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SECTION 1: INTRODUCTION

1.1 BACKGROUND - PROJECT LOCATION, DESCRIPTION AND HISTORY

1.1.1 PROJECT LOCATION

The Corridor H, Parsons to Davis Project's western terminus is located just east of Parsons, WV where it will connect with the currently completed or under construction approximately 59 mile-long I-79 to Parsons component of Appalachian Highway Corridor H. The project runs east for a distance of approximately 8 miles to its eastern terminus with the completed approximately 66 mile-long Davis to Wardensville component of Corridor H (Figure 1-1)¹.

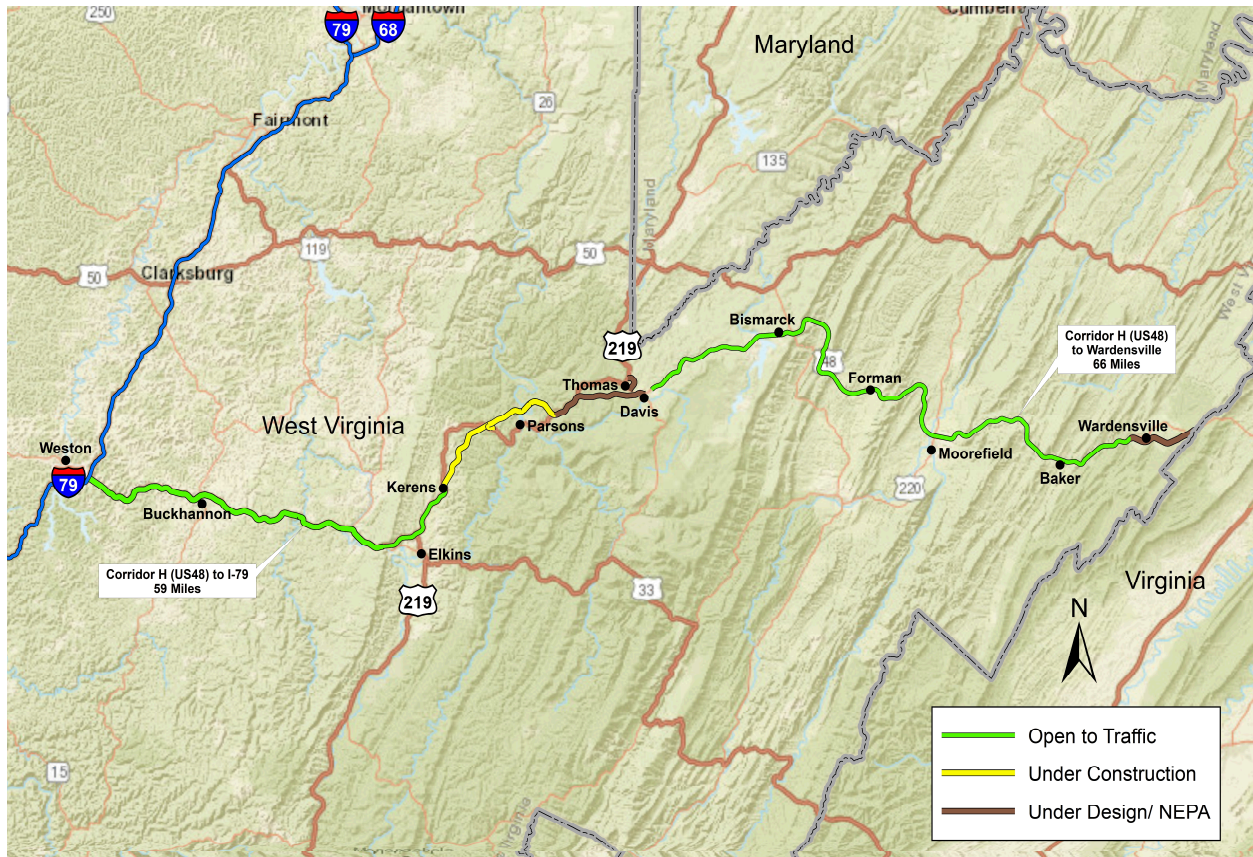


Figure 1-1: Parsons to Davis Project.

1.1.2 PROJECT SETTING

The project is located entirely within Tucker County, WV. This small (420 sq. mi.) county is situated in WV's mountainous Appalachian Highlands region. It is the fourth least populated county in WV and, as of 2020, had a population of 6,672 (2020 US Census). Much of Tucker County is not available for development. More than half (53.5%) of Tucker County land is protected by state and federal government. After public land, privately owned forest land makes up the second-largest block of land in the county. Much of this land is held by a handful of companies. Only 20% of land makes up the County's tax base and much of that land is not appropriate for development due to steep slopes, floodplain, wetlands, boulders, and other limiting factors. As a result, developable land in Tucker County is extremely limited ("Bracing for Change", Downstream Strategies, 2021). Except for residential and

¹This figure and all subsequent figures in this NOI Supplementary Documentation were developed to allow the reader to better understand the narrative. They are accurate representations of the feature or features discussed but should not be used for any other purpose than for which they are intended.

commercial development in the City of Thomas and the Town of Davis, the project area is owned by two entities: the Monongahela National Forest (MNF); and the Pocahontas Land Development LLC (Western Pocohontas) (see Figure 1-2).

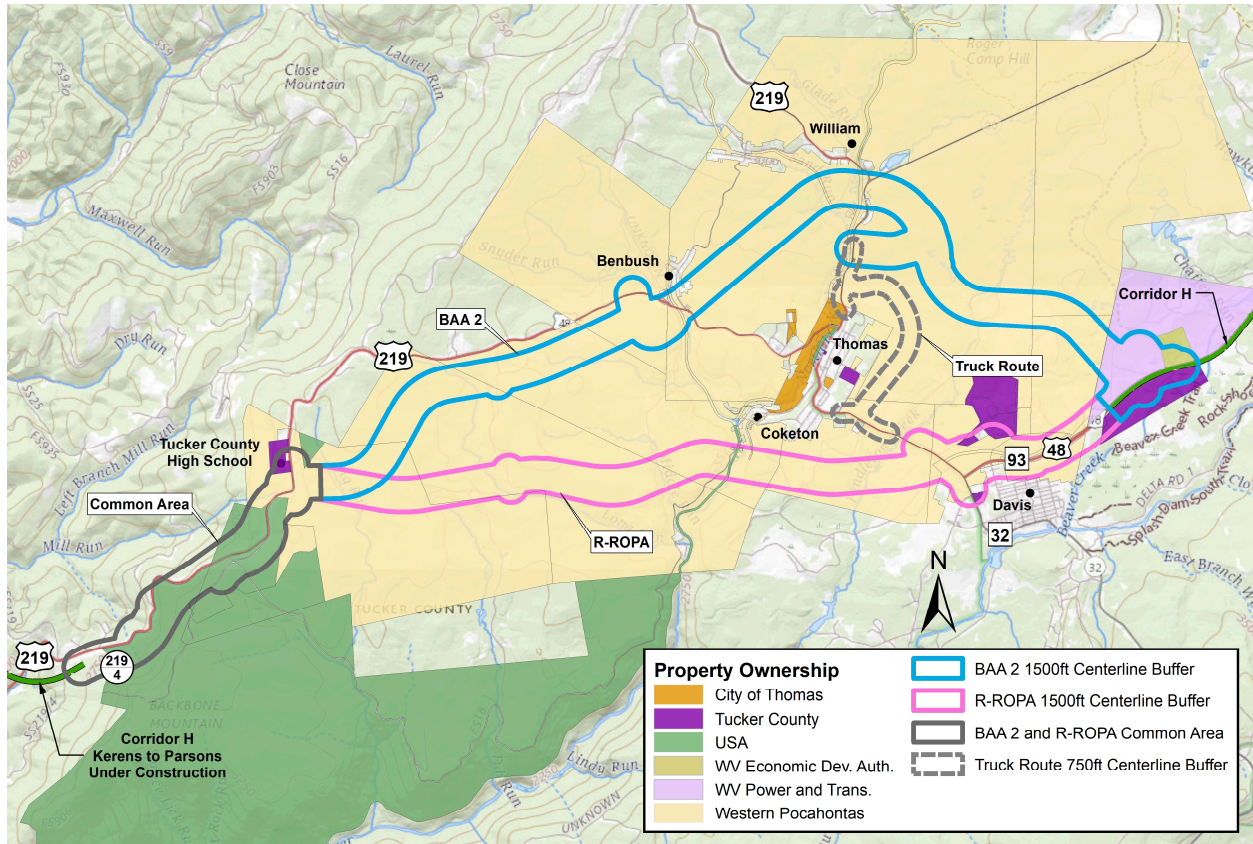


Figure 1-2: Property ownership within the Parsons to Davis Project Area.

