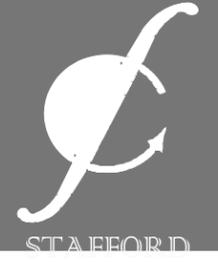


Appendix A
Exhibits



STA JEOR ID
CONSULTANTS
INCORPORATED

CLIENT	PROJECT NAME
TOWN OF ALDERSON	WASTEWATER TREATMENT PLANT UPGRADE & LIFT STATION REPLACEMENTS

REVISION NO · 1.0

SHEET TITLE

AERIAL SITE
LOCATION MAPPING
FOR
ENVIRONMENTAL
ASSESSMENT

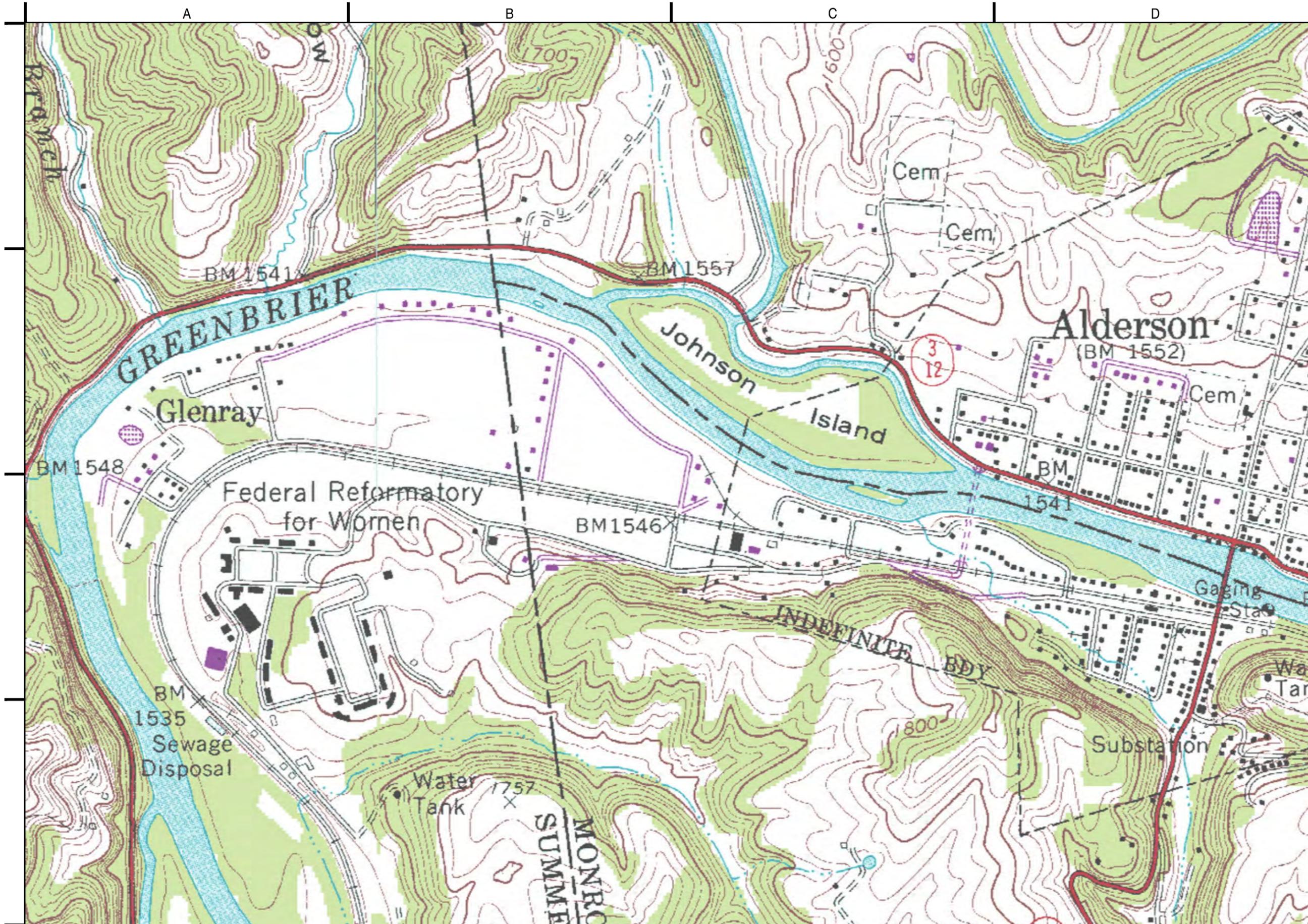
ISSUE DAT 9/28/15

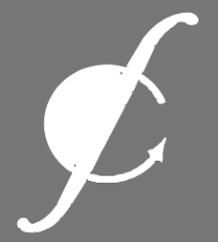
SCAL · ' = 750'

· 12-7326.40

SHEET NUMBER

1



 STA BEOR ID	
PROJECT NAME	
CLIENT	PROJECT NAME
TOWN OF ALDERSON	WASTEWATER TREATMENT PLANT UPGRADE & LIFT STATION REPLACEMENTS
REVISION NO	1.0
SHEET TITLE	
UNITED STATES GEOLOGIC SURVEY (USGS) SITE LOCATION MAPPING FOR ENVIRONMENTAL ASSESSMENT	
ISSUE DAT	9/28/15
SCAL	'=750'
	12-7326.40
SHEET NUMBER	
2	

Appendix B
Agency Correspondence

DNR



DIVISION OF NATURAL RESOURCES

324 Fourth Avenue, Room 200
South Charleston WV 25303-1228
TDD (304) 558-1439
TDD 1-800-354-6087
Fax (304) 558-6048
Telephone (304) 558-3225

Earl Ray Tomblin
Governor

Robert A. Fala
Director

July 16, 2015

Town of Alderson
c/o Stafford Consultants, Inc.
1105 Mercer Street, PO Box 5849
Princeton, WV 24740-

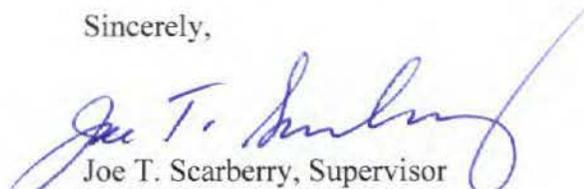
RE: Lift Station #1
Lift Station #2
WWTP

Dear Sir or Madam,

Our office received stream activity applications for your proposed projects along a section of the Greenbrier River near Alderson in Greenbrier County, West Virginia. After reviewing your proposal, our office has determined that Right of Entry permits are not required from our office for the activities outlined.

If you have any questions or need any additional information, please contact our office.

Sincerely,


Joe T. Scarberry, Supervisor
Office of Land and Streams

JTS: cb

DNR – WILDLIFE RESOURCE SECTION



DIVISION OF NATURAL RESOURCES

Wildlife Resources Section

Operations Center

P.O. Box 67

Elkins, West Virginia 26241-3235

Telephone (304) 637-0245

Fax (304) 637-0250

Earl Ray Tomblin
Governor

Frank Jezioro
Director

June 7, 2012

Mr. William B. Keaton
Stafford Consultants, Inc.
PO Box 5849
Princeton, WV 24740

Dear Mr. Keaton:

We have reviewed our files for information on rare, threatened and endangered (RTE) species and sensitive habitats for the area of the wastewater treatment plant upgrades and lift station replacements project for the Town of Alderson in Greenbrier, Summers and Monroe counties, WV.

We have no known records of any RTE species or sensitive habitats within the project area. The Wildlife Resources Section knows of no 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.

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.

Thank you for your inquiry, and should you have any questions please feel free to contact me at the above number, extension 2048. Enclosed please find an invoice.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barb Sargent".

Barbara Sargent
Environmental Resources Specialist
Wildlife Diversity Unit

enclosure

S:\Monthly\Barb\Invoices\Stafford.doc

FLOODPLAIN MANAGEMENT
(ALDERSON/GREENBRIER COUNTY)



531000

JOINED PANEL 0010

532000

533000
1011 30

Received from Eric Duff (Floodplain Management) - Town of Alderson on June 7, 2012

FLOODPLAIN MANAGEMENT
(MONROE COUNTY)

MONROE COUNTY FLOODPLAIN

39 NOTA STREET

PO BOX 200, UNION, WV 24983

304-772-3911/ FAX 304-77-3913



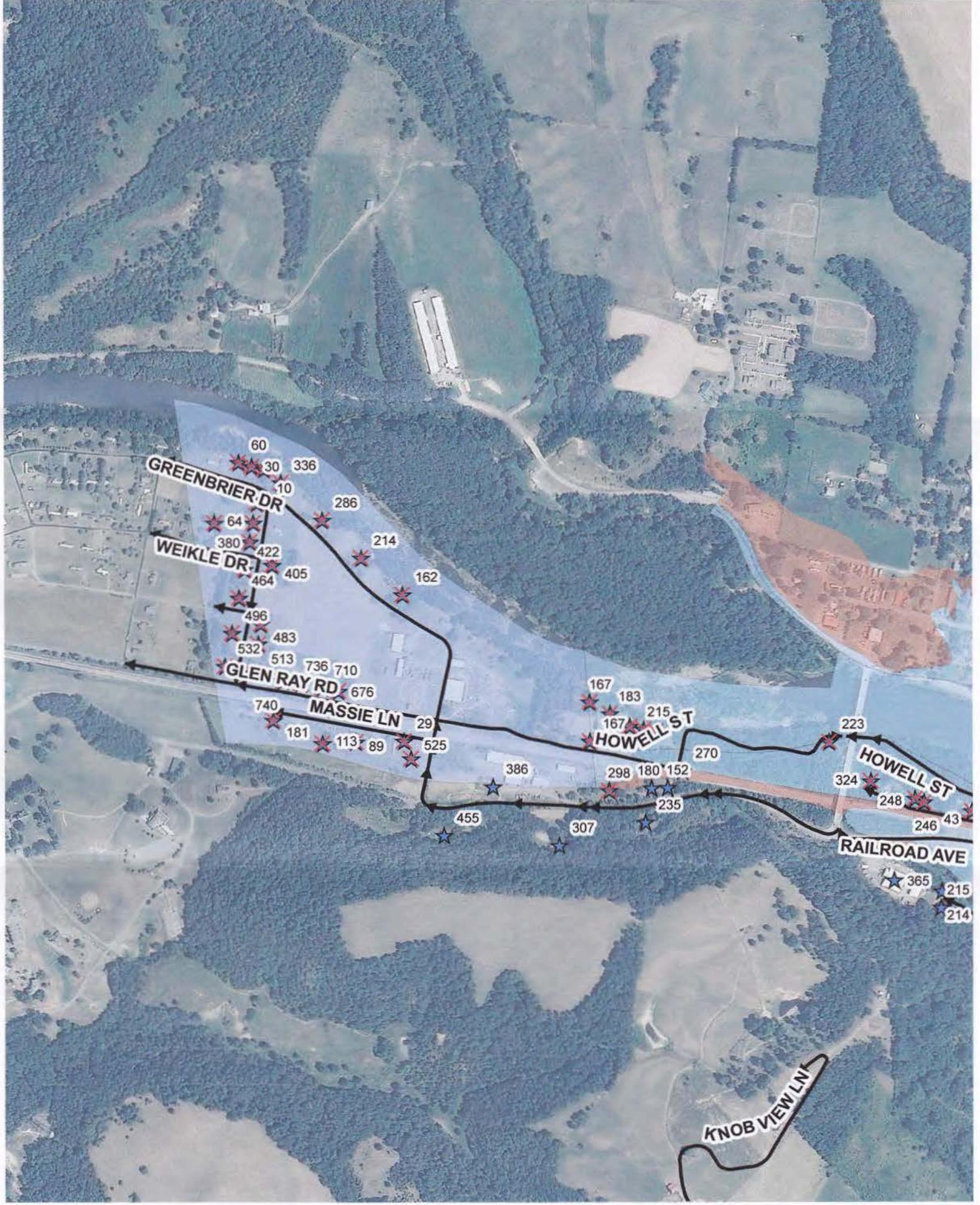
To Whom It May Concern,

RE: Town Of Alderson

The property in question is in the Floodplain. Any question please feel free to contact this office.

Sincerely,

Jimmy L. Fry



60
30 336
10
GREENBRIER DR

64
380 422
464 405
WEIKLE DR

496
532 483
513 736 710
GLEN RAY RD 676

740
181
MASSIE LN 29
525

167 183
167 215
HOWELL ST

223
324
HOWELL ST 43
248

RAILROAD AVE
365 215
214

KNOB VIEW LN

GREENBRIER COUNTY HEALTH DEPARTMENT



Matthew Peters <mpeters@staffordconsultantsinc.com>

[7326.40] HTRW Inquiry (Alderson Sewer Project)

3 messages

Matthew W. Peters <mpeters@staffordconsultantsinc.com>

Fri, Aug 7, 2015 at 9:54 AM

To: "Amanda B. McMichael" <Amanda.B.McMichael@wv.gov>

Ms. McMichael,

Stafford Consultants, Inc. is currently working with the Town of Alderson on their Wastewater Treatment Plant Upgrade and Lift Station Replacements Project. This project received funding from a United States Army Corps of Engineers Grant. As a result of this federal grant funding, a Phase I Hazardous, Toxic, and Radioactive Waste (HTRW) Investigation and Report must be performed for the proposed project sites. One (1) of the project sites is located within Greenbrier County: sewage Lift Station #1 (Refer to the attached project area mapping).

We are required to contact various regulatory agencies, in order to determine if they have any environmental issues on record for the proposed project sites. More specifically, items that you may have on record pertain to the following:

- Are there currently any damaged or discarded batteries, pesticides, paints, or other chemical containers stored on or used at the facility?
- Are there any underground or above ground storage tanks on the property or adjacent properties?
- Are there any known wells or cisterns on the property? If so, has any analysis been performed on these wells?
- Are there environmental liens, notices of violation, or other pending actions on the property or adjacent properties?
- Do you have knowledge of any known environmental reports that were prepared for the property?
- Are there any septic systems on the property or adjacent properties?

This list is not all inclusive; please provide any information that you feel may pertain to HTRW on the identified site in Greenbrier County.

If you need any additional information, or have any questions about this inquiry, please feel free to contact me at your leisure.

—

Best Regards,

Matthew W. Peters
Stafford Consultants Inc.
Office: (304) 425-9555
Mobile: (304) 952-4344

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This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify us immediately by returning to sender and delete this copy from your system. Thank you for your cooperation.

McMichael, Amanda B <Amanda.B.McMichael@wv.gov>
To: "Matthew W. Peters" <mpeters@staffordconsultantsinc.com>

Tue, Aug 18, 2015 at 2:48 PM

Mr. Peters,

So sorry for the delay in my reply. This office has no records of any spills, waste or other problems at the lift station #1 site in Alderson, WV. Please let me know if there is any other information you need.

Amanda McMichael, RS

Environmental Health Program Supervisor

Greenbrier County Health Department

(304) 645-6383

From: Matthew W. Peters [mailto:

MON POWER – FIRST ENERGY (ELECTRICAL
UTILITY PROVIDER AT ALL SIX SITES)



MonPower Headquarters
5001 NASA Boulevard
Fairmont, WV 26554-8248

August 7, 2015

Dear Mr. Peters,

You have made an inquiry regarding the PCB concentration in either a FirstEnergy-owned pole-mounted or pad-mounted transformer located in Mon Power Company territory.

Under the United States Environmental Protection Agency's rules, electrical equipment manufactured after July 2, 1979, is assumed to be non-PCB, that is, it has less than 50 parts per million PCB; but any electrical equipment that was manufactured before July 2, 1979, and whose PCB concentration is not established through testing, is presumed to be PCB-Contaminated Electrical Equipment, containing more than 50, but less than 500, parts per million PCB. These are the assumptions FirstEnergy makes in dealing with pole-mounted or pad-mounted transformers found at Section 761.2(a)(2) of Chapter 40 of the Code of Federal Regulation.

