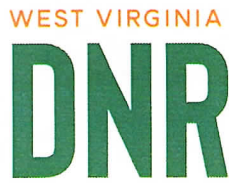


*Appendix B*  
*Agency Correspondence*



Governor Jim Justice

Director Brett W. McMillion

March 12, 2024

William Wallace  
Cerrone Associates, Inc.  
97 14th Street  
Wheeling WV 26003  
[wwallace@cerrone1.com](mailto:wwallace@cerrone1.com)

Dear Mr. Wallace,

We have reviewed Natural Heritage Program files for information on rare, threatened, and endangered (RTE) species and sensitive habitats for the area of the proposed Central Hampshire PSD Southwestern Hampshire County Water Extensions.

According to our database, the project is located within a few sensitive habitats as listed on the table below.

Species (Latin Name) or Habitat Feature	Common Name	Location/Description	Status
<i>Haliaeetus leucocephalus</i>	Bald eagle	2 nest sites 2 mile buffer	Federal: Bald and Golden Eagle Protection Act
Mill Creek			State: mussel and DNR designated high quality warm water fishery

There are no bats, RTE species, reproducing trout streams, or other sensitive habitats within the project buffer. The information provided above is the product of a database search and retrieval. This information does not satisfy other consultation or permitting requirements for disturbances to the natural resources of the state, and further consultation may be required.

Additionally, any concurrence requirements for federally listed species must come from the US Fish and Wildlife Service. The Wildlife Resources Section knows of no other surveys that have been conducted in the area for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the area under review. This response is valid for two years.

The information provided searched the following RTE bat buffers: Indiana bat (roost buffers - 2.5 miles, capture buffers - 5 miles, cave buffers - 5 miles), Northern Long-eared bat (roost buffers - 0.25 miles, capture buffers - 3 miles, cave buffers - 0.5 and 5 miles), tricolored

bat (capture buffers - 3 miles, cave buffers - 5 miles) and the Virginia Big-Eared bat (cave buffers - 6 miles). The information provided above is the product of a database search and retrieval. This information does not satisfy other consultation or permitting requirements for disturbances to the natural resources of the state, and further consultation may be required. Additionally, any concurrence requirements for federally listed species must come from the US Fish and Wildlife Service.

Thank you for your inquiry, and should you have any questions please feel free to contact me at the number below, or [Anne.M.Wakeford@wv.gov](mailto:Anne.M.Wakeford@wv.gov). Enclosed please find an invoice.

Sincerely,

*Anne M. Wakeford*

Anne M. Wakeford  
Wildlife Biologist  
Environmental Coordination  
Operations Unit

Enclosure

Drive\Invoices\Cerrone 3

Governor Jim Justice



Director Brett W. McMillion

**INVOICE**

**NO. 224-716**

**In Account With:** Cerrone Associates, Inc.  
97 14th Street  
Wheeling WV 26003

**Date: Mar 13, 2024**

**Attention:** William Wallace

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For the retrieval and compilation of information on rare, threatened, and endangered species and sensitive habitats for the proposed Central Hampshire PSD Southwestern Hampshire County Water Extensions.

**AMOUNT DUE: \$75.00**

Make check payable to the WV Division of Natural Resources, and mail to the attention of Jessica Swecker at the address below. Please include the invoice number on your check.

If paying by credit card, contact Jessica Swecker at the number below. Please have your invoice number available.

**Please reference the invoice number on your check.**

**WEST VIRGINIA DIVISION OF NATURAL RESOURCES | ELKINS OPERATION CENTER**

P.O. Box 67 | 738 Ward Road | Elkins, WV 26241 | **ph** (304) 637-0245 | **fax** (304) 637-0250 | [WVdnr.gov](http://WVdnr.gov)

Ryanella



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

West Virginia Field Office  
90 Vance Drive  
Elkins, West Virginia 26241



Contact Name: Dominick Paul Cerrone

Email Address or Fax Number: dpcerrone@cerrone1.com

FWS File # 2020-I-0705 All future correspondence should clearly reference this FWS File #.

Project: Central Hampshire PSD - Southwestern Hampshire County Waterline Extension

Date of Letter Request: April 8, 2020

This is in response to your letter requesting threatened and endangered species information in regard to the proposed project listed above. These comments are provided pursuant to the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U. S. C. 1531 *et seq.*).

Two federally listed species could occur in the project area: the endangered Indiana bat (*Myotis sodalis*) and the threatened northern long-eared bat (*Myotis septentrionalis*) (NLEB).