1.1.3 PROJECT DESCRIPTION

The approximately 8 mile-long Parsons to Davis Project (as part of Corridor H) is being constructed as part of the Appalachian Development Highway System (ADHS). Therefore, the design standards for this project must be consistent with the design standards of the ADHS and for Corridor H as a whole. Corridor H is a principal arterial roadway with partially controlled access and allows as many as one at-grade intersection per mile.

1.1.4 PROJECT HISTORY

1990-1996: Tiered Supplemental EIS

A tiered Supplemental EIS (SEIS) study was conducted for the 134 mile-long Elkins, WV to Strasburg, VA Corridor H project. The first tier analyzed the purpose and need for the project and included an analysis of over twenty (20) 2000 foot wide corridor alternatives within the approximately 5000 sq. mi. Corridor H project area. A preferred 2000' wide corridor was selected and approved by the Federal Highway Administration (FHWA) in the 1992 Corridor Selection Supplemental Draft Environmental Impact Statement (CSDEIS). The CSDEIS was widely circulated for public and agency comment. Following the approval and circulation of the CSDEIS, a preferred corridor (Corridor D5) was selected and approved by FHWA in its 1993 Corridor Selection Decision Document. The preferred corridor identified in the CSDEIS included that section of Corridor H now known as the Parsons to Davis Project.

Following the selection of Corridor D5 as the preferred corridor in the 1993 Decision Document, the 2nd Tier NEPA study (Alignment Selection SDEIS or ASDEIS) was conducted. At that time, the Commonwealth of Virginia's Transportation Board withdrew from the project and WVDOH decided to continue to develop its Elkins to the WV/VA State Line component of Appalachian Highway Corridor H.

The ASDEIS re-affirmed the project's purpose and need in West Virginia and analyzed multiple 300' wide alignment alternatives within the preferred 2000' wide D5 corridor identified in the CSDEIS from Elkins, WV to the WV/VA State Line. Line A between Elkins, WV and the WV/VA State Line was identified as the least environmentally damaging practicable alternative that best met the project's purpose and need. The ASDEIS was approved and widely circulated for public and resource agency comment in 1994. Finally, in 1996, a SFEIS was approved and circulated to the public. It identified Line A as the preferred alignment alternative and FHWA issued its Record of Decision (ROD) in August of 1996. Like the selected CSDEIS corridor, the ASDEIS, SFEIS and ROD's preferred alignment alternative (Line A) included that section of Corridor H now known as the Parsons to Davis Project and identified in subsequent SEISs as the Original Preferred Alternative (OPA). The 1992-1996 NEPA documents and technical reports explaining and supporting the NEPA documents are available for review at:

<https://transportation.wv.gov/highways/major-projects/Corridor-H/route/Pages/Parsons-to-Davis.aspx>

1996-2000: Litigation

Following issuance of the ROD in 1996, thirteen (13) environmental groups initiated litigation in the U.S. District Court. That lawsuit ended in February 2000 with the issuance of a Settlement Agreement (SA). The SA divided the Elkins to WV/VA State Line Corridor H project into nine separate, operationally independent projects. One of those projects was the Parsons to Davis Project. Specific to the Parsons to Davis Project, the SA required that a "SEIS be prepared to evaluate one or more [Blackwater avoidance alternative] alignment shifts for the Thomas-Davis Section of the Parsons to Davis Project" (2000 SA, p. 25). The SA is available for review at:

https://transportation.wv.gov/highways/major-projects/Corridor-H/route/Documents/2000_02_Settlement_Agreement.pdf

2003 Supplemental DEIS

In 2003, a draft SDEIS for the Parsons to Davis Project was completed, approved, and widely circulated for resource agency and public comment. The 2003 SDEIS presented a detailed alternative analyses of build, No-Build, and Improved Roadway Alternatives.(Figure 1-3). It identified the Original (1996) Preferred Alternative (OPA) as still being the Preferred Alternative and explained the rationale of that approval. The 2003 SDEIS is available for review at:

https://transportation.wv.gov/highways/major-projects/Corridor-H/route/Documents/2003_SDEIS_Parsons-to-Davis.pdf

2007 Supplemental FEIS

The 2007 SFEIS identified a modified OPA termed the Revised Original Preferred Alternative (ROPA) as the preferred alternative. Following FHWA approval and circulation of the 2007 SFEIS, the project was put on hold due to lack of funding. An Amended Record of Decision was never approved. The 2007 SFEIS is available for review at:

<https://transportation.wv.gov/highways/major-projects/Corridor-H/route/Pages/SFEIS.aspx>

Additional details are presented in Section 2: Purpose and Need of this NOI Supplementary Documentation.

1.2 PROJECT RE-START AND A SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

2019-2024: Project Re-Initiation

On August 20, 2019 the West Virginia Division of Highways (WVDOT) held a widely advertised public workshop in the vicinity of the Parsons to Davis project area (Blackwater Falls State Park). During the workshop, WVDOT personnel presented a history of the project, maps of the ROPA, and communicated to the public that it was going to restart the project and solicited public comments. A second widely advertised public workshop was held at the same venue on September 12, 2022 to update the public on project activities since the 2019 public workshop and again solicited public comments to assist WVDOT in the identification of new issues of concern to address in its SEIS study. Additional details on the public involvement/scoping process and comments received during this process are found in Section 7 of this NOI Supplementary Documentation.

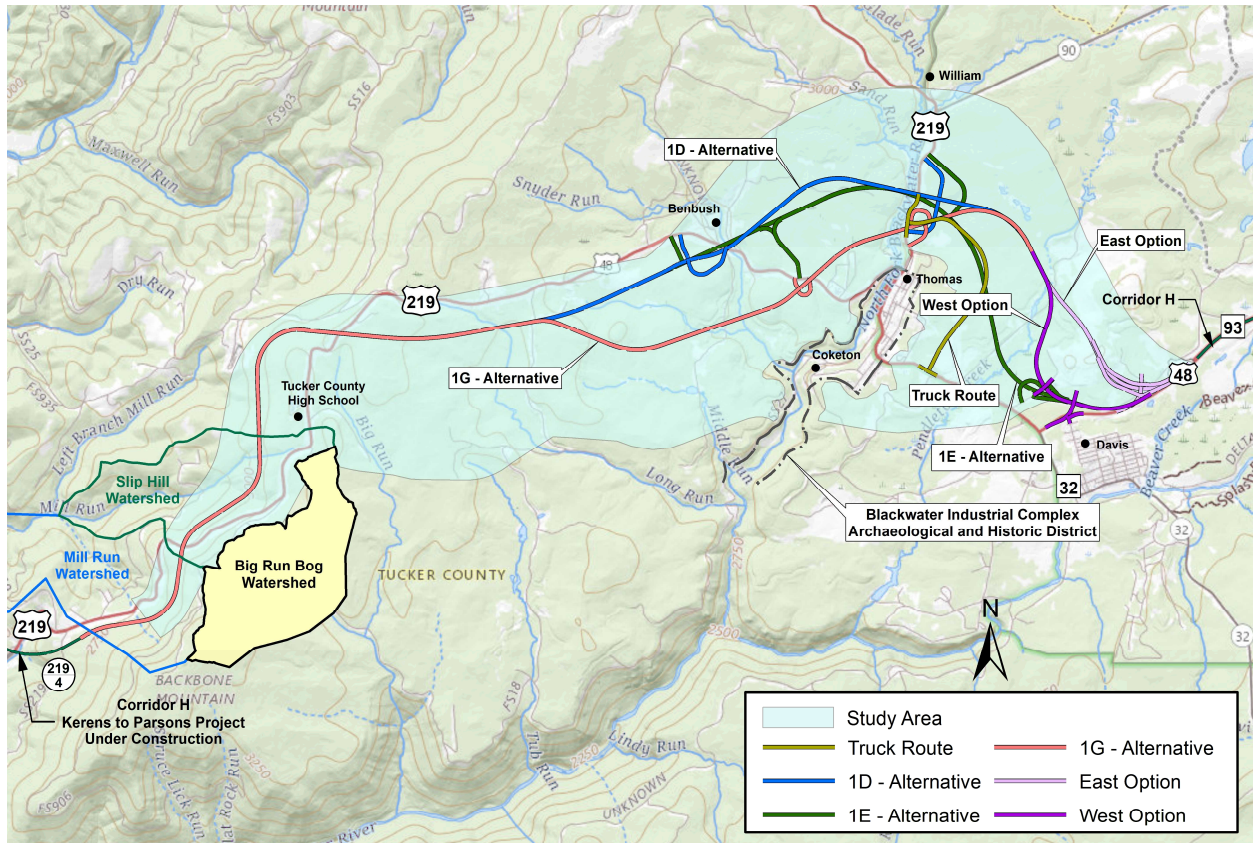


Figure 1-3: 2003 SDEIS Blackwater Avoidance Alternatives (from Exhibit 2-3 of the Parsons to Davis 2003 SDEIS). No Build and Improved Roadway Alternatives are not shown.