If you wish to know the actual concentration of PCBs in this particular transformer, within the error limit of a laboratory analysis, FirstEnergy can arrange to have the transformer fluid analyzed for a fee to cover costs of performing the service. Please contact me at **(304) 534-7430** if you wish to have the transformer fluid sampled and analyzed for PCB concentration or have any further questions.

Sincerely,

Jason F. Starheim

FEU Environmental Coordinator

MONROE COUNTY HEALTH DEPARTMENT



MONROE COUNTY HEALTH DEPARTMENT

**P. O. BOX 590
UNION, WEST VIRGINIA 24983
PHONE: 304-772-3064
FAX: 304-772-5677**

William B. Keaton, P.E., Project Manager
Stafford Consultants, Inc.
PO Box 5849
Princeton, WV 24740

Dear Mr. Keaton;

Based upon my review of the proposed upgrades at the Alderson Wastewater Treatment Plant as per your written communication and our subsequent discussion, the Monroe County Health Department wishes to add its support of these upgrades as a means to help reduce the total amount of phosphorus discharged into the Greenbrier River, thus improving the overall health of that stream.

If there are any questions regarding the above please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale McCutcheon".

Dale McCutcheon, RS, MS
Monroe County Health Department



Matthew Peters <mpeters@staffordconsultantsinc.com>

[7326.40] HTRW Inquiry (Alderson Sewer Project)

Matthew W. Peters <mpeters@staffordconsultantsinc.com>

Fri, Aug 7, 2015 at 9:42 AM

To: David Johnson <djohnson@monroehealthcenter.com>

Mr. Johnson,

Stafford Consultants, Inc. is currently working with the Town of Alderson on their Wastewater Treatment Plant Upgrade and Lift Station Replacements Project. This project received funding from a United States Army Corps of Engineers Grant. As a result of this federal grant funding, a Phase I Hazardous, Toxic, and Radioactive Waste (HTRW) Investigation and Report must be performed for the proposed project sites. Two (2) of the project sites are located within Monroe County: The Town of Alderson Wastewater Treatment Plant and sewage Lift Station #2 (Refer to the attached project area mapping).

We are required to contact various regulatory agencies, in order to determine if they have any environmental issues on record for the proposed project sites. More specifically, items that you may have on record pertain to the following:

- Are there currently any damaged or discarded batteries, pesticides, paints, or other chemical containers stored on or used at the facility?
- Are there any underground or above ground storage tanks on the property or adjacent properties?
- Are there any known wells or cisterns on the property? If so, has any analysis been performed on these wells?
- Are there environmental liens, notices of violation, or other pending actions on the property or adjacent properties?
- Do you have knowledge of any known environmental reports that were prepared for the property?
- Are there any septic systems on the property or adjacent properties?

This list is not all inclusive; please provide any information that you feel may pertain to HTRW on the identified sites in Monroe County.

If you need any additional information, or have any questions about this inquiry, please feel free to contact me at your leisure.

—

Best Regards,

Matthew W. Peters
Stafford Consultants Inc.
Office: (304) 425-9555
Mobile: (304) 952-4344

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 A - USGS & Aerial Project Location Mapping.pdf
2373K

PHONE LOG

Caller: David Johnson

Call Date: August 18, 2015

Call Time: 8:03 AM

Call Summary:

Mr. Johnson called me to discuss my HTRW inquiry. After providing some clarification to my request, he stated that to his knowledge there were no HTRW issues at the WWTP or Lift Station #2. However, he explained that he had only been at his current position for approximately two (2) years. He explained that he has been a resident in Monroe County for most all of his life. He believes there are septic systems around the proposed project properties but has no knowledge of underground or above ground storage tanks, environmental liens, notices of violation, environmental reports, damaged or discarded batteries, pesticides, paints, or other chemical containers at or around the site.

SUMMERS COUNTY HEALTH DEPARTMENT



Matthew Peters <mpeters@staffordconsultantsinc.com>

[7326.40] HTRW Inquiry (Alderson Sewer Project)

3 messages

Matthew W. Peters <mpeters@staffordconsultantsinc.com>

Fri, Aug 7, 2015 at 9:48 AM

To: "Chad E. Meador" <Chad.E.Meador@wv.gov>

Mr. Meador,

Stafford Consultants, Inc. is currently working with the Town of Alderson on their Wastewater Treatment Plant Upgrade and Lift Station Replacements Project. This project received funding from a United States Army Corps of Engineers Grant. As a result of this federal grant funding, a Phase I Hazardous, Toxic, and Radioactive Waste (HTRW) Investigation and Report must be performed for the proposed project sites. One (1) of the project sites is located within Summers County: sewage Lift Station #3 (Refer to the attached project area mapping).

We are required to contact various regulatory agencies, in order to determine if they have any environmental issues on record for the proposed project sites. More specifically, items that you may have on record pertain to the following:

- Are there currently any damaged or discarded batteries, pesticides, paints, or other chemical containers stored on or used at the facility?
- Are there any underground or above ground storage tanks on the property or adjacent properties?
- Are there any known wells or cisterns on the property? If so, has any analysis been performed on these wells?
- Are there environmental liens, notices of violation, or other pending actions on the property or adjacent properties?
- Do you have knowledge of any known environmental reports that were prepared for the property?
- Are there any septic systems on the property or adjacent properties?

This list is not all inclusive; please provide any information that you feel may pertain to HTRW on the identified site in Summers County.

If you need any additional information, or have any questions about this inquiry, please feel free to contact me at your leisure.

—

Best Regards,

Matthew W. Peters
Stafford Consultants Inc.
Office: (304) 425-9555
Mobile: (304) 952-4344

CONFIDENTIALITY NOTE:

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify us immediately by returning to sender and delete this copy from your system. Thank you for your cooperation.



A - USGS & Aerial Project Location Mapping.pdf
2373K

Meador, Chad E <Chad.E.Meador@wv.gov>
To: "Matthew W. Peters" <mpeters@staffordconsultantsinc.com>

Mon, Aug 17, 2015 at 9:37 AM

Mr. Peters,

I have no knowledge of any hazardous, toxic, or radioactive waste issues on the proposed site in Summers County. If I can be of further assistance, please let me know. Thank you.

Chad E. Meador, RS

Summers County Health Department

151 Pleasant Street

Hinton, WV 25951

(304) 466-3388

From: Matthew W. Peters [mailto:mpeters@staffordconsultantsinc.com]

Sent: Friday, August 07, 2015 9:48 AM

To: Meador, Chad E

Subject: [7326.40] HTRW Inquiry (Alderson Sewer Project)

[Quoted text hidden]

Matthew W. Peters <mpeters@staffordconsultantsinc.com>

To: "Meador, Chad E" <Chad.E.Meador@wv.gov>

Mon, Aug 17, 2015 at 9:39 AM

Thank you Mr. Meador, I appreciate your time and response.

[Quoted text hidden]

US ARMY CORPS OF ENGINEERS
(FLOODPLAIN MANAGEMENT)



**US Army Corps
of Engineers.**

**HUNTINGTON DISTRICT, US ARMY CORPS OF ENGINEERS
FLOODPLAIN MANAGEMENT SERVICES**

502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701

1-866-401-3980 [Web: http://bit.ly/fpms-lrh](http://bit.ly/fpms-lrh) [Email: fpms-lrh@usace.army.mil](mailto:fpms-lrh@usace.army.mil)

13 June 2012 12:36:28 PM

ID:	1206-0612-3930	DATE IN:	6/6/2012	DATE OUT:	6/14/2012
CONTACT:	William Keaton (Stafford Consultants Inc)	STATE:	WV		
INTEREST:	Professional Engineer	COUNTY:	Greenbrier		
PHONE:	304-425-9555		LAT:	37.72595	
REQUEST:	Construction Review	LON:	-80.64202		
LOCATION:	Alderson, WV				
EXCEPTION:	None noted				

RESPONSE

This evaluation is in reference to preliminary engineering report for the Town of Alderson Wasterwater Treatment Plant Upgrades & Lift Station Replacements. The sites in question are located on three different Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRM) with panel IDs 54063C0010C, 54063C0007, and 54089C0160C. They are located near the Greenbrier River within the Special Flood Hazard Area (SFHA). Although the floodway is only identified on the Summers County portion of the maps, there is still a floodway for all locations of the river and impacts to it should be avoided.

Stafford Consultants has requested the 100 year and 25 year flood elevations at four locations which were provided to the Corps on topo and satellite imagery maps. Since 25 year elevations are not available in the flood insurance studies, an estimate was made by interpolating between the 10-year elevations and rounding to the nearest whole foot.

Wastewater Treatment Plant: Approximate A Zone
Estimated by interpolating between the two detailed study sections.
1% chance (100-year): 1547
2% chance (50-year): 1546
Interpolated 25 year: 1545
10% chance (10-year): 1544

Lift Station 1: Zone AE, 600 feet downstream of cross section B



**US Army Corps
of Engineers.**

**HUNTINGTON DISTRICT, US ARMY CORPS OF ENGINEERS
FLOODPLAIN MANAGEMENT SERVICES**

502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701

1-866-401-3980 [Web: http://bit.ly/fpms-lrh](http://bit.ly/fpms-lrh) [Email: fpms-lrh@usace.army.mil](mailto:fpms-lrh@usace.army.mil)

13 June 2012 12:36:28 PM

1% chance (100-year): 1551
2% chance (50-year): 1550
Interpolated 25-year: 1549
10% chance (10-year): 1548

Lift Station 2: Zone AE, 1300 feet downstream of cross section A
1% chance (100-year): 1549
2% chance (50-year): 1548
Interpolated 25-year: 1547
10% chance (10-year): 1546

Lift Station 3: Zone AE, 670 feet downstream of cross section EE
1% chance (100-year): 1539
2% chance (50-year): 1538
Interpolated 25-year: 1536
10% chance (10-year): 1535

Since the sites are in the regulatory flood zone, it is recommended that all plans and proposals for construction be submitted to the local flood plain administrators for each specific county.

Federal laws encourage engineering practices that support flood risk reduction. Site planning should include the reduction of storm water discharge through common engineering practices.

This development does not conflict with any known efforts or projects within the boundaries of the Huntington District US Army Corps of Engineers. This evaluation is in support of the NFIP program and is not intended as an evaluation of the Clean Water Act or Navigable Waterway Federal laws.



**US Army Corps
of Engineers.**

**HUNTINGTON DISTRICT, US ARMY CORPS OF ENGINEERS
FLOODPLAIN MANAGEMENT SERVICES**

502 EIGHTH STREET

HUNTINGTON, WEST VIRGINIA 25701

1-866-401-3980 [Web: http://bit.ly/fpms-lrh](http://bit.ly/fpms-lrh) [Email: fpms-lrh@usace.army.mil](mailto:fpms-lrh@usace.army.mil)

13 June 2012 12:36:28 PM

CONFIDENTIAL PRIVILEGED INFORMATION: The information contained in this communication is confidential and/or privileged, proprietary information that is transmitted solely for the purpose of the intended recipient(s). If the reader of this message is not an intended recipient, or if this message has been inadvertently directed to your attention, you are hereby notified that you have received this communication and any attached document(s) in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately and destroy all copies of the original communication.

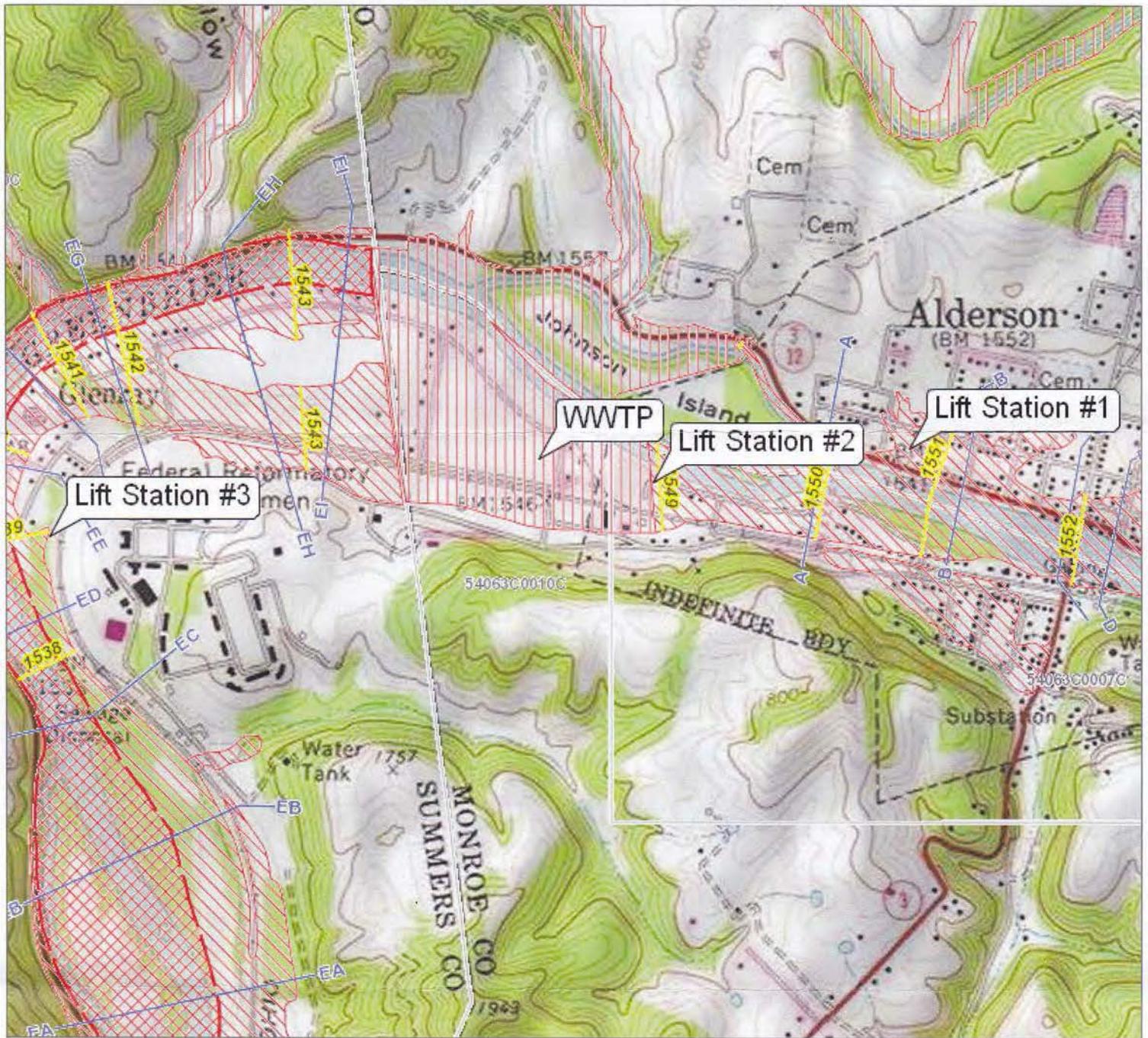
The information obtained from this office is authorized in support of the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) and is authorized by ER 1105-2-100: Planning Guidance Notebook. This information is considered provisional and/or the "best available data" and may be subject to revision. The data is released on the condition that neither the US Army Corps of Engineers nor the United States Government may be held liable for any damages resulting from its use.

Sincerely,

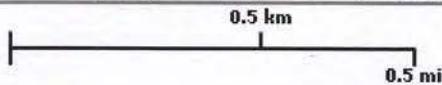
A handwritten signature in blue ink, appearing to read 'Amy K. Frantz'.

Amy K. Frantz
Chief, Planning Branch

Alderson WWTP - WV Flood Tool



This map is not the official regulatory FIRM or DFIRM. Its purpose is to assist with determining potential flood risk for the selected location.



