

APPENDIX C

Correspondence with Agencies

West
Virginia
DNR



DIVISION OF NATURAL RESOURCES

**Wildlife Resources Section
Elkins Operations Center
738 Ward Rd., PO Box 67
Elkins, WV 26241
Telephone 304-637-0245
Fax 304-637-0250**

**Stephen S. McDaniel
Director
March 23, 2021**

Mr. William Wallace
Cerrone Associates, Inc.
97 14th Street
Wheeling, WV 26003

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 Sandy Ridge Waterline Extension project in Pendleton County, WV (Project No. PE40-10W).

This project is within habitat buffers for the endangered Indiana bat and Virginia big-eared bat. The project boundary also intersects a habitat buffer for the threatened northern long-eared bat. Coordination with the US Fish and Wildlife Service will be needed. In addition, Thorn Creek is a High Quality Stream with reproducing trout populations, and possible freshwater mussels. If instream work is anticipated, a mussel survey will be required. The Wildlife Resources Section knows of no surveys that have been conducted within the project boundary 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 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 above number, or barbara.d.sargent@wv.gov. Enclosed please find an invoice.

Sincerely,

Barbara Sargent
Environmental Resources Specialist
Environmental Coordination
Operations Unit

enclosure

S:\Monthly\BSargent\Invoices\Cerrone.doc

Governor Jim Justice



Director Brett W. McMillion

September 26, 2023

William Wallace
Project Manager
Cerrone Associates & Consulting Engineers
97 14th Street
Wheeling, WV 26003
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 Pendleton County PSD, Sandy Ridge Waterline Extension Project, Cerrone Project # PE40-10W.

According to our database, the project is located within several bat buffers, two RTE species, and three high quality streams as listed in the table below.

Species (Latin Name) or Habitat feature	Common name	Location Description	Status
<i>Myotis sodalis</i>	Indiana bat	(4) caves 5 mile buffer (1) cave 10 mile buffer	federal: endangered
<i>Corynorhinus townsendii virginianus</i>	Virginia big-eared bat	(25) caves 6 mile buffer	federal: endangered
<i>Myotis septentrionalis</i>	northern long-eared bat	(10) caves 5 mile buffer	federal: endangered
<i>Perimyotis subflavus</i>	tricolored bat	(20) caves 5 mile buffer	federal: proposed to be listed
<i>Bombus affinis</i>	rusty patched bumblebee	low potential zone	federal: endangered
<i>Haliaeetus leucocephalus</i>	bald eagle	(3) nest sites 2 mile buffer	state: rare bird
Thorn Creek		northern part of project	state: high quality reproducing trout and state mussel, mussel surveys may be required
Dry Run		northern part of project	state: high quality warmwater
Rocky Run		southern part of project	state: high quality warmwater

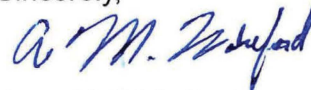
In 2022 the USFWS determined that the northern long-eared bat warranted up-listing from federally threatened to federally endangered. This listing change went into effect on March 31st, 2023 and will remove the prior 4(d) rule for the species. The WVDNR anticipates that this listing status change will result in an increase in the known occurrence buffers for the northern long-eared bat, with distances of 1.5 miles for known roosts, 3 miles for capture and acoustic records, and 5 miles for hibernacula. Inquiries for this species now use these projected buffer distances to assist in project planning. The USFWS also proposed listing the tricolored bat as federally endangered in 2022. In anticipation of that potentiality, the WVDNR developed occurrence buffers of 1.5 miles for known roosts, 3 miles for capture and acoustic records, and 5 miles for hibernacula. Please note that both the northern long-eared bat and tricolored bat buffer distances are for advance planning purposes only and may change as additional information from the USFWS becomes available.

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.

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. Enclosed please find an invoice.

Sincerely,



Anne M. Wakeford
Wildlife Biologist
Environmental Coordination
Operations Unit

Enclosure

Drive\Invoices\Cerrone

West
Virginia
SHPO



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
Fax 304.558.2779 • TDD 304.558.3562
EEO/AA Employer

April 2, 2021

Mr. William J. Wallace
Project Manager
Cerrone Associates, Inc.
97 14th Street
Wheeling, WV 26003
Via email: wwallace@cerrone1.com

RE: Pendleton County PSD – Sandy Ridge Water Extension
Cerrone Project No. PE40-10W
FR#: 21-433-PD

Dear Mr. Wallace:

We have reviewed the above referenced project to determine potential effects on cultural resources. 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.

According to the submitted information, the Pendleton County Public Service District proposes to undertake a water extension project in the Sandy Ridge area of Pendleton County, West Virginia. The work will involve the installation of 2-inch and 4-inch diameter water lines, two new booster stations, one new 20 MG water storage tank, and other necessary appurtenances. The water tank will measure 11-feet in diameter and 28-feet in height. The booster stations will consist of 10-feet by 12-feet buildings.

Architectural Resources:

We have reviewed the submitted information and determined that no architectural properties eligible for or included in the National Register of Historic Places are located within the proposed project's direct or indirect Area of Potential Effects (APE). Work is confined to the roadway's right of way, no structures will be impacted according to the submitted plans. No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change.

Archaeological Resources:

A search of our records indicates that there are no previously documented archaeological resources located within the proposed project area. Available information suggests that a vast majority of the proposed ground disturbing activities will be confined to previously disturbed areas, including rights-of-way, and/or sloped terrain. Therefore, it is unlikely that significant intact deposits will be encountered during the project's proposed ground disturbing activities. In our opinion, the proposed water extension project will have no effect on

April 2, 2021
Mr. Wallace
FR#: 21-433-PD
Page 2

archaeological historic properties. No further consultation is necessary regarding archaeological resources. However, if intact cultural materials are encountered during construction, cease all activity within the area of discovery and contact this office immediately.

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

Sincerely,

Lora A. Lamarre-
DeMott

Digitally signed by Lora
A. Lamarre-DeMott
Date: 2021.04.05
15:05:56 -04'00'

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/SLG/CMK

Tribal Consultation



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

Katelyn Lucas
Historic Preservation Assistant
Delaware Nation
P.O. Box 825
31064 State Highway 281
Anadarko, Oklahoma 73005
klucas@delawarenation-nsn.gov

March 7, 2023

Dear Ms. Lucas:

Recognizing our Tribal Trust responsibility and your Government to Government consultation rights, I am writing to initiate consultation with your office for a new proposed undertaking regarding a U.S. Army Corps of Engineers, Baltimore District (USACE) Section 571 project to cost share an extension of a waterline along Sandy Ridge Road in Pendleton County, West Virginia (Enclosure 1). The proposed project constitutes a federal undertaking pursuant to the provisions of Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations found at 36 CFR 800. In 2010, Pendleton County Public Service District engaged in a regional study to determine the feasibility of providing public drinking water to several communities within its jurisdiction and included the neighborhoods of Sandy Ridge and Moatstown. In December 2012, an engineering report was developed, and the study was split into separate phases. The first phase provided potable water along Route 33, from the town of Seneca Rocks to just north of the town of Riverton into the northwestern portion of the Pendleton County and was constructed in late 2018. After the first phase was completed, it was determined that the next viable phase and greatest public demand was to provide public water to the Sandy Ridge and Moatstown area south of the town of Franklin.

The project will provide service to approximately 25 customers along Sandy Ridge and Moatstown areas of south-central Pendleton County, which run adjacent to Route 220 south of the town of Franklin. This project includes main water lines, a water storage tank, two booster stations and water supply provided by the town of Franklin through a tie-in located at the intersection of Sandy Ridge Road and Thorn Creek Road as depicted in Enclosure 1.

The Northern West Virginia Environmental Infrastructure and Resource Protection and Development Program was authorized by Section 571 of the Water Resources Development Act (WRDA) of 1999 (PL 106-53), as amended, by Section 5155 of WRDA 2007 (PL 110-114), Section 352(b)(13) of WRDA 2020 (PL 116-260) and Section 8373 (PL 117-263) of WRDA 2022, which directs USACE to aid non-Federal interests for carrying out water-related environmental infrastructure and resource protection projects.

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 the waterline and two booster station installations, and storage tank construction. Given that the proposed project would take place in steeply sloped or disturbed areas, we believe 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.

