



## Doddridge County, WV Floodplain Management

This permit gives approval for the development/project listed that impacts the FEMA-designated floodplain and/or floodway of Doddridge County, WV, pursuant to the rules and regulations established by all applicable Federal, State and local laws and ordinances, including the Doddridge County Floodplain Ordinance. ***This permit must be posted at the site of work as to be clearly visible and must remain posted during entirety of development.***

**Permit #: 24-671**

**Date Approved: January 6, 2025**

**Expires: January 6, 2026**

**Issued to: Eastern Gas Transmission & Storage, Inc. POC: Eastern Gas Transmission & Storage, Inc.**

**Company Address: 925 White Oaks Blvd. Bridgeport, WV 26330**

**Project Address: 141 Tiff Clay Lane, West Union, WV 26456 & 9315 Rt. 23N Salem, WV 26426**

**Firm: 54017C0120C  
54017C0045C**

**Lat/Long: 39.278763, -80.813844  
39.392893, -80.636650**

**Purpose of development: Gateway Pipeline Yard**

**Issued by: George C. Eidel, Doddridge County FPM (or designee)**

**Date: January 6, 2025**

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For additional information regarding this permit, please contact  
Doddridge County Floodplain Manager at 304.873.1343, or via email at  
geidel@doddridgecountywv.gov  
99 Court Street Suite 128; West Union, WV 26456

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## **Doddridge County Floodplain Permits**

**(Week of December 9, 2024)**

Please take notice that on the (4<sup>th</sup>) of (December), 2024, (Eastern Gas Transmission and Storage-EGTS) filed an application for a Floodplain Permit (#24-671) to develop land located at or about (141 Rt 50 West Union Laydown Yard and 9315 Rt23N Staging and Pig Launcher/Receiver); Coordinates: 39.278763, -80.636650 and 39.392893, -80.636650. The Application is on file with the Floodplain Manager of the County and may be inspected or copied during regular business hours in accordance with WV Code Chapter 29B Freedom of Information, Article 1 Public Records and county policy and procedures. Any interested persons who desire to comment shall present the same in writing by (January 6, 2025) (20 calendar days after the announcement at the regularly scheduled Doddridge County Commission Meeting) delivered to the Floodplain Manager of the County at 99 Court Street, Suite 128, West Union, WV 26456. This project is for the old Header supply Pipeline now the Gateway Extension Pipeline

  
GEORGE C. EIDEL, CFM

Doddridge County Floodplain Manager



## FLOODPLAIN PERMIT #24-671

Eastern Gas Transmission and Storage, Gateway Pipeline (old Header Supply Pipeline) West Union Laydown  
Yard and 9315 Rt23N Staging and Pig Launcher/Receiver); Coordinates: 39.278763, -80.636650 and 39.392893, -80.636650.  
- 80.813844

TASK	COMPLETE (DATE)	NOTES
CHECK RECEIVED	12/11/2024	
US ARMY CORP. ENGINEERS (USACE)	yes	See Attached
US FISH & WILDLIFE SERVICES (USFWS)	yes	See Attached
WV DEPT. NATURAL RESOURCES (WVDNR)	yes	See Attached
WV DEPT. ENVIROMENTAL PROTECTION (WVDEP)	yes	See Attached
STATE HISTORIC & PRESERVATION OFFICE (SHPO)		
OFFICE of LAND & STREAM (OLS)	yes	See Attached
WVDOH	yes	See Attached
Elevation Certificate		
DATE OF COMMISSION READING	12/17/2024	
DATE AVAILABLE TO BE GRANTED	1/6/2024	
PERMIT GRANTED		
COMPLETE		

7022 1670 0003 1400 9974

7022 1670 0003 1400 9981

7022 1670 0003 1400 9998

7022 1670 0003 1401 0000

9589 0710 5270 0991 8240 64

9589 0710 5270 0991 8240 71

9589 0710 5270 0991 8240 88

9589 0710 5270 0991 8240 95

9589 0710 5270 0991 8241 01

9589 0710 5270 0991 8241 18

9589 0710 5270 0991 8241 25

9589 0710 5270 0991 8241 32

**Attachment 1**  
**Floodplain Development Permit Application**



GAI Consultants, Inc.

618 E South St, Ste 700  
Orlando, FL 32801  
(407) 423-8398

gai consultants®

Citizens

3-7615/360

CHECK DATE

December 10, 2024

PAY

Two Thousand Three Hundred Thirty and 00/100 Dollars

TO

The Doddridge County Commission  
99 Court St Ste #128  
West Union, WV 26456



AMOUNT

2,330.00

AUTHORIZED SIGNATURE

Security features. Details on back.

GAI Consultants, Inc.

Check Date: 12/10/2024

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
Permit	12/3/2024	0562281	2,330.00			2,330.00
The Doddridge County Commission		TOTAL	2,330.00			2,330.00
GAI Citizens Checking - 13		201401V000000000				
Use this one		01153				

DEC 11 '24 PM 12:10

FP  
#24-671



**From:** [Joseph W. Ryan](#)  
**To:** [Shannon M. Pray](#)  
**Cc:** [Jennifer Broush](#)  
**Subject:** Check Request. - FW: [EXTERNAL] RE: EGTS - Gateway Ext Floodplain Permit in Doddridge County, WV  
**Date:** Tuesday, December 3, 2024 4:49:31 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hi Shannon, I have a check request for you. See below, let me know what information you need.

**Amount:** \$2,330  
**To:** The Doddridge County Commission  
**Note:** EGTS Floodplain permit Application Fee – Gateway Ext. Project

**Project:** R230631.01 / 004 / 008

**GAI PM:** Jennifer Broush (cc'd)

Check should be **overnighted** to this address: Doddridge County, 99 Court Street, Suite #128.  
West Union, WV 26456

Attn: George Eidel

**Fee Justification:** [2 NEW Floodplain Permit FEES.pdf](#)  
=1,000 + (366,088-100,000)/1,000 \* 5  
=\$2,330

DEC 11 '24 PM12:15

**Joseph W. Ryan, PE**  
Engineering Manager

**GAI Consultants**, 600 Cranberry Woods Drive, Suite 250, Cranberry, PA, 16066  
T 724.772.2011 D 412.399.5162 M 412.527.6770

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**GAI Consultants**

**ENGINEERING, PLANNING, AND ENVIRONMENTAL CONSULTING SINCE 1958**

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**From:** Canneto, Francisco (BHE GT&S) <Francisco.Canneto@bhegts.com>  
**Sent:** Tuesday, December 3, 2024 4:39 PM  
**To:** Joseph W. Ryan <J.Ryan@gaiconsultants.com>; Currey, Nicholas (BHE GT&S) <Nicholas.Currey@bhegts.com>; Jennifer Broush <j.broush@gaiconsultants.com>



Permit# 24-671  
Project Name: Gateway ExTPL  
Permittees Name: EGTS  
Floodplain Office Use Only

DEC 4 '24 AM 9:42

## ***Doddridge County, WV***

# Floodplain Development Permit Application

This document is to be used for projects that impact/potentially impact the FEMA---designated floodplain and/or floodway of Doddridge County, WV pursuant to the rules and regulations established by all applicable Federal, State and local laws and ordinances, including the Doddridge County Floodplain Ordinance.

### SECTION 1: GENERAL PROVISIONS (APPLICANT TO READ AND SIGN)

1. No work may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. The permit will expire if no work is commenced within six months of issuance.
5. Applicant is hereby informed that other permits may be required to fulfill local, state, and federal requirements.
6. Applicant hereby gives consent to the Floodplain Administrator/Manager or his/her representative to make inspections to verify compliance.
7. I THE APPLICANT CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

APPLICANT'S SIGNATURE

DATE

11-21-24

Doddridge County Commercial/Industrial  
Floodplain Development Permit Application

**Applicant Information:**

*Please provide all pertinent data.*

Applicant Information		
Responsible Party Name: Eastern Gas Transmission and Storage, Inc.		
Mailing Address: 10700 Energy Way		
City: Glen Allen	State: VA	Zip: 23060
Point of Contact (POC): Spencer Trichell		
POC Title: Director, Environmental Projects and Certificates		
POC Primary Phone: 804-263-5980		
POC Primary Email: Spencer.Trichell@bhegts.com		
FEIN: 55-0629203	Corporate DUNS:	
Website: www.bhegts.com		
Local Mailing Address: 925 White Oaks Boulevard		
City: Bridgeport	State: WV	Zip: 26330
Local Project Manager (PM): Nicholas Currey		
Local PM Primary Phone: 681-842-3690		
Local PM Secondary Phone: 304-203-4293		
Local PM Primary Email: Nicholas.Currey@bhegts.com		
Person Filing Application: Spencer Trichell		
Applicant Title: Director, Environmental Projects and Certificates		
Applicant Primary Phone: 804-263-5980		
Applicant Secondary Phone:		
Applicant Primary Email: Spencer.Trichell@bhegts.com		



# Doddridge County Commercial/Industrial Floodplain Development Permit Application

## Project Narrative:

*Describe in detail the proposed development including project name/title, type of development, estimated start and completion timeline, and its potential impact on the floodplain. Use additional copies of this page as needed.*

Project Narrative:
EGTS is seeking authorization from FERC to construct, install, own, operate, and maintain certain facilities located in
Doddridge County, WV. Specifically, as described more fully herein, EGTS is proposing to request FERC
authorization of the Project. The Project will consist of the following facilities:
>TL-635 Pipeline: Installation of approximately 1.2 miles of 30-inch diameter pipeline into eight segments that connect
to the 8.4 miles of 30-inch pipeline previously installed from May 2018 to January 2019 as part of the Supply Header
Project (CP15-555-000).
>TL-635 Extension 1 & 2 Connector Pipelines: Installation of approximately 1.9 miles of 30-inch pipeline (two segments)
designed to tie-in to the previously installed north and south terminus of TL-635 and loop EGTS' existing 30-inch
TL-360 Pipeline.
>North End TL-635 Extension 1 Pig Launcher/Receiver Site: Install a pig launcher/receiver, along with a valve site,
at the northern terminus of the proposed TL-635 Extension 1 Pipeline.
>South End TL-635 Extension 2 Pig Launcher/Receiver Site: Install a pig launcher/receiver, along with a valve site
and drip, at the southern terminus of the proposed TL-635 Extension 2 Pipeline.
>Use of new and existing temporary and permanent access roads and contractor yards. The existing TL-635 perma-
nent right-of-way may be used for access to the TL-635 segments proposed as part of this Project.
>One conventional anode groundbed and rectifier for cathodic protection.
Three floodplain crossings are proposed for the Project. The first location includes an existing contractor yard that will
be returned to its existing conditions following construction. No new above ground structures will be constructed and
and remain permanently within the contractor yard. In the second location, approximately 70 linear feet of pipeline
will be constructed within an advisory floodplain but not a FEMA 100-year effective floodplain. In the third location,
approximately 365 linear feet of pipeline will be constructed within the floodplain, two existing access roads will be
utilized to access the pipeline ROW, one new permanent access road will be constructed, and two temporary staging
areas will be utilized. The staging areas will be returned to existing conditions following construction. The proposed
permanent access road will be constructed at grade. Two temporary, portable bridges will be used to cross McElroy Creek and
Talkington Fork, and will be removed following construction. The proposed work will not result in any increase in the
height of the 100-year floodplain. The Project is proposed to begin in December 2024 and is anticipated to be
completed in August 2025.

Doddridge County Commercial/Industrial  
Floodplain Development Permit Application

**Proposed Development:**

*Please check all elements of the proposed project that apply.*

**DESCRIPTION OF WORK (CHECK ALL APPLICABLE BOXES)**

**A. STRUCTURAL DEVELOPMENT**

<u>ACTIVITY</u>	<u>STRUCTURAL TYPE</u>
<input type="checkbox"/> New Structure	<input type="checkbox"/> Residential (1 – 4 Family)
<input type="checkbox"/> Addition	<input type="checkbox"/> Residential (more than 4 Family)
<input type="checkbox"/> Alteration	<input type="checkbox"/> Non-residential (floodproofing)
<input type="checkbox"/> Relocation	<input type="checkbox"/> Combined Use (res. & com.)
<input type="checkbox"/> Demolition	Replacement
<input type="checkbox"/> Manufact ured/Mobil Home	

**B. OTHER DEVELOPLMENT ACTIVITIES:**

<input type="checkbox"/> Fill	<input type="checkbox"/> Mining	<input type="checkbox"/> Drilling	<input checked="" type="checkbox"/> Grading	<input checked="" type="checkbox"/> Pipelining
<input checked="" type="checkbox"/> Excavation (except for STRUCTURAL DEVELOPMENT checked above)				
<input type="checkbox"/> Watercourse Alteration (including dredging and channel modification)				
<input type="checkbox"/> Drainage Improvements (including culvert work) Road, Street, or Bridge				
<input checked="" type="checkbox"/> Construction				
<input type="checkbox"/> Subdivision (including new expansion)				
<input type="checkbox"/> Individual Water or Sewer System				
<input checked="" type="checkbox"/> Other (please specify)				

See Project Narrative

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Doddridge County Commercial/Industrial  
Floodplain Development Permit Application

**Development Site/Property Information:**

*Please provide physical description of the site/property, along with pertinent ownership (surface and mineral rights) data as applicable. Attach appropriate maps from the WV Flood Tool showing location of proposed development. Use additional copies of this page if development spans multiple property boundaries. Designate each property by number (i.e. Property 1 of 1, Property 2 of 7, etc.)*

Property Designation: 1 of 8

Site/Property Information:		
<b>Legal Description:</b>		
Arnolds Creek; 217.64 AC		
<b>Physical Address/911 Address:</b> Off Rt 50		
<b>Decimal Latitude/Longitude:</b> 39.278827, -80.814026		
<b>DMS Latitude/Longitude:</b> 39°16'43.78" N, 80°48'50.49" W		
<b>District:</b> 1	<b>Map:</b> 10	<b>Parcel:</b> 3
<b>Land Book Description:</b>		
Arnolds Creek; 217.64 AC		
<b>Deed Book Reference:</b>		
226/643		
<b>Tax Map Reference:</b>		
09-01-0010-0003-0000		
<b>Existing Buildings/Use of Property:</b>		
Commercial		

Floodplain Location Data: (to be completed by Floodplain Manager or designee)			
<b>Community:</b>	<b>Number:</b>	<b>Panel:</b>	<b>Suffix:</b>
<b>Location (Lat/Long):</b> See ATTACHED MAPS		<b>Approximate Elevation:</b>	
		<b>Estimated BFE:</b>	
<b>Is the development in the floodway?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Is the development in the floodplain?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>Zone:</b> _____	
<b>Notes:</b>			



Doddridge County Commercial/Industrial  
Floodplain Development Permit Application

**Development Site/Property Information:**

*Please provide physical description of the site/property, along with pertinent ownership (surface and mineral rights) data as applicable. Attach appropriate maps from the WV Flood Tool showing location of proposed development. Use additional copies of this page if development spans multiple property boundaries. Designate each property by number (i.e. Property 1 of 1, Property 2 of 7, etc.)*

Property Designation: 2 of 8

Site/Property Information:		
<b>Legal Description:</b>		
Little Battle; 115.75 AC		
<b>Physical Address/911 Address:</b> Route 55/8		
<b>Decimal Latitude/Longitude:</b> 39.383877, -80.637607		
<b>DMS Latitude/Longitude:</b> 39°23'01.96" N, 80°38'15.39" W		
<b>District:</b> 5	<b>Map:</b> 18	<b>Parcel:</b> 49
<b>Land Book Description:</b>		
Little Battle; 115.75 AC		
<b>Deed Book Reference:</b>		
407/360		
<b>Tax Map Reference:</b>		
09-05-0018-0049-0000		
<b>Existing Buildings/Use of Property:</b>		
Farm		

Floodplain Location Data: (to be completed by Floodplain Manager or designee)			
<b>Community:</b>	<b>Number:</b>	<b>Panel:</b>	<b>Suffix:</b>
<b>Location (Lat/Long):</b>		<b>Approximate Elevation:</b>	
		<b>Estimated BFE:</b>	
<b>Is the development in the floodway?</b>		<b>Is the development in the floodplain?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No <b>Zone:</b> _____	
<b>Notes:</b>			

Doddridge County Commercial/Industrial  
Floodplain Development Permit Application

**Development Site/Property Information:**

*Please provide physical description of the site/property, along with pertinent ownership (surface and mineral rights) data as applicable. Attach appropriate maps from the WV Flood Tool showing location of proposed development. Use additional copies of this page if development spans multiple property boundaries. Designate each property by number (i.e. Property 1 of 1, Property 2 of 7, etc.)*

Property Designation: 3 of 8

<b>Site/Property Information:</b>		
<b>Legal Description:</b>		
Center Point 110.23 AC 110 AC; 37 PO		
<b>Physical Address/911 Address:</b> Route 23		
<b>Decimal Latitude/Longitude:</b> 39.392072, -80.638558		
<b>DMS Latitude/Longitude:</b> 39°23'31.46" N, 80°38'18.81" W		
<b>District:</b> 5	<b>Map:</b> 18	<b>Parcel:</b> 43
<b>Land Book Description:</b>		
Center Point 110.23 AC 110 AC; 37 PO		
<b>Deed Book Reference:</b>		
294/351		
<b>Tax Map Reference:</b>		
09-05-0018-0043-0000		
<b>Existing Buildings/Use of Property:</b>		
Farm		

<b>Floodplain Location Data: (to be completed by Floodplain Manager or designee)</b>			
<b>Community:</b>	<b>Number:</b>	<b>Panel:</b>	<b>Suffix:</b>
<b>Location (Lat/Long):</b>		<b>Approximate Elevation:</b>	
		<b>Estimated BFE:</b>	
<b>Is the development in the floodway?</b>		<b>Is the development in the floodplain?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No <b>Zone:</b> _____	
<b>Notes:</b>			

Doddridge County Commercial/Industrial  
Floodplain Development Permit Application

**Development Site/Property Information:**

*Please provide physical description of the site/property, along with pertinent ownership (surface and mineral rights) data as applicable. Attach appropriate maps from the WV Flood Tool showing location of proposed development. Use additional copies of this page if development spans multiple property boundaries. Designate each property by number (i.e. Property 1 of 1, Property 2 of 7, etc.)*

Property Designation: 4 of 8

Site/Property Information:		
Legal Description:		
McElroy Ck; 1 AC		
Physical Address/911 Address: Route 23		
Decimal Latitude/Longitude: 39.392590, -80.637979		
DMS Latitude/Longitude: 39°23'33.32" N, 80°38'16.72" W		
District: 5	Map: 18	Parcel: 12
Land Book Description:		
McElroy Ck; 1 AC		
Deed Book Reference:		
303/620		
Tax Map Reference:		
09-05-0018-0012-0000		
Existing Buildings/Use of Property:		
Residential		

Floodplain Location Data: (to be completed by Floodplain Manager or designee)			
Community:	Number:	Panel:	Suffix:
Location (Lat/Long):		Approximate Elevation:	
		Estimated BFE:	
Is the development in the floodway?		Is the development in the floodplain?	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No    Zone: _____	
Notes:			



Doddridge County Commercial/Industrial  
Floodplain Development Permit Application

**Development Site/Property Information:**

*Please provide physical description of the site/property, along with pertinent ownership (surface and mineral rights) data as applicable. Attach appropriate maps from the WV Flood Tool showing location of proposed development. Use additional copies of this page if development spans multiple property boundaries. Designate each property by number (i.e. Property 1 of 1, Property 2 of 7, etc.)*

Property Designation: 5 of 8

Site/Property Information:		
Legal Description:		
McElroy 23.87 AC		
Physical Address/911 Address: Route 23		
Decimal Latitude/Longitude: 39.393196, -80.636713		
DMS Latitude/Longitude: 39°23'35.51" N, 80°38'12.17" W		
District: 5	Map: 18	Parcel: 7
Land Book Description:		
McElroy 23.87 AC		
Deed Book Reference:		
313/118		
Tax Map Reference:		
09-05-0018-0007-0000		
Existing Buildings/Use of Property:		
Farm		

Floodplain Location Data: (to be completed by Floodplain Manager or designee)			
Community:	Number:	Panel:	Suffix:
Location (Lat/Long):		Approximate Elevation:	
		Estimated BFE:	
Is the development in the floodway?		Is the development in the floodplain?	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No    Zone: _____	
Notes:			

Doddridge County Commercial/Industrial  
Floodplain Development Permit Application

**Development Site/Property Information:**

*Please provide physical description of the site/property, along with pertinent ownership (surface and mineral rights) data as applicable. Attach appropriate maps from the WV Flood Tool showing location of proposed development. Use additional copies of this page if development spans multiple property boundaries. Designate each property by number (i.e. Property 1 of 1, Property 2 of 7, etc.)*

Property Designation: 6 of 8

Site/Property Information:		
Legal Description:		
Center Point 5.81 AC		
Physical Address/911 Address: Route 23		
Decimal Latitude/Longitude: 39.391587, -80.636450		
DMS Latitude/Longitude: 39°23'29.71" N, 80°38'11.22" W		
District: 5	Map: 18	Parcel: 15
Land Book Description:		
Center Point 5.81 AC		
Deed Book Reference:		
349/288		
Tax Map Reference:		
09-05-0018-0015-0000		
Existing Buildings/Use of Property:		
Residential		

Floodplain Location Data: (to be completed by Floodplain Manager or designee)			
Community:	Number:	Panel:	Suffix:
Location (Lat/Long):		Approximate Elevation:	
		Estimated BFE:	
Is the development in the floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No		Is the development in the floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No    Zone: _____	
Notes:			

Doddridge County Commercial/Industrial  
Floodplain Development Permit Application

**Development Site/Property Information:**

*Please provide physical description of the site/property, along with pertinent ownership (surface and mineral rights) data as applicable. Attach appropriate maps from the WV Flood Tool showing location of proposed development. Use additional copies of this page if development spans multiple property boundaries. Designate each property by number (i.e. Property 1 of 1, Property 2 of 7, etc.)*

Property Designation: 7 of 8

Site/Property Information:		
<b>Legal Description:</b>		
.19 AC Center Point; (Land Contract Wilson)		
<b>Physical Address/911 Address:</b> Route 23		
<b>Decimal Latitude/Longitude:</b> 39.391119, -80.635302		
<b>DMS Latitude/Longitude:</b> 39°23'28.03" N, 80°38'07.09" W		
<b>District:</b> 5	<b>Map:</b> 18	<b>Parcel:</b> 21.1
<b>Land Book Description:</b>		
.19 AC Center Point; (Land Contract Wilson)		
<b>Deed Book Reference:</b>		
519/516		
<b>Tax Map Reference:</b>		
09-05-0018-0021-0001		
<b>Existing Buildings/Use of Property:</b>		
Residential		

Floodplain Location Data: <i>(to be completed by Floodplain Manager or designee)</i>			
<b>Community:</b>	<b>Number:</b>	<b>Panel:</b>	<b>Suffix:</b>
<b>Location (Lat/Long):</b>		<b>Approximate Elevation:</b>	
		<b>Estimated BFE:</b>	
<b>Is the development in the floodway?</b>		<b>Is the development in the floodplain?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No <b>Zone:</b> _____	
<b>Notes:</b>			

Doddridge County Commercial/Industrial  
Floodplain Development Permit Application

**Development Site/Property Information:**

*Please provide physical description of the site/property, along with pertinent ownership (surface and mineral rights) data as applicable. Attach appropriate maps from the WV Flood Tool showing location of proposed development. Use additional copies of this page if development spans multiple property boundaries. Designate each property by number (i.e. Property 1 of 1, Property 2 of 7, etc.)*

Property Designation: 8 of 8

Site/Property Information:		
<b>Legal Description:</b>		
Center Point; 0.17 AC		
<b>Physical Address/911 Address:</b> Route 23		
<b>Decimal Latitude/Longitude:</b> 39.391081, -80.635038		
<b>DMS Latitude/Longitude:</b> 39°23'27.89" N, 80°38'06.14" W		
<b>District:</b> 5	<b>Map:</b> 18	<b>Parcel:</b> 21
<b>Land Book Description:</b>		
Center Point; 0.17 AC		
<b>Deed Book Reference:</b>		
272/721		
<b>Tax Map Reference:</b>		
09-05-0018-0021-0000		
<b>Existing Buildings/Use of Property:</b>		
Commercial		

Floodplain Location Data: <i>(to be completed by Floodplain Manager or designee)</i>			
<b>Community:</b>	<b>Number:</b>	<b>Panel:</b>	<b>Suffix:</b>
<b>Location (Lat/Long):</b>		<b>Approximate Elevation:</b>	
		<b>Estimated BFE:</b>	
<b>Is the development in the floodway?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		<b>Is the development in the floodplain?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Zone:</b> _____	
<b>Notes:</b>			



GAI Project Number: R230631.00  
 Adjacent Landown Information - Gateway Ext. Floodplain Permit Application  
 Doddridge County, WV

ES Sheet	Parcel ID	911 Address	Upstream or Downstream	Landowner	Owner Address
019 of 040	09-01-0010-0004-0000	185 Suble Acres Drive, West Union, WV, 26456	Downstream	Valentine, Michael R, Todd E, and Robin A	Robin Valentine, 1253 Morgans Run Rd, West Union, WV 26456
	09-01-0010-0003-0000	121 Tiff Clay Lane, West Union, WV, 26456	Downstream	Anthony J. Mancuso	365 Dye Drive, Bridgeport, WV, 26330
	09-01-0010-0016-0000	17 Tiff Clay Lane, West Union, WV, 26456	Upstream	Anthony J. Mancuso	365 Dye Drive, Bridgeport, WV, 26330
	09-01-0010-0015-0000	Off Rt 50	Upstream	Anthony J. Mancuso	366 Dye Drive, Bridgeport, WV, 26330
013 of 040	FLOOD PLAIN CROSSES ROUTE 50 ROW				
	09-08-0014-0006-0000	505 Arnolds Creek Road, West Untion, WV, 26456	Upstream	Lisa Maxwell Meyer	282 Van Brunt Street, Apt. 2, Brooklyn, NY, 11231
	09-01-0010-0023-0000	154 Sunnyside Road, West Union, WV, 26456	Upstream	McGill, Mark & Clara	211 Sunnyside Road, West Union, WV, 26456
	09-05-0018-0049-0000	104 Nazareth Farm Rd, Salem, WV, 26426	Both	Sandora, Ralph Jr	276 Nazareth Farm Rd, Salem, WV, 26426
015 of 040	09-05-0018-0061-0000	665 Nazareth Farm Rd, Salem, WV, 26426	Both	Nazareth Farm Inc.	665 Nazareth Farm Rd, Salem, WV, 26426
	09-05-0018-0049-0002	92 Nazareth Farm Rd, Salem, WV, 26426	Downstream	Nazareth Farm Inc.	RR 2 Box 194-3, Salem, WV, 26426
	09-05-0018-0050-0000	19 Nazareth Farm Rd, Salem, WV, 26426	Downstream	McClure, Evelyn	19 Nazareth Farm Rd, Salem, WV, 26426
	09-05-0018-0008-0000	Rt 23	Downstream	Braun, Cheryl A	109 Center Ave, Follansbee, WV 26037
015 of 040	09-05-0018-0006-0000	42 Pleasant Hill Rd, West Union, WV, 26456	Both	Flanigan, Patrick D	1393 Big Flint Rd, Salem, WV, 26426
	09-05-0018-0006-0007	N/A	Downstream	Flanigan, Kathleen L	9659 WV Rt 23, West Union, WV, 26456
	09-05-0018-0012-0000	N/A	Upstream	Dixon, Charles et al	1849 Green Ave., Clarksburg, WV 26301
	09-05-0018-0007-0000	9315 WV Rt 23, Center Point, WV, 26336	Upstream	Law, Larry D	3365 Ross Run Road, Alma, WV 26320

Doddridge County Commercial/Industrial  
Floodplain Development Permit Application

**Property Owner Data:**

EGTS provided a non-public list of affected landowners to FERC. FERC requires that this information be filed as privileged to protect the privacy of the landowners. To be consistent with these FERC requirements, the landowner information has been omitted from this application.

*Please provide data on current site/property landowner(s), both surface and mineral rights (as applicable). Use additional copies of this page as needed. Designate each page in relation to each property listed above.*

Property Designation: \_\_\_\_ of \_\_\_\_

**Property Owner Data:**

Name of Primary Owner (PO):

Physical Address:

City:

State:

Zip:

Mailing Address:

City:

State:

Zip:

Primary Phone:

Primary Email:

**Surface Rights Owner Data:**

Name of Primary Owner (PO):

Physical Address:

City:

State:

Zip:

Mailing Address:

City:

State:

Zip:

Primary Phone:

Primary Email:

**Mineral Rights Owner Data: (As Applicable)**

Name of Primary Owner (PO):

Physical Address:

City:

State:

Zip:

Mailing Address:

City:

State:

Zip:

Primary Phone:

Primary Email:

Doddridge County Commercial/Industrial  
Floodplain Development Permit Application

**Contractor Data:**

*Please provide all pertinent data for contractors and sub---contractors that may be participating in this project. Use additional copies of this page as needed. Designate each page in relation to each property listed above.*

Property Designation: \_\_\_\_ of \_\_\_\_

<b>Contractor/Sub-Contractor (C/SC) Information:</b>		
C/SC Company Name: TBD		
C/SC WV License Number:		
C/SC FEIN:	C/SC DUNS:	
Local C/SC Point of Contact (POC):		
Local C/SC POC Title:		
C/SC Mailing Address:		
City:	State:	Zip-Code:
Local C/SC Office Phone:		
Local C/SC POC Phone:		
Local C/SC POC E-Mail:		

<b>Engineer Firm Information:</b>		
Engineer Firm Name: GAI Consultants, Inc.		
Engineer WV License Number: COA No. C00208-00		
Engineer Firm FEIN: 25-1260999	Engineer Firm DUNS:	
Engineer Firm Primary Point of Contact (POC): Joseph W. Ryan, P.E.		
Engineer Firm Primary POC Title: Engineering Manager		
Engineer Firm Mailing Address: 600 Cranberry Woods Drive, Suite 250		
City: Cranberry	State: PA	Zip-Code: 16066
Engineer Firm Office Phone: 724-772-2011		
Engineer Firm Primary POC Phone: 412-399-5162		
Engineer Firm Primary POC E-Mail: J.Ryan@gaiconsultants.com		

EGTS provided a non-public list of affected landowners to FERC. FERC requires that this information be filed as privileged to protect the privacy of the landowners. To be consistent with these FERC requirements, the landowner information has been omitted from this application.

### Adjacent and/or Affected Landowners Data

*Please provide data for all adjacent and/or affected surface owners (both up and down stream) whose property may be impacted by proposed development as demonstrated by a floodplain study or survey. Use additional copies of this page as needed.*

Adjacent Property Owner Data: Upstream			
Name of Primary Owner (PO):			
Physical Address:			
City:	State:	Zip:	
Mailing Address:	City:	State:	Zip:
Primary Phone:			
Primary Email:			

Adjacent Property Owner Data: Upstream			
Name of Primary Owner (PO):			
Physical Address:			
City:	State:	Zip:	
Mailing Address:	City:	State:	Zip:
Primary Phone:			
Primary Email:			

Adjacent Property Owner Data: Downstream			
Name of Primary Owner (PO):			
Physical Address:			
City:	State:	Zip:	
Mailing Address:	City:	State:	Zip:
Primary Phone:			
Primary Email:			

Adjacent Property Owner Data: Downstream			
Name of Primary Owner (PO):			
Physical Address:			
City:	State:	Zip:	
Mailing Address:	City:	State:	Zip:
Primary Phone:			
Primary Email:			



## Site Plan

**A Site Plan is an accurate and detailed map of the proposed development for this project.** It shows the size, shape, location and special features of the project property, and the size and location of any development planned to the property, especially as that development will impact the floodplain and/or floodway. Site plans show what currently exists on the project property, and any changes or improvements you are proposing to make. **A certified and licensed engineering firm should complete site plans.**

### **A SITE PLAN MUST CONTAIN THE FOLLOWING INFORMATION:**

1. Legal description of the parcel, north arrow and scale
2. All property lines and their dimensions
3. Names of adjacent roads, location of driveways
4. Location of sloughs, tributaries, streams, rivers, wetlands, ponds, and lakes, with setbacks indicated, and including FEMA floodplain data based on most updated FIRM.
5. Location, size, shape of all buildings, existing and proposed, with elevation of lowest floor indicated.
6. Location and dimensions of existing or proposed on-site sewage systems.
7. Location of all propane tanks, fuel tanks or other liquid storage tanks whether above ground or below ground level.
8. Location and dimensions of any proposed pipeline placement(s) into floodplain/floodway.
9. Location and dimensions of any roadway development into floodplain/floodway.  
*(Includes initial development access roads)*
10. Location and dimensions of any bridge and/or culvert development into floodplain/floodway.
11. Location and dimensions of any storage yard or facility into the floodplain/floodway.
12. Location of any existing utilities and/or proposed utility placement and/or displacement.
13. Location, dimensions and depth of any existing or proposed fill on site.
14. A survey showing the **existing ground elevations** of at least location on the building site. **ELEVATION NOTE:** All vertical datum will reference either NGVD 29 or NAVD 88. Assumed datum will not be acceptable unless the property is located in an area where vertical datum has not been published. For those areas where vertical datum has not been established, a site plan with contours, elevations using assumed datum, high water marks and existing water levels of sloughs, rivers, lakes or streams and proposed lowest floor elevation.

## Applicant

Please read print name, sign and date below:

- I certify that I am authorized to submit this application for the primary project developer.
- I certify that the information included in this application is to the best of my knowledge true and complete.
- I certify that all required Federal, State, and local permits required by law and/or ordinance for the above described development of this project have will be properly attained, are current and valid, and must be presented prior to a Doddridge County Floodplain Permit being issued.
- I understand that if in the course of the development project additional permits become required that were not needed during the initial proposal, the primary developer must notify the Doddridge County Floodplain Manager within 48 hours of such need, and that a "Stop Work" order may be issued for all project work directly impacting the floodplain or floodway, until such time the required additional permits are acquired.
- I understand that once the floodplain permit is submitted, the application will be entered into official public record at the next regularly scheduled Doddridge County Commission meeting after the date of submittal.
- I understand that from the date of submittal of the fully completed permit application, the Doddridge County Floodplain Manager has ninety (90) days to make a determination to either grant or deny said permit application. During this approval period, the Doddridge County Floodplain Manager may, at his or her discretion, conduct a review and/or additional study of provided documentation by means of an independent engineering firm. All costs associated with said review and/or study must be reimbursed to the County before issuance of approved permit.
- I understand that during the approval period, the Doddridge County Floodplain Manager or designee may at his or her discretion conduct site visits and document conditions of proposed development pursuant to the permit application.
- I understand that once the Floodplain Permit is granted, the permit will be entered into official public record. Appeals to the permit may be made no later than twenty (20) days after said issuance. If a valid appeal is submitted, as determined by the Doddridge County Floodplain Manager, a "Stop Work" order will be issued for all project development directly involving the floodplain or floodway. A public hearing by the Doddridge County Appeals Board will be scheduled no less than ten (10) days after the next regularly scheduled Doddridge County Commission meeting.
- I understand that all decisions of the Doddridge County Appeals Board shall be final.
- **I understand issuance of a Floodplain Permit authorizes me to proceed with construction as proposed.**
- In signing this application, the primary developer hereby grants the Doddridge County Floodplain Manager or designee the right to enter onto the above---described location to inspect the development work proposed, in progress, and/or completed.
- I understand that if I do not follow exactly the site---plan submitted and approved by this permit that a "Stop Work" order may be issued by the Doddridge County Floodplain Manager and that I must stop all construction immediately until discrepancies of actual work vs. proposed work is resolved.

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

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

Applicant Printed Name: Spencer Trichell





**Attachment 2**  
**WV Flood Tool Map**



# WV Flood Map



This map is not the official regulatory FIRM or DFIRM. Its purpose is to assist with determining potential flood risk for the selected location.

