

**Appalachian Highway Corridor H
Wardensville to Virginia State Line Project
Core Boring Activities (Non-USFS Property)**

*Hardy County, WV
State Project X316-H-125.16
Federal Project NHPP(0484)118*

CATEGORICAL EXCLUSION

FEBRUARY 13, 2023



WEST VIRGINIA DIVISION OF HIGHWAYS
Programmatic Categorical Exclusion Type 2

(For projects that will not result in significant environmental impacts and/or substantive public controversy)

I. PROJECT INFORMATION

Project Name: Wardensville to Virginia State Line Project Core Boring Activities (Non-USFS Property)

State Project Number: X316-H-125.16 Federal Project Number: NHPP(0484)118

Route Number: NA County: Hardy Coordinates: 39.071354, -78.631725 to 39.067531, -78.5

Average Daily Traffic (ADT): Existing: NA Projected:

Prepared By: Lovell Facemire
Digitally signed by Lovell Facemire
DN: C=US, E=lovell.facemire@wv.gov, O=WVDOH
Engineering, OU=Environmental Section, CN=Lovell
Facemire
Location: Charleston
Reason: I am approving this document
Date: 2023.02.13 10:05:43-05'00'

Category (Identified in 23CFR771.117 (c) or (d)):

Select Categorical Exclusion #:

WVDOH Approval: Sondra Mullins
Digitally signed by Sondra Mullins
Date: 2023.02.13
13:03:17-05'00'

(c) 24: Localized geotechnical and other investigations.

Does this project have a federal nexus?

FHWA federally aid eligible

Is this project FHWA federally aide eligible?

Yes

Is FHWA approval required?

No

FHWA Approval:

Existing Conditions:

The West Virginia Division of Highways (WVDOH) is planning to conduct core boring activities in order to proceed to final design for the Wardensville to Virginia State Line Project, a portion of Appalachian Highway Corridor H in Hardy County, WV, which overlaps the George Washington National Forest (Attachment 1). Core borings are necessary to conduct geotechnical studies to 1) understand the geology beneath the future roadway, 2) confirm the feasibility of construction at the proposed locations, and 3) proceed with additional slope designs. The purpose of this project is to conduct exploratory core borings and associated activities on property that is within and adjacent to the Preferred Alternative and is not owned by the U.S. Forest Service (USFS), i.e., "Non-USFS Property," while avoiding and

Preferred Alternative:

The Preferred Alternative includes performing core boring activities on properties along the Preferred Alternative Alignment of the Wardensville to Virginia State Line Project that are not owned by the USFS. The proposed core boring sites and associated access plans are shown in Attachment 2 and lie between the highway project's western terminus and a property just west of Slate Rock Run. A separate CE document will be prepared to address the core boring activities that overlap property owned by the USFS.

The Preferred Alternative activities include: using existing and temporary access roads to transport equipment to the core boring sites; acquiring water necessary to perform the core boring; core boring; disposing of drill water; and reclaiming the disturbed areas. The plan includes 131 proposed core boring sites and 5.8 miles of access roads outside areas owned by the USFS. Access for project activities will be achieved via the following roadways and driveways connected to them: Hardy County Route (CR) 23/12, CR 23/10, Ridge Street, Aylor Nursery Lane, Carpenters Avenue, Anderson Ridge Road, Stone Creek Village Road, CR 5/1, and Fox Run Road. The total proposed temporary disturbance for the core bore drilling pads and access roads is approximately 9.6 acres.

Other Alternatives Considered:

Specific locations for the core boring sites and associated access roads (Attachment 2) have been carefully selected based on the roadway design, geology, and land use history. For areas where cut is designed, engineers typically choose high locations to gain the best understanding of the complete geological profile and the material that will have to be moved. For fill areas, engineers typically select locations that will experience the greatest pressure with construction to best understand the soil's bearing capacity. Additional core locations are selected for areas where there is a known high variability of the strata. Proposed disturbance of land for creating new temporary access roads has been minimized to the extent feasible and practicable for completing the required core borings.

The No Action Alternative was not carried forward because core boring activities must take place in order to construct the Wardensville to Virginia State Line Project

II. IMPACT EVALUATION

A. SOCIOECONOMIC IMPACTS

1. Maintenance of Traffic

NO

2. Public Controversy *

NO

3. Environmental Justice

(ONLY ANSWER (3) if the PCE Category DOES NOT fall within (c) 1-21)

a. Are you taking any right of way?

NO

i. Temporary?

NO

ii. Approximate acreage, if known

iii. Permanent?

NO

iv. Approximate acreage, if known

b. Is the project within an EJ community?

NO

EJScreen Report produced May 27, 2022 showed no EJ community for the project area plus a one-mile buffer.



c. Are there any displacements *?

NO

i. residential?

NO

How many?

ii. non- residential?

NO

How many?

d. Will there be any changes to access?

NO

If yes, explain (temporary, permanent, etc.)

e. Was there public involvement for the project?

NO

If yes, were there any environmental justice issues that could result in a disproportionately high and adverse effect raised during the public involvement?

f. Project justification (can be beneficial or not)?

Core borings are necessary to conduct geotechnical studies to 1) understand the geology beneath the future roadway, 2) confirm the feasibility of construction at the proposed locations, and 3) proceed with additional slope designs.

B. CULTURAL RESOURCES

1. History

The WV State Historic Preservation Office (SHPO) has concurred with the determination that the project will have no effect on architectural properties eligible for or included in the National Register of Historic Places (NRHP) and that no further consultation is necessary. See letter dated February 7, 2023 in Attachment 3.

a. Adverse Effects *

2. Archaeology

The WV SHPO has concurred with the determination that the project will have no effect on archaeological historic properties and that no further consultation is necessary. See letter dated February 7, 2023 in Attachment 3.

a. Adverse Effects *

C. FORESTS, PARKS & REC AREAS COORDINATION

1. U.S. Forest Service

NO

2. US Army Corps of Engineers

NO

3. National Park Service

NO

a. Wild and Scenic River (Bluestone River)

NO

4. National Wildlife Refuge

NO

5. State Park

NO

6. State Forest

NO

7. State Wildlife Management Area

NO

8. Other Park or Recreational Area

NO

D. SECTION 4(f) IMPACTS

1. Historic Property *

If yes, what type of 4(f)?

2. Park, Recreational *

If yes, what type of 4(f)?

E. SECTION 6(f) IMPACTS

1. Land and Water Conservation Funds 6(f) Used

If yes, what was purchased with the funds?

