

**APPENDIX A**

**NOTICE OF INTENT TO PREPARE AN  
ENVIRONMENTAL IMPACT STATEMENT**

Dated: April 7, 2006.

Judith L. Osborn,

*Attorney-Adviser, Office of United Nations Affairs, Office of the Legal Adviser, Executive Director, Advisory Committee on International Law, Department of State.*

[FR Doc. E6-5581 Filed 4-13-06; 8:45 am]

BILLING CODE 4710-08-P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Proposed Cancellation of the Air Taxi Authority of Aero Leasings, Inc. D/B/A Air Florida Airlines

**AGENCY:** Department of Transportation.

**ACTION:** Notice of Order to Show Cause (Order 2006-4-7), Docket OST-2001-9214.

**SUMMARY:** The Department of Transportation is directing all interested persons to show cause why it should not issue an order (1) finding that Aero Leasings, Inc. d/b/a Air Florida Airlines lacks the compliance disposition to hold part 298 exemption authority (2) proposing to cancel its part 298 exemption authority.

**DATES:** Persons wishing to file objections should do so no later than April 24, 2006.

**ADDRESSES:** Objections and answers to objections should be filed in Docket OST-2001-9214 and addressed to U.S. Department of Transportation, Docket Operations, (M-30, Room PL-401), 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

**FOR FURTHER INFORMATION CONTACT:** Mr. Damon D. Walker, Air Carrier Fitness Division (X-56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-7785.

Dated: April 10, 2006.

Michael W. Reynolds,

*Acting Assistant Secretary for Aviation and International Affairs.*

[FR Doc. E6-5552 Filed 4-13-06; 8:45 am]

BILLING CODE 4910-62-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Grant, Hardy, Hampshire, and Mineral Counties in WV; and, Allegany County, MD

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that a Tier I Environmental Impact Statement (EIS) will be prepared to review improvements in the existing transportation system between Interstate 68 in Western Maryland and Appalachian Corridor H in the West Virginia Potomac Highlands. The study area generally parallels the existing U.S. 220 highway corridor.

#### FOR FURTHER INFORMATION CONTACT:

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

#### SUPPLEMENTARY INFORMATION:

In July 2001, the *North South Appalachia Corridor Study* was completed by the states of Maryland, Pennsylvania, and West Virginia. The study concluded that the U.S. Route 220 corridor south from Interstate 68 connecting to Appalachian Corridor H in eastern West Virginia provided great potential for benefiting Appalachian economic development. The purpose of this EIS is to review options for a new or improved highway between these termini as part of the National Highway System. The proposed corridor improvements will serve to improve the existing transportation system by providing an upgraded north-south road in order to resolve existing transportation deficiencies and to enhance regional commerce for areas residents, businesses, and visitors. It will also service interstate north-south travel movements and support other economic development efforts throughout the Appalachian regions of Maryland, West Virginia, Pennsylvania, and Virginia. The EIS will be prepared by the West Virginia Department of Transportation, Division of Highways in cooperation with the Maryland State Highway Administration for the Federal Highway Administration (FHWA) to fulfill the requirements established in the National Environmental Policy Act in conformance with current FHWA regulations and guidance materials. The EIS will be prepared as a Tiered document. The tiered process will provide a systematic approach for advancing the best transportation improvements in the most cost-effective manner. The analyses undertaken during Tier I will lead to the identification of the most practical corridor for carrying out transportation improvements. A Record of Decision

will be prepared at the conclusion of the Tier I EIS process to identify the option that best meets the identified transportation need. Subsequently, if more detailed study of a particular option or corridor is required, further environmental analyses will be undertaken. The scope of future environmental studies will be commensurate with the proposed action and potential environmental consequences.

Alternates under consideration in the EIS will be: (1) The no action alternative, (2) build corridors identified in the *North South Appalachia Corridor Study*, and (3) alternatives identified based on discussions with the resource agencies and the public during the environmental scoping process.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have expressed or are known to have an interest in this proposal. Public and resource agency meetings are currently being scheduled for the spring of 2006. Meeting notifications will be made to the public, resource agencies and the public in accordance with the approved public involvement procedures for each state. At this time, it is anticipated meetings will be held in Cumberland, Maryland and Keyser and Moorefield, West Virginia.

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

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

Issued on: March 31, 2006.

Henry E. Compton,

*Environmental Coordinator, Charleston, West Virginia.*

[FR Doc. 06-3576 Filed 4-13-06; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### TIFIA Program Public Meeting

**AGENCY:** Federal Highway Administration (FHWA), DOT.

## **APPENDIX B**

### **COOPERATING AND PARTICIPATING AGENCIES**



Copies furnished:

Mr. Ben Hark  
West Virginia Division of Highways  
1900 Kanawha Boulevard East  
Building Five, Room 317  
Charleston, West Virginia 25305-0430



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

June 14, 2006

Mr. Gregory L. Bailey, P.E.  
WV Department of Transportation  
Division of Highways  
1900 Kanawha Boulevard East  
Building five, Room 110  
Charleston, West Virginia 25305-0430

Subject: Cooperating Agency Role for the U.S. Route 220 Project NHS Corridor between I-68 and Corridor H.

Dear Mr. Bailey:

The U.S. Environmental Protection Agency (EPA) is committed to participating in an active role as a Cooperating Agency in the development of the Tier One Environmental Impact Statement for U.S. Route 220.

The Council of Environmental Quality (CEQ) has determined that a cooperating agency has the responsibility to assist the lead agency by participating in the National Environmental Policy Act (NEPA) process at the earliest possible time. This participation includes engaging in the scoping process; in developing information and preparing environmental analyses including portions of the environmental impact statement where the cooperating agency has special technical expertise; and in making available staff support at the lead agency's request to enhance the lead agency's interdisciplinary capabilities. Our role as a cooperating agency in support of the subject EIS will consist of providing comments on general NEPA compliance and Section 404 issues as well as providing technical support in the development of the EIS. More specifically, the EPA would like the opportunity to contribute in the EIS process in the following manner:

- Identification of significant issues
- Identification of objectives
- Definition of the purpose and need
- Provide technical assistance in the development of the analysis of alternatives
- Provide data and rationale underlying the alternatives analysis
- Provide technical assistance on Environmental Justice, cumulative impacts, etc.
- Explore applying Green Highway concepts for this EIS as well as any additional tiered EISs from the programmatic



The many benefits of enhanced cooperating agency participation in the preparation of NEPA analyses include: disclosing relevant information early in the analytical process; applying available technical expertise and staff support; and establishing a mechanism for addressing intergovernmental issues. Other benefits of enhanced cooperating agency participation include fostering intra- and intergovernmental trust (e.g., partnerships at the community level) and a common understanding and appreciation for various governmental roles in the NEPA process, as well as enhancing an agencies' ability to adopt environmental documents. We expect the level of data and the cooperation provided will result in a high quality NEPA document and an environmentally sound project.

In addition we would like to explore the idea of incorporating Green Highway concepts into the development of the Route 220 corridor study. Green Highway opportunities could address a watershed approach to stormwater management, an ecosystem approach to assess mitigation opportunities or provide new approaches to reuse and recycling opportunities. We would encourage a discussion of these concepts for integration into this project and would welcome visiting with your office to in order to provide detailed information on the Green Highway approach. The Green Highway approach is voluntarily and addressees issues that are beyond compliance in order to better incorporate environmental stewardship and sustainable practices that are more cost-effective over the long-term.

Thank you for the opportunity to be a cooperating agency on this project. We look forward to working with you to ensure that a scientifically sound and sufficient EIS is developed for this project. If you need additional assistance, please contact me at (215)-814-3367.

Sincerely,



William Arguto  
NEPA Team Leader







# United States Department of the Interior

NATIONAL PARK SERVICE  
 C&O Canal National Historical Park  
 1850 Dual Highway, Suite 100  
 Hagerstown, Maryland 21740

A	I	Init	A	I	Init
		Div Administrator			Admin Coord/Sec
		Asst Div Admin			Admin Coordinator
		Operations Mgt Eng			Financial Specialist
		Financial Manager			AE-1 Design
		Trans Planning Eng			AE-2 Corr Mgt Eng
		Structures Eng			AE-3 Materials
	✓	Planning/Envir			Asst Structures Eng
		Safety Eng			IT Specialist
		Res/T* Eng			Library
		Trans Specialist			
File #					
File Name (Scan)					

IN REPLY REFER TO:  
 D2215(CHOH)

May 7, 2007

Mr. Henry E. Compton, P.E.  
 Director – Program Development  
 Federal Highway Administration  
 West Virginia Division  
 Geary Plaza, Suite 200  
 700 Washington Street, East  
 Charleston, West Virginia 25301

Dear Mr. Compton:

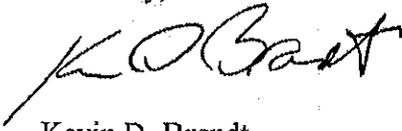
Thank you for the presentation on April 16, 2007, regarding the proposed upgrades to Route 220 in Allegany County, Maryland, and Mineral, Hampshire, Hardy, Grant Counties, West Virginia. Our staff was very appreciative that the project's team was able to join us on short notice. The meeting was very productive and helped answer some of our questions.

Your correspondence of March 21, 2006, invited the National Park Service to join the project as a cooperating agency for the Tier One Draft Environmental Impact Statement (EIS). As a cooperating agency with the Federal Highway Administration, we request that a memorandum of understanding/agreement be developed to define the rights and responsibilities of our agencies during this compliance undertaking. As a cooperating agency involved with the preparation of the EIS, we are required to review all parts of the EIS that pertain to the properties of the Chesapeake and Ohio Canal National Historical Park, including the Western Maryland Rail Road. We are also required to concur with all recommendations contained in the EIS pertaining to any sections of the document that involve park resources. Section 4(f) of the *U.S. Department of Transportation Act of 1966* will need to be outlined for how it pertains to the park property and the proposed project. Additionally, we are required to be invited to attend all public and project and agency meetings. We expect be kept fully informed on all aspects of the project, to include copies of meeting minutes, news release information, and project review developments.

Our staff is currently reviewing the *Purpose and Need* and the *Corridors Retained for Further Analysis, April 16, 2007*. We will provide our comments to your attention by May 31, 2007.

Please address all correspondence to my attention with copies to Lynne Wigfield, Compliance Officer, at [lynne\\_wigfield@nps.gov](mailto:lynne_wigfield@nps.gov), (301) 745-5802. Ms Wigfield should be recipient of all project documents. Please contact Ms. Wigfield if you have any questions.

Sincerely,



Kevin D. Brandt  
Superintendent

cc:

Ms. Elizabeth J. Cole, Maryland Historic Trust, Division of Historical & Cultural OPS Review and Compliance, 100 Community Place, Crownsville, MD 21032

Mr. Joe DeVita, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, MD 21203-1714

Mr. Robert F. Gore, Chief, Planning and Environmental Services Branch, Department of the Army, Baltimore District, Corps of Engineers, CENAB-OP-RMN, PO Box 1715, Baltimore, Maryland 21203-1715

Mr. Sean McKewen, Western Region Division Chief of Non-Tidal Wetlands and Waterways Water Management Division, Maryland Department of the Environment, 160 South Water Street, Frostburg, Maryland 21532



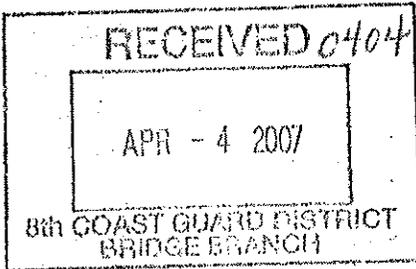
U.S. Department of Transportation

Federal Highway Administration

West Virginia Division

A	I	Init	A	I	Init
		Div Administrator			Admin Coord Sec
		Asst Div Administrator			Public Coord Sec
		Operations Manager			Asst Admin Coord Sec
		Financial Manager			Asst Public Coord Sec
		Trans Planning			Asst Asst Admin Coord Sec
		Structures Eng			Asst Asst Public Coord Sec
		Planning Eng			Asst Structures Eng
		Safety Eng			Asst Planning Eng
		Res Eng			Asst Safety Eng
		Trans Sec			Library

Greary Plaza, Suite 200  
700 Washington Street, East  
Charleston, West Virginia 25301



File # Federal Project NCPD-0220(149)C  
File Name State Project U212-220-12.6  
US 220 - Tier 1 EIS  
Cooperating Agency Request

Mr. Roger Wiebusch  
Commander, Eighth Coast Guard District  
1222 Spruce Street  
St. Louis, MO 63103-2398

Pursuant to the Coast Guard Authorization Act of 1982, it has been determined this is not a waterway over which the Coast Guard exercises jurisdiction for bridge administration purposes. A Coast Guard bridge permit is not required.  
  
ROGER K WIEBUSCH  
Bridge Administrator  
Eighth Coast Guard District (obr)  
4/20/07  
(Date)

Dear Mr. Wiebusch:

The Federal Highway Administration (FHWA), in cooperation with the West Virginia Division of Highways (WVDOH) and the Maryland State Highway Administration (MDSHA), is initiating an environmental impact statement for the proposed NHS Corridor between I-68 in Maryland to Corridor H in West Virginia.

The project is located in Grant, Hardy, Hampshire, and Mineral counties in West Virginia, and Allegany County in Maryland. The project region stretches from I-68 near Cumberland, Maryland, in the north to the proposed alignment of Corridor H in West Virginia in the south. The first attached figure (*Figure 1, Project Location*) shows the project location in its regional context.

The purpose of this project is to develop an improved transportation corridor connecting I-68 in Maryland and Appalachian Development Highway System Corridor H in West Virginia. Upgraded roadways resulting from this project will become part of the NHS. The new NHS Corridor, paralleling to some extent existing U.S. Route 220 in western Maryland and West Virginia's Potomac Highlands area, would improve the existing transportation system by providing an upgraded north-south road through a program of transportation projects. The new corridor will support efforts to increase mobility and regional commerce for residents, businesses, and visitors. It will also serve north-south interstate travel movements and support economic development throughout the Appalachian regions of Maryland, West Virginia, Pennsylvania, and Virginia.

Your organization has been identified as an agency with jurisdiction by law that may have an interest in the project due to your General Bridge Act authority. With this letter, we extend an invitation to become a participating agency and cooperating agency with the FHWA in the development of a Tier One Draft EIS for the project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

A notice of intent to prepare an EIS was published in the Federal Register on April 14, 2006. Public and agency scoping meetings were held the following month. Many federal and state agency representatives participated in those meetings. Since that time, preliminary environmental and engineering studies have been initiated. A second figure, (*Figure 5, Transportation Scenario*), is also attached to show you the corridors being studied

Our request for your participation as a cooperating agency is in accordance with *40 CFR 1501.6* of the Council on Environmental Quality's (CEQ) *Regulations for Implementing the Procedural Provision of the National Environmental Policy Act*. Pursuant to *Section 6002 of SAFETEA-LU*, however, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project should include the following as they relate to your area of expertise:

- Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
- Participate in coordination meetings and joint field reviews as appropriate.
- Timely review and comment on the pre-draft or pre-final environmental documents to reflect the views and concerns of your agency on the adequacy of the document, alternatives considered, and the anticipated impacts and mitigation.

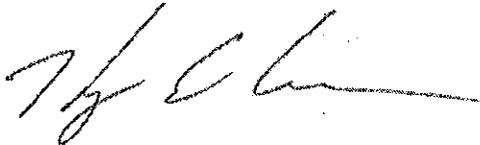
Please respond to FHWA in writing with an acceptance or denial of the invitation prior to April 30, 2007. If your agency declines, we ask that you state your reason for declining the invitation. Pursuant to *SAFETEA-LU Sec. 6002*, any agency that chooses to decline the invitation to be a participating agency should state in its response that it:

- Has no jurisdiction or authority with respect to the project;
- Has no expertise or information relevant to the project; and
- Does not intend to submit comments on the project.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this Tier One DEIS, please contact me at (304) 347-5268 or via e-mail at [henry.compton@fhwa.dot.gov](mailto:henry.compton@fhwa.dot.gov).

