

ENVIRONMENTAL ASSESSMENT

Mercer/Summers, Phase IV-A Waterline
Section 340 Project
Mercer County, West Virginia



Department of the Army
Huntington District, Corps of Engineers
Huntington, West Virginia

February 2011

TABLE OF CONTENTS

1.0 PROJECT DESCRIPTION 1

 1.1 Project Background..... 1

 1.2 Project Authority..... 1

 1.3 Statement of Purpose and Need 2

 1.4 Prior NEPA Documentation..... 2

2.0 PROPOSED ACTIONS AND ALTERNATIVES 2

3.0 ENVIRONMENTAL SETTING AND CONSEQUENCES..... 2

 3.1 Location/Land Use..... 2

 3.2 Soils/Farmland 3

 3.3 Floodplain 3

 3.4 Vegetation 3

 3.5 Regulated Hazardous Contaminants (HTRW) 4

 3.5 Wetlands 4

 3.6 Endangered Species 4

 3.7 Cultural Resources 5

 3.8 Scenic Rivers 5

 3.9 Air Quality 5

 3.10 Noise 5

 3.11 Socioeconomic Conditions 6

 3.12 Aesthetics 7

 3.13 Transportation and Traffic 7

 3.14 Health and Safety 7

 3.15 Cumulative Effects..... 7

4.0 STATUS OF ENVIRONMENTAL COMPLIANCE 8

5.0 PUBLIC COORDINATION 9

 5.1 Agencies Contacted..... 9

 5.2 Public Review and Comments 9

6.0 CONCLUSIONS 9

APPENDICES

- Appendix A – Agency Coordination
- Appendix B – Mailing List

Summary

The proposed project will provide a safe supply of potable drinking water to eliminate a lack of water, high iron content, high sulfur as well as high fecal content. A secondary benefit will be the availability of fire protection and improvement in the quality of life for the residents of the Town of Oakvale, located in Mercer County, West Virginia.

Information gathered for the preparation of the Environmental Assessment (EA) was derived from federal, state, and local agencies and databases. Areas of concern including aquatic and terrestrial ecosystems, wetlands, socioeconomic, Hazardous, Toxic, and Radioactive Waste (HTRW), and underground storage tanks (USTs) were evaluated for potential adverse impacts.

1.0 PROJECT DESCRIPTION

1.1 Project Background

The Mercer County Commission, in cooperation with the Town of Oakvale and the Oakvale Road Public Service District (PSD), and West Virginia American Water has been working to extend water service to areas in Southeastern Mercer County since 1988. The proposed project, Phase IV-A, encompasses communities in the southeast portion of the county and include the areas of Poplar Grove Estates, Greasy Ridge Road, Possum Hollow Road, Harmon Branch, Cheesy Creek, and the Town of Oakvale. Approximately 372 new customers would be served by the proposed project.

The proposed project includes the construction of approximately 32,350 linear feet (LF) of 12-inch waterline, approximately 3,380 LF of 10-inch waterline, approximately 54,560 LF of 8-inch waterline, approximately 8,450 LF of 6-inch waterline, approximately 15,100 LF of 2-inch waterline, a water storage tank, and associated appurtenances. Approximately 85 percent of the lines would be installed within previously disturbed West Virginia Department of Highways (WVDOH) rights-of-way.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (40 CFR Parts 1500-1508), this Draft Environmental Assessment (DEA) for the proposed project was initially prepared with the assistance of Stafford Consultants Incorporated (Stafford) on behalf of the Oakvale PSD. The US Army Corps of Engineers, Huntington District, (USACE) reviewed, evaluated, and revised this DEA accordingly pursuant to the aforementioned regulations, NEPA and USACE implementing regulations (30 CFR 250). This DEA analyzes the potential environmental impacts of the proposed project, and determines whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

1.2 Project Authority

Studies for this project were initiated under the Section 340 of the Water Resources Development Act of 1992 (Public Law No. 102-580), as amended, which provides authority for the Secretary of the Army to establish a program to provide environmental assistance to non-Federal interests in West Virginia. This law provides assistance in design and construction of water-related environmental infrastructure and resource protection and development projects in West Virginia, including projects for wastewater treatment and related facilities; combined sewer overflow, water supply, storage, treatment, and related facilities; mine drainage; environmental restoration; and surface water resource protection and development.

1.3 Statement of Purpose and Need

The purpose of the proposed project is to provide an adequate, clean, reliable water source for the residents of Poplar Grove Estates, Greasy Ridge, Possum Hollow Road, Harmon Branch (Lower), Cheesy Creek, and the Town of Oakvale, WV. The current water supply is both inadequate and unsafe, containing iron, sulfur and fecal coliform. The project would convey potable water to approximately 372 households.

1.4 Prior NEPA Documentation

An environmental assessment was prepared by the US Army Corps of Engineers in 1997 to evaluate proposed water system extensions of approximately 85,000 linear feet (LF) by the PSD. A Finding of No Significant Impact (FONSI) for that project was made March 14, 1997. Further, in 2005 the Corps evaluated 21,420 LF of proposed extensions by the PSD. A FONSI was made May 24, 2005 for that project.

2.0 PROPOSED ACTIONS AND ALTERNATIVES

Alternative 1 – The “No Action” Alternative (NAA)

Under the No Action alternative the USACE would not provide funding for the project. It is assumed the Sponsor would attempt to secure funding from alternative sources and would likely delay or prevent project implementation.

Alternative 2 - Preferred Action Alternative (PAA)

The preferred action alternative would extend water service to the areas of Poplar Grove Estates, Greasy Ridge Road, Possum Hollow Road, Harmon Branch, Cheesy Creek, and the Town of Oakvale. Approximately 372 new customers would be served by the proposed project. The waterline project would consist of extension of water service from Halls Ridge Road, with water supplied by the 5.0 million gallons per day Regional Water Treatment Plant. This alternative includes the construction of approximately 32,350 LF of 12-inch waterline, approximately 3,380 LF of 10-inch waterline, approximately 54,560 LF of 8-inch waterline, approximately 8,450 LF of 6-inch waterline, approximately 15,100 LF of 2-inch waterline, a water storage tank, and associated appurtenances. The majority of the proposed waterline would be installed using open trench method with some crossings being installed via jack and bore method. Approximately 85 percent of the waterlines would be installed within previously disturbed WVDOH rights-of-ways. The depth of cover would vary due to varied topography but a minimum of 42 inches would be maintained in order to avoid frost damage.

3.0 ENVIRONMENTAL SETTING AND CONSEQUENCES

3.1 Location/Land Use

The project is located in a rural area between the City of Princeton and the Town of Oakvale in Mercer County, West Virginia. The majority of the project is residential with a few sporadic commercial and/or industrial sites located within the project’s limits. Oakvale School is within the limits of the project area and serves approximately 245 students in grades PK-8 with approximately 11.5 student/teacher ratio. The proposed project would have no direct impact on land use because water lines would primarily be

installed along road rights-of-way. Indirectly, the project could affect development in the area from increase in availability of safe and adequate water supply. Mercer County has experienced a decline in population since the 1980's (US Census 2010). Therefore, it may be assumed that extension of water service would result in additional development only as it would relate to replacement housing and not an overall expansion. Impacts to land use would therefore likely be minor.

3.2 Soils/Farmland

The proposed project will serve a residential area located in generally mountainous terrain. The majority of the improvements will be constructed within the rights-of-way of existing WVDOH roads. A USGS Soil Survey of Mercer County indicated that the soil series located within the project area varies. The bulk of the soils present within the project areas were GbF, CeF, and ChF and are a testament to the steep slopes within the study area. These soils generally consist of Channery silt loams with slopes of 30-70 percent which and are not prime farmland soils.

Area soils would likely be disturbed during construction; however, much of the disturbance would be in road rights-of-way and therefore impacts would be expected to be minor. Soil loss could occur directly from disturbance or indirectly via wind and/or water. Best management practices (BMPs) will be developed and implemented, such as implementing an erosion and sedimentation control plan using silt fences or hay bales, re-vegetating disturbed soils (e.g. part of proposed landscaping activities), and maintaining site soil stockpiles during construction, to prevent soils from eroding and dispersing off site. Any required clearing for construction will be limited to the minimum required necessary for the construction. No coordination with the NRCS was conducted.

3.3 Floodplain

Executive Order (EO) 11988 (Floodplain Management) requires that a Federal Agency avoid direct or indirect support of development within the 100-year floodplain whenever there is a practicable alternative. FEMA uses Flood Insurance Rate Maps (FIRMs) to identify the regulatory 100-year floodplain for the National Flood Insurance Program (NFIP). The majority of the study area is located in Zone X. Zone X areas are determined to be outside the 500-year floodplain. Approximately 100 LF of proposed waterline is located within the study area mapped as Zone A. Zone A is the flood insurance rate zone that corresponds to the 1 percent annual chance floodplain ("100-year" floodplain). Because detailed hydraulic analyses are not performed for such areas, no Base Flood Elevations or depths are shown within this zone.

In order to mitigate for developing within the floodplain, appropriate BMPs will be employed to minimize the potential harm to or within the floodplain. The waterlines would be constructed a minimum of three feet below streambeds and would not be affected by fluctuation in the stream level, nor would the construction effect stream levels.