The Indiana bat and NLEB may use the project area for foraging and roosting between April 1 and November 15. Indiana bat summer foraging habitats are generally defined as riparian, bottomland, upland forest, and old fields or pastures with scattered trees. Roosting/maternity habitat consists primarily of live or dead hardwood tree species which have exfoliating bark that provides space for bats to roost between the bark and the bole of the tree. Tree cavities, crevices, splits, or hollow portions of tree boles and limbs also provide roost sites. In West Virginia, the U.S. Fish and Wildlife Service (Service) considers all forested habitat containing trees greater than or equal to 5 inches in diameter at breast height to be potentially suitable as summer roosting and foraging habitat for the Indiana bat.

Indiana bats feed on emerged aquatic and terrestrial flying insects. Moths, caddisflies, flies, mosquitoes, and midges are major prey items. Aquatic insects that have concentrated emergences or that form large mating aggregations above or near water appear to be preferred prey items. As a result, streams, wetlands, and associated riparian forests are often preferred foraging habitats for pregnant and lactating Indiana bats. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (e.g., old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures. Increased erosion and sedimentation of streams reduces diversity and biomass of benthic invertebrates, i.e. insects. Some projects propose impacts to aquatic features such as streams or wetlands, which could result in a decrease in insects available to both bat species for foraging.

Updated April 2018

Similar to the Indiana bat, NLEB foraging habitat includes forested hillsides and ridges, and small ponds or streams. NLEB are typically associated with large tracts of mature, upland forests with more canopy cover than is preferred by Indiana bats. NLEB seem to be flexible in selecting roosts. They choose roost trees based on suitability to retain bark or provide cavities or crevices, and this species is known to use a wider variety of roost types than the Indiana bat. Males and non-reproductive females may also roost in cooler places like caves and mines. Although rare, this bat has also been found roosting in structures like barns and sheds.

Indiana bats and NLEB use caves or mine portals for winter hibernation between November 15 and March 31. These species also use the hibernacula and the areas around them for fall-swarming and spring-staging activity (August 15 to November 14 and April 1 to May 14, respectively). Some males have been known to stay close to the hibernacula during the summer and may use the hibernacula as summer roosts. There may be other landscape features being used as hibernacula by NLEB during the winter that have yet to be documented.

The Service has reviewed the number of acres of potentially suitable foraging and roosting habitat on the West Virginia landscape available to each Indiana bat, versus the total acreage of forest. On that basis, we have determined that small projects, more than 10 miles from a known priority 1 or 2 Indiana bat hibernaculum, more than 5 miles from a known priority 3 or 4 Indiana bat hibernaculum, or more than 2.5 miles from any known maternity roost, or more than 5 miles from summer detection sites where no roosts were identified, that affect less than 17 acres of forested habitat, and will not affect any potential hibernacula, will have a very small chance of resulting in direct or indirect effects to the Indiana bat, and therefore these effects are considered discountable. **Please note that the Service may review and update this assessment at any time as new information becomes available.**

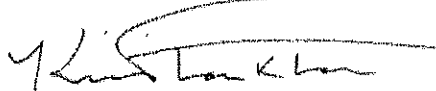
The Service does not anticipate that this project is likely to adversely affect the Indiana bat because your project: 1) will affect less than 17 acres of potential Indiana bat foraging or roosting habitat; 2) is not within any of the Indiana bat hibernacula or summer use buffers described above; 3) will not affect any potential caves or mines that could be used as hibernacula for this species; and 4) effects to aquatic features used for foraging habitat will be insignificant.

The NLEB may occur within the range of the proposed project, and may be affected by the proposed construction and operation of this project. Any take of NLEB occurring in conjunction with these activities that complies with the conservation measures (as outlined in the 4(d) rule), as necessary, is exempted from section 9 prohibitions by the 4(d) rule and does not require site specific incidental take authorization. Note that the 4(d) rule does not exempt take that may occur as a result of adverse effects to hibernacula and that no conservation measures are required as part of the 4(d) rule unless the proposed project: 1) involves tree removal within 0.25 miles of known NLEB hibernacula; or 2) cuts or destroys known, occupied maternity roost trees or any other trees within a 150-foot radius around known, occupied maternity tree during the pup season (June 1 to July 31). This proposed project is not located within any of these radii around known hibernacula or roost trees and will not affect any known NLEB hibernacula, therefore any take of NLEB associated with this project is exempted under the 4(d) rule and no conservation measures are required.

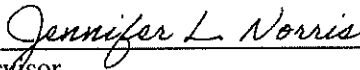
This letter provides technical assistance only and does not serve as a completed section 7 consultation document. If there is a Federal nexus for the project (e.g., Federal funding provided, Federal permits required to construct), no tree clearing or any project construction activities on any portion of the parcel should occur until consultation under section 7 of the ESA, between the Service and the Federal action agency, is completed. Section 7 consultation is not complete until the Federal action agency submits a determination of effects to this office, the Service concurs with the Federal action agency's determination, and the Federal action agency agrees to limit tree clearing to under 17 acres as a mandatory condition for any permit decision rendered for this project. All measures must be implemented as proposed. If there is no Federal nexus associated with this project, then no further coordination with this office is required.

