

Draft Environmental Assessment  
Lizzard Creek Park Community Site  
Wyoming County, West Virginia  
FEMA-1838-DR-WV  
June 22, 2009



**FEMA**

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## A. Introduction

From May 3-June 8, 2009 severe storms and flooding affected communities in central and southern West Virginia. As a result, President Obama declared a major disaster for the State of West Virginia. FEMA-1838-DR-WV authorizes the Department of Homeland Security's Federal Emergency Management Agency (FEMA) to provide federal assistance in designated areas pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended. Section 408 of the Stafford Act authorizes FEMA's Individual Assistance and Households Program (IHP) to provide emergency temporary housing for eligible disaster victims whose homes are uninhabitable or destroyed as a result of the declared event.

This Draft Environmental Assessment (EA) has been prepared in compliance with the National Environmental Policy Act of 1969 (NEPA), the President's Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), and FEMA's regulations implementing NEPA (44 CFR 10.9). The purpose of this Draft EA is to analyze potential environmental impacts of the proposed temporary community housing site at Lizzard Creek Park, as part of an expedited review process. FEMA will use the findings to determine whether to prepare an Environmental Impact Statement or issue a Finding of No Significant Impact (FONSI).

## B. Purpose and Need

Catastrophic damage from storms and flooding destroyed or made uninhabitable more than 100 homes in Wyoming and Mingo Counties, West Virginia displacing large numbers of residents. The purpose of this action is to quickly provide temporary housing for eligible disaster assistance applicants under the Individual Assistance and Households Program (IHP). Approximately 110 requests for temporary direct housing assistance have been received for Wyoming and Mingo Counties (PPI DHOPS Snapshot, 6/18/2009). To the extent possible, direct housing demand will be met by placing a mobile home or park model on an applicant's private site. This option is limited due to a number of factors common in Wyoming and Mingo Counties:

- Property is located in the floodplain and housing unit cannot be placed in the floodplain.
- Owner's lot size is not large enough to accommodate housing unit.
- Site is not accessible for travel trailer or park model unit.

FEMA can also assist applicants by placing a mobile home on a pad leased in a commercial park; however, there are few available commercial park pads in the disaster-affected area.

Recognizing the above noted limitations, FEMA has begun to rehabilitate three community sites in Mingo County that were originally constructed to meet disaster housing needs in 2004. These sites, Parks Manor, Willis Court and R.A. West will accommodate up to 71 families who are eligible for housing assistance. In addition to the families whose needs will be met by these 3 sites in Mingo County, FEMA has identified at least 20 more applicants, in the Gilbert, Justice and Hanover areas of Wyoming County who will need direct housing (PPI DHOPS Snapshot, 6/19/2009). The additional need for direct housing requires that FEMA develop an additional temporary emergency community housing sites (community site).

## C. Environmental Review Process

To meet the urgent needs of disaster victims for temporary housing, FEMA has implemented an expedited environmental review process. The purpose of this document is to assist FEMA in fulfilling its environmental review responsibilities under NEPA and to document compliance under environmental laws, including:

- Clean Air Act
- Clean Water Act
- Endangered Species Act
- National Historic Preservation Act
- Executive Order 11988 (Floodplain Management)
- Executive Order 11990 (Protection of Wetlands)
- Executive Order 12898 (Environmental Justice)
- Farmland Protection Policy Act

Other resource areas or issues evaluated in this EA include floodplain, noise, socioeconomics, safety and security, and hazardous and toxic wastes. Agency coordination and consultation has been conducted as necessary.

The scope of FEMA's environmental review includes:

- evaluating project alternatives
- characterizing the affected environment
- identifying potential environmental impacts
- outlining ways to reduce or minimize adverse affects.

This Draft EA examines the site-specific environmental impacts associated with building a FEMA community site on a property owned and managed by Wyoming County. As directed by the Council on Environmental Quality, it has been written so that the general public can read and understand the analysis. It was prepared based on a site evaluation, document research, and resource agency information. An electronic version of the Draft EA will be provided to interested agencies prior to and during the public comment period. The public participation period will be brief, as necessitated by the emergency circumstances and urgent need to expedite housing. Agency coordination and consultation will be deemed complete at the end of the public comment period. FEMA believes that this process will allow for sufficient analysis and meet the goal of providing timely federal assistance to disaster victims.

