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Supplemental Environmental Impact Statement
FHWA-WV-EIS-92-01-SD
State Project: X142-H-38.99 C-2
Federal Project: APD-484 (59)

EXECUTIVE SUMMARY

In accordance with FHWA guidance, this Supplemental Draft Environmental Impact Statement (SDEIS) incorporates by reference the FEIS and the subsequent ROD for the Appalachian Corridor H Project, both issued in 1996. The SDEIS reader should refer to the 1996 Corridor H FEIS and 1996 ROD for information regarding the Project that is unchanged, still valid, and therefore, not presented in the text of this SDEIS.

S.1 BRIEF PROJECT DESCRIPTION

The West Virginia Department of Transportation (WVDOT), Division of Highways (WVDOH), in conjunction with the Federal Highway Administration (FHWA), is proposing to construct an approximately 10-mile long highway between Parsons and Davis in Tucker County, West Virginia. This Parsons-to-Davis Project is a component of the Appalachian Corridor H Project which is a proposed 100-mile highway between Elkins and the West Virginia-Virginia state line, spanning Randolph, Tucker, Grant, and Hardy counties in West Virginia.

As a result of legal challenges, a Settlement Agreement required the WVDOH and FHWA to prepare a Supplemental Environmental Impact Statement (SEIS) to evaluate one or more alignment shifts for the Thomas-Davis section of the Parsons-to-Davis Project to determine if avoidance of the Blackwater Area, also defined in the Settlement Agreement, was prudent and feasible. This Supplemental Draft Environmental Impact Statement (SDEIS) is the first part of the required SEIS. Additionally, discovery of an endangered species within the limits of the Original Preferred Alternative (OPA) between Parsons and Davis has necessitated that the SEIS address the entire length of the Parsons-to-Davis Project.

As a part of the Corridor H project, the Parsons-to-Davis project is expected to contribute to addressing the needs identified in the Corridor H Final Environmental Impact Statement (FEIS) of 1996 (WVDOH, 1996). Additionally, the Parsons-to-Davis project will address specific local needs. Overall, the purpose of the Parsons-to-Davis project is to:

- Provide a safe, high-speed, high capacity, four-lane connection between the project termini;
- Promote economic development in the Study Area;
- Reduce truck traffic on existing routes; and,
- Improve emergency response times and access to emergency facilities.

The purpose and need for the project are detailed in Section 1 (*Project Background and Need*) of this document.

S.2 ALTERNATIVES CONSIDERED

This document presents the alternatives considered and identifies those alternatives retained for detailed environmental analysis. The SDEIS does not identify a Preferred Alternative; however, a Preferred Alternative will be identified in a Preferred Alternative Report. After circulation of this SDEIS and after the City Councils of Thomas and Davis have had a 60-day opportunity to comment on the Preferred Alternative Report, the Supplemental Final Environmental Impact Statement (SFEIS) will be issued.

In order to develop prudent and feasible alternatives, a project Study Area was defined. Environmental and engineering constraints were identified from secondary sources. Alternatives were then developed within the Study Area so as to minimize impacts to environmental constraints and maximize adherence to engineering constraints.

The alternatives developed and considered in this document included the No-Build Alternative, the Improved Roadway Alternative (IRA), the OPA, and twelve (12) avoidance alignments. A Truck Route option was also considered as an addition to the OPA and one of the avoidance alignments.

Preliminary consideration screening indicates that the IRA and six of the avoidance alignments should be eliminated from detailed study. The remaining six avoidance alignments, the OPA, the No-Build, and the Truck Route were retained for detailed environmental study and analysis. The alternatives and their considerations are detailed in Section 2 (*Alternatives Considered*) of this document.

S.3 MAJOR ENVIRONMENTAL IMPACTS

The environmental impacts of the alternatives retained for detailed study are identified qualitatively and quantitatively in Section 3 (*Existing Environment and Environmental Consequences*) of this document. The potential impacts of the alternatives retained for detailed study are summarized in Table S-1.

Table S-1
Summary of Potential Impacts on the Existing Environment

Issue or Resource	No Build	1D West	1D East	1E	1G West	1G East	2	OPA¹	TR²
<i>Length (miles)</i>	11.8	11.6	11.0	11.2	11.5	10.9	11.0	9.0	1.8
<i>Cost (millions)³</i>	N/A	185.2	188.6	174.2	189.9	193.3	140.9	93.5	4.8
<i>Earthwork Mass Balance⁴ (MCY)</i>	N/A	-0.28	0.17	0.01	1.45	1.90	3.08	8.57	0.01
<i>Reduction in Downtown Thomas Truck Traffic</i>	N/A	-80%	-80%	-80%	-80%	-80%	-45%	-45%	Up to -35% ²
<i>Travel Time (minutes)</i>	18	12	11	11	12	11	11	9	N/A
<i>Level of Service (2020)</i>	D	A	A	A	A	A	A	A	N/C
<i>Displacements</i>	N/A	Landfill Facilities ⁵	None	1 Residence	Landfill Facilities ⁵	None	None	None	None
<i>Wetlands (acres)</i>									
- PEM	N/A	1.14	0.95	2.05	0.47	0.27	2.71	3.5	0.06
- PSS	N/A	0.09	0.72	1.02	0.09	0.72	1.53	1.53	0.00
- PFO	N/A	0.06	0.00	3.48	0.06	0.00	0.01	0.62	0.00
- POW	N/A	0.00	0.00	0.00	0.00	0.00	2.82	2.81	0.00
- PUB	N/A	0.00	0.00	0.00	0.04	0.04	0.00	0.00	0.00
- TOTAL	N/A	1.29	1.67	6.54	0.72	1.09	7.07	8.01	0.06
<i>Streams</i>									
-Total crossings (miles)	N/A	1.30	1.02	1.09	1.19	0.92	2.35	2.74	0.36
-Length of Relocations (ft)	N/A	1555	232	1137	2015	692	4048	5695	321
<i>Floodplains, 100yr (acres)</i>	N/A	0	0	0	0	0	3.4	3.4	0
<i>Habitat Units</i>	N/A	1323	1305	1281	1212	1195	1119	815	77
<i>Affects WVNFS⁶ Habitat</i>	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No

Issue or Resource	No Build	1D West	1D East	1E	1G West	1G East	2	OPA ¹	TR ²
<i>Monongahela Nat'l Forest</i>									
- MPA ⁷ 3.0	N/A	325	325	305	293	293	357	198	1
- MPA ⁷ 6.1	N/A	80	80	72	79	79	63	111	0
<i>Visual Impacts to Sensitive Sites⁸</i>	N/A	3	2	3	2	1	1	1	3
<i>Noise Impacts (2020)</i>									
- Noise Abatement Criteria	10	8	8	7	7	7	8	9	5
- Substantial Increase	0	0	0	0	0	0	1	1	0
<i>Energy Consumption⁹ (mill. gallons of fuel)</i>	6.5	200.3	196.7	184.0	198.5	194.9	180.3	144.7	27.7
<i>Cultural Resources</i>									
- Effects on NRHP Eligible/Listed Resources	N/A	None	None	None	None	None	None	None	None
- Prehistoric High Probability Area (acres)	N/A	7.9	5.5	11.1	2.7	0.3	0.5	1.4	0.1
- Prehistoric Medium Probability Area (acres)	N/A	6.8	6.8	5.1	2.5	2.5	5.8	7.0	1.1

N/A = Not Applicable; MCY = Million Cubic Yards; N/C = Not Calculated

¹OPA = Original Preferred Alternative of Corridor H passing through the Parson-to-Davis Project Study Area.

²The Truck Route is an option area that would be associated with only the OPA or Alternative 2. It would divert up to an additional 35% of truck traffic.

³Based on current average construction costs, including such variables as earthwork, drainage, pavement and bridging. Does not include cost of ROW or utility relocations

⁴Positive numbers represent waste (excess cut) and negative numbers represent borrow (excess fill). Quantities include access roads.

⁵The facilities include the scales and scale house of the Tucker County Landfill. The facilities would need to be moved due to construction of these alternatives.

⁶WVNFs = West Virginia northern flying squirrel (*Glaucomys sabrinus fuscus*) (see Section 3.3.3).

⁷MPA=Management Prescription Area (described in Section 3.2.2).

⁸Although all alternatives have visual impacts to sensitive sites, none are adverse impacts (see Section 3.2.8).

⁹Includes construction, maintenance and operational energy costs.

S.4 MAJOR UNRESOLVED ISSUES

Section 4(f) Analysis

At this time, evaluation results indicate that none of the alternatives retained for detailed study would require “use” of Section 4(f) land. A draft Section 4(f) Analysis is included with this SDEIS (*Section 4*), and a final Section 4(f) Analysis will be included with the SFEIS.

Section 7 Consultation

Throughout the development of the environmental documentation for Corridor H, WVDOH and FHWA consulted with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act (ESA). The documentation was considered sufficient by the USFWS to address effects on threatened and endangered species at the time the ROD was signed (August 1996). However, in June 2000, WVDOH and FHWA re-initiated informal consultation with the USFWS during agency coordination for the preparation of this SDEIS. Consultation is still ongoing with regard to one endangered species, the West Virginia northern flying squirrel (WVNFS), found within the Study Area boundary.

A Biological Assessment (BA) for the WVNFS was prepared and submitted to USFWS (August 2002). The BA found that the OPA would likely result in an adverse effect to the species and that the avoidance alignments would not likely adversely affect the WVNFS. USFWS did not concur with this conclusion and stated that any of the alternatives presented in the BA (which are the same alternatives presented in this SDEIS) would not avoid suitable habitat for the species (letter dated October 11, 2002, *Section 7: Comments and Coordination*). According to the most recent Recovery Plan for the species (USFWS, 2001), suitable habitat for the WVNFS is assumed to be potentially occupied by the species; therefore, any of the alternatives would impact potentially occupied WVNFS habitat. Further consultation with the USFWS will be required for the Preferred Alternative.

S.5 OTHER FEDERAL ACTIONS REQUIRED

After the selection of the Preferred Alternative and before project construction, one federal permit, two state permits, and one state certification are required:

- Section 404 Clean Water Act Permit (Pittsburgh District COE);
- West Virginia NPDES Permit (WVDEP);
- West Virginia Stream Activity Permit (WV Public Land Corporation); and,
- West Virginia Section 401 Water Quality Certification (WVDEP).

These permits and certifications were issued for the OPA in 1996. If an alternative other than the OPA is selected as the Preferred Alternative for this project, amended permits and certifications will be pursued.

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FHWA-WV-EIS-92-01-SD
State Project: X142-H-38.99 C-2
Federal Project: APD-484 (59)

GLOSSARY OF COMMONLY USED ACRONYMS AND ABBREVIATIONS

AASHTO	American Association of State Highway and Transportation Officials
ACHP	Advisory Council on Historic Preservation
ADT	Average Daily Traffic
ADHS	Appalachian Development Highway System
AML	West Virginia Department of Environmental Protection - Office of Abandoned Mine Land APD Appalachian Development Highway System
APE	Area of Potential Effect
ARC	Appalachian Regional Commission
ARDA	Appalachian Regional Development Act
ASDEIS	Appalachian Corridor H Alignment Selection Supplemental Draft Environmental Impact Statement (November, 1994)
BA	Biological Assessment
BE	Biological Evaluation
BTU	British Thermal Unit
CAA	Clean Air Act
CAG	Community Advisory Group
CALTRANS	California Transportation Laboratory
CEQ	President's Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
CHA	Corridor H Alternatives, Inc.
CMS	Congestion Management System
CO	Carbon Monoxide
COE	United States Army Corps of Engineers
CONSENT	Superfund (CERCLA) Consent Decrees
CSDEIS	Appalachian Corridor H Corridor Selection Supplemental Draft Environmental Impact Statement (October, 1992)
dB	Decibel
dBA	Decibels on the A-weighted Scale
DEIS	Draft Environmental Impact Statement
DDHV	Directional Design Hourly Volume

DOI	United States Department of the Interior
DTEMS	Davis Thomas Elementary and Middle School
EIS	Environmental Impact Statement
EMS	Emergency Medical Services
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Maps
FPPA	Farmland Protection Policy Act
GIS	Geographic Information Systems
gpm	Gallons Per Minute
Ha	Hectare
HBI	Hilsenhof Biotic Index
HEP	Habitat Evaluation Procedure
HOV	High Occupancy Vehicle
HSI	Habitat Suitability Index
HU	Habitat Unit
HUD	United States Department of Housing and Urban Development
IL	Insertion loss
IRA	Improved Roadway Alternative
Leq(h)	Representative of an average sound level over an hour's time period
LOS	Level of Service
LUST	Leaking Underground Storage Tank
LWCFA	Land and Water Conservation Fund Act
MD	Maryland
MNF	Monongahela National Forest
MP	Management Prescriptions
MRLC	Multi-resolution Land Characterization Consortium
NAAQS	National Ambient Air Quality Standards

NAC	Noise Abatement Criteria
NEPA	National Environmental Policy Act of 1970, 42 U.S.C. § 4321, et seq.
NHS	National Highway System
NO _x	Nitrogen oxide
NLCD	National Land Cover Data
NPL	National Priority List
NPS	National Park Service
NRCS	Natural Resource Conservation Service (formerly Soil Conservation Service)
NRHP	National Register of Historic Places
NRI	Nationwide Rivers Inventory
NWI	National Wetlands Inventory
NWSRS	National Wild and Scenic Rivers System
O ₃	Ozone
OMR	West Virginia Department of Environmental Protection - Office of Mine Relocation
OSM	Office of Surface Mining
Pb	Lead
PEM	Palustrine Emergent Wetland
PFO	Palustrine Forested Wetland
PM	Particulate Matter
ROW	Right-of-Way
PPM	Parts Per Million
PRT	Potential Roost Trees
PSS	Palustrine Scrub-Shrub Wetland
PSD	Public Service District
RBP	Rapid Bioassessment Protocol
RCRA	Resource Conservation and Recovery Act
RCRIS	Resource Conservation and Recovery Information System
ROD	Record of Decision; issued pursuant to NEPA
SARA	Superfund Amendments and Reauthorization Act
SDEIS	Supplemental Draft Environmental Impact Statement
SEIS	Supplemental Environmental Impact Statement

SFEIS	Supplemental Final Environmental Impact Statement
SHPO	West Virginia State Historic Preservation Officer (or an official authorized to act on his or her behalf for purposes of Section 106)
SO ₂	Sulfur Dioxide
TCHS	Tucker County High School
TCL	Tucker County Landfill
TM	Thematic Mapper
TMDL	Total Maximum Daily Load
USDA	U.S. Department of Agriculture
USGS	United States Geological Survey
USDOT	United States Department of Transportation
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
UST	Underground Storage Tank
VMT	Vehicle Miles Traveled
WV	West Virginia
WVDCH	West Virginia Division of Culture and History
WVDEP	West Virginia Department of Environmental Protection
WVDHHR	West Virginia Department of Health and Human Resources
WVDNR	West Virginia Division of Natural Resources
WVDOH	West Virginia Department of Transportation, Division of Highways
WVDOT	West Virginia Department of Transportation
WVGES	West Virginia Geological and Economic Survey
WVNHP	West Virginia Natural Heritage Program
WVNFS	West Virginia Northern Flying Squirrel
WVOMST	West Virginia Office of Miner's Safety and Training
WVSHPO	West Virginia State Historic Preservation Officer

GLOSSARY OF COMMONLY USED TERMS

2000 Settlement Agreement: Refers to February 7, 2000 agreement between Corridor H Alternatives, et. al. and USDOT, the result of Corridor H Alternatives v. Slater, Case No. 96-CV-2622 (TFH).

Acidity: A measurement of the hydrogen ion concentration of an aqueous solution.

Acid Drainage: Is a low pH, sulfate-rich water with high amounts of acidity, which results from the oxidation of metal disulfide minerals upon exposure to air and water.

Alignment: Refers to the proposed routing of build alternatives.

Alternative: General term that refers to possible approaches to meeting the project's purpose and need. Typically refers to the No-Build and the Build Alternatives.

Avoidance Alignments: Alternatives developed for consideration that avoid the use of land in the Blackwater Area as defined in the 2000 Settlement Agreement and land known to be occupied by the West Virginia northern flying squirrel.

Anticline: A convex fold in bedrock.

Aquifer: A water-bearing unit of permeable rock, sand, or gravel that yields considerable quantities of water to springs and wells.

Attainment: Status of the various pollutants described in the NAAQS. A condition where a pollutant meets NAAQS.

Benthic: Located on the bottom of a body of water or in the bottom sediments, or pertaining to bottom-dwelling organisms.

Biodiversity: The variety and abundance of species, their genetic composition, and the communities, ecosystems, and landscapes in which they occur.

Blackwater Area: The area within and around the Blackwater Valley, south of Thomas, as depicted on Exhibit 4 of the Settlement Agreement (Appendix A).

Blackwater Avoidance Alignment: Any alignment for Corridor H that is located entirely outside the Blackwater Area.

Carbon Monoxide (CO): A colorless, odorless gas that is formed as a product of the incomplete combustion of carbon and is emitted directly by automobiles and trucks.

Corridor H Alternatives, Inc. (CHA): Any corporations that are subsidiaries of CHA or are otherwise legally affiliated with CHA, any successors-in-interest to CHA, and any existing or future entities, associations, or groups formed by or with the direct involvement of any persons who, as of the Effective Date, are directors or officers of CHA partly or entirely for the purpose of opposing Corridor H or any Project or for the purpose of promoting alternatives to Corridor H or any Project.

Community Cohesion: The connections between and within communities that are essential for serving the needs of the residents (e.g., churches, recreational facilities).

Corridor H: All or a portion of the Appalachian Corridor H highway between Elkins, West Virginia, and the West Virginia/Virginia State Line.

Court of Appeals: The United States Court of Appeals for the District of Columbia Circuit.

Cumulative Impact: An impact on the environment that results from the incremental impact of the action when added to past, present, and reasonably foreseeable future actions.

Cultural Resources: Patterned physical remains of human activity distributed over the landscape through time.

Design Speed: The maximum safe operating speed for which a highway is designed. The posted speed limit is generally slightly less than the design speed.

District Court: The United States District Court for the District of Columbia.

Environmental Justice: Presidential Executive Order 12898 requires federal agencies to take into consideration disproportionately high and adverse human health or environmental effects of federal programs and projects on low-income and minority populations.

Floodplain: The portion of a river or stream valley, adjacent to the channel, which is covered with water when the river or stream overflows its banks at flood stage. It is also defined as lowland and relatively flat areas adjoining inland and coastal waters including, at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

Flood Hazard Zone: The area flooded during a 100-year storm.

Floodway: An area identified on a FIRM or a Flood Boundary Floodway Map (FBFM) that represents the portion of the floodplain that carries the majority of the flood flow and is often associated with high velocity flow and debris impact. The floodway includes the channel of a stream or river and the adjacent floodplain that must be reserved in an unobstructed condition in order to discharge the base flood without increasing flood levels by more than one foot.

Groundwater: Naturally occurring water that moves through the ground and underlying rock, at a depth of several feet to several hundred feet.

Habitat Evaluation Procedure: A method created by the USFWS to evaluate the quality of habitat for selected wildlife species.

Habitat Unit: A non-dimensional unit of comparison in the Habitat Evaluation Procedure (see above), used to quantify gains and losses in wildlife habitat value resulting from project-related activities, and calculated by multiplying an index of habitat suitability by the area of that habitat.

Historic Archaeological Site: Any subsurface cultural manifestation dated post-European contact.

Historic Property: Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register. This term includes, for the purposes of these regulations, artifacts, records, and remains that are related to and located within such properties. The term "eligible for inclusion in the National Register" includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet National Register listing criteria.

Insertion Loss: The difference in sound levels before and after installation of a noise barrier.

Karst: The occurrence of limestone as the first bedrock unit beneath the soil in which cavities form due to the solubility of limestone under certain conditions. Surface characteristics include sinkholes and sinking streams.

Keeper: The Keeper of the National Register of Historic Places, or any other official within the United States Department of the Interior vested with authority to determine the eligibility of historic properties for listing in the National Register, pursuant to 16 U.S.C. § 470a.

Level of Service (LOS): Operating conditions within a stream of traffic describing safety, traffic interruptions, speed, freedom to maneuver, comfort, and convenience. Six levels of service are defined, designated A through F, with A representing the best conditions and F the worst.

Low-income Populations: A population whose household income is below the Department of Health and Human Services poverty guidelines.

National Register: The National Register of Historic Places, as maintained by the United States Department of the Interior, pursuant to 16 U.S.C. § 470a.

National Environmental Policy Act (NEPA) Document: Any document or report prepared by or on behalf of FHWA or WVDOT pursuant to NEPA for a Project, including but not necessarily limited to any Environmental Assessment, Finding of No Significant Impact, Draft SEIS, Final SEIS, or Amended ROD, but not including any pre-decisional, deliberative, or privileged materials.

Nitrogen Oxide: Oxides of nitrogen (e.g., NO₂, NO₃)

Non-attainment: A condition where a pollutant exceeds the NAAQS two or more times during a year.

Original Preferred Alternative (OPA): The build alternative defined as preferred in the 1996 Corridor H FEIS and 1996 Corridor H ROD. In the 2000 Settlement Agreement it was called the "Blackwater Alignment," although other alignments passing through the Blackwater Area may be called a Blackwater Alignment.

Ozone: Unstable blue gas with a pungent odor formed principally in secondary reactions involving volatile organic compounds, nitrogen oxides, and sunlight.

Palustrine Emergent (PEM) Wetland: Wetlands that are dominated by erect, herbaceous vegetation present for most of the growing season (i.e., marshes, wet meadows, fens, sloughs, or potholes). (Also, see "Wetland" below.)

Palustrine Forested (PFO) Wetland: Wetlands that are dominated by woody vegetation greater than 20 feet (6 meters) in height (i.e., swamps or bottomlands). (Also, see "Wetland" below.)

Palustrine Scrub-Shrub (PFO) Wetland: Wetlands that are dominated by woody vegetation less than 20 feet (6 meters) in height (i.e., pocosins, shrub swamps, or wet thickets). (Also, see “Wetland” below.)

Physiographic Province: A region which is generally consistent in geologic structure and climate and which has had a unified geomorphic history.

Project Impact: Partnership between communities and FEMA that helps communities protect themselves from the devastating effects of natural disasters by taking actions that dramatically reduce disruption and loss.

Regulatory Floodway: The portion of the 100-year floodplain within which the majority of the floodwater is carried and where flooding hazards are the highest.

Riparian: Pertaining to anything connected with or immediately adjacent to the banks of a stream.

Secondary Impact: An impact on the environment resulting from the primary impact of the action.

Section 106: Section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. § 470f.

Section 4(f): Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. § 303(c).

Section 4(f) Document: Any finding, evaluation, report, or other document prepared by or on behalf of FHWA or WVDOT pursuant to Section 4(f) with respect to a Project, including, but not necessarily limited to, any finding of no constructive use and any approval of the use of a Section 4(f) Resource, but not including any predecisional, deliberative, or privileged materials.

Section 4(f) Resource: Any park, recreation area, wildlife or waterfowl refuge, or historic site that is protected under Section 4(f).

Settlement Agreement: (See “2000 Settlement Agreement” above.)

Supplemental Environmental Impact Statement (SEIS): Document prepared by FHWA and WVDOT in accordance with NEPA and other applicable laws and regulations; generally presented in two parts – a Draft (SDEIS) and a Final (SFEIS).

Syncline: A concave fold in bedrock.

Total Maximum Daily Load (TMDL): A calculation of the maximum amount of pollutant that a waterbody can receive and not diminish its beneficial use classification and still meet water quality standard. In addition, a TMDL contains the reductions needed to meet water quality standards and allocates those reductions among sources in the watershed.

Upland Habitat: Land that has sufficient dry conditions that hydrophytic vegetation, hydric soils, and/or wetland hydrology are lacking. Any area that is not a wetland, deepwater aquatic habitat, nor other special aquatic site is considered upland habitat.

Vertical Curves: Hills, both inclines and declines.

Viewshed: All land seen from one static point.

Watershed: A specific geographic area drained by a major stream or river.

Wetland: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated conditions.

Zone of Saturation: The area found below the water table where water occupies all open space.

COMMONLY USED METRIC CONVERSIONS

Quantity	Metric Unit	English Unit	Factor to Convert Metric Units to English Units
Length	Kilometer (km)	Mile (mi)	Kilometers x 0.62 = Miles
	Meter (m)	Foot (ft)	Meters x 3.28 = Feet
Area	Square Kilometer (km ²)	Square Mile (mi ²)	Sq. Kilometers x 0.39 = Sq. Miles
	Hectare (ha)	Acre (ac)	Hectares x 2.47 = Acres
Volume	Liter (l)	Gallon (gal)	Liters x 0.26 = Gallon
Mass	Kilogram (kg)	Pound (lb)	Kilograms x 2.21 = Pounds
Velocity	Kilometer per Hour (kph)	Mile per Hour (mph)	kph x 0.62 = mph

Appalachian Corridor H

Parsons-to-Davis SDEIS

Interactive CD-ROM



December 2002

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Appalachian Corridor H
Parsons, WV to Davis, WV
Supplemental Environmental Impact Statement
FHWA-WV-EIS-92-01-SD
State Project: X142-H-38.99 C-2
Federal Project: APD-484 (59)

SECTION I: PROJECT BACKGROUND AND NEED

In accordance with FHWA guidance, this Supplemental Draft Environmental Impact Statement (SDEIS) incorporates by reference the FEIS and the subsequent ROD for the Appalachian Corridor H Project, both issued in 1996. The SDEIS reader should refer to the 1996 Corridor H FEIS and 1996 ROD for information regarding the Project that is unchanged, still valid, and therefore, not presented in the text of this SDEIS.

1.1 PROJECT BACKGROUND

The West Virginia Division of Highways (WVDOT), in conjunction with the Federal Highway Administration (FHWA), is proposing to construct an approximately 10-mile long highway between Parsons and Davis in Tucker County, West Virginia. This Parsons-to-Davis Project is a component of the Appalachian Corridor H Project (Corridor H), which is a proposed 100-mile east-west route connecting I-79 at Weston, West Virginia to the West Virginia/Virginia state line.

1.1.1 APPALACHIAN CORRIDOR H

In 1965, Congress enacted the Appalachian Regional Development Act (ARDA). ARDA established the Appalachian Regional Commission (ARC), which was composed of the governors of 13 States in Appalachia, plus one member appointed by the President. ARC was given responsibility for coordinating development of the Appalachian Development Highway System (ADHS). As authorized by ARDA, the ARC designated 28 corridors as part of the ADHS, including Corridor H, an east-west route connecting I-79 at Weston, West Virginia to I-81 at Strasburg, Virginia. The route designated for Corridor H in West Virginia extends from Elkins to the West Virginia/Virginia state line, approximately 100 miles. The proposed Parsons-to-Davis Project is one segment of Corridor H.

Corridor H has a long history of legislation, planning, environmental documentation, and decision-making (Figure I-1). Consistent with the goals of ARDA, the purpose of Corridor H is to stimulate economic development in rural, northeastern West Virginia by linking existing north-south routes in the area with a new east-west highway that meets the design standards adopted by the ARC for all highways in the ADHS.

Between the early 1980s and the early 1990s, WVDOT completed the portion of Corridor H between I-79 and Elkins, a distance of approximately 40 miles. Environmental studies for the remainder of Corridor H, from Elkins to I-81, were conducted during the early 1980s and put on hold until 1990 due to a lack of funding.

The History of Corridor H

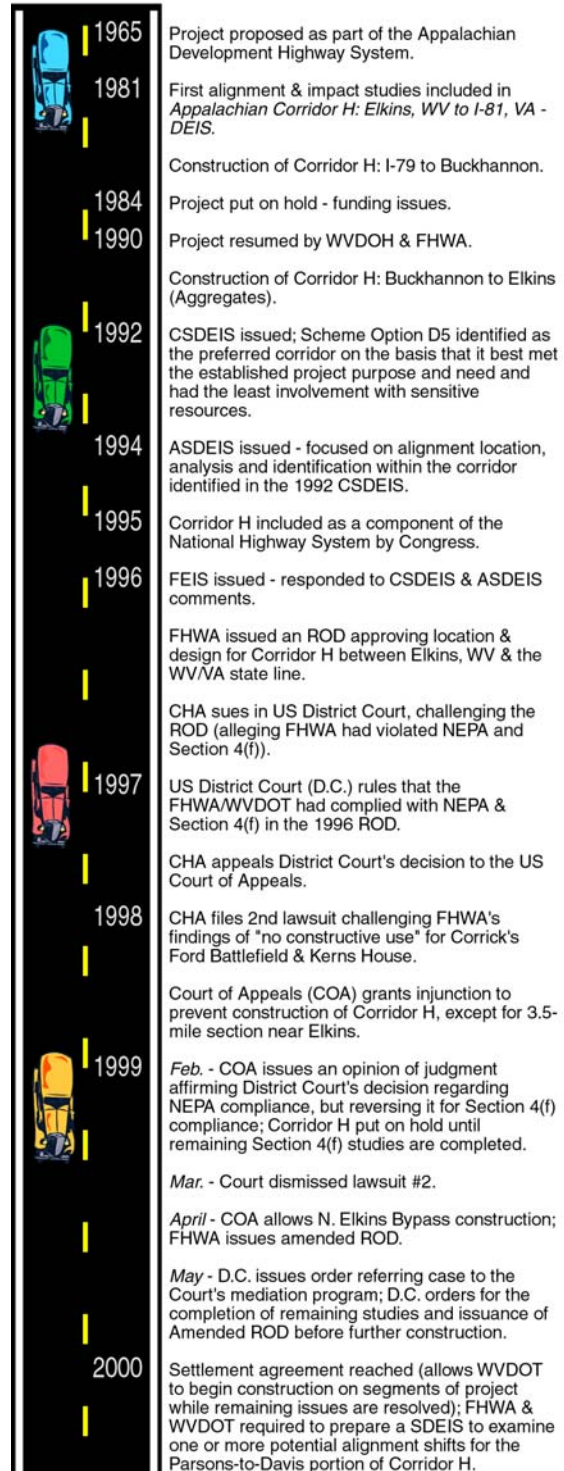


Figure I-1
History of Corridor H

In 1990, WVDOH, FHWA, and the Virginia Department of Transportation (VDOT) began to conduct supplemental environmental studies for the remainder of Corridor H, from Elkins to I-81. Due to the size and complexity of the project, a “tiered” Environmental Impact Study (EIS) was undertaken. This involved the preparation of a Corridor Selection Supplemental Draft Environmental Impact Statement (CSDEIS) in 1992, followed by a CSDEIS Decision Document in 1993. Selection of an alignment within the preferred corridor proceeded with the preparation of an Alignment Selection Supplemental Draft Environmental Impact Statement (ASDEIS) in 1994 (Figure I-1).

A Preferred Alternative was identified for the project in the 1996 Corridor H Final Environmental Impact Statement (FEIS). In August of 1996, FHWA issued the Record of Decision (ROD) approving the alignment for Corridor H between Elkins and the West Virginia/Virginia state line. (No decision was made on the portion of Corridor H in Virginia because VDOT had withdrawn from the project in January 1995.)

In late 1996, legal challenges to the project’s ROD were presented in the U.S. District Court in Washington, DC. The lawsuits challenged the Corridor H alignment’s crossing of the Blackwater River, south of Thomas, West Virginia. In 1999, the case was referred to mediation proceedings, which resulted in a Settlement Agreement (Filed February 7, 2000, Corridor H Alternatives v. Slater, 96-CV-2622 [TFH], U.S. District Court for the District of Columbia). The terms of the Settlement Agreement are legally binding with regard to subsequent environmental studies, procedures, and resolutions prescribed.

The Settlement Agreement divides the 100-mile long Corridor H between Elkins and the West Virginia-Virginia state line into nine separate projects (Figure I-2). One of these nine projects, the Parsons-to-Davis Project (Exhibit I-1) is the subject of this SDEIS.

Each of these nine projects furthers the overall objective of completing Corridor H as a whole in West Virginia, in accordance with the goals of the ARDA. In addition, each of the nine projects serves its own independent transportation purposes by providing faster, safer, and higher-capacity transportation linkages between existing transportation routes and population centers. Each of these nine projects is to be approved in a separate Amended ROD as a stand-alone transportation improvement. The Amended ROD for each project can be issued only after specific requirements listed in the Settlement Agreement and NEPA requirements for that project have been satisfied.

To date, Amended RODs have been issued for six of the nine projects: Elkins-to-Kerens, Davis-to-Bismarck, Bismarck-to-Forman, Forman-to-Moorefield, Moorefield-to-Baker and Baker-to-Wardensville. The Northern Elkins Bypass was constructed under the 1996 ROD as specified by the court. The construction schedule for some of these projects is established and illustrated in Figure I-3.

1.1.2 PARSONS-TO-DAVIS PROJECT

On May 2, 2000, FHWA issued a Notice of Intent (NOI) in the Federal Register to advise the public that a Supplemental Environmental Impact Statement (SEIS) would be prepared for a portion of the Parsons-to-Davis Project. *Section 1.1.2.1* provides detailed background on this section of the project. On October 9, 2001, FHWA issued a revised NOI to advise the public that the limits of the SEIS Study Area were expanded to include the entire Parsons-to-Davis Project. *Section 1.1.2.2* describes the new information that necessitated this expansion.

The Parsons-to-Davis Project begins east of Parsons, 0.2 mile south of the northernmost Tucker County 219/4 - US 219 intersection, and 3 miles north of the US 219 - WV 72 intersection. The project ends north of Davis at WV 93, 1.3 mile east of WV 32. The proposed facility will be a four-lane divided highway with partial control of access. The facility will be built primarily on new location.

The proposed project will: expedite the movement of east-west traffic across Backbone Mountain, provide access to and from the communities of Parsons, Thomas and Davis, and provide access to and from the recreational facilities of Canaan Valley (located south of the project). The project’s purpose and need is discussed in greater detail below in *Section 1.4* and in *Section 1.5*.

Figure I-2

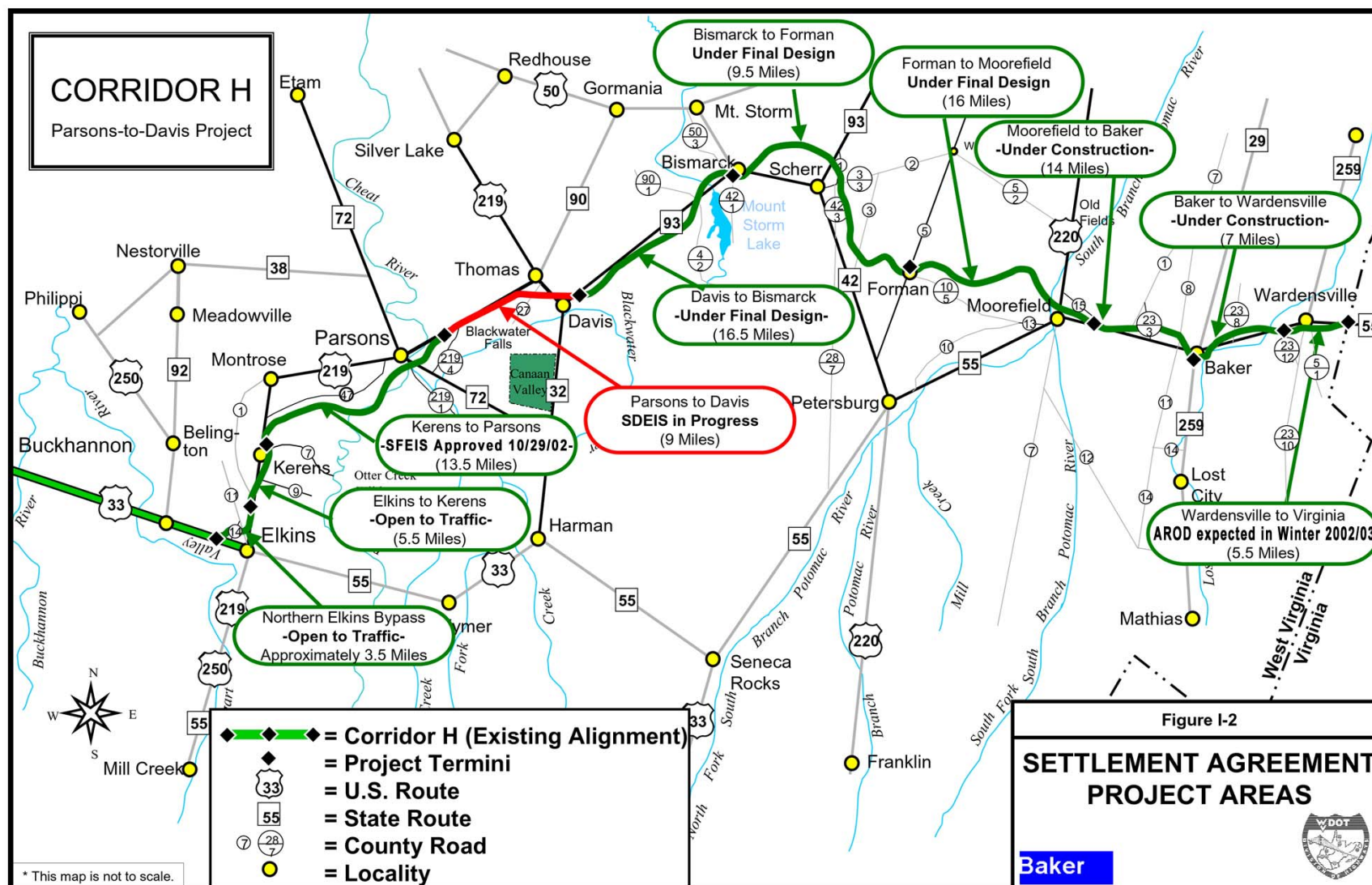




Figure I-3
Corridor H Construction Schedule

1.1.2.1 Blackwater Area Avoidance

The Settlement Agreement (Appendix A) requires WVDOH and FHWA to prepare an SEIS to evaluate one or more alignment shifts for a portion of the Parsons-to-Davis Project to determine if avoidance of the Blackwater Area is prudent and feasible. This SDEIS is the first part of the required SEIS.

The Blackwater Area is defined in the Settlement Agreement as “the area within and around the Blackwater Valley, south of Thomas, as depicted on Exhibit 4 [of the Settlement Agreement]” (Appendix A). The SEIS is required to evaluate a reasonable range of alternatives for completing the portion of the Parsons-to-Davis Project that surrounds the Blackwater Area. This portion is referred to as the “Thomas-Davis Section” in the Settlement Agreement; however, the SEIS will be addressing the entire Parsons-to-Davis Project and will not employ this term for the remainder of the document.

The range of alternatives evaluated must include at least one alternative that avoids the Blackwater Area. In order to develop one or more “Blackwater Avoidance Alignments,” as defined in the Settlement Agreement, a Study Area was established around the north tip of the Blackwater Area (Exhibit I-1). As discussed in the following section, additional sensitive resources discovered in other parts of the Parsons-to-Davis Project warranted expansion of the Study Area beyond that required by the Settlement Agreement.

The range of alternatives evaluated must also include the Blackwater Alignment as defined in the Settlement Agreement (Appendix A). This alignment is the portion of the Build Alternative chosen for the Corridor H Project, established in the Corridor H ROD of 1996, that passes through the Blackwater Area. Throughout this document this alternative is referred to as the “Original Preferred Alternative” or “OPA.”

The Settlement Agreement further requires that the SEIS evaluate the alternatives to determine whether there is any alternative that (1) is “feasible” and “prudent” (in the context of Section 4(f)) and (2) does not “use” any land protected by Section 4(f).

1.1.2.2 West Virginia Northern Flying Squirrel Avoidance

Subsequent to the issuance of the Corridor H ROD in 1996, suitable habitat for the endangered West Virginia northern flying squirrel (*Glaucomys sabrinus fuscus*) (WVNFS) was found within the Study Area of the Parsons-to-Davis Project. In order to assess potential impacts of the project to the species, further study was warranted. Findings of these studies are addressed in Section 3.3.3.

FHWA regulations require that an SEIS be prepared when “[n]ew information or circumstances relevant to environmental concerns and bearings on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS” (23 CFR §771.130 (a)(2)). In addition to fulfilling requirements of the Settlement Agreement, this SDEIS will serve to fulfill the regulatory requirement for supplemental documentation with regard to the WVNFS.

1.2 THE STUDY AREA

The project termini are located in Parsons, WV in the west and Davis, WV in the east (Exhibit 1-1). In Parsons, the Study Area begins at County Route (CR) 219/4, 0.2 mile south of US 219. In Davis, the eastern boundary of the Study Area is located on WV 93 near the proposed Tucker County Industrial Park. The eastern terminus was defined in the 2000 Settlement Agreement as 0.7 mile east of US 32 along US 93; however, this limit was extended approximately a half-mile to the east along US 93 in order to accommodate study of alignment options around the Tucker County Landfill (Exhibit 1-1).

The southern boundary of the Study Area corresponds roughly to the southern cut/fill limits of the OPA, with the exceptions of the Blackwater Area boundary and a southern dip by Middle Run. This dip in the Study Area was created to assess options for avoiding an area known to be occupied by the WVNFS. The Blackwater Area, as defined in the Settlement Agreement, extends into the Study Area from the south; it includes the Blackwater River valley from Thomas to Hendricks and the City of Thomas itself.

The northern boundary of the Study Area was selected based on several factors. These factors included the topography of Backbone Mountain; avoidance of the Big Run Bog watershed (Big Run Bog is a Monongahela National Forest Research Natural Area); avoidance of known occupied habitat of the endangered WVNFS; and avoidance of the Blackwater Area. In the northeast, the Study Area boundary extends to US 219 in the vicinity of the community of William. The boundary does not extend north of William because economic development objectives of the project will not be fulfilled if the project is far removed from the existing populated and developed areas of Thomas, Davis, and Canaan Valley.

1.3 OBJECTIVES OF THE PARSONS-TO-DAVIS SDEIS

The objectives of the Parsons-to-Davis SDEIS are:

- To develop one or more alternatives that offer avoidance of both the Blackwater Area and habitat known to be occupied by the endangered WVNFS;
- To consider the new alternative(s), the OPA, and other alternatives as applicable by laws, regulations, and guidance existing at this time;
- To evaluate and compare a range of alternatives, and determine which alternatives will be carried forward for detailed study (*Section 2*);
- To evaluate and compare the environmental consequences of all reasonable alternatives carried forward for detailed study (*Section 3*); and,
- To assess whether there is a “feasible” and “prudent” alternative in the Parsons-to-Davis Study Area that does not “use” any land protected by Section 4(f) (*Section 4*).

1.3.1 LEVEL OF DOCUMENTATION REQUIRED

FHWA regulations permit the issuance of an SEIS at any time and require an SEIS whenever the FHWA determines that “[n]ew information or circumstances relevant to environmental concerns and bearings on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS” (23 CFR §771.130 (a)(2)). The conditions of the Settlement Agreement and the discovery of an endangered species within the proposed right-of-way of the OPA are such new information or circumstances.

FHWA guidance further supports the need for an SEIS for the Parsons-to-Davis Project. Technical Advisory T 6640.8A states, “Whenever there are changes, new information, or further developments on a project, which result in significant environmental impacts not identified in the most recently distributed version of the draft or final EIS, a supplemental EIS is necessary” (FHWA, 1987, p. 49).

With regard to format, applicable regulations specify that an SEIS should address only the relevant changes or new information: “There is no required format for a supplemental EIS. The supplement needs to address only those changes or new information that are the basis for preparing the supplement and were not addressed in the previous EIS” (23 CFR 771.130 (a)). “Reference to and summarizing the previous EIS is preferable to repeating unchanged, but still valid, portions of the original document” (FHWA, 1987, p. 49-50).

This SDEIS is prepared pursuant to 23 CFR 771 and 40 CFR 1500 and in accordance with FHWA’s Technical Advisory T 6640.8A, the Settlement Agreement, and other binding laws and regulations. This SDEIS incorporates by reference the 1996 FEIS and the subsequent ROD for Corridor H. Where appropriate, this document includes cross-references to information in those previous documents.

1.3.2 SCOPING, AGENCY COORDINATION AND PUBLIC INVOLVEMENT

The Settlement Agreement specified that, in addition to the public involvement efforts required by law, WVDOH also will undertake efforts to enhance opportunities for the affected communities to participate in conducting the study and in selecting the Preferred Alternative for the avoidance of the Blackwater Area.

In accordance with the Settlement Agreement, WVDOH has established and consulted with a Community Advisory Group (CAG) composed of 12 members representing a cross-section of the interests potentially affected by the location of Corridor H in the Thomas and Davis areas. The CAG has held 11 meetings, attended by WVDOH staff and moderated by a professional facilitator. The CAG has prepared two comment letters that are considered part of the public comment record (*Section 7: Comments and Coordination*) for the project.

The Settlement Agreement also requires that after completion of the standard public comment period on the SDEIS, WVDOH must transmit a letter to each of the City Councils of Thomas and Davis identifying its Preferred Alternative for the project and its reasons for selecting that alternative. (WVDOH will provide this information in the form of a "Preferred Alternative Report.") WVDOH will request that the City Councils provide an opportunity for the WVDOH to present its findings and for the CAG to express its views on those recommendations. It will also request that the Councils express their views on the location and design of the Preferred Alternative within 60 days. If, during that 60-day period, a City Council adopts a resolution either opposing all of the new alternatives considered or supporting the OPA, FHWA and WVDOH will have the right, but not the obligation, under the agreement to discontinue the Blackwater Avoidance Study (see Appendix A for Settlement Agreement, p. 31). However, this agreement will not have an effect on the need for study necessary to investigate avoidance of the WVNFS.

All comments received from the agency scoping meeting and public information workshops were reviewed and considered. As a result of those comments, additional alternatives were developed for consideration in the SDEIS. In addition to the formal opportunities for agency coordination and public involvement, comments have been accepted throughout the SDEIS process on the project website, www.wvcorridorh.com. *Section 7: Comments and Coordination* provides more detailed information on the scoping, agency coordination, and public involvement process for this SDEIS.

1.4 NEEDS ANALYSIS

The Parsons-to-Davis Project is a component of the Appalachian Corridor H Project. As a link in that chain, it is expected to contribute to addressing needs identified in the 1996 Corridor H FEIS:

- Improve east-west transportation through northeastern West Virginia.
- Promote economic development in the region.
- Preserve or improve the quality of life in the region.

In addition to these general needs for Corridor H, the local communities have identified needs specific to the Parsons-to-Davis Project:

- Reduce truck traffic through the City of Thomas.
- Improve emergency response times and access to emergency facilities.

These needs are discussed below.

1.4.1 IMPROVE EAST-WEST TRANSPORTATION

1.4.1.1 System Linkage

System linkage refers to the role of a proposed project in closing gaps in the existing transportation network. At the local level, there is a need for a better link between Parsons, the Tucker county seat; Elkins, the Randolph County seat and the location of the closest hospital facility; and the communities of Thomas and Davis. The Study Area is the intersection of several major regional transportation routes – US 219, WV 93, and WV 32 – and is the northernmost access point to various recreational facilities (e.g., Canaan Valley State Park and Blackwater Falls State Park).

The need for improved system linkage at the local level reflects the deficiencies of the existing east-west route: US 219-WV 32-WV 93. The existing east-west route consists of two-lane roadways with numerous design deficiencies (e.g., narrow shoulders and sharp curves), few passing opportunities, and no control of access. An inventory of design deficiencies indicated:

- Over 80% of the route is designated "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).

These deficiencies contribute to poor driving conditions. The average safe travel speed on the existing east-west route is 35 to 45 mph for passenger vehicles and 30 to 40 mph for trucks. The average travel time between Davis and Parsons is 21 to 27 minutes for passenger vehicles and 24 to 32 minutes for trucks.

As shown in Table I-1, traffic volumes on this existing east-west route are moderate but the percentage of truck traffic is relatively high. The existing Level of Service (LOS) of the route ranges from LOS C to LOS D. LOS is a measurement of traffic congestion on a scale from LOS A (free-flowing conditions) to LOS F (severe congestion). Generally, in rural areas, the lowest acceptable LOS is LOS C (AASHTO, 1994). While the LOS on some parts of the existing east-west route is not expected to worsen, the Average Daily Traffic (ADT) is expected to increase over time. By 2013, all parts of the route will be operating at LOS D or worse.

The completion of a four-lane, divided highway between Parsons and Davis would address the system linkage, roadway deficiency, and level of service problems identified here.

Table I-1
Levels of Service on the Primary Existing East-West Route

Segment	Length (in miles)	1999		2013 No-Build		2020 No-Build	
		ADTs	LOS	ADTs	LOS	ADTs	LOS
US 219—from CR 31 (East of Parsons) to WV 32 (Thomas)	9	2,300	D	3,200	D	3,700	D
WV 32—from US 219 W (Thomas) to WV 93 (Davis)	2	4,200	C	5,900	D	6,700	D

1.4.1.2 Safety

Accident and injury rates, typically expressed as the number of accidents or injuries per 100 million vehicle miles of travel, can indicate the safety of existing roadways.

Table I-2 illustrates the accident and injury rates for the existing east-west route (US 219-WV 32-WV 93) between 1996 and 1998 and the average rates for similar road types in West Virginia (statewide average) during the same period.

The construction of the Parsons-to-Davis Project is expected to reduce accident and injury rates in two ways:

- By lowering the rates on the existing east-west route because fewer cars will use this route, and
- By providing a new route less prone to accidents and injuries for the majority of traffic.

Table I-2
Accident and Injury Rates for the Principal Existing East-West Route (US 219-WV 32-WV 93) in the Study Area

Segment	Year	Total Accidents	Total Injuries	Accident Rate ¹	Injury Rate ²
US 219/WV 32 (Parsons-to-Davis) No Build	Avg. 96-98	17	11	196	131
	2013	26	18	196	131
	2020	31	20	196	41
Corridor H (Parsons-to-Davis) ³ Build	2013	30	18	68 ⁴	41
	2020	38	23	68 ⁴	41

¹ Rate per 100 million vehicle miles of travel.

² The injury rate for Corridor H was assumed to be 0.6. This was based on the assumption that the injury rate for Corridor H would be between the rate for rural primary routes (0.667 injuries per accident) and the rate for rural interstates, which have full access control (0.53 injuries per accident).

³ Accident/Injury Rate for Corridor H only.

⁴ The accident rate for Corridor H is assumed from the completed section of Corridor H from I-79 to Norton, west of Elkins.

1.4.2 PROMOTE ECONOMIC DEVELOPMENT AND PRESERVE/IMPROVE QUALITY OF LIFE

At the local level, the communities have identified two specific “quality of life” needs that could be addressed by the Parsons-to-Davis Project:

- Reduce the truck traffic through Thomas, and
- Improve emergency response times and access to emergency facilities.

In addition, a safer east-west transportation route would improve the quality of life for residents in the area. If all of these “quality of life” issues were improved, the Study Area would be more attractive for future economic development.

1.4.2.1 Truck Traffic

The completion of the project will reduce truck traffic through Thomas, and on the existing roads in the Study Area in general, by attracting a substantial percentage of regional truck traffic onto the new facility. However, the ability of the project to achieve a reduction in truck traffic depends on the location and accessibility of the new highway. If the route provides significant time savings for truck trips, it will tend to divert truck traffic off existing roadways. However, if the route is too indirect, truck traffic will tend to remain on existing roadways.

1.4.2.2 Emergency Services Access

Tucker County does not have a hospital. The nearest full-service West Virginia hospital is Davis Memorial Hospital, located in Elkins. While Garrett Memorial Hospital in Maryland is 11 miles closer to Thomas than Davis Memorial, only 20 percent of emergency patients are transported to Garrett Memorial, while 40 percent are transported to Davis Memorial. The remaining 40 percent are either transported to other medical facilities or not transported (Stemple, 2001). The only medical facility in the Study Area is Cortland Acres Nursing Home, west of Thomas on US 219.

Emergency care and transport in Tucker County is provided by the Tucker County Emergency Ambulance Authority with stations in the following locations:

- Parsons EMS, Main Street (two ambulances);
- Thomas EMS, US 219 west of Thomas next to Courtland Acres (one ambulance); and,
- Canaan Valley EMS, WV 32 across from Deerfield Village (one ambulance).

Response times vary according to emergency location and road conditions. According to EMS licensure procedure, all of the Tucker County stations arrive on scene in less than 40 minutes, considered the middle range for a rural station (Stemple, 2001).

The trip from the Study Area to Davis Memorial requires approximately 50 minutes on the existing road network. Because the existing roadways are winding, the ability of technicians to administer care in transit is limited.

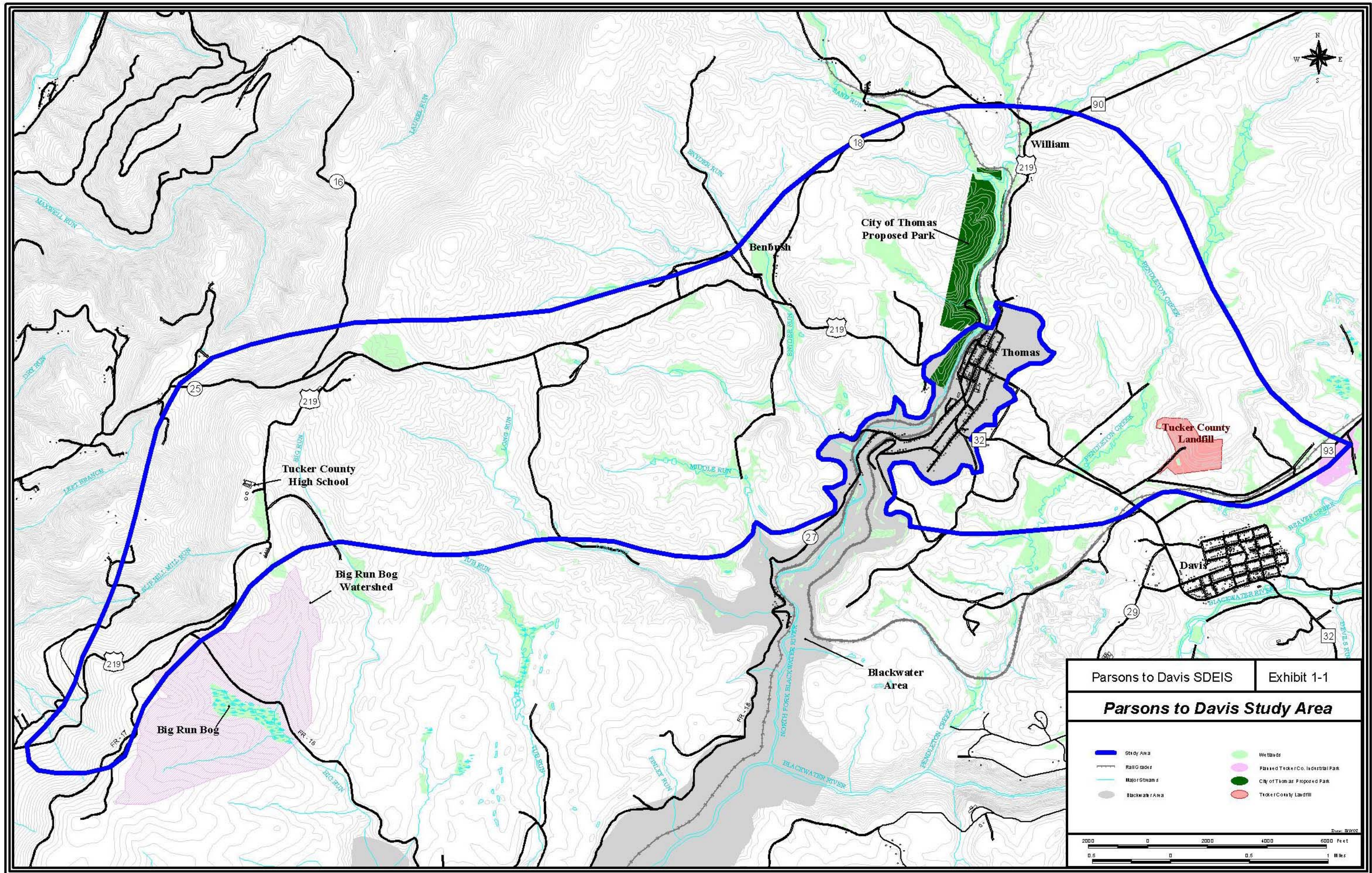
Law enforcement services are provided by the West Virginia State Police and the Tucker County Sheriff's Office, both dispatched from Parsons. Tucker County fire protection is provided by four VFDs: Parsons, Thomas, Davis, and Canaan Valley. While the Thomas VFD is the most likely to respond to an incident in the Study Area, others are dispatched if necessary.

The construction of the proposed project would decrease the travel time from the far end of the Study Area to the hospital in Elkins by approximately 10 minutes. It would also provide a less winding, more consistent roadway that would interfere less with medical technicians' efforts in an ambulance. It would improve travel times between Parsons and the Study Area, such that the response of law enforcement would be improved. Finally, it is expected to improve the response for VFDs located outside the Study Area when they are needed to assist the Thomas VFD.

1.5 PURPOSE OF THE PARSONS-TO-DAVIS PROJECT

Based on the identified needs discussed above, the purposes of the Parsons-to-Davis Project are:

- Provide a safe, high-speed, high capacity, four-lane connection between the project termini;
- Promote economic development in the Study Area;
- Reduce truck traffic on existing routes; and,
- Improve emergency response times and access to emergency facilities.

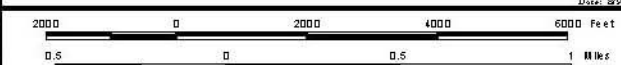


Parsons to Davis SDEIS

Exhibit 1-1

Parsons to Davis Study Area

- | | |
|-----------------|-----------------------------------|
| Study Area | Wetlands |
| Rail Grades | Former Tucker Co. Industrial Park |
| Major Streams | City of Thomas Proposed Park |
| Blackwater Area | Tucker County Landfill |



Appalachian Corridor H

Parsons-to-Davis SDEIS

Interactive CD-ROM



December 2002

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Supplemental Environmental Impact Statement
FHWA-WV-EIS-92-01-SD
State Project: X142-H-38.99 C-2
Federal Project: APD-484 (59)

SECTION II: ALTERNATIVES ANALYSIS

In accordance with FHWA guidance, this Supplemental Draft Environmental Impact Statement (SDEIS) incorporates by reference the FEIS and the subsequent ROD for the Appalachian Corridor H Project, both issued in 1996. The SDEIS reader should refer to the 1996 Corridor H FEIS and 1996 ROD for information regarding the Project that is unchanged, still valid, and therefore, not presented in the text of this SDEIS.

2.1 HISTORY OF ALTERNATIVES CONSIDERED FOR CORRIDOR H

The larger Corridor H Project has been described and discussed in five previous documents that involved the evaluation of alternatives that meet the approved purpose and need for the overall project. Each document contains a complete discussion of alternatives developed, considered, and eliminated from the detailed study. These documents are:

- 1992 CSDEIS – This NEPA document was prepared to study a broad range of potential corridors for the Corridor H Project alignment.
- 1993 Corridor Decision Document – Developed as part of the CSDEIS, this NEPA document selected Option D-5 Corridor for detailed alignment studies. It also states, “In some instances, it may become necessary to develop a specific alignment outside, but in the general vicinity of the selected corridor for the express purpose of avoiding important sensitive resources.”
- 1994 ASDEIS – This NEPA document studied 26 potential alternatives, within the Option D-5 Corridor, including the No-Build, an IRA, and a number of build alignments on new locations.
- 1996 FEIS – This NEPA document identified the preferred alignment for the Corridor H Project as a whole.
- 1996 ROD – This NEPA document approved the preferred alignment for the Corridor H Project as a whole.

In 1996, legal challenges to the Corridor H Project were presented. In 1999, the case was referred to mediation, and in February 2000, a settlement agreement was reached. This legally binding agreement divides the entire Appalachian Corridor H Project (as presented in the ROD) into nine separate sub-projects. The document requires the development and consideration of at least one Blackwater Avoidance Alignment that runs outside the Blackwater Area, as defined in the Settlement Agreement (Appendix A).

2.2 RANGE OF ALTERNATIVES

2.2.1 DEVELOPMENT OF RANGE OF ALTERNATIVES

According to the 2000 Settlement Agreement, FHWA and WVDOH will evaluate a reasonable range of alternatives that will include at least one “Blackwater Avoidance Alignment” and the OPA. A Blackwater Avoidance Alignment is defined in the Settlement Agreement as “any alignment for Corridor H that is located entirely outside the Blackwater Area” (Appendix A, Settlement Agreement, p. 6).

The Settlement Agreement does not establish a minimum number of Blackwater Avoidance Alignments that must be considered. However, the National Environmental Policy Act (NEPA) requires a range of alternatives be considered. Therefore, a range of alternatives has been developed through a scoping process consistent with FHWA regulations and guidelines. This process is illustrated in Figure II-1.

2.2.2 IMPROVED ROADWAY ALTERNATIVE

In the 2000 Settlement Agreement, the plaintiffs in the Corridor H lawsuit agreed not to submit comments or file lawsuits seeking further consideration of an IRA in the SDEIS. However, the Settlement Agreement does not state that an IRA can be automatically eliminated from detailed consideration in the SDEIS. Therefore, an IRA has been defined and considered in the alternatives screening process for this document.

2.2.3 NO BUILD ALTERNATIVE

The 2000 Settlement Agreement does not specifically mandate consideration of a No-Build alternative. However, the CEQ regulations governing all federal agencies specifically require analysis of a No Action (i.e., No-Build) alternative in an EIS as a basis for comparison with the other alternatives. Therefore, while the No-Build alternative clearly does not achieve the purpose and need for the project, it has also been defined and considered in the alternatives analysis, and carried forward for detailed analysis.

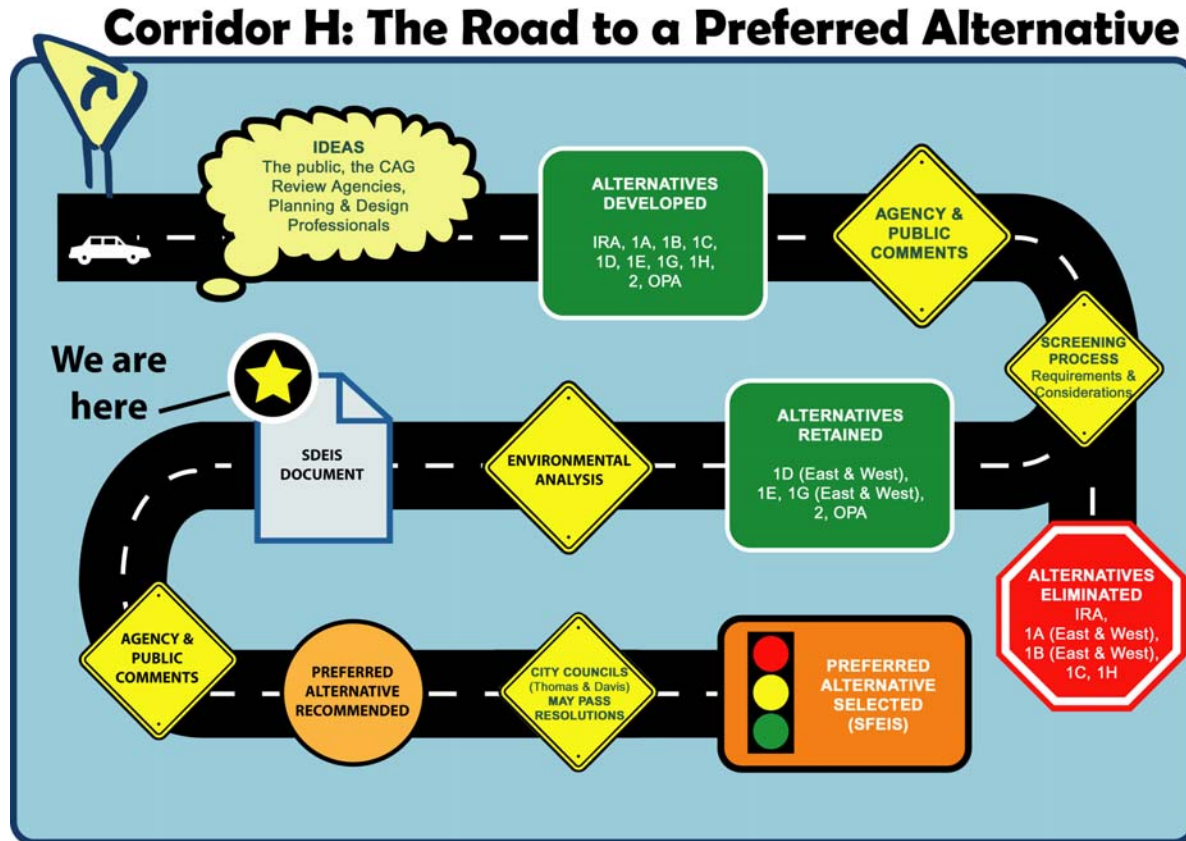


Figure II-1
The Road to a Preferred Alternative

2.2.4 BUILD ALTERNATIVES

Consistent with the 2000 Settlement Agreement, the Build Alternatives include the OPA and Blackwater Avoidance Alignments located entirely outside the Blackwater Area. However, this Parsons-to-Davis SEIS has been necessary not only to address the mandate of the Settlement Agreement, but also to assess options for avoiding impacts to the WVNFS. Therefore, the Build Alternatives developed and considered include options that avoid known populations and minimize impacts on potential habitat that could support populations of the WVNFS. Any Build Alternative other than the OPA is referred to as an “avoidance alignment” in this document, and some of these avoidance alignments qualify as Blackwater Avoidance Alignments as defined in the Settlement Agreement.

All Build Alternatives were developed to fulfill engineering guidelines and to avoid other potential environmental impacts where practicable. The Build Alternatives are described in detail in *Section 2.7*.

2.3 PROJECT STUDY AREA

The Study Area (Exhibit I-1) was developed in accordance with the 2000 Settlement Agreement and known environmental constraints. The Study Area comprises approximately 14 mi²; the boundaries are discussed below:

- West – The Parsons-to-Davis Project Study Area boundary to the west was defined in the 2000 Settlement Agreement (see Appendix A, Settlement Agreement, p. 10).
- North – The Study Area boundary to the north was determined by the presence of known WVNFS habitat, high-value wetlands and by transportation function (access and economic development). Because no population center is located north of William, an alternative any farther north would not provide the proper access to Thomas or to recreational areas to the south. This boundary is also consistent with the 1993 Corridor H Decision Document that defined the approved corridor for the project. The Decision Document stated that alignments should be located as close as possible to the defined corridor such that the transportation function of the facility will be met.

- East – The Study Area boundary to the east was expanded from the definition in the 2000 Settlement Agreement in order to accommodate studies for passage of alignments to the east of the Tucker County Landfill. It is located by the Tucker County Industrial Park along WV 93.
- South – The Study Area boundary to the south corresponds roughly to the southern cut/fill boundary of the OPA, with a few exceptions. The Study Area was expanded south of the OPA's cut/fill limit to include a buffer zone of approximately 200 feet. The exceptions to this delineation are: the Blackwater Area boundary, which protrudes north of the OPA to encompass Thomas, and a southern shift in the vicinity of Middle Run. This southern shift was made so that environmental studies could assess options for rerouting the OPA around a patch of WVNFS habitat.

2.4 CONSIDERATION OF ENVIRONMENTAL CONSTRAINTS

The location of environmental constraints in the Study Area were initially identified from secondary data sources (e.g., aerial photographs, wetlands mapping, agency file mapping) and existing information obtained from previous Corridor H environmental documents. These data were compiled and refined by field investigations, as reported in *Section 3* of this document.

The data were then entered into a computer-managed, geo-referenced mapping program and laid over geo-referenced U.S. Geological Survey (USGS) digital topographic mapping (scale 1" = 2000') for preliminary environmental analysis and engineering, including the development of the avoidance alignments.

Key environmental constraints identified and presented to resource agencies on December 14, 2000, and to the public on January 18, 2001 were:

- Refuse Sites (e.g., the Tucker County Landfill);
- Wetlands;
- Endangered Species Habitats;
- Potential Displacements (residential, commercial, and industrial);
- Historic Properties;
- Mines;
- Community Services; and,
- Recreational Facilities.

Environmental constraints are shown in Exhibit II-1. (Many of the Community Services and Recreational Facilities are not shown on this exhibit because they are primarily clustered in the communities of Thomas and Davis and would clutter the display of other information; *Section 3.1* and Exhibit III-3 address these resources in detail.)

2.4.1 WEST VIRGINIA NORTHERN FLYING SQUIRREL HABITAT

During agency coordination for the preparation of the SEIS pursuant to the Settlement Agreement, FHWA and WVDOH re-initiated informal consultation with the USFWS for the WVNFS. Consultation was re-initiated because 1) new information on the distribution of the WVNFS had been gained since 1996; 2) a post 1996 ROD alignment shift in the Corridor H OPA to avoid the Big Run Bog had not been surveyed for WVNFS; and 3) the alternatives being developed to avoid the Blackwater Area in accordance with the Settlement Agreement also needed to be surveyed for the WVNFS.

Live-trapping surveys were conducted in potential habitat along alignments being developed for the SEIS and in the area of the OPA shift by Big Run Bog. Twenty-one WVNFS were captured in an area along Big Run and two were captured in an area near Middle Run. Subsequently, USFWS recommended that WVDOH investigate an alternative(s) that will avoid these capture areas (Letter dated August 24, 2001, *Section 7: Comments and Coordination*).

A habitat suitability study was undertaken to assist in the development of avoidance alignments. This study involved three separate but related activities (additional live trapping, detailed vegetative community analysis and GIS-based satellite imagery analysis) and is detailed in the WVNFS Biological Assessment prepared for the Parsons-to-Davis Project by Michael Baker Jr., Inc. (submitted to USFWS August 2002). The habitat suitability study resulted in a better understanding of the WVNFS habitat and aided the development of feasible alternatives that would avoid known populations and avoid and/or minimize impact to potentially occupied habitat.

2.5 CONSIDERATION OF ENGINEERING CONSTRAINTS

Based on the environmental constraint mapping, preliminary engineering was conducted to the “line and grade” stage with sufficient detail to estimate the preliminary cost per alternative, to estimate the amount of earthwork required for construction, and to identify and preliminarily design necessary connections. In addition to the environmental constraints discussed above, the preliminary engineering effort was constrained by design standards, excess excavation, and connection requirements. Each of these constraints is discussed below.

2.5.1 DESIGN STANDARDS

The Parsons-to-Davis Project is being constructed as part of the ADHS. Therefore, the design standards for this project are consistent with the design standards of ADHS and for Corridor H as a whole. Corridor H is a principal arterial roadway with a design speed of 70 mph. The 70 mph design speed and the principal arterial designation determine the “severity” of allowable horizontal and vertical curves and the severity of grades. The design standards used are those prescribed in the 1994 edition of A Policy of Geometric Design of Highways and Streets (AASHTO) and current WVDOH design directives. Build Alternatives were developed to meet the following design standards:

- Design speed of 70 mph,
- Maximum allowable degree of curve of $3^{\circ}00'00''$, and
- Maximum allowable grade of 5 percent.

The standard roadway template, or typical section, is depicted in Figure II-2. Proposed Corridor H consists of a divided highway with two 12-foot lanes in each direction. Each travel way is separated by a maximum 46-foot graded median (not shown in figure). Paved shoulders, 10 feet wide, are required for the outside lanes, and 4-foot paved median shoulders are also required.

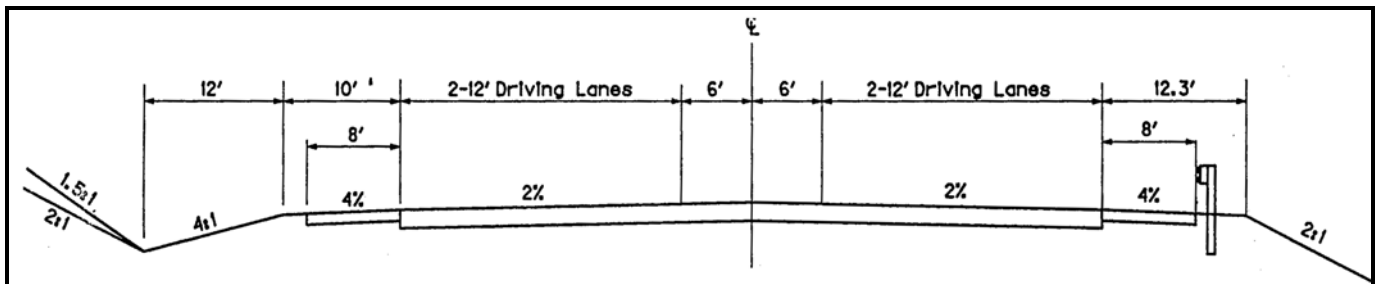


Figure II-2
Typical Section

2.5.2 EARTHWORK VOLUMES

Another important factor in alternative development is the earthwork volume generated by each Build Alternative. Earthwork volume is the amount of soil and/or rock that has to be cut in one area of an alignment and then moved to fill another area. If the amount of cut material exceeds the amount of fill needed, there is an excess or waste situation and the waste must be disposed of somewhere off-site. The disposal of waste adds cost and environmental impacts to the project.

If the fill requirement exceeds the amount of cut material available, a “borrow” situation exists. Additional fill material must be acquired from some source other than that generated by the project. Like disposal of waste, borrowing can also lead to additional costs and environmental impacts.

Please note that earthwork volumes used in this alternatives analysis are based on large-scale plans with no accounting for how the projects will be divided during construction. Therefore, the volumes may change during final design. This analysis is a tool used to evaluate the differences between alternatives.

2.5.3 CONNECTION REQUIREMENTS

As an economic development highway, Corridor H must serve to promote connections between population centers (e.g., Parsons, Thomas, and Davis), and current or proposed employment centers (e.g., the Tucker County Industrial Park, and

the Cortland Acres Nursing Home). Connections between other roadways in the Study Area (e.g., US 219) and Corridor H are necessary to achieve the economic development purpose of Corridor H.

Potential connections between the main line of Build Alternatives and existing roadways must also provide viable access opportunities for truck traffic. Trucks are expected to use Corridor H via connector roads, especially to access the Tucker County Landfill in the eastern portion of the Study Area. The grades and length of the connections were designed to facilitate efficient truck traffic; however, the alternative designs vary in the extent to which they have achieved this efficiency.

2.6 CONSIDERATION OF ALTERNATIVES

The alternatives considered are:

- No-Build Alternative
- Improved Roadway Alternative (IRA)
- 13 Build Alternatives:
 - Original Preferred Alternative (OPA)
 - 1A (East and West options)
 - 1B (East and West options)
 - 1C
 - 1D (East and West options)
 - 1E
 - 1G (East and West options)
 - 1H
 - 2

[Note: Alternative “F” was eliminated early in the process because it passed through the middle of the Tucker County Landfill.] Additionally, there is a Truck Route alignment option (TR) that is considered for either the OPA or Alternative 2. Each alternative is summarized in Table II-1.

Table II-1
Alternatives Considered for the Parsons-to-Davis Project

Alternative Considered	Length ¹ (miles)	Preliminary Cost Estimate ² (millions of dollars)
No-Build Alternative	11.8	N/A
Improved Roadway Alternative (IRA)	8.9	\$30.3 M
1A West	11.9	\$172.4 M
1A East	11.3	\$176.2 M
1B West	11.8	\$179.1 M
1B East	11.2	\$182.9 M
1C	11.9	\$253.9 M
1D West	11.6	\$184.8 M
1D East	11.0	\$188.6 M
1E	11.2	\$173.4 M
1G West	11.5	\$189.5 M
1G East	10.9	\$193.3 M
1H	11.1	\$177.2 M
2	11.0	\$140.5 M
Original Preferred Alternative (OPA)	9.0	\$93.1 M
Truck Route (to be combined with OPA or 2)	1.8	\$4.8 M

¹ Lengths are of the mainline of the alternatives and do not include the lengths of connections.

² Preliminary cost estimates are based on current average construction costs. They include the cost of constructing the connections and account for such variables as excavation, drainage, pavement and bridging, but do not include purchase of ROW or utility relocations.

2.6.1 THE NO-BUILD ALTERNATIVE

Under the No-Build Alternative, the Parsons-to-Davis Project would not be constructed. Instead, WVDOH would continue to maintain existing roads in the Study Area as part of its normal roadway improvement programs. For the purpose of the SDEIS, the No-Build Alternative assumes that US 219 - WV 32 - WV 93 would remain the principle east-west route through the Study Area. As per FHWA and CEQ regulations, the No-Build will be carried through the SDEIS as an environmental "base line." The No-Build alternative is illustrated in Exhibit II-2.

2.6.2 THE IMPROVED ROADWAY ALTERNATIVE

The IRA consists of more extensive upgrades (e.g., climbing lanes, horizontal and vertical curve re-alignments, and improvements to sight distance) to existing east-west roads than proposed in the No-Build Alternative. This alternative would serve as the Parsons-to-Davis Project portion of the larger Corridor H, but at a lower design speed than the rest of the project. Specifically, in this scenario, spot improvements would be made to the principle existing east-west route in the Study Area, especially to US 219 as it traverses Backbone Mountain. A design speed of 40 mph was used as a general guide, but not an absolute requirement, to determine what spot improvements would be necessary to ensure safe travel on this route. Where achieving a 40 mph design speed would require major relocations of the existing roadway, significant environmental impacts, or substantial costs, it was assumed that a lower design speed would be accepted. The IRA would shorten the existing travel route from 11.8 to 8.9 miles.

2.6.3 THE ORIGINAL PREFERRED ALTERNATIVE

The OPA is the portion of Corridor H within the Study Area that was approved in the 1996 ROD (between Stations 2465+00 and 2635+00). The OPA is a four-lane divided highway approximately nine miles in length. It spans the watersheds of Mill Run, Slip Hill Mill Run, Big Run, Tub Run, Long Run, Middle Run, the North Fork of the Blackwater River (south of Thomas at Coketon), and Pendleton Creek. It provides a diamond-shaped, grade-separated connection with WV 32 just north of its existing intersection with WV 93. It connects with existing WV 93 north of Davis. The OPA is shown in Exhibit II-3 and Exhibit II-4. (The diamond-shaped connection is not depicted in these exhibits.)

2.6.4 THE AVOIDANCE ALIGNMENTS

2.6.4.1 *Blackwater Avoidance Alignments*

As defined in the Settlement Agreement, a Blackwater Avoidance Alignment is located entirely outside the Blackwater Area, which is the area within and around the Blackwater Valley, south of Thomas. This SDEIS considers 11 such alignments. These alignments additionally avoid known occupied habitat for the WVNFS.

A general Blackwater Avoidance Alignment was developed and given the name "1." This alignment begins and ends along Corridor H at the same locations as the OPA (Stations 2465+00 and 2635+00). However, Alternative 1 swings north in order to avoid an area where the WVNFS was found in the western portion of the Study Area and to avoid the Blackwater Area in the eastern portion of the Study Area.

In order to provide an array of connection possibilities for consideration in the SEIS, multiple variations of this alternative "1" were developed and distinguished with the letters A through H. Each alternative would be a four-lane divided highway with partial control of access. Three connections are planned in the following general locations:

- at US 219 at Benbush
- at US 219 south of William and north of Thomas
- at WV 93 north of Davis

Additional at-grade intersections may be accommodated following the guidelines for design set forth in the 1996 FEIS.

The Blackwater Avoidance Alignments (1A East and West, 1B East and West, 1C, 1D East and West, 1E, 1G East and West, and 1H) are shown together in Exhibit II-3 and individually in Exhibit II-4.

Tucker County Landfill Option Area: "West" and "East" Options

In March 2001, WVDOH and the Tucker County Solid Waste Authority held several meetings to discuss the Authority's plans for expansion and how they may be impacted by Corridor H. Issues discussed included the view of the Tucker County Landfill from the future highway and the containment of windblown debris, and the Authority elaborated on which areas for expansion they preferred. Through these meetings, it was realized the section of Corridor H proximal to the landfill had its own special set of environmental concerns.

Four of the Blackwater Avoidance Alignments have the option of passing to either the west or the east of the Tucker County Landfill. Alternatives 1A, 1B, 1D, and 1G each pass through or near a break in the Pendleton Creek wetland complex just north of the existing landfill (Exhibit II-3). From this point southward, each of the four alternatives could conceivably pass to either the west or the east of the Landfill. There was a concern at the March 2001 meetings that one of these alternatives could be eliminated solely based on the side of the landfill to which the alternative proceeded. It was decided that east and west "Landfill Options" be developed, and that they both be considered for addition to any of these four alternatives. These alternatives were developed to compare the impacts and benefits of providing a Corridor H interchange at the landfill (West Options) and providing a Corridor H interchange at the proposed Tucker County Industrial Park (East Options). The East and West Landfill Options are shown separately in Exhibit II-4.

2.6.4.2 OPA/Avoidance Alignment: Alternative "2"

As described above (*Section 2.5.1*), the WVNFS surveys found that the OPA passed through an area where the endangered species has been found. In order for the SEIS to consider a Blackwater Alignment (i.e., an alternative that passes through the Blackwater Area, as defined in the Settlement Agreement) that also avoided the known occupied habitat of the WVNFS, Alternative 2 was developed (Exhibit II-3 and Exhibit II-4).

Alternative 2 begins and ends at the same locations as the other Build Alternatives (the OPA and the Blackwater Avoidance Alignments). Like the Blackwater Avoidance Alignments, Alternative 2 swings north in the western portion of the Study Area in order to avoid the WVNFS capture area. However, Alternative 2 proceeds to return south, becoming the same as the OPA for the majority of the eastern portion of the Study Area. The exception to this overlap of Alternative 2 and the OPA in the eastern portion of the Study Area is a shift in the region of Middle Run (Exhibit II-3). This shift again was made in order to avoid an area where the WVNFS has been found.

2.6.4.3 The Truck Route

Existing heavy truck traffic was identified as a problem in the City of Thomas' Development Strategy (1998). Public comments and the CAG indicated that the OPA posed some concerns for the citizens of Thomas because it had the potential to increase the already problematic heavy truck traffic through their town.

In order to address the concerns of Thomas, a two-lane truck route was developed as an option to be considered as an addition to the OPA. Since Alternative 2 would pose the same concerns with respect to truck traffic in Thomas as the OPA, the Truck Route could be combined with this avoidance alignment as well.

The Truck Route is planned as a two-lane minor arterial with 40 mph design speed. There will be at-grade intersections at its termini, located along WV 32 in the south and along US 219 to the north. The Truck Route (TR) is illustrated in Exhibit II-3 and Exhibit II-4.

2.6.5 PUBLIC PARTICIPATION

During the development of the SDEIS, three public workshops were held to afford the public opportunities to participate in the identification of potential avoidance alignments. First, a public scoping meeting was held on June 14, 2000, to allow an opportunity for the public to preview the Study Area and to identify and discuss the "key issues." On January 18, 2001, a public workshop was held to present the alternatives developed to date and to allow an opportunity for the public to discuss the alternatives and to provide comments on which ones should be retained for detailed study. Finally, on October 23, 2001, a meeting was held to review the WVNFS findings and present the new avoidance alignments in the western portion of the Study Area.

Additionally, during the development of the SDEIS, the WVDOH has coordinated with the CAG as mandated by the 2000 Settlement Agreement. The CAG, in turn, has formally commented on its objectives for the SDEIS and the new alternatives and on its opinion of the alternatives developed (*Section 7: Comments and Coordination*).

2.7 THE SCREENING PROCESS

2.7.1 LEVEL ONE

There are two requirements for all alternatives carried forward for detailed environmental study. They are:

- 1) Must Provide a Four-Lane Connection from Parsons to Davis. The purpose of the project, as defined in the purpose and need statement (1996 FEIS), is to provide a four-lane highway consistent with the design standards for the ADHS. Given this objective, any alternative that does not provide for a four-lane highway

between the project termini will not be carried forward. [Note: The No-Build alternative does not satisfy this requirement; however, it is carried forward for detailed study as required by federal regulations (40 CFR 1502.14).]

- 2) Avoidance of the Blackwater Area. One of the primary purposes of this study is to determine whether the project can be shifted entirely outside the Blackwater Area as defined in the 2000 Settlement Agreement. Accordingly, new alternatives were developed so as to completely avoid the Blackwater Area. The OPA and its variations cross through the Blackwater Area, and therefore do not meet this criterion. However, the OPA and its variations are retained for detailed study as required by the 2000 Settlement Agreement (p. 25, Appendix A) and necessitated by the discovery of new environmental resource information.

2.7.1.1 Results of the Level One Screening

This level of screening resulted in the elimination of the IRA. The IRA does not provide a four-lane connection that meets the design standards for the ADHS between Parsons and Davis. It also does not avoid the Blackwater Area, because it would include improvements to US 219 and WV 32 inside the Blackwater Area (in the City of Thomas).

2.7.2 LEVEL TWO

2.7.2.1 Alternatives Analyzed

The remaining alternatives for the Level Two screening are all Build Alternatives. The OPA and Alternative 2 must be carried forward for detailed study in order to satisfy the Settlement Agreement and to provide an alternative to the OPA that also accounts for the new information on the WVNFS. Therefore, the Level Two screening process has been applied solely to the Blackwater Avoidance Alignments.

The alternatives having the East and West Landfill Options are 1A, 1B, 1D, and 1G (Exhibit II-3 and Exhibit II-4). The impacts for the East and West Landfill Option segments would be the same for all four of these alternatives (1A, 1B, 1D, and 1G) and would not contribute to their comparison and analysis. Therefore, for this Level Two screening process, the alternatives have not been broken into East and West versions. Rather, average impacts between the East and West Landfill Options have been incorporated into the total impacts for Alternatives 1A, 1B, 1D and 1G.

The Blackwater Avoidance Alignments without the East and West Landfill Options are 1C, 1E, and 1H (Exhibit II-3 and Exhibit II-4).

2.7.2.2 Criteria

Because of the importance placed on it by resource agencies (1996 Corridor H FEIS), total earthwork was utilized for criteria in the screening process. The earthwork analysis was broken into two variables: total footprint, and mass balance of earthwork (described below). Because of the importance placed on connections by the CAG (see letters from the CAG, *Section 7: Comments and Coordination*), the desirability of connections was utilized in the screening process. The connections analysis was also broken into two variables: whether or not climbing lanes would be required (which represents the combined effect of length and grade), and the style of connection.

Thus, the screening criteria utilized were:

- 1) Size of Footprint.
The overall construction footprint of the alternative is the area (in acres) of disturbance bound by the intersection of the roadway cut or fill slope and the existing terrain. The threshold criterion used for comparison was the average of the all footprints: 506 acres.
- 2) Earthwork Volumes.
Each alternative was evaluated to determine its quantity (cubic yards) of waste or borrow (described above in *Section 2.6.2*). The threshold criterion used for comparison was the average of the excess earthwork volumes: 826,000 cubic yards. Amounts of borrow and waste were treated equally; they both have environmental and monetary costs.
- 3) Climbing Lanes Required.
Each alternative was evaluated to determine the desirability of the connections. The combined effects of length and steepness can make connections more or less safe, specifically with regard to heavy truck traffic. Lengths and grades of connections were considered to determine whether or not a climbing lane

would be required for trucks. Climbing lanes would need to be added to the connection when trucks would exceed a 10 mph reduction-in-speed when utilizing a connection.

4) Style of Connections.

Additionally, the mode of turning onto and off Corridor H at the connection points was considered. Connections that require left turns were considered less desirable than other styles of access points. In a letter dated February 2, 2001, the CAG stated, "No traffic should enter or exit Corridor H by crossing in front of oncoming traffic. This is primarily for safety reasons. The weather conditions, especially fog, dictate that this be given maximum consideration" (*Section 7: Comments and Coordination*).

Alternatives meeting fewer than three of the four criteria were eliminated from detailed study.

2.7.2.3 Results of the Level Two Screening

The results of the screening process are summarized in Table II-2.

Table II-2
Level Two Screening Findings¹

Criterion	1A ²	1B ²	1C	1D ²	1E	1G ²	1H
Footprint	486	537	575	509	489	468	478
Earthwork Mass Balance	380,000 cubic yards of borrow	1,560,000 cubic yards of waste	840,000 cubic yards of waste	60,000 cubic yards of borrow	10,000 cubic yards of waste	1,680,000 cubic yards of waste	1,250,000 cubic yards of waste
Connections not requiring climbing lanes ³	None	None	1	1	1	2	1
Includes left turn through oncoming traffic	Yes (two)	Yes (two)	No	No	Yes (one)	No	Yes (two)

¹ Shaded values represent those not meeting criteria.

² Includes average impact of East and West Landfill Options (see *Section 2.8.2.1*).

³ Disregards East/West Option Area.

1A East and West

Alternative A (East and West options) was eliminated based on its connections. The Benbush and Williams connections for Alternative A would both require climbing lanes due to the combined effects of their steepness and length. Both connections would also require a left turn - for eastbound travelers in Benbush and for westbound travelers in Williams.

1B East and West

Alternative B (East and West options) was eliminated based on both earthwork and on its connections. The amount of waste required for this alternative, 1.56 million cubic yards, far exceeds the average of 0.826 million cubic yards of excess material. The connections at both Benbush and Williams would require climbing lanes due to the combined effects of their steepness and length. Additionally, both connections would require a left turn - for eastbound travelers in Benbush and eastbound travelers in Williams.

1C

Alternative C was eliminated based on its earthwork: the footprint for this alternative is greater than the average footprint (575 versus 506 acres), and the amount of waste required for this alternative (840,000 cubic yards) exceeds the average as well. Additionally noteworthy, although not revealed in the screening process, the cost estimate for Alternative C would far exceed that of any other alternative (Table II-1)

1H

Alternative H was eliminated based on both earthwork mass balance and on its connections. The amount of waste required for this alternative, 1.25 million cubic yards, far exceeds the average. With regard to connections, Alternative 1H would require a left turn to exit Corridor H for two of its connections (west of Thomas and north of Thomas). Additionally noteworthy, although not revealed in the screening process, Alternative 1H would require substantial alterations (not required by any of the other alternatives) to US 219 in the vicinity of the connection north of Thomas.

2.7.3 ALTERNATIVES RETAINED FOR DETAILED STUDY

The alternatives retained for detailed study are:

- No-Build
- 1D East and West
- 1E
- 1G East and West
- 2
- OPA
- TR option for combination with the OPA or 2

The No-Build Alternative was carried forward for detailed study as required by regulation, even though it does not provide a four-lane connection between Parsons and Davis.

The OPA was retained for detailed study as required by the 2000 Settlement Agreement, even though it does not avoid the Blackwater Area.

Alternative 2, the OPA with Truck Route, and Alternative 2 with Truck Route were retained for detailed study because they are variations of the OPA, developed in response to new environmental information and public comments. The new components, the Middle Run Shift and the Truck Route, avoid the Blackwater Area.

Five of the Blackwater Avoidance Alignments – 1D East and West, 1E, and 1G East and West – are retained for detailed study. Some of them may not pass one of the Level Two Screening criteria, but all were determined to be reasonable and practicable alternatives that should be studied in detail before selection or elimination.

2.8 CONCLUSIONS

The screening process resulted in the elimination of the IRA and six of the twelve avoidance alignments. The remaining six avoidance alignments, the No-Build Alternative, and the OPA were the alternatives retained for detailed study in this SDEIS. The Truck Route was also considered in detail as a possible addition to either the OPA or Alternative 2. The process of alternatives consideration and the results of the consideration are illustrated in Figure II-3.