Should project plans change or amendments be proposed that we have not considered in your proposed action, or if additional information on listed and proposed species becomes available, or if new species become listed or critical habitat is designated, this assessment may be reconsidered.

If you have any questions regarding these comments, please contact the biologist listed below at (304) 636-6586 or at the letterhead address.

  
\_\_\_\_\_  
Biologist

Date: 5/28/2020

  
\_\_\_\_\_  
Field Supervisor

Date: 6/17/2020



West Virginia Department of  
**ARTS, CULTURE  
AND HISTORY**

The Culture Center  
1900 Kanawha Blvd., E.  
Charleston, WV 25305-0300

Randall Reid-Smith, Curator  
Phone 304.558.0220 • [www.wvculture.org](http://www.wvculture.org)  
Fax 304.558.2779 • TDD 304.558.3562  
EEO/AA Employer

December 20, 2023

Ms. Kim Ruddle  
Project Assistant  
Region 8 Planning and Development Council  
131 Providence Lane  
Petersburg, WV 26847  
Via email: [kruddle@regioneight.org](mailto:kruddle@regioneight.org)

RE: Central Hampshire PSD – Purgitsville Phase III Water Project  
FR#: 24-0173-HM

Dear Ms. Ruddle:

We have reviewed the technical report titled, *Phase I Archaeological Survey for the Central Hampshire Public Service District – Purgitsville Phase III Water Project in Hampshire County, West Virginia*, that was prepared and submitted by Weller & Associates, Inc. for the above referenced project. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties, we submit our comments.

Archaeological Resources:

According to the submitted report, the project's area of potential effect (APE) for direct effects is defined as the area disturbed by the installation of approximately 45,000 linear feet of water line within a 10-foot-wide corridor, which encompasses 10.33-acres (4.16 hectares). The project APE was investigated via visual inspection and systematic shovel testing. A total of 193 shovel test pits (STPs) were excavated within the APE. No cultural materials were recovered during the survey and no new archaeological sites were identified. We concur with the consultant's conclusion that no further work is necessary. In our opinion, the proposed Purgitsville Phase III Water Project will have no effect on archaeological historic properties. No further consultation is necessary regarding archaeological resources.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Carolyn M. Kender, Archaeologist, at (304) 558-0240.*

Sincerely,

Susan M. Pierce  
Deputy State Historic Preservation Officer

SMP/CMK

CC: Seth Cooper, Weller & Associates, Inc. ([scooper@wellercrm.com](mailto:scooper@wellercrm.com))  
Jamie Vosvick, Weller & Associates, Inc. ([jvosvickwv@wellercrm.com](mailto:jvosvickwv@wellercrm.com))





# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
West Virginia Ecological Services Field Office  
6263 Appalachian Highway  
Davis, WV 26260-8061  
Phone: (304) 866-3858 Fax: (304) 866-3852



In Reply Refer To:

05/30/2024 13:53:01 UTC

Project Code: 2024-0072999

Project Name: CE10-13W Purgitsville Phase III

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

## OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**West Virginia Ecological Services Field Office**  
6263 Appalachian Highway  
Davis, WV 26260-8061  
(304) 866-3858

## PROJECT SUMMARY

Project Code: 2024-0072999

Project Name: CE10-13W Purgitsville Phase III

Project Type: Distribution Line - New Construction - Below Ground

Project Description: The Central Hampshire PSD is proposing a water line extension project along US Route 220 in Hampshire County, WV near the Hardy County line. Approximately 45,000 LF of water line will be installed.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.26608055,-78.91065245709916,14z>



Counties: Hampshire and Mineral counties, West Virginia

## ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## MAMMALS

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"><li>All activities in this location should consider potential effects to this species. This project is not within a known-use area, but potentially occupied habitat may exist. Please contact the WVFO for further coordination.</li></ul> Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"><li>This species only needs to be considered if the project includes wind turbine operations.</li></ul> Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

## CLAMS

NAME	STATUS
Green Floater <i>Lasmigona subviridis</i> There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7541">https://ecos.fws.gov/ecp/species/7541</a>	Proposed Threatened

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

# USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

- 
1. The [Bald and Golden Eagle Protection Act](#) of 1940.
  2. The [Migratory Birds Treaty Act](#) of 1918.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<b>Bald Eagle <i>Haliaeetus leucocephalus</i></b> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Sep 1 to Aug 31
<b>Golden Eagle <i>Aquila chrysaetos</i></b> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a>	Breeds elsewhere

## PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

### Breeding Season (■)

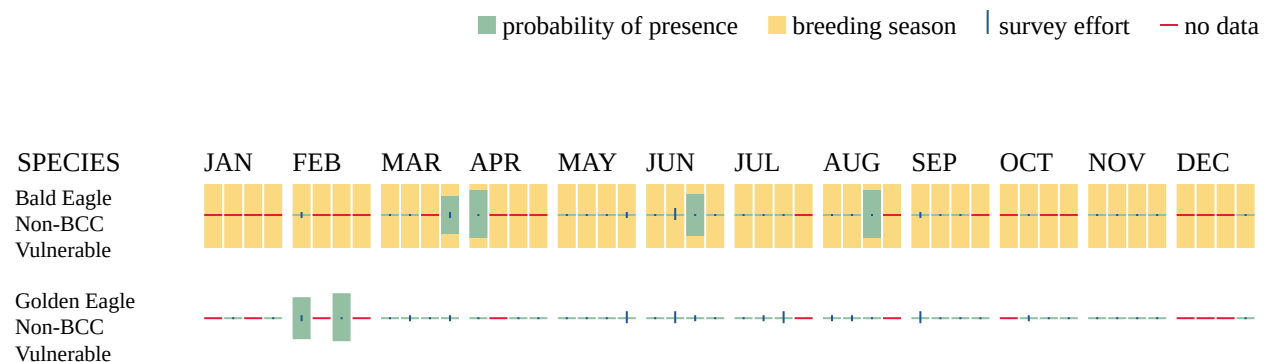
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

### Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

### No Data (—)

A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>



# MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<b>Bald Eagle <i>Haliaeetus leucocephalus</i></b> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Sep 1 to Aug 31
<b>Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9399">https://ecos.fws.gov/ecp/species/9399</a>	Breeds May 15 to Oct 10
<b>Black-capped Chickadee <i>Poecile atricapillus praticus</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/10645">https://ecos.fws.gov/ecp/species/10645</a>	Breeds Apr 10 to Jul 31
<b>Cerulean Warbler <i>Setophaga cerulea</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/2974">https://ecos.fws.gov/ecp/species/2974</a>	Breeds Apr 27 to Jul 20
<b>Chimney Swift <i>Chaetura pelagica</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9406">https://ecos.fws.gov/ecp/species/9406</a>	Breeds Mar 15 to Aug 25

NAME	BREEDING SEASON
<b>Golden Eagle <i>Aquila chrysaetos</i></b> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a>	Breeds elsewhere
<b>Kentucky Warbler <i>Geothlypis formosa</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9443">https://ecos.fws.gov/ecp/species/9443</a>	Breeds Apr 20 to Aug 20
<b>Prairie Warbler <i>Setophaga discolor</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9513">https://ecos.fws.gov/ecp/species/9513</a>	Breeds May 1 to Jul 31
<b>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9398">https://ecos.fws.gov/ecp/species/9398</a>	Breeds May 10 to Sep 10
<b>Wood Thrush <i>Hylocichla mustelina</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9431">https://ecos.fws.gov/ecp/species/9431</a>	Breeds May 10 to Aug 31

## PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

### Breeding Season (■)

Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

### Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

### No Data (—)

A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

## WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

### FRESHWATER EMERGENT WETLAND

- PEM1B

### RIVERINE

- R3UBH

## IPAC USER CONTACT INFORMATION

Agency: Department of Defense  
Name: Chris Johnson  
Address: 2 Hopkins Place  
Address Line 2: USACE-Baltimore  
City: Baltimore  
State: MD  
Zip: 21201  
Email: christopher.a.johnson@usace.army.mil  
Phone: 4438077461



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
West Virginia Ecological Services Field Office  
6263 Appalachian Highway  
Davis, WV 26260-8061  
Phone: (304) 866-3858 Fax: (304) 866-3852



In Reply Refer To:

05/30/2024 13:58:34 UTC

Project code: 2024-0072999

Project Name: CE10-13W Purgitsville Phase III

Federal Nexus: yes

Federal Action Agency (if applicable): Department of Defense

**Subject:** Record of project representative's no effect determination for 'CE10-13W Purgitsville Phase III'

Dear Chris Johnson:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on May 30, 2024, for 'CE10-13W Purgitsville Phase III' (here forward, Project). This project has been assigned Project Code 2024-0072999 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

### **Ensuring Accurate Determinations When Using IPaC**

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

### **Determination for the Northern Long-Eared Bat**

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed

action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

### **Other Species and Critical Habitat that May be Present in the Action Area**

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Green Floater *Lasmigona subviridis* Proposed Threatened
- Indiana Bat *Myotis sodalis* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

### **Next Steps**

Based upon your IPaC submission, your project has reached the determination of "No Effect" on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the West Virginia Ecological Services Field Office and reference Project Code 2024-0072999 associated with this Project.

