



Draft Supplemental Environmental Assessment
Section 202 McDowell County Nonstructural Project
Iaeger Town Hall Relocation
McDowell County, West Virginia



U.S. Army Corps of Engineers
Huntington District
Huntington, West Virginia
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**Supplemental Environmental Assessment
McDowell County Nonstructural Project – Iaeger Town Hall Relocation
McDowell County, West Virginia
Executive Summary**

Since the early 2000s, the U.S. Army Corps of Engineers (Corps) has implemented flood risk management measures in McDowell County, West Virginia to reduce flooding impacts and damages for the residences, businesses and public facilities. In May of 1998, the Detailed Project Report package for the McDowell County Nonstructural Project was completed. The Final Environmental Assessment (FEA) was incorporated in the report package, and a Finding of No Significant Impact (FONSI) was issued in October of 1997. As part of the approved project, the Iaeger Town Hall was proposed for acquisition, demolition, removal, and replacement. Protection of this structure was not feasible because there was not sufficient room on the site for ring walls, and the required floodproofing height exceeded the maximum allowable veneer wall height.

This Supplemental Environmental Assessment (SEA) has been developed pursuant to the National Environmental Policy Act (NEPA) by the Corps, Huntington District, to document the potential effects associated with alternatives for the Iaeger Town Hall Relocation Site. Upon evaluation and comparison of all reasonable alternatives, the Corps is proposing to relocate the town hall to the old Pioneer Bank Site which is located adjacent to Center Street in Iaeger, West Virginia as a result of the high flood risk that exists at its current location, and potential adverse effects on the local population it serves if it were made unusable due to the substantial damages produced by flooding along the Tug Fork River. The proposed action is part of the McDowell County Nonstructural Project in McDowell County, West Virginia and the SEA tiers from the 1997 FEA.

The town hall is currently owned by the Town of Iaeger. It is located on Center Street adjacent to the Tug Fork River. The building is located in the floodplain along the right descending bank at river mile 110.6 in downtown Iaeger, West Virginia. The building consists of various offices, a conference room utilized for town council meetings and community functions, a reception area utilized by the community to pay bills, and a basement workshop.

The Proposed Action Alternative (PAA) includes the relocation and construction of a building including the Iaeger Town Hall and associated amenities at the old Pioneer Bank Site. The proposed project has an established Project Partnership Agreement (PPA) between the McDowell County Commission and the Corps which is authorized by Section 202 of the Energy and Water Development Appropriations Act of 1981 (Public Law 96-367), as amended. Additional legislation includes Section 367 of the Water Resource Development Act of 1999 (Public Law 106-541) as amended, and Section 107 of the Energy and Water Development



Appropriations Act of 2010 (Public Law 111-85), as amended, and the Bipartisan Budget Act of 2018.

This SEA was prepared pursuant to the NEPA, Council on Environmental Quality Regulations (40 CFR 1500-1508), and Corps implementing regulation, ER 200-2-2. The SEA has concluded there are no significant impacts to the human environment associated with the implementation of the proposed relocation of the Iaeger Town Hall for the McDowell County Nonstructural Project.



SECTION 202
SECTION 202 MCDOWELL COUNTY NONSTRUCTURAL PROJECT
IAEGER TOWN HALL
MCDOWELL COUNTY, WEST VIRGINIA

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The brief and concise nature of this document is consistent with the 40 CFR requirements of the National Environmental Policy Act (NEPA) to reduce paperwork and delay by eliminating duplication with existing environmental documentation, incorporating pertinent material by reference, and by emphasizing interagency cooperation.

1.0 INTRODUCTION

1.1 Project Background and Authorizations

The McDowell County Nonstructural Project evolved as a result of the April 1977 Flood in the Tug Fork Basin. Due to millions of dollars in damages and losses from this flood, the Energy and Water Development Appropriations Act of 1981 (P.L. 96-367) and subsequent legislation provided authorization for development of flood protection measures for the Levisa and Tug Forks of the Big Sandy River Basin. Section 202 of that legislation directed the Secretary of the Army (acting through the Chief of Engineers) to design and construct flood risk management measures in those areas affected by the 1977 Flood. Nonstructural flood control measures implemented would prevent future losses occurring either from a flood equal in magnitude to the April 1977 flood, or the one percent annual chance flood (also known as the 100-year flood), whichever is greater. A Final Environmental Impact Statement (FEIS) for the Tug Fork Valley Flood Damage Reduction Plan was completed in 1982.

Pursuant to its Section 202 authority, the Corps identified and evaluated alternative flood risk management measures in the “McDowell County Nonstructural Project Detailed Project Report (DPR), Appendix S, Section 202 General Plan”, completed May 1998. All appropriate levels of review were completed and the Assistant Secretary of the Army for Civil Works approved the DPR in August 1999. Pursuant to the NEPA, 42 U.S.C. § 4321, *et seq.*, as amended, the Corps prepared a FEA in October 1997 (tiered from the 1982 FEIS), for which a FONSI was executed in October 1997 for the Federal action proposed to carry out flood risk management measures in McDowell County, West Virginia.

Due to availability of funding, only portions of the proposed flood risk management measures identified in the approved DPR have been constructed. Flood risk management measures implemented include: construction of the Southside School (2008), Bradshaw Elementary School (2009), River View High School (2010), and Iaeger Elementary School (2016).

In 2018, the McDowell County Nonstructural Project received supplemental funding to complete flood risk management measures pursuant to the Bipartisan Budget Act of 2018. As a result of this funding, the Corps has the opportunity to complete additional components of the proposed plan as documented in the DPR completed in 1998. However, given the lapse of time, the Corps performed a reevaluation of design, construction, and sequencing. Activities including voluntary floodproofing and acquisition of homes, businesses and municipal structures such as the Iaeger Town Hall under the Bipartisan Budget Act funding were evaluated. These are the anticipated remaining elements proposed for implementation within the authorized project area and the various flood risk management measures that are slated align with the scope identified in the approved DPR. Due to the lapse in time and adjustments in project design, a SEA is being



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

The proposed project is being conducted consistent with a PPA between the McDowell County Commission and the Corps. The project is authorized by Section 202 of the Energy and Water Development Appropriations Act of 1981 (Public Law 96-367), as amended; by Section 367 of the Water Resource Development Act of 1999 (Public Law 106-541), as amended; by Section 107 of the Energy and Water Development Appropriations Act of 2010 (Public Law 111-85); and by the Bipartisan Budget Act of 2018.