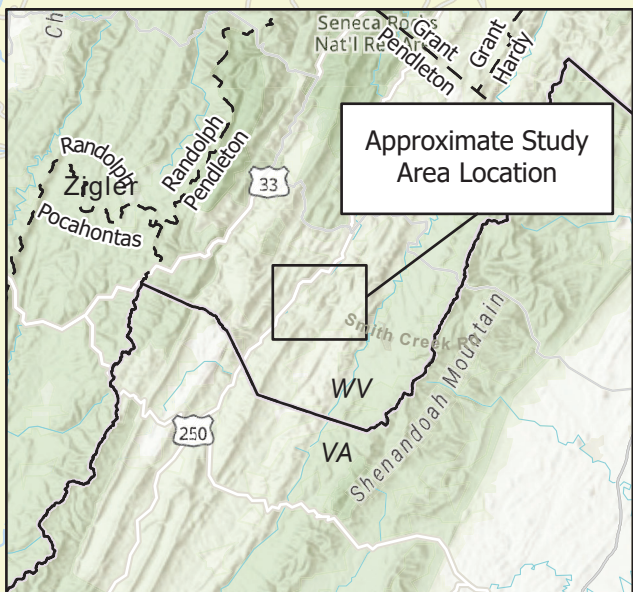
Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effects on historic properties. If you have any questions about the project, please contact Chris Johnson at (410) 962-2926 or Christopher.a.johnson@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles', with a long horizontal flourish extending to the right.

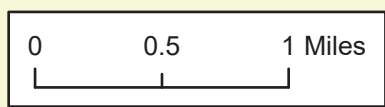
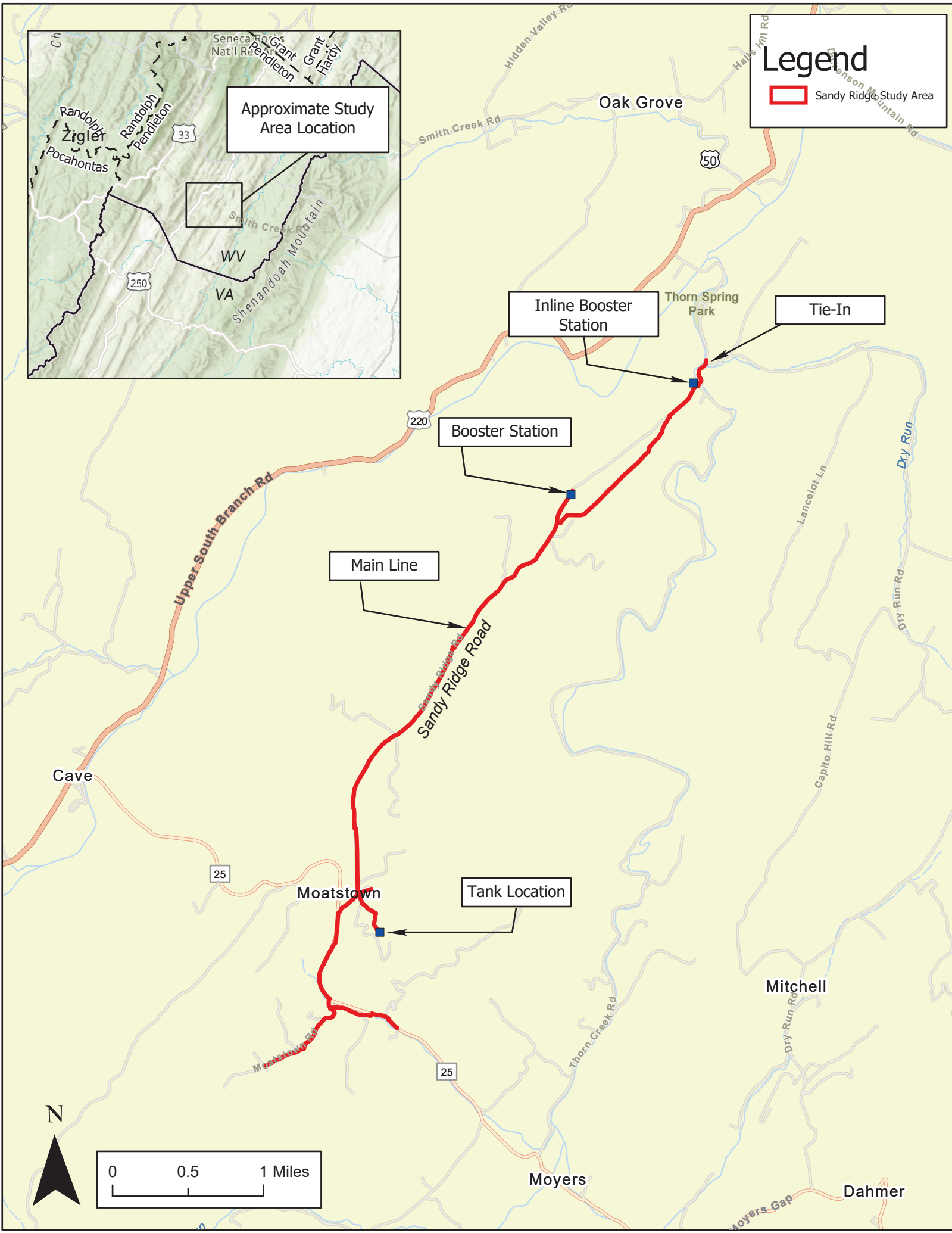
Charles Leasure
Environmental Policy Advisor
Planning Division

Enclosure



Legend

 Sandy Ridge Study Area





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

Ms. Susan Bachor
Deputy Director, THPO
Delaware Tribe of Indians
126 University Circle
Stroud Hall, Room 437
East Stroudsburg, PA 18301
sbachor@delawaretribe.org

March 7, 2023

Dear Ms. Bachor:

Recognizing our Tribal Trust responsibility and your Government to Government consultation rights, I am writing to initiate consultation with your office for a new proposed undertaking regarding a U.S. Army Corps of Engineers, Baltimore District (USACE) Section 571 project to cost share an extension of a waterline along Sandy Ridge Road in Pendleton County, West Virginia (Enclosure 1). The proposed project constitutes a federal undertaking pursuant to the provisions of Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations found at 36 CFR 800. In 2010, Pendleton County Public Service District engaged in a regional study to determine the feasibility of providing public drinking water to several communities within its jurisdiction and included the neighborhoods of Sandy Ridge and Moatstown. In December 2012, an engineering report was developed, and the study was split into separate phases. The first phase provided potable water along Route 33, from the town of Seneca Rocks to just north of the town of Riverton into the northwestern portion of the Pendleton County and was constructed in late 2018. After the first phase was completed, it was determined that the next viable phase and greatest public demand was to provide public water to the Sandy Ridge and Moatstown area south of the town of Franklin.

The project will provide service to approximately 25 customers along Sandy Ridge and Moatstown areas of south-central Pendleton County, which run adjacent to Route 220 south of the town of Franklin. This project includes main water lines, a water storage tank, two booster stations and water supply provided by the town of Franklin through a tie-in located at the intersection of Sandy Ridge Road and Thorn Creek Road as depicted in Enclosure 1.

The Northern West Virginia Environmental Infrastructure and Resource Protection and Development Program was authorized by Section 571 of the Water Resources Development Act (WRDA) of 1999 (PL 106-53), as amended, by Section 5155 of WRDA 2007 (PL 110-114), Section 352(b)(13) of WRDA 2020 (PL 116-260) and Section 8373 (PL 117-263) of WRDA 2022, which directs USACE to aid non-Federal interests for carrying out water-related environmental infrastructure and resource protection projects.

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 the waterline and two booster station installations, and storage tank construction. Given that the proposed project would take place in steeply sloped or disturbed areas, we believe 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.

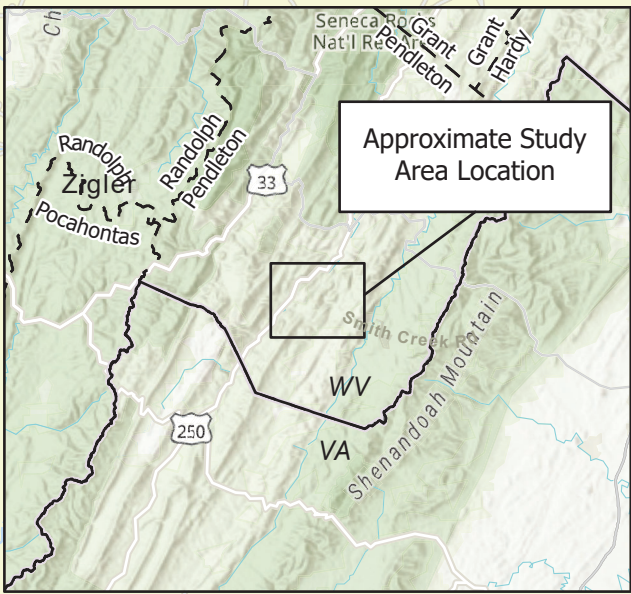
Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effects on historic properties. If you have any questions about the project, please contact Chris Johnson at (410) 962-2926 or Christopher.a.johnson@usace.army.mil.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Charles', with a long horizontal flourish extending to the right. The signature is centered within a light gray rectangular box.