1.3 PURPOSE AND NEED FOR THE CORRIDOR H HIGHWAY (ELKINS, WV TO THE WV/VA STATE LINE)

The Parsons to Davis Project is a component of the Appalachian Corridor H Project. Therefore, it is expected to contribute to addressing large-scale needs identified by the U.S. Congress and the Appalachian Regional Commission in the mid-1960's. Those needs are to: improve east-west transportation through northeastern West Virginia; promote economic development in the region; and to preserve or improve the quality of life in the region.

As discussed in Section 1 above, between 1990 and 1996, a tiered supplemental environmental impact statement (SEIS) process was employed to conduct appropriate NEPA studies for the Corridor H Highway from Elkins, WV to the WV/VA State Line. One component of the first tier studies, the Corridor Selection Draft Environmental Impact Statement (CSDEIS), was to re-examine the original 1960's purpose and need for the project. The CSDEIS's purpose and needs analysis found that the study area's current highway system between Elkins and the WV/VA State Line did not meet modern design standards and had higher accident rates than similar facilities in other areas of WV. It also found that the current highway system between the western and eastern termini did not efficiently support the transportation of goods or of people in need of services. The 1992-1996 Technical Reports explaining and supporting the CSDEIS, ASDEIS and SFEIS are available for review at the project website:

<https://transportation.wv.gov/highways/major-projects/Corridor-H/route/Pages/Parsons-to-Davis.aspx>

1.4 PARSONS TO DAVIS PROJECT'S PURPOSE AND NEED

As depicted in Figure 1-1, Corridor H has been constructed and open to traffic from I-79 to Kerens, WV, a distance of approximately 32 miles. The approximately 15 mile-long Kerens to Parsons Project is currently under construction. Corridor H has also been constructed from Davis, WV east to Wardensville, VA, a distance of approximately 66 miles.

US 219/WV 48 is the only roadway of any type connecting Parsons to Davis. As such, it carries all east-west traffic (i.e., passenger vehicles, heavy trucks, school buses to Tucker County High School, etc.). Importantly, it is also the only route from the City of Thomas, Town of Davis, their surrounding areas and major tourist destinations (e.g., Blackwater Falls State Park, Canaan Valley Resort, etc.), and the only acute care hospital in Elkins, WV which serves the Parsons to Davis Project area.

US 219/WV 48 between Parsons and Davis is a two-lane roadway with numerous design deficiencies (e.g., narrow shoulders, steep grades and sharp curves), few passing opportunities, and no control of access. An inventory of design deficiencies conducted for the 2000-2007 SEIS is still valid because there have been no upgrades to US 219/WV 48 roadway since that analysis. That inventory found that:

- Over 80% of the route is designated as “no-passing” zones (roughly nine of eleven miles);
- Over 50% of the horizontal curves are geometrically deficient (45 out of 80) when compared to current design standards (AASHTO, 1994); and
- Over 80% of the route has inadequate stopping sight distances when compared to current design standards (AASHTO, 1994).

Finally, in addition to the need to provide a safer and more efficient roadway option to through traffic, more specific project area needs were identified during the 2000-2007 SEIS public involvement process. Those local project area needs identified were to:

- Reduce truck traffic through the City of Thomas;
- Improve emergency response times and access to emergency facilities; and
- Provide safe and efficient travel to and from Tucker County High School.

SECTION 2: PROPOSED ACTION AND ALTERNATIVES

2.1 PROPOSED ACTION

Because important new information and circumstances relevant to environmental concerns have occurred within the study area since the approval and circulation of the 2007 SFEIS, WVDOH and FHWA have determined that a second SEIS should be prepared and for it to be consistent with FHWA regulations (23 CFR 771.139a). Some examples of new information and circumstances relevant to this project are listed below. Others are discussed in Section 4 of this NOI Supplementary Documentation. All new information and circumstances will be addressed in the SDEIS:

- USFWS de-listing of the West Virginia northern flying squirrel;
- The possible occurrence of additional Endangered Species Act listed species that may occur within the Parsons to Davis Project;
- Federal and state regulatory changes regarding wetland and stream identification and jurisdictional authority over wetlands and streams;
- Development of new recreational facilities including new trails within the 2007 SEIS study area;
- FHWA and CEQ regulatory changes including noise and climate change analysis methods;
- NEPA implementation regulatory changes issued since 2007 by the CEQ (40 CFR 1500), FHWA (23 CFR 771 and 774) and the U.S. Congress (23 USC 139);
- Tucker County Landfill's (an important economic generator) easterly expansion since 2007; and
- Public comments received following the 2019 and 2022 public scoping meetings.

2.2 ALTERNATIVES CONSIDERED

The proposed action will be to prepare a SEIS to the 2007 SEIS. This SEIS will evaluate two alignment alternatives developed within each of two 1500-foot wide study corridors (Figure 2-1). Study corridor one includes the 2007 SFEIS identified preferred alternative. The alternative alignment that has been developed in this corridor will be referred to as the Refined ROPA (R-ROPA). Study corridor two, the Blackwater Avoidance Corridor, will be developed north of the Blackwater Avoidance corridor identified in the 2007 SFEIS. The alignment that has been developed within this corridor will be referred to as Blackwater Avoidance Alternative 2² (BAA 2). This corridor is located immediately north of the proposed 2007 Blackwater Avoidance Alternatives and south of the US 210/WV 90 intersection.

²Alternative BAA 2 is so named because all Blackwater Avoidance Alternatives analyzed in the 2007 SFEIS were iterations of Blackwater Avoidance Alternative 1.