Map Created on 6/13/2012

- | | | | |
|---|----------------------------------|---|---------------------------|
|  | Approximate Study (Zone A) |  | Cross Section Line |
|  | Detailed Study (Zone AE, AH, AO) |  | Base Flood Elevation Line |
|  | Floodway |  | DFIRM Panel (Map) Index |

User Notes:

Map is for Alderson Wastewater Treatment Plant (WWTP) Upgrades and Lift Station Replacements. Information requested by Stafford Consultants Incorporated. The lift stations are in flood Zone AE while the plant itself is in an Approximate A zone.

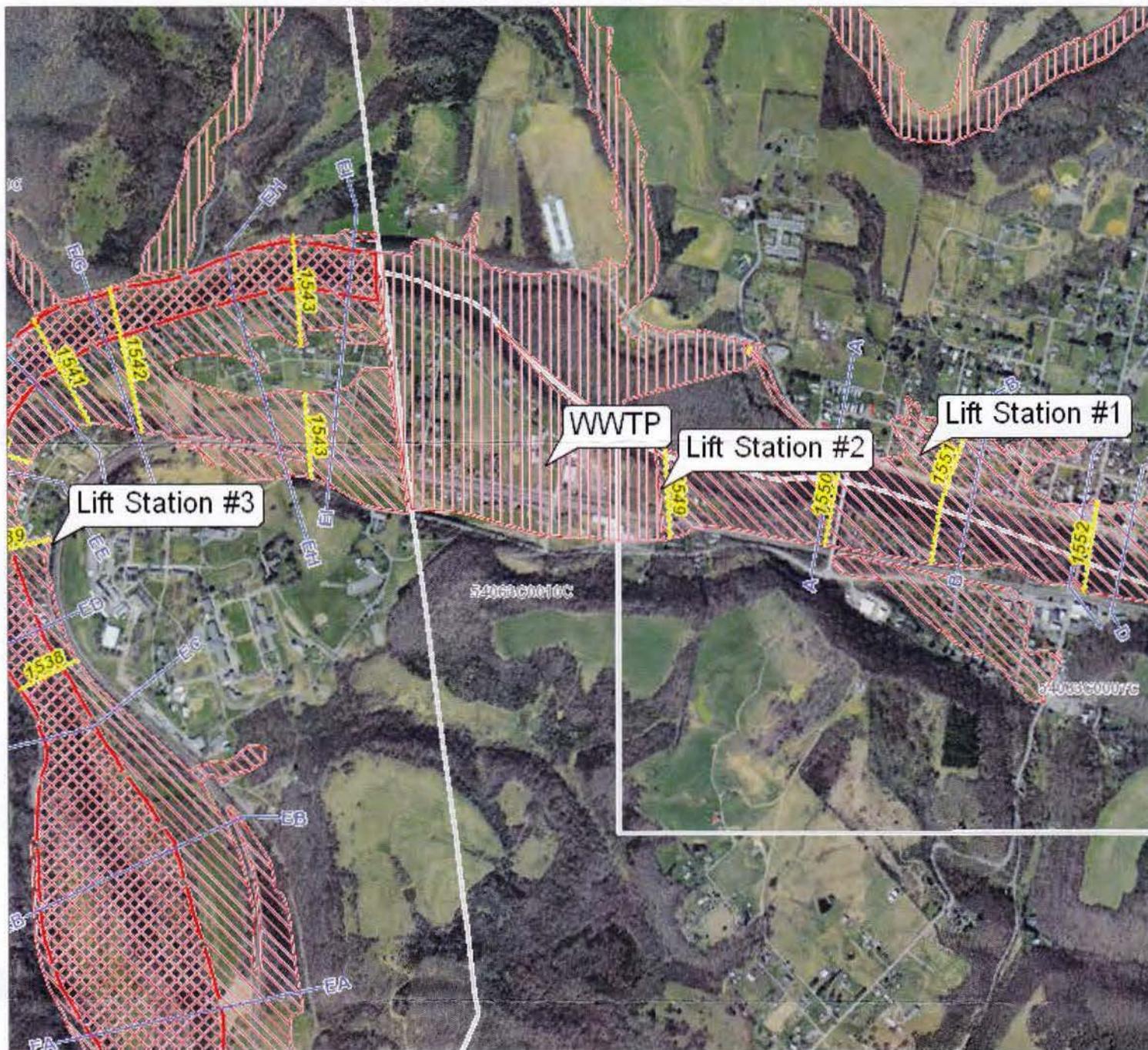


Disclaimer:

The online map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. To obtain more detailed information in areas where Base Flood Elevations have been determined, users are encouraged to consult the latest Flood Profile data contained in the official flood insurance study. These studies are available online at www.msc.fema.gov.



Alderson WWTP - WV Flood Tool



This map is not the official regulatory FIRM or DFIRM. Its purpose is to assist with determining potential flood risk for the selected location.

0.5 km

0.5 mi

Map Created on 6/13/2012



Approximate Study
(Zone A)



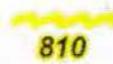
Detailed Study
(Zone AE, AH, AO)



Floodway



Cross Section Line



Base Flood Elevation Line



DFIRM Panel (Map) Index

User Notes:

Map is for Alderson Wastewater Treatment Plant (WWTP) Upgrades and Lift Station Replacements. Information requested by Stafford Consultants Incorporated. The lift stations are in flood Zone AE while the plant itself is in an Approximate A zone.



FEMA

Disclaimer:

The online map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. To obtain more detailed information in areas where Base Flood Elevations have been determined, users are encouraged to consult the latest Flood Profile data contained in the official flood insurance study. These studies are available online at www.msc.fema.gov.

US ARMY CORPS OF ENGINEERS (WETLANDS)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

APR 18 2014

Regulatory Division
South/Transportation Branch
LRH-2014-339-KAN

Mr. Matthew Peters
Stafford Consultants Incorporated
P.O. Box 5849
Princeton, West Virginia 24740



Dear Mr. Peters:

I refer to your letter and preliminary information dated April 14, 2014, submitted on behalf of the Town of Alderson, regarding proposed wastewater treatment plan upgrades and lift station replacements, located near Alderson, in Monroe and Summers Counties, West Virginia. This project has been assigned file number LRH-2014-339-KAN. Please refer to this number in any future correspondence regarding this matter.

This project has been reviewed in accordance with Section 404 of the Clean Water Act (Section 404) and Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Under Section 404, the United States Army Corps of Engineers (Corps) regulates the discharge of dredged and/or fill material into waters of the United States (U.S.), including wetlands. Under Section 10 our responsibility is to regulate any work in, or affecting, navigable waters of the U.S. Based on the information provided, it appears the project may involve the discharge of dredged or fill material in or adjacent to Greenbrier River and/or tributaries to the Greenbrier River. The Greenbrier River is a Section 10 (navigable) water of the U.S. Therefore, Department of the Army (DA) authorization may be required.

According to the information provided, you have requested the Corps provide the locations of the nearest specified wetlands and a determination if the project would affect any wetlands. Based on a review of National Wetland Inventory (NWI) mapping, available online at: <http://www.fws.gov/wetlands/Data/mapper.html>, it appears wetlands may exist in the vicinity of the project. However, NWI mapping is based on aerial photography which requires field verification to determine the presence or absence of wetlands. A copy of the NWI map for the project area is enclosed.

It is the responsibility of the applicant, or the applicant's agent, to determine the presence and limits of waters of the U.S., including wetlands, within the project area based on the information contained in 33 CFR Parts 328 and 329 (copy attached). If it becomes necessary perform work in, adjacent to or under navigable waters, or to discharge dredged or fill material into waters or navigable waters of the U.S., including wetlands, authorization from the Corps would be required.

Wetlands in the State of West Virginia should be delineated in accordance with the guidance contained in the 1987 Corps of Engineers Wetland Delineation Manual and the Eastern Mountains and Piedmont Regional Supplement, Version 2.0. These documents are available at: http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/reg_supp.aspx.

You should also contact the West Virginia Department of Natural Resources - Office of Land and Streams (304-558-3225) to determine if a stream activity permit is required for the proposed work. If you have any questions concerning the above, please contact the South/Transportation Branch at (304) 399-5710, or by mail at the above address.

Sincerely,



Richard Hemann
Regulatory Project Manager
South/Transportation Branch

Enclosures



U.S. Fish and Wildlife Service

National Wetlands Inventory

LRH-2014-339-GBR

Apr 17, 2014



Wetlands

-  Freshwater Emergent
-  Freshwater Forested/Shrub
-  Estuarine and Marine Deepwater
-  Estuarine and Marine
-  Freshwater Pond
-  Lake
-  Riverine
-  Other

User Remarks:

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

less than 30 days following the date of public notice during which time interested parties may prepare themselves for the hearing. Notice shall also be given to all Federal agencies affected by the proposed action, and to state and local agencies and other parties having an interest in the subject matter of the hearing. Notice shall be sent to all persons requesting a hearing and shall be posted in appropriate government buildings and provided to newspapers of general circulation for publication. Comments received as form letters or petitions may be acknowledged as a group to the person or organization responsible for the form letter or petition.

(b) The notice shall contain time, place, and nature of hearing; the legal authority and jurisdiction under which the hearing is held; and location of and availability of the draft environmental impact statement or environmental assessment.

PART 328—DEFINITION OF WATERS OF THE UNITED STATES

Sec.	
328.1	Purpose.
328.2	General scope.
328.3	Definitions.
328.4	Limits of jurisdiction.
328.5	Changes in limits of waters of the United States.

AUTHORITY: 33 U.S.C. 1344.

SOURCE: 51 FR 41250, Nov. 13, 1986, unless otherwise noted.

§ 328.1 Purpose.

This section defines the term "waters of the United States" as it applies to the jurisdictional limits of the authority of the Corps of Engineers under the Clean Water Act. It prescribes the policy, practice, and procedures to be used in determining the extent of jurisdiction of the Corps of Engineers concerning "waters of the United States." The terminology used by section 404 of the Clean Water Act includes "navigable waters" which is defined at section 502(7) of the Act as "waters of the United States including the territorial seas." To provide clarity and to avoid confusion with other Corps of Engineer regulatory programs, the term "waters of the United States" is used through-

out 33 CFR parts 320 through 330. This section does not apply to authorities under the Rivers and Harbors Act of 1899 except that some of the same waters may be regulated under both statutes (see 33 CFR parts 322 and 329).

§ 328.2 General scope.

Waters of the United States include those waters listed in § 328.3(a). The lateral limits of jurisdiction in those waters may be divided into three categories. The categories include the territorial seas, tidal waters, and nontidal waters (see 33 CFR 328.4 (a), (b), and (c), respectively).

§ 328.3 Definitions.

For the purpose of this regulation these terms are defined as follows:

(a) The term *waters of the United States* means

(1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(2) All interstate waters including interstate wetlands;

(3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:

(i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or

(ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(iii) Which are used or could be used for industrial purpose by industries in interstate commerce;

(4) All impoundments of waters otherwise defined as waters of the United States under the definition;

(5) Tributaries of waters identified in paragraphs (a) (1) through (4) of this section;

(6) The territorial seas;

(7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1) through (6) of this section.

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(8) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

(b) The term *wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(c) The term *adjacent* means bordering, contiguous, or neighboring. Wetlands separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes and the like are "adjacent wetlands."

(d) The term *high tide line* means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

(e) The term *ordinary high water mark* means that line on the shore established by the fluctuations of water and indicated by physical characteristics

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such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

(f) The term *tidal waters* means those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

[51 FR 41250, Nov. 13, 1986, as amended at 58 FR 45036, Aug. 25, 1993]

§ 328.4 Limits of jurisdiction.

(a) *Territorial Seas*. The limit of jurisdiction in the territorial seas is measured from the baseline in a seaward direction a distance of three nautical miles. (See 33 CFR 329.12)

(b) *Tidal waters of the United States*. The landward limits of jurisdiction in tidal waters:

(1) Extends to the high tide line, or

(2) When adjacent non-tidal waters of the United States are present, the jurisdiction extends to the limits identified in paragraph (c) of this section.

(c) *Non-tidal waters of the United States*. The limits of jurisdiction in non-tidal waters:

(1) In the absence of adjacent wetlands, the jurisdiction extends to the ordinary high water mark, or

(2) When adjacent wetlands are present, the jurisdiction extends beyond the ordinary high water mark to the limit of the adjacent wetlands.

(3) When the water of the United States consists only of wetlands the jurisdiction extends to the limit of the wetland.

§ 328.5 Changes in limits of waters of the United States.

Permanent changes of the shoreline configuration result in similar alterations of the boundaries of waters of the United States. Gradual changes which are due to natural causes and are perceptible only over some period of time constitute changes in the bed of a waterway which also change the

boundaries of the waters of the United States. For example, changing sea levels or subsidence of land may cause some areas to become waters of the United States while siltation or a change in drainage may remove an area from waters of the United States. Man-made changes may affect the limits of waters of the United States; however, permanent changes should not be presumed until the particular circumstances have been examined and verified by the district engineer. Verification of changes to the lateral limits of jurisdiction may be obtained from the district engineer.

PART 329—DEFINITION OF NAVIGABLE WATERS OF THE UNITED STATES

- Sec.
- 329.1 Purpose.
 - 329.2 Applicability.
 - 329.3 General policies.
 - 329.4 General definition.
 - 329.5 General scope of determination.
 - 329.6 Interstate or foreign commerce.
 - 329.7 Intrastate or interstate nature of waterway.
 - 329.8 Improved or natural conditions of the waterbody.
 - 329.9 Time at which commerce exists or determination is made.
 - 329.10 Existence of obstructions.
 - 329.11 Geographic and jurisdictional limits of rivers and lakes.
 - 329.12 Geographic and jurisdictional limits of oceanic and tidal waters.
 - 329.13 Geographic limits: Shifting boundaries.
 - 329.14 Determination of navigability.
 - 329.15 Inquiries regarding determinations.
 - 329.16 Use and maintenance of lists of determinations.

AUTHORITY: 33 U.S.C. 401 *et seq.*

SOURCE: 51 FR 41251, Nov. 13, 1986, unless otherwise noted.

§ 329.1 Purpose.

This regulation defines the term "navigable waters of the United States" as it is used to define authorities of the Corps of Engineers. It also prescribes the policy, practice and procedure to be used in determining the extent of the jurisdiction of the Corps of Engineers and in answering inquiries concerning "navigable waters of the United States." This definition does not apply to authorities under the

Clean Water Act which definitions are described under 33 CFR parts 323 and 328.

§ 329.2 Applicability.

This regulation is applicable to all Corps of Engineers districts and divisions having civil works responsibilities.

§ 329.3 General policies.

Precise definitions of "navigable waters of the United States" or "navigability" are ultimately dependent on judicial interpretation and cannot be made conclusively by administrative agencies. However, the policies and criteria contained in this regulation are in close conformance with the tests used by Federal courts and determinations made under this regulation are considered binding in regard to the activities of the Corps of Engineers.

§ 329.4 General definition.

Navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity.

§ 329.5 General scope of determination.

The several factors which must be examined when making a determination whether a waterbody is a navigable water of the United States are discussed in detail below. Generally, the following conditions must be satisfied:

- (a) Past, present, or potential presence of interstate or foreign commerce;
- (b) Physical capabilities for use by commerce as in paragraph (a) of this section; and
- (c) Defined geographic limits of the waterbody.

§ 329.6 Interstate or foreign commerce.

(a) *Nature of commerce: type, means, and extent of use.* The types of commercial use of a waterway are extremely varied and will depend on the character

§ 329.7

of the region, its products, and the difficulties or dangers of navigation. It is the waterbody's capability of use by the public for purposes of transportation of commerce which is the determinative factor, and not the time, extent or manner of that use. As discussed in § 329.9 of this part, it is sufficient to establish the potential for commercial use at any past, present, or future time. Thus, sufficient commerce may be shown by historical use of canoes, bateaux, or other frontier craft, as long as that type of boat was common or well-suited to the place and period. Similarly, the particular items of commerce may vary widely, depending again on the region and period. The goods involved might be grain, furs, or other commerce of the time. Logs are a common example; transportation of logs has been a substantial and well-recognized commercial use of many navigable waters of the United States. Note, however, that the mere presence of floating logs will not of itself make the river "navigable"; the logs must have been related to a commercial venture. Similarly, the presence of recreational craft may indicate that a waterbody is capable of bearing some forms of commerce, either presently, in the future, or at a past point in time.