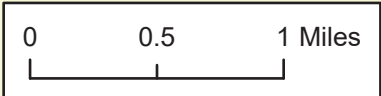
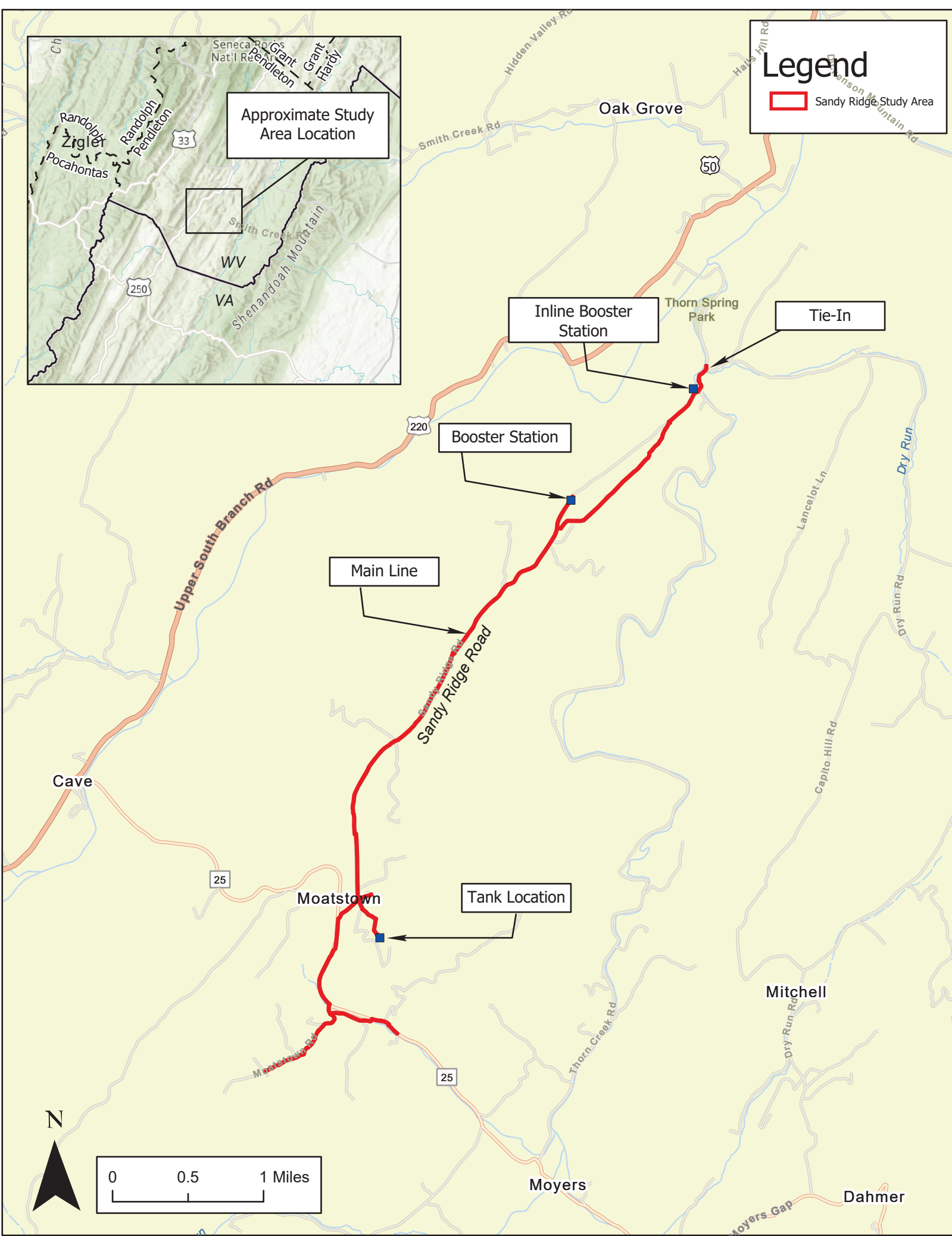
Charles Leasure
Environmental Policy Advisor
Planning Division

Enclosure



Legend

 Sandy Ridge Study Area





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

Andrea Hunter, THPO
627 Grandview Avenue
Pawhuska, OK 74056
ahunter@osagenation-nsn.gov

March 7, 2023

Dear Ms. Hunter:

Recognizing our Tribal Trust responsibility and your Government to Government consultation rights, I am writing to initiate consultation with your office for a new proposed undertaking regarding a U.S. Army Corps of Engineers, Baltimore District (USACE) Section 571 project to cost share an extension of a waterline along Sandy Ridge Road in Pendleton County, West Virginia (Enclosure 1). The proposed project constitutes a federal undertaking pursuant to the provisions of Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations found at 36 CFR 800. In 2010, Pendleton County Public Service District engaged in a regional study to determine the feasibility of providing public drinking water to several communities within its jurisdiction and included the neighborhoods of Sandy Ridge and Moatstown. In December 2012, an engineering report was developed, and the study was split into separate phases. The first phase provided potable water along Route 33, from the town of Seneca Rocks to just north of the town of Riverton into the northwestern portion of the Pendleton County and was constructed in late 2018. After the first phase was completed, it was determined that the next viable phase and greatest public demand was to provide public water to the Sandy Ridge and Moatstown area south of the town of Franklin.

The project will provide service to approximately 25 customers along Sandy Ridge and Moatstown areas of south-central Pendleton County, which run adjacent to Route 220 south of the town of Franklin. This project includes main water lines, a water storage tank, two booster stations and water supply provided by the town of Franklin through a tie-in located at the intersection of Sandy Ridge Road and Thorn Creek Road as depicted in Enclosure 1.

The Northern West Virginia Environmental Infrastructure and Resource Protection and Development Program was authorized by Section 571 of the Water Resources Development Act (WRDA) of 1999 (PL 106-53), as amended, by Section 5155 of WRDA 2007 (PL 110-114), Section 352(b)(13) of WRDA 2020 (PL 116-260) and Section 8373 (PL 117-263) of WRDA 2022, which directs USACE to aid non-Federal interests for carrying out water-related environmental infrastructure and resource protection projects.

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 the waterline and two booster station installations, and storage tank construction. Given

that the proposed project would take place in steeply sloped or disturbed areas, we believe 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.

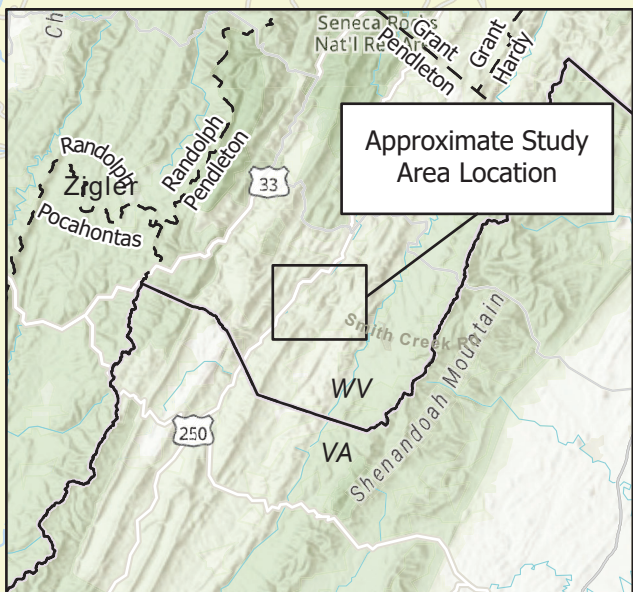
Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effects on historic properties. If you have any questions about the project, please contact Chris Johnson at (410) 962-2926 or Christopher.a.johnson@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles", with a long horizontal flourish extending to the right. The signature is written over a light gray rectangular background.