**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

CE10-13W Purgitsville Phase III

**2. Description**

The following description was provided for the project 'CE10-13W Purgitsville Phase III':

The Central Hampshire PSD is proposing a water line extension project along US Route 220 in Hampshire County, WV near the Hardy County line. Approximately 45,000 LF of water line will be installed.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.26608055,-78.91065245709916,14z>





## DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Does any component of the action involve construction or operation of wind turbines?

**Note:** For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

3. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

4. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

5. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

**Note:** This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

6. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

7. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

8. Have you contacted the appropriate agency to determine if your action is near any known northern long-eared bat hibernacula?

**Note:** A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of northern long-eared bat hibernacula is available [here](#). Location information for northern long-eared bat hibernacula is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

Yes

9. Is any portion of the action area within 0.5-mile radius of any known northern long-eared bat hibernacula? If unsure, contact your local Ecological Services Field Office.

No

10. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

11. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?  
(If unsure, answer "Yes.")

**Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags  $\geq 3$  inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

## PROJECT QUESTIONNAIRE

Will all project activities be completed by April 1, 2024?

*No*

**IPAC USER CONTACT INFORMATION**

Agency: Department of Defense  
Name: Chris Johnson  
Address: 2 Hopkins Place  
Address Line 2: USACE-Baltimore  
City: Baltimore  
State: MD  
Zip: 21201  
Email: christopher.a.johnson@usace.army.mil  
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## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
West Virginia Ecological Services Field Office  
6263 Appalachian Highway  
Davis, WV 26260-8061  
Phone: (304) 866-3858 Fax: (304) 866-3852



In Reply Refer To:

05/30/2024 13:53:05 UTC

Project code: 2024-0072999

Project Name: CE10-13W Purgitsville Phase III

Federal Nexus: yes

Federal Action Agency (if applicable): Department of Defense

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for  
'CE10-13W Purgitsville Phase III'

Dear Chris Johnson:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on May 30, 2024, for "CE10-13W Purgitsville Phase III" (here forward, Project). This project has been assigned Project Code 2024-0072999 and all future correspondence should clearly reference this number.

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northeast Determination Key (DKey), invalidates this letter. **Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.**

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative effect(s)), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17). Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no further consultation with, or concurrence from, the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical

habitat, formal consultation is required (except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13]).

The IPaC results indicated the following species is (are) potentially present in your project area and, based on your responses to the Service's Northeast DKey, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Indiana Bat ( <i>Myotis sodalis</i> )	Endangered	No effect

**Conclusion** If there are no updates on listed species, no further consultation/coordination for this project is required for the species identified above. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project implements any changes which are final or commits additional resources.

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Green Floater *Lasmigona subviridis* Proposed Threatened
- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

Please Note: If the Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) by the prospective permittee may be required. Please contact the Migratory Birds Permit Office, (413) 253-8643, or [PermitsR5MB@fws.gov](mailto:PermitsR5MB@fws.gov), with any questions regarding potential impacts to Eagles.

If you have any questions regarding this letter or need further assistance, please contact the West Virginia Ecological Services Field Office and reference the Project Code associated with this Project.

**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

CE10-13W Purgitsville Phase III

**2. Description**

The following description was provided for the project 'CE10-13W Purgitsville Phase III':

The Central Hampshire PSD is proposing a water line extension project along US Route 220 in Hampshire County, WV near the Hardy County line. Approximately 45,000 LF of water line will be installed.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.26608055,-78.91065245709916,14z>



## QUALIFICATION INTERVIEW

1. As a representative of this project, do you agree that all items submitted represent the complete scope of the project details and you will answer questions truthfully?

*Yes*

2. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed species?

**Note:** This question could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered, or proposed species.

*No*

3. Is the action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

*Yes*

4. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) the lead agency for this project?

*No*

5. Are you including in this analysis all impacts to federally listed species that may result from the entirety of the project (not just the activities under federal jurisdiction)?

**Note:** If there are project activities that will impact listed species that are considered to be outside of the jurisdiction of the federal action agency submitting this key, contact your local Ecological Services Field Office to determine whether it is appropriate to use this key. If your Ecological Services Field Office agrees that impacts to listed species that are outside the federal action agency's jurisdiction will be addressed through a separate process, you can answer yes to this question and continue through the key.

*Yes*

6. Are you the lead federal action agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?

*Yes*

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)?

*No*

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

*No*

9. Is the lead federal action agency the Natural Resources Conservation Service?

*No*

10. Will the proposed project involve the use of herbicide where listed species are present?

*No*



11. Are there any caves or anthropogenic features suitable for hibernating or roosting bats within the area expected to be impacted by the project?

No

12. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **birds** (e.g., plane-based surveys, land-based or offshore wind turbines, communication towers, high voltage transmission lines, any type of towers with or without guy wires)?

**Note:** For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

13. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **bats** (e.g., plane-based surveys, land-based or offshore wind turbines)?