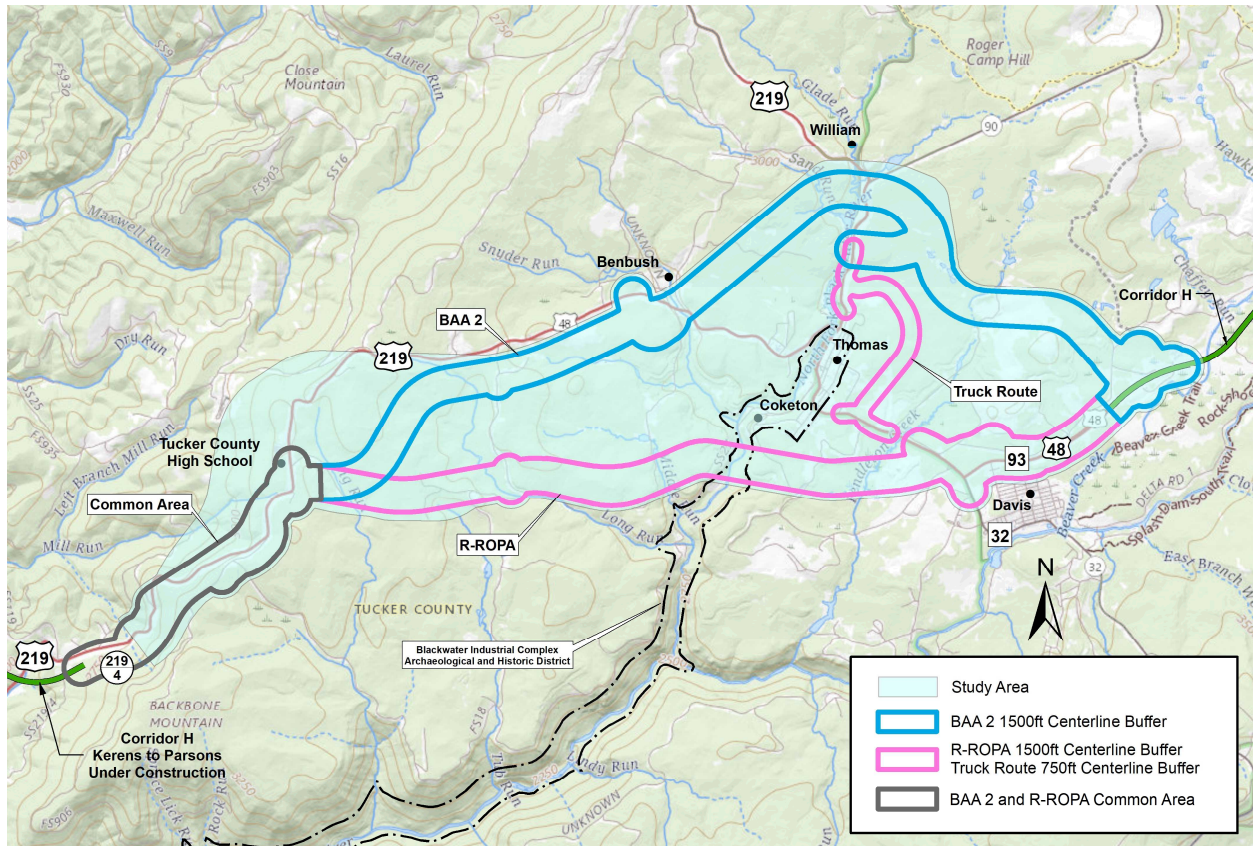


Figure 2-1: 2024 SEIS Project Study Area and Study Corridors.

2.3 DESCRIPTION OF ALIGNMENT ALTERNATIVES

2.3.1 REVISED ROPA (R-ROPA)

The R-ROPA's location on the landscape has not changed significantly from the 2007 ROPA, however a number of important design changes have been developed during the on-going scoping process to:

- Further avoid, minimize and/or mitigate impacts to study area resources;
- Provide for more efficient traffic flow, safety, and emergency response time; and
- Respond to issues of public and agency concern raised during the scoping process described in detail in Section 6 of this NOI Supplementary Documentation.

Each of those design changes is detailed below from the project's western terminus near Mackeyville, WV to its eastern terminus near Davis, WV.

2.3.1.1 R-ROPA FOREST ROADS OLSON FIRE TOWER ACCESS IMPROVEMENTS

This design maintains the direct connection with existing MNF roads and Corridor H but, as part of WVDOH's continued commitment to mitigate impacts to the MNF, it includes an upgrade to Olson Fire Tower Road from its intersection with an existing forest road and will also include a parking area close to the Olson Fire Tower, which is a popular tourist attraction and a scenic overlook.

2.3.1.2 R-ROPA TUCKER COUNTY HIGH SCHOOL (TCHS) CONNECTOR INTERCHANGE

To avoid potential conflicts between Corridor H mainline traffic and to assure more free flowing traffic, the 2007 ROPA at-grade connection has been eliminated and an interchange designed. This design provides access and egress ramps for TCHS traffic.

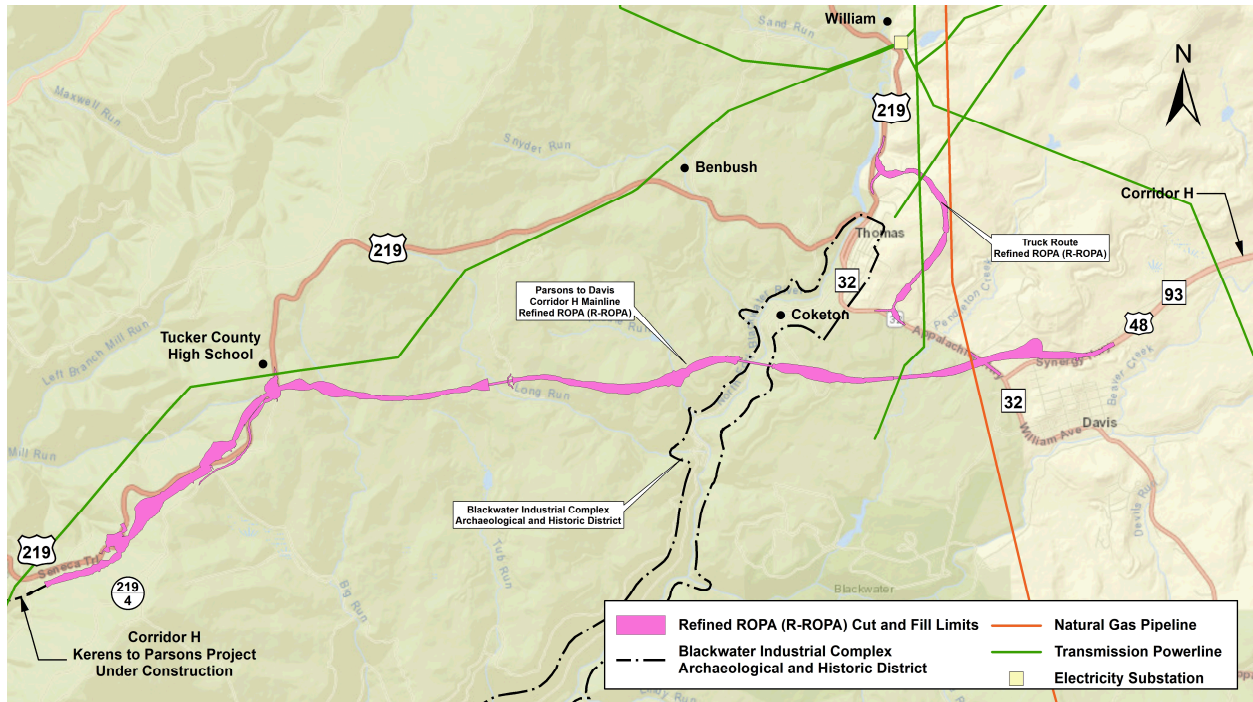


Figure 2-2: Refined ROPA Alignment (R-ROPA)

2.3.1.3 R-ROPA LONG RUN BRIDGE (TUB RUN RECLAMATION AREA)

Since the 2007 SFEIS, the WV Department of Environmental Protection (WVDEP) has undertaken an extensive abandoned mine land (AML) reclamation project that involved reclamation of the Tub Run Highwall (pre-law coal mining), and acid drainage abatement/mitigation that flows into Tub Run and Long Run. If the 2007 ROPA were constructed as designed, it would have an adverse effect on many of the WVDEP's mitigation measures. Because of this, the R-ROPA will bridge the Long Run Valley. Bridging the stream and a portion of the valley will avoid adverse effects to the WVDEP's mitigation measures as well as avoiding direct impacts to Tub and Long Run and adjacent wetlands.

2.3.1.4 R-ROPA Coketon Bridge

To minimize encroachment into the valley of the North Fork of the Blackwater River and within the Blackwater Industrial Complex Archaeological and Historic District, the Coketon bridge has been redesigned. The R-ROPA Coketon bridge will now be a steel arch structure with two piers located in previously disturbed reclamation areas within the historic district but well away from the mainline of the WVC&P historic railroad bed and the Powerhouse Site. Additionally, to further minimize the impact on the visual environment, the bridge has been raised an additional 75' above the valley floor.

2.3.1.5 R-ROPA Pendleton Creek Bridge

To avoid and minimize floodplain, wetland, and stream impacts and to avoid additional wildlife habitat removal and provide for wildlife movements, the 2007 fill/culvert design has been replaced by a low-level bridge at Pendleton Creek.