1.2 Purpose, Need, and Scope

The purpose of the McDowell County Nonstructural Project is to implement flood risk management measures to reduce flooding impacts and damages for the residences and businesses of McDowell County, West Virginia. In the absence of flood risk management measures for the Project Area, the potential for future development and growth is limited and residents would be subjected to future floods and damage similar to those that have occurred in previous years.

This Supplemental EA (SEA) is being prepared by the Corps to identify the most effective, socially acceptable, and environmentally sound project alternative and to determine whether to prepare a Supplemental Environmental Impact Statement (SEIS) or a Finding of No Significant Impact (FONSI). This SEA concisely documents environmental considerations and assists in determining whether significant impacts may be associated with the proposal pursuant to 40 CFR 1508.9(a) and tiers pursuant to 40 CFR 1508.28 to the previous EA prepared 1997. The EA prepared in 1997 was prepared concurrently with the development of the feasibility study for the McDowell County Nonstructural Project; a FONSI was issued for that effort in October 1997.

The scope of this SEA is limited to considerations surrounding the town hall relocation site. This document will be tiered from the 1997 Final Environmental Assessment and Finding of No Significant Impact (as appropriate) and be, consistent with NEPA when 1) sufficient design information, and investigations progress on other Project components; and 2) when those components are ripe for consideration.

In the approved DPR, the town hall was described as containing a large meeting room and offices for the police, secretary, and mayor. In the back of the structure was a file room which was unsafe to use since it was severely sloping towards the Tug Fork River. There was also a garage attached to the town hall structure which was once used for storage of the Town of Iaeger's firefighting vehicles. No individual space sizes for the town hall were given in the DPR, and a new fire station was constructed in downtown Iaeger. It was determined in the DPR that the then current functions of the town hall qualified for relocation. During the reevaluation of the initial design and construction sequencing (as proposed in the DPR), it was determined that the replacement town hall would be approximately 2,027 square feet in net area and contain an external workshop/garage and parking area.



1.3 Project Location

The Town of Iaeger, McDowell County, is located in southern West Virginia. McDowell County is bordered on the north by Wyoming County, west by Buchanan County, south by Tazewell County, and east by Mercer County.

The Tug Fork River flows through McDowell County, and it feeds into the Big Sandy River. The Town of Iaeger, West Virginia lies along the banks of the Tug Fork. In the past, the Town of Iaeger’s close proximity to the confluence of the Dry Fork River and Tug Fork in addition to other tributaries made it susceptible to flooding events. Due to the steep topography of the Project Area, the majority of the town lies within the floodplain.

The location of the existing town hall building is located along the right descending bank of the Tug Fork at river mile 110.6 in downtown Iaeger, West Virginia. It is currently situated on Center Street adjacent to the Tug Fork. It is owned by the Town of Iaeger and contains the Iaeger Town Hall. The relocation site is located adjacent to Center Street at the old Pioneer Bank Site.