H I G H  R I S K		1-Percent-Annual-Chance Flood Hazard Area With Base Flood Elevation (BFE)	Flood Info Location <span style="float: right;">Map created on 12/4/2024</span>	
		Regulatory Floodway in AE Zone	User	Notes
		1-Percent-Annual-Chance Flood Hazard Area Without BFE (may have Advisory Flood Heights)	Flood Hazard Area	
		1-Percent-Annual-Chance High Risk Advisory	Flood Zone	
Download the Full Legend for all flood tool symbols <a href="https://www.mapwv.gov/flood/map/docs/wv_flood_tool_legend.pdf">https://www.mapwv.gov/flood/map/docs/wv_flood_tool_legend.pdf</a>			Stream	Location is <b>WITHIN</b> the FEMA 100-year floodplain.
<b>Disclaimer:</b> The online map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. Refer to the official Flood Insurance Study (FIS) for detailed flood elevation data in flood profiles and data tables. WV Flood Tool ( <a href="https://www.mapwv.gov/flood">https://www.mapwv.gov/flood</a> ) is supported by FEMA, WV NFIP Office, and WV GIS Technical Center.			Watershed (HUC8)	
			Flood Height	
			Water Depth	813.8 ft (Source: FEMA 2018-20) (NAVD88) Doddridge County (ID: 540024) 54017C0120C; Effective Date: 10/4/2011 (39.278763, -80.813844) (WGS84) 09-01-0010-0015-0000
			Elevation	
			Community & ID	
			FEMA Map & Date	
			Location (lat, long)	
			Parcel ID	
			E-911 Address	



# WV Flood Map

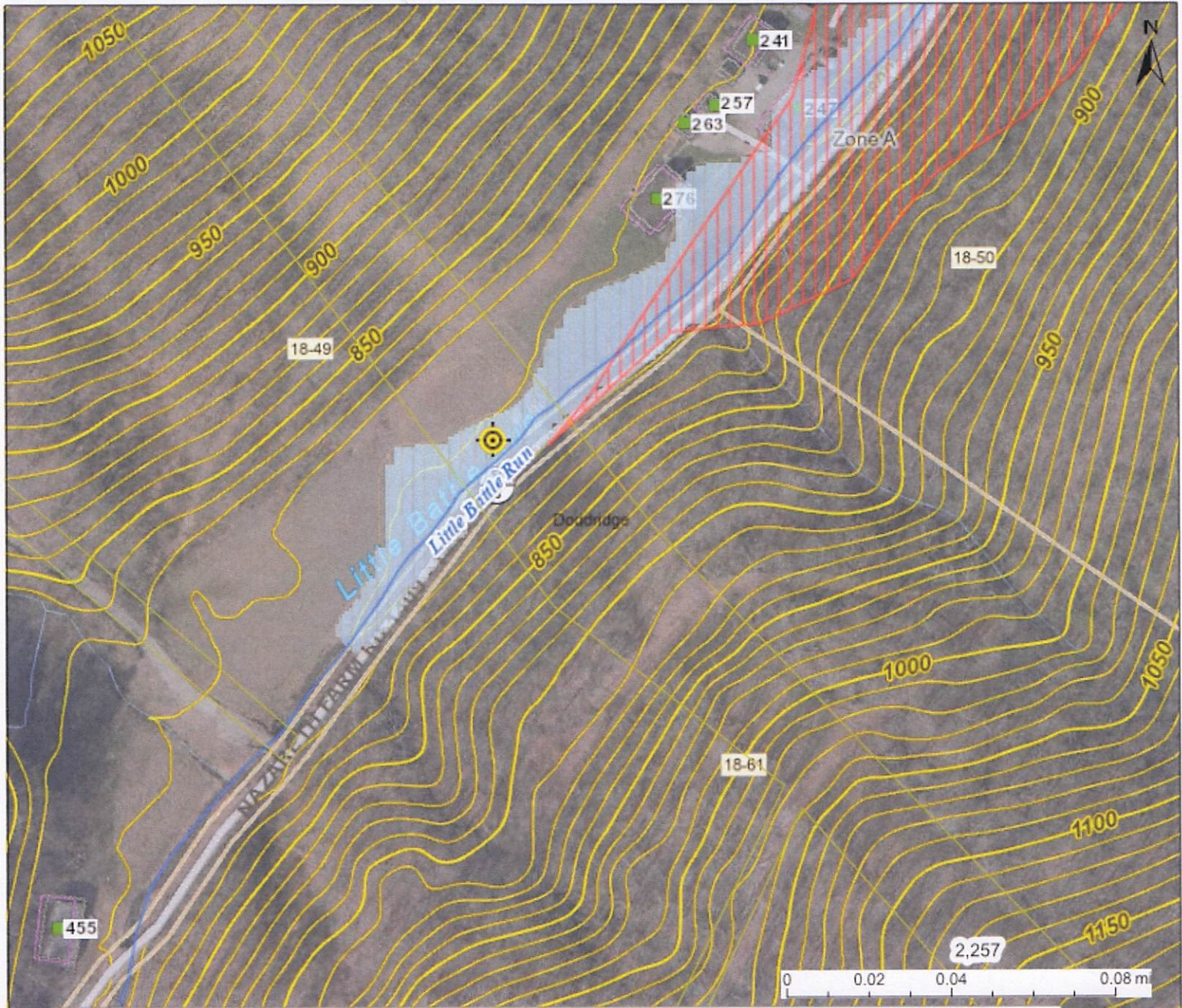


This map is not the official regulatory FIRM or DFIRM. Its purpose is to assist with determining potential flood risk for the selected location.

<div> <div> <div>Zone AE</div> <div>1-Percent-Annual-Chance Flood Hazard Area With Base Flood Elevation (BFE)</div> </div> <div> <div>Floodway</div> <div>Regulatory Floodway in AE Zone</div> </div> <div> <div>Zone A</div> <div>1-Percent-Annual-Chance Flood Hazard Area Without BFE (may have Advisory Flood Heights)</div> </div> <div> <div>Advisory</div> <div>1-Percent-Annual-Chance High Risk Advisory</div> </div> </div> <div> Download the Full Legend for all flood tool symbols  <a href="https://www.mapwv.gov/flood/map/docs/wv_flood_tool_legend.pdf">https://www.mapwv.gov/flood/map/docs/wv_flood_tool_legend.pdf</a> </div> <div> <b>Disclaimer:</b>                      The online map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. Refer to the official Flood Insurance Study (FIS) for detailed flood elevation data in flood profiles and data tables. WV Flood Tool (<a href="https://www.mapwv.gov/flood/">https://www.mapwv.gov/flood/</a>) is supported by FEMA, WV NFIP Office, and WV GIS Technical Center.                 </div>		<div> <div> <div>Flood Info Location</div> <div>Map created on 7/12/2024</div> </div> <div> <div>User Notes</div> <div> <div>Flood Hazard Area</div> <div>Location is <b>WITHIN</b> the FEMA 100-year floodplain.</div> </div> <div> <div>Flood Zone</div> <div>A</div> </div> <div> <div>Stream</div> <div>Arnold Creek</div> </div> <div> <div>Watershed (HUC8)</div> <div>Little Musringum-Middle Island (5030201)</div> </div> <div> <div>Flood Height</div> <div>Flood Height 6b None</div> </div> <div> <div>Water Depth</div> <div></div> </div> <div> <div>Elevation</div> <div>813.8 ft (Source: FEMA 2018-20) (NAVD88)</div> </div> <div> <div>Community &amp; ID</div> <div>Doddridge County (ID: 540024)</div> </div> <div> <div>FEMA Map &amp; Date</div> <div>54017C0115C; Effective Date: 10/4/2011</div> </div> <div> <div>Location (lat, long)</div> <div>(39.278763, -80.813844) (WGS84)</div> </div> <div> <div>Parcel ID</div> <div>09-01-0010-0003-0000</div> </div> <div> <div>E-911 Address</div> <div>multiple addresses</div> </div> </div> </div>
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# WV Flood Map



This map is not the official regulatory FIRM or DFIRM. Its purpose is to assist with determining potential flood risk for the selected location.

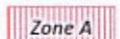
H  
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1-Percent-Annual-Chance Flood Hazard Area  
**With Base Flood Elevation (BFE)**



Regulatory **Floodway** in AE Zone



1-Percent-Annual-Chance Flood Hazard Area  
**Without BFE** (may have Advisory Flood Heights)



1-Percent-Annual-Chance **High Risk Advisory**

Download the Full Legend for all flood tool symbols

[https://www.mapwv.gov/flood/map/docs/wv\\_flood\\_tool\\_legend.pdf](https://www.mapwv.gov/flood/map/docs/wv_flood_tool_legend.pdf)

## Disclaimer:

The online map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. Refer to the official Flood Insurance Study (FIS) for detailed flood elevation data in flood profiles and data tables. WV Flood Tool (<https://www.mapwv.gov/flood/>) is supported by FEMA, WV NFIP Office, and WV GIS Technical Center.



Flood Info Location

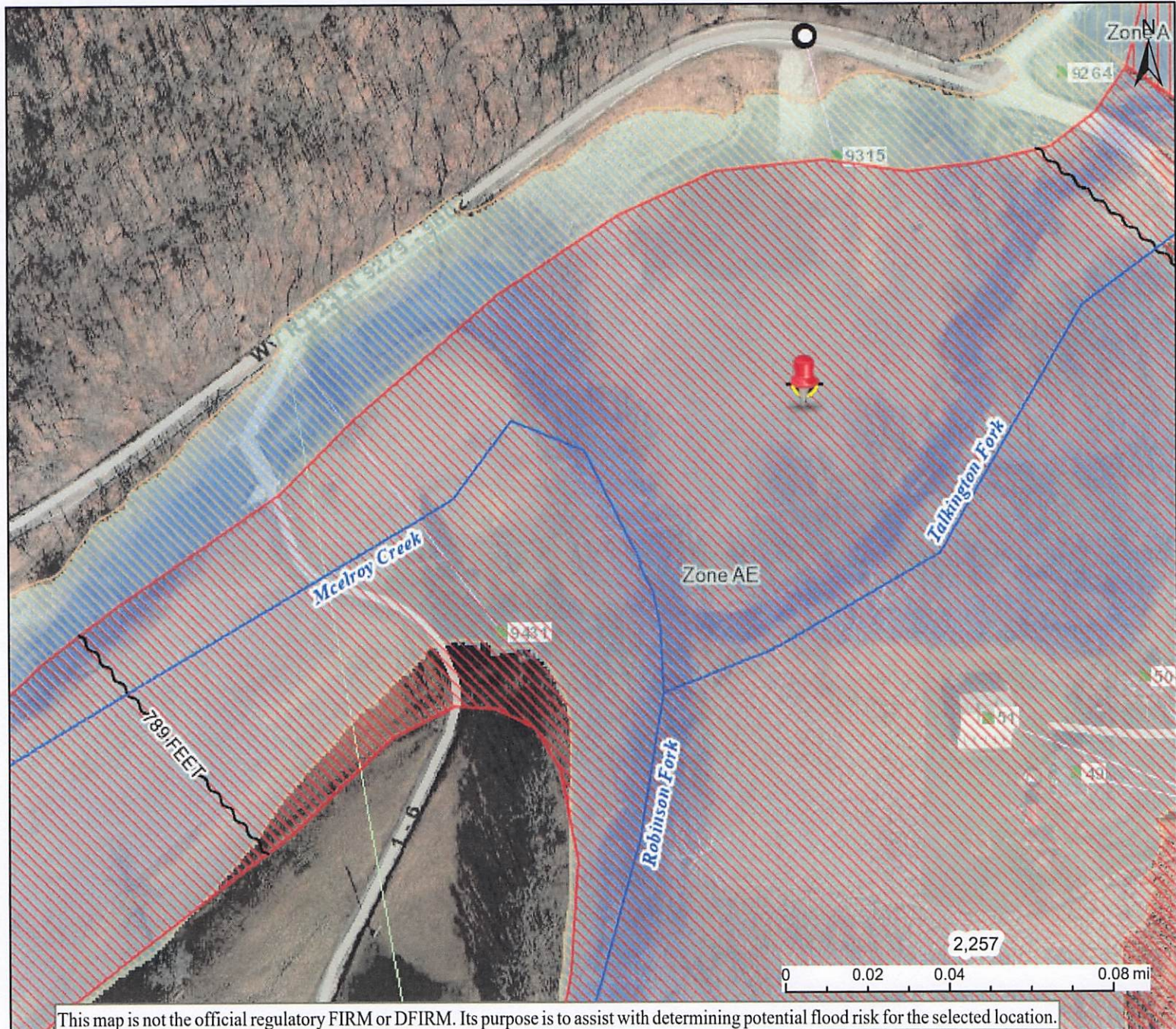
Map created on 7/12/2024

## User Notes





Flood Hazard Area	Location is <b>WITHIN</b> an advisory floodplain but <b>NOT</b> a FEMA 100-year effective floodplain.
Flood Zone	Advisory A (Advisory Flood Heights available)
Stream	Little Battle Run
Watershed (HUC8)	<n/a>
Flood Height	Flood Height 4 About 810.4 ft (Source: AFH) NAVD88
Water Depth	About 1.7 ft (Source: HEC-RAS)
Elevation	806.6 ft (Source: FEMA 2018-20) (NAVD88)
Community & ID	<n/a>
FEMA Map & Date	54017C0045C; Effective Date: 10/4/2011
Location (lat, long)	(39.383755, -80.637562) (WGS84)
Parcel ID	09-05-0018-0049-0000
E-911 Address	multiple addresses



# WV Flood Map




This map is not the official regulatory FIRM or DFIRM. Its purpose is to assist with determining potential flood risk for the selected location.

H I G H		1-Percent-Annual-Chance Flood Hazard Area With Base Flood Elevation (BFE)
		Regulatory Floodway in AE Zone
R I S K		1-Percent-Annual-Chance Flood Hazard Area Without BFE (may have Advisory Flood Heights)
		1-Percent-Annual-Chance High Risk Advisory

Download the Full Legend for all flood tool symbols  
[https://www.mapwv.gov/flood/map/docs/wv\\_flood\\_tool\\_legend.pdf](https://www.mapwv.gov/flood/map/docs/wv_flood_tool_legend.pdf)

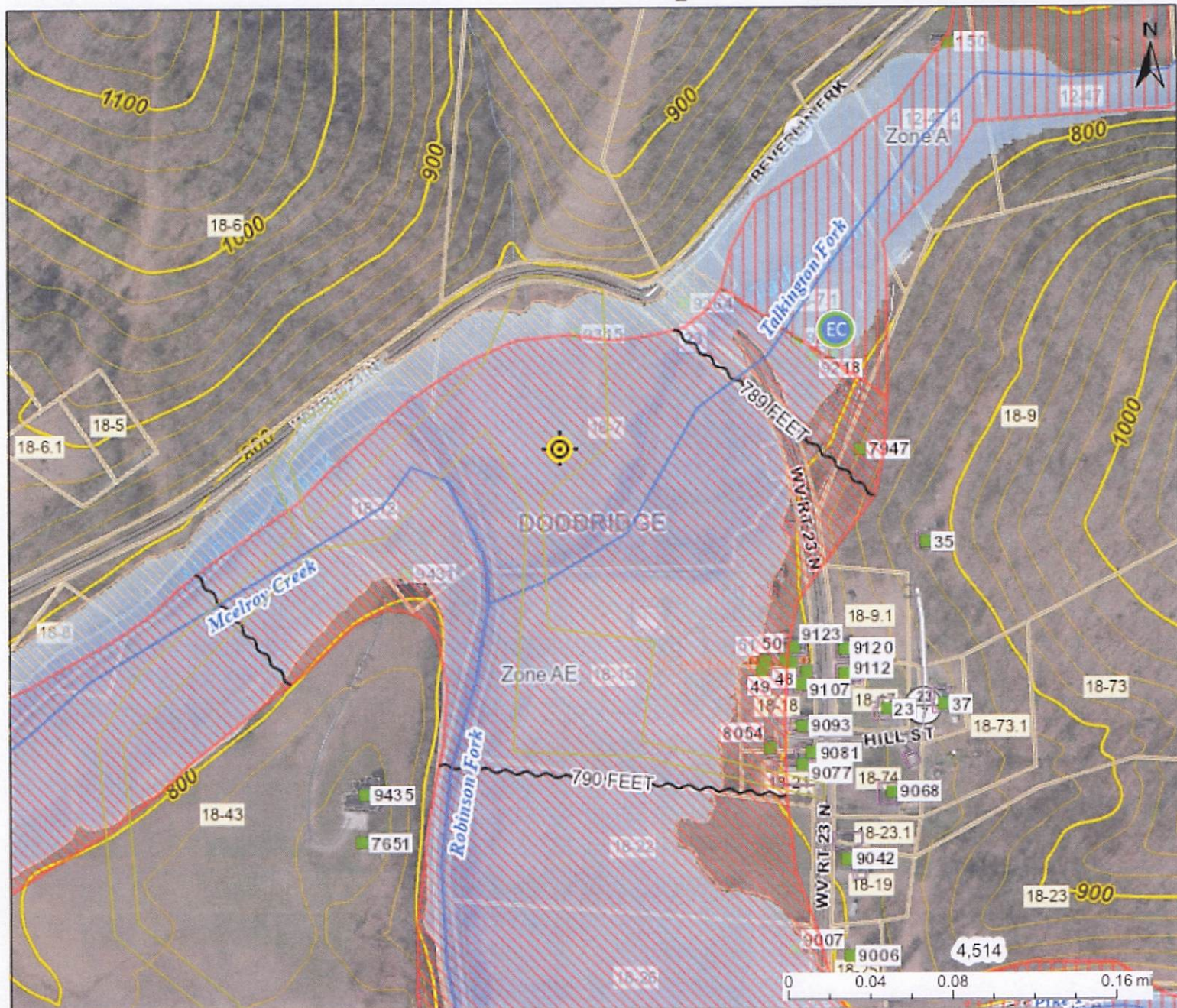
## Disclaimer:

The online map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. Refer to the official Flood Insurance Study (FIS) for detailed flood elevation data in flood profiles and data tables. WV Flood Tool (<https://www.mapwv.gov/flood>) is supported by FEMA, WV NFIP Office, and WV GIS Technical Center.

 Flood Info Location <span style="float: right;">Map created on 12/4/2024</span>	
User Notes	
Flood Hazard Area	Location is <b>WITHIN</b> the FEMA 100-year floodplain.
Flood Zone	AE
Stream	McElroy Creek
Watershed (HUC8)	Little Musringum-Middle Island (5030201)
Flood Height	789.0 ft (Source: BFE - Non-Restudy) NAVD88
Water Depth	About 6.8 ft (Source: HEC-RAS)
Elevation	782.1 ft (Source: FEMA 2018-20) (NAVD88)
Community & ID	Doddridge County (ID: 540024)
FEMA Map & Date	54017C0045C; Effective Date: 10/4/2011
Location (lat, long)	(39.392893, -80.636650) (WGS84)
Parcel ID	09-05-0018-0007-0000
E-911 Address	9315 WV RT 23 N, WEST UNION, WV, 26339



# WV Flood Map



This map is not the official regulatory FIRM or DFIRM. Its purpose is to assist with determining potential flood risk for the selected location.

<p>H I G H</p> <p><b>Zone AE</b> 1-Percent-Annual-Chance Flood Hazard Area <b>With Base Flood Elevation (BFE)</b></p> <p><b>Floodway</b> Regulatory Floodway in AE Zone</p> <p>R I S K</p> <p><b>Zone A</b> 1-Percent-Annual-Chance Flood Hazard Area <b>Without BFE</b> (may have Advisory Flood Heights)</p> <p><b>Advisory</b> 1-Percent-Annual-Chance <b>High Risk Advisory</b></p>	<p> Flood Info Location <span style="float: right;">Map created on 7/12/2024</span></p>																										
<p>Download the Full Legend for all flood tool symbols <a href="https://www.mapwv.gov/flood/map/docs/wv_flood_tool_legend.pdf">https://www.mapwv.gov/flood/map/docs/wv_flood_tool_legend.pdf</a></p> <p><b>Disclaimer:</b> The online map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. Refer to the official Flood Insurance Study (FIS) for detailed flood elevation data in flood profiles and data tables. WV Flood Tool (<a href="https://www.mapwv.gov/flood">https://www.mapwv.gov/flood</a>) is supported by FEMA, WV NFIP Office, and WV GIS Technical Center.</p>	<table border="1"> <thead> <tr> <th>User</th> <th>Notes</th> </tr> </thead> <tbody> <tr> <td><b>Flood Hazard Area</b></td> <td>Location is <b>WITHIN</b> the FEMA 100-year floodplain.</td> </tr> <tr> <td><b>Flood Zone</b></td> <td>AE</td> </tr> <tr> <td><b>Stream</b></td> <td>McElroy Creek</td> </tr> <tr> <td><b>Watershed (HUC8)</b></td> <td>Little Musringum-Middle Island (5030201)</td> </tr> <tr> <td><b>Flood Height</b></td> <td>Flood Height 2 789.0 ft (Source: BFE - Non-Restudy) NA</td> </tr> <tr> <td><b>Water Depth</b></td> <td>About 6.8 ft (Source: HEC-RAS)</td> </tr> <tr> <td><b>Elevation</b></td> <td>782.1 ft (Source: FEMA 2018-20) (NAVD88)</td> </tr> <tr> <td><b>Community &amp; ID</b></td> <td>Doddridge County (ID: 540024)</td> </tr> <tr> <td><b>FEMA Map &amp; Date</b></td> <td>54017C0045C; Effective Date: 10/4/2011</td> </tr> <tr> <td><b>Location (lat, long)</b></td> <td>(39.392893, -80.636650) (WGS84)</td> </tr> <tr> <td><b>Parcel ID</b></td> <td>09-05-0018-0007-0000</td> </tr> <tr> <td><b>E-911 Address</b></td> <td>9315 WV RT 23 N, WEST UNION, WV, 26339</td> </tr> </tbody> </table>	User	Notes	<b>Flood Hazard Area</b>	Location is <b>WITHIN</b> the FEMA 100-year floodplain.	<b>Flood Zone</b>	AE	<b>Stream</b>	McElroy Creek	<b>Watershed (HUC8)</b>	Little Musringum-Middle Island (5030201)	<b>Flood Height</b>	Flood Height 2 789.0 ft (Source: BFE - Non-Restudy) NA	<b>Water Depth</b>	About 6.8 ft (Source: HEC-RAS)	<b>Elevation</b>	782.1 ft (Source: FEMA 2018-20) (NAVD88)	<b>Community &amp; ID</b>	Doddridge County (ID: 540024)	<b>FEMA Map &amp; Date</b>	54017C0045C; Effective Date: 10/4/2011	<b>Location (lat, long)</b>	(39.392893, -80.636650) (WGS84)	<b>Parcel ID</b>	09-05-0018-0007-0000	<b>E-911 Address</b>	9315 WV RT 23 N, WEST UNION, WV, 26339
User	Notes																										
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<b>FEMA Map &amp; Date</b>	54017C0045C; Effective Date: 10/4/2011																										
<b>Location (lat, long)</b>	(39.392893, -80.636650) (WGS84)																										
<b>Parcel ID</b>	09-05-0018-0007-0000																										
<b>E-911 Address</b>	9315 WV RT 23 N, WEST UNION, WV, 26339																										




# WV Flood Tool Legend Symbols

## WV Flood Tool PUBLIC VIEW - High Risk

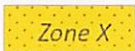


HIGH RISK		Regulatory Floodway
		1-Percent-Annual-Chance Flood Hazard Area <b>With Base Flood Elevation (BFE)</b>
		1-Percent-Annual-Chance Flood Hazard Area <b>Without BFE</b>
		1-Percent-Annual-Chance Future Conditions (High Risk Advisory Flood Zones) <b>Preliminary NFHL or Advisory A or Updated AE</b>

## WV Flood Tool EXPERT VIEW - High Risk

also RiskMAP VIEW

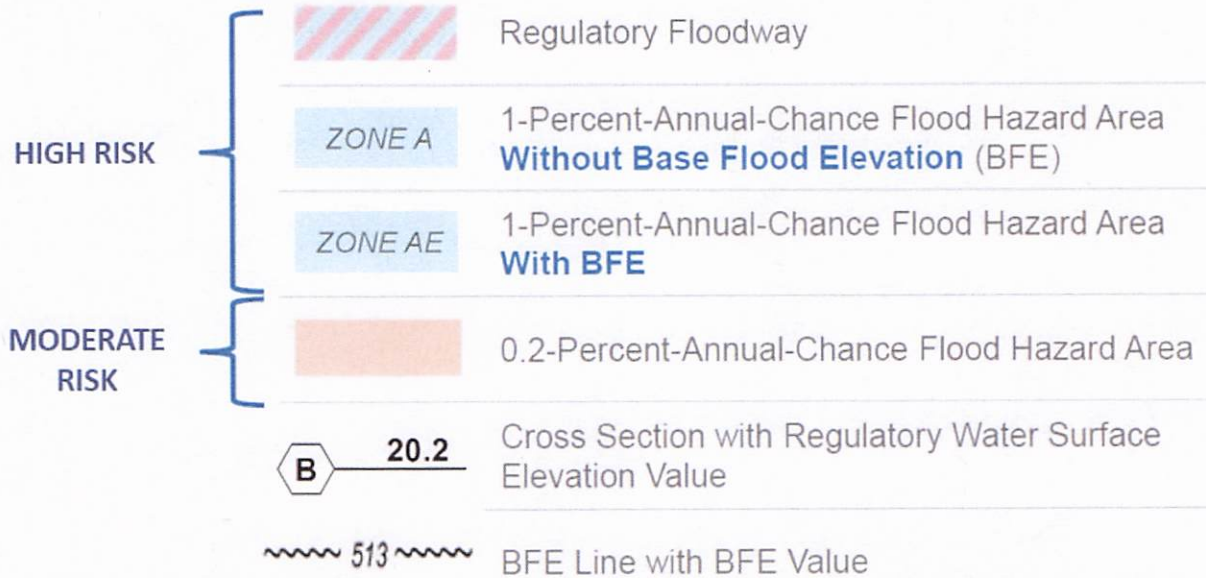
HIGH RISK		1-Percent-Annual-Chance Flood Hazard Area (AE, AO, AH) <b>With Base Flood Elevation (BFE)</b>
		Regulatory <b>Floodway in AE Zone</b>
		1-Percent-Annual-Chance Flood Hazard Area <b>Without BFE</b> (may have Advisory Flood Heights)
		1-Percent-Annual-Chance <b>Preliminary SFHA</b>
		High Risk <b>Updated AE Boundary</b> (1 PCT Future Conditions)
		High Risk <b>Advisory A Zone</b> (1 PCT Future Conditions with Advisory Flood Heights)

## WV Flood Tool – Moderate Risk

MODERATE RISK		0.2-Percent-Annual-Chance Flood Hazard Area (500-YR Floodplain) <i>Symbol: yellow stipple pattern</i>
		Area with Reduced Risk Due to Levee <i>Symbol: yellow vertical hachure pattern</i>
		Areas in Close Proximity of Flood Zone Boundaries are presented as a MODERATE RISK on the <i>Flood Results Query Panel</i> of the WV Flood Tool



# FEMA NFHL Viewer



## GENERAL STRUCTURES

<p>-----</p> <p>Aqueduct Channel Culvert Storm Sewer</p>	Channel, Culvert, Aqueduct, or Storm Sewer
<p>_____</p> <p>Dam Jetty Weir</p>	Dam, Jetty, Weir
<p>     </p>	Levee, Dike, or Floodwall
<p>&gt;-----&lt;</p> <p>Bridge</p>	Bridge
<b>REFERENCE MARKERS</b>	
<p>22.0</p> <p>●</p>	River mile Markers

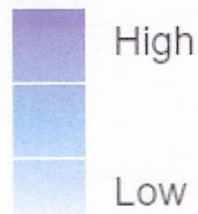
# Expert / RiskMAP Views

## FIRM Panel Index

### GeoIndex

-  No Digital Data Available
-  Digital Data Available
-  Unmapped

## Flood Water Depth (ft)









### Flood Depth Sources:

- 1) HEC-RAS models (most accurate)
- 2) FEMA Hazus software generated

## Letter of Map Change (LOMC)

### LOMAs

-  Incorporated
-  Superseded
-  Not incorporated
-  No Revalidation Status
-  Reevaluated
-  Contact Community for Revalidation Status

### LOMRs

-  Effective

## Mitigated / Buyout Property



## Elevation Certificate



## USGS High Water Mark

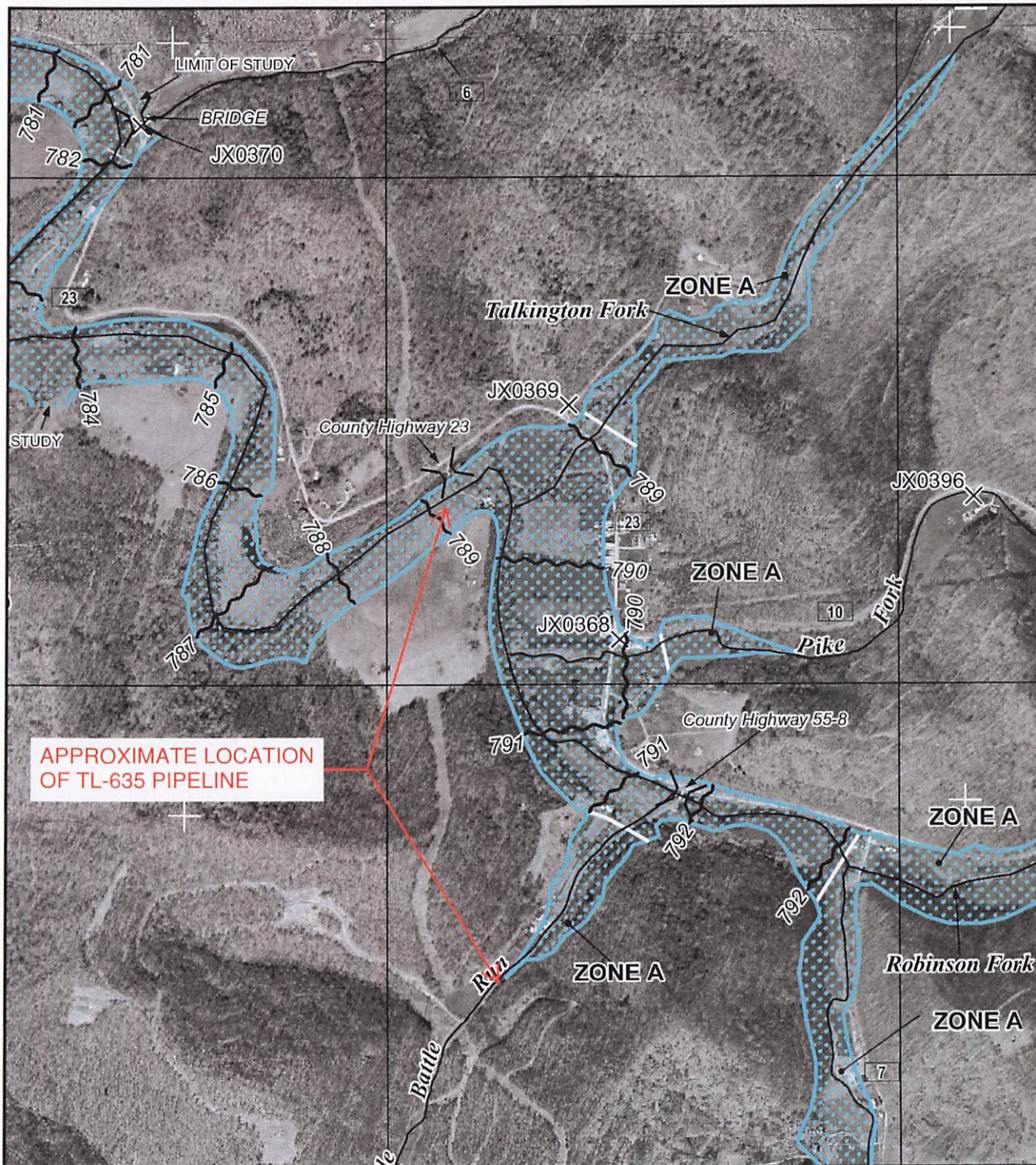


## USGS Real-Time Stream Gage

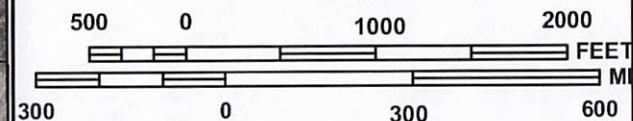


**Attachment 3**  
**FEMA Map**





MAP SCALE 1" = 1000'



NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0045C

## FIRM

FLOOD INSURANCE RATE MAP  
DODDRIDGE COUNTY,  
WEST VIRGINIA  
AND INCORPORATED AREAS

PANEL 45 OF 325  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
DODDRIDGE COUNTY	540024	0045	C

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



MAP NUMBER  
54017C0045C  
MAP REVISED  
OCTOBER 4, 2011

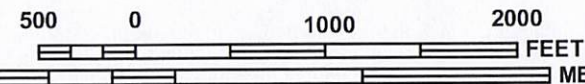
Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.





MAP SCALE 1" = 1000'



NFIP

PANEL 0115C

# FIRM

FLOOD INSURANCE RATE MAP  
DODDRIDGE COUNTY,  
WEST VIRGINIA  
AND INCORPORATED AREAS

PANEL 115 OF 325  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

## CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
DODDRIDGE COUNTY	540024	0115	C

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



MAP NUMBER  
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MAP REVISED  
OCTOBER 4, 2011

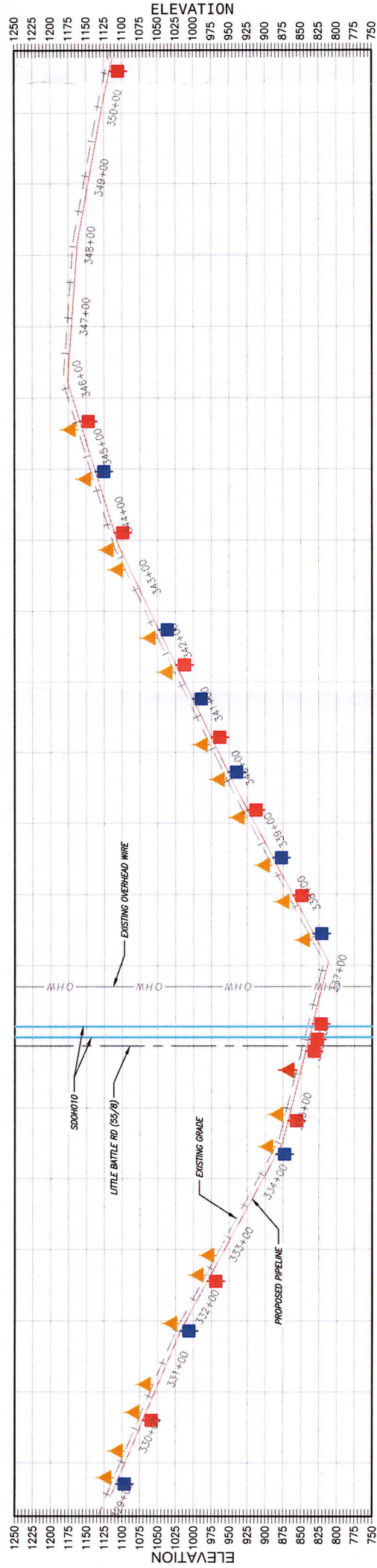
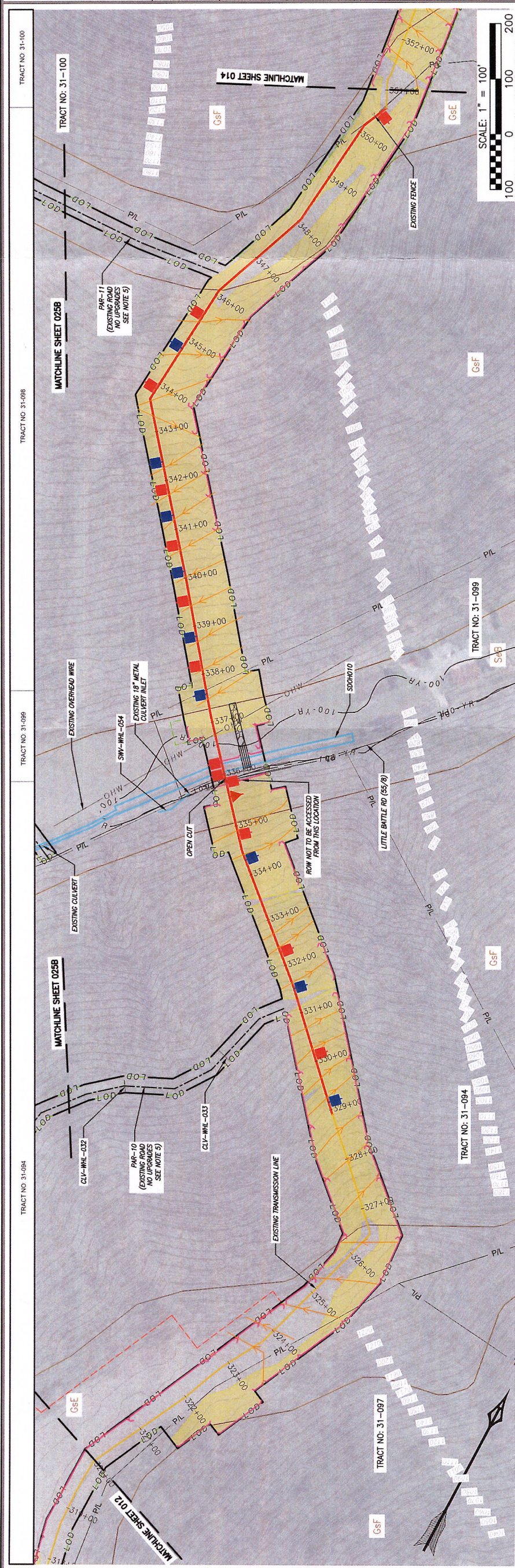
Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.

**Attachment 4**  
**Site Plan**



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SCALE: 1"=100' HORIZ.  
1"=100' VERT.