## D. Site Selection Process and Alternatives

NEPA requires investigation and evaluation of reasonable project alternatives as part of the environmental review process. At a minimum, FEMA's NEPA implementing regulations require the No Action and Proposed Action be evaluated.

FEMA has a wide range of assistance available to those needing housing including: eligible home repairs, rental assistance, installing a mobile home or park model on a private site or in an existing mobile home park. After all of these options are exhausted, construction of a temporary community housing site is considered.

In order to expedite the community housing site selection process, FEMA works closely with State and local officials to identify potential sites followed by site reconnaissance and research to determine suitability. Many factors are considered in choosing a site:

- demonstrated need for temporary housing in that area
- community acceptance
- proximity of community services, e.g. schools, healthcare facilities, public transportation
- engineering and construction feasibility
- access to utilities
- land use compatibility
- property owner terms
- costs to develop and maintain site
- environmental/cultural resource considerations

At least 7 sites in Wyoming and Mingo Counties were identified and evaluated; the only site which currently meets all the requirements of FEMA and the community is Lizzard Creek Park.

Because of the need to proceed quickly, this Draft EA is limited to analysis of one suitable site alternative at this time and the no action alternative. The Lizzard Creek Park Community Site was selected for further detailed analysis because it meets the basic site feasibility and selection criteria.

### **Alternative 1**

#### No Action Alternative

Under the No Action alternative, FEMA would not develop a temporary community housing site for this area. Displaced residents would continue to stay with relatives/friends, in hotels, their own damaged home, or other temporary locations until they resolve their own long-term housing needs.

### **Alternative 2**

#### Proposed Action - Construct Lizzard Creek Park Community Site

The Proposed Action would provide temporary housing for eligible disaster victims. Disaster victims would be temporarily relocated to the site while they pursue a permanent housing solution.

### **Proposed Project Location and Description**

Lizzard Creek Park is located in Wyoming County, WV near Justice. The site is owned by the Wyoming County Commission. The park was created from fill dumped in the valley from the construction of R.D. Bailey Dam in the late 1960s. The site is accessed from U.S. 52 on a ¼ mile gravel road. The City of Justice is 3 miles to the west. Hanover is approximately 2 miles east. The access road to the site crosses a set of active railroad tracks owned and maintained by Norfolk Southern Railroad. The park is approximately 9 acres total, up to 5 acres will be developed as a community site.

The area of the park proposed for development is presently used for recreation and includes a baseball field, picnic shelter, and playground equipment. There are several unused storage buildings and recreational facilities distributed throughout the project area. The site was used as a temporary mobile home park in 1977 by the Department of Housing and Urban

Development. Some of the infrastructure associated with that development e.g. sewer lines and a water tank, will be reused if feasible. One gas well and two pipelines crossings are located in the park but not in the project area. There are two occupied homes located near the project area. The now closed Hatfield and McCoy Raceway sits directly above the site on private property. The park was used a temporary staging area for debris generated by the flood. Debris was sorted, removed and the park was cleaned according to West Virginia Department of Environmental Protection guidelines by June 17, 2009.

The project description is based on the preliminary site design completed on June 21, 2009 by the U.S. Army Corps of Engineers, Huntington District (USACE). The proposed action involves the development of a mobile home community site to accommodate up to 50 units (Appendix 1. Preliminary Site Design). The site will be used to provide temporary housing for disaster victims. The USACE is designing and developing the community site under the IHP. All work is being done in cooperation with the State of West Virginia and Wyoming County.

The following actions will be conducted to develop the site:

Site preparation will include minimal grading, removal of unsafe buildings and dilapidated recreational facilities.