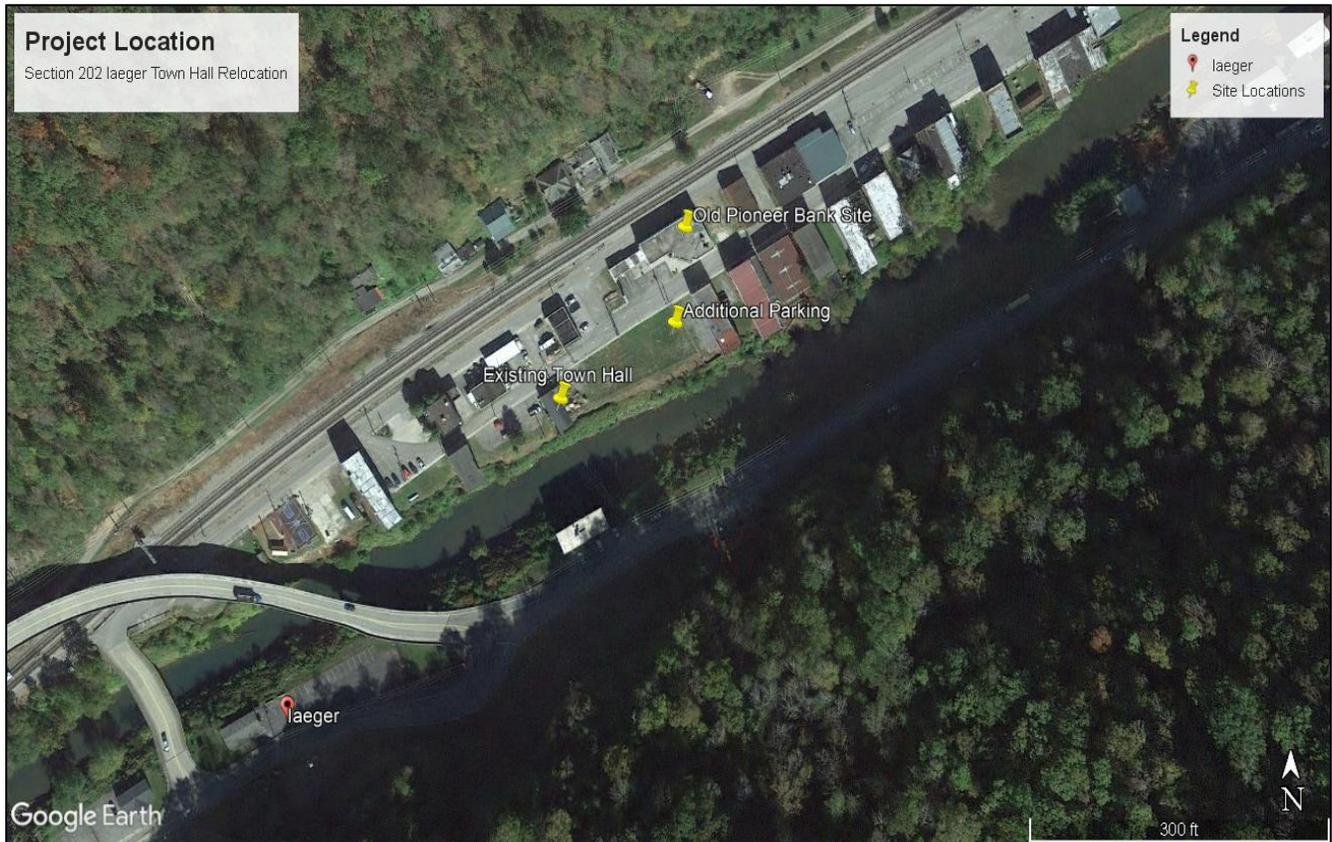


Figure 1: Project Location



1.4 Existing Town Hall Building

As mentioned above, the Iaeger Town Hall Building is owned by the Town of Iaeger and houses the Iaeger Town Hall.

The existing facility is a one-story, brick veneer and concrete masonry structure, measuring approximately 20 feet along Center Street by 48 feet in depth. There is an attached one-story addition measuring 12 feet along Center Street by 24 feet in depth. The total for both structures measures 32 feet along Center Street by 48 feet in depth. The overall area for the Iaeger Town Hall Building and its parking lot is 0.37 acres.

The Town Hall is utilized by two full-time and five part-time employees. There are offices for the mayor and recorder, two full-time general laborers, and one part-time garbage truck driver. The mayor's and recorder's offices are both 137 square feet each. The conference room is 526 square feet and is utilized for town council meetings and community functions. It has a maximum occupancy of approximately 30 people. There is a reception area utilized by the community to pay bills that is approximately 193 square feet. Additionally, there is a basement workshop that is approximately 261 square feet. Total square footage of the existing town hall is approximately 1,525 square feet.



Figure 2: Existing Town Hall Building

1.5 RELEVANT PRIOR STUDIES, REPORTS, AND AGREEMENTS

1.5.1 Environmental Impact Statement and Mitigation Plan

The Environmental Impact Statement was included with the Section 202 Tug Fork Valley Flood Damage Reduction Plan in December 1982. The General Plan which the Environmental Impact Statement addresses is a supplement to the Section 202 General Plan for Implementation. This report was referenced because it provides information regarding availability of decent, safe, and sanitary housing.

1.5.2 Detailed Project Report

The Detailed Project Report submitted as Appendix S of the Section 202 General Plan, titled US Army Corps of Engineers, Huntington District, McDowell County Nonstructural Project, provides a detailed analysis of alternative flood risk management measures for the flooding problems in the Tug Fork of the Big Sandy River in McDowell County. The report was approved in August 1999.



1.5.3 Final Environmental Assessment

In conjunction with the Detailed Project Report, the Corps prepared a FEA in October 1997 evaluating and documenting impacts on the proposed McDowell County Nonstructural Project, involving various non-structural flood risk management measures for eligible residential and non-residential structures. A FONSI for the Federal action proposed to carry out flood risk management measures in McDowell County, West Virginia was executed in October 1997.

1.5.4 Project Cooperation Agreement

A Project Cooperation Agreement (PCA) was executed on 27 September 1999 with the McDowell County Commission (non-Federal Sponsor). Under this agreement the non-Federal Sponsor shall provide all lands, easements, and rights-of-way, including suitable borrow and dredged or excavated material disposal areas, and perform all relocations determined by the Government to be necessary for implementation, operation, and maintenance of the Project.

On 14 December 2001, an amendment to the PCA between the Corps and the McDowell County Commission was implemented to revise or replace Articles I, II, IV, V, and XI. On 22 January 2019, a draft amendment to the PCA was proposed to allow for implementation of a portion of the McDowell County nonstructural flood control project at full federal expense to the extent Fiscal Year 2018 Supplemental funds are used. In addition, it provides for the Government to undertake on behalf of the non-Federal Sponsor, acquisition of lands, easements, and rights-of-way; construction of improvements required for disposal of dredged or excavated material; and performance, or ensuring the performance, of relocations, all of which are consistent with the underlying PCA.

1.5.5 Memorandum of Agreement

A Memorandum of Agreement (MOA) was executed on 15 October 1999 with the non-Federal Sponsor. This agreement provides that the Government shall, on behalf of the non-Federal Sponsor, acquire all lands, easements, and rights-of-way, including suitable borrow and dredged or excavated material disposal areas, and perform all relocations determined by the Government to be necessary for implementation, operation, and maintenance of the Project.

2.0 FORMULATION, EVALUATION AND COMPARISON OF ALTERNATIVES

This section documents the formulation of reasonable alternatives to the proposed plan followed by an initial screening of the plans.

2.1 Alternatives Plan Description

The Alternative Sites considered as well as the No Action Alternative are described in further detail below. All alternatives were evaluated under the following criteria: cost, real estate requirements, size, location, fill requirements, and utility requirements.



No Action Alternative: This alternative consists of demolishing and removing the town hall and filling the site to existing grade. This option was approved in the 1997 EA as part of the Section 202 nonstructural flood proofing of McDowell County. As part of this alternative, a replacement town hall would not be constructed, and the existing site would remain vacant.

Action Alternatives:

For all relocation sites considered for the Iaeger Town Hall Building relocation, the site design elevation was required to provide protection against the one (1) percent annual change flood (100-year flood) on the Tug Fork. Currently, the town hall building has an elevation that makes it susceptible to flooding. At the proposed design elevation, the finished floor would be required to have all damageable materials constructed several feet above the 100-year flood elevation.

All alternative sites are vacant lots and would provide a replacement town hall building at the proposed locations. In addition, all three sites are located in the floodplain but not the regulatory floodway, would accumulate less than 3 feet of water on the site based on the 1977 flood elevation, and would be built high enough for the flood of the building to stay out of the 100-year flood elevation. Relocation would include office space based on the number of paid employees; a conference room of approximately 750 square feet; restrooms that are sized according to current handicap accessible standards; an external workshop/garage; and parking that would allow for 20 vehicles. Space allowances for the offices would include file space, a desk, chairs, and computer equipment. The workshop would be sized for the Town's various tools and equipment such as power tools, shelving, trimmers, ladders, etc. In addition, a septic package plant (aeration unit) would have to be installed according to the WV Department of Environmental Protection's (WVDEP) standards. This septic package plant would allow for the aeration sewer system discharge to the river.

