

January 9, 2025

Attention: Interested Parties

Subject: Project Description and Findings of 8-Step Process (Steps 1-5)
Berkeley County Commission
Inwood Park Project
Community Project Funding Grant, Number: B-24-CP-WV-2389
Berkeley County, West Virginia
CEC Project 323-041

Dear Interested Parties:

On behalf of the Berkeley County Commission (BCC), Civil & Environmental Consultants, Inc. (CEC) has prepared this letter to provide a project description and to document Steps 1-5 of the United States Department of Housing & Urban Development's (HUD) 8-Step decision-making process for the proposed Inwood Park Project (Community Project Funding Grant, Number: B-24-CP-WV-2389) located in Berkeley County, West Virginia.

1.0 PROJECT DESCRIPTION

BCC plans to develop a vacant lot northwest of U.S. Route 11 (Winchester Avenue) across from Musselman High School in Inwood, West Virginia for a recreational park identified as Inwood Park. The construction of the park involves earthwork, grading and layout for pavilions, Americans with Disabilities Act (ADA) playground, soccer fields, amphitheater, splash pad, walking trails with benches, onsite parking, restroom facilities, driveway paving, and utility line installation and extension.

The proposed park entrance would be off of U.S. Route 11 and would include a pedestrian crossing with a crosswalk at the intersection of U.S. Route 11 and the new park entrance. The proposed crossing would have advance warning signs and flashing LED crossing signs activated by push button to allow for safe passage of students/pedestrians to the park. Crosswalks would also be installed throughout the park where the multi-use pathway crosses the proposed road. Fencing would be installed along the perimeter of the park and at the proposed entrance to the park to delineate private property and prevent trespassing. An earthen mound would be installed in the northern portion of the project to create a privacy screen and block out the adjacent commercial businesses.

Additionally, there would be a proposed stormwater conveyance system that includes catch basins, drainage ditches, stormwater basin, bioretention facilities, and storm pipes to manage stormwater. The recreational pond would be lined, installed with inlet protection and an outlet structure. The bioretention facility which includes a vegetated drainage channel, will help filter stormwater before its released back into the environment by an outlet underdrain. The proposed project would be developed within a 24.76-acre limit of disturbance (LOD).

2.0 DECISION MAKING PROCESS

Step 1: Determine whether the proposed action is in a wetland.

CEC conducted a wetland delineation following the routine onsite determination method described in the United States Army Corps of Engineers' (USACE) Wetlands Delineation Manual, and the 2012 USACE Eastern Mountains and Piedmont Regional Supplement. CEC conducted the delineation study within an approximately 26.31-acre Area of Interest (AOI) on February 21, 2023, and August 28, 2024. The AOI represents the geographic extent of field assessments and encompassed the proposed 24.76-acre LOD. In addition to the identification of wetlands, CEC assessed the site for the presence of streams, utilizing a weight-of-evidence approach with regard to stream morphology. CEC delineated one 0.005-acre palustrine emergent (PEM) wetland; no streams were delineated. The results of the delineation study are provided on Figure 1.

The 0.005-acre wetland will be permanently impacted from grading activities and fill that will be required to construct a multi-use pathway and inclusive playground. A Pre-construction Notification (PCN) for Section 404 Nationwide Permit-42 (NWP-42) for Recreational Facilities was submitted to the USACE on September 10, 2024, requesting authorization to place fill within the wetland. The West Virginia Department of Environmental Protection (WVDEP) was also supplied a copy of the PCN. The WVDEP responded on September 10, 2024, that BCC had fulfilled Standard Condition 1 for prior written notification for the nationwide permit. The USACE issued the NWP-42 verification on November 21, 2024.

Step 2. Notify the public of a proposal to consider an action in the wetland and involve the public in the decision making process.

An Early Public Notice for the environmental review was published in the Martinsburg Journal, as well as placed in a public space at the Berkeley County Council's Dunn Building located at 400 West Stephen Street in Martinsburg. The notice was intended to target local residents. Resource agencies were also supplied a copy of the Early Public Notice, a copy of those agencies notified is provided in Attachment A.

The required 15 calendar days were allowed for public comment. As required by regulation, the notice also included the name, proposed location and description of the activity, total acreage of wetlands proposed for impact, and the HUD official or responsible entity contact (Gary Wine) for information, as well as the location and hours of the office at which a full description of the proposed action can be viewed. The project description and documentations of Steps-1-5 of HUD's 8-step process were available for review at the Dunn Building.

Step 3. Identify and evaluate practicable alternatives to locating the proposed action in a wetland. The alternatives considered included a determination not to consider any action, a determination to seek alternative sites in-addition-to consideration of feasible technological alternatives, hazard reduction methods, related mitigation costs and environmental impacts.

Various design iterations occurred to arrive at the currently proposed design. The previous designs included an assessment of various park features and community needs. An alternative action that didn't involve development of a park project was not seriously considered. The BCC currently owns

the tract of land and wants to utilize the property to provide health and wellbeing benefits to its residents; however, the BCC did include a No Action Alternative, which is described below.