2. Is there a *CONVERSION* of 6(f) property *

F. NATURAL RESOURCES COORDINATION

1. US Fish and Wildlife

Species List and Determination Key have been completed for the project, resulting in a No Effect determination for all Rare, Threatened, and Endangered Species. See forms in Attachment 4.

a. Formal Consultation *

2. Division of Natural Resources

The agency has been consulted and response has been received. See letter dated February 7, 2023 in Attachment 5.

3. Farmland Involvement

a. if yes, approximately how much?

b. Was a NRCS Farmland Evaluation Form Completed?

i. What was the Conversion Impact Rating?

H. PERMITS REQUIRED

1. USACE 404

NO

No impacts to Waters of the U.S. (WOUS) are proposed with the Preferred Alternative.

a. Nationwide/Regional

NO

b. Individual *

NO

2. USCG (Section 9 involving a bridge) *

NO

3. USCG (Section 10 doesn't involve a bridge) *

NO

4. Federal Special Use Permit (construction) *

NO

a. National Forest Service *

NO

b. National Park Service *

NO

c. US Fish and Wildlife Service *

NO

I. Noise Impacts

NO

Temporary construction noise associated with moving equipment and drilling. The project is a Type III project and therefore does not

a. (Mitigation Required) *

NO

J. Air Quality Impacts

NO

K. Hazard Waste/ Underground Tanks known within project area?

NO

No known issues. If unforeseen issues arise, WVDOR will coordinate with appropriate agencies to develop and implement remediation plan.

a. If yes, where?

L. Airport Coordination(within 2 miles)

NO

a. If yes, which airport?

M. Does the project cross state lines? *

NO

6 of 6

III. Public Involvement Type:

None.

a. Public Involvement Date:

b. Public Involvement Summary:

c. Letters submitted to interested parties

IV. Action(s) Required

A. Mussel survey/relocation for STATE listed streams

NO

B. Mussel relocation for FEDERALLY listed streams

NO

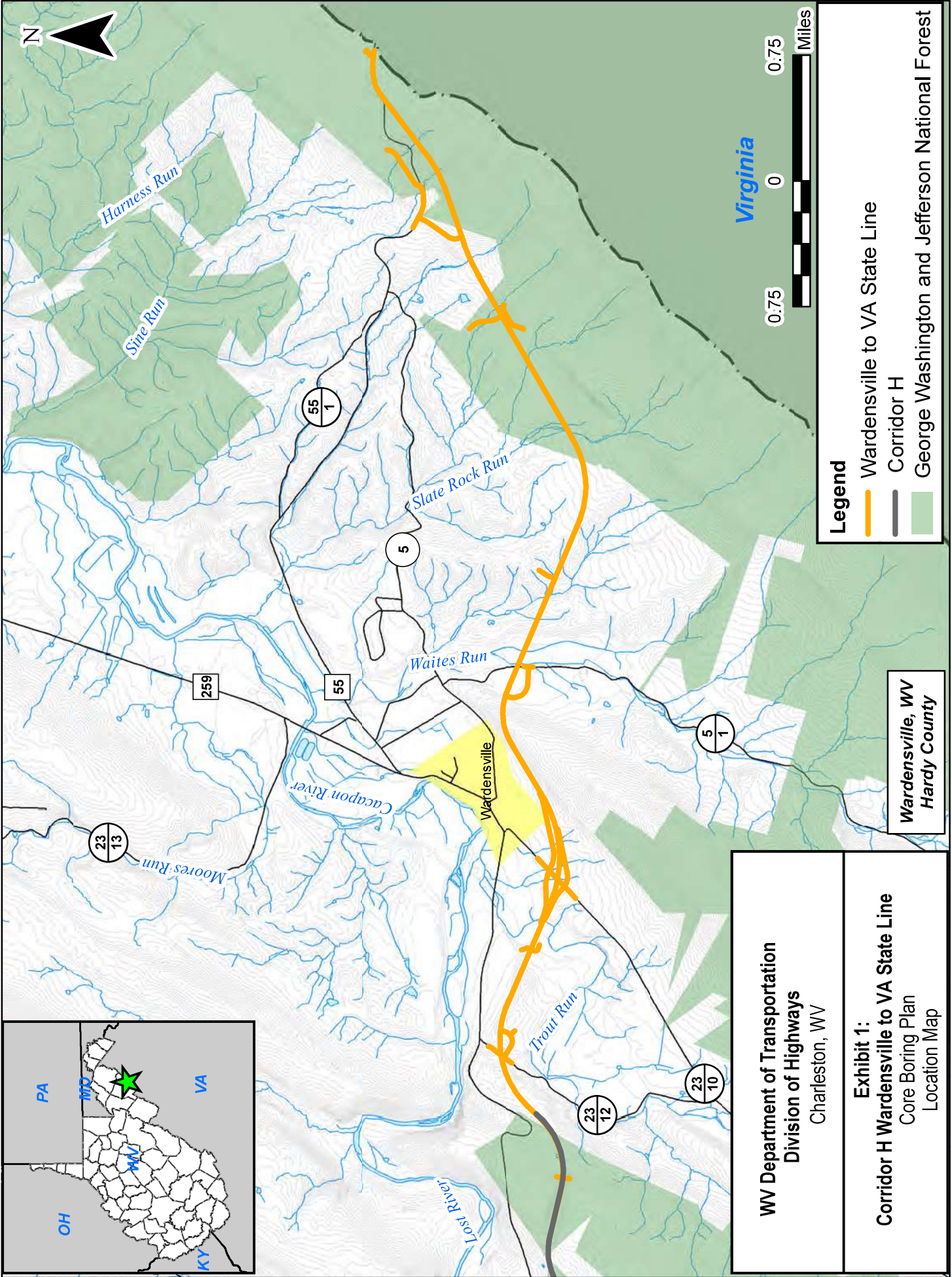
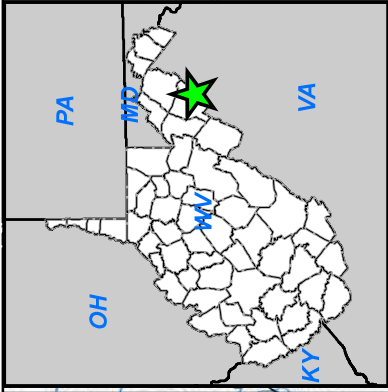
C. WVDOPH Special Provision 107.27, Construction Access and Environmental Permits

YES

* If you have answered "yes" to any of the *red questions then this project cannot be cleared as a Type 2 PCE (Programmatic Categorical Exclusion). It will need to be processed as a Categorical Exclusion requiring FHWA approval or a higher level of NEPA documentation.