In accordance with the Engineer Federal Acquisition Regulation Supplement (EFARS), as amended, where in fact a substitute facility is necessary, just compensation for the acquisition of a facility owned by an agency of local government currently used in the performance of a local governmental function is a current standard replacement facility that "will as nearly as practicable serve the same manner and reasonably as well as does the existing facility." (EFARS, Appendix Q, Paragraph Q-73-106).

It is anticipated that the Government would enter into a contract with the McDowell County Commission, which would obligate the Government to design and construct the replacement town hall building for all of the alternatives considered. Construction of the facility is anticipated to be accomplished by a Design Build contract. Design shall meet current-day replacement standards for the facilities replaced and be Americans with Disabilities Act (ADA) compliant. This contracting mechanism would facilitate the construction of the facility in a timely manner to allow for the residents to be relocated before temporary office space would be required. Once relocated, the existing town hall building would be demolished and disposed of in accordance with all local, state and Federal regulations.



Alternative Site A (Old Pioneer Bank): Alternative Site A is located adjacent to Center Street in Iaeger, WV. The site was acquired and demolished through the Section 202 floodproofing program, Tract Number 2508FP and Structure Number MC191, and contains approximately 0.50 acre. This site is flat and would require no earthwork to accommodate the replacement town hall and parking. The riverside portion of this site would be susceptible to approximately one foot of flooding using the 1977 flooding elevation. The portion of the site closest to the railroad tracks would be susceptible to approximately less than 0.5 foot of the 1977 flood inundation. In addition, this site is located on undeveloped soil and contained no basement or fill during its demolition. It is owned by the McDowell County Commission.

Alternative Site B (Old A.F. and A.M. Lodge): This alternative site is located along Center Street in Iaeger, WV. The site was acquired and demolished through the Section 202 floodproofing program, Tract Number 2511FP and Structure Number MC193 and Structure Number 194, and contains approximately less than 0.50 acre. It is owned by the McDowell County Commission.

Alternative Site C (Downtown): This alternative site is located along Center Street adjacent to the existing town hall in Iaeger, WV. The site was acquired and demolished through the Section 202 floodproofing program, Tract Number 2512/Structure MC158 and Tract Number 2513/Structure Number 157, and contains approximately 0.75 acre. Existing backfill, including rebar and concrete blocks, would have to be removed from this site prior to construction, and the site would have to be filled to grade with acceptable and stable fill material. It is believed to be owned by the McDowell County Commission.

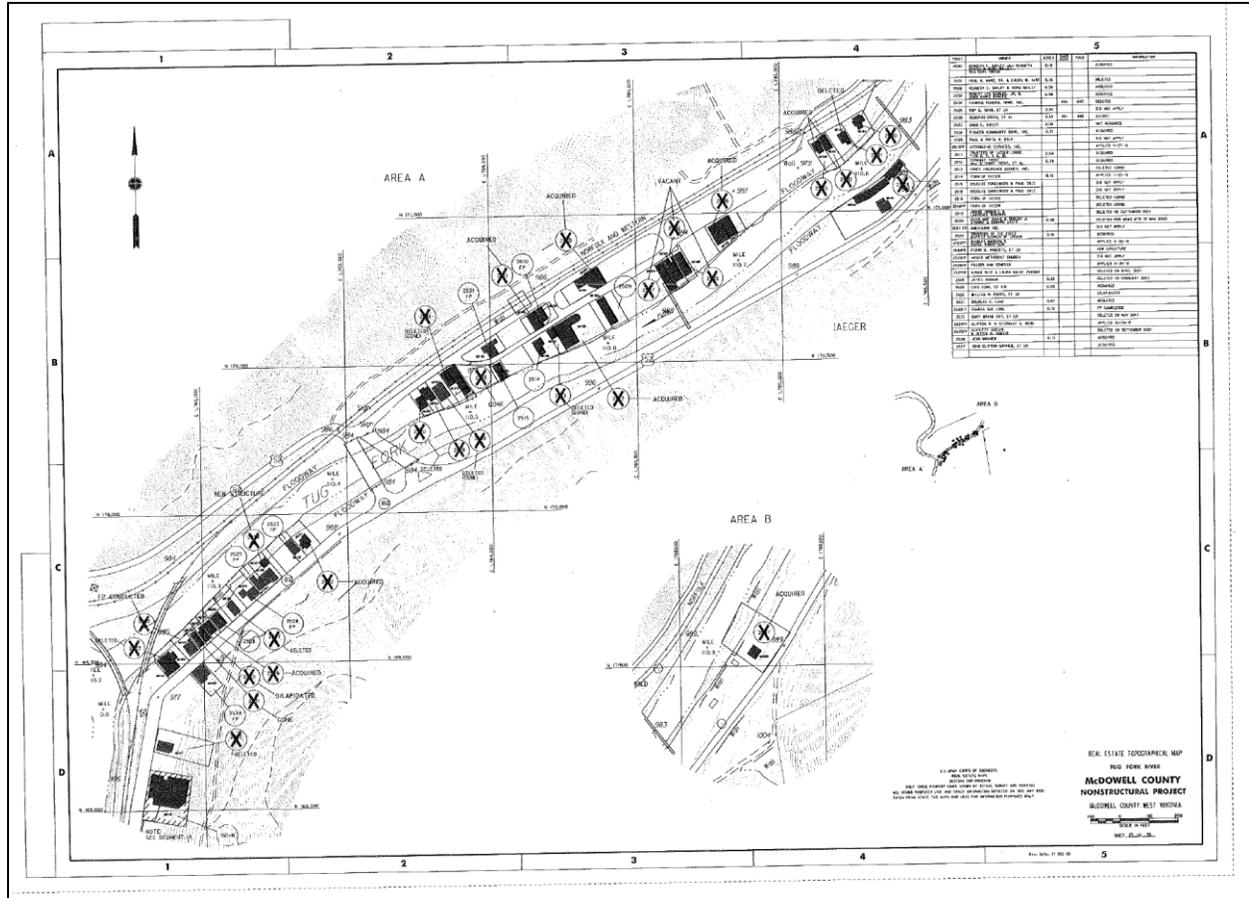


Figure 3: Map of Acquired Properties

2.2 Evaluation and Screening of Alternatives

Alternative Site B (Old A.F. and A.M. Lodge) has been eliminated as an alternative due to insufficient size or usable area for the building and all any associated structures such as the septic package plant (aeration unit). Specifically, there was a lack of sufficient sewer discharge for the required septic package plant.