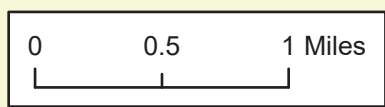
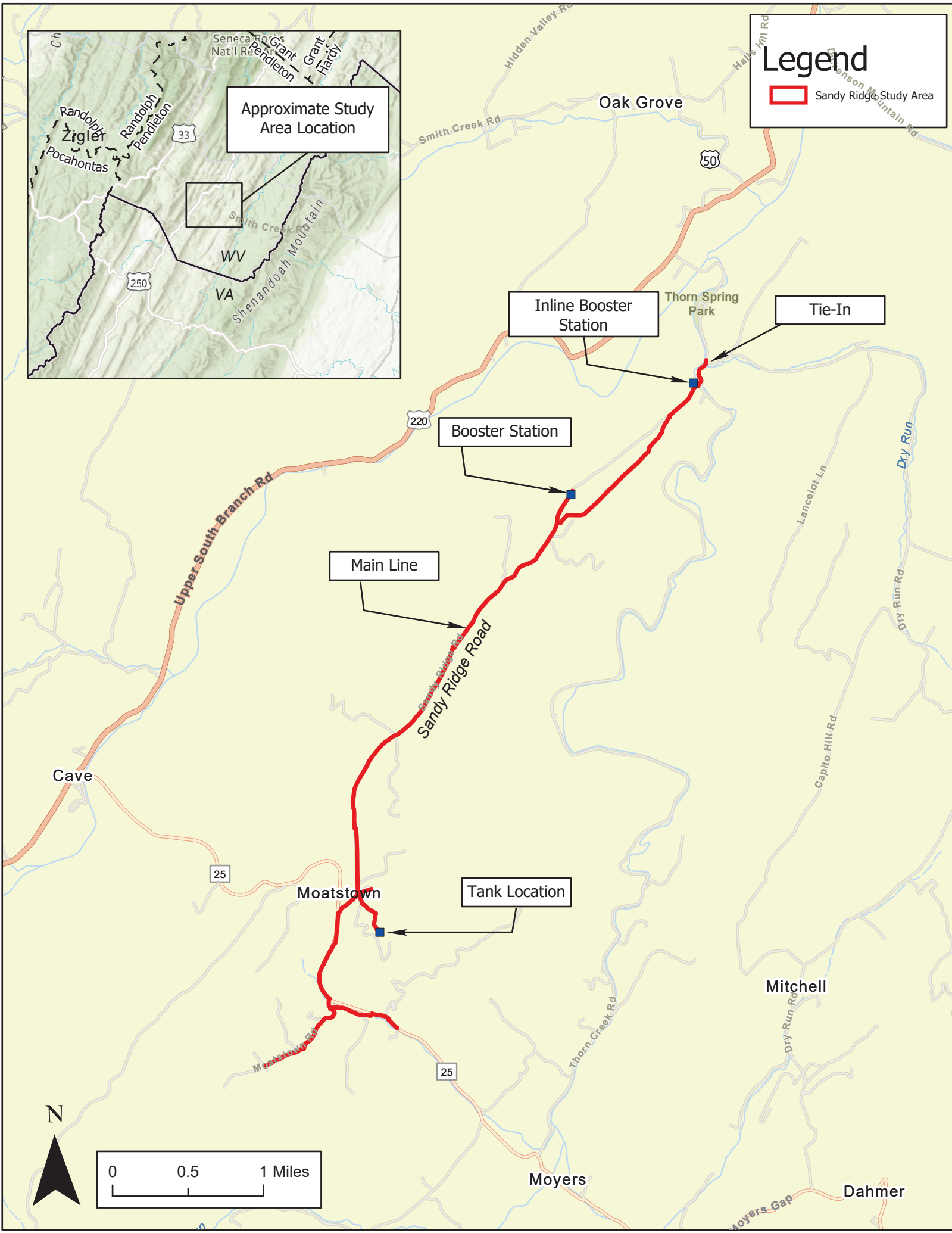
Charles Leasure
Environmental Policy Advisor
Planning Division

Enclosure



Legend

 Sandy Ridge Study Area





**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
tonya@shawnee-tribe.com

March 7, 2023

Dear Ms. Tipton:

Recognizing our Tribal Trust responsibility and your Government to Government consultation rights, I am writing to initiate consultation with your office for a new proposed undertaking regarding a U.S. Army Corps of Engineers, Baltimore District (USACE) Section 571 project to cost share an extension of a waterline along Sandy Ridge Road in Pendleton County, West Virginia (Enclosure 1). The proposed project constitutes a federal undertaking pursuant to the provisions of Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations found at 36 CFR 800. In 2010, Pendleton County Public Service District engaged in a regional study to determine the feasibility of providing public drinking water to several communities within its jurisdiction and included the neighborhoods of Sandy Ridge and Moatstown. In December 2012, an engineering report was developed, and the study was split into separate phases. The first phase provided potable water along Route 33, from the town of Seneca Rocks to just north of the town of Riverton into the northwestern portion of the Pendleton County and was constructed in late 2018. After the first phase was completed, it was determined that the next viable phase and greatest public demand was to provide public water to the Sandy Ridge and Moatstown area south of the town of Franklin.

The project will provide service to approximately 25 customers along Sandy Ridge and Moatstown areas of south-central Pendleton County, which run adjacent to Route 220 south of the town of Franklin. This project includes main water lines, a water storage tank, two booster stations and water supply provided by the town of Franklin through a tie-in located at the intersection of Sandy Ridge Road and Thorn Creek Road as depicted in Enclosure 1.

The Northern West Virginia Environmental Infrastructure and Resource Protection and Development Program was authorized by Section 571 of the Water Resources Development Act (WRDA) of 1999 (PL 106-53), as amended, by Section 5155 of WRDA 2007 (PL 110-114), Section 352(b)(13) of WRDA 2020 (PL 116-260) and Section 8373 (PL 117-263) of WRDA 2022, which directs USACE to aid non-Federal interests for carrying out water-related environmental infrastructure and resource protection projects.

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 the waterline and two booster station installations, and storage tank construction. Given that the proposed project would take place in steeply sloped or disturbed areas, we believe 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.

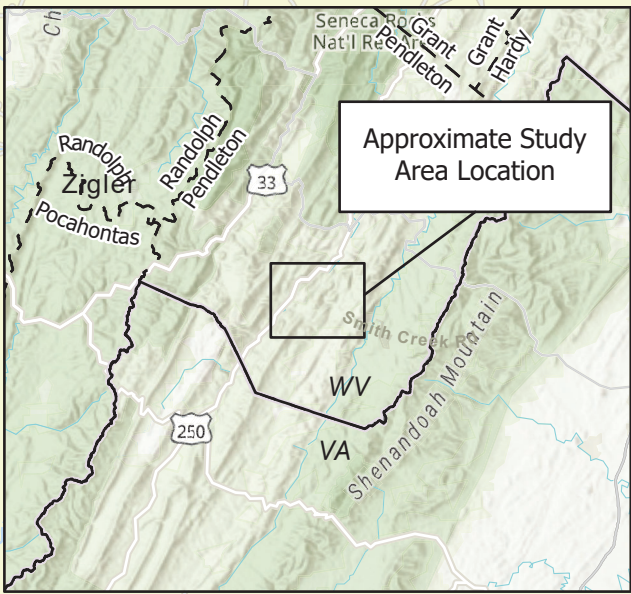
Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effects on historic properties. If you have any questions about the project, please contact Chris Johnson at (410) 962-2926 or Christopher.a.johnson@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles", with a long horizontal flourish extending to the right.