**Note:** For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

14. Will the proposed project result in permanent changes to water quantity in a stream or temporary changes that would be sufficient to result in impacts to listed species?

For example, will the proposed project include any activities that would alter stream flow, such as water withdrawal, hydropower energy production, impoundments, intake structures, diversion structures, and/or turbines? Projects that include temporary and limited water reductions that will not displace listed species or appreciably change water availability for listed species (e.g. listed species will experience no changes to feeding, breeding or sheltering) can answer "No". Note: This question refers only to the amount of water present in a stream, other water quality factors, including sedimentation and turbidity, will be addressed in following questions.

No

15. Will the proposed project affect wetlands where listed species are present?

This includes, for example, project activities within wetlands, project activities within 300 feet of wetlands that may have impacts on wetlands, water withdrawals and/or discharge of contaminants (even with a NPDES).

No

16. Will the proposed project directly affect a streambed (below ordinary high water mark (OHWM)) of the stream or tributary where listed species may be present?

No

17. Will the proposed project bore underneath (directional bore or horizontal directional drill) a stream where listed species may be present?

Yes

18. Will the proposed project involve a new point source discharge into a stream or change an existing point source discharge (e.g., outfalls; leachate ponds) where listed species may be present?

No

19. Will the proposed project involve the removal of excess sediment or debris, dredging or in-stream gravel mining where listed species may be present?

No

20. Will the proposed project involve the creation of a new water-borne contaminant source where listed species may be present?

**Note** New water-borne contaminant sources occur through improper storage, usage, or creation of chemicals. For example: leachate ponds and pits containing chemicals that are not NSF/ANSI 60 compliant have contaminated waterways. Sedimentation will be addressed in a separate question.

No

21. Will the proposed project involve perennial stream loss, in a stream or tributary of a stream where listed species may be present, that would require an individual permit under 404 of the Clean Water Act?

No

22. Will the proposed project involve blasting where listed species may be present?

No

23. Will the proposed project include activities that could negatively affect fish movement temporarily or permanently (including fish stocking, harvesting, or creation of barriers to fish passage)?

No

24. Will the proposed project involve earth moving that could cause erosion and sedimentation, and/or contamination along a stream or tributary of a stream where listed species may be present?

**Note:** Answer "Yes" to this question if erosion and sediment control measures will be used to protect the stream.

No

25. Will earth moving activities result in sediment being introduced to streams or tributaries of streams where listed species may be present through activities such as, but not limited to, valley fills, large-scale vegetation removal, and/or change in site topography?

No

26. Will the proposed project involve vegetation removal within 200 feet of a perennial stream bank where aquatic listed species may be present?

No

27. Will erosion and sedimentation control Best Management Practices (BMPs) associated with applicable state and/or Federal permits, be applied to the project? If BMPs have been provided by and/or coordinated with and approved by the appropriate Ecological Services Field Office, answer "Yes" to this question.

Yes

28. Is the project being funded, lead, or managed in whole or in part by U.S Fish and Wildlife Restoration and Recovery Program (e.g., Partners, Coastal, Fisheries, Wildlife and Sport Fish Restoration, Refuges)?

No

29. [Semantic] Is the project located on a Group 4 stream: the Ohio River downstream of Hannibal Locks and Dam, Little Kanawha River (slack-water section adjoining the Ohio River), and/or the Kanawha River downstream of Kanawha Falls?

**Automatically answered**

No

30. Have you received a technical assistance communication (email or letter) from the West Virginia Field office?

No

31. [Semantic] Does the project intersect the Virginia big-eared bat critical habitat?

**Automatically answered**

No

32. [Semantic] Does the project intersect the Indiana bat AOI?

**Automatically answered**

Yes

33. Are trees present within the action area?

**Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags  $\geq 5$  inches dbh (12.7 centimeter), answer "Yes". If you are unsure, answer "Yes." Or refer to Appendix A of the Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines for definitions and an assessment form that will assist you in determining if suitable habitat is present within your project's action area. Suitable summer habitat for Indiana bat consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags  $\geq 5$  inches dbh (12.7 centimeter) that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat

No

34. [Semantic] Does the project intersect the Indiana bat critical habitat?

**Automatically answered**

No

35. [Semantic] Does the project intersect the candy darter critical habitat?

**Automatically answered**

*No*

36. [Semantic] Does the project intersect the diamond darter critical habitat?

**Automatically answered**

*No*

37. [Semantic] Does the project intersect the Big Sandy crayfish critical habitat?

**Automatically answered**

*No*

38. [Hidden Semantic] Does the project intersect the Guyandotte River crayfish critical habitat?