Alternative Site C (Downtown) has been eliminated as an alternative due to the earthwork and removal of fill that would be required should the site be developed. This site appeared to be backfilled, and the fill included rebar and concrete blocks that create an unstable base without being removed. The cost of the fill removal, potential hazardous waste remediation, and replacement with appropriate fill could be very costly and thus this alternative was ruled out.



Figure 4: Fill at Site C (Downtown)

Alternative Sites B and C have been excluded from further consideration due to property size and site development cost. Alternative Site A (Proposed Action Alternative) and the No Action Alternative have been moved on to the final array of plans for this project.

2.3 Proposed Action Alternate (PAA)

The PAA would involve the construction of the new Iaeger Town Hall at the Old Pioneer Bank site and demolition of the existing municipal building. All utility services and construction would at a minimum meet the requirements determined by the building design and mandated by the International Building Codes and the State of West Virginia Building Codes. Office spaces based on the number of paid employees, a conference room, an external workshop/garage for equipment and tools necessary to maintain the community would be provided. In addition, parking for the replacement town hall would be included.



Figure 5: Preferred Site Plan



3.0 ENVIRONMENTAL SETTING AND CONSEQUENCES

3.1 Introduction

This section identifies potential direct and indirect effects of the final alternatives including both the No Action Alternative and the Alternative Site A (Old Pioneer Bank). Because this assessment tiers from the FEA approved 1997, only those resources identified that may potentially be affected by the PAA are addressed in this document. Each resource section below presents the environmental effects, as well as any associated mitigation measures, which, when implemented, would reduce the level of identified impacts to acceptable levels. When necessary, mitigation measures are proposed to avoid, reduce, minimize, or compensate for any significant effects. In determining the effects, the consequences of the PAA are compared to the consequences of taking no action.

3.2 Land Use

Land use at the existing site is a mixture of commercial, and the proposed project would only entail demolition of the existing town hall building. Land use at the relocation site was originally acquired and the building demolished and cleared through the Section 202 floodproofing program. The relocation site is located in the floodplain but not the regulatory floodway, and the finished floor would be required to have all damageable materials constructed above the 100-year flood elevation. The current site has not been redeveloped at this time. Impacts to land use would be minor. Therefore, no significant adverse impacts to land use are anticipated as part of the PAA.

There would be no impacts to land use as a result of the No Action Alternative (NAA).

3.3 Terrestrial Habitat

The existing town hall building is located in an area which has been previously disturbed, and the proposed work would only entail demolition of the existing facility. There would be no tree clearing required at the existing site. The PAA would be constructed primarily within previously disturbed areas; therefore, potential impacts to vegetation would be minimal and temporary. Only minor impacts during construction are anticipated to occur as the contractor would be required to return all areas disturbed during construction back to pre-existing condition. Therefore, no significant long-term impacts to terrestrial habitat are anticipated as part of the PAA.

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

3.4 Floodplains

Executive Order 11988 requires Federal agencies to consider the potential effects of their proposed actions to floodplains. In order to determine the PAA's potential floodplain impact, the



FEMA Flood Insurance Rate Maps (FIRM) were reviewed and the proposed construction work limits for the proposed relocation site are located within the area of minimal flood hazard (<https://www.fema.gov/floodplain-management/flood-zones>). The existing town hall building is located in Zone AE, which is within the regulatory floodway.

Under the PAA, the existing Iaeger Town Hall would be relocated from the regulatory floodway to Site A (Old Pioneer Bank), which is located within Zone X, an area with 0.2% annual chance flood hazard and would therefore significantly reduce the flood risk hazard. Underground infrastructure such as waterlines would result in no adverse impact to floodplain areas. The only above ground components would be the town hall building and associated amenities, which would be constructed above the base flood elevation and would not impede flood waters. Based on the findings and determination discussed in this report, the selected alternative is in compliance with EO 11988. Coordination with the floodplain manager for McDowell County is on-going and will be completed prior to execution of the Finding of No Significant Impact. No fill would be placed within the floodplain as part of the NAA.

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

3.5 Prime and Unique Farmland

The Farmland Protection Policy Act (FPPA) requires Federal agencies to minimize the conversion of prime and unique farmland to non-agricultural uses. The entirety of the project is located in “Urban land-Chavies complex”. The Huntington District has determined that due to the majority of the area being pre-disturbed and/or urban lands, the FPPA would not apply to this proposed project and no impacts on prime or unique, statewide or locally important farmland is expected to occur.

Therefore, no significant impacts to prime and unique farmlands are anticipated to occur from the PAA or NAA.

3.6 Aquatic Habitat/Water Quality

The proposed project area is located along the Tug Fork, part of the Big Sandy Watershed. Tug Fork and Dry Fork are listed in the West Virginia Department of Environmental Protection’s (DEP) 2016 WV Integrated Water Quality Monitoring and Assessment Report as impaired due to the presence of “fecal coliform” and “biological impairments”. Implementation of the PAA would not result in any new discharge of pollutants. Construction of the PAA would include implementation of best management practices (e.g., silt fencing, erosion control, etc.) so there would be no in-stream impacts, and no stream crossings would be needed. Based on the above, implementation of the PAA would not result in significant adverse short or long-term environmental habitat and water quality.

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



3.7 Wetlands

National Wetland Inventory Maps (NWI) were reviewed for the proposed project area. NWI mapping only identified riverine habitat and did not identify any wetlands within the project area. A site reconnaissance field investigation was conducted to determine the validity of NWI maps and it was confirmed that no wetlands are located within the proposed project area.