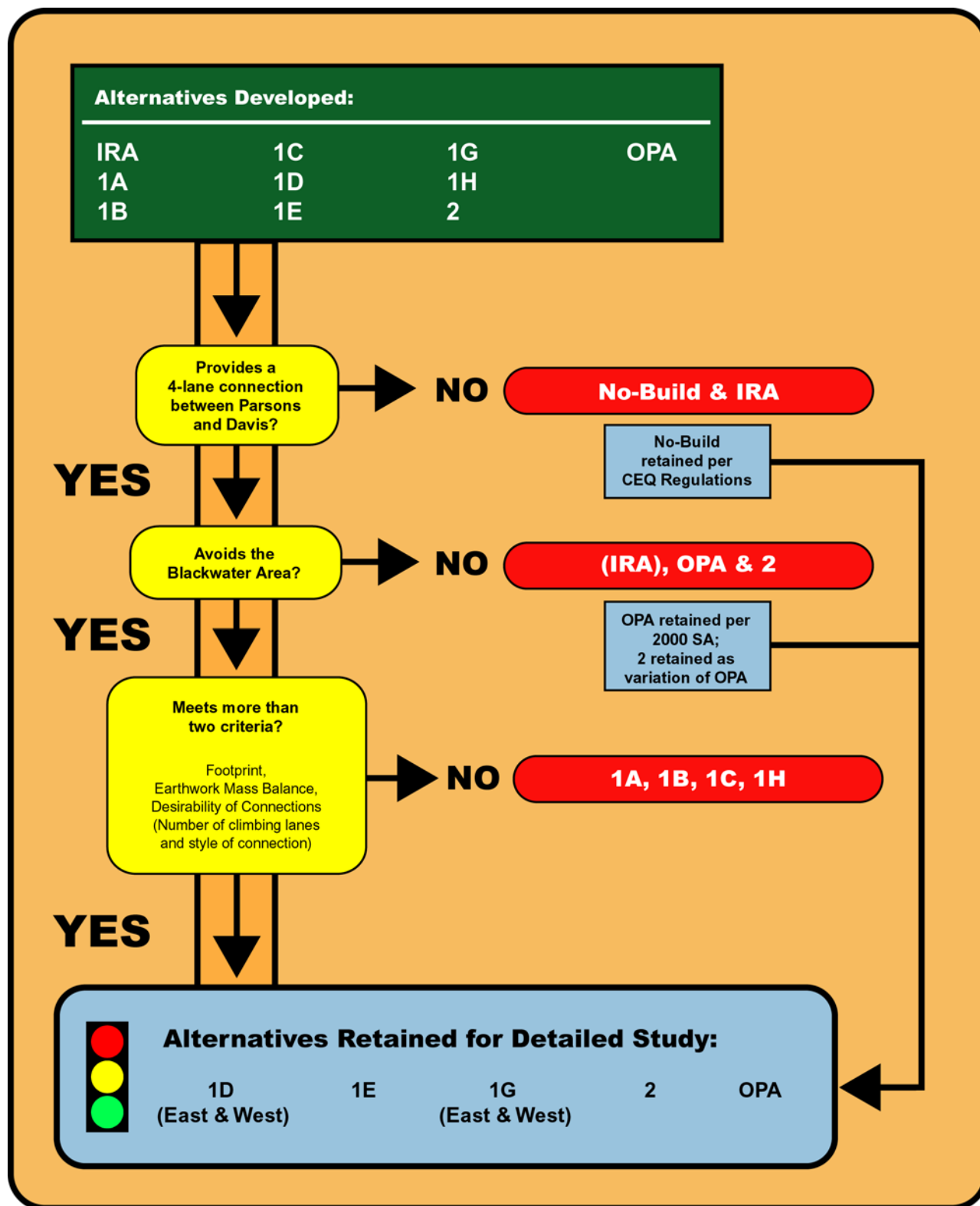
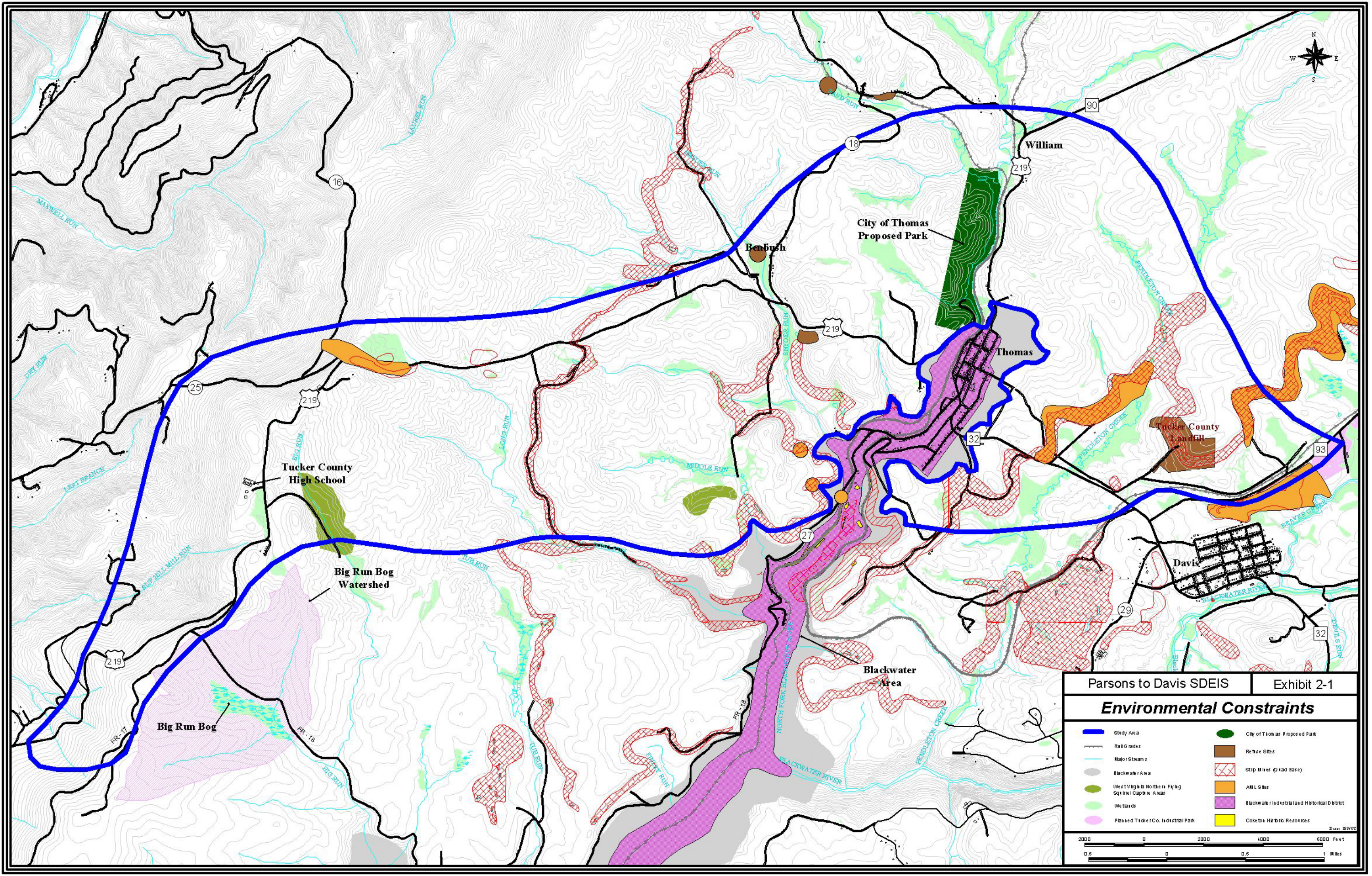


Figure II-3
Summary of Alternatives Screening Process



Parsons to Davis SDEIS

Exhibit 2-1

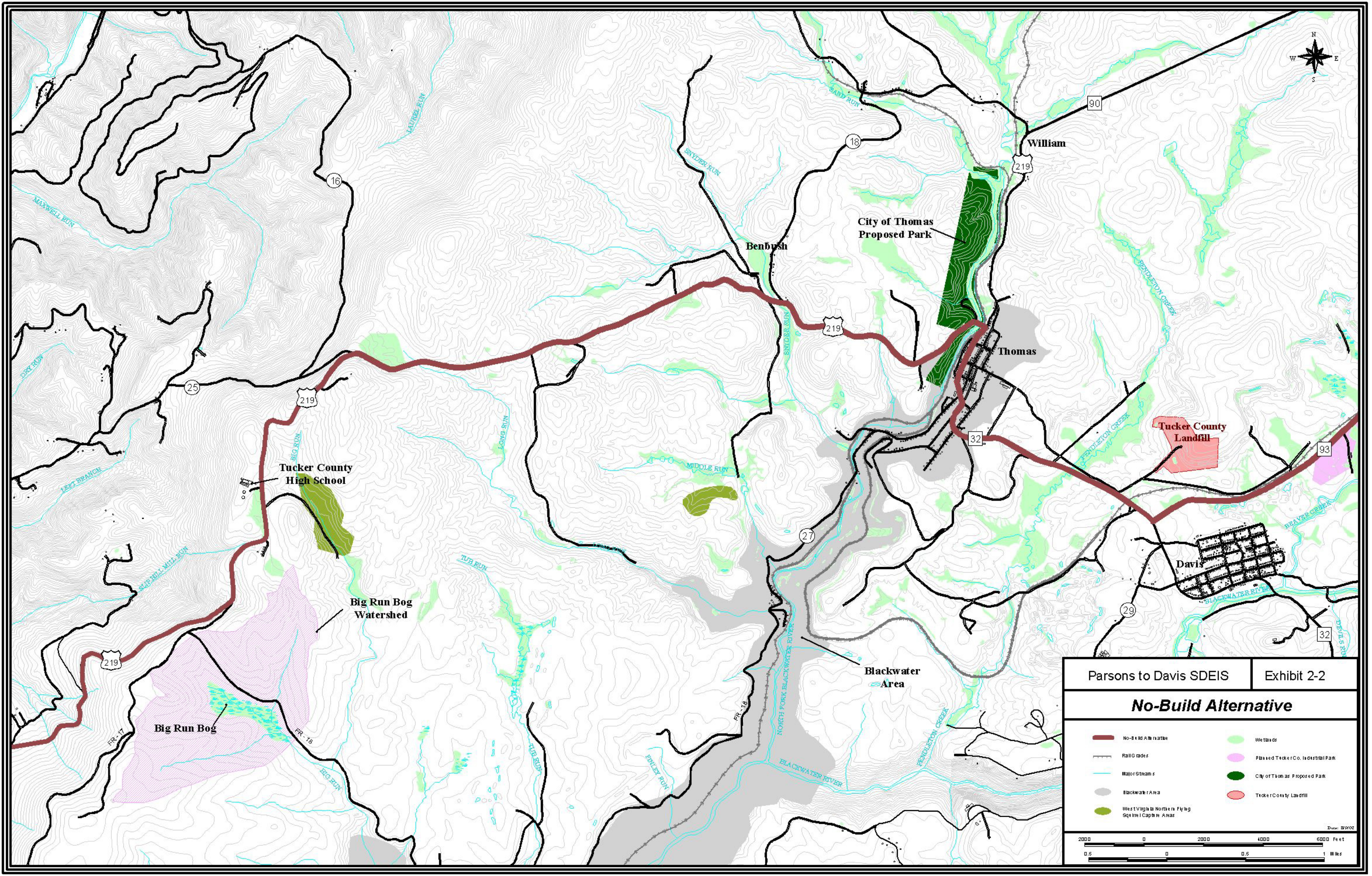
Environmental Constraints

Study Area	City of Thomas Proposed Park
Rail Grades	Rense Sites
Major Streams	Strip Miner (Old Base)
Blackwater Area	AML Sites
West Virginia Northern Flying Squirrel Capture Areas	Blackwater Industrial and Historical District
Wetlands	Coalton Historic Resources
Planned Tucker Co. Industrial Park	

2000 0 2000 4000 6000 Feet

0.5 0 0.5 1 Miles

Date: 8/20/02



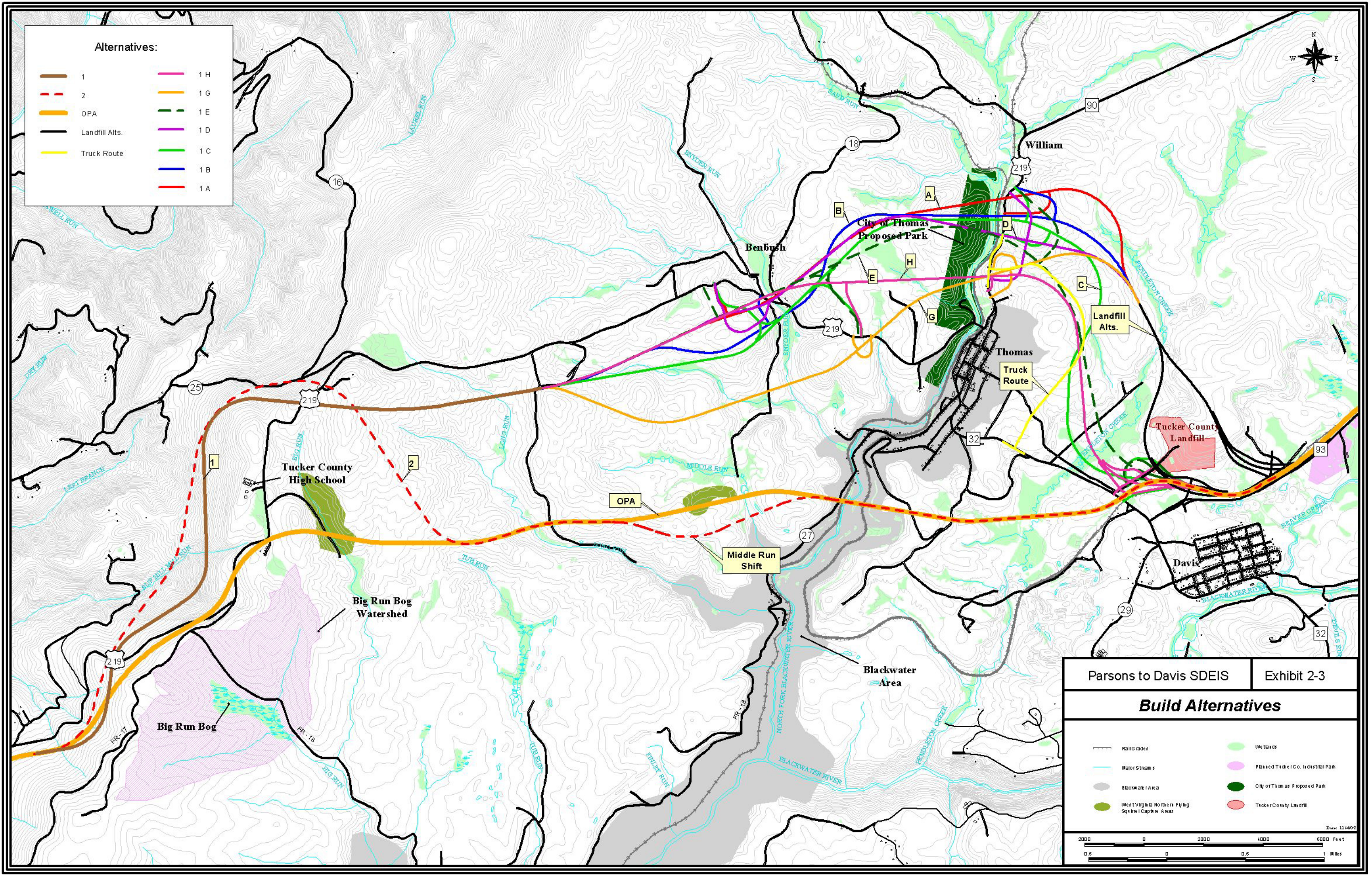
Parsons to Davis SDEIS		Exhibit 2-2	
No-Build Alternative			
	No-Build Alternative		Wetlands
	Railroad		Planned Tucker Co. Industrial Park
	Major Stream		City of Thomas Proposed Park
	Blackwater Area		Tucker County Landfill
	West Virginia Northern Flying Squirrel Capture Areas		

Scale: 0 2000 4000 6000 Feet
0.5 0 0.5 1 Miles

Date: 8/24/02

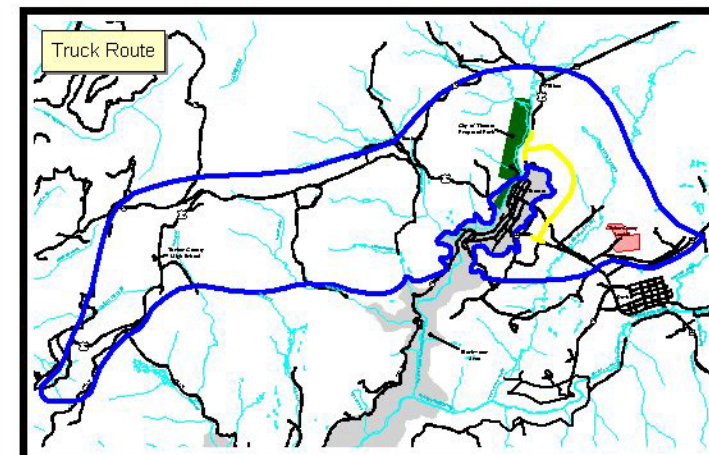
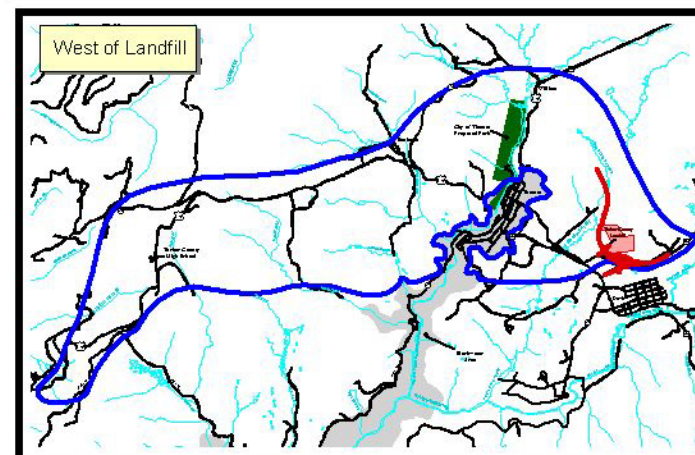
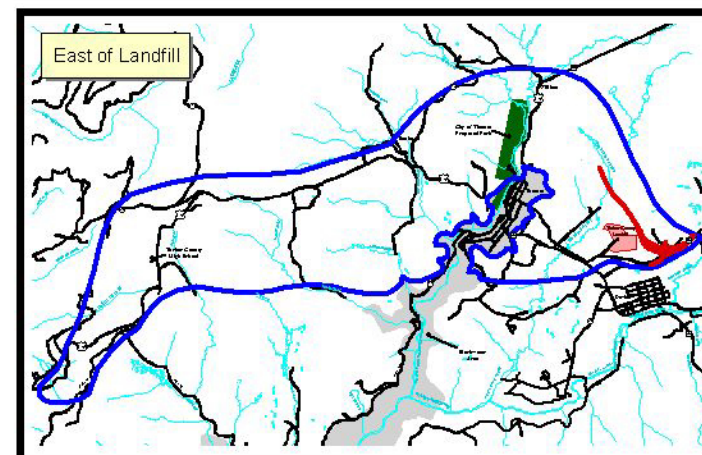
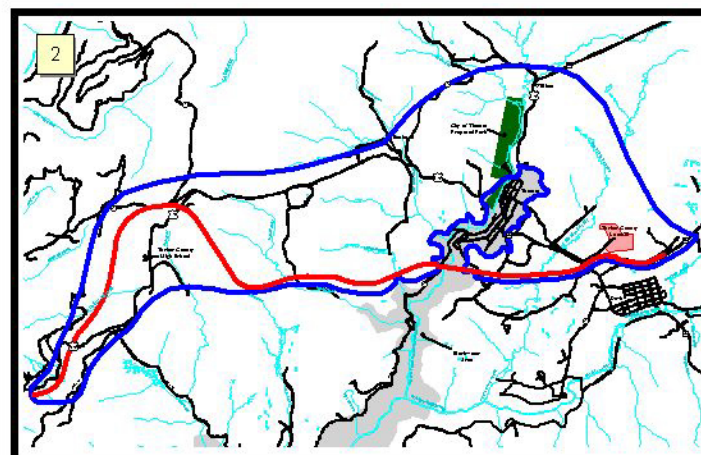
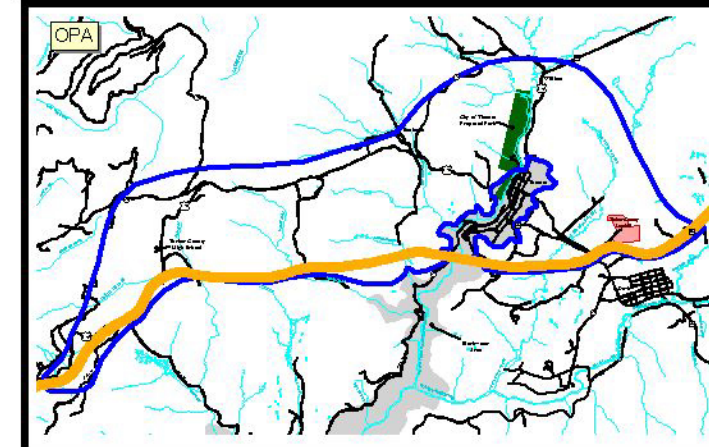
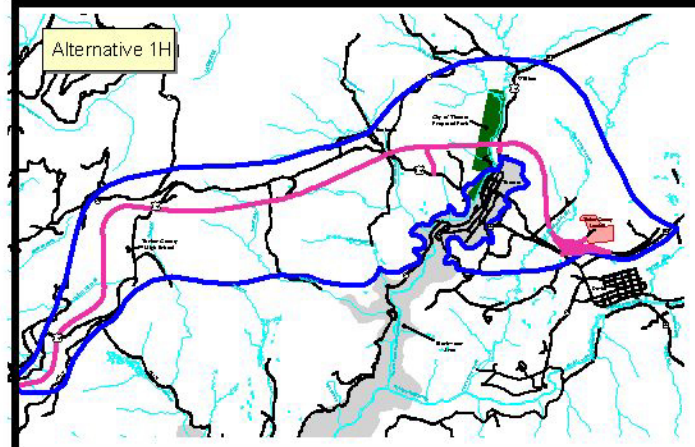
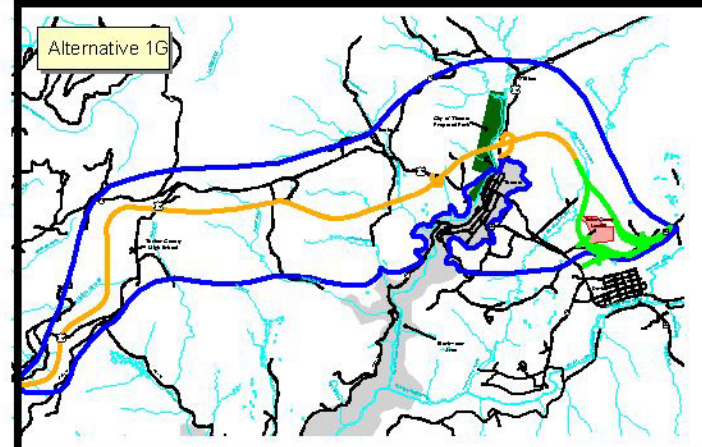
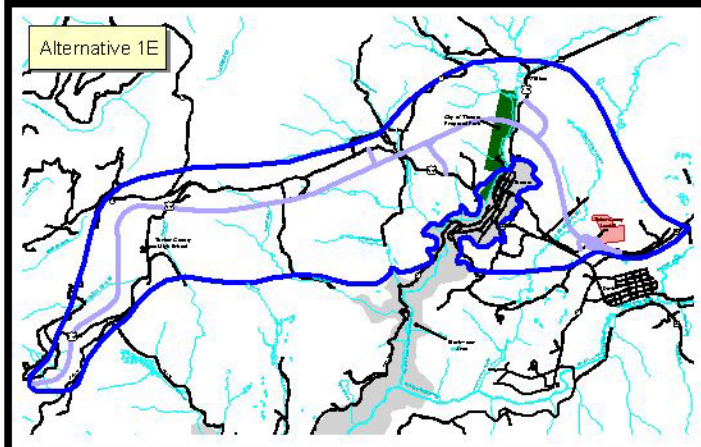
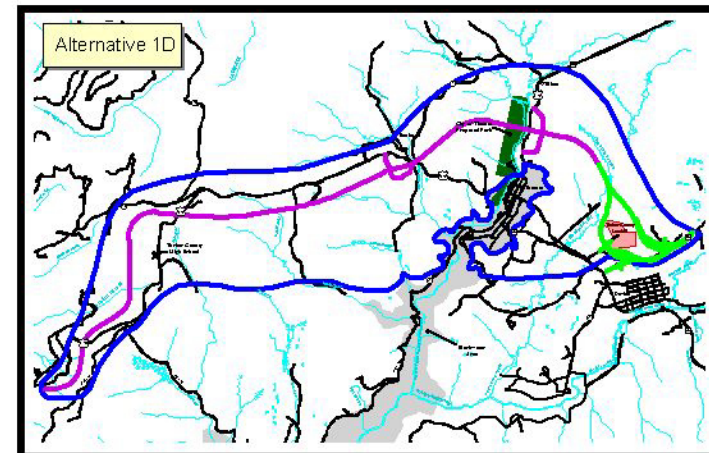
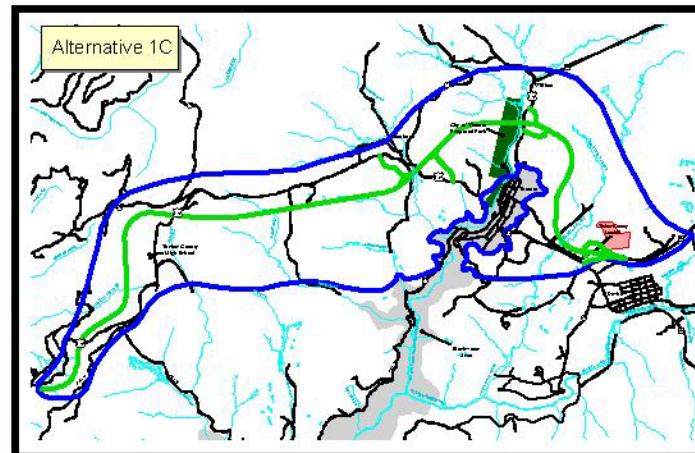
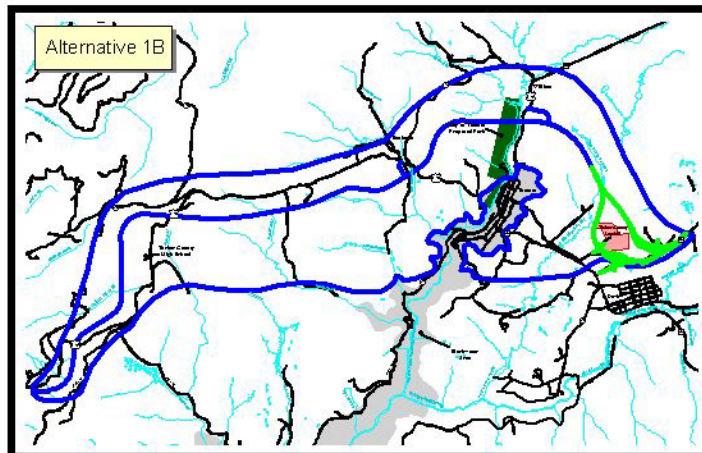
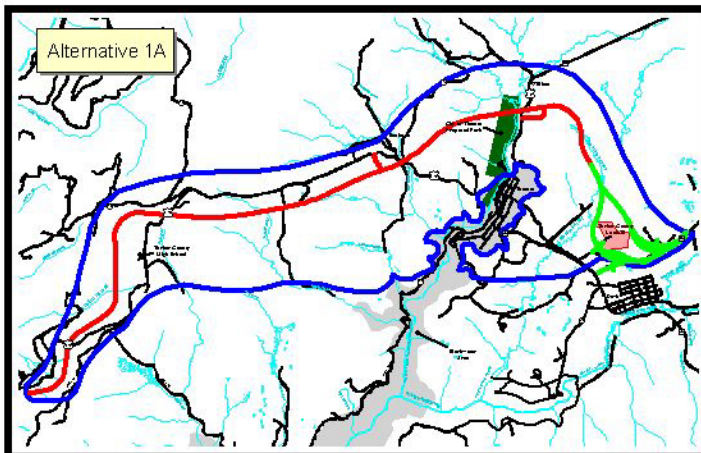
Alternatives:

	1		1 H
	2		1 G
	OPA		1 E
	Landfill Alts.		1 D
	Truck Route		1 C
			1 B
			1 A



Parsons to Davis SDEIS		Exhibit 2-3	
Build Alternatives			
	Rail Grades		Wetlands
	Major Streams		Planned Tucker Co. Industrial Park
	Blackwater Area		City of Thomas Proposed Park
	West Virginia Northern Flying Squirrel/Capable Areas		Tucker County Landfill

Date: 11/04/02
 2000 0 2000 4000 6000 Feet
 0.5 0 0.5 1 Miles



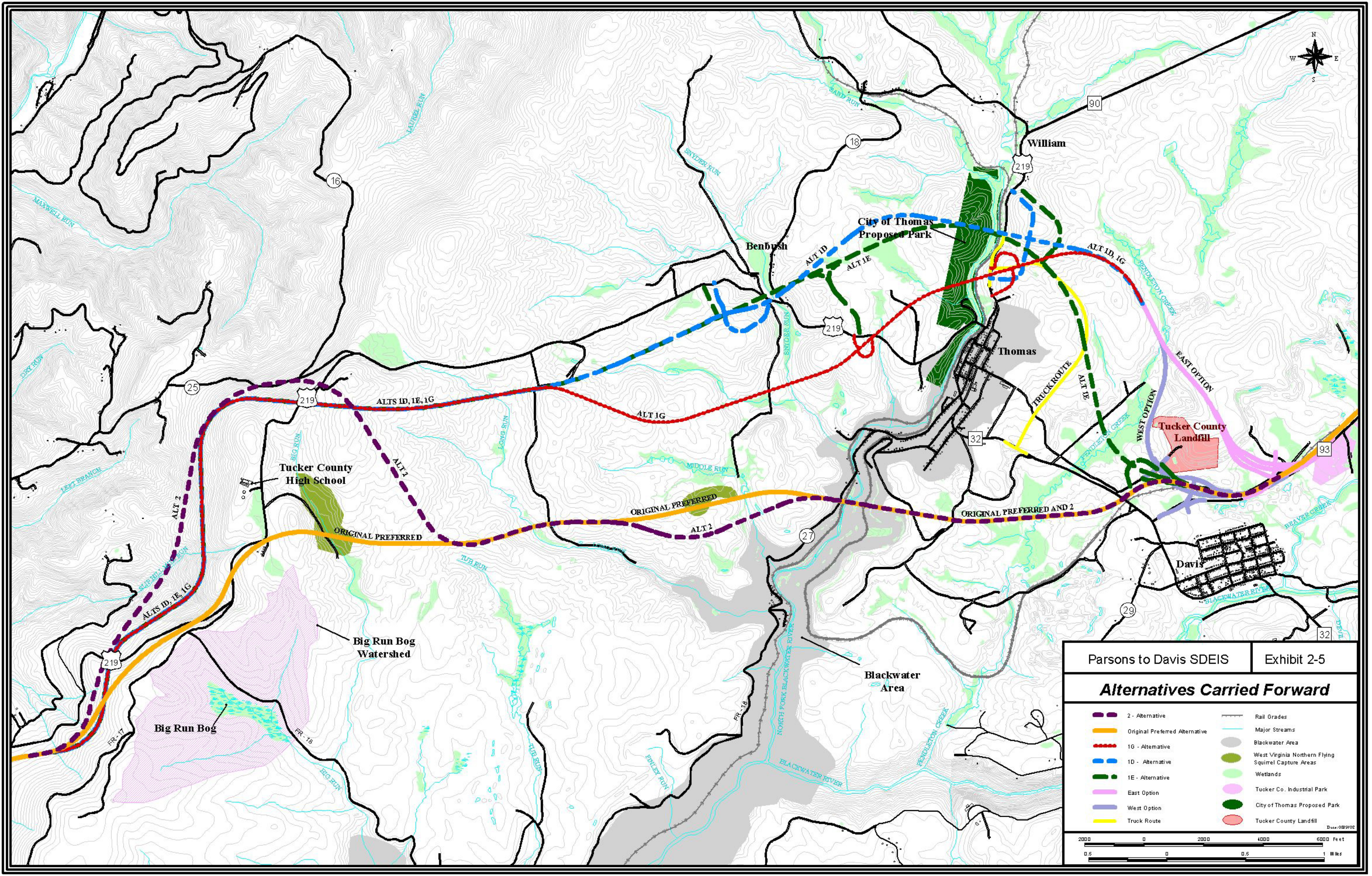
Parsons to Davis SDEIS

Exhibit 2-4

Build Alternative Thumbnails

- | | |
|----------------|------------------------------------|
| Study Area | Wetlands |
| Rail Grades | Planned Tucker Co. Industrial Park |
| Major Streams | City of Thomas Proposed Park |
| Backwater Area | Tucker County Landfill |

2 0 2 4 Miles



Parsons to Davis SDEIS

Exhibit 2-5

Alternatives Carried Forward

2 - Alternative

Original Preferred Alternative

1G - Alternative

1D - Alternative

1E - Alternative

East Option

West Option

Truck Route

Rail Grades

Major Streams

Blackwater Area

West Virginia Northern Flying Squirrel Capture Areas

Wetlands

Tucker Co. Industrial Park

City of Thomas Proposed Park

Tucker County Landfill

2000 0 2000 4000 6000 Feet

0.5 0 0.5 1 Miles

Date: 09/01/02

Appalachian Corridor H

Parsons-to-Davis SDEIS

Interactive CD-ROM



December 2002

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Appalachian Corridor H
Parsons, WV to Davis, WV
Supplemental Environmental Impact Statement
FHWA-WV-EIS-92-01-SD
State Project: X142-H-38.99 C-2
Federal Project: APD-484 (59)

SECTION III: EXISTING ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

In accordance with FHWA guidance, this Supplemental Draft Environmental Impact Statement (SDEIS) incorporates by reference the FEIS and the subsequent ROD for the Appalachian Corridor H Project, both issued in 1996. The SDEIS reader should refer to the 1996 Corridor H FEIS and 1996 ROD for information regarding the Project that is unchanged, still valid, and therefore, not presented in the text of this SDEIS.

3.1 INTRODUCTION

In this section, the environmental consequences of the alternatives retained for detailed study will be identified and compared. For some categories of potential impact, information has not changed since the 1996 FEIS. Where appropriate, the information has either been incorporated by reference from the FEIS/ROD or summarized from technical reports (e.g., Biological Assessments). FHWA regulations implementing NEPA state, "The supplemental EIS needs to address only those changes or new information that are the basis for preparing the supplement and were not addressed in the previous EIS" (23 CFR 771.130(a)).

3.1.1 OVERVIEW OF THE STUDY AREA

The Study Area is an approximately 8600-acre (13.4 mi²) area located in Tucker County, West Virginia. As will be discussed in the land use section below, most of the property in the Study Area is owned by the Western Pocahontas Land Corporation. Additionally, most of the land is located within the boundary of the Monongahela National Forest. The land is primarily mixed deciduous forest. The North Fork of the Blackwater River flows south through the Study Area. The Study Area includes the community of Thomas and the neighborhoods of Benbush, William, Railroad Hill, and Coketon. Davis is located immediately southeast of the Study Area. The majority of development in the Study Area is associated with either Thomas or Davis, with the western half of the Study Area remaining largely undeveloped.

An approximately one third of a mile segment of the OPA passes through the Blackwater Area, and therefore outside the Study Area for this SDEIS. Potential impacts of this segment of the OPA are included with the comparative analyses.

3.2 SOCIO-ECONOMIC ENVIRONMENT

The following are discussions describing the existing social and economic conditions in the Study Area and addressing the potential impacts of the proposed project on those conditions. The social and economic environment potentially affected by the proposed project includes the Study Area, the communities of Thomas and Davis and their neighborhoods, and, to a certain degree, Tucker County as a whole. Because population and economic data, in particular, are available predominately at the county level, this analysis describes this larger environmental area. Where possible, however, the conditions and potential impacts within the Study Area and its communities and neighborhoods have been disaggregated and emphasized.

A variety of public reports and publications were utilized in this analysis. Additionally, interviews with individuals supplemented the research effort. Finally, field observations were used to verify the public reports, publications and interviews.

3.2.1 ECONOMIC ENVIRONMENT

3.2.1.1 Existing Conditions

The 1996 FEIS provided a description of the existing economic environment in Tucker County (pp. III-8 and III-10 to III-12). Current U.S. Census data available (1998 estimates) confirms that no conditions have changed to warrant revision of that description since the approval of the FEIS in 1996. At the time of this study, U.S. Census data from the 2000 census was not yet available at the level of detail required, so it has not been used in this effort.

For this SDEIS, it has been necessary to assess alternative options that pass north of the Blackwater Area. The CAG's scoping letter of July 13, 2000 (*Section 7: Comments and Coordination*) states, "In studying alternative routes to the north of Thomas, it is desirable to maximize the potential for development and to control how

development occurs.” The letter requests that any alternative alignment of Corridor H provide connections both north and south (west) of Thomas with US 219. The CAG letter also indicates the advantages of these connections:

- Northern Connection would minimize truck traffic in the downtown shopping, historic, recreational, and residential areas of Thomas, would provide access to the Thomas business district, and would “open up” the area north of Thomas for residential development.
- Southern (west) Connection: would provide access to the old airport area for industrial and residential development and provide access for the ambulance authority.

The City of Thomas’ Development Strategy (1998) also makes recommendations for the Corridor H alignment with respect to economic environment impacts. The document proposes a northerly shift away from the OPA for two reasons (specific connections were not identified):

- To prevent Corridor H tourist traffic from bypassing Thomas; and,
- To reduce truck traffic through Thomas.

The existing truck and tourist traffic conditions and the potential impacts of the alternatives retained for detailed study on those conditions are examined in the discussions below.

Truck Traffic

This analysis addresses the question of how the truck travel patterns in and around Thomas would change if Corridor H were in place today. The analysis includes an assessment of how local traffic would be affected by the connections associated with any one of the Blackwater Avoidance Alignments (1D East and West, 1E, and 1G East and West). Preliminary design of the Blackwater Avoidance Alignments includes connections at US 219 west of Thomas, US 219 north of Thomas, and WV 32/93 north of Davis. For this analysis, it was assumed that there would be no difference between the five Blackwater Avoidance Alignments because they are so similar in location and length. Additionally, the traffic patterns that would be associated with Alternative 2 were assumed to be the same as those for the OPA. No induced traffic impacts, due to development or regional traffic patterns outside the immediate study area, were considered for this study.

Traffic Counts

The traffic data for this analysis were derived from actual traffic counts conducted during October 1999. The actual numbers of trucks on any given day may vary from these counts. Discussions with officials of companies generating truck traffic indicate that weekly or monthly variances in truck traffic in the area are not unusual. There are no permanent count stations in the study area that could convey the annual spread of high and low truck Average Daily Traffic (ADT) and the frequency of peaks generated by local economic conditions. Therefore, in interpreting the results discussed below, one should not concentrate on the actual number differences but on the magnitude of the differences reported.

Composition of Truck Traffic

For the purposes of this study, truck traffic is defined as any vehicle with six or more tires. This includes small trucks (two axle-six tires), buses, single unit multiple axle trucks (three or more axles), and trailer trucks (single or multiple trailers). Because the concerns of Thomas are likely to reflect a focus on heavy truck traffic (i.e., tractor-trailers), the volume of that traffic has been “broken out” from the total truck traffic.

Tourist Travel Patterns

This analysis addresses the question of how tourist travel patterns in and around Thomas would change if Corridor H were in place today. The analysis also addresses how the three connections of the Blackwater Avoidance Alignments would redistribute tourist traffic. For this analysis, it was assumed that there would be no difference between the five Blackwater Avoidance Alignments (1D East and West, 1E, and 1G East and West) in total tourist trips because the alternatives are so similar in location and length. It was also assumed that for Alternative 2 tourist travel patterns would be the same as those for the OPA.

Because there are no major roads (i.e., interstates or Appalachian highways) that currently provide access to the various recreational opportunities near the Study Area (e.g., Blackwater Falls State Park, Canaan Valley), a variety

of travel routes are available depending on personal preference, desired side trips, and road conditions. Therefore, for this study, the most likely travel routes had to be inferred from the relationship between the origin of visitors and the various recreational opportunities.

The first step in the route determination process was to determine the total number of visitors to tourist attractions in eastern Tucker County. Total visitor days for 1999 and previous years, when available, were collected from Blackwater Falls State Park, Canaan Valley State Park, Fairfax Stone State Park, Timberline Four Seasons Resort, White Grass Cross-Country Center, and wilderness areas within the Monongahela National Forest (Dolly Sods and Otter Creek). Visitation data, discussions with park and recreation facility managers, and a visitor profile for the Potomac Highlands (WV Department of Tourism, 1998) provided insight into the geographic origin of visitors and percentage of overnight visitors. Comparatively less data was available on the origin of day-visitors; therefore, a population density analysis was completed in GIS to determine the total population within an 80-mile radius of eastern Tucker County. This analysis identified the location and density of potential day-tourists to the area.

Following collection of these data, the most direct routes were identified from state highway maps and directions provided by the tourist attractions themselves. Travel routes, also known as travelsheds, were determined for each of the major cities within the mid-Atlantic region (Pittsburgh, Baltimore, Washington, D.C., Richmond, Roanoke, Charleston, Wheeling, etc.) Four routes into eastern Tucker County were established (US 219 from the north, WV 93 from the east, WV 32 from the south, and US 219 from the west [Parsons]) and associated geographically with a tourist travelshed and its share of day and overnight visitors to the region.

Total tourist visitor days were converted to average daily traffic volumes. Based on tourist travelsheds, each of the four routes into the Study Area was allocated a portion of the tourist traffic volumes.

Figure III-1 represents the existing directional distribution of tourist traffic based on the previously described methodology. Currently, the largest share of tourists, 70 percent, accesses the tourist attractions from the south along WV 32. Using this route, tourists reach their destination without having to pass through Davis or Thomas. These tourists are generally from the Washington, D.C. area, Virginia, and portions of West Virginia. Approximately 30 percent of tourists, those from Pennsylvania, Ohio, western Maryland, and portions of West Virginia, currently access the recreational attractions from the west or north along US 219 and pass through both Thomas and Davis on their way to the attractions. The amount of tourists using WV 93 to enter the Study Area is considered insignificant, as other routes prove more efficient.

3.2.1.2 Potential Impacts

Truck Traffic

Table III-1 presents the effect of the various alternatives being considered on truck traffic passing through downtown Thomas. The OPA and Alternative 2 would result in a 45 percent reduction in truck traffic, both total trucks and heavy trucks, in downtown Thomas. With the addition of the Truck Route, the results could be as large as an 80 percent reduction in total truck traffic and a 90 percent reduction in heavy trucks. It is projected that connecting US 219 to Corridor H both west and north of Thomas with one of the Blackwater Avoidance Alignments would result in an 80 percent reduction of total truck traffic in downtown Thomas. Heavy truck traffic would reduce by 90 percent with one of the Blackwater Avoidance Alignments.

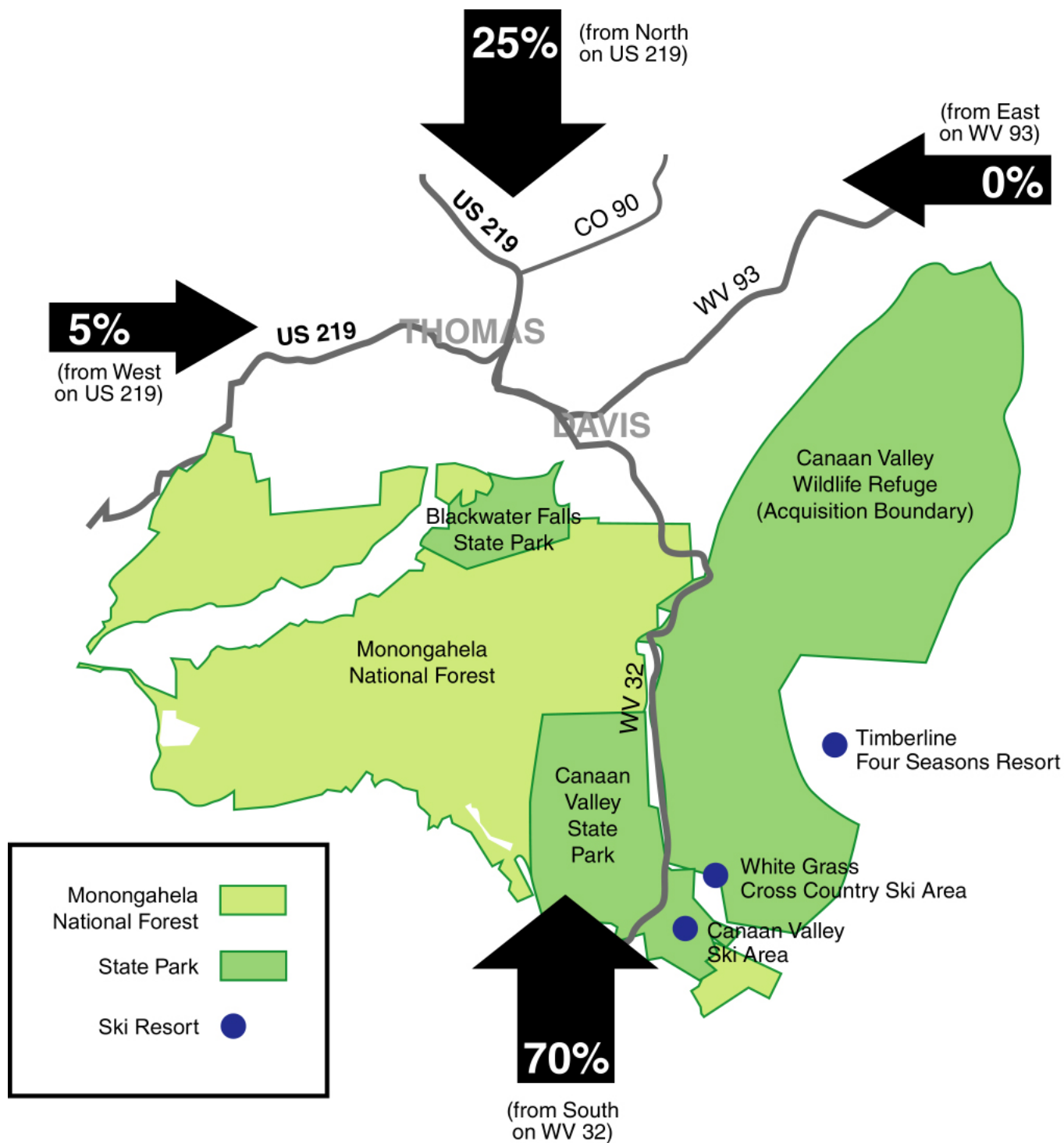


Figure III-1
Existing Tourist Traffic Directional Distribution

Table III-1
Effects of Alternatives and Connection Scenarios on Truck Traffic in Downtown Thomas

Calculations	Existing (1999) Truck Traffic		Alternatives Retained for Detailed Study					
			Blackwater Avoidance Alignments		OPA or Alternative 2		OPA or Alternative 2 with Truck Route	
	Total Trucks	Tractor-Trailers	Total Trucks	Tractor-Trailers	Total Trucks	Tractor-Trailers	Total Trucks	Tractor-Trailers
ADT of Trucks	440	220	85	20	240	120	85 to 240	20 to 120
Percent Change	--	--	-80%	-90%	-45%	-45%	-45 to -80%	-45 to -90%

Tourist Travel Patterns

The alternatives will change the directional distribution of tourist traffic. It was assumed that the origin and number of tourists will remain the same as the existing conditions, although representatives of the tourist industry noted that they would anticipate a greater share of the Washington D.C. market due to the travel time savings Corridor H provides. If the OPA or Alternative 2 were constructed, it would be expected that 10 percent of the tourists coming from the south would continue to utilize WV 32 and that 15 percent would continue to utilize US 219 from the north. The remainder, 75 percent of tourist traffic, would utilize Corridor H and pass through Davis on their way to recreational facilities.

In the OPA or Alternative 2 scenarios, the City of Thomas' share of tourist traffic could decrease from its present level of 30 percent to 15 percent (Figure III-2). While no data are available on tourist expenditures in Thomas, it is reasonable to assume that a 15 percent reduction in tourist traffic would have some negative economic consequences for Thomas. Additionally, this loss of tourist traffic is contradictory to the goals identified in the City of Thomas Development Strategy (1998).

This analysis assumes that all of the exits for the Blackwater Avoidance Alignments (i.e., US 219 west and north of Thomas and WV 32 at Davis) will be signed as providing access to the recreation attractions. Travelers along Corridor H could choose any of the three exits to reach the recreation attractions. The difference between the northern and western US 219 connections is not relevant to this issue, as both connections "feed" traffic through the Thomas business district on its way to the recreational facilities.

A westbound traveler on Corridor H would use the first and most logical exit to access the area, the connection at Davis. Eastbound travelers on Corridor H would have three signed exits to access the recreational attractions in the area. As with the westbound travelers, the Davis connection is the closest to the attractions; however, a portion of the tourists traveling on Corridor H from the west could select any of the exits signed for those attractions. Depending on the need for services and the draw of historic downtown Thomas, eastbound tourists may prefer to access the area at the western or northern connection. The presence of Corridor H connections in the Thomas area has a substantial effect on the potential tourist traffic traveling through the Thomas business district.

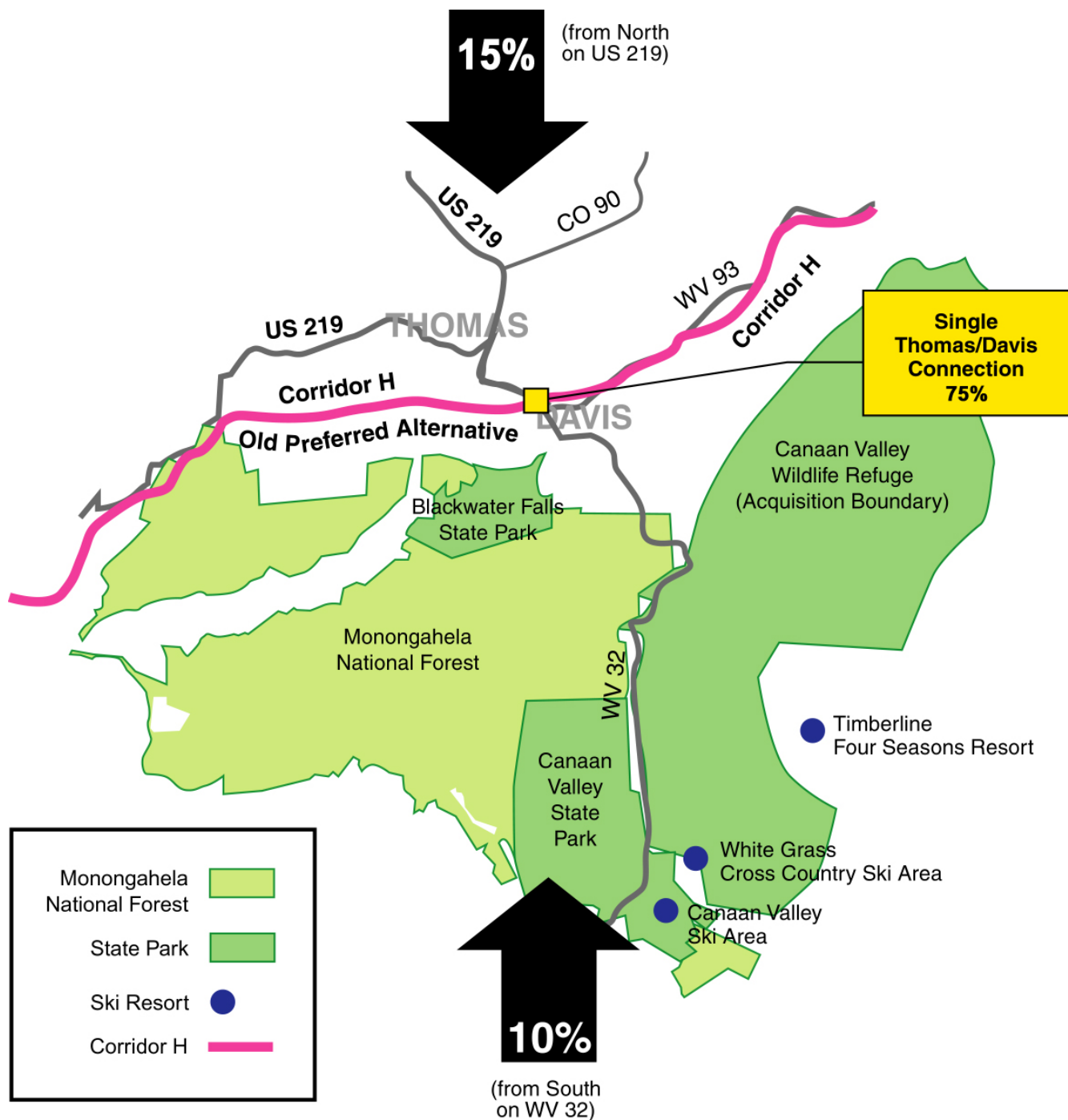


Figure III-2
Tourist Traffic Directional Distribution with Corridor H – OPA and Alternative 2¹

¹The Truck Route would not have an impact on tourist traffic patterns since it will not be available to cars.

Figure III-3 illustrates the tourist travel patterns if any of the Blackwater Avoidance Alignments (1D East and West, 1E, and 1G East and West) were constructed. Fifteen percent of tourists, represented by travelers from Pennsylvania or western Maryland, would continue to travel on US 219 to reach the recreational attractions, as the 2-mile long portion of Corridor H between the north connection and the Davis connection would not provide travel time savings over US 219 through Thomas. The tourists exiting at the Davis connection have traveled from the eastern points of origin (the Washington D.C. area or eastern Maryland).

Tourists traveling from the west account for 45 percent of the total tourist traffic. It is likely that those unfamiliar with the area and those interested in attractions of the Thomas business district would use the first signed exit (the west connection). These eastbound tourists may also use the north or Davis connection, but Figure III-3 represents the potential tourist traffic that would enter downtown Thomas based on highway signage.

Currently, without Corridor H, the estimated percentage of tourists that pass through Thomas is 30 percent. If the OPA or Alternative 2 were constructed, most of the potential tourist traffic would be routed through the Davis connection (bypassing Thomas); only 15 percent of total tourist traffic would enter downtown Thomas. Should any one of the Blackwater Avoidance Alignments be constructed, 60 percent of all tourist traffic would potentially pass through Thomas.

It is reasonable to assume that any increase in the tourist traffic in Thomas, as predicted with any of Alternatives 1D East and West, 1E, and 1G East and West, would have some positive economic consequences for Thomas. As the connections on Corridor H are planned to be designed and signed, tourist traffic not attracted by the amenities and shopping opportunities in the Thomas business district can easily bypass it, reducing through-tourist traffic; while tourists interested in the Thomas business district would have the opportunity to easily access it. Similarly, truck traffic not destined for Thomas would have the ability to bypass Thomas' local streets.

3.2.1.3 Avoidance, Minimization, and Mitigation

All of the alternatives carried forward for detailed study would result in reductions in truck traffic in the Thomas business district; therefore, no direct adverse impacts on the local economy are expected and no avoidance, minimization, or mitigation measures are required.

The OPA and Alternative 2 would reduce the potential for tourist traffic to enter the Thomas business district. While this would reduce the potential for tourism benefits through increased tourist traffic, it would also remove a portion of tourist related through-traffic, thereby decreasing congestion in the Thomas business district.

The Blackwater Avoidance Alignments (1D East and West, 1E, and 1G East and West) would increase the potential for tourist traffic to enter the Thomas business district, while allowing for through traffic to bypass Thomas by continuing on Corridor H. These alternatives provide opportunities for additional tourism benefits when compared with the OPA and Alternative 2; however, neither groups of alternatives warrants mitigation with regard to tourism-related impacts.

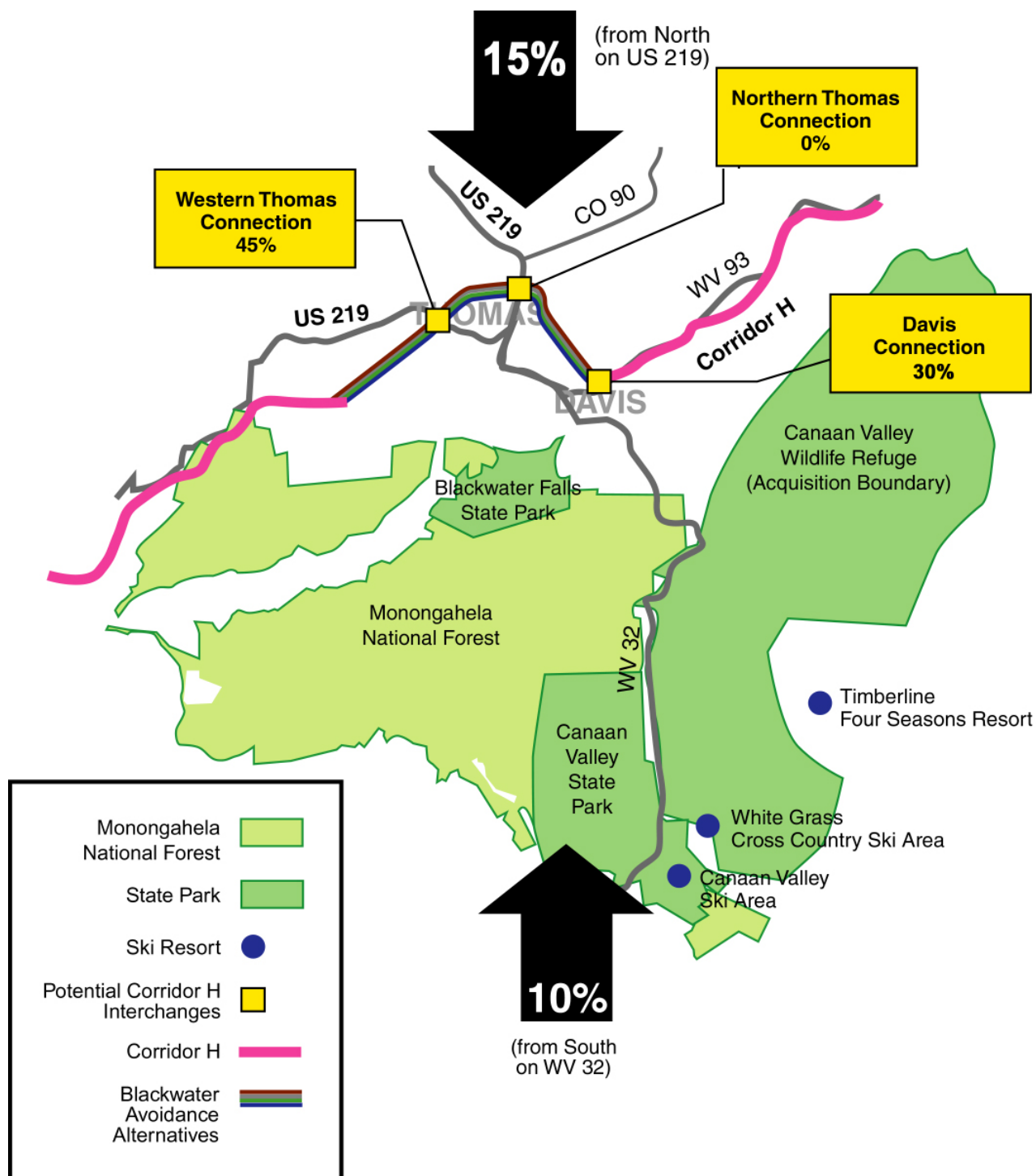


Figure III-3
Tourist Traffic Directional Distribution with Corridor H – Blackwater Avoidance Alignments

3.2.2 LAND USE

3.2.2.1 Land Use Plans

Approximately 90 percent of the Study Area is owned by the Western Pocahontas Land Corporation, a coal and timber industry land holding company (Exhibit III-1). The interests of Western Pocahontas would seem to indicate that most of the land in the Study Area will remain “undeveloped” until the mineral and timber resources are exhausted to the point that their extraction is not profitable.

Tucker County does not have locally-legislated land use controls. Controls exist only to the extent that they are required by state and federal agencies in their various permitting processes.

In 1992, Tucker County adopted a Comprehensive Plan, which states its land use and development plans and objectives. The plan assumes that Corridor H will be constructed and states that Corridor H would “greatly enlarge the number of potential industrial sites and enhance their development” (Tucker County Planning Commission, 1992, p. 44).

Tucker County has also developed two handbooks to guide the development expected to result from Corridor H: *Tucker County Development Handbook* and *Corridor H Design Guidelines*. The handbooks were published in 1997 by the county and the Urban Research and Development Corporation. They provide “guidelines for managing development along the highway corridor and at new highway interchanges [that] will help ensure that growth generated by Corridor H enhances, rather than detracts from, Tucker County’s natural and man-made environment” (Tucker County Planning Commission, 1997, p. 2).

Both the City of Thomas and the Town of Davis have economic development plans that identify future land use goals. The City of Thomas’ “Development Strategy” identifies the need for an interchange with Corridor H and US 219 north of Thomas (1998). It also proposes that the land between Thomas and Davis should be annexed by Thomas to maintain the current greenway corridor and to control new development in that area. Other land use recommendations in the plan include aesthetic improvements to roads and sidewalks, the creation of “gateways” to the community, and the development of a 145-acre city-owned parcel as a park.

The Community Design Team Davis has produced community, economic, and land use goals and strategies (1998). Land use goals include the development of a riverfront park, enacting aesthetic guidelines for historic downtown properties, and enhancing automobile and bicycle transportation throughout the town.

The Monongahela National Forest (MNF) covers approximately 75 percent of the Study Area (Exhibit III-1). These lands are managed under the MNF Plan, an integrated management plan that guides all natural resource management activities within the MNF. The current MNF Plan was adopted in 1986. Further discussion of the MNF lands is provided in *Section 3.2.7: Recreation*.

The areas managed by the MNF in the Study Area are designated as either Management Prescription (MP) 3.0 or MP 6.1 (6165 and 315 acres, respectively). MP 3.0 areas permit “considerable human activity” and a variety of uses including mineral exploration, timber harvesting, both motorized and non-motorized recreational uses, and special uses (MNF Plan, 1986, pp.127-8). MP 6.1 areas are “remote habitats for wildlife species intolerant of disturbance” and produce “a mix of forest products” (MNF Plan, 1986, p.164).

3.2.2.2 Consistency with Land Use Plans

All of the Build Alternatives are consistent with the plans of Tucker County, Thomas, and Davis. The No-Build Alternative, however, is not consistent with these local plans because they anticipate that Corridor H will be constructed.

The City of Thomas’ Development Strategy states that an interchange with Corridor H and US 219 north of that city is desired. The Blackwater Avoidance Alignments (1D East and West, 1E, and 1G East and West) provide such a connection. The OPA, Alternative 2, and the No-Build Alternative are not consistent with Thomas’ local plan in this regard.

Through continuous coordination with the MNF, it has been determined that construction of any of the Build Alternatives does not conflict with the overall MNF Plan, or with any of the MP Areas through which it will traverse. Further, the alternatives retained for detailed study may facilitate some of the expected uses of these areas, specifically mineral

exploration, timber harvesting, and recreational uses. Additional discussion of impacts to the MNF lands is provided in *Section 3.2.7: Recreation*. The No Build Alternative is also consistent with the MNF Plan.

3.2.2.3 Land Use Conversions

The alternatives retained for detailed study will require the direct conversion of land to transportation use. Approximate land conversions required by each of the alternatives are shown in Table III-2. The No Build Alternative will not require any land conversion.

Requiring approximately 510 acres of land, 1D East or West would convert the greatest amount of land among the Build Alternatives. The OPA would require the least, with approximately 339 acres of land conversion. Even if combined with the Truck Route, the OPA would require the least of all the alternatives, with an approximate total of 371 acres converted to transportation use. The East and West Landfill Options require essentially the same amount of land conversion (61 and 58 acres, respectively).

Conversion of land within MP 6.1 area is also shown in Table III-2. All of the Blackwater Avoidance Alignments (1D East and West, 1E, and 1G East and West) have similar impact to the MP 6.1 area (between 72 and 80 acres). Of all the Build Alternatives, the OPA would have the greatest impact (approximately 110 acres), and Alternative 2 would have the least (63 acres). These two alternatives vary so greatly with respect to this resource because the only portion of the Study Area that is MP 6.1 area is the far southwest corner (Exhibit III-1), which is where Alternative 2 immediately breaks away from the OPA and travels north. The Truck Route would not add to this impact by the OPA or Alternative 2.

Table III-2
Land Converted to Transportation Use (acres)

	1D West	1D East	1E	1G West	1G East	2	OPA	TR
Footprint	510	507	490	470	467	449	339	32
MNF MPA ¹ 3.0	325	325	305	293	293	357	198	1
MNF MPA ¹ 6.1	80	80	72	79	79	63	111	0

¹Monongahela National Forest Management Prescription Area

3.2.3 FARMLANDS

3.2.3.1 Existing Conditions

The Farmlands Protection Policy Act requires a farmland impact evaluation for applicable, federally funded projects. Because the Study Area is considered to be rural and because Appalachian Corridor H is not a categorically excluded project, coordination with the National Resource Conservation Service (NRCS) is required. This coordination is accomplished through the completion of a Farmland Conversion Impact Rating (Form AD-1006) for each county impacted.

3.2.3.2 Potential Impacts

Form AD-1006 was prepared for the proposed project and reviewed by the NRCS. The form and the NRCS reply letter from January 2001 are included in *Section 7: Comments and Coordination*. Although the Alternatives have changed since January 2001, the additional Study Area is entirely within the MNF, and the NRCS response indicates the improbability for an alternative in this project to receive a negative evaluation.

3.2.4 SOCIAL ENVIRONMENT

3.2.4.1 Existing Conditions

Communities and Neighborhoods

The western portion of the Study Area is largely undeveloped; however, the eastern portion of the Study Area encompasses the community of Thomas and its neighborhoods of Benbush, William, Railroad Hill, and Cortland Acres (Exhibit III-2). The community and its neighborhoods are not self-sufficient; residents are generally likely to leave the area to meet employment, education, social, commercial, medical, and recreation needs. The characteristics of the community and its neighborhoods are detailed in Table III-3.

**Table III-3
Communities and Neighborhoods in the Study Area**

Community	Neighborhoods	Services and Facilities Available					
		Schools	Library	Law Enforcement	VFD	Hospital	Recreation Facilities
Thomas	Benbush Coketon Cortland Acres Railroad Hill City of Thomas William	DTEMS & TCHS	Mountain Top (Thomas) & Five Rivers (Parsons)	WV State Police and Tucker County Sheriff in Parsons	Thomas	Davis Memorial Hospital in Elkins	Knights of Columbus Community Park, Thomas Community Center
Davis	Town of Davis	DTEMS & TCHS	Mountain Top (Thomas) & Five Rivers (Parsons)	WV State Police and Tucker County Sheriff in Parsons	Thomas/ Canaan Valley	Davis Memorial Hospital in Elkins	Knights of Columbus Community Park, Davis Community Center

Services, Facilities, and Organizations in the Community

Kindergarten through Grade 12 students of the Study Area are served by the Davis-Thomas Elementary and Middle School and the Tucker County High School. Total enrollment in public and private schools in Tucker County has declined by 19 percent from 1985 to 2000.

Most (96 percent) of the public school students in Tucker County rely on a fleet of 16 school buses for school transportation. This fleet transports students of all ages, so all busses drop off students at Davis-Thomas Elementary and Middle School on WV 32 first, and then proceed west on US 219 to the Tucker County High School. The Study Area is served by parts of five different bus routes (Ramsey, pers. comm., 2000).

A few students, particularly those living in the eastern part of Thomas, elect to walk or bicycle to the Elementary and Middle School. Therefore, some students are walking or bicycling on WV 32 between Thomas and that school.

Because of its isolated location – on US 219 between Thomas and Hambleton on Backbone Mountain – and safety concerns, students are required to take the school bus or ride with parents to the high school. Students are not allowed to drive, bike, or walk to the high school (Ramsey, pers. comm., 2000).

While some continuing education classes are available at the Tucker County High School Career Center and the Thomas Education Center, most residents of the Study Area must leave the community to pursue higher education.

The community is served by a small public library, Mountain Top Library in Thomas. Residents of the Study Area may also choose to use the larger Five Rivers Library in Parsons.

The community is served by emergency services dispatched to all of Tucker County through “911” service. Law enforcement is provided by the West Virginia State Police and the Tucker County Sheriff’s Office, both located in Parsons. Fire protection is provided by VFDs in Parsons, Thomas, Davis, and Canaan Valley. The Thomas VFD is located in downtown Thomas and would be the most likely to respond to incidents in the Study Area. EMS are provided by the three stations of the Tucker County Emergency Ambulance Authority. The Thomas EMS station is most likely to respond to incidents in the Study Area.

Residents of the community must travel outside the area for health care. The nearest full-service hospital to the Study Area is Garrett County Memorial Hospital in Oakland, Maryland, approximately 23 miles north of the Study Area via US 219. The next nearest hospital, and the one most often selected by patients using EMS (Tucker County Emergency Services internal report) is Davis Memorial Hospital in Elkins, approximately 34 miles west of the Study Area via US 219. Davis Memorial also manages a clinic, Tucker Community Care, in Parsons on WV 72. A veteran’s clinic is also available in Parsons.

Cortland Acres is a nursing home located in the Study Area, west of Thomas on US 219. It also operates the adjacent Pineview Apartments with assisted living for elderly residents. The Village at Davis, in downtown Davis, is a senior citizens residential community.

Because the number of persons over age 65 in the community and county is increasingly large, the Tucker County Senior Services program is extensive. There are two centers in the county – one in Parsons and the other in Thomas.

The community has a variety of recreational facilities and programs. Baseball fields are located at the Knights of Columbus Community Park and the Davis Baseball Field. Community centers are located in Thomas and Davis. During the summer, a joint children's recreation program alternates between the Thomas and Davis community centers. Both localities have plans for community parks, the details of which are discussed in *Section 3.2.7* below.

A number of religious organizations service the community. The locations of identified religious facilities are illustrated in Exhibit III-3.

Finally, the community has a variety of civic organizations, which meet in lodges, churches, community buildings, members' homes, or local restaurants. Various *Parsons Advocate* notices indicate that the current trend in civic organizations has been consolidation because of population and interest decline.

Community Travel Patterns and Accessibility

Because opportunities are often not available in the community of Thomas, travel outside the community is often required for employment, higher education, shopping, entertainment, and health care. Due to the rural and dispersed nature of development in the region, these facilities are almost exclusively accessed by private vehicles. The only public transportation systems in the community are the school bus system and a shuttle service for senior citizens. Alternative forms of transportation – walking and bicycling – are not generally used due to the terrain, roadway conditions, and the large distances between origins and destinations.

Thomas has identified the need to repair existing sidewalks and to provide bicycle and pedestrian trails to connect community resources, especially Davis-Thomas Elementary and Middle School and the Thomas Community Center/playground (City of Thomas, 1998).

3.2.4.2 Potential Impacts

The 1996 FEIS did not identify either the Thomas community or the Davis community as one of the four communities in West Virginia directly impacted by the construction of the OPA (p. III-24).

None of the alternatives retained for detailed study would create a barrier that would separate residents from their community. Instead, they would provide improved safety and efficient transportation access to the necessary services outside the community. The No-Build Alternative would not improve access to services outside the local communities.

Compared to one another, the Build Alternatives would have different impacts on community travel patterns because of the differences in their intersections with the existing roadway network. The OPA and Alternative 2 do not offer access points west of WV 32. However, the Blackwater Avoidance Alignments offer access points to the west of Thomas, to the north of Thomas, as well as at WV 32/WV 93. Alternatives 1D East and West, 1E, and 1G East and West would facilitate community travel in numerous and differing ways. Some of the possible scenarios and comparisons of community travel are highlighted here.

The movement of visitors and residents to and from the Cortland Acres Nursing Home would be easier with any of the Blackwater Avoidance Alignments than with either the OPA or Alternative 2, but specifically Alternatives 1G West and 1G East offer the most convenient access to this point of interest.

Alternatives 1D West and 1D East offer the most convenient access to the community of Benbush since both the eastbound and westbound access points are closest to this area. Similarly, Alternative 1E offers the most convenient access to the community of William. Exhibit III-3 can be consulted for conceiving community travel to other points of interest not mentioned in this discussion.

3.2.5 RELOCATIONS

None of the alternatives will directly displace any business or community facilities. However, Alternatives 1D West and 1G West involve the relocation of the weighing scales and scale house of the Tucker County Landfill. The WVDOH

relocation program ensures that relocated facilities are adequately accommodated with minimal inconvenience and disruption in accordance with current guidelines instituted by the WVDOT.

With the exception of Alternative 1E, none of the alternatives will require residential relocations. Alternative 1E will require a single residential relocation. Policies and procedures for accommodating this relocation should Alternative 1E be selected as the Preferred Alternative are detailed in the Corridor H FEIS and ROD of 1996.

3.2.6 ENVIRONMENTAL JUSTICE

Executive Order 12898 seeks to minimize disproportionate impacts of federal programs on minority and low-income populations. In accordance with this directive, data on the presence of and potential impacts to minority and low-income populations are included here.

3.2.6.1 Existing Conditions

According to 2000 Census data, the population representing the Study Area (Census Tract 9652, block group 3 and Census Tract 9653, block group 1) had a slightly higher percentage of non-white persons than Tucker County as a whole (23 non-white persons or 1.5 percent and 84 non-white persons or 1.1 percent, respectively). Interviews with local officials and field investigations noted that the non-white population is not a concentrated population and is dispersed throughout the Study Area (Schmiedeknecht, 2000 and Snyder, 2000). The Study Area has a much lower ethnic minority (Hispanic) population than Tucker County.

FHWA has defined low-income persons as those whose median household income is at or below the poverty level set by the U.S. Department of Health and Human Services (FHWA, 1998). As the 2000 Census data on income characteristics was not available at the time of this study, 1990 Census data has been used in this analysis. In 1990, 21 percent (389 persons) were considered low-income in the Study Area, while 19 percent (1,449 persons) were considered low-income in Tucker County as a whole. Interviews with local officials and field investigations noted that the low-income population is not a concentrated population and is dispersed throughout the Study Area (Schmiedeknecht, 2000 and Snyder, 2000).

3.2.6.2 Potential Impacts

As there are no concentrations of racial minority or low-income populations within the Study Area, the proposed alternatives will not disproportionately and adversely affect these populations.

3.2.6.3 Avoidance, Minimization, and Mitigation

All efforts have been made to avoid and minimize impacts to environmental justice populations. No mitigation is necessary.

3.2.7 RECREATION

3.2.7.1 Existing Conditions

A detailed description of the existing recreation environment is found in the 1996 Corridor H FEIS *Socioeconomic Technical Report* while updated information concerning the alternatives under consideration in this SDEIS is reported below.

National and State Recreational Lands

There are no National or State Parks in the Study Area. However, approximately 76 percent of the Study Area is covered by the Monongahela National Forest. This portion of the MNF is managed by the Cheat Ranger District. While no official estimate has been completed regarding carrying capacity on the Cheat Ranger District, officials note that general trail and road usage is low, and in this region most trails are used between September and October to access hunting areas (Hicks, from meeting with MNF, August 1, 2000).

Local Parks

There is one existing local park and one planned local park in the Study Area: The Knights of Columbus Community Park and the proposed Thomas Park, respectively. The Knights of Columbus Community Park is not publicly owned, but generally is publicly accessible. Facilities include a baseball field and picnic benches.

The proposed Thomas Park is a 145-acre parcel and an adjacent 17-acre parcel that the City of Thomas' Development Strategy (1998) identified for development as a park (Exhibit III-2). The Thomas City Council has stated in a March 13, 2001 resolution (*Section 7: Comments and Coordination*) that it wishes to jointly develop this property as a park with FHWA and the WVDOH in such a way that both recreational facilities and Corridor H may be accommodated within its boundaries. There are no facilities on this property at the present time.

Hiking and Bicycle Trails

The only existing trail in the Study Area is the Allegheny Trail. The trail enters the Study Area from the west on the bed of the historic WVC&P Railroad, also known as the Western Maryland Railroad. It then connects with CR 27 and proceeds north to WV 32. It follows WV 32 southwest to CR 29 and proceeds southeast into Blackwater Falls State Park.

Two other trails are planned to be located in the Study Area. The Western Maryland Railway Bike Path is being developed by the WVDOH as part of the Appalachian Corridor H Project. In this location, the trail would enter the Study Area from the west on the bed of the historic WVC&P Railroad with the Allegheny Trail. It would then follow the bed of the historic Davis Branch, also known as the Western Maryland Railroad, to the southeast and curve around to the northeast. It would continue on the Davis Branch crossing WV 32 north of Davis at WV 93. It then parallels WV 93 to the community of Mount Storm.

The Allegheny Highland Trail is planned by the USFS, the Highland Trail Foundation, Tucker County Commissioners, and WVDOH (City of Thomas, 1998). It would originate in downtown Thomas at a planned trailhead park and proceed north on the bed of the historic WVC&P Railroad.

3.2.7.2 Potential Impacts

National and State Recreational Lands

Roads and trails within the MNF located within the construction limits of any of the alternatives would be affected by the construction and operation of the proposed highway. Existing forest roads and trails would be bridged or relocated, and reconstructed to the standards of the Forest Service. There would be no loss of recreational activity as a result of access denial, and no new roads would be built as a result of increased demand on areas preserved for remote access.

Impacts to the visual and noise environments in the MNF lands are addressed in *Section 3.2.8* and *Section 3.5.5*, respectively. The largest secondary impact to the Forest Service would be on a management level. All the alternatives would increase access, allowing more visitors to use the recreational facilities in the forest. This increased usage may require additional maintenance, law enforcement, resource managers, technicians, information/interpretive specialists, and create a demand for new facilities. Under current budget limitations, manpower is already strained, and the potential recreational demand may only worsen the workload. However, more recreational use may justify an increase in the budget to meet recreational demand (Hicks, 2000).

Local Parks

The alternatives will not directly impact the Knights of Columbus Community Park.

The Blackwater Avoidance Alignments (1D East and West, 1E, and 1G East and West) will not adversely impact the proposed Thomas Park property because their planning will be coordinated with the creation of the park. These alignments will pass over at least parts of the proposed park on bridge structure. The percentage of the park directly impacted by the alternatives depends on the size of the actual park, which is yet to be determined. However, of the proposed 145-acre area, the Blackwater Avoidance Alignments would require less than ten acres (or less than seven percent) according to preliminary engineering design. The relationship between the proposed Thomas Park and the Blackwater Avoidance Alignments is detailed in *Section 4: Section 4(f) and Section 6(f) Analyses*. There will be no Section 4(f) use of the park because it will be jointly developed with Corridor H. The OPA, Alternative 2 and the Truck Route will not directly impact the proposed Thomas Park.

Hiking and Bicycle Trails

The Blackwater Avoidance Alignments pass north of the Allegheny Trail and, therefore, would not impact this trail.

The OPA and Alternative 2, with or without the Truck Route, would be on structure over the North Fork of the Blackwater River, and therefore would span the Allegheny Trail in this location. These alternatives would cross the trail to the east of the River where the trail is alongside WV 32. The crossing of the trail will be perpendicular, thereby minimizing potential impact. Additionally, access to the Bike Path will be maintained with either an overpass or underpass if necessary.

The Blackwater Avoidance Alignments would all bridge the Allegheny Highlands Trail, thus avoiding direct impact. The OPA and Alternative 2 pass south of the trail, and the Truck Route passes to the east of the trail. Therefore, none of the alternatives would directly impact the Allegheny Highlands Trail.

Because the Western Maryland Railway Bike Path is being developed as part of the Appalachian Corridor H Project, it will be uninterrupted by the proposed project, regardless of which alternative is selected.

3.2.8 VISUAL ENVIRONMENT

3.2.8.1 Existing Conditions

The Study Area was examined and evaluated following FHWA's guidance (FHWA, 1990). The Study Area at present has visual qualities derived from its mountainous terrain covered by secondary growth deciduous forest. The visual qualities of small parts of the Study Area are derived from abandoned, reclaimed, and active surface mining, and even smaller parts of the Study Area reflect limited development. The rural and natural visual qualities of the Study Area are typical for Tucker County and northeastern West Virginia. Therefore, the overall visual quality of the landscape is considered average.

Existing sites that may be sensitive to changes in their visual environment, including the addition of the proposed roadway to their viewshed, are residential areas, areas of recognized beauty, parks and recreation areas, designated historic and cultural areas, water bodies, and public facilities. Existing sensitive sites in the Study Area that could be affected by the proposed project are:

- Benbush residences
- Cortland Acres and Pineview Apartments
- Railroad Hill residences
- William residences
- Allegheny Trail
- Knights of Columbus Community Park
- Rosehill Cemetery
- Mount Calvary Cemetery
- Davis-Thomas Elementary and Middle School
- Tucker County High School

In addition, consideration was given to the relationship between the Build Alternatives and the Tucker County Landfill. Previous strip mining activities have rendered vegetative screening of the landfill less effective on the east side of the landfill than that on the south side.

Visual impacts to sensitive sites were assessed for two viewer groups:

- Those with a view from the proposed project; and
- Those with a view of the proposed project.

3.2.8.2 Potential Impacts

View From The Proposed Project

The 1996 FEIS found that the OPA would make available vistas of the area that were previously unavailable to the traveling public. However, the OPA may not provide as intimate a visual experience as do existing roadways, and the feeling of local communities may not be as evident as it is on existing roadways (WVDOH, 1996). Because they are so similar in location, the remaining alternatives retained for detailed study in this document are expected to provide similar visual experiences from the proposed roadway as would the OPA.

Views from the proposed project would be negatively impacted by only the Tucker County Landfill. The East options of the Alternatives 1D and 1G will present travelers a view of the Tucker County Landfill, particularly if travelers are westbound. The West options of Alternatives 1D and 1G will not include this view, nor will Alternative 1E, the OPA, Alternative 2 or the Truck Route option, because they will pass the landfill at an elevation lower than the landfill itself.

View Of The Proposed Project

Of the sensitive sites identified in the Study Area and listed above, the following will have no change in their visual environment because none of the alternatives retained for detailed study are located in their viewsheds:

- Cortland Acres and Pineview Apartments
- Railroad Hill residences
- Mount Calvary Cemetery
- Tucker County High School

The potential impacts of the alternatives retained for detailed study on the remaining sensitive sites are presented in Table III-4. Where the proposed roadway is not visible from a sensitive site, there is "no impact" on the site. Where the proposed roadway is visible from a sensitive site, the impact on the site was considered. Because the existing visual environment is typical and average, the addition of the roadway to any view from a sensitive site was considered "no adverse impact" on the site.

Table III-4
Visual Impact on Sensitive Sites in the Study Area

	1D West	1D East	1E	1G West	1G East	2	OPA	TR
Benbush	No Adverse Impact	No Adverse Impact	No Adverse Impact	No Impact	No Impact	No Impact	No Impact	No Impact
William	No Adverse Impact	No Adverse Impact	No Adverse Impact	No Impact	No Impact	No Impact	No Impact	No Impact
Allegheny Trail	No Adverse Impact	No Impact	No Adverse Impact	No Adverse Impact	No Impact	No Adverse Impact	No Adverse Impact	No Adverse Impact
Knights of Columbus Community Park	No Impact	No Impact	No Impact	No Impact	No Impact	No Impact	No Impact	No Adverse Impact
Rosehill Cemetery	No Impact	No Impact	No Impact	No Adverse Impact	No Adverse Impact	No Impact	No Impact	No Impact
Davis-Thomas Elementary and Middle School	No Impact	No Impact	No Impact	No Impact	No Impact	No Impact	No Impact	No Adverse Impact

3.2.8.3 Avoidance, Minimization, and Mitigation

The visual quality of the views from and of the proposed roadway are important considerations for this project as stated in the 1996 FEIS (p. III-88). Therefore, the commitment to design and construct a roadway facility that is visually compatible with the existing visual environment was made in the 1996 FEIS (pp. III-89 through III-91). Mitigation as necessary will be in the following categories: general design, construction, landscaping techniques, scenic overlooks, and site-specific measures to mitigate adverse impacts.

3.2.9 SECONDARY AND CUMULATIVE IMPACTS

Secondary impacts are defined as those that are “caused by an action and are later in time or farther removed in distance but are still reasonably foreseeable” (40 CFR §1508.8). This kind of impact is typically considered an effect indirectly caused or induced by construction of the proposed project. Secondary impacts include the changes in employment, population, and development that may result from a transportation project, as well as the social and environmental impacts of the induced land use changes. Cumulative impacts are defined as those impacts that “result from the incremental consequences of an action when added to other past and reasonably foreseeable future actions” (40 CFR §1508.7). Foreseeable actions are generally defined as those for which plans exist. Other major ongoing and planned projects within the Study Area that could potentially affect development could have a cumulative impact on the environment. These are considered in this analysis to the extent possible.

The development of this secondary and cumulative impact analysis is based on FHWA’s position paper addressing this type of analysis for highway projects (FHWA, 1992). In addition, guidance was provided in the U.S. Environmental Protection Agency’s (EPA’s) *Consideration of Cumulative Impacts in EPA Review of NEPA Documents*, May 1999; the Council on Environmental Quality (CEQ) regulations 40 CFR §§1500–1508; and CEQ’s 1997 manual, *Considering Cumulative Effects Under the National Environmental Policy Act*.

In a rural area with limited resource planning and minimal development restrictions, projecting the secondary and cumulative impacts of a project is somewhat problematic. Existing planning documents such as the *Tucker County, West Virginia Comprehensive Plan*, *City of Thomas Development Strategy*, *Davis: Can’t Top It!*, and the *Corridor H Design Guidelines and Tucker County Development Handbook* were consulted to identify planned projects, community goals, and tools for implementation. Interviews with local officials were conducted to update the findings of these documents and aid in the assessment of future impacts. In general, the methodology and analysis for secondary and cumulative impact analysis from the 1994 Corridor H ASDEIS was used and updated as appropriate for this study.

The secondary and cumulative area of influence for this project has been expanded beyond the Study Area to include all of eastern Tucker County, including the communities of Thomas, Davis, and Canaan Valley as directed by FHWA as the “geographic extent to which a project will affect traffic levels” (FHWA, 1992).

A comparison of secondary and cumulative impacts requires the establishment of the existing, No Build, and Build Alternative conditions. The existing condition is detailed throughout *Section 3: Existing Environment and Environmental Consequences* of this document and establishes the baseline of resources, ecosystems, and human communities in the year 2000. Demographic and land use analysis indicated that Tucker County employment and population are stable, but have minimal growth rates (West Virginia University, 1998). It is assumed that the No Build condition will continue these trends; however, this does not imply that the No Build Alternative does not alter resources, ecosystems, and human communities. Planned and reasonably foreseeable projects and impacts are identified in the No Build environment. The Build Alternatives and their associated induced development impacts are compared to the No Build scenario to determine the incremental effects.

3.2.9.1 Industrial Development

The only major planned and approved development slated for this region is the build out of the Mountain Top Industrial Park and the Tucker County Industrial Park. It is assumed that these parks will develop with or without Corridor H, but Corridor H would influence the rate and type of development.

Consistent with the remainder of the Corridor H secondary and cumulative economic analysis, industrial development was assumed to take place in the existing or planned industrial parks. Industrial park growth would be expected to be related to existing businesses and industries in the area or targeted markets (Tucker County Planning Commission, 1992). For Tucker County, this would include wood products manufacturing, light manufacturing, back-office operations, call centers,

and tourism (Schmiedeknecht, 2000 and Burns, 2000). Employment opportunities resulting from the build-out of the two industrial parks in the region is likely to have an impact on Study Area residents. Key characteristics of the industrial parks include:

Tucker County Industrial Park

- Located north of Davis and south of WV 93, in Tucker County
- 162 acres
- In the process of applying for funding to provide water and sewer (Burns, 2000)
- Several letters of interest from existing local businesses looking to expand (Burns, 2000)
- In No Build, potential employers are assumed to be existing local businesses not dependent on heavy truck traffic or shipping (Burns, 2000)
- With the avoidance alignments or the OPA, potential employers would not be limited by lack of transportation infrastructure due to the development of Corridor H.

Mountain Top Industrial Park

- Near Mt. Storm and currently accessed by WV 93, in Grant County (east of the Parsons-to-Davis Study Area)
- Referred to as the (new) Grant County Industrial Park in the Corridor H ASDEIS
- 182 acres
- Complete service package (water and sewer) currently available
- Currently under option to lease the park to a single tenant. After environmental permitting is completed, the tenant is expected to open for business between 2003 and 2004 (Hiser, 2001)
- Employment at full build-out is anticipated to be less than the figure projected in the ASDEIS (1,435 employees) (Hiser, 2001)
- Employment is anticipated to include a portion of workers from Tucker County (Hiser, 2001)
- Same level of development regardless of Build or No Build scenario

Both industrial parks would benefit from the accessibility afforded by Corridor H, although there are no differences between the OPA and the avoidance alignments in the type or magnitude of these benefits.

The CAG has identified the old airport area as a future site for industrial and residential development. No specific plans have been developed, but the direct access from Corridor H (with the avoidance alignments) and the topography of this area make it an obvious choice for a future industrial development site. As no plans have been developed for this site, it is not assumed to occur within the Build or No Build scenario. This site is, however, assumed to be a logical location for commercial development with the avoidance alignments (discussed further in the following section).

The Tucker County Landfill is a source of revenue for Tucker County and currently accepts 50 to 60 truckloads of refuse daily and plans to expand its capacity. Plans for expansion are not dependent on the development of Corridor H; but it would generally benefit equally from all the avoidance alignments, as well as the OPA, due to the potential expansion of its service area. Expansion of the service area would likely increase county landfill revenues in the short term. The West Landfill Option (for either 1D or 1G) would have a direct impact on the Landfill due to the encroachment upon the facility's scales and scale house. This issue is discussed in *Section 3.2.5: Relocations*.

3.2.9.2 Commercial Development

Under the No Build scenario, no new highway-related commercial development is anticipated to occur. Analysis of new commercial development related to the construction of Corridor H was done in the 1994 Corridor H ASDEIS. The analysis used a model from a study of rural interchange development along new interstate highways (Hartgen et al, 1992), and is incorporated here by reference.

An additional tourism component was added to update this analysis based on the estimated origin and travel patterns of tourists destined to the attractions along the WV 32 corridor between Blackwater Falls State Park and Canaan Valley State Park. A description of these assumptions is located in *Section 3.2.1: Economic Environment*.

Traffic Volumes

New commercial development will seek locations with high traffic volumes to maximize exposure to potential customers (Hartgen et al, 1992). With Corridor H in place, the function of the local roads will change, affecting relative traffic routes. While US 219 north of Thomas will retain its importance as a major route to Maryland and I-68, US 219 to the west of Thomas will parallel Corridor H and therefore primarily serve local trips. A greater reduction in traffic is anticipated on US 219 between Parsons and Thomas with Corridor H in place as a result of this dynamic, thus reducing potential traffic volumes at the western connection of all of the Blackwater Avoidance Alignments (1D East and West, 1E, and 1G East and West). WV 32 will remain a primary access route for long-distance travelers to the Canaan Valley area. Thus, as a factor in locating new commercial development, WV 32 (the Davis Connection) and US 219 north of Thomas (the northern connection) are more favorable due to higher traffic levels than US 219 west of Thomas (the western connection).

Approximately 150 acres of relatively level, developable land is in the immediate vicinity of the western Thomas connection under Alternative 1G. The eastbound on/off ramp for Alternative 1E is also in this vicinity. A portion of the tract located north of US 219 is often referred to as the old airport property. The entire tract is adjacent to existing water and sewer lines, but it is outside the corporate limits of Thomas. Local officials have indicated that they desire this property to develop with residential and industrial uses, and that if development were to occur, they would anticipate annexing this area (Snyder, 2000). Alternative 1D and the westbound on/off ramp for Alternative 1E access smaller developable parcels of land west of Benbush. The OPA and Alternative 2 do not access any land west of Thomas.

Under all Blackwater Avoidance Alignments (1D East and West, 1E and 1G East and West), the northern connection occurs within one mile and one-half mile of the existing downtown Thomas business district. The vacant properties in downtown Thomas as well as approximately 30 acres of property, a portion of which is riverfront, would be potentially attractive for commercial development. The entire tract is adjacent to existing water and sewer lines. This parcel is located just north of the City of Thomas' corporate limits, but local officials have indicated that they would attempt to annex this area to benefit from any development (Snyder, 2000). The OPA and Alternative 2 do not access any land north of Thomas.

The Davis interchange of all the avoidance alignments and the OPA would directly access over 40 acres of level and developable land fronting WV 93 and WV 32. This development would be bound by the environmental constraints of the Tucker County Landfill to the north and a large wetland complex to the west. A portion of this area, just northwest of WV 93, is within the Town of Davis' corporate limits. Water and sewer infrastructure is currently lacking for the development of this parcel, but were funding available, it is feasible that it could tie into the Davis PSD.