- LEGEND

EXISTING CONTOUR (INDEX)

EXISTING CONTOUR (INTERMEDIATE)

PROPOSED GATEWAY EXTENSION PROJECT LIMIT OF DISTURBANCE

PROPOSED TL-635 PIPELINE

EXISTING TL-635 PIPELINE

EXISTING ROAD

EXISTING SOIL BOUNDARY AND UEL

EXISTING PARCEL BOUNDARY

LOD

Gsf

P/L
- DELIMITED STREAM

DELIMITED WETLAND

EXISTING CULVERT

PROPOSED ORANGE SAFETY FENCE

EXISTING FOREIGN GAS PIPELINE

EXISTING COUNTY/STATE ROAD

EXISTING TREELINE

EXISTING OVERHEAD WIRE
- EXISTING FENCE

PREVIOUSLY PERMITTED LOD (TO REMAIN OPEN)

PREVIOUSLY PERMITTED LOD (TO BE TERMINATED)

FEMA 100-YEAR FLOODPLAIN

PROPOSED BELTED SILT RETENTION FENCE (PRIORITY 1)

PROPOSED EROSION CONTROL BLANKET

EXISTING WATERBARK (TO BE MAINTAINED)

PROPOSED TEMPORARY WATERBARK
- PROPOSED ACCESS ROAD WATERBARK

PROPOSED PERMANENT WATERBARK

PROPOSED TRENCH PLUG WITH BLEEDER DRAIN

PROPOSED TRENCH PLUG

PROPOSED ROADSIDE DITCH

PROPOSED CULVERT

PROPOSED TUBESHAFT OR APPROVED EQUAL

PROPOSED STONE CONSTRUCTION ENTRANCE

EDGE OF ROAD
- NOTES:

1. THIS PLAN MUST BE PLOTTED IN COLOR IN ORDER TO BE USED CORRECTLY. NO BLACK AND WHITE/GRayscale COPIES SHALL BE USED DURING CONSTRUCTION.

2. WORK ASSOCIATED WITH THIS PROJECT, INCLUDING SPOIL PILES AND EAS CONTROLS, SHALL BE CONTAINED WITHIN THE LOD. EXCEPT AS NOTED, IF A WATERBARK OR BLEEDER DRAIN IS NOT ABLE TO BE DISCHARGED INTO A WELL VEGETATED AREA WITHIN THE LOD, THE ENERGY DISSIPATER DEVICES MAY BE USED.

3. PROPOSED BELTED SILT RETENTION FENCE MAY BE SUBSTITUTED WITH 18-INCH COMPOST FILTER SOCK/SWITCHGRASS SOCK, TRIPLE STACK (3X12") SOCK, OR SUPER SILT FENCE.

4. EXISTING WATERBARKS BEYOND WHAT IS SHOWN ON THE PLANS SHALL BE MAINTAINED DURING CONSTRUCTION. ANY WATERBARKS DESTROYED SHALL BE RECONSTRUCTED TO ORIGINAL OR BETTER.

5. ACCESS ROADS HAVE BEEN GROUPED INTO THREE CATEGORIES - 1) EXISTING ROADS NO IMPROVEMENTS, 2) EXISTING ROADS WITH IMPROVEMENTS, AND 3) NEW EXISTING ROADS. APPROPRIATE EROSION AND SEDIMENT CONTROLS WILL BE PROVIDED FOR ROADS IN CATEGORIES 2 AND 3. ROADS IN CATEGORIES 1 HAVE ADEQUATE DETAILS. APPROPRIATE DRAINAGE FEATURES WILL BE PROVIDED FOR ROADS IN CATEGORIES 2 AND 3. DETAILS FOR EACH CATEGORY CAN BE FOUND IN THE DETAILS.

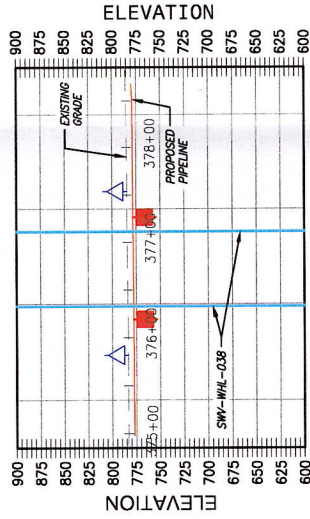
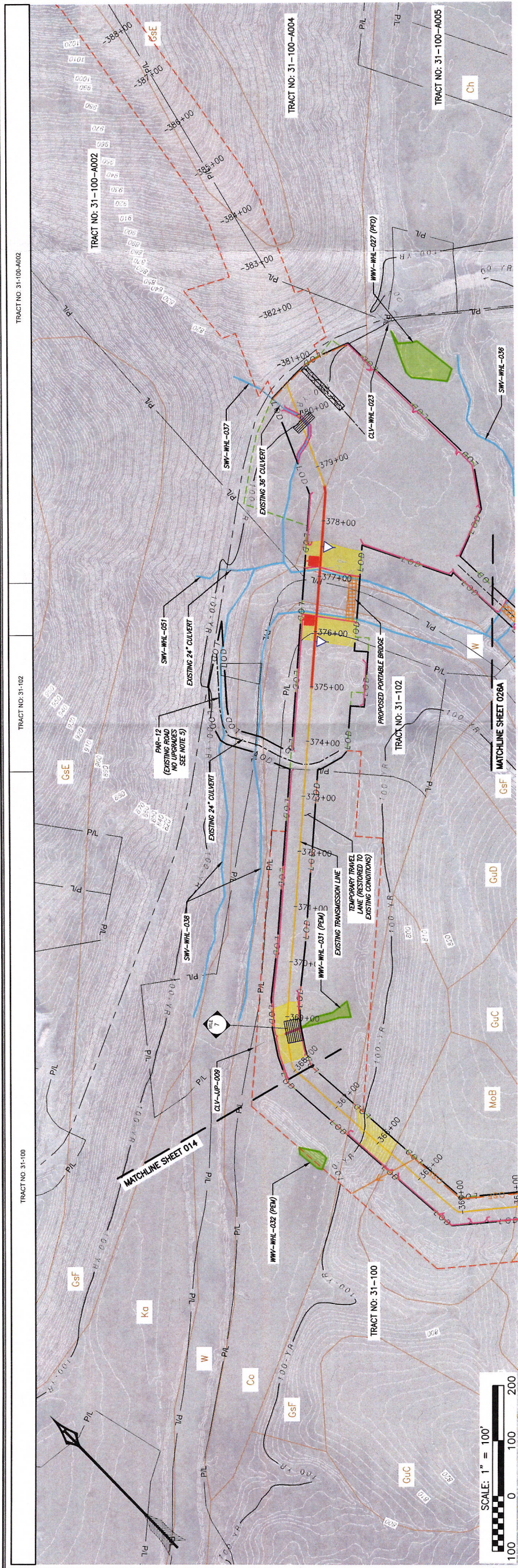
6. ADJUST ROAD CLASSIFICATION AND CONTROLS AS NEEDED TO FIT EXISTING CONDITIONS.

7. EROSION CONTROL BLANKET MAY BE SUBSTITUTED WITH SPRAYED EROSION CONTROL (HYDROMULCHING) PRODUCTS SUCH AS EARTHGUARD.

8. SUMPS WITH A ROW OF MIN. 18" FILTER SOCK, TRIPLE STACK (3X12") SOCK, BELTED SILT RETENTION FENCE, OR SUPER SILT FENCE SHALL BE INSTALLED AT OUTLET OF EXISTING WATERBARKS.

9. MOBILIZATION IN AND OUT OF THE CONSTRUCTION LOD WILL BE REQUIRED.





SCALE: 1"=100' HORIZ.  
1"=100' VERT.

**LEGEND**

- EXISTING CONTOUR (INDEX)
- EXISTING CONTOUR (INTERMEDIATE)
- PROPOSED GATEWAY EXTENSION PROJECT LIMIT OF DISTURBANCE
- PROPOSED TL-635 PIPELINE
- EXISTING TL-635 PIPELINE
- ACCESS ROAD
- EXISTING SOIL BOUNDARY AND LABEL
- EXISTING PARCEL BOUNDARY
- DELIMITED STREAM
- DELIMITED WETLAND
- EXISTING CULVERT
- PROPOSED DRAINAGE SAFETY FENCE
- EXISTING FOREIGN GAS PIPELINE
- EXISTING COUNTY/STATE ROAD
- EXISTING TREELINE
- EXISTING OVERHEAD WIRE
- EXISTING FENCE
- PREVIOUSLY PERMITTED LOD (TO REMAIN OPEN)
- PREVIOUSLY PERMITTED LOD (TO BE TERMINATED)
- FEMA 100-YEAR FLOODPLAIN
- PROPOSED BELTED SILT RETENTION FENCE (PRIORITY 1)
- PROPOSED EROSION CONTROL BLANKET
- EXISTING WATERBAR (TO BE MAINTAINED)
- PROPOSED TEMPORARY WATERBAR
- PROPOSED PERMANENT WATERBAR
- PROPOSED TRENCH PLUG WITH BLEEDER DRAIN
- PROPOSED TRENCH PLUG
- PROPOSED ROADSIDE DITCH
- PROPOSED CULVERT
- PROPOSED INHERMAT OR APPROVED EQUAL
- PROPOSED STONE CONSTRUCTION ENTRANCE
- EDGE OF ROAD

[illegible]







**Attachment 5**  
**Permit Approvals**

## Kelsey Muffie

---

**From:** Wakeford, Anne M <anne.m.wakeford@wv.gov>  
**Sent:** Monday, June 3, 2024 12:03 PM  
**To:** Kelsey Muffie; francisco.canneto@bhegts.com; Spencer Trichell; j.brousch@gaiconsultants.com; j.griffin@gai.consultants; Nate D Taylor  
**Subject:** Fwd: Fish Spawning Waiver, EGTS Gateway Extension Project  
**Attachments:** EGTS Gateway Ext\_Cover Letter.pdf; Attachment A - EGTS\_Gateway Ext\_ Description of Activities.docx; Attachment B - EGTS\_Gateway Ext\_Fish Spawning Waiver Table.xlsx

**EXERCISE CAUTION: This is an External Email Message!**

**\*\*Think before clicking on links, opening attachments, or responding\*\***

Dear Kelsey,

Your fish spawning waiver request are approved. This email serves as your approval.

Please contact me if you have any questions or concerns.

If you get more specific dates in 2025 please let us know.

Regards,

Anne

Anne M. Wakeford  
Coordination Biologist  
WVDNR/EOC  
738 Ward Rd.  
PO Box 67  
Elkins, WV 26241  
304-630-0360 (direct)  
304-637-0245 ext 00360  
[Anne.M.Wakeford@wv.gov](mailto:Anne.M.Wakeford@wv.gov)

----- Forwarded message -----

**From:** Kelsey Muffie <[K.Muffie@gaiconsultants.com](mailto:K.Muffie@gaiconsultants.com)>  
**Date:** Mon, Jun 3, 2024 at 11:48 AM  
**Subject:** Fish Spawning Waiver, EGTS Gateway Extension Project  
**To:** [anne.m.wakeford@wv.gov](mailto:anne.m.wakeford@wv.gov) <[anne.m.wakeford@wv.gov](mailto:anne.m.wakeford@wv.gov)>  
**Cc:** Canneto, Francisco (BHE GT&S) <[Francisco.Canneto@bhegts.com](mailto:Francisco.Canneto@bhegts.com)>, Spencer Trichell <[Spencer.Trichell@bhegts.com](mailto:Spencer.Trichell@bhegts.com)>, Jennifer Broush <[j.broush@gaiconsultants.com](mailto:j.broush@gaiconsultants.com)>, Julia Griffin <[J.Griffin@gaiconsultants.com](mailto:J.Griffin@gaiconsultants.com)>

Anne,

On behalf of Eastern Gas Transmission and Storage, Inc (EGTS), GAI Consultants, Inc. is requesting a Fish Spawning Waiver for pipeline construction activities proposed for the Gateway Extension Project (Project) in Doddridge County, West Virginia. Proposed crossing methods for the perennial streams included in the Fish Spawning Waiver request include dam and pump or flume, timber mats or approved equals, for installation of the proposed buried pipelines. These streams include Little Battle Run, Righthand East Fork, and unnamed tributaries to Big Battle Run and Buckeye Run; waivers are being requested for these streams due to the construction schedule, the presence of steep slopes, and the unstable ground conditions in close proximity to the crossings.

EGTS anticipates that consolidated rock may be present at each stream crossing and that a maximum in-stream work duration of approximately five days is needed to complete each crossing during the proposed crossing months of either April and May or May and June 2025, as indicated in the Fish Spawning Waiver Request Table. This crossing timeline will allow crossings to occur when conditions are drier and ground conditions are more stable in order to meet the Project's in-service date of August 1<sup>st</sup>, 2025. EGTS will provide at least one-month advance notice of the crossing schedule for each stream, as discussed with the WVDNR via phone on May 29, 2024.

Please find additional detailed information regarding the waiver request in the included attachments.

Please let us know if you have any questions. We appreciate your assistance with this Project.

Thank you,

**Kelsey A. Muffie**  
Senior Project Environmental Specialist

**GAI Consultants**, 385 E. Waterfront Drive, Homestead, PA, 15120-5005

**T** 412.476.2000 **D** 412.399.5382 **M** 570.428.4216

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**GAI Consultants**

ENGINEERING, PLANNING, AND ENVIRONMENTAL CONSULTING SINCE 1958

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**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, HUNTINGTON DISTRICT  
502 8TH STREET  
HUNTINGTON, WV 25701-2018**

June 17, 2024

Regulatory Division  
Energy Resource Branch  
LRH-2024-00417-OHR-McElroy Creek

**NATIONWIDE PERMIT NO. 12 VERIFICATION**

Spencer Trichell  
Eastern Gas Transmission and Storage, Inc. (EGTS)  
10700 Energy Way  
Glen Allen, Virginia 23060

Dear Spencer Trichell:

I refer to the pre-construction notification (PCN) requesting a Department of the Army (DA) authorization for the discharge of dredged and/or fill material into waters of the United States (U.S.) in association with the construction of the Gateway Extension Project. The project is located approximately 5 miles southwest of Smithfield, Doddridge County, West Virginia. The proposed activity extends from approximately 39.30699° N, 80.62795° W to approximately 39.435651° N, 80.646652° W. Your PCN has been assigned the following file number: LRH-2024-00417-OHR-McElroy Creek. Please reference this number on all future correspondence related to this project.

The U.S. Army Corps of Engineers' (Corps) authority to regulate waters of the U.S. is based on the definitions and limits of jurisdiction contained in 33 CFR Part 328 and 33 CFR Part 329. Section 404 of the Clean Water Act (Section 404) requires a DA permit be obtained prior to discharging dredged and/or fill material into waters of the U.S., including wetlands. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires a DA permit be obtained for any work in, on, over or under a navigable water.

The proposed project, as described in the submitted information, has been reviewed in accordance with Section 404 and Section 10. Based on your description of the proposed work, and other information available to us, it has been determined that this project will not involve activities subject to the requirements of Section 10. However, this project will include the discharge of dredged and/or fill material into waters of the U.S. subject to the requirements of Section 404.

In the submitted PCN materials, you have requested a DA authorization for the temporary discharge of dredged and/or fill material into 3,118 linear feet (1.12 acres) of 45 streams and 0.17 acre of nine (9) wetlands at 49 single and complete locations, in association with construction of the Gateway Extension Project. All work will be conducted in accordance with

the PCN received in this office on May 15, 2024. The proposed project would include the installation of approximately 3.1 miles of 30-inch diameter buried natural gas pipeline, aboveground facilities, associated access roads, temporary workspaces, contractor yards, and a new deep anode groundbed and rectifier for cathodic protection. The Project will consist of the following facilities:

- **Underground Facilities: TL-635 Pipeline:** Installation of approximately 1.2 miles of 30-inch-diameter pipeline into eight segments that connect to the 8.4 miles of 30-inch pipeline previously installed under the Supply Header Project; **TL-635 Extension 1 & 2 Connector Pipelines:** Installation of approximately 1.9 miles of 30-inch pipeline (two segments) designed to tie-in to the previously installed north and south terminus of TL-635 and loop EGTS' existing 30-inch TL-360 Pipeline.
- **Aboveground Facilities: North End TL-635 Extension 1 Pig Launcher/Receiver Site:** Install a pig launcher/receiver, along with a valve site, at the northern terminus of the proposed TL-635 Extension 1 Pipeline; **South End TL-635 Extension 2 Pig Launcher/Receiver Site:** Install a pig launcher/receiver, along with a valve site and drip, at the southern terminus of the proposed TL-635 Extension 2 Pipeline.
- Use of new and existing temporary and permanent access roads and contractor yards. The existing TL-635 permanent right-of-way may be used for access to the TL-635 segments proposed as part of this Project.
- One conventional anode groundbed and rectifier for cathodic protection.

The temporarily affected streams and wetlands will be restored to their pre-construction conditions upon completion of construction activities.

Based on the provided information, it has been determined the proposed project meets the criteria for Nationwide Permit (NWP) No. 12 (enclosed) under the January 13, 2021 Federal Register, Reissuance and Modification of NWPs (86 FR 2744) provided you comply with all terms and conditions of the enclosed material, the enclosed special conditions, and the Section 401 Water Quality Certifications (401 WQC) issued by the West Virginia Department of Environmental Protection.

Please be aware this NWP verification does not obviate the requirement to obtain other local, state, and/or federal authorizations required by law for these activities. This verification is valid until the expiration date of the NWPs, unless the NWP authorization is modified, suspended, or revoked. The verification will remain valid if the NWP authorization is reissued without modification or the activity complies with any subsequent modification of the NWP authorization. All of the existing NWPs are scheduled to be modified, reissued, or revoked on March 14, 2026. Prior to this date, it is not necessary to contact this office for re-verification of your project unless the plans for the proposed activity are modified. Furthermore, if you commence or under contract to commence this activity before March 14, 2026, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

Enclosed is a copy of the NWPs and the 401 WQC to be kept at the project site during construction. You shall supply a copy of these documents to your project engineer responsible for construction activities.



Upon completion of the work, the enclosed certification must be signed and returned to this office. If you have any questions concerning the above, please contact Rachel McCarty of the Energy Resource Branch at 304-807-0826, by mail at the above address, or by email at: [rachel.a.mccarty@usace.army.mil](mailto:rachel.a.mccarty@usace.army.mil).

Sincerely,

*Kimberly Courts-Brown*

Kimberly Courts-Brown  
Regulatory Project Manager  
Energy Resource Branch

Enclosures

Table 1. Authorized discharge of dredged and/or fill material into waters of the U.S. in association with the EGTS - Gateway Extension Project LRH-2024-00417-OHR-McElroy Creek						
Single and Complete Crossing Number	Aquatic Resource	Wetland Type/ Stream Flow Regime	Fill Length (linear feet)	Fill Area (acre)	Duration of Fill	Description of the Regulated Activity
1	SWV-WHL-006 (Broad Run)	Perennial	118	0.02	Temporary	Open Cut Crossing and Temporary Access
	WWV-WHL-006	Emergent	N/A	0.10	Temporary	Open Cut Crossing and Temporary Access
2	SWV-WHL-006 (Broad Run)	Perennial	30	0.003	Temporary	Temporary Access
3	SWV-WHL-005	Intermittent	40	0.01	Temporary	Temporary Access
4	SWV-WHL-014	Ephemeral	276	0.02	Temporary	Temporary Access
	SWV-WHL-016	Ephemeral	22	0.0008	Temporary	Temporary Access
5	SWV-WHL-010	Ephemeral	4	0.0001	Temporary	Temporary Access
	SWV-WHL-011	Ephemeral	6	0.0002	Temporary	Temporary Access
6	WWV-WHL-030	Emergent	N/A	0.01	Temporary	Open Cut Crossing and Temporary Access
7	SWV-WHL-018 (Franks Run)	Perennial	31	0.01	Temporary	Temporary Access
8	WWV-WHL-031	Emergent	N/A	0.0007	Temporary	Temporary Access
9	SWV-WHL-038 (McElroy Creek)	Perennial	183	0.08	Temporary	Temporary Access
10	SWV-WHL-038 (McElroy Creek)	Perennial	131	0.46	Temporary	Open Cut Crossing and Temporary Access/Temporary Water Withdrawal
11	SWV-WHL-037	Ephemeral	101	0.01	Temporary	Open Cut Crossing and Temporary Access
12	SWV-WHL-036 (Talkington Fork)	Perennial	30	0.02	Temporary	Temporary Access
13	SWV-WHL-055	Perennial	155	0.03	Temporary	Temporary Access
14	SDOH011	Perennial	31	0.006	Temporary	Temporary Access
15	SDOH010 (Little Battle Run)	Perennial	102	0.04	Temporary	Open Cut Crossing and Temporary Access
16	SWV-WHL-022	Ephemeral	3	0.0001	Temporary	Temporary Access
17	SWV-WHL-021	Perennial	41	0.004	Temporary	Temporary Access
	SWV-WHL-020	Perennial	95	0.04	Temporary	Temporary Access
18	WWV-WHL-017	Emergent	N/A	0.0002	Temporary	Temporary Access
19	WWV-WHL-018	Scrub-Shrub	N/A	0.0008	Temporary	Temporary Access
20	SWV-WHL-025	Perennial	112	0.01	Temporary	Temporary Access
21	SWV-WHL-034	Ephemeral	33	0.002	Temporary	Temporary Access



Table 1. Authorized discharge of dredged and/or fill material into waters of the U.S. in association with the EGTS - Gateway Extension Project LRH-2024-00417-OHR-McElroy Creek						
Single and Complete Crossing Number	Aquatic Resource	Wetland Type/ Stream Flow Regime	Fill Length (linear feet)	Fill Area (acre)	Duration of Fill	Description of the Regulated Activity
	SWV-WHL-025	Perennial	36	0.02	Temporary	Temporary Access
22	SWV-WHL-035	Perennial	107	0.02	Temporary	Open Cut Crossing and Temporary Access
23	SWV-WHL-026	Ephemeral	130	0.02	Temporary	Open Cut Crossing and Temporary Access
24	SWV-WHL-027	Perennial	92	0.01	Temporary	Open Cut Crossing and Temporary Access
	WWV-WHL-019	Emergent	N/A	0.03	Temporary	Open Cut Crossing and Temporary Access
25	SWV-JJP-012	Ephemeral	33	0.002	Temporary	Temporary Access
26	SWV-WHL-048	Intermittent	15	0.002	Temporary	Temporary Access
27	SWV-JJP-013	Perennial	36	0.01	Temporary	Temporary Access
28	SWV-JJP-002	Ephemeral	17	0.0002	Temporary	Temporary Access
29	SWV-JJP-001	Perennial	30	0.01	Temporary	Temporary Access
30	SWV-JJP-003	Intermittent	31	0.002	Temporary	Temporary Access
	WWV-JJP-001	Emergent	N/A	0.002	Temporary	Temporary Access
	SWV-WHL-040	Intermittent	39	0.002	Temporary	Temporary Access
	SWV-WHL-028 (Righthand Fork East Run)	Perennial	76	0.07	Temporary	Temporary Access
31	SWV-WHL-028 (Righthand Fork East Run)	Perennial	37	0.005	Temporary	Temporary Access
	WWV-WHL-028	Emergent	N/A	0.01	Temporary	Temporary Access
32	SWV-WHL-039	Ephemeral	31	0.002	Temporary	Temporary Access
33	SWV-WHL-028 (Righthand Fork East Run)	Perennial	100	0.07	Temporary	Open Cut Crossing and Temporary Access
34	SWV-WHL-028 (Righthand Fork East Run)	Perennial	39	0.005	Temporary	Temporary Access
35	SWV-JJP-004	Perennial	29	0.0007	Temporary	Temporary Access
36	SWV-WHL-041	Perennial	30	0.003	Temporary	Temporary Access
37	SWV-WHL-029 (Flint Run)	Perennial	105	0.02	Temporary	Temporary Access
38	SWV-JJP-006	Ephemeral	31	0.001	Temporary	Temporary Access
39	SWV-JJP-005	Ephemeral	22	0.001	Temporary	Temporary Access

**Table 1. Authorized discharge of dredged and/or fill material into waters of the U.S. in association with the EGTS - Gateway Extension Project  
LRH-2024-00417-OHR-McElroy Creek**

Single and Complete Crossing Number	Aquatic Resource	Wetland Type/ Stream Flow Regime	Fill Length (linear feet)	Fill Area (acre)	Duration of Fill	Description of the Regulated Activity
40	SWV-WHL-056	Ephemeral	144	0.01	Temporary	Open Cut Crossing and Temporary Access
41	SWV-WHL-032	Perennial	101	0.02	Temporary	Open Cut Crossing and Temporary Access
42	SWV-WHL-044	Ephemeral	21	0.001	Temporary	Temporary Access
	SWV-WHL-043	Ephemeral	31	0.004	Temporary	Temporary Access
43	WWV-WHL-024	Emergent	N/A	0.02	Temporary	Temporary Access
44	SWV-JJP-011	Ephemeral	35	0.002	Temporary	Temporary Access
45	SWV-WHL-046	Ephemeral	26	0.003	Temporary	Temporary Access
46	SWV-WHL-045	Ephemeral	32	0.003	Temporary	Temporary Access
47	SWV-WHL-058	Ephemeral	32	0.001	Temporary	Temporary Access
48	SWV-JJP-009	Perennial	54	0.007	Temporary	Temporary Access
49	SWV-WHL-049	Perennial	32	0.03	Temporary	Temporary Access
Stream Total			3118	1.1231		
Wetland Total			N/A	0.1737		



**Nationwide Permit No. 12 Verification Special Conditions for the  
EGTS - Gateway Extension Project  
LRH-2024-00417-OHR-McElroy Creek  
1 of 3**

1. All work will be conducted in accordance with the submitted pre-construction notification for the Gateway Extension Project received in this office on May 15, 2024.
2. Enclosed is a copy of Nationwide Permit 12, which will be kept at the site during construction. A copy of the nationwide permit verification, special conditions, and the attached construction plans must be kept at the site during construction. The permittee will supply a copy of these documents to their project engineer responsible for construction activities.
3. Upon completion of the activity authorized by this Nationwide Permit verification, the enclosed certification must be signed and returned to this office along with as-built drawings showing the location and configuration, as well as all pertinent dimensions and elevations of the activity authorized under this Nationwide Permit verification.
4. Construction activities will be performed during low flow conditions to the maximum extent practicable. Additionally, appropriate site-specific best management practices for sediment and erosion control will be fully implemented during construction activities at the site.
5. No area for which grading has been completed will be unseeded or unmulched for longer than 14 days. All disturbed areas will be seeded and/or revegetated with native species and approved seed mixes (where practicable) after completion of construction activities for stabilization and to help preclude the establishment of non-native invasive species.
6. All water resources and their buffers, which are to be avoided on-site, must be clearly indicated on the site plans and drawings, demarcated in the field, and protected with suitable material prior to site disturbance. These materials must remain in place and be maintained throughout the construction process.
7. In the event any previously unknown historic or archaeological sites or human remains are uncovered while accomplishing the activity authorized by this nationwide permit authorization, the permittee must cease all work in waters of the United States immediately and contact local, state and county law enforcement offices (only contact law enforcement on findings of human remains), the Corps at 304-399-5610 and West Virginia State Historic Preservation Office at 304-558-0220. The Corps will initiate the Federal, state and tribal coordination required to comply with the National Historic Preservation Act and applicable state and local laws and regulations. Federally recognized tribes are afforded a government-to-government status as sovereign nations and consultation is required under Executive Order 13175 and 36 CFR Part 800.

**Nationwide Permit No. 12 Verification Special Conditions for the  
EGTS - Gateway Extension Project  
LRH-2024-00417-OHR-McElroy Creek  
2 of 3**

8. The project site lies within the range of the Indiana bat (*Myotis sodalis*), a federally listed endangered species, the northern long-eared bat (*Myotis septentrionalis*), a federally listed endangered species and the tricolored bat (*Perimyotis subflavus*), a proposed endangered species. Several factors have contributed to the two species decline, including habitat loss, fragmentation of habitat and the disease White Nose Syndrome. During winter, the three (3) bat species hibernate in caves and abandoned mines. Suitable summer habitat for the Indiana bats and the northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags  $\geq$  three (3) inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. The permittee will preserve wooded/forested habitats exhibiting any of the characteristics listed above wherever possible. Should suitable habitat be present that cannot be saved during construction activities, any trees  $\geq$  three (3) inches dbh will only be cut between November 15 – March 31.
9. The federally protected clubshell, round hickorynut, longsolid, and snuffbox mussels and proposed federally protected salamander mussel are known to inhabit the Ohio River. Based upon a review of the mussel survey performed in the vicinity of the proposed project, these federally protected or proposed to be federally protected mussel species were not identified within the project area. Should any federally listed species be encountered during the mussel relocation efforts discussed below, the work must cease, and the Corps Huntington District Regulatory Division and the United States Fish and Wildlife Service must be contacted for consultation.
10. This Department of the Army Permit authorization does not authorize the “take” of a threatened or endangered species as defined under the Endangered Species Act (ESA). In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the United States Fish and Wildlife Service (USFWS), both lethal and non-lethal “takes” of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS or their World Wide Web page at <http://www.fws.gov/r9endspp/endspp.html>.



**Nationwide Permit No. 12 Verification Special Conditions for the  
EGTS - Gateway Extension Project  
LRH-2024-00417-OHR-McElroy Creek  
3 of 3**

11. Section 7 obligations under the Endangered Species Act (Section 7) must be reconsidered if new information reveals impacts of the project that may affect Federally-listed species or critical habitat in a manner not previously considered, the proposed project is subsequently modified to include activities which were not considered during Section 7 consultation with the United States Fish and Wildlife Service , or new species are listed or critical habitat designated that might be affected by the subject project.
12. Should new information regarding the scope and/or impacts of the project become available that was not submitted to this office during our review of the proposal, the permittee will submit written information concerning proposed modification(s) to this office for review and evaluation, as soon as practicable.

## **NATIONWIDE PERMITS FOR THE STATE OF WEST VIRGINIA**

### **U.S. ARMY CORPS OF ENGINEERS (CORPS) REGULATORY PROGRAM REISSUANCE AND ISSUANCE OF NATIONWIDE PERMITS WITH WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION SECTION 401 WATER QUALITY CERTIFICATION**

#### **NWP 12**

**NWP 12. Oil or Natural Gas Pipeline Activities.** Activities required for the construction, maintenance, repair, and removal of oil and natural gas pipelines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

**Oil or natural gas pipelines:** This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of oil and natural gas pipelines. There must be no change in pre-construction contours of waters of the United States. An "oil or natural gas pipeline" is defined as any pipe or pipeline for the transportation of any form of oil or natural gas, including products derived from oil or natural gas, such as gasoline, jet fuel, diesel fuel, heating oil, petrochemical feedstocks, waxes, lubricating oils, and asphalt.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

**Oil or natural gas pipeline substations:** This NWP authorizes the construction, maintenance, or expansion of substation facilities (e.g., oil or natural gas or gaseous fuel custody transfer stations, boosting stations, compression stations, metering stations, pressure regulating stations) associated with an oil or natural gas pipeline in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

**Foundations for above-ground oil or natural gas pipelines:** This NWP authorizes the construction or maintenance of foundations for aboveground oil or natural gas pipelines in all waters of the United States, provided the foundations are the minimum size necessary.



**Access roads:** This NWP authorizes the construction of access roads for the construction and maintenance of oil or natural gas pipelines, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize oil or natural gas pipelines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Oil or natural gas pipelines routed in, over, or under section 10 waters without a discharge of dredged or fill material may require a section 10 permit.

This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing oil or natural gas pipelines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing oil or natural gas pipelines.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the oil or natural gas pipeline activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

**Notification:** The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) A section 10 permit is required; (2) the discharge will result in the loss of greater than 1/10-acre of waters of the United States; or (3) the proposed oil or natural gas pipeline activity is associated with an overall project that is greater than 250 miles in length and the project purpose is to install new pipeline (vs. conduct repair or maintenance activities) along the majority of the distance of the overall project length. If the proposed oil or gas pipeline is greater than 250 miles in length, the pre-construction notification must include the locations and proposed

impacts (in acres or other appropriate unit of measure) for all crossings of waters of the United States that require DA authorization, including those crossings authorized by an NWP would not otherwise require preconstruction notification. (See general condition 32.) (Authorities: Sections 10 and 404)

**Note 1:** Where the oil or natural gas pipeline is constructed, installed, or maintained in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, a copy of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the oil or natural gas pipeline to protect navigation.

**Note 2:** For oil or natural gas pipeline activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Oil or natural gas pipeline activities must comply with 33 CFR 330.6(d).

**Note 3:** Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the oil or natural gas pipeline must be removed upon completion of the work, in accordance with the requirements for temporary fills.

**Note 4:** Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, and may require a permit from the U.S. Coast Guard pursuant to the General Bridge Act of 1946. However, any discharges of dredged or fill material into waters of the United States associated with such oil or natural gas pipelines will require a section 404 permit (see NWP 15).

**Note 5:** This NWP authorizes oil or natural gas pipeline maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

**Note 6:** For NWP 12 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

#### **Corps NWP 12 Specific Regional Conditions:**

- PCN in accordance with NWP General Condition 32 is required for all permanent conversion of scrub/shrub and forested wetlands of greater than



1/10 of an acre per each single and complete project. Use of conversion in this regional condition relates to the change of a scrub/shrub and forested wetlands to a herbaceous state, but it would not result in a loss of waters of the United States (U.S.) as the wetland would continue to exist in the landscape.

- Should an inadvertent return of drilling mud occur during a directional drilling activity, and the clean-up of drilling muds results in a discharge of dredged and/or fill material into waters of the U.S. necessitates the use of NWP 12 the permittee must report to the Corps the location and circumstances of the clean-up after the work has been conducted unless a PCN is otherwise required.

**NWP 12 West Virginia Section 401 Water Quality Certification Special Conditions:**

**A. General Water Quality Certification is declined for:**

- i. Pipeline crossings on a Section 10 river (unless the bore is greater than 100 feet below the stream bed on the Ohio River mainstem, or greater than 50 feet below the stream bed on all other Section 10 waters);
- ii. Utility lines within wetlands that would use or consider the use of herbicides for right-of-way maintenance;
- iii. Projects proposing permanent impacts to any stream identified in WQC Standard Condition 15 A, B, and C;
- iv. Cumulative permanent impacts to stream(s) totaling greater than 300 linear feet and cumulative wetland impacts exceeding 1/10 acre;
- v. Pipelines carrying separated natural gas liquids, unless installed with an automated system which will indicate a sudden loss of pressure.

An individual Section 401 Water Quality Certification or waiver must be obtained from the WVDEP.

- B.** To prevent permanent impacts to aquatic resources associated with equipment tracking in wetlands, the use of protective mats when practicable is required. This condition is required in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).
- C.** To protect the integrity of aquatic resources dredging for backfill material is not allowed in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).
- D.** Submarine pipeline stream crossings (including horizontal directional drilling) must be designed and constructed to prevent flotation and the possibility of leakage or rupture and the top of pipelines must be buried a minimum of three (3) feet below the stream bottom in accordance with; WV Water Pollution Control Act, W.Va. Code §22-11-8 (2014), Antidegradation Implementation Procedures,

W.Va. C.S.R. §60-5-1, et seq. (2008), and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016).

- E. Horizontal directional drilling for underwater crossings requires an Inadvertent Return Contingency Plan certified by a West Virginia Professional Engineer to be kept on site and made available upon request. This condition is required to ensure the protection of the chemical, physical and biological integrity of the aquatic resource in accordance with; WV Water Pollution Control Act, W.Va. Code §22-11-8 (2014), Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008), and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016).
- F. General Water Quality Certification is declined when this permit is being used for water withdrawal. An individual Section 401 Water Quality Certification or waiver must be obtained from the WVDEP.
- G. To prevent erosion of stream banks at Right of Way (ROW) crossings all waterbody banks are to be returned as close as practicable to preconstruction contours. Riparian areas shall be revegetated with native species of conservation grasses, legumes, and woody species (of low determinate growth), similar in density to adjacent undisturbed lands. Routine mowing or clearing adjacent to waterbodies shall be limited to allow a riparian strip at least 25 feet wide, as measured from the waterbody's mean high water mark, to permanently revegetate with native plant species across the entire construction right-of-way. However, to facilitate periodic corrosion/leak surveys, a corridor centered on the pipeline and up to 10 feet wide may be cleared at a frequency necessary to maintain the 10-foot corridor in an herbaceous state. In addition, trees that are located within 15 feet of the pipeline that have roots that could compromise the integrity of the pipeline coating may be cut and removed from the permanent right-of-way. Seeding recommendations can be found in West Virginia Division of Natural Resources' publication, "Enhancing Wildlife Habitat on Oil & Gas Infrastructure." This condition is required in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).
- H. To ensure water contact recreation (Category C) uses are protected, where it is apparent that small boats, inner tubes, swimmers, etc. could be using the stream in the work area, easily seen warning signs must be placed a minimum of 50 feet upstream and downstream of the stream crossings construction site to advise stream users of the potential danger. Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-6.4 (2016).

**Special Note:** For NWP's that do not require pre-construction notification to the Corps, it is an applicant's responsibility to review the Water Quality Certification general and NWP-specific terms and conditions and submit information to the WVDEP as required by their water quality certification. A project that meets the terms and conditions of a NWP with no Pre-Construction Notification to the Corps is only valid when accompanied by a blanket or individual 401 Water Quality



Certification from the WVDEP. No work in waters of the United States may commence until the required 401 water quality certification (or waiver) has been obtained from the WVDEP.