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

3.8 Wild and Scenic Rivers

No designated State Wild or Scenic Rivers are present within the proposed project area. Therefore, no impacts to these resources are anticipated as part of the PAA or NAA.

3.9 Hazardous, Toxic, and Radioactive Waste (HTRW)

A Limited Phase 1 HTRW Environmental Site Assessment was conducted for the Town of Iaeger Town Hall Relocation Site. The Huntington District HTRW staff reviewed environmental database records and conducted a site inspection on 19 May 2020 to reassess the tracts planned for construction of the Iaeger Town Hall. The intent of the database review and site inspection was to determine if any RECs or HTRW contamination were present within the project's construction work limits. Findings from the Phase 1 HTRW ESA were as follows:

The Corps' HTRW staff determined that there were no HTRW concerns. Because there were no structures on the relocation site, asbestos testing was not conducted. It was noted throughout the site that there is a presence of *Nostoc spp.* cyanobacteria, which poses no environmental threat, but care should be taken when walking the site to avoid slipping. Therefore, no impacts to HTRW are anticipated with the PAA. A clearance re-assessment memorandum was provided by Corps HTRW staff on 28 May 2020 (Appendix A).

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

3.10 Cultural Resources

Proposed work to address the relocation of the Iaeger Town Hall under Section 202(a) P.L. 96-367 requires compliance under 36 CFR Part 800; the regulations implementing Section 106 of the National Historic Preservation Act (NHA) of 1966 (54 U.S.C. 306108). As defined in 36 CFR Part 800.16(l)(1), a historic resource is a prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places (NRHP). The Huntington District (District) reviewed the West Virginia Division of Culture and History database and found no historic properties or archaeological sites in the project area. Due to a combination of the steep sloping topography and previous disturbance caused by grading of the area, installation of utilities, paving and construction of the Iaeger



Town Hall, it is unlikely that intact archeological resources are present in the area. Given the lack of historic properties and archaeological sites in the project area, pursuant to 36 CFR Part 800.3(a)(1), the District has determined the Undertaking will have no potential to cause effects to historic resources.

Should previously unidentified significant archaeological deposits, or unanticipated effects be discovered, construction in the area of the previously unidentified potential archaeological deposit, or unanticipated effects shall immediately cease and the District Archaeologist shall be contacted immediately. Construction cannot resume until the requirements of 36 CFR § 800.13(b)(3) have been met. The District shall contact the WVSHPO and Tribes within 48 hours of the discovery. The District shall ensure that a qualified archaeologist will assess the discovery within 48 hours of the discovery. Through consultation, the District, the WVSHPO, and Tribes shall agree upon the appropriate treatment of the discovery prior to resumption of construction activities in the area of discovery.

Should human remains unexpectedly be encountered during construction of the Project, all work must cease and a District Archaeologist shall be contacted immediately. The State Police, County Coroner, and the WVSHPO shall also be notified immediately. The person or persons encountering the human remains shall not photograph, move, or touch the remains. Additionally, no media is to be contacted. If the remains are not subject to a criminal investigation by local, state, or federal authorities, all applicable state and federal laws and regulations governing the discovery and disposition of human remains shall be followed. At the time that human remains are determined to be archeological in nature, Tribes shall also be contacted.

There would be no archeological impacts associated with the NAA.

3.11 Threatened and Endangered Species

According to the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool, there are five threatened and endangered species listed within the vicinity of the project. They are the Gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), Northern long-eared bat (*Myotis septentrionalis*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*), and Big Sandy crayfish (*Cambarus callainus*).

The proposed project would occur in previously disturbed land, and it is anticipated that no tree clearing would be required at the relocation or existing site. Therefore, the Corps' Huntington District has determined that the project would have no effect to the Gray bat, Indiana bat, Northern long-eared bat, and Virginia big-eared bat.

No construction related activities would take place with the PAA that would directly disturb surface water resources, and no stream crossings would occur. Therefore, the Corps' Huntington District has determined that there would be 'no effect' to the Big Sandy crayfish. No Further coordination under Section 7 of the Endangered Species Act and Fish and Wildlife Coordination Act is required.



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

3.12 Air Quality

According to the U.S. Environmental Protection Agency (USEPA) website, McDowell County is classified as “in attainment” for all criteria pollutants. Under the PAA, emissions from construction equipment would occur during the construction period. Contractors would be required to operate all equipment in accordance with local, state and Federal regulations. The PAA is exempt through 40 CFR Part 93.153 from making a conformity determination, since estimated emissions from construction equipment would not be expected to exceed *de minimis* levels, or have direct emissions of a criteria pollutant or its precursor. Any impacts would be short-term, localized and would occur during construction activities. Impacts to air quality under the PAA would be temporary during construction and would be considered minor.

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

3.13 Noise

Ambient noise around the project area is representative of mixed commercial and residential. Noise associated with the PAA would be limited to sounds generated during construction. The noise associated with construction would be short in duration and would only occur during daylight hours. Noise is measured as Day Night average noise levels (DNL) in “A-weighted” decibels that the human ear is most sensitive to (dBA). There are no Federal standards for allowable noise levels. According to the Department of Housing and Urban Development Guidelines, DNLs below 65 dBA are normally acceptable levels of exterior noise in residential areas. The Federal Aviation Administration (FAA) denotes a DNL above 65 dBA as the level of significant noise impact. Several other agencies, including the Federal Energy Regulatory Commission, use a DNL criterion of 55 dBA as the threshold for defining noise impacts in suburban and rural residential areas. According to Dr. Paul Schomer in his 2001 Whitepaper, while there are numerous thresholds for acceptable noise in residential areas, research suggests an area’s current noise environment, which has experienced noise in the past, may reasonably expect to tolerate a level of noise about 5 dBA higher than the general guidelines. The Corps Safety and Health Requirements Manual provides criteria for temporary permissible noise exposure levels (see Table 2 below), for consideration of hearing protection or the need to administer sound reduction controls.