- The access road from U.S. 52 will be graded and improved with new gravel.
- A signal will be installed on the access road at the intersection of the rail crossing.
- Electrical service will be installed above ground using existing utilities lines.
- Potable water will be pumped from an existing well and treated as needed through a package potable water plant on site.
- A package unit sewer treatment system will be installed on the upper part of the site.
- Below ground sewer lines will be installed. To the extent possible, sewer lines will follow the areas of ground disturbance from the 1977 development.
- Site roads will be constructed using gravel and/or asphalt as conditions dictate.
- Playgrounds and recreation areas in good condition will be retained to the extent possible.
- Uniform Federal Accessibility Standards features will include 15% of pads, 15% of common space and 100% of necessary public amenities.

When the need for temporary housing has ended, FEMA expects to remove the mobile homes from the site and management of the site will revert to Wyoming County.

## E. Affected Environment and Environmental Consequences

**Table 1** summarizes results of the environmental review process for the Proposed Action. When applicable, mitigation measures that would reduce potential adverse effects are incorporated into the development and required as conditions for the project to proceed. Definitions of the impact intensity are described below:

**Negligible:** The resource area (e.g., geology) would not be affected, or changes would be either non-detectable or if detected, would have effects that would be slight and local. Impacts would be well below regulatory standards, as applicable.

**Minor:** Changes to the resource would be measurable, although the changes would be small and localized. Impacts would be within or below regulatory standards, as applicable. Mitigation measures would reduce any potential adverse effects.

**Moderate:** Changes to the resource would be measurable and have both localized and regional scale impacts. Impacts would be within or below regulatory standards, but historical conditions are being altered on a short-term basis. Mitigation measures would be necessary and the measures would reduce any potential adverse effects.

**Major:** Changes would be readily measurable and would have substantial consequences on a local and regional level. Impacts would exceed regulatory standards. Mitigation measures to offset the adverse effects would be required to reduce impacts, though long-term changes to the resource would be expected.

Table 1. Affected Environment and Environmental Consequences Matrix

Resource Area	Impact Intensity				Mitigation	Agency Coordination / Permits	Comments
	None or Negligible	Minor	Moderate	Major			
Geology and Soils	X						Site is fill material from construction of dam. Farmland Protection Act does not apply.
Hydrology and Floodplains (Executive Order 11988)	X						The site is located outside the 100-year floodplain.
Wetlands (Executive Order 11990)	X						There are no jurisdictional wetlands in the project area.
Water Quality		X			Implementation of best management practices and compliance with required permits.	Permits- WVDEP and WVDH	
Air Quality	X						County airshed is in attainment for criteria pollutants.
Vegetation and Wildlife	X						Site is recreational open space maintained in non-native species.
Threatened and Endangered Species (Endangered Species Act Section 7)	X					"Coord. with USFWS Ecological Services Office May 27, 2009	"No effect" on endangered species.
Cultural Resources (National Historic Preservation Act Section 106)	X					Correspondence with WVSHPO June 22, 2009	"No Effect" on historic resources.
Socioeconomics /Environmental Justice (Executive Order 12898)	X						
Noise	X						
Safety and Security		X			<ul style="list-style-type: none"> <li>Dilapidated buildings not needed by the county will be removed.</li> <li>Access to the active gas well and helicopter pad will be fenced off.</li> <li>Access to the wastewater and potable water treatment plants will be restricted.</li> <li>Fences will be placed around the nearby gas well and helicopter pad.</li> </ul>		
Hazardous Materials and Toxic Wastes		X					

## E. Affected Environment and Environmental Consequences, continued

The following section briefly describes the affected environment and consequences from the proposed alternative. The no action alternative will only be addressed if there is a consequence from not undertaking the construction of a community site at Lizzard Creek Park.

### **Geology and Soils**

Lizzard Creek Park is in the Appalachian Plateau physiographic region from the Pennsylvanian geologic formation era. The Pennsylvanian formation has cyclic formations of sandstone, shale, clay, coal, and limestone associated with it. Deposits of gas, coal, and brine are commonly found within the formation.