If the project has changes that are not in this document the project needs to be resubmitted to the NEPA Compliance and Permitting Section for reevaluation. Waste and borrow areas outside of the project limits require a separate clearance document.

Attachment 1:
Project Location Exhibit



WV Department of Transportation
Division of Highways
Charleston, WV

Exhibit 1:
Corridor H Wardsville to VA State Line
Core Boring Plan
Location Map

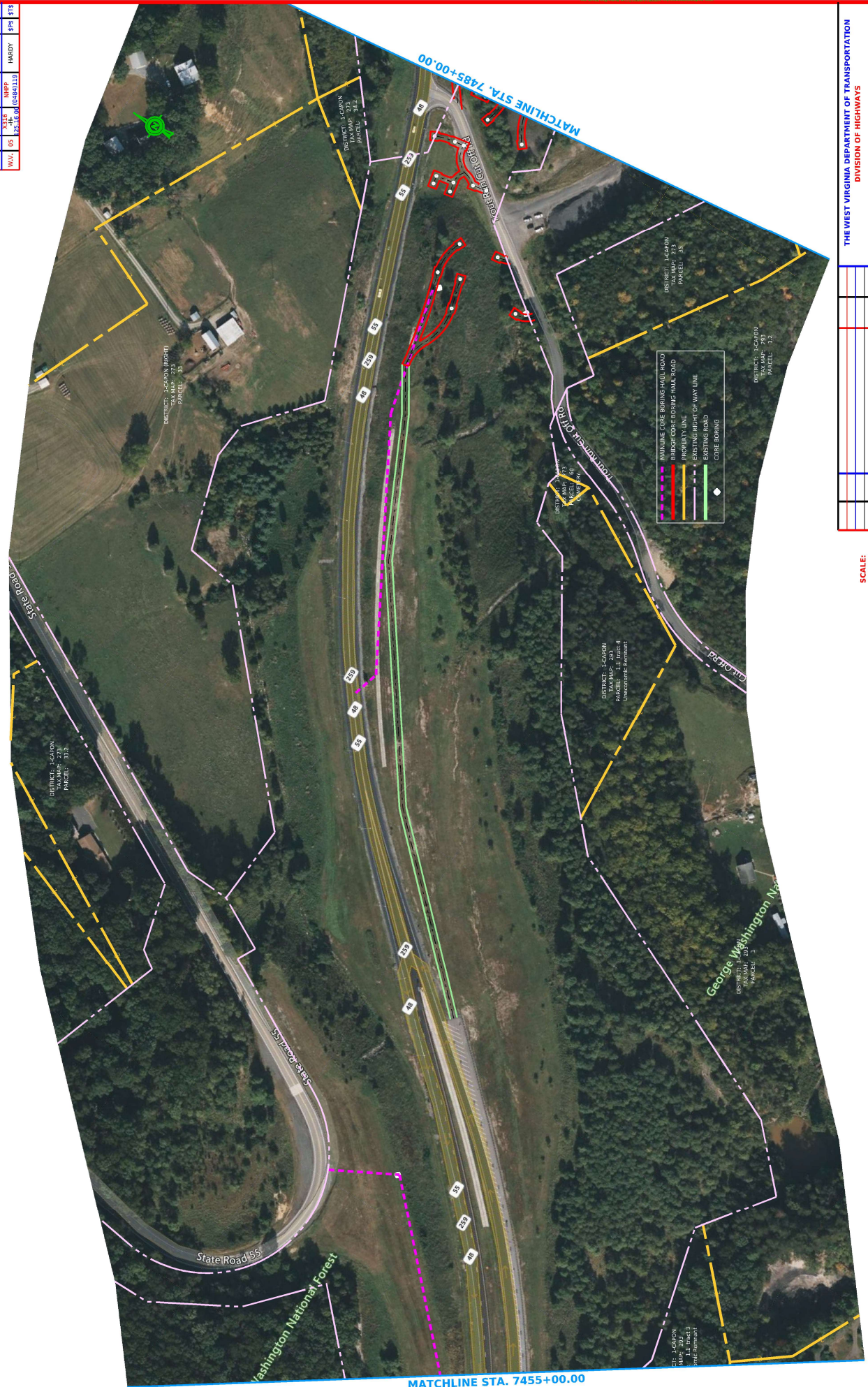
Wardsville, WV
Hardy County

Legend

- Wardsville to VA State Line
- Corridor H
- George Washington and Jefferson National Forest

Attachment 2:
Core Boring Site and Access Plans

Project No.	2021-01	Project Name	STATE ROAD 55
Contract No.	2021-01	Contract Name	STATE ROAD 55
Drawn By	PPS	Checked By	HARDY
Scale	AS SHOWN	Project No.	2021-01
Sheet No.	17	Project Name	STATE ROAD 55



SCALE: 1" = 100'