(b) *Nature of commerce: interstate and intrastate.* Interstate commerce may of course be existent on an intrastate voyage which occurs only between places within the same state. It is only necessary that goods may be brought from, or eventually be destined to go to, another state. (For purposes of this regulation, the term "interstate commerce" hereinafter includes "foreign commerce" as well.)

§ 329.7 Intrastate or interstate nature of waterway.

A waterbody may be entirely within a state, yet still be capable of carrying interstate commerce. This is especially clear when it physically connects with a generally acknowledged avenue of interstate commerce, such as the ocean or one of the Great Lakes, and is yet wholly within one state. Nor is it necessary that there be a physically navigable connection across a state boundary. Where a waterbody extends through one or more states, but sub-

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stantial portions, which are capable of bearing interstate commerce, are located in only one of the states, the entirety of the waterway up to the head (upper limit) of navigation is subject to Federal jurisdiction.

§ 329.8 Improved or natural conditions of the waterbody.

Determinations are not limited to the natural or original condition of the waterbody. Navigability may also be found where artificial aids have been or may be used to make the waterbody suitable for use in navigation.

(a) *Existing improvements: artificial waterbodies.* (1) An artificial channel may often constitute a navigable water of the United States, even though it has been privately developed and maintained, or passes through private property. The test is generally as developed above, that is, whether the waterbody is capable of use to transport interstate commerce. Canals which connect two navigable waters of the United States and which are used for commerce clearly fall within the test, and themselves become navigable. A canal open to navigable waters of the United States on only one end is itself navigable where it in fact supports interstate commerce. A canal or other artificial waterbody that is subject to ebb and flow of the tide is also a navigable water of the United States.

(2) The artificial waterbody may be a major portion of a river or harbor area or merely a minor backwash, slip, or turning area (see § 329.12(b) of this part).

(3) Private ownership of the lands underlying the waterbody, or of the lands through which it runs, does not preclude a finding of navigability. Ownership does become a controlling factor if a privately constructed and operated canal is not used to transport interstate commerce nor used by the public; it is then not considered to be a navigable water of the United States. However, a private waterbody, even though not itself navigable, may so affect the navigable capacity of nearby waters as to nevertheless be subject to certain regulatory authorities.

(b) *Non-existing improvements, past or potential.* A waterbody may also be considered navigable depending on the feasibility of use to transport interstate commerce after the construction of whatever "reasonable" improvements may potentially be made. The improvement need not exist, be planned, nor even authorized; it is enough that potentially they could be made. What is a "reasonable" improvement is always a matter of degree; there must be a balance between cost and need at a time when the improvement would be (or would have been) useful. Thus, if an improvement were "reasonable" at a time of past use, the water was therefore navigable in law from that time forward. The changes in engineering practices or the coming of new industries with varying classes of freight may affect the type of the improvement; those which may be entirely reasonable in a thickly populated, highly developed industrial region may have been entirely too costly for the same region in the days of the pioneers. The determination of reasonable improvement is often similar to the cost analyses presently made in Corps of Engineers studies.

§ 329.9 Time at which commerce exists or determination is made.

(a) *Past use.* A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions. Nor does absence of use because of changed economic conditions affect the legal character of the waterbody. Once having attained the character of "navigable in law," the Federal authority remains in existence, and cannot be abandoned by administrative officers or court action. Nor is mere inattention or ambiguous action by Congress an abandonment of Federal control. However, express statutory declarations by Congress that described portions of a waterbody are non-navigable, or have been abandoned, are binding upon the Department of the Army.

Each statute must be carefully examined, since Congress often reserves the power to amend the Act, or assigns special duties of supervision and control to the Secretary of the Army or Chief of Engineers.

(b) *Future or potential use.* Navigability may also be found in a waterbody's susceptibility for use in its ordinary condition or by reasonable improvement to transport interstate commerce. This may be either in its natural or improved condition, and may thus be existent although there has been no actual use to date. Non-use in the past therefore does not prevent recognition of the potential for future use.

§ 329.10 Existence of obstructions.

A stream may be navigable despite the existence of falls, rapids, sand bars, bridges, portages, shifting currents, or similar obstructions. Thus, a waterway in its original condition might have had substantial obstructions which were overcome by frontier boats and/or portages, and nevertheless be a "channel" of commerce, even though boats had to be removed from the water in some stretches, or logs be brought around an obstruction by means of artificial chutes. However, the question is ultimately a matter of degree, and it must be recognized that there is some point beyond which navigability could not be established.

§ 329.11 Geographic and jurisdictional limits of rivers and lakes.

(a) *Jurisdiction over entire bed.* Federal regulatory jurisdiction, and powers of improvement for navigation, extend laterally to the entire water surface and bed of a navigable waterbody, which includes all the land and waters below the ordinary high water mark. Jurisdiction thus extends to the edge (as determined above) of all such waterbodies, even though portions of the waterbody may be extremely shallow, or obstructed by shoals, vegetation or other barriers. Marshlands and similar areas are thus considered navigable in law, but only so far as the area is subject to inundation by the ordinary high waters.

(1) The "ordinary high water mark" on non-tidal rivers is the line on the

shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

(2) Ownership of a river or lake bed or of the lands between high and low water marks will vary according to state law; however, private ownership of the underlying lands has no bearing on the existence or extent of the dominant Federal jurisdiction over a navigable waterbody.

(b) *Upper limit of navigability.* The character of a river will, at some point along its length, change from navigable to non-navigable. Very often that point will be at a major fall or rapids, or other place where there is a marked decrease in the navigable capacity of the river. The upper limit will therefore often be the same point traditionally recognized as the head of navigation, but may, under some of the tests described above, be at some point yet farther upstream.

§ 329.12 Geographic and jurisdictional limits of oceanic and tidal waters.

(a) *Ocean and coastal waters.* The navigable waters of the United States over which Corps of Engineers regulatory jurisdiction extends include all ocean and coastal waters within a zone three geographic (nautical) miles seaward from the baseline (The Territorial Seas). Wider zones are recognized for special regulatory powers exercised over the outer continental shelf. (See 33 CFR 322.3(b)).

(1) *Baseline defined.* Generally, where the shore directly contacts the open sea, the line on the shore reached by the ordinary low tides comprises the baseline from which the distance of three geographic miles is measured. The baseline has significance for both domestic and international law and is subject to precise definitions. Special problems arise when offshore rocks, islands, or other bodies exist, and the baseline may have to be drawn seaward of such bodies.

(2) *Shoreward limit of jurisdiction.* Regulatory jurisdiction in coastal areas extends to the line on the shore reached by the plane of the mean (average) high water. Where precise determination of the actual location of the line becomes necessary, it must be established by survey with reference to the available tidal datum, preferably averaged over a period of 18.6 years. Less precise methods, such as observation of the "apparent shoreline" which is determined by reference to physical markings, lines of vegetation, or changes in type of vegetation, may be used only where an estimate is needed of the line reached by the mean high water.

(b) *Bays and estuaries.* Regulatory jurisdiction extends to the entire surface and bed of all waterbodies subject to tidal action. Jurisdiction thus extends to the edge (as determined by paragraph (a)(2) of this section) of all such waterbodies, even though portions of the waterbody may be extremely shallow, or obstructed by shoals, vegetation, or other barriers. Marshlands and similar areas are thus considered "navigable in law," but only so far as the area is subject to inundation by the mean high waters. The relevant test is therefore the presence of the mean high tidal waters, and not the general test described above, which generally applies to inland rivers and lakes.

§ 329.13 Geographic limits: Shifting boundaries.

Permanent changes of the shoreline configuration result in similar alterations of the boundaries of the navigable waters of the United States. Thus, gradual changes which are due to natural causes and are perceptible only over some period of time constitute changes in the bed of a waterbody which also change the shoreline boundaries of the navigable waters of the United States. However, an area will remain "navigable in law," even though no longer covered with water, whenever the change has occurred suddenly, or was caused by artificial forces intended to produce that change. For example, shifting sand bars within a river or estuary remain part of the navigable water of the United States,

regardless that they may be dry at a particular point in time.

§ 329.14 Determination of navigability.

(a) *Effect on determinations.* Although conclusive determinations of navigability can be made only by federal Courts, those made by federal agencies are nevertheless accorded substantial weight by the courts. It is therefore necessary that when jurisdictional questions arise, district personnel carefully investigate those waters which may be subject to Federal regulatory jurisdiction under guidelines set out above, as the resulting determination may have substantial impact upon a judicial body. Official determinations by an agency made in the past can be revised or reversed as necessary to reflect changed rules or interpretations of the law.

(b) *Procedures of determination.* A determination whether a waterbody is a navigable water of the United States will be made by the division engineer, and will be based on a report of findings prepared at the district level in accordance with the criteria set out in this regulation. Each report of findings will be prepared by the district engineer, accompanied by an opinion of the district counsel, and forwarded to the division engineer for final determination. Each report of findings will be based substantially on applicable portions of the format in paragraph (c) of this section.

(c) *Suggested format of report of findings:*

- (1) Name of waterbody:
- (2) Tributary to:
- (3) Physical characteristics:
 - (i) Type: (river, bay, slough, estuary, etc.)
 - (ii) Length:
 - (iii) Approximate discharge volumes: Maximum, Minimum, Mean:
 - (iv) Fall per mile:
 - (v) Extent of tidal influence:
 - (vi) Range between ordinary high and ordinary low water:
 - (vii) Description of improvements to navigation not listed in paragraph (c)(5) of this section:
- (4) Nature and location of significant obstructions to navigation in portions of the waterbody used or potentially capable of use in interstate commerce:

- (5) Authorized projects:
 - (i) Nature, condition and location of any improvements made under projects authorized by Congress:
 - (ii) Description of projects authorized but not constructed:
 - (iii) List of known survey documents or reports describing the waterbody:
- (6) Past or present interstate commerce:
 - (i) General types, extent, and period in time:
 - (ii) Documentation if necessary:
- (7) Potential use for interstate commerce, if applicable:
 - (i) If in natural condition:
 - (ii) If improved:
- (8) Nature of jurisdiction known to have been exercised by Federal agencies if any:
- (9) State or Federal court decisions relating to navigability of the waterbody, if any:
- (10) Remarks:
- (11) Finding of navigability (with date) and recommendation for determination:

§ 329.15 Inquiries regarding determinations.

(a) Findings and determinations should be made whenever a question arises regarding the navigability of a waterbody. Where no determination has been made, a report of findings will be prepared and forwarded to the division engineer, as described above. Inquiries may be answered by an interim reply which indicates that a final agency determination must be made by the division engineer. If a need develops for an emergency determination, district engineers may act in reliance on a finding prepared as in section 329.14 of this part. The report of findings should then be forwarded to the division engineer on an expedited basis.

(b) Where determinations have been made by the division engineer, inquiries regarding the *navigability* of specific portions of waterbodies covered by these determinations may be answered as follows:

This Department, in the administration of the laws enacted by Congress for the protection and preservation of the navigable waters of the United States, has determined that _____ (River) (Bay) (Lake, etc.) is a navigable

water of the United States from _____ to _____. Actions which modify or otherwise affect those waters are subject to the jurisdiction of this Department, whether such actions occur within or outside the navigable areas.

(c) Specific inquiries regarding the jurisdiction of the Corps of Engineers can be answered only after a determination whether (1) the waters are navigable waters of the United States or

(2) If not navigable, whether the proposed type of activity may nevertheless so affect the navigable waters of the United States that the assertion of regulatory jurisdiction is deemed necessary.

§ 329.16 Use and maintenance of lists of determinations.

(a) Tabulated lists of final determinations of navigability are to be maintained in each district office, and be updated as necessitated by court decisions, jurisdictional inquiries, or other changed conditions.

(b) It should be noted that the lists represent only those waterbodies for which determinations have been made; absence from that list should not be taken as an indication that the waterbody is not navigable.

(c) Deletions from the list are not authorized. If a change in status of a waterbody from navigable to non-navigable is deemed necessary, an updated finding should be forwarded to the division engineer; changes are not considered final until a determination has been made by the division engineer.

PART 330—NATIONWIDE PERMIT PROGRAM

- Sec.
- 330.1 Purpose and policy.
- 330.2 Definitions.
- 330.3 Activities occurring before certain dates.
- 330.4 Conditions, limitations, and restrictions.
- 330.5 Issuing, modifying, suspending, or revoking nationwide permits and authorizations.
- 330.6 Authorization by nationwide permit.

AUTHORITY: 33 U.S.C. 401 *et seq.*; 33 U.S.C. 1344; 33 U.S.C. 1413.

SOURCE: 56 FR 59134, Nov. 22, 1991, unless otherwise noted.

§ 330.1 Purpose and policy.

(a) *Purpose.* This part describes the policy and procedures used in the Department of the Army's nationwide permit program to issue, modify, suspend, or revoke nationwide permits; to identify conditions, limitations, and restrictions on the nationwide permits; and, to identify any procedures, whether required or optional, for authorization by nationwide permits.

(b) *Nationwide permits.* Nationwide permits (NWP) are a type of general permit issued by the Chief of Engineers and are designed to regulate with little, if any, delay or paperwork certain activities having minimal impacts. The NWPs are proposed, issued, modified, reissued (extended), and revoked from time to time after an opportunity for public notice and comment. Proposed NWPs or modifications to or reissuance of existing NWPs will be adopted only after the Corps gives notice and allows the public an opportunity to comment on and request a public hearing regarding the proposals. The Corps will give full consideration to all comments received prior to reaching a final decision.

(c) *Terms and conditions.* An activity is authorized under an NWP only if that activity and the permittee satisfy all of the NWP's terms and conditions. Activities that do not qualify for authorization under an NWP still may be authorized by an individual or regional general permit. The Corps will consider unauthorized any activity requiring Corps authorization if that activity is under construction or completed and does not comply with all of the terms and conditions of an NWP, regional general permit, or an individual permit. The Corps will evaluate unauthorized activities for enforcement action under 33 CFR part 326. The district engineer (DE) may elect to suspend enforcement proceedings if the permittee modifies his project to comply with an NWP or a regional general permit. After considering whether a violation was knowing or intentional, and other indications of the need for a penalty, the DE can elect to terminate an enforcement proceeding with an after-the-fact authorization under an NWP, if all terms and conditions of the NWP have been satisfied, either before or

USACE - USFWS SLOPES Evaluation/Coordination Form

USACE File No. : LRH-2014-339-GBR

- 1. **Applicant Information:** Town of Alderson, P.O. Box 64, Meadow Creek, WV 25977
- 2. **Proposed Activity(s):** Replacement of lift station and wastewater treatment plant outfalls (4 locations).
- 3. **Proposed Authorization Method (NWP, RGP, IP and number, if applicable):**
 - Nationwide Permit #3
 - Regional General Permit
 - Individual Permit
 - Permit Modification
 - Letter of Permission
- 4. **Waterway Name:** Greenbrier River
- 5. **County:** Monroe
- 6. **Hydrologic Unit Code:** 05050003
- 7. **Latitude and Longitude (NAD83):** 37.72711, -80.65845
- 8. **USGS 7.5-minute quad name:** Alderson
- 9. **Listed species with potential to occur in proposed project area:** Indiana, Virginia big-eared and Northern long-eared bats, Virginia spiraea (per USFWS correspondence).
- 10. **Proposed discharge of dredged and/or fill into waters of the U.S.:** None – outfalls would be installed above the OHW of the Greenbrier River. Work to install the outfalls would result in disturbance below the OHW.
- 11. **USACE determination of impacts:**
 - Will result in no effect to: Indiana, Virginia big-eared and Northern long-eared bats, Virginia spiraea
 - May affect:
 - May affect, but is not likely to adversely affect:
 - Likely to adversely affect:

12. Justification for USACE determination: Although Monroe County is known to be potential T&E bat species habitat, with associated habitat buffers, it is expected the impact to potential T&E bat habitat would be discountable or insignificant due to the minimal extent of tree removal in approximately 0.013-acre of pipeline replacement corridors. In addition, there would be no impact to caves or abandoned mine portals associated with the proposal. Based on correspondence from the USFWS on 4/21/15 the project is in an area of potential Virginia spiraea habitat. Based on a survey dated 7/9/15, there were no instances of Virginia spiraea located at any of the four survey sites.