2.3.1.6 R-ROPA CORRIDOR H/WV 32 CONNECTION

Because of community concerns relating to pedestrian safety and connectivity between the City of Thomas and the Town of Davis, the 2007 SDEIS Corridor H/WV 32 diamond interchange was rethought and re-designed. In the R-ROPA design, the mainline of Corridor H will be "depressed" and pass under existing WV 32. Motorists wishing to exit Corridor H will enter a trumpet interchange east of WV 32, just north of Davis. This design alternative minimizes impacts by removing a direct connection of Corridor H to WV 32. All traffic (eastbound and westbound) exiting Corridor H north to Thomas or south to Davis will exit onto existing WV 93 and travel a short distance along WV 93 to its intersection with WV 32.

2.3.1.7 Thomas Truck By-Pass Route

The northern US 219/Truck Route has been redesigned to provide a free flow of truck traffic onto the Thomas Truck Route. Vehicular traffic wishing to access downtown Thomas will now make a simple right hand turn onto a newly designated Business WV 32. Appropriate signage on US 219 will be erected to indicate this new Thomas access. The Thomas Truck Route will now be designated as WV 32. These proposed changes will be more likely to assure that truck traffic southbound to the Tucker County Landfill, active mining activities along and adjacent to Corridor H east of Davis, as well as the Mt. Storm Power Station, will utilize the Truck Route.

The Thomas Truck Route intersection with WV 32 (south bound) has also been redesigned. In the R-ROPA design, a small section of existing WV 32 will be abandoned. Truck traffic coming north from Corridor H will simply stay on the newly designated WV 32. Other vehicular traffic coming north can either continue along the newly designated WV 32 or can turn onto Business WV 32 to access downtown Thomas.

2.3.2 BLACKWATER AVOIDANCE ALTERNATIVE (BAA 2)

For the purposes of describing the BAA 2 (Figure 2-3), this alternative has been divided into sections as detailed below.

2.3.2.1 BAA 2: Western Terminus to Approximately ¼ Mile East of TCHS Interchange

The R-ROPA and BAA 2 utilize the same alignment design from the project's western terminus in the vicinity of Mackeyville until just east of the TCHS connector. Because of this, existing MNF roads, Olson Fire Tower Access and the TCHS interchange will be included as described above (Sections 3.3.1.1 and 3.3.1.2).

2.3.2.2 BAA 2: From ¼ Mile East of TCHS Interchange to Benbush Interchange

This approximately 1.3 mile section of BAA 2 proceeds to the north-northeast diverging from the R-ROPA alignment to the western end of the Long Run Bridge where it crosses a major (voltage class 100-161) overhead electric transmission powerline. The alignment then turns more to the northeast, bridging Long Run and continues along its northeasterly course to the Benbush Interchange.

2.3.2.3 BAA 2: From Benbush Interchange to US 219/N Fork Blackwater River Bridge

From Benbush, the alignment proceeds to the northeast for approximately 1.5 miles, bridging Sand Run with an approximately 600 foot-long bridge, then turns to the east approximately 600 feet before it crosses over the North Fork Blackwater River and US 219 on an approximately 1,100 foot-long bridge.

2.3.2.4 BAA 2: From US 219/North Fork Blackwater River Bridge to US 219 Connector Interchange

From the eastern end of the North Fork Blackwater River bridge, BAA 2's alignment turns to the southeast, crossing over an underground interstate natural gas pipeline and a major (voltage class 100-161) overhead electric transmission powerline to the US 219 Connector Interchange.

2.3.2.5 BAA 2: Corridor H US 219 Connector

The approximately ½ mile-long, 2-lane connector provides a direct connection from Corridor H to US 219. It connects to US 219 with an at-grade intersection north of downtown Thomas. Truck traffic coming south can access Corridor H by making a left-turn onto the connector and avoid passing through Thomas.

2.3.2.6 BAA 2: US 219 Connector to Eastern Terminus at US 48 (Corridor H) near Davis

From the US 219 Connector, BAA 2 proceeds in a southeasterly direction, passes north and east of the Tucker County Landfill, crosses over Pendleton Creek on an approximately 600 foot-long bridge and then terminates with a complex US 48 (Corridor H) interchange east of the Town of Davis. It also provides direct connections to the Kenneth "Honey" Rubenstein Juvenile Center and the Tucker County Industrial Park.

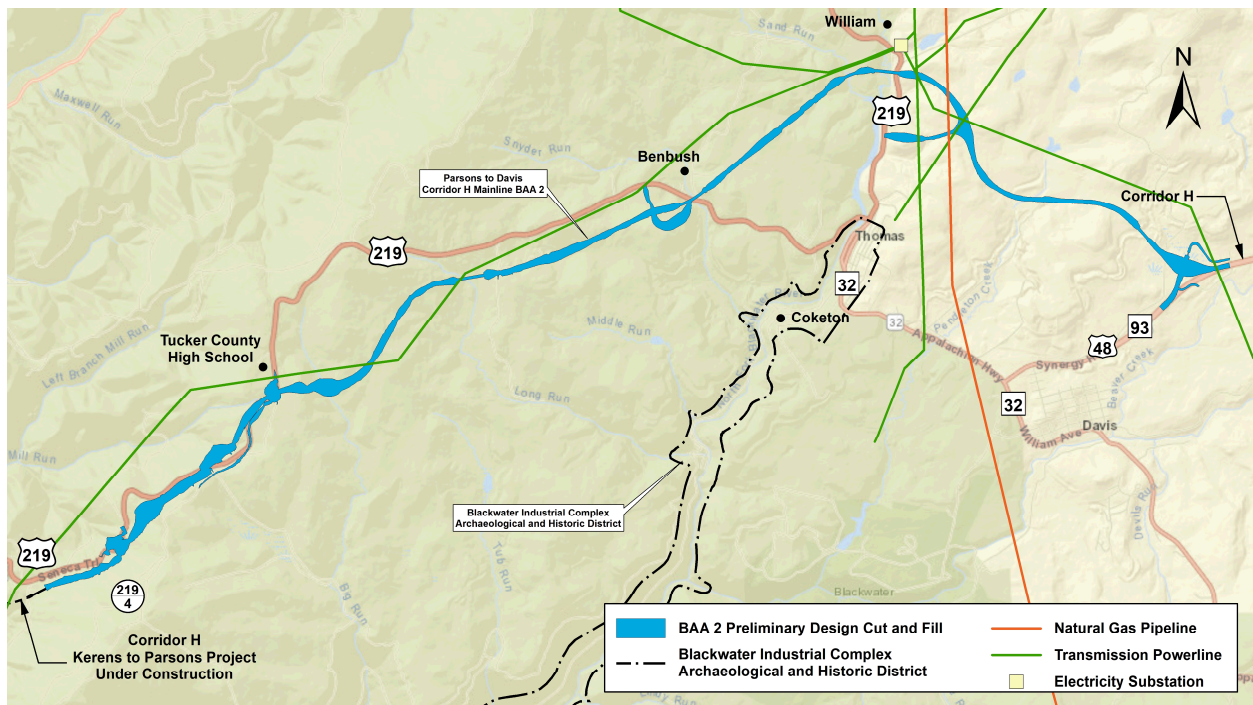


Figure 2-3: Blackwater Avoidance Alternative 2 (BAA 2)

2.4 ALTERNATIVE ANALYSIS (SCREENING) PROCESS

The SDEIS will describe the project alternatives being considered, and discuss the potential impacts of the alternatives in a comparative format. It will define the issues that differentiate between the alternatives and provide a basis for choosing the preferred alternative. Specifically, the two SDEIS alternatives (i.e., R-ROPA and BAA 2) will be “filtered” through a three-step screening process. Each step in the screening process is an increasingly detailed analysis of how well the alternative addresses the project’s Purpose and Need; to determine if each alternative is considered feasible and constructible including overall cost; and the alternative’s probable impact to natural and cultural resources and, with mitigation, its compatibility with the SA and applicable Federal and state environmental laws and regulations.

Screen 1: Pass/Fail Screening

The pass/fail screening, sometimes called a fatal flaw analysis, will broadly evaluate whether an alternative meets the project’s primary Purpose and Need. In addition, criteria in this analysis considers whether the alternative is fundamentally feasible to construct, as well as the order of magnitude of cost difference between the alternatives.

The following eight pass/fail criteria have been identified to eliminate an alternative that does not meet fundamental requirements:

- Improve east-west transportation through northeastern West Virginia;
- Promote economic development in the region;
- Preserve or improve the quality of life in the region;
- Reduce truck traffic through the historic City of Thomas’ historic district;
- Improve emergency response times and access to emergency facilities;
- Provide safe and efficient travel to and from Tucker County High School;
- Constructability issues; and
- The magnitude of cost difference between the two alternatives.