Duration/day (hours)	Noise level (dBA)
8	90
6	92
4	95
3	97



2	100
1.5	102
1	105

Construction would temporarily increase ambient noise levels due to the operation of construction equipment. The noise levels at the site would fluctuate depending on the types of equipment that are in use, the way the equipment is operated, real estate acquisition, and construction sequencing. Therefore noise levels would be variable throughout the workday and project duration. Construction projects are usually executed in stages, each having its own combination of equipment and noise characteristics and magnitudes. Construction activities of the proposed project area expected to be typical of similar construction projects and will include mobilization, site preparation, limited excavation, equipment movement, etc.

The majority of the noise in the project area would be associated with demolition of the existing town hall and construction of the proposed town hall. Noise impacts would temporarily occur to local residences and businesses. Actual peak noise levels and associated vibration would vary at any given location during construction. Relatively high peak noise levels in the range of 78-90 dBA would occur on the active construction site, decreasing with distance from the construction area. Indirect impacts include noise from worker commuting and material transport, increasing noise levels. In addition, indoor noise levels would be expected to be 15-25 dB lower than outdoor levels. Short term noise impacts would be further mitigated to the extent feasible using Best Management Practices (i.e. mufflers on all construction equipment, monitoring) and complying with applicable state regulations. Therefore, impacts to noise from the PAA would be temporary and minor.

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

3.14 Environmental Justice and Protection of Children

Executive Order (E.O.) 12898 requires Federal actions to address environmental justice in minority populations and low-income populations. Historically, McDowell County's population has mirrored the growth and decline of the coal mining industry. Population growth occurred between 1900 and 1950 at varying rates and peaked in 1950 at 98,887. Since 1950, however, population has declined due to occupational shifts and decrease in mining activities. Census data indicates McDowell County has a population of 17,624 and is 90.0% white and has a median household income of \$26,547 compared with the median household income of \$44,921 for the State of West Virginia. Individuals residing in the county below the poverty level is 35.4% compared to the 17.8% statewide.

The Town of Iaeger community has an estimated total population of 307, compared to a population of 358 in 2000. Race within the community is 99.3% white and all other races make up 0.7% of the total population. The median income for a household is \$22,679. Out of the total population, 44.3% are living below the poverty level. The most common job groups for the Town of Iaeger include office and administrative support occupations, building and grounds cleaning and maintenance operations, and transportation occupations.

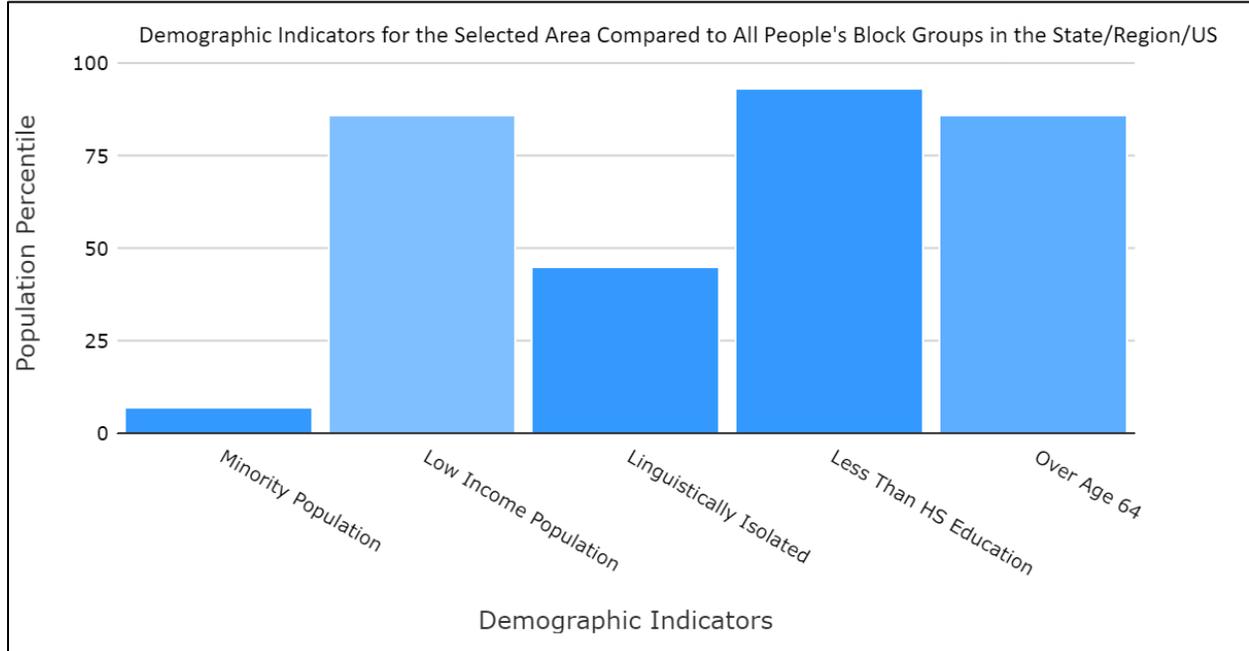


Figure 6: Demographic Indicators for the Town of Iaeger, West Virginia (EJSCREEN. EPA)

Of the housing units available within the town, 14% are renter occupied and the remaining 86% are owner occupied. The Tug Fork Valley FEIS identified that historically, housing resources in the basin have been fair to poor in quality with needs for decent, safe, and sanitary housing being greater than supply, and that repeated flooding has been a major factor causing accelerated attrition in the quality and quantity of housing and public infrastructure. Furthermore, the FEIS states that eligible state or local government structures required for the continuing performance of a governmental function and located on property owned by the government entity are either protected in place or relocated under the relocation provisions of the Engineer Federally Acquisition Regulation Supplement (EFARS).

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

The PAA does not unfairly affect any segment of the population. Implementation of the PAA would provide a safe and reliable town hall for the community. No homes or buildings would be adversely impacted by the proposed project; therefore, the PAA meets the directive of EO 12898 by avoiding any disproportionately high adverse human health or environmental effects on minority or low income populations. In addition, the project is in compliance with EO 13045



“Protection of Children from Environmental Health Risks and Safety Risks,” as there are no health or safety concerns affecting children.