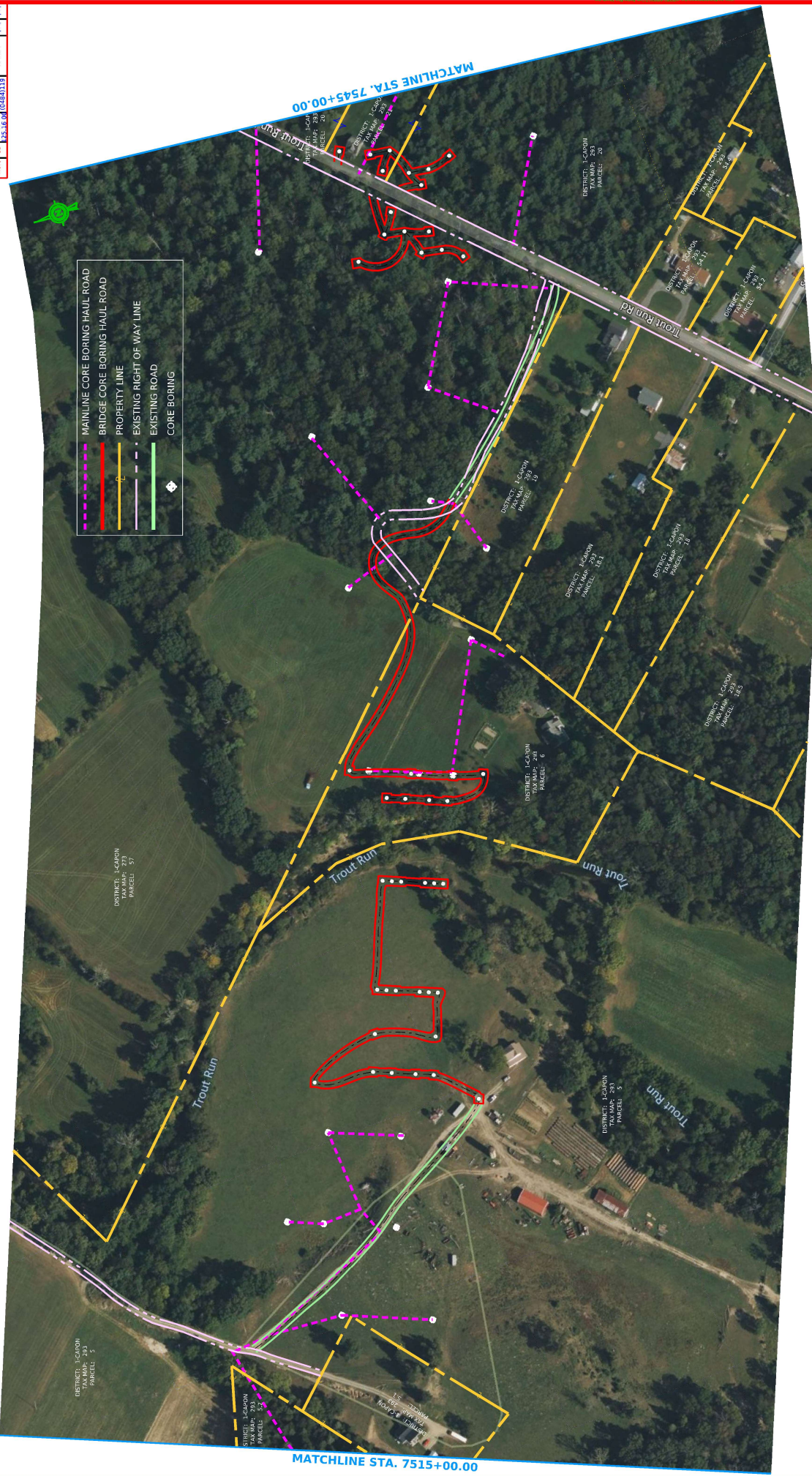
THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

PLAN SHEET

REVISION	DATE	BY

REVISION NUMBER SHEET NUMBER

Project No.	110
Project Name	TROUT RUN BRIDGE
Project Location	WV, 05
Project Manager	POWELL CONSULTANTS
Client	HARDY
Scale	1" = 100'
Sheet No.	PPS 17B



- MAINLINE CORE BORING HAUL ROAD
- BRIDGE CORE BORING HAUL ROAD
- PROPERTY LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING ROAD
- CORE BORING

THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

PLAN SHEET

REVISION	DATE	BY

SCALE: 1" = 100'

Project No.	WV-05
Project Name	USP
Contractor	HARDY
Scale	AS SHOWN
Sheet No.	178
Sheet Title	PLAN SHEET



Scale:	1" = 100'
Revision:	
Drawn By:	
Checked By:	
Design Number:	
Sheet Number:	
Date:	

THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
PLAN SHEET

Attachment 3:
Letter from WV SHPO



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

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

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

February 7, 2023

Mr. Travis E. Long
Director
Technical Support Division
WV Division of Highways
1334 Smith Street
Charleston, West Virginia 25301

RE: Appalachian Corridor H
Wardensville to Virginia State Line Project Core Boring Activities
State Project No. X316-H-125.16; Federal Project No. NHPP-0484(118)
FR#: 91-246-MULTI-389

Dear Mr. Long:

We reviewed the information that was submitted in support of the above-referenced project. 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.

We understand that the West Virginia Division of Highways (WVDOH) is proposing to perform core boring activities for the Preferred Alternative of the Wardensville to Virginia State Line Project, which begins at the end of existing Corridor H along US 48 west of Wardensville and ends at the Virginia state line along WV 55 east of Wardensville. In addition to the core boring locations, the proposed activity will involve the construction and/or use of access roads. No above ground construction is proposed as part of this activity.

Archaeological Resources:

Our records indicate that the Preferred Alternative has undergone archaeological investigations and that one archaeological site, 46HY309 (the Leatherman Site), was determined to be eligible for inclusion in the National Register of Historic Places. According to the submitted information and project mapping, 46HY309 will be avoided by the proposed core boring activities. As a result, we concur that the proposed project will have no effect on archaeological historic properties.

Architectural Resources:

We have reviewed the submitted information and determined that the proposed core boring project will affect no architectural properties eligible for or included in the National Register of Historic Places. No

February 7, 2023
Mr. Long
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further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Lora A Lamarre-DeMott, Senior Archaeologist, or Benjamin M. Riggle, Structural Historian, at (304) 558-0240.*

Sincerely,

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

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/LLD/BMR

Attachment 4:
Forms for Section 7 Endangered Species Act
Determinations

Section 7 ESA Determination Key

v. April 27, 2022

Project Name: Corridor H Wardensville to VA Line Core Borings					Federal Nexus		
State Project #: X316-H-125.16			Federal Project #: NHPP-0484 (117)				
Coordinates:			County: Hardy				
IPaC Consultation Code: 2022-0034127			IPaC Event Code:				
General Qualifying Questions			YES	NO	ANSWER	AMM Applied	Determination
1.0	1.0	Does the project require an individual 404 permit?	May affect, submit for individual review.	Go to 1.1	No		N/A
	1.1	Is this a bridge repair or replacement?	Go to 1.2	Go to 1.3	No		N/A
	1.2	Is there suitable habitat for bats? A BAT HABITAT ASSESSMENT FORM must be completed by a USFWS Permitted Bat Biologist.	May affect, submit for individual review. Go to 1.3	Go to 1.3	N/A		N/A
	1.3	Did the IPaC output indicate that the project is within critical habitat for any species AND have a NLAA or May affect determination?	May affect, submit for individual review. Go to 2.0	Go to 2.0	No		N/A
Plant Species							
Harperella			YES	NO	ANSWER	AMM Applied	Determination
2.0	2.0	Does the project intersect the species AOI on IPaC?	Go to 2.1	No effect; go to 3.0	No		No Effect
	2.1	Will the project directly affect the streambeds, (below ordinary high water mark) streambanks or riparian vegetation of Back Creek, Sleepy Creek, the Potomac River, or the Cacapon River?	Go to 2.2	No effect; go to 3.0	No		N/A
	2.2	Will the project involve earth moving actions that require erosion and sedimentation control measures outside the currently disturbed areas along Back Creek, Sleepy Creek, the Potomac River, or the Cacapon River?	May affect, submit for individual review. Go to 3.0	No effect; go to 3.0	No		N/A
Virginia spiraea			YES	NO	ANSWER	AMM Applied	Determination
3.0	3.0	Does the project intersect the species AOI on IPaC?	Go to 3.1	No effect; go to 4.0	No		No Effect
	3.1	Will the project directly affect the streambanks or riparian vegetation (below ordinary high water mark) of the Lower New, Meadow, Marsh Fork, Gauley, Greenbrier, Buckhannon or Bluestone Rivers?	Go to 3.2	No effect; go to 4.0	No		N/A