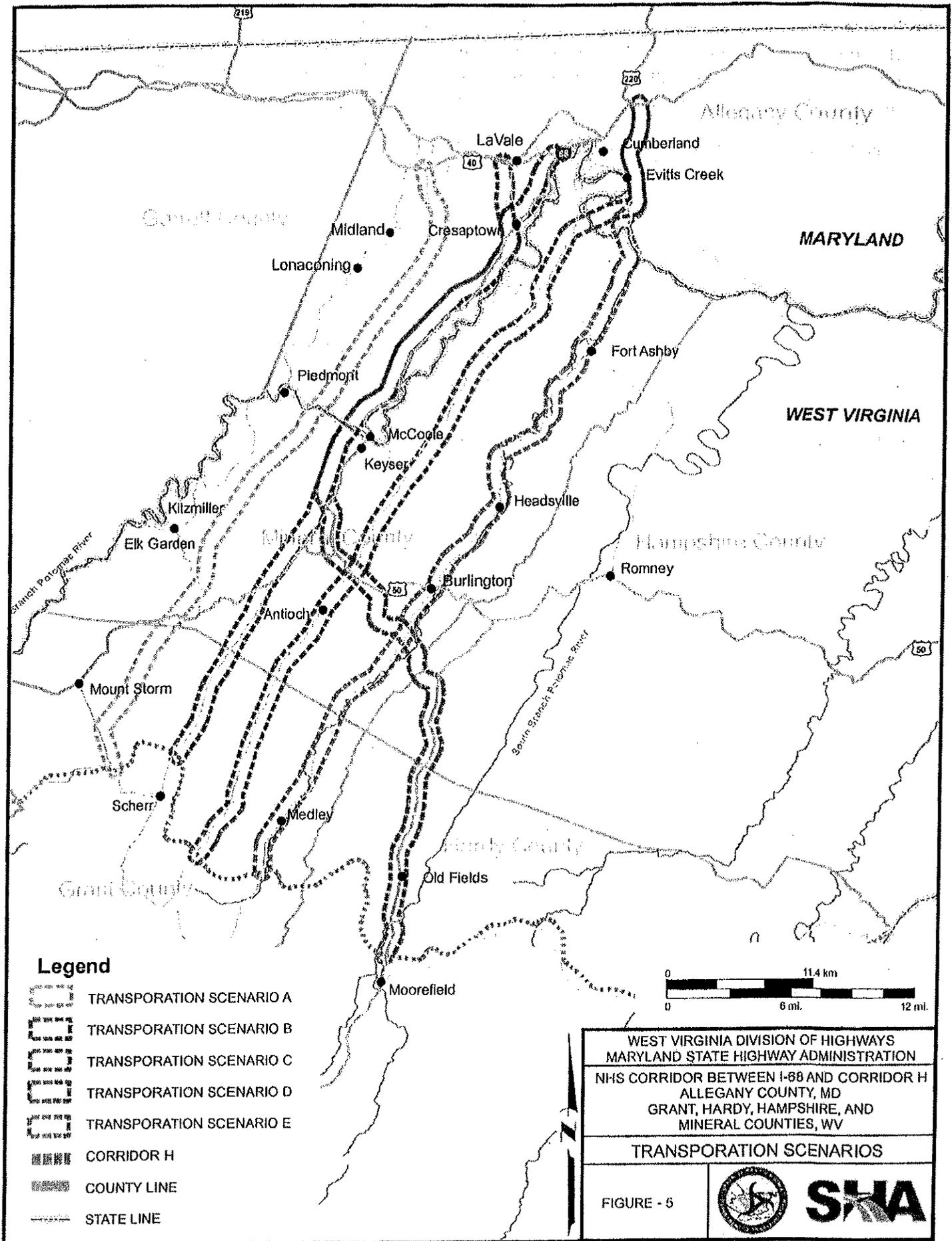
Thank you for your cooperation and interest in this project.

Sincerely yours,

A handwritten signature in black ink, appearing to read "H. E. Compton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Henry E. Compton, P.E.  
Director – Program Development

Enclosures



Grant County

Allegany County

MARYLAND

WEST VIRGINIA

LaVale

Cumberland

Evitts Creek

Midland

Cresaptown

Lonaconing

Fort Ashby

Piedmont

McCooie

Keyser

Headsville

Kitzmiller

Elk Garden

Hampshire County

Romney

Mineral County

Burlington

Antioch

Mount Storm

Scherr

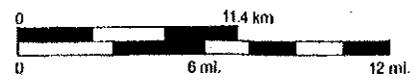
Medley

Old Fields

Grant County

Hardy County

Moorefield



Branch Potomac River

South Branch Potomac River

50

40

220

215

50



Maryland Department of Planning  
Maryland Historical Trust

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor

Richard Eberhart Hall  
Secretary

Matthew J. Power  
Deputy Secretary

August 16, 2007

Mr. Raja Veeramachaneni, Director  
Maryland State Highway Administration  
Office of Planning and Preliminary Engineering  
707 North Calvert Street  
Baltimore, Maryland 21202

Re: Invitation to become a Participating Agency on the US 220 South Corridor Study

Dear Mr. Veeramachaneni:

Thank you for inviting the Maryland Historical Trust (Trust) to become a participating agency in the development of the EIS for the US 220 South Corridor Study. We accept your invitation and look forward to working closely with your agency to identify issues of concern regarding the project's potential impact to historic resources.

If you have questions or require further assistance, please contact Beth Cole at [bcole@mdp.state.md.us](mailto:bcole@mdp.state.md.us) or 410-514-7631 or me at [ttamburrino@mdp.state.md.us](mailto:ttamburrino@mdp.state.md.us) or 410-514-7637. Thank you for providing us this opportunity to participate.

Sincerely,

Tim Tamburrino  
Preservation Officer  
Maryland Historical Trust

200602606  
TJT

To: Kameel



RECEIVED

MAY 15 2007

ENGINEERING DIVISION  
WVDOH

west virginia department of environmental protection

Division of Water and Waste Management  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Telephone Number: (304) 926-0495  
Fax Number: (304) 926-0496

Joe Manchin III, Governor  
Stephanie R. Timmermeyer, Cabinet Secretary  
[www.wvdep.org](http://www.wvdep.org)

May 11, 2007

Mr. Greg Bailey, P.E.,  
West Virginia Department of Transportation  
Division of Highways  
1900 Kanawha Boulevard, East  
Building Five- Room A-317  
Charleston, West Virginia 25305-0430

Dear Mr. Bailey:

The West Virginia Department of Environmental Protection (WVDEP) has reviewed your letter of April 4, 2007 and welcomes your invitation to be a Participating Agency in the development of the Proposed National Highway System Corridor between Interstate 68 in Maryland to Corridor H in West Virginia.

WVDEP understands the importance and value of early identification of issues concerning the project's potential environmental or socioeconomic impacts. By participating with the Federal Highway Administration during the development of the Tier One Draft EIS many issues can be identified and resolved prior to the environmental permitting phase of the project.

Thank you again for inviting WVDEP to be a Participating Agency and we look forward to providing assistance during development of this important project. Please contact Lyle Bennett of the Division of Water and Waste Management for Section 404/401 Water Quality Certification issues at 304-926-0499 extension 1613 or email at [lbennett@wvdep.org](mailto:lbennett@wvdep.org).

Sincerely,



Lisa A. McClung, Director

LAM/ibb

Cc: Lyle Bennett, 401 Certification Program

Promoting a healthy environment.

**RECEIVED**

JUN 22 2007

Environmental Section  
Engineering Division  
WV DOT/DOH

Joe Manchin III  
Governor



**DIVISION OF NATURAL RESOURCES**  
Capitol Complex, Building 3, Room 669  
1900 Kanawha Boulevard, East  
Charleston WV 25305-0660  
TDD (304) 558-1439  
TDD (304) 1-800-354-6087  
Fax (304) 558-2768  
Telephone (304) 558-2754

June 4, 2007

**RECEIVED**

JUN 22 2007

ENGINEERING DIVISION  
WV DOH

Frank Jezioro  
Director

Mr. Gregory L. Bailey, P.E.  
Director, Engineering Division  
WV Department of Transportation  
Division of Highways  
Building Five, Room A-317  
1900 Kanawha Blvd., East  
Charleston, WV 25305

Re: Invitation to Become a Participating Agency for the Proposed  
National Highway System (NHS) Corridor between I-68 in  
Maryland to Corridor H in West Virginia

Dear Mr. Bailey:

The West Virginia Division of Natural Resources (DNR) accepts your invitation to become a participating agency for the NHS Corridor between I-68 and Corridor H. Mr. Danny Bennett of my staff has been assigned this project and will coordinate the DNR's comments concerning potential environmental impacts associated with the proposed project. The DNR staff has expertise in a variety of natural resource issues including, but not limited to, potential impacts to sensitive habitats harboring valuable sport fish resources, protected freshwater mussel species, threatened and endangered species, and game and nongame terrestrial species.

Please forward all correspondence for the I-68 Corridor H Corridor to Mr. Danny Bennett, WV Division of Natural Resources, Wildlife Resources Section, P.O. Box 67, Ward Road, Elkins, WV 26241.

Sincerely,

A handwritten signature in cursive script that reads "Frank Jezioro".

Frank Jezioro  
Director

FJ/cit/adk



Delaware Nation  
NAGPRA/Cultural Preservation Office  
P.O. Box 825, Anadarko, OK 73005  
Phone: (405) 247-2448 ~ Fax: (405) 247-9393

NAGPRA ext. 121  
Museum ext. 120  
Section 106 ext. 147  
Library ext. 134

16 April 2007

Gregory L. Bailey, P.E.  
West Virginia Department of Transportation  
Division of Highways  
1900 Kanawha Blvd. East, Bldg. Five, Room 110  
Charleston, West Virginia 25305-0430

**RECEIVED**

APR 23 2007

**ENGINEERING DIVISION  
WV DOH**

RE: Invitation to become a Participating Agency for the Proposed National Highway System (NHS) Corridor between Interstate 68 in Maryland to Corridor H in W. Virginia.

Dear Mr. Bailey:

The Delaware Nation received the invitation to be a participating agency on the above mentioned project on April 16, 2007. The plan has been reviewed by the Delaware Nation NAGPRA/Cultural Preservation Office. At this time we do not have any comments or suggestions. Thank you for including us as a participating agency. We look forward to receiving more information about this project as it becomes available.

We appreciate your cooperation in contacting the Delaware Nation. Please direct future correspondence of this nature to the NAGPRA/Cultural Preservation Office so that it may be reviewed in a timely manner. Should you have any questions, feel free to contact me. I may be reached by phone at (405) 247-2448, fax at (405) 247-9393, or by email [tfrancis@delawarenation.com](mailto:tfrancis@delawarenation.com).

Sincerely,

Tamara Francis, Director  
NAGPRA/Cultural Preservation



# US 50 Association

Representing Maryland, Virginia, & West Virginia

*Striving for a better road from  
Winchester, VA to Clarksburg, WV*

May 30<sup>th</sup>, 2007

**RECEIVED**

JUN 07 2007

ENGINEERING DIVISION  
WV DOH

Greg Bailey  
Director Engineering Division  
WV DOT, Div. of Highways  
1900 Kanawha Blvd East  
Building 5, Room A-317  
Charleston, WV 25305-0430

Dear Mr. Bailey,

This letter is to confirm that the US 50 Association wishes to be a participating agency with the Federal Highway Administrations Tier One study of the NHS, US 220, North-South Corridor.

Thank You,

Gary Howell

Secretary, US 50 Assoc.

**Serving:**

**Frederick County in Virginia, Garrett County in Maryland, Hampshire, Mineral, Grant, Preston and Taylor Counties in West Virginia.**

## **APPENDIX C**

# **CONCURRENCE ON PURPOSE AND NEED REPORT AND CORRIDORS RETAINED FOR FURTHER ANALYSIS REPORT**



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
P.O. BOX 1715  
BALTIMORE, MD 21203-1715

**MAR 28 2011**

Operations Division

U.S. Army Corps of Engineers, Huntington District  
Ms. LuAnne S. Conley, Chief, South/Transportation Section OR-F  
502 8th Street  
Huntington, WV 25701

Dear Ms. Conley:

This office has reviewed the preliminary US 220 Tier One Draft Environmental Impact Statement, dated July 2010, and offers the following comments:

First, this office concurs on the Purpose & Need. In the Alternatives Development section in the DEIS, we would suggest that all of the transportation scenarios (TS) except TS-A and TS-E be carried forward. It would be helpful to discuss how much opportunity for avoidance and minimization of impacts to resources exist within each scenario.

Concerning transportation scenarios to be carried forward, while we appreciate that TS-A was dropped from further consideration for potential impacts to Dan's Mountain, we suggest that impacts to Dan's Mountain by TS-B be avoided and minimized to the maximum extent practicable. Dan's Mountain Management Area is an important natural area that is proposed to be affected by TS-B. We received information from the Maryland Department of Natural Resources (MD DNR) that Mill Run is a brook trout stream and this is located along the TS-B corridor near Rawlings. Not all of the streams on the eastern slope of Dan's Mountain have been assessed for brook trout habitat so aquatic sampling should be done to more precisely map the location of brook trout populations. According to MD DNR there is one other stream that locals claim has brook trout that is located a little further north of the Mill Run near Rawlings location going towards LaVale.

The Potomac River crossing has not been addressed. This is a navigable waterway subject to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Spanning the entire floodplain, minimizing the number of piers and spanning all wetlands are options that will need to be addressed.

A joint federal/state permit would be required for activities that impact Waters of the U.S. The applicant must demonstrate that proposed impacts to streams and wetlands are necessary and unavoidable and that all avoidance and minimization measures have been fully exhausted. Avoidance and minimization of impacts to Waters of the U.S. include the use of compressed medians, reduced safety grading widths, and interchange designs in areas where the alignment would impact aquatic resources. Other options for avoiding impacts include bridging the entire floodplain, bridging of wetlands, and building bottomless arches. Installation of free-span

bridge structures and bottomless arch culverts reduce the risk of not passing flows during a high water event, decreases the possibility of down-cutting of the streambed or riverbed (upstream or downstream of the crossing), minimizes the possibility of bank erosion upstream and/or downstream of the crossing, and promotes fish passage.

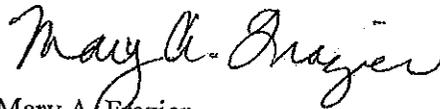
Section 404 (b) (1) of the Clean Water Act requires us to authorize projects that are the least environmentally damaging practicable alternative to the aquatic environment. These Guidelines require an applicant to consider and demonstrate that all practicable and feasible alternatives were examined that would avoid or minimize impacts to waters.

Please be advised that the 220 Improvement Project will be subject to the 2008 Final Mitigation Rule. A discussion of potential environmental mitigation for unavoidable adverse impacts to Waters of the US should be included.

We have been coordinating with the Environmental Protection Agency and concur with their comments.

Thank you for the opportunity to review the preliminary US 220 Tier One Draft Environmental Impact Statement. A copy of this letter is being forwarded to the Maryland State Highway Administration and Maryland Department of the Environment Nontidal Wetlands Division for informational purposes. If you have any questions concerning the information provided in this letter, please call Mrs. Mary Frazier of this office at (410) 962-5679.

Sincerely,



Mary A. Frazier  
Biologist, Maryland Section Northern



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

June 30, 2008

Mr. Gregory L. Bailey, P.E.  
Director, Engineering Division  
West Virginia Division of Highways  
Building Five, Room A-317  
1900 Kanawha Boulevard East  
Charleston, WV 25305

**RECEIVED**  
JUL 07 2008  
ENGINEERING DIVISION  
WV DOH

RE: US Route 220 Tier One Draft Environmental Impact Statement, Purpose and Need, and Preliminary Draft Corridors Retained for Further Analysis (April 16, 2007); State Project U212-220-12.65 00

Dear Mr. Bailey,

The Environmental Protection Agency (EPA) has received copies of the above referenced documents. It is understood that these documents were originally sent to our office in April 2007. Our office was reminded in early spring of 2008 at the Maryland State Highway Administration's monthly Interagency Meeting that comments and concurrence was outstanding for these documents; it was determined at that time that the reports could not be found. EPA is very grateful that copies were re-sent and that comments will be accepted on the documents. EPA has been invited by the Federal Highway Administration, and has agreed, to participate in the development of the Draft Environmental Impact Statement (EIS) as a cooperating agency.

EPA will concur with the Purpose and Need for the project, and on the Corridors Retained for Further Analysis with minor comment. Comments are included as an attachment to this letter.

EPA appreciates the opportunity to participate and review information prepared for the US Route 220 Tier One DEIS project. Please feel free to contact Ms. Barbara Rudnick of the Environmental Programs Branch at (215) 814-3322 or [rudnick.barbara@epa.gov](mailto:rudnick.barbara@epa.gov) if there are any questions on the comments provided.

Sincerely,

William Arguto  
NEPA Team Leader

Attachment

## Attachment

### Purpose and Need

1. Page 1: As "support of regional commerce" has been identified as a need in the project area, it would benefit the document to clearly identify areas where future development is desired (in Maryland, Priority Funding Areas), and sectors that are identified as outside development areas.
2. It is unclear if "upgraded roadways" must be on new alignment or if upgrade of existing roads will be considered. In general, use of existing Right of Way (for instance, where volume is not an issue, but highway design limits LOS) can reduce environmental impacts.
3. Page 8 (6.1 Major Maryland Roadways in the Project Area): It would be helpful to define substandard horizontal and vertical alignment.
4. Page 20: It is stated that "LOS D is assumed to be unacceptable in more rural areas", though LOS E is "predicted on two-way, two-lane highways" typical to the area. It may benefit the discussion to reference where LOS D is identified as unacceptable in rural areas (guidelines?). It would be helpful if Figure 4 and/or Table 2 distinguished between segments that are LOS E because of design, versus exceeding capacity (specifying time of day) of the roadway. It would seem that improvements in mobility would be addressed differently depending on the problem.
5. Other road or other transportation projects that are planned or being constructed in the study area should be mentioned in the document.
6. Page 24: It would be helpful to specify the type of crash, especially where crashes exceed State average. This could help identify the problem. Again, it may be useful to specify if these segments exceed capacity or have substandard design.

### Corridors Retained for Further Analysis

1. Page 11: Did the best fit analysis consider natural resources?
2. Pages 15-19: In the description of Transportation Scenarios, towns and landmarks not shown on figures are referenced. It would be helpful to have maps which showed the referenced places. Air photos are encouraged.
3. Areas where growth is targeted should be highlighted. Secondary or indirect impacts of new infrastructure will need to be evaluated carefully for each corridor that is studied. A way to determine predictable changes in land use, population changes, and impact to resources will need to be identified. Maryland State Highway Administration has had some experience in doing these evaluations with expert land use panels. The methods to be used for this study should be stated. The secondary or indirect impacts will be an important part of corridor comparison in the DEIS.
4. Page 22: It is unusual for traffic analysis to repeat complete tables and discussion presented in Purpose and Need.
5. Pages 23-26: Were other road projects under construction or planned for construction considered in the traffic analysis? When corridor improvements are compared, do any of these involve upgrade of existing roads, or only new corridor?
6. Table 6: Is there a comparison of corridor length? Additional impervious surface? (this would be useful in the completed DEIS).
7. EPA supports dropping Transportation Scenario A and E.



**Romano, Joe**

---

**From:** Anne Elrays <AEIrays@sha.state.md.us>  
**Sent:** Wednesday, December 08, 2010 11:30 AM  
**To:** Kameel Hall; Olayinka Bruce; Romano, Joe  
**Cc:** Anne Elrays  
**Subject:** FW: US 220 Tier One Draft Environmental Impact Statement coordination

Yes! this is good...