The soil consists of earthen fill material from the construction of R.D. Bailey Lake. The Natural Resources Conservation Service's online soil survey interactive program confirmed that proposed project area does not contain soils associated with Prime Farmland; the site is classified as: Udorthents, smoothed- earthen fill material. The Farmland Policy Protection Act is not applicable. The construction of Lizzard Creek Park Community Site is will have negligible affects to geology and soils.

### **Floodplain Management -Executive Order 11988**

**Definition:** Executive Order 11988 mandates that federal agencies evaluate the potential effects of actions on floodplains and directs them to avoid undertaking actions that directly or indirectly encourage development in the floodplain or adversely impact natural floodplain areas.

The proposed Lizzard Creek Park Community Site is located in Zone B, outside of the 100-year floodplain (FEMA, FIRM Map number FM54109C0235D ; Panel 235 of 470, May 16, 2006). There are no areas in a designated floodplain that will be filled or modified as a result of the construction activities. The development of Lizzard Creek Park Community Site will have negligible impacts on the floodplain and hydrology.

### **Wetlands -Executive Order 11990**

**Definition:** Executive Order 11990, Wetland Protection, mandates that federal agencies consider direct and indirect impacts to wetlands that could result from their actions, and attempt to minimize destruction, loss, and degradation of wetlands.

The development of Lizzard Creek Park Community Site will not involve the placement of dredge or fill into any water bodies. The U.S. Fish and Wildlife Service National Wetland Inventory Mapping system (NWI) was referenced and no jurisdictional wetlands occur in the project area or are adjacent. An onsite pedestrian survey confirmed the NWI map.

The Development of Lizzard Creek Park Community Site will have negligible impacts to wetlands and aquatic resources.

### **Water Quality**

There are two potential sources of impacts to water quality: construction of the site and the operation of a package wastewater treatment plant.

There is the potential for temporary minor localized increases in sedimentation to nearby waterways and drainages during construction activities. A National Pollution Discharge Elimination System (NPDES) storm water construction permit is to be obtained from the West Virginia Department of Environmental Protection by the construction contractor prior to construction activities. The construction contractor is required to implement best management practices e.g. silt fencing, prescribed by the storm water construction permit. Implementation of these practices will mitigate the impacts of construction activities on the water quality.

A package wastewater treatment plant constructed on site will have adequate capacity to properly treat all wastewater generated by the 40-unit development. The West Virginia Department of Health will inspect and certify that the plant is operating to the conditions of its permit. All wastes will undergo approved tertiary treatment measures prior to the effluent being released from the wastewater treatment plant to Lizzard Creek. The Public Service District serving the nearby City of Gilbert has agreed to provide a certified wastewater treatment plant operator to ensure that the system operates properly and within regulatory parameters. Compliance with permit requirements will mitigate any potential effects on water quality

Impacts to water quality from construction are anticipated to be temporary and minor; they will be addressed through National Pollution Discharge Elimination System permits requirements and best management practices enforced by state agencies.

### **Air Quality**

There are two potential sources of environmental impacts to air quality, construction and the operation of the Lizzard Creek Park Community Site. U.S. Environmental Protection Agency databases were accessed to obtain data for the attainment status of Wyoming County for the six criteria pollutants regulated by the agency. The six criteria pollutants monitored by the EPA are as follows: Carbon Monoxide, Lead, Nitrogen Dioxide, Ozone, Particulate Matter, and Sulfur Dioxide. All search results indicated that Wyoming County was "in attainment."

Construction of the site may result in temporary, localized increases in dust- particulate matter and mobile emissions from construction vehicles. The limited duration of construction, in conjunction with the few pieces of equipment to be used would produce levels of emissions well below the annual thresholds set forth by the EPA for each criteria pollutant that could be generated. Dust generation can be limited through the use of the standard construction practice of wetting areas as needed.

The operation of the community site will not result in any permanent air emissions. Impacts to air quality from the construction of are anticipated to be temporary and negligible.

### **Vegetation, Wildlife and Endangered Species**

The proposed project site consists primarily of open recreational land planted with grass and maintained by mowing. The adjacent slopes are wooded and composed of common West Virginia species. No tree clearing is needed for site construction. A water supply tank will be located on an adjacent slope and up in elevation to provide required pressure to supply water to temporary housing residents. Minimal tree clearing of 1/8 acre or less may be necessary to elevate the tank.