Although the construction that would be within the floodplain (Zone A) would be trenching and underground placement of lines, a floodplain permit is required due to the electrical power requirements at the pressure reducing stations and tank site. The contractor would be responsible for obtaining all necessary floodplain permits prior to construction of the PAA.

No impact to floodplain would be expected as no changes in floodplain conditions are anticipated.

3.4 Vegetation

The project area is located in the Appalachian Plateau consisting of steep rugged mountains with narrow winding valleys. Second growth hardwood forests consisting of deciduous broad-leaf and evergreen

needle-leaf trees mostly cover the mountains. The project area includes mainly WVDOH disturbed rights-of-way. The remaining area includes mowed lawns, fields and roadside stream corridors. Structures include residential homes and miscellaneous businesses. Where necessary, individual trees, brush and riparian vegetation may need to be cleared during construction.

Vegetation would be cleared for construction; however these are primarily scrub/shrub as well as mowed lawns and wooded lots. Disturbance would be limited to a 50-foot wide construction corridor. An open trench would be used throughout the project area, with a depth estimated at 5-feet. Once installation is complete, the suitable displaced soils will be returned to the trenches. Excavated topsoil, as part of the PAA, will be stockpiled for use in final stabilization. Temporary and permanent seeding and mulching will begin within 14 days on areas of the site where construction has permanently or temporarily (greater than 21 days) ceased. All disturbed soil will be seeded and mulched in the last phase of construction. Any impacts to the vegetation due to the PAA would be minimal and all efforts would be made to return the existing vegetation to original conditions.

3.5 Regulated Hazardous Contaminants (HTRW)

A Phase I HTRW Environmental Site Assessment (ESA) was completed in January 2010 on the proposed Contract Work Limits (CWL) of the project. The purpose of this Phase I HTRW ESA is to identify environmental conditions and to identify the potential presence of HTRW contamination located in the project's CWL. The investigation was performed in accordance with ASTM E-1527-05 and 1528-06 Standards, USACE HTRW policies and Corps of Engineers Huntington District (District) ISO 9001 requirements. USACE staff qualified in this field reviewed the ESA and concluded no further HTRW investigation is necessary. No impact from the proposed action would be expected because no hazardous materials are expected to be encountered.

3.5 Wetlands

R.E.I. Consultants Inc. performed a Wetland Determination and Delineation for the proposed project. They state in their report that a total of one (1) potential wetland area was investigated within the project area. This area was determined to be a true wetland based on the Corps of Engineers Wetland Delineation Manual (Technical Report Y-87-1), and was delineated using modified Level II wetland determination. The area was primarily located along Rocky Hollow and Five Mile Creek, near the city of Princeton and town of Oakvale, in Mercer County, West Virginia. The one wetland identified totaled 13,220 sq. feet or 0.303 acres, and was designated as 1/3 wet meadow wetland and 2/3 as scrub/shrub.

The wetland area identified is adjacent to the proposed waterline. However, the proposed alignment would avoid the wetland. The limits of the wetland will be shown on the plans to avoid any construction activity within the wetland. Prior to excavation of waterline trenches sediment control structures would be constructed to prevent migration of sediments into wetlands. Exposed areas would be re-seeded and mulched as soon as possible after construction to reduce any impacts to adjacent wetland. Therefore, the wetland would not be expected to be impacted under implementation of the proposed action.

3.6 Endangered Species

According to West Virginia Division of Natural Resources, a review of their files found no known records of rare, threatened, and endangered species or habitats within the proposed project area. Further, the US Fish and Wildlife Service made a determination that the projects will not affect federally-listed endangered or threatened species. (See Appendix A)

3.7 Cultural Resources

A Phase I Archaeological Literature Review and Reconnaissance Survey for the proposed project was conducted by Archaeological Consultants of the Midwest, Inc. This investigation inventoried four sites, three of which consisted of isolated finds which were not recommended for inclusion on the National Register of Historic Places (NHRP). The fourth site consisted of a lithic scatter located within the community of Oakvale. The numerous artifacts that were collected from the site indicate that it was used during the Early Archaic period of prehistory. A possible cultural feature was also documented. This site is potentially eligible for inclusion on the NHRP. Therefore, the proposed alignment was adjusted to avoid impacts to this site. In conclusion, no historic or cultural resources would be expected to be adversely affected from the proposed project. A letter of concurrence with the assessment was received from the Division of Culture and History on February 14, 2011 (See Appendix A).

3.8 Scenic Rivers

No designated Wild or Scenic Rivers are present within the proposed project area.

3.9 Air Quality

Under the Clean Air Act, the U.S. Environmental Protection Agency (EPA) establishes primary and secondary air quality standards. Primary air quality standards protect the public health, including the health of “sensitive populations, such as people with asthma, children, and older adults.” Secondary air quality standards protect public welfare by promoting ecosystems health, preventing decreased visibility, and damage to crops and buildings. EPA has set national ambient air quality standards (NAAQS) for six of the following criteria pollutants; ozone (O₃), particulate matter (PM 2.5 and 10), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), and lead (Pb). According to the WVDEP, the project county is classified as in attainment, meaning criteria air pollutants do not exceed the NAAQS.

The use of construction equipment associated with the Preferred Action Alternative would result in some air emissions that temporarily impact existing air quality in the project area. Mobile sources of air pollutants are not regulated by the state except in some of the non-attainment counties. The proposed action is exempted by 40 CFR Part 93.153 from making a conformity determination, since estimated emissions from construction equipment would not be expected to exceed *deminimis* levels, direct emissions of a criteria pollutant, or its precursors. Any impacts would be short-term, localized, and would occur only during construction phase activities. Any impacts to air quality would be temporary, during construction, and minor.

3.10 Noise

Noise is measured as Day Night average noise levels (DNL) in “A-weighted” decibels that the human ear is most sensitive to (dBA). While there is no federal standard for allowable noise levels, several agencies have developed guidelines for acceptable noise levels. The Department of Housing and Urban Development Guidelines denote DNLs below 65 dBA as normally acceptable levels of exterior noise in residential areas. While the FAA denotes a DNL of 65 dBA as the level of significant noise impact. Several other agencies, including the Federal Energy Regulatory Commission, use a DNL criterion of 55 dBA as the threshold for defining noise impacts in sparse suburban and rural residential areas (Schomer et al 2001). According to Dr. Paul Schomer in his 2001 Whitepaper, while there are numerous thresholds for acceptable noise in residential areas, research suggests that an area’s current noise environment, which has experienced noise in the past may reasonably expect to tolerate a level of noise about 5 dBA higher than the general guidelines. The USACE Safety and Health Requirements Manual, provides criteria for

temporary permissible noise exposure levels, for consideration of hearing protection or the need to administer sound reduction controls.

Permissible Non-Department of Defense Noise Exposures

Duration/day (hours)	Noise level (dBA)
8	90
6	92
4	95
3	97
2	100
1.5	102
1	105

Construction noise would be similar to that of farm equipment and other small machinery used in the local area. To dig the trenches and install the waterline, two diesel excavators and one diesel end loader would be required. The average range of noise for a diesel excavator can be between 72-93 dBA as measured at 50 feet (USEPA 1971). If all three pieces of equipment were operated at the same time between 83-100 dBA of noise would be produced (NYDEC 2001). The noise projections do not account for screening objects, such as trees, outbuildings or other objects that muffle and reduce the noise emitted. The outdoor construction noise would be further muffled inside the home. While the construction noise generated would be considered unacceptable according to HUD and FAA standards, these limited exposures and time intervals are still within allowable Corps safety levels (USACE 2003). Further, they are similar to typical neighborhood noise generated by gas powered lawnmowers in the local area, which could range from 90-95 dBA at 3 feet and 70-75 dbA at 100 feet. Elevated noise levels proximate to homes should be limited to a few days, and human exposure to such noises would likely be limited to a few hours.

The proposed project site is a primarily rural area of the county. Construction noise impacts would be short-term and limited to the duration of construction activities, which would be limited to normal working hours. Equipment would be operated approximately 11 hours, during the daytime (7am-6pm) when most residents are at work. Due to daytime construction and the short and limited duration of elevated noise levels associated with the Preferred Action Alternative, impacts from noise to local residences should be minor.

3.11 Socioeconomic Conditions

EO12898 is the Executive Order 12898 Environmental Justice in Minority Populations. This requires federal agencies, departments, and their contractors to consider any potentially disproportionate human health or environmental risks their activities, policies, or programs may pose to minority or low-income populations.

EO 13045 (Protection of Children from Environmental Health Risks and Safety Risks) required federal agencies to identify and assess health risks and safety risks that may disproportionately affect children. As with EO 12898, FEMA and most federal lead agencies determine impacts to children as part of the NEPA compliance process. Agencies must ensure that its policies, programs, activities, and standards address disproportionate risks to children that results from environmental health risks or safety risks.