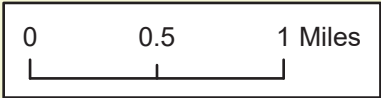
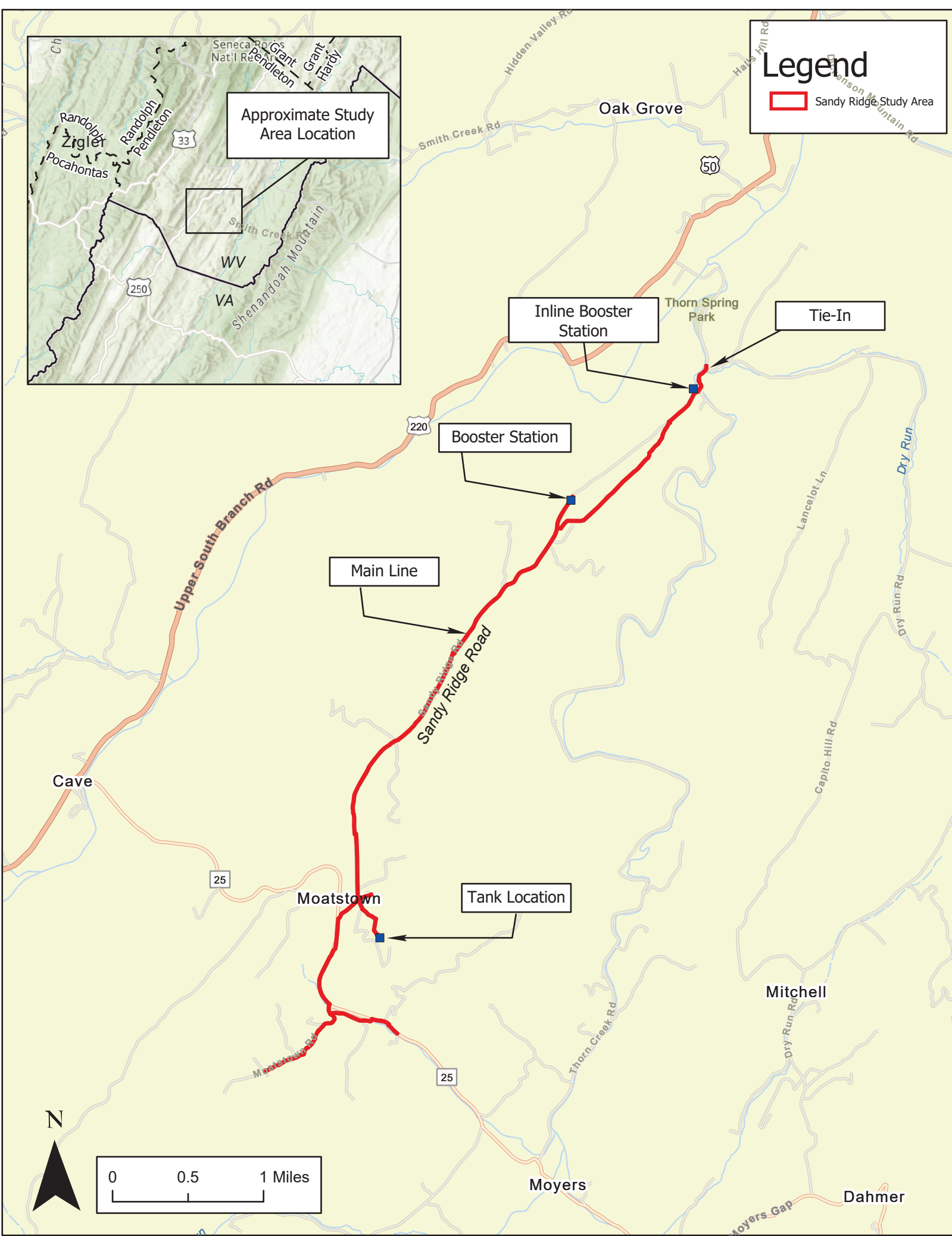
Charles Leasure
Environmental Policy Advisor
Planning Division

Enclosure



Legend

 Sandy Ridge Study Area





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

Dr. Jeffrey C. Bendremer
Tribal Historic Preservation Officer
Stockbridge-Munsee Community
Tribal Historic Preservation Extension Office
86 Spring Street
Williamstown, MA 01267
thpo@mohican-nsn.gov

March 7, 2023

Dear Dr. Bendremer:

Recognizing our Tribal Trust responsibility and your Government to Government consultation rights, I am writing to initiate consultation with your office for a new proposed undertaking regarding a U.S. Army Corps of Engineers, Baltimore District (USACE) Section 571 project to cost share an extension of a waterline along Sandy Ridge Road in Pendleton County, West Virginia (Enclosure 1). The proposed project constitutes a federal undertaking pursuant to the provisions of Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations found at 36 CFR 800. In 2010, Pendleton County Public Service District engaged in a regional study to determine the feasibility of providing public drinking water to several communities within its jurisdiction and included the neighborhoods of Sandy Ridge and Moatstown. In December 2012, an engineering report was developed, and the study was split into separate phases. The first phase provided potable water along Route 33, from the town of Seneca Rocks to just north of the town of Riverton into the northwestern portion of the Pendleton County and was constructed in late 2018. After the first phase was completed, it was determined that the next viable phase and greatest public demand was to provide public water to the Sandy Ridge and Moatstown area south of the town of Franklin.

The project will provide service to approximately 25 customers along Sandy Ridge and Moatstown areas of south-central Pendleton County, which run adjacent to Route 220 south of the town of Franklin. This project includes main water lines, a water storage tank, two booster stations and water supply provided by the town of Franklin through a tie-in located at the intersection of Sandy Ridge Road and Thorn Creek Road as depicted in Enclosure 1.

The Northern West Virginia Environmental Infrastructure and Resource Protection and Development Program was authorized by Section 571 of the Water Resources Development Act (WRDA) of 1999 (PL 106-53), as amended, by Section 5155 of WRDA 2007 (PL 110-114), Section 352(b)(13) of WRDA 2020 (PL 116-260) and Section 8373 (PL 117-263) of WRDA 2022, which directs USACE to aid non-Federal interests for carrying out water-related environmental infrastructure and resource protection projects.

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 the waterline and two booster station installations, and storage tank construction. Given that the proposed project would take place in steeply sloped or disturbed areas, we believe 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.

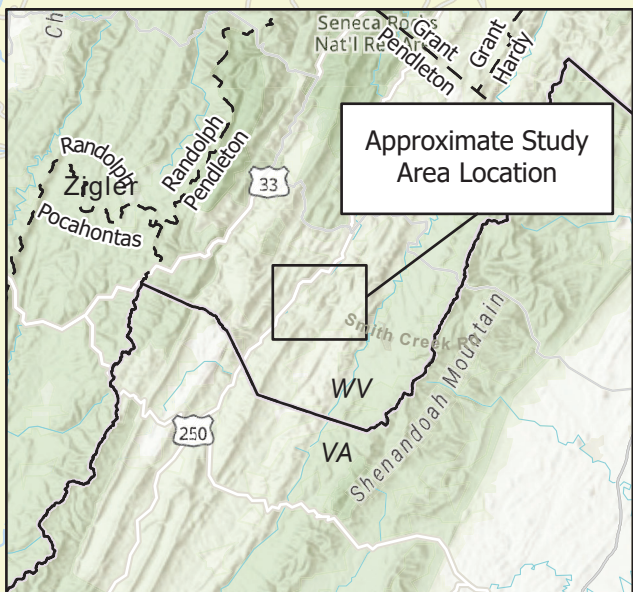
Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effects on historic properties. If you have any questions about the project, please contact Chris Johnson at (410) 962-2926 or Christopher.a.johnson@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles', with a long horizontal flourish extending to the right. The signature is centered within a light gray rectangular box.

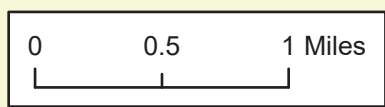
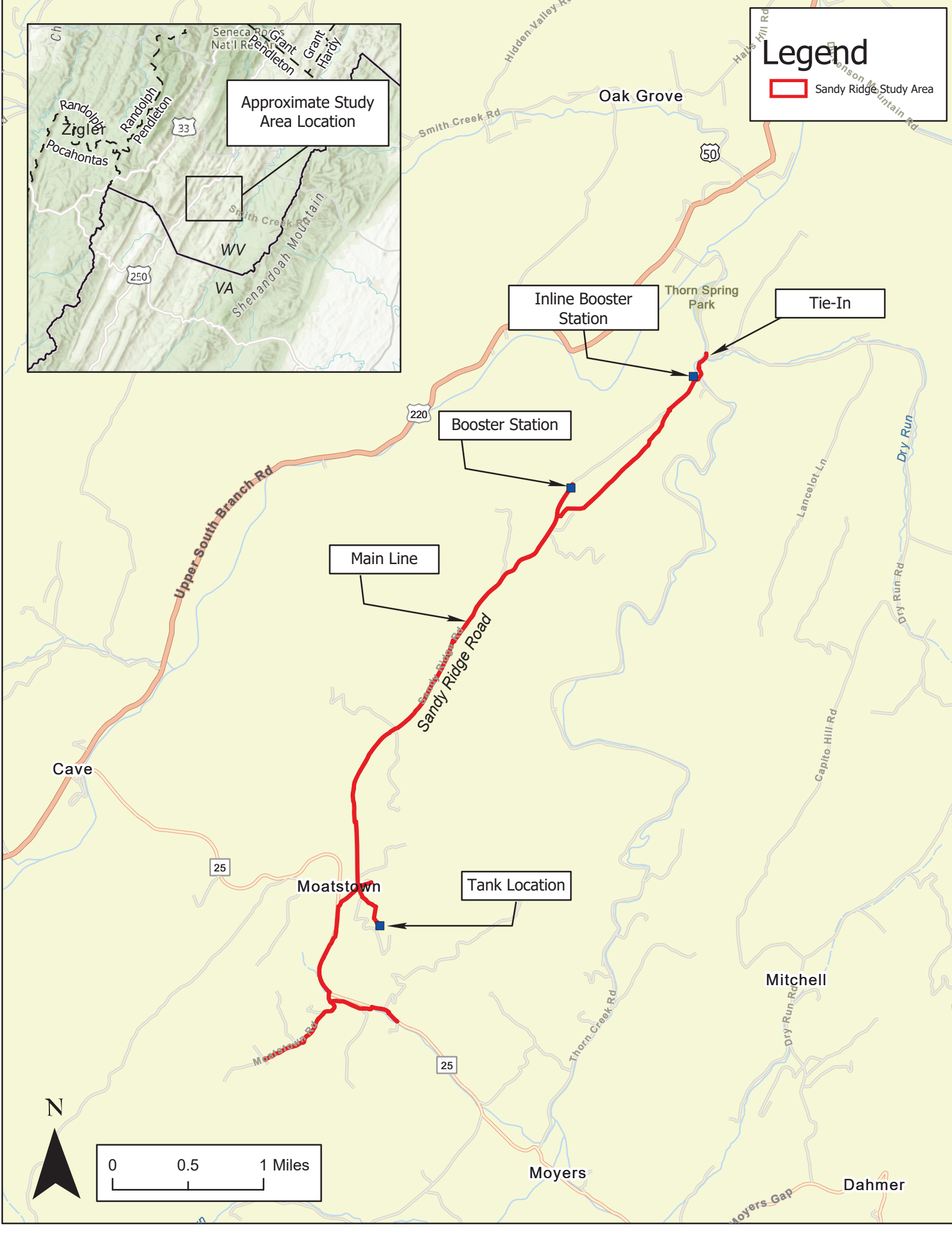
Charles Leasure
Environmental Policy Advisor
Planning Division