Distance from Interchanges

Outside the Study Area, the nearest Corridor H connections are approximately 11 miles to the west in Parsons and 16 miles to the east in Bismark. Within the Study Area, there is approximately one mile between the western and northern Thomas connections and approximately three miles between the northern Thomas and Davis connections. The Study Area appears to be sufficiently distant from the nearest major connections to garner travelers' demand for commercial development; however, three connections within four to five miles within the Study Area would tend to disperse that demand across all of the connections, other factors being equal.

Available Infrastructure

The Thomas PSD main line runs from the Thomas Reservoir south along US 219 and west along US 219 to the Tucker County High School. All of the Blackwater Avoidance Alignment interchange areas north and west of Thomas would have access to these existing water and sewer lines to support any potential commercial development at interchange areas. Water and sewer lines would have to be extended from Thomas or Davis to support development at the Davis connection. This factor contributes to the feasibility of development in each area, but does not substantially differentiate any area from the others, particularly given that the research on this factor indicates that smaller-scale development (such as a restaurant) is not necessarily sensitive to this issue.

Tourists

Two aspects of tourist travel in the region will influence new commercial development in the Study Area: the distribution of tourist traffic and the potential increase in tourist visitation with Corridor H. These issues are discussed in detail in *Section 3.2.1: Economic Environment*.

Conclusions

Based on the factors detailed above, the following are the developmental stages that can occur on land surrounding new intersections and interchanges on rural highways according to the Hartgen model. This analysis was further adjusted based on knowledge of local plans and goals.

- minimal development
- residential: single family homes
- light tourist services: one gas station, one restaurant
- economically competitive: two to four gas stations, two restaurants, one or two motels
- economic integration: four or more gas stations, five or more restaurants, three or motels, no residential, other business
- heavy tourist: six or more motels, six or more restaurants, three or more gas stations
- truck stop

It is unlikely that this region could support the full build-out of all three interchanges, with such close proximity to each other and at its projected population level and traffic volumes. The actual level of development will depend on additional factors, such as the type and level of development desired by the locality, parcel ownership, regional growth, market factors, and infrastructure development. The original Corridor H Secondary and Cumulative Impact analysis conducted in 1994 predicted approximately 300 additional commercial jobs in all of Tucker County (including the Parsons area) with the OPA, which would impact approximately 66 acres of land (WVDOH, 1994c). Based on the increased access provided by the Blackwater Avoidance Alignments and the Preferred Alternative for the Kerens-to-Parsons Project, this figure is expected to be somewhat higher, but the proximity of interchanges and resulting competition for development makes predicting the amount of the increase difficult. The estimates from the original analysis thus present an order-of-magnitude estimate, and based on this estimate, it appears that ample developable acres are available to receive the new commercial development.

All three connections of Alternative 1G have potential to develop to an economically competitive level. The economically competitive level, which includes gas stations, restaurants, and motels, is the highest level of development anticipated for any interchange associated with this project. The western connection of Alternative 1D and 1E is limited by traffic and developable land (this is more true of Alternative 1D than of 1E because of the placement of the westbound ramps). By design, the OPA and Alternative 2 are limited to one interchange within the Study Area.

3.2.9.3 Residential and related service-oriented growth

The Corridor H ASDEIS *Secondary and Cumulative Impacts Technical Report* includes analysis of the effects of Corridor H on residential and service-oriented development (WVDOH, 1994c). As new residential development occurs, service-oriented development grows to support it. This original analysis allocated residential and service-oriented growth within the 100-mile corridor of the project on the basis of several factors, including availability of land, school district characteristics, and accessibility to employment. The original analysis allocated approximately 400 new housing units to Tucker County as a whole. For the current analysis, a closer look at the labor force characteristics and land use within eastern Tucker County was considered relative to the updated information on industrial park development.

Substantial residential development in Tucker County is not anticipated as a result of the jobs created by the Tucker County Industrial Park or the Mountain Top Industrial Park. The reason for this is twofold: current interest in the Tucker County park is for the expansion of businesses that already exist in Tucker County, which would largely involve the relocation of existing jobs. While the Mountain Top Industrial Park is expected to employ a large number of new workers, only a portion will reside in Tucker County. Given the high unemployment rate in Tucker County, a substantial number of new jobs could be created without generating a need for new workers to move into the county, assuming the new jobs fit the skills of the labor pool. Although residential expansion is not anticipated within the time frame of this analysis, localities have identified potential areas for future residential growth. This residential growth will, in part, supplement or replace the aged housing stock that is currently available in Thomas and Davis.

The CAG has identified the parcels west of Thomas at the site of the old airport and north of Thomas as potential areas for residential growth. The City of Thomas also identified the area west of 32/1 (south of the catholic cemetery) as a site for potential residential and commercial development. However, new housing construction was ranked in the bottom third of priority projects identified in a survey completed by the community of Thomas and the Steering Committee (City of Thomas, 1998).

Under the No-Build Alternative, in which minimal (0.15 percent) annual growth is projected (West Virginia University, 1998), little or no growth in the housing stock would be anticipated to occur. With the OPA and the avoidance alignments, some residential infill would be expected to occur between Thomas and the Davis connection and the Tucker County Industrial Park and possibly on the tracts in the Thomas area identified for potential residential development.

3.2.9.4 Cumulative Economic Impacts

In 1998, Wilbur Smith Associates completed a study entitled *The Appalachian Development Highway System*, which measures the extent to which the completed portions of the ADHS have contributed to the economic well-being of Appalachia. As a designated Appalachian Development Highway, Corridor H is anticipated to result in similar economic benefits, although on a smaller scale, as those identified in the study. Unlike the industrial, commercial, and tourist-based growth anticipated as a result of avoidance alignments or the OPA, travel time efficiencies resulting from the new facility would correlate into many secondary economic benefits for the region. Travel time efficiencies may be in the form of reduced travel time, reduced vehicle operating costs, and a reduced number of accidents. The Wilbur Smith study assumed that the “improved travel efficiency along the ADHS corridors ultimately leads to an increase in economic production, job opportunities, wages, population, and travel benefits to the people and communities it serves” (Wilbur Smith Associates, 1998). While these specific benefits have been quantified to the extent possible throughout this document for the Parsons-to-Davis Project, the Wilbur Smith Associates study used a regional economic model (the REMI Model) to quantify the economic opportunity created for the entire Appalachia region. Following are some of the relevant study conclusions for the twelve ADHS corridors in the Appalachia region:

- ADHS has created jobs – By 1995 a net increase of 16,000 jobs are estimated to have been created that would not have existed without the completed portions of the ADHS. By 2015, the net increase will be a total of 42,000 jobs.
- ADHS has led to increased production – By 1995 the net increase in value added was \$1 billion. In 2015 the net increase in value added is projected to be \$6.9 billion.
- Improved road conditions and access resulting from greater efficiency has been valued at \$4.89 billion over the 1965-2025 period.
- Over the life cycle of the ADHS, for each \$1 invested, the return is \$1.18 in efficiency benefits, and \$1.32 in economic impact benefits.

Individual corridor efficiency benefit returns on investment range from 5.44 percent per year to 10.06 percent per year.

3.3 NATURAL ENVIRONMENT

3.3.1 FLOODPLAINS

The methodology used for the floodplain analysis was presented in the 1996 FEIS, which is incorporated into this document by reference.

3.3.1.1 Existing Environment

Floodplains and floodways have been developed as part of the National Flood Insurance Program. Study Area mapping, with floodplains and floodways highlighted, is presented in Exhibit III-4. Within the Study Area, the North Fork of Blackwater River above Thomas and portions of Pendleton Creek have relatively wide floodplains on flat valley floors. Due to the flat, wide, and approximately level nature of these floodplains, flood-flow velocities and depth outside the mainstream channel are relatively low. In the Study Area only a short length, 1,575 feet, of regulatory floodway exists on the North Fork of the Blackwater River in Thomas (Exhibit III-4).

Between 1996 and 2000, there have been several significant flooding events in the region and the local watershed. Some of these events have been catastrophic. In 1996, flooding events in local sub-watersheds twice peaked at or above 100-year flood return levels. Because of a long flooding history and continued high risk, Tucker County has joined with Randolph County as partners in FEMA's Project Impact. Through this program, communities learn to protect themselves from the devastating effects of natural disasters by taking actions that dramatically reduce disruption and loss.

3.3.1.2 Potential Impacts

None of the Alternatives would have impacts to floodways. As described in the 1996 FEIS, the No-Build Alternative would have no effect on floodways or floodplains in the Study Area.

None of the Blackwater Avoidance Alignments would have floodplain impacts. The OPA and Alternative 2 would require approximately 3.4 acres of floodplain encroachment associated with the construction of abutments at the Pendleton Creek crossing (1996 ASDEIS, Table III-41). The encroachment would not result in an increase of the average flood height by greater than one foot. The Truck Route option would not add floodplain encroachment to either the OPA or Alternative 2 impacts.

In some cases, bridge piers may be required to be located within 100-year floodplains. For any of the alternatives, piers will be designed and placed so that downstream flood height will not increase beyond 1 foot.

Because the proposed project presents a low-level risk to increase average flood heights, no detailed hydraulic studies have been performed or described here. This level of effort is consistent with T 6640.8A (FHWA, 1987, p. 33). Hydraulic studies required under 23 CFR 650 will be completed for the Preferred Alternative during the final design of the project.

3.3.2 VEGETATION & WILDLIFE

The existing environment and impacts to vegetation and wildlife for the project as a whole, including the Cheat River watershed, was detailed in the 1996 FEIS, and is incorporated here by reference.

The following sections provide an updated vegetation and wildlife habitat assessment for the alternatives retained for detailed study in this SDEIS. This assessment follows the guidance of the FHWA Technical Advisory T6640.8A (FHWA, 1987) and the EPA's *Evaluation of Ecological Impacts from Highway Developments* (Southerland, 1993).

3.3.2.1 Wildlife Habitat

Existing Conditions

Wildlife resources include reptiles and amphibians, a variety of game and non-game birds, raptors, and fur bearing mammals. While the Study Area is dominated by deciduous forest, other areas of maintained agricultural/pasture land, early successional shrubland, and early regenerating forest stands provide a diverse mosaic of upland wildlife habitat.

Upland forest is the dominant vegetation type within the Study Area. Because of the extensive logging and frequent fires that occurred throughout the upland forest region between 1870 and 1920, and because of historic and present surface coal mining, the present day forest vegetation is mostly a mosaic of second and third-growth forest communities (Stephenson, 1993). The vegetative community within the Study Area consists of two forest types – the Northern Hardwood Forest and the Appalachian Mixed Hardwood Forest.

Northern Hardwood Forests generally occur at elevations above 3,000 feet, but can extend down slope as low as 2,460 feet in rich moist loamy soils (Stephenson, 1993). The three dominant tree species of this forest type are Sugar Maple (*Acer saccharum*), Beech (*Fagus grandifolia*), and Yellow Birch (*Betula allegheniensis*).

Appalachian Mixed Hardwood Forests generally occur below 2,460 feet and are characterized by a great diversity in species composition. Overstory composition may range from nearly pure stands of Red Oak (*Quercus rubra*) or Yellow Poplar (*Liriodendron tulipifera*) to mixtures of twenty or more commercially valuable species.

Table III-5 provides the land cover types within the construction limits of the Build Alternatives, based on the USFWS cover type classification system (USFWS, 1981).

Table III-5
USFWS Land Cover by Alternative (acres)

USFWS Cover Type	1D West	1D East	1E	1G West	1G East	2	OPA	TR
AC- Cropland or Orchard	0	0.2	0	0	0.2	0	0	0
AP- Pasture or Hayland	4.6	10	7.7	3.1	8.5	13	14	2.3
UFOD- Deciduous Forest and Mixed Forest	393	391	367	352	350	300	198	22
UFOE- Evergreen Forest	106	97	112	108	100	124	112	7
PEM	1.1	0.9	2.1	0.5	0.3	2.7	3.0	0.1
PFO	0.1	0	3.5	0.1	0	0	0.6	0
PSS	0.1	0.7	1.0	0.1	0.7	1.5	1.5	0

Wildlife habitat values within the Study Area were assessed using the USFWS Habitat Evaluation Procedure (HEP) (USFWS, 1981). HEP was developed to rate the quality and quantity of wildlife habitat in order to quantify the impacts that result from land and water development projects. HEP is based on the fundamental assumption that the quantity and quality of a habitat can be numerically documented and reasonably predicted for future conditions. Generally, HEP provides information to evaluate the relative value of different habitat types before, during and after highway construction for each of the proposed alternatives.

Habitat quality for selected evaluation species is documented with a non-dimensional index, the Habitat Suitability Index (HSI). This value is calculated by collecting information on key habitat characteristics (e.g., percent tree canopy cover, percent herbaceous canopy cover, and density of woody stems) that are integral components of species life requisites (breeding and feeding). The HSI for each species is determined by comparing existing habitat conditions to optimal habitat conditions. Optimal conditions are those associated with the highest potential densities of a species within a defined area, and thus the HSI value is an index of carrying capacity for that species. This index is a number that ranges from 0.0, representing no habitat suitability, to 1.0 representing optimum suitability. When calculating the HSI for species that utilize more than one habitat type, the HSI value is weighted by the area of available habitat to produce a weighted mean HSI. This prevents underestimating the suitability of a species' total habitat.

The Habitat Unit (HU) is the principle unit of comparison in the HEP system. HU's are calculated for each evaluation species by multiplying the computed HSI value by the area of available habitat (e.g., 0.5 (HSI) x 120 (Area) = 60 HU's). HU's were used to quantify gains and losses in wildlife habitat value resulting from project-related activities.

The selection of evaluation species was based on several factors. The species had to meet three criteria:

- Found within the Study Area, either as a permanent resident or as a migratory species that potentially breeds within the Study Area;
- Represent a group of animals that exploits the same resources within particular cover types; and,
- Have an existing USFWS documented model for use with the HSI computer program.

Refer to the 1996 FEIS and the 1994 *Vegetation and Wildlife Habitat Technical Report* (WVDOH, 1994e) for additional details regarding species selection.

Of the 119 available wildlife species models, 18 evaluation species were selected to evaluate 11 USFWS habitat types within the Study Area (Table III-6). Due to the time and expense involved in model development and field- testing, only those wildlife models previously developed by the USFWS were considered for this assessment. In conjunction with HEP, the HSI program developed a list of habitat variables for each species and generated a data collection form for each cover type. The habitat variables for each species are defined in the 1994 *Vegetation and Wildlife Habitat Technical Report*.

Potential Impacts

Table III-7 provides the comparison of baseline habitat units within the construction limits of the alternatives, based on the identified evaluation species. The table provides results using both hectares and acres in the calculations, but the following discussion will reference only the results obtained with hectares.

The OPA and Alternative 2 would result in the least loss of HUs when compared to the Blackwater Avoidance Alignments. This is also generally the case when the Truck Route is added onto either of these alternatives. The exception is Alternative 1G East, which would have essentially the same amount of HU loss as Alternative 2 plus the Truck Route (1195 versus 1196 HUs) (Table III-7).

When comparing the Blackwater Avoidance Alignments with each other, one finds that Alternative 1G has the smallest HU impact. Alternative 1D would have the greatest HU impact of all the Build Alternatives. The difference between the East and West options is not substantial (17 HUs); therefore, wildlife habitat should not be a factor in considering which path is taken around the Tucker County Landfill. The quantity of HU impacts varies among the alternatives retained for detailed study because they also vary in length; however, the intensity of impacts resulting from the loss of HUs due to this project does not vary meaningfully among the alternatives retained.

**Table III-6
Cover Type Use By Evaluation Species**

USFWS Cover Types	Evaluation Species																	
	American Woodcock	Barred Owl	Black-capped Chickadee	Brown Thrasher	Downy Woodpecker	Eastern Cottontail	Eastern Meadowlark	Eastern Wild Turkey	Gray Squirrel	Hairy Woodpecker	Mink	Muskrat	Pileated Woodpecker	Pine Warbler	Red-winged Blackbird	Veery	White-tailed Deer	Yellow Warbler
Cropland	●	●	.
Orchards	.	.	.	●	.	●	●	.
Pasture/Hayland	.	.	.	●	.	●	●	●	●	.
Forbland	.	.	.	●	.	●	●	●	●	.
Deciduous Forest	●	●	●	●	●	●	.	●	●	●	.	.	●	●	.	.	●	.
Evergreen Forest	●	●	●	●	●	●	.	●	●	●	.	.	●	.
Grassland	.	.	.	●	.	●	●	●	●	.
Deciduous Shrubland	.	.	.	●	.	●	.	●	●	●
Palustrine Emergent Wetland (PEM)	●	.	.	●	.	●	.
Palustrine Forested Wetland (PFO)	●	●	●	.	●	.	.	●	●	●	●	.	●	.	.	●	●	.
Palustrine Scrub/Shrub Wetland (PSS)	●	●	.	.	.	●	●	●

The projected loss of habitat units for each alternative is based on the assumption that all wildlife habitat in the construction limits would be altered due to highway construction. Final design for the highway may not necessarily impact this entire area. Bifurcations in the roadway may leave portions of existing wildlife habitat intact, thereby reducing the net loss of habitat units. Right-of-way (ROW) development, in conjunction with highway construction, could provide additional habitat for wildlife utilization. In addition, roadside re-vegetation could potentially recapture additional HUs temporarily lost to construction.

Avoidance, Minimization, and Mitigation Measures

The WVDOH has made a commitment to mitigate for upland habitat removed due to the construction of Corridor H (WVDOH, 1996, *Volume III: Mitigation Document*). In response to the impacts reported in the ASDEIS, the WVDOH, in consultation with USFWS and WVDNR (meeting held May 25, 1995), prepared the *Mitigation Document* which outlines methodologies to be used for the mitigation of impacts to upland habitat. The WVDOH has adhered to and will continue to adhere to stipulations outlined in the Mitigation Document.

Table III-7
Comparison of Baseline Habitat Units (HUs) by Evaluation Species

Evaluation Species	HSI Values	OPA		2		1D West		1DEast		1E		1G West		1G East		TR	
		w/acres	w/hectares	w/acres	w/hectares	w/acres	w/hectares	w/acres	w/hectares	w/acres	w/hectares	w/acres	w/hectares	w/acres	w/hectares	w/acres	w/hectares
American Woodcock	0.6	186.32	75.38	253.98	102.76	299.22	121.06	292.92	118.51	289.73	117.22	275.88	111.62	269.58	109.07	16.98	6.87
Barred Owl	0.66	204.95	82.92	279.38	113.04	329.14	133.17	322.21	130.36	318.70	128.95	303.47	122.78	296.54	119.98	18.68	7.56
Black-capped Chickadee	1	310.53	125.64	423.31	171.27	498.70	201.77	488.19	197.52	482.88	195.37	459.81	186.04	449.30	181.79	28.30	11.45
Brown Thrasher	0.13	42.05	17.01	56.73	22.95	65.41	26.47	64.76	26.20	63.25	25.59	60.17	24.34	59.51	24.08	3.98	1.61
Downy Woodpecker	0.5	155.26	62.82	211.65	85.64	249.35	100.89	244.10	98.76	241.44	97.69	229.90	93.02	224.65	90.89	14.15	5.72
Eastern Cottontail	0.74	239.35	96.84	322.93	130.66	372.36	150.66	368.64	149.15	360.01	145.66	342.48	138.57	338.76	137.06	22.64	9.16
Eastern Meadowlark	0.49	6.63	2.68	6.42	2.60	2.23	0.90	4.89	1.98	3.48	1.41	1.50	0.61	4.16	1.68	1.13	0.46
Eastern Wild Turkey	0.55	178.42	72.19	240.21	97.19	276.79	111.99	274.11	110.90	269.49	109.03	254.58	103.00	251.90	101.92	16.83	6.81
Gray Squirrel	0.52	103.45	41.85	155.74	63.01	204.32	82.67	203.35	82.28	192.82	78.02	182.85	73.98	181.88	73.59	11.31	4.58
Hairy Woodpecker	0.73	145.22	58.76	218.63	88.46	286.84	116.06	285.48	115.50	270.69	109.52	256.69	103.86	255.33	103.31	15.88	6.42
Mink	0.69	1.48	0.60	1.06	0.43	0.10	0.04	0.50	0.20	3.10	1.25	0.10	0.04	0.50	0.20	0.00	0.00
Muskrat	0.21	0.96	0.39	0.89	0.36	0.26	0.10	0.35	0.14	0.64	0.26	0.12	0.05	0.21	0.08	0.01	0.01
Pileated Woodpecker	0.38	118.00	47.74	160.86	65.08	189.50	76.67	185.51	75.06	183.49	74.24	174.73	70.69	170.74	69.08	10.75	4.35
Pine Warbler	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Red-winged Blackbird	0.01	0.03	0.01	4.26	1.72	5.00	2.02	4.89	1.98	4.81	1.95	4.60	1.86	4.50	1.82	0.28	0.11
Veery	0.41	0.88	0.36	0.63	0.26	0.06	0.02	0.30	0.12	1.84	0.75	0.06	0.02	0.30	0.12	0.00	0.00
White-tailed Deer	0.97	319.11	129.11	427.75	173.07	489.35	197.99	485.05	196.25	478.25	193.50	449.52	181.88	445.22	180.14	29.74	12.03
Yellow Warbler	0.33	0.50	0.20	0.50	0.20	0.03	0.01	0.24	0.10	0.33	0.14	0.03	0.01	0.24	0.10	0.00	0.00
Total HUs		2013.1	814.5	2764.9	1118.7	3268.7	1322.5	3225.5	1305.0	3165.0	1280.5	2996.5	1212.4	2953.3	1194.9	190.7	77.1

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A Habitat Unit Ledger has been created to chronicle WVDOH's effort to mitigate for upland habitat loss. The commitment to spend \$1.8 million to purchase and preserve unique habitat has been agreed upon by USFWS, WVDNR and WVDOH (see USFWS letter dated March 12, 2002, *Section 7: Comments and Coordination*). The agencies have also agreed that the Corridor H FEIS Preferred Alternative would impact 6,145 HU (calculated using the area of impact in hectares). WVDOH is committed to the purchase of unique habitat to balance the HU ledger.

3.3.2.2 Forest Fragmentation & Biodiversity

Large forested tracts are important habitat for area sensitive species and species requiring large territories. These forested areas contain other microhabitats such as streams and associated riparian corridors that are used by a wide variety of wildlife species for feeding and/or breeding purposes. During the preparation of the FEIS, forest interior neotropical migrant bird species were chosen to represent area-sensitive and landscape-dependent (sensitive to changing land use patterns) wildlife species to assess the possible effects that forest fragmentation may have on these species and biological communities (Table III-8).

Table III-8
Neotropical Migrant Bird Species Selected to Characterize the Forest Interior

Common Name	Scientific Name	Nesting Location
Acadian Flycatcher	<i>Empidonax vireescens</i>	mid-story/canopy
Least Flycatcher	<i>Empidonax minimus</i>	mid-story/canopy
Wood Thrush	<i>Hylocichla mustelina</i>	mid-story/canopy
Cerulean Warbler	<i>Dendroica cerulea</i>	mid-story/canopy
Worm-Eating Warbler	<i>Helmitheros vermivorus</i>	ground-low
Northern Parula	<i>Parula americana</i>	mid-story/canopy
Louisiana Waterthrush	<i>Seiurus motacilla</i>	ground-low
Ovenbird	<i>Seiurus aurocapillus</i>	ground-low
American Redstart	<i>Setophaga ruticilla</i>	mid-story/canopy
Scarlet Tanager	<i>Piranga olivacea</i>	mid-story/canopy

An extensive review of this literature was conducted and summarized in the 1996 FEIS (pp. III-135 to III-148) and the 1994 *Vegetation and Wildlife Technical Report* (WVDOH, 1994e). The review concluded that scientific researchers had not reached a consensus regarding the overall effects of forest fragmentation due to the complex nature of the interacting parameters and the number of different wildlife species potentially involved. However, because of the large tracts of contiguous forest present in the Corridor H Study Area, it was unlikely that forest fragmentation, generally defined as dividing a large forest into a mosaic of small unconnected patches, would result from the project.

Methodology

Detailed information on the methodology used for the evaluation of forest fragmentation on landscape dependent species, represented by neotropical migrant birds species, is presented in the 1996 FEIS and the 1994 *Vegetation and Wildlife Technical Report*. Changing land use patterns were assessed to determine the potential effects on the species and to provide an overview of the existing land use/land cover within the Study Area.

Breeding bird survey data were reviewed to determine the present population trends of neotropical migrant bird species within West Virginia. Because the Cowbird is implicated as one factor in the decline of neotropical migrants (Brittingham and Temple, 1983; Donovan et al., 1995; Robinson et al., 1995; Trine, 1998), population trends of this species were also reviewed.

Total amount of forest habitat (i.e., total reserve area) is another important component of forest fragmentation. A GIS analysis was used to determine the total area of forest habitat within each of the alternatives retained for detailed study before and immediately after highway construction.

Potential changes in land cover patterns were also assessed within a 5-mile buffer using digital image processing and a combination of multi-tier remote sensing techniques. The land cover data set used in this analysis was based on 30-meter Landsat thematic mapper (TM) data. National Land Cover Data (NLCD) was developed from TM data acquired by the Multi-resolution Land Characterization (MRLC) Consortium. The West Virginia NLCD set was produced as part of a study area encompassing portions of Federal Region III, including the states of Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia. This data set was produced under the direction of the MRLC Regional Land Cover Characterization Project of the USGS EROS Data Center (EDC), Sioux Falls, SD.

Existing Environment

The Study Area's upland forest is a mixture of deciduous forest and evergreen forest (USFWS cover types) similar to that forest associated with the OPA described in the 1996 FEIS. The topography and hydrology of Study Area has been altered through historical and present surface mining and mining related activities (e.g., railroads, access roads, waste disposal), and the construction of WV 93. Some portions of the forested area have undergone timbering and selective cutting. This physical alteration of existing land use and changing land use patterns over time has already led to habitat simplification and fragmentation within the Study Area.

Potential Impacts

Upland forest accounts for approximately 75 percent of the 8,560-acre Study Area. Because the Study Area consists of large continuous forested areas that extend well beyond the limits of the Study Area, a mosaic of small, forest patches (i.e., forest fragmentation) will not be created due to construction of any of the proposed alternatives alignments.

The OPA will impact approximately 310 acres of upland forest cover while the avoidance alignments will impact between 420 acres (Alternative 2) and 500 acres (Alternative 1D West) of upland forest cover. The difference in upland forest cover impacts among the alternatives retained for detailed study is primarily due to their various lengths.

From a Study Area perspective, no change in land use patterns would occur. Large forest patches (>1235 acres) would remain to accommodate species with large territory or "home-range" requirements. The total amount of forest habitat after highway construction within the Study Area would not be substantially reduced and would represent a very small percentage of regional forestlands available to wildlife species.

Edge Effects

The creation of edges due to highway construction can lead to the distribution of non-native plant species and noxious weeds if not controlled or mitigated after construction. Additionally, long grassy ROW corridors can facilitate the distribution of non-forest animal species (e.g., meadow vole, brown-headed Cowbird). Mitigation measures to minimize the spread of non-native plant species and noxious weed species are detailed in the 1996 *Mitigation Document* (Volume III of the 1996 FEIS).

Avoidance, Minimization, and Mitigation Measures

Mitigation measures presented in the 1996 *Mitigation Document* outline control measures to minimize the spread of non-native plant species and noxious weed species. The Mitigation Document also contains commitments for the use of native vegetation to rapidly re-vegetate areas disturbed during construction (WVDOH, 1996). Where practicable, WVDOH, in conjunction with the natural resource agencies, will attempt to limit the area of clearing and grubbing operations. Similarly, the amount of ROW maintained in short grasses would be limited to control the population densities of grassland and pioneer species of fauna.

3.3.2.3 Wildlife Mortality

A thorough discussion of wildlife mortality on reptiles, amphibians, birds, and mammals as a result of highway construction and operation is presented in the 1996 FEIS, and 1994 *Vegetation and Wildlife Technical Report* (WVDOH, 1994e). The construction of any of the alternatives retained for detailed study would convert existing land covers to early successional grassy or shrubby vegetation commonly associated with highway ROWs. Potential highway-wildlife impacts

would likely follow those observed on the Appalachian Corridor E (I-68) study (Michael, 1975), which is similar to the proposed project. The results of the I-68 study indicate that highway construction and operation would not adversely affect the majority of bird and mammal species, including game species that exist within the project watershed. Highway mortality was found to be density dependent; species killed in greatest numbers are those with high population densities that are attracted to ROW habitat, such as edge-associated birds, and small to medium sized mammals (Michael, 1975).

3.3.3 THREATENED & ENDANGERED SPECIES

The ESA of 1973 (16 USC 1531-1543 et seq.) declares the intention of Congress to protect all federally listed threatened and endangered species and designated Critical Habitat of such species occurring both in the U.S. and abroad. Section 7 of the ESA requires that federal agencies ensure that any federal action authorized, funded, or carried out is not likely to jeopardize the continued existence of any threatened or endangered species or result in the destruction or adverse modification of Critical Habitat. Critical Habitat, as defined in the ESA (16 USC 402.03 (5)(A)), is the specific location within the geographic area occupied by the species essential to the conservation of the species, which may require special management considerations or protection. Critical Habitat does not include the entire geographic area that can be occupied by the threatened or endangered species (16 USC 402.03 (5)(C)).

The USFWS is the regulatory agency responsible for administering ESA compliance. In a letter dated July 14, 2000, the USFWS stated that there are four threatened or endangered species that could possibly occur within or near the Study Area (*Section 7: Comments and Coordination*). The federally listed species in the Study Area and corresponding listing status is provided in Table III-9.

Table III-9
Federally Listed Species Potentially Located in the Study Area

Common Name	Scientific Name	Federal Status
Indiana Bat	<i>Myotis sodalis</i>	Endangered
Virginia Big-eared Bat	<i>Corynorhinus townsendii virginianus</i>	Endangered
WVNFS	<i>Glaucomys sabrinus fuscus</i>	Endangered
Cheat Mountain Salamander	<i>Plethodon nettingi</i>	Threatened

The USFWS recommended that an analysis of the study area be conducted to identify potential habitat and determine the likelihood of these species occurring in the new alignments. If identified, potential habitat was to be surveyed to determine the presence or probable absence of each species. The following subsections discuss the methods used to assess potential impacts to each federally listed threatened or endangered species and describe potential impacts that may result from the project, if any.

3.3.3.1 Indiana Bat

As required under Section 7, a Biological Assessment (BA) was prepared to evaluate the potential effects of Corridor H Sections 3-15 (which includes the OPA for this project) on the Indiana Bat and submitted March 22, 1999. The BA provided an estimate and percentage of potential summer roosting habitat that could be removed by Corridor H. Given the small percentage of available habitat to be removed, the BA concluded that the Indiana bat would not likely be adversely affected by the removal of habitat. The USFWS concurred with the findings of the BA in a letter dated June 21, 1999 (*Section 7: Comments and Coordination*).

In addition, the commitment was made to mist-net along Corridor H to detect the presence or probable absence of the Indiana bat. Mist-netting was conducted for all potential alternatives between May 15th and August 15th, 2001. No Indiana bats were captured, thus no further ESA Section 7 consultation is required for the Study Area regarding Indiana bats. The USFWS concurred with these findings in a letter dated November 9, 2001 (*Section 7: Comments and Coordination*).

3.3.3.2 Virginia Big-Eared Bat

A Biological Evaluation (BE) was prepared for the Virginia Big-Eared Bat for the Corridor H Project and submitted to the USFWS in February 2001. The BE provided a history of the informal Section 7 consultation regarding the Virginia Big-eared Bat. In addition, the BE defined and identified essential habitat (including hibernacula, roosting and maternity caves, as well as the foraging areas that surround these habitats) and satellite caves (caves of less importance used periodically) that occur near Corridor H. The BE found that no essential habitat or satellite caves occur within the Study Area for this project. Given that no habitat occurs for the species, no adverse effect would result in the construction of this project. In a letter dated April 18, 2001, USFWS found the BE sufficient and concurred in the "no adverse effect" finding (*Section 7: Comments and Coordination*).

3.3.3.3 West Virginia Northern Flying Squirrel

Ed Michael, Ph.D., a recognized expert of the WVNFS, investigated the Study Area to identify potential habitat for the squirrel. Dr. Michael identified ten areas of potential habitat. Consistent with USFWS guidelines, live trapping was conducted for ten nights at each site in August and September 2000 and April and May 2001. A total of 10-25 live traps were set at each site depending upon the size and suitability of the habitat. During the trapping of 2001, the WVNFS was captured in two locations within the Study Area, along Big Run and south of Middle Run, both of which are within the cut/fill limits of the OPA. Given this discovery and following informal consultation with the USFWS, additional trapping was conducted to determine the extent of the Big Run population in order to develop avoidance alignments in the western portion of the project.

The results of this survey were reported in a BA prepared for the WVNFS, submitted August 2002. The BA found that the OPA would likely result in an adverse effect to the species and that the avoidance alignments would not likely adversely affect the WVNFS. USFWS did not concur with this conclusion and stated that any of the alternatives presented in the BA (which are the same alternatives presented in this SDEIS) would not avoid suitable habitat for the species (letter dated October 11, 2002, *Section 7: Comments and Coordination*). According to the most recent Recovery Plan for the species (USFWS, 2001), suitable habitat for the WVNFS is assumed to be potentially occupied by the species; therefore, any of the alternatives would impact potentially occupied WVNFS habitat. Further consultation with the USFWS will be required for the Preferred Alternative.

3.3.3.4 Cheat Mountain Salamander

Thomas Pauley, Ph.D., a recognized expert of the Cheat Mountain salamander, conducted field investigations to identify potential habitat and the actual presence of the Cheat Mountain Salamander within the Study Area. During the investigation, which focused on high elevation peaks, three areas were found with emergent boulders or rocks and conifer forests that could support the salamander. These areas, as well as other less suitable habitats, were surveyed and no Cheat Mountain Salamanders were found. The survey results were presented in a letter report, submitted to the USFWS July 2002. In a letter dated August 12, 2002, the USFWS concurred that the Parsons-to-Davis Project is not likely to adversely affect the Cheat Mountain Salamander, and that no further Section 7 consultation is required with regard to this species (*Section 7: Comments and Coordination*).

3.3.3.5 Species of Concern

In addition to the list of threatened and endangered species, the USFWS provided a list of 11 Species of Concern that may occur in the Study Area, but not necessarily within the construction limits of the alternatives retained for detailed study. These species are presented in Table III-10. While Species of Concern are not formally protected by the ESA, the USFWS and the WVDNR encourage continued consideration of these species in environmental planning. Where possible, alternatives were developed to avoid known populations of Species of Concern.

As discussed in *Section 3.2.2* above, sufficient forest will remain after construction of the project that wildlife, including Species of Concern, will retain adequate available habitat. In addition, when possible, impacts to aquatic habitat will be avoided and/or minimized.

Table III-10
Species of Concern Potentially Located in the Study Area

Common Name	Scientific Name
Eastern Small-footed Bat	<i>Myotis liebii</i>
Eastern Woodrat	<i>Neotoma floridana magister</i>
Southern Rock Vole	<i>Microtus chrotorrhinus</i>
Appalachian Cottontail	<i>Sylvilagus obscurus</i>
Southern Water Shrew	<i>Sorex palustris punctulatus</i>
Hellbender	<i>Cryptobranchus alleganiensis</i>
Cheat Minnow	<i>Rhinichthys bowersi</i>
Darlington's Spurge	<i>Euphorbia purpurea</i>
Butternut	<i>Juglans cinerea</i>
Northern Goshawk	<i>Accipiter gentilis</i>
Cerulean Warbler	<i>Dendroica cerulea</i>

3.3.3.6 State Protection of Species

The State of West Virginia relies upon federal legislation to protect vertebrate, invertebrate, and plant resources. The West Virginia Department of Commerce, Labor, and the West Virginia Natural Heritage Program (WVNHP), within the WVDNR, maintain a database with the known location of federally listed threatened and endangered species, as well as a list of Rare Species. The WVNHP places species on this list based on their population status within West Virginia. The WVNHP provided a list of the Rare Species found in Tucker County, as well as a list of those with known occurrences within the Study Area. Rare Species, which may be limited in West Virginia for a variety of reasons (e.g., being at the far extent of the species range), but more abundant and widespread in other states, are not afforded special legal protection as the federally listed threatened and endangered species are. However, a review of the impacts to these species was considered in the planning process through coordination with the WVNHP.

3.3.3.7 Avoidance & Minimization Measures

The only rare, threatened, or endangered species impacted by any of the alternatives is the WVNFS. All of the alternatives presented in this SDEIS would impact habitat potentially occupied by the WVNFS. Section 7 consultation will continue for the Preferred Alternative and formal consultation may be required. At that time, measures to further avoid and minimize impacts to the WVNFS will be agreed upon and implemented.

3.3.4 WETLANDS

Executive Order 11990 establishes a national policy to "avoid to the extent possible the long-term and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative." Wetlands within the Study Area have been evaluated in accordance with E.O. 11990.

3.3.4.1 Methodology

Detailed discussions of the wetland identification and delineation methods used for the Study Area are included in the 1996 FEIS and the 1994 *Wetlands Technical Report* (WVDOH, 1994f). Wetlands are defined by the EPA and the COE as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (40 CFR 230.3 and 33 CFR 328.3). Prior to conducting fieldwork, locations of known wetlands and potential wetland areas were identified using existing data which included the Tucker County Soil Survey (USDA, 1967), USFWS NWI Maps, USGS Maps 7.5' Quadrangles, and the COE Wetland Delineation Manual, January 1987.

Field delineations for wetlands located within the Study Area were conducted by environmental scientists trained in federal wetland identification and delineation procedures according to the Routine Onsite Determination Method

outlined in the COE Wetlands Delineation Manual (Environmental Laboratories, 1987). Wetland classification was defined using the classification system developed by the USFWS (Cowardin et al., 1979). All wetland data, including boundaries and vegetation classification, were entered into the GIS.

A functions and values evaluation of each wetland located in the Study Area was conducted using the WET 2.1 computer model and a descriptive approach developed by the COE (New England Division). The WET 2.1 model is based on FHWA's Wetland Evaluation Technique (WET) (Adamus et al., 1991) and provides an estimate (qualitative probability) of the likelihood that a function or value will occur in a wetland in terms of social significance, effectiveness, or opportunity to perform the function. The descriptive approach, developed by the COE (New England Division), provides an approach to graphically represent the functions and values of wetlands, separately and in relationship to other constraints and resources.

3.3.4.2 Existing Conditions

The proposed project traverses the Black Fork local watershed within the Cheat River regional watershed. The Cheat River watershed contains a higher proportion of wetlands than other watersheds in the Monongahela River eco-region. This is largely due to the concentration of wetlands along Beaver Creek. Wetlands found in the Cheat River watershed differ from those to the west and the east. The wetlands found within the Study Area (Table III-11) vary from high elevation bogs and fens to wet meadows and beaver ponds; therefore, the physical characteristics of the wetlands in these systems are quite diverse. The width of these wetlands varies from just a 5-foot wide strip of hydrophytic vegetation associated with a stream channel, to a more than 800-foot wide wetland in the floodplains of Pendleton Creek.

Many of the wetland systems are characterized by very large beaver ponds associated with intermittent drainage patterns, small pools of open water, channelized flow, and depressional areas that tend to pool water. Beavers have constructed an extensive series of dams which have created a long series of ponds and pools ranging from less than 0.2 acres to several acres in size that stretch across the landscape in a terraced fashion. The depths of the beaver ponds are undetermined and very slow outflow can be seen from each pond at the base of the beaver dam. Exhibit III-5 presents the Study Area wetlands in relationship to each of the alternatives retained for detailed study. (Wetland data forms are part of the project file and can be viewed upon request.)

The predominant land cover within the Study Area is a mix of deciduous and evergreen forest (Table III-5). Some portions of the forest have been subjected to timber management and selective cutting. The topography and hydrology of wetland systems have been altered by historical and present surface mining activities, the construction of WV 93, and the construction of the Davis Branch (a.k.a. Western Maryland Railway) that runs parallel to WV 93.

The vegetation of these wetland systems is diverse with three major vegetation classes (emergent, scrub/shrub, forested) occurring. A variety of vegetation classes provides habitat, cover, and food sources for wildlife species (e.g., white-tailed deer, squirrels, migratory and game birds, rabbits).

Soils found in these wetlands are just as diverse as the vegetation. The soils present in the Study Area range from extremely saturated with high organic contents that are very silty to extremely rocky with many large, exposed boulders at the surface. The soils within these systems are capable of holding large quantities of water and are replenished by stream overflow, channel flow, and overland surface run-off from adjacent slopes.

Periodic overflow from adjacent streams, surface run-off from the adjacent slopes, as well as groundwater discharge, are the primary sources of hydrologic support for these wetland systems. Drainage patterns, small areas of open water, channels, beaver ponds and dams, and nutrient and sediment sources contribute to the biotic diversity of flowering and fruit bearing flora, which is characteristic of these wetland systems. Based on the functions and values methodology employed for this project, the key functions and values performed by the diverse wetland systems within the Study Area include sediment, toxicant, and pathogen retention; wildlife habitat; nutrient removal, retention, and transformation; potential endangered species habitat; recreation; floodflow alteration; and uniqueness and heritage.

3.3.4.3 Potential Impacts

As described in the 1996 FEIS, the No-Build Alternative would have no effect on wetlands or wetland systems in the Study Area (p. III-166). For each alternative, individual wetland impacts by wetland type and location (station number) are provided in Table III-11. Table III-12 provides a summary of potential wetland impacts by wetland type for each alternative.

Of the alternatives retained for detailed study, Alternative 1G (East and West) and Alternative 1D (East and West) would result in the least amount of wetland encroachment (Table III-13). Alternative 1G West would require the filling of approximately 0.65 acres of palustrine wetland and Alternative 1D East, approximately 1.67 acres. The dominant class of palustrine wetland to be filled would include PEM wetlands for these four alternatives. These PEM wetlands provide sediment, toxicant, and pathogen retention; floodflow alteration, nutrient removal/retention/transformation; production/nutrient export, and wildlife habitat.

Alternative 1E would result in approximately 6.54 acres of wetland encroachment. This alternative would require encroachment upon approximately 10 percent of a large forested wetland complex (HJ5; Table III-11). This forested wetland complex provides a variety of functions and values including sediment retention; floodflow alteration; nutrient removal and transformation; and wildlife habitat.

Although Alternative 2 and the OPA would result in the largest number of wetland encroachments and total acres of impact (Table III-13), neither alternative would result in adversely impacting affected wetland systems (Table III-11). For example, the percentage of forested wetland encroachment for the OPA is less than 10 percent of each individual forested wetland system.

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Table III-11
Identified Wetlands and Potential Impacts By Alternative

Alignment	Wetland Type	Wetland Id	Impacted Acreage	Total Size
1D West	PEM	HJ 8	0.678	4.046
		1265 A	0.152	0.277
		1265 B	0.074	0.074
		1259 A	0.24	0.358
		Total PEM	1.144	4.755
	PFO	PFO 1	0.058	1.878
		Total PFO	0.058	1.878
	PSS	1299	0.091	0.161
		Total PSS	0.091	0.161
	ALIGNMENT 1D WEST TOTAL		1.293	6.794
1D East	PEM	HJ 8	0.678	4.046
		HJ 1	0.006	0.701
		3301	0.237	0.237
		1233	0.024	6.267
		Total PEM	0.945	11.251
	POW	HJ 1	0.001	0.691
		Total POW	0.001	0.691
	PSS	1236	0.042	4.708
		1234 A	0.143	0.524
		1257	0.536	0.829
		Total PSS	0.721	6.061
	ALIGNMENT 1D EAST TOTAL		1.667	18.003
1E	PEM	HJ 8	1.932	4.046
		1265 B	0.074	0.074
		1259 A	0.044	0.358
		Total PEM	2.05	4.478
	PFO	HJ 5	3.477	31.034
		Total PFO	3.477	31.034
	PSS	NWI 1	1.015	63.181
		Total PSS	1.015	63.181
	ALIGNMENT 1E TOTAL		6.542	98.693
1G West	PEM	1265 A	0.152	0.277
		1265 B	0.074	0.074
		1259 A	0.24	0.358
		Total PEM	0.466	0.709
	PFO	PFO 1	0.058	1.878
		Total PFO	0.058	1.878
	PSS	1299	0.091	0.161
		Total PSS	0.091	0.161
	PUB	NWI 5	0.035	0.701
		Total PUB	0.035	0.701
	ALIGNMENT 1G WEST TOTAL		0.65	3.449
1G East	PEM	HJ 1	0.006	0.701
		3301	0.237	0.237
		1233	0.024	6.267
		Total PEM	0.267	7.205
	POW	HJ 1	0.001	0.691
		Total POW	0.001	0.691
	PSS	1236	0.042	4.708
		1234 A	0.143	0.524
		1257	0.536	0.829
		Total PSS	0.721	6.061
	PUB	NWI 5	0.035	0.701
		Total PUB	0.035	0.701
	ALIGNMENT 1G EAST TOTAL		1.024	14.658
2	PEM	1363 B	0.129	0.129
		1363 A	0.043	0.043
		1339 D	0.224	0.485
		1343	0.031	0.031
		1306	0.225	0.908
		1301 A	0.151	6.267
		1301 B	0.016	0.016
		1301 C	0.019	0.019
		1261	0.056	7.417
		1263	0.699	0.713
		1262	0.331	1.475
		1264	0.702	1.172
		1265 B	0.074	0.074
		1259 A	0.01	0.358
		Total PEM	2.71	19.107
	POW	POW 7	0.01	0.01
		POW 4	2.408	21.664
		POW 5	0.299	0.432
		POW 6	0.101	0.101
		Total POW	2.818	22.207
	PSS	1362 B	0.254	0.254
		1362 A	0.046	0.046
		1339 F	0.453	0.453
		PSS 1	0.731	28.996
		1299	0.045	0.161
		Total PSS	1.529	29.91
	ALIGNMENT 2 TOTAL		7.057	71.224
OPA	PEM	1363 B	0.129	0.129
		1363 A	0.043	0.043
		1339 D	0.224	0.485
		1343	0.031	0.031
		1333 B	0.294	0.875
		1306	0.225	0.908
		1301 A	0.151	6.267
		1301 B	0.016	0.016
		1301 C	0.019	0.019
		1261	0.056	0.056
		1263	0.713	0.713
		1262	0.359	1.475
		1264	0.702	1.172
		1265 B	0.074	0.074
		1259 A	0.01	0.358
		Total PEM	3.046	12.621
	PFO	3311	0.568	12.514
		1354 F	0.041	0.44
		PFO 1	0.01	1.878
		Total PFO	0.619	14.832
	POW	POW 7	0.006	0.01
		POW 4	2.408	21.664
		POW 5	0.299	0.432
		POW 6	0.101	0.101
		Total POW	2.814	22.207
	PSS	1362 B	0.254	0.254
		1362 A	0.046	0.046
		1339 F	0.453	0.555
		PSS 1	0.731	28.996
		1299	0.045	0.161
		Total PSS	1.529	30.012
	OPA TOTAL		8.008	79.672
Truck Route	PEM	CY 15	0.06	1.41
		Total PEM	0.06	1.41
	TRUCK ROUTE TOTAL		0.06	1.41

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Table III-12
Summary of Wetland Impacts By Alternative

Alternative	PEM	PSS	PFO	POW/PUB	PUB	Total
1D West	1.14	0.09	0.06	0.00	0.00	1.29
1D East	0.95	0.72	0.00	0.00	0.00	1.67
1E	2.05	1.02	3.48	0.00	0.00	6.54
1G West	0.47	0.09	0.06	0.04	0.00	0.66
1G East	0.27	0.72	0.00	0.04	0.00	1.03
2	2.71	1.53	0.00	2.82	0.00	7.06
OPA	3.05	1.53	0.62	2.81	0.00	8.01
Truck Route	0.06	0.00	0.00	0.00	0.00	0.06

Table III-13
Wetland Impact Ranking By Alternative

Alternative	PEM	PSS	PFO	POW/PUB	PUB	Total
Truck Route	0.06	0.00	0.00	0.00	0.00	0.06
1G West	0.47	0.09	0.06	0.04	0.00	0.66
1G East	0.27	0.72	0.00	0.04	0.00	1.03
1D West	1.14	0.09	0.06	0.00	0.00	1.29
1D East	0.95	0.72	0.00	0.00	0.00	1.67
1E	2.05	1.02	3.48	0.00	0.00	6.54
2	2.71	1.53	0.00	2.82	0.00	7.06
OPA	3.05	1.53	0.62	2.81	0.00	8.01

3.3.4.4 Avoidance, Minimization & Mitigation

To the extent possible, the impacts to wetlands have been avoided or minimized, through an interdisciplinary, interagency approach and the use of the GIS prepared for the project. Discussions of mitigation activities are included in the 1996 FEIS (WVDOH, 1996, pp. III-178 through III-184, and *Volume III: Mitigation Document*, p.7). The avoidance approach taken for this project, as well as the measures already included in the design to minimize harm to wetlands, has resulted in only 8.0 acres of wetland impacts for the OPA, and between 0.7 and 7.2 acres for the other alternatives retained for detailed study.

The worst-case wetland system impacts would result from an encroachment of 8.0 acres by the OPA. This is far below the 18-acre surplus of replacement wetlands created by the WVDOH as mitigation for the Corridor H Project. This surplus acreage is documented in the WVDNR's scoping comment letter of July 12, 2000 (*Section 7: Comments and Coordination*).

3.3.5 WATERSHEDS & STREAMS

The methodology employed in evaluating baseline conditions and the potential environmental consequences on affected watersheds and surface water resources included review of published information, detailed field investigations, GIS analysis, and the use of Rapid Bioassessment Protocol (RBP) procedures (Plafkin et al., 1989) for select streams in the Study Area. The RBP data gathering protocol and analysis is detailed in the 1996 FEIS and the accompanying *Streams Technical Report* (WVDOH, 1994d), which are incorporated here by reference. Summary results of these analyses are provided in the following sections.

3.3.5.1 Existing Conditions

The proposed project is wholly within the Monongahela River system and is contained within the Cheat River Regional Project Watershed. The Cheat River drains approximately 1,425 mi² of seven counties in West Virginia, Maryland, and Pennsylvania. The river is formed near Parsons, West Virginia, at the confluence of the Black Fork and Shavers Fork Rivers. It flows north to

its confluence with the Monongahela River at Point Marion, Pennsylvania. The Cheat River watershed, including all its tributaries, consists of parts of Pocahontas, Randolph, Tucker, Preston, and Monongahela counties in West Virginia.

The Cheat River watershed is the largest free-flowing watershed in the Eastern United States. Above Parsons, the major watersheds in and outside of the Study Area include the Black Fork, Shavers Fork, Dry Fork, Blackwater River, Laurel Fork, Glady Fork, and Red Creek. Much of the Cheat River Regional Project Watershed land use consists of undeveloped rural land dominated by deciduous and mixed forests (84 percent) and cropland and pasture (12 percent). Part of the MNF, including the Congressionally-designated Otter Creek and Dolly Sods Wilderness areas, lie within the Cheat River Regional Project Watershed. These Wilderness areas are not impacted by the proposed project.

The Study Area is within both the Black Fork, and Cheat River Direct Drainage Local Project watersheds. The Black Fork Local Project Watershed consists of Project Basins (e.g., Big Run Bog, Tub, Middle, and Long Run), and each Project Basin may contain one or more primary stream systems. The Cheat River Direct Drainage Local Project Watershed includes two stream systems: Mill Run and its tributary Slip Hill Mill Run. Slip Hill Mill Run is a high quality stream system that is capable of supporting trout. Primary stream systems are depicted in Exhibit III-6.

Mining has impacted a number of watersheds within the Cheat River drainage system. The lower portion of this Regional Project Watershed has been severely polluted by acid drainage, much of which comes from abandoned mines. Although the lower Cheat River has been degraded by acid drainage for many years, recent spills from active mine operations, primarily within the Muddy Creek watershed, have compounded the situation to the point where downstream recreation is threatened (Skousen, 2001).

Within the Cheat River Regional Project Watershed, the Black Fork Local Project Watershed drains 153 mi² of land along Backbone Mountain, Canaan Mountain, Canaan Valley, and Beaver Creek. There are an estimated 117 miles of perennial stream within this local watershed, including the North Fork of the Blackwater River, Long Run, Middle Run, Tub Run, Pendleton Creek, Blackwater River, and Beaver Creek.

Active mines continue to operate within this watershed. As a result, many abandoned deep and surface mines in the area discharge untreated mine drainage including the drainage areas for Beaver Creek, the North Fork, Pendleton Creek, Long Run, and Middle Run (Skousen, 2001). There are several on-going restoration and reclamation projects within the Blackwater River watershed (which drains into the Black Fork Local Project Watershed) and portions of Long Run and Middle Run. The WVDEP has constructed a limestone drum station along the Blackwater River near the Davis Dam, approximately one mile upstream from Davis and above the confluence with Beaver Creek. The goal of this project is to reduce the acidity of a 5-mile segment of the river sufficiently to sustain a year-round trout population. This liner, which was installed and operated by the WVDEP/DNR, was constructed to neutralize acid mine drainage from Beaver Creek (Skousen, 2001).

Beaver Creek has been heavily surface-mined throughout its length, and before the liner project, had polluted the remaining miles of the Blackwater River. Portions of the watersheds of Middle Run, Long Run, and the North Fork of the Blackwater River have been recently modified as part of the Albert Highwall and Douglas Highwall Reclamation projects. These projects included grading, covering, and planting highwall areas and partial treatment of acid mine drainage. In addition to human-induced acid mine drainage, naturally acidic conditions are found in the headwaters of Big Run, Tub Run, Long Run, and Middle Run which drain bog-like wetlands resulting in tannic water and naturally low pH. Big Run and Tub Run are located on Backbone Mountain within the MNF. The headwaters of Long Run and Middle Run are located in the MNF, but these streams flow through strip-mined areas where surface water quality is affected by acid drainage from numerous seeps and springs with mine drainage (Skousen, 2001).

There is one native trout stream within the Study Area (Slip Hill Mill Run) and two state-listed high quality streams (Pendleton Creek and Beaver Creek) (WVDNR, 1986). None of the streams within the Study Area are listed on the Nationwide Rivers Inventory.

Primary stream systems within the Study Area were previously assessed using the RBP (Plafkin et. al., 1989). Stream data contained in this study (Parsons-to-Davis) were previously assessed in the 1994 ASDEIS. Relevant stream data were incorporated into this study in order to make comparisons among the alternatives.

In total, 16 streams within the Black Fork local watershed were field investigated for the Corridor H Project. Two methods of evaluation were performed at each sampling point, a habitat assessment and a macroinvertebrate survey, the methods

and results of which were previously described in detail in the 1994 ASDEIS. The habitat assessment measured parameters such as bottom substrate, channel flow, channel alteration, bank stability, and riparian vegetation of the streams. Numerical scores, given for each parameter, were totaled and assigned a Habitat Assessment Category of Excellent, Good, Fair, or Poor. The macroinvertebrate community was used to indicate the overall stream condition. The HBI scores reflect the average tolerance values for the macroinvertebrate community. The HBI scores were divided into five HBI Categories to characterize the stream condition (Hilsenhof, 1988). Water quality and benthic data collected at multiple sites throughout a stream were pooled to assess the overall stream condition.

The majority of the streams within the Black Fork Local Project Watershed have moderate habitat and a low abundance of macroinvertebrates. The majority of the streams are characterized as moderate habitat quality, which means that fewer families and individuals (fair to very poor Family Biotic Index values) are present due to a loss of intolerant forms.

In addition, the pH of streams in the Study Area ranges from 3.9 to 7. The pH of four of the streams in the Study Area is below 5, generally considered to be acidic. Soils in the Study Area are consistently acidic to highly acidic (USDA, 1967) and contribute to the lower pH levels detected in streams. The majority of the Study Area has undergone surface mining; therefore, the reclaimed areas have been re-graded so that the surface slope in the main part of the disturbed area drains toward the vertical wall.

The coal seams are generally covered, in order to reduce the formation of extremely acid drainage water, but surface runoff through the acidic soils of the reclaimed watershed react with the neutral to extremely acid spoil material in receiving surface waters, thus lowering the pH.

Overall, the majority of the sampled streams within the Study Area have impaired biotic integrity due to the active and historical strip mining operations that have occurred in the Black Fork Local Project Watershed. These mining operations have modified local drainage patterns and surface runoff associated with those operations and have impacted stream water quality within the watershed.

3.3.5.2 Potential Impacts

As described in the 1996 FEIS, the No-Build alternative would have no effect on streams in the Study Area (p. III-166). For each Build Alternative, Table III-14 provides a break down of potential impacts to streams based on the type of impact (i.e., relocation or enclosure), length of enclosure/relocation, and the actual length of stream loss. The actual length of stream loss is based on 1:200 mapping and was measured from the centerline of a stream (including meanders). Table III-15 provides a summary of stream impacts for each alternative based on the data provided in Table III-14. Table III-16 provides a ranking of stream impacts based on the total actual length of impacted stream by alternative.

The OPA will result in the greatest number (15 enclosures and 9 relocations) and length of stream impact (14,460 feet) and Alternative 1G East the least amount of total stream impact (4,832 feet). Alternative 2 will result in the second greatest impact on streams based on the actual length of impacted stream and relocations (Table III-16). Alternative 2 and the OPA will result in greater impacts to Mill Run and Slip Hill Mill Run's watershed when compared to Alternative 1D (East and West), 1E, and 1G (East and West). Although Alternative 1G East and 1G West will result in less stream encroachment, both alignments will require the most bridges (11 and 9 respectively) and total length of bridges (9,050 feet and 8,300 feet respectively; Table III-16, Table III-17).

3.3.5.3 Avoidance, Minimization, and Mitigation

The preliminary design of the alternatives retained for detailed study employed general and alignment-specific avoidance and minimization measures. Minimization and mitigation of surface water resource impacts will follow the guidelines and agreements detailed in the 1996 FEIS (including the *Mitigation Document*), and the 1994 *Streams Technical Report*.

3.3.6 WILD & SCENIC RIVERS

In 1968, Congress passed the National Wild and Scenic Rivers Act, Public Law 90-542, to preserve and protect wild and scenic rivers and their immediate environments. This act identifies federally administered rivers included in the National Wild and Scenic Rivers System (NWSRS), identifies additional rivers to be studied for possible inclusion in the NWSRS, and provides guidance for the management of rivers within the NWSRS. West Virginia does not have a state level scenic rivers program.

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Table III-14
Parsons-to-Davis Inventory of Impacts - Streams

Stream Name	1D West					1D East					1E					1G West					1G East					2					OPA					Truck Route															
	Station #	Enclosure	Relocation	Culvert Length(ft)	Relocation Length(ft)	Impacted Length (ft)	Station #	Enclosure	Relocation	Culvert Length(ft)	Relocation Length(ft)	Impacted Length(ft)	Station #	Enclosure	Relocation	Culvert Length(ft)	Relocation Length(ft)	Impacted Length(ft)	Station #	Enclosure	Relocation	Culvert Length(ft)	Relocation Length(ft)	Impacted Length(ft)	Station #	Enclosure	Relocation	Culvert Length(ft)	Relocation Length(ft)	Impacted Length(ft)	Station #	Enclosure	Relocation	Culvert Length(ft)	Relocation Length(ft)	Impacted Length(ft)															
Mill Run	920+00	1		452		457	920+00	1		452		457	919+00	1		451		457	919+00	1		450		457	919+00	1		373		373	1550+00	1		338		34															
UT-1 of Mill Run																																																			
UT-2 of Mill Run																																																			
UT-1 of Slip Hill Mill Run																																																			
UT-2 of Slip Hill Mill Run	990+00	1		675		728	990+00	1		675		728	992+00	1		763		798	992+00	1		745		780	992+00	1		745		780	986+00	1		594		683	1625+00	1		518		55									
UT-1 of Left Branch	1030+00	1		500		340	1030+00	1		500		340	1029+00	1		517		338	1029+00	1		428		287	1029+00	1		428		287	1018+00	1		555		330															
U-3 of Slip Hill Mill Run																																																			
Slip Hill Mill Run																																																			
UT-4 of Slip Hill Mill Run																																																			
UT-1 of Big Run																																																			
UT-2 of Tub Run																																																			
UT-3 of Tub Run																																																			
Long Run																																																			
Middle Run																																																			
Middle Run																																																			
UT-1 of Middle Run													1210+00			1		165	173	1210+00			1		165	173																									
UT-2 of Middle Run													1209+00			1		44	25	1209+00			1		44	25																									
UT-3 of Middle Run													1211+00			1		156	168	1211+00			1		156	168																									
North Fork Blackwater River																																																			
UT-1 of North Fork Blackwater River	1303+00	1		407		414	1303+00	1		407		414																																							
UT-2 of North Fork Blackwater River	1307+00	1		306		179	1307+00	1		306		179																																							
UT-3 of North Fork Blackwater River	1317+00	1		273		297	1317+00	1		273		297																																							
UT-4 of North Fork Blackwater River													1314+00			1		243	261	1314+00			1		243	261																									
UT-5 of North Fork Blackwater River	1348+00	1		438		478	1348+00	1		438		478	1343+00	1		650		708																																	
UT-6 of North Fork Blackwater River													1351+00			1		226	252	1354+00			1		377	401	1354+00			1		377	401																		
UT-7 of North Fork Blackwater River													1366+00			1		98	98	1364+00			1		212	209	1364+00			1		212	209																		
UT-8 of North Fork Blackwater River	1366+00		1		98	98	1366+00		1		98	98	1345+00			1		194	247																																
UT-9 of North Fork Blackwater River	1349+00	1		356		423	1349+00	1		356		423	1345+00																																						
UT-10 of North Fork Blackwater River													1347+00			1		256	270	1347+00			1		256	270																									
UT-11 of North Fork Blackwater River													1348+00			1		273	206	1348+00			1		273	206																									
UT-12 of North Fork Blackwater River													1351+00			1		770	916	1352+00			1		374	410	1352+00			1		374	410																		
UT-13 of North Fork Blackwater River													1348+00			1		27	14	1348+00			1		27	14																									
UT-14 of North Fork Blackwater River													1366+00			1		645	528																																
UT-1 of Snyder Run	1190+00	1		475		365	1190+00	1		475		365	1190+00	1		346	297																																		
UT-2 of Snyder Run	1213+00	1		258		136																																													

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Table III-15
Summary of Surface Water Impacts Based On Total Length of Enclosure, and Total Length of Relocations

Alternative	Actual Impacted Length (ft)	Number of Enclosure	Culvert Length (ft)	Number of Relocation	Relocation Length (ft)
1D West	6852	16	5586	4	1555
1D East	5375	15	5415	2	232
1E	5781	11	4885	4	1137
1G West	6309	13	4379	8	2015
1G East	4832	12	4208	6	692
2	12385	14	8094	5	4048
OPA	14460	15	7233	9	5695
Truck Route	1897	6	1530	1	321

Table III-16
Ranking of Surface Water Impacts By Alternative

Alternative	Actual Impacted Length (ft)	Number of Enclosure	Culvert Length (ft)	Number of Relocation	Relocation Length (ft)
Truck Route	1897	6	1530	1	321
1G East	4832	12	4208	6	692
1D East	5375	15	5415	2	232
1E	5781	11	4885	4	1137
1G West	6309	13	4379	8	2015
1D West	6852	16	5586	4	1555
2	12385	14	8094	5	4048
OPA	14460	15	7233	9	5695

As a result of the National Wild and Scenic Rivers Act, the NPS prepared and maintains the Nationwide Rivers Inventory (NRI) of significant free-flowing rivers. The rivers included in the NRI are presented in the NPS's Final List of Rivers, which includes the Final List of Wild and Scenic Rivers (1979) and the Final List of Recreational Rivers (1981) (www.ncrc.nps.gov/rtca/nri/). Segments of rivers included in the NRI have been identified as meeting the minimum requirements for further study and/or potential designation to the NWSRS. Federal agencies are requested, but not mandated, to minimize the adverse impacts of their projects on the NRI rivers.

Three National River Inventory (NRI) listed river segments are located near the Study Area, but all eligible segments fall outside of the Study Area boundaries and are therefore not affected by any of the alternatives retained for detailed study. Therefore, the project will have no impact on the status or classification of any NRI-listed rivers.

3.4 CULTURAL RESOURCES

Cultural resources are defined as patterned physical remains of human activity distributed over the landscape through time. Cultural resources are classified as architectural resources (buildings, structures, objects, and districts) and archaeological sites, as defined by the National Register of Historic Places (NRHP) (36 CFR 60.4). For this study, the Area of Potential Effect (APE), as defined in 36 CFR §800, is equal to the area within 1,000 feet of each side of any proposed alternative.

3.4.1 SECTION 106 PROCESS

Under the Settlement Agreement, the Amended ROD for the Parsons-to-Davis Project cannot be issued until FHWA and WVDOH have completed all of the studies and consultation required for historic properties under Section 106 of the National Historic Preservation Act (NHPA) (see Appendix A, Settlement Agreement, p. 33).

Section 106 determinations are being conducted under the terms of the September 1995 Corridor H Programmatic Agreement (Appendix B), which established certain procedures that must be carried out for all Section 106 studies for Corridor H. Consultation under the Programmatic Agreement involves the steps shown in Figure III-4.

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Table III-17
Proposed Bridge Locations and Lengths by Alternative

ALIGNMENT	STATION # (Midpoint)	BRIDGE LENGTH (ft)
1D West	958 + 00	550
	1008 + 00	450
	1151 + 00	1200
	1252 + 00	1200
	1337 + 50	1600
	1354 + 00	750
	385 + 50	300
	55 + 50	250
	26 + 00	400
	ALIGNMENT 1D WEST TOTAL	6700
1D East	958 + 00	550
	1008 + 00	450
	1151 + 00	1200
	1252 + 00	1200
	1337 + 50	1600
	1354 + 00	750
	385 + 50	250
	433 + 50	450
	20 + 50	350
	23 + 50	450
	443 + 50	200
	ALIGNMENT 1D EAST TOTAL	7450
1E	957 + 50	550
	1008 + 00	450
	1151 + 00	1200
	1206 + 50	200
	1219 + 00	300
	1251 + 50	800
	1333 + 50	800
	1408 + 50	300
	1417 + 00	900
	1434 + 00	300
	ALIGNMENT 1E TOTAL	5800
1G - West	957 + 50	550
	1008 + 00	450
	1151 + 00	1200
	1245 + 00	2600
	1290 + 50	1050
	1329 + 00	1500
	385 + 50	300
	55 + 50	250
	26 + 00	400
	ALIGNMENT 1G WEST TOTAL	8300
1G - East	957 + 50	550
	1008 + 00	450
	1151 + 00	1200
	1245 + 00	2600
	1290 + 50	1050
	1329 + 00	1500
	385 + 50	250
	433 + 50	450
	20 + 50	350
	23 + 50	450
	443 + 50	200
	ALIGNMENT 1G EAST TOTAL	9050
2	1260 + 00	1300
	1295 + 00	950
	ALIGNMENT 2 TOTAL	2250
OPA	1620 + 00	1000
	1850 + 00	1000
	1944 + 00	200
	2075 + 00	100
	OPA TOTAL	2300
Truck Route		0
	TRUCK ROUTE TOTAL	0

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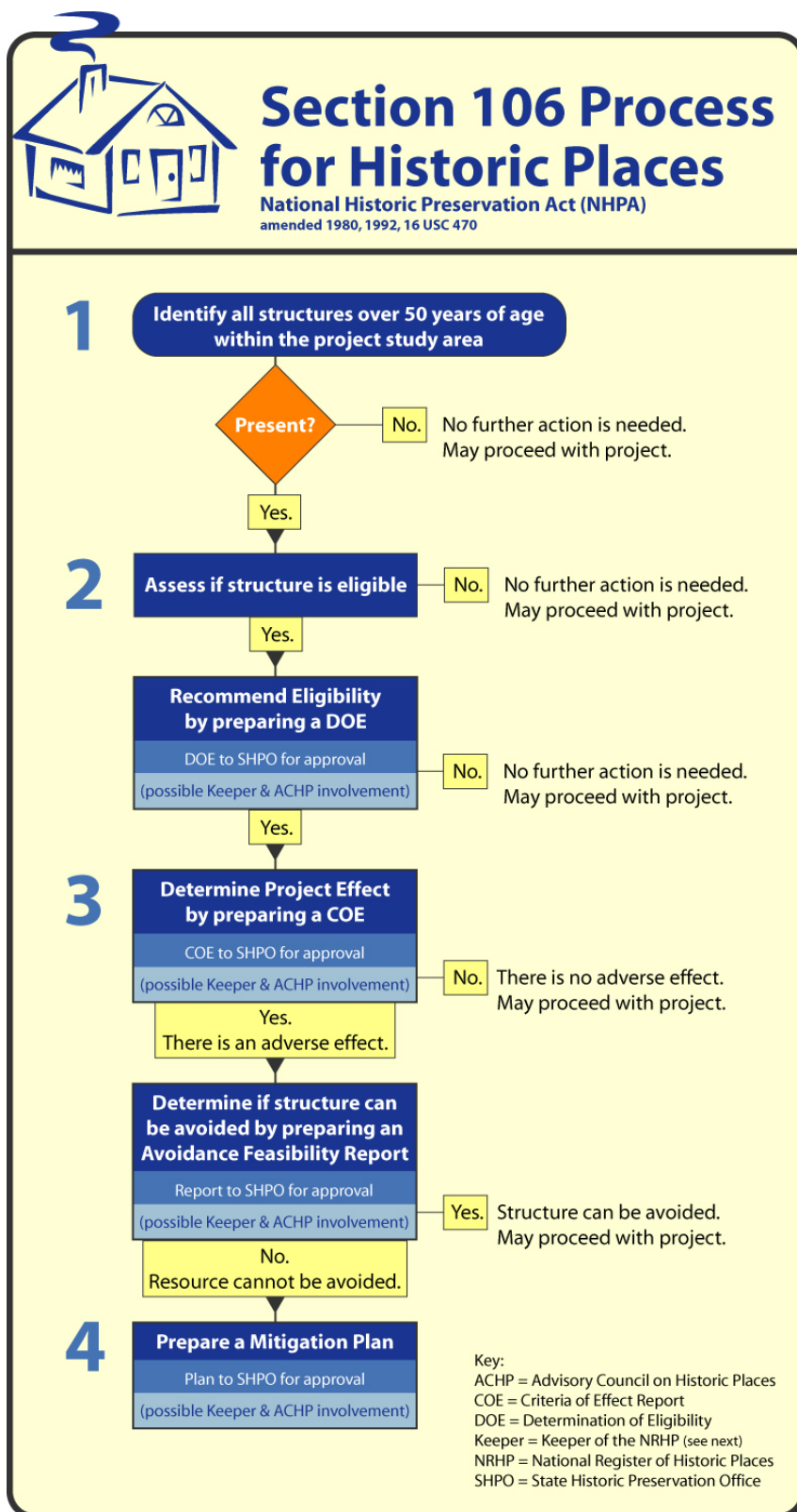


Figure III-4
Section 106 Process for Historic Places

3.4.2 KNOWN AND EXPECTED CULTURAL RESOURCES IN THE STUDY AREA

An extensive historical context of the Study Area was presented in the technical appendices to the 1994 Corridor H ASDEIS, supplemented by the historical context found in the 1999 Determination of Eligibility (DOE) Report incorporated here by reference. Further detail regarding the resources mentioned below can be found in the draft Section 4(f) analysis, *Section 4* of this SDEIS.

3.4.2.1 *Historic Resources*

Phase I and II investigations of architectural resources presented in the 2000 DOE indicated that only one building, structure, object, or district was located within the Study Area. The West Virginia State Historic Preservation Officer (WVSHPO) and the Keeper of the NRHP concurred that the West Virginia Central and Pittsburgh Railway (WVC&P) (Resource BW-019) was the only historic property in the Study Area (Exhibit III-7). In a Determination of Eligibility Notification dated January 17, 2001, the Keeper reiterated its finding that the WVC&P was eligible for the NRHP under Criteria A and C as a “discontiguous historic district” (*Section 7: Comments and Coordination*). Also within this correspondence, the Keeper found that a stone arch bridge near the community of William appeared to be the only contributing element for this portion of the discontiguous historic district.

Additionally, during investigations of the OPA, three archaeological sites were identified. All three are located in the Blackwater Area and are related to the historic colliery at Coketon. The Keeper of the NRHP has determined that the entire Coketon study area is a contributing component of the continuous Blackwater Industrial Complex Archaeological and Historic District (“Blackwater Industrial Complex”) (Exhibit III-7). The Blackwater Industrial Complex was found eligible for the NRHP under criteria A, B, C, and D (Keeper’s Eligibility Determination, August 2, 2001, *Section 7: Comments and Coordination*).

3.4.2.2 *Prehistoric Predictive Model*

An extensive prehistoric context regarding the Corridor H Study Area, including the Parsons-to-Davis Study Area, was prepared and presented in the 1996 *Cultural Resources Technical Report*, which is incorporated here by reference. In addition, a Prehistoric Predictive Model was developed for Corridor H and employed to identify areas of high to low probability for the presence of prehistoric sites. The Prehistoric Predictive Model was presented in a 1994 report (Johnson, 1994), which is also incorporated here by reference. This synchronic prehistoric predictive model was based on a variety of factors. These factors included: the results of previous archaeological surveys; the distribution of previously recorded archaeological sites in the vicinity of the Corridor H Study Area; previously proposed regional predictive models; and physiographic, geologic, hydrologic, and topographic factors. The model was field tested for verification before it was implemented along the length of Corridor H.

The Prehistoric Predictive Model has been applied to the Parsons-to-Davis Study Area. Archaeological data gathered in the general project vicinity during previous Corridor H archaeological investigations (1996 through the present) were also used to refine the model. The prehistoric probability zones were plotted onto project mapping. Once the alternatives were finalized, the total area of each probability zone, per alternative, was calculated.

3.4.3 POTENTIAL IMPACTS

Phase I archaeological investigations will be initiated once a Preferred Alternative is selected. The deferment of these investigations is supported by 36 CFR 800.4 and FHWA’s Technical Advisory T 6640.8A (1987). The results of these investigations will be considered in the SFEIS.

3.4.3.1 *Historic Resources*

The WVC&P Railway would be crossed by alternatives 1D East and West, 1E, and 1G East and West north of Thomas (Exhibit III-7). However, none of the proposed alternatives take any land from within the historic boundaries of the WVC&P. Additionally, the stone arch bridge is not located within the APE for any of the alternatives. Therefore, the project is not expected to affect the resource.

The Blackwater Industrial Complex would be crossed by either the OPA or Alternative 2. A Criteria of Effect Report was submitted to the WVSHPO and the U.S. Forest Service, Monongahela National Forest. Both agencies concluded that

construction of a bridge over the Complex would have “No Adverse Effect” (letters dated October 24 and October 30, 2002, *Section 7: Comments and Coordination*).

3.4.3.2 Prehistoric Probability Areas

The acreage of high and medium probability areas for prehistoric resources potentially impacted by each alternative is presented in Table III-18. Because the locations of archaeological sites are protected to prevent looting, an illustration of the probability areas is not included here but will be provided to the WVSHPO for review and comment.

Of the alternatives retained for detailed study, Alternative 1E will impact the greatest combined acreage of high and medium probability areas (16.2 acres), as well as the greatest acreage of high probability area alone (11.1 acres). Alternative 1G East will impact the least combined high and medium acreage (2.8 acres) and the least of high probability area alone (0.3 acres).

The East Landfill Option will impact 2.4 acres less of high probability area than will the West Landfill Option (there is no difference between the two options with respect to the medium probability area). Therefore, with respect to the probability of encountering prehistoric sites, Alternatives 1D and 1G would have less impact when combined with the East Landfill Option.

The OPA and Alternative 2 will each have relatively few impacts to high probability areas when compared to the Blackwater Avoidance Alignments (except 1G East); however, potential impacts to medium probability areas by these alternatives are essentially the same as those by the Blackwater Avoidance Alignments. The Truck Route adds a negligible amount of high probability area to either the OPA or Alternative 2, and just over one acre of medium probability area.

Table III-18
Potential Impacts to Prehistoric Probability Areas

Prehistoric Probability Area	1D West	1D East	1E	1G West	1G East	2	OPA	TR
High Probability	7.9	5.5	11.1	2.7	0.3	0.5	1.4	0.1
Medium Probability	6.8	6.8	5.1	2.5	2.5	5.8	7.0	1.1

3.5 PHYSICAL ENVIRONMENT

3.5.1 GROUNDWATER RESOURCES

Groundwater resources have been evaluated in accordance with FHWA’s *Technical Advisory T 6640.8A*. This discussion focuses on three groundwater topic areas: private wells, springs, and karst topography. These topics are discussed in the 1996 FEIS. Sources for information in this assessment include the West Virginia Geologic and Economic Survey (WVGES), USGS, WVDEP, the West Virginia Department of Health and Human Resources (WVDHHR), and the Tucker County Health Department.

The Study Area is primarily located in remote areas with populations centralized in five neighborhoods: Benbush, Coketon, Davis, Thomas, and William. Municipal public water service covers the communities of Benbush, Coketon, Davis, and Thomas. William is dependent on private wells.

3.5.1.1 Private Wells

Well locations and additional data regarding well construction and bedrock units were obtained from the USGS National Water Information System, USGS publications, the Tucker County Health Department, and field observations. Water quality data concerning private wells is described according to the geologic formation or rock units into which the wells were installed.

USGS 7.5 minute topographic maps were used to estimate the number and location of residences that are identified as being within a potential impact zone. The potential impact zone criteria are residences that are outside of public water service and within 500 feet of the estimated construction limits of the alternatives retained for detailed study.

Because these are private residences that typically have low production volumes, the 500-foot distance is based upon the minimum pumping capacity fixed radius used by the WVDHHR for Source Water Assessment and Protection Program (WVDHHR, 1999) for community wellhead protection. In addition, well impacts were assumed to occur when relocations of residences that are not currently served by a known public water supply would be required.

A description of the geology of the Study Area is included in the 1996 FEIS, which is incorporated into this SDEIS by reference, and is summarized in *Section 3.5.2: Geology, Mines and Minerals* of this SDEIS. Wells in the Study Area are typically installed in the first water bearing rock formation encountered during well drilling. These wells may be installed within the Conemaugh, Allegheny Pottsville, Mauch Chunk and Greenbrier Groups.

Potential Impacts

Most of the Study Area populations are covered by public water service. Potential impacts and available local residential well information are presented below:

- William, WV is dependent on the Conemaugh Group for groundwater. Seven residences are reported, just south of William, beyond the Thomas PSD water service in the Study Area. Well logs on file with the Tucker County Health Department had an average depth of 102 feet (ranging between 35 and 147 feet) and an average potential production rate of 14 gallons per minute (gpm) (ranging between 1.25 and 45 gpm). Water quality is moderately hard with low levels of iron, dissolved solids and chlorine. Water production for the formation is moderate to good, depending on formation exposure for recharge (Reger, 1924, Schwietering, 1981 and Ward, 1968a/b). These wells are north of any of the alternative alignments potential impact zones.
- The Tucker County Health Department reported one well in the Conemaugh/Allegheny formations in Thomas. The well is 260 feet deep and was reportedly for a concrete batch plant. As of the October 24, 2001 permit date, the pump had not been installed. No additional records were available and the well may not be in operation. This well is outside any of the proposed alternative alignment potential impact zones.
- Four wells were reported by the USGS in the immediate vicinity of the Tucker County High School. Seven to ten residences are shown beyond the public water service in the Study Area, just south of William, WV. Well logs on file with the Tucker County Health Department had an average depth of 344 feet (ranging between 197 and 650 feet) screened in the Pottsville and Mauch Chunk formations. Water production from these formations are high in the Pottsville (especially when overlain by the Conemaugh/Allegheny) and low in the Mauch Chunk. Water quality is soft with high to moderate levels of iron and chlorine, and low levels of dissolved solids and chlorine (Reger, 1931, Schwietering, 1981, and Ward, 1968). The statuses of these wells are unknown, but may be no longer in service, with the expansion of the Thomas PSD water service along the route to the High School. One or more of these wells are within the 500-foot potential impact zone of the OPA alignment. The wells are outside of the remaining alternative alignments' potential impact zones.

Avoidance, Minimization, and Mitigation

The alternative development process included efforts to avoid or minimize impacts to groundwater resources. The following mitigation measures could be used during final design and construction of the proposed alternatives to monitor impacts to existing wells:

- Any wells that would be lost due to construction activities would be replaced, as necessary, through WVDOH's ROW acquisition process. Wells would be properly abandoned and sealed in accordance with standards set by current regulations.
- Wells that are within 500 feet of the alternative would be monitored before, during, and after construction to identify any changes in water quality during construction activities. If substantial changes in water quality or quantity occur, these wells would be replaced.
- If necessary, existing public water supply lines could be extended to service areas where several residences are within the potential impact zone.

3.5.1.2 Springs

The location and evaluation of springs were based upon literature searches of the WVGES, the USGS, and the Tucker County Health Departments. There is one spring reported within the Study Area: the Close Mountain Spring located near Long Run about three miles west of Benbush, West Virginia. The spring issues from the hillside exposure of the Mauch Chunk Group Mississippian shale and sandstones at a rate of about 4 gpm (McColloch, 1986).

Potential Impacts

The Close Mountain Spring is over 500 feet northwest of US 219 and over 1,000 feet north of the Blackwater Avoidance Alignments. The spring is recharged from waters flowing from the northwest, within the Mauch Chunk Group, from under the Backbone Mountain region. Impacts to the spring are not anticipated above those existing from the current US 219 and nearby Long Run strip mine. The OPA would not impact the spring.

Avoidance, Minimization, and Mitigation

The mitigation measures that may be used during final design and construction to monitor impacts to existing springs will be based on the final design of the project. Springs that are within 500 feet of the alignment would be monitored before, during, and after construction to identify any changes in water quality during construction activities.

3.5.1.3 Karst Topography

There are no surface expressions of karst topography in the Study Area.

3.5.1.4 Secondary Impacts on Groundwater

The proposed roadway construction would increase the amount of impervious cover in the watersheds. While this would slightly increase storm-water runoff volumes and peak discharges, no long-term impact to the quantity of groundwater would be expected. The area covered by the highway pavement would be small in comparison to the overall land available for recharge. Therefore, no significant impact on groundwater is expected due to highway construction.

3.5.1.5 Public Water Supply

Impacts to sole-source aquifers have been evaluated in accordance with 40 CFR 149. The municipalities served by, and the sources of, public drinking water supplies were identified based on published River Basin Plans for the Potomac and Monongahela Rivers, as well as on direct communications with state, county, and local officials. Public water supply systems were identified for Davis and Thomas. For each public water supply identified, the approximate location of the source or system intake and the distribution/service area were identified on project mapping, as shown on Exhibit III-6.

Identification and protection of sole source aquifers and wellhead protection areas are required by the Safe Drinking Water Act of 1986. Wellhead protection areas are defined in the Act as “the surface and subsurface area surrounding a water well or wellfield supplying a public water system through which contaminants are reasonably likely to move toward or reach such well or wellfield” (EPA, 1987).

Existing Conditions

The WVDHHR verified that sole source aquifers or wellhead protection areas were not reported within the Study Area.

Two public water supplies were identified within the Study Area: the Davis and Thomas PSDs. Both PSDs obtain their water supply from surface water. The service areas and intakes are shown on Exhibit III-6.

The Davis PSD is located 0.6 mile east of Davis on the Blackwater River. The facility was installed in 1976 and rebuilt in 1985, following a severe flood. The Davis PSD has intakes on the Blackwater River and from a reservoir behind Weiner's Dam south of the river. The primary water source is from the Blackwater River intakes. The Weiner's Dam intakes, located on a small tributary that flow into the Blackwater River, provide supplemental capacity during peak usage or equipment maintenance. The water is piped to a treatment facility located on the north side of the river. Treatment includes sediment basins, filtration, and chlorination. Water production varies greatly due to the summer tourist demand from the Blackwater Falls State Lodge and Park, and associated campgrounds.

The Thomas PSD is located 0.4 mile north of Thomas. The PSD collects water from the City of Thomas Reservoir, 1.2 mile north of Thomas, southeast of William and east of US 219. Water is piped 0.8 mile from the reservoir to a treatment building located east of the Blackwater River. Treatment performed at the facility includes filtration and chlorination.

Potential Impacts

Potential environmental impacts to the two public water supplies were evaluated for the alternatives retained for detailed study. The public water supplies' geographical relationships to the proposed alternatives are presented on Exhibit III-6.

The alternatives retained for detailed study cross the Beaver Creek and the Blackwater River system downstream of the Thomas and Davis PSDs intakes. Potential impacts to the Davis and Thomas PSDs are not anticipated because both the intakes and recharge areas are upstream of the alignments.

3.5.2 GEOLOGY, MINES & MINERALS

To gain an understanding of the potential impacts to geology, mines and minerals associated with the proposed project, a literature search of state and federal sources was conducted. Sources included reports, databases, files, maps, and interviews with the WVGES, the USGS, the WVDEP - Office of Mine Relocation (OMR), the WVDEP - Office of Abandoned Mine Lands (AML), the United States Department of the Interior - Office of Surface Mining (OSM), West Virginia Office of Miner's Safety and Training (WVOMST), and knowledgeable local citizens.

3.5.2.1 Existing Conditions

The Study Area is within the Appalachian Plateau Province and the Black Fork watershed, which is part of the Cheat River watershed as defined in the 1996 FEIS. The Study Area is predominantly covered with the Dekalb-Brinkerton soils, which are from acid sandstone and shale parent materials with strong to extreme acid content (NCRS, 1967). Sedimentary rocks become progressively older from Upper Pennsylvanian age bedrock in the Thomas area, to Mississippian age bedrock to the east, west and south within the large North Potomac (George's Creek) Syncline. The Upper Freeport coal seam slopes (dips) an average of 25° northeast along the syncline axis from Coketon to Thomas. A geologic map of the Study Area is presented in the 1994 ASDEIS (Figure III-57).

The following groups underlie the Study Area with exposures in descending order to the south of the Study Area:

- Conemaugh Group – Pennsylvanian - cyclic red and gray shale, siltstone and sandstone, with thin limestones and coal seams. The formation is generally 430 feet thick (Cardwell, 1986).
- Allegheny Group – Pennsylvanian – cyclic sandstone, siltstone, shale, limestone and coal: The formation is generally 150 feet thick. Commercial coal production has been restricted to the Upper Freeport coal, which has been extensively mined both at the surface and underground (Reger, 1923).
- The Pottsville Group – Pennsylvanian - primarily conglomeratic sandstones with thin shales and coals.
- Mauch Chunk Group – Mississippian - red, green, and medium-gray shale and sandstone, with few thin limestones, coal is absent and the unit is largely barren of valuable deposits (Reger, 1923).
- Greenbrier Group – Mississippian – marine limestone and marine/non-marine red and gray shale, and minor sandstone beds, coal is absent and while the unit is known for the presence of both springs and caves, none are reported within the Study Area (Cardwell, 1986, Davies, 1965, Reger, 1923).

Coal Mining

The Bakerstown and Upper Freeport coal seams have been extensively mined near the communities of Davis, Thomas, Benbush and Coketon. Underground (deep) mining in the Bakerstown coal seam extends from Douglas to about 0.6 mile north of Thomas, and from Benbush to Chaffey Run east of the Study Area. Surface mining extends along outcrops in the Pendleton Creek, Long Run, Synder Run, Beaver Creek, Lost Run and the North Fork of Blackwater River valleys across the southern portion of the Study Area and north to Thomas and Benbush. Extensive underground (deep) mining in the Upper Freeport covers the central portion of the Study Area from Douglas to Pierce and from Long Run to Davis and the east side of Thomas. Surface mining extends along Long Run, Beaver Creek, the North Fork of Blackwater River, and outcrops west of Benbush and west of Davis.

The USDO, OSM and the WVDEP, AML records identify 28 coal-mining locations in the Study Area. Mines permitted by the WVDEP, OMR and AML locations are shown on Exhibit III-8. The current mine permits are listed in Table III-19.

The coal mining industry makes a low-level economic contribution to the Study Area and Tucker County (Harris, 1999). In 1998, the coal mining industry employed 55 people, just 0.3 percent of the population of Tucker County. It produced 179,000 tons of coal from surface mines, 76,000 tons of limestone, and 550 tons of shale in Tucker County in that same year (Harris, 1999). There are reported to be 178,000,000 tons of recoverable coal reserves in Tucker County (West Virginia Coal Association, Inc., 2002).

The area around Thomas has been particularly susceptible to mine subsidence in the past. Because of the documented occurrences of subsidence and the extensive network of underground mines, the entire Study Area is considered subsidence-prone for the purposes of this SDEIS.

No sources indicate the presence of mine fires in the Study Area.

**Table III-19
Issued Mine Permits**

Permit	Type	Location	Issued Date	Current Status
O004583	Haul Road	1.3 km (0.8 mi.) Southwest of Thomas on Rte 93	3/29/83	No Longer Listed
O200695	Haul Road	0.5 km (0.3 mi.) Southwest of Rte 93, West of Davis	2/5/96	Active/Renewed
S000780	Surface	1.8 km (1.1 mi.) East of Thomas, Pendleton Creek	1/14/80	Inactive
S007379	Surface	0.5 km (0.3 mi.) Southwest of Rte 93, Pendleton Creek	6/11/79	Done/Phase I Released
S007476	Surface	1 km (0.6 mi.) Southwest of Rte 93, West of Davis	3/25/76	Active Mining/Renewed
S014677	Surface	0.5 km (0.3 mi.) Southwest of Route 93, Pendleton Creek	9/13/77	Done/ Renewed
S201892	Surface	1 km (0.6 mi.) Southwest of Rte 93, West of Davis	11/20/92	Done/Phase 2 Released
S202392	Surface	0.2 km (0.1 mi.) Southwest of Rte 93, Northwest of Davis	4/1/93	Active Mining/Renewed
S200595	Surface	1 km (0.6 mi.) Southwest of Benbush, West of Davis	1/31/96	Never Started/Renewed
U200389	Underground	East of Benbush and North of Rte 219	6/5/89	Done/Phase II Released
Q002574	Quarry	West of Benbush	3/1/74	Active/Renewed
Q004078	Quarry	West of Tucker County High School	3/28/78	Active/Renewed

Note: All Permits issued to Buffalo Coal Co.

Source: WVDEP, 2002.

Acid Drainage

Acid drainage is a low pH (acidic), sulfate-rich water. Acid drainage results from the oxidation of metal disulfide minerals upon exposure to air and water. Numerous mine seeps producing acid-drainage have been identified by the AML in the Study Area. Because of the geologic composition and the known seeps, the entire Study Area is considered prone to acid-drainage.

Natural Gas and Oil

An exploratory natural gas well (#093-00067) is reported in the WVDEP records 0.6 mile northeast of Thomas and 0.3 mile east of US 219. The records indicate it was never viable and no other wells are reported in the Study Area.

Sandstone and Limestone Quarries

The Stanley and Fairfax quarries are located north of US 219 and are well outside of any of the proposed alternative alignment potential impact zones.

Mineral Resources

The Conemaugh and Allegheny Formations are listed as having favorable geology for sandstone uranium. The Conemaugh Formation is also favorable for sediment-hosted copper. However, no occurrences of sandstone uranium or sediment-hosted copper are reported in the Study Area. In addition, there are no deposits that indicate profitable production of these minerals either now or in the foreseeable future (Cannon, 1994 and Reger, 1923).

Karst Topography

There are no surface expressions of karst topography in the Study Area.

Unique Geologic Features

There are no known unique geologic features in the Study Area.

3.5.2.2 Potential Impacts

Because the entire Study Area is considered prone to subsidence, all the alternatives retained for detailed study, except the No-Build Alternative, are considered to have an equal potential to encounter subsidence.

Because most of the Study Area is considered prone to acid-drainage, all the alternatives retained for detailed study, except the No-Build Alternative, are considered to have an equal potential to produce acid drainage.

3.5.2.3 Avoidance, Minimization & Mitigation

Specific avoidance, minimization, and mitigation measures regarding subsidence are detailed in the 1996 FEIS (p. III-237) and are incorporated here by reference.