13. USACE Project Manager:

Signature: Rebecca A. Demaree Date: 7/13/15

USFWS Response:

The USFWS **concur** / **does not concur** with the determination(s) listed above.

Tieuan Lennon
U. S. Fish and Wildlife Service, West Virginia Field Office

7/14/15
Date

Biologist



U. S. Fish and Wildlife Service, West Virginia Field Office
Field Supervisor

7/14/15

Date

US FISH & WILDLIFE SERVICE



STAFFORD CONSULTANTS INCORPORATED

*Engineering, Design, and Consulting
Planning and Environmental Services*

Deborah Carter, Project Leader
U.S. Fish and Wildlife Service
West Virginia Field Office
Ecological Services
694 Beverly Pike
Elkins, WV 26241

Dear Ms. Carter,

RE: Town of Alderson
Wastewater Treatment Plant Upgrades &
Lift Station Replacements

Stafford Consultants Inc. is currently preparing a preliminary engineering report for the Town of Alderson in accordance with the requirements of the West Virginia Infrastructure and Jobs Development Council. As part of these requirements, we are notifying your office of the project locations. This project intends to replace (3) three existing lift stations and upgrade the existing wastewater treatment plant to improve biological nutrient removal (BNR). Enclosed are maps showing the project sites on USGS and aerial mapping.

Please provide us with information and comments regarding the potential impact this proposed project may have on wetlands and federally listed endangered and threatened species.

Your prompt response will be greatly appreciated. If you have any questions, please feel free to



United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241



In response to your letter above, we have made a "no effect" determination that the project will not affect federally-listed endangered or threatened species. Therefore no biological assessment or further section 7 consultation under the Endangered Species Act is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed and proposed species becomes available, this determination may be reconsidered.

Definitive determinations of the presence of waters of the United States, including wetlands, in the project area and the need for permits, if any, are made by the U.S. Army Corps of Engineers. They may be contacted at: Huntington District, Regulatory Branch, 502 Eighth Street, Huntington, West Virginia 25701, telephone (304) 399-5710.

Carroll S. Jones
Reviewer's signature and date
Aug 28, 2012

Deborah Carter 8/28/2012
Field Supervisor's signature and date

RECEIVED
JUN 06 2012
WVFO

June 4, 2012

File: 12-7326.02



Matthew Peters <mpeters@staffordconsultantsinc.com>

Town of Alderson project (UNCLASSIFIED)

Hemann, Richard A LRH <Richard.A.Hemann@usace.army.mil>

Wed, Apr 1, 2015 at 12:33 PM

To: "mpeters@staffordconsultantsinc.com" <mpeters@staffordconsultantsinc.com>

Classification: UNCLASSIFIED

Caveats: NONE

Mr. Peters,

Information regarding this proposal was provided to the United States Fish and Wildlife Service (USFWS) on February 19, 2015 for review. In a phone call on March 24, 2015, Ms. Tiernan Lennon from the USFWS advised this office surveys would be required for the proposed outfall locations due to the potential existence of the Federally-listed Harperella and/or Virginia spiraea. I have attached a list of qualified consultants provided by Ms. Lennon. I believe Ms. Lennon advised the survey time frame is from July 1 to September 3. I have contacted Ms. Lennon to confirm the time frame and will advise you as soon as possible.

You may contact Ms. Lennon at 304-636-6586 (x12) for additional information or details regarding the survey. It may be beneficial to provide the USFWS photographs of the proposed outfall locations for their preliminary review. Please feel free to contact me if you have any questions or require additional information regarding the U.S. Army Corps of Engineers permit process. Thank you,

Rick Hemann
Regulatory Project Manager
USACE Huntington District
Regulatory Division
South/Transportation Branch
(304) 399-5710
Fax (304) 399-5085

Mail to:

U.S. Army Corps of Engineers - Huntington District
Attention: RD-S
502 Eighth Street
Huntington, WV 25701

Classification: UNCLASSIFIED

Caveats: NONE

2 attachments



Matthew Peters <mpeters@staffordconsultantsinc.com>

FW: Town of Alderson project (UNCLASSIFIED)

Hemann, Richard A LRH <Richard.A.Hemann@usace.army.mil>

Wed, Apr 22, 2015 at 7:43 AM

To: "mpeters@staffordconsultantsinc.com" <mpeters@staffordconsultantsinc.com>

Classification: UNCLASSIFIED

Caveats: NONE

Mr. Peters,

I received an email from Ms. Tiernan Lennon from the USFWS indicating a suitable habitat survey is required only for Virginia spiraea. The project does not fall within the buffer area for Harperella. Thank you,

Rick Hemann
Regulatory Project Manager
USACE Huntington District
Regulatory Division
South/Transportation Branch
(304) 399-5710
Fax (304) 399-5085

Mail to:

U.S. Army Corps of Engineers - Huntington District
Attention: RD-S
502 Eighth Street
Huntington, WV 25701

-----Original Message-----

From: Hemann, Richard A LRH
Sent: Wednesday, April 01, 2015 12:33 PM
To: 'mpeters@staffordconsultantsinc.com'
Subject: Town of Alderson project (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Mr. Peters,

Information regarding this proposal was provided to the United States Fish and Wildlife Service (USFWS) on February 19, 2015 for review. In a phone call on March 24, 2015, Ms. Tiernan Lennon from the USFWS advised this office surveys would be required for the proposed outfall locations due to the potential existence of the Federally-listed Harperella and/or Virginia spiraea. I have attached a list of qualified consultants provided by Ms. Lennon. I believe Ms. Lennon advised the survey time frame is from July 1 to September 3. I have contacted Ms. Lennon to confirm the time frame and will advise you as soon as possible.

You may contact Ms. Lennon at 304-636-6586 (x12) for additional information or details regarding the survey. It may be beneficial to provide the USFWS photographs of the proposed outfall locations for their preliminary review. Please feel free to contact me if you have any questions or require additional information regarding the U.S. Army Corps of Engineers permit process. Thank you,

Rick Hemann
Regulatory Project Manager
USACE Huntington District
Regulatory Division
South/Transportation Branch
(304) 399-5710
Fax (304) 399-5085

Mail to:

U.S. Army Corps of Engineers - Huntington District
Attention: RD-S
502 Eighth Street
Huntington, WV 25701

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

2 attachments

 T&E_PlantSurveyors July2014.pdf
24K

 smime.p7s
6K

USDA – NATIONAL RESOURCE
CONSERVATION SERVICE (NRCS)



Natural Resources Conservation Service
1550 Earl Core Road, Suite 200
Morgantown, WV 26505

(304) 284-7560 (Phone)
(304) 284-4839 (Fax)

June 8, 2012

William B. Keaton, P.E.
Stafford Consultants, Inc.
1105 Mercer Street
PO Box 5849
Princeton, WV 24740

RE: Farmland Conversion Impact Rating, Town of Alderson, Wastewater Treatment Plant Upgrades & Lift Station Replacements, Monroe and Greenbrier Counties, WV

Dear Mr. Keaton:

This is to acknowledge receipt of your request for evaluation of Important Farmland related to the above referenced project in both Monroe and Greenbrier Counties, 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 by a Federal agency or with the assistance from a Federal agency. Assistance from a Federal agency includes loans, financial and technical assistance.

Based on a review of the documents you submitted, the proposed wastewater plant upgrades and lift station replacements will **not** impact Prime, Statewide, or Locally Important Farmland, because the area is already converted to urban use. Because there is no impact on important farmland, a form AD-1006 does **not** need to be completed. If you have questions regarding this matter, please contact Ron Wigal, Environmental Specialist, at 304-284-7566.

Sincerely,

A handwritten signature in blue ink that reads "Robert N. Pate".

Robert N. Pate
USDA-NRCS Resource Soil Scientist
Robert.Pate@wv.usda.gov

cc: Ron Wigal-Environmental Specialist; Pamela Yost-Asst. State Conservationist-Programs;
Dave Kingsbury-State Soil Scientist; NRCS, Morgantown, WV



Pate, Robert - NRCS, Beckley, WV

From: Wigal, Ron - NRCS, Morgantown, WV
Sent: Monday, June 04, 2012 3:38 PM
To: Pate, Robert - NRCS, Beckley, WV
Subject: FW: Town of Alderson Wastewater Treatment Plant Upgrades & Lift Station Replacements
Attachments: USDA - NRCS.pdf

Rob,

The attached request for farmland impacts has been received from Stafford Consultants, Inc for improvements to the Alderson Waste water treatment system. It appears from the information provided that three lift stations will be replaced and additional biological treatment will be added to the existing treatment plant.

Please review the materials submitted and prepare a response to Mr. Peters at Stafford. Please copy me with your response.

Thanks.

Ron Wigal
Environmental Specialist
NRCS - Morgantown, WV
304-284-7566

From: Matthew Peters [<mailto:kowycz@gmail.com>]
Sent: Monday, June 04, 2012 2:40 PM
To: Wigal, Ron - NRCS, Morgantown, WV
Cc: Bill Keaton
Subject: Town of Alderson Wastewater Treatment Plant Upgrades & Lift Station Replacements

Please refer to the attached PDF document.

--
Best Regards,

Matthew W. Peters
Stafford Consultants Inc.
Office: (304) 425-9555
Mobile: (304) 952-4344

CONFIDENTIALITY NOTE:

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify us immediately by returning to sender and delete this copy from your system. Thank you for your cooperation.

WV DEPARTMENT OF ENVIRONMENTAL
PROTECTION (WVDEP) –
DIVISION OF AIR QUALITY



west virginia department of environmental protection

Division of Air Quality
601 57th Street SE
Charleston, WV 25304
Phone: 304 926 0475 • FAX: 304 926 0479

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.wvdep.org

June 6, 2012

William B. Keaton, P.E.
Project Manager
Stafford Consultants Incorporated
1105 Mercer Street
Princeton, West Virginia 24740

RE: Town of Alderson, Wastewater Treatment Plant Upgrades and Lift Station Replacements

Dear Mr. Keaton:

This letter responds to your correspondence of June 4, 2012, concerning the project referenced above. The Division of Air Quality will only provide feedback on issues relating to air quality. If you determine that your project activity may have other environmental impacts, then you should consult with the appropriate environmental agency for that issue (e.g. the Division of Water and Waste Management should be consulted on potential water quality issues).

Based upon current regulatory requirements, the project referenced above as outlined in your letter does not appear to require any pre-construction permits, authorizations, or air quality analyses by WVDAQ except to the extent any of the following apply:

1. It is necessary to burn land clearing debris in order to complete the project; in which case, approval by the WVDEP Secretary or his or her authorized representative is required to conduct such burning (see 45CSR6) or;
2. The project entails the renovation, remodeling, or demolition, either partially or totally, of a structure, building, or installation, irrespective of the presence or absence of asbestos-containing materials, and is subject to 45CSR34 (the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40CFR61, Subpart M). If such is the case, a formal Notification of Abatement, Demolition, or Renovation must be completed and timely filed with the WVDEP Secretary's authorized representative and approval received before commencement of the activities addressed in the Notification.

If the project involves demolition, and/or excavation and transportation of soil/aggregates or the handling of materials that can cause problems such as nuisance dust emissions or entrainment or creation of objectionable odors, adequate air pollution control measures must be applied to prevent statutory air pollution problems as addressed by 45CSR4 and 45CSR17. Copies of all of the WVDAQ rules cited in this letter may be reviewed on the agency's website at <http://www.dep.wv.gov/daq>. To review the rules click on "Summary of Rules" after accessing the website.

You may obtain the latest published air quality data summaries and statistics for the WV Division of Air Quality's ambient air monitoring sites on our website (shown above). Simply click on the image for the Air Quality Annual Report. You may also find a document summarizing, in some detail, the attainment status of the 55 counties in West Virginia relative to National Ambient Air Quality Standards (NAAQS) on our website by clicking on the link for "Publications".

As of June 1, 2012, Greenbrier County is designated an attainment area for all criteria pollutants.

If you have any questions or need further assistance or information, please contact this office at (304) 926-0475.

Sincerely Yours,



Dee Smith
Planning Section

DAS/dw

WV DIVISION OF CULTURE & HISTORY



June 28, 2012



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

Randall Reid-Smith, Commissioner
Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562
EEO/AA Employer

Mr. William B. Keaton, PE
Project Manager
Stafford Consultants
1105 Mercer Street
P.O. Box 5849
Princeton, WV 24740

RE: Town of Alderson – Wastewater Treatment Plant Upgrades &
Lift Station Replacements
FR#: 12-861-MULTI

Dear Mr. Keaton:

We have reviewed the above referenced project to determine potential effects to 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 submitted information, the proposed project will involve the replacement of three lift stations and upgrades at the existing wastewater treatment plant in the Town of Alderson.

Architectural Resources & Archaeological Resources:

We will require additional information in order to better comment on the project's potential effect to cultural resources. The project area is located within the Alderson Historic District and is adjacent to the Federal Prison for Women at Alderson, which is considered eligible for listing in the National Register of Historic Places. Also, there is one archaeological site, 46Su150, within the proposed project area. Site 46Su150 is a large multi-component prehistoric village site. In addition, there are 24 previously documented archaeological resources within a one-mile radius, including prehistoric habitation sites temporally ranging from the Late Archaic through the Late Prehistoric period, prehistoric lithic scatters, prehistoric isolated finds, a French and Indian War/Pontiac's War fort, a grist mill, and historic-era domestic sites.

Please elaborate on all proposed activities that will occur at the existing wastewater treatment facility and provide a schematic plan drawing showing new construction in relation to existing components at this facility. Please provide the overall dimensions, including height, of any new above ground structure that will be constructed during this project. If there are no new above ground structures that will be constructed, please state this *in writing*. Please indicate the depth of all proposed ground disturbing activities and note any prior ground disturbances that have occurred within the project area. Verify whether any alterations will occur to the existing effluent line for the wastewater treatment facility. Submit photographs of the following: the existing wastewater treatment facility and all areas where new construction will occur, the proposed lift station sites, and all structures and/or buildings that will have a

June 28, 2012
Mr. Keaton
FR#: 12-861-MULTI
Page 2

line of sight to any new above ground components of this project. Please key the photographs to a USGS quad map and/or project mapping. We will provide further comment upon receipt of the requested information: however, we reserve the right to request the completion of Historic Property Inventory Forms and/or a Phase I archaeological survey upon review of this information.

Finally, we ask that all future submissions include the completion of the Section 106 project check list, which can be downloaded from our website (<http://www.wvculture.org/shpo/sect106projchecklist.pdf>).

We appreciate the opportunity to be of service. *If you have any questions regarding or comments on the Section 106 process, please contact Shirley Stewart Burns, Structural Historian, or Carolyn Kender, Archaeologist, in the Historic Preservation Office at (304) 558-0240.*

Sincerely,



Susan M. Pierce

for Deputy State Historic Preservation Officer

SMP/SSB/CMK



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

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562
EEO/AA Employer

May 14, 2014

Mr. Matthew W. Peters
Engineering Technician
Stafford Consultants
1105 Mercer Street
Post Office Box 5849
Princeton, West Virginia 24740



RE: Town of Alderson, Wastewater Treatment Plant Upgrades & Lift Station Replacements
FR#: 12-861-Multi-1

Dear Mr. Peters:

We have reviewed the above-referenced project to determine effects to cultural resources as required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties."