An alternative or concept that has a “no” answer to a majority of these questions is considered to not meet the project purpose and need and is so “fatally flawed” that it would be removed from further consideration. This analysis is essentially qualitative and depends on the professional judgment of planners and designers.

If a concept should be evaluated quantitatively and with more criteria to make an informed decision with regard to these questions, it can be carried forward to Screening Step 2.

Screen 2: Quantitative Analyses

For alternatives that “pass” the first screening process, a quantitative evaluation will be conducted to determine how well the alternatives compare against each other in meeting the primary Purpose and Need, while balancing cost and environmental impacts. Unlike the first screening, where alternatives must pass a basic threshold to advance to this step, Screen 2 involves ranking the alternatives based on measures for each evaluation criterion. Alternatives that perform well may be further evaluated with more detailed technical study, while less-promising alternatives may be eliminated from further analysis.

Feasibility/Constructability

These transportation criteria evaluate the feasibility of each alternative in terms of engineering practicality and ease of construction (constructability) of each Screen 2 alternative. For example, some alternatives may require design exceptions for grade or additional right-of-way for truck escape ramps, or require curves in the roadway that would necessitate reducing travel speeds to non-permissible levels. The proposed feasibility and constructability evaluation criteria are the following:

- Amount of grading, filling, and cuts;
- Numbers and types of bridges and culverts;
- Ability to maintain design speed;
- Utility relocation needs; and
- Ability to phase construction to avoid or minimize impacts to US 219 traffic.

Environmental Impacts

Environmental evaluation criteria relate primarily to the nature and potential/probable degree of impact or benefit to environmental resources. To compare environmental impacts between the alternatives, this analysis will utilize detailed mapping of the project area, mapping and other up-to-date datasets available from various resource agencies (e.g., USGS NLCD, USFWS NWI, WVWRAM, FWMA dFIRM, SAMB hydrography, EPA Enviromapper), and extrapolations of impact probability from detailed field studies that have been on-going since 2019. The 2024 SDEIS will evaluate each alternative for intensity of impact on sensitive resources. Major criteria are as follows:

- Impacts on historic, archaeological, and cultural resources;
- Impacts on Section 4(f) and 6(f) resources;
- Substantial adverse effects to social or economic welfare, including displacements and relocations;
- Potential/probable adverse Impacts on Federally listed threatened, or endangered species or their habitat;
- Detrimental effects to Air, Ambient Noise Levels;
- Amount of carbon emissions;
- Impacts on streams and wetlands;
- Impacts on environmentally sensitive areas such as recreational trails and parks; and
- Substantial effects to Scenic Vistas or Viewsheds.

If both alternatives remain following this screening step, each will be further considered and compared during the Screen 3 process. If only one of the two alternatives is carried forward to Screen 3, it will still be subjected to those Screen 3 detailed studies and the development of mitigation measures to assure its permissibility.

Screen 3: Detailed Field Studies, and Development of Mitigation Measures

Alternatives that pass Screen 2 will be subjected to detailed field studies (e.g., jurisdictional identification and delineations of Section 404 and State of WV protected streams and wetlands, threatened and endangered species surveys and the development of mitigation measures). Based on the results of those investigations and ability to meet the requirements of the SA (See Section 1.1.4 above), the preferred alternative will be selected.

SECTION 3: SUMMARY OF EXPECTED IMPACTS

Numerous important changes have occurred within the 2007 study area since the 2007 SFEIS was approved. These include new land use and comprehensive plans developed/adopted, formation of a Thomas-Davis wastewater public service district, and promulgation of numerous new or revised environmental regulations (Table 3-1).

Table 3-1: Changes in Regulations/Circumstances Since the 2007 SFEIS

Affected Environment/ Environmental Consequences	New Project Area Circumstances/Information since 2007 SFEIS
Council on Environmental Quality (CEQ)	CEQ issued new NEPA regulations in 2022
23 USC Section 139	U.S. Congress inserts NEPA regulations in the Bi-partisan Infrastructure Law
Socio- Economic Environment	2020 Census Data available
Land Cover/Land Use	Extensive clear-cutting operations since 2007 within 1/3 of the study area
Climate Change/Carbon Emissions	New requirement and model to compare transportation alternatives developed and required
Consistency with Local Land Use Plans	Tucker County, City of Thomas, and Town of Davis have developed/adopted new comprehensive or land development plans, and development related studies 2012 MNF adopts new forest management plan
Environmental Justice	USEPA developed new EJ screening tool, post 2007
Recreation	Numerous trails and recreational facilities (e.g., Blackwater Canyon Trail, Boulder Park, Thomas City Park) have been developed
Visual Environment	FHWA 2015: New guidance issued on impact analysis
Floodplains/Floodways	FEMA issues new floodplain/floodway mapping in 2021
Vegetation and Wildlife	2008 WVDNR and USFWS determined that all Upland Wildlife Habitat Mitigation Commitments have been satisfied for all of Corridor H from Elkins to WV/VA State Line
RT&E Species and RFSS Species	- West Virginia Northern Flying squirrel delisted - Additional ESA listed species in project area 2012 MNF requests surveys for Regional Forest Sensitive Plant/Animal species (RFSS)
Wetlands	2007 Wetland Findings “stale” - New detailed project LIDAR mapping available - New Federal and state wetland protection laws/regulations
Streams	2007 Stream Assessments “stale” - New detailed mapping produced - New Federal and state stream protection laws/regulations
Archaeological Resources	Expanded area of potential effect due to new design alternatives
Historic Architectural Resources	19 structures become old enough to survey for eligibility - Project area of potential effect expanded
Section 4(f) and 6(f) Resources	Development of new parks and trails that may be affected by the alternatives

SECTION 4: ANTICIPATED PERMITS AND OTHER AUTHORIZATIONS

4.1 PERMITS AND APPROVAL

It is anticipated that all proposed alternatives may have impacts to federally listed species. Therefore WVDOH, on behalf of FHWA and in coordination with the USFWS, will complete formal consultation for any federally listed species within the project area, producing a Biological Assessment that will include avoidance and minimization measures to lessen impacts to those species affected by the project. The USFWS will issue a Biological Opinion in response, including conservation measures as well as reasonable and prudent measures that are necessary and appropriate to minimize take of federally listed species.

Other governmental actions required will include:

- USFWS Endangered Species Act (ESA) Section 7 formal consultation;
- Section 404 Clean Water Act Permit (USACE, Huntington District);
- Section 401 Water Quality Certification (West Virginia Department of Environmental Protection [WVDEP]);
- West Virginia NPDES Permit (WVDEP);
- West Virginia Stream Activity Permit (West Virginia Public Land Corporation);
- Section 106 of the National Historic Preservation Act (WVSHPO, MNF, Keeper of the National Register, eligibility determinations for historic architectural and archaeological sites);
- Section 106 of the NHPA (WVSHPO, MNF, determinations of project effect on historic archaeological and or architectural resources);
- Advisory Council for Historic Preservation (ACHP) determinations of project effect on historic archaeological and or architectural resources;
- MNF Special Use Permit(s);
- USDA-USFS-FHWA Land Transfer Agreement; and
- Regional Forest Sensitive Species (RFSS) "clearance."

SECTION 5: SCHEDULE FOR DECISION MAKING PROCESS

5.1 GENERAL

The project schedule will be established as part of the requirements of the environmental review process under 23 U.S.C. 139 and will comply with 40 CFR 1501.10(b)(2), which requires that environmental reviews for major infrastructure projects occur within two years (from the date of publication of the NOI to the date of issuance of the ROD). In addition, H.R.3684 - Infrastructure Investment and Jobs Act codified One Federal Decision and requires that all authorizations for major projects be issued within 90 days after the ROD.

5.2 ANTICIPATED PROJECT SCHEDULE

- Public scoping meeting (February 2024)
- Notice of Availability of the DEIS (May 2024)
- Public Hearing (June 2024)
- End of DEIS Comment Period (July 2024)
- Issue Combined FEIS/ROD (December 2024)
- Issue all remaining project permits and authorization decisions (if a build alternative is selected) (March 2025)

SECTION 6: DESCRIPTION OF AGENCY AND PUBLIC SCOPING PROCESS, INCLUDING SCOPING MEETINGS

6.1 AGENCY COORDINATION AND SCOPING

Agency scoping and coordination will continue following the publication of this NOI following the same format and procedures that have been utilized since the re-initiation of this project.