Under a No Action Alternative, the park project would not be developed. Short-term effects of air quality, noise, and traffic due to construction activities would be avoided. The area would remain a vacant, unused tract of land. Under the No Action Alternative, recreational space for the residents of Inwood would not be provided. There would be no short-term benefit to jobs and associated opportunities to draw visitors to the area would not occur, resulting in a potential loss of tourism dollars. The No Action Alternative was evaluated but was ruled out as it would not address the community needs nor would it fulfill the goals identified in the Berkeley County Comprehensive Plan, which includes (1) providing recreational opportunities for county residents and tourists to meet both current and future needs, (2) coordinate and expand recreational planning, and (3) enhance the quality of life.

The proposed action represents the most technically feasible and least environmentally damaging practicable alternative. Although the project does propose to impact one wetland, due to the small size (0.005-acre) of the wetland to be impacted, it does not likely provide flood protection, have an ability to lower flood peaks, provide recreational opportunities, or provide critical habitat for flora and fauna. As previously mentioned, a PCN was prepared to request federal authorization for the discharge of fill into the wetland under NWP-42. NWPs provide authorization for impacts to aquatic features that will cause no more than minimal adverse impacts. The NWP-42 verification was issued by the USACE on November 21, 2024.

Step 4. Identify the potential direct and indirect impacts associated with the occupancy or modification of the wetland.

The proposed project would involve a direct impact to one 0.005-acre wetland. The wetland was located in a depressional area where surface water ponded above a restrictive rock layer. Due to inundation during the growing season, the wetland was sparsely vegetated (5% cover) and does not likely provide foraging habitat or cover to wildlife. This impact is not anticipated to result in an adverse impact to the ecosystem. Though wetlands can retain water from precipitation events and help to alleviate flooding, due to the small size of the wetland to be impacted, it does not likely provide flood protection or have an ability to lower flood peaks. As such, indirect adverse impacts to the surrounding environment are not anticipated.

Step 5. Where practicable, design or modify the proposed action to minimize the potential adverse impacts within the wetland and to restore and preserve its natural and beneficial values.

The proposed action was designed to avoid and minimize impacts to the aquatic and terrestrial environment. The basic premise of Section 404 of the federal Clean Water Act permitting program is that no discharge of material would be permitted if a practicable alternative exists that is less damaging to the aquatic environment, or if the discharge of material would significantly degrade the nation's water. As previously mentioned, no significant adverse impacts to the environment are anticipated from the proposed 0.005 acre of wetland impact that is currently proposed.

3.0 CLOSING

Written comments must be received by the Responsible Entity at the following address on or before January 29, 2025: Gary Wine (County Administrator), 400 West Stephen Street, Suite 201; Martinsburg, WV 25401 or at (304) 264-1923. Comments may also be submitted via email at gwine@berkeleywv.org.