The potential for acid drainage as a result of project construction and appropriate avoidance, minimization, and mitigation measures are detailed in the 1996 FEIS *Mitigation Document* (pp. 22 – 25) and are incorporated here by reference (WVDOH, 1996).

3.5.3 HAZARDOUS MATERIALS

The hazardous materials analysis has been conducted in accordance with WVDOH's *Guidelines for Identifying and Dealing with Hazardous Waste on Highway Projects* (1989) and the guidelines set forth in FHWA's *Technical Advisory T 6640.8A* (FHWA, 1987), and *Interim Guidance: Hazardous Waste Sites Affecting Highway Project Development* (FHWA, 1988).

Several federal regulatory programs involve the implementation of regulating hazardous waste sites. These programs include the Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA [or Superfund]), and the Superfund Amendments and Reauthorization Act (SARA). These federal laws give EPA responsibility for regulating hazardous waste. In response to this directive, EPA is inventorying uncontrolled sites and has published the National Priority List (NPL).

Appropriate data collections and coordination with local, state and federal agencies was undertaken to determine the location of known permitted and non-regulated hazardous waste sites within the Study Area. During the ASDEIS and FEIS stages of the Corridor H Project, letters of inquiry were sent to the West Virginia Division of Waste Management to obtain information regarding countywide lists of hazardous waste sites. Background data searches were also conducted at the ASDEIS and FEIS stages. This information has been updated for the purposes of this SDEIS and confirmed through field reconnaissance of the Study Area.

3.5.3.1 Existing Conditions

The Study Area is largely comprised of surface and underground mining operations (recent and historical), wetland complexes, and forest. Commercial development is mostly limited to properties with direct access from US 219 and WV 93, including the City of Thomas. The City of Thomas is located within the Blackwater Area defined in the 2000 Settlement Agreement (Appendix A). Potential small-scale hazardous waste generators, such as gas stations (operational and abandoned) and dry cleaners, are also located within this area and along US 219. An abandoned gas station is located in the extreme northern portion of the Study Area, near William on WV 90.

Historically, municipal waste was disposed in "dumps" such as old strip-mining areas. Two of these historic "dumps" are located in the Study Area: the Benbush Refuse area and the Tire Dump. The extent of the Tire Dump was not previously documented, so its extent was delineated by a field evaluation of the existing terrain and other natural features. The old Tucker County dump was located south of Pendleton Creek, but its contents were reportedly removed when mining operations resumed in the area in the late 1980s.

Immediately southeast of Thomas is the Tucker County Landfill (TCL). The landfill is permitted for municipal waste disposal and may accept certain types of "special solid waste" (e.g., shredder fluff, insulation, ash, and drums). "Hazardous wastes" as defined by WVDEP and EPA are not accepted at the TCL. All potential hazardous waste sites are shown in Exhibit III-8.

Environmental Data Resources, Inc. performed an updated background data search for the Study Area. Table III-20 presents the number of listed hazardous waste facilities within the Study Area.

Table III-20
Potential Hazardous Waste Sites in Study Area

Government Reporting Database		Source Agency	# of Potential Sites in Study Area
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System	EPA	0
NPL	National Priority List	EPA	0
ERNS	Emergency Response Notification System	EPA/NTIS	0
RCRIS	Resource Conservation and Recovery Information System	EPA/NTIS	1
CORRACTS	Corrective Action Report	EPA	0
BRS	Biennial Reporting System	EPA/NTIS	0
CONSENT	Superfund (CERCLA) Consent Decrees	EPA Regional Offices	0
FINDS	Facility Index System/Facility Identification Initiative Program Summary Report	EPA	1
HMIRS	Hazardous Materials Information Reporting System	USDOT	0
MLTS	Material Licensing Tracking System	Nuclear Regulatory Commission	0
NPL LIENS	Federal Superfund Liens	EPA	0
PADS	PCB Activity Database System	EPA	0
RAATS	RCRA Administrative Action Tracking System	EPA	0
ROD	Records of Decision	NTIS	0
TRIS	Toxic Chemical Release Inventory System	EPA	0
TSCA	Toxic Substances Control Act	EPA	0
MINES	Mines Master Index File	Dept. of Labor, Mine Safety and Health Administration	4
LUST	Leaking Underground Storage Tanks	Division of Environmental Protection	0
SHWS	State Hazardous Waste Sites	Dept. of Commerce, Labor and Environmental Resources	0
LF	List of M.S.W. Landfills/Transfer Station Listing	Division of Environmental Protection	0
UST	UST Database	Division of Environmental Protection	0
DELISTED NPL	NPL Deletions	EPA	0
NFRAP	No Further Remedial Action Planned	EPA	0
PWS	Public Water Systems	EPA/Office of Drinking Water	1
FTTS	FIFRA/TSCA Tracking System	EPA/Office of Prevention	1

Source: Environmental Data Resources, Inc.

Potential Impacts

The OPA would not result in any direct impacts to known hazardous waste sites, according to the 1996 FEIS (p. III-242).

None of the other alternatives retained for detailed study are expected to directly impact known potential hazardous waste sites. The West Landfill Option of Alternatives 1D and 1G involves the use of property currently used by the TCL. However, this section of property is where the access road and scales are located, and hazardous wastes are not expected to exist in this area.

3.5.3.2 Avoidance, Minimization, & Mitigation Measures

WVDOH's Hazardous Waste guidelines state that it is their practice to avoid known waste sites. Avoidance of hazardous waste facilities is often the most practical alternative due to the potential costs of handling, sampling, treatment, storage, and transportation and disposal of these materials. Because hazardous waste sites are not located within the construction limits of the alternatives retained for detailed study, no site-specific mitigation measures would be necessary.

If any potential hazardous waste sites are identified during the FEIS study or during final design, an environmental site assessment would be performed prior to the acquisition of the property. This assessment would establish the overall risk or liability the property represents to the purchaser. The site investigations would be conducted in accordance with WVDOH's *Guidelines for Identifying and Dealing with Hazardous Waste on Highway Projects* (1989) and the guidelines set forth in FHWA's *Technical Advisory T 6640.8A*.

3.5.4 AIR QUALITY

The 1996 Appalachian Corridor H FEIS included a detailed analysis of the predicted air quality along the immediate corridor of the 100-mile highway project. A similar air quality analysis was performed for the Parsons-to-Davis Project to determine whether a 9-mile section of the OPA could be replaced with one of the avoidance alignments without resulting in an exceedance of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO).

3.5.4.1 Existing Environment

The Study Area is located in Tucker County, West Virginia and within Region 3 of the EPA's jurisdiction. The agencies normally involved with monitoring and regulating air quality in this region are the EPA, the WVDEP, and WVDOT.

The Clean Air Act directed the EPA to establish standards for clean air via the NAAQS. The NAAQS are shown in Table III-21. The standards represent levels of these pollutants and exposure periods that pose no significant threat to human health or welfare. The state of West Virginia adheres to these same standards. As a result of the Clean Air Act Amendments, and based on historical monitoring data, Tucker County is designated as being in attainment for both CO and ozone (O₃), the pollutants most often associated with mobile source (motor vehicle) emissions.

Table III-21
National Ambient Air Quality Standards

Pollutant	Primary	Secondary
CO	1-hour Average ^b 35 ppm (40 ug/m ³)	None
	8-hour Average ^b 9 ppm (10 ug/m ³)	None
NO ₂	Annual Arithmetic Mean 0.053 ppm (100 ug/m ³)	Same
O ₃	Maximum Daily 1-hour Average ^c 0.12 ppm (235 ug/m ³)	Same
	Maximum Daily 8-hour Average ^c 0.08 ppm (157 ug/m ³)	Same
Pb	Maximum Quarterly Average 1.5 ug/m ³	Same
PM ₁₀	Annual Arithmetic Mean ^d 50 ug/m ³	Same
	24-hour Average ^b 150 ug/m ³	Same

Pollutant	Primary	Secondary
PM _{2.5}	Annual Arithmetic Mean ^d 15 ug/m ³	Same
	24-hour Average ^b 65 ug/m ³	Same
SO ₂	24-hour Average ^b 0.14 ppm (365 ug/m ³)	3-hour Average ^b 0.50 ppm (1,300 ug/m ³)
	Annual Arithmetic Mean 0.03 ppm (80 ug/m ³)	None

a Parenthetical values are approximately equivalent concentrations.

b Not to be exceeded more than once per year.

c The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm or maximum 8-hour concentrations above 0.08 does not exceed 1.

d The annual standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 mg/m³ for PM₁₀ and 15 mg/m³ for PM_{2.5}.

Source: U.S. EPA, 1998

The term "attainment" refers to the status of the various pollutants described in the NAAQS. If a pollutant does not exceed the standard more than once per year, then it is considered in attainment of the standard. If the pollutant exceeds the standard two or more times during the year, then it is considered in non-attainment of the standard. When a proposed highway project is located in a non-attainment area, it must be included in an approved Transportation Improvement Plan or meet a series of requirements in order for the project to be approved. This project is located in an area designated as being in attainment of the standard for both CO and O₃.

3.5.4.2 CO Microscale Analysis - Methodology

An air quality assessment was performed, using a microscale analysis, to determine the potential effects of the highway project on the surrounding local CO concentrations. The microscale analysis predicts the generation and transportation (dispersion) of CO within the immediate project vicinity. The years 2010 (opening year) and 2020 (design year) were analyzed and compared to the NAAQS criteria for CO. A detailed description of the methodology is provided in the 1996 Corridor H FEIS.

Receptor sites were modeled to represent locations where the highest CO concentration levels could be expected and where the general public could have access during the analysis periods. These receptors were placed at various offsets from the proposed alignments to represent locations where human activity may occur. The CO concentrations were compiled to include both vehicular and background CO concentrations.

3.5.4.3 Microscale Analysis - Results

Results from the microscale analysis show that none of the predicted one-hour analysis sites exceeded the one-hour CO criteria of 35 ppm, as identified in the NAAQS. These predicted concentrations also did not exceed the more stringent eight-hour CO concentration criteria of 9 ppm. Therefore, a separate eight-hour CO analysis was not performed because the one-hour concentrations were less than eight-hour NAAQS for CO (per EPA guidelines).

Table III-22 shows the highest predicted one-hour CO concentrations at the various offsets for the 2010 opening and 2020 design years. These predicted CO concentration levels would be typical at locations along the alternatives where the greatest traffic volumes would occur and where human activities may be expected to occur adjacent to the corridor ROW. All predicted concentrations include a conservative (worst-case) one-hour background CO level of 2.0 ppm.

Table III-22
Highest Predicted 1-Hour CO Concentrations for Years 2010 & 2020

Year	Carbon Monoxide Concentrations (ppm) at Offsets (in feet) from the Mainline of Avoidance Alignments													
	50	60	70	80	90	100	150	200	250	300	350	400	450	500
2010	2.9	2.7	2.6	2.6	2.6	2.6	2.5	2.4	2.4	2.4	2.4	2.4	2.4	2.4
2020	3.0	3.0	3.0	2.9	2.8	2.8	2.6	2.5	2.4	2.4	2.4	2.4	2.4	2.4

NAAQS: 1-Hour = 35ppm, 8-Hour = 9ppm Predicted concentrations include a background CO level of 2.0 ppm.

Source: Michael Baker Jr., Inc.

The highest predicted one-hour CO concentration for the years 2010 and 2020 were 2.9 ppm and 3.0 ppm, respectively. Based on these results, no exceedances of either the one or eight-hour criteria are predicted to occur for any of the avoidance alignments. These results are consistent with the air quality analysis conducted for the 1996 Corridor H FEIS where no receptor exceeded either the one or eight-hour criteria for CO.

3.5.4.4 Truck Route

With the implementation of the Truck Route (as an addition to either the OPA or Alternative 2), between 45 and 90 percent of the current heavy truck traffic would be diverted from downtown Thomas (see *Section 3.2.1: Economic Environment*). In the year 2020, the Truck Route will attract an approximate ADT of 500 trucks, of which 50 percent can be assumed to be heavy trucks. This would have a positive impact on the air quality of downtown Thomas. Specifically, the City of Thomas could expect a substantial decrease in Particulate Matter due to the diversion of truck traffic from the Truck Route.

3.5.4.5 Avoidance, Minimization & Mitigation

The Study Area is in an attainment area for CO. Based on the predicted results, the construction of any of the proposed alternatives retained for detailed study would not cause an exceedance of the NAAQS for CO in any of the analysis years. As described in the 1996 Appalachian Corridor H FEIS, the No-Build Alternative will not impact the local air quality.

The predicted CO concentration levels for the proposed alternative alignments are well below both the one-hour and eight-hour NAAQS criteria for CO. Therefore, no mitigation measures would be required. The Study Area is in an attainment area for O₃. It is also in an area where the State Implementation Plan does not contain any transportation control measures. Therefore, the conformity procedures of 40 CFR Part 51 do not apply.

A quantitative mesoscale or "regional" air quality analysis was not performed for the project because the Study Area is in attainment for both CO and O₃.

3.5.5 TRAFFIC NOISE

A noise analysis was prepared in accordance with the WVDOT Noise Analysis and Abatement Guidelines and in conjunction with Title 23 of the Code of Federal Regulations Part 772 (23 CFR 772), which establishes the requirement for a noise study for any proposed Federal or Federal-aid transportation project.

This section presents a description of the methods used in the analysis, applicable noise standards and criteria prescribed by Federal Regulations and WVDOT, and the identification of noise sensitive areas contiguous to the project. Additionally, it contains the qualitative modeling results for the base year (1999) and design year (2020) build sound level environments, with a generalized comparison of the predicted future sound levels to the existing (base) year sound environment and to the noise abatement criteria. Finally, the analysis includes a discussion on noise abatement measures.

Details of the noise analysis for Corridor H as a whole are contained in the 1994 *Air, Noise, and Energy Technical Report* (WVDOH, 1994b), and cumulative impacts were addressed in the 1996 FEIS (p. III-250 to III-254).

3.5.5.1 Fundamentals of Sound and Noise

Sound intensity is normally presented as a sound level using the unit dB (decibel). The decibel is used to measure either sound power or sound pressure levels. These sound pressure levels are expressed as dBA Leq(h). The term dBA refers to decibels on the A-weighted scale that represents the way the human ear perceives sound. The term Leq(h) refers to the sound level that is representative of the average sound level over a one hour time period. Research has shown that normal human hearing can only detect sound level changes of three (3) decibels or more. Therefore, changes of one (1) or two (2) decibels are not generally noticeable.

3.5.5.2 Monitored Existing Sound Levels

In order to assess the existing (ambient) sound environment within the Study Area, sound level measurements were taken at 17 representative sites, using a Metrosonics dB-3080 Sound Level Analyzer. Short-term measurement periods of 15 minutes duration each were conducted at the selected monitoring sites. These monitoring sites were chosen to be representative of the noise sensitive land uses adjacent to the alternatives and characteristic of the existing background sound levels within the Study Area. Simultaneous traffic counts were also recorded for nearby roadways as applicable for

validating the monitored versus modeled data. A summary of these monitoring sites and their associated sound levels is presented in Table III-23.

Dominant noise sources within the Study Area included traffic from near-by roadways, various localized neighborhood activities, and the sounds resulting from activities at the regional landfill. Ambient sound levels measured in the field at the various monitoring locations ranged from 46 to 65 dBA Leq. The highest measured sound levels occurred at M-8, where sound levels are influenced by the peak-hour traffic volumes along US 219. The lowest sound level was measured at site M-14, where traffic noise contributions primarily came from secondary and local roads. These measured ambient sound levels characterize the existing sound environment within the Study Area and include representative peak-hour traffic conditions where appropriate.

Table III-23
Measured Ambient Sound Levels

ID No.	NAC Level	Date	Measurement Period	Sound Level (dBA Leq)	Dominant Noise Source
M-1	66	2/13/02	15:30 – 15:45	47	Quiet, distant HT traffic on US 219
M-2	66	2/12/02	8:40 – 8:55	53	Traffic on US 219
M-3	66	2/12/02	9:30 – 9:45	50	Traffic on US 219
M-4	66	2/12/02	11:30 – 11:45	62	Traffic on US 219
M-5	66	2/12/02	12:05 – 12:20	46	Quiet, local ambient sounds
M-6	66	2/12/02	13:45 – 14:00	61	Traffic on US 219 and CR 18
M-7	66	2/12/02	13:07 – 13:22	51	Traffic on US 219 and CR 18
M-8	66	2/12/02	14:10 – 14:25	65	Traffic on US 219
M-9	66	2/12/02	16:30 – 16:45	52	Quiet, distant traffic on US 219
M-10	66	2/12/02	15:15 – 15:30	50	Quiet, distant traffic on US 219
M-11	66	2/12/02	14:40 – 14:55	60	Local activities at Nursing facility, Traffic on US 219
M-12	66	2/13/02	8:24 – 8:39	64	Traffic on WV 32 (South)
M-13	66	2/13/02	9:48 – 10:03	47	Distant HT traffic on WV 32, local school activities inside school
M-14	66	2/13/02	12:45 – 13:00	46	Quiet, local ambient sounds
M-15	71	2/13/02	13:23 – 13:38	63	Landfill operational noises
M-16	66	2/13/02	14:36 – 14:51	52	Local ambient sounds, distant HT traffic on WV 93
M-17	66	2/13/02	14:00 – 14:15	53	Distant noise from landfill operations, distant HT traffic on WV 93

3.5.5.3 Noise Sensitive Areas

Land use and noise levels interact to play an important role in the impact of traffic-generated noise on an area. Some types of land use are more sensitive to noise levels than others. Typically, the land use most sensitive to noise is residential, especially those residential areas composed of single-family dwellings. Other land uses with less sensitivity to noise include open range and pasture lands, wooded areas, commercial and industrial properties, and agricultural areas.

Land within the Study Area is composed primarily of mixed deciduous forest and large tracts of undeveloped land. Areas of rural development and their associated land uses are dispersed throughout the Study Area. They consist of mixed land uses, including residential dwellings, farmsteads and associated buildings, commercial businesses and public service facilities, churches, and schools. Communities include the City of Thomas and the neighborhoods of Benbush, William, Railroad Hill, Cortland Acres, and Coketon. The Town of Davis is located immediately southeast of the Study Area.

Exhibit III-9 shows the locations of all the noise sensitive receptors included in the noise analysis modeling.

3.5.5.4 Noise Standards and Criteria

The WVDOT Noise Analysis and Abatement Guidelines were used to provide subjective descriptors of noise impacts at receptors along the proposed alignments in conjunction with Title 23 of the Code of Federal Regulations Part 772 (23 CFR 772). These define traffic noise impacts as “impacts which occur when predicted traffic noise levels approach or exceed the Noise Abatement Criteria (NAC), or when the predicted traffic noise levels substantially exceed the existing noise levels.” The NAC are expressed in terms of dBA Leq(h), and describe the various degrees of noise sensitivity for different land use activity categories. Table III-24 shows the NAC for various land use Activity Categories. The approach criterion is defined as one dBA less than the criteria for each Activity Category. Also, a 16 dBA increase over the existing condition is considered a “substantial increase impact” according to WVDOT guidelines.

Table III-24
FHWA Noise Abatement Criteria (NAC)

Activity Category	Leq (h)*	Description of Activity Category
A	57(exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	67(exterior)	Picnic areas, recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries and hospitals.
C	72(exterior)	Developed lands, properties, or activities not included in Categories A or B above.
D	--	Undeveloped lands.
E	52(interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals and auditoriums.

*Hourly A-weighted Sound Level (dBA)

Source: 23 CFR 772

Noise sensitive receptors evaluated in the analysis were representative of Category B and C receptors. Category B represents the exterior sound levels of such places as parks, residences, schools and hospitals (Table III-24). Category C represents exterior sound levels at commercial and business sites. According to FHWA and WVDOH noise analysis policy as derived through 23 CFR 772, an impact at any Category B receptor occurs if the design year build alternative sound levels equal or exceeds the approach criterion of 66 dBA. For Category C receptors, the criterion is 71 dBA.

3.5.5.5 Traffic Noise Modeling

Methodology

Traffic noise calculations were performed using the FHWA's Traffic Noise Model, Version 1.0b (1999). The Traffic Noise Model or TNM1.0b calculates noise levels in the vicinity of highways using a one-third octave-band database and algorithms. The noise modeling accounted for operating speed and peak-hour traffic volumes for autos, medium trucks (two-axle, six-tires), and heavy trucks (three or more axles). In addition, tree zones, terrain, and elevation were also incorporated into the noise modeling.

Traffic Data

Paragraph b, Section 772.17 of 23 CFR 772 states that, “in predicting noise levels and assessing noise impacts, traffic characteristics which will yield the worst hourly traffic noise impact on a regular basis for the design year shall be used.” Since the level of highway traffic noise is normally related directly to the traffic volume, the traffic characteristics that will yield the worst hourly traffic noise impact on a regular basis for the design year will be the average hourly volume for the highest traffic hour of each day.

Traffic volumes for the Study Area were derived from traffic reports prepared by WVDOH and Michael Baker Jr., Inc. The design directional hourly volumes (DDHV) were used in the analyses to represent the loudest period of the day. An operating speed of 60 mph was used for the proposed Build Alternatives, while the posted speed limits were used for all existing roadways. Traffic assumptions included a DDHV of 10 percent. Recent traffic surveys indicate that the vehicle mix for the proposed highway would consist of 87 percent automobiles (including pickup trucks, vans, etc.), 3 percent medium trucks (2-axle/6-tires), and 10 percent heavy trucks (3 or more axles).

3.5.5.6 Traffic Noise Modeling Results

Table III-25 shows the sound level environments and identified criteria impacts at each of the modeled receptor locations for the Base Year (existing condition), and design year (2020) No-Build and Build Alternatives. The locations of the receptors identified as noise sensitive sites and modeled in the analysis are illustrated in Exhibit III-9 and listed in Table III-26.

Base Year

Existing noise levels for receptors in the Study Area range from 42 dBA to 70 dBA. Areas with higher noise levels are located near the major roadways in the Study Area (i.e., US 219, WV 93 and WV 32). Existing noise levels indicate that six (6) NAC Category B receptors currently approach or exceed the NAC impact criterion of 66 dBA (receptors 1, 29, 55, 57, 58, and 59). Modeled existing noise levels are presented in Table III-25.

No-Build

The modeled noise levels under the No-Build scenario in the design year indicate that the six (6) receptors currently impacted under the NAC criteria will continue to be impacted by traffic noise in the future. An additional four (4) NAC Category B receptors will also approach or exceed the NAC criteria (66 dBA). These are receptors 2, 33, 35, and 53. There will be no WV substantial increase criteria impacts with the No Build Alternative. Modeled No-Build noise levels are shown in Table III-25 and summarized in Table III-27.

Build Alternatives

Design year predicted noise levels at each of the receptor sites were modeled for each Build Alternative and are shown in Table III-25. A summary of impacts is provided in Table III-27.

None of the Build Alternatives will have more NAC impacts than the No Build Alternative in the design year. Alternatives 1E and Alternative 1G (East and West) will have the least impacts with seven (7) NAC impacts. Alternative 1D (East and West) and Alternative 2 will have eight (8) NAC impacts. Of the Build Alternatives, the OPA is predicted to impact the most sensitive receptors, with nine (9) NAC impacts. All of the impacted receptors are NAC Category B (Table III-24).

In addition to their NAC criteria impacts, the OPA and Alternative 2 will have a single WV substantial increase criteria impact. These two alternatives are predicted to impact receptor 780 with an increase over the current noise level of 44 dBA to a design year noise level of 66 dBA (Table III-25).

The proposed Truck Route Alternative, near the community of Thomas, would be constructed in conjunction with either the OPA or Alternative 2. When combined with either of these alignments, the Truck Route is predicted to impact five (5) locations, all of which are already predicted to be impacted by the OPA or Alternative 2 alone (53, 55, 57, 58 and 59).

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Table III-25
Modeled Noise Levels at Noise Sensitive Receptors

Receptor ID Number NAC Level		Base Year		No-Build Alternative			1 D West			1D East			1E			1G West			1G East			2			OPA		
		Noise Level	NAC Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?
1	66	68	NAC	70	2	NAC	68	0	NAC	68	0	NAC	68	0	NAC	67	-1	NAC	67	-1	NAC	67	-1	NAC	67	-1	NAC
2	66	65	No	67	2	NAC	67	2	NAC	67	2	NAC	65	0	No	65	0	No	65	0	No	64	-1	No	64	-1	No
3	66	52	No	54	2	No	57	5	No	57	5	No	57	5	No	51	-1	No	51	-1	No	51	-1	No	51	-1	No
4	66	55	No	58	3	No	61	6	No	61	6	No	62	7	No	58	3	No	58	3	No	58	3	No	58	3	No
5	66	55	No	58	3	No	61	6	No	61	6	No	61	6	No	58	3	No	58	3	No	58	3	No	58	3	No
6	66	54	No	57	3	No	59	5	No	59	5	No	60	6	No	57	3	No	57	3	No	57	3	No	57	3	No
7	66	57	No	60	3	No	61	4	No	61	4	No	61	4	No	60	3	No	60	3	No	60	3	No	60	3	No
8	66	54	No	57	3	No	59	5	No	59	5	No	60	6	No	57	3	No	57	3	No	57	3	No	57	3	No
9	66	46	No	47	1	No	54	8	No	54	8	No	57	11	No	46	0	No	46	0	No	46	0	No	46	0	No
10	66	46	No	48	2	No	55	9	No	55	9	No	58	12	No	46	0	No	46	0	No	46	0	No	46	0	No
11	66	46	No	48	2	No	55	9	No	55	9	No	58	12	No	46	0	No	46	0	No	46	0	No	46	0	No
12	66	46	No	47	1	No	56	10	No	56	10	No	59	13	No	46	0	No	46	0	No	46	0	No	46	0	No
13	66	50	No	53	3	No	56	6	No	56	6	No	57	7	No	53	3	No	53	3	No	53	3	No	53	3	No
14	66	53	No	56	3	No	58	5	No	58	5	No	58	5	No	56	3	No	56	3	No	56	3	No	56	3	No
15	66	49	No	52	3	No	56	7	No	56	7	No	57	8	No	52	3	No	52	3	No	52	3	No	52	3	No
16	66	56	No	59	3	No	60	4	No	60	4	No	61	5	No	59	3	No	59	3	No	59	3	No	59	3	No
17	66	51	No	54	3	No	56	5	No	56	5	No	57	6	No	54	3	No	54	3	No	54	3	No	54	3	No
18	66	46	No	48	2	No	52	6	No	52	6	No	54	8	No	48	2	No	48	2	No	47	1	No	47	1	No
19	66	57	No	60	3	No	61	4	No	61	4	No	61	4	No	61	4	No	61	4	No	61	4	No	61	4	No
20	66	52	No	55	3	No	56	4	No	56	4	No	57	5	No	55	3	No	55	3	No	55	3	No	55	3	No
21	66	56	No	59	3	No	60	4	No	60	4	No	60	4	No	59	3	No	59	3	No	59	3	No	59	3	No
22	66	58	No	61	3	No	62	4	No	62	4	No	62	4	No	62	4	No	62	4	No	62	4	No	62	4	No
23	66	54	No	57	3	No	58	4	No	58	4	No	59	5	No	57	3	No	57	3	No	57	3	No	57	3	No
24	71	43	No	43	0	No	45	2	No	45	2	No	49	6	No	55	12	No	55	12	No	43	0	No	43	0	No
25	71	43	No	44	1	No	45	2	No	45	2	No	44	1	No	56	13	No	56	13	No	43	0	No	43	0	No
26	66	46	No	48	2	No	50	4	No	50	4	No	48	2	No	58	12	No	58	12	No	48	2	No	48	2	No
27	66	51	No	53	2	No	49	-2	No	49	-2	No	49	-2	No	59	8	No	59	8	No	49	-2	No	49	-2	No
28	66	55	No	57	2	No	53	-2	No	53	-2	No	53	-2	No	61	6	No	61	6	No	53	-2	No	53	-2	No
29	66	68	NAC	70	2	NAC	66	-2	NAC	66	-2	NAC	66	-2	NAC	67	-1	NAC	67	-1	NAC	66	-2	NAC	66	-2	NAC
30	66	57	No	59	2	No	55	-2	No	55	-2	No	55	-2	No	60	3	No	60	3	No	54	-3	No	54	-3	No

Receptor ID Number NAC Level		Base Year		No-Build Alternative			1 D West			1D East			1E			1G West			1G East			2			OPA		
		Noise Level	NAC Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?
31	66	61	No	63	2	No	60	-1	No	60	-1	No	60	-1	No	61	0	No	61	0	No	60	-1	No	60	-1	No
32	B	44	No	45	1	No	45	1	No	45	1	No	43	-1	No	50	6	No	50	6	No	54	10	No	54	10	No
33	66	65	No	67	2	NAC	65	0	No	65	0	No	65	0	No	65	0	No	65	0	No	65	0	No	65	0	No
34	66	63	No	65	2	No	64	1	No	64	1	No	64	1	No	64	1	No	64	1	No	64	1	No	64	1	No
35	66	64	No	66	2	NAC	64	0	No	64	0	No	64	0	No	65	1	No	65	1	No	64	0	No	64	0	No
36	66	49	No	51	2	No	50	1	No	50	1	No	51	2	No	55	6	No	55	6	No	50	1	No	50	1	No
37	66	44	No	45	1	No	48	4	No	48	4	No	48	4	No	52	8	No	52	8	No	44	0	No	44	0	No
38	66	44	No	45	1	No	50	6	No	50	6	No	48	4	No	52	8	No	52	8	No	44	0	No	44	0	No
39	66	44	No	45	1	No	50	6	No	50	6	No	47	3	No	52	8	No	52	8	No	44	0	No	44	0	No
40	71	43	No	44	1	No	44	1	No	44	1	No	43	0	No	46	3	No	46	3	No	43	0	No	43	0	No
41	66	45	No	46	1	No	47	2	No	47	2	No	46	0	No	49	4	No	49	4	No	45	0	No	45	0	No
42	71	60	No	60	0	No	66	6	No	60	0	No	62	2	No	66	6	No	60	0	No	62	2	No	62	2	No
43	66	51	No	53	2	No	53	2	No	53	2	No	54	3	No	53	2	No	53	2	No	54	3	No	54	3	No
44	66	47	No	49	2	No	51	4	No	48	1	No	50	3	No	51	4	No	48	1	No	50	3	No	50	3	No
45	66	47	No	49	2	No	49	2	No	47	0	No	49	2	No	49	2	No	47	0	No	49	2	No	49	2	No
46	66	45	No	46	1	No	49	4	No	48	3	No	49	4	No	49	4	No	48	3	No	49	4	No	49	4	No
47	66	45	No	46	1	No	50	5	No	50	5	No	49	4	No	50	5	No	50	5	No	49	4	No	49	4	No
48	66	45	No	47	2	No	51	6	No	51	6	No	50	5	No	51	6	No	51	6	No	50	5	No	50	5	No
49	66	46	No	48	2	No	52	6	No	51	5	No	51	5	No	52	6	No	51	5	No	51	5	No	51	5	No
50	66	45	No	46	1	No	50	5	No	51	6	No	50	5	No	50	5	No	51	6	No	50	5	No	50	5	No
51	66	45	No	46	1	No	48	3	No	46	1	No	49	4	No	48	3	No	46	1	No	49	4	No	49	4	No
52	66	44	No	45	1	No	50	6	No	50	6	No	49	5	No	50	6	No	50	6	No	49	5	No	49	5	No
53	66	65	No	67	2	NAC	67	2	NAC	67	2	NAC	68	3	NAC	69	4	NAC	69	4	NAC	68	3	NAC	68	3	NAC
54	66	62	No	64	2	No	65	3	No	65	3	No	65	3	No	65	3	No	65	3	No	65	3	No	65	3	No
55	66	68	NAC	70	2	NAC	71	3	NAC	71	3	NAC	71	3	NAC	71	3	NAC	71	3	NAC	71	3	NAC	71	3	NAC
56	66	57	No	59	2	No	60	3	No	60	3	No	60	3	No	60	3	No	60	3	No	60	3	No	60	3	No
57	66	68	NAC	70	2	NAC	71	3	NAC	71	3	NAC	71	3	NAC	71	3	NAC	71	3	NAC	71	3	NAC	71	3	NAC
58	66	70	NAC	72	2	NAC	73	3	NAC	73	3	NAC	73	3	NAC	73	3	NAC	73	3	NAC	73	3	NAC	73	3	NAC
59	66	66	NAC	68	2	NAC	70	4	NAC	70	4	NAC	70	4	NAC	70	4	NAC	70	4	NAC	70	4	NAC	70	4	NAC
60	66	45	No	46	1	No	50	5	No	51	6	No	49	4	No	50	5	No	51	6	No	49	4	No	49	4	No
61	66	46	No	47	1	No	51	5	No	51	5	No	50	4	No	51	5	No	51	5	No	50	4	No	50	4	No
62	66	45	No	47	2	No	51	6	No	51	6	No	50	5	No	51	6	No	51	6	No	50	5	No	50	5	No

Receptor ID Number NAC Level		Base Year		No-Build Alternative			1 D West			1D East			1E			1G West			1G East			2			OPA		
		Noise Level	NAC Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?
63	66	45	No	47	2	No	50	5	No	51	6	No	50	5	No	50	5	No	51	6	No	50	5	No	50	5	No
64	66	46	No	47	1	No	50	4	No	51	5	No	50	4	No	50	4	No	51	5	No	50	4	No	50	4	No
65	66	45	No	47	2	No	50	5	No	51	6	No	50	5	No	50	5	No	51	6	No	50	5	No	50	5	No
66	66	46	No	47	1	No	50	4	No	51	5	No	50	4	No	50	4	No	51	5	No	50	4	No	50	4	No
67	66	44	No	45	1	No	48	4	No	46	2	No	48	4	No	48	4	No	46	2	No	48	4	No	48	4	No
68	66	44	No	45	1	No	48	4	No	47	3	No	48	4	No	48	4	No	47	3	No	48	4	No	48	4	No
69	66	44	No	45	1	No	50	6	No	47	3	No	51	7	No	50	6	No	47	3	No	51	7	No	51	7	No
70	66	45	No	46	1	No	51	6	No	47	2	No	50	5	No	51	6	No	47	2	No	50	5	No	50	5	No
71	66	44	No	45	1	No	49	5	No	48	4	No	49	5	No	49	5	No	48	4	No	49	5	No	49	5	No
72	66	45	No	46	1	No	50	5	No	48	3	No	50	5	No	50	5	No	48	3	No	50	5	No	50	5	No
73	66	46	No	47	1	No	49	3	No	49	3	No	48	2	No	49	3	No	49	3	No	48	2	No	48	2	No
101	66	46	No	48	2	No	54	8	No	54	8	No	54	8	No	54	8	No	54	8	No	54	8	No	54	8	No
104	66	42	No	44	2	No	48	6	No	48	6	No	48	6	No	48	6	No	48	6	No	50	8	No	51	9	No
105	66	42	No	44	2	No	49	7	No	49	7	No	49	7	No	49	7	No	49	7	No	51	9	No	51	9	No
106	66	42	No	43	1	No	48	6	No	48	6	No	48	6	No	48	6	No	48	6	No	50	8	No	51	9	No
107	66	42	No	42	0	No	43	1	No	43	1	No	43	1	No	43	1	No	43	1	No	45	3	No	51	9	No
108	66	51	No	52	1	No	52	1	No	52	1	No	52	1	No	52	1	No	52	1	No	52	1	No	52	1	No
109	66	50	No	51	1	No	51	1	No	51	1	No	51	1	No	51	1	No	51	1	No	51	1	No	51	1	No
110	66	47	No	47	0	No	51	4	No	51	4	No	51	4	No	51	4	No	51	4	No	53	6	No	47	0	No
111	66	48	No	48	0	No	51	3	No	51	3	No	51	3	No	51	3	No	51	3	No	53	5	No	48	0	No
112	66	48	No	48	0	No	51	3	No	51	3	No	51	3	No	51	3	No	51	3	No	52	4	No	48	0	No
113	66	53	No	55	2	No	52	-1	No	52	-1	No	52	-1	No	52	-1	No	52	-1	No	52	-1	No	66	13	NAC
114	66	48	No	50	2	No	47	-1	No	47	-1	No	47	-1	No	47	-1	No	47	-1	No	47	-1	No	59	11	No
115	66	51	No	53	2	No	50	-1	No	50	-1	No	50	-1	No	50	-1	No	50	-1	No	50	-1	No	60	9	No
116	66	53	No	55	2	No	52	-1	No	52	-1	No	52	-1	No	52	-1	No	52	-1	No	52	-1	No	61	8	No
117	66	57	No	59	2	No	56	-1	No	56	-1	No	56	-1	No	56	-1	No	56	-1	No	56	-1	No	64	7	No
118	66	44	No	46	2	No	52	8	No	52	8	No	52	8	No	52	8	No	52	8	No	49	5	No	43	-1	No
119	66	42	No	43	1	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No
120	66	62	No	64	2	No	61	-1	No	61	-1	No	61	-1	No	61	-1	No	61	-1	No	64	2	No	59	-3	No
121	66	42	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No
122	66	42	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No
123	66	42	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No
124	66	42	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No

Receptor ID Number NAC Level		Base Year		No-Build Alternative			1 D West			1D East			1E			1G West			1G East			2			OPA		
		Noise Level	NAC Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?
125	66	51	No	52	1	No	52	1	No	52	1	No	52	1	No	52	1	No	52	1	No	52	1	No	52	1	No
126	66	50	No	51	1	No	51	1	No	51	1	No	51	1	No	51	1	No	51	1	No	52	2	No	51	1	No
127	66	46	No	47	1	No	47	1	No	47	1	No	47	1	No	47	1	No	47	1	No	47	1	No	47	1	No
128	66	53	No	54	1	No	54	1	No	54	1	No	54	1	No	54	1	No	54	1	No	54	1	No	54	1	No
129	66	42	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No
130	71	49	No	50	1	No	51	2	No	51	2	No	51	2	No	51	2	No	51	2	No	51	2	No	50	1	No
131	66	42	No	43	1	No	46	4	No	46	4	No	46	4	No	46	4	No	46	4	No	46	4	No	43	1	No
132	66	42	No	42	0	No	44	2	No	44	2	No	44	2	No	44	2	No	44	2	No	44	2	No	42	0	No
133	66	47	No	47	0	No	47	0	No	47	0	No	47	0	No	47	0	No	47	0	No	47	0	No	47	0	No
134	66	42	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No
135	66	42	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No
136	66	42	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No
137	66	42	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No
138	66	42	No	42	0	No	50	8	No	50	8	No	50	8	No	50	8	No	50	8	No	49	7	No	42	0	No
139	66	46	No	48	3	No	51	5	No	51	5	No	51	5	No	51	5	No	51	5	No	50	4	No	48	2	No
140	66	44	No	45	1	No	50	6	No	50	6	No	50	6	No	50	6	No	50	6	No	48	4	No	45	1	No
141	71	44	No	46	2	No	50	6	No	50	6	No	50	6	No	50	6	No	50	6	No	47	3	No	46	2	No
142	66	42	No	42	0	No	46	4	No	46	4	No	46	4	No	46	4	No	46	4	No	42	0	No	42	0	No
143	66	42	No	42	0	No	48	6	No	48	6	No	48	6	No	48	6	No	48	6	No	43	1	No	42	0	No
144	66	42	No	42	0	No	47	5	No	47	5	No	47	5	No	47	5	No	47	5	No	42	0	No	42	0	No
145	66	42	No	42	0	No	45	3	No	45	3	No	45	3	No	45	3	No	45	3	No	42	0	No	42	0	No
146	66	42	No	42	0	No	45	3	No	45	3	No	45	3	No	45	3	No	45	3	No	43	1	No	42	0	No
147	66	42	No	42	0	No	44	2	No	44	2	No	44	2	No	44	2	No	44	2	No	42	0	No	42	0	No
148	66	42	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	45	3	No	42	0	No
149	66	42	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No
150	66	42	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No
151	66	42	No	42	0	No	44	2	No	44	2	No	44	2	No	44	2	No	44	2	No	43	1	No	42	0	No
152	66	42	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	43	1	No	42	0	No
153	66	42	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No	42	0	No
779	66	42	No	43	1	No	43	1	No	43	1	No	43	1	No	43	1	No	43	1	No	56	14	No	56	14	No
780	66	44	No	46	2	No	46	2	No	46	2	No	46	2	No	46	2	No	46	2	No	66	22	BOTH	66	22	BOTH
781	66	45	No	47	2	No	48	3	No	48	3	No	48	3	No	48	3	No	48	3	No	56	11	No	56	11	No
782	66	46	No	48	2	No	48	2	No	48	2	No	48	2	No	48	2	No	48	2	No	57	11	No	57	11	No

Receptor ID Number NAC Level		Base Year		No-Build Alternative			1 D West			1D East			1E			1G West			1G East			2			OPA		
		Noise Level	NAC Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?	Noise Level	Change	Impact?
786	66	54	No	57	3	No	58	4	No	58	4	No	58	4	No	58	4	No	58	4	No	52	-2	No	52	-2	No
787	66	45	No	48	3	No	50	5	No	50	5	No	50	5	No	50	5	No	50	5	No	53	8	No	53	8	No
788	66	45	No	46	1	No	46	1	No	46	1	No	46	1	No	46	1	No	46	1	No	57	12	No	57	12	No
792	66	44	No	44	0	No	45	1	No	45	1	No	45	1	No	45	1	No	45	1	No	49	5	No	49	5	No
793	66	44	No	44	0	No	45	1	No	45	1	No	45	1	No	45	1	No	45	1	No	48	4	No	48	4	No
796	66	44	No	44	0	No	45	1	No	45	1	No	45	1	No	45	1	No	45	1	No	50	6	No	50	6	No
797	66	44	No	44	0	No	45	1	No	45	1	No	45	1	No	45	1	No	45	1	No	49	5	No	49	5	No
801	66	48	No	51	3	No	50	2	No	50	2	No	50	2	No	50	2	No	50	2	No	54	6	No	54	6	No
802	66	52	No	54	2	No	52	0	No	52	0	No	55	3	No	52	0	No	52	0	No	55	3	No	55	3	No
803	66	50	No	54	4	No	51	1	No	51	1	No	53	3	No	51	1	No	51	1	No	55	5	No	55	5	No
804	66	51	No	54	3	No	53	2	No	53	2	No	54	3	No	53	2	No	53	2	No	55	4	No	55	4	No
805	66	51	No	53	2	No	53	2	No	53	2	No	54	3	No	53	2	No	53	2	No	55	4	No	55	4	No
806	66	44	No	44	0	No	45	1	No	45	1	No	45	1	No	45	0	No	45	0	No	49	5	No	49	5	No
807	66	44	No	44	0	No	45	1	No	45	1	No	45	1	No	45	0	No	45	0	No	49	5	No	49	5	No
809	66	46	No	48	2	No	48	2	No	49	3	No	49	3	No	48	2	No	49	3	No	50	4	No	50	4	No
810	66	45	No	47	2	No	47	2	No	48	3	No	48	3	No	47	2	No	48	3	No	50	5	No	50	5	No
811	66	46	No	47	1	No	48	2	No	48	2	No	49	3	No	48	2	No	48	2	No	50	4	No	50	4	No
812	66	45	No	47	2	No	49	4	No	51	6	No	49	4	No	49	4	No	51	6	No	50	5	No	50	5	No
813	66	46	No	47	1	No	48	2	No	50	4	No	49	3	No	48	2	No	50	4	No	50	4	No	50	4	No
814	66	46	No	47	1	No	48	2	No	50	4	No	49	3	No	48	2	No	50	4	No	50	4	No	50	4	No
815	66	46	No	48	2	No	48	2	No	49	3	No	49	3	No	48	2	No	49	3	No	49	3	No	49	3	No
816	66	46	No	48	2	No	48	2	No	50	4	No	49	3	No	48	2	No	50	4	No	49	3	No	49	3	No
817	66	46	No	47	1	No	49	3	No	51	5	No	49	3	No	49	3	No	51	5	No	50	4	No	50	4	No
818	66	45	No	47	2	No	49	4	No	51	6	No	49	4	No	49	4	No	51	6	No	49	4	No	49	4	No
MS-12	66	64	No	64	0	No	64	0	No	64	0	No	64	0	No	64	0	No	64	0	No	61	-3	No	64	0	No
Knights of Columbus Ballfield	66	62	No	62	0	No	62	0	No	62	0	No	62	0	No	62	0	No	62	0	No	62	0	No	62	0	No

Note: Bold lettering in “Impact?” column indicates an impact for either NAC, or WV substantial increase impact, or both.

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Table III-26
Modeled Noise-Sensitive Receptors

Receptor Number	Description / Location	NAC Type
1	Residential home located at intersection of US219 & CR-18 in Benbush	B
2	Residential home located at intersection of US219 & CR-18 in Benbush	B
3	Residential home located on access road off of US219 at Benbush	B
4 (M-6)	Residential home located on CR-18 at Benbush	B
5	Residential home located on CR-18 at Benbush	B
6	Residential home located on CR-18 at Benbush	B
7	Residential home located on CR-18 at Benbush	B
8	Residential home located on CR-18 at Benbush	B
9	Residential home located on access road off of CR-18 at Benbush	B
10	Residential mobile home located on access road off of CR-18 at Benbush	B
11	Residential home located on access road off of CR-18 at Benbush	B
12	Residential home located on access road off of CR-18 at Benbush	B
13	Residential home located on CR-18 at Benbush	B
14	Residential home located on CR-18 at Benbush	B
15	Residential home located on CR-18 at Benbush	B
16	Residential home located on CR-18 at Benbush	B
17	Residential home located on CR-18 at Benbush	B
18	Residential home located on CR-18 at Benbush	B
19	Residential home located on CR-18 at Benbush	B
20	Residential home located on CR-18 at Benbush	B
21	Residential home located on CR-18 at Benbush	B
22 (M-7)	Residential home located on CR-18 at Benbush	B
23	Residential home located on CR-18 at Benbush	B
24	Office/tower building at airfield landing strip off of Courtland Acres Drive	C
25	Ground maintenance building at Rose Hill Cemetery on Courtland Acres Drive	C
26 (M-10)	Thomas City Park located near intersection of US219 & WV32	B
27	Pineview Apartments located on US219 near intersection with Courtland Acres Drive	B
28	Pineview Apartments located on US219 near intersection with Courtland Acres Drive	B
29	Pineview Apartments located on US219 near intersection with Courtland Acres Drive	B
30	Pineview Apartments located on US219 near intersection with Courtland Acres Drive	B
31 (M-11)	Courtland Acres Nursing Home on US219 near intersection with Courtland Acres Drive	B
32 (M-14)	Residential home located at end of CR-27/4 in Coketon	B
33	Residential home located on SB section of US219 (Spruce St.) in Thomas	B
34	Residential home located on SB section of US219 (Spruce St.) in Thomas	B
35	Residential home located on SB section of US219 (Spruce St.) in Thomas	B
36	Residential home located on side street off of US219 in northern section of Thomas	B
37 (M-9)	Residential home located on side street off of US219 in northern section of Thomas	B
38	Residential home located on side street off of US219 in northern section of Thomas	B
39	Residential home located on side street off of US219 in northern section of Thomas	B
40	Ground maintenance building at Thomas Cemetery located on Second St. in Thomas	C
41 (M-13)	Public School Building located on Second St. in Thomas	B

Receptor Number	Description / Location	NAC Type
42 (M-15)	Thomas Landfill Operations building located north of WV32 and WV93 intersection	C
43	Davis Community Baseball Field Complex near intersection of WV32 and WV93	B
44	Residential home located in subdivision south of WV93 in Davis	B
45 (M-17)	2 Residential homes located in subdivision south of WV93 in Davis	B
46	4 Residential mobile homes located on Fairfax Ave in subdivision in Davis	B
47	4 Residential mobile homes located on Fairfax Ave in subdivision in Davis	B
48	Residential home located in subdivision south of WV93 in Davis	B
49	Residential home located in subdivision south of WV93 in Davis	B
50	5 Residential homes located on Fairfax Ave in subdivision in Davis	B
51	3 Residential homes located on Fairfax Ave in subdivision in Davis	B
52	3 Residential mobile homes located in subdivision south of WV93 in Davis	B
53	Residential home located on US219 north of Thomas	B
54	Residential mobile home located on US219 south of intersection with WV90	B
55	Residential home located on US219 south of intersection with WV90	B
56	Residential home located on US219 south of intersection with WV90	B
57	Residential home located on US219 south of intersection with WV90	B
58	Residential home located on US219 south of intersection with WV90	B
59	Residential home located on US219 south of intersection with WV90	B
60	Residential home located on Fairfax Ave in subdivision in Davis	B
61	Residential home located in subdivision south of WV93 in Davis	B
62	Residential home located on Fairfax Ave in subdivision in Davis	B
63	Residential mobile home located on Fairfax Ave in subdivision in Davis	B
64	Residential home located in subdivision south of WV93 in Davis	B
65	Residential home located on Fairfax Ave in subdivision in Davis	B
66	Residential home located on Fairfax Ave in subdivision in Davis	B
67	Residential home located on Fairfax Ave in subdivision in Davis	B
68 (M-16)	Residential home located in subdivision south of WV93 in Davis	B
69	Residential mobile home located on Fairfax Ave in subdivision in Davis	B
70	Residential home located on Second Street in subdivision in Davis	B
71	Residential home located on Second Street in subdivision in Davis	B
72	Residential home located on Kent Ave in subdivision in Davis	B
73	Residential home located on Kent Ave in subdivision in Davis	B
101	Residential home located on access road off of US 219	B
104	Residential home located on CR-219/4	B
105	Residential mobile home located on CR-219/4	B
106 (M-1)	Farm house located off of CR-219/4	B
107	Residential home located on CR-219/4	B
108	Residential home located on CR-219/4	B
109	Residential home located on CR-219/4	B
110	Residential mobile home located on CR-219/3	B
111	Residential home located on CR-219/3	B
112	Residential home (2) located on CR-219/3	B
113	Residential home located on access road off of US 219, south of High School	B
114	Residential home located on access road off of US 219, south of High School	B

Receptor Number	Description / Location	NAC Type
115	Residential home located on access road off of US 219, south of High School	B
116	Residential home located on access road off of US 219, south of High School	B
117 (M-2)	Vacant Cabin located on access road off of US 219, south of High School	B
118 (M-3)	Tucker County High School located on US 219	B
119	Residential home located on access road off of US 219, near the High School	B
120 (M-4)	Centennial Park and Scenic Overlook on US 219	B
121	Residential home located on CR-25	B
122	Residential mobile home located on CR-25	B
123	Residential home located on CR-25	B
124	Residential home located on CR-25	B
125	Residential mobile home located on CR-25	B
126	Residential mobile home located on CR-25	B
127	Residential home located on CR-25	B
128 (M-5)	Sugarland Church located on CR-25	B
129	Residential home located on access road off of CR-25	B
130	Commercial/Business located on CR-25	C
131	Residential mobile home located on CR-25	B
132	Residential home located on access road off of CR-25	B
133	Sugarland School located on CR-25/4	B
134	Residential home located on CR-25/4	B
135	Residential home located on CR-25/4	B
136	Residential home located on CR-25/4	B
137	Residential home located on access road off of CR-25/4	B
138	Residential home located on access road off of CR-25	B
139	Mount Olive Church located on CR-25	B
140	Residential home located on CR-25	B
141	Mining Operations trailer located on CR-25	C
142	Residential home located on CR-25/5	B
143	Residential home located on CR-25/5	B
144	Residential home located on CR-25/5	B
145	Residential home located on CR-25/5	B
146	Residential mobile home located on CR-25/5	B
147	Residential home located on access road off of CR-25/5	B
148	Residential mobile home located on access road off of CR-25/5	B
149	Residential home located on access road off of CR-25/5	B
150	Residential home located on access road off of CR-25/5	B
151	Residential home located on CR-25/5	B
152	Residential home located on CR-25/5	B
153	Residential home located on CR-25/5	B
779	Residential home located near CR-27 in Coketon	B
780	Residential home located on CR-27 in Coketon	B
781	Residential home located on CR-27 in Coketon	B
782	Residential home located on CR-27 in Coketon	B
786	Residential home located on CR-27 in Coketon	B

Receptor Number	Description / Location	NAC Type
787	Residential home located on CR-27 in Coketon	B
788	Residential home located on CR-27 in Coketon	B
792	Residential home located in subdivision off of Eucid Ave in Thomas	B
793	Residential home located in subdivision off of Eucid Ave in Thomas	B
796	Residential home located in subdivision off of Eucid Ave in Thomas	B
797	Residential home located in subdivision off of Eucid Ave in Thomas	B
801	Residential home located at end of access road near intersection of CR-29 & WV32	B
802	Residential mobile home located on CR-29 in Davis	B
803	Residential mobile home located on CR-29 in Davis	B
804	Residential mobile home located on CR-29 in Davis	B
805	Residential home located on CR-29 in Davis	B
806	Residential home located in subdivision on Eucid Ave in Thomas	B
807	Residential home located in subdivision on Eucid Ave in Thomas	B
809	Residential home located on Seventh Street in subdivision in Davis	B
810	Residential home located on Fairfax Ave in subdivision in Davis	B
811	Residential home located on Fairfax Ave in subdivision in Davis	B
812	Residential home located on Fairfax Ave in subdivision in Davis	B
813	Residential home located on Fairfax Ave in subdivision in Davis	B
814	Residential home located on Seventh Street in subdivision in Davis	B
815	Residential home located on Seventh Street in subdivision in Davis	B
816	Residential home located on Blackwater Ave in subdivision in Davis	B
817	Residential home located on Kent Ave in subdivision in Davis	B
818	Residential home located on Blackwater Ave in subdivision in Davis	B
M-12	Speaking platform located in downtown Thomas adjacent to WV 32 S	B
---	Knights of Columbus ballfield adjacent to WV 32 (near proposed Truck Route terminus)	B

Table III-27
Predicted Design Year Build Noise Level Impacts

Alternative	NAC Criteria Impacts	WV Substantial Increase Impacts	Impacted Receptors
No Build	10	0	1,2,29,33,35,53,55,57,58,59
1D West	8	0	1, 2, 29, 53, 55, 57, 58, 59
1D East	8	0	1, 2, 29, 53, 55, 57, 58, 59
1E	7	0	1, 29, 53, 55, 57, 58, 59
1G West	7	0	1, 29, 53, 55, 57, 58, 59
1G East	7	0	1, 29, 53, 55, 57, 58, 59
2 ¹	8	1	1, 29, 53, 55, 57, 58, 59, 780 ²
OPA ¹	9	1	1, 29, 53, 55, 57, 58, 59, 113, 780 ²

NAC = Noise Abatement Criteria; NA = Not applicable

¹With either the OPA or Alternative 2, the Truck Route would not impact additional receptors.

²Receptor 780 will receive both NAC and WV Substantial Increase impacts with the OPA or Alternative 2.

3.5.5.7 Noise Mitigation Measures

In accordance with 23 CFR, Part 772, noise abatement measures for the reduction or elimination of noise impacts along a proposed highway corridor must be considered for those noise sensitive locations that receive an impact. FHWA and WVDOT specify several types of mitigation to be studied for areas warranting noise abatement consideration. These include traffic management measures, changes in horizontal and vertical alignment of the proposed roadway, acquisition of property rights for construction of noise barriers/construction of earth berms/sound walls, creation of buffer zones, sound insulation for public institutions, and other considerations as warranted under 23CFR772.13 (d).

Traffic Management

Traffic management measures normally include the prohibition and/or time use restrictions for certain vehicle classes (heavy truck restrictions), speed reduction, and traffic control devices. Time use restrictions for certain vehicle classes are prohibited on state highways. Speed reduction has only a minimal effect on reducing traffic noise levels and is not considered to be an effective mitigation measure because a 10 mph reduction only reduces the sound levels by two (2) decibels. Furthermore, the enforcement of lower speeds is not a practical or effective solution for noise control. The only suggested traffic management mitigation measure is for truck route signing to minimize truck traffic through the City of Thomas as much as possible.

Horizontal and Vertical Realignment

Increasing the distance between a receptor and the highway can reduce traffic noise levels. A 4.5 dBA reduction in noise levels can be realized by doubling the distance from a noise source to the receiver. Significant noise level reductions at impacted locations as a result of horizontal modifications can require sizable shifts in the alignment and could potentially require a realignment that takes more property and/or residences. Essentially, changes in the highway's horizontal alignment would only serve to move the noise level impacts from one area to another.

Vertical alignment alteration is also not considered to be a feasible noise abatement measure. Depressing a roadway often requires the taking of additional property for required slope, added treatment costs for absorptive retaining walls, and may involve hydrological or flooding issues. Elevating the roadway for long distances would only serve to propagate (send) the noise farther away from the roadway and deeper into any nearby communities. Often the engineering constraints of the highway and limitations of the topography bind vertical changes. The highway design must represent the best relationship between roadway engineering and the local terrain.

Noise Barriers

Among the most common types of noise barriers are earth berms and free-standing walls. Earth berms have a very natural appearance and are usually considered to be more aesthetically pleasing than noise walls. However, because they are normally graded to achieve a natural form that blends in with the surrounding topography, the use of earth berms can require a substantial amount of land. On the other hand, free-standing walls take far less space. They are usually limited to a maximum height of 26 feet, due to structural and aesthetic reasons (FHWA, 1994). The optimum situation for the use of free-standing noise barriers results when a dense concentration of impacted sites lies directly adjacent to and parallel with the highway ROW. It is generally not feasible to construct noise barriers along highways or sections of highways that have uncontrolled access due to the need for openings in the barriers in order to provide access to adjacent development.

As part of the preliminary determination of noise barriers, WVDOT considers feasibility and reasonableness items such as amount of noise reduction provided. (Noise abatement measures will not be implemented unless noise levels can be attenuated a minimum of 7 dBA.) Also, the residences should include all dwelling units (i.e., owner occupied, rental units, mobile homes, etc.). All "benefited" residences should be included, regardless of whether or not they were identified as impacted. (The threshold of noise reduction that determines a "benefited" residence is five [5] dBA.) These reductions must be balanced with an acceptable cost per residence index of \$15,000 or less.

Furthermore, the views of affected residents must be investigated. During the public involvement phase of this project, the reasonableness and feasibility of noise abatement measures will be considered. The views of the public, including potentially affected residents, shall be determined through the normal NEPA public involvement

process. If, during final design, noise abatement measures such as the erection of noise barriers are considered to be reasonable and feasible, the views of affected residents will be a part of the decision-making process.

Other considerations stipulate that WVDOT will give greater consideration to residential areas where traffic noise levels are expected to be greater than 70 dBA, or where increases greater than 20 dBA over existing noise levels are anticipated. Additionally, topography, access points, drainage, safety, maintenance, other noise sources, land use type, and date of public knowledge must also be considered.

Acquisition of Property as Buffer Zones

Noise buffer zones require the acquisition of adjacent undeveloped or unimproved tracts of land along the highway, in addition to the normal ROW. This form of mitigation is typically used as a control mechanism for future land development that could be potentially impacted by highway traffic noise, rather than actually providing noise abatement. A large amount of land is often required to provide an effective noise buffer. The costs and the property acquisition process can also be extremely expensive and lengthy.

Sound Insulation for Public Institutions

There were no sites that qualified under this criterion; therefore, no further consideration is warranted.

Other Considerations

Areas of existing dense vegetation (trees) can under certain circumstances diminish noise levels by as much as five (5) dBA. A five (5) dBA reduction in noise levels can be realized if the forestation is at least 100 feet in depth, 14 feet in height (breaks the vertical line of sight), and is of sufficient density that no line-of-sight path exists between the receptor and the highway. Smaller reductions can also be realized with less depth, height, and/or density. Where desirable vegetation exists between the proposed highway and adjacent sensitive land use areas, efforts should be made to preserve it as a natural means of traffic noise abatement. Receptors within the study area that were located in such wooded areas were modeled to incorporate this noise reduction benefit.

3.5.5.8 Traffic Noise Impacts and Mitigation Discussion

A preliminary mitigation (barrier) analysis was conducted for the modeled impacted receptor sites under each of the proposed Build Alternatives. Guidance criteria established under WVDOT policy for barrier reasonableness and feasibility were followed in determining whether the barriers could be implemented as noise abatement measures.

There were no practical noise abatement measures that would eliminate or reduce the traffic noise impacts at these receptor locations under WVDOT policy for barrier reasonableness and feasibility. The impacted receptors were eliminated from further noise abatement consideration (sound barriers) for one or more of the following reasons:

- Isolated or single receptor locations that would not typically warrant further consideration because of the potential cost of protecting one site;
- Areas with only a few homes which did not have acceptable cost per receptor ratios;
- Areas where the predicted noise contributions coming from other roadways would have precluded a sufficient Insertion Loss (IL) from any proposed noise abatement structure; and
- Overriding direct access requirements to existing roadways.

In general, sound barriers for any of the proposed alignments were found to be ineffective in reducing traffic noise levels (insufficient IL) for any of the impacted receptors. This was due to the close proximity of US 219 to each of the receptors, whereby the overriding traffic noise contribution from US 219 prevented any sufficient IL from occurring at the impacted receptors by a sound barrier along the proposed alignment. Additional sound barriers located between the different receptor locations and US 219 would not be feasible due to the direct access requirements (driveways and entrances) from the highway to the residential properties.

The redirecting of truck traffic through the use of the proposed Truck Route in conjunction with either the OPA or Alternative 2 is forecasted to decrease truck traffic through downtown Thomas by as much as 80 percent (see *Section 3.2.1*). This reduction would lower noise levels by as much as six (6) decibels in the downtown area (as modeled at receptor site M-12). This would be a “noticeable” improvement (as discussed above in *Section 3.5.5.1*) in the noise environment within this area.

3.5.6 ENERGY

The 1996 FEIS included a detailed computational analysis of the predicted transportation-related energy consumption for the 100-mile Corridor H Project. The analysis presented below was conducted to compare energy requirements for each of the Parsons-to-Davis alternatives. The following three categories of energy consumption were analyzed: construction, maintenance, and operational.

3.5.6.1 Methodology

Construction-related energy consumption is based on the construction cost of the roadway alignments. The energy analysis methodology was developed for the FHWA by the California Transportation (CALTRANS) Laboratory (California Department of Transportation, 1983). It determines the total amount of British Thermal Units (BTUs) required for the production and placement of materials (earthwork, asphalt, structures, etc.) based on the project's construction cost. These BTU estimates are then converted to quantities of gasoline. Approximately 125,000 BTU's equals 1 gallon of fuel.

Maintenance and operational energy consumption were calculated using the manual, *Energy Requirements for Transportation Systems* (FHWA, 1980). Maintenance energy requirements for the various alignments were based on an annual consumption factor of 1.20×10^8 BTU per lane mile.

Operational energy consumption is influenced by vehicle size, vehicle weight, traffic conditions, engine size, vehicle accessories, roadway design, and driving mode (highway vs. city). Vehicle Miles Traveled (VMTs) were developed for the alignments for the years 2010 and 2020. This data was combined with vehicle fuel consumption tables to develop total vehicle consumption quantities for each of the alignments.

Each alignment's total energy requirement is equal to the sum of the energy required for construction (a one-time expenditure), and maintenance, plus the operational consumption for the proposed highway from years 2010 to 2020.

3.5.6.2 Existing Environment

The existing energy consumption environment is normally not analyzed. Construction energy requirements do not apply for the base year (1999). However, maintenance and operational energy consumption quantities can be computed for informational and comparative purposes. The primary roadway network within the Study Area was analyzed for both maintenance and operational energy consumption. The roadway network was comprised of US 219 extending from Mackeyville Road to the WV 32 intersection at Thomas, then northward along US 219 for 0.95 mile and a segment of WV 32 from the US 219 intersection to the WV 93 interchange. The 1999 average daily fuel consumption for these roadway segments was calculated to be 1,140 gallons while the maintenance energy requirement for these same roadway segments was calculated to be 23,700 gallons of fuel, annually.

Table III-28
Energy Consumption for the Ten Year Period 2010 to 2020

Alignment	Construction Energy (gallons of fuel)	Maintenance Energy (gallons of fuel)	Operational Energy (gallons of fuel)	Total Energy (gallons of fuel)
No Build	N/A	237,000	6,215,900	6,452,900
1D West	180,057,300	430,100	19,870,800	200,322,100
1D East	176,842,000	422,400	19,462,100	196,726,500
1E	165,588,400	395,500	18,034,200	184,018,200
1G West	178,449,600	426,200	19,659,700	198,535,500
1G East	175,234,300	418,600	19,287,000	194,939,900
2	162,373,100	387,800	17,564,400	180,325,400
OPA	130,220,000	311,000	14,182,300	144,713,300
Truck Route	27,330,100	74,900	250,800	27,655,800

N/A – Not Applicable; N/C – Not Calculated

3.5.6.3 Impacts

Table III-28 summarizes the construction, maintenance and operational energy requirements for each of the alternatives for the ten-year period between 2010 and 2020. Alternative 1D West is predicted to consume the greatest amount of energy of all the alternatives in the ten-year period (over 200 million gallons of fuel). Of the Blackwater Avoidance Alignments, Alternative 1E would consume the least amount of energy (184,018,200 gallons of fuel).

The OPA is predicted to consume the least amount of total energy of all the Build Alternatives (144,713,300 gallons of fuel). The Truck Route would add an additional 19 percent onto this figure; however, the total would still not surpass the total energy consumption of any other Build Alternative. Alternative 2 would have less energy consumption than the Blackwater Avoidance Alignments.

As described in the 1996 Corridor H FEIS, the No-Build Alternative will not impact energy usage in the Study Area.

3.5.6.4 Avoidance, Minimization, & Mitigation

Mitigation measures for energy consumption are normally not employed, primarily due to the avoidance of environmentally sensitive areas and single-family residences, as well as basic highway engineering laws. However, recovery of the construction energy may be calculated to predict when the benefits gained by the predicted operational consumption equal or exceed the construction energy loss.

This project is intended to attract people into the surrounding area; therefore, recovery of the construction energy that would normally result from the relief of congestion is not applicable to this project. However, energy that is not predicted to be used for this project may have to be used for other roadway improvements if Corridor H is not constructed.

3.6 RELATIONSHIP OF LOCAL SHORT-TERM USES VERSUS LONG-TERM PRODUCTIVITY

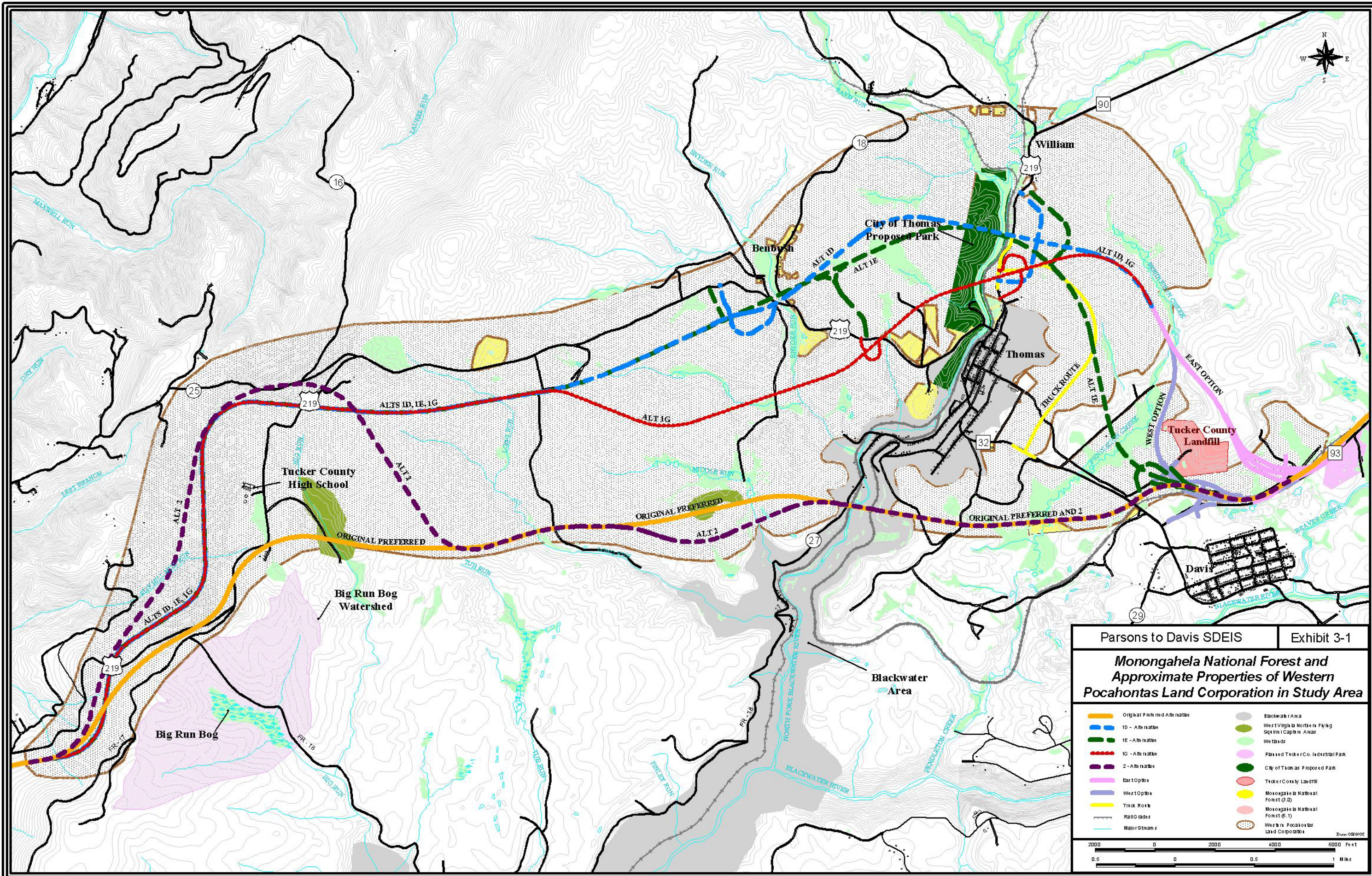
The construction phase of the project would cause limited adverse effects on the environment, which would be short-term. Adverse effects have been evaluated in detail and mitigation measures identified. In addition, careful attention would be given to the problems identified during design. Proposed mitigation measures, some temporary and some permanent, would minimize adverse short-term effects and avoid any substantial long-term damage.

The project would be classified as a long-term productive facility. This project, with its desirable design characteristics, would provide for safe and efficient vehicle operation for present and future traffic volumes. The benefits such as reduced operating costs, reduced travel time, reduced accidents, and general economic enhancement of the area, offered by the long-term productivity of this project, should more than offset the short-term inconvenience and adverse effects on the human environment.

3.7 IRREVERSIBLE & IRRETRIEVABLE COMMITMENTS OF RESOURCES

Implementation of any of the alternatives retained for detailed study would involve a commitment of a range of natural, physical, human, and fiscal resources. Land used in the construction of the proposed facility is considered an irreversible commitment during the period that the land is used for a highway facility. However, if a greater need arises for the use of the land, or if the highway facility is no longer needed, the land can be converted to another use. At present, there is no reason to believe such a conversion would be necessary or desirable.

Considerable amounts of fossil fuels, labor, and highway construction materials such as cement, aggregate, and bituminous material would be expended. In addition, large amounts of labor and natural resources would be used in the fabrication and preparation of construction materials. These materials are not generally retrievable; however, they are not in short supply, and their use would not have an adverse effect upon continued availability of these resources. Any construction would also require a substantial one-time expenditure of both state and federal funds, which are not retrievable.



Parsons to Davis SDEIS

Exhibit 3-1

**Monongahela National Forest and
Approximate Properties of Western
Pocahontas Land Corporation in Study Area**

Original Preferred Alternative

1D - Alternative

1E - Alternative

1G - Alternative

2 - Alternative

East Option

West Option

Truck Route

Rail Grades

Major Streams

Blackwater Area

West Virginia Northern Flying Squirrel Capture Areas

Wetlands

Planned Tucker Co. Industrial Park

City of Thomas Proposed Park

Tucker County Landfill

Monongahela National Forest (0.0)

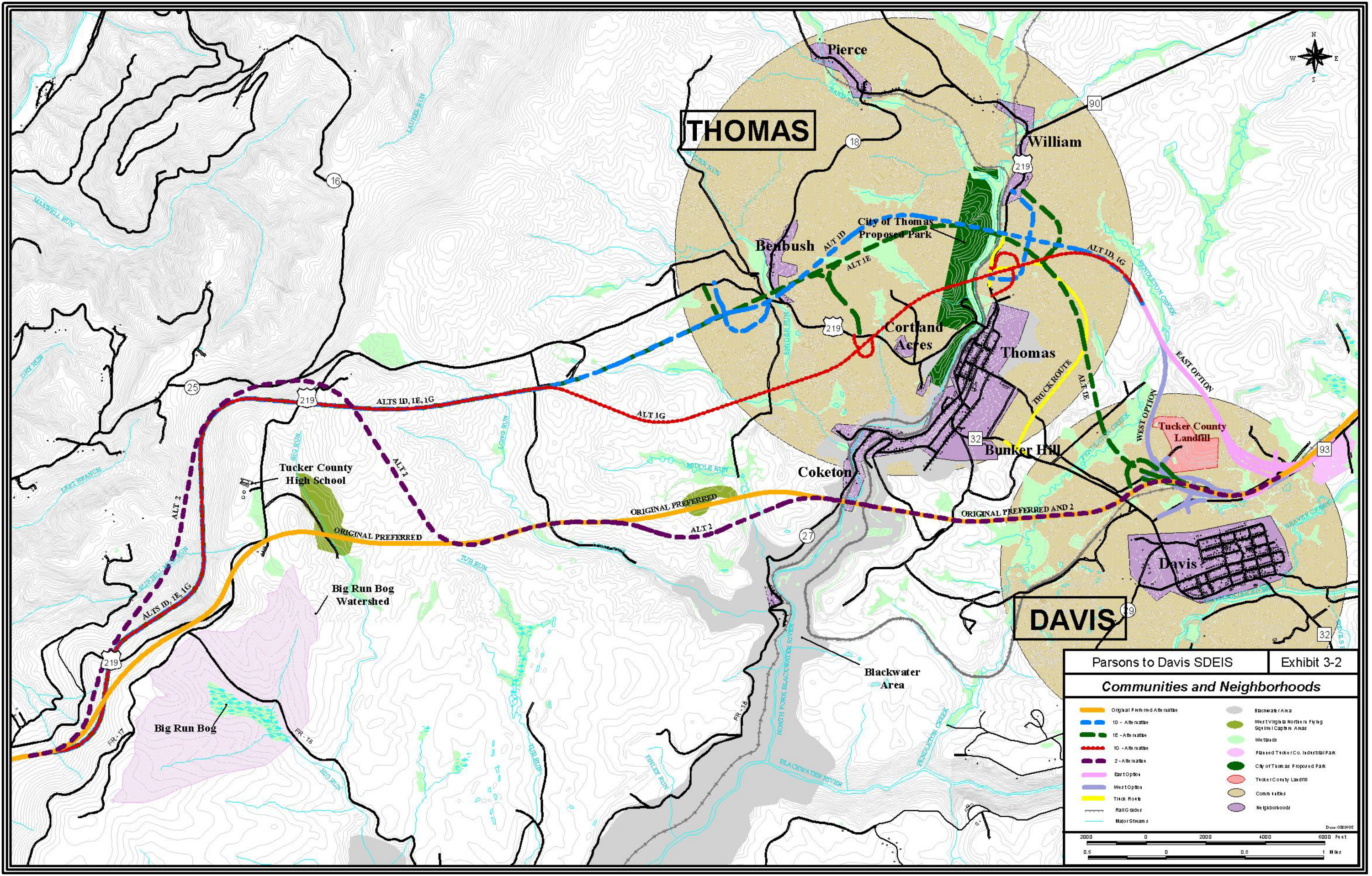
Monongahela National Forest (6.1)

Western Pocahontas Land Corporation

2000 0 2000 4000 6000 Feet

0.5 0 0.5 1 Miles

Date: 08/09/02



Parsons to Davis SDEIS

Exhibit 3-2

Communities and Neighborhoods

Original Preferred Alternative

1D - Alternative

1E - Alternative

1G - Alternative

2 - Alternative

East Option

West Option

Truck Route

Rail Grades

Major Streams

Blackwater Area

West Virginia Northern Flying Squirrel Capital Area

Wetlands

Planned Tucker Co. Industrial Park

City of Thomas Proposed Park

Tucker County Landfill

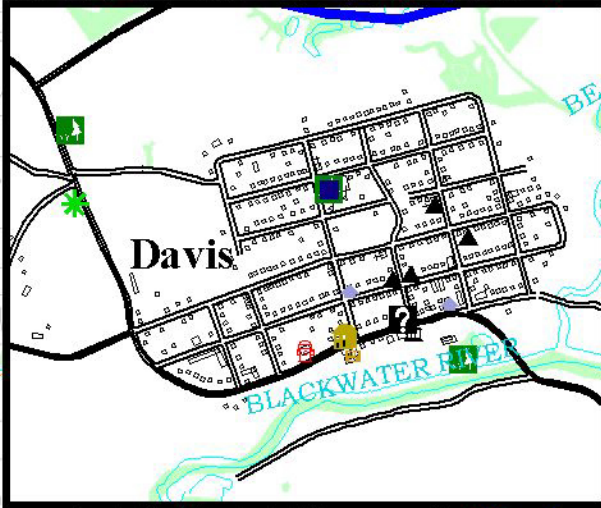
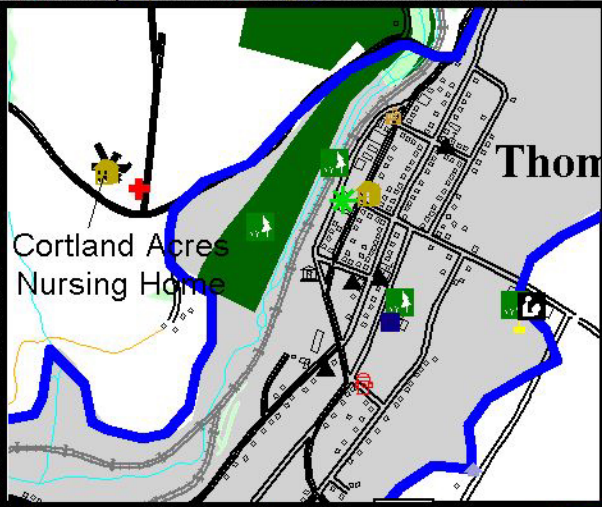
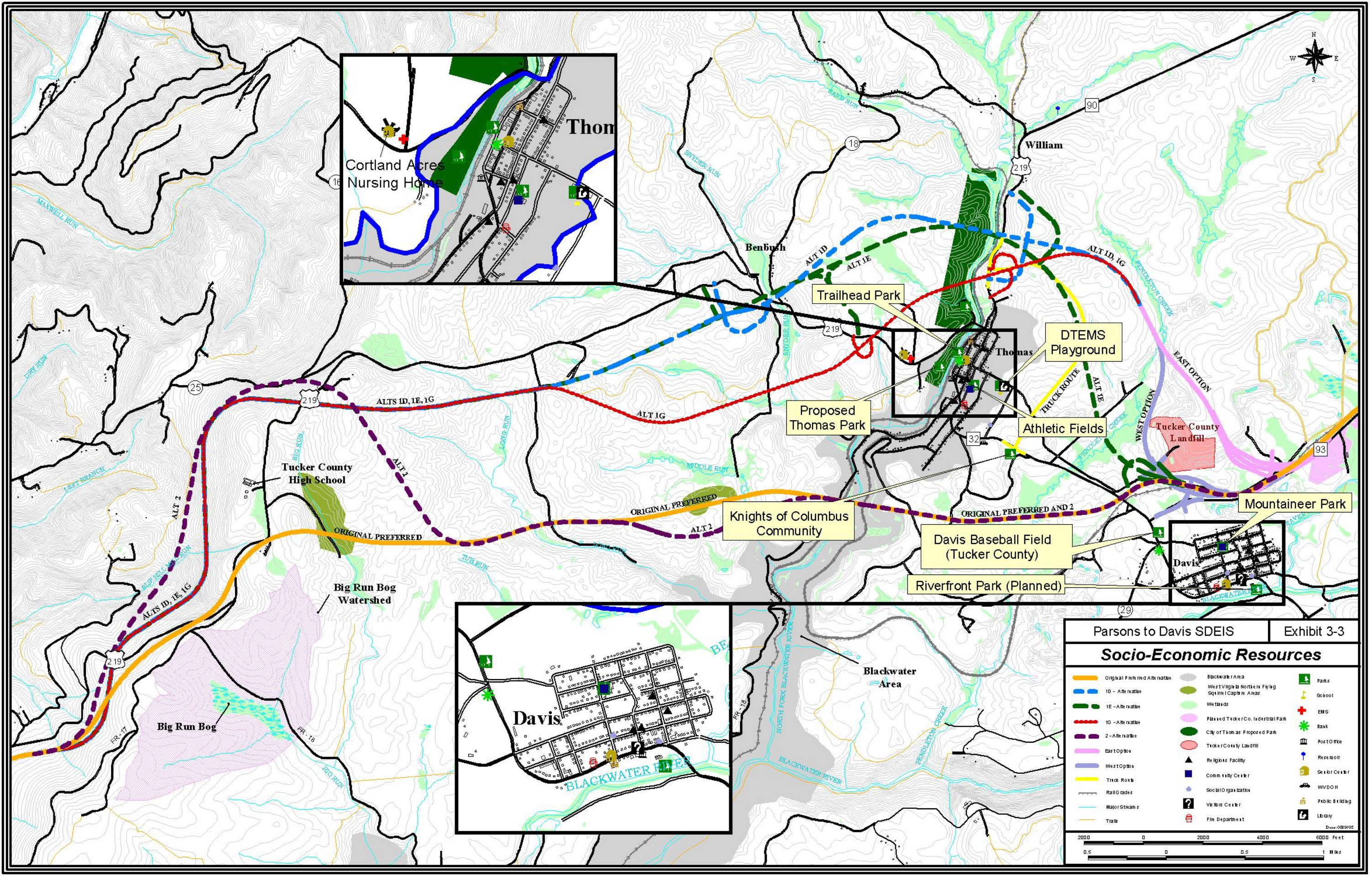
Communities

Neighborhoods

2000 0 2000 4000 6000 Feet

0.5 0 0.5 1 Miles

Draw: 08/09/02



Parsons to Davis SDEIS

Exhibit 3-3

Socio-Economic Resources

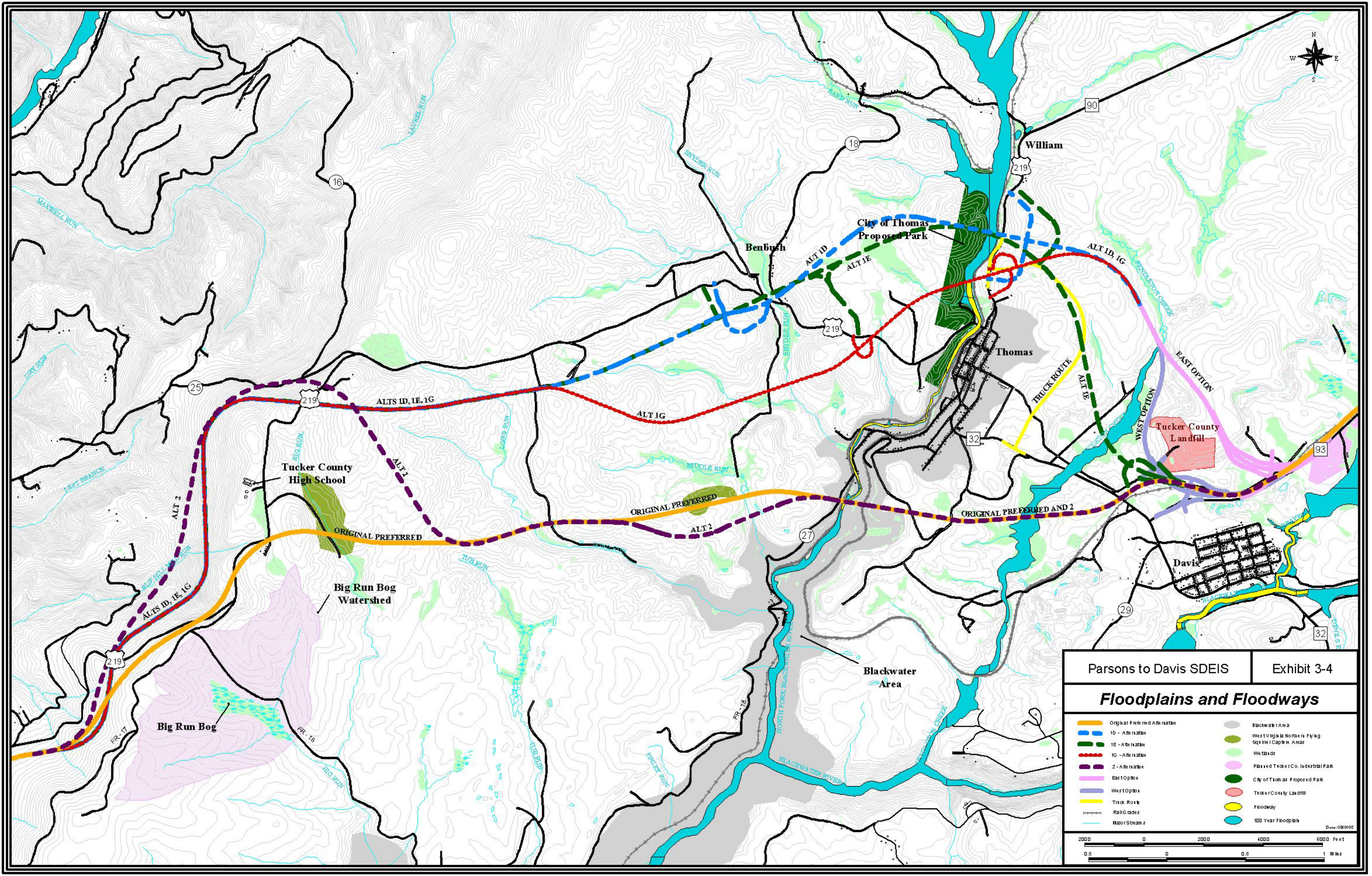
Original Preferred Alternative	Blackwater Area	Parks
1D - Alternative	West Virginia Northern Flying Squirrel Critical Areas	School
1E - Alternative	Wetlands	EMS
1G - Alternative	Planned Tucker Co. Industrial Park	Bank
2 - Alternative	City of Thomas Proposed Park	Post Office
East Option	Tucker County Landfill	Reservoir
West Option	Religious Facility	Senior Center
Truck Route	Community Center	WVDOT
Rail Grades	Social Organization	Public Building
Major Streams	Visitor Center	Library
Trails	Fire Department	