Enclosure



Legend

 Sandy Ridge Study Area



USFWS

From: [Stout, Elizabeth](#)
To: [Johnson, Christopher A CIV USARMY CENAB \(USA\)](#)
Subject: [Non-DoD Source] Re: [EXTERNAL] Project code: 2024-0001681 Project Name: Sandy Ridge Water Line Extension Project
Date: Wednesday, November 29, 2023 1:22:34 PM

On October 6, 2023, you used the Northeast Endangered Species Determination Key and the Northern Long-eared Bat Rangewide Determination Key to assess the potential impacts of this project on federally listed species. The responses provided determined that the proposed project is not likely to adversely affect the Indiana and northern long-eared bats and will have no effect on the Virginia big-eared bat and northeastern bulrush. Therefore, this response only addresses the Indiana bat critical habitat.

A cave designated as critical habitat for the Indiana bat is within proximity of the proposed project. Indiana bats utilize this cave during the winter hibernation season. They may also use the area around the cave entrance for spring staging and fall swarming.

When the West Virginia Field Office (WVFO) evaluates potential impacts to federally listed bats or their critical habitat, we consider the biological requirements for the species, the location of the project, the timing of the impact, and the extent of impacts. The proposed project occurs near critical habitat for the Indiana bat. However, it will not affect any suitable caves or mines and will only remove a limited amount of suitable roosting habitat during the winter months when bats are not present on the landscape. Therefore, the WVFO concurs that the proposed project is not likely to adversely modify Indiana bat critical habitat.

This concurrence should be reevaluated if project plans change or amendments to the project are proposed that we have not considered, if additional information on listed species or critical habitats in the area becomes available, or if additional species are listed. If you have any questions, please reach out to me.

Thank you,

Liz

Liz Stout (she/her)
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service | West Virginia Field Office
6263 Appalachian Highway | Davis, West Virginia 26260
304-866-3858 (Office)
<https://www.fws.gov/office/west-virginia-ecological-services>

From: West Virginia FO, FW5 <FW5_WVFO@fws.gov>
Sent: Monday, November 13, 2023 9:44 AM
To: Stout, Elizabeth <Elizabeth_Stout@fws.gov>
Subject: Fw: [EXTERNAL] Project code: 2024-0001681 Project Name: Sandy Ridge Water Line Extension Project

From: Johnson, Christopher A CIV USARMY CENAB (USA) <Christopher.A.Johnson@usace.army.mil>

Sent: Monday, October 16, 2023 2:42 PM

To: West Virginia FO, FW5 <FW5_WVFO@fws.gov>

Cc: Danaher, Christine M CIV USARMY CENAB (USA) <Christine.M.Danaher@usace.army.mil>

Subject: [EXTERNAL] Project code: 2024-0001681 Project Name: Sandy Ridge Water Line Extension Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

To Whom it May Concern,

I'd like to follow up to a recent USFWS IPaC survey that was completed on October 5, 2023, for the Sandy Ridge Water Line Extension Project, Project Code: 2024-0001681. The purpose of the proposed project would be to provide safe drinking water to the communities of Sandy Ridge (mainly the residents along Sandy Ridge Road) and the community of Moatstown, WV. Currently, the residents of this area rely on private wells and cisterns for drinking water. The need for this project is to provide safe, quality, public drinking water to the communities of Sandy Ridge and Moatstown as well as the surrounding areas. I've attached the following:

1. Northeast Endangered Species Determination Key
2. NLAA Concurrence letter for NLEB
3. Project Species list
4. Study Area Map
5. GIS Shapefile of study area.

Once a biologist is assigned to this project and reviews the IPaC report, I'd like to discuss compliance measures USACE or the Non-federal sponsor would need to apply for the project.

Thank you,

Chris Johnson

Biologist

U.S. Army Corps of Engineers

Baltimore District, Planning Division

2 Hopkins Plaza Baltimore, MD 21201

Office: (410) 962-2926

Cell: (443) 807-7461

Email: christopher.a.johnson@usace.army.mil



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:
Project Code: 2024-0001681
Project Name: Sandy Ridge Water Line Extension Project

October 05, 2023

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: 2024-0001681

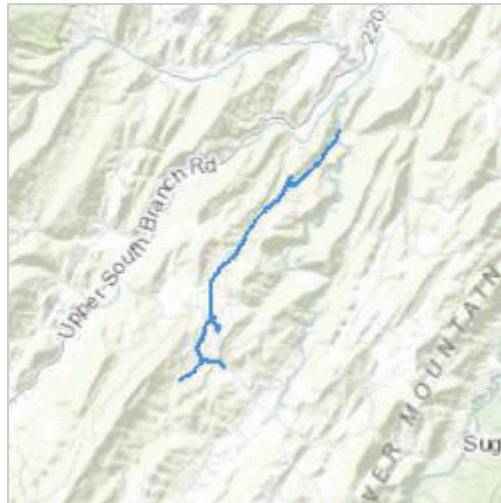
Project Name: Sandy Ridge Water Line Extension Project

Project Type: Distribution Line - New Construction - Below Ground

Project Description: The purpose of the proposed project would be to provide safe drinking water to the communities of Sandy Ridge (mainly the residents along Sandy Ridge Road) and the community of Moatstown. Currently, the residents of this area rely on private wells and cisterns for drinking water. The need for this project is to provide safe, quality, public drinking water to the communities of Sandy Ridge and Moatstown as well as the surrounding areas.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.56698165,-79.38826265387527,14z>



Counties: Pendleton County, West Virginia

ENDANGERED SPECIES ACT SPECIES

There is a total of 7 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 1 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 Fisheries¹, 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 final critical habitat for this species. Your location overlaps the critical habitat. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> ▪ All activities in this location should consider potential effects to this species. This project is within known swarming, roosting, and foraging zones (10 miles) around a priority 1 or 2 winter hibernaculum. Please contact the WVFO. ▪ All activities in this location should consider potential effects to this species. This project is within known swarming, roosting, and foraging zones (5 miles) of a priority 3 or 4 winter hibernaculum. Please contact the WVFO. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered
Virginia Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii virginianus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8369	Endangered

CLAMS

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

INSECTS

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

FLOWERING PLANTS

NAME	STATUS
Northeastern Bulrush <i>Scirpus ancistrochaetus</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6715	Endangered

CRITICAL HABITATS

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> https://ecos.fws.gov/ecp/species/5949#crithab	Final

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 Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

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 bald and/or golden eagles in your project area.