---

**From:** Laura\_Hill@fws.gov [mailto:Laura\_Hill@fws.gov]  
**Sent:** Wednesday, December 08, 2010 11:18 AM  
**To:** Anne Elrays  
**Subject:** Fw: US 220 Tier One Draft Environmental Impact Statement coordination

oops, mistyped your e-mail the first time

---

Laura Hill  
Assistant Field Supervisor  
West Virginia Field Office  
U.S. Fish and Wildlife Service  
694 Beverly Pike  
Elkins, WV 26241  
e-mail: Laura\_Hill@fws.gov  
Phone: (304) 636-6586, ext. 18  
FAX: (304) 636-7824

----- Forwarded by Laura Hill/R5/FWS/DOI on 12/08/2010 11:17 AM -----

**Laura  
Hill/R5/FWS/DOI**

To: AEIrays@sha.state.md.us, khall1@sha.state.md.us

12/08/2010 09:34  
AM

cc: Deb Carter/R5/FWS/DOI@FWS

Subject: Re: Fw: US 220 Tier One Draft Environmental Impact Statement  
coordination

Thanks Kameel and Anne for following up. We have had some staff turn-over, so sorry if we did not respond to the April 2007 request. Yes, we will be a participating agency in the NEPA process. Deborah Carter should be the point of contact in your Coordination Plan (no change in address). We will bypass a response to the earlier Purpose/Need and Alternatives packages and instead review the approved Tier 1 document concurrent with public comment.

---

Laura Hill  
Assistant Field Supervisor  
West Virginia Field Office  
U.S. Fish and Wildlife Service  
694 Beverly Pike

Elkins, WV 26241  
e-mail: Laura\_Hill@fws.gov  
Phone: (304) 636-6586, ext. 18  
FAX: (304) 636-7824  
▼ Deb Carter/R5/FWS/DOI

**Deb  
Carter/R5/FWS/DOI** To: Laura Hill/R5/FWS/DOI@FWS  
12/08/2010 09:06 AM cc

Subject: Fw: US 220 Tier One Draft Environmental Impact Statement  
coordination

Deb  
Project Leader  
West Virginia Field Office  
U.S. Fish and Wildlife Service  
694 Beverly Pike  
Elkins, WV 26241  
Phone: 304 636 6586  
Fax: 304 636 7824

----- Forwarded by Deb Carter/R5/FWS/DOI on 12/08/2010 09:06 AM -----

**Anne Elrays**  
<AEIrays@sha.state.md.us> To: "deb\_carter@fws.gov" <deb\_carter@fws.gov>  
12/08/2010 07:01 AM cc: "Romano, Joe" <jromano@skellyloy.com>, Olayinka  
Bruce <OBruce@sha.state.md.us>, Kameel Hall  
<KHall1@sha.state.md.us>, Anne Elrays  
<AEIrays@sha.state.md.us>  
Subject: RE: US 220 Tier One Draft Environmental Impact  
Statement coordination

---

**From:** Kameel Hall  
**Sent:** Friday, December 03, 2010 12:08 PM  
**To:** 'deb\_carter@fws.gov'  
**Cc:** Anne Elrays; 'Romano, Joe'; Olayinka Bruce  
**Subject:** FW: US 220 Tier One Draft Environmental Impact Statement coordination

Good afternoon Ms Carter,  
I am the Project Manager for the US 220 Tier One Planning Study. I'm sending this email for Anne Elrays, Environmental Manager, on the project. Please see the email chain below. If there are any questions, feel free to contact Anne or myself.

Regards,  
Kameel

**Mrs. Kameel R. Hall**

Project Manager  
Project Planning Division - Mail Stop C301  
State Highway Administration  
707 N. Calvert Street  
Baltimore, MD 21202  
410-545-8542 Office  
410-209-5004 Fax  
1-800-548-5026 Toll Free  
[khall1@sha.state.md.us](mailto:khall1@sha.state.md.us)

---

**From:** Romano, Joe [<mailto:jromano@skellyloy.com>]  
**Sent:** Thursday, December 02, 2010 4:31 PM  
**To:** Anne Elrays; Kameel Hall  
**Cc:** Olayinka Bruce  
**Subject:** RE: US 220 Tier One Draft Environmental Impact Statement coordination

Anne,

Tom works in the New England District of USFWS now. The new contact person is probably Deborah Carter.

Joe

---

**From:** Anne Elrays  
**Sent:** Monday, November 08, 2010 3:42 PM  
**To:** 'tom\_chapman@fws.gov'  
**Cc:** 'Romano, Joe'; Olayinka Bruce; Kameel Hall  
**Subject:** FW: US 220 Tier One Draft Environmental Impact Statement coordination  
Hello M s Carter :

I am a MD SHA environmental staff assigned the subject WVA/MD project. While both a draft and final document including a selected corridor with additional detailed studies is yet required, we are at this time, following up on outstanding coordination for this subject (preliminary) document.

We requested that you be a participating agency in April 2007 and had not received a response. Because we did not receive a response are assuming you are a participating agency.

We are also updating the Coordination Plan as mandated under SAFETEA-LU and are confirming your contact information as shown in the plan is still current: you are listed as the point of contact, and can be reached at 304-636-6586. Your address is: 694 Beverly Pike; Elkins WV 26241.

Lastly, we had provided Purpose and Need and Alternative Corridors Packages in August 2007. We need responses to these packages , [or agreement that you will bypass this 2007 review and instead review the approved Tier 1 document concurrent w/the public \(anticipated approval Feb/March 2011\)](#)

Thank for your responses as regards R, T, E species dated May 17, 2006 (responding also to Notice of Intent), and July 11, 2007 (R,T, E).

If you need any additional information please feel free to contact me:

Anne Elrays

410-545-8562 or 1-866-527-0502 toll-free. A response by the end of November at the latest would be much appreciated.



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# United States Department of the Interior

NATIONAL PARK SERVICE  
 C&O Canal National Historical Park  
 1850 Dual Highway, Suite 100  
 Hagerstown, Maryland 21740

A	I	Init	A	I	Init
					Admin Coordinator
					Admin Coordinator
					Financial Specialist
					AE-1 Design
					AE-2 Corr Mgt Eng
					AE-3 Materials
					Asst Structures Eng
					IT Specialist
					Library
					Trans Specialist

File # \_\_\_\_\_  
 File Name (Scan) \_\_\_\_\_

IN REPLY REFER TO:  
 D2215(CHOH)

June 18, 2007

Mr. Henry E. Compton, P.E.  
 Director – Program Development  
 Federal Highway Administration  
 West Virginia Division  
 Geary Plaza, Suite 200  
 700 Washington Street, East  
 Charleston, West Virginia 25301

Dear Mr. Compton:

Thank you for the opportunity to review the *Purpose and Need* and the *Corridors Retained for Further Analysis, April 16, 2007*. This project is locally referred to as the Route 220 project. We offer the following information for your consideration.

The Chesapeake and Ohio Canal National Historical Park is recognized for its national significance in the National Register of Historic Places. Every means and method, to ensure that the park's values, resources, and quality of visitor services need to be undertaken by this project. The area of the park identified to be potentially impacted by the proposed *NHS Corridor Between I-68 and Corridor H* encompasses park miles 173 through 180, which is Spring Gap to Everts Creek. Your survey for cultural resources did include several of the park's cultural features within this area. Additional project information provided locations for known or potential archeological resources. The cultural and historical values of the park extend well beyond the physical remains of the park. The development and operation of the Chesapeake and Ohio Canal provided a way of life for many persons throughout its existence and many communities developed as a result of this engineering feat. Today the Chesapeake and Ohio Canal NHP is preserved as the most intact example of a nineteenth century canal system in America. The National Park Service is responsible for its preservation, which includes its historic integrity and the wide range of natural resources contained within its boundaries.

The park is a linear feature and it is often difficult for people to understand the level of impact to the entire park because the park property is narrow in most locations. Being linear has its challenges yet the Chesapeake and Ohio Canal National Historical Park is as important than other national treasures such as Yellowstone or the Washington Monument.

The Chesapeake and Ohio Canal was the result of the westward migration vision of George Washington and others. President Washington had envisioned a transportation corridor that would connect Washington DC with the Ohio River Valley. Due to financial restrictions and the

concurrent development of America's railroad system, the Chesapeake and Ohio Canal never reached its ultimate goal of connection with the Ohio River Valley. The National Park Service today provides the public with the opportunity to travel 184.5 miles on the historic canal towpath and reflect back in time to a bygone mode of transportation. Many park visitors also visit the park to enjoy the natural beauty that the park offers. Encroachments on the park lessen the aesthetic qualities that the park visitor has come to anticipate. With the recent development of the Great Allegheny Passage bicycle trail, the park has become a vital component in that system and ironically fulfills President Washington's dream of a transportation connection between Washington, D.C. and the Ohio River at Pittsburgh. The Chesapeake and Ohio Canal National Historical Park's preservation of resources will be vital for the success of the 316 mile corridor that is attracting people worldwide. The economic benefits of the entire 316 mile trail are speculative at this point. Impacts to the corridor at any location will have cumulative impacts to the visitor experience that could be detrimental. Many communities, including Cumberland, have the potential to explore economic opportunities presented by this bike/hike corridor.

Construction of the Chesapeake and Ohio Canal began in 1828 and operated until 1924. The federal government purchased all of the original property of the canal company in 1938. In 1971 the Chesapeake and Ohio Canal National Historical Park was established by an Act of Congress. The 1971 legislation was based on earlier Congressional legislation of 1950 and 1953 and 1961 Executive Order. While it was recognized that rights of ways (easements) may need to be established across the park, it is stated in the legislation that the park lands could not be severed. It further states that crossings must be approved by the Secretary of Interior and the crossings must not conflict with the purposes of the park and are in accord with any requirements found necessary to preserve park values.

The Western Maryland Rail Road was the system that eventually helped the Chesapeake and Ohio Canal to falter financially. The Western Maryland Rail Road trace is also being developed as part of the rail trail bicycle system of the Great Allegheny Passage. The National Park Service owns 36 miles of this railroad trace and is currently working with the states of Maryland and West Virginia to acquire funding for further development of the rail trail system. NPS ownership ends near Spring Gap. The proposed Route 220 preliminary corridors may impact the railroad trace under NPS ownership and the rail trail system further west through the Cumberland area.

The proposed project identifies two potential roadway corridors (C and E) that would impact the park in the area cited above. The main part of this area is locally known as Mexico Farms. In 2006, the Federal Aviation Administration (FAA) issued an environmental assessment (EA) for the Cumberland Airport's safety upgrades. The Cumberland Airport is located at Wiley Ford, West Virginia, which is across the Potomac River from Cumberland and is in the project area of the proposed Route 220. Within that document is information pertaining to both natural and cultural resources of the area. The FAA project did include impacts to the Chesapeake and Ohio Canal National Historical Park, as part of the park was included in the runway protection zone. With the EA, the FAA outlined that their project was located within known habitat of the Federally Endangered Indiana Bat. While no sightings of the Indiana Bat were identified, the habitat of the area is conducive for its existence. In the fall of 2006, an Indiana Bat was located within the Chesapeake and Ohio Canal NHP. That sighting, while not in the immediate Route 220 project area, does provide evidence that the species is within the geographic area and must

be evaluated in accordance to the proposed impacts and destruction of habitat associated with the Route 220 project.

Additionally, the FAA EA provides information on the protection of farmland. Destruction of farmland adjacent to the park would have impacts to the park and its resources. Development along the highway corridor could have cumulative impacts to the park and its resources that have yet to be identified with new commercial and residential construction, relocation of existing utilities, etc.

Archeological concerns are paramount to the NPS. We are aware of several state listed sites within the project zones for Alternatives C and E. The NPS is also in the midst of conducting a park wide archeological survey that is yielding more information about resources than we anticipated. Work in the Cumberland area is not slated to be undertaken until 2009 under the multi-year survey. We also need to protect the cultural landscapes associated with the locks in this area. The Lock 75 cultural landscape is frequently used for photographic images of the park.

Other general concerns that we have include impacts resulting from the proposed highway on the park and its resources from noise, light and air pollution. The addition of these types of impacts could alter the park.

In regards to the two documents that were forwarded for our review, we offer the following specific information for your consideration.

#### PURPOSE AND NEED STATEMENT DOCUMENT

On page 5 of the document, please provide the acronym for the National Park Service (NPS), located in second sentence from the bottom of the page.

Also on page 5 we noticed that the federal prison at Cumberland is not on the list of agencies who have been contacted regarding this project. They are located in the Mexico Farm area and may have security concerns with a nearby roadway.

On page 7, the second bullet indicates that the project will "...encourage economic development and improve the quality of life while protecting the environment..." The Chesapeake and Ohio Canal National Historical Park, in conjunction with the Great Allegheny Passage, is already providing economic developments for the region and nearby communities. The Route 220 project needs to ensure that project impacts will not be a detriment to the existing recreational system, including the Canal Place Heritage Area.

Page 7 cites the *North South Appalachia Corridor Study*. We would like to receive a copy of this to review for the environmental impacts identified within the study.

Page 29 states that the new Route 220 is a four-lane limited access highway that will connect Cumberland to Corridor H. We would be concerned that the new Route 220 corridor would one day be upgraded to an interstate that would connect with the existing

Interstate 99 at Bedford. If this is a potential scenario, we would like to address it during this evaluation.

On page 31 there is a list of issues of concern regarding threatened and endangered species and habitat. Has the Maryland Heritage Program been consulted regarding this project?

#### CORRIDORS RETAINED FOR FUTURE ANALYSIS DOCUMENT

Within the first several pages, we would like to see a time table for the entire process from initial project scoping through construction. Is construction envisioned within the next 5 years or longer?

On page 9 it describes that a 4,000 foot buffer, 2,000 feet on each side of the roadway would be implemented. This would be in addition to the actual width of the roadway and shoulders of approximately 141 feet. We would like information on the use of these buffers. Would they be clear cut/grassland? These buffers would add to the visual impacts to the park and this element is not addressed in the document.

Page 12 lists the public and agency involvement. This listing needs to be revised to include the April 16 meeting with the NPS.

On page 14, the first bullet lists economic development and smart growth. Any corridor selected will have impacts that affect the entire area. The selected corridor will be developed while other areas might see a decline in economic opportunities. Downtown Cumberland may suffer from a "bypass."

On page 21, there is discussion regarding "interchanges" associated with the new road. What is the anticipated road design for the new Route 220 and its interface with Route 51 at the Mexico Farm area? Will there be an interchange there or at grade intersection?

Page 27 states that natural resources have been entered into a GIS data base. We have not seen this data. Is this available?

Table 6 on page 30-31 lists preliminary Environmental Impacts. Is the NPS included in the listings for the Parks and Recreation, Government Buildings, Other Public Facilities, and Historic Resource data? We are also concerned with the potentially hazardous waste sites that are listed on the table and the corresponding Figure 8. It appears that some of the potential sites are very close to the park.

We request further information pertaining to wetlands on or near NPS property, pages 36-37.

Transportation Scenario C for streams has the second highest number of perennial streams. This should be noted in the document.

The NPS will need to review the *Floodplain Management* information when it becomes available. Dependent on location of the selected highway corridor, new construction within the floodplain could cause different hydraulic patterns that may affect park resources within the floodplain.

On page 39, there is discussion of Scenario C and the transverse crossing of streams and the Potomac River. Debris buildup is a concern with any constriction of a stream. How would this debris be cleared? What about access issues if these bridges are near the park?

Please make sure that the park is listed at Chesapeake and Ohio Canal National Historical Park throughout both documents.

On page 50, the text outlines the potential impacts to 4(f) resources within the project area. The text for both Scenario C and E states "It would be difficult to cross the C&O Canal National Historical Park without impacting it." We contend that any crossing of the park would have impacts, therefore, it would be impossible to cross the park without impacts.

On page 59, Dan's Mountain and its resources are held to a high standard as state owned property. The Chesapeake and Ohio Canal National Historical Park needs to also be held to a high standard as well.

As a closing thought and comment, until we can see more detailed information about the potential crossings for Scenarios C and E in reference to the park, we cannot evaluate the potential impacts to the park and its resources. We would like the project team to identify an alternative connection for the corridors that would avoid the park completely.

Please address all correspondence to my attention with copies to Lynne Wigfield, Compliance Officer, at [lynne\\_wigfield@nps.gov](mailto:lynne_wigfield@nps.gov), (301) 745-5802 and Mr. Brian Carlstrom, Chief of Resources, at [brian\\_carlstrom@nps.gov](mailto:brian_carlstrom@nps.gov), (301) 714-2210. Ms Wigfield should be the recipient of all project documents. Please contact Ms. Wigfield if you have any questions.

Sincerely,



Kevin D. Brandt  
Superintendent

cc:

Ms. Elizabeth Cole, Maryland Historic Trust, 100 Community Place, Crownsville, MD 21032  
Mr. Joe DaVia, ACOE, Baltimore District, P.O. Box 1715, Baltimore, MD 21203-1715  
Mr. Sean McKewen, MDE, 160 South Water Street, Frostburg, MD 21532  
Mr. Robert F. Gore, ACOE, Baltimore District, P.O. Box 1715, Baltimore, MD 21203-1715

## PURPOSE AND NEED

**Project Name & Limits: US 220 South Corridor Study from I-68 to Corridor H (Tier 1)**

**Having reviewed the attached Purpose and Need concurrence/comment package and the summary presented above, the following agency (by signing this document):**

Federal Highway Administration

MD Dept. of Natural Resources

MD Dept. of the Environment

MD Historical Trust

MD Department of Planning

Allegany County (Department of Community Services)

**Concurs (without comments)**

**Concurs (w/ minor comments)**

**Does Not Concur**

Comments / Reasons for Non-Concurrence:

**Note: Please do not provide "conditional" concurrence. You should either concur with the information as provided (without comments or with minor comments) or not concur until revisions are made or additional information is provided.**

Additional Information Needed:

Signature: 

Date: 2/21/08

## Romano, Joe

---

**From:** Anne Elrays <AEIrays@sha.state.md.us>  
**Sent:** Monday, December 06, 2010 10:58 AM  
**To:** 'Hurt, Steve'  
**Cc:** Kameel Hall; Romano, Joe; eghigiarelli@mde.state.md.us; Olayinka Bruce  
**Subject:** RE: US 220 Tier One Draft Environmental Impact Statement coordination

Thank you Steve.