2000 0 2000 4000 6000 Feet

0.5 0 0.5 1 Miles

090902

Date: 09/09/02



Parsons to Davis SDEIS

Exhibit 3-4

Floodplains and Floodways

Original Preferred Alternative

1D - Alternative

1E - Alternative

1G - Alternative

2 - Alternative

East Option

West Option

Truck Route

Rail Grades

Major Streams

Blackwater Area

West Virginia Northern Flying Squirrel Capture Areas

Wetlands

Planned Tucker Co. Industrial Park

City of Thomas Proposed Park

Tucker County Landfill

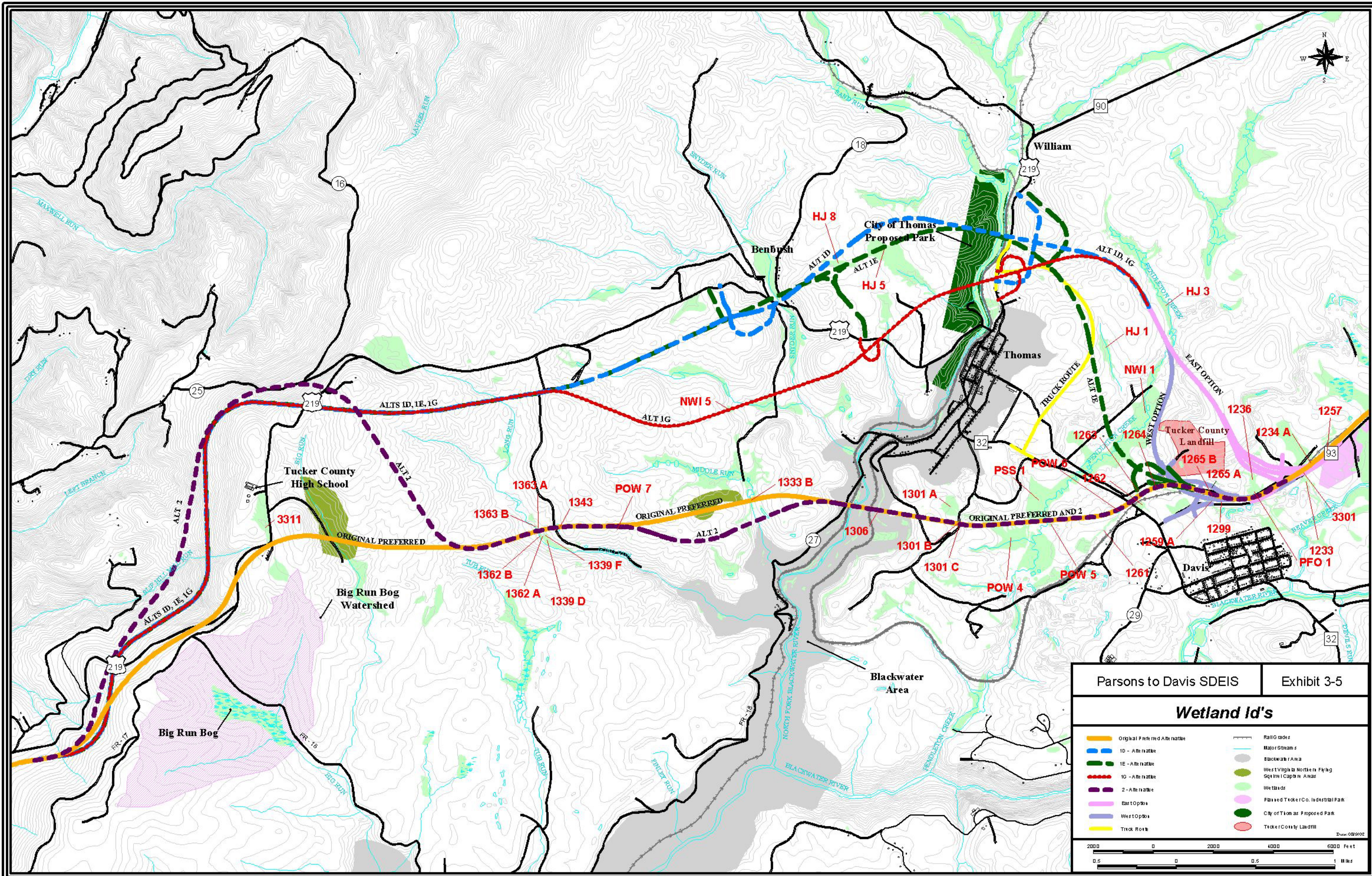
Floodway

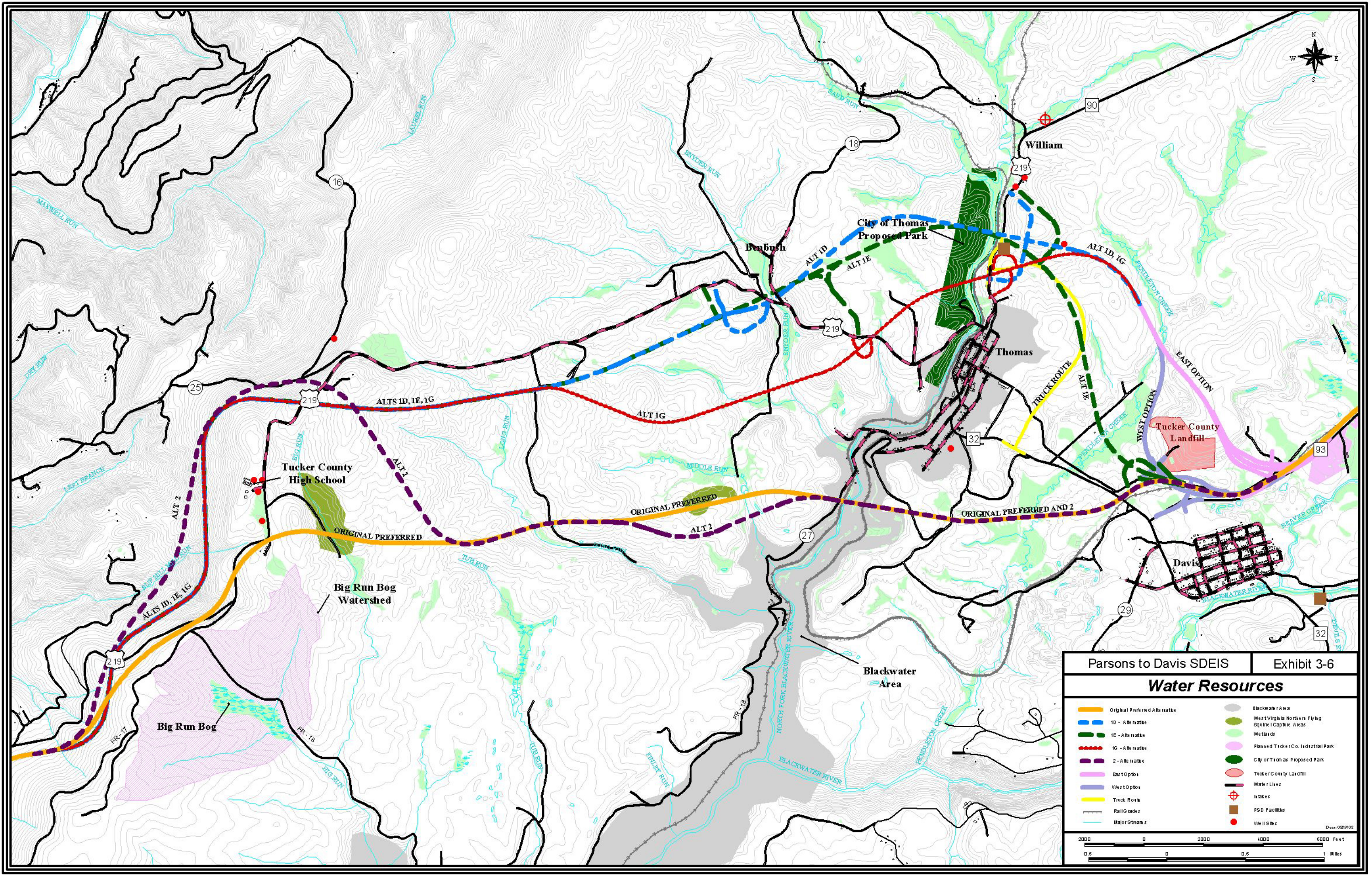
100 Year Floodplain

2000 0 2000 4000 6000 Feet

0.5 0 0.5 1 Miles

Date: 08/09/02





Parsons to Davis SDEIS

Exhibit 3-6

Water Resources

Original Preferred Alternative

1D - Alternative

1E - Alternative

1G - Alternative

2 - Alternative

East Option

West Option

Truck Route

Rail Grades

Major Streams

Blackwater Area

West Virginia Northern Flying Squirrel Capture Areas

Wetlands

Planned Tucker Co. Industrial Park

City of Thomas Proposed Park

Tucker County Landfill

Water Lines

Intakes

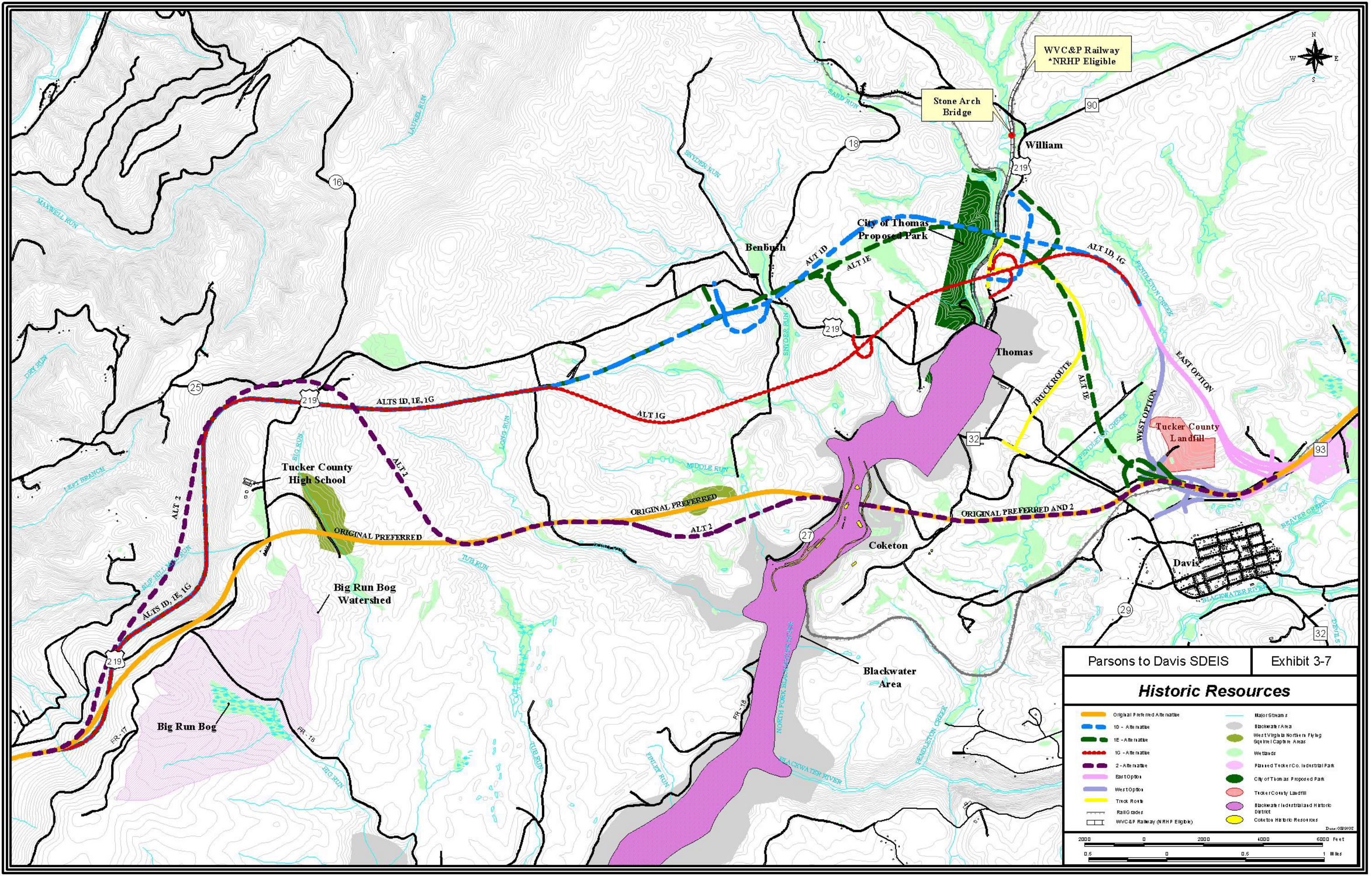
PSD Facilities

Well Sites

2000 0 2000 4000 6000 Feet

0.5 0 0.5 1 Miles

Date: 08/09/02



WVC&P Railway
*NRHP Eligible

Stone Arch
Bridge

William

City of Thomas
Proposed Park

Benbush

Thomas

Tucker County
Landfill

Tucker County
High School

Big Run Bog
Watershed

Coketon

Davis

Blackwater
Area

Big Run Bog

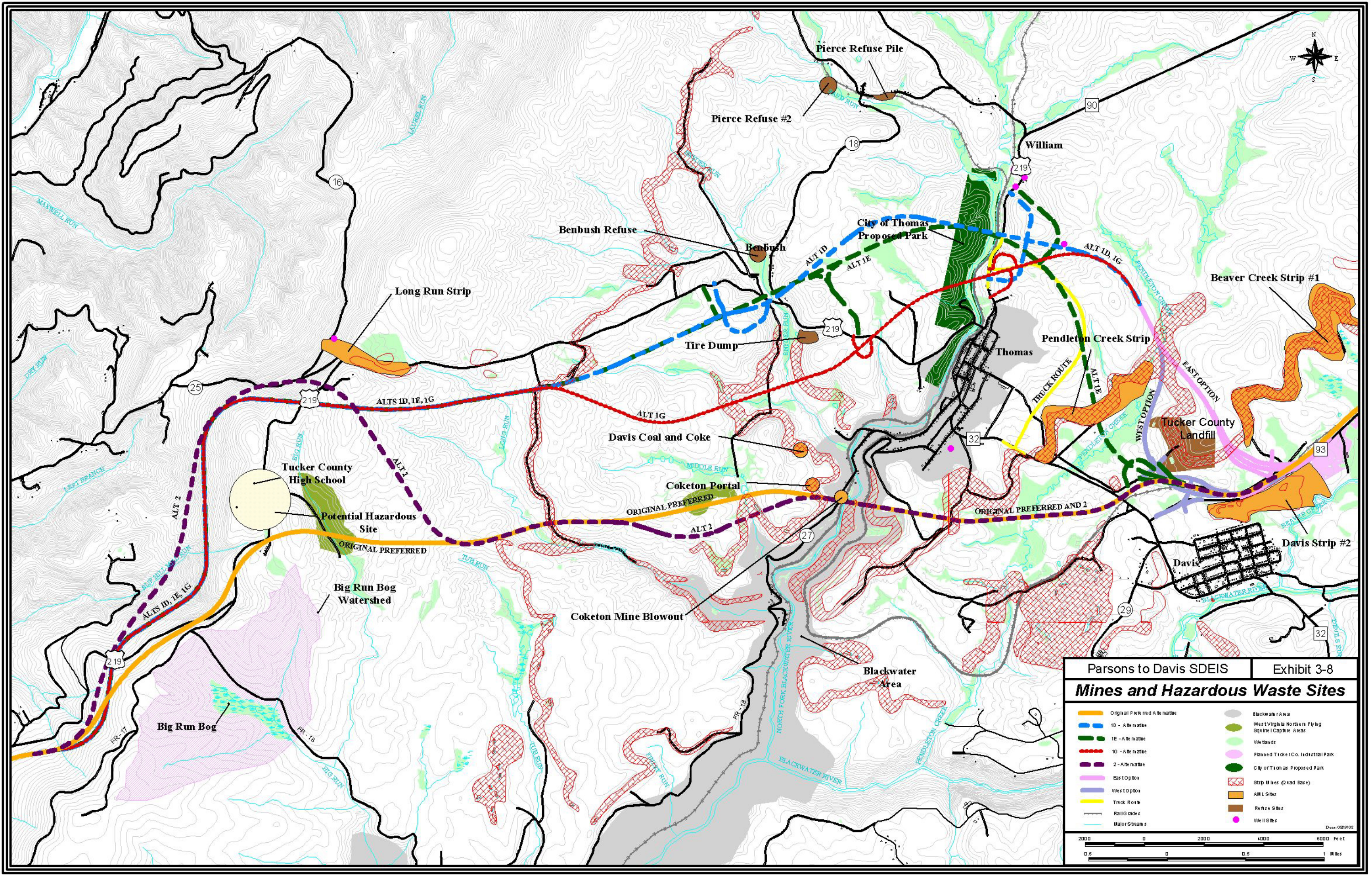
Parsons to Davis SDEIS

Exhibit 3-7

Historic Resources

- | | |
|--------------------------------|--|
| Original Preferred Alternative | Major Streams |
| 1D - Alternative | Blackwater Area |
| 1E - Alternative | West Virginia Northern Flying Squirrel Capture Areas |
| 1G - Alternative | Wetlands |
| 2 - Alternative | Planned Tucker Co. Industrial Park |
| East Option | City of Thomas Proposed Park |
| West Option | Tucker County Landfill |
| Truck Route | Blackwater Industrial and Historic District |
| Railroad | Coketon Historic Resources |
| WVC&P Railway (NRHP Eligible) | |

2000 0 2000 4000 6000 Feet
0.5 0 0.5 1 Miles



Parsons to Davis SDEIS

Exhibit 3-8

Mines and Hazardous Waste Sites

Original Preferred Alternative

1D - Alternative

1E - Alternative

1G - Alternative

2 - Alternative

East Option

West Option

Truck Route

Rail Grades

Major Streams

Blackwater Area

West Virginia Northern Flying Squid Capital Areas

Wetlands

Planned Tucker Co. Industrial Park

City of Thomas Proposed Park

Strip Mines (Gravel Base)

AML Sites

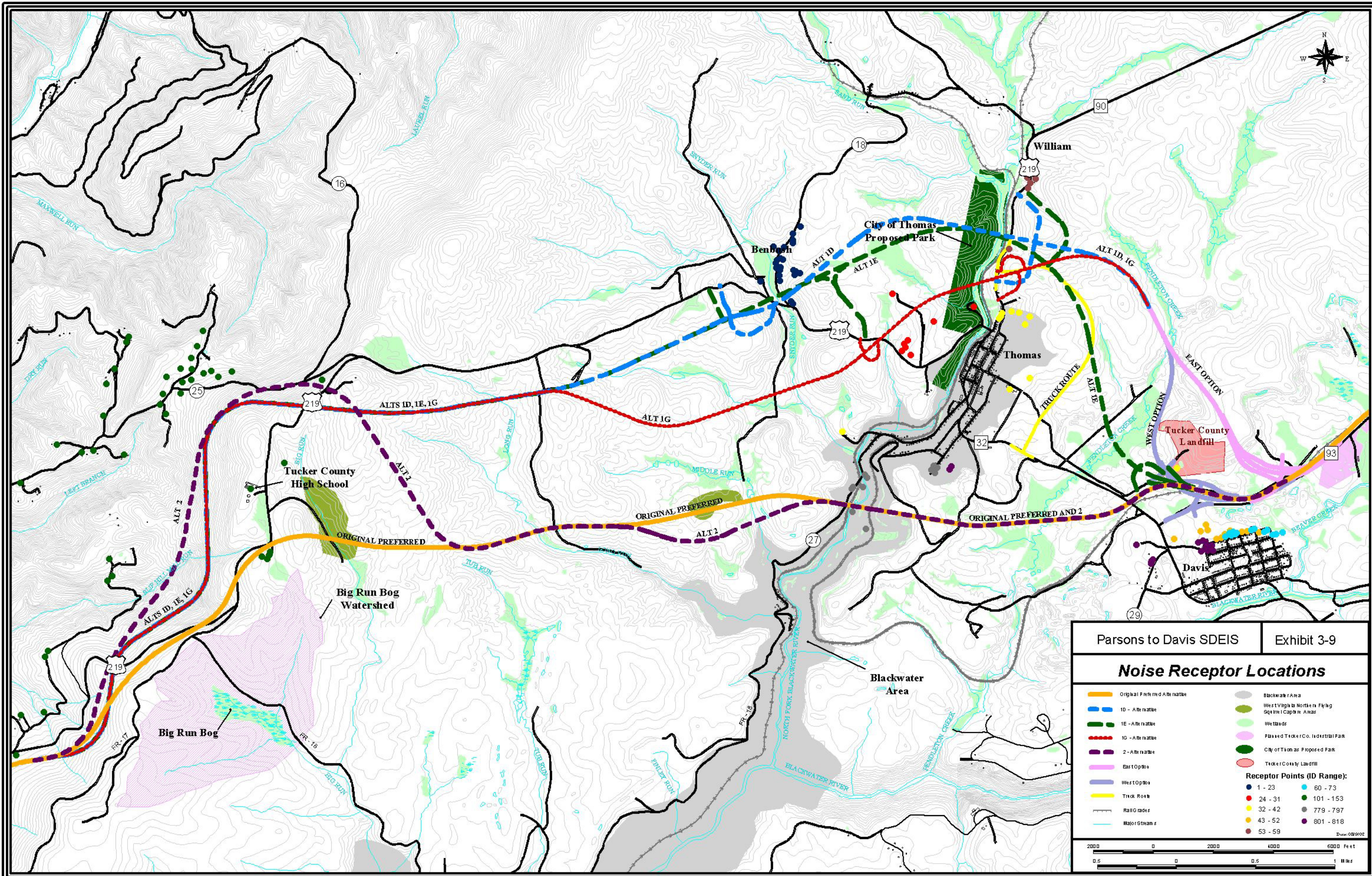
Refuse Sites

Well Sites

2000 0 2000 4000 6000 Feet

0.5 0 0.5 1 Miles

08/09/02



Appalachian Corridor H

Parsons-to-Davis SDEIS

Interactive CD-ROM



December 2002

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Appalachian Corridor H
Parsons, WV to Davis, WV
Supplemental Environmental Impact Statement
FHWA-WV-EIS-92-01-SD
State Project: X142-H-38.99 C-2
Federal Project: APD-484 (59)

SECTION IV: SECTION 4(F) AND 6(F) ANALYSES

4.1 PROJECT HISTORY

4.1.1 INTRODUCTION

The 2000 Settlement Agreement states in part: “The SEIS will evaluate a reasonable range of alternatives for completing the Thomas-Davis Section of the Parsons-to-Davis Project. The range of alternatives will include one or more Blackwater Avoidance Alignments and the Blackwater Alignment.” The Settlement Agreement continues: “The SEIS will evaluate the Blackwater Avoidance Alignment(s) to determine whether there is any such alternative that 1) is “feasible” and “prudent” and 2) does not “use” any land protected by Section 4(f). The evaluation required by this paragraph will be included in draft form in the Draft SEIS and in final form in the Final SEIS.”

As defined in the 2000 Settlement Agreement “Section 4(f) means Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C § 303(c).” Section 4(f) regulations are provided in 49 CFR 771.135 and in various FHWA guidance documents.

Section 4(f) regulations define “land” protected by Section 4(f) as a “significant publicly owned public park, recreation area, or wildlife or waterfowl refuge, or any significant historic site” (49 CFR 771.135 (a)(1)).

4.1.2 DESCRIPTION OF THE PROJECT

The West Virginia Department of Highways (WVDOH), in conjunction with the Federal Highway Administration (FHWA), is proposing to construct an approximately 10-mile long highway between Parsons and Davis in Tucker County, West Virginia. This Parsons-to-Davis Project is a component of the Appalachian Corridor H Project which is a proposed 100-mile highway between Elkins and the West Virginia-Virginia state line, spanning Randolph, Tucker, Grant, and Hardy counties in West Virginia.

As a result of legal challenges, a Settlement Agreement required the WVDOH and FHWA to prepare a Supplemental Environmental Impact Statement (SEIS) to evaluate one or more alignment shifts for the Thomas-Davis section of the Parsons-to-Davis Project to determine if avoidance of the Blackwater Area, also defined in the Settlement Agreement, was prudent and feasible. This Supplemental Draft Environmental Impact Statement (SDEIS) is the first part of the required SEIS. Additionally, discovery of an endangered species within the limits of the Original Preferred Alternative (OPA) between Parsons and Davis has necessitated that the SEIS address the entire length of the Parsons-to-Davis Project.

4.1.3 PURPOSE AND NEED

The Parsons-to-Davis Project is a component of the Appalachian Corridor H Project. As a link in that chain, it is expected to contribute to addressing needs identified in the 1996 Corridor H FEIS:

- Improve east-west transportation through northeastern West Virginia.
- Promote economic development in the region.
- Preserve or improve the quality of life in the region.

In addition to these general needs for Corridor H, the local communities have identified needs specific to the Parsons-to-Davis Project:

- Reduce truck traffic through the City of Thomas.
- Improve emergency response times and access to emergency facilities.

A detailed discussion of the need for and purpose of the project is presented in *Section 1: Project Background and Need* of the Parsons-to-Davis SDEIS (2002).

4.2 SECTION 4(F) OVERVIEW

This report has been prepared pursuant to Section 4(f) of the Department of Transportation Act of 1966 as amended (49 U.S.C. 3030, Section 138 of the Federal-aid Highway Act of 1968, and FHWA regulations in 23 CFR 771.135. The U.S. Department of Transportation Act of 1966, Section 4(f) states, in part, that:

“the Secretary shall not approve any program or project which requires the use of any publicly owned land from a park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance as determined by

the Federal, State, or local officials having jurisdiction thereof, or any land from a historic site of national state or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreation area, wildlife and waterfowl refuge or historic site resulting from such use.”

4.2.1 USE DEFINED

4.2.1.1 Direct Use

A direct use of a 4(f) property occurs:

- When land is permanently incorporated into a transportation facility, or
- When there is a temporary occupancy of land that is adverse in terms of the statute's preservationist purposes.

4.2.1.2 Constructive Use

Constructive use of a 4(f) property occurs when the transportation project does not incorporate land from a Section 4(f) resource, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the resource are substantially diminished (23 CFR 771.135).

4.3 ALTERNATIVES ANALYSIS

A complete and detailed alternatives analysis is presented in *Section 2: Alternatives Considered* of the Parsons-to-Davis SDEIS (2002), and is included here by reference.

4.4 IDENTIFICATION AND DESCRIPTION OF SECTION 4(f) RESOURCES IN THE PROJECT AREA

4.4.1 THOMAS PARK (PROPOSED)

Property Size	145 acres
Ownership	City of Thomas
Function	Public Park
Existing and Planned Facilities	Public Park
Access and Usage	Public Recreation
Relationship to other similarly used property in the area	None
Applicable clauses affecting ownership	None
Unusual Characteristics	None

4.4.1.1 Physical Description

The City of Thomas owns a 145-acre parcel in the Study Area that it intends to develop as a public park (City of Thomas, 1998). No park facilities are currently present on the parcel. On March 22, 2001, the Thomas City Council adopted a resolution expressing the City's desire to develop the park "jointly with the West Virginia Division of Highways and the Federal Highway Administration such that Corridor H may be located within property boundaries" of the park (*Section 7: Comments and Coordination*).

4.4.1.2 Section 4(f) Applicability

Based on consultation with the owner of the park facility (City of Thomas), it has been determined that Section 4(f) is not applicable to the proposed park. The City of Thomas is continuing to develop plans for the park. By resolution dated March 13, 2001, the City stated: "The City of Thomas passed a resolution stating that we would like to develop the property as a park but we would to do it jointly with the West Virginia Division of Highways and the Federal Highway Administration such that Corridor H may be located within the park boundaries." The FHWA Section 4(f) Policy Paper dated June 7, 1989 outlines whether or not Section 4(f) applies to joint development (i.e., when a tract is reserved for a highway corridor at the time the development plan for the tract is established). The Policy Paper states: "The requirements of Section 4(f) do not apply to the subsequent highway construction on the reserved right-of-way as previously planned." Therefore, Section 4(f) is not applicable to the planned Thomas Park. Exhibit IV-1 provides a map showing the relationship of the proposed park and various alternatives.

4.4.2 THE WVC&P RAILWAY

Property Size	For the purposes of this analysis, the focus is on the section of the WVC&P Railroad within the Blackwater Historic Industrial Complex, which according to the Keeper of the National Register is 10 miles long and approximately 50 feet wide (Total Area = 60.6 acres).
Ownership	United States of America and John Crites (the deeds indicate the property line extends along the center of the railbed).
Function	Access to private land, public hiking trail.
Existing and Planned Facilities	See Table IV-1 below for existing facilities; planned facilities unknown.
Access and Usage	Access points at lock locations; Public use for recreation and education.
Relationship to other similarly used property in the area	Monongahela National Forest
Applicable clauses affecting ownership	The USFS is bound by law to provide landowner access to private lands surrounded by Forest Service property.
Unusual Characteristics	The property line extends along the center of the railbed.

4.4.2.1 Physical Description

The rail corridor, historically known as the West Virginia Central & Pittsburg Railway and locally known as the Western Maryland Railway, extends in its entirety from Cumberland, Maryland to Elkins, West Virginia. An approximately 10-mile portion of the corridor from immediately west of Hambleton to Thomas is the focus of this study. This portion of the railway is characterized by steep terrain, many drainages, and dramatic structures.

4.4.2.2 Historical Background

A complete detailed description and history of the WVC&P Railway is presented in *Appalachian Corridor H: Sections 12 and 13, Architectural and Historical Documentation* (Submitted to the Keeper of the National Register of Historic Places, March 1999), and is included here by reference.

4.4.2.3 Section 4(f) Applicability

The WVC&P Railway has been determined to be eligible for listing on the National Register of Historic Places; therefore, Section 4(f) is applicable to this historic resource.

4.4.3 BLACKWATER CANYON ARCHAEOLOGICAL AND HISTORIC INDUSTRIAL DISTRICT

Property Size	1,700 acres
Ownership	Various
Function	None
Existing and Planned Facilities	None
Access and Usage	None
Relationship to other similarly used property in the area	None
Applicable clauses affecting ownership	None
Unusual Characteristics	None

4.4.3.1 Physical Description

"The Complex contains a 10-mile stretch of the 1888 West Virginia Central and Pittsburg Railway (WVC&P) grade with associated bridges and culverts, the abandoned community of Limerock along with the historic mining towns of Thomas, Coketon and Douglas, including numerous historic buildings, mine portals, stone foundations of the Coketon power house, several mine buildings and two mine tipples, many other unidentified structure foundations, and the standing remains of approximately 300 (out of the original 1,235) bee hive style coke ovens. The Complex's numerous historic and archeological features located outside of the Coketon area in conjunction with the significant resources within the Coketon study area combine in a geographic concentration from one end of the Blackwater Industrial Complex to the other. Because of this continuity of important resources, the entire Blackwater Industrial Complex is considered one entity." (Keeper of the National Register, letter dated August 2, 2001, included with *Section 7: Comments and Coordination*)

Table IV-1
Contributing and Non-Contributing Components to the WVC&P Railway Historic District

#	Historic	Current Name	Historic Structure Description	Current Structure Description	Contributing/ Non-Contributing
	Name				
32	Pendleton Run Bridge (Davis Branch)	Pendleton Creek Bridge	1897 Stone Arch Bridge	1897 Stone Arch Bridge	Contributing
770	Blackwater River Bridge	Blackwater River Bridge	1890 Multiple Span Deck Plate Girder Bridge 1890 Masonry Pier 1890 Masonry Abutments and Wingwalls	1910 Multiple Span Deck Plate Girder Bridge 1910 Masonry Pier 1910 Masonry Abutments with Poured Concrete Wingwalls	Contributing
776	Snyder Run Bridge	Snyder Run Bridge	1891 Stone Arch Bridge	1891 Stone Arch Bridge with 1891 Masonry Wingwalls Capped with Poured Concrete (1941)	Contributing
01	No name given (Snyder Branch)	Snyder Run Culvert	Multiple Span Timber Trestle 18 Poured Concrete Piers	1943 Poured Concrete Box Culvert	Non-Contributing
--	No name given	Tipple 36 Trestle Bents	Short Wooden Trestle Supported by Timber, Steel and Poured Concrete Bents	Two Poured Concrete Bents	Contributing
779	No name given	Coketon Trestle Site	Multiple Span Timber Trestle Nine Timber Bents	No Superstructure No Substructure	Non-Contributing
785	No name given	Douglas Trestle Site	Multiple Span Timber Trestle 16 Timber Bents	No Superstructure No Substructure	Non-Contributing
--	Middle Run Culvert	Middle Run Culvert	1888 Timber Trestle	1899 Cast Iron Culvert	Contributing
817	Tub Run Bridge	Tub Run Culvert	1914 Multiple Span Deck Plate Girder Bridge 1888 Masonry Piers and Abutments Encased in Poured Concrete (1910)	1941 Concrete Box Culvert 1888 Masonry Piers and Abutments Encased in Poured Concrete (1910 and 1941)	Non-Contributing
829	Big Run Bridge	Big Run Bridge	1888 Stone Arch Bridge	1888 Stone Arch Bridge 1914 Poured Concrete Headwall and Wingwalls	Contributing
845	Flat Rocks Run Bridge	Flat Rocks Run Culvert	1914 Multiple Span Deck Plate Girder Bridge 1897 Masonry Abutments Encased in Poured Concrete (1910 and 1914)	1960s Large Diameter Corrugated Metal Culvert	Non-Contributing
--	No name given	Hickory Lick Run Culvert	18 inch (45.7 centimeter cast iron pipe	1941 Poured Concrete Box Culvert	Contributing
--	No name given	Falls Spring Bridge	Possible Deck Plate Girder Bridge Masonry Abutments	1941 Poured Concrete Deck Masonry Abutments	Contributing
884	Roaring Run Bridge	Roaring Run Culvert	1888 Single Span Through Plate Deck Girder Bridge 1888 Masonry Abutments Single Timber Bent	Post-1919 Cast Iron Culvert with Concrete Headwalls 1888 Masonry Abutments	Contributing

4.4.3.2 Historical Background

A detailed description and history of the Blackwater Industrial Complex is presented in the Keeper of the National Register's August 2, 2001 Determination of Eligibility Notification and is included here by reference (*Section 7: Comments and Coordination*).

4.4.4.3 Section 4(f) Applicability

The district has been determined to be eligible for listing on the National Register of Historic Places; therefore, Section 4(f) is applicable to this resource.

4.5 IMPACTS ON SECTION 4(f) PROPERTIES

4.5.1 WEST VIRGINIA CENTRAL AND PITTSBURG RAILWAY (WVC&P)

The WVC&P is crossed by alternatives 1D, 1E and 1G north of Thomas (Exhibit IV-2). None of the proposed alternatives take any land from within the historic boundaries of the WVC&P. In addition, based on consultation with the WVSHPO, it has been preliminarily determined that none of the alternatives would have an adverse effect to the resource. With respect to historic resources on or eligible for NRHP, constructive use does not occur when compliance with Section 106 of the National Historic Preservation Act results in a determination of "no effect" or "no adverse effect" (23 CFR 771.135(p)(5)(i)). Therefore, none of the alternatives under consideration "use" the Section 4(f) protected resource.

4.5.2 BLACKWATER CANYON ARCHAEOLOGICAL AND HISTORIC INDUSTRIAL DISTRICT

The Blackwater Industrial Complex is traversed within the City of Thomas by the OPA (identified as the Blackwater Alignment in the Settlement Agreement) and Alternative 2. Both alternatives cross the Blackwater Industrial Complex in the same exact location (Exhibit IV-3); therefore, the impacts for each of the alternatives is considered to be the same.

Either Alternative 2 or the OPA will cross the National Register boundary of the Blackwater Industrial Complex on structure. The structure will be designed with piers located in the historic boundary; however, those piers will be designed so that property that is individually eligible (e.g., WVC&P Railway grade) will not be directly impacted by the project nor will property be used that contributes to the factors that make the district historic (i.e., contributing resources). Preliminary consultation with the WVSHPO has determined that through careful placement of piers within the boundaries of the resource, the project will have no adverse effect to the Blackwater Industrial Complex (letter dated October 30, 2002, *Section 7: Comments and Coordination*). Therefore, since neither alternative takes property that is individually historic or contributes to the factors that make the district historic and the project will have no adverse effect to the resource, the FHWA has determined that Section 4(f) does not apply to this resource.

4.6 SECTION 4(F) CONCLUSION

It is the finding of this analysis of Section 4(f) that no resources eligible for protection under Section 4(f) will be directly or constructively used by any of the alternatives (1D East and West, 1E, 1G East and West, 2 or OPA).

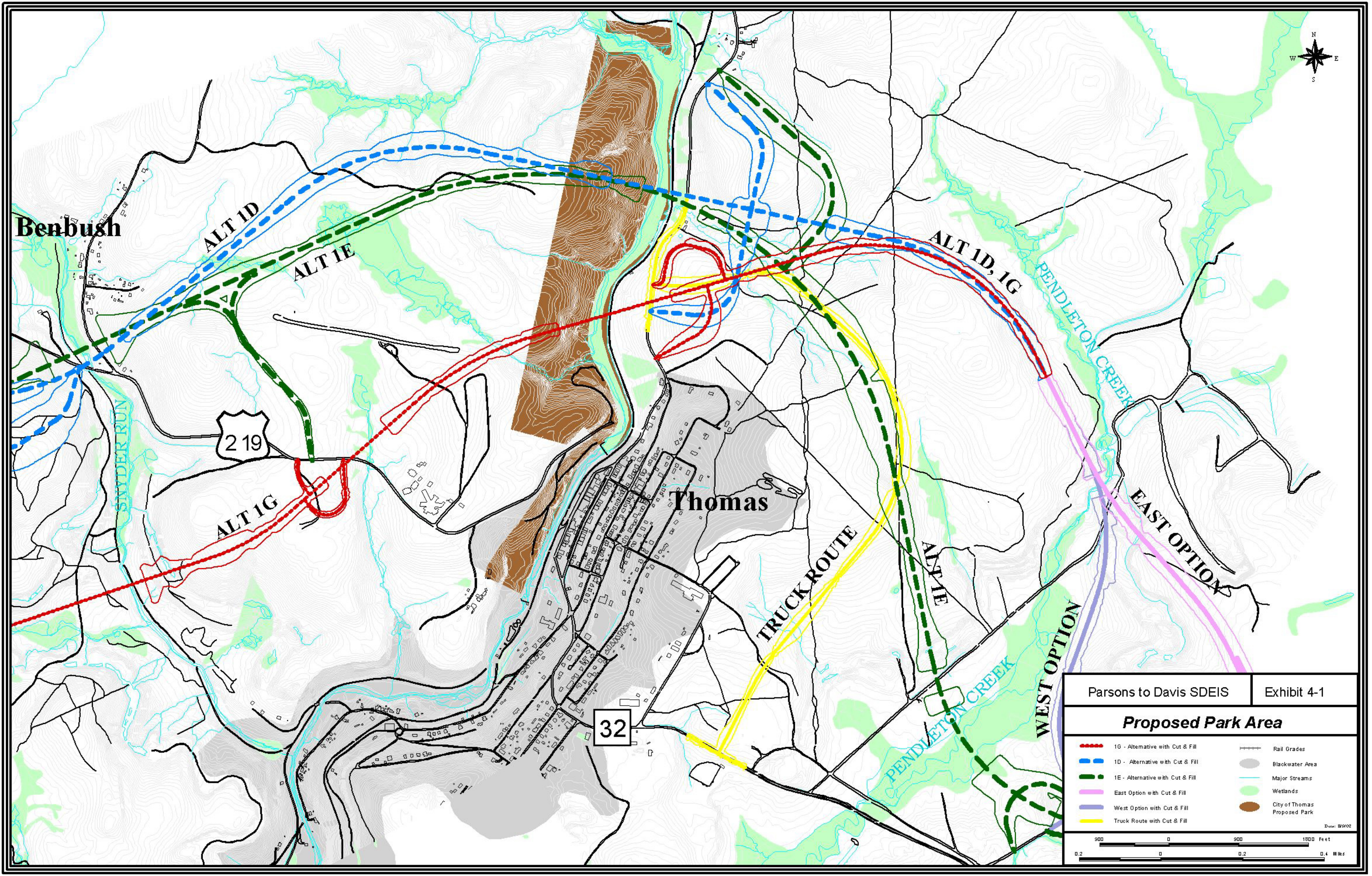
4.7 SECTION 6(F) ANALYSIS

In accordance with Section 6(f) of the 1965 Land and Water Conservation Fund Act (LWCFA), overall evaluations were conducted for properties considered to be qualified for Section 6(f) evaluations. The stated purpose of the LWCFA (16 USC 4601-4 et seq.) is to assist in preserving, developing, and assuring access to outdoor recreation resources by providing funds and assistance to states in planning, acquisition, and development of needed land and water areas and facilities. Section 6(f) of the LWCFA (16 USC 4601-8(t)(3)) states that "No property acquired or developed with assistance under this section shall, without the approval of the Secretary [of the Interior], be converted to other than public outdoor recreation uses." Approval of such conversions is contingent upon the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

State and local governments often obtain grants through the LWCF to acquire or make improvements to parks and recreation areas. Section 6(f) of the LWCF prohibits the conversion of property acquired or developed with these grants to a non-recreational purpose without the approval of the USDOI - NPS.

4.7.1 RESOURCE IDENTIFICATION AND CONVERSION EVALUATION

Based on coordination with the DOI and the West Virginia Division of Community Development, there are no Section 6(f) properties in the Study Area. Therefore, the alternatives retained for detailed study will not require any conversions of Section 6(f) property to transportation use.



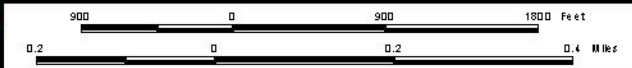
Parsons to Davis SDEIS

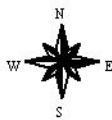
Exhibit 4-1

Proposed Park Area

- | | |
|----------------------------------|------------------------------|
| 1G - Alternative with Cut & Fill | Rail Grades |
| 1D - Alternative with Cut & Fill | Blackwater Area |
| 1E - Alternative with Cut & Fill | Major Streams |
| East Option with Cut & Fill | Wetlands |
| West Option with Cut & Fill | City of Thomas Proposed Park |
| Truck Route with Cut & Fill | |

Drawn: BSW02





WVC&P Railway
*NRHP Eligible

Stone Arch
Bridge

William

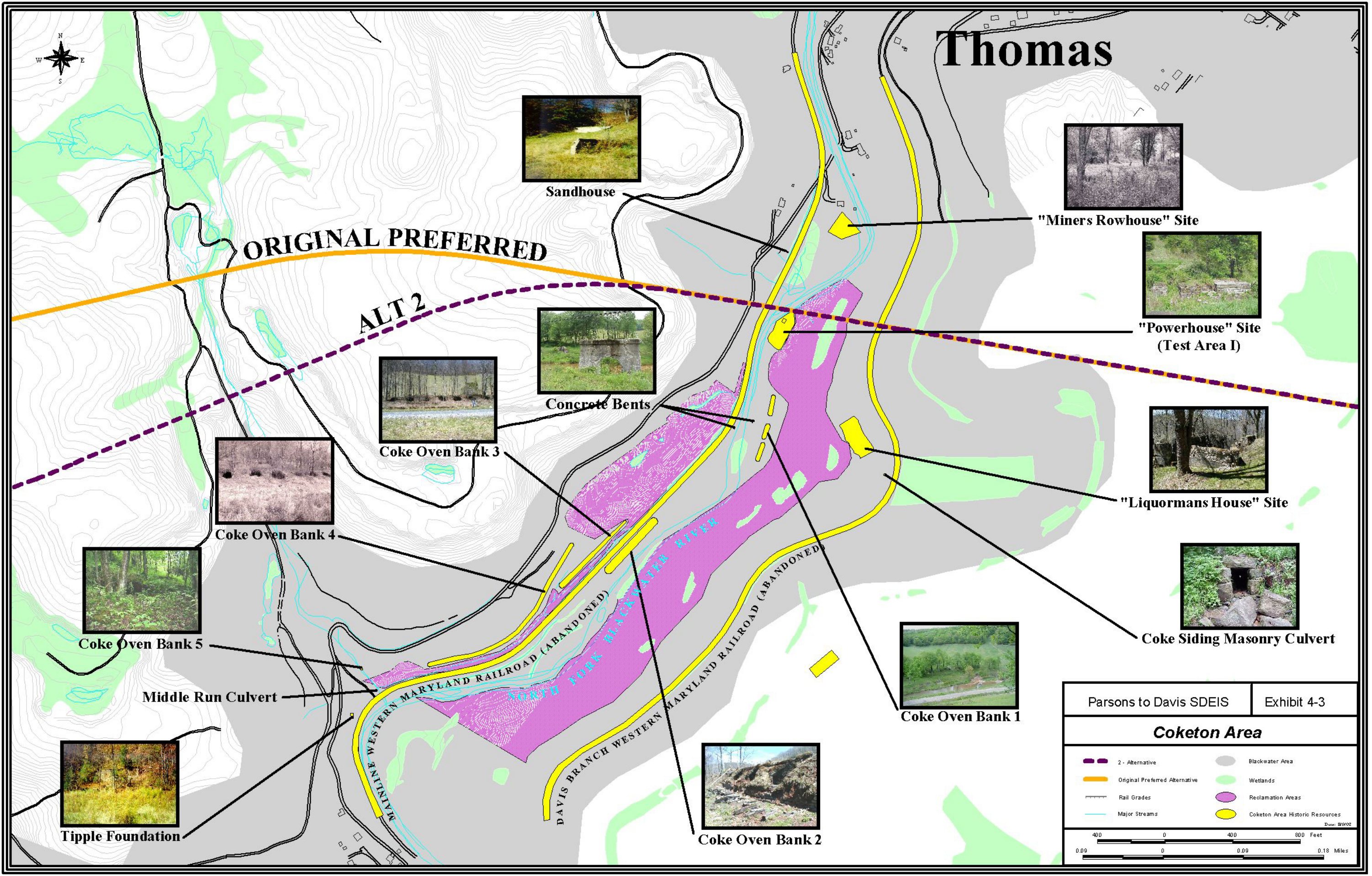
SAND RUN

enbush

219

Parsons to Davis SDEIS		Exhibit 4-2	
WVC&P Railway and Stone Arch Bridge			
	1G - Alternative with Cut & Fill		Blackwater Area
	1D - Alternative with Cut & Fill		Tucker County Landfill
	1E - Alternative with Cut & Fill		Wetlands
	Rail Grades		Tucker Co. Industrial Park
	WVC&P Railway (NRHP Eligible)		City of Thomas Proposed Park
	Major Streams		

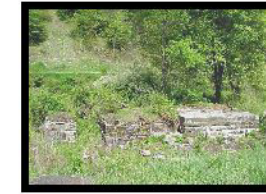
Thomas



Sandhouse



"Miners Rowhouse" Site



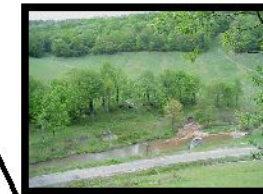
"Powerhouse" Site
(Test Area I)



"Liquormans House" Site



Coke Siding Masonry Culvert



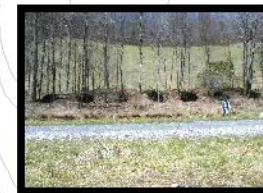
Coke Oven Bank 1



Coke Oven Bank 2



Concrete Bents



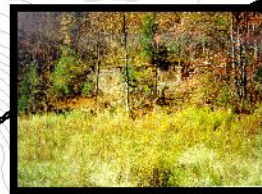
Coke Oven Bank 3



Coke Oven Bank 4



Coke Oven Bank 5



Tipple Foundation

Middle Run Culvert

ORIGINAL PREFERRED

ALT 2

WESTERN MARYLAND RAILROAD (ABANDONED)

DAVIS BRANCH WESTERN MARYLAND RAILROAD (ABANDONED)

NORTH FORK BLACKWATER RIVER

Parsons to Davis SDEIS

Exhibit 4-3

Coketon Area

- 2 - Alternative
- Original Preferred Alternative
- Rail Grades
- Major Streams
- Blackwater Area
- Wetlands
- Reclamation Areas
- Coketon Area Historic Resources

400 0 400 800 Feet
0.09 0 0.09 0.18 Miles

Date: 2/9/02

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SECTION VI: DISTRIBUTION LIST

Copies of the Supplemental Draft Environmental Impact Statement have been distributed to the following agencies and organizations:

6.1 FEDERAL AGENCIES

1. Advisory Council on Historic Preservation - Washington, D.C.
2. Environmental Protection Agency Office of Federal Activities (A-104) - Washington, D.C.
3. Environmental Protection Agency - Philadelphia, PA
4. Federal Emergency Management Agency Region III - Philadelphia, PA
5. Federal Highway Administration - Charleston, WV
6. Federal Highway Administration - Washington, D.C.
7. Federal Railroad Administration - Washington, D.C.
8. Federal Transit Administration - Washington, D.C.
9. National Park Service - Philadelphia, PA
10. Secretary of Transportation, U.S. Department of Transportation - Washington, D.C.
11. U.S. Army Corps of Engineers - Pittsburgh, PA
12. U.S. Department of Agriculture, Monongahela National Forest - Elkins, WV
13. U.S. Department of Agriculture, Natural Resource Conservation Service - Elkins, WV
14. U.S. Department of the Interior, Office of Environmental Project Review - Washington, D.C.
15. U.S. Department of the Interior, Fish and Wildlife Service - Elkins, WV

6.2 STATE OF WEST VIRGINIA

1. WV Board of Education - Charleston, WV
2. WV Department of Employment Security - Charleston, WV
3. WV Department of Transportation - Charleston, WV
4. WV Department of Transportation District 8 - Elkins, WV
5. WV Department of Health & Human Services - Charleston, WV
6. WV Development Office, Community Development Division - Charleston, WV
7. WV Development Office - Charleston, WV
8. WV Division of Environmental Protection - Charleston, WV
9. WV Division of Culture & History - Charleston, WV
10. WV Division of Natural Resources Operations Center - Elkins, WV
11. WV Division of Natural Resources - Charleston, WV
12. WV Division of Tourism & Parks - Elkins, WV
13. WV Office of Emergency Services - Charleston, WV

6.3 OTHER GOVERNMENT AGENCIES - WEST VIRGINIA

1. Mayor of Davis, WV
2. Mayor of Thomas, WV
3. Tucker County Chamber of Commerce - Buckhannon, WV
4. Tucker County Clerk - Parsons, WV
5. Tucker County Commissioner - Parsons, WV
6. Tucker County Development Authority - St. George, WV
7. Tucker County Planning Commission, Davis, WV

6.4 UNITED STATES POST OFFICES

1. Post Master - Davis, WV
2. Post Master - Thomas, WV

6.5 LIBRARIES

1. Mountain Top Library – Thomas, WV

6.6 HIGH SCHOOLS

1. Tucker County High School - Hambleton, WV

6.7 INTEREST GROUPS

1. West Virginians for Corridor H - Elkins, WV
2. Sierra Club - Morgantown, WV
3. Corridor H Alternatives Central West Virginia - Kerens, WV
4. Corridor H Alternatives Eastern West Virginia - Wardensville, WV
5. Corridor H Alternatives Northern West Virginia - New Creek, WV

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3. Pamela Moe-Merritt, Corridor H Alternatives, Inc. - Elkins, WV
4. Hugh Rogers, West Virginia Highlands Conservancy - Kerens, WV
5. Norm Steenstra, West Virginia Citizen Action Group - Charleston, WV
6. Donald S. Garvin, Jr., West Virginia Environmental Council - Buckhannon, WV
7. Concerned Citizens Coalition - Spencer, WV
8. Matt Evans, Harrison County Environmental Citizens Organization - Salem, WV
9. Dianne Bady, Ohio Valley Environmental Coalition - Huntington, WV
10. Dave Houser, Downstream Alliance - Moatsville, WV
11. Alison Cochran, Heartwood - Bloomington, IN
12. Margaret Janes, Potomac Headwaters Resource Alliance - Mathias, WV
13. Laura Spadaro, West Virginia Sierra Club - Wheeling, WV
14. Leah Divine, Student Environmental Network - Elkins, WV
15. Sarah Faulconer, N. Shenandoah Valley Audubon Society - Strasburg, VA
16. Michael Slimak, Reynolds Estates Landowners - Springfield, VA
17. Suzanne Lewis, Cedar Creek Battlefield Foundation - Middletown, VA

6.9 COMMUNITY ADVISORY GROUP (CAG) MEMBERS

1. Mayor Debbie Snyder – Thomas, WV
2. City Councilman Matt Quattro – Thomas, WV
3. Mayor Joe Drenning – Davis, WV
4. City Councilman Lester Dempsey – Davis, WV
5. Karen Bonner, Tucker County Planning Commission – Davis, WV
6. Murray Dearborn, Tucker County Convention and Visitors Bureau – Davis, WV
7. Sam Eichelberger, Tucker County Development Authority – Thomas, WV
8. Thomas DiBacco, Region VII Planning and Development Council – Thomas, WV
9. Reid Gilbert, Tucker Gateway Initiative – Thomas, WV
10. Chuck Nichols, Friends of the 500th – Davis, WV
11. Dottie Wilson, Alpine Heritage Preservation, Inc.
12. Chuck Merritt – Corridor H Alternatives
13. Mike Ledden – Highlands Trail Foundation

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SECTION VII: COMMENTS AND COORDINATION

In accordance with FHWA guidance, this Supplemental Draft Environmental Impact Statement (SDEIS) incorporates by reference the FEIS and the subsequent ROD for the Appalachian Corridor H Project, both issued in 1996. The SDEIS reader should refer to the 1996 Corridor H FEIS and 1996 ROD for information regarding the Project that is unchanged, still valid, and therefore, not presented in the text of this SDEIS.

7.1 EARLY COORDINATION

7.1.1 NOTICE OF INTENT

On May 2, 2000, FHWA issued a Notice of Intent (NOI) in the Federal Register to advise the public that a SEIS would be prepared for the Blackwater Avoidance Area of the Thomas-to-Davis portion of the Parsons-to-Davis Project of the proposed Appalachian Corridor H highway. On October 9, 2001, FHWA issued a revised NOI to advise the public that the limits of the Study Area for the SEIS were expanded to include the entire Parsons-to-Davis Project. As the NOI states, "expansion of the study area [was] required due to the new information obtained during Endangered Species Act, Section 7 consultation regarding a federally listed, endangered species: the Northern Flying Squirrel (*Glaucomys sabrinus fuscus*)."

The USFWS concurs with the expansion of the Study Area of the Parsons-to-Davis Project. In response to the revised NOI of 2001, USFWS stated, "The expansion of the study area is required due to new information obtained during the Endangered Species Act, Section 7 consultation regarding a federally listed endangered species...The Service has no objection to the expansion of the study area for the project. The expansion of the study limits will allow for the consideration of additional alternatives to avoid impacts to the endangered West Virginia northern flying squirrel" (USFWS letter dated December 6, 2001, *Section 7: Comments and Coordination*).

7.1.2 SCOPING

A resource agency scoping meeting was conducted on June 14, 2000 at Canaan Valley State Park in Davis, WV. Representatives from 11 appropriate federal and state resource agencies were invited. Of those agencies, five attended. (A list of agencies and their attendance is provided in Table VII-1). The purpose of the scoping meeting was to:

- Invite early resource agency participation in the project;
- Delineate the Project Study Area;
- Identify key issues and level of analysis within the framework of the SEIS analysis;
- Integrate the Section 106 agency and public process;
- Continue coordination of the U.S. Army Corps of Engineers (COE) Section 404 Permit process; and,
- Initiate preparation of the SDEIS.

Information packets (including maps, graphics and tables) were prepared and distributed at the meeting. This information was also presented on large information boards at the meeting. Agencies that could not attend were mailed information packets. All agencies were asked to provide written comments before July 14, 2000. The responses of the agencies are noted in Table VII-1 and are included with correspondence at the end of this section.

Table VII-1
Agency Scoping Mtg. – June 14, 2000 – Canaan Valley Resort & Conference Center

Agency Invited	Attendees	Formal Comment Received
WV Department of Transportation Division of Highways	Norse Angus, Jim Colby, Mike Wilson, Neal Carte	N/A
WV Department of Transportation Division of Highways District 8	Mike Phillips, Tom Staud	N/A
U.S. Department of Transportation Federal Highway Administration WV Division	Ed Compton, Ron Krofcheck	N/A
WV Division of Natural Resources	Keith Krantz	July 14, 2000 Roger J. Anderson
WV Division of Environmental Protection Office of Air Quality	DNA	NLR
WV Division of Culture and History State Historic Preservation Officer	Susan Pierce, Mark Holma	NLR
WV Division of Tourism and Parks	DNA	NLR
U.S. Army Corps of Engineers Pittsburgh District	Fred Pozzuto, Bob Neill	NLR
U.S. Environmental Protection Agency	Denise Rigney	NLR
U.S. Department of Agriculture Forest Service Monongahela National Forest	Lynn L. Hicks	NLR
U.S. Department of Agriculture Natural Resource Conservation Service	DNA	NLR
U.S. Department of the Interior Fish and Wildlife Service	DNA	July 17, 2000 Jeffrey K. Towner
U.S. Department of the Interior National Park Service Natural Resource Stewardship and Science	DNA	NLR
Advisory Council on Historic Places	DNA	NLR
Michael Baker Jr., Inc.	Bill McCartney, Katry Harris, Mary Keith Higginbotham, Wendy L. Zelencik, John Vandergriff, Jennifer Talbot	N/A

Note: DNA = Did Not Attend, NLR = No Letter Received, N/A = Not Applicable

7.2 AGENCY COORDINATION

7.2.1 DECEMBER 14, 2000

An agency status meeting was held December 14, 2000 at the WVDNR offices in Elkins, WV. Agencies were introduced to the Blackwater Avoidance Alignments as they were developed to that point. The Study Area had not yet been expanded to include the entire Parsons-to-Davis Project, and so the western terminus of the alignments were further east than that of the alignments presented in this SEIS. The meeting included a review of comments received during the scoping and public information process. Agencies were asked to provide comments on this meeting before January 5, 2001. A list of agencies, their attendance and responses is provided in Table VII-2.

Table VII-2
Agency Status Meeting - December 14, 2000 – WVDNR Headquarters

Agency Invited	Attendees	Formal Comment Received
WV Department of Transportation Division of Highways	Norse Angus, Jim Colby	N/A
WV Department of Transportation Division of Highways District 8	Tom Staud, Mike Moran	N/A
U.S. Department of Transportation Federal Highway Administration WV Division	Ed Compton, Ron Krofcheck	N/A
WV Division of Natural Resources	Keith Krantz	December 23, 2000 Roger J. Anderson
WV Division of Environmental Protection Office of Air Quality	DNA	NLR
WV Division of Culture and History State Historic Preservation Officer	DNA	NLR
WV Division of Tourism and Parks	DNA	NLR
U.S. Army Corps of Engineers Pittsburgh District	Rich Sobol	NLR
U.S. Environmental Protection Agency	DNA	NLR
U.S. Department of Agriculture Forest Service Monongahela National Forest	Roy Ryan	NLR
U.S. Department of Agriculture Natural Resource Conservation Service	DNA	NLR
U.S. Department of the Interior Fish and Wildlife Service	DNA	NLR
U.S. Department of the Interior National Park Service Natural Resource Stewardship and Science	DNA	NLR
Advisory Council on Historic Places	DNA	NLR
Michael Baker Jr., Inc.	Bill McCartney, Katry Harris, Wendy Vachet, Claudette Jenkins	N/A

Note: DNA = Did Not Attend, NLR = No Letter Received, N/A = Not Applicable

7.2.2 AUGUST 9, 2001

An additional agency meeting was held August 9, 2001 at the WVDNR offices in Elkins, WV to inform agencies of new information regarding the distribution of the endangered WVNFS in the Parsons-to-Davis Project area. It was subsequent to this meeting that the Study Area was expanded and the new Notice of Intent issued in October 2001.

Posterboards and hand-outs at this agency meeting showed the areas where the WVNFS had been captured in the region of the Parsons-to-Davis Project. Exhibits and presenters showed that the OPA for Corridor H along the Parsons-to-Davis route intersected areas where the endangered squirrel had been found. Additionally, displays showed that the Blackwater Avoidance Alignments did not intersect any of the capture areas; however, the OPA crossed a capture area to the west of where the Blackwater Avoidance Alignments began.

Agency representatives discussed expanding the Parsons-to-Davis Project Study Area so that it could encompass the capture area overlapping the OPA to the west of the Blackwater Avoidance Alignments as they existed to that point in time. The EPA responded to the August 9 meeting with concurrence that additional alternatives and alignment shifts should be considered for the Parsons-to-Davis Project (letter dated September 10, 2001 at the end of this section).

The schedule for producing a Biological Assessment (BA) for the WVNFS was also discussed. This BA has since been produced and submitted to the USFWS (August, 2002).

A list of agencies, their attendance and responses is provided in Table VII-3.

Table VII-3
Agency Status Meeting - August 9, 2001 – WVDNR Headquarters

Agency Invited	Attendees	Formal Comment Received
WV Department of Transportation Division of Highways	Norse Angus, Jim Colby	N/A
U.S. Department of Transportation Federal Highway Administration WV Division	Ed Compton, Ron Krofcheck	N/A
WV Division of Natural Resources	Roger Anderson, Keith Krantz	NLR
U.S. Environmental Protection Agency	Jessica Greenwood	September 10, 2001 Jessica Greenwood
U.S. Department of the Interior Fish and Wildlife Service	Bill Tolin, Dan Arling, Liz Schuppert, Richard Cook, Scott Groenier, John Schmidt, Carol Whetsell	NLR
Michael Baker Jr., Inc.	Bill McCartney, Mindy Hamilton, Jonathan Danz	N/A

Note: DNA = Did Not Attend, NLR = No Letter Received, N/A = Not Applicable

7.2.3 ONGOING SECTION 7 CONSULTATION

Throughout the development of the environmental documentation for Corridor H, WVDOH and FHWA consulted with the USFWS pursuant to Section 7 of the Endangered Species Act. The documentation was considered sufficient by the USFWS to address effects on threatened and endangered species at the time the ROD was signed (August 1996). However, in June 2000, WVDOH and FHWA re-initiated informal consultation with the USFWS during agency coordination for the preparation of this SDEIS. Consultation is still ongoing with regard to one endangered species, the West Virginia northern flying squirrel (WVNFS), found within the Study Area boundary.

As described in Section 3.3.3 (*Threatened & Endangered Species*), all of the alternatives presented in this SDEIS would impact habitat potentially occupied by the WVNFS. Section 7 consultation will continue for the Preferred Alternative and

formal consultation may be required. At that time, measures to further avoid and minimize impacts to the WVNFS will be agreed upon and implemented.

7.3 PUBLIC INVOLVEMENT

7.3.1 JUNE 14, 2000

A public information workshop was conducted following the agency-scoping meeting on June 14, 2000 at Canaan Valley State Park in Davis, WV. The purpose of the workshop was to share the information provided at the agency meeting, and to solicit public comment regarding the project. All written comments were requested by July 14, 2000.

Approximately 34 comment letters were received from the public during the comment period. An overview of the comments received and the WVDOH responses is provided in Table VII-4.

**Table VII-4
General Public Comments and WVDOH Responses – June 14, 2000 Public Meeting**

Comment	Response
Re-examine traffic demands, conduct revised cost benefit analysis for this study and Corridor H project as a whole.	Both traffic and socio-economic concerns have been evaluated in this SDEIS. Detailed information regarding traffic conditions and related socio-economic factors is provided in Section 1. A detailed analysis of socio-economic conditions and impacts are discussed in Section 3 of this SDEIS.
Consider a reasonable range of alternatives, particularly the No-build and IRA.	The range of reasonable alternatives considered and consistency with NEPA and the Settlement Agreement is detailed in Section 2 of this SDEIS.
Build the OPA.	All comments will be considered in the selection of the preferred alternative in the Parsons-to-Davis SFEIS. Section 2 of this SDEIS details the alternative screening and selection process.
Choose the IRA.	The IRA does not fulfill the project's purpose and need, described in Section 1. Section 2 presents the selection of alternatives to be carried forward for detailed study.
Avoid Big Run Bog.	The OPA was shifted so as to avoid the watershed of the Big Run Bog. All other Build Alternatives avoid impact to the Big Run Bog as well.
Hydrology concerns, particularly for wetlands, streams, Clean Water Act requirements and flooding issues in and beyond the study area.	An analysis of the study area's mountainous terrain and abundant water resources is an important component of the Parsons-to-Davis SEIS. Extensive descriptions of these resources and potential impacts are discussed in detail in Section 3 of this SDEIS.
Concern for impacts to the Monongahela National Forest, particularly MP 6.1 area, and compensation for impacts to publicly owned land.	Coordination with the Forest Service has been on-going since the agency scoping meeting in June 2000. Discussion of the MNF and its resources and potential impacts is provided in Section 3 this SDEIS.
Form letter (5 commentors) regarding the use of public lands to recognize private property rights.	These comments are noted. The vast majority of the Study Area is privately owned by Western Pocahontas Properties.
Request to minimize overall construction "footprint" of roadway.	Potential impacts associated with the overall "footprint" of each alternative considered has been included as part of the alternative screening process detailed in Section 2 of this SDEIS.
Concerns about Noise and Visual quality impacts.	Section 3 of the SDEIS includes consideration of impacts to both viewers of and viewers from the proposed highway and a detailed Traffic Noise Impact analysis.
Concerns about excess waste, waste sites, balancing of cut and fill material.	Potential impacts associated with excess excavation of each alternative considered have been included as part of the alternative screening process detailed in Section 2 of this SDEIS.
Acid drainage potential and impacts and erodible soils.	The potential for acid drainage resulting from mining activities and acid producing soils is discuss in Section 3 of this SDEIS.

Comment	Response
Impacts to wildlife, particularly RT and E species.	Detailed discussions of wildlife resources are provided in Section 3 of this SDEIS. Coordination with WVDNR and USFWS has been on going in regard to this and other issues. USFWS has concurred that the project will not adversely effect the following species: Indiana bat, Running buffalo clover, Virginia big-eared bat and the Cheat Mountain salamander. Coordination is still on going with regard to the West Virginia northern flying squirrel. Agency coordination letters are provided at the end of Section 7.
Requests were made to complete the study as soon as possible.	The WVDOH and FHWA are doing everything possible to expedite the study process.
Concern for changes to social dynamics.	Detailed analysis of the potential impacts to various aspects of the socio-economic environment are provided in Section 3.
Concerns regarding the public involvement process, requests for additional information, too many abbreviations in materials, etc.	Any request for additional information has been provided throughout the life of the Corridor H project and will continue throughout the Parsons-to-Davis SEIS process. A glossary of terms and acronyms is provided in the beginning of the SDEIS. The public involvement process for NEPA, Section 106 and Section 404 activities was initiated in June 2000 and will continue until the study is complete.

7.3.2 JANUARY 18, 2001

An informational public meeting was held on January 18, 2001 at the Blackwater Lodge in Davis, WV. Participants were introduced to the Blackwater Avoidance Alignments as they were developed to that point. The Study Area had not yet been expanded to include the entire Parsons-to-Davis Project, and so the western terminus of the alignments were further east than that of the alignments presented in this SEIS analysis.

Approximately 38 comments were received from the public during the comment period of January 18, 2001 to February 13, 2001. A summary of the general comments received and the WVDOH responses to them is presented in Table VII-5.

Table VII-5
General Public Comments and WVDOH Responses – January 18, 2001 Public Meeting

Comment	Response
Several commentors either supported or opposed certain alternatives. Support was expressed for Alternative A (formerly named "Dark Blue") due to natural environment impacts of other options and concern for noise impacts close to Thomas, and support was expressed for alignments passing close to Thomas (Alternatives G and H pass the closest to Thomas). One commentor expressed support for the IRA. The majority of commentors (24) supported the Original Preferred Alternative (OPA or "Blackwater Alternative"), primarily because it is the most cost effective and direct.	All comments will be considered in the selection of the preferred alternative in the Parsons-to-Davis SFEIS. Section 2 of this SDEIS details the alternative screening and selection process.
Concerns about increasing noise near Cortland Acres.	Cortland Acres nursing home was included as a noise sensitive receptor in the Traffic Noise Analysis (<i>Section 3.5.5</i>). None of the alternatives will have NAC or West Virginia substantial increase impact at this location. In the design year, the greatest noise level would occur in the No Build scenario, and all of the Build Alternatives would either affect no change or a decrease in noise level (Table III-25).

Comment	Response
Concerns for natural environment (wetlands, streams and wildlife).	Section 3 of this SDEIS provides details on all NEPA required elements of study. Coordination with the USFWS, WVDNR, USCOE and EPA has been ongoing throughout the study process. All agency coordination letters are provided at the end of this section.
Request that aesthetics be considered with passage near landfill.	Visual impacts (both to viewers of and to viewers from the highway) are discussed in <i>Section 3.2.8</i> . Only the East options of the Alternatives 1D and 1G will present travelers a view of the Tucker County Landfill.
Requests were made to complete the study as soon as possible.	The WVDOH and FHWA are doing everything possible to expedite the study process.

7.3.3 OCTOBER 23, 2001

An informational public meeting was held at Canaan Valley State Park on October 23, 2001 to share information and gather comments on the avoidance alignments developed in response to the new information on the habitat of the WVNFS. Both alternatives (represented by numbers 1 and 2 in the text of this SDEIS) provide a shift to the north in the western Study Area.

An additional purpose of the meeting was to discuss views on historic district issues. The WVDOH had recently received determination from the Keeper of the NRHP declaring Coketon Study Area and the Blackwater Industrial Complex eligible for the National Register. Therefore, the WVDOH was also studying the potential impacts of the project in the Coketon area (see the Notice for this public meeting and correspondence with the Keeper at the end of this section).

In response to the information revealed at this meeting, two comments were received during the public comment period lasting until December 7, 2001. One commenter expressed support for the OPA, and the other supported a modified OPA that would avoid WVNFS habitat and emphasized that preservation of the Coketon area should be a low priority.

7.3.4 COMMUNITY ADVISORY GROUP (CAG)

In accordance with the 2000 Settlement Agreement (Appendix A), WVDOH has established and consulted with a Citizens Advisory Group (CAG) composed of 12-13 members representing a cross-section of the interests potentially affected by the location of Corridor H in the Thomas and Davis areas. The CAG has held 11 meetings, attended by WVDOH staff and moderated by a professional facilitator. The CAG has prepared two comment letters that are considered part of the public comment record for the project (included at the end of this section). The CAG has provided feedback to the study team that has been integrated in the development of alternatives (see *Section 2: Alternatives Analysis* and *Section 3.2.1: Economic Environment*).

7.3.5 CITY COUNCILS

The 2000 Settlement Agreement also requires that after completion of the standard public comment period on the SDEIS, WVDOH must transmit a letter to the City Councils of Thomas and Davis identifying its Preferred Alternative for the project and its reasons for selecting that alternative. (WVDOH will provide this information in the form of a "Preferred Alternative Report.") WVDOH will request that the City Councils provide an opportunity for the WVDOH to present its findings and for the CAG to express its views on those recommendations. It will also request that the Councils express their views on the location and design of the Preferred Alternative within 60 days. If, during that 60-day period, either City Council adopts a resolution opposing all of the new alternatives considered or supporting the OPA, FHWA and WVDOH will have the right, but not the obligation, under the Settlement Agreement to discontinue the Blackwater Avoidance Study (see Settlement Agreement, p. 31). However, this agreement will not have an effect on the need for study necessary to investigate avoidance of the WVNFS.

7.3.6 CITY OF THOMAS RESOLUTION

The City of Thomas' Development Strategy (City of Thomas, 1998) identified a 162-acre area to the northwest of downtown Thomas for development as a park. The proposed park is illustrated in Exhibits throughout this SDEIS. On March 22, 2001, the Thomas City Council adopted a resolution expressing the City's desire to develop the park "jointly with the West Virginia Division of Highways and the Federal Highway Administration such that Corridor H may be located

within property boundaries” of the park. There are no facilities on this property at the present time. The resolution is included at the end of this section.

During the public comment period, community leaders from Thomas expressed support for the detailed study of Blackwater Avoidance Alignments that passed the farthest to the north of downtown Thomas as possible. Alternative A would have best fulfilled this request, yet it was eliminated from detailed study as described in *Section 2: Alternatives Analysis* of the SDEIS. One of the reasons expressed for favoring Alternative A was that it appeared from mapping to impact the proposed Thomas Park area the least (Snyder, 2002). If a Blackwater Avoidance Alignment is selected as the Preferred Alternative, the FEIS study process and the final design process allow for shifts in alignment to accommodate new and changing information. Especially in light of the resolution for joint development of the Thomas Park, it is possible the Preferred Alternative could be shifted in such a way that is still feasible and prudent so as to best accommodate future plans for the park.

7.3.7 OTHER ACTIVITIES

In October 1999, the WVDOH prepared an update on the entire Corridor H Project, which was distributed to members of the media, local officials and residents. Officials from the WVDOH visited with local media explaining the status and recent developments of the project.

The WVDOH also provides information about the entire Corridor H on its official website at www.wvcorridorh.com. The website provides a timeline, maps, information regarding public meetings, and a means of submitting comments on the project.

Public involvement will continue throughout the Parsons-to-Davis SEIS process.

7.4 MATERIALS FROM MEETINGS AND AGENCY CORRESPONDENCE

The following pages present copies of meeting announcements, handouts and sign-in sheets from meetings with resource agencies and/or the public. Also, letters received from resource agencies are presented either as response to a meeting or as separate correspondence. These materials are divided into the following subsections:

- Notices of Intent and Agency Response
- June 14, 2000, Agency Scoping Meeting
- June 14, 2000, Public Information Workshop
- December 14, 2000, Agency Meeting
- January 18, 2001, Public Meeting
- August 9, 2001, Agency Meeting Regarding West Virginia Northern Flying Squirrel
- October 23, 2001, Public Meeting
- Cultural Resources - Correspondence from the Keeper of the NRHP, the West Virginia SHPO, and the U.S. Forest Service
- Additional USFWS Correspondence
- NRCS Correspondence and AD-1006 Forms
- City of Thomas Resolution
- Letters from the Corridor H Community Advisory Group (CAG)

**Notices of Intent
and Agency Response**

development process. A series of public meetings will be held in the City of Conway. In addition, a public hearing will be held. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.)

Issued on: May 3, 2000.

Gary A. DalPorto,
Planning and Research Engineer, FHWA,
Little Rock, Arkansas.
[FR Doc. 00-11861 Filed 5-10-00; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Tucker County, West Virginia

AGENCY: Federal Highway
Administration (FHWA), DOT
ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Supplemental Environmental Impact Statement (SEIS) will be prepared for the Blackwater Avoidance area of the Thomas-to-Davis portion of the Parsons-to-Davis project of the proposed Appalachian Corridor H highway in Tucker County, West Virginia.

FOR FURTHER INFORMATION CONTACT:
Henry E. Compton, Division
Environmental Coordinator, Federal
Highway Administration, West Virginia
Division, Geary Plaza, Suite 200, 700
Washington Street East, Charleston,
West Virginia, 25301, Telephone: (304)
347-5268.

SUPPLEMENTARY INFORMATION: In accordance with a court approved settlement agreement, the FHWA in cooperation with the West Virginia Department of Transportation (WVDOT) will prepare an SEIS to examine one or more potential alignment shifts for the Thomas-to-Davis section of Parsons-to-Davis project of the proposed Appalachian Corridor H highway in

Tucker County, West Virginia. A Record of Decision (ROD) for the entire Appalachian Corridor H highway (FHWA-WV-EIS-92-01-F) from Aggregates to the WV/VA state line, a distance of approximately 100 miles, was approved on August 2, 1996. The proposed Parsons-to-Davis project will provide a divided four-lane, partial control of access highway on new location for a distance of approximately 9 miles. The purpose of this project is to provide safe and efficient travel between population centers in Tucker County (Parsons Area and Thomas/Davis Area), while also contributing to the completion of Corridor H in West Virginia.

Alternates under consideration in the SEIS will be: (1) The no-action alternative, (2) the preferred alternative that was approved in the 1996 ROD, and (3) one or more alternatives that avoid the Blackwater Area identified in Exhibit 4 of the court approved Corridor H Settlement Agreement. Based on preliminary studies, it is expected that the avoidance alternatives considered in the SEIS will include one or more alignments that would shift the project to the north, resulting in additional connections to US 219, WV Route 32, and WV Route 93 in the vicinity of the towns of Thomas and Davis. However, final decisions on the scope of the SEIS will be made only after an opportunity for comment by interested agencies and the public during the scoping process, which will occur in May 2000.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have expressed or are known to have an interest in this proposal.

To ensure the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: May 2, 2000.

Henry E. Compton,
Environmental Coordinator, Charleston, West Virginia.

[FR Doc. 00-11860 Filed 5-10-00; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-1999-6364]

Northeast Illinois Railroad Corporation; Cancellation of Public Hearing

On April 4, 2000, the Federal Railroad Administration (FRA) published a notice in the *Federal Register* (65 FR 17704) announcing that a public hearing will be held based upon the Northeast Illinois Railroad Corporation's (Metra) request seeking a permanent waiver of compliance with the *Passenger Equipment Safety Standards*, 49 CFR part 238.303, which requires exterior calendar day inspection, and 238.313, which requires a class one brake test be performed by a qualified maintenance person. Metra has withdrawn its request; therefore, the hearing scheduled for Tuesday, May 16, 2000, in Chicago, Illinois, has been canceled.

FRA regrets any inconvenience occasioned by the cancellation of this hearing.

Issued in Washington, DC on May 8, 2000.

Grady C. Cothen, Jr.,
*Deputy Associate Administrator for Safety
Standards and Program Development.*
[FR Doc. 00-11865 Filed 5-10-00; 8:45 am]
BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Safety Advisory 2000-1

AGENCY: Federal Railroad
Administration (FRA), Department of
Transportation (DOT).
ACTION: Notice of Safety Advisory.

SUMMARY: FRA is issuing Safety Advisory 2000-1 addressing safety concerns involving Model B1 relays, manufactured by General Railway Signal (GRS), between the years 1960 and 1985, and their potential to stick and remain in the energized position. ALSTOM Signaling, Inc., which has acquired GRS, estimates that approximately 2,000,000 relays are affected worldwide.

FOR FURTHER INFORMATION CONTACT:
William E. Goodman, Staff Director,
Signal and Train Control Division,
Office of Safety Assurance and
Compliance, FRA, 1120 Vermont
Avenue, NW, RRS-13, Mail Stop 25,
Washington, DC 20590 (telephone 202-
493-6325) or Mark Tessler, Trial
Attorney, Office of Chief Counsel, 1120
Vermont Avenue, NW, RCC-12, Mail



United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
Post Office Box 1278
Elkins, West Virginia 26241

July 14, 2000

			A	I	Int	
		Div. Administrator				Admin. Coordin./Sec.
		Asst. Div. Admin.				Admin. Coordinator
		Operations Mgr. Eng.				Admin. Assistant
		Financial Manager				AE-1 Design
		Planning/Safety Eng.				AE-2 Operations
		Structures/Res. Eng.				AE-3 Materials
		ROW/Envir. Eng.				Asst. Struct./Res. Eng.
		Safety/Traffic Eng.				Computer Specialist
		Trans. Specialist				Structures Trainee
		Library				FMCSA
						File _____

Mr. Henry E. Compton
Division Environmental Coordinator
Federal Highway Administration
Geary Plaza, Suite 200
700 Washington Street, East
Charleston, West Virginia 25301

Dear Mr. Compton:

This responds to the Notice of Intent (NOI) to prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the Appalachian Corridor H, Thomas to Davis portion of the Parsons to Davis Project, and Tucker County, West Virginia. The NOI was published in the May 11, 2000 Federal Register. These comments reflect the concerns of the U.S. Fish and Wildlife Service (Service) and are offered as technical assistance in accordance with the provisions of the Fish and Wildlife Coordination Act.

The Service was unable to attend a June 14, 2000 scoping meeting for the proposed project due to a lack of available staff. West Virginia Field Office (WVFO) staff are, however, quite familiar with the habitat in the proposed project area. We have detailed our concerns below to assist you in preparing the SDEIS.

Endangered Species Comments

The endangered Indiana bat, Myotis sodalis may occur during the spring and summer throughout the study block. The endangered Virginia big-eared bat, Corynorhinus townsendii virginianus may also forage in portions of the study block and day roost in cliff/rock outcrop overhangs, especially in the Blackwater and North Fork of Blackwater Canyons. Both the threatened Cheat Mountain salamander, Plethodon nettingi and the endangered West Virginia northern flying squirrel, Glaucomys sabrinus fuscus occur in the Blackwater and North Fork Blackwater Canyons, and in the vicinity of Blackwater Falls State Park.

The Service recommends that an analysis of the habitat be conducted to determine the likelihood of these species occurring in the new alignments. If suitable habitat does occur for

any of these species, appropriate surveys to determine their presence should be conducted. If species are found to be present, a biological assessment (BA) must be prepared pursuant to Section 7 of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). The Service recommends that the following steps be taken in preparation of the BA.

1. Conduct recent interviews of recognized experts on the species at issue, including those within the Service, West Virginia Division of Natural Resources (WVDNR), U.S Forest Service, universities and others who may have data not yet found in scientific literature.
2. Review up to date literature and other scientific data to determine the species distribution, habitat needs, and other biological requirements.
3. Analyze the effects of the action on individuals and populations of the species and its habitat, including indirect and cumulative effects of the action.
4. Analyze alternative actions that may provide conservation measures.
5. Conduct any studies necessary to fulfill the requirements of (1) through (4) above.
6. Review any other relevant information.

If you determine that the proposed action "may affect" the endangered Indiana bat you must request, in writing, formal consultation with our office, pursuant to Section 7(a) of the ESA. If the determination is "no effect," no further consultation is necessary, unless requested by the Service. Regardless of your findings you should provide this office a copy of the BA and any other relevant information that assisted you in reaching your conclusion.

In addition to the federally listed species, the following species of concern may occur in the study block.

Eastern small-footed bat, Myotis liebii
Southern rock vole, Microtus chrotorrhinus
Southern water shrew, Sorex palustris punctulatus
Eastern woodrat, Neotoma floridana magister
Appalachian cottontail rabbit, Sylvilagus obscurus
northern goshawk, Accipiter gentilis
Cerulean warbler, Dendroica cerulea
Hellbender, Cryptobranchus alleganiensis
Cheat minnow, Rhinichthys bowersi
Darlington's spurge, Euphorbia purpurea
Butternut, Juglans cinerea

Species of Concern, formerly Category 2 candidates, are those for which the Service has information indicating that protection under the Endangered Species Act may be warranted, but for which it lacks sufficient information on status and threats to proceed with preparation of a proposed listing. On December 5, 1996 the Service announced our final decision to discontinue efforts to maintain a national list of these species. While species of concern lack formal recognition as candidates for possible future listing under the Endangered Species Act, the Service and the West Virginia Division of Natural Resources encourage continued consideration of these species in environmental planning.

Clean Water Act/Fish and Wildlife Coordination Act Comments

The Service recommends that all wetland and stream crossings be identified in the SDEIS so that potential impacts to these resources can be assessed and plans made to avoid them where practicable. Following demonstration of avoidance and minimization, compensatory mitigation would normally be required. The 404(b)(1) guidelines state that wetlands and other aquatic sites may only be filled if there are no practicable alternatives. Floodplain impacts must be avoided to the maximum extent practicable as required by Executive Order 11988 on Floodplain Management.

The study area has numerous native brook trout streams. The Service considers native trout streams to be Resource Category 1 resources in accordance with our Mitigation Policy (Federal Register, Volume 46, No. 15, January 23, 1981). The designation criteria for Category 1 is the habitat to be impacted is of high value for evaluation species and is unique and irreplaceable on a national basis or in the ecoregion. The Service's mitigation goal for Category 1 resources is to allow no loss of existing habitat value.

Impacts to other aquatic resources and floodplains habitat from highway construction must be avoided to the extent practicable. Impacts to perennial streams, wetlands, floodplains, and threatened and endangered species habitat from waste fill disposal should be totally avoided.

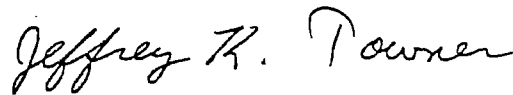
Compensatory mitigation will be required to replace unavoidable impacts to terrestrial wildlife habitat associated with highway construction. Service personnel may participate in an inter-agency terrestrial HEP study of the alignments to determine these impacts, depending on staff availability. All (terrestrial and aquatic) mitigation costs associated with each alignment should be internalized in overall project/alignment costs.

The Service also recommends that all reasonable and practicable alternatives and the No-Build alternative be studied. An alternative is practicable if it is capable of achieving the basic purpose of the proposed activity. The alternatives should include use of existing alignment as well as construction measures (bridging, retaining walls, gabions, etc.) to avoid or minimize encroachment into high quality resources. The SDEIS should also indicate a preferred alternative.

This letter provides technical assistance only and does not constitute the review of the Secretary of the Interior within the meaning of Section 2(b) of the Fish and Wildlife Coordination Act (P.L. 83-624), the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the Clean Water Act of 1977, as amended (P.L. 95-217), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), or other pertinent legislation.

Please have your staff contact John Schmidt of my staff or contact me directly at (304) 636-6586 if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey K. Towner".

Jeffrey K. Towner
Field Supervisor

Authority: 23 U.S.C. 315, 23 CFR 771.123.

Issued on: September 20, 2001.

Douglas P. Conlan,

District Engineer, Federal Highway Administration, Albany, New York.

[FR Doc. 01-25104 Filed 10-5-01; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Napa and Solano Counties, CA

AGENCY: Federal Highway Administration (FHWA); DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Napa and Solano Counties, California.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Wong, Acting Team Leader, Project Delivery Team, Federal Highway Administration, 980 9th Street, Sacramento, California 95814-2724. Telephone: (916) 498-5042.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare an Environmental Impact Statement (EIS) for a proposal to convert an existing two-lane conventional highway into a four-lane divided expressway from the intersection with state Route 29 south of the City of Napa (Napa County) to a point 0.3 kilometer (0.2 mile) west of Interstate 80 in the City of Fairfield (Solano County). The existing highway, State Route 12, is a major east-west link in the interregional road system of the northern Bay Area. The section of highway under consideration is 9.5 kilometers (5.9 miles) long.

FHWA considers it necessary to increase capacity of this highway to provide for existing and projected traffic demand. The existing facility currently operates at full capacity during commute hours and other high-demand hours. By the year 2025, peak period volume is expected to double.

Alternatives currently under consideration are: (1) taking no action; (2) construct a parallel alignment north of the existing roadway to be used for westbound traffic and correct the existing roadway alignment and use it for eastbound traffic; (3) construct a parallel alignment south of the existing roadway to be used for eastbound traffic and correct the existing roadway alignment and use it for westbound

traffic; and (4) construct AN alignment that closely follows the existing alignment, with the additional roadway constructed to the north in some sections and the south in some sections, depending on the terrain. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies and to private organizations and citizens who have previously expressed or are known to be interested in this proposal. Public scoping meetings will be held in Napa County and in Solano County in October and November 2001. Public notice will be given of the time and place of the scoping meetings. After the draft EIS has been completed, a public hearing will be held. The draft EIS will be available for public and agency review before the public hearing, and public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed action is addressed and that all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: September 20, 2001.

Dennis A. Scovill,

Team Leader, Planning, Finance, Environment, and Right-of-Way, Sacramento, California.

[FR Doc. 01-25109 Filed 10-5-01; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Tucker County, WV

AGENCY: Federal Highway Administration (FHWA); DOT

ACTION: Revised notice of intent.

SUMMARY: On May 2, 2000, the FHWA issued an NOI to advise the public that a Supplemental Environmental Impact Statement (SEIS) would be prepared for the Blackwater Avoidance area of the Thomas-to-Davis portion of the Parsons-to-Davis project of the proposed Appalachian Corridor H highway in Tucker County, West Virginia. This purpose of this revised NOI is to advise the public that the limits of the study area for the SEIS will be expanded to

include the entire Parsons-to-Davis project. Expansion of the study area is required due to new information obtained during Endangered Species Act, Section 7 consultation regarding a federally listed, endangered species; the Northern Flying Squirrel (*Glaucomys sabrinus fuscus*).

FOR FURTHER INFORMATION CONTACT:

Henry E. Compton, Division Environmental Coordinator, Federal Highway Administration, West Virginia Division, Geary Plaza, Suite 200, 700 Washington Street East, Charleston, West Virginia, 25301, Telephone: (304) 347-5268

SUPPLEMENTARY INFORMATION: In accordance with a court approved settlement agreement, the FHWA published an NOI on May 2, 2000, that indicated the FHWA, in cooperation with the West Virginia Department of Transportation (WVDOT), would prepare an SEIS to examine one or more potential alignment shifts for the Thomas-to-Davis portion of the Parsons-to-Davis project of the proposed Appalachian Corridor H highway in Tucker County, West Virginia. A Record of Decision (ROD) for the entire Appalachian Corridor H highway (FHWA-WV-EIS-92-01-F) from Aggregates to the WV/VA state line, a distance of approximately 100 miles, was approved on August 2, 1996.

During Endangered Species Act, Section 7 consultation with the United States Fish and Wildlife Service, populations of the federally listed, endangered, Northern Flying Squirrel (*Glaucomys sabrinus fuscus*) were found within the current study limits of the Parsons-to-Davis project. Due to this discovery, it was determined that in order to review a full range of potential alignments that may avoid the newly discovered populations, the study limits of the SEIS must be expanded to include the entire Parsons-to-Davis project.

The proposed Parsons-to-Davis project will provide a divided four-lane, partially controlled access highway on new location for a distance of approximately 9 miles. The purpose of this project is to provide safe and efficient travel between population centers in Tucker County (Parsons Area and Thomas/Davis Area), while also contributing to the completion of Corridor H in West Virginia.

Alternates under consideration in the SEIS will be: (1) The no-action alternative, (2) the preferred alternative that was approved in the 1996 ROD, and (2) one or more alternatives that avoid the Blackwater Area, as identified in Exhibit 4 of the court approved Corridor H Settlement Agreement. Based on

preliminary studies, it is expected that the avoidance alternatives considered in the SEIS will include one or more alignments that would shift the project to the north, resulting in additional connections to US 219, WV Route 32, and WV Route 93 in the vicinity of the towns of Thomas and Davis.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have expressed or are known to have an interest in this proposal.

To ensure the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: September 27, 2001.

Henry E. Compton,
Environmental Coordinator, Charleston, West Virginia.

[FR Doc. 01-25112 Filed 10-5-01; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favour of relief.

Finger Lakes Railway Corporation

[Docket Number FRA-2001-10215]

The Finger Lakes Railway Corporation seeks a waiver of compliance from the requirements of the Safety Glazing Standards-Passenger Car, 49 CFR 223.15, which requires all windows be FRA certified Glazing and a minimum of four emergency windows. The petitioner requests the waiver for four cars recently purchased from Via Rail

Canada, Inc. The coaches were built between 1954 and 1956, and were equipped with tempered glazing which met the Canadian glazing requirements. The coaches would be utilized in charter service in the rural Finger Lakes Region of New York State. Finger Lakes Railway Corporation anticipates the charter trips to be 15 to 20 miles in length and operated at a speed not to exceed 15 miles per-hour.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2001-10215) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room P1-401, Washington, DC 20590.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Issued in Washington, DC on October 2, 2001.

Grady C. Cothen, Jr.,
Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01-25221 Filed 10-5-01; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions

involved, the nature of the relief being requested, and the petitioner's arguments in favour of relief.

Little Kanawha River Railroad Corporation

[Docket Number FRA-2001-10669]

Marietta Industrial Enterprises, Inc., of Marietta, OH, has petitioned on behalf of the Little Kanawha River Rail (LKRR) for a permanent waiver of compliance for one locomotive from the requirements of the Locomotive Safety Standards, 49 CFR Part 229.23, which requires the time interval between periodic inspections not exceed 92 days. The petitioner indicates that the locomotive is used in switching service over a 2.5 mile short line at a speed not to exceed 10 mph. They state that the locomotive is used an average of 29 hours a week and would like to extend the 92 day periodic requirement to 184 days.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2001-10669) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room P1-401, Washington, DC 20590.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Issued in Washington, DC, on October 2, 2001.

Grady C. Cothen, Jr.,
Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01-25223 Filed 10-5-01; 8:45 am]

BILLING CODE 4910-06-P



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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

DEC 06 2001



Div Administrator	Admin Coordinator
Asst. Div Admin	Admin Coordinator
Operations Mgt Eng	Financial Asst
Financial Manager	AE-1 Design
Planning Eng	AE-2 Operations
Structure Eng	AE-3 Materials
ROW/Envir Eng	Asst Struct/Res Eng
Safety/Traffic Eng	Computer Specialist
Res/TP Eng	Director
Tech Specialist	
Library	

Mr. Henry E. Compton
Division Environmental Coordinator
Federal Highway Administration
Geary Plaza, Suite 200
700 Washington Street, East
Charleston, West Virginia 25301

Dear Mr. Compton:

This responds to the Revised Notice of Intent (NOI) to prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the Appalachian Corridor H, Parsons to Davis (in its entirety) Tucker County, West Virginia. The NOI was published in the October 9, 2001 Federal Register. The expansion of the study area is required due to new information obtained during the Endangered Species Act, Section 7 consultation regarding a federally listed, endangered species; the West Virginia Northern Flying Squirrel (*Glaucomys sabrinus fuscus*). These comments reflect the concerns of the U.S. Fish and Wildlife Service (Service) and are offered as technical assistance in accordance with the provisions of the Fish and Wildlife Coordination Act.

Endangered Species Comments

The Service has no objection to the expansion of the study area for the project. The expansion of the study limits will allow for the consideration of additional alternatives to avoid impacts to the endangered West Virginia northern flying squirrel.

Please have your staff contact John Schmidt of my staff or contact me directly at (304) 636-6586, or at the letterhead address, if you have any questions regarding these comments.

Sincerely,

Jeffrey K. Towner

Jeffrey K. Towner
Field Supervisor

June 14, 2000

Agency Scoping Meeting

Canaan Valley Resort & Conference Center

Davis, West Virginia

NOTICE
OF
NEPA/SECTION 106 SCOPING MEETING
APPALACHIAN CORRIDOR H
KERENS TO PARSONS AND THOMAS TO DAVIS
RANDOLPH AND TUCKER COUNTIES

The West Virginia Division of Highways will hold a scoping meeting Wednesday, June 14, at the Canaan Valley Resort and Conference Center off WV 32 in Canaan Valley State Park in Tucker County to advise the public of studies being initiated for Appalachian Corridor H under the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act.

Scheduled in a workshop format from 4 to 7 p.m., the meeting will include discussion of a Supplemental Environmental Impact Statement (SDEIS) to be prepared to examine potential alignment shifts for the Kerens-to-Parsons project and a second SDEIS to be prepared for the Thomas-to-Davis portion of the Parsons-to-Davis project.

Those wishing to file written comments may send them to Jim Sothen, P.E. Director, Engineering Division, West Virginia Division of Highways, Capitol Complex Build 5, 1900 Kanawha Boulevard East, Charleston, West Virginia 25305-0430 on or before July 14, 2000.



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • 304/558-3505

Cecil H. Underwood
Governor

Samuel H. Beverage, P. E.
Acting Secretary
Commissioner of Highways

May 10, 2000

Thomas F. Badgett
Assistant Commissioner

Mr. Roger Anderson
WV Division of Natural Resources
Post Office Box 67
Elkins, West Virginia 26241

THIS DOCUMENT
WAS SENT TO ALL
ON THE ATTACHED
MAILING LIST.

Dear Mr. Anderson:

Appalachian Corridor H
Kerens to Parsons and Thomas to Davis
NEPA/Section 106
Randolph and Tucker Counties

You are invited to attend an agency scoping meeting from 10:00 a.m. to 12:00 p.m. on June 14, 2000, at the Canaan Valley Resort and Conference Center off WV 32 in Canaan Valley State Park, Tucker County. A public workshop portion will be from 4-7:00 p.m.

Studies are being initiated on a Supplemental Draft Environmental Impact Statement (SDEIS) for potential alignment shifts on the Kerens to Parsons project, and a second SDEIS for potential line shifts on the Thomas to Davis portion of the Parsons to Davis project. The purpose of this meeting is to identify issues of importance to your agency in order that they may be addressed in the studies. Location maps and a copy of the public meeting workshop notice are attached.

Should you have any questions, please contact Mr. Norse Angus at (304)558-2885.