Under the NAA, no additional flood risk management measures would be implemented. Periodic flooding would continue and flood damage could cause hardship for the community. Relocation of the town hall would not occur, and the existing facility would remain intact.

3.15 Aesthetics

The project area is rural, consisting of commercial and residential properties. Aesthetics in the project area range from pleasing to deteriorating due to frequent flooding. Disturbance of local aesthetics would be anticipated during construction due to the relocation and demolition of the Iaeger Town Hall. Following construction, it is anticipated the relocation site would contain the Iaeger Town Hall and its associated amenities, and the existing site would be vacant. A new town hall would be beneficial to local aesthetics and have positive effects on the project area. Therefore, the PAA would not have any adverse impacts to local aesthetics.

There are no impacts to local aesthetics under the NAA.

3.16 Transportation and Traffic

The project area is located along Circle Street in downtown Iaeger, West Virginia. There is minimal traffic in this area.

During construction of the proposed town hall, the contractor would utilize Circle Street for access to the existing and relocation site. Construction of the PAA would involve intermittent and temporary lane closures during routing of the proposed utilities. In addition, there is a road behind the site that can also be utilized by traffic. If detours would occur, they would be relatively minor and temporary in nature. Construction on or near road surfaces would be in compliance with standard traffic controls to minimize traffic disruptions and avoid public safety problems. Impacts anticipated to occur from the PAA would be minimal and temporary in nature.

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

3.17 Health and Safety

The PAA has been designed to provide a safe, reliable town hall to serve residents in the project area that are currently utilizing a facility that could not withstand the 100-year flood. Therefore, the PAA is anticipated to have a long-term beneficial impact on health and safety of the residents in the project area.

Under the NAA, residents would continue to utilize the existing town hall, which poses health and safety concerns that could cause minor to potentially significant negative impacts on the community.



3.18 Cumulative Effects

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

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

Temporal and geographical limits for this Project must be established in order to frame the analysis. These limits can vary by the resources that are affected. The construction of the proposed town hall would have minimal and insignificant negative impacts on the environment. Long-term benefits to the community would result from the PAA. The temporal limits for assessment of this impact would initiate in 1981 with the passage of the Section 202 of the Energy and Water Development Appropriations Act and end 50 years after completion of this project. The geographical extent would be broadened to consider effects beyond the PAA and is considered to be the Big Sandy Watershed.

Tug Fork and Dry Fork are listed in the West Virginia Department of Environmental Protection's (DEP) 2016 WV Integrated Water Quality Monitoring and Assessment Report as impaired due to the presence of "fecal coliform" and "biological impairments". In the past, flood risk management measures under the Section 202 authority has occurred. Additionally, other nonstructural and structural measures have occurred under the Section 202 authority in the Big Sandy Watershed. These past actions had similar temporary impacts but no significant cumulative impact. The Tug Fork is part of the Big Sandy River Basin. Watershed studies for the Big Sandy River Basin have been undertaken recently by both the Corps and USDA, and a Watershed and Flood Prevention Operations (WFPO) Program for Elkhorn Creek in McDowell County began during the 2018 fiscal year. The WFPO Program includes the Flood Prevention Operations Program authorized by the Flood Control Act of 1944 (P.L. 78-534) and the provisions of the Watershed Protection and Flood Prevention Act of 1954 (P.L. 83-566). The Watershed Protection and Flood Prevention Act provides for cooperation between the Federal government and the States and their political subdivisions in a program to prevent erosion, floodwater, and sediment damage; to further the conservation, development, utilization, and disposal of water; and to further the conservation and proper utilization of land in authorized watersheds. In the future, watershed programs may continue to address obstruction to stream



flow and other maintenance activities. Impairment of the Tug Fork is expected to continue as a result of existing contributing factors.

Section 3.0 documents the environmental effects of the PAA and No Action Alternative with respect to existing conditions. The effects of the PAA, as discussed beforehand, are localized and temporary. Past actions that may have resulted in similar effects include nonstructural and structural actions as well as construction of the relocation site. Past, present, and reasonably foreseeable projects outside of the immediate area have produced, or would likely produce, noise disturbances of various degrees. The additional traffic and construction equipment associated with the construction of the proposed town hall and the demolition of the existing town hall would increase noise in the project area. Impacts would be moderate and temporary. Through compensation of a facility relocation, long-term cumulative socioeconomic benefits would be realized. In the future, implementation of additional flood risk management measures in the project area for the McDowell County Nonstructural Project would be constructed. These actions would have similar impacts as the proposed action and actions identified in the 1997 FEA.

The availability of Federal funds through the 202 Program is an additional benefit to assist an area that has in the past received numerous flooding and damages. Given the current program is in place for the foreseeable future and the overall beneficial effect from implementation of the PAA, there is expected to be a positive cumulative effects on populations based on past, present, and reasonably foreseeable actions.

4.0 STATUS OF ENVIRONMENTAL COMPLIANCE

The PAA will be in full compliance with all local, state, and Federal statutes as well as Executive Orders prior to issuance of a FONSI. Compliance is documented below in Table 3.

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



Table 2 - Environmental Compliance Status			
Populations and Low-Income Populations			
Executive Order 13045 Protection of Children	X		

*Would be in compliance prior to execution of the FONSI

5.0 AGENCY AND PUBLIC REVIEW

The SEA and FONSI was made available for agency and public review and comment for a period of 30 days, as required under NEPA. A Notice of Availability was published in the local newspaper, The Welch News, on **DATE** advising the public of this document’s availability for review and comment. A copy of the SEA was also placed in the McDowell Public Library and will be made available on-line at:

<http://www.lrh.Corps.army.mil/Missions/PublicReview.aspx>.

The mailing list for the SEA is located in Appendix C.

6.0 CONCLUSION

The proposed relocation of the Iaeger Town Hall would provide a safe, reliable facility for the community of Iaeger, West Virginia. No significant adverse impacts have been identified as a result of the implementation of the proposed relocation project. The majority of construction would take place on previously disturbed lands. Effects associated with construction would be temporary and minor. BMPs would be implemented during construction to minimize impacts to residents and the environment. Therefore, the PAA would not be expected to have significant impacts on the human environment.

7.0 REFERENCES

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