The project area is located in a rural area between the City of Princeton and the Town of Oakvale. The

project area also encompasses the Town of Oakvale. The majority of the area is residential with a few sporadic commercial and/or industrial sites located within the project's limits. Based on the 2006-2008 American Community Survey 3-Year Estimates per the U.S. Census Bureau, Mercer County's minority population is low when compared to the Caucasian population of approximately 92.3%. Using the same data set, it can be seen that the number of people living below poverty level in Mercer County is 23.9%. The 2006-2008 American Community Survey 3-Year Estimates data set was not available for the Town of Oakvale. However, using the 2000 Census Data, the minority population also appears low when compared to its Caucasian population of approximately 97.9%. The number of people living below the poverty level in the Town of Oakvale is approximately 19.0%. Based on the economic trends over the past 10 years, it is anticipated that this number may now be higher.

The proposed project would be beneficial to human health and is designed to serve as many residents as possible in areas without public water service. Therefore, the proposed project would not present disproportionate human health and environmental risks to low income and/or minority families.

3.12 Aesthetics

The proposed project is located outside of the City of Princeton and within the Town of Oakvale. The project area lies within a rural residential area consisting of mowed lawns and wooded lots. Impact to aesthetics by the proposed project is expected to be temporary during the construction phase. When construction has been completed all excavated areas, including trenches, will be effectively graded and seeded with native grass to minimize ground disturbance following construction.

3.13 Transportation and Traffic

The proposed project area lies in an area of rural residential houses mainly along Mercer County routes. Current traffic patterns consist of local residents accessing driveways of private homes. Normal traffic patterns will be maintained as closely as possible. On single and two lane roads traffic lights and or flag persons will be used to keep the flow of traffic as normal as possible. Though the project may result in some increase in residential growth over time, no significant long-term impact on transportation is expected. The impact to traffic would be short-term during the time of active site preparation and construction activities. Every effort would be made to limit any activity that affects transportation near Oakvale School to times when school is not in session. Impacts on traffic and transportation from construction of the project would therefore be expected to be minor.

3.14 Health and Safety

Health and safety issues include provide safe potable water to underserved areas and reducing the likelihood of drinking water contamination. The existing system may experience temporary and short term shut-downs during integration. However, local customers should not experience a loss of service during these periods. No other impacts to local utilities are anticipated. Any impact would be short term during active site preparation and construction activities.

3.15 Cumulative Effects

The Corps of Engineers must consider the cumulative effects of the proposed project on the environment as stipulated in the National Environmental Policy Act (NEPA). Cumulative effects are "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions" Cumulative impacts can result from individually minor but collectively

significant actions taking place over a period of time (40 CFR Part 1508.7 Council on Environmental Quality [CEQ] Regulations).

Similar actions that may contribute to cumulative effects would be those that may encourage development, as could be expected from extension of public water service. Past actions include the previous phases of construction by the PSD to extend water service throughout the county. Similarly, it is expected that as funds become available the PSD would continue to extend water service to those communities and areas that do not currently have public service. Mercer County has experienced a decline in population since the 1980's (US Census 2010). Consequently, it may be assumed that extension of water service would result in additional development only as it would relate to replacement housing and not an overall expansion. Therefore, in scoping cumulative effects issues, no resources were identified as having a potential to be significantly affected.

4.0 STATUS OF ENVIRONMENTAL COMPLIANCE

Based on the information provided above, the proposed project would be in full compliance with all applicable local, state, and federal statutes and Executive Orders.

Statute/Executive Order	Full	Partial	N/A
National Environmental Policy Act (considered partial until FONSI is signed)		X	
Fish and Wildlife Coordination Act	X		
Endangered Species Act	X		
Clean Water Act	X		
Wild and Scenic Rivers Act			X
Clean Air Act	X		
National Historic Preservation Act	X		
Archeological Resources Protection Act			X
Comprehensive, Environmental Response, Compensation, and Liability Act	X		
Resource Conservation and Recovery Act	X		
Toxic Substances Control Act	X		
Quiet Communities Act	X		
Farmland Protection Policy Act	X		
Executive Order 11988 Floodplain Management	X		
Executive Order 11990 Protection of Wetlands	X		
Executive Order 12898 Environmental Justice in Minority Populations and Low-Income Populations	X		

5.0 PUBLIC COORDINATION

5.1 Agencies Contacted

Direct correspondence with the WVDNR (State listed endangered species and scenic rivers), and USFWS (National endangered species) was conducted during this analysis. Various state and local agencies were contacted for information on the environmental resources and consequences associated with the proposed project areas. Copies of the correspondence with these agencies are included in Appendix A.

5.2 Public Review and Comments

This Environmental Assessment will be made available to the public for a thirty-day public comment period. A notice of Availability will be published in the local newspaper, The Bluefield Daily Telegraph, advising the public of the document and comment period. This document will be made available to the public at the local Princeton Public Library and on the internet at: <http://www.lrh.usace.army.mil/projects/review/>. The list of agencies receiving notice of this Draft EA is found in Appendix B. Substantive comments will be addressed as appropriate in the final environmental assessment.

6.0 CONCLUSIONS

The purpose of the proposed project is to provide a safe supply of potable drinking water to eliminate a lack of water, high iron, sulfur and fecal content as well as provide fire protection and improvements in the quality of life of the Town of Oakvale residents. The footprint of the Project is minimal and follows the existing rights-of-way. Minimal temporary impacts to terrestrial habitat are anticipated as a result of the Project. The effects of excavation and construction (noise, dust, and erosion control) and traffic disruptions are areas of concern for impacts to the natural and human environment. Appropriate management practices will be implemented, by the contractor, during construction to minimize impacts to residents and the environment. The Project is not anticipated to produce any significant adverse impacts to the surrounding natural or human environment. A Finding of No Significant Impact is anticipated.

FINDING OF NO SIGNIFICANT IMPACT

Mercer/Summers, Phase IV-A Waterline
Section 340 Project
Mercer, West Virginia

Members of my staff have conducted an Environmental Assessment, in the overall public interest, which considers the environmental impacts of the proposed Mercer/Summers, Phase IV-A Waterline Project for the Town of Oakvale, Mercer County, West Virginia. The Preferred Plan consists of expansion and upgrade of the existing waterline. The purpose of the proposed project is to provide a safe supply of potable drinking water and to eliminate a lack of water with high iron, sulfur and fecal content. A secondary benefit will be the availability of fire protection and improvements in the quality of life of the Town of Oakvale residents.

1. The possible consequences of the proposed action have been studied for environmental, cultural, and social well-being effects.
2. The Preferred Plan and the “No Action” alternative were the only alternatives carried forward for detailed evaluation. Primary ecological impacts from the Preferred Plan are the effects of construction (noise, dust, and erosion control), which are considered to be minor and temporary. No threatened or endangered species or any associated critical habitat would be impacted by the Preferred Plan.

The No Action Alternative would not provide adequate, clean, reliable water and fire protection for the Town of Oakvale, and would continue to adversely impact the community.

3. An evaluation of the Preferred Plan produced the following pertinent conclusions:
 - a. Environmental Considerations. The Huntington District has taken reasonable measures to assemble and present the known or foreseeable impacts of the Preferred Plan to the human and natural environment in the Environmental Assessment. All potential adverse impacts of the proposed action are insignificant and should last only a few months longer than the implementation period.

Social Well-Being Considerations. No significant economic or social well-being impacts that are both adverse and/or unavoidable are foreseen as a result of the Preferred Plan. The human community would benefit from proposed action through increase treatment capacity. The Preferred Plan would not have impacts on sites of significant archeological or historical importance.

- b. Coordination with Resource and Other Agencies. Pursuant to the Fish and Wildlife Coordination Act (FWCA) of 1958 as amended, coordination with the following agencies has been performed: the U.S. Fish and Wildlife Service and the West Virginia Department of Natural Resources. Appropriate measures and best management practices have been identified and incorporated into the plan. Also, in accordance with the Endangered Species Act of 1970 as amended, the proposed action would not have any adverse impacts on listed species.

- c. Other Public Interest Considerations. There has been no opposition to the proposed action expressed by the state or local governments, or organized environmental groups, and there are no unresolved issues regarding the implementation of the project.

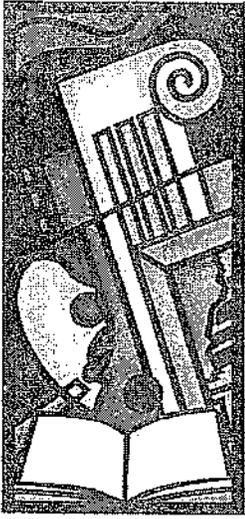
4. I find the proposed action has been planned in accordance with current authorization as described in the Environmental Assessment. The proposed action is consistent with National policy, statutes and administrative directives. This determination is based on thorough analysis and evaluation of the proposed action and the alternative course of action. In conclusion, I find the proposed waterline upgrade and expansion for Mercer, West Virginia would have no significant adverse effect on the quality of the human and/or natural environment.