According to the submitted information, the proposed project will involve the replacement of three lift stations and upgrades at the existing wastewater treatment plant in the Town of Alderson.

Architectural Resources:

We have reviewed the submitted information, and determined that there are no architectural properties which are eligible for or listed in the National Register of Historic Places that will be impacted by the proposed project. No further consultation is necessary regarding architectural resources is necessary; however, we do ask that you contact our office if your project should change.

Archaeological Resources:

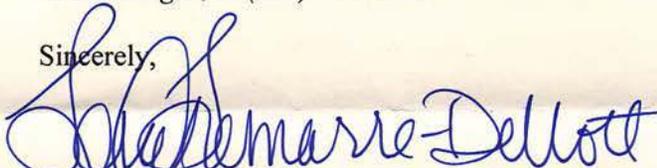
The proposed project area is situated on terrain that is considered by our office to have a high potential for archaeological deposits, including buried deposits. A review of our records located one previously documented archaeological resource, 46SU150, within the proposed project area and twenty-two additional archaeological resources within a one-mile radius. 46SU150 is a prehistoric camp/village site. The other previously documented resources include prehistoric habitation sites, a late eighteenth century frontier fort, prehistoric lithic scatters, and early twentieth century domestic sites. Site 46SU150 has not been systematically surveyed and the site boundaries are not clearly defined.

Project area photographs indicate that prior ground disturbance has occurred in a large portion of the proposed project area. However, it is unclear from the information provided as to whether prior disturbances associated with existing lift station construction and the wastewater treatment plant construction extend down to proposed excavation depths and/or occur in the areas of new construction. We have concerns that there may be deposits associated with 46SU150 and additional unrecorded archaeological deposits within the proposed area. We, therefore, request that a Phase I archaeological

survey be conducted in the proposed project area. The survey should include deep testing. We will provide further comment upon receipt of the resulting technical report.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Susan M. Pierce". The signature is fluid and cursive, with a large initial "S".

for Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/EEB/CMK



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

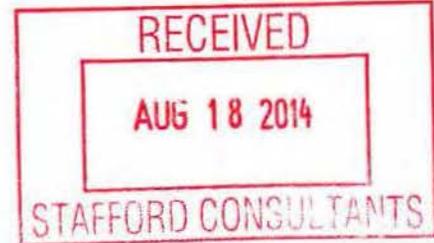
Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

August 12, 2014

Mr. Matthew W. Peters
Engineering Technician
Stafford Consultants
1105 Mercer Street
P.O. Box 5849
Princeton, WV 24740



RE: Town of Alderson – Wastewater Treatment Plant Upgrades & Lift Station Replacements
FR#: 12-861-MULTI-2

Dear Mr. Peters:

We have reviewed the technical report titled, *A Phase I Archaeological Literature Review and Reconnaissance Survey for the Proposed Town of Alderson's Wastewater Treatment Plant Upgrades and Lift Station Replacements in Greenbrier, Monroe, and Summers Counties, West Virginia*, that was prepared by Archaeological Consultants of the Midwest, Inc. for the above referenced project. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

The report addresses our concerns regarding the presence of cultural resources within the proposed project area. Systematic survey conducted in the project area did not identify any archaeological resources within the proposed lift station project areas. The consultant concludes that no further archaeological investigations are necessary within the proposed lift station project areas. We concur with this conclusion.

However, the survey did identify archaeological deposits associated with site 46SU150 within the proposed wastewater treatment plant effluent line project area. Site 46SU150, which was first identified in 1981, is a prehistoric village/camp habitation site that is temporally associated with the Late Woodland period. According to the report, the artifact assemblage is comprised of two Lowe Flared projectile points, two biface fragments, lithic debitage, four prehistoric ceramic sherds, and fire-cracked rocks. All of the artifacts were recovered from the A soil horizon. The consultant concludes that site 46SU150 may have the potential to provide significant information and recommends that this site should be avoided or if avoidance is not undertaken then the site should undergo Phase II National Register Assessment. We concur with these conclusions.

In conclusion, the portion of site 46SU150 located within the proposed effluent line project area may have the potential to provide significant information on West Virginia's prehistory and is recommended for avoidance. If avoidance is not a viable option, then the site will need to undergo a Phase II National Register Assessment. A Scope of Work for this work will need to be forwarded to our office for review. We will provide further comment upon its receipt and the resulting Phase II technical report.

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

Sincerely,

A handwritten signature in blue ink that reads "Susan M. Pierce". The signature is fluid and cursive.

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/CMK



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

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

September 2, 2014

Ms. Katheryn Emery, P.E.
WVDEP
Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304

WVDEP
SEP 04 2014
CWSRF

RE: Town of Alderson – Wastewater Treatment Plant Upgrade & Lift Station Replacements
SRF No. C-544034; FNSI-WV-305
FR#: 12-861-MULTI-3

Dear Ms. Emery:

We have reviewed the Finding of No Significant Impact (FONSI) submitted for the above referenced project. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

According to submitted information, the Town of Alderson is proposing to undertake upgrades/improvements at its existing wastewater treatment plant and replace three existing lift stations. Also, a new elevated generator will be installed at Lift Station 1.

Architectural Resources:

We have reviewed the submitted information, and determined that there are no architectural properties which are eligible for or listed in the National Register of Historic Places that will be affected by the proposed project. No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change.

Archaeological Resources:

Systematic survey conducted in the project area identified deposits associated with site 46SU150 in the proposed wastewater treatment plant effluent line portion of the proposed project between River Estate Road and the Greenbrier River. Site 46SU150, which was first identified in 1981, is a prehistoric village/camp habitation site that is temporally associated with the Late Woodland period. The consultant concluded that the portion of site 46SU150 within the proposed effluent line project area may have the potential to provide significant information on West Virginia's prehistory and recommended avoidance. If avoidance is not undertaken then the site should undergo Phase II National Register Assessment. We concurred with these conclusions in correspondence dated August 12, 2014 (see enclosure).

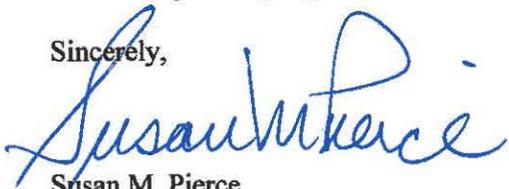
The submitted FONSI indicates that Stafford Consultants, the project's engineer, is proposing to have an archaeologist on-site during excavation in the area where the effluent line will be installed. We do not agree with this proposed action as this would result in the destruction of a portion of a site that may have the potential to provide significant information on West Virginia's prehistory. Our knowledge of site 46SU150 is limited and the use of monitoring is not acceptable in this situation. The presence of the site

September 2, 2014
Ms. Emery
FR#: 12-861-MULTI-3
Page 2

on the broad floodplain/terrace of the Greenbrier River and the nature of the site makes the presence of prehistoric burials a definite possibility. We, therefore, reissue our request that Phase II National Register Assessment work be undertaken within the portion of effluent line corridor that is located within site 46SU150 if avoidance is not undertaken.

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

Sincerely,

A handwritten signature in blue ink that reads "Susan M. Pierce". The signature is written in a cursive style with a large, looping initial "S".

Susan M. Pierce
Deputy State Historic Preservation Office

SMP/CMK/EEB

Enclosure



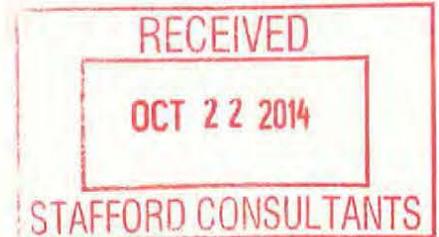
The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

October 17, 2014



Mr. Edward L. Shutt, P.E.
President
Stafford Consultants, Inc.
1105 Mercer Street
P.O. Box 5849
Princeton, WV 24740

RE: Town of Alderson – Wastewater Treatment Plant Upgrade & Lift Station Replacements
SRF No. C-544034; Phase II Scope of Work for Site 46SU150
FR#: 12-861-MULTI-5

Dear Mr. Shutt:

We have reviewed the Phase II Scope of Work for Site 46SU150 that was prepared by Archaeological Consultants of the Midwest for the above referenced project. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Systematic survey conducted in the project area identified archaeological deposits associated with site 46SU150, a prehistoric village/camp habitation site that is temporally associated with the Late Woodland period, in the proposed wastewater treatment plant effluent line project area between River Estate Road and the Greenbrier River. This resource cannot be avoided by the proposed project and will undergo Phase II National Register Assessment. The Phase II assessment work will consist of the excavation of a minimum of four one meter by two meter test units and a geomorphological study. Any identified cultural features will be excavated. If, however, a large number of features are encountered, the consultant will consult with the West Virginia State Historic Preservation Office to coordinate a possible sampling strategy. Archaeobotanical Analysis will be conducted on the identified features and any midden encountered. Radiocarbon dating will also be undertaken if adequate C-14 samples are obtained. We concur with the proposed methodology for conducting the Phase II investigations. We will provide further comment upon receipt of the resulting Phase II assessment report.

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

Sincerely,

A handwritten signature in blue ink that reads "Susan M. Pierce".

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/CMK





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

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

January 5, 2015

Mr. Edward L. Shutt, P.E.
President
Stafford Consultants, Inc.
1105 Mercer Street
P.O. Box 5849
Princeton, WV 24740

RE: Town of Alderson – Wastewater Treatment Plant Upgrade & Lift Station Replacements
SRF No. C-544034; Phase II Investigations at Site 46SU150
FR#: 12-861-MULTI-6

Dear Mr. Shutt:

We have reviewed the technical report titled, *A Phase II Investigation of a Section of the Glen Ray Site (46SU150) for the Proposed Town of Alderson's Wastewater Treatment Plant Upgrades and Lift Station Replacements in Greenbrier, Monroe, and Summers Counties, West Virginia*, that was prepared by Archaeological Consultants of the Midwest, Inc. for the above referenced project. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Site 46SU150 is a multi-component prehistoric village/camp habitation site with temporal components dating to the Early Archaic, Late Archaic, and Late Woodland periods. The Phase II investigations consisted of the excavation of four one-meter by two-meter test units, close interval shovel tests, and a geomorphological study. The Phase II investigations recovered 503 prehistoric lithic artifacts and 14 prehistoric ceramics. The lithic artifacts included: five biface/biface fragments, a pitted stone, a Brewerton side-notched projectile point (Late Archaic), a Kanawha projectile point (Early Archaic), a flake knife, a core, fire-cracked rocks, an indeterminate projectile point, and lithic shatter. The prehistoric ceramic sherds recovered during the Phase II investigations were heavily weathered and only one exhibited cord-marked decoration. A majority of the artifacts were recovered from the Ap soil horizon. No cultural features or dense midden concentrations were encountered during the excavations. We concur with the Consultant's conclusion that the portion of site 46SU150 within the current effluent line project area is *not eligible* for inclusion in the National Register of Historic Places and recommend that no further work is necessary within the current project area. However, please be aware that the boundaries of site 46SU150 extend beyond the areas investigated by this project. These areas have not been investigated and we ask that if project plans change that our office be notified.

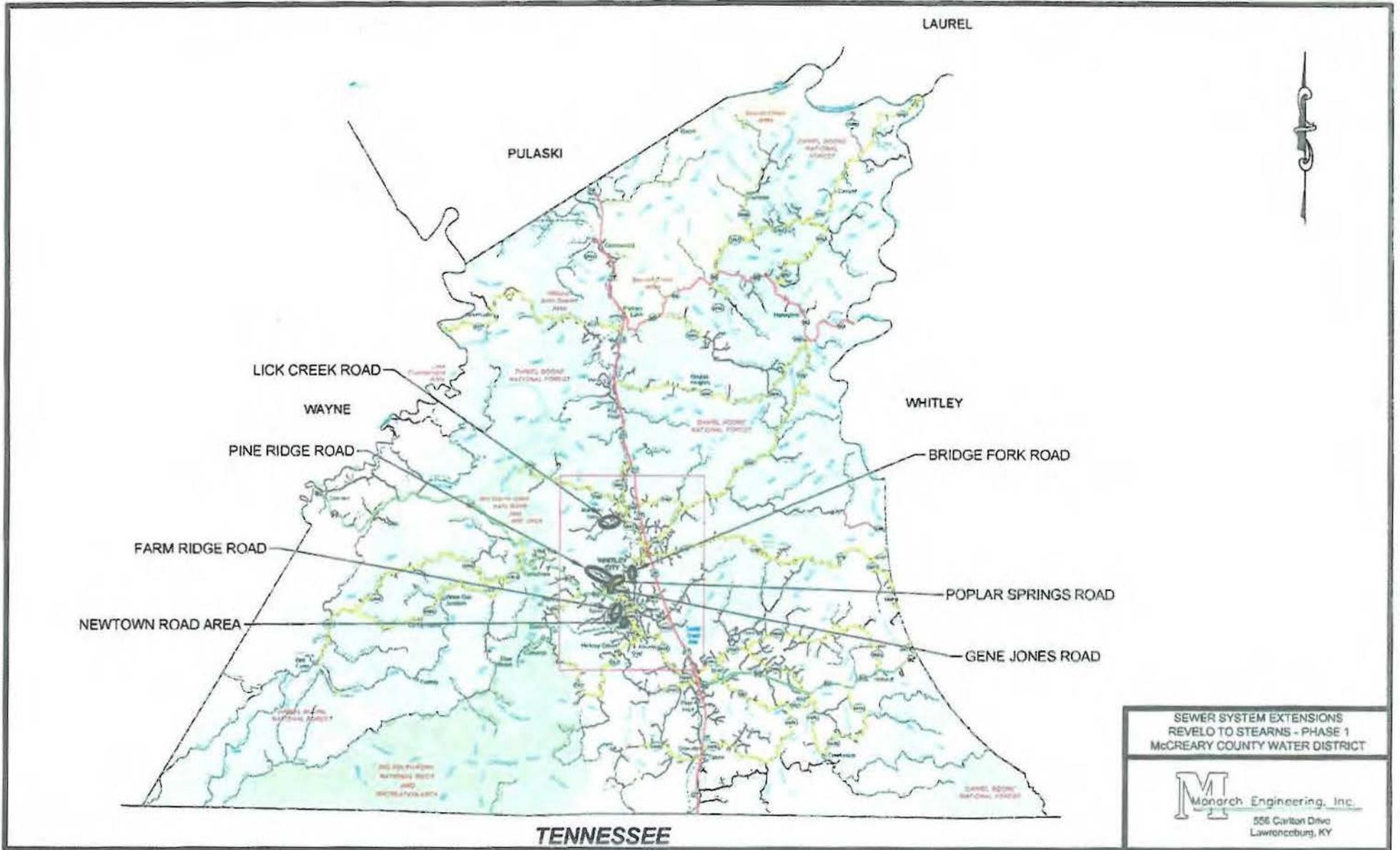
We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Carolyn Kender, Archaeologist, at (304) 558-0240.*