Anne

---

**From:** Hurt, Steve [mailto:smhurt@mccormicktaylor.com]  
**Sent:** Monday, December 06, 2010 10:55 AM  
**To:** Anne Elrays  
**Cc:** Kameel Hall; Romano, Joe; eghigiarelli@mde.state.md.us; Olayinka Bruce  
**Subject:** RE: US 220 Tier One Draft Environmental Impact Statement coordination

Anne,

MDE will review the Tier 1 document when it becomes available and provide comments if needed.

Steve

---

**From:** Anne Elrays [mailto:AEIrays@sha.state.md.us]  
**Sent:** Thursday, December 02, 2010 4:06 PM  
**To:** Hurt, Steve  
**Cc:** Kameel Hall; 'Romano, Joe'; 'eghigiarelli@mde.state.md.us'; Olayinka Bruce  
**Subject:** FW: US 220 Tier One Draft Environmental Impact Statement coordination

Hi Steve:

thanks for responding to this email. At this point this WVA lead Tier 1 should be approved and distributed within the next several months.

You can opt to review the Corridors considered package from August 2007 as previously requested below, or review the approved Tier 1 document concurrent with other agency/public comments. Your comments must be taken into consideration regardless of when they are received.

Thank you for replying with a decision, as well as any needed update to your address/contact information as shown below.

Anne

I hope to return to the office next week, but if you have any questions prior to my return, Ms. Kameel Hall can be contacted at 410-545-8542.

---

**From:** Anne Elrays  
**Sent:** Tuesday, November 09, 2010 12:17 PM  
**To:** 'smhurt@mccormicktaylor.com'; 'smhurt@mtmail.biz'

**Cc:** Kameel Hall; Olayinka Bruce; 'Romano, Joe'; 'eghigiarelli@mde.state.md.us'  
**Subject:** FW: US 220 Tier One Draft Environmental Impact Statement coordination

---

Hello [there Steve](#) :

I am a MD SHA environmental staff assigned the subject WVA/MD project. While both a draft and final document including a selected corridor with additional detailed studies is yet required, we are at this time, following up on outstanding coordination for this subject (preliminary) document.

We requested that you be a participating agency in April 2007 and had not received a response. Because we did not receive a response are assuming you are a participating agency.

We are also updating the Coordination Plan as mandated under SAFETEA-LU and are confirming your contact information as shown in the plan is still current: you are listed as the point of contact, and can be reached at [410-662-7400](#) . Your address is: [c/o McCormick Taylor Inc.; 509 S. Exeter Street; Baltimore MD 21202](#) .

Lastly, we had provided an Alternative Corridors Packages in August 2007. We need response to this package. Do [es it](#) need to be resent, if so, can be electronic?

If you need any additional information please feel free to contact me:

Anne Elrays

410-545-8562 or 1-866-527-0502 toll-free. A response by the end of November at the latest would be much appreciated.

[Thanks so much.](#)



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**MARYLAND**  
DEPARTMENT OF  
NATURAL RESOURCES

Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor  
John R. Griffin, Secretary  
Eric Schwaab, Deputy Secretary

**FAX TRANSMITTAL MEMO**

Date: Sept. 24, 2007

We are sending 6 pages  
(Including this cover sheet)

To: Joe Kressler

Co./Dept: SHA

Fax #: 410-209-5004

Comments:

DNR Concurrence -  
P&N + CRE5  
US 220 Study.

THX  
From: Ray Dintaman

Fax: 410-260-8339

Phone: 410-260-8331

Email: rdintaman@dnr.state.md.us



*Martin O'Malley, Governor*  
*Anthony G. Brown, Lt. Governor*  
*John R. Griffin, Secretary*  
*Eric Schwaab, Deputy Secretary*

September 21, 2006

Mr. Joseph Kresslein  
State Highway Administration  
Project Planning Division  
P.O. Box 717  
Baltimore MD 21203-0717

Dear Mr. Kresslein:

This letter is in response to the State Highway Administration request for Department concurrence on both the Purpose and Need (P&N) and Corridors Retained for Further Study (CRFS) documents for the US 220 South Corridor Study between Interstate 68 (I-68) in Allegany County, Maryland to Corridor H in West Virginia, Project No. AL613B11. The P&N document is dated April 16, 2007. The CRFS document (actually titled "Corridors Retained for Further Analysis", or CRFA) is also dated April 16, 2007, and is marked "Preliminary Draft". However, we understand that this is the latest version of the document and that it is ready for final review and formal comments. The Department has had staff review the subject documents and attend the presentation and discussion of the related information at the Interagency Review meeting. The Department also plans to have staff participate in the continued interagency review process for this project, including subsequent planning efforts. The Department concurs on both the P&N and CRFA documents, with the minor comments stated below:

Comments on the Purpose and Need Statement:

1. In the text of section "5.0 Need for the Project", the initial need of the US 220 project is referenced as coming out of the "North South Appalachia Corridor Study" and is related to "providing the greatest potential for benefiting Appalachian economic development." However, in this document the purpose of the Appalachia Corridor Study is presented, but no clear presentation is made of the conclusions from that study on economic development needs for the study area. With close analysis of the US 220 P&N document, the reader sees several references to economic development needs, but is never introduced directly to what those needs are. Section 5.0 does go on to introduce the several additional needs that were identified as the US 220 study progressed (bottom of page 7). This list represents a more comprehensive summary of the need for the project.
2. In section "7.0 Traffic Analysis" including Figure - 4 and Table 2, numerous references are made to substandard Level of Service (LOS). However, no reference

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is made to time-of-day for these LOS. It seems surprising that time-of-day (rush hours, etc.) would not be key factors in this analysis of LOS.

3. We commend the inclusion of detailed information on Dans Mountain Wildlife Management Area in the P&N document (page 32). As you know, this land unit and the natural resource values it supports are highly significant to the Department and its mission.

#### Comments on the Corridors Retained for Further Analysis Document:

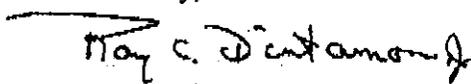
1. Great care should be taken in discussing and analyzing preliminary environmental impact figures such as those found in Table 6. We support the effort to gather this resource information and develop preliminary figures, however they can be misleading in some cases since they represent figures for entire wide-study corridors, rather than a single potential transportation project. Even with consideration of Best Fit Alignments (BFAs) such figures should be considered cautiously when compared to each other since BFAs may not represent minimized impact alignments in any given corridor. We find the preliminary information useful and it serves the purpose of introducing potential impact categories to readers of the document. However, as this information continues to be used, it should always be emphasized that there are limitations to comparing the corridors to each other based solely on these figures.
2. As with the P&N document, we commend the attention given to the importance of Dans Mountain Wildlife Management Area. This resource is a critical factor in the consideration of impacts in the Maryland portions of the project area and it is appropriately represented in the document.
3. We strongly concur with the proposal to drop Corridor A from further analysis. We note that very careful consideration was given by the study to the full range of resource values. This consideration is accurately summarized in section "5.2 Recommendations for Further Study", where it is clarified that Corridor A initially looked promising in the resource impact matrix, until additional analysis was conducted on the characteristics of both the resources and the potential impacts.
4. While most of the resource impacts from Corridor E would be outside of the State of Maryland, we offer our cooperation and support of the study team and the West Virginia agencies which have identified potential resource impacts along Corridor E to be highly significant, leading to the proposal to drop Corridor E from further analysis.

5. It is important to emphasize that Corridor B also has the potential to impact Dans Mountain and Fort Hill. Transportation alignments to the west of existing US 220 may affect habitat buffers and/or parcels of Dans Mountain and may also have influence on access to public use areas. With further consideration of Corridor B, we strongly advocate consideration of all feasible methods to avoid and minimize impacts to Dans Mountain Wildlife Management Area.
6. We have noted that all potential corridors will require a crossing of the North Branch Potomac River. Because of the multiple fisheries and wildlife values of the river, we strongly support careful planning to identify methods to avoid or strictly minimize impacts to the river associated with any additional crossing of the river for this project. We will advocate thorough analysis of both feasible design features and construction techniques that will aid in this impact avoidance and minimization.

In summary, we advocate and support the consideration and optimized protection of natural resources within the project study area during planning and any implementation of this project. The project's study area is known to support numerous natural resources of high significance and interest, so we advocate continued coordination on these issues throughout study process. The Department will make staff available as necessary to provide guidance and input on these natural resource topics.

If you have any questions concerning these comments, you may contact Greg Golden of my staff at 410-260-8334.

Sincerely,

  
Ray C. Dintaman, Jr., Director  
Environmental Review Unit

## PURPOSE AND NEED

<b>Project Name &amp; Limits: US 220 South Corridor Study from I-68 to Corridor H (Tier 1)</b>	
<b>Having reviewed the attached Purpose and Need concurrence/comment package and the summary presented above, the following agency (by signing this document):</b>	
<input type="checkbox"/> Federal Highway Administration	<input checked="" type="checkbox"/> MD Dept. of Natural Resources <input type="checkbox"/> MD Dept. of the Environment <input type="checkbox"/> MD Historical Trust <input type="checkbox"/> MD Department of Planning <input type="checkbox"/> Allegany County (Department of Community Services)
<input type="checkbox"/> Concurs (without comments) <input checked="" type="checkbox"/> Concurs (w/ <u>minor</u> comments) <input type="checkbox"/> Does Not Concur	
Comments / Reasons for Non-Concurrence:	
<i>Note: Please do <u>not</u> provide "conditional" concurrence. You should either concur with the information as provided (without comments or with <u>minor</u> comments) or not concur until revisions are made or additional information is provided.</i>	
Additional Information Needed:	
Signature: <u>Ray C. Denton</u>	Date: <u>Sept. 21, 2007</u>

NF322L

Concurrence with the MD State Highway Administration's  
Determination(s) of Eligibility and/or Effects

Project Number: AL613B11

MHT Log No. 200703451

Project Name: U.S. 220 South Tier 1 Corridor Study from I-68 to West Virginia Corridor II

County: Allegany

Letter Date: September 27, 2007

The Maryland Historical Trust has reviewed the documentation attached to the referenced letter and concurs with the MD State Highway Administration's determinations as follows:

**Eligibility** (as noted in the Eligibility Table [Attachment N/A]):

- Concur
- Do Not Concur

**Effect** (as noted in the Effects Table [Attachment N/A]):

- No Properties Affected
- No Adverse Effect
- Conditioned upon the following action(s) (see comments below)
- Adverse Effect

**Agreement with FHWA's Section 4(f) criteria of temporary use** (as detailed in the referenced letter, if applicable):

- Agree

**Comments:** Review of *Archeological Predictive Surfaces* report.

- 1) MHT concurs with SMA's comments on the draft report.
- 2) The report should contain an appendix that documents the professional qualifications of the P.E./author(s).
- 3) Pls. print the final report single spaced and double sided.

By: *E. J. Cole*  
 MD State Historic Preservation Office/  
 Maryland Historical Trust

12/17/2007  
 Date

Return by U.S. Mail or Facsimile to:  
 Dr. Julie M. Schablitsky, Cultural Resources Team Leader, Project Planning Division,  
 MD State Highway Administration, P.O. Box 717, Baltimore, MD 21203-0717  
 Telephone: 410-543-8870 and Facsimile: 410-209-5004



**Concurrence with the MD State Highway Administration's  
Determination(s) of Eligibility and/or Effects**

**CONTINUATION SHEET #1  
Maryland Historical Trust Comments**

**Project Number:** AL613B11

**MHT Log No.** 200704118

**Project Name:** US 220 between I-68 and West Virginia Corridor H

The Maryland Historical Trust (Trust) provides the following comments:

Thank you for providing the Maryland Historical Trust (Trust) with an opportunity to review and comment on US 220 Corridor Tier One project and the *Historic Resources Abbreviated Report* (Skelly and Loy, Inc. 2007). The report is well-written and we concur with the review comments provided by both SHA and the National Park Service. The analysis of prior cultural resource investigations is exhaustive and well-presented in the document. The Trust believes that the historic context developed for the project and the historic resources identified within the project area will assist in determining which alternative(s) will advance for detailed study.

As the study advances into Tier Two cultural resource investigations, survey efforts in Maryland must follow the Trust's standard procedures. The Trust's *General Guidelines for Compliance-Generated Determinations of Eligibility (DOE)* provides detailed instructions for the appropriate use and completion of Maryland's DOE Forms and Short Forms. The use of these forms is appropriate for this project. In general, the Short Form is used for clearly ineligible properties warranting documentation to a minimum standard. The DOE Form should be used for properties recommended as eligible for the National Register and all resources that have been previously recorded. For especially large or complex resources, such as rural historic districts, industrial facilities and significant agricultural complexes, the Maryland Inventory of Historic Properties Form (MIHP) should be utilized in addition to the DOE form. Guidelines for the use of these forms are located on the Trust's website at [www.marylandhistoricaltrust.net](http://www.marylandhistoricaltrust.net).

We look forward to working with the US 220 project team to fulfill your historic preservation requirements for this undertaking. If you have questions or require additional information, please contact Beth Cole (for archeology) at 410-514-7637 / [bcole@mdp.state.md.us](mailto:bcole@mdp.state.md.us) or Tim Tamburrino (for historic built environment) at 410-514-7637 / [ttamburrino@mdp.state.md.us](mailto:ttamburrino@mdp.state.md.us).

## PURPOSE AND NEED

<b>Project Name &amp; Limits: US 220 South Corridor Study from I-68 to Corridor H (Tier 1)</b>	
<b>Having reviewed the attached Purpose and Need concurrence/comment package and the summary presented above, the following agency (by signing this document):</b>	
<input type="checkbox"/> Federal Highway Administration	<input type="checkbox"/> MD Dept. of Natural Resources <input type="checkbox"/> MD Dept. of the Environment <input type="checkbox"/> MD Historical Trust <input checked="" type="checkbox"/> MD Department of Planning <input type="checkbox"/> Allegany County (Department of Community Services)
<input checked="" type="checkbox"/> <b>Concurs (without comments)</b> <input type="checkbox"/> <b>Concurs (w/ <u>minor</u> comments)</b> <input type="checkbox"/> <b>Does Not Concur</b>	
Comments / Reasons for Non-Concurrence:	
<i>Note: Please do <u>not</u> provide "conditional" concurrence. You should either concur with the information as provided (without comments or with <u>minor</u> comments) or not concur until revisions are made or additional information is provided.</i>	
Additional Information Needed:	
Signature: <u>Ben Rubin</u>	Date: <u>9/17/07</u>

## CORRIDORS RETAINED FOR FURTHER STUDY

**Project Name & Limits: US 220 South Corridor Study from I-68 to Corridor H (Tier 1)**

**Having reviewed the attached Corridors Retained for Further Study concurrence/comment package and the summary presented above, the following agency (by signing this document):**

Federal Highway Administration       MD Dept. of Natural Resources  
 MD Dept. of the Environment  
 MD Historical Trust  
 MD Department of Planning  
 Allegany County (Department of Community Services)

**Concurs (without comments)**       **Concurs (w/ minor comments)**       **Does Not Concur**

Comments / Reasons for Non-Concurrence:

*We agree with the assessment of adverse impacts of Corridor A on economic development and smart growth, and support the recommendations of not carrying forward Corridor A for further analysis.*

**Note: Do not provide "conditional" concurrence. You should either concur with the information as provided (without comments or with minor comments) or not concur until revisions are made or additional information is provided.**

Additional Information Needed:

Signature: \_\_\_\_\_

*[Handwritten Signature]*

Date: \_\_\_\_\_

*9/18/07*



WEST VIRGINIA  
DIVISION OF  
CULTURE & HISTORY

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

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TDD 304.558.3562  
www.wvculture.org  
EEO/AA Employer

April 5, 2007

Mr. Gregory L. Bailey, PE  
Director  
WV DOH  
Building Five, Room 110  
Capitol Complex  
Charleston, WV 25305

RE: US Route 220 Project  
State Project U212-220-12.65 00  
Federal Project NCPD-0220(149)C  
FR#: 06-643-MULTI-3

Dear Mr. Bailey:

We have reviewed the document titled *Archaeological Predictive Surfaces* that was 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.

The document presents the results of archaeological predictive modeling for pre-contact period and historic period archaeological resources within the five US Route 220 alternative study corridors. Based on the consideration of multiple variables, predictive surfaces were generated within a geographic information system (GIS), and scores of very low, low, moderate, high and very high were assigned to land parcels within each proposed corridor. The resulting characterizations indicate that Corridor A has the least potential to contain pre-contact period and historic period archaeological sites. Corridors C, D, and B have an increasing potential to contain pre-contact period archaeological sites, while Corridors C, B, and D increase in their potential to contain sites from the historic period. Corridor E has the most overall potential to contain archaeological sites from either period.

In general, we find the document to be thorough and well organized. The cultural and environmental variables included in the model appear to be comprehensive, and discussions regarding the environmental and cultural nature of the project area are appropriate for the level of study conducted. If used during the project planning process, we expect the document will successfully aid in the selection of a preferred corridor and in the avoidance of significant archaeological resources. The document recommends that the selected preferred corridor undergo a complete Phase I archaeological survey and that the predictive surfaces be used to guide development of Phase I field methodologies. It also recommends that the results of the survey be used to critically assess the effectiveness of the predictive model. We concur with these recommendations and look forward to continuing the consultation process with respect to this project.