Date

Robert D. Peterson
Colonel, Corps of Engineers
District Engineer

APPENDIX A

AGENCY COORDINATION



WEST VIRGINIA
DIVISION OF
CULTURE & HISTORY

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

Phone 304.558.0220
Fax 304.558.2779
TDD 304.558.3562
www.wvculture.org

EEO/AA Employer

April 21, 2009

Mrs. Cori A. Edwards
GIS/Planner
Region I Planning Council
1439 East Main St., Suite 5
Princeton, WV 24740

RE: Southeast Mercer Water Phase IV-A; Oakvale Road PSD
FR#: 09-572-MC

Dear Mrs. Edwards:

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

It is our understanding that this project will result in the installation of waterlines in the Town Of Oakvale as well as the surrounding areas of South Eastern Mercer County. The project also will involve the installation of one water tank, approximately 40-50 feet tall. Please note that a telephone conversation between Shirley Stewart Burns of my staff and Mr. Ed Shutt of Stafford Consultants, Inc., clarified that this review is actually for Phase IV-A and not Phase IV-B as indicated in your submittal letter.

Architectural Resources:

We cannot complete our review with the information supplied. There is one above ground component to this phase of the project. USGS topographic maps indicate that there are buildings and/or structures near the proposed water tank. Furthermore, Mr. Shutt verified that there were buildings on Cheesy Creek Road that would be within the viewshed of the water tank. We ask that you forward photographs of any buildings and/or structures that will be within the line-of-sight of the proposed water tank. We request that these photographs be keyed to a USGS topographic map. We will provide further comments upon receipt of the requested information.

Archaeological Resources:

We will require additional information in order to better comment on potential effects to archaeological resources. Please clarify whether the proposed water lines will be installed within existing road rights-of-way and/or previously disturbed areas. According to submitted mapping, three pressure reducing stations and a 57,000 gallon water storage tank will be installed during this

RECEIVED

APR 24 2009

REGION I PDC
Cori Edwards Board

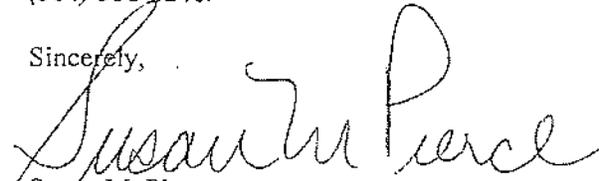
COPY

April 21, 2009
Ms. Edwards
FR#: 09-572-MC
Page 2

project. Please clarify whether these support facilities will be installed within previously disturbed areas and note how large of an area will be impacted during the installation process. Specify whether the proposed water tank will necessitate the construction of a new access road and verify the location of the proposed line that will tie into the new tank. Project mapping also indicates that line installation work at nine proposed water crossings may deviate from existing road rights-of-way. Please submit photographs of the following areas: all areas where line installation work will occur outside of existing road rights-of-way including stream crossing areas, the proposed pressure reducing station sites, and the water storage tank site. Please key the photographs to a USGS topo map. We will provide further comment upon receipt of the requested information.

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

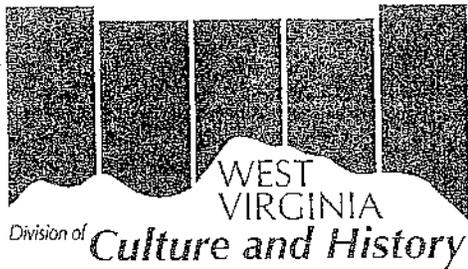
Sincerely,



Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/SSB/CMK

CC: Ed Shutt - Stafford Consultants



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

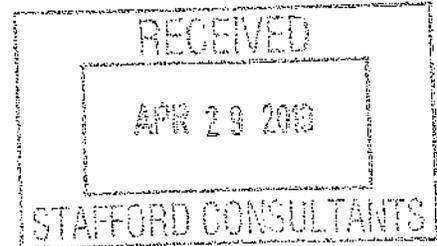
Randall Reid-Smith, Commissioner

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

EEO/AA Employer

April 21, 2010

Ms. Cori A. Edwards
GIS/Planner
Region I Planning and Development Council
1439 East Main Street, Suite #5
Princeton, WV 24740



RE: Southeast Mercer Water Phase IV-A
Oakvale Road PSD
FR#: 09-572-MC-1

Dear Ms. Edwards:

We have reviewed the additional information submitted for the above referenced project. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural Resources:

We cannot complete our review with the information supplied. Our earlier letter dated April 21, 2009, requested that you forward photographs of any buildings and/or structures that will be within the viewshed of the water tank. Newly submitted information indicates that there are now three possibilities for the placement of the tank and that the previously reviewed site is not the preferred option. We reiterate our request for photographs and now ask that you provide photographs for any buildings and/or structures that will be within the viewshed of any of the possible sites.

In addition, we previously noted that project plans indicate that there will be brick sidewalks demolished and replaced with concrete as a result of this project. Our earlier letter requested photographs of the brick sidewalks that will be impacted by this project. Sheet 24 of the current submission shows the line going through a rock wall. We request that you forward photographs of this rock wall and clarify how this project will impact the rock wall. All photographs should be keyed to a USGS topographic map.

We will provide additional comments upon receipt of the requested information.

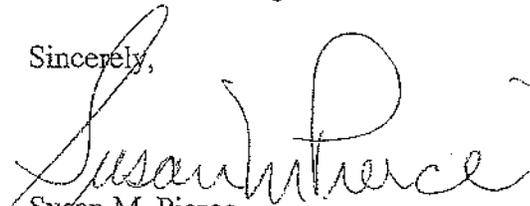
April 21, 2010
Ms. Edwards
FR#: 09-572-MC
Page 2

Archaeological Resources:

Thank you for providing the project area photographs and illustrating the proposed line locations on them. It is our understanding that a Phase I archaeological survey was recently conducted by Archaeological Consultants of the Midwest on all areas where line installation work is scheduled to occur outside of existing road rights-of-way including the proposed tank sites. We will provide further comment upon receipt of the technical report.

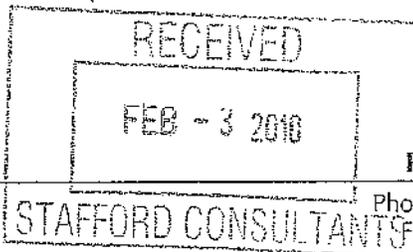
We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Shirley Stewart Burns, Structural Historian, or Carolyn Kender, Archaeologist, in the Historic Preservation Office at (304) 558-0240.*

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Pierce". The signature is written in black ink and is positioned above the printed name.

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/SSB/CMK



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

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org

Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

January 21, 2010

Mr. Stacy A. Fowler
Project Manager
Stafford consultants, Inc.
1105 Mercer Street
P.O. Box 5849
Princeton, WV 24740

RE: Oakvale Road PSD
Mercer/Summers Phase IV-A
FR#: 10-362-MULTI

Dear Mr. Fowler:

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

According to submitted information, the Oakvale Public Service District is proposing to install new waterlines in the Town of Oakvale and other un-serviced areas from the Halls Ridge Road Water Tank. It is our understanding that the project will also involve the installation of a water storage tank.

Architectural Resources:

We cannot complete our review with the information supplied. It is our understanding that there is one above ground component for this project, a new water storage tank. Project mapping illustrates a number of structures in the viewshed of the water tank. We ask that you forward photographs of any buildings and/or structures that will be within the line-of-sight of the proposed water tank. Also, Plan Sheet 29 notes that the waterline will be placed under a brick sidewalk and that the brick will be replaced by concrete after the line is installed. Please provide photographs of this area. We request that the photographs be keyed to a USGS topographic map. We will provide further comments upon receipt of the requested information.

Archaeological Resources:

We will require additional information in order to better comment on the project's potential effect to archaeological resources. Please illustrate the proposed line locations on a USGS

January 22, 2010
Mr. Fowler
FR#: 10-362-MULTI
Page 2

topographic quadrangle map and denote any proposed water crossing areas. Project plan sheets indicate that there are sections where the proposed water lines will be installed outside of existing road rights-of-way. Please provide photographs of the following: all areas where line installation work will occur outside of existing road rights-of-way and/or previously disturbed areas including any water crossing areas, the proposed tank site as well as its associated access road area, and the pressure reducing station sites. Key the photographs to a USGS topographic quadrangle map. Clarify whether the proposed water tank will be installed within a previously disturbed area. We will provide further comment upon receipt of the requested information.

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

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Pierce". The signature is written in dark ink and is positioned above the typed name.

Susan M. Pierce
Deputy State Historic Preservation Officer

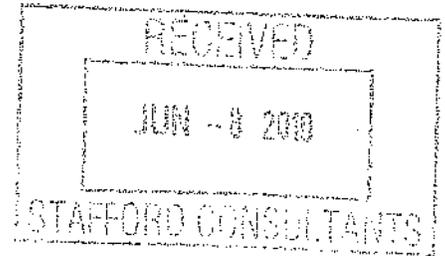
CC: Ms. Cori A. Edwards, Region I Planning and Development Council

Region I Planning & Development Council

1439 East Main Street, Suite #5
Princeton, WV 24740

June 4, 2010 (304) 431-7225
File: 08-7128.11/B Fax (304) 431-7235
regionone@regiononepdc.org

Ms. Susan Pierce
Deputy State Historic Preservation Officer
WV Division of History and Culture
The Cultural Center
1900 Kanawha Boulevard, East
Charleston, WV 25305-0300



Dear Ms. Pierce:

RE: Mercer/Summers Phase IV-A Water Extension
Oakvale Road PSD
FR#: 09-572-MC-2

As a follow up to our discussion on the referenced project with staff members Shirley Stewart Burns and Carolyn Kender of your office, we offer the following resolution of the items noted in your May 27, 2010 correspondence:

1. Upon further discussion with the Corps of Engineers, we are moving the water main from under the brick sidewalk to the opposite of the Mercer County Route 35 (Goodwin's Chapel Road). No bricks will be disturbed during construction.
2. There are no houses that are 50 years or older within the view-shed of the proposed tank site. The panoramic view of photographs that were previously submitted was intended to show this. The preferred tank site is Tank Site #1.
3. The proposed water main shown behind the funeral home has been relocated to avoid the Site 46Mc79. The line is to be located along the fence line between the Funeral Home and the School in order to provide the school with Fire protection.

