact Scale	Criteria
No Impact	The resource area would not be affected and there would be no impact.

Negligible	Changes would either be non-detectable or, if detected, would have impacts that would be slight and local. Impacts would be well below regulatory standards, as applicable.
Minor	Changes to the resource would be measurable, but the changes would be small and localized. Impacts would be within or below regulatory standards, as applicable. Mitigation measures would reduce any potential adverse impacts.
Moderate	Changes to the resource would be measurable and have either localized or regional scale impacts. Impacts would be within or below regulatory standards, but historical conditions would be altered on a short-term basis. Mitigation measures would be necessary, and the measures would reduce any potential adverse impacts.
Major	Changes to the resource would be readily measurable and would have substantial consequences on regional levels. Impacts would exceed regulatory standards. Mitigation measures to offset the adverse impacts would be required to reduce impacts, though long-term changes to the resource would be expected.

Table 4 Summary of Environmental Impacts

Affected Environment	No Action Alternative 1 Impacts	Proposed Action Alternative 2 Impacts
Soils and Geology	Moderate- There will be long-term moderate impacts in the no action alternative (alternative 1) due to the current instability of the hillside and past sliding events. If another slide occurred, traffic would stop until the road is cleared. Additionally, the graves have been compromised with cracks on the surface and at risk of exposure.	Minor- There will be short-term, minor, adverse impacts to soils from the implementation of alternative 2, proposed action. No heavy equipment will be used for this project, the plots will be hand dug and back filled with shovels. All exposed areas will be seeded with grass and covered with straw.
Water Resources and Water Quality	Moderate- The cemetery is unstable and can fail at any time which may result in slide material ending up at Island Creek. This would have a negative impact on water quality and water resources.	Negligible- For the proposed alternative, Silt Fencing and straw bales to minimize any runoff. There will be short-term impacts, no long-term impacts.
Floodplain Management	No impact	No impact- Project site is in flood zone Unshaded X which is outside of the Special Flood Hazard Area (SFHA). Additionally, staging areas will not be in a floodplain. Therefore, there are no short-term or long-term impacts.
Air Quality	No impact	No impact- Heavy machinery will not be used, graves will be dug using hand tools. There are no short-term or long-term impacts.

Affected Environment	No Action Alternative 1 Impacts	Proposed Action Alternative 2 Impacts
Terrestrial and Aquatic Environment	Moderate -Since the hillside is very unstable, large precipitation events may trigger another failure which would block Island Cr. Rd. Additionally, the eroded soil could end up at Island Creek and cause adverse impacts to the aquatic environment.	Negligible -The casket removal will cause negligible impacts to the terrestrial habitat due to the ground disturbance associated with the removal of caskets. Impacts will be localized to each grave plot. Caskets will be hand dug and BMPs will minimize disturbances by covering all exposed surfaces with hay and seeded with grass.
Wetlands	No impact	No impact - The project site is not in a wetland. There are no short-term or long-term impacts.
Threatened and Endangered Species	No Impact	Negligible - There are no features that could be used as hibernacula or roosting habitat for endangered species within the project area in addition to no tree removal. However, project implementation will be conducted during spring and summer which the endangered and threatened species are most active. Any noise above ambient levels might have an effect to those species. Therefore, it's concluded that the proposed project may affect, but not likely to adversely affect the species living around the project area. USFSW concurred with this finding and did not recommend any mitigation measures.
Hazardous Materials	No impact	No impact - Heavy equipment will not be used and there are no hazardous materials at the project site. Therefore, there are no short-term or long-term impacts.
Zoning and Land Use	No impact	No impact There are no zoning laws in Pike County and permits are unnecessary for project implementation. Therefore, there are no short-term or long-term impacts.
Socioeconomic	Moderate - There will be moderate impacts from unstable geology and slope failure, especially with the cemetery occupants and family members of the deceased. Additionally, if the hillside fails again, the road below will be compromised, and traffic will not be able to pass.	No impact - There is no impact to socioeconomic resources with the proposed project as the project implementation will not affect the flow of traffic or target socioeconomic vulnerable populations.
Visual Resources	No impact	No impact - The cemetery is hidden by a row of trees and cannot be seen from the road below. Therefore, there are no short-term or long-term impacts.