**Automatically answered**

*No*

39. Do you have any other documents that you want to include with this submission?

*No*

## PROJECT QUESTIONNAIRE

1. Approximately how many acres of trees would the proposed project remove?  
*0*
2. Approximately how many total acres of disturbance are within the disturbance/  
construction limits of the proposed project?  
*2*
3. Briefly describe the habitat within the construction/disturbance limits of the project site.  
*Existing grass/maintained areas/ROWS*

**IPAC USER CONTACT INFORMATION**

Agency: Department of Defense  
Name: Chris Johnson  
Address: 2 Hopkins Place  
Address Line 2: USACE-Baltimore  
City: Baltimore  
State: MD  
Zip: 21201  
Email: christopher.a.johnson@usace.army.mil  
Phone: 4438077461



**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, BALTIMORE DISTRICT**  
**2 HOPKINS PLAZA**  
**BALTIMORE, MD 21201**

Deborah Dotson, President  
Delaware Nation  
P.O. Box 825  
Anadarko, Oklahoma 73005

May 3, 2024

Dear Ms. Dotson:

The purpose of this letter is to consult with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 CFR Part 800, regarding a U.S. Army Corps of Engineers, Baltimore District (USACE) Section 571 project to cost share an extension of a waterline along U.S. Route 220 in Hampshire County, West Virginia (Enclosure 1). The Central Hampshire Public Service District is moving forward with Phase III of its waterline extension project, which proposes to install approximately 50,000 linear feet of PVC waterline. Phases I and II were coordinated with your office in September 2022. The purpose of the proposed Phase III extension is to service residents and commercial properties along U.S. Route 220 and supplant existing private wells and cisterns that could pose a potential risk to public health through untreated contaminants. The project is authorized by Section 571 of the Water Resources Development Act of 1999 (Public Law 106-53), as amended, which directs USACE to aid non-Federal interests for carrying out water-related environmental infrastructure and resource protection projects in northcentral West Virginia.

The project's area of potential effect (APE) may be defined as the area of direct impacts and the areas within which the undertaking may directly or indirectly cause alterations to the character or use of historic properties, including visual effects. The proposed APE for this project includes the areas of waterline extension. A Phase I archaeological survey was conducted by Weller & Associates, Inc. in November 2023 utilizing pedestrian survey and systematic shovel testing. The survey did not identify any previously undocumented resources and concluded that the APE would occur along steep terrain and/or in previously disturbed areas. In a letter dated December 20, 2023, the West Virginia State Historic Preservation Office recommended that the proposed project would have no effect on historic properties. Given the results of the Phase I archaeological survey and that the proposed project would take place in steeply sloped or disturbed areas, the proposed project would have no effect on historic properties.

Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at any consultation meetings, and we will fully consider any information you wish to provide.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effects on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or [ethan.a.bean@usace.army.mil](mailto:ethan.a.bean@usace.army.mil).

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Bierly".

Daniel M. Bierly, P.E.  
Chief, Civil Project Development Branch  
Planning Division

Enclosure





**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, BALTIMORE DISTRICT**  
**2 HOPKINS PLAZA**  
**BALTIMORE, MD 21201**

Susan Bachor, THPO  
Delaware Tribe of Indians  
126 University Circle  
Stroud Hall, Room 437  
East Stroudsburg, PA 18301

May 3, 2024

Dear Ms. Bachor:

The purpose of this letter is to consult with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 CFR Part 800, regarding a U.S. Army Corps of Engineers, Baltimore District (USACE) Section 571 project to cost share an extension of a waterline along U.S. Route 220 in Hampshire County, West Virginia (Enclosure 1). The Central Hampshire Public Service District is moving forward with Phase III of its waterline extension project, which proposes to install approximately 50,000 linear feet of PVC waterline. Phases I and II were coordinated with your office in September 2022. The purpose of the proposed Phase III extension is to service residents and commercial properties along U.S. Route 220 and supplant existing private wells and cisterns that could pose a potential risk to public health through untreated contaminants. The project is authorized by Section 571 of the Water Resources Development Act of 1999 (Public Law 106-53), as amended, which directs USACE to aid non-Federal interests for carrying out water-related environmental infrastructure and resource protection projects in northcentral West Virginia.

The project's area of potential effect (APE) may be defined as the area of direct impacts and the areas within which the undertaking may directly or indirectly cause alterations to the character or use of historic properties, including visual effects. The proposed APE for this project includes the areas of waterline extension. A Phase I archaeological survey was conducted by Weller & Associates, Inc. in November 2023 utilizing pedestrian survey and systematic shovel testing. The survey did not identify any previously undocumented resources and concluded that the APE would occur along steep terrain and/or in previously disturbed areas. In a letter dated December 20, 2023, the West Virginia State Historic Preservation Office recommended that the proposed project would have no effect on historic properties. Given the results of the Phase I archaeological survey and that the proposed project would take place in steeply sloped or disturbed areas, the proposed project would have no effect on historic properties.

Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at any consultation meetings, and we will fully consider any information you wish to provide.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effects on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or [ethan.a.bean@usace.army.mil](mailto:ethan.a.bean@usace.army.mil).

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Bierly".

Daniel M. Bierly, P.E.  
Chief, Civil Project Development Branch  
Planning Division

Enclosure



**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, BALTIMORE DISTRICT**  
**2 HOPKINS PLAZA**  
**BALTIMORE, MD 21201**

Andrea Hunter, THPO  
Osage Nation  
627 Grandview Avenue  
Pawhuska, OK 74056

May 6, 2024

Dear Ms. Hunter:

The purpose of this letter is to consult with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 CFR Part 800, regarding a U.S. Army Corps of Engineers, Baltimore District (USACE) Section 571 project to cost share an extension of a waterline along U.S. Route 220 in Hampshire County, West Virginia (Enclosure 1). The Central Hampshire Public Service District is moving forward with Phase III of its waterline extension project, which proposes to install approximately 50,000 linear feet of PVC waterline. Phases I and II were coordinated with your office in September 2022. The purpose of the proposed Phase III extension is to service residents and commercial properties along U.S. Route 220 and supplant existing private wells and cisterns that could pose a potential risk to public health through untreated contaminants. The project is authorized by Section 571 of the Water Resources Development Act of 1999 (Public Law 106-53), as amended, which directs USACE to aid non-Federal interests for carrying out water-related environmental infrastructure and resource protection projects in northcentral West Virginia.

The project's area of potential effect (APE) may be defined as the area of direct impacts and the areas within which the undertaking may directly or indirectly cause alterations to the character or use of historic properties, including visual effects. The proposed APE for this project includes the areas of waterline extension. A Phase I archaeological survey was conducted by Weller & Associates, Inc. in November 2023 utilizing pedestrian survey and systematic shovel testing. The survey did not identify any previously undocumented resources and concluded that the APE would occur along steep terrain and/or in previously disturbed areas. In a letter dated December 20, 2023, the West Virginia State Historic Preservation Office recommended that the proposed project would have no effect on historic properties. Given the results of the Phase I archaeological survey and that the proposed project would take place in steeply sloped or disturbed areas, the proposed project would have no effect on historic properties.

Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at any consultation meetings, and we will fully consider any information you wish to provide.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effects on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or [ethan.a.bean@usace.army.mil](mailto:ethan.a.bean@usace.army.mil).

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Bierly".

Daniel M. Bierly, P.E.  
Chief, Civil Project Development Branch  
Planning Division

Enclosure



**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, BALTIMORE DISTRICT**  
**2 HOPKINS PLAZA**  
**BALTIMORE, MD 21201**

Tonya Tipton, THPO  
Shawnee Tribe  
29 South Highway 69A  
Miami, OK 74354

May 6, 2024

Dear Ms. Tipton:

The purpose of this letter is to consult with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 CFR Part 800, regarding a U.S. Army Corps of Engineers, Baltimore District (USACE) Section 571 project to cost share an extension of a waterline along U.S. Route 220 in Hampshire County, West Virginia (Enclosure 1). The Central Hampshire Public Service District is moving forward with Phase III of its waterline extension project, which proposes to install approximately 50,000 linear feet of PVC waterline. Phases I and II were coordinated with your office in September 2022. The purpose of the proposed Phase III extension is to service residents and commercial properties along U.S. Route 220 and supplant existing private wells and cisterns that could pose a potential risk to public health through untreated contaminants. The project is authorized by Section 571 of the Water Resources Development Act of 1999 (Public Law 106-53), as amended, which directs USACE to aid non-Federal interests for carrying out water-related environmental infrastructure and resource protection projects in northcentral West Virginia.

The project's area of potential effect (APE) may be defined as the area of direct impacts and the areas within which the undertaking may directly or indirectly cause alterations to the character or use of historic properties, including visual effects. The proposed APE for this project includes the areas of waterline extension. A Phase I archaeological survey was conducted by Weller & Associates, Inc. in November 2023 utilizing pedestrian survey and systematic shovel testing. The survey did not identify any previously undocumented resources and concluded that the APE would occur along steep terrain and/or in previously disturbed areas. In a letter dated December 20, 2023, the West Virginia State Historic Preservation Office recommended that the proposed project would have no effect on historic properties. Given the results of the Phase I archaeological survey and that the proposed project would take place in steeply sloped or disturbed areas, the proposed project would have no effect on historic properties.

Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at any consultation meetings, and we will fully consider any information you wish to provide.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effects on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or [ethan.a.bean@usace.army.mil](mailto:ethan.a.bean@usace.army.mil).

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Bierly".

Daniel M. Bierly, P.E.  
Chief, Civil Project Development Branch  
Planning Division

Enclosure