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

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> 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.	Breeds Sep 1 to Aug 31
Golden Eagle <i>Aquila chrysaetos</i> 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. https://ecos.fws.gov/ecp/species/1680	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 the supplemental information and specifically the FAQ "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 (■)

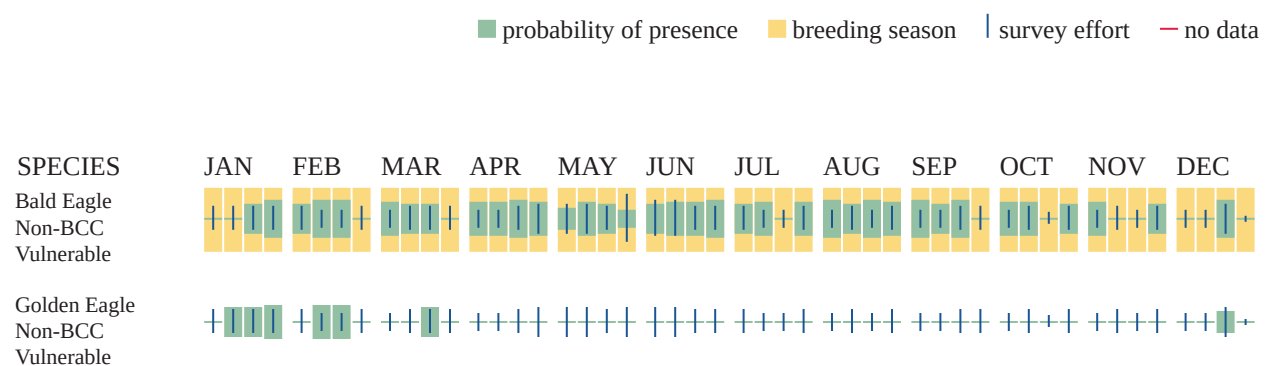
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

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-incidental-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 Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

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, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> 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.	Breeds Sep 1 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Black-capped Chickadee <i>Poecile atricapillus praticus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 10 to Jul 31
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 27 to Jul 20
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Aug 20
Golden Eagle <i>Aquila chrysaetos</i> 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. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere
Golden-winged Warbler <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8745	Breeds May 1 to Jul 20
Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20

NAME	BREEDING SEASON
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	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 the supplemental information and specifically the FAQ "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.

■ probability of presence ■ breeding season | survey effort — no data

SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC



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-incidental-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.

RIVERINE

- [R4SBC](#)
- [R3UBH](#)

FRESHWATER EMERGENT WETLAND

- [PEM1A](#)

FRESHWATER POND

- [PUBHh](#)
-

IPAC USER CONTACT INFORMATION

Agency: Department of Defense
Name: Chris Johnson
Address: 2 Hopkins Place
Address Line 2: U.S. Army Corps of Engineers
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:
Project code: 2024-0001681
Project Name: Sandy Ridge Water Line Extension Project

October 05, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Department of Defense

Subject: Technical assistance for 'Sandy Ridge Water Line Extension Project'

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 October 05, 2023, for “Sandy Ridge Water Line Extension Project” (here forward, Project). This project has been assigned Project Code 2024-0001681 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 (NLAA)" 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	NLAA
Northeastern Bulrush (<i>Scirpus ancistrochaetus</i>)	Endangered	No effect
Virginia Big-eared Bat (<i>Corynorhinus (=Plecotus) townsendii virginianus</i>)	Endangered	No effect
Critical Habitat		
Indiana Bat (<i>Myotis sodalis</i>)	Final	May affect

Consultation with the Service is not complete. Further consultation or coordination with the Service is necessary for those species or designated critical habitats with a determination of "May Affect". Please contact our West Virginia Ecological Services Field Office to discuss methods to avoid or minimize potential adverse effects to those species or designated critical habitats.

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, 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

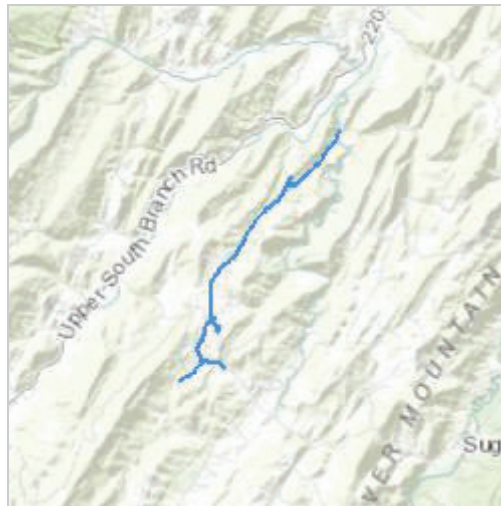
Sandy Ridge Water Line Extension Project

2. Description

The following description was provided for the project 'Sandy Ridge Water Line Extension Project':

The purpose of the proposed project would be to provide safe drinking water to the communities of Sandy Ridge (mainly the residents along Sandy Ridge Road) and the community of Moatstown. Currently, the residents of this area rely on private wells and cisterns for drinking water. The need for this project is to provide safe, quality, public drinking water to the communities of Sandy Ridge and Moatstown as well as the surrounding areas.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.56698165,-79.38826265387527,14z>



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

No

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

No

11. Does any component of the project associated with this action include structures that may pose a collision risk to **birds** (e.g., 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

12. Does any component of the project associated with this action include structures that may pose a collision risk to **bats** (e.g., land-based 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

13. 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

14. 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

15. 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

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

Yes

17. 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

18. 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

19. 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

20. 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

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

No

22. 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

23. 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

24. 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

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

No

26. 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

27. 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

28. [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

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

No

30. [Semantic] Does the project intersect the Virginia Big-eared Bat AOI?

Automatically answered

Yes

31. Will Virginia big-eared bats or big-eared bat habitat (caves, bridges, or culverts used for roosting, and foraging areas) have any possible exposure to any of the project activities during any time of year?

No

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

Automatically answered

No

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

Automatically answered

Yes

34. 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 ≥ 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 ≥ 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

Yes

35. Has a presence/probable absence bat survey following the [Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines](#) been conducted within the action area?

No

36. Does the project involve removal or modification of a human-made structure (barn, house, or other building) known or suspected to contain roosting bats?

Note: Most maintenance and general human disturbance in and around structures will not affect Indiana bats as bats roosting in human structures are adjusted to a certain level of routine noise and are generally expected to roost away from areas with excessive disturbance. Answer 'no' if the proposed action will not include disturbance to human structures known or suspected to contain roosting bats or if the structure does not offer suitable roosting habitat for northern long-eared bats. If unsure, answer 'yes.'

No

37. Does the project include removal/modification of an existing bridge or culvert?

No

38. Will the project include tree cutting, other means of knocking down or bringing down trees, or tree trimming?

Yes

39. Is the project a linear project (e.g., pipelines, utility rights-of-way, roads etc.)?

Yes

40. Will all tree cutting/trimming or other knocking or bringing down of trees be restricted to the inactive season for the Indiana bat which occurs between November 15 and March 31?

Yes

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

Automatically answered

Yes

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

Automatically answered

No

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

Automatically answered

No

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

Automatically answered

No

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

Automatically answered

No

46. [Hidden Semantic] Does the project intersect the northeastern bulrush AOI?

Automatically answered

Yes

47. Will the project affect any wetlands in Berkeley or Hardy Counties?

No

48. 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?

1

2. Approximately how many total acres of disturbance are within the disturbance/
construction limits of the proposed project?

10

3. Briefly describe the habitat within the construction/disturbance limits of the project site.

The area of disturbance will follow mostly open, residential, grassy areas, or existing ROW easements. There are some locations that may require minor tree removal, particularly at the Sandy Ridge Booster Station where a 1600 square foot area will need to be cleared and about 25 young hardwood trees in order to install the booster station.

IPAC USER CONTACT INFORMATION

Agency: Department of Defense
Name: Chris Johnson
Address: 2 Hopkins Place
Address Line 2: U.S. Army Corps of Engineers
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:
Project code: 2024-0001681
Project Name: Sandy Ridge Water Line Extension Project

October 06, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Department of Defense

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for 'Sandy Ridge Water Line Extension Project'

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 October 06, 2023, for 'Sandy Ridge Water Line Extension Project' (here forward, Project). This project has been assigned Project Code 2024-0001681 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

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 completed by the Service, your project has reached the determination of "May Affect, Not Likely to Adversely Affect" the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your

IPaC-assisted determination was incorrect, this letter verifies that consultation on the Action is complete and no further action is necessary unless either of the following occurs:

- new information reveals effects of the action that may affect the northern long-eared bat in a manner or to an extent not previously considered; or,
- the identified action is subsequently modified in a manner that causes an effect to the northern long-eared bat that was not considered when completing the determination key.