Through the informal consultation process, the U.S. Fish and Wildlife Service provided a list of threatened and endangered species for the state of West Virginia (Appendix 2. Agency Correspondence). There are no known threatened or endangered species or designated critical habitat in the project area. FEMA has made the determination that there will be “No Effect” to threatened or endangered species or their habitat from construction of the Lizzard Creek Park Community Site. The project effects on vegetation, wildlife and endangered species will be negligible.

### **Cultural Resources**

Lizzard Creek Park is currently used for recreation. There are no known historic properties eligible for listing on the National Register of Historic Places in the project area. Lizzard Creek Park was constructed in the 1960s using excavated rock and soil fill from the construction of nearby R.D. Bailey Lake. Any potential archaeological resources would have been covered by the fill. Per FEMA’s responsibility under Section 106 of the National Historic Preservation Act, the State Historic Preservation Officer concurred with FEMA’s finding of “No Effect” on historic resources (Appendix 2. Agency Correspondence)

### **Socioeconomics and Environmental Justice- Executive Order 12898**

**Definition:** Executive Order 12898 “Federal Action to Address Environmental Justice in Minority Populations,” requires FEMA to identify, address and avoid disproportionately adverse and high human health or environmental effects on minority and low income populations.

Lizzard Creek Park Community Site is expected to provide housing for up to 40 families in need of FEMA direct housing assistance. Residents would consist of currently displaced residents of Mingo and Wyoming Counties. Establishment of the temporary housing would facilitate families resuming normal routines; as well provide them with safe and sanitary living condition in their own community without having to relocate from the disaster area. Socioeconomic impacts from temporary housing are anticipated to assist the region in recovering from the flooding events and are not anticipated to have any negative socioeconomic consequences.

The construction of Lizzard Creek Park Community Site is not expected to pose disproportionately high and adverse public health or environmental effects on minority and low-income populations. Conversely, the Proposed Action seeks to provide area residents displaced from the May flood events with safe and sanitary living conditions out of the floodplain. All forms of FEMA disaster housing assistance are available to affected household that meet the conditions of eligibility. Income level or ethnicity are not determining factors.

The no action alternative could potentially trigger affected residents to relocate from the general area, which in turn could create negative economic consequences.

### **Noise**

The project area is used for public recreation. The only residential structure present within the boundaries of the property is inhabited by the park’s caretaker located over 400 feet from the proposed site location. The site is located in an area primarily surrounded by wooded hillside that would provide a buffer and confine noise to the general vicinity.

Given the urgency to provide safe and sanitary housing to displaced residents construction activities are likely to exceed the typical 8-hour daytime timeframe. Throughout the construction period the project site would experience an increase in noise levels. Construction noise impacts would be short-term and limited to the duration of construction activities. Persons within designated work zones will employ appropriate hearing protection measures.

Impacts on noise levels and the effects of noise from the construction and operation of Lizzard Creek Park Community Site will be negligible and temporary.

### **Safety and Security**

Safety and security will be addressed during construction and operation of Lizzard Creek Park Community Site. During construction, the contractor has the responsibility to implement a safety plan. Access to the site would be restricted during construction and measures would be in place that would readily allow emergency vehicles to access the site if needed. This should take into account the caretaker and his family who currently reside on-site.

Lizzard Creek Branch Community Site will operate under existing FEMA guidelines to ensure the safety and security of residents. In order reduce the potential harm from attractive nuisances:

- Dilapidated buildings not needed by Wyoming county will be removed.
- Access to the active gas well and helicopter pad will be fenced off.
- Access to the wastewater and potable water treatment plants will be restricted.

The construction and operation of Lizzard Branch Community Site will result in minor impacts to the safety and security of residents. These impacts can be mitigated through the measures outlined above.