## **Nationwide Permit General Conditions**

**Note:** To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for a NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR §§ 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR § 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

### **1. Navigation.**

- (a) No activity may cause more than a minimal adverse effect on navigation.
- (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
- (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

**2. Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

**3. Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

**4. *Migratory Bird Breeding Areas.*** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

**5. *Shellfish Beds.*** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

**6. *Suitable Material.*** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

**7. *Water Supply Intakes.*** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

**8. *Adverse Effects From Impoundments.*** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

**9. *Management of Water Flows.*** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

**10. *Fills Within 100-Year Floodplains.*** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

**11. *Equipment.*** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

**12. *Soil Erosion and Sediment Controls.*** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

**13. *Removal of Temporary Structures and Fills.*** Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.



**14. Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

**15. Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

**16. Wild and Scenic Rivers.**

(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

**17. Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

**18. Endangered Species.**

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17,

which provides further explanation under ESA section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.”

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWP.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may



include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or [http:// www.fws.gov/ipac](http://www.fws.gov/ipac) and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

**19. *Migratory Birds and Bald and Golden Eagles.*** The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

## **20. *Historic Properties.***

(a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties.

Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)).

When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: No historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless



the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/ THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

**21. *Discovery of Previously Unknown Remains and Artifacts.*** Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

**22. *Designated Critical Resource Waters.*** Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

**23. *Mitigation.*** The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre- construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre- construction notification, the district engineer may determine on a case-by- case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre- construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre- construction notification, the district engineer may determine on a case-by- case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult- to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.



(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWP, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-

acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2- acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee- responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee- responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

**24. Safety of Impoundment Structures.** To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

## **25. Water Quality.**

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the



permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

**26. Coastal Zone Management.** In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

**27. Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

**28. Use of Multiple Nationwide Permits.** The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

**29. Transfer of Nationwide Permit Verifications.** If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

*“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”*

(Transferee)

(Date)

**30. Compliance Certification.** Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

**31. Activities Affecting Structures or Works Built by the United States.** If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

**32. Pre-Construction Notification.**



(a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer;

or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project and does not change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such



designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) All NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500

linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre- construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

## **District Engineer's Decision**

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a



linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the NWP activity results in no more than minimal adverse

environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) That the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

## **Further Information**

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

## **Definitions**

***Best management practices (BMPs):*** Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.



**Compensatory mitigation:** The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

**Currently serviceable:** Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

**Direct effects:** Effects that are caused by the activity and occur at the same time and place.

**Discharge:** The term “discharge” means any discharge of dredged or fill material into waters of the United States.

**Ecological reference:** A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

**Enhancement:** The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

**Establishment (creation):** The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

**High Tide Line:** The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

**Historic Property:** Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term

includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

***Independent utility:*** A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

***Indirect effects:*** Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

***Loss of waters of the United States:*** Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

***Navigable waters:*** Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

***Non-tidal wetland:*** A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non- tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

***Open water:*** For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

***Ordinary High Water Mark:*** The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics

such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

***Perennial stream:*** A perennial stream has surface water flowing continuously year-round during a typical year.

***Practicable:*** Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

***Pre-construction notification:*** A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

***Preservation:*** The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

***Re-establishment:*** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

***Rehabilitation:*** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

***Restoration:*** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: Re-establishment and rehabilitation.

***Riffle and pool complex:*** Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.



**Riparian areas:** Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

**Shellfish seeding:** The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

**Single and complete linear project:** A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

**Single and complete non-linear project:** For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”).

Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

**Stormwater management:** Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

**Stormwater management facilities:** Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

**Stream bed:** The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

**Stream channelization:** The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

**Structure:** An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

**Tidal wetland:** A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

**Tribal lands:** Any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or individual; or (2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

**Tribal rights:** Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

**Vegetated shallows:** Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

**Waterbody:** For purposes of the NWP, a waterbody is a "water of the United States." If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).

### **Further Information**

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.

5. NWP's do not authorize interference with any existing or proposed Federal project (see general condition 31).

## **Nationwide Permits Regional General Conditions for the State of West Virginia**

1. **Threatened and Endangered Species:** Section 7(a)(2) of the Endangered Species Act (ESA) states that each federal agency shall, in consultation with the Secretary, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.. Section 7 of the ESA, called "Interagency Cooperation," is the mechanism by which Federal agencies ensure the actions they take, including those they fund or authorize, do not jeopardize the continued existence of any federally or proposed federally listed species. Consistent with NWP General Condition 18, information for federally threatened and endangered species must be provided in the PCN to determine the proposed activity's compliance with NWP General Condition 18 and to facilitate project-specific coordination with the USFWS. All relevant information obtained from the USFWS must be submitted with the PCN.
2. All regulated activities located in high-quality waterways listed below require PCN in accordance with NWP General Condition 32:
  - New River, which includes all river miles contained in the boundaries of the New River Gorge National Park and Preserve;
  - Bluestone River from the upstream boundary of Pipestem Park to Bluestone Reservoir;
  - Meadow River from an area near the US 19 Bridge to its junction with the Gauley River;
  - All streams within the Monongahela National Forest designated as National Wild and Scenic Study Rivers;
  - All streams and other bodies of water in State and National Forests and Recreation Areas (included are streams and bodies of water located within the Spruce Knob, Seneca Rocks and Gauley River National Recreation Areas); and
  - Streams and their tributaries as contained within the boundaries of the designated National Wilderness Areas or the headwaters of such rivers and their tributaries, including but not limited to: Cranberry River, Red Creek, Laurel Fork and Otter Creek.

The Corps will consult, as necessary, with the National Park Service and/or the U.S. Forest Service upon receipt of the PCN.

3. Due to the ecological significance of the following waterways protection under the Natural Streams Preservation Act (WV Code Chapter 22 Article 13), all regulated activities located in these waterways require PCN in accordance with NWP General Condition 32:



- Greenbrier River from its confluence with Knapps Creek to its confluence with the New River;
- Anthony Creek from its headwaters to its confluence with the Greenbrier River;
- Cranberry River from its headwaters to its confluence with the Gauley River;
- Birch River from Cora Brown Bridge in Nicholas County to its confluence with the Elk River; and
- New River from its confluence with the Greenbrier River to its confluence with the Gauley River, which includes the length of the New River contained in the boundaries of the New River Gorge National Park and Preserve.

The Corps will consult, as necessary, with the National Park Service and/or the U.S. Forest Service upon receipt of the PCN.

4. **Historic Properties:** Under the National Historic Preservation Act (NHPA), the Corps must ensure no federal undertaking, including a Corps permit action, which may affect historic resources, is commenced before the impacts of such action are considered and the Advisory Council on Historic Preservation and the State Historic Preservation Office (SHPO) are provided an opportunity to comment as required by the NHPA, 36 CFR 800, and 33 CFR 325, Appendix C. Consistent with NWP General Condition 20, historic properties information must be provided in the PCN if the proposed undertaking might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. All relevant information obtained from the SHPO must be submitted with the PCN.

## **HELPFUL INFORMATION FOR COMPLIANCE WITH THE 2021 NWP GENERAL CONDITIONS**

DISCLAIMER: The below information is intended to provide helpful contact information and other submittal recommendations. Contact the appropriate local, state, or federal agency for the most updated links to ensure compliance with the NWP General Conditions.

### **General Condition 1 (Navigation)**

#### ***List of Section 10 Navigable Waters of the United States:***

Huntington District –

<https://www.lrh.usace.army.mil/Missions/Regulatory/Section-10-Streams/>

Pittsburgh District –

<https://www.lrp.usace.army.mil/Portals/72/docs/regulatory/RegulatoryBoundaries/PN12-2.pdf>

#### ***Navigation Charts:***



Huntington District –

<https://www.lrh.usace.army.mil/Missions/Civil-Works/Navigation/>

Pittsburgh District –

<https://www.lrp.usace.army.mil/Missions/Navigation/Navigation-Charts/>

### ***Locks and Dams:***

Huntington District

<https://www.lrh.usace.army.mil/Missions/Civil-Works/Locks-and-Dams/>

Pittsburgh District

<https://www.lrp.usace.army.mil/Missions/Navigation/Locks-and-Dams/#:~:text=Locks%20and%20Dams%20%20%20Allegheny%20River%20,Locks%20%26%20Dam%20%205%20more%20rows%20>

### ***Notice to Navigation Interests Request Sheets:***

Huntington District

<https://www.lrh.usace.army.mil/Portals/38/docs/navigation/Notice%20Info%20sheet.pdf>

Pittsburgh District

<https://www.lrp.usace.army.mil/Portals/72/docs/regulatory/NavNoticeRequestForm.pdf>

### **General Condition 3 (Spawning Areas)**

In stream work in designated warm water streams and their adjacent tributaries during the fish spawning season, April - June and trout waters and their adjacent tributaries during the trout water fish spawning season September 15 to March 31 requires a spawning season waiver from the West Virginia Division of Natural Resources Coordination Unit, at (304) 637-0245. For information about specific stream designations contact West Virginia Department of Environmental Protection, Water Quality Standards Section at (304) 926-0495.

### **General Condition 5 (Shellfish Beds)**

Shellfish beds in West Virginia include concentrations of freshwater mussels. All mussels are protected in the State of West Virginia pursuant to West Virginia §20-2-4 and CSR 58-605.11. In addition, nine (9) federally endangered freshwater mussel species are known to occur in the state. These species are protected by the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). All streams that contain mussels or potential mussel habitat must be surveyed prior to any proposed streambed disturbance. Please contact the West Virginia Department of Natural Resources (WVDNR) and/or the USFWS for assistance in determining if a mussel survey is or is not required. The WVDNR contact information can be found at: <http://www.wvdnr.gov/contact.shtm>. Currently accepted protocol and supporting materials can be found at the WVDNRs' website: <http://www.wvdnr.gov/Mussels/Main.shtm>

### **General Condition 7 (Water Supply Intakes)**



Locations of public water supply intakes can be found at the following link:

<http://gis.wvinfrastructure.com/>

#### **General Condition 10 (Fills Within 100-year Floodplains)**

The following website provides a statewide listing of Floodplain Managers in West

Virginia: <http://www.dhsem.wv.gov/MitigationRecovery/Pages/Floodplain->

[Management.aspx](http://www.dhsem.wv.gov/MitigationRecovery/Pages/Floodplain-Management.aspx)

#### **General Condition 16 (Wild and Scenic Rivers)**

The following website provides information on wild and scenic rivers within West

Virginia:

<https://www.rivers.gov/west-virginia.php>

#### **General Condition 18 (Endangered Species)**

To obtain the most up to date information on federally threatened and endangered species applicants are encouraged to utilize the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation System (IPaC) found at

<https://ecos.fws.gov/ipac/>

Prior to the submittal of a PCN, applicants may also contact the USFWS, West Virginia Field Office, Ecological Services at:

Address: 6263 Appalachian Highway  
Davis, West Virginia 26260

Email: [fw5\\_wvfo@fws.gov](mailto:fw5_wvfo@fws.gov)

The West Virginia Mussel Survey Protocol may be found at the following link:

<http://www.wvdnr.gov/Mussels/Main.shtm>

#### **General Condition 4 (Migratory Bird Breeding Areas) and General Condition 19 (Migratory Birds and Bald and Golden Eagles)**

Prior to the submittal of a PCN, information to assist in complying with NWP General Conditions 4 and 19 may be obtained from the USFWS, West Virginia Field Office, Ecological Services at:

Address: 6263 Appalachian Highway  
Davis, West Virginia 26260

Email: [fw5\\_wvfo@fws.gov](mailto:fw5_wvfo@fws.gov)



The West Virginia Division of Natural Resources Coordination Unit may be contacted at (304) 637-0245.

### **General Condition 20 (Historic Properties)**

The West Virginia National Register of Historic Places can be found at the following link: <http://www.wvculture.org/shpo/nr/nr.html>

The West Virginia State Historic Preservation Office (SHPO) Interactive Map Viewer can be found at the following link: <https://mapwv.gov/shpo/>

When reviewing a PCN, the Corps will scope appropriate historic property identification efforts and if applicable work with the applicant to take into account the effect of the proposed activity on historic properties. In these instances, information and coordination may include:

- Requesting comments directly from the West Virginia Division of Culture and History SHPO on the effect the proposed regulated activity may have on historic properties. The West Virginia Division of Culture and History SHPO may be contacted at:

Address: 1900 Kanawha Blvd E  
Charleston, West Virginia 25305  
Phone: (304) 558-0220

- To identify potential historic properties that may be affected by a proposed project, the following historic properties information may be reviewed and/or provided with the PCN when applicable:
  - A detailed description of the project site in its current condition (i.e. prior to construction activities) including information on the terrain and topography of the site, the acreage of the site, the proximity of the site to major waterways, and any known disturbances within the site.
  - A detailed description of past land uses in the project site.
  - Photographs and mapping showing the site conditions and all buildings or structures within the project site and on adjacent parcels are useful. Photographs and maps supporting past land uses should be provided as available.
  - Information regarding any past cultural resource studies or coordination pertinent to the project area, if available.
  - U.S. Geological Survey (USGS) 7.5' series topographic maps;
  - West Virginia Division of Culture and history files including:
    - Historic Property Inventory Form;
    - Archaeological Site Forms;
    - Cemetery Inventory Forms;
    - National Register of Historic Places nomination forms including Historic Districts; and
    - County atlases, histories and historic USGS 15' series topographic map(s).



- When needed to evaluate effects to historic properties, the applicant is encouraged to consult with professionals meeting the Professional Qualification Standards as set forth in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716) during this data gathering process. These professionals can assist with compiling the project information discussed above and should provide recommendations as to whether the proposal has the potential to affect historic properties and if further effort is needed to identify or assess potential effects to historic properties. These professionals can also compile preliminary review information to submit to the district engineer as part of the PCN.

### **General Condition 23 (Mitigation)**

Information pertaining to mitigation can be found at the following link:

<https://www.lrh.usace.army.mil/Missions/Regulatory/Mitigation.aspx>

### **General Condition 25 (Water Quality)**

The West Virginia Department of Environmental Protection may be contacted at:

Address: 601 57th Street  
Charleston, West Virginia 25304

Phone: (304) 926-0440

Information pertaining to the West Virginia Department of Environmental Protection water quality certification (WQC) program, including the Section 401 Clean Water Act WQC application form, can be obtained at the following link:

<https://dep.wv.gov/WWE/Programs/Pages/401Certification.aspx>

### **General Condition 32 (Pre-Construction Notification)**

The nationwide permit pre-construction notification form (Form ENG 6082) may be obtained at the following link:

[https://www.publications.usace.army.mil/Portals/76/Eng\\_Form\\_6082\\_2019Oct.pdf?ver=2019-10-22-081550-710/](https://www.publications.usace.army.mil/Portals/76/Eng_Form_6082_2019Oct.pdf?ver=2019-10-22-081550-710/)

A checklist of information that must be provided in a pre-construction notification can be obtained at the following link:

<https://www.lrh.usace.army.mil/Missions/Regulatory/How-to-Apply-for-a-Permit/Nationwide-Permits/>

### **Electronic Submittal:**

- PCNs should be saved as a PDF document, and then submitted as an attachment in an email to the appropriate Regulatory Office:

Huntington District – LRH.permits@usace.army.mil

Pittsburgh District – Regulatory.Permits@usace.army.mil

- Electronic documents must have sufficient resolution to show project details. The PCN and supporting documents submitted electronically must not exceed 10 megabytes (10MB) per email. Multiple emails may be required to transmit documents to ensure the 10MB limit is not exceeded. Alternatively, use of the Department of Defense Secure Access File Exchange (DoD SAFE) service to transfer large files may be requested in your email.
- For tracking and processing purposes, the email should include the following:
  - Email Subject Line: include the name of the applicant, type of NWP request, and location (County and State). Example: RE: Doe, John, NWP (or Pre-Construction Notification) and Section 401 WQC Request, Cabell County, West Virginia;
  - Email Body: 1) Brief description of the proposed project, 2) contact information (phone number, mailing address, and email address) for the applicant and/or their agent, and 3) the project location: Address and Latitude/Longitude in decimal degrees (e.g. 42.92788°, - 88.36257°).
- If you do not have internet access, information may be submitted through the U.S. Postal Service to the appropriate Regulatory Office:

U.S. Army Corps of Engineers, Huntington District  
ATTN: Regulatory Division  
502 Eighth Street  
Huntington, West Virginia 25701-2070  
Phone: (304) 399-5610  
Fax: (304) 399-5805

U.S. Army Corps of Engineers, Pittsburgh District  
ATTN: Regulatory Division  
William S. Moorhead Federal Building  
1000 Liberty Avenue  
Pittsburgh, Pennsylvania 15222-4186  
Phone: (412) 395-7155  
Fax: (412) 644-4211

**Standard Conditions of State 401 Water Quality Certification Applicable to the 2021 Nationwide Permits**

1. To ensure project compliance with state water quality requirements applicable to these Nationwide Permits, notification is to be provided prior to construction to West Virginia Department of Environmental Protection (WV DEP) for any permitted activity for which the U.S. Army Corps of Engineers (USACE) requires pre-construction notification (PCN), in accordance with Nationwide Permit General



Condition 32. This condition is required through authority provided in State Certification of Activities Requiring a Federal License or Permit, 40 C.F.R §121.3 (2020) and WV Water Pollution Control Act, W.Va. Code §22-11-1, et seq. (2014).

2. To compensate for unavoidable impacts to aquatic resources as a result of the discharge of dredge or fill material, the applicant must provide proof of compensatory mitigation (as outlined in Standard Condition 16 below) to WV DEP prior to construction, for an activity resulting in cumulative permanent impacts to streams greater than 300 linear feet or causing the loss of greater than 1/10 acre of wetlands. This condition is required in accordance with the following; Rules for Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-6 (2014), Antidegradation Implementation Procedures, W.Va. C.S.R §60-5-1, et seq. (2008), and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1 et seq. (2016).
3. To protect the biological integrity of the aquatic ecosystem, culverted crossings shall be sized and installed in a manner to allow the passage of aquatic life and freely pass bankfull flows. Exceptions to this requirement would be when culvert placement is on bedrock, or when stream gradient is equal to or greater than 4%, or when bankfull elevation is greater than final surface elevation. This condition is required in accordance with Antidegradation Implementation Procedures, W.Va. C.S.R §60-5-1, et seq. (2008), and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016).
4. To protect the designated uses of waters of the state, the permittee shall investigate for the presence of water supply intakes or other activities within 1/2 mile downstream of the activity, which may be affected by increased suspended solids and turbidity, caused by work in the watercourse. The permittee shall give notice to operators of any such water supply intakes and such other water quality dependent activities as necessary before beginning work in the watercourse in sufficient time to allow preparation for any change in water quality. This condition is required in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-7.2.a.2 (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R §60-5-1, et seq (2008).
5. To ensure that temporary stream and wetland crossings have no significant adverse impact to aquatic resources, the following procedures and requirements shall be followed and met in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3.2 (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008). At each stream crossing, substrate in the channel will be removed and stockpiled separately from other excavated material. This native material must be reused in restoration of the stream channel, which is to be completed within 72 hours or as soon as practicable after completion of the crossing. Upon final stream bed restoration, the stream must have similar physical characteristics to include substrate, pattern, profile, dimension and embeddedness of the original stream channel. At each wetland crossing, any excavated material from the top 12 inches of soil will be removed and stockpiled separately from other excavated material. This native material must be reused in restoration of the wetlands temporarily

impacted by the open cut crossing and restoration must be completed within 72 hours or as soon as practicable after completion of the crossing. Stream crossings will be conducted as close to a right angle to the watercourse as practicable and the area of in stream activity will be limited to reduce disturbance.

6. Spoil materials from the watercourse or onshore operations, including sludge deposits, shall not be dumped in the watercourse, or deposited in wetlands or other areas where the deposit may adversely affect the surface waters of the state consistent with the requirements set forth in WV Water Pollution Control Act, W.Va. Code §22-11-4.a.16 (2014) and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016).
7. To protect aquatic resources from unauthorized discharge of pollutants, storage and refueling areas shall not be located within any surface water body. All spills shall be promptly reported to the State Center for Pollution, Toxic Chemical and Oil Spills, 1-800-642-3074. This condition is required in accordance with; Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016) and WV Water Pollution Control Act, W.Va. Code §22-11-8 (2014).
8. To reduce sedimentation of aquatic resources and increased turbidity, it is required that proper stabilization of all disturbances below the ordinary high-water mark of waters shall be installed within 24 hours or as soon as practicable to prevent erosion. Where possible, stabilization shall incorporate revegetation using bioengineering as an alternative to riprap. If riprap is utilized, it must be of such weight and size that bank stress or slump conditions shall not be created due to its placement. Fill must be clean, nonhazardous and of such composition that it shall not adversely affect the biological, chemical or physical properties of the receiving waters. Unsuitable materials include but are not limited to: copper chromium arsenate (CCA) and creosote treated lumber, car bodies, tires, large household appliances, and asphalt. To reduce potential slope failure and/or erosion behind the material, fill containing concrete must be of such weight and size that promotes stability during expected high flows. Loose large slab placement of concrete sections from demolition projects greater than thirty-six (36) inches in its longest dimension are prohibited. Rebar or wire in concrete shall not protrude further than one (1) inch. All activities require the use of clean and coarse non-erodible materials with 15% or less of like fines that is properly sized to withstand expected high flows. This condition is required in accordance with; Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016), WV Water Pollution Control Act, W.Va. Code §22-11-8 (2014) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).
9. To protect the water quality of aquatic resources, runoff from any storage areas or spills shall not be allowed to enter storm sewers without acceptable removal of solids, oils and toxic compounds. Discharges from retention/detention ponds must comply with permit requirements of the National Pollutant Discharge Elimination System permit program of the WV DEP. This condition is required in accordance with; WV Water Pollution Control Act, W.Va. Code §22-11-4.a.16 (2014) and

Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016).

10. To protect aquatic resources from discharge associated with land disturbance activities, which are one (1) acre or greater in total area, the project proponent must comply with the National Pollutant Discharge Elimination System or other state stormwater permit requirements as established by the WV DEP, if applicable. Any land disturbances are required to use Best Management Practices for Sediment and Erosion Control, as described in the latest West Virginia Department of Environmental Protection's Erosion and Sediment Control Best Management Practice Manual, or similar documents prepared by the West Virginia Division of Highways. These handbooks are available from the respective agency offices. This condition is required in accordance with; WV Water Pollution Control Act, W.Va. Code §22-11-4.a.16 (2014) and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016).
11. To protect aquatic resources from unpermitted discharges consistent with the requirements of WV Water Pollution Control Act, W.Va. Code §22-11-4.a.16 (2014) and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016), concrete shall not be permitted to enter the watercourse unless contained by tightly sealed forms or cells. Concrete handling equipment shall not discharge waste washwater into wetlands or watercourses at any time without adequate wastewater treatment as approved by the WV DEP.
12. To maintain the biological integrity of the state's fisheries, a spawning waiver is required for in-stream work in designated warm water streams and their adjacent tributaries during the fish spawning season of April to June and for trout waters and their adjacent tributaries during the trout water fish spawning season of September 15 to March 31. Fish spawning waivers may be requested from West Virginia Division of Natural Resources (WV DNR) Coordination Unit, at (304) 637-0245. For information about specific stream designations contact West Virginia Department of Environmental Protection, Water Quality Standards Section at (304) 926-0440. This condition is required in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3.2 (2016) and Wildlife Resources Declaration of Policy, W.Va. Code §20-2-4 (2017).
13. To protect stream stability and avoid unnecessary degradation of aquatic resources, the project proponent should avoid removal of riparian vegetation to the greatest extent practicable. This condition is required in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).
14. To protect aquatic life and reduce turbidity and disturbance to aquatic resources, the operation of equipment in-stream shall be minimized and accomplished during low flow periods when practical. Ingress and egress for equipment outside the immediate work area requires prior approval of the WV DNR Office of Land and Stream. This condition is required in accordance with; Requirements Governing



Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016) and Wildlife Resources Declaration of Policy, W.Va. Code §20-2-4 (2017).

15. To ensure the protection of West Virginia's high quality and special aquatic resources, notification must be provided to the WV DEP 60-days prior to construction describing the project purpose, location, and impacts for use of any Nationwide Permit(s) resulting in work in streams set forth in Sections A, B, and C below. The WV DEP will provide applicant coordination within 15 days of receipt of a complete notification.
  - A. Tier 3 Protection is provided for aquatic resources in accordance with West Virginia Code of State Regulations, Requirements Governing Water Quality Standards, Antidegradation Policy, Title 47, Series 2, Section 4 for Outstanding National Resource Waters to include, but are not limited to, all streams and rivers within the boundaries of Wilderness Areas designated by The Wilderness Act (16 U.S.C. §1131, et seq.) within the state, all federally designated rivers under the Wild and Scenic Rivers Act, 16 U.S.C. §1271, et seq.; all streams and other bodies of water in state parks which are high quality waters or naturally reproducing trout streams; waters in national parks and forests which are high quality waters or naturally reproducing trout streams; waters designated under the National Parks and Recreation Act of 1978, as amended; and pursuant to W.Va. C.S.R. §§60-5-6, 7 (2008) those waters whose unique character, ecological or recreational value, or pristine nature constitutes a valuable national or state resource. This condition is required in accordance with Tier 3 Protection Review Procedures, W.Va. C.S.R. §§60-5-6, 7 (2008). The listing of Tier 3 streams is located at: [https://dep.wv.gov/WWE/Programs/wqs/Documents/Tier%203%20Info/WVTier3\\_Nov2013\\_web.xlt](https://dep.wv.gov/WWE/Programs/wqs/Documents/Tier%203%20Info/WVTier3_Nov2013_web.xlt)
  - B. Naturally-Reproducing Trout Streams are protected to ensure the continued propagation and maintenance of naturally-reproducing trout. For information about specific streams contact WV DEP, Water Quality Standards, at 304-926-0440. This condition is required in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).
  - C. West Virginia Natural Stream Preservation Act identifies the following streams or rivers as protected from activities that would impound, divert or flood the body of water: Greenbrier River from its confluence with Knapps Creek to its confluence with the New River, Anthony Creek from its headwaters to its confluence with the Greenbrier River, Cranberry River from its headwaters to its confluence with the Gauley River, Birch River from Cora Brown Bridge in Nicholas County to the confluence of the river with the Elk River, and New River from its confluence with the Greenbrier River to its confluence with the Gauley River. This condition is required consistent with the authority and requirements of the Natural Streams Preservation Act, W.Va. Code §22-13-1, et seq. (2011).

16. The following mitigation guidelines are established to ensure no significant adverse impact to the chemical, physical, hydrologic, or biological integrity of wetlands and streams without compensating for the aquatic resource functions that will be lost as a result of the permitted activity. The discharge of dredged or fill material into a stream or wetland is authorized based upon the following criteria:

- A. Greater than one-tenth (1/10) acre of cumulative permanent impact to wetland(s) (including wetland type conversion) requires prior notification describing the project location, impacts, and plan for mitigation to be submitted to the WV DEP.
- B. The amount of fill in a wetland, wetland complex or wetland system without mitigation is not to cumulatively exceed 1/10 acre.
- C. Cumulative permanent impacts to stream(s) greater than 300 linear feet requires prior notification describing the project location, impacts, and plan for mitigation to be submitted to the WV DEP. The West Virginia Stream Wetland Valuation Metric (SWVM) is the preferred assessment methodology to assist with the determination of required mitigation. The metric is available at the Huntington and Pittsburgh USACE web sites.

In all instances, mitigation for all impacts incurred through use of these Nationwide Permits must first be directed to elimination of the impacts, then minimization of the impacts and lastly through compensatory mitigation. In many cases, the environmentally preferable compensatory mitigation may be provided through an approved mitigation bank or the West Virginia In-Lieu Fee Program. Permittee responsible compensatory mitigation may be performed using the methods of; restoration, enhancement, establishment, and in certain circumstances, preservation. In general, the required compensatory mitigation should be located in the same watershed as the impact site and located where it is most likely to successfully replace lost functions and services as the impacted site. However, the use of mitigation banks or in-lieu fee for in-kind replacement is not restricted to the same watershed in which the impact has occurred until such time as mitigation banks or in-lieu projects are developed in each major watershed.

**Wetlands.** When permittee responsible in-kind replacement mitigation is used, it is to be accomplished at the following ratios until such time an approved functional assessment methodology is established for the state of West Virginia.

Permanent impacts to open water wetlands are to be one (1) acre replaced for one (1) acre impacted.

Permanent impacts to wet meadow/emergent wetlands are to be two (2) acres replaced for one (1) acre impacted.

Permanent impacts to scrub-shrub and forested wetlands are to be three (3) acres replaced for one (1) acre impacted.

In instances where compensatory in-kind mitigation is completed 12 months prior to the impact of the aquatic resource, the replacement ratio may be reduced to as low as one (1) acre created/restored to every one (1) acre impacted.

**NOTE:** The ratio of created/restored wetlands to impacted wetlands not only ensures no net loss but assures the adequate replacement of the impacted wetlands functions and values at the level existing prior to the impact. For many of the more complicated type wetlands, such as scrub-shrub and forested, the values and functions cannot readily be replaced through creation. Furthermore, not all wetland creation is successful.

In certain instances, the WV DEP DWWM may consider the acquisition of existing wetlands. Acquisition ratios include the following:

Five (5) to one (1) for open water wetlands;  
Ten (10) to one (1) for wet meadow/emergent wetlands; and  
Fifteen (15) to (1) for scrub-shrub and forested wetlands.

Under extenuating circumstances, the Secretary may accept lower ratios for high quality wetlands under significant threat of development.

All wetlands acquired, using the acquisition method of mitigation, shall either be deeded to the WVDNR Public Land Corporation for management by the Wildlife Resources Section or placed under a conservation easement and be protected from disturbance by the permittee or their designee. Third party oversight of the conservation easement by a non-profit conservation organization is preferred.

**Streams.** When proposing permittee responsible compensatory mitigation, projects shall attempt to replace lost functions for permanent stream impacts. Mitigation shall be determined on a case-by-case basis based on the pre- and post- condition stream quality and complexity of the mitigation project preferably utilizing the most current version of the SWVM worksheets. Compensatory mitigation may require protection through deed restrictions or conservation easements by the permittee or their designee.

These requirements are established in accordance with; Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008), Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016), WV Water Pollution Control Act, W.Va. Code §22-11-1, et seq. (2014), Rules for Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-6 (2014), and Compensatory Mitigation for Losses of Aquatic Resources; Final Rule, 33 C.F.R. §332 (2008).

17. To protect mussel populations in accordance with state and federal requirements, should native freshwater mussels be encountered during the use of any Nationwide Permit, all activity reasonably expected to jeopardize the population is to cease immediately and the WV DNR Wildlife Resources Section, Wildlife Diversity Program is to be contacted (304-637-0245) to determine significance of the mussel population and the action to be taken. This condition is required in accordance with; Rules for Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-3.1 (2014), Requirements Governing Water Quality Standards, W.Va. C.S.R.



§47-2-1, et seq. (2016), Possession of Wildlife, W.Va. Code §20-2-4 (2017) and Fishing Regulations W.Va. C.S.R. §58-60-5.11 (2020).

## COMPLETION OF WORK FORM

Permit: LRH-2024-00417-OHR-McElroy Creek  
Gateway Extension Project

Name of Permittee: Spencer Trichell  
Eastern Gas Transmission and Storage, Inc. (EGTS)  
10700 Energy Way  
Glen Allen, Virginia 23060

Date of Issue: June 17, 2024

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Huntington District  
U.S. Army Corps of Engineers  
502 8<sup>th</sup> Street  
Huntington, WV 25701-2070  
Attn: Rachel A. McCarty RDE

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

---

Signature of Permittee

Date

**From:** NPDESEP, DEP <dep.npdesepp@wv.gov>  
**Sent:** Friday, July 19, 2024 1:09 PM  
**To:** Francisco.Canneto@bhegts.com; Jarrod Allen Barclay  
**Cc:** Timothy G Wine; Timothy J Casto; DEP NPDESEP; Joseph W Cochran  
**Subject:** Approval for Modification No. 5 for WVR310846-5, Gateway Extension Project, Harrison County, Acres (149.8)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You don't often get email from [dep.npdesepp@wv.gov](mailto:dep.npdesepp@wv.gov). [Learn why this is important](#)

**EXERCISE CAUTION: This is an External Email Message!**

*\*\*Think before clicking on links, opening attachments, or responding\*\**

Frank Canneto  
Eastern Gas Transmission and Storage, Inc.  
925 White Oaks Boulevard  
Bridgeport, WV 26330

Physical Site Location: CR 35, Benson, Harrison County, WV 26378

Dear Permittee:

Please be advised that this e-mail constitutes approval and serves as Modification No. 5 of your existing State General Permit Registration No. WV0116815, issued 13th of May 2013.

After reviewing and consideration of the submitted information the subject permit registration WVR310846-5 is hereby modified in accordance with the following:

The purpose of this modification is to add an additional 42.7 acres of disturbance for the 635 pipeline and to reduce the overall disturbed acreage due to stabilization according to the stabilization report filed by WVDEP inspector Timothy Wine. The disturbed acreage for the project has decreased from 658.2 to 149.8 acres, a decrease of 551.1 acres. The annual permit fee is \$1,500.00.

All other terms and conditions of the subject WV/State Water Pollution Control Permit Registration No. WVR310846 shall remain in effect and unchanged.

Registration WVR310846 has been extended to October 1, 2025 per Module 2 of the online application form. This date is conditional since the General Permit WV00116815 expires on April 23, 2025. However, if the general permit is not reissued prior to the expiration date, this registration will be administratively continued in accordance with 47 CSR 10 and remain in force and effect. If the General Permit is reissued, DWWM will identify a reasonable time period for the applicant to seek continued permit coverage under the reissued General Permit.



Your efforts toward preventing the degradation of our natural resources are greatly appreciated.

If you have any questions relative to this approval, please do not hesitate to contact **Joseph Cochran** at (304) 414-3793 or by email at [joseph.w.cochran@wv.gov](mailto:joseph.w.cochran@wv.gov).

Jeremy W. Bandy, Director  
Division of Water and Waste Management  
601 57<sup>th</sup> St SE  
Charleston, WV 25304-2345  
Phone: (304) 926-0495  
Fax: (304) 926-0463

October 3, 2024

Office of Land and Streams  
**RIGHT OF ENTRY**

Eastern Gas Transmission and Storage  
Attention: Francisco Canneto  
Eastern Gas Transmission and Storage, Inc.  
10700 Energy Way  
Glen Allen, VA 23060

**Re: P-2024-VI-09-17407**

To Whom It May Concern:

The West Virginia Division of Natural Resources (WVDNR) hereby authorizes for a term of 10 years, from the date hereof, a Right of Entry to construct, replace, cover, repair, operate, maintain, use, and remove a 30" pipeline at fifteen separate locations (Gateway Extension Project), along Buckeye Run, Righthand Fork East Run, Flint Run, Big Battle Run, Little Battle Run, McElroy Creek, and Broad Run, near Center Point, in Doddridge County, West Virginia, as shown on the map attached hereto.

The issuance of this Right of Entry by the WVDNR does not preclude the necessity to obtain permits from the U.S. Army Corps of Engineers (USACE), W.V. Department of Environmental Protection (WVDEP), or the W.V. Division of Homeland Security and Emergency Management (WVDHSEM). This Right of Entry does not negate the need to comply with the West Virginia Water Pollution Control Act and/or the State Environmental Quality Board's administrative regulations.

It is advised to contact the following agencies for additional guidelines and/or regulations:

1. The USACE [Huntington District (304-399-5210) or the Pittsburgh District (412-395-7155)] may require either an Individual Clean Water Act 404 permit or a Nationwide Permit.  
<http://www.lrh.usace.army.mil/Missions/Regulatory.aspx>
2. The WVDNR Environmental Coordination Unit (304-637-0245) should be contacted for the Mussel survey requirements for streams with mussel populations as described in the West Virginia Mussel Survey Protocol  
<http://www.wvdnr.gov/Mussels/West%20Virginia%20Mussel%20Survey%20Protocols%20APR2016.pdf>



3. The WVDEP (304-926-0499) may require the following permits:
  - a. A Clean Water Act Section 401 Water Quality Certification  
<http://www.dep.wv.gov/WWE/Programs/Pages/401Certification.aspx>
  - b. Construction Stormwater Site Registration and Notice of Intent. Not needed if disturbance less than (1) acre.  
[http://dep.wv.gov/WWE/Programs/stormwater/Pages/sw\\_home.aspx](http://dep.wv.gov/WWE/Programs/stormwater/Pages/sw_home.aspx)
4. The Division of Water and Waste Management, (304-926-0495) should be contacted for the WVDEP Erosion and Sediment Control Best Management Practice Manual, Revised 2016, that it requires to be followed.  
[http://www.dep.wv.gov/WWE/Programs/stormwater/csw/Pages/ESC\\_BMP.aspx](http://www.dep.wv.gov/WWE/Programs/stormwater/csw/Pages/ESC_BMP.aspx)
5. The WVDHSEM (304-957-2571) may require a Floodplain Permit.
6. The U.S. Fish and Wildlife Service Field Office (304-636-6568) should be contacted for any activity in waterways listed in Appendix A of the 2017 USACE Nationwide Permits for threatened or endangered aquatic species identified by the U.S. Fish and Wildlife Service.  
<http://www.lrp.usace.army.mil/Portals/72/docs/regulatory/2017%20Public%20Notices/West%20Virginia%20-%20NWP%20March%202017%20PN.pdf?ver=2017-03-22-095505-870>
7. The local Conservation District for the district where the work is to be performed should be contacted for technical support.