Section 7 ESA Determination Key
v. April 27, 2022

Virginia spiraea			YES	NO	ANSWER	AMM Applied	Determination
	3.2	Will the project involve earth moving actions that require erosion and sedimentation control measures outside the currently disturbed areas along Lower New, Meadow, Marsh Fork, Gauley, Greenbrier, Buckhannon or Bluestone Rivers?	May affect, submit for individual review. Go to 4.0	No effect; go to 4.0	No		N/A
Northeastern bulrush			YES	NO	ANSWER	AMM Applied	Determination
4.0	4.0	Does the project intersect the species AOI on IPaC?	Go to 4.1	No effect; go to 5.0	Yes		N/A
	4.1	Will the project affect any wetlands in Berkeley or Hardy Counties?	May affect, submit for individual review. Go to 5.0	No effect; go to 5.0	No		No Effect
Shale barren rockcress			YES	NO	ANSWER	AMM Applied	Determination
5.0	5.0	Does the project intersect the species AOI on IPaC?	Go to 5.1	No effect; go to 6.0	Yes		N/A
	5.1	Will the project affect any shale barrens in Greenbrier, Hardy, or Pendleton counties?	May affect, submit for individual review. Go to 6.0	No effect; go to 6.0	No		No Effect
Small whorled pogonia			YES	NO	ANSWER	AMM Applied	Determination
6.0	6.0	Does the project intersect the species AOI on IPaC?	Go to 6.1	No effect; go to 7.0	No		No Effect
	6.1	Does the project occur within deciduous forest in Greenbrier, Randolph, Tucker, or Pocahontas counties?	Go to 6.2	No effect; go to 7.0	No		N/A
	6.2	Will there be disturbance outside of the existing disturbed areas?	May affect, submit for individual review. Go to 7.0	No effect; go to 7.0	No		N/A
Aquatic Species							
Candy darter			YES	NO	ANSWER	AMM Applied	Determination
7.0	7.0	Does the project intersect the species AOI on IPaC?	Go to 7.1	No effect; go to 8.0	No		No Effect

Section 7 ESA Determination Key
v. April 27, 2022

Candy darter			YES	NO	ANSWER	AMM Applied	Determination
	7.1	Did the IPaC output indicate that you are in a <i>watershed</i> known to support the species?	Go to 7.2	Go to 7.3	No		N/A
	7.2	Will there be disturbance outside of the existing disturbed areas that may cause sedimentation to waterways from activities resulting in earth disturbance?	Go to 7.25	No Effect. Go to 8.0	No		N/A
	7.25	Will the impacts (sedimentation into waterways) occur within a tributary of a stream that provides habitat for federally listed species?	Apply AMM 3. NLAA ; go to 8.0	No Effect. Go to 8.0	No		N/A
	7.3	Did the IPaC output indicate that you are in <i>close proximity</i> of a stream that supports the species?	Go to 7.4	No effect; go to 8.0	No		N/A
	7.4	Will there be disturbance outside of the existing disturbed areas that may cause sedimentation to waterways from activities resulting in earth disturbance?	Go to 7.5	Go to 7.5	No		N/A
	7.5	Is there work below OHW?	Go to 7.6	Apply AMM 2. NLAA ; go to 8.0	No		N/A
	7.6	Is the work below OHW in an intermittent stream or ditch carrying runoff?	Apply AMM 4. NLAA ; go to 8.0	May affect, submit for individual review. Go to 8.0	No		N/A
Diamond Darter			YES	NO	ANSWER	AMM Applied	Determination
8.0	8.0	Does the project intersect the species AOI on IPaC?	Go to 8.1	No effect; go to 9.0	No		No Effect
	8.1	Did the IPaC output indicate that you are in a <i>watershed</i> known to support the species?	Go to 8.2	Go to 8.3	No		N/A
	8.2	Will there be disturbance outside of the existing disturbed areas that may cause sedimentation to waterways from activities resulting in earth disturbance?	Go to 8.25	No Effect. Go to 9.0	No		N/A
	8.25	Will the impacts (sedimentation into waterways) occur within a tributary of a stream that provides habitat for federally listed species?	Apply AMM 3. NLAA ; go to 8.0	No Effect. Go to 9.0	No		N/A

Section 7 ESA Determination Key
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Diamond Darter			YES	NO	ANSWER	AMM Applied	Determination
	8.3	Did the IPaC output indicate that you are in <i>close proximity</i> of a stream that supports the species?	Go to 8.4	No effect; go to 9.0	No		N/A
	8.4	Will there be disturbance outside of the existing disturbed areas that may cause sedimentation to waterways from activities resulting in earth disturbance?	Go to 8.5	Go to 8.5	No		N/A
	8.5	Is there work below OHW?	Go to 8.6	Apply AMM 2. NLAA ; go to 9.0	No		N/A
	8.6	Is the work below OHW in an intermittent stream or ditch carrying runoff?	Apply AMM 4. NLAA ; go to 9.0	May affect, submit for individual review. Go to 9.0	No		N/A
Freshwater mussels (clubshell, fanshell, James spiny mussel, northern riffleshell, pink mucket, purple catpaw, rayed bean, sheepnose, spectaclecase, tubercled pearlyblossom, snuffbox)			YES	NO	ANSWER	AMM Applied	Determination
9.0	9.0	Does the project intersect the species AOI on IPaC?	Go to 9.1	No effect; go to 10.0	No		No Effect
	9.1	Did the IPaC output indicate that you are in a <i>watershed</i> known to support the species?	Go to 9.2	Go to 9.3	No		N/A
	9.2	Will there be disturbance outside of the existing disturbed areas that may cause sedimentation to waterways from activities resulting in earth disturbance?	Go to 9.25	No Effect. Go to 10.0	No		N/A
	9.25	Will the impacts (sedimentation into waterways) occur within a tributary of a stream that provides habitat for federally listed species?	Apply AMM 3. NLAA ; go to 10.0	No Effect. Go to 10.0	No		N/A
	9.3	Did the IPaC output indicate that you are in <i>close proximity</i> of a stream that supports the species?	Go to 9.4	No effect; go to 10.0	No		N/A
	9.4	Will there be disturbance outside of the existing disturbed areas that may cause sedimentation to waterways from activities resulting in earth disturbance?	Go to 9.5	Go to 9.5	No		N/A