### **Hazardous Materials and Toxic Wastes**

Lizzard Creek Park has primarily been used as recreation area since its creation. There is no evidence of historic hazardous material use or unregulated dumping on site. It was however used as staging area for disaster related debris for this storm. The debris was staged, separated and hauled from the upper portion of the site. Hazardous wastes were segregated and placed on the existing concrete helicopter pad. The pad was lined with an impermeable plastic liner and its perimeter surrounded by straw bales to prevent migration of any potentially hazardous substances. As a mitigation measure, a fence will be placed around this area to prevent access by residents.

The debris area has been cleared and topsoil removed as directed by the West Virginia Department of Environmental Protection. As a precaution because of its recent use for debris staging, FEMA mission assigned USACE to perform a limited phase I HTRW assessment and a soil screening.

A pedestrian survey and an environmental database search were performed as part of the requirements of the Phase I Assessment. The pedestrian survey yielded no observations of hazardous environmental conditions present in and around the proposed project area. The

database search results also revealed no hazardous environmental conditions. (Appendix 4. Limited Phase 1 HTRW Assessment).

In addition to the Phase I HTRW Assessment, 8 soil samples were obtained by certified staff members of the Corps Environmental and Remediation Section. Six were in the area of debris staging; 2 were taken in grassy areas nearby as a reference. Screening was performed on a list of substances/pollutants recommended by the West Virginia Department of Environmental Protection (Appendix 2. Agency Coorespondence:

- total lead
- total copper
- total petroleum hydrocarbons
- diesel range organics
- gasoline range organics
- oil range organics
- pH

Samples were delivered to REIC Labs in Beaver, WV for processing and analytical measures. There were no contaminant levels of concern in the soil samples taken (Appendix 5. REIC Lab Report).

There is no documented evidence from the HTRW investigation that any of the soils in the project area are contaminated. The likelihood of encountering contamination is low, but if contamination is encountered construction practices will cease and further investigation will be implemented. No further HTRW investigation is needed at this time. The impacts from hazardous materials and toxic wastes are minor and can be mitigated through the above actions.

## F. Cumulative Impacts

Cumulative impacts are defined as environmental effects that are greater in magnitude, extent, or duration than the direct and indirect effects of the proposed FEMA-associated action when combined with the effects of other current and future actions, regardless of the proponent. No cumulative impacts would be expected if the No-Action alternative was implemented. Since the Proposed Action is temporary in nature; no long-term cumulative affects are anticipated.

## G. Public Involvement

In compliance with NEPA, FEMA's implementing regulations (44CFR 10.9(c)) and Executive Orders 11988, 11990 and 12898. A public notice of availability will be published in the Charleston Gazette beginning on June 23, 2009. Due to the emergency nature of this action, the public comment period will be brief, June 23-June 25, 2009. The Draft EA can be viewed and downloaded from <http://www.fema.gov/plan/envdocuments/index.shtm> and is also available for review at the FEMA Disaster Recovery Center at the Larry Joe Harless Community Center located on U.S. 52 in Gilbert. The Recover Center is open from 10 am to 7 pm Monday through Saturday.

Written comments on the draft EA can be faxed to the Joint Field Office in Charleston at (304) 746-8830 or emailed to [kate.mcmanus@dhs.gov](mailto:kate.mcmanus@dhs.gov). Verbal comments will be accepted at (304) 746-7100 from 8am to 5pm. If no substantive comments are received, the Draft EA will become final

and a Finding of No Significant Impact (FONSI) will be issued for the project. Substantive comments will be addressed as appropriate in the final documents.

## H. Conclusion

This EA was written to evaluate the potential impacts to the environment from the No Action and Proposed Action alternatives. The EA has also addressed the compliance requirements of the National Historic Preservation Act, Endangered Species Act, Executive Orders 11988 (Floodplain Management), 11990 (Protection of Wetlands), and 12898 (Environmental Justice), and other related environmental statutes along with considering issues such as hazardous and toxic wastes, infrastructure, and socioeconomics. Based on the above analysis, the findings of this Draft EA indicate that an EIS is not required. A Finding of No Significant Impact has been prepared and is attached.