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, Senior Archaeologist, at (304) 558-0240.*

Sincerely,

Susan M. Pierce  
Deputy State Historic Preservation Officer

SMP/LAL

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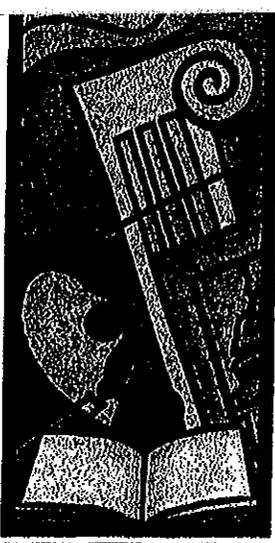
APR 09 2007

ENGINEERING DIVISION  
WV DOH

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APR 09 2007

Environmental Section  
Engineering Division  
WVDOH/DOH



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EEO/AA Employer

May 14, 2007

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MAY 15 2007

ENGINEERING DIVISION  
WV DOH

Mr. Gregory L. Bailey, PE  
Director  
WV DOH  
Building Five, Room 110  
Capitol Complex  
Charleston, WV 25305

RE: US Route 220 Project  
State Project U212-220-12.65 00  
Federal Project NCPD-0220(149)C  
FR#: 06-643-MULTI-5

Dear Mr. Bailey:

We have reviewed the US Route 220 Tier One Draft Environmental Impact Statement documents titled *Purpose and Need Statement* and *Corridors Retained for Further Analysis* that were recently submitted. 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.

Based on information provided in the submitted documents, it is our understanding that a Draft Environmental Impact Statement (DEIS) is being prepared for the proposed National Highway System between I-68 and Corridor H. In our opinion, the documents accurately reflect the level of analysis that was conducted with respect to cultural resources during the Tier 1 study. The documents note that a variety of concerns were raised over potential impacts to historic resources and farmlands in the Patterson Creek valley and other portions of the study area. To date, a windshield survey of architectural resources has been conducted and a predictive model of prehistoric and historic archaeological site locations has been developed and mapped for each of the five proposed Transportation Scenarios (TS). As a result of the preliminary analysis, it is our understanding that TS B, C, and D are being recommended for further study and that TS A (Western) and TS E (Patterson Creek) are no longer being considered as viable locations for the proposed NHS Corridor. While we are satisfied with the results of the Tier 1 level study, we remain concerned regarding the project's potential to impact resources within the corridors that will advance to Tier 2. However, it is our understanding that issues of concern will be further evaluated as the project progresses and that complete architectural and archaeological surveys will be conducted once a final corridor has been selected. We look forward to continuing the consultation process and to reviewing additional documents as they become available.

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, Senior Archaeologist, or Ginger Williford, Structural Historian, at (304) 558-0240.*

Sincerely,

Susan M. Pierce  
Deputy State Historic Preservation Officer

SMP/LAL

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APR 09 2008

ENGINEERING DIVISION  
WV DOH

March 24, 2008

Mr. Gregory L. Bailey, PE  
Director  
WV DOH  
Building Five, Room 110  
Capitol Complex  
Charleston, WV 25305

RE: US Route 220 Project  
State Project U212-220-12.65 00  
Federal Project NCPD-0220(149)C  
FR#: 06-643-MULTI-6

Dear Mr. Bailey:

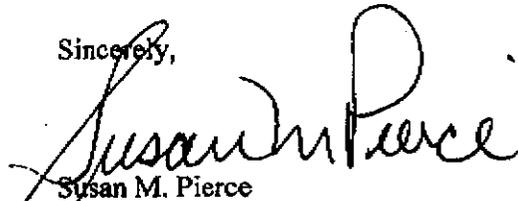
We have reviewed the draft final *US Route 220 Tier One Draft Environmental Impact Statement, Historic Resources Abbreviated Report*. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

We are satisfied with the results of the Tier 1 level study and concur with the identification and National Register Historic Property (NRHP) designations for the properties presented, including the new maps delineating the four Historic Districts. We also concur with the comments provided by the WV DOH in their email to Laura Ricketts, Principal Investigator for Skelly and Loy, Inc., dated November 15, 2007.

We remain concerned regarding the project's potential to impact resources within the corridors that will advance to Tier 2. However, it is our understanding that issues of concern will be further evaluated as the project progresses and that complete architectural surveys will be conducted once a final corridor has been selected. We look forward to continuing the consultation process and to reviewing additional documents as they become available.

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

Sincerely,



Susan M. Pierce  
Deputy State Historic Preservation Officer

SMP/GW



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MAY 25 2007

ENGINEERING DIVISION  
WV DOH

**DIVISION OF NATURAL RESOURCES**

**Wildlife Resources Section**  
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TDD (304) 1-800-354-6087

Joe Manchin III  
Governor

Frank Jezloro  
Director

May 21, 2007

Mr. Gregory L. Bailey, P.E., Director  
WV Department of Transportation  
Division of Highways, Engineering Division  
Building Five, Room A-317  
1900 Kanawha Blvd., East  
Charleston, WV 25305

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MAY 25 2007

Environmental Section  
Engineering Division  
WVDOH/DOH

Re: State Project U212-220-12.65 00  
Federal Project NCPD-220(149)C  
U.S. 220 National Highway System Corridor  
U.S. Route 220 Tier One Draft Environmental Impact Statement  
Preliminary Draft *Corridors Retained for Further Analysis & Purpose and Need Statement*, Mineral County, WV

Dear Mr. Bailey:

The West Virginia Division of Natural Resources, Wildlife Resources Section (WVDNR) has completed its review of the Preliminary Draft *Corridors Retained for Further Analysis and Purpose and Need Statement* for the U.S. 220 National Highway System Corridor. The referenced project will establish a four-lane, Rural Divided Arterial North/South connection from I-68 in Maryland to Corridor H in West Virginia.

The *Purpose and Need Statement* document adequately justifies the need for a four-lane, Rural Divided Arterial highway to establish a North/South transportation corridor between I-68 in Maryland and Corridor H in West Virginia.

Five preliminary alignment corridors were identified in the Memorandum of Understanding between Maryland State Highway Administration (MSHA) and West Virginia Division of Highways (WVDOH). These preliminary corridors were developed utilizing "sketch-planning" techniques as a means of identifying the general location of future Study Corridors (SC A-E). These corridors were presented to the public and resource agencies for comment. Concurrently with the presentations, preliminary engineering studies and

May 21, 2007

environmental analysis were begun and corridors were more clearly defined into Transportation Scenarios (TS A-E).

Given the general nature of the SC, detailed analysis of potential environmental impacts is not practical. However, two alignments raised significant concerns. SC-A may significantly impact Dan's Mountain Wildlife Management Area (DMWMA) in Maryland and SC-E may significantly impact Patterson Creek in West Virginia. DMWMA represents the largest tract of contiguous state-owned forestland in Maryland and is one of the most important ecological and regional resources in western Maryland. Its proximity to WV provides WV significant benefits relative to regional forest fragmentation issues. Patterson Creek is a high quality stream containing a wide diversity of fishes and protected freshwater mussels.

Preliminary impact analysis of the refined Transportation Scenarios indicate that TS-A would result in the least amount of impact to environmental, historical, agricultural and cultural resources. However, Maryland resource agencies oppose this scenario because of its impacts to DMWMA. The WVDNR concurs with the opinions of Maryland's resource agencies and supports the Federal Highways Administration, MSHA and WVDOH recommendation not to carry forward TS-A for further study. Given the natural resources of the Patterson Creek watershed and the opposition of the public to TS-E, WVDNR fully supports the recommendation that TS-E not be carried forward for further study.

As stated in the Corridor Analysis document, all TS may have issues with historical properties. WVDNR must emphasize that all TS will have impacts to natural resources and that historic property avoidance/minimization measures should be considered equal to minimization/avoidance measures for natural resources. TS-B runs parallel to U.S. Route 220, WV Route 972 and WV Route 93. These roads parallel New Creek which is a popular stocked trout fishery. Avoidance of impacts to New Creek and this valued fishery must be a key consideration in the development and analysis of this alternative. TS-D would transverse the Patterson Creek watershed. As stated previously, the public and WVDNR place high value on this watershed. TS-B and TS-C would not directly impact the Patterson Creek watershed and, therefore, may be preferable from a resource minimization standpoint.

The WVDNR appreciates the opportunity to offer comments on this project in the early developmental stage. Mr. Danny Bennett of my staff has been assigned the coordination duties concerning this project. Mr. Bennett will serve as your primary contact. He may be reached at (304) 637-0245 or e-mail him at [dannybennett@wvdnr.gov](mailto:dannybennett@wvdnr.gov).

Sincerely,



Curtis I. Taylor, Chief  
Wildlife Resources Section

CIT/adk

OCT 30 2008



# City of Cumberland

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Cumberland, MD 21502  
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www.ci.cumberland.md.us

**MAYOR**  
Lee N. Fiedler

**COUNCIL**  
F. "Pete" Elliott  
Mary Beth Pirolozzi  
H. "Butch" Hendershot  
Edward C. Hedrick, Jr

**CITY ADMINISTRATOR**  
Jeffrey E. Repp

**CITY SOLICITOR**  
Michael S. Cohen

**CITY CLERK**  
Marjorie A. Eirich

October 28, 2008

Raja Veeramachaneni, Director  
Office of Planning and Preliminary Engineering  
Maryland Department of Transportation  
State Highway Administration  
707 North Calvert Street, Mail Stop C-301  
Baltimore, MD 21202

Re: NHS Corridor Between I-68 and Corridor H (U.S. Route 220  
Tier One Draft EIS)

Dear Mr. Veeramachaneni:

The City of Cumberland has reviewed both the April 16, 2007 Purpose and Need Statement and the Preliminary Draft Corridors Retained for Further Analysis of the same date for the proposed U.S. Highway 220 upgrade project between I-68 and Corridor H in West Virginia. Based on our review, we would like to submit the following formal comments to you and the project team for consideration.

Overall, the City is highly supportive of this proposed highway improvement project. One of the greatest impediments to economic development in Cumberland is the lack of a high-speed north/south highway corridor to/through the City. We believe that the proposed highway improvement will provide a substantial benefit the City and County and we want to do what we can to ensure the swift and successful completion of the planned highway improvements.

The City wishes to support and recommend further consideration of all three corridors, with only one minor modification. We suggest that the proposed initial segment of Transportation Scenario D, which begins in LaVale near Exits 39 & 40 and extending south along Winchester Road (MD Highway 53) to U.S. Highway 220 in Cresaptown, be removed from consideration in favor of the initial segment of Scenario B, which roughly follows the current alignment of U.S. 220 from I-68 to Cresaptown. We have three specific reasons for recommending this modification to Transportation Scenario D:

1. We believe that a corridor that more closely follows the current U.S. Highway 220 alignment will better serve commuter traffic in and out of



A MARYLAND  
PLANT COMMUNITY

Mr. Raja Veeramachaneni

October 28, 2008

Cumberland than the proposed Winchester Road spur. Since this project and the U.S. Highway 219 project were determined to have independent utility, we feel that the commuter traffic flows should take precedent in determining the most appropriate connection of the highway with I-68. We further note that the traffic projections in Table 2 of the April 16, 2007 Purpose and Need Statement for the project shows that Level of Service (LOS) for our preferred U.S. Highway 220 segment is projected to decline from E to F by 2025, while the corresponding projected LOS for the Winchester Road segment is projected to remain at an E.

2. We believe that the construction of the proposed highway following the current U.S. Highway 220 corridor from Cresaptown to I-68 would provide improved and safer access for truck traffic seeking to serve the prison complex and the Upper Potomac Industrial Park, thereby better supporting the City's and County's primary Industrial Development areas on that side of the City and alleviating one of the biggest congestion conflicts with commuter traffic on that section of Highway 220.

3. From a perspective of "Smart Growth" as espoused by the State of Maryland, we feel that improvement and expansion of the current U.S. Highway 220 Corridor from Cresaptown to I-68 would promote a more compact future development pattern, would foster revitalization and redevelopment of existing developed areas, would further promote job growth in areas already designated for that purpose, and would reinforce existing infrastructure investments and urban land development patterns to a higher degree than the proposed Winchester Road segment, which is less intensively developed and farther removed from the central city of Cumberland. We would like to suggest that any finding that it could be more difficult and potentially more expensive to acquire land for highway improvements in and adjacent to more intensively developed areas does not necessarily mean that it is *better* to shift the proposed highway improvement to a less intensively developed area. In fact, that line of thinking in past highway projects has often contributed to suburban sprawl and the corresponding decline of bypassed urban areas.

The City also concurs with a recommendation from your office for the addition of a new corridor connector between Scenario C and Scenarios B & D roughly following WV Highway 956 between Corridors B/D near Pinto, MD and Short Gap, WV and extending on to the Scenario C Corridor at a logical location. This proposed improvement could provide a critical link between the City's primary hospital and medical community, Allegany College, and our future growth area and the ATK ballistics plant at Rocket Factory, WV.

Cumberland, like all other municipalities in Maryland, is in the process of updating our Comprehensive Plan to include a Municipal Growth Element as required by HB 1141. Although our work on this element is not complete, our planning to date indicates that the City's primary and planned future growth area lies on the City's east side between I-68 and U.S. Highway 51, which we loosely refer to as the Willowbrook/Williams/Messick Road Corridor. Your office is currently in the process of expanding State Highway 639 (Willowbrook Road) to include the sections of Williams and Messick Roads which define the heart of this corridor. All but one of the City's annexations since 1997 have occurred within this area and

Page three

Mr. Raja Veeramachaneni

October 28, 2008

additional annexation is anticipated along that corridor due to the growing medical, educational, and professional office community in that area. The City also has proposed to work cooperatively with Allegany County and SHA to plan cooperatively for the future development of this area, coordinate planned highway improvements, and develop a more consistent and compatible Zoning strategy for the Corridor. We specifically note these planning and development efforts because one of the corridors retained for further analysis (Scenario C) would begin in the vicinity of the current intersection of U.S. Highway 220, MD Highway 144, and I-68 and would continue south through a portion of this identified future growth area. We feel that this project has the potential to provide traffic relief and improved connectivity to this rapidly developing corridor. However, we would like to note our extensive planning efforts in this area and request that, should this corridor receive further consideration, that our planning work in this area and the efforts to extend and improve MD Highway 639 be considered in the design of the highway improvements so that the maximum transportation connectivity and circulation benefits can be achieved.

Again, thank you for the opportunity to participate in and comment on this important highway improvement project. If you have any questions regarding our comments, please contact David Umling, our City Planner at 301-759-6503, or by e-mail at [dumling@allconet.org](mailto:dumling@allconet.org). He will be glad to provide any further assistance you may need.

Sincerely,



Lee N. Fiedler, Mayor  
City of Cumberland, MD

OCT 30 2008

cc; Joseph C. Romano, AICP, Skelly & Loy  
Kameel Holmes, Project Manager, SHA  
Robert Fisher, District Engineer, SHA District #6  
Jackqueline Giles, Project Manager, WVDOH  
John DiFonzo, Director of Engineering, City of Cumberland  
David Umling, City Planner

**APPENDIX D**  
**AGENCY COMMENTS**



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
P.O. BOX 1715  
BALTIMORE, MD 21203-1715

MAR 28 2011

Operations Division

U.S. Army Corps of Engineers, Huntington District  
Ms. LuAnne S. Conley, Chief, South/Transportation Section OR-F  
502 8th Street  
Huntington, WV 25701

Dear Ms. Conley:

This office has reviewed the preliminary US 220 Tier One Draft Environmental Impact Statement, dated July 2010, and offers the following comments:

First, this office concurs on the Purpose & Need. In the Alternatives Development section in the DEIS, we would suggest that all of the transportation scenarios (TS) except TS-A and TS-E be carried forward. It would be helpful to discuss how much opportunity for avoidance and minimization of impacts to resources exist within each scenario.

Concerning transportation scenarios to be carried forward, while we appreciate that TS-A was dropped from further consideration for potential impacts to Dan's Mountain, we suggest that impacts to Dan's Mountain by TS-B be avoided and minimized to the maximum extent practicable. Dan's Mountain Management Area is an important natural area that is proposed to be affected by TS-B. We received information from the Maryland Department of Natural Resources (MD DNR) that Mill Run is a brook trout stream and this is located along the TS-B corridor near Rawlings. Not all of the streams on the eastern slope of Dan's Mountain have been assessed for brook trout habitat so aquatic sampling should be done to more precisely map the location of brook trout populations. According to MD DNR there is one other stream that locals claim has brook trout that is located a little further north of the Mill Run near Rawlings location going towards LaVale.

The Potomac River crossing has not been addressed. This is a navigable waterway subject to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Spanning the entire floodplain, minimizing the number of piers and spanning all wetlands are options that will need to be addressed.

A joint federal/state permit would be required for activities that impact Waters of the U.S. The applicant must demonstrate that proposed impacts to streams and wetlands are necessary and unavoidable and that all avoidance and minimization measures have been fully exhausted. Avoidance and minimization of impacts to Waters of the U.S. include the use of compressed medians, reduced safety grading widths, and interchange designs in areas where the alignment would impact aquatic resources. Other options for avoiding impacts include bridging the entire floodplain, bridging of wetlands, and building bottomless arches. Installation of free-span

bridge structures and bottomless arch culverts reduce the risk of not passing flows during a high water event, decreases the possibility of down-cutting of the streambed or riverbed (upstream or downstream of the crossing), minimizes the possibility of bank erosion upstream and/or downstream of the crossing, and promotes fish passage.