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Freshwater mussels (clubshell, fanshell, James spiny mussel, northern riffleshell, pink mucket, purple catspaw, rayed bean, sheepsnose, spectaclecase, tubercled pearlyblossom, snuffbox)			YES	NO	ANSWER	AMM Applied	Determination
9.5	Is there work below OHW?	Go to 9.6	Apply AMM 2. NLAA; go to 10.0	No		N/A	
9.6	Is the work below OHW in an intermittent stream or ditch carrying runoff?	Apply AMM 4. NLAA; go to 10.0	Go to 9.7	No		N/A	
9.7	Is there suitable habitat for mussels? A MUSSEL HABITAT ASSESSMENT FORM must be completed by a USFWS Certified Mussel Biologist.	May affect, submit for individual review. Go to 10.0	Apply AMM 3. NLAA; go to 10.0	No		N/A	
Big Sandy and Guyandotte River Crayfish			YES	NO	ANSWER	AMM Applied	Determination
10.0	Does the project intersect the species AOI on IPaC?	Go to 10.1	No effect; go to 11.0	No		No Effect	
10.1	Did the IPaC output indicate that you are in a <i>watershed</i> known to support the species?	Go to 10.2	Go to 10.3	No		N/A	
10.2	Will there be disturbance outside of the existing disturbed areas that may cause sedimentation to waterways from activities resulting in earth disturbance?	Go to 10.25	No Effect. Go to 11.0	No		N/A	
10.25	Will the impacts (sedimentation into waterways) occur within a tributary of a stream that provides habitat for federally listed species?	Apply AMM 3. NLAA; go to 11.0	No Effect. Go to 11.0	No		N/A	
10.3	Did the IPaC output indicate that you are in <i>close proximity</i> of a stream that supports the species?	Go to 10.4	No effect; go to 11.0	No		N/A	
10.4	Will there be disturbance outside of the existing disturbed areas that may cause sedimentation to waterways from activities resulting in earth disturbance?	Go to 10.5	Go to 10.5	No		N/A	
10.5	Is there work below OHW?	Go to 10.6	Apply AMM 2. NLAA; go to 11.0	No		N/A	
10.6	Is the work below OHW in an intermittent stream or ditch carrying runoff?	Apply AMM 4. NLAA; go to 11.0	Go to 10.7	No		N/A	

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Big Sandy and Guyandotte River Crayfish			YES	NO	ANSWER	AMM Applied	Determination
	10.7	Is there suitable habitat for crayfish? A CRAYFISH HABITAT ASSESSMENT FORM must be completed by a USFWS Certified Crayfish Biologist.	May affect, submit for individual review. Go to 11.0	Apply AMM 3. NLAA ; go to 11.0	No		N/A
Terrestrial Species							
Flat-spined three-toothed land snail			YES	NO	ANSWER	AMM Applied	Determination
11.0	11.0	Does the project intersect the species AOI on IPaC?	Go to 11.1	No effect; go to 12.0	No		No Effect
	11.1	Will your project impact sandstone outcrops, cliff line features, emergent boulders, or talus slopes in the Cheat River Gorge?	May affect, submit for individual review. Go to 12.0	No effect; go to 12.0	No		N/A
Cheat Mountain Salamander			YES	NO	ANSWER	AMM Applied	Determination
12.0	12.0	Does the project intersect the species AOI on IPaC?	Go to 12.1	No effect; go to 13.0	No		No Effect
	12.1	Does the project occur within forested habitat (e.g. northern hardwood forests, red spruce dominant forests, hemlock dominant forests) above 2,000 feet in elevation of Grant, Pendleton, Pocahontas, Randolph, or Tucker counties?	Go to 12.2	No effect; go to 13.0	No		N/A
	12.2	Will there be disturbance outside of the existing disturbed areas?	May affect, submit for individual review. Go to 13.0	No effect; go to 13.0	No		N/A
Madison Cave Isopod			YES	NO	ANSWER	AMM Applied	Determination
13.0	13.0	Does the project intersect the species AOI on IPaC?	Go to 13.1	No effect; go to 14.0	No		No Effect
	13.1	Will there be disturbance outside of the existing disturbed areas?	Go to 13.2	No effect; go to 14.0	No		N/A
	13.2	Will the project result in changes to hydrology, groundwater recharge, water levels, sedimentation from earth disturbance, fill sink holes, or place debris or other materials within 100-feet of a sinkhole?	May affect, submit for individual review. Go to 14.0	Apply AMM 1. NLAA go to 6.0	No		N/A