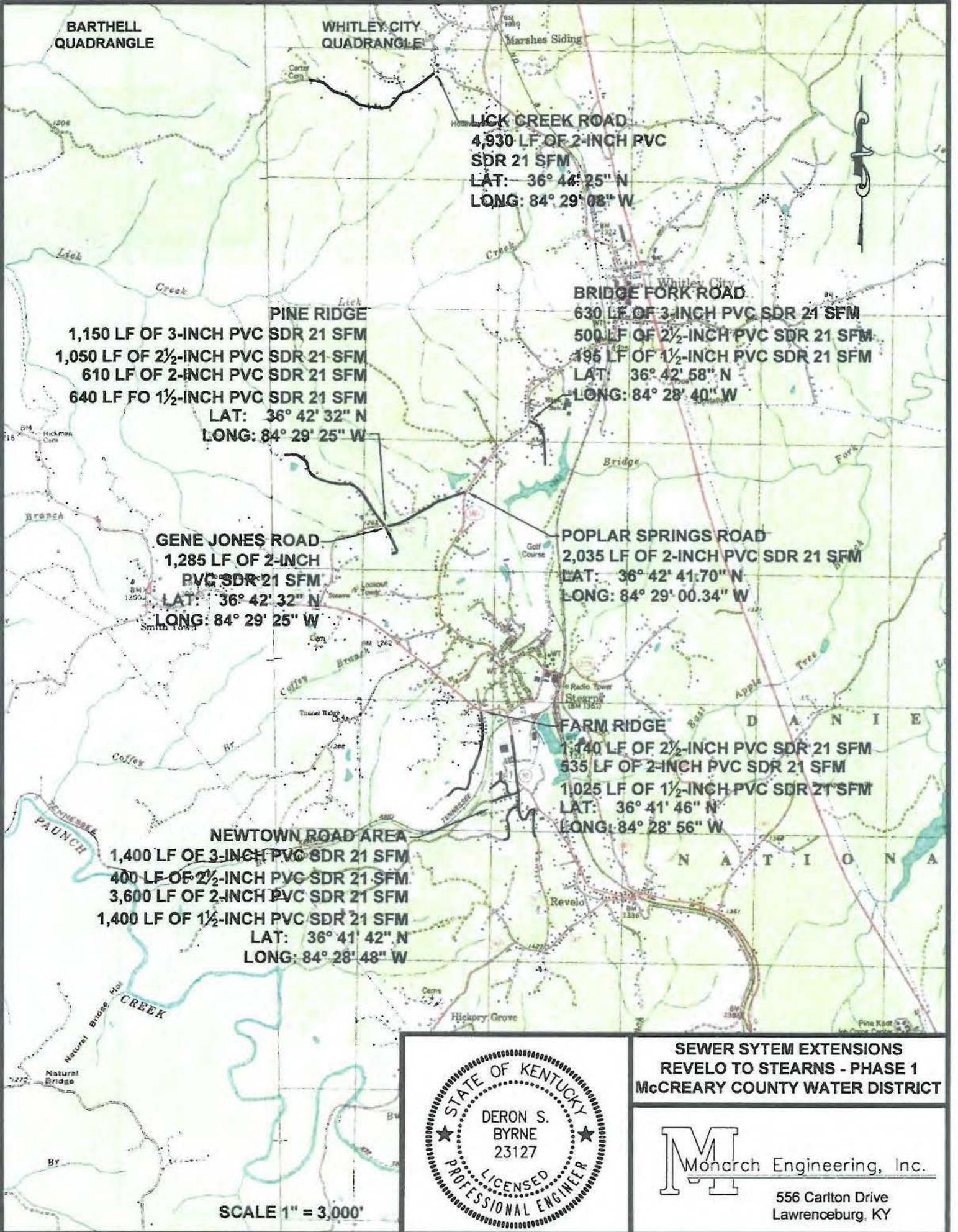
Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/CMK

Appendix A
Exhibits





BARTHELL
QUADRANGLE

WHITLEY CITY
QUADRANGLE

LICK CREEK ROAD
 4,930 LF OF 2-INCH PVC
 SDR 21 SFM
 LAT: 36° 46' 25" N
 LONG: 84° 29' 08" W

PINE RIDGE
 1,150 LF OF 3-INCH PVC SDR 21 SFM
 1,050 LF OF 2½-INCH PVC SDR 21 SFM
 610 LF OF 2-INCH PVC SDR 21 SFM
 640 LF OF 1½-INCH PVC SDR 21 SFM
 LAT: 36° 42' 32" N
 LONG: 84° 29' 25" W

BRIDGE FORK ROAD
 630 LF OF 3-INCH PVC SDR 21 SFM
 500 LF OF 2½-INCH PVC SDR 21 SFM
 195 LF OF 1½-INCH PVC SDR 21 SFM
 LAT: 36° 42' 58" N
 LONG: 84° 28' 40" W

GENE JONES ROAD
 1,285 LF OF 2-INCH
 PVC SDR 21 SFM
 LAT: 36° 42' 32" N
 LONG: 84° 29' 25" W

POPLAR SPRINGS ROAD
 2,035 LF OF 2-INCH PVC SDR 21 SFM
 LAT: 36° 42' 41.70" N
 LONG: 84° 29' 00.34" W

FARM RIDGE
 1,140 LF OF 2½-INCH PVC SDR 21 SFM
 535 LF OF 2-INCH PVC SDR 21 SFM
 1,025 LF OF 1½-INCH PVC SDR 21 SFM
 LAT: 36° 41' 46" N
 LONG: 84° 28' 56" W

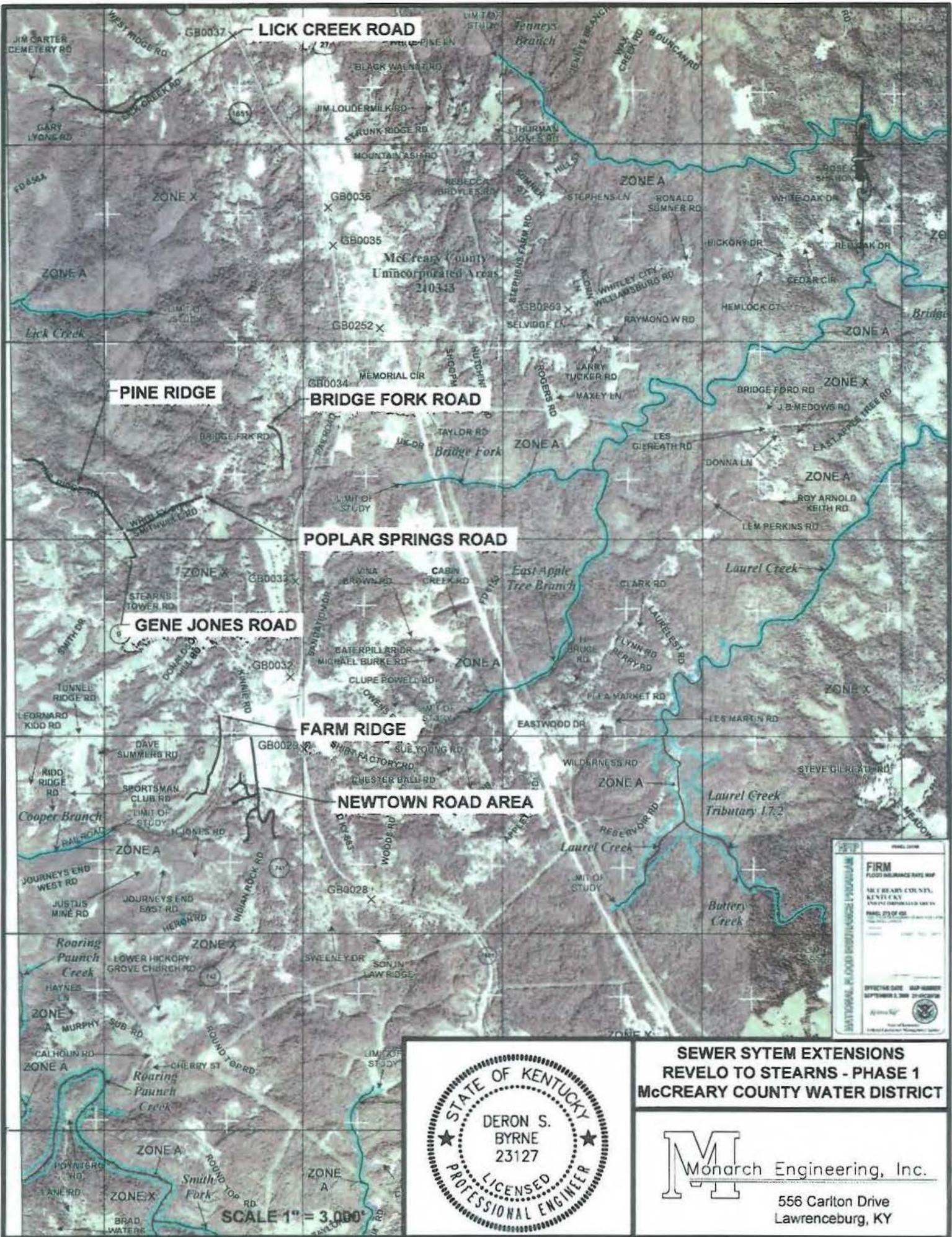
NEWTOWN ROAD AREA
 1,400 LF OF 3-INCH PVC SDR 21 SFM
 400 LF OF 2½-INCH PVC SDR 21 SFM
 3,600 LF OF 2-INCH PVC SDR 21 SFM
 1,400 LF OF 1½-INCH PVC SDR 21 SFM
 LAT: 36° 41' 42" N
 LONG: 84° 28' 48" W

SCALE 1" = 3,000'



**SEWER SYTEM EXTENSIONS
 REVELO TO STEARNS - PHASE 1
 McCREARY COUNTY WATER DISTRICT**

M Monarch Engineering, Inc.
 556 Carlton Drive
 Lawrenceburg, KY



FIRM
 FLOOD INSURANCE RATE MAP
 MARY BEARS COUNTY, KENTUCKY
 DESIGNATED BY
 PANEL 075 OF 082
 EFFECTIVE DATE: MAP NUMBER
 SEPTEMBER 2, 2009

SEWER SYTEM EXTENSIONS
REVELO TO STEARNS - PHASE 1
McCREARY COUNTY WATER DISTRICT



Monarch Engineering, Inc.
 556 Carlton Drive
 Lawrenceburg, KY

SCALE 1" = 3,000'

Appendix B
Agency Correspondence



STEVEN L. BESHEAR
GOVERNOR

DEPARTMENT FOR LOCAL GOVERNMENT
OFFICE OF THE GOVERNOR
1024 CAPITAL CENTER DRIVE, SUITE 340
FRANKFORT, KENTUCKY 40601-8204
PHONE (502) 573-2382 FAX (502) 573-2939
TOLL FREE (800) 346-5606
WWW.DLG.KY.GOV

TONY WILDER
COMMISSIONER

July 8, 2014

Ms. Treva Bowles
Monarch Engineering, Inc.
556 Carlton Drive
Lawrenceburg, KY 40342

RE: Sewer System Extensions – Revelo to Stearns Phase 1
SX21147020
SAI# KY20140611-0617

Dear Ms. Bowles:

The Kentucky State Clearinghouse, which has been officially designated as the Commonwealth's Single Point of Contact (SPOC) pursuant to Presidential Executive Order 12372, has completed its evaluation of your proposal. The clearinghouse review of this proposal indicates there are no identifiable conflicts with any state or local plan, goal, or objective. Therefore, the State Clearinghouse recommends this project be approved for assistance by the cognizant federal agency.

Although the primary function of the State Single Point of Contact is to coordinate the state and local evaluation of your proposal, the Kentucky State Clearinghouse also utilizes this process to apprise the applicant of statutory and regulatory requirements or other types of information which could prove to be useful in the event the project is approved for assistance. Information of this nature, if any, concerning this particular proposal will be attached to this correspondence.

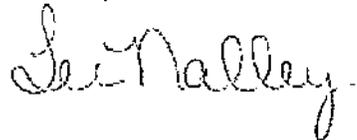
You should now continue with the application process prescribed by the appropriate funding agency. This process may include a detailed review by state agencies that have authority over specific types of projects.

This letter signifies only that the project has been processed through the State Single Point of Contact. It is neither a commitment of funds from this agency or any other state or federal agency.

The results of this review are valid for one year from the date of this letter.
Continuation or renewal applications must be submitted to the State Clearinghouse annually. An application not submitted to the funding agency, or not approved within one year after completion of this review, must be re-submitted to receive a valid intergovernmental review.

If you have any questions regarding this letter, please feel free to contact my office at 502-573-2382.

Sincerely,

A handwritten signature in cursive script that reads "Lee Nailey".

Lee Nailey
Kentucky State Clearinghouse

Attachments

The KY Dept. of Transportation has made the following advisory comment pertaining to State Application Identifier Number KY201406110617
Anderson (D8), Danny: no comments

The KY State Fish & Wildlife has made the following advisory comment pertaining to State Application Identifier Number KY201406110617

To minimize impacts to the aquatic environment the Kentucky Dept. of Fish & Wildlife Resources recommends that erosion control measures be developed and implemented prior to construction to reduce siltation into waterways located within the project area. Such erosion control measures may include, but are not limited to silt fences, staked straw bales, brush barriers, sediment basins, and diversion ditches. Erosion control measures will need to be installed prior to construction and should be inspected and repaired regularly as needed.

Additionally, KDFWR recommends the following for the portions of the project that crosses intermittent or perennial streams: Development/excavation in streams should be done during low flow periods to minimize disturbances. When crossing a stream, the pipe should be laid perpendicular to the stream bank to minimize the direct impacts to the streambed. We recommend that all instream disturbances be returned to a stable condition upon completion of stream pipeline crossing. Please contact Dan Stoelb @ 502-564-7109 ex. 4453 or Daniel.Stoelb@ky.gov if you have further questions or require additional information.

The Lake Cumberland ADD has made the following advisory comment pertaining to State Application Identifier Number KY201406110617
no comments

The Labor Cabinet has made the following advisory comment pertaining to State Application Identifier Number KY201406110617

STATE PW RATES MAY APPLY IF PROJECT EXCEEDS \$250,000.00. CONTACT THE KY LABOR CABINET AT 502 564 3534

The Housing, Building, Construction has made the following advisory comment pertaining to State Application Identifier Number KY201406110617
no comments

The Kentucky Infrastructure Agency has made the following advisory comment pertaining to State Application Identifier Number KY201406110617

Project Profile budget does not match the project budget submitted to eClearinghouse. The budgets will need to be reconciled. Please contact Kasey Hoskins with the Lake Cumberland Area Development District to update the project profile budget.

Project reviewed in the WRIS Project Profile by KIA staff.

The Natural Resources has made the following advisory comment pertaining to State Application Identifier Number KY201406110617



Barren Fork is an Outstanding State Resource Water with federally listed fish. All runoff from the project shall be contained so that it does not reach Barren Fork. John Brumley, Water Quality Branch, (502) 564-3410, John.Brumley@ky.gov. This review is based upon the information that was provided by the applicant through the Clearinghouse for this project. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications, or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major concerns from the review of the proposed project as presented other than those stated as conditions or comments.

<http://www.heritage.ky.gov/siteprotect/> where you will find three separate documents to assist you in submitting additional information to our office for review. Those documents include a memo outlining the standardized Section 106 submission process, a Section 106 Cover sheet that must be included with all submissions to our office, and instructions for the proper completion of the required cover sheet and associated information. Please include the SAI# when submitting additional information to the Kentucky Heritage Council.

If you have questions, please contact Yvonne Sherrick of my staff at 502.564.7005, extension 113.

The proposed project is subject to Division of Water (DOW) jurisdiction because the following are or appear to be involved: sewer lines and appurtenances. Prior approval must be obtained from the DOW before construction can begin. The applicant must cite the State Application Identifier (SAI #KY201406110617) when submitting plans and specifications.

Project consists of installing approximately 1,780 linear feet of 3-inch PVC standard direct ratio (SDR) 21 sewer force main, 2,690 linear feet of 2½-inch PVC SDR 21 sewer force main, 9,395 linear feet of 2-inch PVC SDR 21 sewer force main, and 1,860 linear feet of 1½-inch PVC SDR 21 sewer force main to serve 85 customers along Bridge Fork Pond Road (12), Lick Creek Road (20), Pine Ridge Road (27), Gene Jones Road (9), Farm Ridge Road (17) and Popular Ridge Road/KY 701 (sewer force main extension to Gene Jones and Pine Ridge Roads).