15-Day Review Period

As indicated above, the Service will notify you within 15 calendar days if we determine that this proposed Action does not meet the criteria for a “may affect, not likely to adversely affect” (NLAA) determination for the northern long-eared bat. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the identified Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that we did not anticipate when developing the key. In such cases, the identified Ecological Services Field Office may request additional information to verify the effects determination reached through the Northern Long-eared Bat DKey.

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
- Northeastern Bulrush *Scirpus ancistrochaetus* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered
- Virginia Big-eared Bat *Corynorhinus (=Plecotus) townsendii virginianus* Endangered

Critical Habitats:

- Indiana Bat *Myotis sodalis* Endangered

You may coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

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 2024-0001681 associated with this Project.

Action Description

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

1. Name

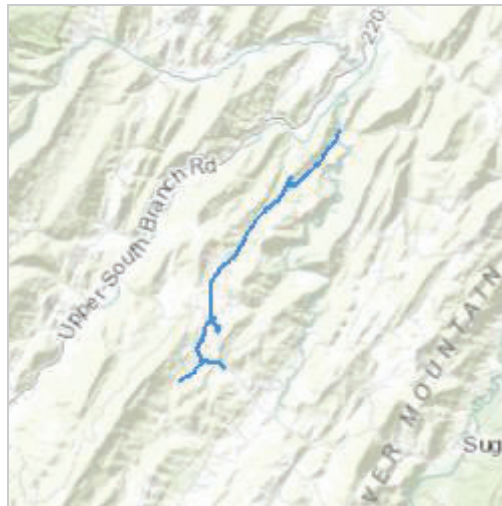
Sandy Ridge Water Line Extension Project

2. Description

The following description was provided for the project 'Sandy Ridge Water Line Extension Project':

The purpose of the proposed project would be to provide safe drinking water to the communities of Sandy Ridge (mainly the residents along Sandy Ridge Road) and the community of Moatstown. Currently, the residents of this area rely on private wells and cisterns for drinking water. The need for this project is to provide safe, quality, public drinking water to the communities of Sandy Ridge and Moatstown as well as the surrounding areas.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.56698165,-79.38826265387527,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

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.

Yes

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. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

No

12. 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 ≥ 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>

Yes

13. Will the action cause effects to a bridge?

No

14. Will the action result in effects to a culvert or tunnel?

No

15. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

No

16. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

17. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

18. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

Note: For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

19. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

20. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

No

21. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

22. Will the action include drilling or blasting?

Yes

23. Will the drilling or blasting affect known or potentially suitable hibernacula, summer habitat, or active year-round habitat (where applicable) for the northern long-eared bat?

Note: In addition to direct impacts to hibernacula, consider impacts to hydrology or air flow that may impact the suitability of hibernacula. 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

24. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

25. Will the proposed action involve the use of herbicides or pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

26. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

Note: 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

27. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting 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

28. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

Yes

29. Have you contacted the appropriate agency to determine if the action area overlaps with a known northern long-eared bat conservation buffer / known summer habitat (3-mile buffers around northern long-eared bat captures or detections; 1.5 mile buffer around known roosts)) or spring staging/fall swarming buffer (within 5 miles of known hibernacula)?

Note: A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees can be found [here](#). Location information for northern long-eared bat maternity roost trees and swarming areas is generally kept in state natural heritage inventory databases – the availability of this data varies state-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. If you'd like to assume presence of northern long-eared bats, answer "No".

Yes

30. Does the action area overlap with a known spring staging/fall swarming buffer (within 5 miles of known hibernacula)?

Yes

31. Does the action area overlap with a known northern long-eared bat conservation buffer (3-mile buffer around northern long-eared bat captures or detections; 1.5-mile buffer around known roost trees)?

Answer yes to this question if you also answered 'yes' above to the question "Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?"

Yes

32. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

Note: A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property and has a diameter breast height of six inches or greater.

No

33. Are any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming suitable for northern long-eared bat roosting (i.e., live trees and/or snags ≥ 3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities)?

No

34. Will the action result in the use of prescribed fire?

No

35. Will the action cause noises that are louder than ambient baseline noises within the action area?

Yes

36. Will the action cause noises during the active season in suitable summer habitat that are louder than anthropogenic noises to which the affected habitat is currently exposed?
Answer 'no' if the noises will occur only during the inactive period.

Note: Inactive Season dates for areas within a spring staging/fall swarming area can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Note: 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: U.S. Army Corps of Engineers
City: Baltimore
State: MD
Zip: 21201
Email: christopher.a.johnson@usace.army.mil
Phone: 4438077461

USDA-NRCS



United States Department of Agriculture
Natural Resources Conservation Service
1550 Earl Core Road, Suite 200
Morgantown, WV 26505
(304) 284-7540 (Phone)
(855) 857-6448 (Fax)

November 29, 2023

Chris Johnson
Biologist
U.S Army Corps of Engineers
Baltimore District, Planning Division
2 Hopkins PLaza
Baltimore, MD 21201

**RE: ENVIRONMENTAL ASSESSMENT—Important Farmland Determination
Sandy Ridge Water Line Extension, Pendleton County, WV**

Chris,

This is to acknowledge receipt of your request for evaluation of important farmland related to the above referenced project in Pendleton County, WV. This important farmland information was requested in order for you to assess the environmental impacts of the proposed project in accordance with the National Environmental Policy Act.

The Farmland Protection Policy Act (FPPA – Public Law 97-98, 7 U.S.C. 4201) established the farmland conversion rating system to evaluate the impacts Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are implemented or assisted by a federal agency. Assistance from a Federal agency includes loans, financial and technical assistance.

Based on a review of the submitted documents, aerial photography, and the soil survey mapping it is determined that this project **does** impact prime or other important farmland, and is therefore subject to Farmland Protection Policy Act. Completion of Parts VI and VII of the AD-1006 by the federal agency are required to determine Total Points.

If you have any questions regarding this determination, please contact me at 304-284-7588.

Brian Nester
Assistant State Soil Scientist

Attachment: NRCS-AD-1006

Cc: Sarah Taylor-Goldizen, District Conservationist, NRCS, Franklin, WV
Matalyn Stark, Resource Soil Scientist, NRCS, Morgantown, WV

Helping People Help the Land

An Equal Opportunity Provider and Employer



FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request November 29, 2023				
Name of Project Sandy Ridge Water Line Extension		Federal Agency Involved U.S. Army Corps of Engineers				
Proposed Land Use Utility		County and State Pendleton County, WV				
PART II (To be completed by NRCS)		Date Request Received By NRCS 11/29/2023		Person Completing Form: Brian Nester		
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Acres Irrigated 0	Average Farm Size 302	
Major Crop(s) Corn	Farmable Land In Govt. Jurisdiction Acres: 102820% 28	Amount of Farmland As Defined in FPPA Acres: 102820% 28				
Name of Land Evaluation System Used LESA	Name of State or Local Site Assessment System None	Date Land Evaluation Returned by NRCS 11/29/2023				
PART III (To be completed by Federal Agency)		Alternative Site Rating				
		Site A	Site B	Site C	Site D	
A. Total Acres To Be Converted Directly		0.4				
B. Total Acres To Be Converted Indirectly		0.0				
C. Total Acres In Site		35.2				
PART IV (To be completed by NRCS) Land Evaluation Information						
B. Total Acres Statewide Important or Local Important Farmland		0.4				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted		0.001				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		30				
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)		1				
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C	Site D
1. Area In Non-urban Use	(15)	0				
2. Perimeter In Non-urban Use	(10)	0				
3. Percent Of Site Being Farmed	(20)	0				
4. Protection Provided By State and Local Government	(20)	0				
5. Distance From Urban Built-up Area	(15)	15				
6. Distance To Urban Support Services	(15)	10				
7. Size Of Present Farm Unit Compared To Average	(10)	0				
8. Creation Of Non-farmable Farmland	(10)	0				
9. Availability Of Farm Support Services	(5)	0				
10. On-Farm Investments	(20)	0				
11. Effects Of Conversion On Farm Support Services	(10)	0				
12. Compatibility With Existing Agricultural Use	(10)	10				
TOTAL SITE ASSESSMENT POINTS		160	35	0	0	0
PART VII (To be completed by Federal Agency)						
Relative Value Of Farmland (From Part V)		100	1	0	0	0
Total Site Assessment (From Part VI above or local site assessment)		160	35	0	0	0
TOTAL POINTS (Total of above 2 lines)		260	36	0	0	0
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>				
Reason For Selection:						

Name of Federal agency representative completing this form: **U.S. Army Corps of Engineers**Date: **11/29/23**

(See Instructions on reverse side)

Form AD-1006 (03-02)