Section 7 ESA Determination Key
v. April 27, 2022

Rusty patched bumble bee			YES	NO	ANSWER	AMM Applied	Determination
14.0	14.0	Does the project intersect a high priority zone (HPZ) for the species on IPaC?	Go to 14.1	No effect; go to 15.0	No		No Effect
	14.1	Will there be disturbance outside of the existing disturbed areas?	May affect, submit for individual review. Go to 15.0	Go to 14.2	No		N/A
	14.2	Will there be a change in to the noise level about the existing baseline?	Go to 14.3	Go to 14.3	No		N/A
	14.3	Will there be a change in to the light level about the existing baseline?	NLAA; go to 15.0	No effect; go to 15.0	No		N/A
Virginia big-eared bat			YES	NO	ANSWER	AMM Applied	Determination
15.0	15.0	Does the project intersect the species AOI on IPaC?	Go to 15.1	No effect; go to 16.0	Yes		N/A
	15.1	Does the project involve removal of rock ledges, shelters, or buildings?	Go to 15.2	No effect; go to 16.0	No		No Effect
	15.2	Is there suitable habitat for VBEB within rock ledge, shelter or building being removed? A BAT HABITAT ASSESSMENT FORM must be completed by a USFWS Permitted Bat Biologist.	May affect, submit for individual review. Go to 16.0	No effect; go to 16.0	No		N/A
Gray bat			YES	NO	ANSWER	AMM Applied	Determination
16.0	16.0	Does the project intersect the species AOI on IPaC?	Go to 16.1	No effect; go to 17.0	No		No Effect
	16.1	Does the project involve removal of rock ledges, shelters, or buildings?	Go to 16.2	Go to 16.3	No		N/A
	16.2	Is there suitable habitat for gray bats within rock ledge, shelter or building being removed? A BAT HABITAT ASSESSMENT FORM must be completed by a USFWS Permitted Bat Biologist.	May affect, submit for individual review. Go to 17.0	Go to 16.3	No		N/A
	16.3	Will the project involve any stream/wetland impacts?	Go to 16.35	No effect; go to 17.0	No		N/A
	16.35	Is the stream intermittent or a ditch carrying runoff?	No Effect; go to 17.0	Go to 16.4	No		N/A
	16.4	Will erosion and sedimentation controls and best management practices be applied to the project?	NLAA; go to 17.0	May affect, submit for individual review. Go to 17.0	No		N/A

Section 7 ESA Determination Key
v. April 27, 2022

Northern long-eared bat			YES	NO	ANSWER	AMM Applied	Determination
17.0	17.0	Does the project intersect the species AOI on IPaC?	Go to 17.1	No effect; go to 18.0	Yes		N/A
	17.1	Will there be tree removal greater than 3 inches diameter at breast height?	May affect, submit for individual review.	go to 17.2	No		N/A
	17.2	Is your project within known hibernacula or do maternity roost trees occur within the action area according to IPaC?	May affect, submit for individual review.	No effect. go to 18.0	No		No Effect
Indiana bat			YES	NO	ANSWER	AMM Applied	Determination
18.0	18.0	Does the project intersect the species AOI on IPaC?	Go to 18.1	No effect	Yes		N/A
	18.1	Will the project involve any tree removal or trimming of trees > 5 inches diameter breast height?	May affect, submit for individual review.	Go to 18.2	No		N/A
	18.2	Are there any caves (or their associated sinkholes, fissures, or other karst features), or anthropogenic features (mines, and tunnels) within the project's proposed action area?	Go to 18.3	Go to 18.4	No		N/A
	18.3	Are these features suitable for hibernating or roosting bats? A BAT HABITAT ASSESSMENT FORM must be completed by a USFWS Permitted Bat Biologist.	May affect, submit for individual review.	Go to 18.4	N/A		N/A
	18.4	Is there any known summer maternity or spring staging/fall swarming areas(winter hibernacula) for the Indiana bat within your project area according to IPaC?	Go to 18.5	No effect.	No		No Effect
	18.5	Will the project involve any stream/wetland impacts?	Go to 18.55	No effect.	No		N/A

**Section 7 ESA Determination Key
v. April 27, 2022**

Indiana bat			YES	NO	ANSWER	AMM Applied	Determination
18.55	Is the stream intermittent or a ditch carrying runoff?	No Effect	Go to 18.6	No		N/A	
18.6	Will erosion and sedimentation controls and best management practices be applied to the project?	NLAA.	May affect, submit for individual review.	No		N/A	
Signature							



United States Department of the Interior



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

In Reply Refer To:
Project Code: 2022-0034127
Project Name: Corridor H-Wardensville to VA Line

December 29, 2022

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

To Whom It May Concern:

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

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

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

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

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

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

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

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

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

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

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

Note: IPaC has provided all available attachments because this project is in multiple field office jurisdictions.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
-

Official Species List

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

This species list is provided by:

West Virginia Ecological Services Field Office

6263 Appalachian Highway
Davis, WV 26260-8061
(304) 866-3858

This project's location is within the jurisdiction of multiple offices. However, only one species list document will be provided for all offices. The species and critical habitats in this document reflect the aggregation of those that fall in each of the affiliated office's jurisdiction. Other offices affiliated with the project:

Virginia Ecological Services Field Office

6669 Short Lane
Gloucester, VA 23061-4410
(804) 693-6694

Project Summary

Project Code: 2022-0034127
Project Name: Corridor H-Wardensville to VA Line
Project Type: Road/Hwy - New Construction
Project Description: New Corridor Project
Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.07895205,-78.57043974299495,14z>



Counties: Virginia and West Virginia

Endangered Species Act Species

There is a total of 7 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered
Virginia Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii virginianus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8369	Endangered

Insects

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

Flowering Plants

NAME	STATUS
Northeastern Bulrush <i>Scirpus ancistrochaetus</i>	Endangered
Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6715	
Shale Barren Rock Cress <i>Boechera serotina</i>	Endangered
No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6018	

Critical habitats

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

USFWS National Wildlife Refuge Lands And Fish Hatcheries

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

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

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

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

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

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\) list](#) or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the [FAQ below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

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

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Sep 1 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10

NAME	BREEDING SEASON
Black-capped Chickadee <i>Poecile atricapillus praticus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 10 to Jul 31
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 27 to Jul 20
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Aug 20
Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