This Right of Entry does not allow in-stream work to be performed during the cold-water fish spawning season (September 15- March 31) and warm-water fish spawning season (April 1 - June 30). Spawning waivers may be obtained from the WVDNR Environmental Coordination Unit (304-637-0245).

This Right of Entry does not allow work outside the requested boundaries. The WVDNR does not assume any liability for your construction activities. By accepting this Right of Entry, you assume liability for any and all damage caused by this activity to both upstream and downstream landowners.

This Right of Entry does not authorize any rights or privileges, or permission to enter upon, or to cross the property of any other person, nor does it authorize removal of any material that lies upon the property of another person.



All work authorized under this Right of Entry should be completed as soon as possible, but no longer than one year from the date hereof.

The payment of \$6000.00 is now due and payable to the West Virginia Division of Natural Resources which payment covers the entire 10-year fee.

The Right of Entry will be effective upon receipt of your payment in full.

Please notify the Office of Land and Streams in writing when the pipeline is transferred or removed.

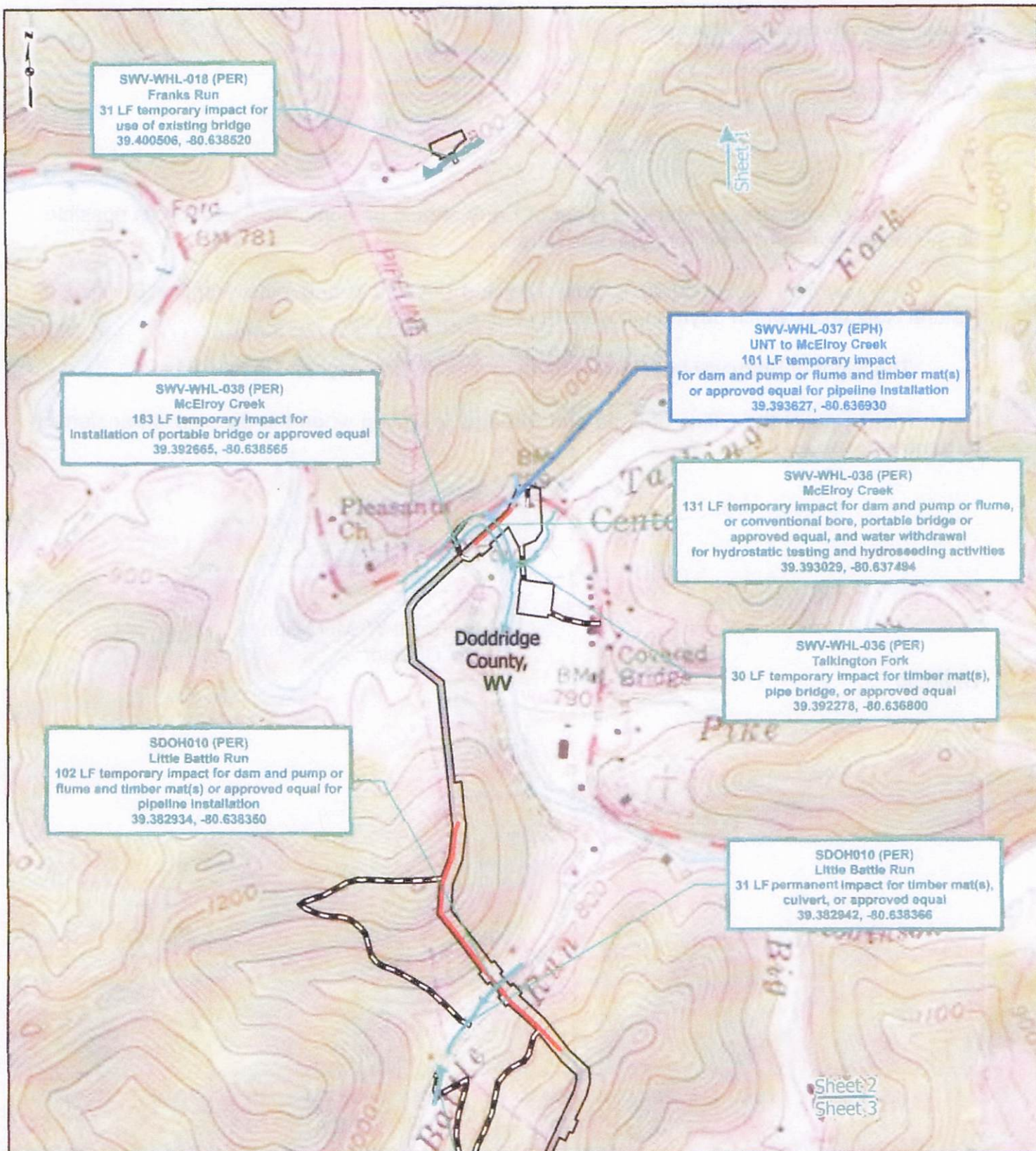
Sincerely,



Brett W. McMillion  
Director

BWM: lp





#### PROJECT LOCATION



DODDRIDGE COUNTY,  
WEST VIRGINIA

#### Legend

- Ephemeral Stream
- Intermittent Stream
- Perennial Stream
- Proposed Pipeline
- Existing Pipeline
- Access Road
- Limit of Disturbance
- County Boundary

0 500 1,000 2,000 Feet

#### FIGURE 1 STREAM ACTIVITY MAP SHEET 2 OF 8

**GATEWAY EXTENSION PROJECT**  
**EASTERN GAS**  
**TRANSMISSION & STORAGE**

DRAWN BY: JPK

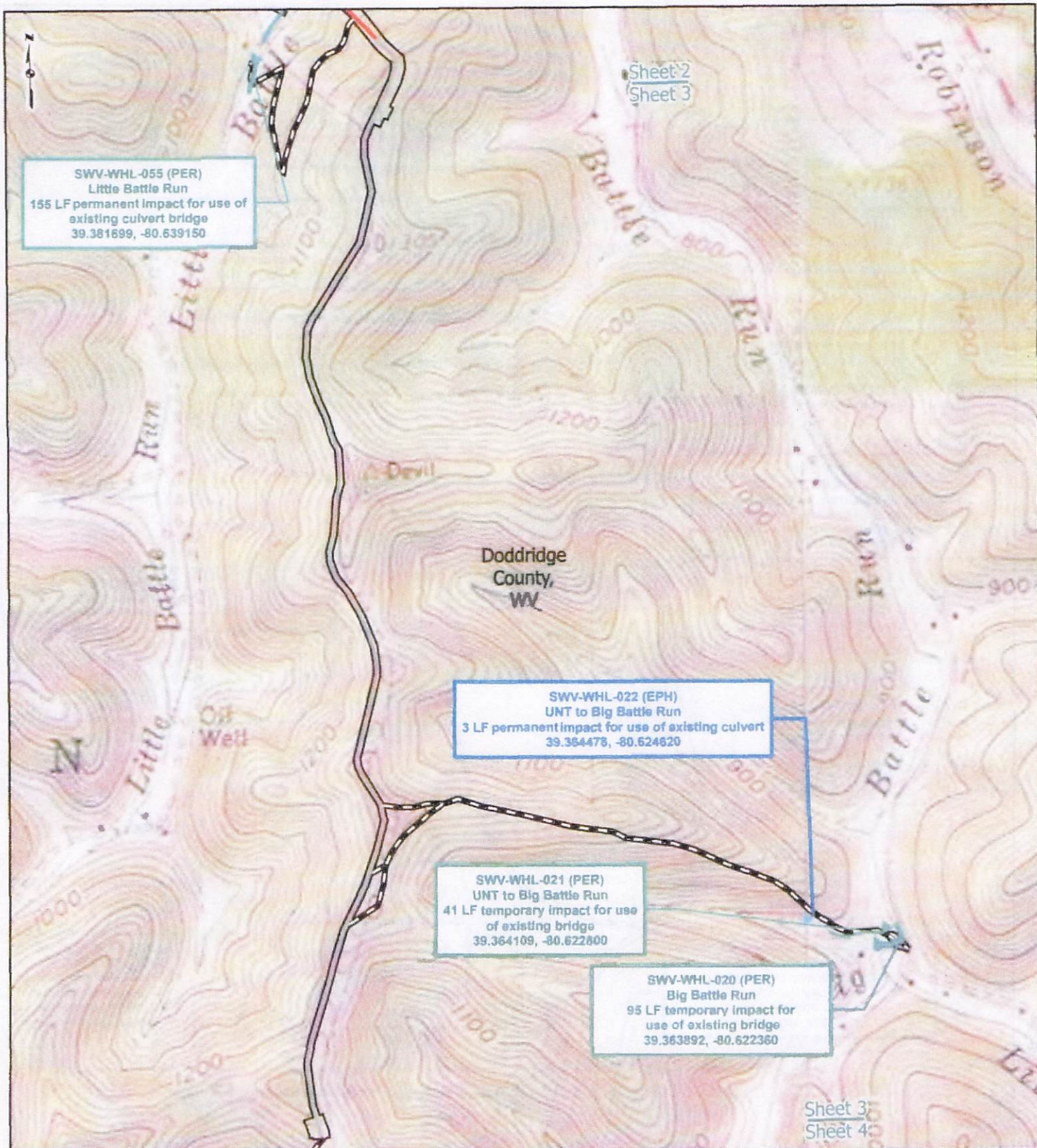
DATE: 8/9/2024

CHECKED: AJW

APPROVED: KAM

REFERENCE: USGS 7.5' TOPOGRAPHIC QUADRANGLES: CENTER POINT (1979), FOLSOM (1977), SALEM (1977), SMITHBURG (1977) AND WEST UNION (1979), WEST VIRGINIA. OBTAINED THROUGH ESRI USA TOPO MAPS. ACCESSED 7/3/2024.





#### PROJECT LOCATION



DODDRIDGE COUNTY,  
WEST VIRGINIA

#### Legend

- Ephemeral Stream
- Intermittent Stream
- Perennial Stream
- Proposed Pipeline
- Existing Pipeline
- Access Road
- Limit of Disturbance
- County Boundary

0 500 1,000 2,000  
Feet

#### FIGURE 1 STREAM ACTIVITY MAP SHEET 3 OF 8



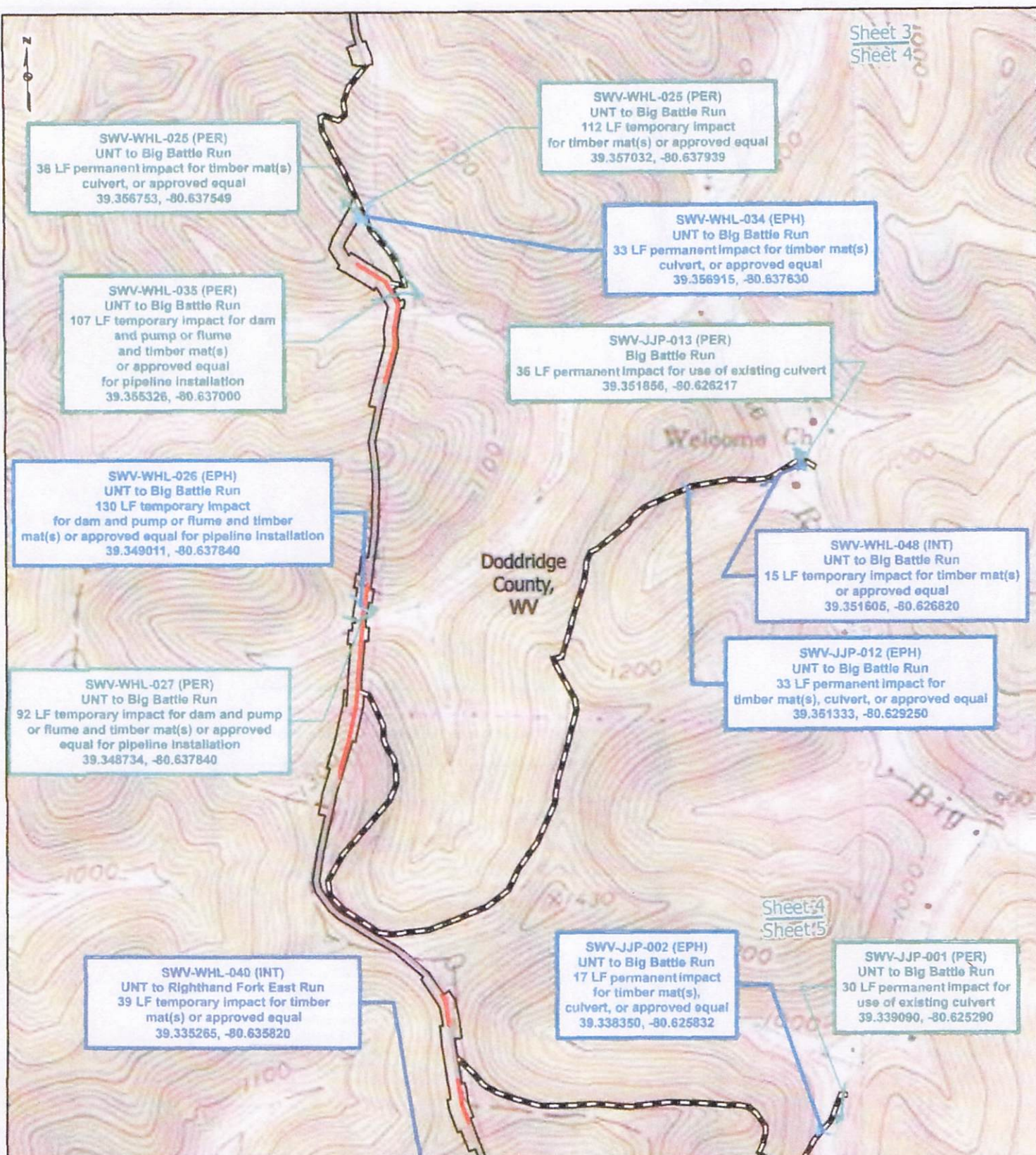
GATEWAY EXTENSION PROJECT  
EASTERN GAS  
TRANSMISSION & STORAGE

DRAWN BY: JPK  
CHECKED: AJW

DATE: 8/9/2024  
APPROVED: KAM

REFERENCE: USGS 7.5' TOPOGRAPHIC QUADRANGLES: CENTER POINT (1979), FOLSOM (1977), SALEM (1977), SMITHBURG (1977) AND WEST UNION (1979), WEST VIRGINIA. OBTAINED THROUGH ESRI USA TOPO MAPS, ACCESSSED 7/3/2024.





# PROJECT LOCATION



DODDRIDGE COUNTY,  
WEST VIRGINIA

## Legend

- Ephemeral Stream
- Intermittent Stream
- Perennial Stream
- Proposed Pipeline
- Existing Pipeline
- Access Road
- Limit of Disturbance
- County Boundary

0 500 1,000 2,000 Feet

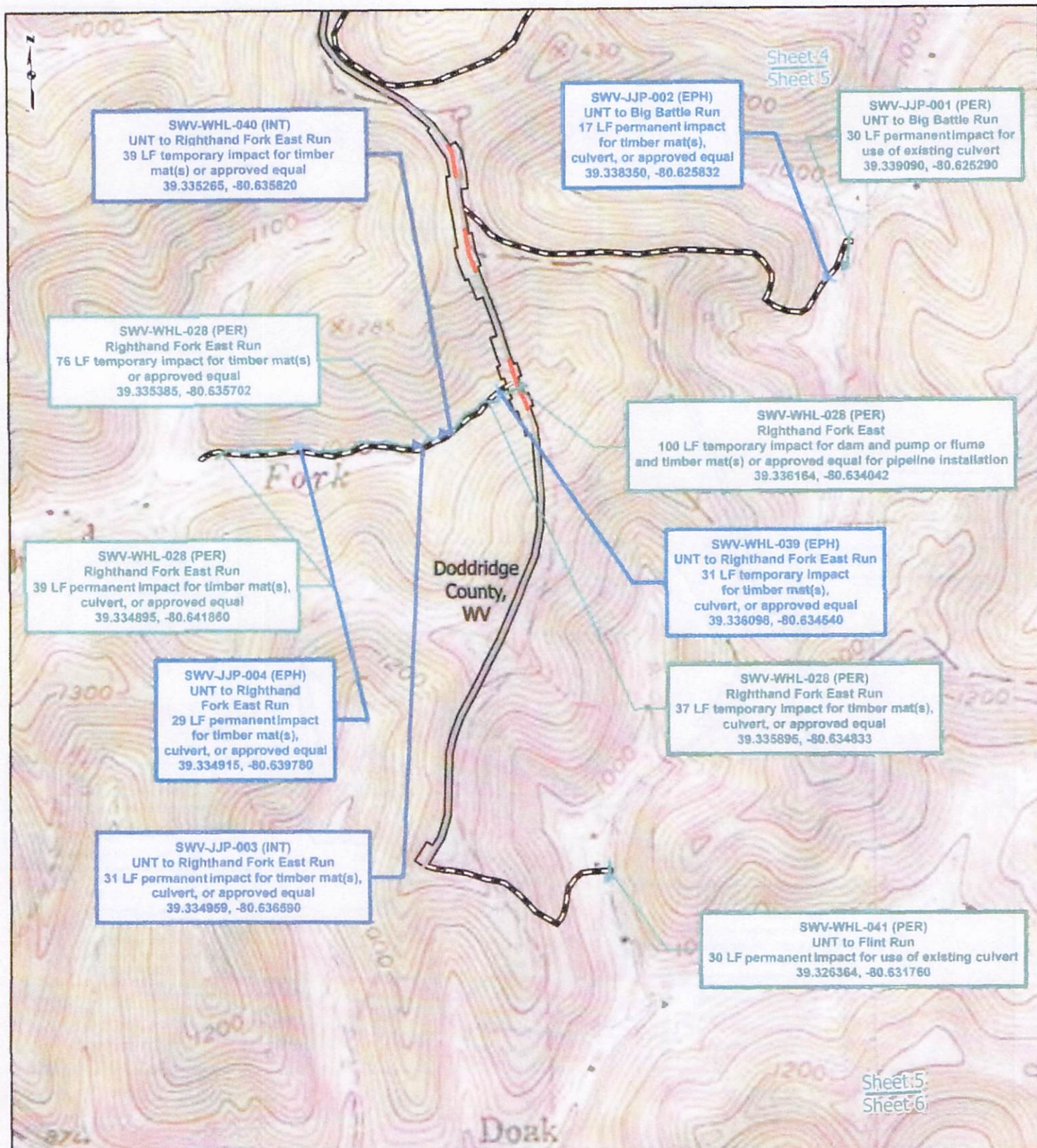
## FIGURE 1 STREAM ACTIVITY MAP SHEET 4 OF 8

GATEWAY EXTENSION PROJECT  
EASTERN GAS  
TRANSMISSION & STORAGE

DRAWN BY: JPK  
CHECKED: AJW

DATE: 8/9/2024  
APPROVED: KAM





# PROJECT LOCATION



DODDRIDGE COUNTY,  
WEST VIRGINIA

## Legend

- Ephemeral Stream
- Intermittent Stream
- Perennial Stream
- Proposed Pipeline
- Existing Pipeline
- Access Road
- Limit of Disturbance
- County Boundary

0 500 1,000 2,000 Feet

## FIGURE 1 STREAM ACTIVITY MAP SHEET 5 OF 8

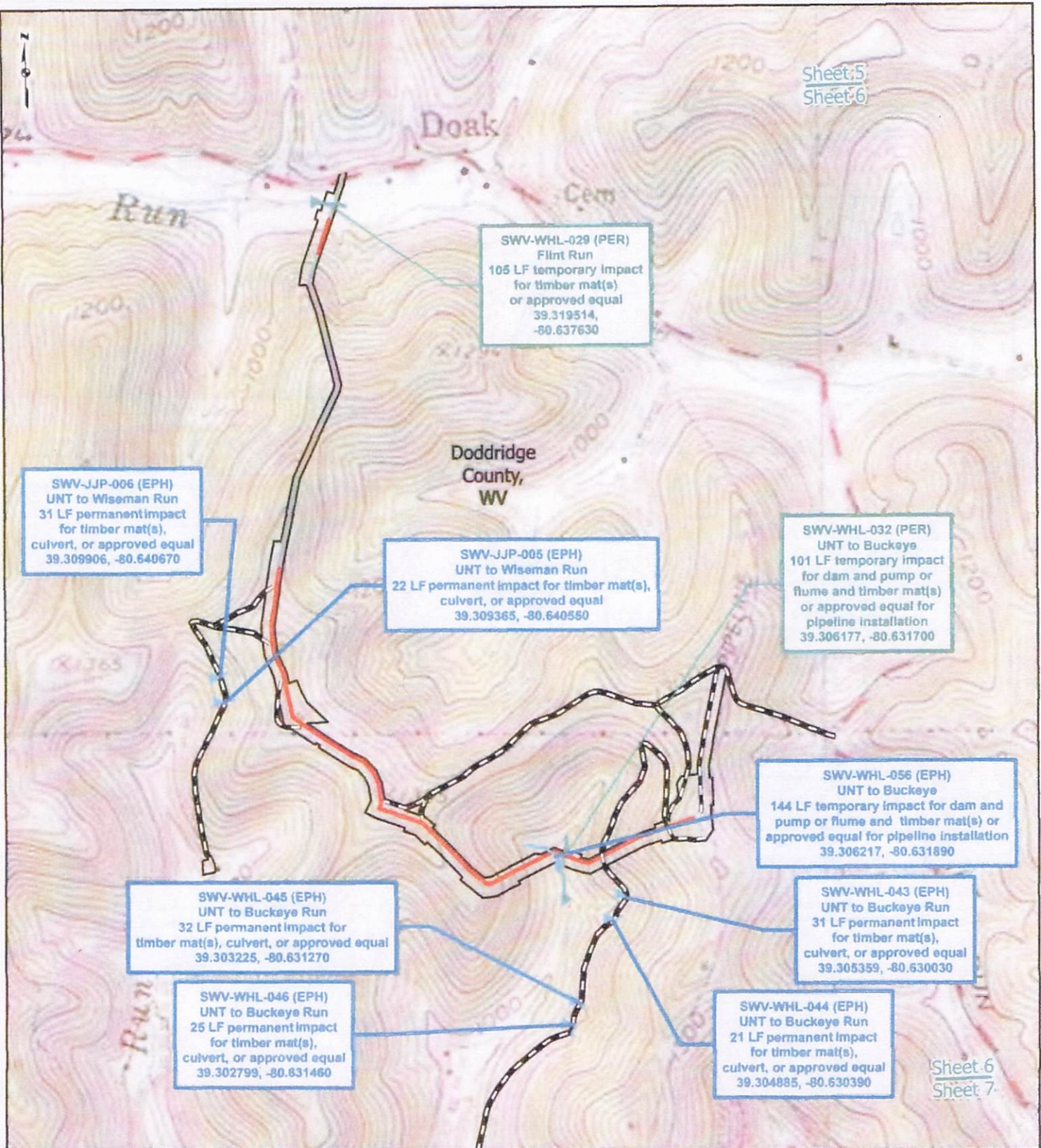
GATEWAY EXTENSION PROJECT  
EASTERN GAS  
TRANSMISSION & STORAGE

DRAWN BY: JPK  
CHECKED: AJW

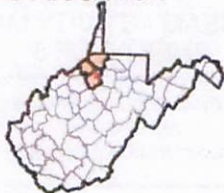
DATE: 8/9/2024  
APPROVED: KAM

REFERENCE: USGS 7.5 TOPOGRAPHIC QUADRANGLES: CENTER POINT (1979), FOLSOM (1977), SALEM (1977), SMITHBURG (1977) AND WEST UNION (1979), WEST VIRGINIA, OBTAINED THROUGH ESRI USA TOPO MAPS, ACCESSED 7/3/2024





PROJECT LOCATION



DODDUDGE COUNTY,  
WEST VIRGINIA

Legend

- Ephemeral Stream
- Intermittent Stream
- Perennial Stream
- Proposed Pipeline
- Existing Pipeline
- Access Road
- Limit of Disturbance
- County Boundary

0 500 1,000 2,000  
Feet

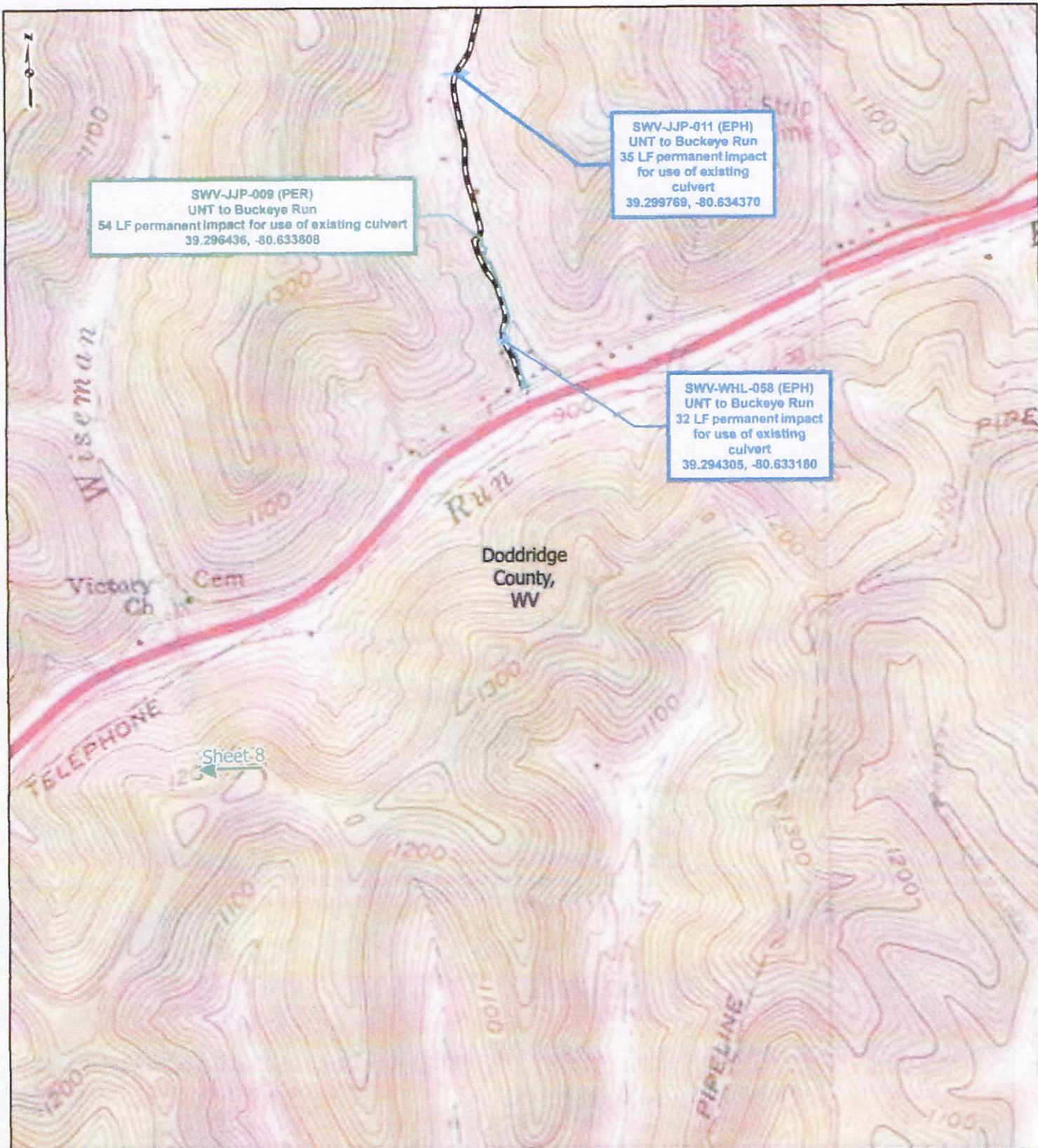
FIGURE 1  
STREAM ACTIVITY MAP  
SHEET 6 OF 8

GATEWAY EXTENSION PROJECT  
EASTERN GAS  
TRANSMISSION & STORAGE

DRAWN BY: JPK  
CHECKED: AJW

DATE: 8/9/2024  
APPROVED: KAM





#### PROJECT LOCATION



DODDRIDGE COUNTY,  
WEST VIRGINIA

#### Legend

- Ephemeral Stream
- Intermittent Stream
- Perennial Stream
- Proposed Pipeline
- Existing Pipeline
- Access Road
- Limit of Disturbance
- County Boundary

0 500 1,000 2,000 Feet

#### FIGURE 1 STREAM ACTIVITY MAP SHEET 7 OF 8



GATEWAY EXTENSION PROJECT  
EASTERN GAS  
TRANSMISSION & STORAGE

DRAWN BY: JPK

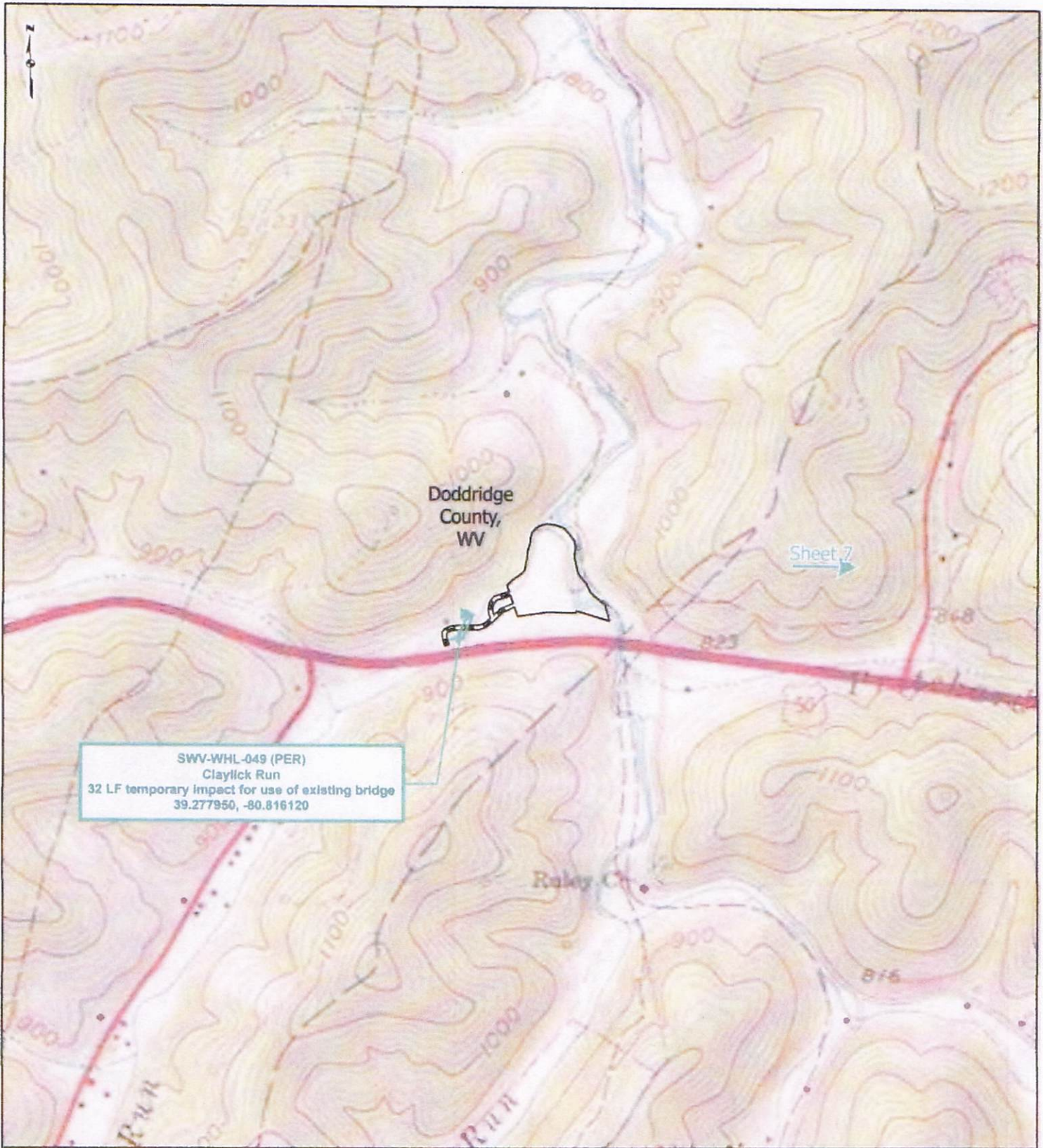
CHECKED: AJW

DATE: 8/9/2024

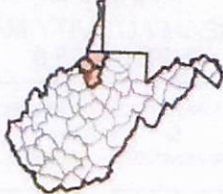
APPROVED: KAM

REFERENCE: USGS 7.5' TOPOGRAPHIC QUADRANGLES: CENTER POINT (1979), FOLSOM (1977), SALEM (1977), SMITHBURG (1977) AND WEST UNION (1979), WEST VIRGINIA. OBTAINED THROUGH ESRI USA TOPO MAPS. ACCESSED 7/3/2024





#### PROJECT LOCATION



DODDRIDGE COUNTY,  
WEST VIRGINIA

#### Legend

- Ephemeral Stream
- Intermittent Stream
- Perennial Stream
- Proposed Pipeline
- Existing Pipeline
- Access Road
- Limit of Disturbance
- County Boundary

0 500 1,000 2,000 Feet

#### FIGURE 1 STREAM ACTIVITY MAP SHEET 8 OF 8



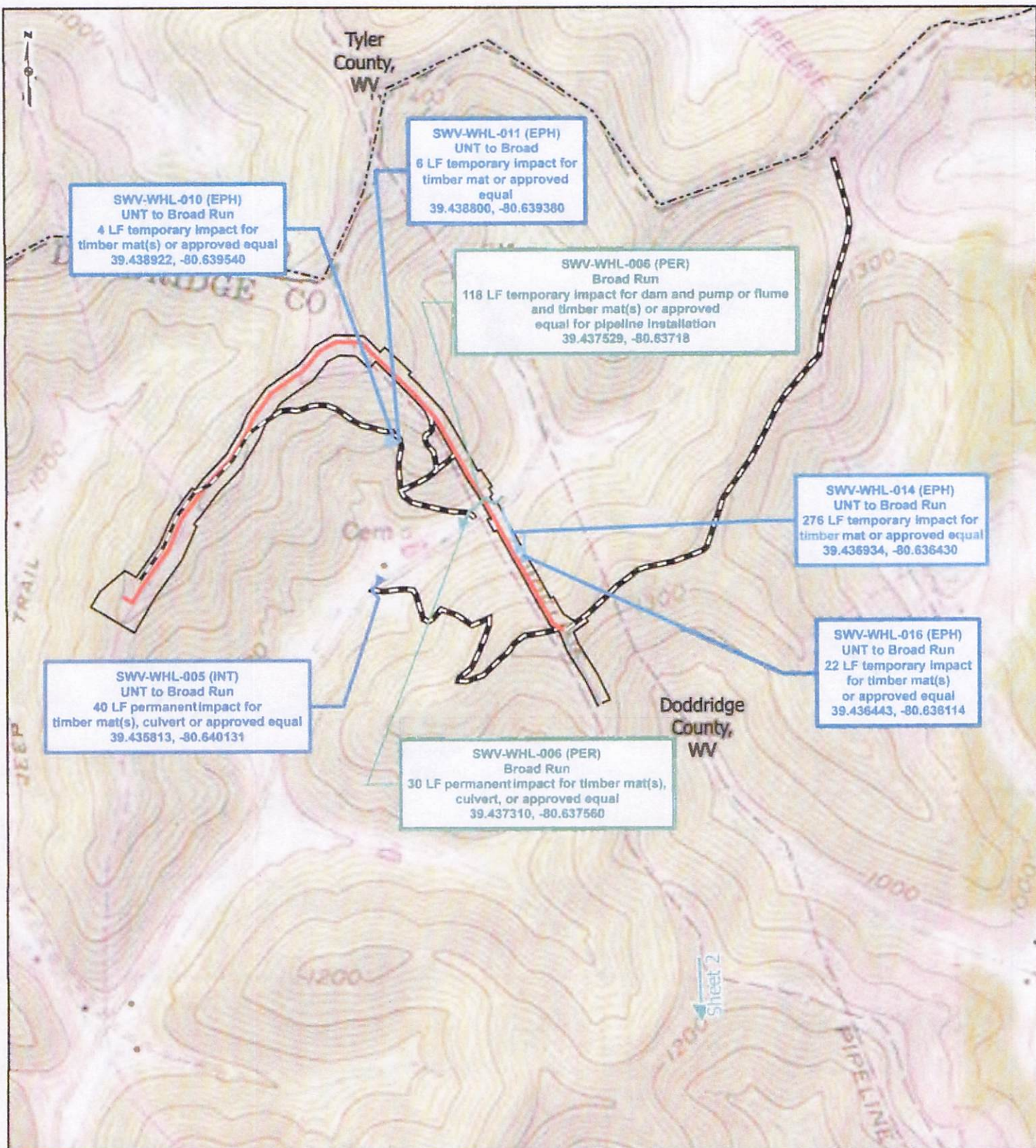
GATEWAY EXTENSION PROJECT  
EASTERN GAS  
TRANSMISSION & STORAGE

DRAWN BY: JPK  
CHECKED: AJW

DATE: 8/9/2024  
APPROVED: KAM

REFERENCE: USGS 7.5 TOPOGRAPHIC QUADRANGLES: CENTER POINT (1979), FOLSOM (1977), SALEM (1977), SMITHBURG (1977) AND WEST UNION (1979), WEST VIRGINIA, OBTAINED THROUGH ESRI USA TOPO MAPS, ACCESSED 7/3/2024.