Affected Environment	No Action Alternative 1 Impacts	Proposed Action Alternative 2 Impacts
Noise	No impact	Negligible- Project activities would occur during daytime hours. Since heavy equipment will not be utilized, noise levels above ambient would be short-term during project implementation from vehicles bringing the workers to the project site and the hearse. There are no long-term impacts.
Public Service and Utilities	No impact	No impact- Not Applicable, there are no utilities or public services at the project site.
Traffic and Circulation	Moderate- The hillside is unstable and may fail at any time. There is the potential for moderate impacts if the hillside fails. The road will be blocked from traffic temporarily.	Negligible- Kentucky Transportation Cabinet (KYTC) District 12 Office will be notified before working on or near the highway right-of-way. Impacts will be Negligible short-term, and no long-term impacts will occur.
Safety and Security	No impact	Negligible- KYTC District 12 Office will be notified before working on or near the highway right-of-way. All activities would be conducted in a safe manner in accordance with the standards specified in Occupational Safety and Health Act (OSHA) regulations impacts. Impacts will be negligible short-term and no long-term impacts will occur.
Hist Structures	No impact	No impact- The cemetery is hidden by vegetation and is not in the viewshed of any historic structures.
Archaeological Resources	No impact	No impact- the disturbance for this project only impacts the previously excavated grave shafts and has no potential to disturb archaeological resources. There are no previously recorded archaeological resources at this location.
Tribal and Religious Sites	No impact	No impact- consultation did not reveal presence of any sites of concern to Tribal Nations.

SECTION FOUR: CUMULATIVE IMPACTS

In accordance with NEPA, this EA considered the combined effects of the preferred alternatives and other actions occurring or proposed in the vicinity of the proposed project site.

Implementation of the proposed action is expected reduce the impact on the site by removing and relocating the existing twenty-eight (28) caskets, exposed areas will be seeded with grass and cover with straw. This action will prevent the exposure of the caskets, causing them to slide down the hillside and onto the roadway.

There are plans to stabilize the hillside once the caskets are removed, Pike County is currently working on the design of the project. There are no other projects near the project site.

SECTION FIVE: PUBLIC PARTICIPATION

FEMA issued a disaster wide initial public notice for FEMA-DR- 4595-KY on April 23, 2021, to notify the public that the damage occurred resulting from severe storms, flooding, landslides, and mudslides is eligible for funding under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121.

In accordance with FEMA's NEPA procedures, FEMA is releasing this draft EA to the public and agencies for a 30-day public review and comment period. Comments on this draft EA will be incorporated into the final EA, as appropriate. This draft EA reflects the evaluation and assessment of the federal government, the decision-maker for the federal action; however, FEMA will take into consideration any substantive comments received during the public review period to inform the final decision regarding grant approval and project implementation. If no substantive comments are received from the public and/or agency reviewers, this draft EA will be determined to be final and a FONSI will be issued by FEMA.

Pike County will provide hard copies of the draft EA will be made at the Pike County Judge's Executive Office, Pike County Court, 146 Main Street, 2nd Floor, Pikeville, KY 41501. The comment period for the draft EA will start when the public notice of EA availability is published and will extend for 30 calendar days. The public notice can be found in Appendix E, which includes information on how to submit comments.

SECTION SIX: PERMITS AND PROJECT CONDITIONS

The Applicant will comply with Kentucky Revised Statutes 61, 307, 381 and 525 as it pertains to the removal and relocation of existing cemeteries, interred body and cremated remains.

The Applicant is responsible for obtaining and complying with all required Local, State and Federal permits and approvals.

The Applicant will monitor ground disturbance during the construction phase; should human skeletal remains, or historic or archaeological materials be discovered during construction, all ground-disturbing activities on the project site shall cease and the applicant shall notify the coroner's office (in the case of human remains), FEMA, and the State Historic Preservation Office.

If deviations from the proposed scope of work result in substantial design changes, the need for additional ground disturbance, additional removal of vegetation, or any other unanticipated changes to the physical environment, the Recipient must contact FEMA so that the revised project scope can be evaluated for compliance with NEPA and other applicable environmental laws.

Silt fencing will be installed prior to any ground disturbance to minimize the potential for erosion during project implementation.

No project activities would occur between the hours of 10:00 pm and 7:00 am EST.

All exposed surfaces will be seeded with grass and covered with straw to prevent erosion.

SECTION SEVEN: CONSULTATIONS AND REFERENCES

- U.S. Fish & Wildlife Service
- Kentucky Heritage Council (SHPO)
- Cherokee Nation
- Eastern Shawnee of Oklahoma
- Eastern Band of Cherokee Indians
- Peoria Tribe of Oklahoma
- Shawnee Tribe
- United Keetowah Band of Cherokee Indians

SECTION EIGHT: LIST OF PREPARERS

Name	Organization	Title
Verna Yin	FEMA	Environmental Protection Specialist
David Abbott Jr.	FEMA	Historic Resource Specialist
Eric Ratliff	Big Sandy Area Development District	Executive Director
Angelika H. Phillips, DrPH	FEMA	Regional Environmental Officer

REFERENCES

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