Additionally, we have enclosed a CD-ROM containing an electronic copy of the archaeological report.

If you have any questions, please do not hesitate to contact me.

Sincerely,

David N. Cole
Executive Director

DC/saf

Enclosure

cc: Pamela Browning, Oakvale Road Public Service District (w/o enclosure)
Edward L. Shutt, P.E., Stafford Consultants, Inc. (w/o enclosure)
Stacy A. Fowler, P.E., Stafford Consultants, Inc. (w/o enclosure)

*"Serving the People of
McDowell, Mercer, Monroe, Raleigh, Summers & Wyoming Counties"*

Region I Planning & Development Council

1439 East Main Street, Suite #5
Princeton, WV 24740

June 4, 2010 (304) 431-7225
File: 08-7128.11/B Fax (304) 431-7235
regionone@regiononepdc.org

Ms. Susan Pierce
Deputy State Historic Preservation Officer
WV Division of History and Culture
The Cultural Center
1900 Kanawha Boulevard, East
Charleston, WV 25305-0300

Dear Ms. Pierce:

RE: Mercer/Summers Phase IV-A Water Extension
Oakvale Road PSD
FR#: 09-572-MC-2

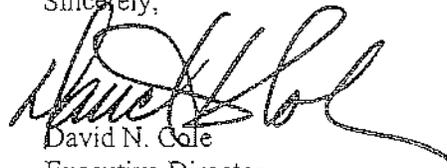
As a follow up to our discussion on the referenced project with staff members Shirley Stewart Burns and Carolyn Kender of your office, we offer the following resolution of the items noted in your May 27, 2010 correspondence:

1. Upon further discussion with the Corps of Engineers, we are moving the water main from under the brick sidewalk to the opposite of the Mercer County Route 35 (Goodwin's Chapel Road). No bricks will be disturbed during construction.
2. There are no houses that are 50 years or older within the view-shed of the proposed tank site. The panoramic view of photographs that were previously submitted was intended to show this. The preferred tank site is Tank Site #1.
3. The proposed water main shown behind the funeral home has been relocated to avoid the Site 46Mc79. The line is to be located along the fence line between the Funeral Home and the School in order to provide the school with Fire protection.

Additionally, we have enclosed a CD-ROM containing an electronic copy of the archaeological report.

If you have any questions, please do not hesitate to contact me.

Sincerely,



David N. Cole
Executive Director

DC/saf

Enclosure

cc: Pamela Browning, Oakvale Road Public Service District (w/o enclosure)
Edward L. Shutt, P.E., Stafford Consultants, Inc. (w/o enclosure)
Stacy A. Fowler, P.E., Stafford Consultants, Inc. (w/o enclosure)

*"Serving the People of
McDowell, Mercer, Monroe, Raleigh, Summers & Wyoming Counties"*



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

Randall Reid-Smith, Commissioner

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

EEO/AA Employer

June 9, 2010

Mr. Jason Roberts
GIS Director
Region I Planning and Development Council
1439 East Main Street, Suite #5
Princeton, WV 24740

RE: Southeast Mercer Water Phase IV-A
Oakvale Road PSD
FR#: 09-572-MC-3

Dear Mr. Roberts:

We have reviewed the technical report titled, *Phase I Archaeological Literature Review and Reconnaissance Survey for the Proposed Oakvale Road PSD, Phase IV-A Water Line Project in Mercer County, West Virginia*, prepared by Archaeological Consultants of the Midwest, Incorporated for the above referenced project. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural Resources:

As discussed during a phone conversation with Mr. David Cole of Region I Planning and Development Council and Mr. Ed Shutt of Stafford Consultants on June 4, it is our understanding that additional information will be submitted shortly pertaining to the selected tank site and the area in which a brick sidewalk is located. We will provide further comment upon its receipt.

Archaeological Resources:

The report satisfactorily addresses our concerns regarding the presence of cultural resources within the proposed project area. Systematic survey conducted in the project area resulted in the identification of four new archaeological sites, which have been assigned site numbers 46Mc76, 46Mc77, 46Mc78, and 46Mc79.

Three of the identified sites 46Mc76 to 46Mc78 consisted of prehistoric isolated finds, namely prehistoric flakes. The consultant concludes that sites 46Mc76, 46Mc77, and 46Mc78 are unable to provide significant information pertaining to West Virginia's prehistory and recommends that no further archaeological investigations are necessary. We concur with this conclusion. In our

RECEIVED

JUN 14 2010

REGION I PSD

JASON/FILE

Ed S. / STACY F.

June 9, 2010
Mr. Roberts
FR#: 09-572-MC-3
Page 2

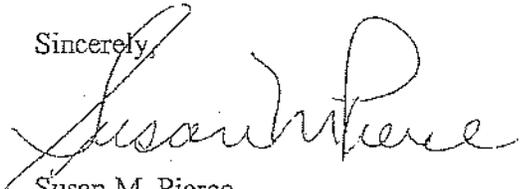
opinion, sites 46Mc76, 46Mc77, and 46Mc78 are *not eligible* for inclusion in the National Register of Historic Places.

Site 46Mc79 is a dense lithic scatter dating to the Early Archaic period of prehistory. The artifact assemblage is comprised of formal and informal flaked stone tools, lithic debitage, and fire-cracked rock. According to the report, a possible cultural feature was documented at the interface of the A and B soil horizons. The consultant concludes that the site may have the potential to provide significant information of the prehistory of the region, particularly the Early Archaic Period, and recommends that the site be avoided. We concur with this recommendation. According to the report, Stafford Consultants has rerouted the proposed water line in the vicinity of 46Mc79 in order to avoid this resource. It is our understanding that this section of line will now run within an existing road right-of-way. Therefore, due to the proposed avoidance, in our opinion, the proposed project will have no effect on site 46Mc79.

Finally, in our opinion, with the proposed avoidance of site 46Mc79, there are no archaeological sites located within the project area that are eligible for or listed in the National Register of Historic Places. No further consultation is necessary with respect to archaeological resources.

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

Sincerely,



Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/CMK/SSB



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

Randall Reid-Smith, Commissioner

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

EP/AAA Employer

July 7, 2010

Mr. David Cole
Executive Director
Region I Planning and Development Council
1439 East Main Street, Suite #5
Princeton, WV 24740

RE: Southeast Mercer Water Phase IV-A
Oakvale Road PSD
FR#: 09-572-MC-4

Dear Mr. Cole:

We have reviewed the additional information submitted for the above referenced project. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural Resources:

Submitted information indicates that the project has been altered to avoid the brick sidewalks and that no brick sidewalks will be impacted by this project. Additionally, submitted information indicates that there no buildings and/or structures 50 years or older within the viewshed of the preferred proposed tank site. With this understanding, it is our opinion that there are no architectural resources eligible for or included in the National Register of Historic Places that will be impacted by this project. No further consultation regarding architectural resources is necessary.

Archaeological Resources:

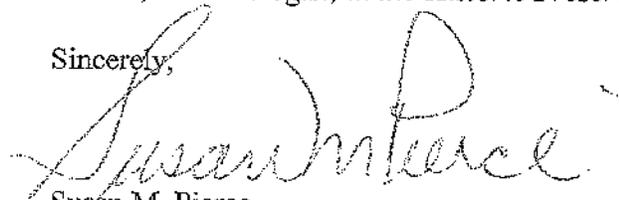
As we indicated in our June 9, 2010 correspondence, the Phase I archaeological survey conducted by Archaeological Consultants of the Midwest, Incorporated in the project area identified four new archaeological resources: 46Mc76, 46Mc77, 46Mc78, and 46Mc79. Sites 46Mc76 to 46Mc78 are prehistoric isolated finds and are recommended as *not eligible* for inclusion in the National Register of Historic Places. Site 46Mc79, a dense lithic scatter dating to the Early Archaic period of prehistory, may have the potential to provide significant information on the prehistory of the region, particularly the Early Archaic Period, and is recommended for avoidance. It is our understanding that the waterline in vicinity of site 46Mc79 has been rerouted and will now be installed within previously disturbed areas. Therefore, due to the proposed

July 7, 2010
Mr. Cole
09-572-MC-4
Page 2

avoidance, in our opinion, the proposed project will have no effect on site 46Mc79. Finally, in our opinion with the proposed avoidance of site 46Mc79, there are no archaeological sites located within the proposed project area that are eligible for or listed in the National Register of Historic Places.