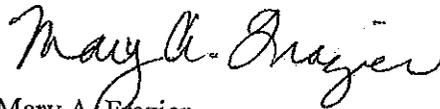
Section 404 (b) (1) of the Clean Water Act requires us to authorize projects that are the least environmentally damaging practicable alternative to the aquatic environment. These Guidelines require an applicant to consider and demonstrate that all practicable and feasible alternatives were examined that would avoid or minimize impacts to waters.

Please be advised that the 220 Improvement Project will be subject to the 2008 Final Mitigation Rule. A discussion of potential environmental mitigation for unavoidable adverse impacts to Waters of the US should be included.

We have been coordinating with the Environmental Protection Agency and concur with their comments.

Thank you for the opportunity to review the preliminary US 220 Tier One Draft Environmental Impact Statement. A copy of this letter is being forwarded to the Maryland State Highway Administration and Maryland Department of the Environment Nontidal Wetlands Division for informational purposes. If you have any questions concerning the information provided in this letter, please call Mrs. Mary Frazier of this office at (410) 962-5679.

Sincerely,



Mary A. Frazier  
Biologist, Maryland Section Northern



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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



May 17, 2006

Mr. Henry E. Compton  
Division Environmental Coordinator  
Federal Highway Administration  
Geary Plaza, Suite 200  
700 Washington Street, East  
Charleston, West Virginia 25301

A	I	Init	A	I	Init
					Admin Coordin/Sec
					Admin Coordinator
					Financial Specialist
					AE-1 Design
					AE-2 Corr Mgt Eng
					AE-3 Materials
					Asset Structures Eng
					IT Specialist
					Librarian
					Trans Specialist
File #					
File Name (Scan)					

Re: NOI for Transportation Improvements between I-68 in Western Maryland and Appalachian Corridor "H" in the West Virginia Potomac Highlands

Dear Mr. Compton:

The U.S. Fish and Wildlife Service has reviewed the Notice of Intent published in the Federal Register dated April 14, 2006, for the preparation of a Tier 1 Environmental Impact Statement for transportation improvements between I-68 in Western Maryland and Appalachian Corridor "H" in the West Virginia Potomac Highlands in Alleghany County, Maryland; and Grant, Hardy, Hampshire, and Mineral Counties, West Virginia. These comments are provided pursuant to the Endangered Species Act (ESA)(87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and the Fish and Wildlife Coordination Act of 1956 (16 U.S.C. 742a *et seq.*).

### Federally-listed Species

The Service participated in the Tier One Environmental Impact Statement Agency Field View held on May 3, 2006. At that time, the Service expressed concerns that several Federally-listed species could potentially be impacted by the proposed project depending on which alignment is selected. The Federally-listed endangered Indiana bat (*Myotis sodalis*), the federally-listed endangered Virginia big-eared bat (*Corynorhinus townsendii virginianus*), and the federally-listed threatened bald eagle (*Haliaeetus leucocephalus*) may be present throughout the area and would need to be considered for any of the alignments. The Patterson Creek alignment may include habitats suitable for the Federally-listed endangered plant, shale barrens rock cress (*Arabis serotina*), and sensitive mussel fauna.

Indiana bat foraging habitat is generally defined as riparian, bottomland, or upland forest, as well as old fields or pastures with scattered trees. Roosting and maternity habitat consists primarily of live or dead hardwood tree species which have exfoliating bark that provides space for bats to roost between the bark and the bole of the tree. Tree cavities, crevices, splits, or hollow portions

of tree boles and limbs also provide roost sites. Forest habitat containing trees > 5 inches in diameter at breast height (dbh) is suitable summer roosting habitat for the Indiana bat.

Virginia big-eared bats utilize caves year-round as roost sites. During the winter, most populations hibernate in a few cold caves that provide optimum temperatures for hibernation. During the summer, females congregate in warm maternity caves to raise their young.

Bald eagles breed in, winter in, and migrate through West Virginia. State biologists conduct annual surveys to identify nesting territories as well as nest productivity. All documented bald eagle nests in West Virginia are located in the Potomac River watershed of the eastern panhandle.

Shale barrens rock-cress is a biennial herb which blooms from mid-July to October. It is an endemic of shale deposits and occurs on south-facing slopes at elevations of 1300 to 1500 feet. In the past, shale barrens have been destroyed by road construction.

### **Wetlands/Riparian Areas**

Wetlands and riparian areas/streams may be impacted by the proposed project. Wetlands perform significant ecological functions which include: (1) providing habitat for numerous aquatic and terrestrial wildlife species, (2) aiding in the dispersal of floods, (3) improving water quality through retention and assimilation of pollutants from storm water runoff, and (4) recharging the aquifer. Wetlands also possess aesthetic and recreational values. The Service recommends measures be taken to avoid and minimize wetland losses in accordance with Section 404 of the Clean Water Act and Executive Order 11988 (floodplain management) as well as the goal of "no net loss of wetlands." If wetlands may be destroyed or degraded by the proposed action, those wetlands in the project area should be inventoried and fully described in terms of their functions and values. Acreage of wetlands, by type, should be disclosed and specific actions should be outlined to avoid, minimize, and compensate for all unavoidable wetland impacts.

Riparian or streamside areas are a valuable natural resource and impacts to these areas should be avoided whenever possible. Riparian areas are the single most productive wildlife habitat type in North America. They support a greater variety of wildlife than any other habitat. Riparian vegetation plays an important role in protecting streams, reducing erosion and sedimentation as well as improving water quality, maintaining the water table, controlling flooding, and providing shade and cover. In view of their importance and relative scarcity, impacts to riparian areas should be avoided. Any potential, unavoidable encroachment into these areas should be further avoided and minimized. Unavoidable impacts to streams should be assessed in terms of their functions and values, linear feet and vegetation type lost, potential effects on wildlife, and potential effects on bank stability and water quality. Measures to compensate for unavoidable losses of riparian areas should be developed and implemented as part of the project.

### **Dans Mountain Wildlife Management Area**

The Service is also concerned that one of the alignments travels through the Dans Mountain Wildlife Management Area (WMA) in Allegany County, Maryland. The Service recommends avoiding the WMA in its entirety. The WMA is the largest contiguous state-owned forest in Maryland. The 9,200 acre area is high quality habitat for forest songbirds and many other species. This site may require a Section 4(f) evaluation. Section 4(f) states that land from a

Mr. Henry E. Compton  
May 17, 2006

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publicly owned park, recreation area, wildlife or waterfowl refuge, or land of a historic site can be used for a transportation project only if:

- There is no feasible and prudent alternatives to the use of these resources, and
- All possible planning has been taken to minimize harm to the resource.

At this time, it appears that other alternatives exist that would preclude the crossing of the WMA.

If you have any questions regarding this letter, please contact Christy Johnson-Hughes of my staff at the letterhead address or phone (304) 636-6586, extension 17.

Sincerely,

*for*   
Thomas R. Chapman  
Field Supervisor

JUL 13 2007



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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



July 11, 2007

Mr. Joseph C. Romano  
Skelly and Loy  
2500 Eldo Road, Suite 2  
Monroeville, Pennsylvania 15146-1456

Re: NHS Corridor between I-68 and Corridor H (U.S. Route 220), Tier One DEIS, Grant, Hardy, and Mineral Counties, West Virginia

Dear Mr. Romano:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter, dated May 15, 2007, requesting species information for the proposed National Highway System (NHS) Corridor between I-68 and Corridor H (U.S. Route 220), Tier One Draft Environmental Impact Statement, located in Grant, Hardy and Mineral counties, West Virginia. The proposed project consists of identification of generalized travel corridors to be evaluated at a planning level of detail. The analysis during this first phase will lead to the identification of one corridor with the potential to have the fewest environmental impacts. These comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U. S. C. 1531 *et seq.*) (ESA), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c, as amended) (Eagle Act), and the Migratory Bird Treaty Act (16 U.S.C. 703-712) (MBTA).

Based upon the information and maps provided in your letter, the Service has determined that the Federally-listed endangered Indiana bat and shale barren rock cress may be present in one or more of the travel corridors. In addition, the bald eagle may also be present. The bald eagle is protected by the Eagle Act and MBTA. Effective August 8, 2007, the bald eagle will no longer be protected by the ESA (72 FR 37345).

### **Bald Eagle (*Haliaeetus leucocephalus*)**

The project area may provide roosting and foraging habitat for the bald eagle. Disruption, destruction, or obstruction of roosting and foraging areas can negatively affect this species, and potentially could result in disturbance of bald eagles. The term "disturb" has been defined by the Service in regulations at 50 CFR 22.3 as: "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1)

Mr. Joseph C. Romano  
July 11, 2007

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injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior" (72 FR 31132).

Disruptive activities in or near eagle foraging areas can interfere with feeding, reducing chances of survival. Interference with feeding can also result in reduced productivity (number of young successfully fledged). Migrating and wintering bald eagles often congregate at specific sites for purposes of feeding and sheltering. Bald eagles rely on established roost sites because of their proximity to sufficient food sources. Roost sites are usually in mature trees where the eagles are somewhat sheltered from the wind and weather. Human activities near or within communal roost sites may prevent eagles from feeding or taking shelter, especially if there are not other undisturbed and productive feeding and roosting sites available. Activities that permanently alter communal roost sites and important foraging areas can altogether eliminate the elements that are essential for feeding and sheltering eagles.

For information on protections for bald eagles under the Eagle Act, please refer to the Service's National Bald Eagle Management Guidelines (72 FR 31156) and regulatory definition of the term "disturb" (72 FR 31132), which were published in the *Federal Register* on June 5, 2007. In addition, the Service has proposed to establish a new permit program under the Eagle Act that would allow a limited take of bald eagles (72 FR 31132). Copies of these documents are currently available from our national bald eagle web page located at <http://www.fws.gov/migratorybirds/baldeagle.htm>.

#### **Indiana Bat (*Myotis sodalis*)**

The project area may provide summer foraging and roosting habitat for the endangered Indiana bat. The Indiana bat may use the project area for foraging and roosting between April 1 and November 14. Indiana bat foraging habitat is generally defined as riparian, bottomland, or upland forest, as well as old fields or pastures with scattered trees. Roosting and maternity habitat consists primarily of live or dead hardwood tree species which have exfoliating bark that provides space for bats to roost between the bark and the bole of the tree. Tree cavities, crevices, splits, or hollow portions of tree boles and limbs also provide roost sites. Forest habitat containing trees  $\geq 5$  inches in diameter at breast height (dbh) is suitable summer roosting habitat for the Indiana bat.

Seventeen (17) acres is presently used as the threshold between projects which will have discountable effects on Indiana bats, and projects which may affect Indiana bats. If less than 17 acres of Indiana bat summer habitat will be removed as a result of the proposed project, tree removal can occur at any season of the year. If 17 acres to 247 acres of Indiana bat summer roosting habitat will be disturbed as a result of the proposed mine operation, we recommend that either mist net surveys be conducted or a Protection and Enhancement Plan be developed. If over 247 acres of habitat is to be removed, then mist net surveys must be conducted.

Mr. Joseph C. Romano  
July 11, 2007

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**Shale Barren Rock Cress (*Arabis serotina*)**

The project boundary intersects the northern extent of the known distribution of the shale barrens rock-cress. This plant is a biennial herb which blooms from mid-July to October. It is an endemic of shale deposits and occurs on south-facing slopes at elevations of 1300 to 1500 feet. Mid-Appalachian shale barren is often characterized by open, scrubby growth of pine, oak, red cedar, and other woody species adapted to xeric conditions.

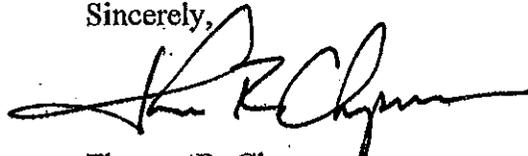
A survey for shale barren rock cress habitat should be conducted. If appropriate habitat exists, then a survey for the shale barren rock cress should be conducted by a qualified botanist to determine if the plant is present.

The Service recommends that the West Virginia Division of Highways consider travel corridors that avoid impacts to federally-listed species and the bald eagle. If it is not possible to avoid impacts to federally-listed species and the bald eagle, then the Service is available to assist you with any coordination pursuant to section 7 of the ESA.

Please note that these comments are limited to potential project impacts in West Virginia. For information on natural resources in Maryland, please contact the Service's Chesapeake Bay Field Office.

If you have any questions regarding this letter, please contact Ms. Christy Johnson-Hughes of my staff, at (304) 636-6586 ex 17, or at the letterhead address.

Sincerely,



Thomas R. Chapman  
Field Supervisor



# United States Department of the Interior

NATIONAL PARK SERVICE  
Northeast Region  
United States Custom House  
200 Chestnut Street  
Philadelphia, PA 19106

IN REPLY REFER TO:

ER-06/0388

MAY 23 2006

Henry E. Compton  
Division Environmental Coordinator  
Federal Highway Administration, West Virginia Division  
Geary Plaza, Suite 200  
700 Washington Street East  
Charleston, West Virginia 25301

Dear Mr. Compton:

Subject: Notice of Intent to Prepare Environmental Impact Statement, Tier 1 Transportation Improvements between I-68 in Western Maryland and Appalachian Corridor: "H" in the West Virginia Potomac Highlands (ER-06/0388)

Dear Mr. Compton:

This is in response to a request for the Department of the Interior's (Department) review and comment on the Notice of Intent to Prepare Environmental Impact Statement, Tier 1 Transportation Improvements between I-68 in Western Maryland and Appalachian Corridor: "H" in the West Virginia Potomac Highlands (ER-06/0388).

We are in the process of preparing a list of resources of interest to the National Park Service in the four West Virginia and one Maryland counties that comprise the planning area for this project. We anticipate being able to provide tabular lists and GIS-based mapping of these resources to you within about two weeks of the date of this letter.

We appreciate the opportunity to assist the FHWA West Virginia Division and the West Virginia Department of Transportation on the planning for this project.

Sincerely,

Shaun Eyring  
Manager, Resource Planning and Compliance

bcc:

OEPC, AS/PMB®, AS/FWP

REO/PHL

NPS

ACHP

SHPO-West Virginia

FNPO-0001

FNP-2310

NPS-NER, RP&C-Philadelphia

Note: This NPS response was initially drafted by L. Chapman, NER-RP&C-Philadelphia based on review of the subject document.



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor  
John R. Griffin, Secretary  
Eric Schwaab, Deputy Secretary

October 23, 2007

Mr. Bruce M. Grey  
Maryland Department of Transportation  
State Highway Administration  
707 North Calvert Street  
Baltimore, MD 21202

**RE: Revised Environmental Review for Project No. AW896 - NHS Corridor H - US  
Route 220 Tier One DEIS, Allegany County, Maryland.**

Dear Mr. Grey:

The Wildlife and Heritage Service's database indicates that there are the following records for rare, threatened or endangered species (RT&Es) occurring within the boundaries of each alternate as delineated on your maps. It is also possible that these species could be present in other areas of the project site, but not documented at this time. Please note that the utilization of state funds or the need to obtain a state-authorized permit may warrant additional evaluations that could lead to protection or survey recommendations by the Wildlife and Heritage Service. We look forward to further coordination on these resource issues as the project moves forward and further details become available.

#### Alternate A

Within this alternate there is a nest site of the state rare Common Raven (*Corvus corax*), located on the south side of Route 68, near Hoffman Hill. We generally recommend that no disturbance within an approximate ¼-mile radius of the nest occur during the Common Raven breeding season of any given year.

Within one mile to the west of Dans Rock Lookout Tower there are breeding records for the Henslow's Sparrow (*Ammodramus henslowii*), a state-listed threatened breeding species in Maryland. This species utilizes meadow/ grassy field habitat during the breeding season.

On a section of Dans Mountain ridge (on the Keyser USGS Quad) there is habitat that supports the state rare Harebell (*Campanula rotundifolia*), state-listed endangered Maple-leaved Goosefoot (*Chenopodium gigantospermum*), and state-listed threatened Climbing Fumitory (*Adlumia fungosa*). These plants are often associated with rocky outcrops.

To the North, along the ridge of Dans Mountain (from Wolf Rock to Dans Rock) there are records for the following:

<u>Scientific Name</u>	<u>Common Name</u>	<u>State Status</u>
<b>Animals</b>		
<i>Neotoma magister</i>	Allegheny Woodrat	Endangered
<i>Plethodon wehrlei</i>	Wehrle's Salamander	In Need of Conservation
<i>Nymphalis vaualbum</i>	Compton Tortoiseshell	Endangered
<i>Accipiter striatus</i>	Sharp-shinned Hawk	Rare (breeding)
<i>Erethizon dorsatum</i>	North American Porcupine	In Need of Conservation
<i>Lynx rufus</i>	Bobcat	In Need of Conservation
<b>Plants</b>		
<i>Amelanchier humulis</i>	Running Serviceberry	Threatened
<i>Chenopodium standleyanum</i>	Standley's Goosefoot	Endangered
<i>Chenopodium gigantospermum</i>	Maple-leaved Goosefoot	Endangered
<i>Oryzopsis racemosa</i>	Black-fruited Mountainrice	Threatened
<i>Adlumia fungosa</i>	Climbing Fumitory	Threatened
<i>Cornus rugosa</i>	Round-leaved Dogwood	Endangered

These species were all observed in the high-elevation open rocky wooded areas, and most were associated with sandstone outcrops.

Also of concern to WHS is for the Timber Rattlesnake (*Crotalus horridus*). While this species is not a state-listed species in Maryland, (it is considered Watchlist) it may be especially vulnerable to impacts from a project such as this highway proposal.

### Alternate B

There is a record for the Harebell south of the Ridgedale Reservoir and north of the Potomac River in this alternate, on a south-facing hillside just north of the railroad tracks. This population is located along the steep calcareous cliffs here.