The Engineering Section of the Water Infrastructure Branch of the DOW does not oppose this project at this time; however, you need to submit Plans and Specification to the DOW for review. Construction of the wastewater component of this project shall not begin until written approval is received from the DOW. Mortaza Tabayeh, Water Infrastructure Branch, (502) 564-3410, Mortaza.Tabayeh@ky.gov.

No comment. Phil O'dell, Watershed Management Branch, (502) 564-3410, Phillip.O'Dell@ky.gov.

No comment. Sarah Gaddis, Compliance and Technical Assistance Branch, (502) 564-3410, Sarah.Gaddis@ky.gov.

The Division of Enforcement does not object to the project proposed by the applicant. Tim Harrod, Division of Enforcement, (502) 564-2150, Timothy.Harrod@ky.gov.

From the application data, DOW ascertains that the proposed project is not located in a floodplain area. Therefore, a floodplain construction permit is not required for this project. Julia Harrod, Watershed Management Branch, (502) 564-3410, Julia.Harrod@ky.gov.

If the construction area disturbed is equal to or greater than 1 acre, the applicant will need to apply for a Kentucky Pollutant Discharge Elimination System (KPDES) storm water discharge permit.

Utility line projects that cross a stream will require a Section 404 permit from the US Army Corps of Engineers and a 401 Water Quality Certification from DOW.



The Kentucky Division of Water supports the goals of EPA's Sustainable Infrastructure Initiative. This Initiative seeks to promote sustainable practices that will help to reduce the potential gap between funding needs and spending at the local and national level. The Sustainable Infrastructure Initiative will guide our efforts in changing how Kentucky views, values, manages, and invests in its water infrastructure. This website, www.epa.gov/waterinfrastructure/, contains information that will help you ensure your facility and operations are consistent with and can benefit from the aims of the Sustainable Infrastructure Initiative.

The Heritage Council has made the following advisory comment pertaining to State Application Identifier Number KY201406110617



The applicant must ensure compliance with the Advisory Council on Historic Preservation's Rules and Regulations for the Protection of Historic and Cultural Properties (36CFR, Part 800) pursuant to the National Historic Preservation Act of 1966, the National Environmental Policy Act of 1969, and Executive Order 11593.

Thank you for submitting your project for review. Currently, you have not provided enough information to determine this project's potential to impact sites listed or eligible for listing on the National Register of Historic Places.

Per the Section 106 regulations, it is expected that the applicant or responsible agency provide appropriate base information to our office to facilitate a review—including previously identified cultural resources that may be impacted by the proposed undertaking. You may not be aware, but effective July 8, 2013 we instituted a new Section 106 submission process to assist applicants and agencies in providing us the appropriate level of information to make our comments. Please refer to the following website

RECEIVED

SEP - 5 2014

ENVIRONMENTAL ASSESSMENT SERVICES, LLC

Phone: (270) 433-7256
Fax: (270) 433-6313
E-mail: bnorris@duo-county.com

2220 Celina Road
Burkesville, KY 42717

USFWS KYFC

2014-B-0540

September 3, 2014

No significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal.

Mr. Lee Andrews
U.S. Fish & Wildlife Service
Kentucky Ecological Services Field Office
330 West Broadway, Suite 265
Frankfort, KY 40601

Virginia C. Under 9/15/14
Field Supervisor Date
U. S. Fish and Wildlife Service
Frankfort, KY 40601

Dear Mr. Andrews:

The McCreary County Water District, Whitley City, KY has applied for U.S. Army Corp of Engineers Section 531 funding to expand its existing sewer collector system. The proposed project consists of 22,525 LF of 3-inch, 2 ½-inch, 2-inch, and 1 ½-inch sewer force main in several heavily populated areas of McCreary County. The project will provide sanitary sewer service to approximately 85 households in an area that can be characterized by failing septic systems and straight pipes.

The District's consulting engineer has retained our services to assist with the environmental review of the proposed project.

The proposed sewer force main will be laid primarily in county roadways and on county highway right-of-way and will not require tree removal. There were no caves, underground mines, or rockshelters noted along the route of the sewer force main.

The force main will be laid near an ephemeral stream (a tributary to Lick Creek) at the intersection of Pine Ridge Road and Gene Jones Road (Lat: 36 42' 32"N, Long: 84 29' 25"W) but according to both the project engineer and the system manager, a stream crossing will not be required. In the unlikely event that a stream crossing is necessary, the crossing will be accomplished by directional bore.

A list of Endangered, Threatened and Candidate species with known habitat in McCreary County is enclosed. With proposed mitigation measures, it would appear that the project would not result in direct, indirect, or cumulative adverse effects to the listed species or habitat.

Direct Effects: With the proposed mitigation measures (directional boring of streambed, if applicable) and avoiding the need for tree removal), there should be minimal direct effects on listed species or critical habitat by the proposed project.

Indirect Effects: Utility projects, including sewer collector lines and grinder pumps, require periodic maintenance. However, any required maintenance on this project would be limited to the sewer force main easement (primarily county roadways and county right-of-way). Future sewer collector line extensions, due to feasibility issues, will only be extended to heavily populated areas and should be minimal.



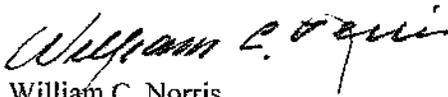
Cumulative Effects: Sanitary sewer service to rural areas historically has resulted in some build-up. The higher populated areas of the county are currently being served, or will be served, by the proposed project. The sewer force main in this project is sized to meet current needs and only provide for nominal growth in the area.

A “not likely to adversely affect” determination is hereby requested.

In addition, please advise as to any impact the proposed project may have on wetlands.

If additional information is needed, please contact me at (270) 433-7256.

Sincerely,

A handwritten signature in cursive script that reads "William C. Norris".

William C. Norris
Enclosures



United States Department of Agriculture

Natural Resources
Conservation Service

September 23, 2014

Owensboro Service Center
3100 Alvey Park Drive West
Owensboro, KY 42303
Voice 270.685.1707
Fax 855.635.4608

William Norris
Environmental Assessment Services, LLC
2220 Celina Road
Burkesville, KY 42717

Mr. Norris:

This letter is in response to your request for the identification of unique farmland that may exist on the expansion of the wastewater collection system for the McCreary County Water District in Whitley City.

As you mentioned in your letter, all the work will be done in the existing roadway or the road right-of-way. These areas are considered as previously converted ground and FPP would not apply to these areas. Also, since the proposed pipelines are all 3-inch and smaller, NRCS is not required to complete FPPA paperwork on these smaller-sized projects.

As for areas of potential wetlands, a map of hydric soils is included with this letter. As you can see by the map, all the areas are considered as "non-hydric" soil types.

If this office may be of additional assistance, please do not hesitate to contact our office in Somerset, KY by calling the District Conservationist, Joe Montgomery at 606-678-4842 ext. 3, or myself in Owensboro at 270-685-1707 ext. 131.

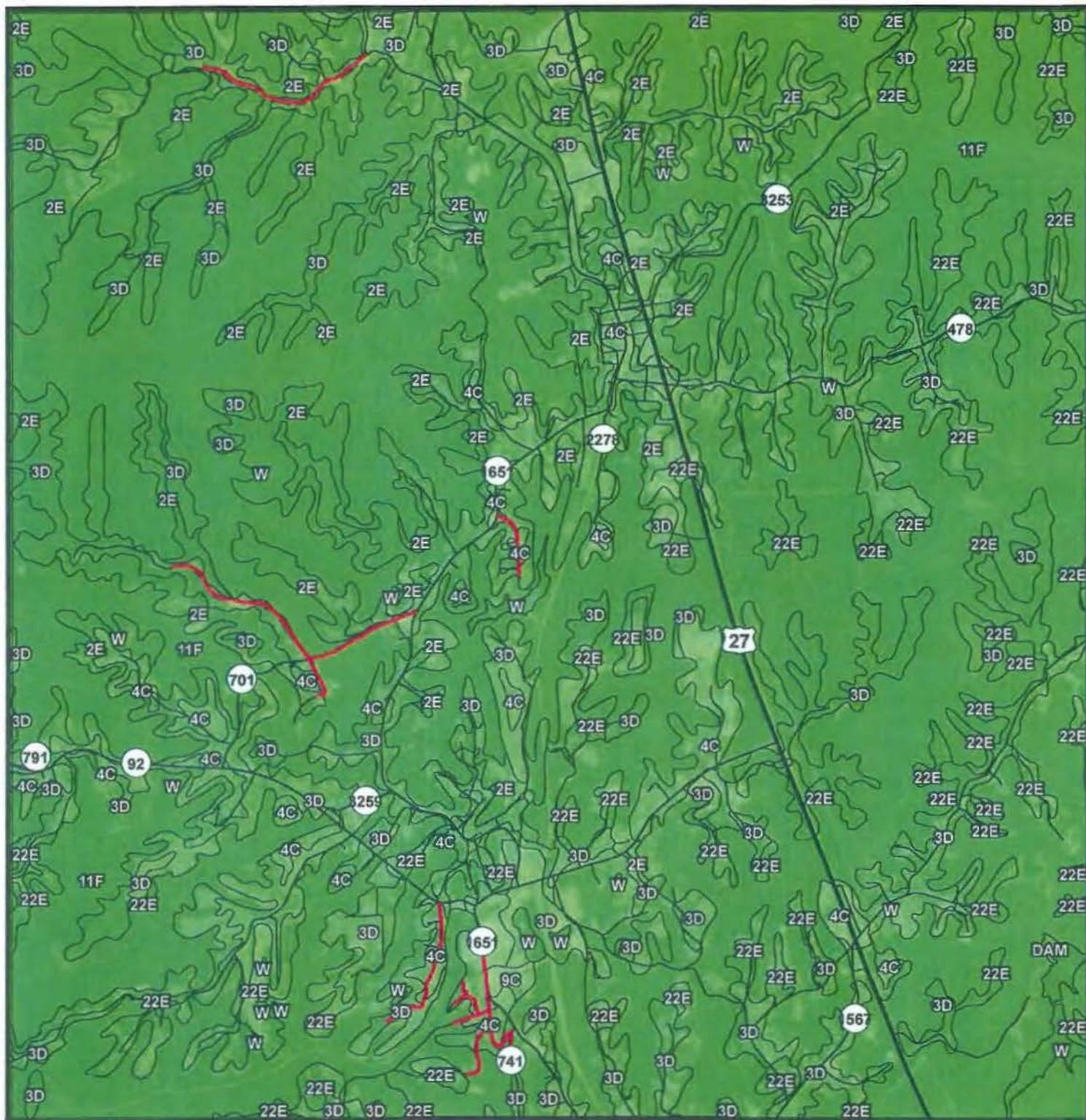
A handwritten signature in cursive script that reads "David Gehring".

DAVID GEHRING
Resource Soil Scientist, Owensboro, KY

Cc:
Joe Montgomery, District Conservationist, Somerset, KY

Farmland Conversion Impact Rating

McCreary County, KY

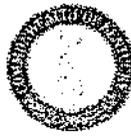


Hydric Soils Legend

-  Sewers
-  Hydric (100%)
-  Predominantly Hydric (66 to 99%)
-  Partially hydric (33 to 65%)
-  Predominantly nonhydric (1 to 32%)
-  Nonhydric (0%)
-  Not rated or not available

Scale
1:31,680
(1"=2,640 ft.)





STEVEN L. BESHEAR
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL**

BOB STEWART
SECRETARY

THE STATE HISTORIC PRESERVATION OFFICE
300 WASHINGTON STREET
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-7005
FAX (502) 564-5820
www.heritage.ky.gov

CRAIG A. POTTS
EXECUTIVE DIRECTOR AND
STATE HISTORIC PRESERVATION OFFICER

October 22, 2014

Mr. William C. Norris
Environmental Assessment Services, LLC
2220 Celina Road
Burkesville, KY 42717

**Re: McCreary County Water District
Sewer System Extension – Revelo to Stearns Phase I
SAI# KY 20140611-0617**

Dear Mr. Norris:

Thank you for your letter concerning the above referenced project. Based on the information provided and our review of the application, an archaeological or cultural historic survey should not be necessary for the proposed project area. We concur that the proposed undertaking should have No Effect to Historical Resources.

Should the project plans change, or should additional information become available regarding cultural resources or citizens' concerns regarding impacts to cultural resources, please submit that information to our office as additional consultation may be warranted.

In the event that human remains are encountered during project activities, all work should be immediately stopped in the area and the area cordoned off, and in accordance with KRS 72.020 the county coroner and local law enforcement must be contacted immediately. Upon confirmation that the human remains are not of forensic interest, the unanticipated discovery must be reported to the Kentucky Heritage Council and the Kentucky Office of State Archaeology in the Anthropology Department at the University of Kentucky.

Should you have any questions, feel free to contact Nick Laracuenta of my staff at 502.564.7005, extension 151.

Sincerely,

Craig A. Potts,
Executive Director and
State Historic Preservation Officer

CP:nrl KHC # 42687



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
REGULATORY BRANCH
3701 BELL ROAD
NASHVILLE, TENNESSEE 37214

September 12, 2014

SUBJECT: Reference No. LRN-2014-00929; McCreary County Water District, Expansion of Existing Sewer Collector System, Whitley City, McCreary County, KY (Section 531 funding)

William C. Norris
Environmental Assessment Services, LLC
2220 Celina Road
Burkesville, KY 42717

Dear Mr. Norris:

This is in regard to your recent request if a Department of the Army permit would be required for the subject proposal.

The U.S. Army Corps of Engineers (USACE) has regulatory responsibilities pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Under Section 404, the USACE regulates the discharge of dredged and/or fill material into waters of the U.S., including wetlands. Under Section 10, the USACE regulates any work in, or affecting, navigable waters of the U.S.

A review of the information provided indicates the proposed activities would not involve work in waters of the US (streams and/or wetlands); therefore, a Department of the Army permit would not be required.

If you have questions regarding this matter, please contact me at the above address or telephone (615) 369-7504.

Sincerely,

Lisa Morris
Project Manager
Operations Division

Appendix C
Mailing List

**Section 340 Wastewater Treatment Plant
And Lift Stations Replacement Project
Town of Alderson, West Virginia
Draft Environmental Assessment
Mailing List**

Federal Agencies and Officials

The Honorable Joe Manchin
United States Senate
900 Pennsylvania Avenue
Suite 629
Charleston, WV 25302

The Honorable Shelley Moore Capito
United States Senate
220 North Kanawha Street
Suite 1
Beckley, WV 25801-4514

The Honorable Evan Jenkins
United States House of Representatives
223 Prince St.
Beckley, WV 25801

Mr. Robert N. Pate
USDA Natural Resources Conservation
Service
1550 Earl Core Road, Suite 200
Morgantown, WV 26505

U.S. Environmental Protection Agency
Region III
Methodist Building
1060 Chapline Street, Suite 303
Wheeling, WV 26003

Ms. Tiernan Lennon
United States Fish and Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241

State Agencies and Officials

The Honorable Earl Ray Tomblin
Governor of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Ms. Barbara Sargent, Environmental
Resource Specialist
West Virginia Division of Natural
Resources
P.O. Box 67
Elkins, West Virginia 26241

Ms. Janet Clayton, Wildlife Diversity
Biologist
West Virginia Division of Natural
Resources
P.O. Box 67
Elkins, West Virginia 26241

Ms. Susan Pierce
State Historic Preservation Office
1900 Kanawha Blvd., E.
Charleston, West Virginia 25305

Ms. Dee Smith
West Virginia Department of Environmental
Protection
601 57th Street, SE, Charleston, WV 25304

County Agencies and Officials

Alderson County Public Library
115 Walnut Ave.
Alderson, West Virginia 24910

Mr. Eric Duff
Alderson Floodplain Manager
PO Box 179
Alderson, West Virginia 24910

Ms. Tammy Fox
Monroe County Floodplain Coordinator
PO Box 200
Union, WV 24983

Mr. David Dent
Summers County Floodplain Coordinator
120 Ballengee Street
Hinton, West Virginia