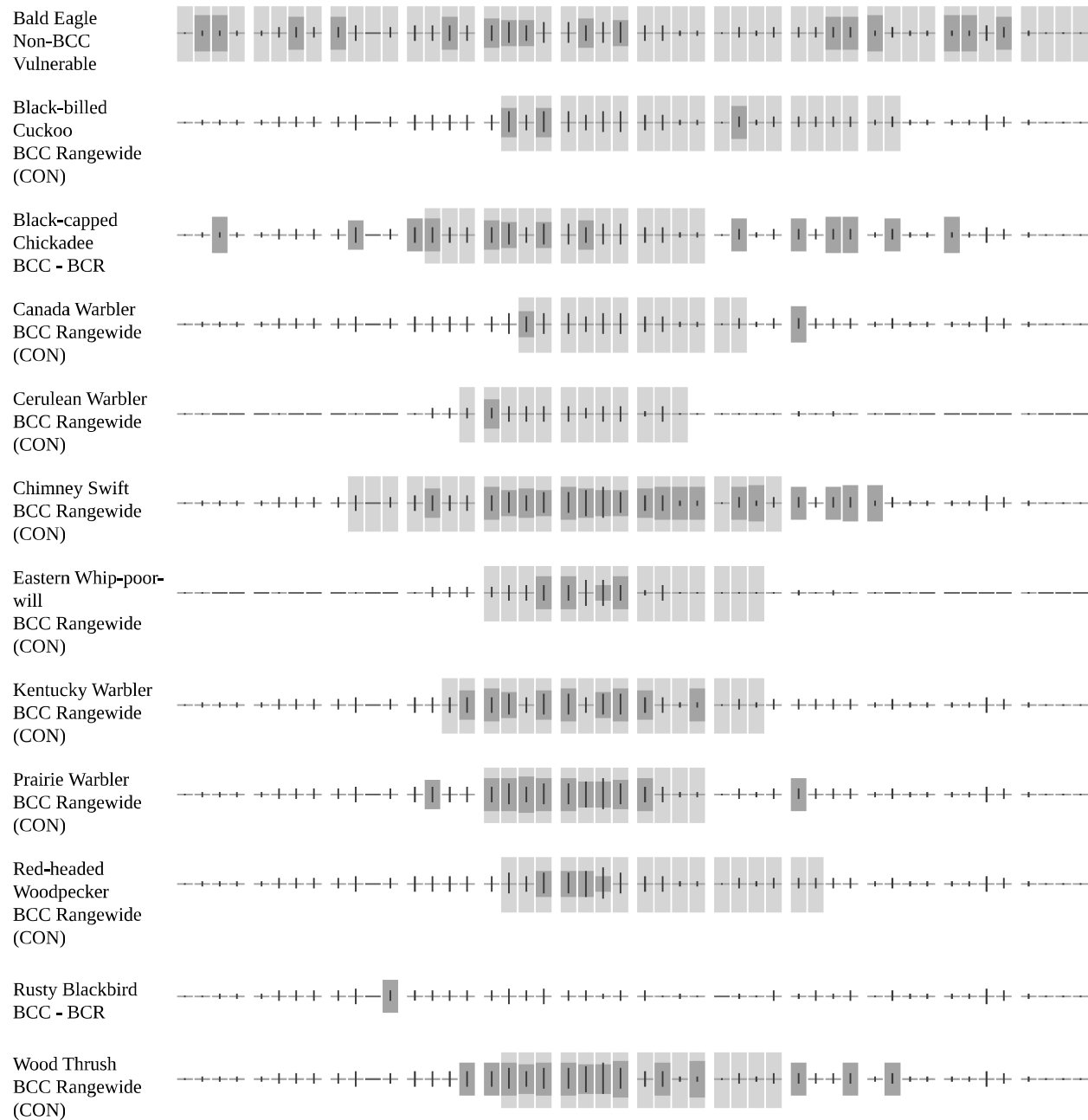
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

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

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



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point

within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no

data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

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

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

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

RIVERINE

- R4SBC
- R5UBH
- R2UBH

FRESHWATER EMERGENT WETLAND

- PEM1E
- PEM1B

FRESHWATER POND

- PUBHx
 - PUBHh
-

IPaC User Contact Information

Agency: West Virginia Division of Highways

Name: Traci Cummings

Address: 1334 Smith Street

City: Charleston

State: WV

Zip: 25301

Email: traci.l.cummings@wv.gov

Phone: 3044146468

Lead Agency Contact Information

Lead Agency: Federal Highway Administration

Attachment 5:
Letter from
WV Division of Natural Resources



Governor Jim Justice
 Director Brett W. McMillion

February 7, 2023

Ms. Sondra Mullins
 Division of Highways
 Technical Support Division
 1334 Smith Street
 Charleston, WV 25301

Dear Ms. Mullins:

We have reviewed Natural Heritage Program files for information on rare, threatened, and endangered (RTE) species and natural trout streams for the area of the proposed highway project:

State Project: X316-H-125.16
 Federal Project: NHPP(0484)118
 Appalachian Highway Corridor H, Wardensville to Virginia Line Core Boring Activities
 Hardy County

There are several recent records of RTE species and trout streams within the project area. Two of the records are federally endangered bats. The species are listed as per the table below.

Species (Latin Name)	Common name	Location Description	Date of Record	Status
<i>Carex tonsa var rugosperma</i>	parachute sedge	south of project	2015	plant: state rare
<i>Juncus brachycarpus</i>	short fruit rush	Waites Run	2019	plant: state rare
<i>Corynorhinus townsendii virginianus</i> <i>Myotis septentrionalis</i> <i>Myotis soldalis</i>	Virginia big-eared bat northern long-eared bat Indiana bat	cave buffer (eastern end of project alignment)		3 bat species federal: endangered
<i>Myotis septentrionalis</i>	northern long-eared bat	capture buffer (Waites Run east)	2019	federal: endangered
<i>Petrochelidon pyrrhonota</i>	cliff swallow	Waites Run (south of project)	2013	bird: state rare
<i>Amblostoma jeffersonium</i>	Jefferson salamander	Cacapon River	2016	amphibian: state rare
<i>Thamnophis sauritus sauritus</i>	common ribbon snake	1000' north (western end of project)	2021	reptile: state rare
<i>Glyptemys insculpta</i>	wood turtle	Cacapon River	2010	reptile: state rare
<i>Glyptemys insculpta</i>	wood turtle	Waites Run	2018	reptile: state rare
<i>Glyptemys insculpta</i>	wood turtle	Trout Run	2016	reptile: state rare
<i>Glyptemys insculpta</i>	wood turtle	Slate Rock Run	2006	reptile: state rare

Habitat Feature		Location Description		Species/Status
Trout Run		whole length		brook trout
Waites Run		south of project		brook trout
Cacapon River		north of project		state mussel
Waites Run		whole length		state mussel
Trout Run		whole length		state mussel
Lost River Wildlife Management Area (WMA)		east of project		state WMA
Wardensville Wildlife Management Area (WMA)		west of project		state WMA

The Wildlife Resources Section knows of no surveys that have been conducted in the area for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the area under review. This response is valid for three years.

The information provided above is the product of a database search and retrieval. This information does not satisfy other consultation or permitting requirements for disturbances to the natural resources of the state, and further consultation may be required. Additionally, any concurrence requirements for federally listed species must come from the US Fish and Wildlife Service.

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

Sincerely,

Anne M. Wakeford
Wildlife Biologist
Environmental Coordination
Operations Unit