6.1.1 RESOURCE AGENCY MEETING

Resource agencies were invited to a general agency meeting held virtually on March 15, 2022 as a re-introduction to the project prior this SDEIS. All agencies invited sent a representative to the meeting. In addition to FHWA and WVDOH, attendees included representatives from:

- United States Army Corps of Engineers (USACE);
- United States Department of Agriculture (USDA), Forest Service- MNF;
- United States Environmental Protection Agency (USEPA);
- United States Fish and Wildlife Service (USFWS);
- West Virginia Department of Environmental Protection (WVDEP);
- West Virginia Division of Natural Resources (WVDNR); and
- West Virginia State Historic Preservation Office (WVSHPO).

WVDOH presented a brief overview of the entire Corridor H project, including mitigation measures that have been implemented since the 1996 ROD. Then the presentation focused on the two portions of Corridor H that were not constructed or under construction: the Wardensville to Virginia state line project and the Parsons to Davis project.

6.1.2 USFS MNF COORDINATION

Coordination with the USFS has been on-going for the Corridor H Project since the early 1990's. That early coordination led to a formal Memorandum of Understanding (MOU) among the FHWA, WVDOH and the US Department of Agriculture, US Forest Service, MNF. That MOU is available for review at

<https://transportation.wv.gov/highways/major-projects/Corridor-H/route/Pages/Parsons-to-Davis.aspx>

February 25, 2022 Meeting: A meeting with representatives from both the MNF and the George Washington National Forest was held virtually on February 25, 2022 to present the status of the Parsons to Davis Project. The agencies shared their updates to points of contact and surveys conducted in the project areas.

MNF Special Use Permits: The Organic Administration Act of June 4, 1897 (36 CFR 251 Subpart B, as amended) requires that a Special Use Permit be obtained for authorization to use or occupy National Forest System lands. Such use and occupancy includes fieldwork and temporary construction activities in the MNF. Since 2007, WVDOH has coordinated with the MNF to acquire Special Use Permits as needed to conduct the studies necessary to understand the project area and potential project impacts.

MNF Section 106 Coordination: WVDOH has provided the MNF historic resource and archaeological survey studies as a part of fulfilling Section 106 obligations related to MNF permits,

MNF Regional Forester Sensitive Species (RFSS) Coordination: Since the 2007 SFEIS, the MNF requested that WVDOH conduct presence/absence investigations for RFSS on proposed project areas that overlap MNF property. For the Parsons to Davis Project, species presence/absence studies were conducted between 2019 and 2021. The assessments were discussed at the February 2022 meeting (see above), and a final report was provided to the MNF on March 8, 2023. The findings of these surveys will be addressed in the SEIS for this project.

6.1.3 NHPA SECTION 106 CONSULTATION

Section 106 consultations for both the R-ROPA and BAA 2 alternatives have been and will continue to be conducted in accordance with the Section 106 regulations and under the terms of the 2000 Amended PA among the FHWA, WVSHPO and the Advisory Council on Historic Preservation.

The WVSHPO and the Keeper of the National Register of Historic Properties have been engaged for Determinations of Eligibility, and Consulting Parties³ have been notified as required by the 2000 Amended PA.

Additional cultural resource investigations within the R-ROPA and BAA 2 Study Corridors' Area of Project Effects have been ongoing since the 2018 re-initiation of the project. A summary of correspondence received since the 2007 SFEIS regarding cultural resources in the project area is provided below. Further coordination in accordance with the 2000 Amended PA will take place as the SDEIS and SFEIS are developed. Results of this additional coordination will be included in each of those documents.

Responses Received for Historic Architecture

- WVSHPO concurred with the 2022 historic resources eligibility determinations in a letter dated June 24, 2022;
- WVSHPO concurred with 2023 updated determinations of eligibility in a letter dated March 8, 2023;
- National Park Service Keeper of the NRHP concurred with historic resource eligibility determinations in a letter dated March 30, 2023; and
- No comments were received from Consulting Parties listed in the 2000 Amended PA regarding the Updated eligibility reports, shared on June 8th, 2022 and March 7, 2023.

Summary of Response Received for Archaeological Resources

- WVSHPO concurred with the 2023 updated archaeological survey; and
- No comments were received from Consulting Parties listed in the 2000 Amended PA regarding the Updated Archaeological survey findings report.

Results of further meetings and consultation will be reported and presented in the SDEIS and SFEIS documentation for this project.

6.1.4 SECTION 7 ENDANGERED SPECIES ACT CONSULTATION

In accordance with Section 7 of the Endangered Species Act, WVDOH and FHWA have coordinated with the USFWS since 2007 in order to plan appropriate surveys and make determinations of effect to species that are Federally listed as Threatened or Endangered.

Particularly because of changes to species status and survey protocols but also because of the discovery of additional species or their habitat in the project area in 2014, WVDOH and FHWA have held many meetings with the WVDNR and the USFWS since re-initiating consultation for the Parsons to Davis Project. A series of meetings began in 2015 after the Virginia big-eared bat (VBEB) was found in the project area by the WVDEP in 2014 during a reclamation project and by the WVDOH in 2015.

6.1.4.1 Coordination Meetings

In 2015, after the resumption of studies for the Parsons to Davis Project and given the discovery of VBEB in the project area, WVDOH began meeting with USFWS to ensure further studies met the needs for understanding the bat population, determining potential impacts, and planning mitigation. Protocols and findings for other species were also

³Consulting Parties to the 2000 Amended Programmatic Agreement included the following organizations: ACHP, Association for the Preservation of Civil War Sites, Capon Springs and Farms, Corridor H Alternatives, George Washington National Forest, Hampshire County Planning, MNF, U.S. Department of Agriculture, Virginia SHPO, and WVSHPO.

discussed at these meetings as needed for planning purposes. Results of further meetings and consultation will be reported and presented to the public in the SDEIS and SFEIS documentation for this project.

6.1.4.2 Surveys and Reporting

Below is a summary of the surveys that have been conducted since 2007 and are on-going. These surveys involved obtaining USFWS approval on surveying and sampling protocols, acquiring any necessary permissions, and resulted in reports that were reviewed by the USFWS.

- Virginia Big-Eared Bat Surveys – Infrared Survey (Summer 2015), Acoustic Survey and Harp Trapping (Fall 2015), Acoustic Loggers (Winter 2015-Winter 2016), Harp Trapping and Acoustic Surveys (Spring 2016), Harp Trapping/Mist Netting and Telemetry (Fall 2016), and Mist Netting (Summers 2019 and 2021);
- Federally Listed Plants - Botanical Surveys (Summer 2015, 2017, 2019, and 2022);
- Rusty-Patched Bumble Bee - Habitat and Presence/Absence Surveys (Spring/Summer 2019, 2020, 2021, and 2022);
- Indiana Bat and Northern Long-Eared Bat - Mist Netting Surveys (Summer 2019 and 2021); and
- Cheat Mountain Salamander - Habitat Assessment (Summer 2020 and 2021).

6.1.4.3 Formal Consultation

WVDOH and FHWA are preparing a Biological Assessment to address all Federally listed threatened or endangered species in the project area. The project is considered to potentially affect five (5) species, which may result in determinations of “effect, not likely to adversely affect” or “adverse effect,” pending the resolution of formal consultation. A Preliminary Draft BA was shared with the USFWS in September of 2022 and revisions are currently ongoing. Results of the consultation will be reported and presented to the public in the SDEIS and SFEIS documentation for this project.

6.1.4.4 Further Agency Consultation

As detailed above, WVDOH has already developed and implemented on-going agency coordination activities. As the project continues to develop, WVDOH will continue with those agency consultation activities to assure that required permits and approvals are received.

PUBLIC SCOPING

6.1.5 LOCAL GOVERNMENT MEETINGS

In addition to inviting local government entities to public meetings, WVDOH met with local elected and appointed officials throughout 2022 and 2023. Those meetings are summarized below:

- April 26, 2022 – WVDOH attended the City of Thomas Council Meeting to re-engage the public. Comments received included the splitting the communities and potential impacts due to the Coketon Bridge (the North Fork Blackwater River crossing);
- April 27, 2022 – WVDOH attended the Davis Town Council Meeting to re-engage the public. There was discussion of an arch bridge design at Coketon (the North Fork Blackwater River crossing);
- June 16, 2022 – WVDOH met with the Tucker County Development Authority to review project updates. There was discussion about possible developments associated with Corridor H;
- August 8, 2022 – WVDOH met with the Tucker County Historic Landmark Commission to provide updates. There was discussion about historic resources in the project area and potential effects associated with the project;
- October 19, 2022 – WVDOH attended the City of Thomas Council Meeting to provide updates on potential design changes;

- February 22, 2023 – WVDOH attended the Davis Town Council Meeting to provide updates on potential design changes, particularly focused on the WV 32 interchange; and
- April 11, 2023 – WVDOH attended the City of Thomas Council Meeting to provide updates on potential design changes, particularly focused on the areas of the WV 32 interchange, the Tucker County High School, and the Truck Route.

Formal and Informal meetings with elected and appointed public officials will continue throughout the SEIS process. Those meetings will be documented and disclosed in the SDEIS and SFEIS.

6.2 PUBLIC INFORMATIONAL WORKSHOPS

6.2.1 AUGUST 20, 2019

A public informational workshop was conducted at Blackwater Falls State Park in Davis, WV on August 20th, 2019 from 4:00 PM to 7:00 PM to inform the public of the project's re-start and receive comments on the project. This public meeting served to re-engage the public for the first time since the 2007 SFEIS.

WVDOH hand-delivered 1,500 flyers announcing the meeting throughout the project area and surrounding communities. WVDOH advertised the meeting on their own website and through the following statewide and local news outlets:

- West Virginia Radio Corporation;
- West Virginia Metro News;
- The State Journal;
- The Gazette Mail;
- The Parsons Advocate;
- The Inter-Mountain; and
- The Pocahontas Times.

At the meeting, handouts with information on the proposed project were provided at the registration table. In the meeting hall, there were two sets of three display boards, as well as several display copies of the Alignment and Resource Location Plans (ARLPs) for the Preferred Alternative presented in the 2007 SFEIS. There was no formal presentation.

A total of 112 people signed the attendance sheet at the meeting. WVDOH and FHWA representatives were in attendance to answer questions, including representatives from the WVDOH District Right-of-Way Section.

6.2.1.1 Comment Summary

A 30-day comment period followed the public meeting, with comments due to WVDOH by September 20, 2019. A comment form was attached to the handout at the meeting and available for download from the WVDOH website. People could also submit comments digitally online. The handout and display boards were also posted on the WVDOH website throughout the comment period.

A total of 140 comment submissions were received by WVDOH. Of these, 5 were submitted at the public meeting, 15 were mailed to WVDOH, and 120 were submitted via the WVDOH online system. Based on a comparison of the commenter names and the sign-in sheet, it appears that 21 of the commenters attended the meeting in person.

Of the 140 submissions, 2 expressed support for the project as proposed (the ROPA alignment), 119 expressed support for a different alternative, and 21 did not express support for an alternative.

Of the 119 submissions supporting other alternatives, 103 supported selection of a Blackwater Avoidance Alternative ("BAA"; see the 2007 SFEIS Section 2.0 for explanation), 11 supported a BAA with a modification such as a shift to the north to avoid Thomas City Park, and 5 specifically supported the BAA 1D or 1D-East. A more detailed report including the actual comments will be reported in the SDEIS.

6.2.2 SEPTEMBER 12, 2022

A second public informational workshop was held on September 12th, 2022 from 4:00 PM to 7:00 PM. This meeting was also held at the Blackwater Falls State Park in Davis, WV. The meeting was intended to provide project updates as environmental studies advanced and the Preferred Alternative design was undergoing adjustments.

WVDOH hand-delivered 1,500 flyers announcing the meeting throughout the project area and surrounding communities. WVDOH advertised the meeting on their own website and through the following statewide and local news outlets:

- West Virginia Radio Corporation;
- West Virginia Metro News;
- The State Journal;
- The Gazette Mail;
- The Inter-Mountain;
- The Pocahontas Times;
- The Parsons Advocate;
- WBOY News;
- WV Metro News; and
- WV News.

At the meeting, handouts with information on the proposed project were provided at the registration table. There was no formal presentation at the meeting. In the meeting hall, the following project boards were displayed:

- Corridor H Overview, History and Project Status;
- Alternatives Presented in the 2007 Supplemental Final EIS;
- Preferred Alternative for the Parsons to Davis Project;
- Project Timeline and How to Comment;
- Frequently Asked Questions;
- Natural Resources;
- Cultural Resources;
- Proposed Interchange for WV 32; and
- Improved Truck Route.

A total of 161 people signed the attendance sheet at the meeting. WVDOH representatives were in attendance to answer questions, including representatives from the WVDOH District Right-of-Way Section.

6.2.2.1 **Comment Summary**

A 30-day comment period followed the public meeting, with comments due to WVDOH by October 12, 2022. A comment form was attached to the handout at the meeting and available for download from the WVDOH website. People could also submit comments digitally online. The handout and display boards were also posted on the WVDOH website throughout the comment period.

An extension to the comment period was requested, and FHWA agreed to extend the comment period to December 12, 2022. In December, FHWA extended the comment period again, and comments were accepted through January 26, 2023.

A total of 461 comment submissions were received by WVDOH; however, after accounting for exact duplicates and multiple submissions from the same commenter, that total is reduced to 429. Of these, 54 were either submitted at the public meeting or later mailed to WVDOH, six (6) were emailed, and 369 were submitted via the WVDOH online system. Based on a comparison of the commenter names and the sign-in sheet, it appears that 58 of the commenters attended the meeting in person.

Of the 429 total comments received, 62 commenters expressed support for the project as proposed (the ROPA alignment), 355 commenters expressed support for a different alternative, and 12 did not express support for an alternative. A more detailed report including the actual comments will be reported in the SDEIS.

6.2.2.2 Further Public Scoping and Comments

As detailed above, WVDOH has already developed and implemented a robust public scoping/involvement process. Similar public scoping/involvement activities will continue throughout the project. In addition to these informal activities, WVDOH will develop and conduct all public meetings and hearings and treatment of formal comments as required by FHWA regulations.

6.3 OTHER ACTIVITIES

The WVDOH maintains a website with updates on the Parsons to Davis Project:

<https://transportation.wv.gov/highways/major-projects/Corridor-H/route/Pages/Parsons-to-Davis.aspx>.

The site includes a project timeline, mapping, past reports, and information on public meetings.

SECTION 7: REQUEST FOR IDENTIFICATION OF POTENTIAL ALTERNATIVES, INFORMATION, AND ANALYSES RELEVANT TO THE PROPOSED ACTION

With the Federal Register NOI, FHWA and WVDOH request and encourage state, tribal, and local agencies, and the public to review the NOI and this NOI Supplementary Information document and to submit comments on any aspect of the project. Specifically, agencies and the public are asked to identify and submit potential alternatives for consideration and any information, such as anticipated significant issues or environmental impacts and analyses, relevant to the proposed action for consideration by the lead and cooperating agencies in developing the SDEIS. Comments must be received by March 27, 2024.

Interested parties are invited to submit comments by any of the following methods:

- Website: For access to the documents, go to the Federal eRulemaking Portal located at <http://www.regulations.gov> or the project website located at <https://transportation.wv.gov/highways/engineering/comment/Pages/default.aspx>. Follow the online instructions for submitting comments.
- Phone: Jason Workman at (304) 347-5271 (FHWA).
- Mailing address or for hand delivery or courier: FHWA West Virginia Division, 300 Virginia Street East, Suite 7400, Charleston, WV 25301
- Email address: Jason.Workman@dot.gov
- Project email address: <https://transportation.wv.gov/highways/engineering/comment/CorridorHParsonsToDavis/Pages/default.aspx>

All submissions should include the agency name and the docket number that appears in the heading of this Notice.

All comments received will be posted without change to (including any personal information provided):

<https://transportation.wv.gov/highways/engineering/comment/CorridorHParsonsToDavis/Pages/default.aspx>.