#### PROJECT LOCATION



DODDRIDGE COUNTY,  
WEST VIRGINIA

#### Legend

- Ephemeral Stream
- Intermittent Stream
- Perennial Stream
- Proposed Pipeline
- Existing Pipeline
- Access Road
- Limit of Disturbance
- County Boundary

0 500 1,000 2,000  
Feet

#### FIGURE 1 STREAM ACTIVITY MAP SHEET 1 OF 8



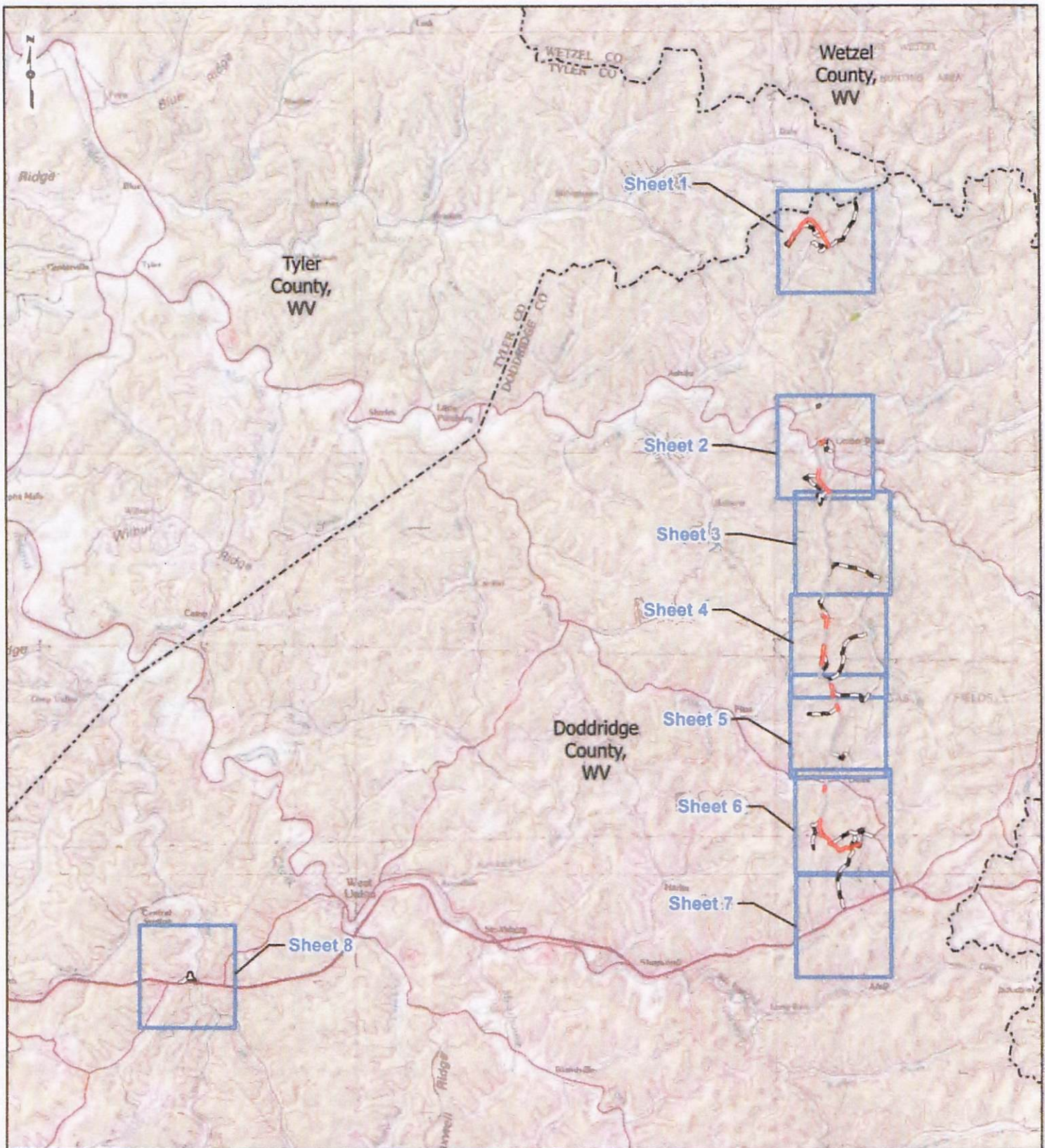
GATEWAY EXTENSION PROJECT  
EASTERN GAS  
TRANSMISSION & STORAGE

DRAWN BY: JPK  
CHECKED: AJW

DATE: 8/9/2024  
APPROVED: KAM

REFERENCE: USGS 7.5' TOPOGRAPHIC QUADRANGLES: CENTER POINT (1979), FOLSOM (1977), SALEM (1977), SMITHBURG (1977) AND WEST UNION (1979), WEST VIRGINIA, OBTAINED THROUGH ESRI USA TOPO MAPS, ACCESSED 7/3/2024.





#### PROJECT LOCATION



DODDRIDGE COUNTY,  
WEST VIRGINIA

#### Legend

- Access Road
- Anode Bed
- Proposed Pipeline
- Existing Pipeline
- Limit of Disturbance
- Sheet Index
- County Boundary

0 1 1/4 2 1/2 5 Miles

#### FIGURE 1 STREAM ACTIVITY MAP SHEET INDEX



GATEWAY EXTENSION PROJECT  
EASTERN GAS  
TRANSMISSION & STORAGE



DRAWN BY: JPK

DATE: 8/9/2024

CHECKED: AJW

APPROVED: KAM

REFERENCE: USGS 100K TOPOGRAPHIC QUADRANGLE: CLARKSBURG (1984), WEST VIRGINIA, OBTAINED THROUGH ESRI USA TOPO MAPS, ACCESSED 7/3/2024.



## West Virginia Division of Natural Resources

Invoice Pay on-line at  
<https://agencies.wvsto.com/LandAndStreams/Account.aspx>

<b>In Acct With</b>	Eastern Gas Transmission and Storage 10700 Energy Way Glen Allen, VA 23060	<b>Invoice No#:</b> LS0000000013500
		<b>Bill Date:</b> 11/04/2024

<b>Location</b>	<b>Agreement</b>	<b>Invoice Period</b>	<b>Balance</b>
Land and Streams/DNR	P-2024-VI-09-17407	For 10/03/2024 to 10/03/2034	\$6,000.00

**Description:**

A 30" pipeline at fifteen separate locations (Gateway Extension Project), along Buckeye Run, Righthand Fork East Run, Flint Run, Big Battle Run, Little Battle Run, McElroy Creek, and Broad Run, near Center Point, in Doddridge County WV

**OASIS Customer Code:** 000000204667

**PLEASE RETURN COPY OF THIS INVOICE WITH REMITTANCE**

WV Division of Natural Resources  
Office of Land & Stream  
324 Fourth Avenue, Room 200  
South Charleston, WV 25303

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT  
DNR Office of Land & Stream (304) 558-3225  
DNRLandandStreams@wv.gov

October 3, 2024

Office of Land and Streams  
**RIGHT OF ENTRY**

Eastern Gas Transmission and Storage  
Attention: Francisco Canneto  
10700 Energy Way  
Glen Allen, VA 23060

**Re: LS-2024-VI-09-17408**

Dear Mr. Canneto:

The Division of Natural Resources hereby grants to you for a period of one (1) year a Right of Entry to install, maintain, and use a water withdrawal at one location (Gateway Extension Project), along McElroy Creek, near Center Point, Doddridge County, West Virginia.

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

1. Dewatering and the entrainment and/or impingement of aquatic life are a major concern to resource agencies. The applicant will be responsible for any damage that may occur to aquatic life from the operation of this water withdrawal project.
2. The applicant must follow the West Virginia Department of Environmental Protection (WVDEP) Water Withdrawal Guidance Tool for allowable periods to withdraw water (<https://tagis.dep.wv.gov/wwts/>)
  - a. NOTE THE DISCLAIMER- *"At some point, even if the guidance indicates it is safe to remove water from the stream, you will reach a point where the flow is too small to support that withdrawal, and you should not remove water from the stream."*
  - b. Be advised that the Water Withdraw Guidance Tool may be less strict than thresholds incorporated into water management plans for Oil and Gas permits as required under state code for horizontal direction well drilling.
3. The WVDEP streamflow tool ([WVDEP 7Q10 Flow estimates](#)) can provide useful planning information. If estimated summer D50 flows are below 1.0 cfs it is very likely that during a substantial period of the year water withdraws from the site will be problematic.



4. Streambed disturbances should be avoided. Best management practices (BMPs) should be followed during all stages of this project to reduce downstream siltation.
5. All shore areas disturbed during this operation must be reshaped, seeded, and mulched immediately upon completion of work. The prompt establishment of vegetative cover will reduce future damage from high water levels.
6. The protection of aquatic life at a water withdrawal site includes the prevention of entrainment and impingement. Entrainment is the unwanted passage of fish or other aquatic life through a water intake, which is generally caused by an absent or inadequate screen surrounding the water intake. Impingement is the physical contact of a fish with such a barrier structure (screen) due to intake velocities which are too high to allow the fish to escape. Therefore, the water withdrawal intake should:
  - a. Include a screen surrounding the entire intake with openings no larger than 0.1875 (3/16) inches for floating intake structures or 0.10 inches for submerged or buried intakes.
  - c. Be designed to limit the through-screen approach velocity to 0.5 feet per second or less.
  - d. Be regularly inspected and well-maintained.
7. The State's issuance of this Right-of-Entry does not provide for the applicant to work outside the requested boundaries nor does the State assume any liability for the applicant's/landowner's construction activities. By accepting this Right-of-Entry, the applicant/landowner assumes liability for any/all damages caused by this activity to both upstream and downstream landowners.

Guidelines of Best Management Practices for Sediment and Erosion Control as outlined by the Section of Water Resources, Division of Environmental Protection must be followed. Copies of those guidelines are available from the Section of Water Resources, 601 57th Street, S.E., Charleston, West Virginia 25304-2345, Telephone No. (304) 926-0440.

The issuance of this Right of Entry by the Division of Natural Resources does not preclude the necessity for you to obtain a permit from the U.S. Corps of Engineers District Office, Permit Section, or any other state or federal permits which may be required by law, nor does this Right of Entry negate the need to comply with the West Virginia Water Pollution Control Act and/or the State Environmental Quality Board's administrative regulations, applicant is also responsible for determining if the proposed activity is located within an identified flood plain and it is the applicant's responsibility for contacting the local governmental agency in charge of that program and obtaining a floodplain development permit for it.

This Right of Entry does not grant any rights or privileges, or permission to enter upon or to cross the property of any other person, nor is permission granted to remove any material that lies upon the property of any other persons. In the event you fail or refuse to comply with any of the terms or conditions herein, this Right of Entry will be canceled and considered null and void and the Division will reject further applications.

Your payment in the amount of \$100.00 is now due and payable to the Division of Natural Resources covering the one-time fee of this agreement. Your agreement will be effective upon receipt of your payment in full.

Sincerely,



Brett W. McMillion  
Director

BWM:lp

cc: Office of Land and Streams  
DNR Fish Biologist  
Jeremy Bandy, Environmental Enforcement  
Natural Resources Police Officer  
WV DNR Coordination Unit



**West Virginia Division of Natural Resources**

**Invoice Pay on-line at**  
**<https://agencies.wvsto.com/LandAndStreams/Account.aspx>**

<b>In Acct With</b>	Eastern Gas Transmission and Storage 10700 Energy Way Glen Allen, VA 23060	<b>Invoice No#:</b> LS0000000013501
		<b>Bill Date:</b> 11/04/2024

<b>Location</b>	<b>Agreement</b>	<b>Invoice Period</b>	<b>Balance</b>
Land and Streams/DNR	LS-2024-VI-09-17408	For 10/03/2024 to 10/03/2025	\$100.00

**Description:**

a water withdrawal at one location (Gateway Extension Project), along McElroy Creek, near Center Point, Doddridge County, WV

**OASIS Customer Code:** 000000204667

**PLEASE RETURN COPY OF THIS INVOICE WITH REMITTANCE**

WV Division of Natural Resources  
Office of Land & Stream  
324 Fourth Avenue, Room 200  
South Charleston, WV 25303

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT  
DNR Office of Land & Stream (304) 558-3225  
[DNRLandandStreams@wv.gov](mailto:DNRLandandStreams@wv.gov)



October 9, 2024

Office of Land and Streams  
**RIGHT OF ENTRY**

Eastern Gas Transmission and Storage  
Attention: Francisco Canneto  
Eastern Gas Transmission and Storage, Inc.  
10700 Energy Way  
Glen Allen, VA 23060

**Re: LS-2024-VI-09-17409**

To Whom It May Concern:

The West Virginia Division of Natural Resources (WVDNR) hereby authorizes for a term of 10 years, from the date hereof, a Right of Entry to install, maintain, use, and remove a 30' x 36", 40' x 12", 31' x 60", 155' x 60", 3' x 18", 33' x 24", 36' x 36", 33' x 24", 36' x 144", 17' x 12", 31' x 18", 29' x 12", 39' x 60", 30' x 48", 31' x 12", 22' x 12", 31' x 24", 21' x 18", 32' x 36", 25' x 36", 35' x 24", 54' x 48", 32' x 18", and a 30' x 48" culvert in the streambed (Gateway Extension Project) along Big Battle Run, Buckeye Run, Wiseman Run, Flint Run, Righthand Fork East Run, Little Battle Run, and Broad Run, near Center Point, in Doddridge County, West Virginia.

The issuance of this Right of Entry by the WVDNR does not preclude the necessity to obtain permits from the U.S. Army Corps of Engineers (USACE), W.V. Department of Environmental Protection (WVDEP), or the W.V. Division of Homeland Security and Emergency Management (WVDHSEM). This Right of Entry does not negate the need to comply with the West Virginia Water Pollution Control Act and/or the State Environmental Quality Board's administrative regulations.

It is advised to contact the following agencies for additional guidelines and/or regulations:

1. The USACE [Huntington District (304-399-5210) or the Pittsburgh District (412-395-7155)] may require either an Individual Clean Water Act 404 permit or a Nationwide Permit.

<http://www.lrh.usace.army.mil/Missions/Regulatory.aspx>



2. The WVDNR Environmental Coordination Unit (304-637-0245) should be contacted for the Mussel survey requirements for streams with mussel populations as described in the West Virginia Mussel Survey Protocol  
<http://www.wvdnr.gov/Mussels/West%20Virginia%20Mussel%20Survey%20Protocols%20APR2016.pdf>
3. The WVDEP (304-926-0499) may require the following permits:
  - a. A Clean Water Act Section 401 Water Quality Certification  
<http://www.dep.wv.gov/WWE/Programs/Pages/401Certification.aspx>
  - b. Construction Stormwater Site Registration and Notice of Intent. Not needed if disturbance less than (1) acre.  
[http://dep.wv.gov/WWE/Programs/stormwater/Pages/sw\\_home.aspx](http://dep.wv.gov/WWE/Programs/stormwater/Pages/sw_home.aspx)
4. The Division of Water and Waste Management, (304-926-0495) should be contacted for the WVDEP Erosion and Sediment Control Best Management Practice Manual, Revised 2016, that it requires to be followed.  
[http://www.dep.wv.gov/WWE/Programs/stormwater/csw/Pages/ESC\\_BMP.aspx](http://www.dep.wv.gov/WWE/Programs/stormwater/csw/Pages/ESC_BMP.aspx)
5. The WVDHSEM (304-957-2571) may require a Floodplain Permit.
6. The U.S. Fish and Wildlife Service Field Office (304-636-6568) should be contacted for any activity in waterways listed in Appendix A of the 2017 USACE Nationwide Permits for threatened or endangered aquatic species identified by the U.S. Fish and Wildlife Service.  
<http://www.lrp.usace.army.mil/Portals/72/docs/regulatory/2017%20Public%20Notices/West%20Virginia%20-%20NWP%20March%202017%20PN.pdf?ver=2017-03-22-095505-870>
7. The local Conservation District for the district where the work is to be performed should be contacted for technical support.

This Right of Entry does not allow in-stream work to be performed during the cold-water fish spawning season (September 15- March 31) and warm-water fish spawning season (April 1 - June 30). Spawning waivers may be obtained by from the WVDNR Environmental Coordination Unit (304-637-0245).

This Right of Entry does not allow work outside the requested boundaries. The WVDNR does not assume any liability for your construction activities. By accepting this Right of Entry, you assume liability for any and all damage caused by this activity to both upstream and downstream landowners. This Right of Entry does not authorize any rights or privileges, or permission to enter upon, or to cross the property of any other person, nor does it authorize removal of any material that lies upon the property of another person.

This Right of Entry does not authorize any rights or privileges, or permission to enter upon, or to cross the property of any other person, nor does it authorize removal of any material that lies upon the property of another person.

All work authorized under this Right of Entry should be completed as soon as possible, but no longer than one year from the date hereof.

The annual payment of \$2400.00 is now due and payable to the West Virginia Division of Natural Resource. An invoice will be sent to you for each subsequent annual payment.

The Right of Entry will be effective upon receipt of your payment in full.

Please notify the Office of Land and Streams in writing when this installation is transferred or removed.

Sincerely,



Brett W. McMillion  
Director

BWM: lp



## West Virginia Division of Natural Resources

Invoice Pay on-line at

<https://agencies.wvsto.com/LandAndStreams/Account.aspx>

<b>In Acct With</b>	Eastern Gas Transmission and Storage 10700 Energy Way Glen Allen, VA 23060	<b>Invoice No#:</b> LS0000000013369
		<b>Bill Date:</b> 10/23/2024

Location	Agreement	Invoice Period	Balance
Land and Streams/DNR	LS-2024-VI-09-17409	For 10/09/2024 to 10/09/2025	\$2,400.00

**Description:**

A 30' x 36", 40' x 12", 31' x 60", 155' x 60", 3' x 18", 33' x 24", 36' x 36", 33' x 24", 36' x 144", 17' x 12", 31' x 18", 29' x 12", 39' x 60", 30' x 48", 31' x 12", 22' x 12", 31' x 24", 21' x 18", 32' x 36", 25' x 36", 35' x 24", 54' x 48", 32' x 18", and a 30' x 48" culvert in the streambed (Gateway Extension Project) along Big Battle Run, Buckeye Run, Wiseman Run, Flint Run, Righthand Fork East Run, Little Battle Run, Broad Run, near Center Point, in Doddridge County, WV

**OASIS Customer Code:** 000000204667

**PLEASE RETURN COPY OF THIS INVOICE WITH REMITTANCE**

WV Division of Natural Resources  
Office of Land & Stream  
324 Fourth Avenue, Room 200  
South Charleston, WV 25303

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT  
DNR Office of Land & Stream (304) 558-3225  
[DNRLandandStreams@wv.gov](mailto:DNRLandandStreams@wv.gov)

October 9, 2024

Office of Land and Streams  
**RIGHT OF ENTRY**

Eastern Gas Transmission and Storage  
Attention: Francisco Canneto  
Eastern Gas Transmission and Storage, Inc.  
10700 Energy Way  
Glen Allen, VA 23060

**Re: R-2024-VI-09-17410**

To Whom It May Concern:

The West Virginia Division of Natural Resources (WVDNR) hereby authorizes for a term of 5 years, from the date hereof, a Right of Entry to install and maintain a temporary bridge with twelve separate crossings (Gateway Extension Project) along Claylick Run, Righthand Fork East Run, Big Battle Run, Talkington Fork, McElroy Creek, Franks Run, and Broad Run, near Center Point, in Doddridge County, West Virginia.

The issuance of this Right of Entry by the WVDNR does not preclude the necessity to obtain permits from the U.S. Army Corps of Engineers (USACE), W.V. Department of Environmental Protection (WVDEP), or the W.V. Division of Homeland Security and Emergency Management (WVDHSEM). This Right of Entry does not negate the need to comply with the West Virginia Water Pollution Control Act and/or the State Environmental Quality Board's administrative regulations.

It is advised to contact the following agencies for additional guidelines and/or regulations:

1. The USACE [Huntington District (304-399-5210) or the Pittsburgh District (412-395-7155)] may require either an Individual Clean Water Act 404 permit or a Nationwide Permit.  
<http://www.lrh.usace.army.mil/Missions/Regulatory.aspx>
2. The WVDNR Environmental Coordination Unit (304-637-0245) should be contacted for the Mussel survey requirements for streams with mussel populations as described in the West Virginia Mussel Survey Protocol  
<http://www.wvdnr.gov/Mussels/West%20Virginia%20Mussel%20Survey%20Protocols%20APR2016.pdf>



3. The WVDEP (304-926-0499) may require the following permits:
  - a. A Clean Water Act Section 401 Water Quality Certification  
<http://www.dep.wv.gov/WWE/Programs/Pages/401Certification.aspx>
  - b. Construction Stormwater Site Registration and Notice of Intent. Not needed if disturbance less than (1) acre.  
[http://dep.wv.gov/WWE/Programs/stormwater/Pages/sw\\_home.aspx](http://dep.wv.gov/WWE/Programs/stormwater/Pages/sw_home.aspx)
4. The Division of Water and Waste Management, (304-926-0495) should be contacted for the WVDEP Erosion and Sediment Control Best Management Practice Manual, Revised 2016, that it requires to be followed.  
[http://www.dep.wv.gov/WWE/Programs/stormwater/csw/Pages/ESC\\_BMP.aspx](http://www.dep.wv.gov/WWE/Programs/stormwater/csw/Pages/ESC_BMP.aspx)
5. The WVDHSEM (304-957-2571) may require a Floodplain Permit.
6. The U.S. Fish and Wildlife Service Field Office (304-636-6568) should be contacted for any activity in waterways listed in Appendix A of the 2017 USACE Nationwide Permits for threatened or endangered aquatic species identified by the U.S. Fish and Wildlife Service.  
<http://www.lrp.usace.army.mil/Portals/72/docs/regulatory/2017%20Public%20Notices/West%20Virginia%20-%20NWP%20March%202017%20PN.pdf?ver=2017-03-22-095505-870>
7. The local Conservation District for the district where the work is to be performed should be contacted for technical support.

This Right of Entry does not allow in-stream work to be performed during the cold-water fish spawning season (September 15- March 31) and warm-water fish spawning season (April 1 - June 30). Spawning waivers may be obtained from the WVDNR Environmental Coordination Unit (304-637-0245).

This Right of Entry does not allow work outside the requested boundaries. The WVDNR does not assume any liability for your construction activities. By accepting this Right of Entry, you assume liability for any and all damage caused by this activity to both upstream and downstream landowners.

This Right of Entry does not authorize any rights or privileges, or permission to enter upon, or to cross the property of any other person, nor does it authorize removal of any material that lies upon the property of another person.

All work authorized under this Right of Entry should be completed as soon as possible, but no longer than one year from the date hereof.

The payment of \$1200.00 is now due and payable to the West Virginia Division of Natural Resource. An invoice will be sent to you for each subsequent annual payment.

The Right of Entry will be effective upon receipt of your payment in full.

Please notify the Office of Land and Streams in writing when this installation is transferred or removed.

Sincerely,



Brett W. McMillion  
Director

BWM:lp



## West Virginia Division of Natural Resources

Invoice Pay on-line at  
<https://agencies.wvsto.com/LandAndStreams/Account.aspx>

<b>In Acct With</b>	Eastern Gas Transmission and Storage 10700 Energy Way Glen Allen, VA 23060	<b>Invoice No#:</b> LS0000000013356
		<b>Bill Date:</b> 10/21/2024

<b>Location</b>	<b>Agreement</b>	<b>Invoice Period</b>	<b>Balance</b>
Land and Streams/DNR	R-2024-VI-09-17410	For 10/09/2024 to 10/09/2029	\$1,200.00

**Description:**

A temporary bridge with twelve separate crossings (Gateway Extension Project) along Claylick Run, Righthand Fork East Run, Big Battle Run, Talkington Fork, McElroy Creek, Franks Run, and Broad Run, near Center Point, in Doddridge County, WV

**OASIS Customer Code:** 000000204667

**PLEASE RETURN COPY OF THIS INVOICE WITH REMITTANCE**

WV Division of Natural Resources  
Office of Land & Stream  
324 Fourth Avenue, Room 200  
South Charleston, WV 25303

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT  
DNR Office of Land & Stream (304) 558-3225  
[DNRLandandStreams@wv.gov](mailto:DNRLandandStreams@wv.gov)

**From:** [Runner, Anna H](#)  
**To:** [Jennifer Broush](#)  
**Cc:** [Spencer Trichell](#); [Canneto, Francisco \(BHE GT&S\)](#); [Kelsey Muffie](#); [West Virginia FO, FW5](#)  
**Subject:** RE: [EXTERNAL] UPDATED PROJECT REVIEW REQUEST 2023-0131665: EGTS Gateway Extension Project  
**Date:** Monday, October 21, 2024 5:11:19 PM  
**Attachments:** [image001.png](#)

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Jennifer,

The U.S. Fish and Wildlife Service (Service) West Virginia Field Office (WVFO) has reviewed the information for this project received on October 21, 2024. These comments are pursuant to the Endangered Species Act (ESA; 87 Stat. 884, as amended; 16 U. S. C. 1531 et seq.). In previous correspondence, dated December 12, 2023, and May 22, 2024, the Service's WVFO provided technical assistance regarding potential effects to federally listed species. The new information provided does not change the Service's analysis of effects to federally listed species, and the technical assistance from our previous correspondence is still applicable.

This email serves as completed ESA Section 7 coordination for this project. If the project plans change or amendments are proposed that we have not considered in your proposed action, or if additional information on listed and proposed species becomes available, or if new species become listed or critical habitat is designated, this concurrence should be reconsidered. If you have any questions regarding this email, please contact the biologist listed below at [anna\\_runner@fws.gov](mailto:anna_runner@fws.gov).

Thank you,

Anna H. Runner  
Supervisory Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
6263 Appalachian Highway  
Davis, West Virginia 26260  
304-866-3858

---

**From:** Jennifer Broush <j.broush@gaiconsultants.com>  
**Sent:** Monday, October 21, 2024 1:13 PM  
**To:** Runner, Anna H <anna\_runner@fws.gov>; West Virginia FO, FW5 <FW5\_WVFO@fws.gov>  
**Cc:** Spencer Trichell <Spencer.Trichell@bhegts.com>; Canneto, Francisco (BHE GT&S) <Francisco.Canneto@bhegts.com>; Kelsey Muffie <K.Muffie@gaiconsultants.com>  
**Subject:** [EXTERNAL] UPDATED PROJECT REVIEW REQUEST 2023-0131665: EGTS Gateway Extension Project  
**Importance:** High



This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Ms. Runner,

As a follow up to U.S. Fish and Wildlife Service (Service) West Virginia Field Office's email, dated May 22, 2024 for the Gateway Extension Project (Project) located in Doddridge County, West Virginia (project review request #2023- 0131665), Eastern Gas Transmission & Storage (EGTS) is requesting concurrence with a determination that the proposed project may affect, but is not likely to adversely affect any federally listed bats or mussels as it relates to the updated consultation provided by EGTS on April 15, 2024, and referenced below.

EGTS is providing an updated Species list, Northeast Determination Key (Dkey), and Northern Long-Eared Bat Dkey for the Project (queried October 17 and 18, 2024), which are attached for your reference, and reflect the same results as the previous Species List and Dkeys provided to the Service on April 15, 2024. No components of the Project have changed since EGTS's correspondence in April.

Please be advised that EGTS is the blanket certificate holder of the Project's Federal Energy Regulatory Commission (FERC) regulated facilities. In accordance with Appendix I to Subpart F of Part 157 -Procedures for Compliance with the Endangered Species Act of 1973 Under § 157.206(b)(3)(i), EGTS is acting as FERC's non-federal representative to conduct informal consultation. Submittal of this and previous packages fulfills the Project's obligations under Section 7 of the Endangered Species Act.

Thank you,  
Jennifer

**Jennifer Broush, MBA**  
Senior Associate / Environmental Director

GAI Consultants, 385 E. Waterfront Drive, Homestead, PA 15120-5005  
D 412.399.5317 M 724.516.1155 E [j.broush@gaiconsultants.com](mailto:j.broush@gaiconsultants.com)

**From:** [Runner, Anna H](#)  
**To:** [Kelsey Muffie](#)  
**Cc:** [West Virginia FO, FW5](#); [Canneto, Francisco \(BHE GT&S\)](#); [Spencer Trichell](#); [Jennifer Broush](#)  
**Subject:** [EXTERNAL] PROJECT REVIEW REQUEST 2023-0131665: EGTS Gateway Extension Project - Updates  
**Date:** Wednesday, May 22, 2024 2:04:27 PM  
**Attachments:** [image001.png](#)

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You don't often get email from [anna\\_runner@fws.gov](mailto:anna_runner@fws.gov). [Learn why this is important](#)

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**\*\*Think before clicking on links, opening attachments, or responding\*\***

Kelsey,

The U.S. Fish and Wildlife Service (Service) West Virginia Field Office (WVFO) has reviewed the proposed modification to your project received on April 15, 2024. These comments are pursuant to the Endangered Species Act (ESA; 87 Stat. 884, as amended; 16 U. S. C. 1531 et seq.). In previous correspondence, dated December 12, 2023, the Service's WVFO provided technical assistance regarding potential effects to federally listed species. The new information provided does not change the Service's analysis of effects to federally listed species, and the technical assistance from our previous correspondence is still applicable.

If the project plans change or amendments be proposed that we have not considered in your proposed action, or if additional information on listed and proposed species becomes available, or if new species become listed or critical habitat is designated, this technical assistance may be reconsidered. If you have any questions regarding this email, please contact the biologist listed below at [anna\\_runner@fws.gov](mailto:anna_runner@fws.gov).

Thank you,

Anna H. Runner  
Supervisory Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
6263 Appalachian Highway  
Davis, West Virginia 26260  
304-866-3858

---

**From:** Kelsey Muffie <[K.Muffie@gaiconsultants.com](mailto:K.Muffie@gaiconsultants.com)>  
**Sent:** Monday, April 15, 2024 4:37 PM  
**To:** Ware, Tiernan M <[tiernan\\_ware@fws.gov](mailto:tiernan_ware@fws.gov)>  
**Cc:** West Virginia FO, FW5 <[FW5\\_WVFO@fws.gov](mailto:FW5_WVFO@fws.gov)>; Canneto, Francisco (BHE GT&S) <[Francisco.Canneto@bhegts.com](mailto:Francisco.Canneto@bhegts.com)>; Spencer Trichell <[Spencer.Trichell@bhegts.com](mailto:Spencer.Trichell@bhegts.com)>; Jennifer Broush <[j.broush@gaiconsultants.com](mailto:j.broush@gaiconsultants.com)>  
**Subject:** [EXTERNAL] PROJECT REVIEW REQUEST 2023-0131665: EGTS Gateway Extension Project - Updates [2of3]



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Ms. Ware,

Eastern Gas Transmission & Storage (EGTS) is seeking authorization from the Federal Energy Regulatory Commission (FERC) to construct, install, own, operate, and maintain the Gateway Extension Project (Project) located in Doddridge County, West Virginia (WV). GAI Consultants, Inc (GAI), on behalf of EGTS, is sending the attached letter to continue coordination with the USFWS WV Field Office in accordance with the Endangered Species Act, Migratory Bird Treaty Act, and Bald and Golden Eagle Protection Act. EGTS previously coordinated with your office under the Project Code **FWS File Number 2023-0131665**. The attached letter details updates for the Project.

Please let us know if you have any questions or require further information. We appreciate your assistance with this Project.

Thank you,

**Kelsey A. Muffie**

Senior Project Environmental Specialist

**GAI Consultants**, 385 E. Waterfront Drive, Homestead, PA, 15120-5005

**T** 412.476.2000 **D** 412.399.5382 **M** 570.428.4216

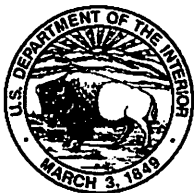
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**GAI Consultants**

**ENGINEERING, PLANNING, AND ENVIRONMENTAL CONSULTING SINCE 1958**

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# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

West Virginia Field Office  
6263 Appalachian Highway  
Davis, West Virginia 26260



December 12, 2023

Spencer Trichell  
Eastern Gas Transmission & Storage Inc.  
10700 Energy Way  
Glenn Allen, Virginia 23060

Re: Gateway Extension Project, Doddridge County, West Virginia (FWS File Number 2023-0131665)

Dear Spencer Trichell,

This letter responds to your October 3, 2023, request for information regarding the potential occurrence of federally listed species and their designated critical habitats within the proposed project area. The project is located in Doddridge County, West Virginia in the vicinity of the town of West Union. The project has been assigned FWS File Number 2023-0131665 and all future correspondence should clearly reference this number.

It is the U.S. Fish and Wildlife Service (Service) West Virginia Field Office's (WVFO) understanding that Eastern Gas Transmission & Storage Inc., on behalf of the Federal Energy Regulatory Commission, is proposing to remove 31.8 acres of trees, and the project will include ground disturbance. Additionally, there are no suitable caves and mine portals within the action area.

These comments are provided pursuant to the Endangered Species Act (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), and are based on information provided in the project review request. The Service's WVFO has determined that the following federally listed species may occur within the proposed action area and may be affected by the construction of the project: northern long-eared bat (*Myotis septentrionalis*), clubshell (*Pleurobema clava*), longsolid (*Fusconaia subrotunda*), round hickorynut (*Obovaria subrotunda*), and snuffbox (*Epioblasma triquetra*). Any species which received no effect or not likely to adversely affect determinations via the Northeast Determination Key and/or the Northern Long-eared Bat Range Wide Determination Key are not addressed below.

### **Northern Long-eared Bat**

The northern long-eared bat may use the project area for foraging and roosting between April 1 and November 15. Northern long-eared bats feed on emerged aquatic and terrestrial flying insects. Moths, caddisflies, flies, mosquitoes, and midges are major prey items. Aquatic insects



Spencer Trichell  
December 12, 2023

that have concentrated emergences or that form large mating aggregations above or near water appear to be preferred prey items. Northern long-eared foraging habitat also includes forested hillsides and ridges, and small ponds or streams. Increased erosion and sedimentation of streams reduces diversity and biomass of benthic invertebrates, (i.e., insects). Impacts to aquatic features such as streams or wetlands, could result in a decrease in insects available to the species for foraging.

Northern long-eared bats are typically associated with large tracts of mature upland forests. The species also appears to be flexible in roost selection. Northern long-eared bat select roost trees based on their suitability to retain bark or provide cavities or crevices, and this species is known to use a wide variety of roost types. In West Virginia, the Service considers all forested habitat containing trees greater than or equal to three inches in diameter at breast height to be potentially suitable as summer roosting and foraging habitat for the northern long-eared bat. Males and non-reproductive females may also roost in cooler places like caves and mines or structures like barns and sheds.

Northern long-eared bats use caves or mine portals for winter hibernation between November 15 and March 31. The species also uses hibernacula and the areas around them for fall-swarming and spring-staging activity (August 15 to November 14 and April 1 to May 14, respectively). There may be other landscape features being used as hibernacula by northern long-eared bats during the winter that have yet to be documented.

The WVFO has received and reviewed the results of your October 3, 2023, mist-net survey effort. It is the WVFO's understanding that two northern long-eared bats were captured during these survey efforts (one adult female and one juvenile male). One reproductive female northern long-eared bat was fitted with a radio transmitter and was tracked to an area outside of the project's limits-of-disturbance on multiple nights. The juvenile northern long-eared bat was not transmitted per the West Virginia Division of Natural Resources collecting and reporting provisions.

When the WVFO evaluates potential impacts to listed species, we consider the biological requirements for the species, the location of the project, the timing, and the extent of impacts. Based upon best available information, including coordination with state agency experts, the local geographic area where this project is proposed is likely to contain habitat for the northern long-eared bat. However, due to the project location, timing, extent of impacts, and commitment to implement conservation measures (i.e., seasonal tree clearing restrictions [November 15<sup>th</sup> - March 31<sup>st</sup>]), the WVFO concurs with the determination that the proposed project may affect, but is not likely to adversely affect any federally listed bats.

#### **Federally Listed Mussels**

Freshwater mussels feed by filtering food particles from the water column, and juveniles and adults have been documented to feed on detritus, diatoms, phytoplankton, and zooplankton. Freshwater mussels rely on fish to complete their lifecycles. When mussel larvae (glochidia) are released into the water by adult females, they must attach themselves within a few days to an appropriate fish host, which they then parasitize for a short time while developing into juvenile mussels. The loss of many historic mussel populations and the continuing degradation of current

Spencer Trichell  
December 12, 2023

populations are due to waterway impoundments, navigation projects, water quality degradation from agricultural and industrial wastes, deforestation, sand/gravel dredging, and other forms of habitat alteration. Impacts that directly affect mussels also include reduction or elimination of fish hosts.