Respectfully submitted,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

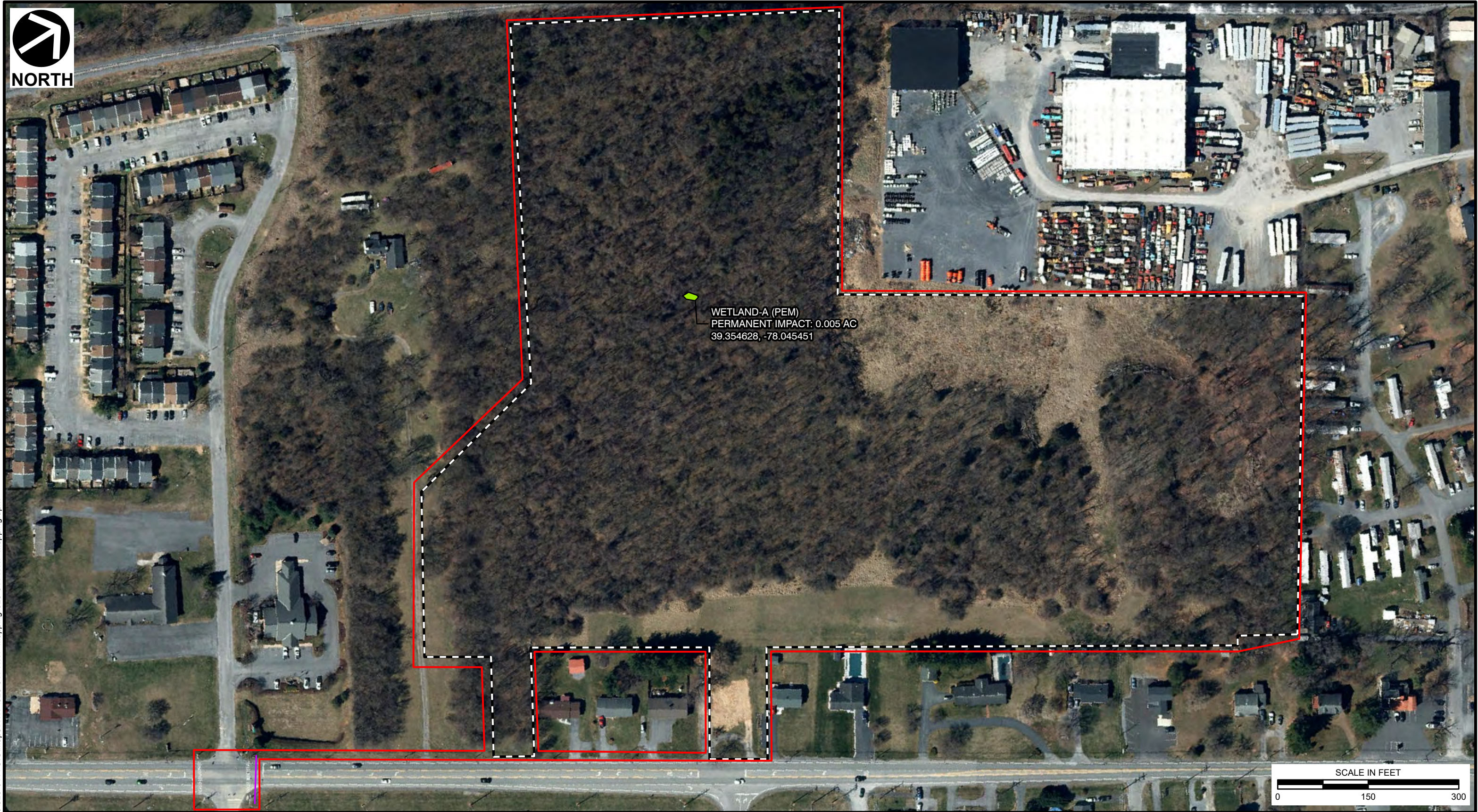
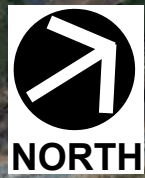


Jacquelyn Kester
Principal

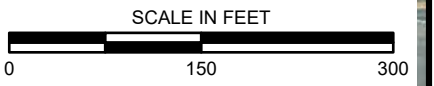


Alex Cook
Project Manager

FIGURE 1 – AQUATICS IMPACT MAP



WETLAND-A (PEM)
PERMANENT IMPACT: 0.005 AC
39.354628, -78.045451



Legend

- DELINEATION AREA (26.31 AC) PEM - WETLAND
- LOD (24.76 AC) IDENTIFIED CULVERT

REFERENCES

1. WEST VIRGINIA AERIAL PHOTOS MIXED RESOLUTION
MAGERY. [HTTP://SERVICES.WVGIS.WVU.EDU](http://services.wvgis.wvu.edu)
ACCESSED 8/28/2024, IMAGERY DATE: 2018.



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BERKELEY COUNTY COMMISSION
INWOOD PARK
BERKELEY COUNTY
WEST VIRGINIA

AQUATICS IMPACT MAP

DRAWN BY: BAC
DATE: 8/30/2024

CHECKED BY: LEM
SCALE: 1" = 150'

APPROVED BY: JDK
PROJECT NO: 323-041

FIGURE NO: **2**

ATTACHMENT A
AGENCY MAILING LIST

Agencies Contacted during the 8-Step Decision Making Process

Federal Emergency Management Agency, Region 3
P.O. Box 10055
Hyattsville, MD 20782-8055
fema-r3-hm-planning@fema.dhs.gov

Berkeley County Emergency Management Agency
Laura Hoffmaster
400 West Stephen Street, Suite 203
Martinsburg, WV 25401
lhoffmaster@berkeleywv.org

United States Environmental Protection Agency, Region 3
Four Penn Center
1600 JFK Boulevard.
Philadelphia, PA 19103-2029
R3_HUDNEPA@epamail.epa.gov

United States Army Corps Engineers, Pittsburgh District
1000 Liberty Avenue, Suite 2200
Pittsburgh, PA 15222
regulatory.permits@usace.army.mil

United States Fish and Wildlife Service
6263 Appalachian Highway
Davis, WV 26260
FW5_WVFO@fws.gov

West Virginia Department of Environmental Protection, Division of Water and Waste Management
Ms. Jackie Thornton
601 57th Street, SE
Charleston, WV 25304
jackie.n.thornton@wv.gov

West Virginia Division of Natural Resources, Wildlife Resources
Mr. Jared Varner
738 Ward Road
Elkins, WV 2624
jared.i.varner@wv.gov

West Virginia Division of Cultural and History
Ms. Yvette Montanez
1900 Kanawha Blvd, East
Charleston, WV 25305
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Region IX Planning and Development Council
Ms. Rachel Snavely
226 Pilot Way, Suite E
Martinsburg, West Virginia 25405
rsnavely@region9wv.com