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

Sincerely,

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/SSB/CMK



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

Randall Reid-Smith, Commissioner

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

December 10, 2010

Mr. Jason Roberts
GIS Director
Region 1 Planning and Development Council
1439 East Main Street, Suite #5
Princeton, WV 24740

RE: Southeast Mercer Water Phase IV-A
Oakvale Road PSD
PR#: 09-572-MC-5

Dear Mr. Roberts:

We have reviewed the additional information submitted for the above referenced project. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

According to submitted information, the proposed project has undergone a design change that involves the relocation and/or insertion of multiple pressure reducing valves (PRVs), along with their respective portions of water line necessary for service for areas illustrated on Plan Sheet 22, Plan Sheet 13, Plan Sheet 11, and Plan Sheet 23.

Submitted information indicates that the proposed construction activities will be confined to existing previously disturbed road rights of way, where in our opinion it is unlikely that any intact archaeological deposits are present. It is our understanding the PRVs do not have any above ground components other than their associated lids. In our opinion, there are no cultural resources located within the proposed project area that are eligible for or listed in the National Register of Historic Places. No further consultation is necessary.

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

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Pierce".

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/CMK/ACV



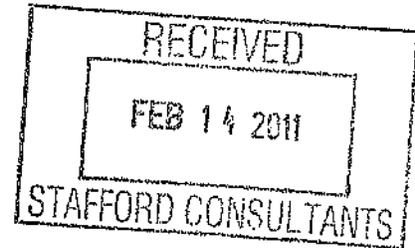
The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

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

February 10, 2011

Ms. Susan Stafford
U.S. Army Corps of Engineers
Huntington District
502 8th Street
Huntington, WV 25701



RE: Southeast Mercer Water Phase IV-A
Oakvale Road PSD
FR#: 09-572-MC-6

Dear Ms. Stafford:

We have reviewed the addendum technical report prepared by Archaeological Consultants of the Midwest, Incorporated for the above referenced project. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

According to submitted information, the project underwent small design changes in three segments of the proposed water line installation project.

The report addresses our concerns regarding the presence of cultural resources within the proposed project area. Systematic survey conducted in the project area did not identify any archaeological sites. The consultant concludes that no further archaeological investigations are necessary. We concur with this conclusion. In our opinion, there are no archaeological sites located within the proposed project area that are eligible for or listed in the National Register of Historic Places. No further consultation is necessary.

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

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/CMK

CC: Mr. Stacy Fowler - Stafford Consultants, Inc.
Mr. Christopher Jackson- Archaeological Consultants of the Midwest, Inc.



REPLY TO
ATTENTION OF

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

APR - 6 2010

RECEIVED

APR 07 2010

REGION I PDC

Cori Edwards
CE

Operations and Readiness Division
Regulatory Branch
South/Transportation Section
2009-234 - South East Mercer Water Phase IV-B

Ms. Cori A. Edwards
Region I Planning & Development Council
1439 East Main Street, Suite #5
Princeton, West Virginia 24740

Dear Ms. Edwards:

I refer to preliminary information received in this office on March 23, 2010, regarding a proposed project which may result in impacts to jurisdictional waters of the United States (U.S.).

Under Section 404, the United States Army Corps of Engineers (USACE) regulates the discharge of dredged and/or fill material into waters of the United States (U.S.), including wetlands. Our responsibility under Section 10 is to regulate any work in, or affecting, navigable waters of the U.S.

Based on the preliminary information provided, and other information available to us, it appears the project has potential to involve activities subject to the requirements of Section 10 and/or Section 404. Therefore, the proposed project may require Department of the Army (DA) authorization.

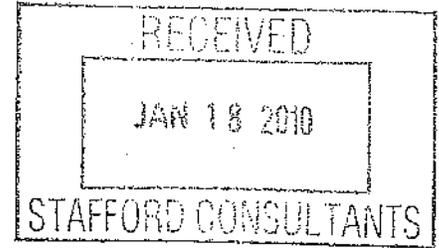
To conclusively determine if the proposed project requires authorization from this office additional information is required. Typically a DA permit application form (DA form 4345) completed in accordance with instructions, including required drawings, would provide the information required to further evaluate the proposed project. For each impact to jurisdictional waters of the U.S., as defined in 33CFR328, we require details regarding the proposed impact, including the amount and type of any material to be discharged as a result of the activity. It is recommended the geographic coordinates be indicated by NAD83 datum.

Upon receipt of a completed application package as described above, this project will be evaluated further and you will be advised of the recommended form of authorization and any additional requirements. If you have any questions, please contact the South/Transportation Regulatory Section at (304) 399-5710.

Sincerely,

Richard A. Hemann

Richard Hemann
Project Manager
South/Transportation Section



DIVISION OF NATURAL RESOURCES

Wildlife Resources Section
Operations Center
P.O. Box 67

Elkins, West Virginia 26241-3235
Telephone (304) 637-0245
Fax (304) 637-0250

January 12, 2010

Joe Manchin III
Governor

Frank Jezioro
Director

Mr. Stacy A. Fowler
Stafford Consultants, Inc.
P.O. Box 5849
Princeton, WV 24740

Dear Mr. Fowler:

We have reviewed our files for information on rare, threatened and endangered (RTE) species and sensitive habitats for the area of the proposed Mercer/Summers Phase IV-A water project for the Town of Oakvale, Mercer County, WV.

We have no known records of any RTE species or sensitive habitats within the project area. The Wildlife Resources Section knows of no surveys that have been conducted in the area for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the area under review.

The information provided above is the product of a database search and retrieval. This information does not satisfy other consultation or permitting requirements for disturbances to the natural resources of the state. If your project will directly impact the waters of the state or cause a "take" of fish and/or wildlife, consultation may be required. Requests for WV wildlife agency consultation should be directed to Mr. Roger Anderson at the address given in the letterhead or by email at rogeranderson@wvdmr.gov. Database requests for information on RTE species and sensitive habitats should still be directed to me.

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

Sincerely,


Barbara Sargent
Environmental Resources Specialist
Wildlife Diversity Program

enclosure



RECEIVED

MAR 31 2010

REGION I PDC

Cori/Edwards
Ltr/Invoice

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

March 30, 2010

Joe Manchin III
Governor

Frank Jezioro
Director

Ms. Cori A. Edwards
Region I Planning & Development Council
1439 East Main Street, Suite 5
Princeton, WV 24740

Dear Ms. Edwards:

We have reviewed our files for information on rare, threatened and endangered (RTE) species and sensitive habitats for the area of the proposed South East Mercer water Phase IV-B in Mercer County, WV.

We have no known records of any RTE species or sensitive habitats within the project area. The Wildlife Resources Section knows of no surveys that have been conducted in the area for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the area under review.

The information provided above is the product of a database search and retrieval. This information does not satisfy other consultation or permitting requirements for disturbances to the natural resources of the state. If your project will directly impact the waters of the state or cause a "take" of fish and/or wildlife, consultation may be required. Requests for WV wildlife agency consultation should be directed to Mr. Roger Anderson at the address given in the letterhead or by email at rogeranderson@wvdnr.gov. Database requests for information on RTE species and sensitive habitats should still be directed to me.

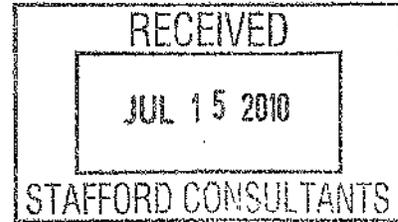
Thank you for your inquiry, and should you have any questions please feel free to contact me at the above number, extension 2048. Enclosed please find an invoice.

Sincerely,

Barbara Sargent

Environmental Resources Specialist
Wildlife Diversity Unit

enclosure



DIVISION OF NATURAL RESOURCES

324 4th Avenue, Room 200
South Charleston, WV 25303-1228
TDD (304) 558-1439
TDD 1-800-354-6087
Fax (304) 558-6048
Telephone (304) 558-3225

Joe Manchin III
Governor

Frank Jezioro
Director

July 12, 2010

Division of Natural Resources
LICENSE AND RIGHT OF ENTRY

Re: P-10-IV/28-834

Oakvale Road Public Service District
c/o Stafford Consultants, Inc.
Attention: Stacy Fowler
PO Box 5849
Princeton, WV 24740-

Dear Sir or Madam:

The Division of Natural Resources hereby grants to you for a term of 25 years, from the date hereof, a License and Right of Entry to construct, replace, cover, repair, operate, maintain, use and remove six-inch to twelve-inch (6"-12") water pipelines at forty-two (42) separate locations along Rocky Hollow, an unnamed tributary of Rocky Hollow, Fivemile Creek, unnamed tributaries of Fivemile Creek, Payne Branch, Hales Branch and the East River, East River District, Mercer County, West Virginia, as shown located and highlighted in red on the map attached hereto as Exhibit A.

This License and Right of Entry is subject to the following terms and conditions:

1. No in stream work during the fish-spawning season (April 1-June 30).
2. The pipeline must be buried at least three-feet (3').
3. Any stream bed disturbance should be restricted to the immediate area. In stream use of equipment should be kept to a minimum.
4. All shore areas disturbed by this operation must be reshaped, seeded and mulched immediately upon completion of work. The prompt establishment of vegetative cover will reduce future damage from high water levels.
5. Green concrete must not be put in the stream (highly toxic to aquatic life).
6. Amount of stream side vegetation disturbed should be kept to a minimum.
7. Best management practices should be followed; measures such as hay bales must be used to reduce downstream siltation.

8. Any plastic pipeline less than four-inch (4") in diameter shall be encased in a metal conduit.
9. The State's issuance of this Right-of-Entry does not provide for the applicant to work outside the requested boundaries nor does the State assume any liability for the applicant's/landowner's construction activities. By accepting this Right-of-Entry, the applicant/landowner assumes liability for any/all damages caused by this activity to both upstream and downstream landowners.
10. Work should be completed as quickly as possible during low flows in designated work areas only.
11. **The East River stream crossings must be directionally drilled. Any stream crossing that cannot be directionally drilled must be enhanced through natural stream channel design measures or riparian habitat improvements on site.**
12. A 404 Permit may be required from The U.S. Army Corps of Engineers. You may contact them at 304-399-5211 or 412-395-7152.

Guidelines of Best Management Practices for Sediment and Erosion Control as outlined by the Section of Water Resources, Division of Environmental Protection must be followed. Copies of those guidelines are available from the Section of Water Resources, Telephone No. (304) 926-0440.

The issuance of this License and Right of Entry by the Division of Natural Resources does not preclude the necessity to obtain a permit from the Corps of Engineers or any other state or federal permits which may be required by law, nor does this License and Right of Entry negate the need to comply with the West Virginia Water Pollution Control Act and/or the State Environmental Quality Board's administrative regulations, applicant is also responsible for determining if the proposed activity is located within an identified flood plain and it is the applicant's responsibility for contacting the local governmental agency in charge of that program and obtaining a flood plain development permit for it. This License and Right of Entry does not grant any rights or privileges, or permission to enter upon or to cross the property of any other person, nor is permission granted to remove any material that lies upon the property of any other persons. Work should be completed in as brief a period as possible and within one year from the date of this letter. In the event you fail or refuse to comply with any of the terms or conditions herein, this License and Right of Entry will be canceled and considered null and void and the Division will reject further applications.

There is no fee for this Right of Entry.

Sincerely,



Joe T. Scarberry, Supervisor
Office of Land and Streams

JTS:ah

pc: DNR Fish Biologist
Mr. Mike Zeto, Environmental Enforcement
DNR Conservation Officers

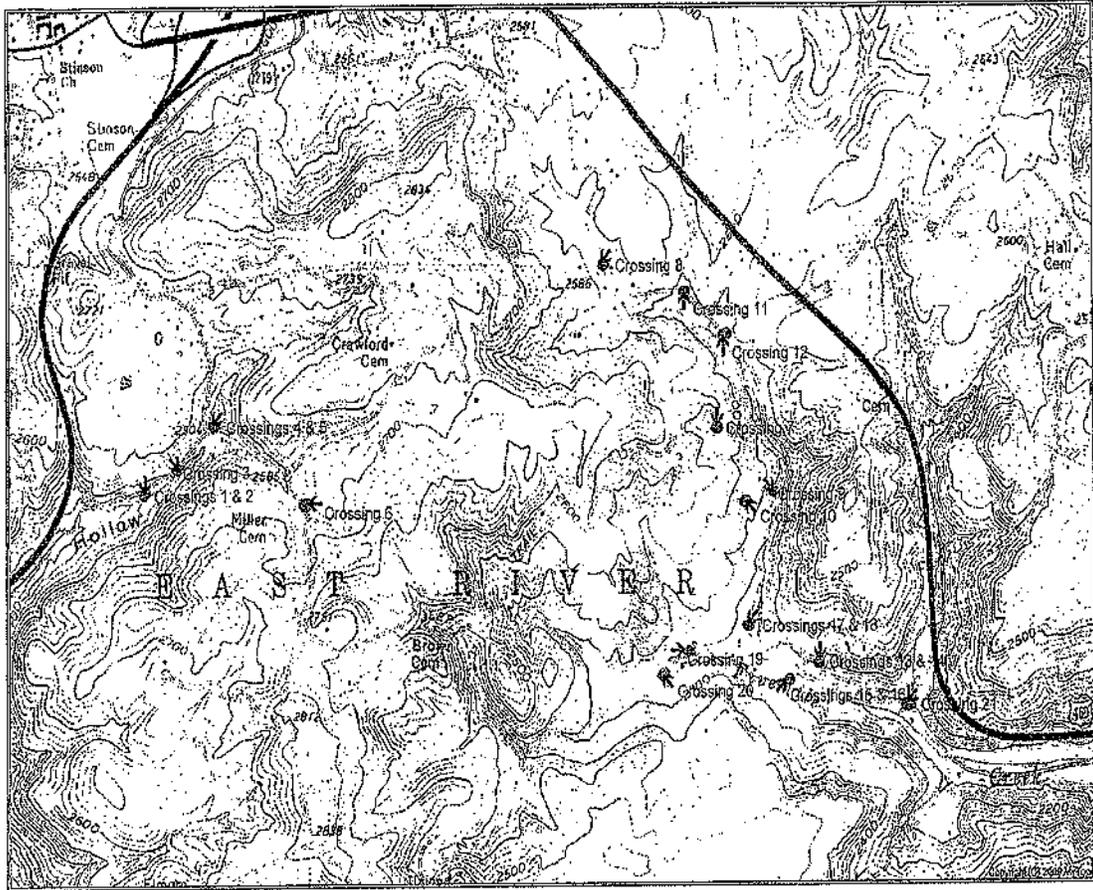
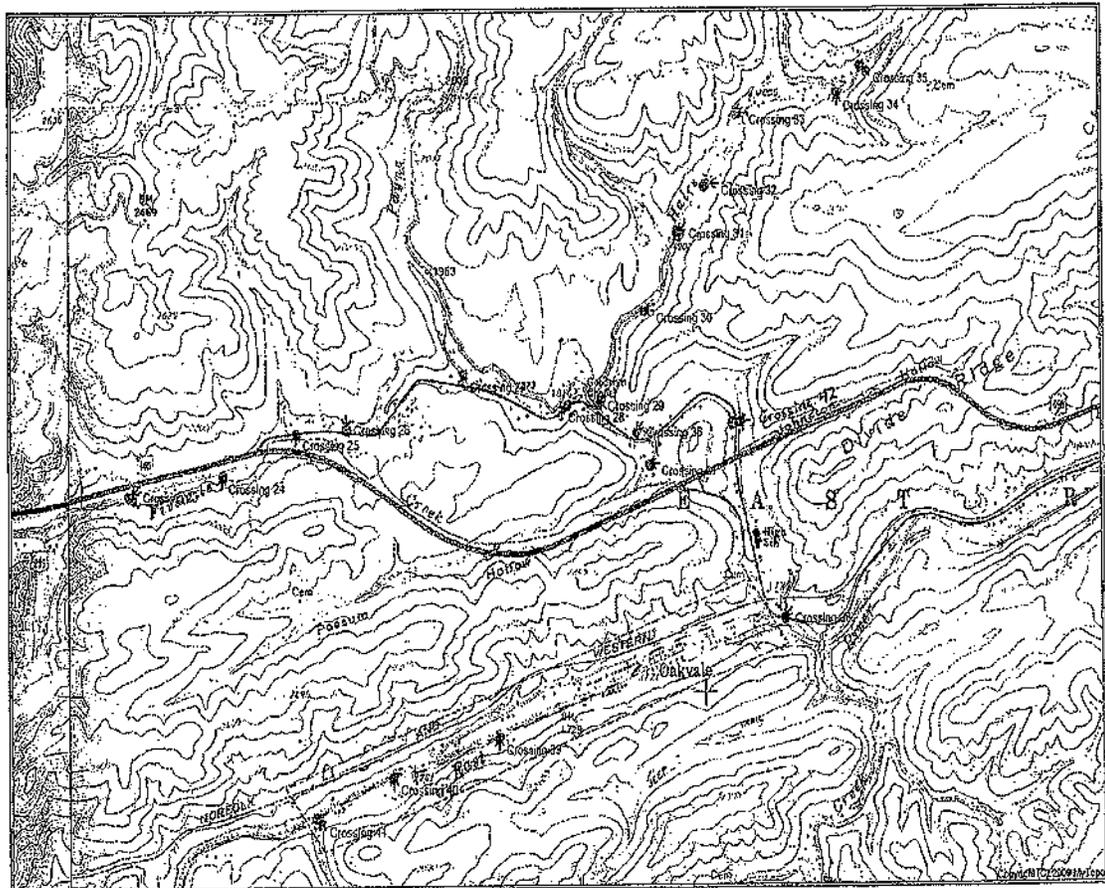


Exhibit A





STAFFORD CONSULTANTS INCORPORATED

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

Thomas Chapman, Supervisor
U.S. Fish and Wildlife
U.S. Department of Interior - WV Field Office
P.O. Box 1278
Elkins, WV 26241

Dear Mr. Chapman:

RE: Oakvale Road PSD
Mercer / Summers Phase IV-A

We are in the process of preparing a water utilities design for the Oakvale Road PSD, which is to serve approximately 354 customers within the Town of Oakvale and other un-serviced areas from the Halls Ridge Road Water Tank. We are notifying your office of the location of the proposed project. A copy of the proposed water extension is enclosed for your reference.

Please provide us with information and comments regarding the potential impact of this



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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



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

Definitive determinations of the presence of waters of the United States, including wetlands, in the project area and the need for permits, if any, are made by the U.S. Army Corps of Engineers. They may be contacted at: Huntington District, Regulatory Branch, 502 Eighth Street, Huntington, West Virginia 25701, telephone (804) 399-5710.

Bob Douglas 1/14/2010
Reviewer's signature and date

Deborah Cetera 1/14/2010
Field Supervisor's signature and date

CDU	HB
ELS	CLP
SAF	KAL
KRC	CLD

December 17, 2009

File: 06-7128.40/B

RECEIVED
DEC 18 2009
WVFO



**STAFFORD
CONSULTANTS
INCORPORATED**

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

December 17, 2009

File: 06-7128.40/B

Mr. Calvin F. Hite, Superintendent
United States Department of the Interior
National Park Service
104 Main Street
P.O. Box 246
Glen Jean, WV 25846

Dear Mr. Hite:

RE: Oakvale Road PSD
Mercer / Summers Phase IV-A

We are in the process of preparing a water utilities design for the Oakvale Road PSD, which is to serve approximately 354 customers within the Town of Oakvale and other unserved areas from the Halls Ridge Road Water Tank. We are notifying your office of the location of the proposed project. A copy of the proposed water extension is enclosed for your reference.

Please provide us with information and comments regarding the potential impact of this proposed project on the wild and scenic waters of the New River Gorge National River.

Your prompt response will be greatly appreciated. If you have any questions, please let me know.

Sincerely,

Stacy A. Fowler, P.E.
Project Manager

/saf

Enclosure

cc: Pamela Browning

Region I Planning & Development Council

1439 East Main Street, Suite #5
Princeton, WV 24740

(304) 431-7225
Fax (304) 431-7235
regionone@regiononepdc.org

December 18, 2009

Mary Nelson, Mayor
Town of Oakvale
13610 Ingleside Road
Oakvale, WV 24740

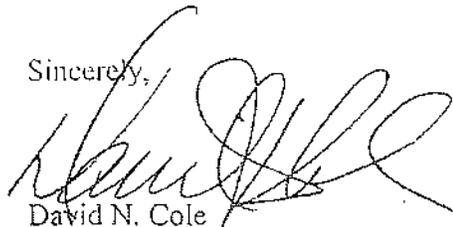
REF: INTERGOVERNMENTAL REVIEW: OAKVALE ROAD PSD
MERCER/SUMMERS PHASE IV-A

Dear Mayor:

This letter is to inform you that the Region I Planning and Development Council staff has completed its review of the above referenced application for funding assistance in the amount of \$1,500,000 (SCBG), \$341,000 (IJC Grant), \$3,400,000 (IJC Loan), \$700,000 (COE) and \$325,000 (WVAWC), for a total project cost of \$6,266,000.

Our review of the above referenced application shows that it meets with the overall goals and objectives as set forth by the Region I Planning and Development Council. Therefore, this letter is to serve as official notification of compliance with the State of West Virginia's Intergovernmental Review Process.

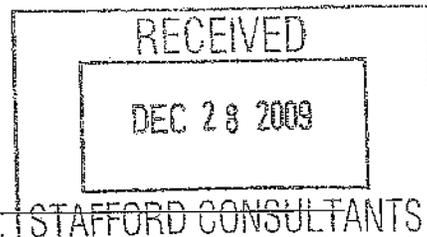
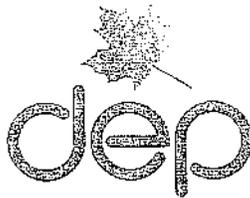
Sincerely,



David N. Cole
Executive Director

DC: fmp
Copy: Mary Jo Thompson, WVDO

*"Serving the People of
McDowell, Mercer, Monroe, Raleigh, Summers & Wyoming Counties"*



west virginia department of environmental protection

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

Joe Manchin, III, Governor
Randy C. Huffman, Cabinet Secretary
www.wvdep.org

December 21, 2009

Stacy A. Fowler, PE
Project Manager
Stafford Consultants Incorporated
1105 Mercer Street
Princeton, WV 24740

RE: Oakvale Road PSD, Mercer/Summer Phase IV-A

Dear Mrs. Fowler:

This letter responds to your correspondence of December 17, 2009 concerning the project referenced above.

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

1. It is necessary to burn land clearing debris in order to complete the project; in which case, approval by the WVDEP Secretary or his or her authorized representative is required to conduct such burning (see 45CSR6) or;
2. The project entails the renovation, remodeling, or demolition, either partially or totally, of a structure, building, or installation, irrespective of the presence or absence of asbestos-containing materials, and is subject to 45CSR15 (the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40CFR61, Subpart M). If such is the case, a formal Notification of Abatement, Demolition, or Renovation must be completed and timely filed with the WVDEP Secretary's authorized representative and approval received before commencement of the activities addressed in the Notification.

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

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

As of December 1, 2009, both Mercer and Summers counties are designated attainment for all criteria pollutants.

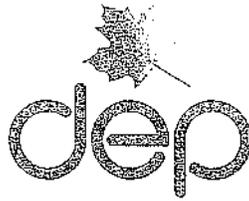
If you have any questions or need further assistance or information, please contact this office at (304) 926-0475.

Sincerely Yours,



Dee Smith
Planning Section

DAS/dw



RECEIVED
MAR 29 2010
REGION I PDC

west virginia department of environmental protection

Cori

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

Joe Manchin, III, Governor
Randy C. Huffman, Cabinet Secretary
www.wvdep.org

March 26, 2010

Mrs. Cori A. Edwards
GIS Planner
Region I Planning & Development Council
1439 Main Street, Suite #5
Princeton, WV 24740

RE: Environmental Assessment for South East Mercer Water Phase IV-B, Mercer County, WV

Dear Mrs. Edwards:

This letter responds to your correspondence of March 23, 2010 concerning the project referenced above.

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

1. It is necessary to burn land clearing debris in order to complete the project; in which case, approval by the WVDEP Secretary or his or her authorized representative is required to conduct such burning (see 45CSR6) or;
2. The project entails the renovation, remodeling, or demolition, either partially or totally, of a structure, building, or installation, irrespective of the presence or absence of asbestos-containing materials, and is subject to 45CSR15 (the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40CFR61, Subpart M). If such is the case, a formal Notification of Abatement, Demolition, or Renovation must be completed and timely filed with the WVDEP Secretary's authorized representative and approval received before commencement of the activities addressed in the Notification.

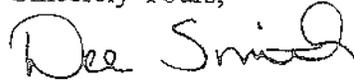
If the project involves demolition, and/or excavation and transportation of soil/aggregates or the handling of materials that can cause problems such as nuisance dust emissions or entrainment or creation of objectionable odors, adequate air pollution control measures must be applied to prevent statutory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

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

As of March 1, 2010, Mercer County is designated attainment area for all criteria pollutants.

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

Sincerely Yours,

A handwritten signature in black ink that reads "Dee Smith". The signature is written in a cursive style with a large, looped "D" and "S".

Dee Smith
Planning Section

DAS/dw

APPENDIX B

MAILING LIST

Honorable John D. Rockefeller IV
United States Senate
405 Capitol Street
Suite 508
Charleston, West Virginia 25301-1749

Honorable Nick J. Rahall II
House of Representatives
845 Fifth Avenue
Huntington, West Virginia 25701

Honorable Earl Ray Tomblin
Governor of West Virginia
1900 Kanawha Boulevard, E.
Charleston, West Virginia 25305

Honorable Joe Manchin III
United States Senate
300 Virginia Street, Suite 2630
Charleston, West Virginia 25301-2523

Mr. John Forren NEPA/404 Coordinator
U.S. Environmental Protection Agency
Region III Office of Environmental Programs
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Deborah Carter, Field Supervisor
U.S. Fish and Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241

Lyle Bennett
WV Department of Environmental Protection
Division of Water and Waste Management
601 57th Street
Charleston, West Virginia 25304

Susan Pierce
Deputy State Historic Preservation Officer
State Historic Preservation Office
1900 Kanawha Boulevard, E.
Charleston, West Virginia 25305-0300

Frank Jezioro, Director
WV Division of Natural Resources
Capitol Complex, Building 3, Room 669
Charleston, West Virginia 26241

Natural Resource Conservation Service
Summersville Service Center
PO Box 250
Summersville, West Virginia 26651-0250

Oakvale Road Public Service District
P.O. Box 1061
Princeton, West Virginia 24740

Princeton Public Library
920 Mercer Street
Princeton, West Virginia 24740

East River Fire Department
317A Oakvale Road
Princeton, West Virginia 24740