Freshwater mussels play a key role in the health of aquatic environments by helping to maintain water quality, cycle nutrients, stabilize substrates, remove suspended sediments, and create habitat complexity (Anderson and Kreeger 2012). Mussels remove suspended particulates from water by filter-feeding, which involves straining water over gills to remove microscopic food particles. Filter-feeding makes mussels very sensitive to excessive sedimentation caused by runoff from streambank and upland activities. Excessive sedimentation into a stream reduces suitable habitat for mussels and can smother them, causing death. Excessive suspended sediments can also impair feeding processes of mussels, leading to acute short-term or chronic long-term stress. Both excessive sedimentation and excessive suspended sediments can lead to reduced populations of mussels and therefore reduced benefits to the ecosystem (Anderson and Kreeger 2010; Box and Mossa 1999; Ellis 1931; Ellis 1936; Houpp 1993). Any impacts that degrade water quality, such as direct habitat disturbance, instream construction, sedimentation and erosion, or containment discharges, could negatively affect mussel species.

The WVFO has received and reviewed the results of your September 15, 2023, survey efforts. It is the WVFO's understanding that no federally listed mussels were observed during these survey efforts. Therefore, the WVFO concurs with the determination that the proposed project may affect but is not likely to adversely affect any federally listed mussels.

These survey results are considered valid for five years from the date of completion. If the project is not completed before that time, additional survey efforts may be requested. Please note that if any federally listed species are found during the salvage/relocation effort, or any future surveys, this concurrence may no longer be applicable. You should immediately contact the WVFO and reinitiate consultation before proceeding with any further project efforts.

### **Conclusion**

This letter serves as completed ESA Section 7 coordination for this project. If the project plans change or amendments are proposed that we have not considered in your proposed action, or if additional information on listed and proposed species becomes available, or if new species become listed or critical habitat is designated, this concurrence may be reconsidered.

If you have any questions regarding this letter, please contact Tiernan Ware on my team at [tiernan\\_ware@fws.gov](mailto:tiernan_ware@fws.gov) or at the letterhead address.

Sincerely,

JENNIFER  
NORRIS

Digitally signed by  
JENNIFER NORRIS  
Date: 2023.12.12  
16:56:40 -05'00'

Jennifer L. Norris  
Field Supervisor



Spencer Trichell  
December 12, 2023

### Literature Cited

- Anderson, R. M. and D. A. Kreeger. 2010. Potential for impairment of freshwater mussel populations in DRBC special protection waters as a consequence of natural gas exploratory well development. Unpublished report prepared for U.S. Fish and Wildlife Service and the Partnership for the Delaware Estuary. State College, Pennsylvania.
- Box, J. M. and J. Mossa. 1999. Sediment, land use, and freshwater mussels: prospects and problems. *Journal of the North American Benthological Society*. 18:99-117.
- Ellis, M. M. 1931. Some factors affecting the replacement of the commercial fresh-water mussels. U.S. Department of Commerce Bureau of Fisheries. *Fishery Circular*. 7:1-10.
- Ellis, M. M. 1936. Erosion silt as a factor in aquatic environments. *Ecology*. 17:29-42.
- Houp, R. E. 1993. Observations on long-term effects of sedimentation on freshwater mussels (*Molusca: Unionidae*) in the North Fork of Red River, Kentucky. *Transactions of the Kentucky Academy of Science*. 54:93-97.

Spencer Trichell  
December 12, 2023

## MBTA Recommendations

The U.S. Fish and Wildlife Service (Service) is the Federal agency delegated with the primary responsibility for managing migratory birds. Our authority derives from the Migratory Bird Treaty Act of 1918, as amended (MBTA; 16 U.S.C. 703 et seq.), which implements treaties with Canada, Mexico, Japan, and the Russian Federation. Migratory bird in 50 CFR 10.12 means “any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in 50 CFR 10.13, or which is a mutation or a hybrid of any such species, including any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof.” The list of protected birds is maintained in regulation at 50 CFR 10.13 and includes over 1,000 species.

The Service interprets MBTA to prohibit incidental take of migratory birds and will enforce the statute accordingly (see <https://www.fws.gov/policy/do225.pdf>). Incidental take means the taking or killing of migratory birds that results from, but is not the purpose of, an activity. The Service recognizes that a wide range of activities may result in incidental take of migratory birds. Pursuing enforcement for all these activities would not be an effective or judicious use of our law enforcement resources. For that reason, the Service will focus our enforcement efforts on specific types of activities that both foreseeably cause incidental take and where the proponent fails to implement known beneficial practices to avoid or minimize incidental take. Our intention through this policy is to apply a transparent and consistent approach to managing and prioritizing our enforcement of incidental take, taking into account the case law applicable in a given jurisdiction and the facts and circumstances of each case.

- a. The following types of conduct are not a priority for enforcement:
  1. A member of the general public conducting otherwise legal activities that incidentally take migratory birds;
  2. A Federal agency conducting activities in accordance with a signed memorandum of understanding with the Service developed under Executive Order 13186 for the conservation of migratory birds; or
  3. A public- or private-sector entity conducting activities in accordance with applicable beneficial practices for avoiding and minimizing incidental take.
- b. The Service prioritizes the following types of conduct for enforcement:
  1. Incidental take that is the result of an otherwise illegal activity; or
  2. Incidental take that:
    - i. results from activities by a public- or private-sector entity that are otherwise legal;
    - ii. is foreseeable; and
    - iii. occurs where known general or activity-specific beneficial practices were not implemented.

To better protect migratory bird populations and provide more certainty for the regulated public, the Service seeks to address human-caused mortality by providing information on beneficial practices to avoid and minimize the incidental injury and killing of migratory birds. Beneficial



Spencer Trichell  
December 12, 2023

practice means an action implemented to avoid or minimize the incidental take of migratory birds. We also refer to beneficial practices as best management practices, conservation measures, best practices, mitigation measures, etc.

We maintain a comprehensive website of beneficial practices, conservation measures, and decision support tools: <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>. We advise that you consult these resources and implement any beneficial practices that are applicable to your proposed activities.



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

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

**Randall Reid-Smith, Cabinet Secretary**

Phone 304.558.0220 \* [www.wvculture.org](http://www.wvculture.org)

Fax 304.558.2779 \* TDD 304.558.3562

EEO/AA Employer

May 21, 2024

Mr. Spencer Trichell  
Environmental Manager  
BHE GT&S  
10700 Energy Way  
Glen Allen, VA 23060  
Via email: [Francisco.Canneto@bhegts.com](mailto:Francisco.Canneto@bhegts.com)

RE: Gateway Expansion Project  
FR#: 24-0068-DO-1

Dear Mr. Trichell:

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

According to the submitted information, Eastern Gas Transmission and Storage (EGTS) has revised their proposed to construct approximately 1.1 miles of TL-635 Pipeline in eight segments that will connect to the extant Supply Header pipeline and approximately 1.8 miles of TL-635 Pipeline extension (Extension 1 and Extension 2) that will tie into the extant TL-635 and loop pipelines in Doddridge County, WV. There have been minor shifts in the alignment of the proposed pipeline project since our initial review provided in our letter dated November 20, 2023.

Archaeological Resources:

Upon review of the proposed project revision, we generally remain in concurrence with our previous comments. The proposed project is situated on terrain that was surveyed as part of the Supply Header Project (FR# 15-99-MULTI), other nearby pipeline projects, or is located on steeply sloped and/or previously disturbed terrain or narrow eroded ridge tops where encountering significant archaeological resources would not be likely. Sites 46DO91 and 46DO31, which are located within the proposed project area, were determined to be not eligible for inclusion in the National Register of Historic Places.

However, a section of the current revised limit of disturbance (LOD) at the north end of the project is very near site 46DO89, which was avoided by the Supply Header Project because the site may contain significant information. The current revised LOD appears to follow the Supply Header reroute and will also avoid 46DO89. But because the site is situated in close proximity to the LOD, we ask that construction fencing be placed between the site and the LOD and that construction workers be made



May 21, 2024  
Mr. Trichell  
FR 24-0068-DO-1  
Page 2

aware that this is an environmentally sensitive zone and must be avoided by all their equipment. Provided that this occurs, we remain in concurrence with our previous opinion that the proposed project will have no effect on archaeological historic properties. In the event that archaeological materials are encountered, please cease all activity in the discovery area and contact us immediately.

Architectural Resources:

We have reviewed the revised information, and we remain in concurrence with our determination provided in our initial review letter, dated November 20, 2023, that the proposed project will affect no architectural properties eligible for or included in the National Register of Historic Places. Submitted information indicates there are no structures within the project's revised Area of Potential Effects (APE). No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Susan M. Pierce". The signature is fluid and cursive, with a large initial "S" and a distinct "P" for "Pierce".

Susan M. Pierce  
Deputy State Historic Preservation Officer

SMP/LLD/BMR

**From:** [Jennifer Broush](#)  
**To:** [anne.m.wakeford@wv.gov](mailto:anne.m.wakeford@wv.gov)  
**Cc:** [Canneto, Francisco \(BHE GT&S\)](#); [Kelsey Muffie](#); [Trichell, Spencer \(BHE GT&S\)](#)  
**Subject:** EGTS Gateway Ext Project Consultation - FW: Invoice 224-795  
**Date:** Wednesday, June 26, 2024 3:20:00 PM  
**Attachments:** [224-795.pdf](#)

---

Anne,

Thank you for the attached letter summarizing WVDNR's online review of the EGTS Gateway Extension Project's minor updates.

Per our discussion this afternoon, we understand that this letter provides a 2-year "clearance" for the Project and note the following items have been completed:

- On May 22, 2024, EGTS received clearance from the USFW regarding federal species related to the Project updates.
- Mussel surveys were performed on mussel stream where in water work is anticipated, and approved by USFW on December 12, 2023 and WVDNR on November 29, 2023.
- Fish spawning waivers, where applicable, were requested and approved by WVDNR on June 3, 2024.

We appreciate your coordination and review of the Gateway Extension Project.

Thank you,

Jennifer

---

**From:** Swecker, Jessica N <[jessica.n.swecker@wv.gov](mailto:jessica.n.swecker@wv.gov)>  
**Sent:** Friday, April 26, 2024 11:12 AM  
**To:** Kelsey Muffie <[K.Muffie@gaiconsultants.com](mailto:K.Muffie@gaiconsultants.com)>  
**Subject:** Invoice 224-795

You don't often get email from [jessica.n.swecker@wv.gov](mailto:jessica.n.swecker@wv.gov). [Learn why this is important](#)

**EXERCISE CAUTION: This is an External Email Message!**

***\*\*Think before clicking on links, opening attachments, or responding\*\****

Thank you

--

**Jessica N. Swecker**

Administrative Services Assistant I

Direct Line (304) 630-0355

Office (304) 637-0245 Ext 00355 | [Jessica.N.Swecker@wv.gov](mailto:Jessica.N.Swecker@wv.gov)

738 Ward Road; PO Box 67 | Elkins, WV 26241

[WVDnr.gov](http://WVDnr.gov)





Governor Jim Justice

Director Brett W. McMillion

April 25, 2024

Kelsey Muffie  
Senior Project Environmental Specialist  
GAI Consultants  
385 E Waterfront Drive  
Homestead PA 15120-5005  
[K.Muffie@gaiconsultants.com](mailto:K.Muffie@gaiconsultants.com)

Dear Ms. Muffie,

We have reviewed Natural Heritage Program files for information on rare, threatened, and endangered (RTE) species and sensitive habitats for the area of the proposed Eastern Gas Transmission and Storage Gateway Extension Project in Tyler and Doddridge Counties.

According to our database, the project is located within the buffer of several bats and several sensitive habitats as listed on the table below. There are no other RTE species, reproducing trout streams, or other sensitive habitats within the project buffer.

Species (Latin Name) or Habitat Feature	Common Name	Location/Description	Status
<i>Myotis septentrionalis</i>	Northern long eared bat	(41) 2012 (9) 2013 (28) 2014 (32) 2016 (67) 2017 (16) 2019 (2) 2022 <b>194 total captures</b> 3 mile buffer  40 caves 5 mile buffer  10 roosts 0.25 mile buffer	Federal: endangered
<i>Perimyotis subflavus</i>	Tricolored bat	(5) 2012 (1) 2013 (8) 2014 <b>14 total captures</b> 3 mile buffer  12 caves 5 mile buffer	Federal: proposed to be listed
McElroy Creek			Federal: endangered mussel stream and State: DNR designated high quality warmwater stream

Buckeye Creek Meathouse Fork Middle Island Creek			Federal: endangered mussel streams
Arnold Run Bluestone Creek Flint Run Indian Creek Robinson Fork Talkington Fork			State: mussel and DNR designated high quality warm water streams

The information provided above is the product of a database search and retrieval. This information does not satisfy other consultation or permitting requirements for disturbances to the natural resources of the state, and further consultation may be required.

Additionally, any concurrence requirements for federally listed species must come from the US Fish and Wildlife Service. The Wildlife Resources Section knows of no other surveys that have been conducted in the area for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the area under review. This response is valid for two years.

The mist net survey question has been forwarded to our bat biologist. The information provided searched the following RTE bat buffers: Indiana bat (roost buffers - 2.5 miles, capture buffers - 5 miles, cave buffers - 5 miles), Northern Long-eared bat (roost buffers - 0.25 miles, capture buffers - 3 miles, cave buffers - 0.5 and 5 miles), tricolored bat (capture buffers - 3 miles, cave buffers - 5 miles) and the Virginia Big-Eared bat (cave buffers - 6 miles). The information provided above is the product of a database search and retrieval. This information does not satisfy other consultation or permitting requirements for disturbances to the natural resources of the state, and further consultation may be required. Additionally, any concurrence requirements for federally listed species must come from the US Fish and Wildlife Service.

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

Sincerely,

*Anne M. Wakeford*

Anne M. Wakeford  
Wildlife Biologist  
Environmental Coordination



WEST VIRGINIA



Governor Jim Justice

Director Brett W. McMillion

Operations Unit

Enclosure

Drive\Invoices\GAI 3

Governor Jim Justice



Director Brett W. McMillion

**INVOICE**

**NO. 224-795**

**In Account With:** GAI Consultants  
Homestead PA 15120-5005

**Date: April 26, 2024**

**Attention:**

---

For the retrieval and compilation of information on rare, threatened, and endangered species and sensitive habitats for the proposed Eastern Gas Transmission and Storage Gateway Extension Project in Tyler and Doddridge Counties.

**AMOUNT DUE: \$75.00**

Make check payable to the WV Division of Natural Resources, and mail to the attention of Jessica Swecker at the address below. Please include the invoice number on your check.

If paying by credit card, contact Jessica Swecker at the number below. Please have your invoice number available.

**Please reference the invoice number on your check.**

**WEST VIRGINIA DIVISION OF NATURAL RESOURCES | ELKINS OPERATION CENTER**

P.O. Box 67 | 738 Ward Road | Elkins, WV 26241 | **ph** (304) 637-0245 | **fax** (304) 637-0250 | [WVdnr.gov](http://WVdnr.gov)





WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

Alanna J. Keller, P.E.  
Deputy Secretary of Transportation  
Deputy Commissioner of Highways

Jimmy Wriston, P.E.  
Secretary of Transportation  
Commissioner of Highways

November 6, 2024

**MEMORANDUM**

TO: SEC

FROM: OM

THRU: HD, HO, and CC

SUBJECT: West Virginia Division of Highways  
Oil and Gas Novation Agreement  
Dominion Energy Transmission, Inc.  
to Eastern Gas Transmission and Storage, Inc.  
For Transfer of Encroachment Permits

SCANNED

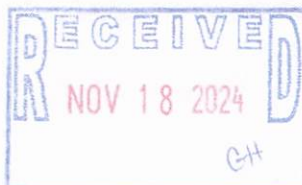
PREPARED BY: OM		
DATE:		
ROUTE ORDER	OFFICE	OK
1	OM	SGJ
2	HD	JCF
3	HO	JP
4	CC	gjk
5	SEC	OK
6	HCC	GH
7	OM	

Attached for your approval and signature is a West Virginia Division of Highways Oil and Gas Novation Agreement. Dominion Energy Transmission, Inc., (Transferor) agrees to transfer permits to Eastern Gas Transmission and Storage, Inc. (Transferee) as of December 7<sup>th</sup>, 2020. Encroachment Permits issued to Dominion Energy Transmission, Inc. are recognized by the West Virginia Division of Highways (WVDOH) as being transferred to Eastern Gas Transmission and Storage, Inc., along with all rights and responsibilities in the attached agreement.

If you have questions, please get in touch with Ms. Lacy D. Pratt at (304) 326-0091 or via email at [Lacy.D.Pratt@wv.gov](mailto:Lacy.D.Pratt@wv.gov).

SGJ:Ph

Attachments





WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

Alanna J. Keller, P.E.  
Deputy Secretary of Transportation  
Deputy Commissioner of Highways

Jimmy Wriston, P.E.  
Secretary of Transportation  
Commissioner of Highways

November 6, 2024

MEMORANDUM

TO: SEC *OW*  
FROM: OM *SLB*  
THRU: *JAZ GMD ahe* HD, HO, and CC  
SUBJECT: West Virginia Division of Highways  
Oil and Gas Novation Agreement  
Dominion Energy Transmission, Inc.  
to Eastern Gas Transmission and Storage, Inc.  
For Transfer of Encroachment Permits

Attached for your approval and signature is a West Virginia Division of Highways Oil and Gas Novation Agreement. Dominion Energy Transmission, Inc., (Transferor) agrees to transfer permits to Eastern Gas Transmission and Storage, Inc. (Transferee) as of December 7<sup>th</sup>, 2020. Encroachment Permits issued to Dominion Energy Transmission, Inc. are recognized by the West Virginia Division of Highways (WVDOH) as being transferred to Eastern Gas Transmission and Storage, Inc., along with all rights and responsibilities in the attached agreement.

If you have questions, please get in touch with Ms. Lacy D. Pratt at (304) 326-0091 or via email at [Lacy.D.Pratt@wv.gov](mailto:Lacy.D.Pratt@wv.gov).

SGJ:Ph

Attachments



**WVDOH OIL AND GAS  
NOVATION AGREEMENT FOR TRANSFER OF  
ENCROACHMENT PERMITS**

THIS NOVATION AGREEMENT (this "Agreement"), entered into on the 18 day of November 2024, to be effective as of the 7<sup>th</sup> day of December, 2020 ("Effective Date"), by **EASTERN GAS TRANSMISSION AND STORAGE, INC.**, formerly known as **DOMINION ENERGY TRANSMISSION, INC.**, (hereinafter referred to as "Transferor"), **EASTERN GAS TRANSMISSION AND STORAGE, INC.** with its principal office located at 925 White Oaks Boulevard, Bridgeport, West Virginia 26330 (hereinafter referred to as the "Transferee"), and the **WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS** ("WVDOH").

**A. THE PARTIES AGREE TO THE FOLLOWING FACTS:**

1. The WVDOH has issued certain permits to the Transferor pursuant to the West Virginia Oil and Gas Policy and WV Code §§ 17-16-6, 17-16-9 and 17-4-8. All permits to be transferred between the Transferee and the Transferor are set forth on the attached Exhibit A to this Agreement and herein incorporated by reference. The term "Permits" as used in this Agreement, means the permits listed in Exhibit A, all attachments to said permits and all modifications made between WVDOH and the Transferor before the Effective Date of this Agreement. Included in the term "Permits" are also all modifications made under the terms and conditions of these permits between the WVDOH and the Transferee, on or after the Effective Date of this Agreement.
2. As of November 2, 2020, Transferor has transferred to Transferee those previously issued and currently valid Permits listed on Exhibit A by virtue of a name change from Dominion Energy Transmission, Inc. to Eastern Gas Transmission and Storage, Inc. as shown on the Certificate of Amendment to Certificate of Authority dated December 7, 2020 from the State of West Virginia.
3. Transferee has assumed all obligations and liabilities of Transferor under the Permits by virtue of the above transfer described in Section 2 hereof.
4. Transferee is in a position to fully perform all obligations that may exist under the Permits.
5. It is consistent with WVDOH's interest to recognize Transferee as the successor party to the Permits.
6. A copy of any assignment of responsibilities for the transferred Permits has been provided to the WVDOH.

**B. IN CONSIDERATION OF THESE FACTS, THE PARTIES AGREE THAT BY THIS AGREEMENT:**

1. Transferor confirms the transfer to Transferee, and waives any claims and rights against the WVDOH that it now has or may have in the future in connection with the Permits.

2. Transferee agrees to be bound by and to perform such Permits in accordance with the terms and conditions contained in the Permits and any applicable statutes, rules or regulations. Transferee also assumes all obligations and liabilities of, and all claims against, Transferor under the Permits as if the Transferee were the original applicant to the Permits, including, but not limited to the obligation to indemnify and hold harmless the WVDOH for any damages to persons or property which may arise during the process of the work authorized by the Permits or by reason thereof.
3. Transferee ratifies all previous actions taken by Transferor with respect to the Permits, with the same force and effect as if the action had been taken by Transferee.
4. The WVDOH recognizes Transferee as Transferor's successor in interest in and to the Permits. Transferee by this Agreement becomes entitled to all rights, titles, and interests of Transferor in and to the Permits as if Transferee were the original applicant to the Permits. Following the Effective Date of this Agreement, the term "Applicant," as used in the Permits shall refer to Transferee.
5. Except as expressly provided for in this Agreement, nothing in it shall be construed as a waiver of any rights of the WVDOH against Transferor, nor shall anything be construed as an extension to or expansion of the terms of each Permit.
6. Transferee recognizes and agrees that it shall be responsible for any damage to the state maintained roads resulting at any time from work authorized under the Permit, and such damage will be repaired by Transferee. Unsatisfactory repairs may be corrected by WVDOH or its authorized agent and the cost thereof paid by Transferee.
7. The Permits shall remain in full force and effect in accordance with the terms issued thereon, except as modified by this Agreement. Each party has executed this Agreement as of the day and year first hereinabove written.

[Signatures on the Following Page]



IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

ATTEST:

Transferor:

EASTERN GAS TRANSMISSION AND  
STORAGE, INC. (formerly known as  
DOMINION ENERGY TRANSMISSION,  
INC.)

By: [Signature]  
Name: Gary Jedrosko  
Title: Director, Regional Operations

By: [Signature]  
Name: Charles G. Cunningham  
Title: Manager Right of Way

ATTEST:

Transferee:

EASTERN GAS TRANSMISSION AND  
STORAGE, INC.

By: [Signature]  
Name: Gary Jedrosko  
Title: Director, Regional Operations

By: [Signature]  
Name: Charles G. Cunningham  
Title: Manager Right of Way

ATTEST:

WVDOH:

WEST VIRGINIA DEPARTMENT OF  
TRANSPORTATION, DIVISION OF  
HIGHWAYS

By: [Signature]  
Name: Joyce Dupuy  
Title: Admin. Asst.

By: [Signature]  
Name: Timmy Winston P.E.  
Title: Secretary of Transportation,  
Commissioner of Highways

APPROVED AS TO FORM THIS  
1 DAY November 2021  
ATTORNEY LEGAL DIVISION  
WEST VIRGINIA DEPARTMENT  
OF TRANSPORTATION,  
DIVISION OF HIGHWAYS

[Signature]  
2409103

**DIVISION OF HIGHWAYS  
OF TRANSPORTATION  
WEST VIRGINIA DEPARTMENT OF  
ATTORNEY GENERAL  
DAY  
APPROVED AS TO FORM**

TO THE  
HONORABLE  
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STATE

IN THE  
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COMMON PLEAS

WEST VIRGINIA

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AND IN HOUSE  
OF DELEGATES

WEST VIRGINIA

WEST VIRGINIA

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION



Novation Agreement			
Exhibit A			
Dominion Transmission Inc. and Eastern Gas Transmission & Storage			
WVDOH Permit #	Current Permittee	New Permittee	Route
04-2012-0263	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	27/2
04-2012-0264	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	44/4
04-2012-0265	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	4/6
04-2012-0266	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	20/13
04-2012-0267	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	48/3
04-2012-0268	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	270
04-2012-0269	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	25/7
04-2012-0272	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	19/24
04-2012-0561	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	35/7
04-2012-0562	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	19/20
04-2013-0372	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	35
04-2015-0346	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	27/2
04-2016-0285	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	18
04-2017-0514	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	50
04-2018-0170	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	6
04-2018-0178	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	4
04-2018-0179	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	20/2
04-2018-0181	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	55/8
04-2018-0182	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	55/8
04-2018-0183	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	55/8
04-2018-0186	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	50/27
04-2018-0187	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	50/14
04-2018-0216	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	20/2
04-2018-0217	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	20/2
04-2018-0221	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	7
04-2018-0222	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	7
04-2018-0223	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	7
04-2018-0224	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	7
04-2018-0225	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	4
04-2018-0226	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	4
04-2018-0227	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	6
04-2018-0229	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	3
04-2018-0360	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	3
04-2018-0362	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	20/3
04-2018-0364	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	23
04-2018-0397	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	Various
04-2018-0511	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	6
04-2019-0559	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	5
04-2020-0234	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	7

04-2018-0209	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	23
04-2018-0210	Dominion Transmission Inc.	Eastern Gas Transmission & Storage	23



# State of West Virginia



## Certificate

*I, Mac Warner, Secretary of State of the  
State of West Virginia, hereby certify that*

**Eastern Gas Transmission and Storage, Inc.**

a corporation formed under the laws of Delaware, which is authorized to transact business in West Virginia by a Certificate of Authority has filed in my office as required by the provisions of the West Virginia Code, a copy of an amendment to its Articles of Incorporation authenticated by the proper office of the state or country of its incorporation and was found to conform to law.

Therefore, I issue this

### CERTIFICATE OF AMENDMENT TO CERTIFICATE OF AUTHORITY

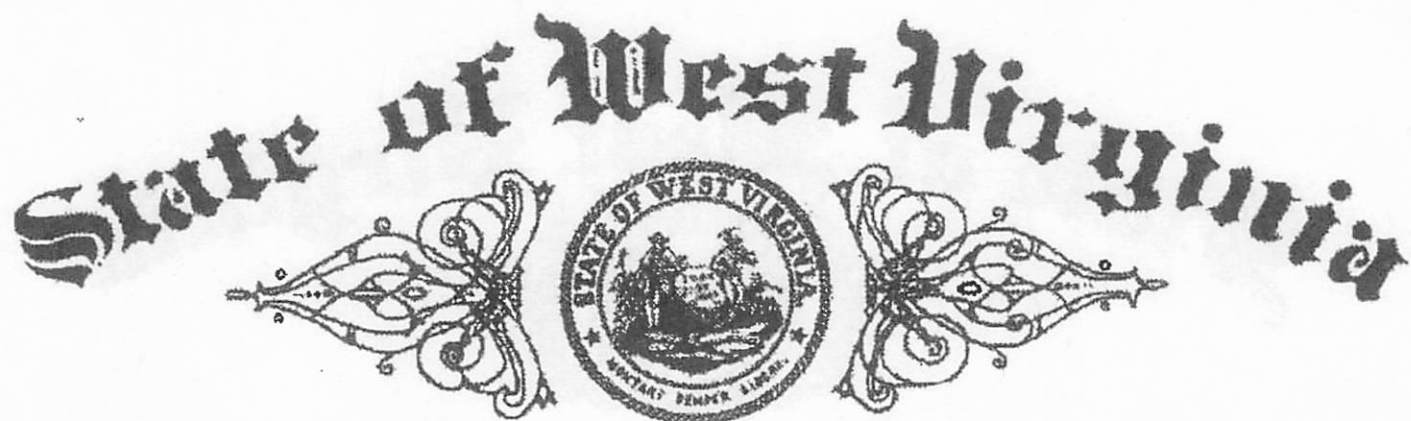


*Given under my hand and the  
Great Seal of the State of  
West Virginia on this day of  
December 07, 2020*

*Mac Warner*

Secretary of State

6578



## Certificate

*I, Mac Warner, Secretary of State,  
of the State of West Virginia, hereby certify that*

Articles of Amendment to the Articles of Incorporation of

**DOMINION ENERGY TRANSMISSION, INC.**



*Mac Warner*

Are filed in my office as required by the provisions of the West Virginia Code and are found to confirm to law.





## Amendment Filing

For filing with the West Virginia Secretary of State  
a Business for West Virginia Partner  
tel: (304) 558-8000

Organization Name	DOMINION ENERGY TRANSMISSION, INC.
Organization Type	Corporation
Charter Type	Foreign
Class	For Profit
Home State	DE
WV Effective Date	01/17/1984
Filing Date	12/07/2020
Change Business Name?	Yes
New Business Name	Eastern Gas Transmission and Storage, Inc.
Other Amendment Info	
Contact Name	
Contact Phone	()-
Contact Email	

I certify the information provided is true. I further certify that I am an officer or individual holding a power-of-attorney and am duly authorized to file this report on behalf of the corporation, as required by the West Virginia Code. I agree that the electronic entry of my name below represents my signature and authorization for this filing.

Jeffery B. Erb  
Authorized By

OFFICER  
Capacity

RETAIN A COPY FOR YOUR RECORDS

## George Eidel

---

**From:** George Eidel <geidel@doddridgecountywv.gov>  
**Sent:** Wednesday, December 4, 2024 9:41 AM  
**To:** 'Joseph W. Ryan'  
**Subject:** RE: EGTS - Gateway Ext Floodplain Permit in Doddridge County, WV

Joe,

Good morning, I got the permit yesterday morning and am in the process of reviewing it, there is a section of the permit for adjacent land owner information. Can you get us a list of the adjacent land owners, we need at least two properties up stream and downstream both sides of the creek if they are different owners. This is just for the properties in the floodplain, you can just put them on an excel spread sheet and email it to me.

Thank you

---

**From:** Joseph W. Ryan <J.Ryan@gaiconsultants.com>  
**Sent:** Wednesday, November 27, 2024 10:59 AM  
**To:** George Eidel <geidel@doddridgecountywv.gov>  
**Subject:** RE: EGTS - Gateway Ext Floodplain Permit in Doddridge County, WV

Yes, I can send a hard copy. Is this the correct address?

Doddridge County c/o George Eidel  
99 Court Street Suite #128  
West Union, WV 26456

**Joseph W. Ryan, PE**  
Engineering Manager

**GAI Consultants**, 600 Cranberry Woods Drive, Suite 250, Cranberry, PA, 16066  
T 724.772.2011 D 412.399.5162 M 412.527.6770

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---

**From:** George Eidel <geidel@doddridgecountywv.gov>  
**Sent:** Wednesday, November 27, 2024 10:57 AM  
**To:** Joseph W. Ryan <J.Ryan@gaiconsultants.com>  
**Subject:** RE: EGTS - Gateway Ext Floodplain Permit in Doddridge County, WV

**EXERCISE CAUTION: This is an External Email Message!**

**\*\*Think before clicking on links, opening attachments, or responding\*\***

Will you be mailing out a hard copy?

---

**From:** Joseph W. Ryan <[J.Ryan@gaiconsultants.com](mailto:J.Ryan@gaiconsultants.com)>  
**Sent:** Wednesday, November 27, 2024 10:47 AM  
**To:** [GEidel@doddridgecountywv.gov](mailto:GEidel@doddridgecountywv.gov)  
**Cc:** Jennifer Broush <[j.broush@gaiconsultants.com](mailto:j.broush@gaiconsultants.com)>; Kelsey Muffie <[K.Muffie@gaiconsultants.com](mailto:K.Muffie@gaiconsultants.com)>  
**Subject:** EGTS - Gateway Ext Floodplain Permit in Doddridge County, WV

Mr. Eidel,

Please see download link below for Floodplain Permit Application and supporting documents on behalf of Eastern Gas Transmission and Storage, Inc. (EGTS) for the Gateway Extension Pipeline Project. The application fee will be mailed to your office next week.

[Download all files](#)

Please note we are awaiting DOH approval for the Mancuso property and will forward along once we have it.

Please let us know if you have any issues with the download link. Construction is scheduled to start in mid-December, so we appreciate your review.

**Joseph W. Ryan, PE**  
Engineering Manager

**GAI Consultants**, 600 Cranberry Woods Drive, Suite 250, Cranberry, PA, 16066  
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## George Eidel

---

**From:** Joseph W. Ryan <J.Ryan@gaiconsultants.com>  
**Sent:** Thursday, December 5, 2024 3:25 PM  
**To:** George Eidel  
**Cc:** Canneto, Francisco (BHE GT&S); Jennifer Broush  
**Subject:** RE: EGTS - Gateway Ext Floodplain Permit in Doddridge County, WV  
**Attachments:** List of Adjacent LOs\_20241205.xlsx

Hello George,

Please see attached for adjacent Landowner information List. Please let me know if there are any question or additional information needed.

-Joe Ryan

**Joseph W. Ryan, PE**  
Engineering Manager

**GAI Consultants**, 600 Cranberry Woods Drive, Suite 250, Cranberry, PA, 16066  
T 724.772.2011 D 412.399.5162 M 412.527.6770

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Doddridge County c/o George Eidel  
99 Court Street Suite #128  
West Union, WV 26456

**Joseph W. Ryan, PE**  
Engineering Manager

**GAI Consultants**, 600 Cranberry Woods Drive, Suite 250, Cranberry, PA, 16066  
T 724.772.2011 D 412.399.5162 M 412.527.6770

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**Cc:** Jennifer Broush <[j.broush@gaiconsultants.com](mailto:j.broush@gaiconsultants.com)>; Kelsey Muffie <[K.Muffie@gaiconsultants.com](mailto:K.Muffie@gaiconsultants.com)>  
**Subject:** EGTS - Gateway Ext Floodplain Permit in Doddridge County, WV

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# GAI Consultants, Inc.

**Cranberry Office**  
600 Cranberry Woods Drive, Suite 250  
Cranberry Township, PA 16066  
T 724.772.2011 | F 724.772.2050  
[www.gaiconsultants.com](http://www.gaiconsultants.com)

**Doddridge County**  
**99 Court Street, Suite #128**  
**West Union, West Virginia 26456**  
**Attention: Mr. George Eidel**

## Letter of Transmittal

TRANSMITTAL NO.	01
DATE:	12/2/2024
PROJECT NO.	R230631.00

### PROJECT TITLE:

**Eastern Gas Transmission and Storage, Inc.**  
**Gateway Extension Pipeline Project**  
**Doddridge County, West Virginia**

### SUBJECT:

**Floodplain Development Permit Application**  
**EGTS**

**WE ARE SENDING** Paper Documents  
**VIA:** Next Day Delivery  
**PURPOSE:** For Approval

### COMMENTS:

Hard copy version of application sent by  
[j.ryan@gainconsultants.com](mailto:j.ryan@gainconsultants.com) on 11/27/24.

Check to follow. Please call with any questions  
Joe Ryan 412-399-5162

DEC 4 '24 AM 9:41

### ATTACHMENTS:

Qty	Document No.	Rev	Document Date	Document Description/Title	Status*
1	01	-	11/27/2024	Floodplain Permit App & Supporting Docs	

\*Status Codes for Submittal Package Reviews: NE=No Exceptions; EN=Exceptions Noted; RR=Revise & Resubmit; RJ=Rejected

### DISTRIBUTION:

Name	Company	Transmittal (Y/N)	Attachments (Y/N)
Frank Canneto	EGTS	Y	Y

Sincerely,

Joseph W. Ryan  
Engineering Manager

September 30, 2024

**Re: Federal Energy Regulatory Commission Certificate Application  
Gateway Extension Project  
Docket No. CP24-521-000**

Dear Landowner:

On September 20, 2024, Eastern Gas Transmission and Storage, Inc., (EGTS) filed with the Federal Energy Regulatory Commission (FERC or Commission) a 60-day Prior Notice Request seeking authorization to construct, install, own, operate and maintain certain facilities located in Doddridge County, West Virginia, which comprise the Gateway Extension Project ("Project"). As part of the FERC's regulations, EGTS is required to provide helpful information to each landowner that may be affected by the construction of natural gas facilities. This letter contains information about:

- EGTS and our Project;
- the FERC Certificate process, how you can get involved, and your rights; and
- how to get additional information from EGTS or the FERC concerning the project.

### **Eastern Gas Transmission and Storage: Who We Are**

EGTS, located in Bridgeport, West Virginia, traces its history back to 1898 and operates a regional network of natural gas pipelines and underground storage facilities throughout West Virginia, Ohio, Maryland, Virginia, Pennsylvania, and New York.

### **Project Purpose and Details**

EGTS will be seeking authorization to construct its Gateway Extension Project which will enable EGTS to provide 90,000 dekatherms per day (Dt/d) of firm transportation service to project customers. The Project will consist of constructing the following facilities:

#### Underground Facilities

- TL-635 Pipeline: Installation of approximately 1.1 miles of 30-inch diameter pipeline separated into eight segments that connects to 8.4 miles of 30-inch pipeline previously installed as part of the Supply Header Project.
- TL-635 Extension 1 & 2 Connector Pipelines: Installation of approximately 1.9 miles of 30" pipeline (two segments) designed to tie-in to the previously installed north and south terminus of TL-635 and loop EGTS' existing 30" TL-360 pipeline.