Very truly yours,

Ben L. Harb

JE James E. Sothen, P.E., Director
Engineering Division

JES:Hs

Enclosures

bcc: DDE(N/A), DDR, DD(MF)

CORRIDOR H
KERENS TO PARSONS AND THOMAS TO DAVIS
AGENCY SCOPING MEETING
MAILING LIST
July 7, 2000

Mr. Roger Anderson
WV Division of Natural Resources
Post Office Box 67
Elkins, West Virginia 26241

Mr. Lyle Bennett
WV Department of Environmental Protection
Water Resources Section
1201 Greenbrier Street
Charleston, West Virginia 25311

Mr. Michael Castle
Director
Division of Environmental Protection
10 McJunkin Road
Nitro, West Virginia 25143-2506

Mr. Steve DeBarr
WV Division of Tourism and Parks
Room 451, Building 6
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0315

Mr. Lynn Hicks
US Department of Agriculture
Monongahela National Forest
200 Sycamore Street
Elkins, West Virginia 26241

Mr. Ed Kesecker
US Department of Agriculture
Natural Resource Conservation Service
HC 85, Box 301 Industrial Park
Moorefield, West Virginia 26836

Mr. Edward Kropp
Office of Air Quality
1558 Washington Street, East
Charleston, West Virginia 25311

Mr. Charles Meyers
Supervisor
Monongahela National Forest
200 Sycamore Street
Elkins, West Virginia 26241

Ms. Maryann Naber
Room 809
1100 Pennsylvania Avenue
Washington, DC 20004

Mr. Robert Neill
US Army Corps of Engineers
Pittsburgh District
1000 Liberty Avenue
Pittsburgh, Pennsylvania 15222

Mr. Mike Phillips
District Eight
West Virginia Division of Highways
Post Office Box 1516
Elkins, West Virginia 26241

Ms. Susan Pierce
State Historic Preservation Officer
WV Division of Culture and History
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Mr. Jim Pifer
US Department of Agriculture
200 Sycamore Street
Elkins, West Virginia 26241

Mr. John Rader
Director
Division of Natural Resources
Building 3, Room 669
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0660

**CORRIDOR H -
KERENS TO PARSONS AND THOMAS TO DAVIS
AGENCY SCOPING MEETING
MAILING LIST
July 7, 2000**

Ms. Denise Rigney
Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, Pennsylvania 19103

Mr. Jeffrey Towner
Field Supervisor
US Fish and Wildlife Service
Post Office Box 1278
Elkins, West Virginia 26241

Mr. John Schmidt
US Fish and Wildlife Service
Post Office Box 1278
Elkins, West Virginia 26241

Mr. Lynn Shutts
US Department of Agriculture
Natural Resource Conservation Service
75 High Street
Morgantown, West Virginia 26505

Mr. McDonald Smith
WV Division of Tourism and Parks
Post Office Box 67
Elkins, West Virginia 26241

Mr. Thomas Smith
Division Administrator
Federal Highway Administration
Geary Plaza, Suite 200
700 Washington Street, East
Charleston, West Virginia 25301

Mr. Michael Soulrup
Associate Director
Natural Resource Stewardship and Science
National Park Service
1849 C Street, Northwest
Washington, DC 20240

Mr. Tom Staud
Director of Engineering
District Eight
West Virginia Division of Highways
Post Office Box 1516
Elkins, West Virginia 26241

Corridor H - Battlefield + Blackwater Avoidance SEIS Studies

Agency Scoping Meeting Sign-In

<u>Name</u>	<u>Organization</u>	<u>Phone #</u>
Bill McCartney	Michael Baker Jr., Inc.	757.463.8770
Katry Harris	"	757.463.8770
Michael J. Phillips	DOH - D-8	304-637-0220
TOM STAUD	WVDOH, ELKINS	304-637-0220
LYNN L. HICKS	USDA Forest Service, Mendocino NF.	(304) 636-1800 ext.
Fred Pozzuto	U.S. Army Corps of Engineers	(412) 395-7275
Bosner	"	(412) 395-7275
Mary Keith Higginbotham	Michael Baker	304-282-1821
Edward Potensstein	Michael Baker Jr.	304-769-0827
Wendy H. - [unclear]	"	(757) 463-5475
Mike Wilson	DOH - ENV.	304-558-2885
JIM Colby	"	" " "
NEAL CARTE	"	" " "
Ed Compton	FHWA	304-347-5268
Keith Krantz	WVDOH	304-637-0245
Ron Krofcheck	FHWA	304-558-2458
JOHN VANDERGRIF	MICHAEL BAKER	804-282-1821
MARE HOLMA	WVSHPO	304 558 0220 ext
Susan Pierce	WVSHPO - DCH	304 558-0220 ext
MORSE ANGUS	WVDOH DD-ENV	304 558-2935

Blackwater Avoidance SEIS Study
Key Issues & Level of Analysis

Key Issue	Level of Analysis (Methodology)
Environmental Justice	<ul style="list-style-type: none"> ➤ Compliance with Executive Order 12898 and FHWA Order, FHWA Action to Address Environmental Justice in Minority Population and Low-Income Populations. ➤ Secondary data collection does not indicate the presence of minority and/or low-income groups to be impacted in the study area. Additional analysis regarding the effects of displacements and relocations will continue throughout the study. ➤ Avoidance and Minimization will be the priority.
Monongahela National Forest	<ul style="list-style-type: none"> ➤ Mon. Forest Management Prescription Areas will be identified and compatibility will be evaluated. ➤ Consistency with the Forest Plan and recent Proposed Rule for Management of Roadless Areas (36 CFR Part 294)
Recreational Resources	<ul style="list-style-type: none"> ➤ Recreational trails within the Mon. Forest will be identified and assessed for utilization. ➤ Additional trail data on mapping of the area will be sought from the US Forest Service. Avoidance will be a priority, direct and viewshed encroachments will be quantified using ArcView GIS capabilities. ➤ Coordination with federal, state, and local government agencies, private organizations, and persons with knowledge of existing and proposed recreational facilities will continue throughout the study.
Rare/Threatened/ Endangered Species	<ul style="list-style-type: none"> ➤ Section 7 letters have been sent to both WVDNR and USFWS. Response letter from WVDNR has been received. ➤ Based on WVDNR response letter, the Cheat Mountain Salamander is located near Blackwater Falls State Park lodge and in the Avoidance Area. The Northern Flying Squirrel is located in the Avoidance Area. It is assumed that a survey to determine the presence or absence of the Cheat Mountain Salamander and the Northern Flying Squirrel will be conducted. ➤ It is assumed the Indiana Bat Biological Assessment (BA) is still valid, and the mist-netting program will continue as planned. No additional Indiana Bat work is anticipated for the study area.

Blackwater Avoidance SEIS Study
Key Issues & Level of Analysis

Key Issue	Level of Analysis (Methodology)
Surface Waters	<ul style="list-style-type: none"> ➤ Streams will be assessed with the EPA's Rapid Bioassessment Protocols (RBP) for Use in Wadeable Streams and Rivers: Periphyton, Benthic Macroinvertebrates, and Fish Level II (July 1999). Avoidance and Minimization of impacts to surface waters will be a priority. ➤ Basic water quality samples, including temperature, specific conductance, dissolved oxygen, pH and turbidity, will also be collected at the time of the macroinvertebrate sampling. It is assumed the water quality will be generally low in the study area because of extensive mining operations and known acid mine drainage. ➤ Riparian forest covers will also be assessed.
Wetlands	<ul style="list-style-type: none"> ➤ Wetland areas in the project area will be assessed by WET 2.1 (Level 1-Social Significance and Levels 1 & 2 - Effectiveness & Opportunity). Potential project impacts will be evaluated quantitatively and qualitatively using GIS and the functions and values assessment used in the Corridor H ASDEIS (1995). ➤ If required, wetland avoidance, minimization, and mitigation measures will be developed in accordance with the Clean Water Act Section 404(b)(1) guidelines, the Memorandum of Agreement (MOA), and EO 11990. The Corridor H Section 404 Permit may requirement amendment.
Section 106	<ul style="list-style-type: none"> ➤ An Eligibility Report will be prepared. The presence or absence of significant historic mining resources is expected to be a key issue. ➤ If necessary, an Effects report will be prepared.
Geology, Mines, and Minerals	<ul style="list-style-type: none"> ➤ The location of the current landfill and other past landfill locations will be determined. ➤ Opportunities to reduce or not increase the known acid mine drainage in the area will be identified and evaluated.
Additional Issues:	



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

Cecil H. Underwood
Governor

John B. Rader
Director

July 12, 2000

Mr. James E. Sothen
Director Engineering Division
WVDOT, Division of Highways
1900 Kanawha Blvd. E.
Bldg. 5, Room 110
Charleston, WV 25305-0430

RECEIVED

JUL 14 2000

ENGINEERING DIVISION
WV DOH

Re: Appalachian Corridor H, Kerens to Parsons
and Thomas to Davis; Agency Scoping Meeting,
Randolph and Tucker counties.

Dear Mr. Sothen:

We have reviewed your letter of 7 July 2000 regarding the scoping meeting of 14 June 2000 held in Canaan Valley. The purpose of this meeting was to discuss new alignments of Corridor H from Kerens to Parsons and Thomas to Davis. In answer to the question on page 5 regarding impacts to wetlands, the Division of Highways has 18 useable acres of mitigation that it may draw from to offset impacts created on these new sections. We urge DOH engineers, however, to practice avoidance and minimize impacts to our wetland resources before drawing on these reserves.

We look forward to working with you on future alignments of Corridor H. Should you have any questions regarding this project, please contact Mr. Keith Krantz at 304-637-0245.

Sincerely,

Roger J. Anderson, Supervisor
Environmental Review & Coordination

RJA/kkj



United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
Post Office Box 1278
Elkins, West Virginia 26241

July 14, 2000

RECEIVED

JUL 17, 2000

ENGINEERING DIVISION
WV DOH

Mr. James E. Sothen, P.E., Director
Engineering Division
West Virginia Department of Transportation
Division of Highways
1900 Kanawha Boulevard East
Building Five, Room 110
Charleston, West Virginia 25305-0430

Dear Mr. Sothen:

This responds to your May 10, 2000 letter inviting the U.S. Fish and Wildlife Service (Service) to a scoping meeting for the Supplemental Draft Environmental Impact Statement (SDEIS) for the Appalachian Corridor H, Kerens to Parsons portion and Thomas to Davis portion, Randolph and Tucker Counties, West Virginia. The Service was unable to attend a June 14, 2000 scoping meeting for the proposed project due to a lack of available staff.

West Virginia Field Office (WVFO) staff are very familiar with the habitat in the proposed project area. These comments reflect the concerns of the Service, and are offered as technical assistance in accordance with the provisions of the Fish and Wildlife Coordination Act.

Endangered Species Comments

Kerens to Parsons: Big Springs Cave, located in the Fernow Experimental Forest south of Parsons, serves as a hibernaculum for the endangered Indiana bat, Myotis sodalis. Summer foraging has been documented in an approximate radius of 2.9 miles around the cave in the summer and fall swarming periods. Cave Hollow Arbogast Cave system occurs to the southeast of the study block and serves as a hibernaculum for the Indiana bat. It also supports a large summer and winter colony of the endangered Virginia big-eared bat, Corynorhinus townsendii virginianus. Bats from this cave are expected to forage and roost within the study block. The Indiana bat could be found roosting and foraging throughout the study block. The endangered running buffalo clover is known to occur in the Fernow experimental forest and in two locations along the Shavers Fork near Porterwood and Parsons. The West

Virginia northern flying squirrel, Glaucomys sabrinus fuscus may occur in the higher elevations of the study block in areas such as the Otter Creek Wilderness area and Blackwater Canyon in the mixed northern hardwoods and red spruce/hemlock forest type. The threatened Cheat Mountain salamander, Plethodon nettingi occurs on both sides of the Blackwater Canyon in the study block.

Thomas to Davis: The Indiana bat may occur during the spring and summer throughout the study block. The Virginia big-eared bat may also forage in portions of the study block and day roost in cliff/rock outcrop overhangs, especially in the Blackwater and North Fork of Blackwater Canyons. Both the Cheat Mountain salamander and the West Virginia northern flying squirrel occur in the Blackwater and North Fork Blackwater Canyons, and in the vicinity of Blackwater Falls State Park.

The Service recommends that an analysis of the habitat be conducted to determine the likelihood of these species occurring in the new alignments. If suitable habitat does occur for any of these species, appropriate surveys to determine their presence should be conducted. If species are found to be present, a biological assessment (BA) must be prepared pursuant to Section 7 of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). The Service recommends that the following steps be taken in preparation of the BA.

1. Conduct recent interviews of recognized experts on the species at issue, including those within the Service, West Virginia Division of Natural Resources (WVDNR), U.S Forest Service, universities and others who may have data not yet found in scientific literature.
2. Review up to date literature and other scientific data to determine the species distribution, habitat needs, and other biological requirements.
3. Analyze the effects of the action on individuals and populations of the species and its habitat, including indirect and cumulative effects of the action.
4. Analyze alternative actions that may provide conservation measures.
5. Conduct any studies necessary to fulfill the requirements of (1) through (4) above.
6. Review any other relevant information.

If you determine that the proposed action "may affect" the endangered Indiana bat you must request, in writing, formal consultation with our office, pursuant to Section 7(a) of the ESA. If the determination is "no effect," no further consultation is necessary, unless requested by the Service. Regardless of your findings you should provide this office a copy of the BA and any other relevant information that assisted you in reaching your conclusion.

In addition to the federally listed species, the following species of concern may occur in the study block.

Eastern small-footed bat, Myotis liebii
Southern rock vole, Microtus chrotorrhinus
Southern water shrew, Sorex palustris punctulatus
Eastern woodrat, Neotoma floridana magister
Appalachian cottontail rabbit, Sylvilagus obscurus
northern goshawk, Accipiter gentilis
Cerulean warbler, Dendroica cerulea
Hellbender, Cryptobranchus alleganiensis
Cheat minnow, Rhinichthys bowersi
Darlington's spurge, Euphorbia purpurea
Butternut, Juglans cinerea

Species of Concern, formerly Category 2 candidates, are those for which the Service has information indicating that protection under the Endangered Species Act may be warranted, but for which it lacks sufficient information on status and threats to proceed with preparation of a proposed listing. On December 5, 1996 the Service announced our final decision to discontinue efforts to maintain a national list of these species. While species of concern lack formal recognition as candidates for possible future listing under the Endangered Species Act, the Service and the West Virginia Division of Natural Resources encourage continued consideration of these species in environmental planning.

Clean Water Act/Fish and Wildlife Coordination Act Comments

The Service recommends that all wetland and stream crossings be identified in the SDEIS so that potential impacts to these resources can be assessed and plans made to avoid them where practicable. Following demonstration of avoidance and minimization, compensatory mitigation would normally be required. The 404(b)(1) guidelines state that wetlands may only be filled if there are no practicable alternatives. Floodplain impacts must be avoided to the maximum extent practicable as required by Executive Order 11988 on Floodplain Management. Impacts to intermittent and perennial streams should be avoided.

The study areas have numerous native brook trout streams. The Service considers native trout streams to be Resource Category 1 resources in accordance with the our Mitigation Policy (Federal Register, Volume 46, No. 15, January 23, 1981). The designation criteria for Category 1 is the habitat to be impacted is of high value for evaluation species and is unique and irreplaceable on a national basis or in the ecoregion. The Service's mitigation goal for Category 1 resources is to allow no loss of existing habitat value.

Impacts to aquatic resources and floodplains from highway construction must be avoided to the extent practicable. Impacts to these resources from waste fill disposal should be avoided totally.

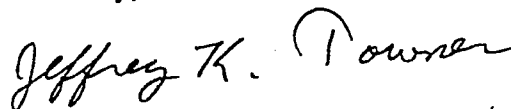
Compensatory mitigation will be required to replace unavoidable impacts to terrestrial wildlife habitat associated with highway construction. Service personnel may participate in an inter-agency terrestrial HEP study of the alignments to determine these impacts, depending on staff availability. All (terrestrial and aquatic) mitigation costs associated with each alignment should be internalized in overall project/alignment costs.

The Service also recommends that all reasonable and practicable alternatives and the No-Build alternative be studied. An alternative is practicable if it is capable of achieving the basic purpose of the proposed activity. The alternatives should include use of existing alignment as well as construction measures (bridging, retaining walls, gabions, etc.) to avoid or minimize encroachment into high quality resources. The SDEIS should also indicate a preferred alternative.

This letter provides technical assistance only and does not constitute the review of the Secretary of the Interior within the meaning of Section 2(b) of the Fish and Wildlife Coordination Act (P.L. 83-624), the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the Clean Water Act of 1977, as amended (P.L. 95-217), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), or other pertinent legislation.

Please have your staff contact John Schmidt of my staff or contact me directly at (304) 636-6586 if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey K. Towner". The signature is written in dark ink and is positioned above the printed name.

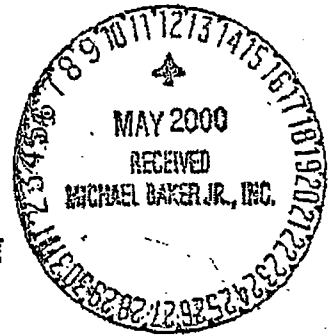
Jeffrey K. Towner
Field Supervisor

June 14, 2000

Public Information Workshop

Canaan Valley Resort & Conference Center

Davis, West Virginia



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • 304/558-3505

Cecil H. Underwood
Governor

Samuel H. Beverage, P. E.
Acting Secretary
Commissioner of Highways

May 10, 2000

Thomas F. Badgett
Assistant Commissioner

Grant County Development Authority
5 Highland Avenue
Petersburg, West Virginia 26241

THIS DOCUMENT WAS
SENT TO ALL ON THE
ATTACHED MAILING
LIST.

Dear Sir/Madam:

Appalachian Corridor H
Kerens to Parsons and Thomas to Davis
Randolph and Tucker Counties

You are invited to attend a public workshop on June 14, 2000, from 4-7:00 p.m. at the Canaan Valley Resort and Conference Center off WV 32 in Canaan Valley State Park, Tucker County.

Studies are being initiated on a Supplemental Draft Environmental Impact Statement (SDEIS) for potential alignment shifts on the Kerens to Parsons project, and a second SDEIS for potential line shifts on the Thomas to Davis portion of the Parsons to Davis project. The purpose of this meeting is to identify issues of importance to agencies and the public in order that they may be addressed in the studies. A copy of the public meeting workshop notice is enclosed.

Should you have any questions, please contact Mr. Norse Angus at (304)558-2885.

Very truly yours,

Ben L. Hard

for James E. Sothen, P.E., Director
Engineering Division

JES:Hs

Enclosures

bcc: DDE(NA), DDR, DD(MF)
Bill McCartney, Baker
Bill Malley, C&S

**CORRIDOR H
KERENS TO PARSONS AND THOMAS TO DAVIS
WORKSHOP PUBLIC MEETING
MAILING LIST
UPDATED May 15, 2000**

Ms. Dianne Bady
Ohio Valley Environmental Coalition
Post Office Box 6753
Huntington, West Virginia 25773-6753

Ms. Karen Bonner
Tucker County Planning Commission
Route 1, Box 51
Davis, West Virginia 26260

Mr. Tom Cain
224 Davis Avenue
Elkins, West Virginia 26241

Mr. Dwight Calhoun
Post Office Box 66
Petersburg, West Virginia 26847

Ms. Alison Cochran
Executive Director
Heartwood
116-1/2 South College
Bloomington, Indiana 47403

Ms. Terry Cook
President
WV Scenic Trails Association
Post Office Box 4042
Charleston, West Virginia 25364

Mr. James Cookman
Cookman Insurance Group
Post Office Box 490
Petersburg, West Virginia 26847

Ms. Leah Divine
Route 1, Box 209-5
Kings Run Road
Elkins, West Virginia 26241

Ms. Fran Endicott
Northern Shenandoah Valley
Audubon Society
3355 Calmes Neck Lane
Boyce, Virginia 22720

Mr. Matt Evans
Harrison County Environmental
Citizens' Organization
Route 4, Box 1154
Salem, West Virginia 26428

Ms. Andrea Ferster
Attorney at Law
Corridor H Alternatives
10th Floor
1100 17th Street, Northwest
Washington, DC 20036

Mr. Donald Garvin
WV Environmental Council
Route 6, Box 627
Buckhannon, West Virginia 26201

Grant County Development Authority
5 Highland Avenue
Petersburg, West Virginia 26241

Mr. David Houser
President
Downstream Alliance
Route 1, Box 103
Moatsville, West Virginia 26405

Ms. Margaret Janes
Potomac Headwaters Resource Alliance
HC 67, Box 27 AA
Mathias, West Virginia 26812

CORRIDOR H
KERENS TO PARSONS AND THOMAS TO DAVIS
WORKSHOP PUBLIC MEETING
MAILING LIST
UPDATED May 15, 2000

Mr. Paul Lewis
Hardy County Planner
Room 100
204 Washington Street
Moorefield, West Virginia 26836

Ms. Suzanne Lewis
Cedar Creek Battlefield Foundation
8437 Valley Pike
Middletown, Virginia 22645

Ms. Elizabeth Little
President
WV Environmental Council
1324 Virginia Street, East
Charleston, West Virginia 25301

Ms. Bonnie McKeown
resident
Corridor H Alternatives
Post Office Box 463
Wardensville, West Virginia 26851

Ms. Elizabeth Merritt
National Trust for Historic Preservation
1785 Massachusetts Avenue, Northwest
Washington, DC 20036

Ms. Pamela Moe-Merritt
Corridor H Alternatives
801 North Randolph Avenue
Elkins, West Virginia 26251

Mr. Jeremy Muller
Executive Director
WV Rivers Coalition
801 North Randolph Avenue
Elkins, West Virginia 26241

Mr. David Pancake
Hampshire County Planning Commission
Post Office Box 883
Romney, West Virginia 26757

Randolph County Chamber of Commerce
200 Executive Plaza
Elkins, West Virginia 26241

Ms. Cindy Rank
President
WV Highlands Conservancy
Post Office Box 306
Charleston, West Virginia 25321

Region VII Planning & Development Council
40 Chancery Street
Buckhannon, West Virginia 26201

Mr. Hugh Rogers
WV Highlands Conservancy
Moon Run
Kerens, West Virginia 26276

Mr. James Schoonover
Route 2, Box 11
Montrose, West Virginia 26283

Mr. Jim Schoonover
Davis Trust Company
Post Office Box 1429
Elkins, West Virginia 26241

Mr. Michael Slimak
Reynolds Estates Landowners
9207 Shotgun Court
Springfield, Virginia 22153

**CORRIDOR H
KERENS TO PARSONS AND THOMAS TO DAVIS
WORKSHOP PUBLIC MEETING
MAILING LIST
UPDATED May 15, 2000**

Ms. Laura Spadaro
Chapter Chair
WV Sierra Club
76 Fifteenth Street
Wheeling, West Virginia 26003

Mr. Norm Steenstra
WV Citizen Action Group
1324 Virginia Street, East
Charleston, West Virginia 25301

Ms. Vivian Stockman
Concerned Citizens Coalition
249 Millstone Run
Spencer, West Virginia 25276

Mr. Paul Trianosky
State Director
The Nature Conservancy of WV
Post Office Box 3754
Charleston, West Virginia 25339

Tucker County Chamber of Commerce
Post Office Box 565
Davis, West Virginia 26260

Mr. Lee Wakefield
Corridor H Alternatives
HC 68, Box 78A
Wardensville, West Virginia 26851

WV Scenic Trails Association
633 West Virginia Avenue
Morgantown, West Virginia 26505

Public Meeting Sign-In Sheet

Appalachian Corridor H

(Battlefield & Blackwater Avoidance Studies)

June 14, 2000 ~ 3 - 7 p.m.

By signing this sheet, you indicate that you attended this Public Workshop on the above stated date. If you wish to receive additional information as it becomes available, please provide us your mailing address.

Name	Address	Organization
Mimi Kibler	208 2 nd St Parsons WV	
KAREN BANNER	HC 70 Box 51 DAVIS WV 26260	COMMISSIONER TUCKER CO. PLANN
Wendy P. Muller	801 N. Randolph Ave Elkins WV	WV RIVERS QUALITY
Debbie Dryden	PO BOX 477-THOMAS WV	Mary Jo Thomas
Mrs. M. McKenney East	P.O. Box 239 Davis W. Va	
Robin McClintock	HC 66 Box 10A RT 72 South Hendricks WV 26271	
* E. J. (Pat) (D)	Box 26, Red Creek 26289	Tucker County Ga.
Liana L. Smith	PO Box 623, Davis WV	C. T. F.
Paula K. Worden	PO Box 673, Davis, WV 26260	W. I.
Sam E. Heberger	P.O. Box 317, Thomas, WV 26272	T.C. Commission
Ruth Blackwell Rogers	Moore Run, Keams 26276	CHIA
Hugh Rogers		
Marjorie M. Manning	PO BOX 98 MONTROSE WV	
Stephen H. H.	26273	
Marjorie Smith	Parsons Advocate, Parsons, WV	
Allen Dine	511 main st. Parsons, WV.	
Tate S. Hiles	President of Tucker Co Chamber Parsons	
Chuck Miller	Canaan Valley H.C. A. 16.	
Barry Miller	Montrose WV	
Rivka Hiles	Elkins WV	
Laurie Sanderson	Elkins WV	

Please send packets to:

Public Meeting Sign-In Sheet

Appalachian Corridor H

(Battlefield & Blackwater Avoidance Studies)

June 14, 2000 ~ 3 - 7 p.m.

By signing this sheet, you indicate that you attended this Public Workshop on the above stated date. If you wish to receive additional information as it becomes available, please provide us your mailing address.

Name	Address	Organization
Merilee Vanderwerf	RR1: Box 48 Petersburg, WV 26276-9708	Concerned Citizens
June Munim	Rt 1 - Box 9A HEREAS - WV 26276 -	Citizens
Tony Clogar	5470 HARRIS FARM RD. COLUMBIA, MD. 21044	Citizens
Valy Haller		CIT.
Carl Antolin	203 SO View Elkins	WV DOH
RICHARD DAVIS	Rt 2 Box 223 JAVELIN	WV DOH
Michael Rosenau	223 Spruce St Parsons	Self
Charles Rensen	512 Wapenwood St Parsons	Self
Roger Viadero	PO Box 6123 MORGANTOWN, WV 26506	WV CIVIL & ENVIRON. ENGR
Nathan Feltz	801 N. Randolph Ave., Elkins, WV 26241	W.V. Rivers Coalition
Ron Fortney	103 Barber St Auckerman, WV 26201	WV U
Randy Schmiedeluecht	PO Box 92 Davis, WV 26260	Mayor of Davis
MATT QUATTRO	PO Box 667 THOMAS, WV 26220	Council - City of Thomas
George Smith	205 Main Street Parsons	McClain Print
Scott Hester	Rt 2 Box 96 Montrose WV	resident
Cass Matthew	HC 70 Box 356	resident
Nalt Paralli	P.O. Box 371 Thomas, WV	Alpnotterage Pres
Alan Litch	Rt 3 Elkins	
Elegna Paster	CN 1 Dams, WV	CN 1
Chad Puck	511 Main St, Parsons	None
Ralph McMillan	P.O. Box 214 Montrose	

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June 14, 2000 ~ 3 - 7 p.m.

[illegible]

December 14, 2000

Agency Meeting

WVDNR Headquarters

Elkins, West Virginia

Please Sign In:

<u>Name</u>	<u>Agency</u>	<u>Phone #</u>
Keith Krantz	WV DNR ✓	(304) 637-0245
B. d. McCartney	Baker ✓	757-631-5466
Wendy Vachet	Baker ✓	757-631-5472
Jim Colby	WV DOR ✓	304-558-2885
Ron Krotcheck	FHWA ✓	304-558-2458
d Compton	FHWA ✓	304-347-5268
Rich Sobol	Pgh. Corps ✓	412-395-7153
Tom STAUD	WV DOR ✓	304-637-0220
NORSE ANGUS	WV DOR ✓	304-558-2885
Lawdette Jenkins	Baker ✓	757-631-5418
Kathy Harris	Baker ✓	757-631-5469
Roy Ryan	USDA FOREST SERVICE ✓	636-1800
Mike Moran	WV DOR ✓	304-637-0220



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

Cecil H. Underwood
Governor

John B. Rader
Director

December 20, 2000



Ms. Wendy L. Vachet
Senior Environmental Scientist
Michael Baker Jr., Inc.
770 Lynnhaven Parkway, Suite 240
Virginia Beach, VA 23452

Dear Ms. Vachet:

Pursuant to your request, we are providing preliminary general comments on the Battlefield and Blackwater Avoidance Alternatives we discussed at our December 14 meeting. We were pleased to see that Baker developed alignments that avoided and minimized wetland impacts. Conscientious consultants streamline the review of these environmental documents and your staff is to be commended. To prevent confusion with the different alternatives, we will address the projects separately.

Battlefield Avoidance Study

Of the alternatives presented at our 14 December 2000 meeting, alignments DF, GF and M appear to be the least environmentally impacting. Our cursory review reveals all three alignments avoid wetlands. Alignment GF impacts four streams and employs 12 bridges. Alignment M and DF impacts 6 and 7 streams, respectively. Simply based on number of streams impacted, GF appears to be the least impacting, however, of critical importance is stream quality and length of impact. In other words, impacting five low quality streams may be preferable to impacting one extremely high quality one. Without this information (stream name and feet of impact), establishing levels of impact between these three alignments is impossible. Terrestrial impacts are initially evaluated utilizing road length. Both DF and GF alignments are of similar length (15.35 vs. 15.81), but M is 17.6 miles long (11.6 % more terrestrial impact). The greater length of M may reflect an increase in secondary and cumulative impacts based on additional borrow and wasting areas. Our concern with this alignment's terrestrial impact would not exclude it from consideration, however, other alignments appear more acceptable. Without knowing stream types, names, length, and proposed waste/borrow areas we are unable to select a preferred alternative.

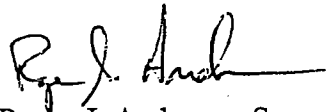
Ms. Windy L. Vachet
Page 2
December 20, 2000

Blackwater Avoidance Area

Unlike Battlefield, the segment passing Thomas to Davis has a court ordered allowance which gives final alignment selection to the local communities. It would be our hope that they recognize the importance of maintaining or improving the environmental quality that they currently enjoy. Alignments dark blue, green and grey appear to be the least impacting. Purple has less wetland impact than grey but is primarily PFO/PSS and also may impact northern flying squirrel habitat. Evaluating these alternatives (dark blue, green and grey) strictly on wetland impacts, alignment green has the least amount of impact. Both grey and green minimize the impact to the HJ 1 watershed which is preferable to dark blue. We suggest considering the combination of the relatively short connectors of dark blue with the alignment of green east of S.R. 219. Confounding additional alternative analysis is the lack of stream and road length data which aids in evaluating impact (direct, secondary and cumulative). Until such time that this information is made available to us further analysis is speculative.

We appreciate the opportunity to participate in the planning process. If we can be of further assistance please contact me or Keith Krantz (304-637-0245) of my staff.

Sincerely,



Roger J. Anderson, Supervisor
Environmental Review and Coordination

RJA/kkj

January 18, 2001

Public Meeting

Blackwater Falls State Park

Davis, West Virginia

NOTICE
OF
WORKSHOP PUBLIC MEETING
APPALACHIAN CORRIDOR H
PARSONS TO DAVIS
TUCKER COUNTY

The West Virginia Division of Highways will hold an informational public meeting on Thursday, January 18, in the Convention Room of Blackwater Lodge in Davis on preliminary alignments proposed for the Parsons-to-Davis segment of Appalachian Corridor H.

Scheduled in a workshop format from 4 to 7 p.m., the meeting will afford participants an opportunity to ask questions and state their views and opinions on the advantages and disadvantages of several alternatives being considered to avoid impacts to the Blackwater area by shifting to the north, resulting in additional connections to US 219 and WV 32 and 93 in the vicinity of Thomas and Davis. Highways officials will present information and receive public input.

Those wishing to file written comments may send them to Jim Sothen, P.E., Director, Engineering Division, West Virginia Division of Highways, Capitol Complex Building Five, 1900 Kanawha Boulevard East, Charleston 25305-0430 on or before February 13, 2001.

August 9, 2001

Agency Meeting Regarding West Virginia

Northern Flying Squirrel

WVDNR Headquarters

Elkins, West Virginia



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • 304/558-3505

Bob Wise
Governor

Fred VanKirk, P.E.
Secretary/Commissioner

Jack White
Assistant Commissioner

July 17, 2001

Mr. Roger Anderson
Division of Natural Resources
West Virginia Bureau of Commerce
Operations Center, Ward Road
Post Office Box 67
Elkins, West Virginia 26241

THIS DOCUMENT
WAS SENT TO ALL
ON THE ATTACHED
MAILING LIST.

Dear Mr. Anderson:

Appalachian Corridor H
Parsons to Davis
Tucker County

The West Virginia Division of Highways (DOH) is considering potential alignment shifts in the subject project area to address recent endangered species issues on current alternatives being studied for this section of Corridor H. We have scheduled a meeting for Thursday, August 9, 2001, at 10:00 a.m. at the West Virginia Division of Natural Resources Operations Center in Elkins, West Virginia, to inform your agency of the recent findings and to discuss the alternatives being considered to avoid and/or minimize potential endangered species impacts. Also, we would like to discuss any environmental constraints that your agency may have knowledge of associated with these proposed alternative areas. Attached is a map showing the general location of the Parsons to Davis project termini.

Should you require additional information, please contact Mr. Norse Angus of our Environmental Section at (304)558-2885.

Very truly yours,

James E. Sothen, P.E., Director
Engineering Division

JES:Hs

Attachments

cc: Ms. Wendy Vachet, Baker
Mr. Bill McCartney, Baker
Mr. Bill Malley, Akin Gump

bcc: DDE(NA), DD(MF)

CORRIDOR H, PARSONS TO DAVIS
AUGUST 9, 2001, MEETING
MAILING LIST

Mr. Roger **Anderson**
Division of Natural Resources
West Virginia Bureau of Commerce
Operations Center, Ward Road
Post Office Box 67
Elkins, West Virginia 26241

Mr. Lyle **Bennett**
Water Resources Section
West Virginia Bureau of Environment
1201 Greenbrier Street
Charleston, West Virginia 25311

Mr. Lynn **Hicks**
USDA Forest Service
200 Sycamore Street
Elkins, West Virginia 26241

Mr. Fred **Pesudo**
US Army Corps of Engineers
Pittsburgh District
1000 Liberty Avenue
Pittsburgh, Pennsylvania 25222-4186

Ms. Susan **Pierce**
State Historic Preservation
Officer for Resource Protection
Building 9
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0300

Mr. David **Rider**
US Environmental Protection Agency
2nd Floor
1650 Arch Street
Philadelphia, Pennsylvania 19103

Mr. Tom **Smith**
Federal Highway Administration
Geary Plaza, Suite 200
700 Washington Street, East
Charleston, West Virginia 25301

Mr. Jeff **Towner**
US Fish and Wildlife Service
694 Beverly Pike
Elkins, West Virginia 26241-9475

Corr H: - Parsons - Davis
Northern Flying Squirrel Issue
Sign - In
8-9-01
Elkins, WV

<u>Name</u>	<u>PHONE</u>	<u>Organization</u>
Jim Colby	(304) 558-2885	WVDOH
NORSIE ANGUS	" " "	WVDOH
Keith Kuntz	(304) ⁶³⁷⁻⁰²⁴⁵ 636-5201	DNR
John Schmidt	304 636-6586 x16	USFWS
JONATHAN JAUZ	304 769 2116	BAKER
Ed Compton	304 347 5268	FHWA
Bill Tolin	304-636-6586	USFWS
DAN Arling	304-636-1800	USFS
Liz Schuppert	304-478-3257 ext. 104	USFS
Richard Cook	304 636 1800 ext 242	USFS
Mindy Hamilton	304 769-2159	Baker
Jessica Greenwood	215-814-5144	U.S. EPA Region III
Ron Krotcheck	304-558-2458	FHWA
SCOTT GROENIER	304-636-1800	USFS
Roger Andersen	304-637-0245	WV DNR
Bill McCartney	757-631-5466	Baker



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • 304/558-3505

Bob Wise
Governor

Fred VanKirk, P.E.
Secretary/Commissioner

Jack White
Assistant Commissioner

August 20, 2001

Mr. Lyle Bennett
Water Resources Section
West Virginia Bureau of Environment
1201 Greenbrier Street
Charleston, West Virginia 25311

**THIS DOCUMENT WAS
SENT TO ALL ON THE
ATTACHED MAILING
LIST.**

Dear Mr. Bennett:

Attached are meeting minutes and location maps from an interagency meeting held at the West Virginia Division of Natural Resources Elkins field office on August 9, 2001, at 10:00 am. The purpose of the meeting was to discuss potential shifts to the current Parsons to Davis Project alignment, including the alternatives developed for the Blackwater Avoidance SEIS. The purpose is to avoid an area in which the Federally endangered northern flying squirrel (NFS) was captured, and to identify any constraints that may lie in the areas of the potential shift. During the course of the meeting it was established that the occurrence of the NFS would require additional alternatives to be developed and studied to identify an alignment that is not likely to adversely affect or result in an incidental take of the species. These alternatives would generally be located north of the capture area and would impact those alternatives developed for the pre-draft Blackwater SDEIS.

Your comments concerning the potential alignment shifts are requested no later than September 17, 2001. The Federal Highway Administration anticipates filing a Notice of Intent (NOI) to the Federal Register regarding an expansion of the Blackwater Avoidance Study Area (as described in the 2000 Settlement Agreement) to include the alignments and surrounding areas shown on the attached exhibit.

As always, thank you for your cooperation and attention to this matter. If you have any questions, please contact Norse Angus at (304) 558-2885.

Very truly yours,

James E. Sothen, P.E., Director
Engineering Division

JES:Hs

Attachments

bcc: DDE(MA), DD(MF)

Meeting Minutes

August 9, 2001

WVDNR Elkins Field Office

10:00 am

Purpose: To discuss potential alignments shifts of the Parsons to Davis Project due to recent endangered species discovery.

In attendance: Roger Anderson, WVDNR
Keith Krantz, WVDNR
John Schmidt, USFWS
Bill Tolin, USFWS
Dan Arling, USFS
Liz Schuppert, USFS
Richard Cook, USFS
Scott Groenier, USFS
Carol Whetsell, USFS
Jessica Greenwood, USEPA Region III
Ed Compton, FHWA
Ron Krotcheck, FHWA
Norse Angus, WVDOH
Jim Colby, WVDOH
Bill McCartney, Michael Baker Jr., Inc. (Baker)
Jonathan Danz, Baker
Mindy Hamilton, Baker

Norse Angus opened the meeting with greetings and introductions.

Bill McCartney then gave a brief history of Corridor H. He explained that the environmental studies started as a Tiered EIS process in which a Corridor Selection DEIS was first prepared, followed by a Decision Document. The Decision Document recommended developing an alignment within a 2000-foot corridor. At which point an Alignment Selection DEIS was prepared prior to a preferred alignment being selected. In 1996, an FEIS was completed and a ROD signed for the preferred alignment. Immediately, opposition groups sued, holding up any further developments until the release of the 2000 Settlement Agreement. Bill continued to explain that the Parsons to Davis Project, including the Thomas to Davis Section, is currently under study as directed by the 2000 Settlement Agreement to identify alternatives that could potentially avoid crossing the Blackwater Avoidance Area. A Pre-draft SDEIS has been completed for the study area following agency and public meetings. As part of the studies and requirements to complete the SDEIS, identification of habitat and subsequent trapping for the Virginia northern flying squirrel (NFS), a federally listed endangered species, was conducted as recommended by the United States Fish and Wildlife Service (USFWS).

Dr Ed Michael, a recognized NFS expert, conducted the trapping in suitable habitat throughout the Blackwater Avoidance Study Area and on those portions of the Parsons to Davis Project, which had been realigned to avoid impacts to the Big Run Bog. The NFS was captured in two areas along the original preferred alignment. Bill McCartney referred to exhibits showing the areas of captures. Those exhibits were also distributed to each meeting attendant.

Keith Krantz and others posed questions concerning the captures and habitat, answered by Mindy Hamilton, who has been actively assisting Dr. Michael in trapping and coordinating habitat studies. After which the meeting was refocused to identify any other constraints that may lie to the north of the squirrel capture area

along Big Run. Bill Tolin explained that trapping to determine if the squirrel occupies suitable habitat or not is currently permitted. However, with the acceptance of Recovery Plan revisions, all suitable habitats contiguous with known populations will be protected. He suggested looking at the area to determine if additional suitable habitat exists for the squirrel.

Ed Compton asked if the species would likely be adversely affect if the road were constructed in its present alignment and if the road were to be shifted to the north and west would there be a potential that the NFS or suitable habitat may be encountered. Ed explained that there needs to be an iron clad reason to consider an alignment which falls outside of the original 2000-foot corridor recommended in the Decision Document.

Bill Tolin answered that he did not believe that there would not be a way to construct the highway in its current alignment without adversely affecting the NFS. Norse Angus explained that the WVDOH had been informally consulting with Bill Tolin from the time of the captures and had agreed to delineate the population and study the surrounding areas. They further explained that a determination of the impacts to the NFS to the west and north of the present alignment could not be made until the studies of the habitat were complete. Given this information the study area for the Parsons to Davis project should be altered to include these potential shifts.

Ed Compton asked if the eastern terminus would change. Bill McCartney answered that the terminus would not change, nor would the current alignments being considered in the Blackwater Avoidance Area.

Following questions, Bill Tolin continued, explaining that under the revised Recovery Plan all suitable habitats would be protected. He clarified by saying that this would be suitable habitat within the NFS "box" (this refers to the area now known to contain the squirrel). Bill tentatively believes that Route 219 could act as the northern boundary of the box and that he expects to see additional alternative studies to determine if an alignment could shift outside of the box to avoid having an adverse affect on the NFS, prior to considering an incidental take permit.

Norse again opened the discussion for other constraints that the realignment may face. Ed Compton stated that it has been established that the highway is to be constructed outside of the Big Run Bog watershed. Bill McCartney gave preliminary findings from the engineers that directing the highway to the west and north of the population around the edge of Backbone Mountain could result in large cuts and excess waste material.

Bill Tolin stated that if other constraints exist and if there is no avoidance possible, then formal consultation would be required and he could potentially grant an exemption to construct the highway through or near the capture area.

Roger Anderson stated that he understands important of the NFS, but that he has concerns about the waste material that will be deposited into high quality streams. Bill Tolin reminded Roger that an endangered species was given more protection than trout streams. At which point a discussion began concerning the NEPA process and the consideration of all constraints and the federal laws for each.

The schedule for producing a Biological Assessment (BA) for the NFS was discussed. Ed Compton said that he would need to see a letter from the USFWS before signing a SDEIS for the Parsons to Davis project. The Settlement Agreement does not allow for a preferred alignment to be chosen until the FEIS, as a result the BA would need to encompass a range of alternatives and conditions for each. This would allow flexibility when choosing the preferred alternative that best considers all constraints.

Ed Compton ended the meeting by summarizing the issues of the meeting and upcoming process needed to expand study area, such as public involvement and a letter from USFWS warranting the shift due to the

knowledge of the NFS. He reiterated that a DEIS would not be signed, until the USFWS accepted the BA for the potential alternatives.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SEP 19 2001

James E. Sothen, P.E., Director
Engineering Division
Division of Highways
1900 Kanawha Boulevard East
Building Five, Room 110
Charleston, West Virginia 25305-0430

Dear Mr. Sothen:

On August 9, 2001 EPA attended an interagency meeting to discuss potential shifts to the current Parsons to Davis Project alignment for Appalachian Corridor H to avoid an area in which the Federally endangered northern flying squirrel was recently captured. The purpose of the meeting was to discuss the alternatives being considered to avoid and/or minimize any adverse impacts or incidental take of the endangered species.

Due to the presence of the northern flying squirrel within the preferred alternative, EPA concurs with the discussions of the meeting that further investigation and development of additional alternatives and potential alignment shifts is warranted.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jessica Greenwood".

Jessica Greenwood
Environmental Protection Specialist



October 23, 2001

Public Meeting

Canaan Valley Resort & Conference Center

Davis, West Virginia

NOTICE
OF
WORKSHOP PUBLIC MEETING
ENDANGERED SPECIES AVOIDANCE ALTERNATIVES
APPALACHIAN CORRIDOR H
PARSONS TO DAVIS
TUCKER COUNTY

The West Virginia Division of Highways will hold an informational public meeting on Tuesday, October 23, in the Pine Room of Canaan Valley Resort and Conference Center off WV 32 in Canaan Valley State Park in Tucker County on endangered species avoidance alternatives proposed for the Parsons-to-Davis segment of Appalachian Corridor H.

Scheduled in a workshop format from 4 to 7 p.m., the meeting will afford participants an opportunity to ask questions and state their views and opinions on the advantages and disadvantages of two alternative alignments being considered to avoid an area where the federally endangered northern flying squirrel was captured during summer 2001 surveys. Both alternatives begin to shift in the area north of or paralleling US 219 in the Big Run Bog, Tucker County High School area, with one generally paralleling US 219 to the Benbush area and the other looping back to the south to connect with the original preferred alignment at the western edge of the Blackwater Avoidance study area. Highways officials will present information and receive public input.

Those wishing to file written comments may send them to Jim Sothen, P.E., Director, Engineering Division, West Virginia Division of Highways, Capitol Complex Building Five, 1900 Kanawha Boulevard East, Charleston 25305-0430 on or before December 7, 2001.



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • 304/558-3505

Bob Wise
Governor

Fred VanKirk, P. E.
Secretary/Commissioner

Jack White
Assistant Commissioner

FOR IMMEDIATE RELEASE

October 23, 2001

**WVDOH CONDUCTS PUBLIC WORKSHOP ON PARSONS TO DAVIS
SECTION OF CORRIDOR H**

Tucker County, W.Va. - The West Virginia Division of Highways (WVDOH) today hosted an informational public workshop to address additional avoidance alternatives and historic district issues for the Parsons to Davis section of the Corridor H project.

The meeting took place in the Pine Room of Canaan Valley Resort and Conference Center in Canaan Valley State Park from 4 to 7 p.m.

Representatives from both the WVDOH and Michael Baker, Jr., Inc., the environmental consulting firm for Corridor H, were available to address the proposed alternatives to avoid habitat of endangered species and address questions and comments from local residents.

State Highway Engineer Joe Deneault said, "In accordance with the 1999 Corridor H Settlement Agreement, we are developing the Supplemental Draft Environmental Impact Statement (SDEIS) for this section of the project. While we were completing the studies for the SDEIS, we found evidence of an

-more-

endangered species, the West Virginia Northern Flying Squirrel. As a result, we have added a new alignment study area to avoid and minimize impacts on the endangered species."

According to Deneault, the WVDOH recently received a determination from the Keeper of the National Register of Historic Places declaring the Coketon Study Area and Blackwater Industrial Complex eligible for the National Register of Historic Places. Therefore, the WVDOH is also studying the potential impacts of the project to the Historic Coketon area.

"This finding could result in additional coordination with cultural resource agencies to determine the effect the project could have on the historic properties close to the project," Deneault said "We were here tonight to allow for public comment on the new alternatives, endangered species and historic district issues."

For more information log on to the WVDOH's web site dedicated to Corridor H at www.wvcorridorh.com.

-30-

Contact: Joe Deneault
State Highway Engineer
304/558-0191

Public Workshop Sign-In Sheet

Appalachian Corridor H (Battlefield Avoidance SEIS Study - Kerens to Parsons)

October 24, 2000 ~ 4 - 7 p.m., Tucker Valley Elementary/Middle School



By signing this sheet, you indicate that you attended this Public Workshop on the above stated date. If you wish to receive additional information as it becomes available, please provide us your mailing address. Addresses will not be used for any other purposes.

Name	Address	City, State, Zip	Organization (if any)
1. Howard D Moore	151 POPLAR ST.	PARSONS 26287	Sd. of Ed.
2. Jay McCune	Rt. 1 Box 112A	Humbleton, Wv	
3. Cynthia Thompson	HC64 Box 267	Parsons, W.	
4. Joel L Goughnour	HC64 Box 267	PARSONS WV	
5. Anne C Deninger	HC64 Box 183	Parsons WV	
6. Linda Loughrey	Rt 1 Box 66	Humbleton WV	
7. Allen Loughrey	Rt 1 Box 66	Humbleton, WV	
8. Margaret A. Roy	RR1 Box 31 Clay St.	Humbleton, WV	
9. JOE BURNETT	7210 SWISSDALE RD. FAIRMONT	Fairmont, Wv	KINGSBAND MFC
10. James & Alice Phillips	Rt 1 Box 65	Humbleton, WV	Retired
11. Frank A. Mulderman	Box 148	Hendricks	retired
12. Robert W. Lane Sr.	Rt 1 Box 21 7	Humbleton W.V	retired
13. Clyde Cantfield and Marvin	Rt 1 Box 88	Humbleton WV	retired
14. Fred Simmons	Parsons (Blackman flats)	Parsons	retired
15. Sandra Bilbey	(Parsons) (Blackman flats)	Parsons	
16. Linda Benner	Parsons	Parsons	
17. Mary Herron	Rt 1 Humbleton	Humbleton 26269	
18. Sandra Hart	Rt 1 Humbleton	Humbleton 26269	
19. Lela Sponaugle	HC64 Box 267-1	Parsons WVA 26287	
20. Paul Sponaugle	HC64 Box 267-1	Parsons WVa. 26287	retired
21. Chester Hall	RR 2 Box 40	Montrose WV 26283	UPS
22. Jerome DiBacca	306 MAIN ST.	PARSONS 26287	Tucker Co. Commission

Public Workshop Sign-In Sheet

Appalachian Corridor H (Battlefield Avoidance SEIS Study - Kerens to Parsons)

October 24, 2000 ~ 4 - 7 p.m., Tucker Valley Elementary/Middle School



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Name	Address	City, State, Zip	Organization (if any)
1. William Simpson	Box 155	Hampleton WV 26269	
2. Dail Pura	141 Wth St.	Parsons WV 26287	
3. Donald D. Minter	1 Valley mel.	Parsons WV 26287	
4. Phyllis Kerns	317 1/2 Long St	Parsons WV 26287	
5. Jane & Jack McGugin	134 Penn Ave	Parsons WV 26287	
6. Carol Whetzell	P.O. Box 368	Parsons WV 26287	
7. Beverly Thullenex	Rt 1 Box 77	Hampleton WV 26269	
8. Allen & Betty Monroe	8902 Hanners Way	Bowie, Md 20715	
9. Linda Long	Rt 2 Box 106	Montrose WV 26283	
10. John Warner	Rt. 1 Box 3	Hendricks W.V. 26271	
11. Conomia Channels	Rt. # 1, Box 61-A	Kerens W.V. 26276	
12. Linda Whymich	Rt. # 1 Box 41	Hampleton WV 26269	
13. Nick & Robin	Rt # 1 Box 41	Hornbelle WV 26269	
14. Dale & Miller	Rt # 1 Box 862 ST. George	WV. 26287	
15. Harry Pennington	Rt Box 49	Hampleton WV 26269	
16. Ben L. Pura	511 Main St	Parsons WV 26287	
17. Norman Parks	Rt 1 Box 201	Hampleton WV 26269	
18. Sandra K. Goss	RR 1 Box 269	Hampleton WV 26269	
19. Linda Plancher	HC 64, Box 272	Parsons WV 26287	
20. Eldon L. Plancher	HC 64, Box 272	Parsons WV 26287	
21. Mike Helms	Rt St George	WV 26287	
22. Lois Watchford	Long St	Parsons WV 26287	

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Appalachian Corridor H (Battlefield Avoidance SEIS Study - Kerens to Parsons)

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Name	Address	City, State, Zip	Organization (if any)
1. <u>Tracy C. Hagan</u>	<u>RT-2-Box 284 Elkins</u>	<u>WVA</u>	
2. <u>W. John J. J. J.</u>	<u>215 First St. - Parsons, WV</u>	<u>WV 26289</u>	<u>Tucker Co. Comm.</u>
3. <u>Bill Price</u>	<u>511 Main St. Parsons</u>	<u>WV</u>	<u>NA</u>
4. <u>ET. HARRIS</u>	<u>P.O. Box 2049 Buckhannon</u>	<u>WV 26241</u>	<u>J. F. McCombs Company</u>
5. <u>Don T. Coss</u>	<u>RR 1 Box 209</u>	<u>Humbleton WV 26269</u>	<u>Unsub</u>
6. <u>James Bonnell</u>	<u>Rt 1 Box 45-1</u>	<u>KERENS WV 26276</u>	
7. <u>Rebecca Wallace</u>	<u>James Griffith P.O. Box 3021</u>	<u>Elkins, WV 26241</u>	
8. <u>Sandra H. Hargreaves</u>	<u>RR 3 Box 14A</u>	<u>Parsons, WV 26287</u>	
9. <u>Arnon Lambert</u>	<u>Rt. 1 Box 57 Humbleton, WV 26269</u>		
10. <u>Norris Lamhrey</u>	<u>H.C. 64 Box 240 Parsons 26287</u>		
11. <u>Thomas R. Whitford</u>	<u>1 Long St. Parsons W.Va</u>	<u>Parsons W.Va</u>	<u>CC</u>
12. <u>Bruce K. Jordan</u>	<u>P.O. Box 1673 Davis WV 26260</u>		<u>Canaan Valley Justice Center</u>
13. <u>Dick & V. E. Grimm</u>	<u>Rt. 1 Box 9A</u>	<u>KERENS WV.</u>	
14. <u>Nick R. Rine</u>	<u>P.O. Box 144</u>	<u>HAMBLETON WV.</u>	
15. <u>Stephen M. Moe</u>	<u>Rt. 1 Box 392 H.</u>	<u>Humbleton WV</u>	
16. <u>Randall Bille</u>	<u>Sycamore St. Elkins USDA Forest Service</u>	<u>Elkins, WV.</u>	<u>US Forest Service</u>
17. <u>Sean Ceperley</u>	<u>POB 164</u>	<u>HARMAN</u>	
18. <u>Mike + Debbie Ritter</u>	<u>Rt. 1 Box 39-3 Humbleton WV 26269</u>		
19. <u>William J. J. J.</u>	<u>H.C. 64 Box 34 Parsons, WV. 26287</u>		
20. <u>Paul M. J. J.</u>	<u>H.C. 64 Box 206 Parsons WV. 26287</u>		
21. <u>Shirley Oster</u>	<u>Rt. 1 Box 220 Humbleton WV 26269</u>		
22. <u>James J. J. J.</u>	<u>Rt. 1 Box 45 Humbleton 26269</u>		

Public Workshop Sign-In Sheet

Appalachian Corridor H (Battlefield Avoidance SEIS Study - Kerens to Parsons)

October 24, 2000 ~ 4 - 7 p.m., Tucker Valley Elementary/Middle School



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Name	Address	City, State, Zip	Organization (if any)
1. Bill Harman	Box 243	Elkins, WV 26241	Citizen for Corridor H
2. Glen Hatcher	PO Box 144	Hambleton WV 26269	
3. Don Smith		Elkins	The Inter-Mountain
4. Harold R. Rupp	PO Box 216	Parsons	
5. Dan Eubank	P.O. Box 319	Thomas, WV 26292	Tucker Co. Comm.
6. Bob Gutschall	P.O. Box 21	Parsons, WV 26287	
7. Don Cathell DEP EE	1 Depot Runway WV 26757	Runway WV 26757	DEP EE
8. Alicia Poling	Rt 1 Box 46 Hambleton, WV	26269	
9. Arlie C. Davis	Rt 1 Box 45 Hambleton WV		County Commissioner
10. Chuck Merritt	Rt Box 99, B	Kerens, WV 26276	Corn H. Apts.
11. Chuck Merritt	113 Green Hill	Elkins WV 26283	
12. Roger J. Murphy	RR1, Box 60 HAMBLETON, W.V.	HAMBLETON, W.V. 26269	
13. Debbie L. Moore	Rt. 1 Box 16 Hambleton, WV		teacher
14. Donald L. Knott	Rt. 1, Box 197 Hambleton WV	Hambleton WV 26269	Landowner (Farmer)
15. Harold C. Leboeuf	2515 MAIN ST. PARSONS, WV		
16. Rebecca Moore	Rt 1 Box 31 Hambleton, WV		
17. Easter Dean Hill	HC 64 Box 276	PARSONS WV 26287	
18. DAVE ROBERTS	Box 66 CENTER ST.	Hambleton WV 26269	NONE
19. DAVID Phillips	P.O. Box 39 HC 64	Parsons 26287	
20. James Kochenderfer	Rt 1 Box 48 Hambleton, WV 26269		
21. Mike Ledden	Parsons		
22. Ikon + Benettie Galegh	Rt 1 Box 143 Hambleton		

Public Workshop Sign-In Sheet

Appalachian Corridor H (Battlefield Avoidance SEIS Study - Kerens to Parsons)

October 24, 2000 ~ 4 - 7 p.m., Tucker Valley Elementary/Middle School



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Name	Address	City, State, Zip	Organization (if any)
1. Shelia McVicker	Rt. 1 Box 44	Hambledon, WV 26269	
2. Bob Simon	Rt 1 Box 36	MONTROSE WV 26283	
3. Jennings R Simpson	Hc 64 Box 236 PAR	PARSONS WV 26287	
4. Raymond Muller	P.O. Box 148	Hamblenton WV 26271	
5. Joe Bruce Jr	Rt 2 Box 405	St George WV 26287	
6. Douglas T. Fooker	P.O. Box 2827	Huntington WV 25727	WPPLD
7. Don Blad	Box 287	Jarvis WV 26260	
8. Marilyn M. Smith	Parsons Advocate	Parsons	newspaper
9. Keith Beckman	Rt 1 Hamblenton Wva		
10. Peter Beckman	Rt 1 Hamblenton, W. Va.	26269	
11. D A Carr	PO Box 367 PARSONS WV	26287	
12. Bill Foreman	512 waynewood st Parsons	26287	
13. CS High M	PO BOX 98	MONTROSE 26283	
14. Bob Poling	PO 33 RT 3	PARSONS WV	
15. Rita Roberts	PO Box 66	Hambledon WV	
16. JEFF KAPP	Rt. 1 Box 81 Kerens WV 26276		
17. James D. Parsons	508 Waynewood Parsons WV 26287	Parsons, WV.	
18. Kathy Phillips	Hc. 64 Box 39 Parsons, WV	26287	
19. Hilda Kochendyke	Rt 1 Box 48 Hamblenton, WV 26269		
20. Hayward R. Lips	Rt #1 Box 47 Hamblenton 26269		
21. Allen Farnley	Rt 1 Box 134 Hamblenton 26269		
22. Scott H	Rt 2 Box 56 Montrose 26283		

Public Workshop Sign-In Sheet

Appalachian Corridor H (Battlefield Avoidance SEIS Study - Kerens to Parsons)

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Name	Address	City, State, Zip	Organization (if any)
1. Karen Carper	P.O. Box 2862	Elkins WV 26241	Highlands Trail Foundation
2. Bob Moore	Rt 1 Box 39-1 Hambleton		Blackman flat
3. Laris Banner	Rt. 1 Box 31 Kerens, WV		
4. Ronald Fortney	103 Barbour St, i	Buckhannon, WV 26201	WVU
5. RALPH L MOORE	HC 64 Box 269	PARSONS	
6. Dale Ashby	600 Jameson Ave Parsons	Parsons	
7. Charles Bernside	PO BOX 946	ELKINS WV	
8. John Davis	Rt 1 Box 198	Hambleton	
9. Paul Noel Newton	Rt. 1 Box 29B	Kerens WV 26276	Corridor H Alternatives
10. Gary Leigh	PO Box 673	Paris, WV 26260	Canaan Valley Institute
11. Douglas Simmons	Box 82	Pleasant Mt Rd.	
12. Rachell W. Nelson	HC 64 Box 29	PARSONS WV	
13. Terance B. Moore	RT1 Box 16 Hambleton	Hambleton WV	
14. Barbara Wegner	Rt 2 Box 96 Montrose	WV 26283	
15. Steve Sponagle	HC 64 Box 267-2 PARSONS	WV 26287	
16.			
17.			
18.			
19.			
20.			
21.			
22.			

**Cultural Resources -
Correspondence from the
Keeper of the NRHP, the West Virginia SHPO,
and the U.S. Forest Service**

SEP. -21 99(TUE) 10:18

ROADWAY DESIGN

TEL: 304 558 1334

**WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY****RECEIVED**

SEP 8 0 1999

September 16, 1999

ENGINEERING DIVISION
WVDOH

Mr. James Sothen
Division of Highways
Building 5, Room 110
Capital Complex
Charleston, WV 25305

RE: Appalachian Corridor H, Sections 8,9,10,12, and 13
State Project X142-H-38.99 02
FR#: 91-246-MULTI-128

Dear Mr. Sothen:

We have reviewed the "Additional Cultural Resources Documentation" report for Sections 8, 9, 10, 12, and 13 of Appalachian Corridor H. 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," we submit our comments.

In June 1996, West Virginia Division of Highways (WVDOH) submitted determinations of National Register eligibility reports for cultural resources in Sections 8, 9, 10, 12, and 13 of the Appalachian Corridor H Project to the West Virginia State Historic Preservation Office (WVSHPO) for review. We commented on the report in a December 30, 1998, letter. In this letter, we concurred with WVDOH's evaluations for the cultural resources located within the study sections. Our comments were forwarded to the Keeper of the National Register for her appraisal.

The Keeper made final judgements of National Register eligibility and expressed them in an April 16, 1999, memorandum. She agreed with most of the original determinations, however, the Keeper differed with WVDOH and WVSHPO on five resources. These resources are: Folk Victorian House (L1-01), Old Allegheny Church of the Brethren (116-03), Greenland Gap, the Hambleton Study Area (158-22), and the Davis Study Area (012-01). An eligibility recommendation for an additional resource, the Coketon Study Area, was deferred until further archaeological investigation was conducted. The current report addresses the results of this analysis and forwards an eligibility determination for the Coketon Study Area.

Architectural Resources:

Folk Victorian House (L1-01): This resource, determined eligible by the Keeper of the National Register in the April 16, 1999, memorandum, is located outside the Area of Potential Effect (APE) for the Appalachian Corridor H project. As a result, a National Register boundary was not proposed for this property. Unless the Preferred Alignment changes, no further work is necessary for this resource.

THE CULTURAL CENTER • 1900 KANAWHA BOULEVARD, EAST • CHARLESTON, WEST VIRGINIA 25305-0300
TELEPHONE 304-558-0220 • FAX 304-558-2779 • TDD 304-558-3562
EEQ/AA EMPLOYER

SEP, -21' 99(TUE) 10:19

ROADWAY DESIGN

TEL: 1. 304 558 1334

Page 2
September 16, 1999
Mr. James Sothen

Old Allegheny Church of the Brethren (116-03): This resource was determined eligible for the National Register by the Keeper in her April 16, 1999, memorandum. The report prepared by Michael Baker, Jr., Inc. recommends that the current 1/2 acre tax parcel serve as the National Register boundary for this resource. This demarcation includes the church and enough surrounding land to convey the property's historic setting. We concur with this boundary.

Hambleton Study Area (158-22): In her April 1999, memorandum, the Keeper requested additional information regarding the possibility of a National Register historic district in Hambleton. Baker revisited the subject area and again determined that the existing building stock in Hambleton does not retain sufficient integrity to convey the community's history. We agree and reiterate our determination of ineligibility for the Hambleton Study Area as a historic district that we first expressed in a November 16, 1998, letter. Although Hambleton does not contain a historic district, there are extant individual resources potentially eligible for the Register. Chief among these is the West Virginia Central & Pittsburgh (sic) Railroad. Baker identifies the railroad as National Register eligible in their initial report for Sections 12 and 13, and again in the current report (page 147). We expressed our concurrence in the November 16, 1998, correspondence. Please recommend boundaries for the West Virginia Central & Pittsburgh Railroad and include it in the upcoming Criteria of Effects report.

Davis Study Area (012-01): In her April 1999, memorandum, the Keeper requested additional information regarding the possibility of a National Register historic district in Davis. Baker revisited the subject area and again determined that the existing building stock in Davis does not retain sufficient integrity to convey the community's history. We agree and reiterate our determination of ineligibility for the Davis Study Area as a historic district that we first expressed in a November 16, 1998, letter.

Archaeological Resources:

We concur with the consultant's recommendation that the Coketon Study Area be considered eligible for inclusion in the National Register under Criterion D. The presence of intact subsurface deposits grants this study area the potential to provide significant information concerning the coal industry at the turn of the century. We recommend additional investigation of the "Liquorman's House" site prior to further development. The current boundary around this site is unclear based upon report maps, and appears to greatly exceed the areas where subsurface testing was conducted. Later discussion of the site indicates that the boundary includes visible surface scatter, yet the ephemeral nature of a surface scatter does not usually lend itself to a determination of eligibility. If the boundary is to remain extensive, we recommend that the surrounding area be shovel tested in order to justify this determination. We also ask that the report be amended to justify the boundaries established for the "Powerhouse" and "Miners Rowhouse" sites. Although charts in table 2-19 explain the boundaries, reasons for their establishment are not clearly stated within the text. As stated in our letter dated November 16, 1998, we concur with the recommendation that the Coketon Study area be considered eligible under Criterion A, but in concert with similar resources in the Douglas and Thomas areas. We are not opposed to the establishment of a "discontiguous" historic archaeological district, but withhold acceptance of the current boundaries until the above mentioned amendments are addressed.

SEP. -21' 99(TUE) 10:20

ROADWAY DESIGN

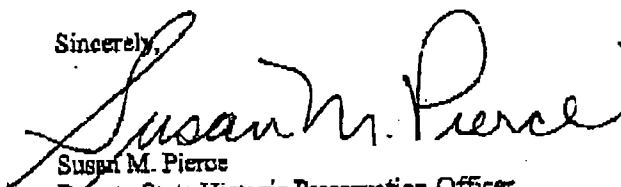
TEL: 1 304 558 1334

Page 3
September 16, 1999
Mr. James Sothen

Regarding Greenland Gap, we are of the opinion that none of the archaeological resources identified in this area are representative of Civil War-related activities. No further archaeological investigation is necessary.

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please call Marc Holma, Structural Historian, or Joanna Wilson, Senior Archaeologist, at (304) 558-0220.

Sincerely,


Susan M. Pierce
Deputy State Historic Preservation Officer

SMP:mh, jlw



WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY

October 27, 2000

RECEIVED

NOV 03 2000

Mr. James Sothen
Division of Highways
Building 5, Room 110
Capitol Complex
Charleston, West Virginia 25305

ENGINEERING DIVISION
WV DOH

RE: Parsons to Davis
State Project X142-H-38.99 C2
FR#: 91-246-MULTI-175

Dear Mr. Sothen:

We have reviewed the Determination of Eligibility report for the above mentioned 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.

Architectural Resources:

A windshield survey of the project's Area of Potential Effect (APE) identified twenty resources fifty years old or older. This number includes seven properties identified in the ASDEIS as requiring further consideration for National Register evaluation, two archaeological sites, and two cemeteries. The current eligibility report addresses all twenty architectural resources within the APE. We will address the two archaeological sites and two cemeteries below. The remaining sixteen architectural resources are *not eligible* for listing in the National Register of Historic Places. They lack architectural distinction, have been greatly altered, and/or exhibit no evidence of any association with a significant historic event or individual.

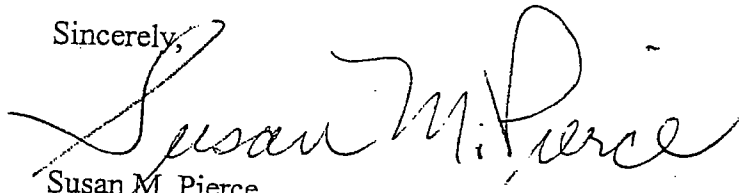
Archaeological Resources:

In reference to resource number BW-013 (slab foundation), we concur with the consultant's recommendation that the site lacks integrity, and is unlikely to provide additional significant information. It is *not eligible* for inclusion in the National Register. The Mt. Calvary Catholic Cemetery (BW-018) and Rosehill Cemetery (BW-020), though of historic interest, do not meet the Criteria Considerations for eligibility and are *not eligible* for inclusion in the National Register. Regarding the West Virginia Central and Pittsburg [sic] Railroad, we concur with the determination of eligibility, and support the inclusion of additional components should such be encountered during future archaeological investigation.

Mr. James Sothen
Parsons to Davis
October 27, 2000
Page 2

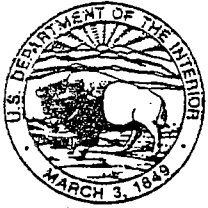
We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please call Marc Holma, Senior Structural Historian for Review and Compliance, or Joanna Wilson, Senior Archaeologist, at (304) 558-0220.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Pierce". The signature is written in dark ink and is positioned above the printed name and title.

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP: mh/jlw



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO: 2280

To: Henry E. Compton
Right of Way and Environment Specialist
FHWA
WV Div
Geary Plaza, Suite 200
700 Washington St., E
Charlestown, WV 25301

A	I	Int.	A	I	Int.
		Dir. Administrator			Admin. Coordinator
		Asst. Dir. Admin.			Admin. Coordinator
		Operations Mgt. Eng.			Admin. Assistant
		Financial Manager			AS-1 Design
		Planning/Safety Eng.			AS-2 Operations
		Structures/Res. Eng.			AS-3 Materials
		ROV/Envir. Eng.			AS-4 Structures Eng.
		Safety/Traffic Eng.			AS-5 Special
		Trans. Spec. Eng.			AS-6
		Libr.			AS-7
					AS-8

The Director of the National Park Service wishes to inform you of our determination pursuant to the National Historic Preservation Act, as amended, and Executive Order 11593 in response to your request for a determination of eligibility for inclusion in the National Register of Historic Places. Our determination appears on the enclosed material.

As you know, your request for our professional judgment constitutes a part of the Federal planning process. We urge that this information be integrated into the National Environmental Policy Act analysis and the analysis required under section 4(f) of the Department of Transportation Act, if this is a transportation project, to bring about the best possible program decisions.

This determination does not serve in any manner as a veto to uses of property, with or without Federal participation or assistance. The responsibility for program planning concerning properties eligible for the National Register lies with the agency or block grant recipient after the Advisory Council on Historic Preservation has had an opportunity to comment.

Attachment



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

DETERMINATION OF ELIGIBILITY NOTIFICATION

National Register of Historic Places
National Park Service

Project Name: Appalachian Corridor H-Parsons to Davis

Location: Tucker County

State: WV

Request submitted by: Henry E. Compton, P.E., Right of Way and Environ. Spec., FHWA

Date received: 12/07/00

Additional information received:

Name of property	SHPO opinion	Eligibility	
		Secretary of the Interior's opinion	Criteria
BW-007	NE	Not eligible	
BW-008	NE	Not eligible	
BW-010	NE	Not eligible	
BW-011	NE	Not eligible	
BW-012	NE	Not eligible	
BW-013	NE	Not eligible	
BW-014	NE	Not eligible	
BW-015	NE	Not eligible	
BW-016	NE	Not eligible	
BW-017	NE	Not eligible	
Mt. Calvary Cemetery (BW-018)	NE	Not eligible	
WV Central & Pittsburg RR (BW-019)	E	Eligible	A & C
BW-020	NE	Not eligible	
ILM-01	NE	Not eligible	
ILM-02	NE	Not eligible	
ILM-03	NE	Not eligible	
ILM-04	NE	Not eligible	
ILM-05	NE	Not eligible	
ILM-06	NE	Not eligible	
ILM-07	NE	Not eligible	

SEE ATTACHED COMMENTS

McG M. Way
Keeper of the National Register

Date: 1/17/01

**Appalachian Corridor H--Parsons to Davis
Tucker County, WEST VIRGINIA**

Reviewer's Comments:

West Virginia Central and Pittsburg Railway

We have already determined that the railroad is eligible for listing under Criteria A and C as a discontinuous historic district.

Based on the photographs submitted with this report, this section of the railroad does not appear to be eligible as a contributing linear element within the WVC&P district. In our decision of April 16, 1999, we stated that the portion of the railroad included in the Hambleton to Davis portion of the Corridor H project appeared to be clearly defined and identifiable as a railroad roadbed and that "those portions of the roadbed that retain these character-defining features should be considered contributing to the significance of the district."

The photographs of this portion of the railroad appear to show a roadbed that is not clearly defined and has lost its character as a railroad right-of-way. This portion of the railroad appears to resemble the roadbed in Sections 13, 14, and 15, which we determined to have lost its ability to convey its historic significance.

Based on the information available to us, the only resource which appears to qualify as an individually contributing element in the WVC&P historic district is the stone arched bridge over an unnamed tributary of the North Fork of the Blackwater River near William (shown in photos on page B-43). The other individual components identified on page 30 either lack sufficient information to substantiate their significance or are the partial remains of structures that have lost their integrity.

Marilyn Harper
Historian
National Register of Historic Places
January 17, 2001



WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY

January 17, 2001

RECEIVED

JAN 26 2001

Mr. James Sothen
West Virginia Division of Highways
Building 5, Room 110
Capitol Complex
Charleston, WV 25305

ENGINEERING DIVISION
WV DOH

RE: Appalachian Corridor H, Section 10 & 11
State Project X142-H-38.99
FR#: 91-246-MULTI-183

Dear Mr. Sothen:

We have received the Baker memorandum and additional information for the Coketon Study Area. 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.

We appreciate Ms. Harris' efforts to respond to the Keeper's questions regarding this resource area. We concur with her determination that reclamation activities, while destructive to some aspects of the area, have not negatively affected the resource's potential to provide significant archaeological information. It is our opinion, therefore, that the Coketon Resource Area remains eligible for inclusion in the National Register of Historic Places under Criterion D for its information potential. We also concur with the proposal that both the Coketon Resource Area and the Blackwater Industrial Complex be considered discontinuous historic districts due to recent alterations to the landscape.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please call Marc Holma, Senior Structural Historian for Review and Compliance, or Joanna Wilson, Senior Archaeologist, at (304) 558-0220.*

Sincerely,


Susan M. Pierce
Deputy State Historic Preservation Officer

SMP:jlw

cc: State Historic Preservation Officer Lou Capaldini
Deputy State Historic Preservation Officer Susan M. Pierce

3

Web Copy

DOT/FHWA/WV DIVISION Fax:3043475103
 Aug-02-01 01:24pm From: N P S PARK HISTORY

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DO NOT REPLY TO THIS FAX

United States Department of the Interior

NATIONAL PARK SERVICE
 1849 C Street, N.W.
 Washington, D.C. 20240

DETERMINATION OF ELIGIBILITY NOTIFICATION

National Register of Historic Places
 National Park Service

Name of Property: Corridor H-Coketon Study Area-Additional Information

Location: Tucker County

State: WEST VIRGINIA

Request submitted by: Henry E. Compton, P.E. Right of Way & Environment Specialist, WV Division, FHWA

Date received: 07/03/01

Additional information received: 7/24/01

Opinion of the State Historic Preservation Officer:

☒ Eligible

☐ Not Eligible

☐ No Response

☐ Need More Information

Comments:

The Secretary of the Interior has determined that this property is:

☒ Eligible

Applicable criteria: A,B,C, D

☐ Not Eligible

Comments:

See attached comments regarding the Coketon study area as it relates to the Blackwater Industrial Complex.

☐ Documentation insufficient

(Please see accompanying sheet explaining additional materials required)

OPTIONAL FORM 10 (7-98)

FAX TRANSMITTAL

of pages 7

To: BEN HARRIS	From:
Cap/Agency:	Phone:
Fax:	Fax:

ISSN 7540-911-317-7268

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GENERAL SERVICES ADMINISTRATION

[Signature]
 Keeper of the National Register
 Date: 8/2/01

DOT/FHWA/JV DIVISION Fax:3043475103

Aug 6 2001 13:43 P.02

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DETERMINATION OF ELIGIBILITY NOTIFICATION**National Register of Historic Places
National Park Service****Coketon Study Area/Blackwater Industrial Complex
Tucker County, West Virginia**

p. 2

We have carefully reviewed the two reports, *A Phase II Evaluation of the Davis Coal and Coke Company and the Western Maryland Industrial Complex at Tucker County, West Virginia* (Davis, Swan and Brinker, 1992) and *What's a Coke Oven?: Archeological Investigations Within the Blackwater Industrial Complex* (Davis, 1997), provided to us at our onsite visit of June 25, 2001, to the project area; a letter of June 28, 2001 (received July 24) from John Calabrese, Monongalia National Forest Archeologist reiterating the USFS opinion of eligibility (copy attached) and the supplementary mapping submitted by FHWA on July 2. The SHPO has confirmed that the State has no other documentation on record beyond the two aforementioned reports, on which it previously based its determinations of eligibility for the entire Blackwater Industrial Complex.

We have concluded that the Coketon study area retains its significance and integrity as an integral part of the larger Blackwater Industrial Complex, which is eligible for the National Register under criteria A, B, C, and D as a historic and archeological district. Post-mining reclamation of a relatively small area has not significantly disturbed the Coketon resources in a manner that would necessitate Coketon's evaluation as a discontinuous district, nor does it support the evaluation of the Blackwater Industrial Complex as a discontinuous district. As with most historic districts some areas or resources may be classified as noncontributing. As has been pointed out, the character of the industrial mining landscape had been somewhat diminished already when the Blackwater Industrial Complex was initially determined eligible by the SHPO and FHWA; however, we find that the effects of the Coketon area reclamation project have had a relatively insignificant impact on the resources and the conveyance of their historic and archeological importance. The Blackwater Industrial Complex continues to convey its historic meaning as a significant concentration of contiguous, interrelated historic industrial and archeological resources throughout the Blackwater River corridor from Thomas to Hendricks, in Tucker County, West Virginia. The Complex contains a 10-mile stretch of the 1888 West Virginia Central and Pittsburg Railway (WVC&P) grade with associated bridges and culverts, the abandoned community of Limerock along with the historic mining towns of Thomas, Coketon and Douglas, including numerous historic buildings, mine portals, stone foundations of the Coketon power house, several mine buildings and two mine tipples, many other unidentified structure foundations, and the standing remains of approximately 300 (out of the original 1,235) bee hive style coke ovens. The Complex's numerous historic and archeological features located outside of the Coketon area in conjunction with the significant resources within the Coketon

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DETERMINATION OF ELIGIBILITY NOTIFICATION**National Register of Historic Places
National Park Service****Coketon Study Area/Blackwater Industrial Complex
Tucker County, West Virginia**

p. 3

study area combine in a geographic concentration from one end of the Blackwater Industrial Complex to the other. Because of this continuity of important resources, the entire Blackwater Industrial Complex is considered one entity and the Coketon study area evaluated within this larger context.

The Coketon study area includes key resources such as the banks of bee hive style coke ovens and the WVC&P railroad grade that may or may not be individually eligible, but which, nonetheless, are contributing resources that tie the larger Blackwater Industrial Complex together. Besides being located along the integral railroad grade between the towns of Thomas and Douglas, the extant resources in Coketon, both above and below ground, represent the material remains of the most significant mining facility of the Davis Coal and Coke Company--the absolute center of the massive former industrial complex of Henry G. Davis, one of West Virginia's foremost political and industrial leaders. Additionally, the mining operations and railroad fueled the boom town expansion and prosperity of the company towns of Thomas and Douglas included in this area. These towns are also vital components of the larger mining industry landscape, providing the housing, commercial and social environment of the region. Due north of the Coketon area, significant resources such as those of the Thomas Commercial Historic District, extant examples of workers' housing, the Davis company office building, the former department store building, and the railroad grade, are characteristic examples of the seamless continuity of the Complex's historic material remains.

Each of the criteria are addressed below.

Criterion A

The Blackwater Industrial Complex, including the Coketon study area, is eligible under Criterion A. The production of coal and coke is clearly significant in the economic and social development of West Virginia and the nation during the late 19th and early 20th centuries. Much of the country's coal came from West Virginia during this time period. Tucker County, where the Blackwater Industrial Complex is located, produced coke for a period of 49 years starting in 1854, and by 1900 it ranked third in the state in production. The Blackwater Industrial Complex's most active period, in terms of coal and coke produced, lasted from 1884 to the 1920s. During these productive years the Complex laid claim to the steepest mainline railroad in the East and to being one of the State's largest coking facilities and one of its highest producing coal facilities. Moreover, during the late 19th and early 20th centuries, the Davis Coal and Coke

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DETERMINATION OF ELIGIBILITY NOTIFICATION**National Register of Historic Places
National Park Service****Coketon Study Area/Blackwater Industrial Complex
Tucker County, West Virginia**

p. 4

company was one of the largest and most well-known coal and coke companies in the world, exemplifying the property's specific association with these important events in industrial history. At the turn of the 20th century the company was producing more than 10,000 tons of coal daily from its more than 100,000 acres throughout the region, half of which was produced at the Coketon/Thomas location. As an integral component of the Complex, the Coketon area resources include the standing remains of hundreds of bee hive style coke ovens, mine portals, foundations of various related buildings, support tiers, and the railroad grade, which together convey the area's rich industrial past. Despite the reclamation in one relatively small area of Coketon within the overall Complex, extant subsurface and standing features retain adequate integrity to convey the area's historic industrial use.

Criterion B

The Blackwater Industrial Complex, including the Coketon study area, is eligible under Criterion B for its association with Henry G. Davis, a coal baron, entrepreneur, member of the West Virginia legislature and U.S. Senator. Davis and his brothers developed and owned the Davis Coal and Coke Company, a company that directly influenced the social and economic development of the local and regional areas. This influence is reflected in the remaining resources associated with the development of the company and its effects on the local and regional community. The Blackwater Industrial Complex is directly associated with the activities and events for which Davis is well-known, illustrating his importance in local, regional, and state history.

Criterion C

The Blackwater Industrial Complex, including the Coketon study area, is eligible under Criterion C as a significant and distinguishable entity embodying distinctive characteristics of types and methods of construction related to a definable period. The area represents the distinct patterns of social organization and architecture produced through 19th and early 20th-century industrial development. Coal mining and coke production resources, railroad resources, commercial buildings, workers' housing, company-related buildings and structures are of character-defining construction and spatial arrangement. Remains of the coke ovens represent a distinctive, significant property type—the bee hive style variety, which were phased out when better-cooking technology was discovered. Stone work throughout the district in the ovens, foundations, bridges (some of which are believed to have been built by immigrant Italian stone masons) and culverts represents examples of excellent period workmanship.

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DETERMINATION OF ELIGIBILITY NOTIFICATION**National Register of Historic Places
National Park Service****Coketon Study Area/Blackwater Industrial Complex
Tucker County, West Virginia****p. 5****Criterion D**

The Blackwater Industrial Complex, including the Coketon study area, is eligible under Criterion D. Archeological survey and testing of the subsurface remains has indicated that the area contains significant, intact archeological deposits that have the ability to produce important information about the physical mining of coal and production of coke as well as the experience of workers. Recent excavations of a coke oven have revealed new information about the construction and design of specific ovens in the district. Because of the good integrity of the archeological resources, further archeological investigations of the ovens and other structures associated with the industrial development of the area may be able to produce detailed information about coal and coke production, the development of late 19th and early 20th-century technology, and the influence of railway transportation to this industry. Furthermore, excavation and analysis of workers' housing remains and associated artifacts may shed light on community social structure, ethnic and class divisions, political influences, company policies, cultural styles and trends, and individual wants and needs.

Erika Martin Seibert, Archeologist
Beth L. Savage, Architectural Historian

DOT/FHWA/WV DIVISION Fax:3043475103

Aug 6 2001 13:44 P.06

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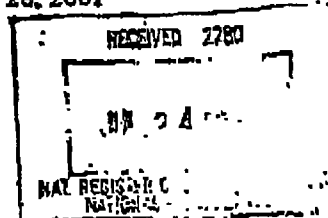
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United States
Department of
AgricultureForest
ServiceMonongahela
National Forest200 Sycamore Street
Elkins, WV 26241
(304) 636-1800

File Code: 2360

Date: June 28, 2001

Ms. Carol Shull
Keeper
National Register of Historic Places
800 North Capitol Street, NE
Suite 400
Washington, D.C. 20002



Dear Ms. Shull,

This letter is a response to a request for information I received today in a telephone conversation with Ms. Erika Seibert of your office. Specifically, I was asked to comment upon the position of the Forest Service regarding the NRHP eligibility of the Coketon Industrial Site and its relationship to the Blackwater Industrial Complex. Also, I am responding to the opinion, expressed by staff of Michael Baker, Inc. during the meeting held at Coketon this Monday, that the Coketon site constitutes a "discontinuous" Historic District.

The Forest Service position set forth in a letter dated June 30, 1998, addressed to the West Virginia Department of Transportation, is still our current position. We hold that the Coketon property is eligible to the NRHP under all four criteria. We also submit that the West Virginia Central and Pittsburgh Railroad grade is a contributing feature of the site, and should be considered alongside the larger site. Further, it is clear that the Coketon site is but a small part of the larger Blackwater Industrial Complex. The Forest's position on the NRHP eligibility of Coketon, associated with the larger Blackwater Industrial Complex, was supported by the WV SHPO in their letter to Norman Roush dated December 17, 1996 and by your office in a review letter dated March 16, 2001.

The notion that Coketon is part of a discontinuous Historic District is, from our point of view, inconsistent with previous opinions expressed by the Forest Service, the WV SHPO and your office. Also, as a point of fact it should be noted that the railroad grade, a landscape feature that retains significant integrity, is a continuous, unifying feature that seamlessly joins all the individual properties in the Blackwater Industrial Complex, including Coketon.

Should you require further documentation, or have any questions or comments, please do not hesitate to contact me at (570) 296-9632 prior to August 10, 2001, and at (304) 636-1800, ext. 245, on or after August 13, 2001.



Caring for the Land and Serving People

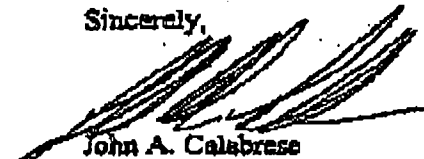
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Sincerely,



John A. Calabrese
Forest Archeologist

cc: Dallas Emch, Acting Forest Supervisor
Kimberley Johnson, Asst. Forest Supervisor, Natural Resources
Richard Cook, Asst. Forest Supervisor, Lands
Liz Schuppert, Cheat District Ranger
William Kerr, Program Manager, Recreation, Heritage, and Wilderness
Lynn Hicks, Forest Engineer



United States
Department of
Agriculture

Forest
Service

Monongahela National Forest

200 Sycamore Street
Elkins, WV 26241
304-636-1800

File Code: 2360

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JUL 29 2002

ENGINEERING DIVISION
WV DOH

Mr. Ben Hark
Environmental Section Head
West Virginia Division of Highways, Engineering
Division
1900 Kanawha Boulevard, East
Building 5, 4th Floor
Charleston, WV 25305-0430

In Re: Draft, *Appalachian Corridor H, Blackwater Industrial Complex, Archaeological and Historic District, Criteria of Effects Report*, June 6, 2002; received by USDAFS on Monday, July 22, 2002.

Dear Mr. Hark,

Under Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800, we are submitting our comments on the aforementioned report.

General Comments

Detailed Design Plans/Area of Potential Effect

While the alignment of Corridor H and the bridge spanning Coketon are clearly marked, there is no indication of the planned support and construction facilities that will be required to construct a bridge of that size. These areas, in addition to the span and piers, constitute the actual Area of Potential Effect (APE) of the proposed project. We ask that we be provided copies of detailed plans showing the actual APE, including work staging areas, access corridors, cut-and-fill areas, and any and all construction related activities on National Forest land in or in the vicinity of construction activities.

Until such time as this information is made available to us for comment, we are unable to determine if such activities constitute an effect to the National Register eligible site of Coketon and its many contributing archaeological and historic resources.

Archaeological Survey Coverage

Areas that have been subjected to archaeological survey and testing are not explicitly denoted, nor is there a discussion of the location of potential buried structures, features, and deposits that are currently buried under fill brought in during reclamation activities. According to a November 21, 2000 Memorandum from Katry Harris of Michael J. Baker, Inc. to Ben Hark of the WVDOH, the WVDEP did not prepare the required site maps showing destroyed, extant, and remaining archaeological structures, features and deposits before and after reclamation activities (Harris 2000:3). Therefore, in the absence of archaeological field investigations of the APE, the effects of construction in the APE are unclear.



Historic documentation of the Coketon area, in addition to actual archaeological survey and testing, may be of help in identifying areas of potential deposit. We have attached a copy of an 1896 Fowler print of Coketon, showing the area under question, for your information.

Specific Responses to Sections of the Report

Physical Impacts: Chapter 4, Page 11, Paragraph 3 and Table 4(A)

Direct physical impacts to the site, as mentioned above, do not take into consideration the full APE. In order to assess the effects of the project, the APE must be clearly defined. If it is determined that the proposed project will alter or detract from the information potential of resources that have the potential to contributing to the National Register District-eligible site of Coketon through the destruction of features, sites, or other deposit, the project would have an adverse effect on the Coketon district. Such an effect would include undermining the research potential of potentially contributing resources and commensurately detracting from the continuing eligibility of the affected resources under Criterion D.

Visual Impacts: Chapter 4, Page 11, Paragraphs 4 through 6 and Table 4(B)

The visual effects analysis states on Page 11, Paragraph 4, that the bridge will be visible from only 8% of the entire nearly 10-mile long Blackwater Industrial Complex. However, as stated on Page 11, Paragraph 6: "Viewsheds from those numerous contributing resources that lie outside of the Coketon area and within the Blackwater Industrial Complex Archaeological and Historic District would not include the proposed project." It is unclear from the language employed if the bridge would not be visible from the rest of the Blackwater Complex outside of Coketon. Clarification of this point is necessary.

Also we take exception to the statement (Table 4[B]) that the placement of the bridge on the landscape will not affect the ability of the site to "convey its historic meaning as a significant concentration of contiguous, interrelated historic industrial and archaeological resources," owing to alterations from the previously mentioned reclamation project. This statement contradicts the Keeper's (August 2001) finding that "we find that the effects of the Coketon area reclamation have had a relatively insignificant impact on the resources and their conveyance of their historic and archaeological importance." Also, whatever the final design of the piers and span, a bridge of the proportions necessary for this project cannot fail to have an adverse effect on the integrity of setting, feeling and, possibly, association of the site. The definitions of each of these three terms are found in the National Register *Bulletin Guidelines for Evaluating and Registering Historical Archaeological Sites and Districts* (1993:19-20) and are as follows:

Integrity of Setting "includes elements such as topographic features, open space, views, landscapes, vegetation, man-made features..., and relationships between buildings and other features."

Integrity of Feeling is conveyed if "its features in combination with its setting convey an historic sense of the property during its period of significance. Integrity of feeling enhances a property's ability to convey its significance under all of the criteria."

Integrity of Association is retained on a property "if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer."

The placement of the bridge will: 1) alter the views and landscapes of Coketon, thereby impacting its integrity of setting; by altering its setting as in 1) the placement of the bridge will adversely affect the integrity of feeling of Coketon and, quite possibly, affect its integrity of association.

Maintaining the integrity of setting, feeling, and association of a site or district is directly related to its continuing eligibility under Criterion D. Therefore, since the integrity of setting, feeling, and, possibly, association of the Coketon site will be adversely affected by the placement of the bridge, the eligibility of the site to the Register under Criterion D will potentially be undermined commensurately. This finding is consistent with the guidelines for assessing adverse effects found in 36 CFR 800.5

Auditory Impacts: Chapter 4, Pages 12 through 13; Table 4(B).

This section of the report (Page 12, paragraph 6) states that "...the Coketon area of the Blackwater Industrial Complex Archaeological and Historic District would experience a noise impact ranging from moderate to substantial from the project." Despite the fact that it is recognized that there will be audible impacts from the bridge, the finding is one of "no effect." We question the consistency of these two statements.

However, it is recognized that the site was formerly a very loud and noisy industrial site. The impacts accruing from the added noise therefore will not have an effect to the historic integrity of the Coketon area. Such auditory impacts may affect the enjoyment of visitors to the area, but that is an issue entirely separate from Section 106 concerns.

Secondary and cumulative Impact Assessment: Chapter 4, Page 13

This section of the report states that since the bridge only spans the site and does not provide direct access to the site, that there are no secondary effects accruing from the bridge. Also, the effects of the planned bicycle path on the former West Virginia Central and Pittsburgh Railroad grade are not considered as effects because "Any access or development would be controlled by those plans and policies controlled by the Monongahela National Forest." There is no mention made in the report that the terms of the February 7, 2000 settlement agreement entered into between Corridor H Alternatives and the USDOT state, indirectly through reference to the 1996 ROD for Appalachian Corridor H, Elkins to I-81, which in turn references the Final Environmental Impact Statement for the same section, dating to June 1995, that the mitigation measures for Corridor H include a bicycle path through the Coketon area. The bicycle path itself is a mitigation measure for Corridor H and its effects therefore should be considered as secondary effects to the overall project considered here.

Thus, the increased traffic flow and access to the site, by both pedestrian and cycling users of the trail, have the potential to increase vandalism and have other unforeseeable cumulative effects to the integrity of the Coketon area.

Conclusions and Recommendations

Owing to the fact that the project may have direct physical impacts to potentially present resources within the APE whose contributing or non-contributing status to the district is not known, we cannot recommend that the finding of "no effect" be maintained for these impacts. Until such time as the presence and integrity of the subsurface archaeological deposit in the APE has been ascertained through fieldwork, we will continue to hold this position in relation to the direct physical impacts of the project.

Also, the visual impacts of the project will, in our estimation, adversely affect the integrity of setting, feeling and, possibly, association of the Coketon area and thereby undermine its eligibility to the NRHP under Criterion D.

Therefore, we recommend that: 1) the actual area of potential effect be determined and that area be archaeologically surveyed and evaluated for effects under Section 106; 2) in order to mitigate the adverse effects to the integrity of setting of the site caused by placement of the bridge and the associated cumulative effects of the bicycle path, that the WVDOT undertake the development of a program of interpretive signage stretching from Thomas to the Hendricks gate. Such a program should focus on the industrial, social, and economic contributions of the Blackwater Industrial Complex and Coketon to the history of West Virginia and the nation. In addition, owing to Forest Service regulations and our internal agency responsibilities, the Forest Service should have design and production responsibilities for signage, while the WVDOT and the FHWA should bear all financial responsibility for signage.

We hope that our comments have been of use to you and look forward to continuing our review responsibilities under Section 106 of the National Historic Preservation Act.

Sincerely,


CLYDE N. THOMPSON
Forest Supervisor

CNT:jac

Enclosures

cc: Sandra Forney (FS Region 9), Ed Compton (FHWA), Susan Pierce (WVSHPO)



United States
Department of
Agriculture

Forest
Service

Monongahela National Forest

200 Sycamore Street
Elkins, WY 26241
304-636-1800

RECEIVED

Code: 2360

Date: October 24, 2002

Mr. James Sothen
Director, Engineering Division
West Virginia Division of Highways
1900 Kanawha Boulevard, East
Building 5, Room 110
Charleston, WV 25305-0430

OCT 28 2002

ENGINEERING DIVISION
WV DOH

In Re: Revised Comments on *Appalachian Corridor H, Blackwater Industrial Complex, Archaeological and Historic District, Criteria of Effects Report*, June, 2002.

Dear Mr. Sothen,

Pursuant to the terms of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: Protection of Historic Properties, and pursuant to the terms of the Archaeological Resources Protection Act of 1979 (ARPA) permit issued to the WVDOH for its Corridor H work on National Forest lands, as amended to WVDOH Special Use Permit CHT-01, we are submitting revised comments for the above-referenced report. These revised comments take into consideration the outcome of a meeting held between members of our respective staffs and the Federal Highway Administration on October 8, 2002 in Elkins.

It was decided at the October 8, 2002 meeting to implement a program to mitigate the potential effects of the construction of Corridor H to historic properties on Monongahela National Forest land. Such properties include portions of the National Register eligible Blackwater Industrial Complex.

In a previous letter, dated July 26, 2002, we indicated that the proposed construction of a flying bridge over the Blackwater Industrial Complex would constitute an adverse visual effect that would impact the site's integrity of setting, feeling and, potentially, its integrity of association. Such effects would undermine the continuing eligibility of the site under Criterion D. At that time we indicated that an appropriate and effective means of mitigating this effect would be to undertake a program of interpretive signage along the former West Virginia Central and Pittsburgh Railroad grade. We suggested at that time that this program of signage be funded by the WVDOH and implemented by the Forest Service.

This mitigation effort was tentatively agreed to at the October 8th meeting in Elkins, and confirmed in a further communication with a representative of the Federal Highway Administration, Mr. Henry E. Compton, on October 17, 2002. Given the implementation of this agreement, to be formalized in a Memorandum of Understanding in the very near future, we can now find that the proposed construction of the flying bridge as described in the above-mentioned report will not constitute an adverse effect to the integrity of setting, feeling, or association of the Blackwater Industrial Complex.



Also, in the July 26th letter we expressed some concerns about construction activities in areas of the site where they may potentially impact intact archaeological deposit. Further consultation with your staff, discussion with individuals involved in the initial reclamation efforts, and in consideration of the larger mitigation measures agreed to, have led us to conclude that the construction of the proposed flying bridge will not constitute an adverse effect to buried archaeological or historic resources. During project implementation we recommend that construction activities avoid areas that were not in the reclamation area, but which are shown on historic maps and documents as the location of structures and features associated with the Blackwater Industrial Complex.

We appreciate the opportunity to comment on this matter. Should you require further information, please contact our Forest Archaeologist, Mr. John Calabrese, at (304) 66-1800, ext. 245.

Sincerely,


CLYDE N. THOMPSON
Forest Supervisor

CNT:jac

Cc: Henry E. Compton, Federal Highway Administration
Susan Pierce, WV State Historic Preservation Office
Sandra Forney, USDA, Forest Service, Eastern Region



**WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY**

October 30, 2002

Mr. James E. Sothen
Building 5, Room 450
Capitol Complex
Charleston, West Virginia 25305

RE: Corridor H -Blackwater Industrial Complex
Archaeological and Historic District
FR#: 91-246-MULTI-229

Dear Mr. Sothen:

We have reviewed the draft Criteria of Effect Report for the above mentioned 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.

Although the Blackwater Industrial Complex has been affected by previous reclamation activity it retains its historic significance and much of its archaeological integrity. The Report states on page 14 that there will be no effect to the historic resource as defined by the Keeper of the National Register of Historic Places. We don't agree with this assessment. Although it is stated that the pier placement will avoid all identified archaeological sites; there will be piers within the designated historic areas. As stated, any direct impact to the contributing features of the historic district will be avoided. We ask continued consultation with our office as final design and planning for the bridge crossing occur. Planning and construction documents must clearly delineate the location of the archaeological resources and industrial ruins within the historic district. Monitoring during construction is also important to insure avoidance. We request that the "Powerhouse Site" (46Tu299) be surrounded by snow fencing or other highly visible material to assist in its avoidance, and that no heavy machinery or equipment be allowed within or near the site. We also request that all staging areas, equipment storage, etc. be located in portions of the project area previously surveyed and found to contain no cultural materials.

Page 2

James E. Sothen

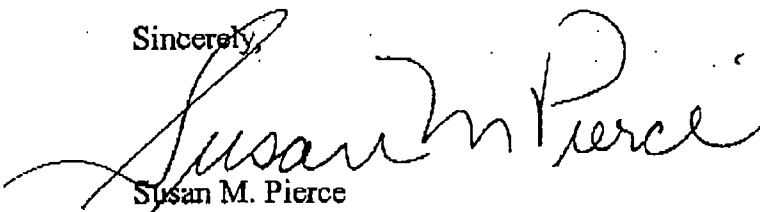
October 30, 2002

The report also evaluates the potential visual and auditory changes to the historic district. We do not agree with the method used in the report to determine the percentage of the historic district impacted by the change. Although areas at a greater distance from the bridge crossing will suffer a lesser impact, the actual area of crossing will experience visual and auditory change. Creating a mathematical percentage of impacted area does not eliminate the immediate impact to the district at the bridge crossing. What must be considered is the relative change to a district that is composed of buried and exposed industrial fragments of a major coke producing facility. The existing landscape has changed through abandonment and reclamation. Although it will be an alteration to the landscape, the bridge will not inhibit one's understanding of the historic resource. The significance of the physical remnants is best served through interpretation on-site. The addition of a bridge will not inhibit understanding. *(The modern New River Gorge Bridge which serves U.S. Route 19 illustrates this point. Although obtrusive to the landscape, this bridge does not adversely effect one's ability to appreciate early modes of transportation in the Gorge historically. Fayette Station Bridge exemplifies the cultural theme of transportation.)* We believe that there will be an effect, but the change to the landscape will not adversely effect the historic characteristics of the eligible resource. Direct impacts will not occur as stated by the report and indirect effects will not inhibit future understanding of the Blackwater Industrial Complex and the Coketon Study Area.

Finally, please know that we have thoughtfully considered the recent comments provided by the Monongahela National Forest (MNF). Since the issuance of their letter dated July 26, 2002, the recent letter dated October 22, 2002 and the October 8, 2002 meeting, we understand that the DOH and the MNF have resolved the concerns raised by the Forest Service's staff.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please call me or Joanna Wilson, Senior Archaeologist, at (304) 558-0220.*

Sincerely,



Susan M. Pierce

Deputy State Historic Preservation Officer

SMP: jlw

cc: Clyde Thompson, USDA, Monongahela National Forest

Additional USFWS Correspondence



United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office

Post Office Box 1278

Elkins, West Virginia 26241

JUN 21 1999



Mr. David E. Bender
Division Administrator
Federal Highway Administration
Geary Plaza, Suite 200
700 Washington Street, East
Charleston, West Virginia 25301

Dear Mr. Bender:

The U.S. Fish and Wildlife Service has reviewed your Biological Assessment (BA) which was prepared to evaluate the effects of the construction of Sections 3-15 of Appalachian Corridor H in Randolph, Tucker, Grant and Hardy Counties, West Virginia on the endangered Indiana bat, Myotis sodalis. Sections 3-15, constitute the remaining sections of Corridor H to be constructed. The highway extends approximately 92.0 miles between Kerns in Randolph County and the Virginia line east of Wardensville in Hardy County.

The Service previously reviewed the BA prepared for Section 16 in regard to the Indiana bat. Section 16 extends approximately 9.0 miles from Aggregates north to Kerns in Randolph County. The Service concurred with the BA that construction of Section 16 was not likely to adversely affect the Indiana bat. This was based primarily on the mitigation measure that the clearing of potential roost trees (PRTs) would only take place during the hibernation period, November 15 thru March 31.

There are approximately 30 known Indiana bat hibernacula spread across the limestone regions of eastern West Virginia in Preston, Tucker, Randolph, Pendleton, Pocahontas, Greenbrier, Monroe, and Mercer Counties. The population of these hibernacula in West Virginia range in size from one to 9,000 Indiana bats. Recent data indicate that the area within an approximate 5.0-mile radius of a hibernaculum is important foraging and roosting habitat for the Indiana bat in the fall swarming period, August 15 through November 15. In addition, male Indiana bats are known to occur during the summer in close proximity to their hibernaculum. Big Springs Cave, located in the Fernow Experimental Forest, is an Indiana bat hibernaculum within a 5-mile radius of portions or all of Sections 13, 14 and 15 in Tucker County. Males have been recorded by the West Virginia Division of Natural Resources (WVDNR) as remaining in the vicinity of Big Springs Cave during the summer months and both sexes are known to occur during the fall

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WVDOH

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D.E. Bender, Div. Eng.
Project Development

swarming period. In January, 1999, the WVDNR observed 210 Indiana bats hibernating in Big Springs Cave.

Despite a concerted effort, especially over the last two seasons, there is no historic or recent evidence that female Indiana bats utilize any portion of West Virginia for summer maternity range. Therefore, West Virginia has been designated by the Service as a non-core area for the bat. Based on the presence of hibernacula nearby and the presence of potential summer habitat in the study area, utilization of the area by Indiana bats for summer range is possible. Summer habitat, used for foraging and roosting, is defined as riparian, bottomland or upland forest and old fields and pastures with scattered trees. Roost habitat primarily consists of exfoliating bark with space for bats to roost between the bark and the bole of the tree, such as would be found on dead trees of many species or live species such as shagbark hickory. Tree cavities, crevices, splits, or hollow portions of tree boles and limbs also provide roost sites.

Because of the abundance of potential summer/maternity habitat for the Indiana bat in the vicinity of Corridor H, the Service recommended that mist net surveys be conducted on the remaining sections of the proposed highway, except for portions or all of Sections 13, 14 and 15, which are within the 5-mile radius of Big Spring Cave. Since Indiana bats must be assumed to occupy summer and fall habitat in portions or all of this area, mist netting is unnecessary. Specific survey protocol, as established and approved by the Service and the WVDNR, are accepted by the Service as a reasonable effort to establish presence or absence of the species.

Mist net surveys were conducted between May 15 and August 15, 1998, in the portion of Section 15, outside of the 5-mile radius of Big Springs Cave, and Section 4 in Hardy County. Section 4 begins near Baker and extends approximately 6.0 miles to near County Road 23/12. A total of 10 bats representing three species were captured in the surveys. In addition to the mist net surveys conducted in Sections 15 and 4, 17 (seventeen) locations throughout the Monongahela National Forest were surveyed by the U.S. Forest Service (USFS) during July and August, 1997 and May and August, 1998. These surveys netted 1,088 bats representing nine species. In addition, the WVDNR conducted two additional mist net surveys in prime locations for forest bats in West Virginia. One site was located on the Monongahela National Forest on North Fork Mountain in Pendleton County and the other was located in the eastern panhandle in the Sleepy Creek Wildlife Management Area in Berkeley County. A total of 284 bats were collected representing seven species. In addition to the above mentioned mist net surveys conducted by the USFS and WVDNR, other mist net surveys were conducted in West Virginia associated with the proposed Elkins Bypass, the Westvaco Experimental Forest, and various other bat studies associated with abandoned mine portals, the Ohio River Islands National Wildlife Refuge, and academia. A total of 1,568 bats have been collected in West Virginia during the summers of 1996, 1997 and 1998 by numerous investigators and no Indiana bats were collected in any of these surveys. The only summer records, May 15 through August 15, for this species are males captured in close proximity to Big Springs Cave in the Fernow Experimental Forest.

In addition to mist net surveys, the BA evaluated and compared the amount of remaining habitat after construction of Corridor H. The habitat is expressed by the number of PRTs. PRTs are

defined as trees >6 inches diameter at breast height with loose or exfoliated bark or cavities. It was determined that only approximately 0.02% of the available habitat within the relevant watersheds would be affected by the construction of Corridor H. Only approximately 0.01% would be affected in the 5-mile radius of Big Springs Cave. The BA stated that the remaining habitat would be sufficient to support a population of Indiana bats far greater than presently occurs in West Virginia.

Indiana bat surveys, using the most currently accepted sampling protocol, which may include a combination of mist netting, anabat technology, or radio telemetry, will continue to be conducted between May 15 and August 15 on all Sections of Corridor H as they are prioritized in the pre-construction phases. This is acceptable to the Service because it would be physically impossible to collect all survey data simultaneously along the entire length of the corridor. Construction plan delays would inevitably make some, if not most, of the survey data old and obsolete and therefore, require additional surveys. Sections 5, 6, and a portion of Section 7 in the Moorefield area of Hardy County will be mist netted this summer. Reports will be submitted to the Service upon the completion of each of the mist netting efforts. If a lactating female were to be captured, further, more detailed surveys, must be implemented to determine location and size of the maternity colony. An array of mitigation measures may be implemented to avoid adverse impacts to the species if they are found to be present in the proposed construction alignment. These may include; minor alignment shifts, seasonal construction activity restrictions, and/or creation of potential roosting habitat in the adjacent land.

To avoid take of the Indiana bat in portions of Sections 13 and 15 and all of Section 14, all within a 5-mile radius of Big Springs Cave, removal of PRTs during the hibernation period, November 15 through March 31, and/or inspecting individual PRTs for the presence of bats before removal will occur. In addition, although not intended to lessen the impact specifically to the Indiana bat, approximately 11.0 miles of Corridor H will be elevated on structure, resulting in less permanent habitat disturbance.

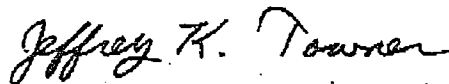
Based on the great amount of surrounding available potential habitat remaining when compared to the project areas, and considering your plans to remove all PRTs in the project area between November 15 and April 1 or individually investigating a few PRTs which were not seasonally removed, the Service believes that the construction of Section 4, a portion of Sections 13 and Sections 14 and 15 are not likely to adversely affect the Indiana bat. Therefore, no further Section 7 consultation under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) is required with the Service on these Sections. The Service will review the bat survey reports and respond accordingly in our continued Section 7 consultation process on the remainder of the Corridor. Should project plans change, or if additional information on listed and proposed species or species of concern becomes available, this determination may be reconsidered.

Although no Indiana bats are anticipated to be adversely affected by the construction of Section 4 and Sections 13, 14, and 15 within five miles of Big Springs, other forest bats and their habitat will be impacted by these projects. Measures to mitigate the impacts of Corridor H to terrestrial resources were addressed in the Corridor H, Final Environmental Impact Statement Vol. III,

Mitigation Document, pages 25 and 26. Mitigation funds have been set aside to purchase unique habitat in the vicinity of Corridor H. Hellhole Cave, located in the Germany Valley in Tucker County, harbors one of the most important, if not the most important and largest hibernating assemblage of bats in the eastern United States, including approximately 40% of the eastern population of the Indiana bat (8,548, 1999) and approximately 40% of the entire known population of the endangered Virginia big-eared bat, Corynorhinus townsendii virginianus (9,597, 1999). The Service has officially designated Hellhole Cave as "Critical Habitat" for the Virginia big-eared bat and the Indiana bat. Critical habitat is defined as habitat which is essential for the recovery of the species. In addition to federally listed species, approximately 100,000 Little brown bats, Myotis lucifugus are known to hibernate in the cave. To control human disturbance to the hibernating bat population, Hellhole Cave has been protected since the early 1980's by a fence and a land owner agreement. The Service believes that Hellhole Cave is one of the most important and certainly unique bat caves in the Eastern United States. The future of Hellhole Cave has become less certain due to the planned expansion of limestone quarrying in the Germany Valley. Insuring Hellhole Cave's future protection would help offset permanent habitat change as a result of Corridor H and would be a significant pro-active measure to maintain bat populations in West Virginia, including the Indiana bat and the Virginia big-eared bat. We recently met with members of your staff and other interested parties to discuss this possible option. The Service encourages the West Virginia Division of Highways to assist the Service and the WVDNR to work with the local landowner to secure permanent protection for this globally significant cave. The Service would certainly encourage your agency to pursue the possibility of contributing funds to the purchase of Hellhole Cave.

If you have any questions regarding these comments please have your staff contact William A. Tolin of my staff, or call me directly, at 304-636-6586.

Sincerely,



Jeffrey K. Towner
Field Supervisor



Post-It Fax Note: 7671	Date 11/15/01	# of pages 4
To MARY HAMILTON	From W. PARSONS	
Co./Dept. BAKER	Co. WV DOH	
Phone #	Phone #	
Fax # 769 0822	Fax #	



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

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ENGINEERING DIVISION
WV DOH

Mr. James E. Sothen
West Virginia Department of Transportation
Division of Highways
1900 Kanawha Boulevard East
Building 5, Room 110
Charleston, West Virginia 25305-0430

Dear Mr. Sothen:

The U.S. Fish and Wildlife Service (Service) has reviewed the mist net survey report dated October 2001, prepared to determine the possible presence of the Indiana bat, Myotis sodalis in the vicinity of the proposed Appalachian Corridor H, Parsons to Davis Project in Tucker County, West Virginia. The report was prepared pursuant to Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531 et seq.); and in accordance with your programmatic Biological Assessment (BA) dated March 3, 1999, for the remaining, unfinished Sections 3-15 of Corridor H. In our letter dated June 21, 1999, commenting on the BA, the Service agreed that Indiana bat mist net surveys could be conducted on segments of the corridor as they were prioritized in the construction schedule. This was acceptable to the Service because it would be physically impossible to collect all survey data simultaneously along the entire length of the approximately 100.0 mile corridor, and because construction plan delays could make some survey data old and obsolete. The Parsons to Davis Project begins on the western edge of Backbone Mountain near U.S. Route 219 and proceeds approximately 9.0 miles in a northeast direction to just north of Davis along Route 93 in Tucker County.

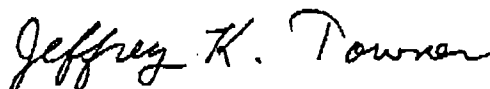
Twenty three (23) survey sites were selected in flight corridors either over streams or through natural open corridors in potential foraging and roosting habitat of the Indiana bat in the vicinity of the proposed highway. Survey methodology closely followed the standard protocol described in the Draft Indiana Bat Recovery Plan for mist netting Indiana bats. Fifty one (51) bats representing six (6) species were collected in the mist net survey conducted between July 9 and August 3, 2001. No Indiana bats were collected in the survey, suggesting they occurred in very low numbers or were absent.

Based on these survey results, the Service believes that construction of the Parsons to Davis Project of Appalachian Corridor H is unlikely to adversely affect the endangered Indiana bat.

Therefore, no further Section 7 consultation under the Endangered Species Act is required with the Service for this project. Should project plans change, or if additional information on listed and proposed species becomes available, this determination may be reconsidered.

If you have any questions regarding these comments, please have your staff contact our Endangered Species Specialist, Mr. William A. Tolin, or contact me directly, at (304)-636-6586 or at the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey K. Towner".

Jeffrey K. Towner
Field Supervisor



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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

April 18, 2001



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ENGINEERING DIVISION
WV DOH

Mr. James E. Sothen
West Virginia Department of Transportation
Division of Highways
1900 Kanawha Boulevard East
Building 5, Room 110
Charleston, West Virginia 25305-0430

Dear Mr. Sothen:

The U.S. Fish and Wildlife Service (Service) has reviewed your Biological Evaluation (BE) regarding the effects of Appalachian Corridor H on the endangered Virginia big-eared bat, Corynorhinus townsendii virginianus. Appalachian Corridor H extends approximately 100.0 miles between Elkins in Randolph County, West Virginia to the Virginia line near Wardensville in Hardy County, West Virginia. The BE addresses the potential impacts of the completion of Corridor H on the Virginia big-eared bat and includes a summary of past informal consultation regarding the effects of Corridor H on the Virginia big-eared bat. Additionally, the Service has reviewed your March 13, 2001, letter regarding new information on Dyers and Baker Caves as it relates to their importance as supporting winter or summer colonies of Virginia big-eared bats in the vicinity of the Baker to Wardensville section of Corridor H. The possibility of these caves providing habitat for the Virginia big-eared bat was brought to the attention of the West Virginia Division of Highways by the Stewards of the Potomac Highlands. Prior to this latest need for data gathering in regard to bat surveys of Dyers and Baker Caves, the Service had concluded that the construction of Corridor H would not adversely affect the Virginia big-eared bat because they were not known to exist in or near the selected corridor.


Baker Cave is located approximately 0.2 mile from the proposed corridor near Baker, Hardy County. A winter bat survey was conducted in Baker Cave on March 2, 2001. A total of 32 bats representing three species was observed hibernating in the cave. In addition, on June 23 and 24, 1999, mist nets were erected to completely enclose the entrance to Baker Cave in an effort to determine if the Virginia big-eared bat utilizes the cave as a maternity colony. No Virginia big-eared bats were observed during the winter hibernation survey and the summer mist net survey.

Dyers Cave is located approximately 1.5 miles from the proposed corridor in Hardy County. A winter bat survey was conducted in Dyers Cave on February 25, 2001. A total of 442 bats representing four species was observed hibernating in the cave. In addition, there were no signs of maternity use by Virginia big-eared bats in the cave.

Based on the results of the hibernacula and mist net surveys conducted in Baker Cave and Dyers Cave, the Service believes that these caves do not constitute significant winter and summer colonies of the Virginia big-eared bat. In addition, no caves which support significant winter and summer colonies of the Virginia big-eared bat are located within 7.0 miles of the proposed corridor. The Service believes that the completion of Appalachian Corridor H, including the Baker to Wardensville section, is not likely to adversely affect the Virginia big-eared bat. Therefore, no further Section 7 consultation under the Endangered Species Act is required with the Service. Should project plans change, or if additional information on listed and proposed species or species of concern becomes available, this determination may be reconsidered.

If you have any questions regarding these comments, please have your staff contact our Endangered Species Specialist, Mr. William A. Tolin, or contact me directly, at (304)-636-6586 or at the letterhead address.

Sincerely,


for Jeffrey K. Towner
Field Supervisor



March 12, 2002

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handle

RECEIVED
MAR 18 2002
Dep State Hwy Eng
Project Development

Mr. Ed Compton, P.E.
Environmental Specialist
Federal Highway Administration
Geary Plaza, Suite 200
700 Washington St., E.
Charleston, WV 25301

Dear Mr. Compton:

The West Virginia Division of Natural Resources, Wildlife Resources Section (WRS) and the U.S. Fish and Wildlife Service (Service) have reached consensus on handling of habitat units for Corridor H. We propose that habitat units be valued in the following manner.

Habitat Suitability Indices (HSIs) were developed by the Service to quantify a parcel's ability to support a wildlife species. It identifies strengths and weaknesses of the tract by ranking various aspects of the habitat along a continuum from 0.0 (unsuitable habitat) to 1.0 (highly suitable habitat). Habitat Units (HUs) are generated by multiplying these indices by the acreage. HUs can be used as common currency to assess habitat losses and measure mitigative measures taken. Within this framework, a dollar value is never assigned to a HU, because the cost is unknown until the management treatment is implemented. Any such value is highly specific and applicable only to the site

HSIs were determined for a number of wildlife guilds residing within the right-of-way of Corridor H. A total of 6,145 HUs were identified for this project. Concurrently, negotiations were underway to identify a financial settlement amount for terrestrial impacts. It is the desire of both agencies to apply the HUs to purchase and protect unique habitat. In 1995, when the terrestrial project impacts were being tallied, it was necessary for a dollar figure to be calculated for project funding. A figure of \$1.8 million was calculated based on averaged property values of lands suggested for possible purchase and preservation at that time. The negotiated amount (\$1.8 million) has become permanently attached to the 6,145 HU's, giving each HU a value of approximately \$293.

It is not our intent to defend using the HSI for establishing a dollar value on habitat in the long term. The HSI, however, places impacted habitat and habitat created or otherwise provided as

Mr. Ed Compton, P.E.

Page 2

March 12, 2002

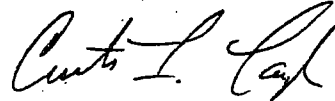
mitigation on an equal footing while allowing evaluation and mitigation of that habitat with numerical consistency.

Linking habitat values, as measured by HSIs, with dollar values is, in general, an inappropriate exercise never intended by model developers. However, having agreed to a total dollar amount, linking HUs to dollars in this unique case will allow purchase of the terrestrial mitigation which all parties agree is the most beneficial result for the wildlife resources involved.

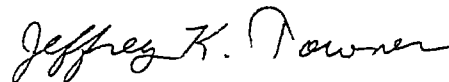
This amount is specific to this project and should not be construed as representing the actual HU value on this or any other project, nor is it to be construed as establishing a precedent. Having issued this disclaimer, we suggest that the WV Division of Highways receive one HU for every \$293 dollars spent. A zero balance will be realized when all \$1.8 million is spent.

We hope this proposal meets with your approval and precipitates the release and expenditure of these mitigation dollars. If you have any questions regarding this proposal, please do not hesitate to contact Keith Krantz (WRS) or John Schmidt/Bill Tolin (Service) of our respective staffs at your earliest convenience.

Sincerely,



Curtis I. Taylor
Chief, Wildlife Resources Section



Jeffrey K. Towner
Field Supervisor,
West Virginia Field Office
U.S. Fish & Wildlife Service

CIT/JKT/kkj



United States Department of the Interior

FISH AND WILDLIFE SERVICE



West Virginia Field Office
694 Beverly Pike

Elkins, West Virginia 26241

AUG 12 2002

James E. Sothen
West Virginia Department of Transportation
Division of Highways
1900 Kanawha Boulevard East
Building 5, Room 110
Charleston, West Virginia 25305-0430

Dear Mr. Sothen:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter dated July 29, 2002, which summarizes the results of the Cheat Mountain salamander, Plethodon nettingi, surveys on the proposed alternative alignments of the Parsons-to-Davis Project of the Appalachian Corridor H highway. In a letter dated July 14, 2000, the Service indicated that the federally threatened Cheat Mountain salamander could occur in the study area and requested that surveys for the Cheat Mountain salamander be conducted if suitable habitat existed. The suitable habitat and salamander inventories were conducted by Dr. Thomas K. Pauley and Dr. Mark B. Watson in the study area in 2000, 2001, and 2002, during suitable climatic conditions.

Although suitable habitat for the Cheat Mountain salamander did occur in the study area, no Cheat Mountain salamanders were collected in the surveys. Based on these results, the Service believes that the construction of the Parsons-to-Davis Project is not likely to adversely affect the Cheat Mountain salamander. Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) is required with the Service in regard to the Cheat Mountain salamander on the Parsons-to-Davis Project. Should project plans change, or if additional information on listed and proposed species becomes available, this determination may be reconsidered.

If you have any questions regarding these comments, please have your staff contact our Endangered Species Specialist, Mr. William A. Tolin, or contact me directly, at (304)-636-6586 or at the letterhead address.

Sincerely,

Jeffrey K. Towner
Field Supervisor



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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

OCT 11 2002



A	I	Int	
			Dir. Administrator
			Asst. Dir. Admin.
			Operations Mgt. Eng.
			Financial Manager
			Planning Eng.
			Structures Eng.
			ROW/Envir. Eng.
			Safety/Traffic Eng.
			Res/TF Eng.
			Trans. Specialist
			Library
			Asst. Coordinator
			Financial Asst.
			AE-1 Design
			AE-2 Operations
			AE-3 Materials
			Asst. Struct./Plan. Eng.
			Computer Specialist
			Structures Trainee
			FMCSA
			File

James E. Sothen, P.E., Director
Engineering Division
West Virginia Department of Transportation
Division of Highways
1900 Kanawha Boulevard East
Building 5, Room 110
Charleston, West Virginia 25305-0430

Dear Mr. Sothen:

Pursuant to your request, dated August 21, 2002, the U.S. Fish and Wildlife Service (Service) has reviewed the Biological Assessment for the West Virginia Northern Flying Squirrel (BA). The BA was prepared to evaluate the impact of alternative alignments being considered in the Appalachian Corridor H, Parsons to Davis Project on the endangered West Virginia northern flying squirrel, Glaucomys sabrinus fuscus (WVNFS). These comments and recommendations are submitted in accordance with Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) (ESA).

By letter, dated July 14, 2000, the Service provided a list of federally listed species, including the WVNFS, that could occur within a new study area outside of the Blackwater Canyon Avoidance Area. Live-trapping surveys were conducted in the study area along the avoidance alternatives and shifts to the original preferred alternative. The WVNFS was discovered in two locations: along Big Run of the Blackwater River, and Middle Run of the North Fork of the Blackwater River. In a letter dated August 24, 2001, the Service recommended that the West Virginia Division of Highways consider alternative alignments that would minimize or avoid impacts to these newly discovered populations. The subject BA responds to our August 24, 2001 recommendation by presenting two basic alternative alignments (SAA1 and SAA2) believed to avoid impacts to the WVNFS.

On September 6, 2001, the Service amended Appendix A, Guidelines for habitat Identification and Management for Glaucomys sabrinus fuscus of the Appalachian Northern Flying Squirrels Recovery Plan (1990) (enclosed). Prior to the amendment, the presence of the WVNFS in a project area was determined by either placing and monitoring nest boxes or live trapping. The Service, the West Virginia Division of Natural Resources, the Monongahela National Forest and

the Recovery Team agreed, based on the data gathering over the past 10 years, that this approach may not have protected WVNFS habitat to the fullest extent possible. The Service and others believe that the WVNFS is less likely to use nest boxes or enter traps in good quality habitat due to the natural presences of numerous den sites and an abundance of preferred foods. Therefore, if an area exhibits suitable habitat, it is assumed to be potentially occupied.

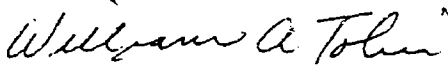
The BA clearly shows that none of the alternatives or combinations thereof, can avoid suitable habitat. In addition, William A. Tolin, Endangered Species Specialist of the Service's West Virginia Field Office, met on-site with Ms. Mindy Ramsey and Ms. Martha Dobyne of Michael Baker, Jr. to review the mapping of the potential habitat. The Service believes far more suitable habitat exists along all the study alignments than is depicted in the BA. This determination is primarily based on the fact that suitable habitat should also include buffers of approximately 150 feet and corridors necessary to provide linkages between suitable habitat. In addition suitable habitat can be represented by very little conifer in the understory which is probably not all picked up by the satellite imagery used in the BA.

The Service believes that based on the presence of suitable habitat in sections of all alternative alignments, it is impossible to avoid incidental take of the WVNFS. However, the Service recommends that a more thorough evaluation of the presence of suitable habitat along the alignments be accomplished to compare the degree of direct and indirect disturbance between alternatives and to aid in the selection of the least damaging alternative as it relates to the WVNFS.

After the National Environmental Policy Act review has been completed, the Service recommends that the evaluation of selected alternative's impacts to the WVNFS be incorporated into an additional, separate Biological Assessment pursuant to Section 7 of the ESA. Biological Assessments are designed to assist federal agencies in determining if formal consultation is required. If it is determined that the proposed action "may affect" a federally listed species the federal agency must request, in writing, formal consultation with this office, pursuant to Section 7(a) of the ESA.

If you have any questions regarding these comments, please have your staff contact our Endangered Species Specialist, Mr. William A. Tolin, or contact me directly, at (304)-636-6586 or at the letterhead address.

Sincerely,


for Jeffrey K. Towner
Field Supervisor

Enclosure

**NRCS Correspondence and
AD-1006 Forms**

Natural
Resources
Conservation
Service

January 22, 2001

HC 85, Box 363
Moorefield, WV
26836

Mary Keith Floyd
Michael Baker Jr., Inc.
Hillcrest Building, Suite 101
1801 Bayberry Court
Richmond, Virginia 23226
Phone: (304) 538-7583
Fax: (304) 538-7676

**Re: Ad - 1006
Blackwater Avoidance - Corridor H**

Dear Ms. Floyd:

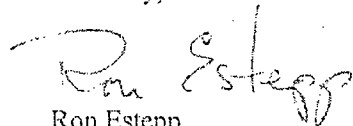
Enclosed are the completed AD-1006 forms for the latest potential alignments of Corridor H through Tucker and Randolph Counties, WV. I am indicating on the forms that the alternatives contain no prime, unique, statewide, or locally important farmland (by definition in the 1995 FPPA final rule), and the Farmland Protection Policy Act does not apply.

This negative determination is very consistent with past evaluations of most corridor-type projects in West Virginia. In our State, the relatively few acres of important farmland soils along a corridor are typically far exceeded by many acres of steep and stony soils. Therefore, our overall ratings for corridor projects are typically low.

As you know, a small acreage of important farmland actually does exist along the alternative corridors. I am sure that individual farmers consider these acreages to be very important. However, when the sum of the land evaluation plus the site assessment of a corridor equals less than 160 points, the FPPA is considered not to apply. Since all the calculated site assessments which you provided are already rather low, and since the maximum land evaluation can be only 100 points, the sums cannot exceed the 160 point threshold for any of the alternative corridors. Previous ratings for similar Corridor H alternative routes showed values at far less than 160, and typically less than 50.

If you have questions about this report, I can be contacted at the above address or by phone at 304-538-7583.

Sincerely,



Ron Estepp,
Soil Scientist

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request	
Name Of Project <u>Blackwater Avoidance - Corridor H</u>		Federal Agency Involved	
Proposed Land Use <u>highway</u>		County And State <u>Tucker, WV</u>	
PART II (To be completed by SCS)		Date Request Received By SCS <u>1/18/01</u>	
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply - do not complete additional parts of this form).		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Major Crop(s)		Acres Irrigated	Average Farm Size
Name Of Land Evaluation System Used		Farmable Land In Govt. Jurisdiction Acres: %	Amount Of Farmland As Defined In FPPA Acres: %
Name Of Local Site Assessment System		Date Land Evaluation Returned By SCS <u>1/23/01</u>	
PART III (To be completed by Federal Agency)		Alternative Site Rating	
A. Total Acres To Be Converted Directly		PA Site A	Grey Site B
B. Total Acres To Be Converted Indirectly		Blue Site C	Red Site D
C. Total Acres In Site			
PART IV (To be completed by SCS) Land Evaluation Information			
A. Total Acres Prime And Unique Farmland			
B. Total Acres Statewide And Local Important Farmland			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value			
PART V (To be completed by SCS) Land Evaluation Criterion			
Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)			
PART VI (To be completed by Federal Agency)			
Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))	Maximum Points		
1. Area In Nonurban Use	15	14	13
2. Perimeter In Nonurban Use	10	10	10
3. Percent Of Site Being Farmed	20	2	1
4. Protection Provided By State And Local Government	20	0	0
5. Distance From Urban Builtup Area	NA	-	-
6. Distance To Urban Support Services	NA	-	-
7. Size Of Present Farm Unit Compared To Average	10	5	5
8. Creation Of Nonfarmable Farmland	25	1	1
9. Availability Of Farm Support Services	5	0	0
10. On-Farm Investments	20	3	3
11. Effects Of Conversion On Farm Support Services	25	0	0
12. Compatibility With Existing Agricultural Use	10	1	1
TOTAL SITE ASSESSMENT POINTS	160	36	34
PART VII (To be completed by Federal Agency)			
Relative Value Of Farmland (From Part V)	100		
Total Site Assessment (From Part VI above or a local site assessment)	160	36	34
TOTAL POINTS (Total of above 2 lines)	260		
Site Selected:	Date Of Selection	Was A Local Site Assessment Used?	
Reason For Selection:		Yes <input type="checkbox"/> No <input type="checkbox"/>	

(See Instructions on reverse side)

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request		1/16/01	
Name Of Project		Blackwater Avoidance - Corridor H			
Proposed Land Use		highway			
		County And State			
		Tucker, WV			
PART II (To be completed by SCS)		Date Request Received By SCS			
		1/18/01			
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply - do not complete additional parts of this form).		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction			Amount Of Farmland As Defined In FPPA	
	Acres: %			Acres: %	
Name Of Land Evaluation System Used	Name Of Local Site Assessment System	Date Land Evaluation Returned By SCS			
		1/23/01			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Red Site B	Site C Purple	Site D
A. Total Acres To Be Converted Directly		240	284	288	
B. Total Acres To Be Converted Indirectly		-	-	-	
C. Total Acres In Site		240	284	288	
PART IV (To be completed by SCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland		0	0	0	
B. Total Acres Statewide And Local Important Farmland		18.5	18.3	16.4	
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by SCS) Land Evaluation Criterion					
Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency)					
Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))	Maximum Points				
1. Area In Nonurban Use	15	13	14	14	
2. Perimeter In Nonurban Use	10	10	10	10	
3. Percent Of Site Being Farmed	20	1	1	1	
4. Protection Provided By State And Local Government	20	0	0	0	
5. Distance From Urban Builtup Area	NA	-	-	-	
6. Distance To Urban Support Services	NA	-	-	-	
7. Size Of Present Farm Unit Compared To Average	10	5	5	5	
8. Creation Of Nonfarmable Farmland	25	1	1	1	
9. Availability Of Farm Support Services	5	0	0	0	
10. On-Farm Investments	20	3	3	3	
11. Effects Of Conversion On Farm Support Services	25	0	0	0	
12. Compatibility With Existing Agricultural Use	10	1	1	1	
TOTAL SITE ASSESSMENT POINTS	160	34	35	35	
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100				
Total Site Assessment (From Part VI above or a local site assessment)	160	34	35	35	
TOTAL POINTS (Total of above 2 lines)	260				
Site Selected:	Date Of Selection	Was A Local Site Assessment Used?			
		Yes <input type="checkbox"/> No <input type="checkbox"/>			
Reason For Selection:					

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request		1/16/01	
Name Of Project		Blackwater Avoidance - Corridor H		Federal Agency Involved	
Proposed Land Use		highway		County And State	
				Tucker, WV	
PART II (To be completed by SCS)		Date Request Received By SCS		1/18/01	
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply - do not complete additional parts of this form).		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction	Acres: %		Amount Of Farmland As Defined in FPPA	
Name Of Land Evaluation System Used	Name Of Local Site Assessment System			Date Land Evaluation Returned By SCS	
				1/23/01	
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Green Site A	Brown Site B	Orange Site C	Site D
A. Total Acres To Be Converted Directly		241	183	279	
B. Total Acres To Be Converted Indirectly		-	-	-	
C. Total Acres In Site		241	183	279	
PART IV (To be completed by SCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland		0	0	0	
B. Total Acres Statewide And Local Important Farmland		16.2	5.6	14.7	
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by SCS) Land Evaluation Criterion					
Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency)					
Site Assessment Criteria (These criteria are explained in 7 CFR 558.5(b))	Maximum Points				
1. Area In Nonurban Use	15	14	14	14	
2. Perimeter In Nonurban Use	10	10	10	10	
3. Percent Of Site Being Farmed	20	1	1	1	
4. Protection Provided By State And Local Government	20	0	0	0	
5. Distance From Urban Builtup Area	NA	-	-	-	
6. Distance To Urban Support Services	NA	-	-	-	
7. Size Of Present Farm Unit Compared To Average	10	5	5	5	
8. Creation Of Nonfarmable Farmland	25	1	1	1	
9. Availability Of Farm Support Services	5	0	0	0	
10. On-Farm Investments	20	3	3	3	
11. Effects Of Conversion On Farm Support Services	25	0	0	0	
12. Compatibility With Existing Agricultural Use	10	1	1	1	
TOTAL SITE ASSESSMENT POINTS	160	35	35	35	
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100				
Total Site Assessment (From Part VI above or a local site assessment)	160	35	35	35	
TOTAL POINTS (Total of above 2 lines)	260				
Site Selected:	Date Of Selection	Was A Local Site Assessment Used?			
		Yes <input type="checkbox"/> No <input type="checkbox"/>			
Reason For Selection:					

(See instructions on reverse side)

Form AD-1006 (10-83)

City of Thomas Resolution

CITY OF THOMAS

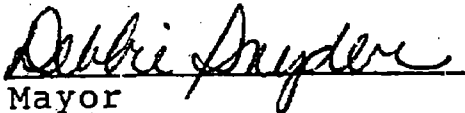
P.O. BOX 248
THOMAS, WV 26292

RESOLUTION

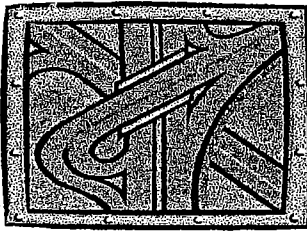
March 13, 2001

The City of Thomas passed a resolution stating that we would like to develop the property as a park but we would like to do it jointly with the West Virginia Division of Highways and the Federal Highway Administration such that Corridor H may be located within property boundaries.

Debbie Snyder


Mayor

**Letters from the Corridor H
Community Advisory Group (CAG)**



CORRIDOR H

COMMUNITY ADVISORY GROUP

FACILITATOR

Kiena Smith
Canaan Valley Institute

**ALPINE HERITAGE
PRESERVATION, INC.**
Walt Ranalli

TOWN OF DAVIS

Randy Schmiedeknecht - Mayor
Lester Dempsey

FRIENDS OF THE 500TH
Chuck Nichols

**HIGHLANDS TRAIL
FOUNDATION**
Buzz Durham

**REGION VII PLANNING AND
DEVELOPMENT COUNCIL**
Thomas DiBacco

CITY OF THOMAS

Debra Snyder - Mayor
Matt Quattro

**TUCKER COUNTY
CONVENTION AND
VISITORS BUREAU**
Murray Dearborn

**TUCKER COUNTY
DEVELOPMENT AUTHORITY**
Sam Eichelberger

**TUCKER COUNTY
PLANNING COMMISSION**
Karen Bonner

**TUCKER GATEWAY
INITIATIVE**
Reid Gilbert

July 13, 2000

WV DOT Division of Highways
1900 Kanawha Blvd, East
Building 5 - Room A 317
Charleston, WV 25305-0430

Attention: James E. Sothen, PE
Director, Engineering Division

re: Corridor H Scoping Meeting
June 14, 2000

The Community Advisory Group has met on several occasions and attended the Scoping Session on June 14, 2000 at Canaan Valley Resort. The following comments and recommendations are a result of these meetings.

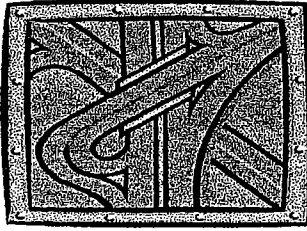
Corridor H will enhance Economic Development in the Davis/Thomas area. In studying alternative routes to the north of Thomas it is desirable to maximize the potential for development and to control how development occurs.

A. The Committee suggests that three interchanges be established as follows:

1. At WV Route 93 near the intersection of WV Route 32 with efficient access to the Industrial Park and Route 32 and other potential areas of development. The obvious advantages of this location are the site of the Tucker County Industrial Park, the Eastern Gateway to the Canaan Valley and Blackwater Falls State Parks and access to the Town of Davis.
2. At US Route 219, North of Thomas (Between Thomas and William). The advantage of this location is to direct commercial traffic onto Corridor H - South or North without going through the downtown shopping, historic, recreational and residential areas of Thomas. This will open up the area north of Thomas for needed residential development and provide access to the Thomas Education Center, Cottrill's Opera House, The historic B&L Building, Mountain-Made and the Thomas business district

The ultimate advantage is the eventual intersection of Corridor H and Continental 1 (Route 219) in the near future.

3. At Route 219, South of Thomas (in the Benbush area). The advantage of this location is the future development of the old airport area for both industrial and residential development. This location also will provide access to the planned recreational development on the South side of the City of Thomas, the Thomas City Park and Cortland Acres Nursing Home and Retirement Village. The Ambulance Authority would also have quick access to the corridor at this location
- B. The Committee suggests that the Study Area be expanded to the south (possibly as far as the Tucker County High School) to provide the opportunity to follow the topography more closely for the northern route and to provide better alternatives for the interchange south of Thomas at USRoute 219.



CORRIDOR H

COMMUNITY ADVISORY GROUP

FACILITATOR

Kiena Smith
Canaan Valley Institute

ALPINE HERITAGE PRESERVATION, INC.

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Sam Eichelberger

TUCKER COUNTY PLANNING COMMISSION

Karen Bonner

TUCKER GATEWAY INITIATIVE

Reid Gilbert

C. Interchanges are preferred to at-grade crossings at the intersections of Corridor H and Route 219 and Routes 219 and 93 for the following reasons:

1. Safety – These areas can be areas of fog, as well as, ice and snow. Grade crossings create areas for high occurrences of accidents
2. Control development – Interchanges will deter strip-mall type development along the highway which will enhance the downtown business areas which are historic, as well as, commercial
3. The proposed Rails-to-Trails corridors can be developed to safely traverse these intersections if interchanges are constructed.

D. The Committee suggests that a Visitors Center/Rest Area, be constructed in the area of study. This would assist in the promotion of the area and provide travelers a place to acquire information on the State Parks, Wildlife areas, recreational opportunities, historic sites, cultural activities, economic benefits, residential and educational information. The possibility of locating the Tucker County Convention and Visitors Bureau in this facility should also be investigated.

E. Because of the delay in construction of Corridor H due to this realignment study, the impact of this delay on the local economy and to support future traffic patterns and economic development, the Committee requests special funding for enhancement and mitigation projects. The funding for Tucker County communities should be similar to the amounts awarded to other communities in the settlement.

In addition, preference should be given from other funding sources, Federal and State, for projects being developed and in future development in the County.

The Committee was asked to identify areas of awareness. They are as follows:

1. The Tire Disposal area just off RT 219 South in the Benbush area
2. Cortland Acres Nursing Home
3. Tucker County Landfill
4. Thomas City Reservoir
5. Thomas City Park

Overall, the Committee feels that a properly designed route within the area of study can be achieved and can be beneficial to the communities of Davis and Thomas.

The Committee submits these comments and suggestions in the spirit of cooperation and hope that serious consideration will be given to them.

Delegated to sign on behalf of the Committee

A M Quattro



**CORRIDOR H
COMMUNITY ADVISORY GROUP**

RECEIVED

FEB 15 2001

February 12, 2001

**ENGINEERING DIVISION
WV DOH**

FACILITATOR

Kiena Smith
Canaan Valley Institute

**ALPINE HERITAGE
PRESERVATION, INC.**

Walt Ranalli

TOWN OF DAVIS

Randy Schmiedeknecht - Mayor
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Mike Ledden

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PLANNING COMMISSION**

Karen Bonner

**TUCKER GATEWAY
INITIATIVE**

Reid Gilbert

WV DOT Division of Highways
1900 Kanawha Blvd East
Building 5 - Room A 317
Charleston, WV 25305-0430

Attention: James E Southern, PE
Director, Engineering Division

re: Corridor H
Community Advisory Group

The Community Advisory Group met on January 25, 2001 to review the Blackwater Avoidance Alternatives prepared by Michael Baker & Associates for the WVDOT

The CAG was given the task of reviewing the proposed alternatives, identifying areas of concern and forwarding recommendations to the WVDOT for consideration.

Although eight alternative routes were studied - four of them were rejected for various reasons by Baker and the CAG had no problem with this decision. None of the four remaining alternatives stood out as being more desirable than the others, as each route has advantages and disadvantages. The committee suggests that further study be done using the desirable and eliminating the undesirable features of each route.

The following should be given maximum consideration:

- No traffic should enter or exit Corridor H by crossing in front of oncoming traffic. This is primarily for safety reasons. The weather conditions, especially fog, dictate that this be given maximum consideration.
- Minimize the impact of the corridor on the landfill and of the landfill on the corridor.
 - the landfill is important to the economy of Tucker County and impact on it must be minimized. It was suggested that the WVDOT and the consultants meet with the County Commissioners and the Tucker County Solid Waste Authority to address any potential landfill problems and development plans.
 - the view of the landfill from the corridor must also be addressed to minimize the effect on the tourist business.
- The intersection of Corridor H at Route 93 & Route 32 in the Davis Area needs to be as safe and accessible as possible. The original diamond-shaped intersection is preferred to the "connector" type of intersections being utilized in most of the alternative designs. An interchange with different grade crossing would be preferable.
- Connector roads need to be kept to a minimum in length and obvious as connections to the corridor.
- The Residential areas in and near the Benbush area should be avoided.
- The intersection of Route 219 north of Thomas should be as far north as possible to minimize the impact on the City of Thomas and for future land development.



CORRIDOR H COMMUNITY ADVISORY GROUP

The Committee did not have any objection to the original preferred route being considered as one of the preferred alternate routes.

The advantages of the original route are:

- It is the most direct route;
- The bridge over the North Fork of the Blackwater would be an asset;
- The intersection at Davis (Route 93 & Route 32) is safer and better designed than the alternatives;
- It is the least costly of all the routes.

The disadvantages of the original route are:

- It goes through the avoidance area;
- There is only one access to the corridor.

It was suggested that if further consideration is given to the original preferred route that a connector to Route 219 north of Thomas be constructed to eliminate the traffic that will have to go through the City of Thomas.

The Committee did feel that two recommendations originally submitted have not been addressed:

- The first is the consideration of construction of a Visitors Center/Rest Area in the Thomas/Davis area. Currently there is no plan to construct any facility along the entire length of the Corridor. Since the Thomas/Davis area is approximately half way between I-79 and I-81, it is a logical place to have a tourist facility. The proximity of the State Parks, Canaan Valley, Wildlife Refuge, etc., also make the choice an obvious one. The request to consider such a facility is again being made and cooperation with the Tucker County Convention and Visitors Bureau in the construction and operation of the facility is suggested.
- Secondly, the request for dedicated funds for enhancement projects was discussed at great length. The communities of Thomas and Davis and the Tucker County Planning Commission have already prepared strategic plans for their respective areas. The next logical step is to develop detailed comprehensive community development plans that specifically address the problems and opportunities of the effect of Corridor H on the infrastructure, economic development, land use and landscaping of the communities. Since part of the Corridor funds are dedicated to enhancement projects, such a plan would insure the proper and efficient use of future enhancement requests. The Committee, again, requests that special consideration be given for these enhancement projects.

The Committee thanks the WVDOT for the opportunity to participate in this planning process and the consideration that will be given to our recommendations.

Delegated to sign on behalf of the Committee,

A M Quattro

Appalachian Corridor H

Parsons-to-Davis SDEIS

Interactive CD-ROM



December 2002

Click on a button below:

Signature Page

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Section 4(f) and 6(f) Analyses

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Existing Env & Env Consequences

Appendix A
Settlement Agreement

Appendix B
Programmatic Agreement



Appalachian Corridor H
Parsons, WV to Davis, WV
Supplemental Environmental Impact Statement
FHWA-WV-EIS-92-01-SD
State Project: X142-H-38.99 C-2
Federal Project: APD-484 (59)

SECTION VIII: REFERENCES

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Appalachian Corridor H

Parsons-to-Davis SDEIS

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Appalachian Corridor H
Parsons, WV to Davis, WV
Supplemental Environmental Impact Statement
FHWA-WV-EIS-92-01-SD
State Project: X142-H-38.99 C-2
Federal Project: APD-484 (59)

APPALACHIAN CORRIDOR H
PARSONS, WEST VIRGINIA TO DAVIS, WEST VIRGINIA
Supplemental Draft Environmental Impact Statement

Submitted Pursuant to: 42 U.S.C. 4332(2)(c), 23 U.S.C. 128(a),
49 U.S.C. 303(c), 16 U.S.C. 470(f), and
80 Stat. 931, Public Law 89-670

US Department of Transportation - Federal Highway Administration and
West Virginia Department of Transportation - Division of Highways

Cooperating Agencies:

US Environmental Protection Agency, US Fish and Wildlife Service, US Forest Service,
US Army Corps of Engineers - Pittsburgh District, US Park Service

12/2/02
Date of Approval

Freddie Van Meter
for West Virginia Department of Transportation

12/4/02
Date of Approval

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This SDEIS consists of a proposal to construct an approximately 10-mile long segment of the Corridor H highway between the termini of Parsons and Davis, West Virginia. This supplemental DEIS was completed pursuant to the February 2000 Settlement Agreement with Corridor H Alternatives, et al. The proposed Parsons-to-Davis Project would provide a four-lane highway with partial control of access on new and existing location. This study evaluates the preliminary engineering and the potential impacts to the economic, social, cultural, natural and physical environment associated with the construction of the proposed project.

Comments on this SDEIS are due by
_____, 2003 and should be sent to:

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Director, Engineering Division
WVDOT - Division of Highways
State Capitol Complex, Building Five
Charleston, WV 25305

Appalachian Corridor H

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Appalachian Corridor H
Parsons, WV to Davis, WV
Supplemental Environmental Impact Statement
FHWA-WV-EIS-92-01-SD
State Project: X142-H-38.99 C-2
Federal Project: APD-484 (59)

**Appalachian Corridor H
Parsons-to-Davis SDEIS**

**Appendix A
Settlement Agreement**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CORRIDOR H ALTERNATIVES, INC.,
et al.,

Plaintiffs,

v.

RODNEY SLATER, Secretary,
U.S. Department of Transportation, et al.,

Defendants.

)
)
) Case No. 1:96-CV-2622 (TFH)
)
)

) SETTLEMENT AGREEMENT
)
)
)
)

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EXHIBITS:

- Exhibit 1: List of "Projects"
- Exhibit 2: Illustration of "Projects"
- Exhibit 3: Map of "Battlefield Area"
- Exhibit 4: Map of "Blackwater Area"
- Exhibit 5: List of Plaintiff Contacts

SIGNATURE PAGES:

Corridor H Alternatives, Inc.
 West Virginia Highlands Conservancy
 West Virginia Citizen Action Group
 West Virginia Environmental Council
 Concerned Citizens Coalition
 Harrison County Environmental Citizens Organization
 Ohio Valley Environmental Coalition
 Downstream Alliance
 Northern Shenandoah Valley Audubon Society
 Student Environmental Network
 Heartwood
 Resource Alliance
 Reynolds Estates Landowners
 Cedar Creek Battlefield Foundation
 Sierra Club
 West Virginia Department of Transportation
 Federal Highway Administration
 U.S. Department of Justice

SETTLEMENT AGREEMENT

This Agreement is entered into this 7th date of February, 2000 by and between Corridor H Alternatives, Inc. ("CHA"), West Virginia Highlands Conservancy, West Virginia Citizen Action Group, West Virginia Environmental Council, Concerned Citizens Coalition, Harrison County Environmental Citizens Organization, Ohio Valley Environmental Coalition, Downstream Alliance, Northern Shenandoah Valley Audubon Society, Student Environmental Network, Heartwood, Resource Alliance, Reynolds Estates Landowners, Cedar Creek Battlefield Foundation, and Sierra Club (collectively, "Plaintiffs"); the West Virginia Department of Transportation ("WVDOT"); and the United States of America, acting by and through the Federal Highway Administration ("FHWA"), an agency within the United States Department of Transportation.

RECITALS

WHEREAS, on August 2, 1996, the FHWA issued a Record of Decision ("August 1996 ROD") approving the general location and design for the Appalachian Corridor H highway ("Corridor H") between Elkins, West Virginia, and the West Virginia/Virginia state line;

WHEREAS, on November 19, 1996, Plaintiffs filed an action in the United States District Court for the District of Columbia ("District Court") alleging that FHWA had issued the August 1996 ROD in violation of the National Environmental Policy Act, 42 U.S.C. §§ 4321 et seq. ("NEPA"), and Section 4(f) of the Department of Transportation Act, 49 U.S.C. § 303 ("Section 4(f)"), which action was docketed as Corridor H Alternatives v. Slater, Case No. 96-CV-2622 (TFH) ("Lawsuit # 1");

WHEREAS, on October 8, 1997, the District Court issued an opinion in Lawsuit # 1 holding that FHWA had complied with NEPA and Section 4(f) in issuing the August 1996 ROD;

WHEREAS, on October 23, 1997, Plaintiffs appealed the District Court's decision in Lawsuit # 1 to the U.S. Court of Appeals for the District of Columbia Circuit ("Court of Appeals");

WHEREAS, on September 24, 1998, CHA filed a new action in the District Court challenging "findings of no constructive use" made by FHWA, pursuant to Section 4(f), for two specific properties, Corricks Ford Battlefield and the Kerns House, which action was docketed as Corridor H Alternatives v. Slater, Case No. 98-CV-2256 ("Lawsuit # 2");

WHEREAS, on November 5, 1998, Plaintiffs requested that the District Court issue an injunction pending appeal in Lawsuit # 1 to prevent WVDOT from proceeding with any further construction of Corridor H outside an approximately 3.5-mile section near Elkins;

WHEREAS, on November 23, 1998, the Court of Appeals granted the injunction pending appeal in Lawsuit # 1, prohibiting WVDOT from proceeding with any construction of Corridor H other than construction of the approximately 3.5-mile section that Plaintiffs stated they did not oppose;

WHEREAS, on February 9, 1999, the Court of Appeals issued an opinion and judgment affirming the District Court decision upholding FHWA's compliance with NEPA, but reversing the District Court's decision with respect to Section 4(f), and instructing the District Court to issue an order prohibiting FHWA from proceeding further with Corridor H pending completion of the remaining studies required under Section 4(f);

WHEREAS, on March 30, 1999, pursuant to an agreement among the parties, the District Court dismissed Lawsuit # 2 without prejudice to CHA's right to challenge any future findings of no constructive use that might be made by FHWA with respect to Corricks Ford Battlefield and the Kerns House;

WHEREAS, on April 20, 1999, the Court of Appeals issued an order providing, inter alia, that FHWA and WVDOT may proceed with construction of that portion of Corridor H known as the Northern Elkins Bypass, and that the District Court has discretion to preside over settlement negotiations and to approve any settlement that may be reached by the parties, provided that such settlement is not inconsistent with the Court of Appeals' February 9, 1999 opinion in Lawsuit # 1;

WHEREAS, on April 26, 1999, FHWA issued an Amended ROD authorizing construction of the Northern Elkins Bypass to proceed;

WHEREAS, on May 5, 1999, the District Court issued an order referring the case to the court's mediation program and further providing, inter alia, that "if the case settles in whole or in part, counsel shall advise the Court of the settlement by filing a stipulation";

WHEREAS, on May 5, 1999, the District Court issued an order that, inter alia, enjoined any further construction, design, or right-of-way acquisition on Corridor H pending completion of the remaining studies of historic properties for the project and issuance of an Amended ROD for Corridor H, and also provided that the Court would "retain jurisdiction of this case, including the authority to modify this order as appropriate, pending the outcome of ongoing settlement negotiations among the parties";

WHEREAS, the parties desire to eliminate, to the maximum extent possible, the potential for future litigation;

WHEREAS, the parties recognize that any settlement involving potential alignment shifts for Corridor H must take into account the interests and concerns of those potentially affected by such alignment shifts, and must not pre-determine or prejudice the outcome of any future studies regarding such alignment shifts;

WHEREAS, WVDOT is committed to the completion of Corridor H as a continuous four-lane highway, and FHWA supports WVDOT's efforts to achieve that objective provided that such efforts are carried out in compliance with all applicable laws;

WHEREAS, CHA has a continuing interest in, and different priorities for, transportation improvements in West Virginia and the Appalachian region, which do not include the completion of Corridor H as a continuous four-lane highway, and that CHA intends to continue advocating those priorities;

WHEREAS, WVDOT intends to sequence the construction of Corridor H in a manner that allows for the completion of useable sections to the greatest extent practicable within each construction season, or over a series of consecutive construction seasons where necessary due to funding, weather, engineering, environmental, or other factors;

NOW, Therefore, the parties agree as follows:

I. DEFINITIONS

Whenever the terms listed below are used in this Agreement, the following definitions shall apply:

1. "Advance Notice Statute" means any federal or state statutory provision under which Plaintiffs would be required to provide notice to a federal or state agency before filing a lawsuit challenging a decision by that agency.

2. "Advisory Council" means the Advisory Council on Historic Preservation and any successor departments, agencies, or instrumentalities of the United States.

3. "Agreement" means this Agreement.

4. "Amended ROD" means any ROD issued by FHWA for any Project under this Agreement.

5. "Baker" means the village of Baker, West Virginia.

6. "Baker-to-Wardensville Project" means the portion of Corridor H from Baker (at WV Route 259, 0.6 miles east of the intersection with WV Route 259/55) to Wardensville (at County Route 23/12, 0.2 miles south of WV Route 259).

7. "Battlefield Alignment" means the alignment for the Kerens-to-Parsons Project that FHWA approved in the August 1996 Corridor H ROD, or any other alignment for the Kerens-to-Parsons Project that is located at least partly within the Battlefield Area.

8. "Battlefield Area" means the area within and around the Corricks Ford Battlefield, as depicted on Exhibit 3.

9. "Battlefield Avoidance Alignment" means any alignment for Corridor H that is located entirely outside the Battlefield Area.

10. "Bismarck" means the village of Bismarck, West Virginia.
11. "Bismarck-to-Forman Project" means the portion of Corridor H from Bismarck (at WV Route 42, 0.4 miles south of the intersection with WV Route 42/93) to Forman (at County Route 5, near Thorn Run).
12. "Blackwater Alignment" means the alignment for the Thomas-Davis Section that FHWA approved in the August 1996 Corridor H ROD, or any other alignment for the Thomas-Davis Section that is located at least partly within the Blackwater Area.
13. "Blackwater Area" means the area within and around the Blackwater Valley, south of Thomas, as depicted on Exhibit 4.
14. "Blackwater Avoidance Alignment" means any alignment for Corridor H that is located entirely outside the Blackwater Area.
15. "CHA" means Corridor H Alternatives, Inc., any corporations that are subsidiaries of CHA or are otherwise legally affiliated with CHA, any successors-in-interest to CHA, and any existing or future entities, associations, or groups formed by or with the direct involvement of any persons who, as of the Effective Date, are directors or officers of CHA partly or entirely for the purpose of opposing Corridor H or any Project or for the purpose of promoting alternatives to Corridor H or any Project.
16. "Corridor H" means all or a portion of the Appalachian Corridor H highway, between Aggregates, West Virginia, and the West Virginia/Virginia State Line.

17. "Court of Appeals" means the United States Court of Appeals for the District of Columbia Circuit.

18. "Davis" means the town of Davis, West Virginia.

19. "Davis-to-Bismarck Project" means the portion of Corridor H from Davis (at WV Route 93, 0.7 miles east of WV Route 32) to Bismarck (at WV Route 42, 0.4 miles south of the intersection with WV Route 42/93).

20. "Delivery Date" when used in reference to the delivery of document to any Party under this Agreement is the date on which the delivery of that document to that Party is completed in accordance with the procedures established in Section II, Part E of the Agreement, except as otherwise specifically provided in this Agreement.

21. "District Court" means the United States District Court for the District of Columbia.

22. "Effective Date" means the date on which the District Court enters an order in Lawsuit # 1 approving the Agreement.

23. "Elkins-to-Kerens Project" means the portion of Corridor H from Elkins (at the terminus of the Northern Elkins Bypass, 0.55 miles east of County Route 11) to Kerens (0.2 miles north of County Route 7).

24. "Exhibit" means an exhibit attached to the Agreement.

25. "Facsimile Delivery Procedure" is the delivery procedure specified in Section II, Part E, Paragraph 2 of this Agreement.

26. "Feasible" and "Feasibility" when used in quotation marks have the same meaning as those terms are given in Section 4(f), as interpreted through governing case law, regulations, guidance, and policy statements.

27. "FHWA" means the Federal Highway Administration and any successor departments, agencies, or instrumentalities of the United States.

28. "Forman" means the town of Forman, West Virginia.

29. "Forman-to-Moorefield Project" means the portion of Corridor H from Forman (at County Route 5, near Thorn Run) to Moorefield (at County Route 15, 0.5 miles west of WV Route 55).

30. "Greenland Gap" means the valley between Scherr and Greenland, West Virginia, from a point just west of the intersection of County Route 1 and WV Route 93 to the intersection of County Route 1 and County Route 3/3.

31. "Hardship Acquisition" has the same meaning as that term is given in 23 C.F.R. § 771.117(d)(12), footnote 3.

32. "Improved Roadway Alternative" means any alternative that calls for the improvement of an existing two-lane or three-lane roadway, or the construction of a new

two-lane or three-lane roadway, in lieu of the completion of all or a portion of Corridor H as a four-lane, divided highway.

33. “Keeper” means the Keeper of the National Register, or any other official within the United States Department of the Interior vested with authority to determine the eligibility of historic properties for listing in the National Register, pursuant to 16 U.S.C. § 470a.

34. “Kerens-to-Parsons Project” means the portion of Corridor H from Kerens (0.2 miles north of County Route 7) to Parsons (County Route 219/4, 0.2 miles south of the northernmost point at which County Route 219/4 intersects with US Route 219).

35. “Lawsuit # 1” means all stages of the lawsuit that was originally docketed as Corridor H Alternatives, et al. v. Pena et al., Case No. 96-CV-2622 (TFH), in the District Court and was docketed as Corridor H Alternatives et al. v. Slater, Case No. 97-5301, in the Court of Appeals.

36. “Lawsuit # 2” means the lawsuit docketed as Corridor H Alternatives v. Slater et al., Case No. 98-CV-2256 (TFH) in the District Court.

37. “Moorefield” means the Town of Moorefield, West Virginia.

38. “Moorefield-to-Baker Project” means the portion of Corridor H from Moorefield (at County Route 15, 0.5 miles west of WV Route 55) to Baker (at WV Route 259, 0.6 miles east of the intersection with WV Route 259/55).

39. "MSBV EA" means the August 1999 Environmental Assessment for the Middle South Branch Valley Alternatives for Corridor H.

40. "National Register" means the National Register of Historic Places, as maintained by the United States Department of the Interior, pursuant to 16 U.S.C. § 470a.

41. "NEPA" means the National Environmental Policy Act of 1970, 42 U.S.C. § 4321, et seq.

42. "NEPA Document" means any document or report prepared by or on behalf of FHWA or WVDOT pursuant to NEPA for a Project, including but not necessarily limited to any Environmental Assessment, Finding of No Significant Impact, Draft SEIS, Final SEIS, or Amended ROD, but not including any pre-decisional, deliberative, or privileged materials.

43. "NPS" means the National Park Service and any successor departments, agencies, or instrumentalities of the United States.

44. "Paragraph" (when used in reference to a portion of the Agreement) means a portion of the Agreement contained under a heading that begins with an arabic numeral (1,2,3, etc.)

45. "Parsons-to-Davis Project" means the portion of Corridor H from Parsons (at County Route 219/4, 0.2 miles south of US Route 219) to Davis (at WV Route 93, 0.7 miles east of WV Route 32).

46. "Part" when used in reference to a portion of the Agreement means a portion of the Agreement contained under a heading that begins with an upper-case letter (A,B,C, etc.)

47. "Parties" means the United States, acting by and through FHWA; WVDOT; and the Plaintiffs.

48. "Plaintiffs" means all named Plaintiffs in Lawsuit # 1, including CHA, the West Virginia Highlands Conservancy, the West Virginia Citizen Action Group, the West Virginia Environmental Council, the Concerned Citizens Coalition, the Harrison County Environmental Citizens Organization, the Ohio Valley Environmental Coalition, the Downstream Alliance, the Northern Shenandoah Valley Audubon Society, the Student Environmental Network, Heartwood, the Resource Alliance, the Reynolds Estates Landowners, the Cedar Creek Battlefield Foundation, and the Sierra Club, any corporations that are subsidiaries of a Plaintiff or are otherwise legally affiliated with a Plaintiff, as well as any successors-in-interest to any such organization, and (except in the case of the Sierra Club) any existing or future entities, associations, or groups formed by or with the direct involvement of any persons who, as of the Effective Date, are directors or officers of any Plaintiff partly or entirely for the purpose of opposing Corridor H or any Project or for the purpose of promoting alternatives to Corridor H or any Project.

49. "Programmatic Agreement" means the Programmatic Agreement entered into by FHWA, the Advisory Council, and the SHPO with respect to Corridor H on November 8, 1995.

50. "Project" means a section of Corridor H for which an Amended ROD may be issued pursuant to this Agreement.

51. "Project Status Report" means any document required to be prepared by WVDOT pursuant to Section IV, Part B, Paragraph 6 of this Agreement.

52. "Protective Acquisition" has the same meaning as that term is given in 23 C.F.R. § 771.117(d)(12), footnote 3.

53. "Prudent" and "Prudence" when used in quotation marks have the same meaning as those terms are given in Section 4(f), as interpreted through governing case law, regulations, guidance, and policy statements.

54. "Return Receipt Delivery Procedure" is the delivery procedure specified in Section II, Part E, Paragraph 1 of this Agreement.

55. "ROD" means a Record of Decision issued pursuant to NEPA.

56. "Section" when used in reference to a portion of the Agreement means a portion of the Agreement contained under a heading that begins with an upper-case roman numeral (I, II, III, etc.)

57. "Section 106" means Section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. § 470f.

58. "Section 106 Activities" means any activities required to be undertaken for a Project pursuant to Section 106, including but not necessarily limited to activities required to be undertaken pursuant to the Programmatic Agreement.

59. "Section 4(f)" means Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. § 303(c).

60. "Section 4(f) Activities" means any activities required to be undertaken for a Project pursuant to Section 4(f).

61. "Section 4(f) Document" means any finding, evaluation, report, or other document prepared by or on behalf of FHWA or WVDOT pursuant to Section 4(f) with respect to a Project, including but not necessarily limited to any finding of no constructive use and any approval of the use of a Section 4(f) Resource, but not including any pre-decisional, deliberative, or privileged materials.

62. "Section 4(f) Resource" means any park, recreation area, wildlife or waterfowl refuge or historic site that is protected under Section 4(f).

63. "SEIS" means a Supplemental Environmental Impact Statement, prepared by FHWA and WVDOT in accordance with NEPA and other applicable laws and regulations.

64. "SHPO" means the West Virginia State Historic Preservation Officer, or an official authorized to act on his or her behalf for purposes of Section 106.

65. "Stand-Down Period" when used in reference to any Amended ROD is a period of 15 calendar days following the date on which Plaintiffs receive a copy of that Amended ROD from WVDOT pursuant to this Agreement.

66. "Thomas" means the Town of Thomas, West Virginia.

67. "Thomas-Davis Section" means the portion of the Parsons-to-Davis Project from a point west of Thomas (approximately 0.9 miles east of the intersection of US Route 219 and Forest Road 18, near Big Run) to a point east of Davis (at WV Route 93, 0.7 miles east of WV Route 32).

68. "United States" means the United States of America, including its departments, agencies, and instrumentalities.

69. "Use" when used in quotation marks in this Agreement has the same meaning as that term is given in Section 4(f), as interpreted through governing case law, regulations, guidance, and policy statements.

70. "USFS" means the United States Forest Service and any successor departments, agencies, or instrumentalities of the United States.

71. "Wardensville" means the Town of Wardensville, West Virginia.

72. "Wardensville-to-Virginia Project" means the portion of Corridor H from Wardensville (at County Route 23/12, 0.2 miles south of WV Route 259) to a point on WV Route 55 approximately 100 feet west of the West Virginia/Virginia state line.

73. "WVDOT" means the West Virginia Department of Transportation, including the West Virginia Division of Highways, and any successor departments, agencies, or instrumentalities of the State of West Virginia.

74. "WVDOT-Owned Right-of-Way" means all property owned by WVDOT as right-of-way for any highway, other roadway, or recreational trail.

II. GENERAL PROVISIONS

A. Parties Bound

This Agreement is binding upon the United States, including FHWA; the State of West Virginia, including WVDOT; and the Plaintiffs.

B. Amendments

This Agreement may be amended by mutual written consent of all Parties. Any amendments to this Agreement will become effective upon approval by the District Court.

C. Integration

The Agreement (including the Exhibits) constitutes the final, complete, and exclusive agreement and understanding among the Parties with respect to the settlement embodied in the Agreement. The Parties acknowledge that there are no representations, agreements, or understandings relating to the settlement other than those expressly contained in the Agreement. The following Exhibits are attached to and incorporated into the Agreement:

1. Exhibit 1: List of "Projects"
2. Exhibit 2: Illustration of "Projects"

3. Exhibit 3: Map of "Battlefield Area"
4. Exhibit 4: Map of "Blackwater Area"
5. Exhibit 5: List of Plaintiff Contacts

D. Federal Authority

This Agreement shall not be construed to (1) deprive any official of the United States of authority to revise, amend, or promulgate regulations, (2) commit any official of the United States to expend funds not appropriated by Congress or to seek appropriations from Congress, or (3) limit the ability of Congress to amend the laws of the United States.

E. Delivery of Documents

Documents required to be delivered to any Party under this Agreement shall be delivered to that Party in accordance with the Return-Receipt Delivery Procedure or the Facsimile Delivery Procedure, as specified in the applicable provision of the Agreement, or via any other procedure that is specifically authorized in this Agreement or that may subsequently be agreed-upon by the Parties in writing. Compliance with such procedures shall completely satisfy a Party's obligation to deliver any document to another Party pursuant to this Agreement.

1. Return-Receipt Delivery Procedure

Any Party may transmit a document to another Party pursuant to the "Return Receipt Delivery Procedure" by transmitting that document to the other Party at each of the addresses specified in this Paragraph via either of the following methods: (1) U.S. Postal Service, certified mail, return receipt requested, or (2) any commercial delivery service that provides a written return receipt bearing the signature of the recipient.

a. Return-Receipt Delivery to Plaintiffs

Documents delivered to the Plaintiffs pursuant to the Return-Receipt Delivery Procedure shall be delivered to each of the individuals specified in Exhibit 5 at the addresses specified therein, unless those individuals or their successors give notice of a change to the other Parties in writing. Notwithstanding any other provision of this Agreement, the Delivery Date for any document delivered to the Plaintiffs pursuant to the Return-Receipt Delivery Procedure shall be the date on which a return receipt for that document is signed by the President of Corridor H Alternatives, Inc.

b. Return-Receipt Delivery to WVDOT

Documents delivered to WVDOT pursuant to the Return-Receipt Delivery Procedure shall be delivered to each of the following individuals at the addresses specified below, unless those individuals or their successors give notice of a change to the other Parties in writing:

Sheila D. Jones, Esq.
William G. Malley, Esq.
Cutler & Stanfield, L.L.P.
700 14th St. NW
Tenth Floor
Washington, DC 20005
(202) 624-8400

Randolph T. Epperly, Jr.
West Virginia Division of Highways
1900 Kanawha Blvd. East, Building 5
Room 129
Charleston, WV 25305
(304) 558-6266

c. Return-Receipt Delivery to FHWA

Documents delivered to FHWA pursuant to the Return-Receipt Delivery Procedure shall be delivered to each of the following individuals at the addresses specified below, unless those individuals or their successors give notice of a change to the other Parties in writing:

Brett Gainer, Esq.
Office of the Chief Counsel
Federal Highway Administration
10 S. Howard St.
Suite 4000
Baltimore, MD 21201
(410) 962-0936

Thomas Smith
Division Administrator
Federal Highway Administration
700 N. Washington St.
Suite 200
Charleston, WV 25301
(304) 347-5928

2. Facsimile Delivery Procedure

Any Party may transmit a document to another Party pursuant to the "Facsimile Delivery Procedure" by transmitting that document to the other Party at the facsimile number and addresses specified in this Paragraph via both of the following methods: (1) facsimile transmission and (2) any commercial overnight delivery service.

a. Facsimile Delivery to Plaintiffs

Documents delivered to the Plaintiffs pursuant to the Facsimile Delivery Procedure shall be delivered to the facsimile number and address specified below, unless the Plaintiffs give notice of a change to the other Parties in writing:

Andrea Ferster, Esq.
1100 17th St. NW

Tenth Floor
Washington, DC 20036
(202) 974-5142
(202) 331-9680 (facsimile)

b. Facsimile Delivery to WVDOT

Documents delivered to WVDOT pursuant to the Facsimile Delivery Procedure shall be delivered to the facsimile number and address specified below, unless WVDOT gives notice of a change to the other Parties in writing:

Sheila D. Jones, Esq.
William G. Malley, Esq.
Cutler & Stanfield, L.L.P.
700 14th St. NW
Tenth Floor
Washington, DC 20005
(202) 624-8400
(202) 624-8410 (facsimile)

c. Facsimile Delivery to FHWA

Documents delivered to FHWA pursuant to the Facsimile Delivery Procedure shall be delivered to the facsimile number and address specified below, unless FHWA gives notice of a change to the other Parties in writing:

Brett Gainer, Esq.
Office of the Chief Counsel
Federal Highway Administration
10 S. Howard St.
Suite 4000
Baltimore, MD 21201
(410) 962-0936
(410) 962-4586 (facsimile)

III. RESOLUTION OF MAJOR ISSUES IN DISPUTE

A. Elkins to Kerens

1. Issuance of Amended ROD

FHWA may issue an Amended ROD granting approval for the Elkins-to-Kerens Project without any further study or consultation.

2. Implementation of Amended ROD

Following the issuance of the Amended ROD for the Elkins-to-Kerens Project, FHWA and WVDOT may proceed immediately, without any Stand-Down Period, with any remaining final design activities, right-of-way acquisition, and construction within the Elkins-to-Kerens Project.

3. Right to Challenge Amended ROD

Plaintiffs hereby waive the right to bring an action under the Administrative Procedure Act or any other law alleging that FHWA's issuance of the Amended ROD for the Elkins-to-Kerens Project was not granted in accordance with NEPA, Section 4(f), Section 106, or any other applicable law or regulation.

B. Kerens to Parsons

1. Alignment Shift Study (SEIS)

FHWA and WVDOT will prepare a Supplemental Environmental Impact Statement ("SEIS") to examine one or more potential alignment shifts for the Kerens-to-Parsons Project. The SEIS will be prepared in accordance with NEPA and all other applicable laws in existence at the time the SEIS is prepared and the following provisions:

a. Range of Alternatives

The SEIS will evaluate a reasonable range of alternatives for completing the Kerens-to-Parsons Project. The range of alternatives will include one or more Battlefield Avoidance Alignments and the Battlefield Alignment.

b. Evaluation of Alternatives

The SEIS will evaluate the Battlefield Avoidance Alignment(s) to determine whether any such alternative (1) is "feasible" and "prudent" and (2) does not "use" any land protected by Section 4(f). The evaluation required by this Paragraph will be included in draft form in the Draft SEIS and in final form in the Final SEIS.

2. Alignment Selection

In the Final SEIS, FHWA and WVDOT will select the alignment for the Kerens-to-Parsons Project in accordance with the following provisions:

a. If Any Battlefield Avoidance Alignment is "Prudent" and "Feasible" and Avoids All Section 4(f) Resources:

If FHWA determines that there is a Battlefield Avoidance Alignment that is "prudent" and "feasible" and does not "use" any Section 4(f) resources, FHWA will include this determination together with the supporting rationale in the Final SEIS.

WVDOT may then select as its preferred alternative any Battlefield Avoidance Alignment that is "prudent" and "feasible" and does not "use" any Section 4(f) resources and FHWA may approve the selection of that alternative in an Amended ROD for the Kerens-to-Parsons Project.

b. If None of the Battlefield Avoidance Alignments Is "Prudent" and "Feasible":

If FHWA determines that no Battlefield Avoidance Alignment is both “prudent” and “feasible,” FHWA will include this determination together with the supporting rationale in the Final SEIS. WVDOT may then select as its preferred alternative the Battlefield Alignment and FHWA may approve the selection of that alternative in an Amended ROD for the Kerens-to-Parsons Project.

c. If None of the “Prudent” and “Feasible” Battlefield Avoidance Alignments Avoids the Use of Section 4(f) Resources:

If FHWA determines one or more of the Battlefield Avoidance Alignments is “prudent” and “feasible,” but also determines that any such alternative involves the unavoidable “use” of Section 4(f) lands, FHWA and WVDOT will proceed as follows:

(1) Re-Consider “Prudence” and “Feasibility” of Battlefield Alignment

FHWA will re-evaluate the “prudence” and “feasibility” of the Battlefield Alignment, by taking into consideration all relevant factors, including but not limited to the cost of mitigation associated with that alignment, and determine whether the Battlefield Alignment is “prudent” and “feasible.”

If FHWA determines that the Battlefield Alignment is not “prudent” and/or is not “feasible,” FHWA will include this determination together with the supporting rationale in the Final SEIS. WVDOT may then select as its preferred alternative the “prudent” and “feasible” Battlefield Avoidance Alignment that minimizes harm to Section 4(f) resources and FHWA may approve the selection of that alternative in an Amended ROD for the Kerens-to-Parsons Project.

(2) Re-Consider “Use” of 4(f) Resources by Battlefield Alignment

If FHWA determines that the Battlefield Alignment is “prudent” and “feasible,” FHWA will re-evaluate its July 16, 1998 finding that the Battlefield Alignment does not “use” any Section 4(f) resources. This re-evaluation will be conducted in light of the administrative record for the previous finding as well as any additional information or changed circumstances that may exist at that time.

If FHWA determines that the Battlefield Alignment “uses” any Section 4(f) resource, FHWA will include this determination together with the supporting rationale in the Final SEIS. FHWA will then weigh the harm to Section 4(f) resources caused by the Battlefield Alignment against the harm to Section 4(f) resources caused by the “prudent” and “feasible” Battlefield Avoidance Alignments.

If FHWA determines that the Battlefield Alignment causes greater harm to Section 4(f) resources than one or more of the Battlefield Avoidance Alignments, or causes substantially equal harm to Section 4(f) resources when compared to one or more of the Battlefield Avoidance Alignments, FHWA will include this determination together with the supporting rationale in the Final SEIS. WVDOT may then select as its preferred alternative the “prudent” and “feasible” Battlefield Avoidance Alignment that minimizes harm to Section 4(f) resources and FHWA may approve the selection of that alternative in an Amended ROD for the Kerens-to-Parsons Project.

(3) Select Battlefield Alignment If It Is Prudent and Feasible and Avoids All Section 4(f) Resources

If FHWA determines that the Battlefield Alignment is “prudent” and “feasible,” and further determines that the Battlefield Alignment avoids all Section 4(f) Resources, FHWA will include this determination together with the supporting rationale in the Final SEIS.

WVDOT may then select the Battlefield Alignment as its preferred alternative and FHWA may approve the selection of that alternative in an Amended ROD for the Kerens-to-Parsons Project.

3. Issuance of Amended ROD

FHWA may issue an Amended ROD granting approval for the Kerens-to-Parsons Project after (1) completing the SEIS for the Kerens-to-Parsons Project, (2) completing all Section 106 Activities and Section 4(f) Activities for this Project, and (3) making any findings required by this Agreement.

4. Implementation of Amended ROD

Following the issuance of an Amended ROD for the Kerens-to-Parsons Project, FHWA and WVDOT may proceed with any remaining final design activities, right-of-way acquisition, and construction of the Kerens-to-Parsons Project.

5. Right to Challenge Amended ROD

Except as specifically provided in Section IV of this agreement, Plaintiffs retain the right to file an action under the Administrative Procedure Act or other applicable authority challenging an Amended ROD for the Kerens-to-Parsons Project based on alleged non-compliance with any applicable law or with any additional requirements imposed by this Agreement or the Programmatic Agreement.

C. Parsons to Davis

1. Alignment Shift Study (SEIS)

FHWA and WVDOT will prepare an SEIS to evaluate one or more alignment shifts for the Thomas-Davis Section of the Parsons-to-Davis Project. The SEIS will be prepared

in accordance with NEPA and all other applicable laws in existence at the time the SEIS is prepared and with the following provisions:

a. Range of Alternatives

The SEIS will evaluate a reasonable range of alternatives for completing the Thomas-Davis Section of the Parsons-to-Davis Project. The range of alternatives will include one or more Blackwater Avoidance Alignments and the Blackwater Alignment.

b. Evaluation of Alternatives

The SEIS will evaluate the Blackwater Avoidance Alignment(s) to determine whether there is any such alternative that (1) is “feasible” and “prudent” and (2) does not “use” any land protected by Section 4(f). The evaluation required by this Paragraph will be included in draft form in the Draft SEIS and in final form in the Final SEIS.

2. Additional Public Involvement Opportunities

In addition to the public involvement efforts required by law, WVDOT also will undertake the following efforts to enhance opportunities for the affected communities to participate in conducting the study and in selecting the preferred alternative for the Thomas-Davis Section.

a. Community Advisory Group

WVDOT will establish and consult with a Community Advisory Group (“CAG”) of not more than twelve (12) members representing a cross-section of the interests potentially affected by the location of Corridor H in the Davis and Thomas areas.

(1) Role

The role of the CAG will be to broaden the opportunities for public involvement in all phases of the SEIS for the Thomas-Davis Section, from the initial scoping stage through the final selection of a preferred alternative. This role will include three major elements: (1) identifying the range of interests potentially affected by the location and design of the Thomas-Davis Section, including economic development, transportation, environmental, and historic preservation interests (i.e., stakeholders); (2) evaluating a range of approaches to resolving any actual or potential conflicts among those interests; and (3) if possible, identifying a particular alternative that is acceptable to all stakeholders.

(2) Membership

WVDOT will establish a 60-day period during which members of the CAG may be appointed. The right to appoint members will be allocated as follows:

1. The City Council of the City of Thomas (appoints two members)
2. The City Council of the Town of Davis (appoints two members)
3. Tucker County Planning Commission (appoints one member)
4. Tucker County Convention & Visitors Bureau (appoints one member)
5. Tucker County Development Authority (appoints one member)
6. Region VII Planning and Development Council (appoints one member)
7. Alpine Heritage Preservation, Inc. (appoints one member)
8. Tucker County Gateway Project (appoints one member)
9. Highlands Trail Foundation (appoints one member)
10. Friends of the 500th (appoints one member)

If any entity listed in this Paragraph fails to exercise its right to appoint a member or members of the CAG within the 60-day period specified herein, WVDOT will consult with CHA regarding the selection of the remaining member or members. In consultation with CHA, WVDOT will then: (1) appoint the remaining member or members, (2) invite another entity to appoint the remaining member or members, or (3) extend the period within which the appointing entity may appoint a member or members to the CAG.

The power to appoint a member is plenary: it includes the power to appoint, to remove, and to replace, and the exercise of this power is solely within the discretion of the appointing authority.

(3) Facilitator

In consultation with CHA, WVDOT will retain the services of a facilitator, who will be responsible for scheduling and facilitating meetings of the CAG and for serving as a liaison between the CAG and WVDOT. In selecting a facilitator, WVDOT will seek an individual from the Canaan Valley Institute or elsewhere with the following characteristics: (1) experience as a facilitator, (2) familiarity with Davis and Thomas and the surrounding area, (3) familiarity with transportation and environmental issues, (4) independence and objectivity, and (5) ability to devote sufficient time to the project. WVDOT will not select as the facilitator any past or current employee of FHWA, WVDOT, or the consultant preparing the SEIS, nor will WVDOT select any person with a known personal interest in the location of the Thomas-Davis Section. WVDOT may retain the facilitator either directly or as a sub-contractor to the consultant preparing the SEIS.

(4) Meetings

The dates, agendas, and formats for meetings of the CAG will be determined by the members of the CAG in conjunction with the facilitator, not by WVDOT. However, WVDOT will take appropriate actions within its authority to ensure that all meetings of the CAG are open to the public; are held at locations convenient to members of the Davis and Thomas communities; and are held on a regular basis throughout the development of the SEIS.

(5) Access to Project Records

WVDOT will provide opportunities for members of the CAG to review technical reports, maps, and other materials during the preparation of the SEIS, to the extent that such materials would otherwise be available to the public at large. All information provided to members of the CAG will be considered a matter of public record and therefore may be distributed without restriction to the public at large.

(6) Coordination with NEPA Process

WVDOT will inform the members of the CAG of upcoming events in the NEPA process so that the members of the CAG will have an opportunity to schedule their meetings accordingly. WVDOT will not be required by this Agreement to postpone any action based on the meeting schedule of the CAG.

(7) Effect on WVDOT Decisions

WVDOT will consider the views expressed by the members of the CAG, whether individually or collectively, in reaching its decisions regarding the scope of the SEIS and the location and design of the Thomas-Davis Section. WVDOT will not be required to

adopt recommendations made by members of the CAG, individually or collectively, nor will WVDOT be required to give such recommendations greater weight than recommendations made by any other agency, organization, or individual.

b. City Councils

FHWA and WVDOT will provide an opportunity for the city councils of Thomas and Davis to express their views on the alignments under consideration. FHWA and WVDOT will solicit the views of the city councils as follows:

(1) Invitations

After completion of the public comment period on the Draft SEIS, WVDOT will transmit a letter to each city council requesting that the council express its views on the location and design of the Thomas-Davis Section. The transmittal of these letters will initiate an additional 60-day period for each city council to consider the alternatives examined in the SEIS and to express its views on one or more of those alternatives.

(2) Identification of Preferred Alternative

In its letter to each city council, WVDOT will identify its preferred alternative for the Thomas-Davis Section and will explain its reasons for selecting that alternative. The identification of a preferred alternative by WVDOT at this stage of the process will not preclude WVDOT from changing its preferred alternative at a later stage based on the city councils' comments or other new information or changed circumstances.

(3) Presentations to City Councils

In its letter to each city council, WVDOT will offer to make a presentation to each city council outlining WVDOT's reasons for selecting its preferred alternative for the

Thomas-Davis Section. WVDOT will request that the City Council provide an opportunity for CHA to express its views on the preferred alternative at any such presentation.

(4) Effect of Decision by City Councils

If, during the 60-day period specified above, either city council adopts a resolution opposing all of the Blackwater Avoidance Alignments or supporting the Blackwater Alignment, FHWA and WVDOT will have the right (but not the obligation) under this Agreement to discontinue consideration of the Blackwater Avoidance Alignments without preparing a Final SEIS for the Thomas-Davis Section. Under those circumstances, FHWA and WVDOT would then be free to proceed with any remaining steps in the approval process for the Blackwater Alignment.

3. Alignment Selection

If the Blackwater Avoidance Alignments have not been eliminated from consideration based on the actions of the city council(s) of Davis and/or Thomas, pursuant to this Agreement, FHWA and WVDOT will proceed with preparation of a Final SEIS for the Thomas-Davis Section. In the Final SEIS, FHWA and WVDOT will select the alignment for the Thomas-Davis Section in accordance with the following provisions:

a. If Any Blackwater Avoidance Alignment is Prudent and Feasible and Avoids All Section 4(f) Resources:

If FHWA determines that there is a Blackwater Avoidance Alignment that is “prudent” and “feasible” and does not “use” any Section 4(f) resources, FHWA will include this determination together with the supporting rationale in the Final SEIS. WVDOT may then select as its preferred alternative any Blackwater Avoidance Alignment that is “prudent” and “feasible” and does not “use” any Section 4(f) resources and FHWA may

approve the selection of that alternative in an Amended ROD for the Parsons-to-Davis Project.

b. If None of the Blackwater Avoidance Alignments Is Prudent and Feasible:

If FHWA determines that no Blackwater Avoidance Alignment is both “prudent” and “feasible,” FHWA will include this determination together with the supporting rationale in the Final SEIS. WVDOT may then select as its preferred alternative the Blackwater Alignment and FHWA may approve the selection of that alternative in an Amended ROD for the Parsons-to-Davis Project.

c. If None of the Prudent and Feasible Blackwater Avoidance Alignments Avoids the Use of Section 4(f) Resources:

If FHWA determines one or more of the Blackwater Avoidance Alignments is “prudent” and “feasible,” but also determines that any such alternative involves the unavoidable “use” of Section 4(f) lands, FHWA and WVDOT will proceed as follows:

(1) Determine Whether Blackwater Alignment is “Prudent” and “Feasible”

FHWA will evaluate the “prudence” and “feasibility” of the Blackwater Alignment, by taking into consideration all relevant factors, including but not limited to the cost of mitigation associated with that alignment, and determine whether the Blackwater Alignment is “prudent” and “feasible.”

If FHWA determines that the Blackwater Alignment is not “prudent” and/or is not “feasible,” FHWA will include this determination together with the supporting rationale in the Final SEIS. WVDOT may then select as its preferred alternative the “prudent” and “feasible” Blackwater Avoidance Alignment that minimizes harm to Section 4(f) resources

and FHWA may approve the selection of that alternative in an Amended ROD for the Parsons-to-Davis Project.

(2) **Determine Whether Blackwater Alignment “Uses” Any Section 4(f) Resources**

If FHWA determines that the Blackwater Alignment is “prudent” and “feasible,” FHWA will determine whether the Blackwater Alignment “uses” any Section 4(f) resources.

If FHWA determines that the Blackwater Alignment “uses” any Section 4(f) resource, FHWA will include this determination together with the supporting rationale in the Final SEIS. FHWA will then weigh the harm to Section 4(f) resources caused by the Blackwater Alignment against the harm to Section 4(f) resources caused by the “prudent” and “feasible” Blackwater Avoidance Alignments.

If FHWA determines that the Blackwater Alignment causes greater harm to Section 4(f) resources than one or more of the Blackwater Avoidance Alignments, or causes substantially equal harm to Section 4(f) resources when compared to one or more of the Blackwater Avoidance Alignments, FHWA will include this determination together with the supporting rationale in the Final SEIS. WVDOT may then select as its preferred alternative the “prudent” and “feasible” Blackwater Avoidance Alignment that minimizes harm to Section 4(f) resources and FHWA may approve the selection of that alternative in an Amended ROD for the Parsons-to-Davis Project.

(3) **Select Blackwater Alignment If It Is Prudent and Feasible and Avoids All Section 4(f) Resources**

If FHWA determines that the Blackwater Alignment is “prudent” and “feasible,” and further determines that the Blackwater Alignment avoids all Section 4(f) Resources, FHWA

will include this determination together with the supporting rationale in the Final SEIS. WVDOT may then select the Blackwater Alignment as its preferred alternative and FHWA may approve the selection of that alternative in an Amended ROD for the Parsons-to-Davis Project.

4. Issuance of Amended ROD

FHWA may issue an Amended ROD granting approval for the Parsons-to-Davis Project after (1) completing an SEIS that evaluates alignment shifts in the Thomas-Davis Section, as specified in this Agreement, (2) completing all Section 106 Activities and Section 4(f) Activities for the Parsons-to-Davis Project, and (3) making any findings required by this Agreement.

5. Implementation of Amended ROD

Following the issuance of an Amended ROD for the Parsons-to-Davis Project, FHWA and WVDOT may proceed with any remaining final design activities, right-of-way acquisition, and construction of the Parsons-to-Davis Project.

6. Additional Commitments

FHWA and WVDOT will continue to consult with the NPS and the USFS regarding the potential impacts of the Parsons-to-Davis Project on the Big Run Bog National Natural Landmark and Canyon Rim Road and Canyon Rim Trail. FHWA and WVDOT also will consult with CHA on these issues. Through such consultation, FHWA and WVDOT will ensure that the construction limits for the Parsons-to-Davis Project are located entirely outside the drainage area for Big Run Bog. In addition, FHWA and WVDOT will ensure

that the Parsons-to-Davis Project is consistent with the recommendations of the USFS regarding access from Corridor H onto Canyon Rim Road.

7. Right to Challenge Amended ROD

Except as specifically provided in Section IV of this agreement, Plaintiffs retain the right to file an action under the Administrative Procedure Act or other applicable authority challenging an Amended ROD for the Parsons-to-Davis Project based on alleged non-compliance with any applicable law or with any additional requirements imposed by this Agreement or the Programmatic Agreement.

D. Davis to Bismarck

1. Issuance of Amended ROD

FHWA may issue an Amended ROD granting approval for the Davis-to-Bismarck Project after completing all Section 106 Activities and Section 4(f) Activities for this Project.

2. Implementation of Amended ROD

Following the issuance of an Amended ROD for the Davis-to-Bismarck Project, FHWA and WVDOT may proceed with any remaining final design activities, right-of-way acquisition, and construction of the Davis-to-Bismarck Project.

3. Right to Challenge Amended ROD

Plaintiffs hereby waive the right to bring an action under the Administrative Procedure Act or any other law alleging that FHWA's issuance of the Amended ROD for the Davis-to-Bismarck Project was not granted in accordance with NEPA, Section 4(f), Section 106, or any other applicable law or regulation. This waiver includes, but is not

limited to, any claim that the Davis-to-Bismarck Project “constructively uses” any Section 4(f) resource. This waiver is subject to the following exceptions:

- (1) Plaintiffs do not waive the right to file an action alleging that the Amended ROD for this Project was issued prior to completion of the Section 106 Activities and/or Section 4(f) Activities for this Project;
- (2) Plaintiffs do not waive the right to file an action alleging that FHWA has not complied with its obligations under the Programmatic Agreement; and
- (3) Except as specifically provided in Section IV, Part D, of this Agreement, the Plaintiffs do not waive the right to file an action challenging any findings made pursuant to the Endangered Species Act in the Amended ROD.

E. Bismarck to Forman

1. Issuance of Amended ROD

FHWA may issue an Amended ROD granting approval for the Bismarck-to-Forman Project after completing all Section 106 Activities and Section 4(f) Activities for this Project.

2. Implementation of Amended ROD

Following the issuance of an Amended ROD for the Bismarck-to-Forman Project, FHWA and WVDOT may proceed with any remaining final design activities, right-of-way acquisition, and construction of the Bismarck-to-Forman Project.

3. Right to Challenge Amended ROD

Plaintiffs hereby waive the right to bring an action under the Administrative Procedure Act or any other law alleging that FHWA’s issuance of the Amended ROD for

the Bismarck-to-Forman Project was not granted in accordance with NEPA, Section 4(f), Section 106, or any other applicable law or regulation. This waiver includes, but is not limited to, the claim that the Bismarck-to-Forman Project “constructively uses” any Section 4(f) resource. This waiver is subject to the following exceptions:

- (1) Plaintiffs do not waive the right to file an action alleging that the Amended ROD for this Project was issued prior to completion of the Section 106 Activities and/or Section 4(f) Activities for this Project;
- (2) Plaintiffs do not waive the right to file an action alleging that FHWA has not complied with its obligations under the Programmatic Agreement;
- (3) Except as specifically provided in Section IV, Part D, of this Agreement, the Plaintiffs do not waive the right to file an action challenging any findings made pursuant to the Endangered Species Act in the Amended ROD;
- (4) If the Keeper determines that Greenland Gap is (or is included within) a historic resource eligible for the National Register, and if FHWA then determines that Corridor H will not “use” that historic resource, Plaintiffs do not waive the right to file an action under the Administrative Procedure Act challenging that finding based on alleged non-compliance with Section 4(f); and
- (5) If the Keeper determines that Greenland Gap is (or is included within) a historic resource eligible for the National Register, and if FHWA issues an Amended ROD approving the “use” of that historic resource, Plaintiffs do not

waive the right to file an action under the Administrative Procedure Act challenging that approval based on alleged non-compliance with Section 4(f).

F. Forman to Moorefield

1. Selection of Alternative B.

WVDOT will identify Alternative B, as defined in the MSBV EA, as its preferred alternative for the portion of the Forman-to-Moorefield Project that was evaluated in the MSBV EA. FHWA may approve the preferred alternative identified by WVDOT, provided that such approval is not inconsistent with federal environmental or other laws.

2. Issuance of Amended ROD

FHWA may issue an Amended ROD granting approval for the Forman-to-Moorefield Project after completing all remaining Section 106 Activities and Section 4(f) Activities for this Project, including Section 106 Activities required for Alternative B as defined in the MSBV EA.

3. Implementation of Amended ROD

Following the issuance of an Amended ROD for the Forman-to-Moorefield Project, FHWA and WVDOT may proceed with any remaining final design activities, right-of-way acquisition, and construction of the Forman-to-Moorefield Project. WVDOT will sequence the construction of this Project in a manner that results in the completion of the portion of this Project between the Moorefield interchange (including connecting roads to U.S. 220) and County Route 15 as a useable section.

4. Right to Challenge Amended ROD

Plaintiffs hereby waive the right to bring an action under the Administrative Procedure Act or any other law alleging that FHWA's issuance of the Amended ROD for the Forman-to-Moorefield Project was not granted in accordance with NEPA, Section 4(f), Section 106, or any other applicable law or regulation. This waiver includes, but is not limited to, the claim that the Forman-to-Moorefield Project "constructively uses" any Section 4(f) resource. This waiver is subject to the following exceptions:

- (1) Plaintiffs do not waive the right to file an action alleging that the Amended ROD for this Project was issued prior to completion of the Section 106 Activities and/or Section 4(f) Activities for this Project;
- (2) Plaintiffs do not waive the right to file an action alleging that FHWA has not complied with its obligations under the Programmatic Agreement;
- (3) Except as specifically provided in Section IV, Part D, of this Agreement, the Plaintiffs do not waive the right to file an action challenging any findings made pursuant to the Endangered Species Act in the Amended ROD; and
- (4) If FHWA issues an Amended ROD that does not approve Alternative B, but instead approves an alignment for Corridor H that directly uses land within the Middle South Branch Valley Historic District, Plaintiffs may file an action under the Administrative Procedure Act challenging that Amended ROD based on alleged non-compliance with Section 4(f).

G. Moorefield to Baker

1. Issuance of Amended ROD

FHWA may issue an Amended ROD granting approval for the Moorefield-to-Baker Project after completing all Section 106 Activities and Section 4(f) Activities for this Project.

2. Implementation of Amended ROD

Following the issuance of an Amended ROD for the Moorefield-to-Baker Project, FHWA and WVDOT may proceed with any remaining final design activities, right-of-way acquisition, and construction of the Moorefield-to-Baker Project.

3. Right to Challenge Amended ROD

Plaintiffs hereby waive the right to bring an action under the Administrative Procedure Act or any other law alleging that FHWA's issuance of the Amended ROD for the Moorefield-to-Baker Project was not granted in accordance with NEPA, Section 4(f), Section 106, or any other applicable law or regulation. This waiver includes, but is not limited to, the claim that the Moorefield-to-Baker Project "constructively uses" any Section 4(f) resource. This waiver is subject to the following exceptions:

- (1) Plaintiffs do not waive the right to file an action alleging that the Amended ROD for this Project was issued prior to completion of the Section 106 Activities and/or Section 4(f) Activities for this Project;
- (2) Plaintiffs do not waive the right to file an action alleging that FHWA has not complied with its obligations under the Programmatic Agreement; and
- (3) The Plaintiffs do not waive the right to file an action challenging any findings made pursuant to the Endangered Species Act in the Amended ROD, except

to the extent that such claims are waived pursuant to Section IV, Part D, Paragraph 4 of this Agreement.

H. Baker to Wardensville

With respect to the Baker-to-Wardensville Project, the Parties agree as follows:

1. Issuance of Amended ROD

FHWA may issue an Amended ROD granting approval for the Baker-to-Wardensville Project, after completing all Section 106 Activities and Section 4(f) Activities for this Project.

2. Implementation of Amended ROD

Following the issuance of an Amended ROD the Baker-to-Wardensville Project, FHWA and WVDOT may proceed with any remaining final design activities, right-of-way acquisition, and construction of the Baker-to-Wardensville Project.

3. Right to Challenge Amended ROD

Plaintiffs hereby waive the right to bring an action under the Administrative Procedure Act or any other law alleging that FHWA's issuance of the Amended ROD for the Baker-to-Wardensville Project was not granted in accordance with NEPA, Section 4(f), Section 106, or any other applicable law or regulation. This waiver includes, but is not limited to, the claim that the Baker-to-Wardensville Project "constructively uses" any Section 4(f) resource. This waiver is subject to the following exceptions:

- (1) Plaintiffs do not waive the right to file an action alleging that the Amended ROD for this Project was issued prior to completion of the Section 106 Activities and/or Section 4(f) Activities for this Project;

- (2) Plaintiffs do not waive the right to file an action alleging that FHWA has not complied with its obligations under the Programmatic Agreement; and
- (3) Except as specifically provided in Section IV, Part D, of this Agreement, the Plaintiffs do not waive the right to file an action challenging any findings made pursuant to the Endangered Species Act in the Amended ROD.

I. Wardensville to Virginia State Line

1. Issuance of an Amended ROD

FHWA may issue an Amended ROD for the Wardensville-to-Virginia Project after all Section 106 Activities and Section 4(f) Activities for this Project have been completed.

2. Wardensville Improvements

Within five (5) years after issuance of an Amended ROD for the Wardensville-to-Virginia Project, WVDOT will make available a total of \$1 million in federal enhancement funds or other funds for streetscape improvements and other permanent capital improvements within Wardensville. Before granting such funds, WVDOT will consult with Wardensville mayor, town recorder, and town council and the public regarding the terms and conditions upon which the grant will be made.

3. Implementation of Amended ROD

Following the issuance of an Amended ROD for the Wardensville-to-Virginia Project, WVDOT may proceed with final design, right-of-way acquisition, and construction of this Project subject to the following restrictions:

a. Restrictions on Final Design

WVDOT may proceed with final design activities (including surveying work and aerial photography) in the Wardensville-to-Virginia Project only under the following conditions:

(1) Right to Proceed with Final Design Needed for Hardship Acquisition

Following the issuance of an Amended ROD for this Project, WVDOT may proceed with final design for this Project to the extent necessary to carry out Hardship Acquisition for the Project, provided that (1) WVDOT may proceed with such final design work only after receiving a written request for Hardship Acquisition from the affected property owner and after FHWA makes a written determination that the request meets the applicable criteria for Hardship Acquisition; (2) for purposes of such final design, WVDOT will rely on mapping based on aerial photography; and (3) for purposes of such aerial photography, WVDOT will ensure that any visible physical markers used as “control points” are removed within 10 calendar days after the necessary photographs have been taken.

(2) Right to Proceed with Final Design Needed for Protective Acquisition

Following the issuance of an Amended ROD for this Project, WVDOT may proceed with final design for this Project to the extent necessary to carry out Protective Acquisition for the Project, provided that (1) WVDOT may proceed with such final design work only after FHWA makes a written determination that the request meets the applicable criteria for Protective Acquisition; (2) for purposes of such final design, WVDOT will rely on mapping based on aerial photography; and (3) for purposes of such aerial photography,

WVDOT will ensure that any visible physical markers used as “control points” are removed within 10 calendar days after the necessary photographs have been taken.

(3) Right to Proceed with All Final Design

When the conditions for construction of this Project have been met, pursuant to sub-paragraph (c) of this Paragraph, WVDOT may proceed with all final design for this Project without any restriction.

b. Restrictions on Right-of-Way Acquisition

WVDOT may proceed with right-of-way acquisition in the Wardensville-to-Virginia Project only under the following conditions:

(1) Right to Proceed with Hardship and Protective Acquisition

Following issuance of the Amended ROD, WVDOT may proceed with Hardship Acquisition or Protective Acquisition for this Project. WVDOT will not solicit any requests for Hardship Acquisition.

(2) Right to Proceed with All Right-of-Way Acquisition

When the conditions for construction of this Project have been met, pursuant to sub-paragraph (c) of this Paragraph, WVDOT may proceed with all right-of-way acquisition for this Project without any restriction.

c. Restrictions on Construction

WVDOT may proceed with construction of the Wardensville-to-Virginia Project when one of the following conditions occurs:

(1) Four-Lane in Virginia

The Virginia Department of Transportation obtains FHWA approval, in the form of a ROD for completion of Corridor H in Virginia as a four-lane highway connecting the Virginia state line to Interstate 81; or

(2) Unacceptable Level of Service in West Virginia

WVDOT determines that operating conditions on WV Route 55 between Route 259 North (near Wardensville) and the Virginia state line have reached Level of Service “E” as defined by the Highway Capacity Manual at least two hours per day (not necessarily two consecutive hours), and WVDOT’s determination is confirmed by an independent expert jointly selected by WVDOT, FHWA, and CHA from the faculty of the Civil Engineering Department of West Virginia University or other comparable academic institution; or

(3) Potential Loss of Federal Funding

Federal legislation requires that the Appalachian Development Highway System be completed by a date certain in order to avoid the rescission of previously authorized and appropriated federal-aid highway funding for that System; or

(4) Passage of Time

Twenty years has elapsed from the Effective Date.

4. Right to Challenge Amended ROD

Plaintiffs hereby waive the right to bring an action under the Administrative Procedure Act or any other law alleging that FHWA’s issuance of the Amended ROD for the Wardensville-to-Virginia Project was not granted in accordance with NEPA, Section 4(f), Section 106, or any other applicable law or regulation. This waiver includes, but is not

limited to, the claim that the Wardensville-to-Virginia Project “constructively uses” any Section 4(f) resource. This waiver is subject to the following exceptions:

- (1) Plaintiffs do not waive the right to file an action alleging that the Amended ROD for this Project was issued prior to completion of the Section 106 Activities and/or Section 4(f) Activities for this Project;
- (2) Plaintiffs do not waive the right to file an action alleging that FHWA has not complied with its obligations under the Programmatic Agreement and
- (3) Except as specifically provided in Section IV, Part D, of this Agreement, the Plaintiffs do not waive the right to file an action challenging any findings made pursuant to the Endangered Species Act in the Amended ROD.

IV. IMPLEMENTATION OF SETTLEMENT AGREEMENT

A. Initial Announcement and Implementation Steps

1. Announcement

The Parties will announce the Agreement in a joint press release, which will be accompanied by a jointly prepared summary of the Agreement. The Parties will publicly distribute the joint press release and the accompanying summary of the Agreement to the media and the public on the date that the Agreement is filed with the District Court or on such other date as may be agreed-upon by the parties through their respective counsel. The Parties will refrain from making any public comments regarding the terms of the Agreement prior to the date on which the joint press release is publicly distributed.

2. Efforts to Build Public Support

WVDOT and the Plaintiffs will make a good-faith effort to build public support for the Agreement.

B. Completion of NEPA, Section 106, and Other Studies

1. Alignment Shift Studies

FHWA and WVDOT will initiate the alignment shift studies mandated by Sections II-B and II-C of this Agreement as soon as practicable after the Effective Date.

2. Compliance with Programmatic Agreement

FHWA and WVDOT will continue to comply with the existing Programmatic Agreement for all Projects, including Projects where alignment shifts are being studied, except as follows: FHWA will request that the Advisory Council allow the section designations in the Programmatic Agreement to be modified to conform to the Project designations in this Agreement. FHWA and WVDOT will oppose any amendment of the Programmatic Agreement that would reduce or eliminate CHA's right to review and comment on Section 106 reports, unless CHA does not oppose the amendment.

3. Improved Roadway Alternative

With respect to all remaining NEPA, Section 106, and other studies involving Corridor H, regardless of whether those studies are specifically described in this Agreement, Plaintiffs waive their right to submit comments in any form requesting the consideration or approval of an Improved Roadway Alternative or contending that such an alternative is required to be considered or approved under any law, regulation, or policy.

Plaintiffs do not otherwise waive any right to advocate for an Improved Roadway Alternative.

4. Project Termini

With respect to all remaining NEPA, Section 106, and other studies involving Corridor H, regardless of whether those studies are specifically described in this Agreement, Plaintiffs waive their right to submit comments in any form that are based in any way on the argument that the Projects lack independent utility or logical termini or limit the consideration of alternatives for other Projects.

5. Completion of Ongoing Section 106 Activities

Nothing in this Agreement will be interpreted to preclude FHWA and WVDOT from proceeding with the ongoing Section 106 Activities for the Corridor H alignment that was approved in the August 1996 ROD.

6. Project Status Reports

Within 30 days after the Effective Date, and at least once every six months thereafter until construction of each Project is completed, WVDOT will transmit to the Plaintiffs a Project Status Report for the next 12-month period in accordance with the Return-Receipt Delivery Procedure. The Project Status Report will contain the following information, to the best of WVDOT's knowledge based on existing information, with respect to each Project for which construction has not yet been completed:

- (1) Estimated schedule for the remaining Section 106 Activities and Section 4(f) Activities for the Project (if any).
- (2) Estimated schedule for alignment shift studies for the Project (if any).

- (3) Estimated date for issuance of Amended ROD for the Project.
- (4) Estimated date for commencement of final design and right-of-way acquisition for the Project.
- (5) Estimated date for advertising and letting construction contracts for the Project.
- (6) Estimated date for commencement of construction of the Project.
- (7) Estimated date for completion of construction of the Project.
- (8) Approximate termini for construction sections, if construction of the Project will take place over more than one construction season.
- (9) Status of U.S. Route 50 study, which is to be performed pursuant to Section V, Paragraph 2 of this Agreement.
- (10) Status of efforts to enforce weight limits on U.S. Route 219, between Elkins and Thomas, pursuant to Section V, Paragraph 7, of this Agreement.

7. NEPA Documents

WVDOT will transmit copies of all NEPA Documents to the Plaintiffs, within ten (10) working days after those documents receive final agency approval, via the Return-Receipt Delivery Procedure.

8. Section 4(f) Documents

FHWA will transmit copies of all Section 4(f) Documents to the Plaintiffs, within ten (10) working days after those documents receive final agency approval, via the Return-Receipt Delivery Procedure.

9. Other Documents

WVDOT will transmit copies of the following documents to the Plaintiffs, within the time frames specified below, via the Return-Receipt Delivery Procedure:

- (1) Any written request for Hardship Acquisition of right-of-way for the Wardensville-to-Virginia Project (to be transmitted to the Plaintiffs within 10 days after receipt of the request by WVDOT);
- (2) Any written determination by FHWA or WVDOT that Hardship or Protective Acquisition is appropriate for a particular parcel of land for the Wardensville-to-Virginia Project, together with the documentation relied upon in making that determination (to be transmitted to the Plaintiffs within 10 days after final approval of the determination by FHWA or WVDOT, as the case may be);
- (3) Any written request or proposal from the Advisory Council or the SHPO for an amendment of the Programmatic Agreement (to be transmitted to the Plaintiffs within 10 days after receipt of the request or proposal by WVDOT), and
- (4) Any advertisement for bids for construction contracts for any portion of any Project (to be transmitted to the Plaintiffs within 10 days after the initial publication of the advertisement),

C. Dispute Resolution

1. ADR Obligations

If any dispute arises regarding any Party's compliance with the terms of this Agreement, and such dispute has not yet become the subject of litigation, all Parties will

attempt to resolve such dispute in good faith through the alternative dispute resolution ("ADR") procedures established in this Agreement.

2. ADR Procedures

Any Party may initiate ADR proceedings under this Agreement by transmitting a written request for ADR via the Facsimile Delivery Procedure . When ADR proceedings are initiated in this manner, the Parties shall proceed as follows:

a. Step 1: Direct Negotiation

Within ten (10) calendar days after the initiation of ADR proceedings under this Agreement, the Parties shall confer (in person or by telephone) regarding the issues in dispute and shall seek in good faith to resolve the dispute without the involvement of a third-party mediator.

b. Step 2: Mediation

The Parties may agree at any time to select a private third-party mediator to assist in the resolution of the issues in dispute. Moreover, any Party may unilaterally propose the appointment of a private third-party mediator if the issues in dispute are not fully resolved within ten (10) calendar days after the initial conference among counsel in Step 1. Any such proposal shall be made in writing and shall be transmitted via the Facsimile Delivery Procedure. If such a proposal is made, the Parties shall confer (in person or by telephone) within five (5) days after the date of that proposal regarding the selection of the mediator. Counsel for the Parties shall seek in good-faith to agree upon a mediator and to resolve the remaining issues in dispute as expeditiously as possible.

c. Written Agreement

If an agreement is reached on any issues in dispute, whether at Step 1 or Step 2, the Parties will state the agreement in writing, and the agreement will be signed by each Party that participated in the ADR process (or by their counsel), thus concluding the ADR process with respect to those issues.

d. FHWA and WVDOT's Right to Terminate

FHWA and WVDOT will each have the right to terminate an ongoing ADR process if (1) 60 calendar days have elapsed since the initiation of ADR proceedings or (2) any Plaintiff commences litigation regarding any aspect of the Amended ROD that is the subject of the ADR process. The FHWA and WVDOT may exercise this right, individually or jointly, only by providing written notice to CHA via the Facsimile Delivery Procedure. The termination becomes effective on the Delivery Date for the termination notice.

e. Plaintiffs' Right to Terminate

The Plaintiffs have the right to terminate an ongoing ADR process at any time. The Plaintiffs may exercise this right, individually or jointly, only by providing written notice to FHWA and WVDOT via the Facsimile Delivery Procedure. The termination becomes effective on the Delivery Date for the termination notice.

f. Automatic Termination

The ADR process will be terminated automatically, by operation of this Agreement, on the date any Plaintiff commences litigation regarding any matter specifically at issue in the ADR process.

g. Expenses

Each Party will be responsible for any expenses (including attorneys' fees) that it incurs while participating in ADR procedures pursuant to this Agreement. FHWA and WVDOT will be responsible for paying for the services of the mediator, if a mediator is retained pursuant to the ADR procedures in this Agreement.

3. Effect of ADR on Ongoing and Planned Activities

The initiation of ADR proceedings with respect to any Project shall affect activities in that Project as follows:

a. ADR Initiated Before Amended ROD is Issued

If ADR proceedings are initiated with respect to a Project before the Amended ROD is issued for that Project, FHWA and WVDOT will be allowed to proceed during the ADR process with any and all ongoing or planned activities in that Project.

b. ADR Initiated During Stand-Down Period

During the Stand-Down Period, FHWA and WVDOT will not let any final design contracts, conduct any right-of-way acquisition, or let any construction contracts for the Project covered by that Amended ROD. If ADR proceedings are initiated with respect to an Amended ROD during the Stand-Down Period for that Amended ROD, FHWA and WVDOT will not let any final design contracts, conduct any right-of-way acquisition, or let any construction contracts for the Project covered by that Amended ROD until ADR efforts regarding that Amended ROD have been concluded in accordance with this Agreement.

c. ADR Initiated After the Stand-Down Period

If ADR proceedings are initiated with respect to an Amended ROD after the end of the Stand-Down Period for that Amended ROD, FHWA and WVDOT will be allowed to proceed during the ADR process with any and all ongoing or planned activities in that Project.

4. Litigation

The filing of a request for ADR following the issuance of an Amended ROD is not a prerequisite for seeking judicial relief with respect to any aspect of that Amended ROD.

D. Future Litigation

1. Improved Roadway Alternative

Plaintiffs waive all existing and future legal claims or requests for relief that are based in any way on the argument that FHWA and/or WVDOT failed to give sufficient consideration to, or improperly failed to select, an Improved Roadway Alternative.

2. Project Termini

Plaintiffs waive all existing and future legal claims or requests for relief that are based in any way on the argument that the Projects lack independent utility or logical termini or limit the consideration of alternatives for other Projects.

3. Injunctive Relief

Plaintiffs waive the right, in any action relating to a particular Project or Projects, to seek injunctive relief relating to any Project other than the Project or Projects at issue in that action. In particular, but without limiting the foregoing, Plaintiffs waive the right, in any

action challenging an Amended ROD, to seek injunctive relief with respect to any Project other than the Project or Projects approved in that Amended ROD.

4. Waiver of Pre-Existing Claims

Plaintiffs waive the right to file any action, with respect to any Project, that is based on a final agency action taken, or finding made, prior to the Effective Date.

5. Litigation Initiated by Others

With respect to any claims that the Plaintiffs themselves have waived under this Agreement, the Plaintiffs agree that (1) they will not invite or solicit others to bring such claims, or invite or solicit others to lend financial assistance for the purpose of assisting others in bringing such claims, through the use of (a) newspaper, radio, or television advertisements taken out in the name of the Plaintiff, (b) newsletters, correspondence or other documents bearing the Plaintiff's official letterhead or logo, or (c) materials electronically posted on the Plaintiff's official Internet site; (2) they will not lend financial assistance to others for the purpose of assisting them in filing such claims, and (3) they will not seek to appear as *amici curiae*, individually or collectively, in the litigation of such claims; provided, however, that the Sierra Club is not bound by clauses (1) and (2) of this Paragraph but is bound by clause (3), which prohibits the Plaintiffs from appearing as *amici curiae* in the litigation of claims that the Plaintiffs have waived under this Agreement.

6. Deadlines for Challenging Amended ROD

Plaintiffs hereby waive the right to file any action challenging an Amended ROD that does not comply with the deadlines set forth in this Paragraph.

a. General Rule.

Except as provided in sub-paragraph (b) of this Paragraph, the deadline for any Plaintiff to file an action challenging an Amended ROD is the later of the following dates: (1) the 30th calendar day after the Delivery Date for that Amended ROD or (2) if ADR proceedings have been initiated with respect to the Amended ROD during the Stand-Down Period, the 30th calendar day after the termination of those ADR proceedings.

b. Special Requirements for Advance-Notice Statutes

The following deadlines apply to any action filed by any Plaintiff challenging an Amended ROD under an Advance Notice Statute:

(1) The Plaintiff must provide the required notice of intention to sue, in accordance with the Advance Notice Statute, by the later of the following dates: (1) the 30th calendar day after the Delivery Date for the Amended ROD or (2) if ADR proceedings have been initiated with respect to the Amended ROD during the Stand-Down Period, the 30th calendar day after the termination of those ADR proceedings.

(2) The Plaintiff must file the claim challenging the Amended ROD under the Advance Notice Statute no later than 30 calendar days after the expiration of the notice period required by the Advance Notice Statute. FHWA and WVDOT will not object to the filing of such a claim in the form of an amendment to a complaint previously filed by the same Plaintiff challenging the same Amended ROD.

c. Effect on FHWA and WVDOT Activities

The deadlines established in this Agreement are not intended to limit in any way the ability of FHWA and WVDOT to proceed with final design, right-of-way, and/or construction activities following the issuance of an Amended ROD. The only restrictions

imposed on such activities by this Agreement are the restrictions imposed in Section III, Part I, Paragraph 3, and Section IV, Part C, Paragraph 3 of this Agreement.

7. Challenges to Post-Amended-ROD Decisions

Except to the extent provided in Section IV, Part D, Paragraphs 1-5, the Plaintiffs do not waive the right to file an action, with respect to any Project, based on claims that arise after the issuance of the initial Amended ROD for that Project. For purposes of this Paragraph, a claim "arises after" the issuance of an Amended ROD only if that claim (1) is based on a final agency action that occurs after the issuance of the Amended ROD and (2) could not have been filed in an action challenging the Amended ROD itself.

8. Corridor H in Virginia

Plaintiffs do not waive any existing or future claims with respect to any aspect of Corridor H between the West Virginia/Virginia state line and Interstate 81 in Virginia.

9. Enforcement of Order Approving Settlement Agreement

Notwithstanding any other provision of this Agreement, the Plaintiffs do not waive the right to enforce any provision of this Agreement or the order of the District Court approving this Agreement or the right to seek appropriate injunctive relief on an interim or permanent basis consistent with the terms of this Agreement.

10. Reservation of Rights by FHWA and WVDOT

FHWA and WVDOT reserve any and all defenses that may be raised in any future actions that may be filed by any Plaintiff with respect to any aspect of Corridor H, including but not limited to defenses based on theories of standing, mootness, laches, waiver, estoppel, and res judicata.

11. No Admission of Right to Sue

References in this Agreement to the "right" of the Plaintiffs to bring certain causes of action should not be construed as an admission FHWA or WVDOT that such a right actually exists under applicable laws. Such references are included in this Agreement solely for the purpose of limiting the scope of the Plaintiffs' waiver of rights; they are not intended to confer rights on the Plaintiffs that would not otherwise exist.

V. ADDITIONAL ISSUES

1. Removal of Signs in Right-of-Way

WVDOT will ensure that all unauthorized signs relating to Corridor H that have been erected within WVDOT-Owned Right-of-Way are removed within thirty (30) calendar days after the Effective Date. WVDOT also will ensure that, if any new unauthorized signs relating to Corridor H are erected within WVDOT-owned Right-of-Way after the Effective Date, such signs are removed within ten (10) calendar days after WVDOT receives written notice of their existence and location. Notwithstanding any other provision in this Paragraph, WVDOT will not be required by this agreement to remove any sign within a specific time period if such removal would be inconsistent with WVDOT's obligations under applicable statutes and regulations, including those governing the removal of obstructions from highway rights-of-way.

2. Study of U.S. 50 Improvements

Commencing in the year 2000, WVDOT will undertake a study of improvements to U.S. Route 50 from WV Route 972, near Keyser, to the Virginia state line. Upon completion, WVDOT will transmit one copy of the study to Plaintiffs at the following address:

Lee Wakefield
Corridor H Alternatives
P.O. Box 463
Wardensville, WV 26851
(304) 874-3188

3. Re-Design of Connection to U.S. 219 at Kerens

WVDOT will evaluate the connection between Corridor H and U.S. Route 219 at Kerens to determine whether the current design complies with applicable design standards. If any design deficiencies are identified, WVDOT will make a good-faith effort to eliminate such deficiencies. Before making any final decision regarding the connection between Corridor H and U.S. Route 219 at Kerens, WVDOT will transmit engineering drawings depicting the alternative designs that it is considering to the Plaintiffs at the following address, in person or via any commercial overnight delivery service, and will provide the Plaintiffs with five (5) calendar days to comment on those design plans via telephone or in writing:

Ruth Blackwell Rogers
Moon Run
Kerens, WV 26276
(304) 636-2662

4. Release of Traffic and Safety Data

WVDOT will publicly release the following information that was provided to the Plaintiffs during the mediation process: (1) information concerning traffic volumes and level of services, and (2) information concerning the total number of accidents and the accident rates on specific roadway sections.

5. Funds for Recreational Trails

The Parties will jointly seek judicial approval of an order authorizing the immediate release of federal-aid highway funds for all recreational trail projects approved in the August 1996 Corridor H ROD in Grant , Tucker, and Randolph Counties.

6. Attorneys Fees

Pursuant to the Order approving this Agreement, WVDOT shall pay the Plaintiffs at the Equal Access to Justice Act rate for the attorneys' fees incurred by the Plaintiffs in connection with the mediation process that resulted in this Agreement within 90 days after the Effective Date. The amount to be paid to the Plaintiffs for attorneys fees' pursuant to this Paragraph is \$ 24,529 If WVDOT does not pay the Plaintiffs' attorneys' fees within 90 days after the Effective Date, and the Plaintiffs then bring an action to compel compliance with the order requiring payment of such fees, WVDOT shall pay the Plaintiffs at the Equal Access to Justice Act rate for the attorneys' fees incurred by the Plaintiffs in connection such action. The United States, including FHWA, will not be responsible for paying any portion of the attorneys' fees awarded to CHA pursuant to this Paragraph.

7. Truck Traffic on Route 219

WVDOT agrees to make reasonable efforts to enforce weight limits on truck traffic on U.S. Route 219 between Elkins and Thomas and to provide status reports on such efforts pursuant to Section IV, Part B, Paragraph 6.

#

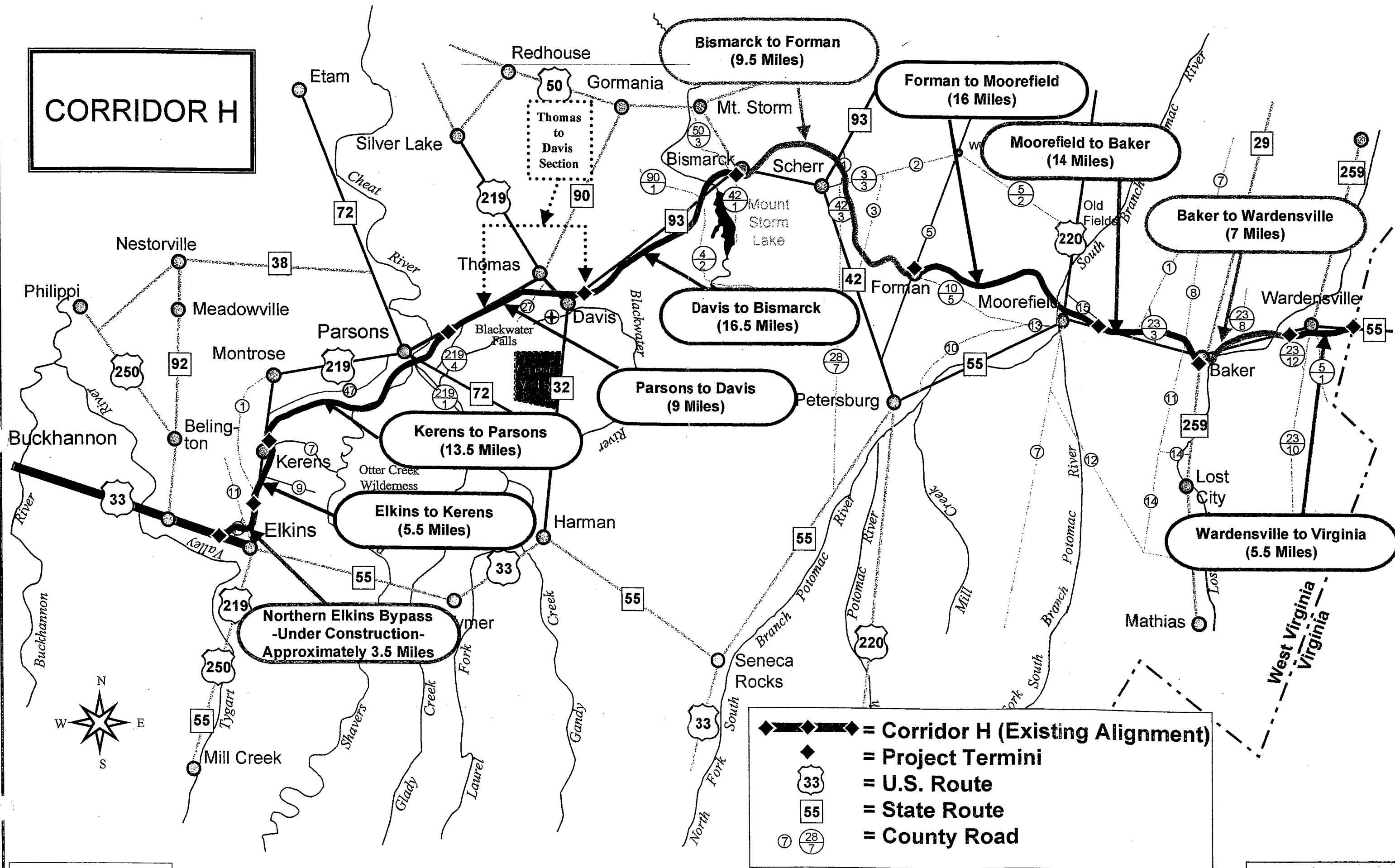
THIS IS THE END OF THE TEXT OF THE SETTLEMENT AGREEMENT.
EXHIBITS 1-5 IMMEDIATELY FOLLOW THIS PAGE.
THE EXHIBITS ARE IMMEDIATELY FOLLOWED BY THE SIGNATURE PAGES.

Exhibit 1: List of "Projects"

Project	Western Terminus	Eastern Terminus	Length (approx.)
Elkins to Kerens	Elkins (at the terminus of the Northern Elkins Bypass, 0.55 miles east of County Route 11)	Kerens (0.2 miles north of County Route 7)	5.5 miles
Kerens to Parsons	Kerens (0.2 miles north of County Route 7)	Parsons (at County Route 219/4, 0.2 miles south of the northernmost point at which County Route 219/4 intersects with US Route 219)	13.5 miles
Parsons to Davis	Parsons (at County Route 219/4, 0.2 miles south of the northernmost point at which County Route 219/4 intersects with US Route 219)	Davis (at WV Route 93, 0.7 miles east of WV Route 32)	9 miles
Davis to Bismarck	Davis (at WV Route 93, 0.7 miles east of WV Route 32)	Bismarck (at WV Route 42, 0.4 miles south of the intersection with WV Route 42/93)	16.5 miles
Bismarck to Forman	Bismarck (at WV Route 42, 0.4 miles south of the intersection with WV Route 42/93)	Forman (at County Route 5, near Thorn Run)	9.5 miles
Forman to Moorefield	Forman (at County Route 5, near Thorn Run)	Moorefield (at County Route 15, 0.5 miles west of WV Route 55)	16 miles
Moorefield to Baker	Moorefield (at County Route 15, 0.5 miles west of WV Route 55)	Baker (at WV Route 259, 0.6 miles east of the intersection with WV Route 259/55)	14 miles
Baker to Wardensville	Baker (at WV Route 259, 0.6 miles east of the intersection with WV Route 259/55)	Wardensville (at County Route 23/12, 0.2 miles south of WV Route 259)	7 miles
Wardensville to Virginia	Wardensville (at County Route 23/12, 0.2 miles south of WV Route 259)	Virginia Line (a point on WV Route 55 approximately 100 feet west of the West Virginia/Virginia state line)	5.5 miles

Exhibit 2: Illustration of "Projects"

CORRIDOR H



* This map is not to scale.

- ◆◆◆◆◆ = Corridor H (Existing Alignment)
- ◆ = Project Termini
- 33 = U.S. Route
- 55 = State Route
- ⑦ ②⑧ ⑦ = County Road

Exhibit 3: Map of "Battlefield Area"

Settlement Agreement – Filed February 7, 2000
Corridor H Alternatives v. Slater, 96-CV-2622 (TFH)
U.S. District Court for the District of Columbia

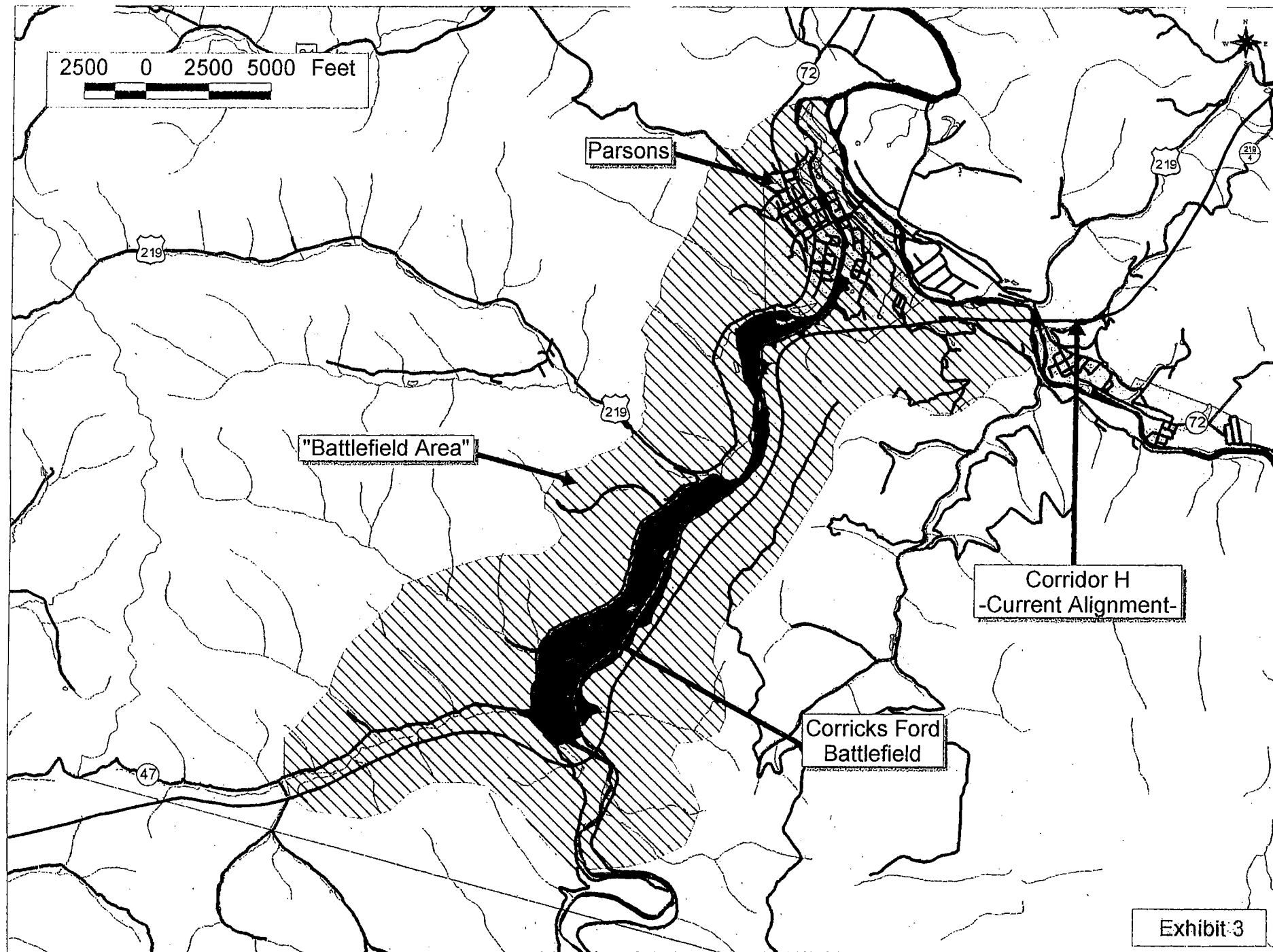


Exhibit 3

Exhibit 4: Map of "Blackwater Area"

Settlement Agreement – Filed February 7, 2000
Corridor H Alternatives v. Slater, 96-CV-2622 (TFH)
U.S. District Court for the District of Columbia

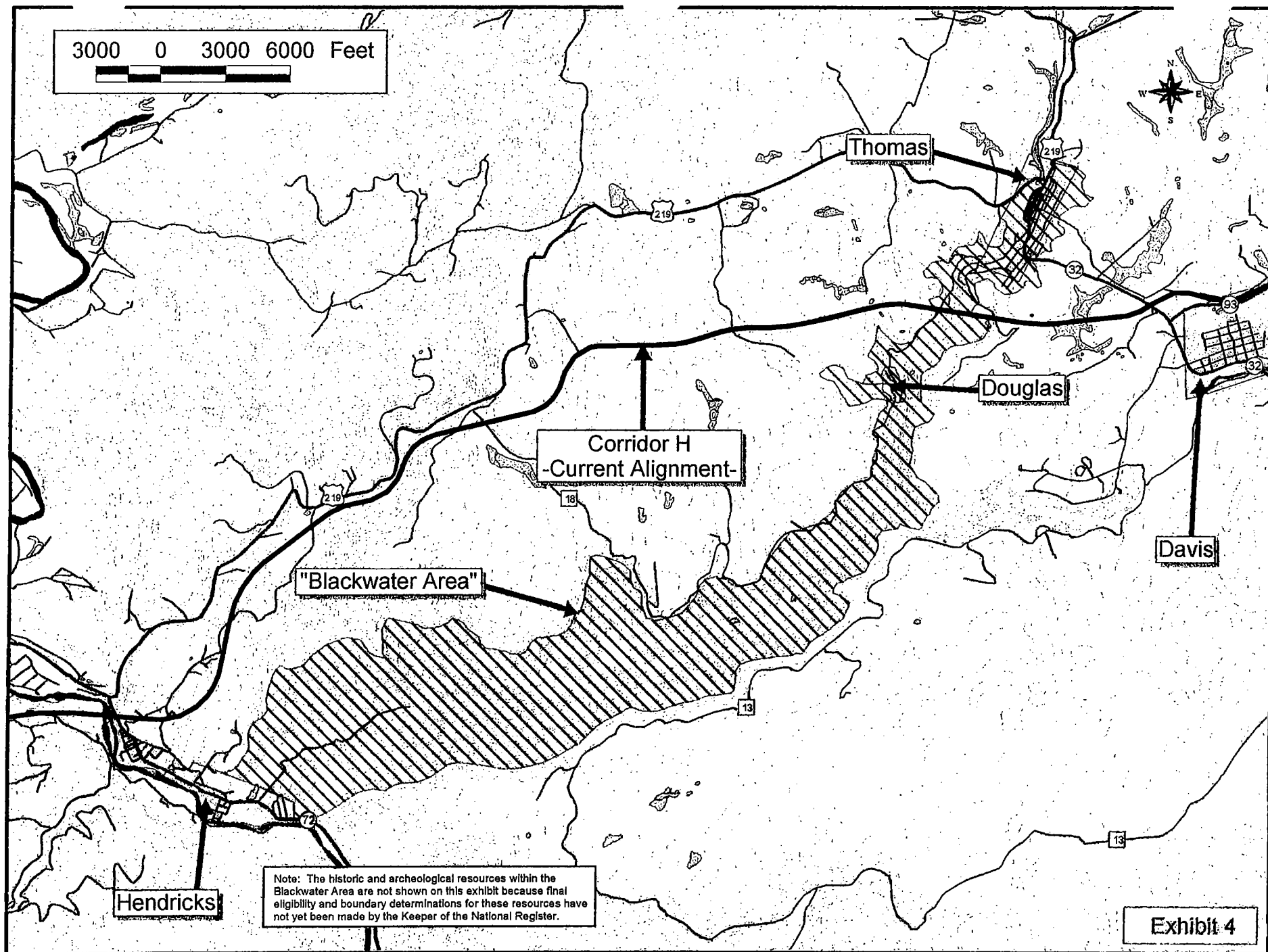


Exhibit 5: List of Plaintiff Contacts

Andrea Ferster, Esq.
1100 17th St. NW
Tenth Floor
Washington, DC 20036
(202) 974-5142

Lee Wakefield
Corridor H Alternatives
HC 68 Box 78 A
Wardensville, WV 26851
(304) 874-3188

Pamela Moe-Merritt
Corridor H Alternatives, Inc.
801 N. Randolph Ave.
Elkins, WV 26251
(304) 637-4082

Hugh Rogers
West Virginia Highlands Conservancy
Moon Run
Kerens, WV 26276
(304) 636-2662

Norm Steenstra
West Virginia Citizen Action Group
1324 Virginia Street East
Charleston, WV 25301
(304) 346-5891

Donald S. Garvin, Jr., President
West Virginia Environmental Council
Rt. 6, Box 627
Buckhannon, WV 26201
(304) 472-8716

Vivian Stockman
Concerned Citizens Coalition
249 Millstone Run
Spencer, WV 25276
(304) 655-7486

Matt Evans
Harrison County Environmental Citizens Organization
Rt. 4, Box 1154
Salem, WV 26426
(304) 783-5307

Dianne Bady, Executive Director
Ohio Valley Environmental Coalition
725 1/2 Fourteenth Street NW
Huntington, WV 25704
(304) 522-0246

Dave Houser, President
Downstream Alliance
Rt. 1, Box 103
Moatsville, WV 26405
(304) 892-4372

Alison Cochran, Executive Director
Heartwood
116 1/2 S. College
Bloomington, IN 47403
(812) 337-8898

Margaret Janes
Potomac Headwaters Resource Alliance
HC 67, Box 27 AA
Mathias, WV 26812
(304) 897-6048

Laura Spadaro, Chapter Chair
West Virginia Sierra Club
76 Fifteenth Street
Wheeling, WV 26003
(304) 232-0191 or 232-4188

Leah Divine
Student Environmental Network
Rt. 1, Box 209-5
Kings Run Road
Elkins, WV 26241
(304) 636-6765

Fran Endicott
Northern Shenandoah Valley Audubon Society
3355 Calmes Neck Lane
Boyce, VA 22720
(540) 837-1471

Michael Slimak
Reynolds' Estates Landowners
9207 Shotgun Court
Springfield, VA 22153
(703) 644-0991

Suzanne Lewis
Cedar Creek Battlefield Foundation:
8437 Valley Pike
Middletown, VA 22645
(540) 869-2064

On behalf of the United States Department of Justice:

Aimee Bevan

Dated: 12-2-99

Aimee Bevan

Trial Attorney

General Litigation Section

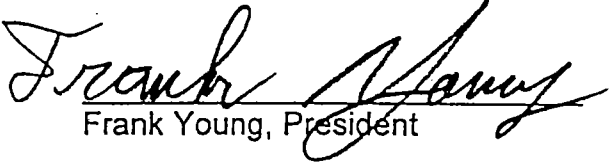
Environment and Natural Resources Division

On behalf of Plaintiff Corridor H Alternatives, Inc.

Hugh Rogers
Hugh Rogers, President

Dated: Dec. 1, 1999

On behalf of West Virginia Highlands Conservancy:


Frank Young, President

Dated: 12-9-99

Settlement Agreement
Corridor H Alternatives v. Slater, 96-CV-2622 (TFH)
U.S. District Court for the District of Columbia

On behalf of Plaintiff West Virginia Citizen Action Group:



Norm Steenstra, Executive Director

Dated: 11/30/99

On behalf of Plaintiff West Virginia Environmental Council:

Donald S. Garvin, Jr.
Donald S. Garvin, Jr., President

Dated: November 30, 1999


Settlement Agreement
Corridor H Alternatives v. Slater, 96-CV-2622 (TFH)
U.S. District Court for the District of Columbia

On behalf of Plaintiff Concerned Citizens Coalition:


Vivian Stockman, President

Dated: 12/7/99

On behalf of Plaintiff Harrison County Environmental Citizens Organization:


Matt Evans

Dated: November 30, 1999

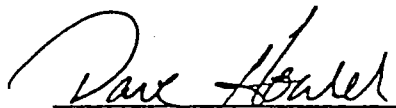
Settlement Agreement
Corridor H Alternatives v. Slater, 96-CV-2622 (TFH)
U.S. District Court for the District of Columbia

On behalf of Plaintiff Ohio Valley Environmental Coalition:

Dianne Bady
Dianne Bady, Executive Director

Dated: 11/30/99

On behalf of Plaintiff Downstream Alliance:



Dave Houser, President

Dated: 12-1-99

Settlement Agreement
Corridor H Alternatives v. Slater, 96-CV-2622 (TFH)
U.S. District Court for the District of Columbia

On behalf of Plaintiff Northern Shenandoah Valley Audubon Society:

Fran Endicott
Fran Endicott

Dated: Dec. 1, 1999

Settlement Agreement
Corridor H Alternatives v. Slater, 96-CV-2622 (TFH)
U.S. District Court for the District of Columbia

On behalf of Plaintiff Student Environmental Network:

Leah Divine

Leah Divine

Dated: 12/01/99

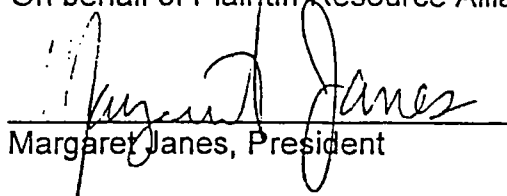
Settlement Agreement
Corridor H Alternatives v. Slater, 96-CV-2622 (TFH)
U.S. District Court for the District of Columbia

On behalf of Plaintiff Heartwood:

Alison Cochran, Executive Director
Alison Cochran, Executive Director

Dated: November 29, 1999

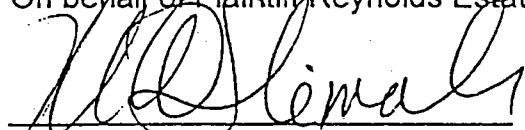
On behalf of Plaintiff Resource Alliance:


Margaret Janes, President

Dated: 11/30/99

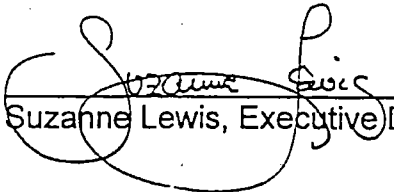
Settlement Agreement
Corridor H Alternatives v. Slater, 96-CV-2622 (TFH)
U.S. District Court for the District of Columbia

On behalf of Plaintiff Reynolds Estates Landowners:


Michael Slimak, President

Dated: Dec 3, 1999

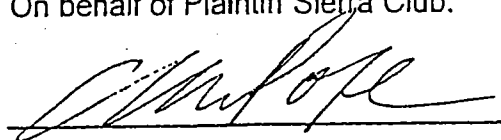
On behalf of Plaintiff Cedar Creek Battlefield Foundation:


Suzanne Lewis, Executive Director

Dated: December 2, 1999

Settlement Agreement
Corridor H Alternatives v. Slater, 96-CV-2622 (TFH)
U.S. District Court for the District of Columbia

On behalf of Plaintiff Sierra Club:



Dated: 2/1/2000

Executive Director Title

Settlement Agreement
Corridor H Alternatives v. Slater, 96-CV-2622 (TFH)
U.S. District Court for the District of Columbia

Appalachian Corridor H

Parsons-to-Davis SDEIS

Interactive CD-ROM



December 2002

Click on a button below:

Signature Page

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Section 4(f) and 6(f) Analyses

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Existing Env & Env Consequences

Appendix A
Settlement Agreement

Appendix B
Programmatic Agreement



Appalachian Corridor H
Parsons, WV to Davis, WV
Supplemental Environmental Impact Statement
FHWA-WV-EIS-92-01-SD
State Project: X142-H-38.99 C-2
Federal Project: APD-484 (59)

Appalachian Corridor H Parsons-to-Davis SDEIS

Appendix B Programmatic Agreement

This Section 106 Programmatic Agreement was approved in 1995 and serves as the overall "guide" to completion of cultural resources investigations for the Corridor H project including this SDEIS. It was amended as part of the Settlement Agreement of February 7, 2000 (See Appendix A of this SDEIS).

PROGRAMMATIC AGREEMENT

AMONG

THE FEDERAL HIGHWAY ADMINISTRATION,
THE WEST VIRGINIA STATE HISTORIC PRESERVATION OFFICER
AND

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
REGARDING

THE CONSTRUCTION OF APPALACHIAN CORRIDOR H,
ELKINS TO THE WEST VIRGINIA/VIRGINIA STATE LINE
STATE PROJECT: X142-H-38.99 C-2; FEDERAL PROJECT: APD-484 (59),
IN HARDY, GRANT, TUCKER, AND RANDOLPH COUNTIES,
WEST VIRGINIA

WHEREAS, the Federal Highway Administration (FHWA) proposes to construct a facility between Elkins, West Virginia and the West Virginia/Virginia State Line, designated as Appalachian Corridor H (the Project); which consists of the Project Build Alternative - Line A (including Option Areas I and F); and

WHEREAS, the FHWA has determined that the Project may have an effect upon properties eligible for inclusion in the National Register of Historic Places (Register) and has consulted with the Advisory Council on Historic Preservation (Council), the West Virginia State Historic Preservation Officer (WVSHPO), and the Virginia State Historic Preservation Officer (VASHPO) pursuant to 36 CFR Part 800, *Protection of Historic Properties*, regulations implementing Section 106 of the National Historic Preservation Act, (16 U.S.C. 470f), as amended; and

WHEREAS, the West Virginia Department of Transportation (WVDOT) has participated in the development of the Project, and has been invited to concur in this agreement; and

WHEREAS, the United States Department of Agriculture, Forest Service, Monongahela National Forest (Monongahela National Forest) and the George Washington National Forest (George Washington National Forest); Capon Springs and Farms; Corridor H Alternatives (CHA); the Association for the Preservation of Civil War Sites (APCWS); and, the Hampshire County, West Virginia, Planning Commission participated in the consultation and have been invited to concur in this agreement; and

WHEREAS, the FHWA has conducted the following cultural resources studies with regard to said Project; and documentation has been provided to the WVSHPO and the VASHPO:

Corridor Selection Supplemental Draft Environmental Impact Statement (SDEIS) Historic and Archaeological Resources Technical Report November 1991 ; 1st Revision, November 1992 ;

Additional Assessment of Historic Structures and Prehistoric Site Sensitivity for Corridor Scheme Options D and E Utilizing Historic Aerial Photography, addendum to the Corridor Selection SDEIS Historic and Archaeological Resources Technical Report, (September 1994);

Alignment Selection SDEIS Appalachian Corridor H, Elkins to Interstate 81 Cultural Resources Technical Report - Volumes 1-3 (September 1994 ; 1st Revision, November 1994; 2nd Revision, January 1995);

Alignment Selection SDEIS Appalachian Corridor H, Elkins to Interstate 81 Cultural Resources Model Test Report: Development and Field Testing of a Prehistoric Site Sensitivity Model for the Corridor H Project Area, West Virginia and Virginia (September 1994);

WHEREAS, due to the size and complexity of the project and the desirability of prioritizing both final design and cultural resources work in accordance with proposed schedules, the project has been divided into 14 sections (sections 3 to 16) located within West Virginia, as defined in Appendix A (See figure 1).

NOW, THEREFORE, the FHWA the WVSHPO and the Council agree that the project will be implemented in accordance with the following stipulations in order to take into account the effect of the project on historic properties:

Stipulations

The FHWA will ensure that the following measures are carried out:

I. Project Sequencing

A. Unless otherwise agreed to by the parties to this agreement, the proposed cultural resources investigations and resulting reports [i.e., Management Summaries, Phase I/Phase II Reports, Determination of Eligibility Reports, Criteria of Effect Reports, Mitigation Reports(e.g., Phase III Data Recovery Reports) and Treatment Plans] will be conducted by section, beginning with Section 6 and followed sequentially by Sections 5, 4, 3, Walnut Bottom Run Wetlands Replacement Area (located within Section 7), Cherry Fork Wetlands Replacement Area (located within Section 16), and Sections 7, 16, 15, 14, 13, 12, 11, 10, 9, and 8.

B. The FHWA affirms that avoidance of adverse effects to cultural resources remains the preferred course of action and that design activities in any Section will not preclude the shifting of the Project centerline, or the cut and fill boundaries, in any adjacent Section if necessary to avoid, minimize or mitigate adverse impacts to historic resources. No design engineering shall be finalized in any Section until Stipulations II.A-G, III.A-D and IV.A have been completed. No work shall proceed in any section which precludes consideration of alternate alignments in Sections where treatment of historic properties has not yet been finalized.

II. Historic Resources

A. Historic resources are defined as all non-archaeological resources consisting of historic buildings, structures, objects, and districts.

B. The FHWA will identify and evaluate all identified buildings, districts, structures, and objects located within the APE for Register eligibility in accordance with 36 CFR Part 800.4(c). This work will comply with the West Virginia Division of Culture and History, Historic Preservation Unit *Guidelines for Phase I Surveys, Phase II Testing, Phase III Mitigation and Cultural Resource Reports* (October 1991, and as amended).

C. Determination of Eligibility reports, by section, will be submitted to the WVSHPO for review and comment. The reports will include research design and methods, location information, property descriptions, photographs, site plans, boundary descriptions, pertinent maps, a location specific context statement to evaluate eligibility, eligibility assessments according to the National Register Criteria, and updated West Virginia Historic Resource Inventory forms (and as needed, Virginia Historic Resource forms). Unless otherwise directed by the FHWA in order to comply with Project design scheduling, sequencing of Determination of Eligibility Report submissions will be as stated in Appendix C.

D. If a concurrence regarding eligibility of a resource cannot be reached, FHWA shall obtain a determination from the Secretary of the Interior in accordance with 36 CFR Part 800.4. If the evaluation results in the identification of resources that are eligible for inclusion in the Register, FHWA will ensure that avoidance of adverse effects to the resource is the preferred alternative.

E. The FHWA, in consultation with the WVSHPO, will assess the effects of the Project on all Register eligible properties in accordance with 36 CFR Part 800.5. Criteria of Effect reports, by section (as noted Appendix B), will be submitted to the WVSHPO for review and concurrence. The reports will include property descriptions, photographs, application of the Criteria of Effect and Adverse Effect, pertinent maps, and related information. Project effects will be assessed with regard to physical as well as indirect effects, e.g., visual, audible, and atmospheric effects.

F. The FHWA affirms that they will utilize all feasible, prudent and practicable measures to avoid adverse effects to Register-eligible properties. If it is determined by WVDOT that avoidance may not be possible, FHWA will ensure that a report is prepared section by section and submitted to the WVSHPO for review and comment. This report would evaluate design modifications that will avoid

adverse effects to the cultural resource and take into account feasibility of engineering, cost and other appropriate factors. Consultation based on this report will occur prior to any design engineering or conceptual planning that would compromise the ability to make alterations, to determine whether avoidance of adverse effects to historic resources is practicable.

G. Subsequent to SHPO concurrence that avoidance of the resource is neither prudent nor feasible, or is impracticable, and based upon the results of the Cultural Resource Avoidance Feasibility Reports, the parties shall consult to develop a mitigation plan on a section-by-section basis incorporating appropriate measures to avoid and/or minimize effects to historic resources. Mitigation plans will be subject to approval by the WVSHPO and the Council. The FHWA will ensure that any such mitigation plans are implemented prior to Project construction within the designated area of effect.

III. Archaeological Resources

A. The FHWA will conduct a Phase I reconnaissance and sub-surface testing program within areas of the Project Build Alternative where ground disturbance may result, including all staging, borrow, and designated blast zones (defined as excavation areas). Phase I management summaries of each section will be submitted by WVDOT to the WVSHPO for review and concurrence. The results of Phase I reconnaissance shall be documented by section in a Phase I Management Summary which shall include locational information, descriptions of fieldwork, methods employed, results of fieldwork, pertinent maps, photographs (if required), completed West Virginia Archaeological Site Forms, and recommendations and scope(s) of work for Phase II investigations. Unless otherwise directed by the FHWA in order to comply with Project design scheduling, sequencing of Phase I management summary submissions shall follow the schedule provided in Appendix B.

B. When Phase I survey efforts indicate the presence of archaeological resources that require Phase II testing as determined by FHWA in consultation with the WVSHPO, Phase II sub-surface archaeological testing as detailed in the Phase I Management Summaries will be conducted in accordance with the Secretary of the Interior's "Standards and Guidelines for Archeology and Historic Preservation" (48FR44716). FHWA will insure that the WVSHPO is provided with an opportunity to review and comment on the Scope of Work (SOW) contained in the Phase I management summary prior to its implementation. If the WVSHPO does not object within 30 days from the receipt of the Phase II SOW, FHWA may implement the Phase II SOW for that section in accordance with the SOW. Following completion of field work, a Phase II management summary will be prepared and provided to the WVSHPO by WVDOT for review and comment. Phase II management summaries will document location information, description of fieldwork, methods employed and results of fieldwork. The summaries will contain descriptions of stratigraphy and features, appropriate mapping, site plans, photographs and evaluation of eligibility according to the National Register Criteria.

C. If FHWA and the WVSHPO agree that an archaeological site is not eligible to the Register then no further cultural resource investigation of that site will be conducted. If FHWA and the WVSHPO agree that an archaeological site is eligible to the NRHP then FHWA will ensure that

Stipulations IID and IIE of the agreement are implemented. If the FHWA and WVSHPO cannot concur regarding eligibility of an archaeological site, FHWA shall obtain a determination from the Secretary of the Interior in accordance with 36 CFR Part 800.4. If the evaluation results in the identification of an archaeological site that is eligible for inclusion in the Register, FHWA will ensure that avoidance of the site is the preferred alternative.

D. FHWA shall consider means to avoid all archaeological sites determined eligible for inclusion on the Register. If it is ascertained by WVDOT that avoidance of an archaeological site determined eligible to the Register may not be possible, FHWA will ensure that a report detailing why avoidance is not feasible is prepared and submitted to the WVSHPO for review and concurrence. This report will evaluate design modifications to avoid the archaeological site and take into account feasibility of engineering, cost and other appropriate factors. Consultation regarding this report will occur prior to any design engineering or conceptual planning that would compromise the ability to make alterations to avoid the resource. Subsequent to consultation, WVSHPO and FHWA will consider appropriate measures to address the findings of the report. If WVSHPO and FHWA cannot concur on the appropriate course of treatment, FHWA will seek the Council's participation in consultation.

E. If it is determined by FHWA and WVSHPO that avoidance of an archaeological site is neither prudent nor feasible, or is impracticable, the FHWA will develop a Phase III data recovery plan in consultation with the WVSHPO in order to mitigate the adverse effects. The Council will be afforded an opportunity to comment on said plan. The data recovery plan will be subject to approval by the WVSHPO and the Council prior to implementation and will be completed prior to the initiation of construction within the area of effect.

F. Within one week of receiving Phase I reports and Phase II reports by section from the consultant given in Appendix B, WVDOT shall distribute to the WVSHPO for review and concurrence. These reports will provide detailed information on archaeological sites identified during the course of the Phase I survey and subsequent Phase II archaeological testing; and will contain all appropriate location information, site and artifact data, specific prehistoric and/or historic contextual information with regard to site descriptions, site mapping, applicable photographs, illustrations, in addition to recommendations for appropriate data recovery. These reports shall incorporate the findings of the Phase I and Phase II management summary reports. These reports will not be used as the basis for determinations of Register eligibility regarding archaeological sites since those determinations will be made on the basis of the Phase II management summary reports. All reports will comply with the West Virginia Division of Culture and History, Historic Preservation Unit "Guidelines for Phase I Surveys, Phase II Testing, Phase III Mitigation and Cultural Resource Reports (October 1991, and as amended).

G. Any artifactual material(s) recovered during the course of Project investigations will be cleaned, labeled, documented, and packaged pursuant to 36 CFR 79 and the *West Virginia Division of Culture and History Curatorial Guidelines - Collections Management Facility* (n.d.). Unless otherwise agreed to, all artifacts recovered outside of public lands, as well as all supporting documentation (i.e., field notes, mapping, laboratory notes, photographs, and reports), will be delivered to the Collections Management Facility, West Virginia Division of Culture and History upon

completion of the Section 106 process. Artifacts material(s) recovered on public lands (e.g. National Forest lands) as well as all supporting documentation (i.e., field notes, mapping, laboratory notes, photographs, and reports), will be delivered to their respective owners upon completion of the Section 106 process.

IV. Marked and Unmarked Cemeteries, and Burial Places

A. FHWA will ensure that all marked cemeteries within the Area of Potential Effect will be inventoried and evaluated for eligibility in the Register in accordance with 36 CFR Part 800.4. If determined eligible, avoidance and review of alternatives to direct impact will be considered as laid out in Stipulation II.F. All procedures for identifying and evaluating burial places will comply with guidelines established in the National Park Service Publication, *National Register Bulletin 41 - Guidelines for Evaluating and Registering Cemeteries and Burial Places* (1992), West Virginia Code 29-1-6b, and the Native American Graves Protection and Repatriation Act of 1990 (P.L. 101-601).

V. Archaeological Monitoring

During the completion of Stipulation III, FHWA will ensure that an appropriate plan for archaeological monitoring of construction areas is developed and implemented as detailed below. It is understood that the measures outlined below will go into effect after the intensive Phase I, Phase II and Phase III archaeological fieldwork has been completed for Sections 3-16 and should not be construed as a replacement strategy for said work.

1) Archaeological monitors, here defined as persons meeting at a minimum the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9), shall be employed during all soil excavation activities during construction of sections 3-16 of the proposed Appalachian Corridor H project in the following areas: 1) areas defined as having a high potential for containing intact archaeological deposits including but not limited to floodplain, saddles, and ridge tops and 2) areas where previously recorded archaeological sites are in close proximity, approximately within 15-20 meters, to the proposed construction limits although no evidence of their existence was discovered during the initial intensive systematic archaeological field survey effort. Where determined appropriate through consultation with the WVSHPO known site locations will be cordoned off with construction fencing and flagged. No heavy equipment use will be permitted in these areas.

2) The FHWA shall ensure archaeological monitors will be on-site during all soil excavation activities in the project areas as specified in paragraph 1 of this plan. The monitors shall maintain surveillance on the construction area as the soil is removed, to identify locations in which the buried cultural strata are exposed. In all areas in which cultural strata is exposed, the monitors will conduct pedestrian investigations to identify whether any significant archaeological features are present. During the execution of the archaeological monitoring, the monitors shall maintain a daily written and photographic record of the construction excavation in progress. The archaeological monitor will provide monthly progress reports. The report will briefly summarize the purpose, methodology, and results of the monitoring. Each monthly report shall include a site map illustrating portions

completed, and any archeological features recorded during the monitoring.

VI. Unanticipated Discovery

A. In the event of the identification of a feature containing potentially significant archeological features following completion of intensive Phase I, II, and III Archaeological field work, the monitor will stake an area with a ten foot radius around the feature, with safety ribbon tied between the stakes. The monitor will instruct the construction contractor to avoid any additional soil excavation or machine movement through the staked area until such time as the resource can be evaluated for Register eligibility and appropriate treatment plan is developed and implemented. Based upon the type of feature and artifacts found in association with it, the monitor shall determine the potential eligibility of the feature for listing on the Register. Documentation of the finding will be provided to the WVSHPO in a weekly management summary. When the WVSHPO concurs that cultural features are not Register eligible, the monitors shall excavate the remainder of the feature, and then immediately notify the construction contractor that construction activities may resume in the area.

B. In the event the identification of a feature containing human remains is found, treatment shall proceed according to the measures in stipulation VII.

VII. Human Remains

Throughout this agreement, reference to human remains includes "cultural items" defined as associated funerary objects, unassociated funerary objects, sacred objects, and items of cultural patrimony.

A. The FHWA will ensure that the discovery of unmarked cemeteries, human remains and associated grave goods and funerary objects during the course of cultural resources investigations or construction activity related to said Project will be brought to the immediate attention of the WVSHPO. The monitors will instruct the construction contractor that the staked area must be avoided until appropriately treated. The monitor shall then proceed to notify the FHWA, as well as the WVSHPO, of the discovery. The location shall be covered in plastic and backfilled with soil, to protect the location until excavation of the human remains can be authorized. No human remains will be intentionally excavated until consultation with the WVSHPO has occurred.

B. FHWA will ensure that all appropriate associated lineage groups or descendant families are contacted. If the human remains are non-Native American in origin, and are associated with unmarked graves and/or cemeteries, the FHWA will contact the appropriate local authorities (e.g. police, coroner's office). If the human remains are Native American in origin, the FHWA will ensure that the appropriate Native American groups are contacted concerning the discovery of human remains and afforded an opportunity to comment on the implementation of stipulations.

C. The FHWA will ensure that the treatment of human remains is in full compliance with the West Virginia Unmarked Burial Law.

D. The FHWA will ensure that the WVSHPO and the Council are provided with information such as the location, description and disposition, concerning the discovery of human remains within 24 hours if the discovery is made during the work week, or the following work day if the discovery is made on a weekend/holiday. No activities that may disturb such sites will be conducted until a treatment plan has been developed in consultation with WVSHPO and appropriate interested parties, the WVSHPO and the Council have been afforded an opportunity to comment, and the plan is implemented.

E. The FHWA affirms that they will avoid human remains encountered during work associated with the Project, where feasible. The location of the burial will be noted on Project mapping, and the location will be cordoned off by fencing to ensure further non-disturbance of the burial site by Project activities. The exposed portion of the burial will be mapped, illustrated, and photographed before being restored to its pre-discovery condition.

F. If avoidance of human remains is considered not feasible, as determined in consultation with the WVSHPO, the following steps will be taken by FHWA:

1) NON-NATIVE AMERICAN HUMAN REMAINS

a) The non-Native human remains will be evaluated for eligibility in the Register in accordance with 36 CFR Part 800.4. If it is determined by FHWA and WVSHPO that the remains are not eligible, FHWA will ensure that the remains are either avoided or removed to an appropriate reinternment location.

b) If the remains are determined eligible, FHWA will evaluate feasibility of avoidance in consultation with the WVSHPO. If construction limits can be altered to avoid the remains, the remains will be restored to pre-discovery conditions, cordoned off and avoided. If the remains cannot be avoided, the following steps will be taken to ensure their proper excavation:

i. The burial(s) will be documented fully prior to excavation. Documentation will consist of appropriate detailed mapping, illustrations, and photographs.

ii. Excavation of human remains will be undertaken in a careful, respectful, and complete manner in accordance with proper archaeological methods. In addition, excavation of human remains will not involve the use of chemicals which may damage bones during or after excavation.

iii. Bones will be labeled and packaged with appropriate locational and contextual information and their location plotted on measured illustrations.

iv. Any artifacts found in association with human burials will be labeled and packaged with appropriate locational and contextual information and their location plotted on measured illustrations.

v. All soil associated with the excavation of a human burial will be saved and stored in labeled packaging.

vi. In the event that scientific analyses will be conducted on human remains, the FHWA, in consultation with the WVSHPO, the Council, and interested persons will devise an appropriate schedule for the completion of said scientific studies.

vii. When claimed by cultural or familial descendants, human remains and associated artifacts shall be reburied following the completion of the post-excavation treatment plan. The FHWA, in consultation with the WVSHPO, and the Council, will ensure the return of human remains to an agreed upon recipient for repatriation within a year following completion of analysis.

viii. When human remains and associated artifacts (grave goods) from unmarked graves are not claimed by descendants the FHWA, in consultation with the WVSHPO, has the option to rebury the remains after archaeological investigations have been completed, or to place them into the state museum where they will be cared for with dignity and respect as determined by the WVSHPO, or designee, or interested parties.

2) NATIVE AMERICAN REMAINS

a) If it is determined that the human remains are Native American in origin the Native human remains will be evaluated for eligibility in the Register in accordance with 36 CFR Part 800.4. If it is determined by FHWA and WVSHPO that the remains are not eligible, the FHWA will ensure that the remains are either avoided or removed to an appropriate reinternment location.

b) FHWA will consult with the WVSHPO and all appropriate Native American tribes and groups regarding any decisions to avoid, preserve in place, or excavate any Native American remains discovered during archaeological monitoring activities. If the avoidance of human remains in the construction corridors is not feasible, then the burial will be excavated following the procedures outlined in below:

i. Prior to examination of the remains, all soil around the burial will be carefully removed and saved in labeled containers.

ii. Photographs will be taken of the burial in place, with detail photographs taken to show noteworthy features.

iii. Detailed measured drawings will be developed to record the archaeological feature, the positions of the bones, and any related artifacts.

iv. Based upon the information gathered from the above measures, FHWA will determine, to the best of its ability, the cultural affiliation of both the remains and associated grave goods.

v. FHWA will notify the WVSHPO, and the Council, as well as any tribe determined to be culturally affiliated with the remains, of their determination of cultural affiliation as well as the basis for this determination.

vi. The WVSHPO will then provide the FHWA with comments on their conclusions of cultural affiliation for the remains within 14 calendar days.

vii. All comments received within the 14 calendar days will be used by the FHWA in making its final determination of cultural affiliation. The final determination by FHWA will be communicated to the WVSHPO, and the Council. If a particular tribe is determined to be affiliated with the remains, the WVSHPO will consult with them regarding further treatment of the remains.

viii. Unless any party objects, FHWA shall proceed with the excavation of the remains.

ix. The Native American groups will be invited to attend the excavation and FHWA will welcome them to perform any religious ceremonies or rituals regarding the excavation of the remains.

c) If the remains are determined eligible, FHWA will evaluate feasibility of avoidance in consultation with the WVSHPO. If construction limits can be altered to avoid the remains, the remains will be restored to pre-discovery conditions, cordoned off and avoided. If the remains cannot be avoided, the following steps will be taken to ensure their proper excavation:

d) The FHWA will coordinate with the appropriate Native American groups, as determined by the methods outlined above, to discuss scientific testing of the remains for which the groups have demonstrated cultural affiliation.

VIII. Performance Standards, Report Submission Schedule and Review Responsibilities

A. All historic and archaeological work will be conducted under the direct supervision of a person or persons who meet, at a minimum, the appropriate qualification standards set forth in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, 48 FR 44738-9, and who have experience in the region and in the pertinent sub-fields of their disciplines. All archeological work will be conducted with reference to and be consistent with the principles contained in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic

Preservation and in the Council's Treatment of Archeological Properties, as well as the Guidelines for Phase I surveys, Phase II Testing, Phase III Mitigation and Cultural Resource Reports established by the WVSHPO in 1991. All other survey work will be conducted according to the Secretary of the Interior's Standards for Identification and Evaluation as well as WVSHPO Guidelines.

B. The FHWA will submit all Project reports defined as: Phase I management summaries, Phase II management summaries, combined Phase I/II technical reports, Determination of eligibility Reports, Criteria of Effect Reports, Cultural Resource Avoidance Feasibility reports and Data Recovery Plans, addressed in this agreement to the WVSHPO for review within a period not to exceed 90 days from completion of the fieldwork. Unless otherwise noted, WVSHPO will review and comment on Project reports within 45 calendar days of receipt of said reports. If the reports cannot be reviewed in this time frame, the WVSHPO will so inform the FHWA. The WVSHPO must approve treatment plans.

C. The Council will be afforded an opportunity to comment in all instances where an adverse effect may occur. The Council will provide comments on these issues within 45 calendar days upon receipt of all pertinent documentation.

D. The FHWA will ensure that all consulting parties are notified when Determination of Eligibility reports, Management Summary reports, and Archaeological reports are available for inspection. Consulting parties will be notified concurrence by copies of transmittal letters of said reports to WVSHPO. If the Project report includes activities affecting Forest Service lands, a copy of the report will be furnished directly to the Monongahela or George Washington National Forest, as appropriate. The consulting parties may examine any Project report submitted to the WVSHPO by contacting the FHWA in order to obtain a copy of a Project report. Project reports distributed to the consulting parties, with the exception of the Monongahela National Forest and the George Washington National Forest, will not include archaeological location specific information (e.g., UTM coordinates, station markers, and mapping). The consulting parties shall have 30 days from receipt to provide comments to FHWA.

E. The WVDOT shall provide two copies of all final reports to the WVSHPO in accordance with the WVSHPO's guidelines for surveys. One copy of the report will include original photographs or halftones and will be on acid free paper. Any completed site forms will also be on acid free paper when sent to the WVSHPO.

IX. FUTURE COOPERATION WITH VASHPO

FHWA will ensure that the appropriate level of review with the VASHPO is conducted if it is determined that the Project will impact that state's historic properties.

X. Public Participation

A. FHWA will ensure that an active public participation program is carried out. In addition to promptly notifying all consulting parties of the availability of the Determination of Eligibility, Management Summary and Archaeological reports, these reports will be made available for review to interested persons and the general public at the FHWA West Virginia Division Office and the WVSHPO. The views of consulting parties, interested persons and the general public will be considered in the determination of appropriate actions to avoid, minimize or mitigate adverse effects to historic properties. The Report Submission Schedule and Review Responsibilities for these actions are further detailed in section III F. of this agreement.

B. As stated in Section 304(16U.S.C. 470w-3) of the National Historic Preservation Act of 1966, as amended, the signatories to this Agreement and participating consulting parties will withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if it is determined that disclosure may (1) cause a significant invasion of privacy; (2) risk harm to the historic resource; or (3) impede the use of a traditional religious site by practitioners.

C. Under the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470hh), the signatories to this Agreement and participating consulting parties will withhold from disclosure to the public, information concerning the nature and location of any Archaeological resource located on public lands for which the excavation or removal requires a permit or other permission.

D. The FHWA, the WVDOT and the WVSHPO reserve the right to restrict information concerning the location, character, or ownership of a historic resource as stipulated in the West Virginia Code, Chapter 29 B, Article 1.

E. Prior to construction, FHWA will investigate the cultural affiliation of various Native American groups that may have inhabited the vicinity at various times during the prehistoric and protohistoric periods. All Native American groups which have the potential to be culturally affiliated with the vicinity will be notified of the potential to discover human remains. FHWA will contact the West Virginia Council on American Indian Burial Rights, Inc., as an Interested Party, regarding the discovery or excavation of any Native American remains encountered during archaeological monitoring.

F. FHWA will provide the selected Native American groups with a draft treatment plan section by section and request their comments. The plan describes FHWA efforts regarding the avoidance or preservation in place of the remains, the excavation of the remains, the scientific testing of the remains, and the determination of the repatriation or reburial of the remains.

XI. Amendments to Programmatic Agreement

Any party to this agreement may request that it be amended, whereupon the parties will consult in accordance with 36 CFR Part 800.13 to consider such amendment.

XII. Dispute Resolution

A. Should any party object to any documentation completed or actions proposed pursuant to this agreement FHWA will, within 30 calendar days, consult in good faith with the appropriate parties to resolve the dispute. If the FHWA determines that the dispute cannot be resolved, the FHWA will forward all documentation relevant to the dispute to the Council. Within 30 calendar days after receipt of all pertinent documentation, the Council will either:

1. Provide the FHWA with recommendations, which the FHWA will take into account in reaching a final decision regarding the dispute; or
2. Notify the FHWA that it will comment pursuant to 36 CFR Part 800.6(b) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the FHWA in accordance with 36 CFR Part 800.6(c)(2) with reference to the subject of the dispute.

B. Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute. The FHWA responsibility to carry out all actions under the agreement that are not the subjects of the dispute will remain unchanged. If the Council fails to pursue either Stipulation VII or VIII.B, as listed above, within the 30 calendar days mentioned, the FHWA may proceed with its plans.

XIII. Monitoring

The Council and the WVSHPO may have access to activities carried out pursuant to this Agreement, and the Council will review such activities if so requested. The FHWA will cooperate with the Council and the WVSHPO in carrying out their monitoring and review responsibilities.

Execution of this agreement and implementation of its terms evidence that the FHWA has taken into account the effects of the Appalachian Corridor H Project on historic properties and has afforded the Council the opportunity to comment on the Project and its effects on historic properties.

PROGRAMMATIC AGREEMENT
APPALACHIAN CORRIDOR H
ELKINS TO THE WEST VIRGINIA/VIRGINIA STATE LINE

FEDERAL HIGHWAY ADMINISTRATION

BY:

David E. Bender
David E. Bender, Division Administrator

10/6/95
Date

WEST VIRGINIA STATE HISTORIC
PRESERVATION OFFICER

BY:

William G. Farrar
William G. Farrar, Deputy

10/5/95
Date

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY:

Cathryn B. Slater
Cathryn B. Slater, Chairman

11-8-95
Date

CONCUR:

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

BY:

Fred Van Kirk
Fred Van Kirk, Secretary/Commissioner

10/5/95
Date

CONCUR:

MONONGAHELA NATIONAL FOREST

BY:

Jim Page
Jim Page, Forest Supervisor

10/9/95
Date

CONCUR:

GEORGE WASHINGTON NATIONAL FOREST

BY:

William Darnon
William Darnon, Forest Supervisor

10/12/95
Date

APPENDIX A: PROJECT SECTION DESCRIPTIONS

SECTION 16:	Route 3/3 near Kerens to Elkins	9.1 mi (14.6 km)
SECTION 15:	Shavers Fork near Pleasants Run to Route 3/3 near Kerens	5.9 mi (9.5 km)
SECTION 14:	Black Fork to Shavers Fork near Pleasants Run	5.1 mi (8.2 km)
SECTION 13:	Blackwater River to Black Fork	9.7 mi (15.6 km)
SECTION 12:	Gatzmer to Blackwater River	7.7 mi (12.4 km)
SECTION 11:	Mt. Storm Lake to Gatzmer	6.9 mi (11.1 km)
SECTION 10:	Two miles west of Scherr to Mt. Storm Lake	6.7 mi (10.8 km)
SECTION 9:	Route 3 to two miles west of Scherr	6.4 mi (10.3 km)
SECTION 8:	Grant County Line to Route 3	6.3 mi (10.1 km)
SECTION 7:	South Branch of Potomac River to Grant County Line	6.8 mi (10.9 km)
SECTION 6:	Route 1 to South Branch of Potomac River	7.1 mi (11.4 km)
SECTION 5:	State Route 259 to Route 1	8.1 mi (13.0 km)
SECTION 4:	Route 23/12 to State Route 259	7.5 mi (12.1 km)
SECTION 3:	West Virginia/Virginia State Line to Route 23/12	4.6 mi (7.4 km)



U.S. Department
of Transportation

Federal Highway
Administration

West Virginia Division

Geary Plaza, Suite 200
700 Washington Street, East
Charleston, West Virginia 25301
(304) 347-5928



August 7, 2000

IN REPLY REFER TO:
Federal Project APD-0484(059)
State Project X142-H-38.99
Appalachian Corridor H
Programmatic Agreement - Amendment

Randolph T. Epperly, Jr., P.E.
Deputy State Highway Engineer-
Project Development
West Virginia Division of Highways
Charleston, West Virginia 25305

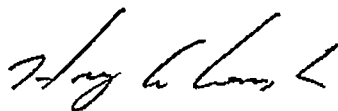
Dear Mr. Epperly:

As required by the Corridor H Settlement Agreement, by letter dated May 1, 2000, the Federal Highway Administration (FHWA) submitted to the Advisory Council on Historic Preservation (ACHP) a proposed Amendment to the existing Corridor H Programmatic Agreement. The purpose of the Amendment was to revise the project designations in Appendix A of the agreement. By e-mail dated July 28, 2000, the ACHP concurred in the proposed revision. By letter dated August 7, 2000, the FHWA forwarded a copy of the revised Appendix to the ACHP to confirm our agreement. In addition, a copy of the revised Appendix has been provided to the Forest Supervisors of the Monongahela National Forest and the George Washington National Forest (signatories to the Programmatic Agreement). The FHWA also forwarded copies of the revised Appendix, and all other pertinent correspondence between the FHWA and ACHP regarding the proposed amendment, to all seventeen (17) parties identified in Exhibit 5 (List of Plaintiff Contacts) of the Corridor H Settlement Agreement via the Return-Receipt Delivery to Plaintiffs procedure. As described in our May 1 letter to the ACHP, all future submissions of either Criteria of Effects (COE) reports or Mitigation Plans should be developed in accordance with the revised project designations (with exception to the Lahman House and Hott House). If needed, the COE report for the Lahman House (formerly in Section 7) will be submitted to the ACHP as an independent submission. The Mitigation Plan for the Hott House will be submitted to the ACHP at the same time other resources within former Section 3 are submitted; however, FHWA will request that the Hott House be reviewed independently of the other resources.

Enclosed for your information is a copy of the letter sent to each of the twenty (20) parties contacted by the FHWA. In order to complete the amendment process, the FHWA is requesting the West Virginia Division of Highways forward to the West Virginia State Historic Preservation Officer a copy of our

August 7 letter transmitting the revised Appendix to the ACHP. If you have any questions or comments concerning this information, please contact me at (304) 347-5268 or via e-mail at Henry.Compton@fhwa.dot.gov.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Henry E. Compton", with a stylized flourish at the end.

Henry E. Compton, P.E.
Right of Way & Environment Specialist

Enclosures

APPENDIX A: PROJECT SECTION DESCRIPTIONS

PROJECT	WESTERN TERMINUS	EASTERN TERMINUS	LENGTH (Approx)
Elkins to Kerens	Elkins (at the terminus of the Northern Elkins Bypass, 0.55 miles east of County 11)	Kerens (0.2 miles north of County Route 7)	5.5 miles
Kerens to Parsons	Kerens (0.2 miles north of County Route 7)	Parsons (at County Route 219/4, 0.2 miles south of the northernmost point at which County Route 219/4 intersects with US Route 219)	13.5 miles
Parsons to Davis	Parsons (at County Route 219/4, 0.2 miles south of the northernmost point at which County Route 219/4 intersects with US Route 219)	Davis (at WV Route 93, 0.7 miles east of WV Route 32)	9.0 miles
Davis to Bismarck	Davis (at WV Route 93, 0.7 miles east of WV Route 32)	Bismarck (at WV Route 42, 0.4 miles south of the intersection with Route 42/93)	16.5 miles
Bismarck to Forman	Bismarck (at WV Route 42, 0.4 miles south of the intersection with Route 42/93)	Forman (at County Route 5, near Thorn Run)	9.5 miles
Forman to Moorefield	Forman (at County Route 5, near Thorn Run)	Moorefield (at County Route 15, 0.5 miles west of WV Route 55)	16.0 miles
Moorefield to Baker	Moorefield (at County Route 15, 0.5 miles west of WV Route 55)	Baker (at WV Route 259, 0.6 miles east of the intersection with WV Route 259/55)	14.0 miles
Baker to Wardensville	Baker (at WV Route 259, 0.6 miles east of the intersection with WV Route 259/55)	Wardensville (at County Route 23/12, 0.2 miles south of WV Route 259)	7.0 miles
Wardensville to Virginia State Line	Wardensville (at County Route 23/12, 0.2 miles south of WV Route 259)	Virginia Line (a point on WV Route 55 approximately 100 feet west of the West Virginia/Virginia state line)	5.5 miles

Appalachian Corridor H

Parsons-to-Davis SDEIS

Interactive CD-ROM



December 2002

Click on a button below:

Signature Page

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Appalachian Corridor H
Parsons, WV to Davis, WV
Supplemental Environmental Impact Statement
FHWA-WV-EIS-92-01-SD
State Project: X142-H-38.99 C-2
Federal Project: APD-484 (59)