### Alternate C

Across Evitts Creek and just north of the Cumberland Country Club in this alternate, on a southern-facing slope there is a shale barren habitat that supports:

<u>Scientific Name</u>	<u>Common Name</u>	<u>State Status</u>
<i>Trifolium virginicum</i>	Kate's-mountain Clover	Threatened
<i>Melica nitens</i>	Three-flowered Melicgrass	Threatened
<i>Euchloe olympia</i>	Olympia Marble	In Need of Conservation
<i>Bouteloua curtipendula</i>	Side-oats Grama	Rare

**Alternate D**

The WHS has no records of RT&E species occurring within this alternate route.

**Alternate B/D**

There is a 2-3 acre marshy pond known as Pinto Marsh that is located off of Route 53 north of the Pinto area on this alternate route. This wetland is designated in state regulations as a Nontidal Wetland of Special State Concern (NTWSSC) and this NTWSSC is regulated, along with its 100-foot upland buffer, as an NTWSSC by Maryland Department of the Environment. There is a breeding record of the state rare Sora (*Porzana carolina*) observed in this wetland.

The Pinto Mine in this area supports the state-listed endangered Franz' Cave Isopod (*Caecidotea franzi*), the Franz' Cave Amphipod (*Stygobromus franzi*) and the Eastern Small-footed Myotis (*Myotis leibii*), the latter two species with In Need of Conservation status in Maryland. In addition to direct adverse impacts, it is important to consider degradation of water quality or changes in hydrology that would affect the groundwater of this cave system.

The top of the cliffs on the north side of the railroad tracks in the Pinto area are known to support a population of state-listed endangered Cliff Stonecrop (*Sedum glaucophyllum*). This occurrence is found on a limestone outcrop on the cliffs here.

**Alternate E**

The WHS has no records of RT&E species occurring within this alternate.

**Overall Study Area:**

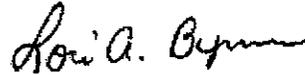
Also of concern to the WHS is the potential for impacts to the Indiana Bat (*Myotis sodalis*), a species listed as endangered at both the Maryland state and Federal levels. There are known winter hibernacula occurring in the area of all of these proposed alternate routes. This species is thought to utilize ridges for its migration corridors, and may also summer in forested areas along the proposed alternates, especially along the forested edges.

For the overall area of the project site, our analysis of the information provided suggests that the forested area on or adjacent to the project site contains Forest Interior Dwelling Bird habitat. Populations of many Forest Interior Dwelling Bird Species (FIDS) are declining in Maryland and throughout the eastern United States. The conservation of FIDS habitat is strongly encouraged by the Department of Natural Resources.

Page 4

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



Lori A. Byrne,  
Environmental Review Coordinator  
Wildlife and Heritage Service  
MD Dept. of Natural Resources

ER #2007.0754.al  
cc: R. Dintaman, ERU  
E.L. Thompson, WHS  
D. Feller, WHS  
G. Golden, ERU

JUN 5 2007



**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**

**Joe Manchin III**  
**Governor**

**Frank Jezioro**  
**Director**

June 1, 2007

Mr. Joseph C. Romano  
Skelly & Loy, Inc.  
2500 Eldo Road, Suite 2  
Monroeville, PA 15146-1456

Dear Mr. Romano:

We have reviewed our files for information on rare, threatened and endangered (RTE) species and sensitive habitats for the area of the proposed NHS Corridor between I-68 and Corridor H Tier One DEIS in Grant, Hardy and Mineral counties, WV.

Attached is a listing of RTE species found in the area of each proposed corridor (Scenarios A-E). The list includes the species name, rarity ranking, date of the last observation and the general location. An explanation of our ranking system is also enclosed. All RTE species that have been documented from this area are given on the list, so there are many historic records, which have vague directions. This information has been included to provide you with a complete listing of what could be found in the area.

The only federal listed species known to occur within any of the corridors is the bald eagle. Nesting records were documented this year on Rosser Run (Scenario D) and Patterson Creek Mountain (Scenario E). Other nesting sites may be present near Mount Storm because of the number of eagles seen in the area, but, to date, no nests have been recorded.

Other RTE species issues which will need to be addressed with this project are possible surveys for the WV northern flying squirrel at the southern extent of Scenario A, and Indiana bat surveys for all the scenarios. Surveys for freshwater mussels may be required for many of the scenarios, especially Scenario D which impacts Patterson Creek.

The Wildlife Resources Section knows of no surveys that have been conducted in the area specifically 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.

In addition, this response may fulfill your obligation for a permitting process for the presence of RTE species at the state level. This response and/or the data provided does not

constitute an approval by the Division of Natural Resources (DNR) to proceed with a project without satisfying any and all additional required permits or approvals from DNR or other local, state or federal agencies.

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  
Natural Heritage Program

enclosures

cc: Barbara Douglas - USFWS

u:\BDSInv\S&L.doc

207-518

**Documented Rare, Threatened & Endangered Species  
NHS Corridor – Grant, Hardy and Mineral Counties, WV**

**Scenario A**

Common Name Scientific Name	Rankings			Date	Location
Oceanorus <i>Zigadenus leimanthoides</i>	S2	G4Q		1971	Near Bismark
Swamp saxifrage <i>Saxifraga pensylvanica</i>	S2	G5		1983	North side of Rt. 50 at county line
				1955	Kitzmilller Farm near Sulphur City
Blue ash <i>Fraxinus quadrangulata</i>	S1	G5		1971	Sulphur City
Orange coneflower <i>Rudbeckia fulgida</i> var. <i>fulgida</i>	S2	G4T4?		1965	Sulphur City

**Scenario B**

Common Name Scientific Name	Rankings			Date	Location
Nuttall waterweed <i>Elodea nuttallii</i>	S3	G5		1953	Laureldale
Glaucous willow <i>Salix discolor</i>	S2	G5		1956	Laureldale
Canby's mountain-lover <i>Paxistima canbyi</i>	S2	G2		1985	NW-facing slope of New Creek Mtn; 2 mi SW of Keyser
				1934	6mi SE of Keyser along New Creek
Allegheny woodrat <i>Neotoma magister</i>	S3	G3G4		1998	New Creek Quarry
American harebell <i>Campanula rotundifolia</i>	S2	G5		1983	New Creek Quarry
Troublesome sedge <i>Carex molesta</i>	S3	G4		1956	Riverbank where Rt. 220 crosses at New Creek
Kates Mountain clover <i>Trifolium virginicum</i>	S3	G3		2005	South side of Block Run, 0.7mi NW of Rt. 220
Jefferson salamander <i>Ambystona jeffersonianum</i>	S3	G4		1938	West of Keyser
Franz's cave amphipod <i>Stygobromus franzi</i>	S1	G3G4		No date	Kites Cave – 0.6mi E of Powder House Run
Franz's cave isopod <i>Caecidotea franzi</i>	S1	G2G4		1992	Kites Cave – 0.6mi E of Powder House Run

**Scenario C**

Common Name Scientific Name	Rankings			Date	Location
Allegheny plum <i>Prunus alleghaniensis</i> var. <i>alleghaniensis</i>	S3	G4T4		1979	3mi NE of Greenland Gap; along CR 12
				1979	0.25mi S of Falls; along CR 3
Canby's mountain-lover <i>Paxistima canbyi</i>	S2	G2		1997	Falls Gap
White cedar <i>Thuja occidentalis</i>	S2	G5		1997	Falls Gap
Shale barren bindweed <i>Calystegia spithamea</i> ssp. <i>purshiana</i>	S3	G4G5T4		1973	Falls Gap
Mountain pimpernel <i>Taenidia montana</i>	S3	G3		1973	Falls Gap
Allegheny woodrat <i>Nectoma magister</i>	S3	G3G5		1995	Greenland Gap Cave – 0.25 N of Falls
American harebell <i>Campanula rotundifolia</i>	S2	G5		1997	Falls Gap
				1965	Near Wiley Ford
Side-oats grama <i>Bouteloua curtipendula</i> var. <i>curtipendula</i>	S3	G5T5		1973	Falls Gap
Loggerhead shrike <i>Lanius ludovicianus</i> <i>migrans</i>	S1B, S2N	G4T3Q		2004	Belle Babb, 2mi W of Medley
				1993	Near Martin
Bent milkvetch <i>Astragalus distortus</i> var. <i>distortus</i>	S2	G5T5?		1977	Watershed dam near Martin
Snow trillium <i>Trillium nivale</i>	S2	G4		2002	0.4mi W of Martin
Balsam squaw-weed <i>Packera paupercula</i>	S2	G5		1917	Antioch
Shale barren evening primrose <i>Oenothera argillicola</i>	S3	G3G4		1933	3mi S of Ridgely

**Scenario D**

Common Name Scientific Name	Rankings			Date	Location
Shale barren bindweed <i>Calystegia spithamea</i> ssp. <i>purshiana</i>	S3	G4G5T4		1980	Bob Snyder Farm, 0.2mi S of Lahmansville
				1980	Headsville Road, 3.3mi N of Burlington
				1985	N side of Wild Meadow Run
Wood turtle <i>Glyptemys insculpta</i>	S2	G4		1993	North Fork Patterson Creek
				1993	Plum Run

Common Name Scientific Name	Rankings			Date	Location
Allegheny plum <i>Prunus alleghaniensis</i> var. <i>alleghaniensis</i>	S3	G4T4		1984	Martin watershed dam
				1980	N side of Rt. 50/4, 1.7mi W of CR 11
				2000	Larenim Park
Brook floater <i>Alasmidonta varicosa</i>	S1	G3		1996	Patterson Creek – county line to Johnson Run
				1993	Patterson Creek – Plum Run to mouth
				1993	North Fork Patterson Creek – from mouth to dam
				1993	Patterson Creek – near Ft. Ashby
Bald eagle <i>Haliaeetus leucocephalus</i>	S2B, S3N	G5	LT	2007	Rosser Run
Triangle floater <i>Alasmidonta undulata</i>	S1	G4		1996	Patterson Creek – just up from Grant Co. line
Yellow lampmussel <i>Lampsilis cariosa</i>	S1	G3G4		1996	Patterson Creek – just up from Grant Co. line
Grizzled skipper <i>Pyrgus wyandot</i>	S1	G1G2Q		1985	N side of Wild Meadow Run
				1990	Larenim Park
Olympia marble <i>Euchloe olympia</i>	S2S3	G4G5		1985	Wild Meadow Run
				1991	Larenim Park
Upland chorus frog <i>Pseudacris feriarum</i> <i>feriarum</i>	S2	G5T5		2004	5.9mi S on CR 11 from Burlington
				1937	In pond about 3mi NE of Burlington
False pimpernel <i>Lindernia dubia</i> var. <i>anagallidea</i>	S2	G5T4		1933	Patterson Creek
Marsh speedwell <i>Veronica scutellata</i>	S2	G5		1928	Patterson Creek
				1933	Burlington
Mountain pimpernel <i>Taenidia montana</i>	S3	G3		1985	Wild Meadow Run
Downy arrow-wood <i>Viburnum rafinesquianum</i>	S3	G5		1930	Wild Meadow Run
Downy milkpea <i>Galactia volubilis</i>	S1	G5		1931	Burlington
Bent milkvetch <i>Astragalus distortus</i> var. <i>distortus</i>	S2	G5T5?		1964	1mi N of Burlington
Narrow-leaved blue curls <i>Trichostema setaceum</i>	S2	G5		2000	Larenim Park
Northern metalmark <i>Calephelis borealis</i>	S2	G3G4		1984	Larenim Park
Kates Mountain clover <i>Trifolium virginicum</i>	S3	G3		2000	Larenim Park
				1986	Headsville Shale Barren
Meadow jumping mouse <i>Zapus hudsonius</i>	S3	G5		1987	Larenim Park

Common Name Scientific Name	Rankings		Date	Location
A noctuid moth <i>Zale calycanthata</i>	SU	G4	1985	Larenim Park
American harebell <i>Campanula rotundifolia</i>	S2	G5	1968	Headsville Road
Shale barren evening- primrose <i>Oenothera argillicola</i>	S3	G3G4	1986	Headsville Shale Barren
Shale barren goldenrod <i>Solidago arguta</i> var. <i>harrisii</i>	S3	G5T4	1986	Headsville Shale Barren
Loggerhead shrike <i>Lanius ludovicianus</i> <i>migrans</i>	S1B, S2N	G4T3Q	1995	Reeses Mill
Lesser snakeroot <i>Ageratina aromatica</i> var. <i>aromatica</i>	S1	G5T5	1984	0.5mi SW of Patterson Creek

### Scenario E

Common Name Scientific Name	Rankings		Date	Location
Barn owl <i>Tyto alba</i>	S2B, S2N	G5	2004	Ours Valley View Farm, 0.2mi S of Old Fields
Upland chorus frog <i>Pseudacris feriarum</i> <i>feriarum</i>	S2	G5T5	1945	0.5mi W of Old Fields
Low spearwort <i>Ranunculus pusillus</i> var. <i>pusillus</i>	S1	G4T4?	1960	Old Fields
Loggerhead shrike <i>Lanius ludovicianus</i> <i>migrans</i>	S1B, S2N	G4T3Q	2002	Reynolds Gap Road
Grizzled skipper <i>Pyrgus wyandot</i>	S1	G1G2Q	1985	Across from Purgittsville Church
			1990	On N side of Rt. 50, 0.5mi SE of Ridgeville
Olympia marble <i>Euchloe olympia</i>	S2S3	G4G5	1967	N of Rada
			1985	On N side of Rt. 50, 0.5mi SE of Ridgeville
Bald eagle <i>Haliaeetus leucocephalus</i>	S2B, S3N	G5	LT 2007	Patterson Creek Mountain, south of Russelldale
Shale barren bindweed <i>Calystegia spithamea</i> spp. <i>purshiana</i>	S3	G4G5T4	1985	Wild Meadow Run
			1984	Ridgeville Golf Course
Mountain pimpernel <i>Taenidia montana</i>	S3	G3	1985	Wild Meadow Run
Downy arrow-wood <i>Viburnum rafinesquianum</i>	S2	G5	1930	Wild Meadow Run
Potomac sculpin <i>Cottus girardi</i>	S3	G4	1983	Mill Creek – 5km W of Burlington at Rts. 50 & 220

Common Name Scientific Name	Rankings		Date	Location
Allegheny plum <i>Prunus alleghaniensis</i> var. <i>alleghaniensis</i>	S3	G4T4	1980	N side of CR 50/4, 1.7mi W of CR 11
			1984	SE of Ridgeville
			1952	Near Keyser
Bent milkvetch <i>Astragalus distortus</i> var. <i>distortus</i>	S2	G5T5?	1988	SE of Ridgeville
Kates Mountain clover <i>Trifolium virginicum</i>	S3	G3	2005	S side of Block Run, 0.7mi NW of Rt. 220
Canby's mountain-lover <i>Paxistima canbyi</i>	S2	G2	1985	NW-facing slope of New Creek Mtn; 2 mi SW of Keyser
Jefferson salamander <i>Ambystoma jeffersonianum</i>	S3	G4	1938	West of Keyser
Franz's cave amphipod <i>Stygobromus franzi</i>	S1	G3G4	No date	Kites Cave – 0.6mi E of Powder House Run
Franz's cave isopod <i>Caecidotea franzi</i>	S1	G2G4	1992	Kites Cave – 0.6mi E of Powder House Run

June 1, 2007

## EXPLANATION OF RANKS

### GLOBAL RANK

- G1 Five or fewer documented occurrences, or very few remaining individuals globally. Extremely rare and critically imperiled.
- G2 Six to 20 documented occurrences, or few remaining individuals globally. Very rare and imperiled.
- G3 Twenty-one to 100 documented occurrences. Either very rare and local throughout its range or found locally in a restricted range.
- G4 Common and apparently secure globally, though it may be rare in parts of its range, especially at the periphery.
- G5 Very common and demonstrably secure, though it may be rare in parts of its range, especially at the periphery.
- GH Historical. May be rediscovered.
- GX Believed extirpated. Little likelihood of rediscovery.
- T# Rank of subspecies or variety.

### STATE RANK

- S1 Five or fewer documented occurrences, or very few remaining individuals within the state. Extremely rare and critically imperiled.
- S2 Six to 20 documented occurrences, or few remaining individuals within the state. Very rare and imperiled.
- S3 Twenty-one to 100 documented occurrences.
- S4 Common and apparently secure with more than 100 occurrences.
- S5 Very common and demonstrably secure.
- SH Historical. Species which have not been relocated within the last 20 years. May be rediscovered.
- SX Believed extirpated. Little likelihood of rediscovery.

## **CHARACTERS RELATED TO GLOBAL & STATE RANKS**

- B** Breeding populations
- HYB** Hybrid
- N** Non-breeding populations
- NR** Not ranked
- Q** Questionable taxonomy
- ?** Questionable rank
- U** Unrankable

## **FEDERAL STATUS**

- LE** Listed as endangered.
- LT** Listed as threatened.
- PE** Proposed to be listed as endangered.
- PT** Proposed to be listed as threatened.
- C1** Candidate for listing.

## **APPENDIX E**

### **SAFETEA-LU 6002 COORDINATION PLAN**

**NHS CORRIDOR  
BETWEEN I-68 AND CORRIDOR H**

**US220 TIER ONE  
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

## **SAFETEA-LU 6002 COORDINATION PLAN**

**February 2011  
(Version 2)**

## **Section 1: Project Background**

A Draft Environmental Impact Statement (DEIS) for the National Highway System (NHS) Corridor between I-68 and Corridor H is being prepared for the Federal Highway Administration (FHWA) by the West Virginia Department of Transportation Division of Highways (WVDOH) and the Maryland State Highway Administration (MDSHA). When completed, the DEIS will fulfill requirements set forth in both the *National Environmental Policy Act of 1969 (NEPA)* and the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)*.

The purpose of the project is to develop an improved transportation corridor connecting Interstate 68 (I-68) in Maryland and Appalachian Development Highway System Corridor H in West Virginia. Upgraded roadways resulting from the project would become part of the NHS. The new NHS Corridor, paralleling to some extent existing U.S. Route 220 in western Maryland and West Virginia's Potomac Highlands area, would improve the existing transportation system by providing an upgraded north-south road through a program of transportation projects. The new corridor will support efforts to increase mobility and regional commerce for residents, businesses, and visitors. It will also serve north-south interstate travel movements and support economic development throughout the Appalachian regions of Maryland, West Virginia, Pennsylvania, and Virginia.

The project is located in Grant, Hardy, Hampshire, and Mineral counties in West Virginia, and Allegany County in Maryland. The project region stretches from I-68 near Cumberland, Maryland, in the north to the proposed alignment of Corridor H in West Virginia in the south. Logical termini for the project are proposed at the northern end of the region along I-68 near the City of Cumberland and in the southern end along Corridor H in West Virginia.

Project needs were examined in the early stages of the process through a collaborative process that included examination of past studies, a review of existing regional plans, consultation with citizens and local officials within the project area, consultation with the government agencies involved in the process, and an analysis of the environmental and socioeconomic conditions of the region. Through this process, the following needs were identified within the study corridor:

- Current geometric deficiencies limit regional mobility.
- The project area has inadequate roadway capacity.

- There are safety deficiencies on some of the area's roadways.
- There is a need to support economic development efforts in the area.
- Additional system linkage is needed to complete the regional road network.

Although the major roads serving the area are well-maintained, they are primarily two-lane roads with grades as steep as nine percent and deficient roadway geometry in some locations. Capacity of the existing roadway network is inadequate to accommodate future economic development and commerce. In many areas throughout the region, unrestricted access creates traffic conflicts on the roads. The lack of multi-lane transportation facilities, beyond I-68 and very small sections of U.S. Route 220 and MD Route 53, has limited economic development in the region. Additionally, the high percentage of trucks on these two-lane roads together with limited passing zones creates conflicts with automobile traffic.

## **Section 2: Purpose of the Coordination Plan**

This coordination plan seeks to establish the responsibilities of the lead agencies in complying with the various aspects of the environmental review process and the anticipated schedule for the project. It also seeks to establish the lead agencies' plan for providing opportunities for other agencies and the public to provide comments on, and help develop the course of, the project. The plan identifies specific points of coordination; the persons, agencies, or organizations that should be included at each point of coordination; and the type of information required from each agency.

### Section 3 Lead / Cooperating / Participating Agencies

#### 3.1 List of Agencies, Roles, and Responsibilities

Agency	Role	Responsibilities
Federal Highway Administration (FHWA)	Lead Agency	Manage project processes; provide opportunity for public and agency involvement; and prepare EIS. Division offices in West Virginia and Maryland are jointly involved with the project. In an effort to maintain an efficient project operation and eliminate duplication of effort, the West Virginia Division office will coordinate the flow of information, reviews, and other activity, as much as possible, between the two division offices. In some cases, however, it may be necessary for both offices to carry out the same tasks.
U.S. Army Corps of Engineers (USACE)	Cooperating Agency / Participating Agency <sup>1</sup>	Section 404 Permit jurisdiction; provide comments on purpose and need; provide comments on alternatives; and provide comments on EIS.
U.S. Coast Guard (USCG)	Participating Agency	Provide comments on purpose and need; provide comments on alternatives; and provide comments on EIS; elected not to be a cooperating agency because there are no navigable waterways in the project area.
National Park Service (NPS)	Cooperating Agency / Participating Agency	National Register of Historic Places jurisdiction; provide comments on purpose and need; provide comments on alternatives; and provide comments on EIS.
U.S. Environmental Protection Agency (USEPA)	Cooperating Agency / Participating Agency	Review Section 404 permit application; provide comments on purpose and need; provide comments on alternatives; provide comments on EIS; and serve as the official federal recipient of the EIS.
U.S. Fish and Wildlife Service (USFWS)	Cooperating Agency/ Participating Agency	Review Section 404 permit application; provide comments on purpose and need; provide comments on alternatives; provide comments on EIS; and provide special expertise with threatened and endangered species.
Delaware Nation	Participating Agency	Provide special expertise in Native American cultural resources; provide comments on purpose and need; provide comments on alternatives; and provide comments on EIS.
West Virginia Division of Highways (WVDOT)	Co-lead State Agency	Manage project processes; provide opportunity for public and agency involvement; and prepare EIS. The WVDOT will have responsibility for all interagency coordination efforts, including the dissemination of information (reports, background materials, and project activity notifications) and solicitation of project reviews, with West Virginia state agencies involved in the project.

Agency	Role	Responsibilities
Maryland State Highway Administration (MDSHA)	Co-lead State Agency	Manage project processes; provide opportunity for public and agency involvement; and prepare EIS. The MDSHA will have responsibility for all interagency coordination efforts, including the dissemination of information (reports, background materials, and project activity notifications) and solicitation of project reviews, with Maryland state agencies involved in the project.
West Virginia Division of Natural Resources (WVDNR)	Participating Agency	Provide special expertise with threatened and endangered species; provide comments on Section 404/401 process; and provide comments on EIS.
West Virginia Department of Environmental Protection (WVDEP)	Participating Agency	Section 401 Water Quality Certification jurisdiction in West Virginia; provide comments on purpose and need; provide comments on alternatives; and provide comments on EIS.
West Virginia Division of Culture and History (WVDCH)	Participating Agency	Provide special expertise with Section 106 resources; provide comments on purpose and need; provide comments on alternatives; and provide comments on EIS.
Maryland Department of the Environment (MDE)	Cooperating Agency / Participating Agency	Section 404 Permit jurisdiction in Maryland; provide comments on purpose and need; provide comments on alternatives; and provide comments on EIS.
Maryland Historical Trust (MHT)	Participating Agency	Provide special expertise with Section 106 resources; provide comments on purpose and need; provide comments on alternatives; and provide comments on EIS.
Maryland Department of Natural Resources (MDDNR)	Participating Agency	Provide special expertise with threatened and endangered species; provide comments on Section 404/401 process; and provide comments on EIS.
Maryland Department of Planning (MDP)	Participating Agency	Provide special expertise on socio-economic issues; provide comments on purpose and need; provide comments on alternatives; and provide comments on EIS.
Region 8 Planning and Development Council (R8PDC)	Participating Agency	Provide special expertise on socio-economic issues; provide comments on purpose and need; provide comments on alternatives; and provide comments on EIS.

<b>Agency</b>	<b>Role</b>	<b>Responsibilities</b>
U.S. Route 50 Association	Participating Agency	Provide special expertise on economic development; provide comments on purpose and need; provide comments on alternatives; and provide comments on EIS.
Allegany County Planning Commission (ACPC)	Participating Agency	Provide special expertise on socio-economic issues; provide comments on purpose and need; provide comments on alternatives; and provide comments on EIS.

<sup>1</sup> A cooperating agency is any public agency with jurisdiction by law over parts of the proposed project or with special expertise related to the project. Participating agencies are federal, state, tribal, regional, and local government agencies that may have an interest in the project. All cooperating agencies are also considered participating agencies, but participating agencies are not necessarily cooperating agencies.

### 3.2 Agency Contact Information

<b>Agency</b>	<b>Contact Person</b>	<b>Phone</b>	<b>Mailing Address</b>	<b>E-mail Address</b>
FHWA-WV	Jason Workman	(304) 347-5268	Geary Plaza, Suite 200 700 Washington St. E Charleston, WV 25301	jason.workman@fhwa.dot.gov
FHWA-DelMar	Denise King	(410) 779-7145	10 S. Howard Street, Suite 2450 Baltimore, Maryland 21201	Denise.king@fhwa.dot.gov
USACE	Sarah Workman	(304) 399-5710	USACE Huntington District OR-FS 502 8 <sup>th</sup> St. Huntington WVA 25701	Sarah.M. Workman@usace.army.mil
USCG	Roger Wiebusch	(314) 539-3900	Eighth Coast Guard Division 1222 Spruce Street St. Louis, MO 63103	roger.k.wiebusch@uscg.mil
NPS	Kevin Brandt	(301) 745-5802	Att: Lynne Wigfield C&O Canal National Historic Park 1850 Dual Highway Suite 100 Hagerstown, MD 27140	Lynne_wigfield@nps.gov
USEPA	William Arguto	(215) 814-3367	Region III 1650 Arch Street Philadelphia, PA	
USFWS	Deborah Carter	(304) 636-6586	694 Beverly Pike Elkins, WV 26241	deb_carter@fws.gov
Delaware Nation	Tamara Francis	(405) 247-2448	P.O. Box 825 Anadarko, OK 73005	tfrancis@delawarenation.com
WVDOH	Ben Hark	(304) 558-9670	1900 Kanawha Boulevard E Building 5, Room A-416 Charleston, WV 25305	Ben.L.Hark@wv.gov

<b>Agency</b>	<b>Contact Person</b>	<b>Phone</b>	<b>Mailing Address</b>	<b>E-mail Address</b>
MDSHA	Kameel Hall	(410) 545-8542	Project Planning Division Mail Stop C301 SHA 707 N. Calvert Street Baltimore, MD 21202	Khall1@sha.state.md.us
WVDNR	Danny Bennett	(304) 558-2754	1900 Kanawha Boulevard E Building 3, Room 669 Charleston, WV 25305	dannybennett@wvdnr.gov
WVDEP	Lyle Bennett	(304) 926-0499	Division of Water and Waste Management 601 57 <sup>th</sup> Street SE Charleston, WV 25304	lbennett@wvdep.org
WVDCH	Susan Pierce	(304) 558-0240	The Cultural Center 1900 Kanawha Boulevard E Charleston, WV 25305	susan.pierce@wvculture.org
MDE	Steve Hurt	(410) 662-7400	c/o McCormick Taylor, Inc. 509 S Exeter Street Baltimore, MD 21202	smhurt@mtmail.biz
MHT	Beth Cole Tim Tamburrino	(410) 514-7631 (410) 514-7637	100 Community Place Crownsville, MD 21032	bcole@mdp.state.md.us ttamburrino@mdp.state.md.us
MDNR	Greg Golden	(410) 260-8334	Environmental Review Unit (B-3) Tawes State Office Building 580 Taylor Avenue Annapolis, MD 21401	ggolden@dnr.state.md.us
MDP	Bihui Xu	(410) 767-4567	301 West Preston Street Baltimore, MD 21201	bxu@mdp.state.md.us
R8PDC	Terry Lively	(304) 257-2448	8 Grant County Industrial Park P.O. Box 849 Petersburg, WV 26847	tlively@regioneight.org
U.S. Route 50 Assoc.	Craig Jennings	(304) 329- 1805	Preston County Commission 2336 Evansville Pike Thornton, WV 26440	cjennings@prestoncountywv.org
ACPC	Phil Hager	(301) 876-9555	Allegheny County Office Complex 701 Kelly Road Cumberland, MD 21502	phil.hager@allconet.org

#### Section 4: Coordination Points and Responsibilities

Coordination Point	Information Distributed	Responsible Agency	Response Expected	Responsible Agency
Notice of Intent to Prepare an EIS	Publish notice in Federal register; develop coordination plan; and invite agencies to respond.	FHWA	Provide comments on proposed DEIS.	Any interested federal agency.
Coordinate on the Coordination Plan	Provide initial coordination plan and future updates	FHWA WVDOH MDSHA	Provide concurrence or comments.	Cooperating and participating agencies
Briefings for Resource Agencies in MD	Provide background Information.	WVDOH MDSHA	Requests for further information; and identification of issues of concern.	Cooperating and participating agencies with jurisdiction in MD.
Briefings for Resource Agencies in WV	Provide background Information.	WVDOH MDSHA	Requests for further information; and identification of issues of concern.	Cooperating and participating agencies with jurisdiction in WV.
Cooperating and/or Participating Agencies	Invite federal, state, and local agencies to become cooperating or participating agencies.	FHWA WVDOH MDSHA	Commitments to cooperate or participate in the EIS process.	As noted in Section 1.1.
Public and Agency Scoping Meetings	Invite public and agencies to public scoping meetings.	WVDOH MDSHA	Requests for further information; present methodologies for technical analyses; and identification of issues of concern.	All interested parties.
Purpose and Need	Distribute draft purpose and need statement.	FHWA WVDOH MDSHA	Concurrence on purpose and need.	Cooperating and participating agencies.
Corridors to be Retained for Further Analysis	Distribute preliminary alternatives analysis and recommendation for corridors to be retained.	FHWA WVDOH MDSHA	Concurrence on corridors to be retained for further study.	Cooperating and participating agencies.

<b>Coordination Point</b>	<b>Information Distributed</b>	<b>Responsible Agency</b>	<b>Response Expected</b>	<b>Responsible Agency</b>
Public Meeting on Purpose and Need and Corridors to be Retained for Further Analysis	Invite public and agencies to public meetings; distribute draft purpose and need statement; and distribute preliminary alternatives analysis and recommendation for corridors to be retained.	FHWA WVDOH MDSHA	Public comment on purpose and need and corridors to be retained for further study.	All interested parties.
Circulation of Tier One Pre-DEIS	--	FHWA WVDOH MDSHA	--	--
Identify Preferred Corridor(s) for Tier Two	--	FHWA WVDOH MDSHA	--	--
Circulation of DEIS	--	FHWA	Comment on DEIS.	Cooperating and participating agencies.
Public Hearing	--	WVDOH MDSHA	Provide comments on DEIS.	All interested parties.
Circulation of FEIS	--	FHWA	Comment or concur on FEIS	Cooperating and participating agencies.
Issue ROD	--	FHWA	--	--

**Section 5: Public Involvement**

Although included in both Section 4 and Section 6, public involvement activities associated with the project are included here to provide a concise description of those activities. Dates when the activities were completed are shown in Section 6.

<b>Activity</b>	<b>Information Distributed</b>	<b>Responsible Agency</b>	<b>Response Expected from Public</b>
Notice of Intent to Prepare an EIS	Publish notice in Federal register.	FHWA	Provide comments on proposed DEIS.
Public and Agency Scoping Meetings	Invite public and agencies to public scoping meetings; and conduct surveys.	WVDOH MDSHA	Requests for further information; present methodologies for technical analyses; and identification of issues of concern.
Public Meeting on Purpose and Need and Corridors to be Retained for Further Analysis	Invite public and agencies to public meetings; distribute draft purpose and need statement; distribute preliminary alternatives analysis and recommendation for corridors to be retained; and conduct surveys.	FHWA WVDOH MDSHA	Public comment on purpose and need and corridors to be retained for further study.
Circulation of DEIS	Distribute DEIS throughout the project area to allow for public review.	FHWA	Comment on DEIS.
Public Hearing	Invite public and agencies to public hearing; and provide suitable opportunities for public to provide comments or testimony on DEIS.	WVDOH MDSHA	Provide comments on DEIS.
Circulation of FEIS	Distribute FEIS throughout the project area to allow for public review.	FHWA	Comment or concur on FEIS

## Section 6: Project Schedule

Coordination Point	Anticipated Date of Information to be Distributed	Responsible Agency	(Anticipated) Date of Response	Responsible Agency
Notice of Intent to Prepare an EIS	April 14, 2006	FHWA	May 15, 2006	Any interested federal agency.
Background Information to Resource Agencies in MD	January 17, 2007	WVDOH MDSHA	February 17, 2007	Resource agencies in MD.
Background Information to Resource Agencies in WV	February 28, 2007	WVDOH MDSHA	March 30, 2007	Resource agencies in WV.
Preliminary Agency Field Views and Presentation of Technical Methodologies	May 3, 2006 (WV) May 10, 2006 (MD)	WVDOH MDSHA	June 30, 2006	Resource agencies in MD and WV.
Public and Agency Scoping Meetings	May 1 & 2, 2006 (WV) May 10, 2006 (MD)	WVDOH MDSHA	June 30, 2006	All interested parties.
Historic Resources Field Views and Presentation of Section 106 and Related Technical Methodologies	February 26, 2007 (MD) March 22 & 23, 2007	WVDOH MDSHA		MD and WV SHPOs.
Purpose and Need	April 18, 2007	WVDOH MDSHA	June 20, 2007	Cooperating and participating agencies.
Corridors to be Retained for Further Analysis	April 18, 2007	WVDOH MDSHA	June 20, 2007	Cooperating and participating agencies.
Public Meeting on Purpose and Need and Corridors to be Retained for Further Analysis	May 7 & 8, 2007 (WV) May 10, 2007 (MD)	WVDOH MDSHA	June 30, 2007	All interested parties.
Circulation of Tier One Pre-DEIS	July 2010	WVDOH MDSHA	December 2010	Cooperating and participating agencies.

<b>Coordination Point</b>	<b>Anticipated Date of Information to be Distributed</b>	<b>Responsible Agency</b>	<b>(Anticipated) Date of Response</b>	<b>Responsible Agency</b>
Circulation of DEIS to FHWA	February 2011	FHWA WVDOH MDSHA	--	FHWA
Circulation of DEIS to Agencies and Public	July 2011	WVDOH MDSHA	--	Cooperating and participating agencies, and the Public
Tier I DEIS Public Hearings and Comment Period	July - September 2011	FHWA WVDOH MDSHA	--	All interested parties.
Circulation of FEIS	February 2012	FHWA WVDOH MDSHA	--	Cooperating and participating agencies.
Issue ROD	May 2012	FHWA	--	--

## **Section 7: Revision History**

If it becomes necessary to revise this Coordination Plan after it is issued by FHWA, MDSHA, and WVDOH in final form, a record of the specific changes will be noted below and included in any subsequent versions of the plan. Revisions to this document may be necessary due to changes in the project's regulatory framework, the schedule, or participants.

<b>Version</b>	<b>Date</b>	<b>Item</b>	<b>Description</b>
2	January 2011	Agency contact information, schedule	Updated information