#### Above Ground Facilities

- North End TL-635 Extension 1 Pig Launcher Site: Install a pig launcher/receiver along with valve site at the northern terminus of the proposed TL-635 Extension 1 Pipeline



- South End TL-635 Extension 2 Pig Receiver Site: Install a pig receiver along with valve site and drip at the southern terminus of the proposed TL-635 Extension 2 Pipeline

## **FERC Certificate Process**

Under a blanket certificate issued pursuant to section 7(c) of the Natural Gas Act, a natural gas company, such as EGTS, may undertake a restricted array of routine activities without the need to obtain a case-specific certificate for each individual project. The blanket certificate program provides an administratively efficient means to enable a company to construct, modify, acquire, operate and abandon a limited set of natural gas facilities, and offer a limited set of services, provided each activity complies with constraints on costs and environmental impacts set forth in the Commission's regulations. Additional information on the blanket certificate program and a publication called "Blanket Certificate Program: Notice to Landowners" is available through FERC's website at <https://www.ferc.gov/sites/default/files/2020-05/BlanketCertificateProgram-NoticetoLandownersBrochure.pdf>.

This project is being proposed under the prior notice requirements of the blanket certificate program administered by the FERC. Under the Commission's regulations, you have the right to protest this Project within 60 days of the date the Commission issues a notice of the pipeline's filing. If you file a protest, you should include the docket number listed in this letter and provide the specific reasons for your protest. The protest should be mailed to the Secretary of the Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426. A copy of the protest should be mailed to the pipeline at Eastern Gas Transmission and Storage, Inc., Attention: Certificates Department, 10700 Energy Way, Richmond, VA 23060. If you have any questions concerning these procedures, you can call the Commission's Office of External Affairs at (202) 208-1088.

## **Additional Information**

In the area affected by this Project, EGTS has provided a copy of the Project application, submitted to the FERC, to the following public library:

Doddridge County Public Library  
170 Marie St.  
West Union, WV 26456

## **Land Rights**

Generally, when facilities are proposed to be constructed on land EGTS does not own or hold a legal interest, EGTS will attempt to negotiate with you or other landowners in an attempt to obtain the rights to use that land. Generally, EGTS seeks a type of property right called an "easement." The landowner still owns the property when EGTS secures, by a negotiated payment, an easement upon that property, but the landowner cannot undertake any activity within the easement that would conflict with EGTS's rights to use its easement rights. Activities that do not impact EGTS are allowed. The easement is a written document like a deed or lease and is recorded at the county courthouse. When EGTS builds a permanent structure such as a compressor station, it seeks to secure the necessary property rights by deed, rather than by easement, so that EGTS has full and complete ownership.



On those rare occasions where EGTS cannot secure the property rights it needs by reaching an agreement with the affected landowner, a federal law called "The Natural Gas Act" allows EGTS to secure the property by eminent domain after FERC has authorized a project. Efforts to obtain property through eminent domain begin with EGTS filing a "complaint" or "petition" with the appropriate court, which can be either a state or federal court. Sometimes a bond or other type of financial security is deposited with the court, to ensure that the landowner will be paid for any property rights that are taken when the matter is finally decided. After various preliminary matters, a hearing is held before a judge, jury, board of viewers or a commission. The purpose of the hearing is to award the landowner "just compensation" for any property that is used for the project. Both the United States Constitution and state constitutions require the payment of just compensation to property owners who must give up some of their property for a public use, such as natural gas pipelines or other similar facilities. After the award of just compensation, either EGTS or the affected landowner (or both) may ask an appellate court to review the award.

The eminent domain system has worked well for hundreds of years, allowing the construction of projects that fulfill a public need, including gas, electric and water service, highways and airports. Of course, EGTS prefers to avoid eminent domain proceedings and makes every reasonable effort to reach a voluntary agreement with landowners.

**Once the construction begins, if you have any environmental concerns or wish to identify problems concerning an environmental issue related to the Project, please use the following procedure:**

- If you are calling to report an environmental concern relating to the project activities, please call Frank Canneto at (804) 335-4923. If you call this number and need to leave a message, EGTS will attempt to return the call no later than the next business day or as soon thereafter as possible.
- If you are not satisfied with EGTS's response, you should call the EGTS Helpline at 1-866-319-3382. EGTS will attempt to return your message or email no later than the next business day or as soon thereafter as possible.
- If, after the above attempts, you are still not satisfied with the response from EGTS, you may contact FERC's Landowner Helpline. The Landowner Helpline may be reached toll-free at 1-877-337-2237, or by email at [LandownerHelp@ferc.gov](mailto:LandownerHelp@ferc.gov). The Landowner Helpline assists landowners with issues relating to the construction or operation of FERC jurisdictional facilities by providing informal dispute resolution.

If you have questions regarding this project, you may contact me toll free at 1-866-319-3382. Please be sure to reference the Gateway Extension Project, Docket No. CP24-521-000.

Sincerely,

*/s/ James E. Scribner*

Scribner



Eastern Gas Transmission and Storage, Inc  
10700 Energy Way  
Glen Allen, VA 23060

October 2, 2024

Mr. George Eidel, Office of Emergency Management  
99 Court Street, Suite 128  
West Union, WV 26456

Mr. George Eidel:

On September 20, 2024, Eastern Gas Transmission and Storage, Inc. (EGTS) filed with the Federal Energy Regulatory Commission (FERC or "Commission") an Abbreviated Application for a Certificate of Public Convenience and Necessity to construct, install, own, operate and maintain certain facilities located in Doddridge County, West Virginia, that comprise the Gateway Extension Project ("Project").

As part of the FERC regulations, EGTS is required to notify affected landowners of the proposed Project. Enclosed, for your information, is the letter and informational material EGTS has provided.

If you have questions regarding this project, please contact Jason Harshbarger, State Policy Director, at (681) 842-3242. Please reference the Gateway Extension Project, Docket No. CP24-521-000.

Sincerely,

*/s/ Jason Harshbarger*

Jason Harshbarger  
State Policy Director

Enclosures

Attachment

Table 5. Streams Crossed

Waterbody Name	Feature ID <sup>1</sup>	Approximate MP	Flow Regime	Crossing Width (feet) <sup>2</sup>	State Water Quality Classification	Proposed Crossing Type <sup>3</sup>
<b>TL-635 Extension 1 – Northern Connector</b>						
Broad Run	SWV-WHL-006	10.7	Perennial	5	Tier 2 Warmwater	Dam and pump or flume and timber mat(s)
UNT to Broad Run	SWV-WHL-010	10.7	Ephemeral	1.5	Tier 2 Warmwater	Timber mat(s)
UNT to Broad Run	SWV-WHL-016	10.6	Ephemeral	1.5	Tier 2 Warmwater	Timber mat(s)
UNT to Broad Run	SWV-WHL-014	10.6	Ephemeral	1	Tier 2 Warmwater	Culvert
<b>TL-635 Pipeline</b>						
UNT to McElroy Creek	SWV-WHL-037	7.2	Ephemeral	2	Tier 2 Warmwater	Dam and pump or flume and timber mat(s)
McElroy Creek	SWV-WHL-038	7.2	Perennial	60	Tier 2 HQ Warmwater	Dam and pump or flume, or conventional bore and portable bridge
Little Battle Run	Sdoh10 <sup>4</sup> <sub>5</sub>	6.4	Perennial	6	Tier 2 Warmwater	Dam and pump or flume and timber mat(s)
UNT to Big Battle Run	SWV-WHL-025	4.3	Perennial	4	Tier 2 Warmwater	Timber mat(s)
UNT to Big Battle Run	SWV-WHL-035 <sup>5</sup>	4.2	Perennial	7	Tier 2 Warmwater	Dam and pump or flume and timber mat(s)
UNT to Big Battle Run	SWV-WHL-026	3.7	Ephemeral	3.5	Tier 2 Warmwater	Dam and pump or flume and timber mat(s)
UNT to Big Battle Run	SWV-WHL-027 <sup>5</sup>	3.7	Perennial	5	Tier 2 Warmwater	Dam and pump or flume and timber mat(s)
Righthand Fork East Run	SWV-WHL-028 <sup>5</sup>	2.7	Perennial	5.5	Tier 2 Warmwater	Dam and pump or flume and timber mat(s)
Flint Run	SWV-WHL-029	1.5	Perennial	9	Tier 2 HQ Warmwater	Timber mat(s)
<b>TL-635 Extension 2 – Southern Connector</b>						
UNT to Buckeye Run	SWV-WHL-056	0.2	Ephemeral	2	Tier 2 Warmwater	Dam and pump or flume and timber mat(s)
UNT to Buckeye Run	SWV-WHL-032 <sup>5</sup>	0.2	Perennial	8	Tier 2 Warmwater	Dam and pump or flume and timber mat(s)
<b>Access Roads</b>						
UNT to Broad Run	SWV-WHL-011	11.3	Ephemeral	1.5	Tier 2 Warmwater	Timber mat(s) or culvert
Broad Run	SWV-WHL-006	11.3	Perennial	5	Tier 2 Warmwater	Timber mat(s) or culvert
UNT to Broad Run	SWV-WHL-005	10.5	Intermittent	6	Tier 2 Warmwater	Timber mat(s) or culvert



Waterbody Name	Feature ID <sup>1</sup>	Approximate MP	Flow Regime	Crossing Width (feet) <sup>2</sup>	State Water Quality Classification	Proposed Crossing Type <sup>3</sup>
Franks Run	SWV-WHL-018	7.6	Perennial	20	Tier 2 Warmwater	Existing bridge
McElroy Creek	SWV-WHL-038	7.1	Perennial	60	Tier 2 HQ Warmwater	Portable bridge
Talkington Fork	SWV-WHL-036	7.1	Perennial	26	Tier 2 HQ Warmwater	Timber mat(s) or pipe bridge
Little Battle Run	Sdoh011 <sup>4</sup>	6.6	Perennial	6	Tier 2 Warmwater	Timber mat(s) or culvert
Little Battle Run	SWV-WHL-055	6.3	Perennial	16	Tier 2 Warmwater	Existing culvert bridge
Big Battle Run	SWV-WHL-020	4.9	Perennial	18	Tier 2 Warmwater	Temporary bridge
UNT to Big Battle Run	SWV-WHL-021	4.9	Perennial	4	Tier 2 Warmwater	Existing bridge
UNT to Big Battle Run	SWV-WHL-022	4.9	Ephemeral	1.5	Tier 2 Warmwater	Existing culvert
UNT to Big Battle Run	SWV-WHL-034	4.4	Ephemeral	3	Tier 2 Warmwater	Existing culvert
UNT to Big Battle Run	SWV-WHL-025	4.4	Perennial	4	Tier 2 Warmwater	Existing culvert
UNT to Big Battle Run	SWV-JJP-012	3.2	Ephemeral	2	Tier 2 Warmwater	Existing culvert
UNT to Big Battle Run	SWV-WHL-048	3.2	Intermittent	7	Tier 2 Warmwater	Timber mat(s)
Big Battle Run	SWV-JJP-013	3.2	Perennial	12	Tier 2 Warmwater	Existing bridge or culvert
UNT to Big Battle Run	SWV-JJP-002	3.0	Ephemeral	0.5	Tier 2 Warmwater	Timber mat(s) or culvert
UNT to Big Battle Run	SWV-JJP-001	3.0	Perennial	5	Tier 2 Warmwater	Existing culvert
UNT to Righthand Fork East Run	SWV-WHL-039	2.7	Ephemeral	3	Tier 2 Warmwater	Timber mat(s)
Righthand Fork East Run	SWV-WHL-028	2.7	Perennial	5.5	Tier 2 Warmwater	Timber mat(s)
Righthand Fork East Run	SWV-WHL-028	2.7	Perennial	5.5	Tier 2 Warmwater	Timber mat(s)
UNT to Righthand Fork East Run	SWV-WHL-040	2.7	Intermittent	2.5	Tier 2 Warmwater	Timber mat(s) or culvert
UNT to Righthand Fork East Run	SWV-JJP-003	2.7	Intermittent	3	Tier 2 Warmwater	Existing culvert
UNT to Righthand Fork East Run	SWV-JJP-004	2.7	Ephemeral	1	Tier 2 Warmwater	Existing culvert
Righthand Fork East Run	SWV-WHL-028	2.7	Perennial	5.5	Tier 2 Warmwater	Existing culvert
UNT to Flint Run	SWV-WHL-041	2.0	Perennial	5	Tier 2 Warmwater	Existing culvert
UNT to Wiseman Run	SWV-JJP-006	0.8	Ephemeral	2	Tier 2 Warmwater	Existing culvert
UNT to Wiseman Run	SWV-JJP-005	0.8	Ephemeral	2	Tier 2 Warmwater	Existing culvert

<b>Waterbody Name</b>	<b>Feature ID<sup>1</sup></b>	<b>Approximate MP</b>	<b>Flow Regime</b>	<b>Crossing Width (feet) <sup>2</sup></b>	<b>State Water Quality Classification</b>	<b>Proposed Crossing Type<sup>3</sup></b>
UNT to Buckeye Run	SWV-WHL-043	0.0	Ephemeral	5.5	Tier 2 Warmwater	Existing culvert
UNT to Buckeye Run	SWV-WHL-044	0.0	Ephemeral	3	Tier 2 Warmwater	Existing culvert
UNT to Buckeye Run	SWV-WHL-045	0.0	Ephemeral	3.5	Tier 2 Warmwater	Existing culvert
UNT to Buckeye Run	SWV-WHL-046	0.0	Ephemeral	4.5	Tier 2 Warmwater	Existing culvert
UNT to Buckeye Run	SWV-JJP-011	0.0	Ephemeral	2	Tier 2 Warmwater	Existing culvert
UNT to Buckeye Run	SWV-JJP-009	0.0	Perennial	6	Tier 2 Warmwater	Existing culvert
UNT to Buckeye Run	SWV-WHL-058	0.0	Ephemeral	1.5	Tier 2 Warmwater	Existing culvert
Claylick Run	SWV-WHL-049	-	Perennial	32	Tier 2 Warmwater	Existing bridge
<b>Notes:</b> <sup>1</sup> Map designation. <sup>2</sup> Crossing width is measured using the ordinary high water mark. <sup>3</sup> Existing culverts listed were identified during environmental field surveys. Where the proposed crossing type is listed as timber mat(s), EGTS may utilize an engineered equivalent crossing method. <sup>4</sup> Delineation by ERM, 2014. <sup>5</sup> Fish spawning waiver approval received from WVDNR on June 3, 2024.  <b>Key:</b> HQ = High Quality UNT = Unnamed Tributary						

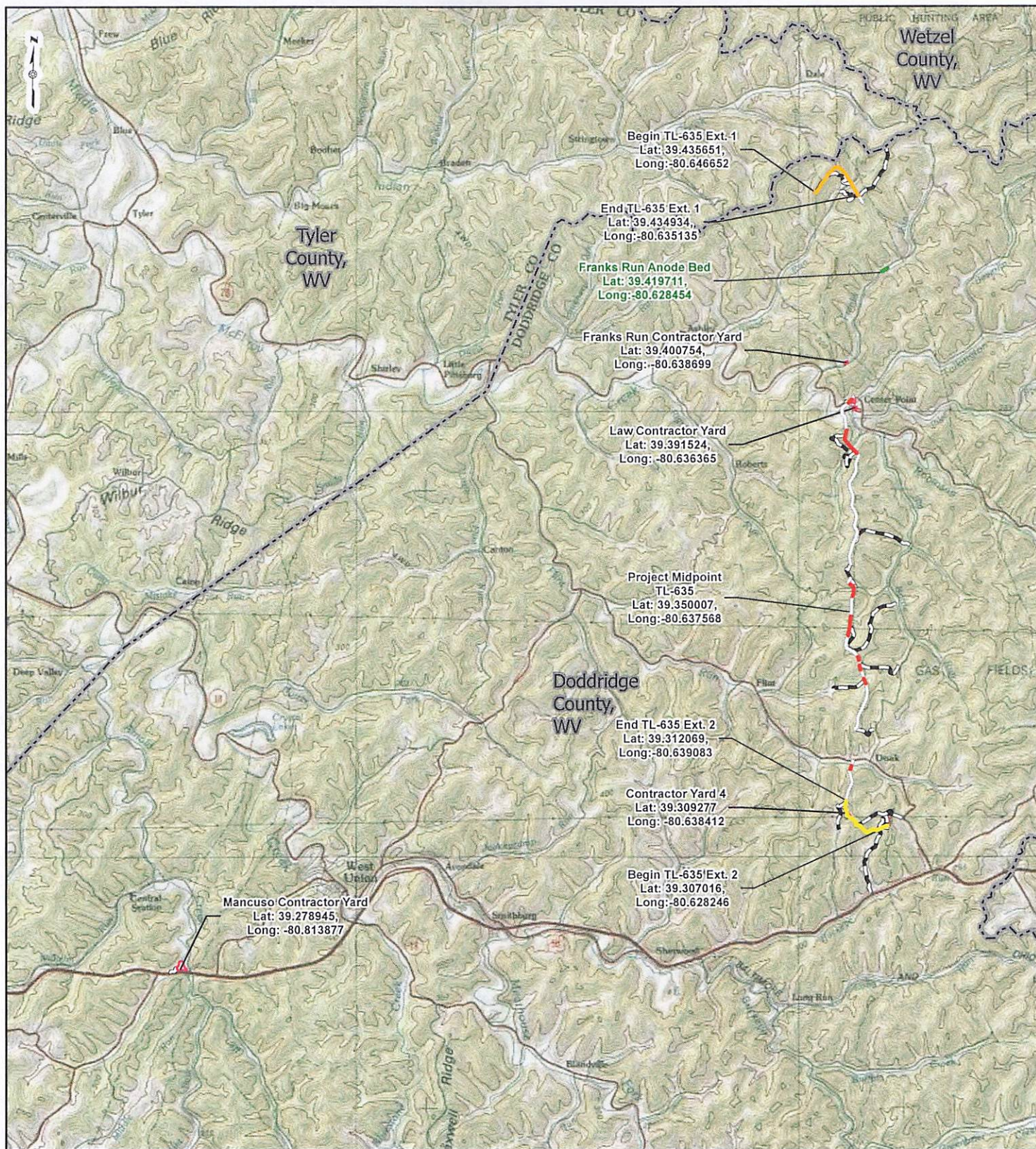
EGTS will protect streams that are directly adjacent to the proposed construction work limits by installing appropriately sized E&S controls and BMPs, such as compost filter sock, at the downslope edges of the LOD, and by implementing the Project-specific SPCC Plan.

#### HYDROSTATIC TEST WATER AND DUST SUPPRESSION

In compliance with U.S. Department of Transportation requirements, the new pipeline segments and relevant above ground facilities will be hydrostatically pressure-tested before they are placed into service. EGTS plans to use water from McElroy Creek for hydrostatic testing and hydroseeding. An estimated 1,325,000 gallons of water will be withdrawn in June and July 2025, at a rate of approximately 1,000 gallons per minute. EGTS anticipates hydrostatic test discharge dates of July 8 to 26, 2025. Hydrostatic test water will be discharged to well vegetated upland areas at a rate of approximately 1,500 gallons per minute, set back at least 50 feet from wetlands or waterbodies. Applicable permits and clearances for water withdrawal and discharge will be obtained prior to hydrostatic testing. If water withdrawal permit applications are not approved, water for hydrostatic testing and dust suppression will be obtained from municipal sources.

EGTS anticipates utilizing a state-approved dust suppressant, as further discussed in Section 9.





# PROJECT LOCATION



DODDRIDGE COUNTY,  
WEST VIRGINIA

## Legend

- Existing TL-635 Pipeline
- Franks Run Anode Bed
- Proposed TL-635 Pipeline
- TL-635 Extension 1- Northern Connector
- TL-635 Extension 2- Southern Connector
- Existing Access Road
- Proposed Access Road
- Contractor Yard
- County Boundary

0 1.25 2.5 5 Miles

## USGS TOPOGRAPHIC MAP



GATEWAY EXTENSION PROJECT  
EASTERN GAS  
TRANSMISSION & STORAGE, INC.



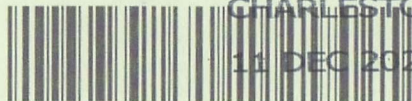
DRAWN BY: JPK  
CHECKED: KJT

DATE: 9/19/2024  
APPROVED: KAM

REFERENCE: USGS 100' TOPOGRAPHIC QUADRANGLE: CLARKSBURG (1984), WEST VIRGINIA, OBTAINED THROUGH ESRI USA TOPO MAPS, ACCESSED 9/19/2024.

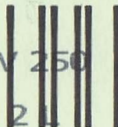


USPS TRACKING #



CHARLESTON WV 250

11 DEC 2024 PM 2



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

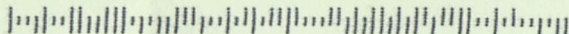
9590 9402 7059 1225 4222 81

**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Doddridge County Office of  
Emergency Management/Floodplain  
99 Court Street, Suite 128  
West Union, WV 26456

26456-201599



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Nazareth Farm, Inc.  
665 Nazareth Farm Road  
Salem, WV 26426



9590 9402 7059 1225 4222 81

2. Article Number (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Joshua Madia

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restriction Delivery
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

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- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

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**IMPORTANT: Save this receipt for your records.**



9589 0710 5270 0991 8241 32

U.S. Postal Service™  
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FPM

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OFFICIAL USPS

Certified Mail Fee

4.85

\$

Extra Services & Fees (check box, add fee as appropriate)

4.10

☒ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

.69

\$

Total Postage and Fees

9.64

\$

Sent To

Nazareth Farm, Inc.

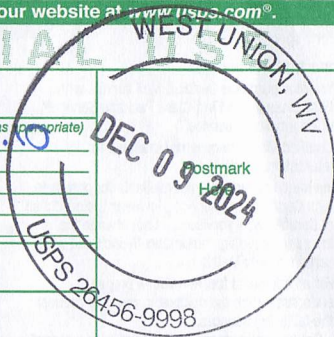
Street and Apt. No., or PO Box No.

665 Nazareth Farm Rd.

City, State, ZIP+4®

Salem, WV 26426

24-671



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**IMPORTANT: Save this receipt for your records.**

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Extra Services & Fees (check box, add fees as appropriate)

☒ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

.69

\$

Total Postage and Fees

9.64

\$

Sent To

Evelyn McClure

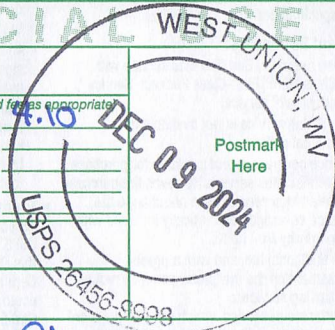
Street and Apt. No., or PO Box No.

19 Nazareth Farm Rd.

City, State, ZIP+4®

Salem, WV 26426

24-671



9589 0710 5270 0991 8241 25



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OFFICIAL USE

WEST UNION, WV

Certified Mail Fee

4.85

\$

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

7.10 DEC 09 2024  
USPS 26456-9998

Postmark  
Here

Postage

.69

\$

Total Postage and Fees

9.64

\$

Sent To

Cheryl A. Brawn

Street and Apt. No., or PO Box No.

109 Center Ave.

City, State, ZIP+4®

Follansbee, WV 26037

24-671

9589 0710 5270 0991 8241 18

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Certified Mail Fee

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4.85

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy)

\$

4.10

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

\$

.69

Total Postage and Fees

\$

9.64

Sent To

Ralph Sandora, Jr.

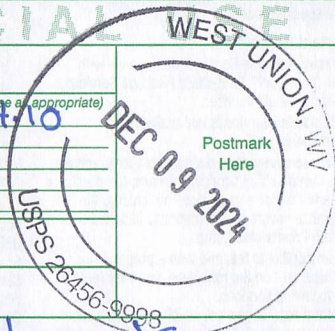
Street and Apt. No., or PO Box No.

276 Nazareth Farm Rd.

City, State, ZIP+4®

Salem, WV 26426

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DC  
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OFFICIAL USE

Certified Mail Fee

\$

4.85

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy)

\$

4.10

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

\$

.69

Total Postage and Fees

\$

9.64

Sent To

Mark & Clara McGill

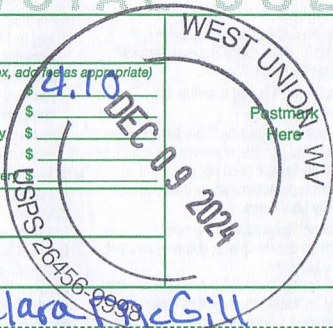
Street and Apt. No., or PO Box No.

211 Sunnyside Rd.

City, State, ZIP+4®

West Union, WV 26456

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9589 0710 5270 0991 8240 95



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FPM

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OFFICIAL USE

Certified Mail Fee

4.85

\$

Extra Services & Fees (check box, and fee as appropriate)

4.10

☒ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

.69

\$

Total Postage and Fees

9.64

\$

Sent To

Lisa Maxwell Mayer

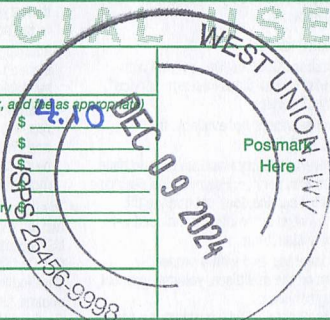
Street and Apt. No., or PO Box No.

282 Van Brunt St. Apt. 2

City, State, ZIP+4®

Brooklyn, NY 11231

24-671



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**IMPORTANT: Save this receipt for your records.**



9589 0710 5270 0991 8240 71

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

DC  
FPM

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

\$

4.85

Extra Services &amp; Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy)☐ Return Receipt (electronic)☐ Certified Mail Restricted Delivery☐ Adult Signature Required☐ Adult Signature Restricted Delivery

Postage

\$

.69

Total Postage and Fees

\$

9.64

Sent To

Patrick Flanigan

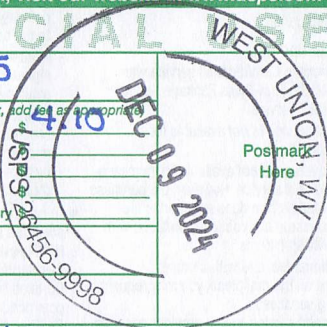
Street and Apt. No., or PO Box No.

1393 Big Flint Rd.

City, State, ZIP+4®

Salem, WV 26426

24-671

Postmark  
Here

## Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

### Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

**IMPORTANT: Save this receipt for your records.**

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

DC  
FPM

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee \$ 4.85

Extra Services & Fees (check box, add fee as appropriate)

- ☒ Return Receipt (hardcopy) \$ 4.10
- ☐ Return Receipt (electronic) \$ \_\_\_\_\_
- ☐ Certified Mail Restricted Delivery \$ \_\_\_\_\_
- ☐ Adult Signature Required \$ \_\_\_\_\_
- ☐ Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage \$ .69

Total Postage and Fees \$ 9.64

Sent To

Anthony J. Mancuso

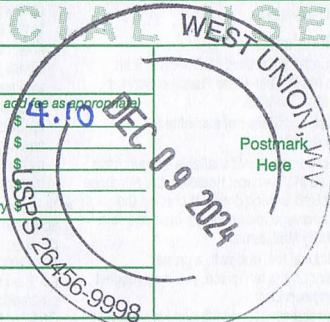
Street and Apt. No., or PO Box No.

365 Dye Dr.

City, State, ZIP+4®

Bridgeport, WV 26330

Postmark  
Here



9589 0710 5270 0991 8240 64

254-671



## Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

### *Important Reminders:*

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
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- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
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  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

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**IMPORTANT: Save this receipt for your records.**

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

DC  
FPM

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee

\$

4.85

Extra Services & Fees (check box, add fee as appropriate)

- ☒ Return Receipt (hardcopy) \$ 4.10  
☐ Return Receipt (electronic) \$ \_\_\_\_\_  
☐ Certified Mail Restricted Delivery \$ \_\_\_\_\_  
☐ Adult Signature Required \$ \_\_\_\_\_  
☐ Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage

\$

.69

Total Postage and Fees

\$

9.64

Sent To

Michael R. Todd E. & Robina A. Valentine

Street and Apt. No., or PO Box No.

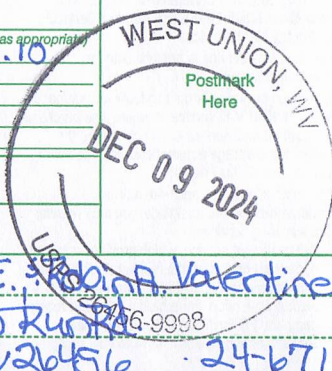
1255 Margaret Run Rd  
6456-9998

City, State, ZIP+4®

West Union, WV 26056 · 24-671

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



0000 1047 0000 0297 2202

## Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

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- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
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for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

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**IMPORTANT: Save this receipt for your records.**



U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT

Domestic Mail Only

DC  
FRM

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

\$

4.85

Extra Services & Fees (check box, add fee as appropriate)



Return Receipt (hardcopy)

\$

4.10



Return Receipt (electronic)

\$



Certified Mail Restricted Delivery

\$



Adult Signature Required

\$



Adult Signature Restricted Delivery

\$

Postage

\$

.69

Total Postage and Fees

\$

9.64

Sent To

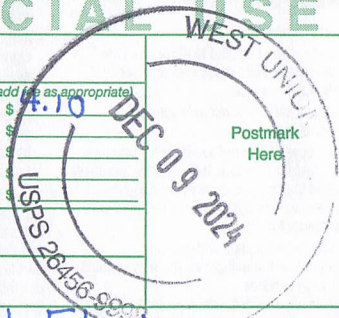
Kathleen L. Flanigan

Street and Apt. No., or PO Box No.

9659 WV Rt. 23

City, State, ZIP+4®

West Union, WV 26456 24-671



Postmark  
Here

7022 1670 0003 1400 9998

## Certified Mail service provides the following benefits:

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- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

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**IMPORTANT: Save this receipt for your records.**

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT

Domestic Mail Only

DC  
FPM

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

\$ 4.85

Extra Services & Fees (check box, and fee as appropriate)

☒ Return Receipt (hardcopy)

\$ 4.10

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

\$ .69

Total Postage and Fees

\$ 9.64

Sent To

Charles Dixon, ETAL

Street and Apt. No. or PO Box No.

1849 Green Ave.

City, State ZIP+4®

Clarksburg, WV 26301

24-671

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



## Certified Mail service provides the following benefits:

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- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

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- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

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**IMPORTANT: Save this receipt for your records.**

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT

Domestic Mail Only

DC  
Fam

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

4.85

\$

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy)

4.10

☐ Return Receipt (electronic)

☐ Certified Mail Restricted Delivery

☐ Adult Signature Required

☐ Adult Signature Restricted Delivery

Postmark  
Here

Postage

.69

\$

Total Postage and Fees

9.64

\$

Sent To

Larry D. Law

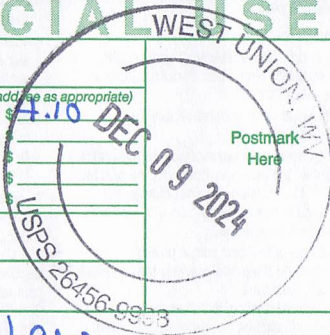
Street and Apt. No., or PO Box No.

3365 Ross Run Rd.

City, State, ZIP+4®

Alma WV 26320

24-671



7202 1670 0003 1400 9974

USPS TRACKING #



CHARLESTON WV 250

13 DEC 2024 PM 1 L



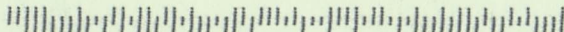
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 7059 1225 4222 74

**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Doddridge County Office of  
Emergency Management/Floodplain  
99 Court Street, Suite 128  
West Union, WV 26456





**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Everlyn McClure  
19 Nazareth Farm Road  
Salem, WV 26426



9590 9402 7059 1225 4222 74

2. Article Number (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X** *Everlyn McClure*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

24-671

USPS TRACKING #



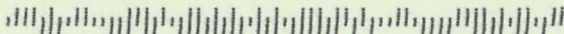
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 7059 1225 4222 05

**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box •

Doddridge County Office of  
Emergency Management/Floodplain  
99 Court Street, Suite 128  
West Union, WV 26456



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael R., Todd E. & Robin A. Valentine  
1253 Morgans Run Road  
West Union, WV 26456



9590 9402 7059 1225 4222 05

2. Article Number (Transfer from service label)

70221670000314010000

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Robin A. Valentine

☐ Agent☒ Addressee

B. Received by (Printed Name)

Robin A. Valentine

C. Date of Delivery

12-12-24

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

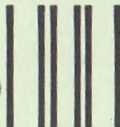
## 3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery



USPS TRACKING #



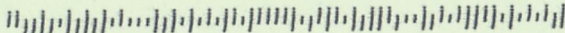
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 7059 1225 4221 75

**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Doddridge County Office of  
Emergency Management/Floodplain  
99 Court Street, Suite 128  
West Union, WV 26456



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Larry D. Law  
3365 Ross Run Road  
Alma, WV 26320



9590 9402 7059 1225 4221 75

2. Article Number (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

*Larry D Law*

☐ Agent

☒ Addressee

B. Received by (Printed Name)

*Wonne Henderson*

C. Date of Delivery

*12/12/24*

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

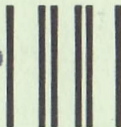
☐ Signature Confirmation Restricted Delivery

USPS TRACKING #

CHARLESTON WV 250



11 DEC 2024 PM 2 L



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

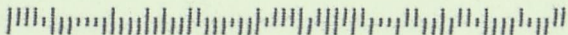
9590 9402 7059 1225 4222 50

**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Doddridge County Office of  
Emergency Management/Floodplain  
99 Court Street, Suite 128  
West Union, WV 26456

6-201589





**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Ralph Sandora, Jr.  
276 Nazareth Farm Road  
Salem, WV 26426



9590 9402 7059 1225 4222 50

Article Number (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

☒ *Ralph Sandora* ☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

*Ralph Sandora*

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

**3. Service Type**

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

USPS TRACKING #



NEW YORK NY 100

16 DEC 2024 PM 6 L



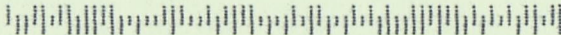
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 7059 1225 4222 36

**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box •

Doddridge County Office of  
Emergency Management/Floodplain  
99 Court Street, Suite 128  
West Union, WV 26456



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lisa Maxwell Mayer  
282 Van Brunt Street, Apt. 2  
Brooklyn, NY 11231



9590 9402 7059 1225 4222 36

2. Article Number (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

B. Received by (Printed Name)

LISA MAXWELL MEYER

☐ Agent

☒ Addressee

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery



USPS TRACKING #

CHARLESTON WV 250



19 DEC 2024 PM 1 L



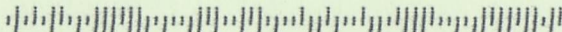
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 7059 1225 4221 82

**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Doddridge County Office of  
Emergency Management/Floodplain  
99 Court Street, Suite 128  
West Union, WV 26456



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Charles Dixon, ETAL  
1849 Green Avenue  
Clarksburg, WV 26301



9590 9402 7059 1225 4221 82

2. Article Number (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

☒ Agent  
☐ Addressee  
*Charles Dixon*

B. Received by (Printed Name)

*Charles Dixon*

C. Date of Delivery

*12/19/24*

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ Yes

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Anthony J. Mancuso  
365 Dye Drive  
Bridgeport, WV 26330



9590 9402 7059 1225 4222 12

2. Article Number (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X**☐ Agent☐ Addressee

B. Received by (Printed Name)

Anthony Mancuso

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery



USPS TRACKING #



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 7059 1225 4222 12

**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Doddridge County Office of  
Emergency Management/Floodplain  
99 Court Street, Suite 128  
West Union, WV 26456

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Mark & Clara McGill  
211 Sunnyside Road  
West Union, WV 26456



9590 9402 7059 1225 4222 43

**2. Article Number (Transfer from service label)****COMPLETE THIS SECTION ON DELIVERY****A. Signature****X**☐ Agent☐ Addressee**B. Received by (Printed Name)****C. Date of Delivery**

12-19-24

- D. Is delivery address different from item 1?** ☐ Yes  
If YES, enter delivery address below: ☐ No

**3. Service Type**

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

USPS TRACKING #



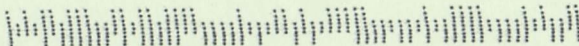
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 7059 1225 4222 43

**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box •

Doddridge County Office of  
Emergency Management/Floodplain  
99 Court Street, Suite 128  
West Union, WV 26456





USPS TRACKING#



CHARLESTON WV 250

12 DEC 2024 PM 3 L

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

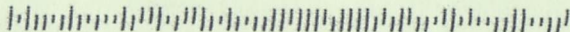
9590 9402 7059 1225 4221 51

**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box •

Doddridge County Office of  
Emergency Management/Floodplain  
99 Court Street, Suite 128  
West Union, WV 26456

26456-201589



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Anthony Hayhurst  
6 Lackey Lane  
Salem, WV 26426



9590 9402 7059 1225 4221 51

2. Article Number (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

*Billy Lynch*☒ Agent☐ Addressee

B. Received by (Printed Name)

*Billy Lynch*

C. Date of Delivery

*12-11-20*

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery