



West Virginia Development Office
Community Development Division
Capitol Complex
Building 6 Room 553
Charleston, WV 25305-0311
<http://www.wvcommerce.org/people>

**Environmental Review
For Activity/Project that is
Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR Part 58.35(a)**

Project Information

Project Name: Town of Bath Water Line Replacement and System Improvements

Project Number: 17SCBG0018

HEROS Number: _____

Grantee (Responsible Entity): Town of Bath

Grantee Address: 271 Wilkes Street, Berkeley Springs, WV 25411

Grantee Phone: (304) 258-1290

Certifying Officer: Scott Merki, Mayor
(Local Elected Official and Title)

Preparer/Lead Agency: Eastern Panhandle Regional Planning and Development Council

Preparer Address: 400 W Stephen Street, suite 301, Martinsburg WV 25401

Preparer Phone: (304) 263-1743

Project Engineer (if applicable): Steven Buchannon

Engineering Company: The Thrasher Group Inc.

Direct Comments to: Jennifer Wishmyer

Project Location:

Town of Bath West Virginia

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Project proposes to repair/replace 7,800 linear feet of 6" water lines and 3,650 linear feet of 2" water lines, installation of 14 new fire hydrants, 82 water meter settings, various sized vales, street repairs and necessary appurtenances There are no proposed treatment modifications for this project.

Level of Environmental Review Determination:

☒ Activity/Project is **Categorically Excluded per 24 CFR 58.35(a)** The following activities are categorically excluded under NEPA, but may be subject to review under authorities listed in Sec. 58.5:

Cite specific subsection and text from CFR:

(b) Floodplain management and wetland protection. (1) Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951), 3 CFR, 1977 Comp., p. 117, as interpreted in HUD regulations at 24 CFR part 55

HUD Funding Information

Grant Number	HUD Program	Funding Amount
17SCBG0018	Community Development Block Grant	\$ 1,500,000.00

Estimated Total HUD Funded Amount: \$ 1,500,000.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$ 2,025,000.00

Other Funding Source	Date Committed	Funding Amount
Local Funds	11/1/2018	\$ 525,000.00

Statutory Worksheet

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references.

Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Runway Clear Zones and Accident Potential Zones 24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No airports in or around project area. See attached map
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no Coastal Barrier Resources in West Virginia. See attached map from the U.S. Fish & Wildlife web page. http://www.fws.gov/cbra/Maps/Mapper.html
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001- 4128 and 42 USC 5154a]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	HUD State-administered assistance such as Community Development Block Grants (CDBG) is considered "formula grant made to States." By law, "formula grants made to States" are exempt from the flood insurance purchase requirements by Section 3(a)(3) of the Act. 24 CFR 58.6(a)(3).

Be sure to include the "Other Requirements (Section 58.6) Checklist" Form with this document.

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Project is not in ozone or PM2.5 non-attainment or maintenance area. will not have long term affect on air quality. Minimal during construction due to use of mechanical equipment in a small area of a few feet adjacent to operating equipment during construction hours. See Engineers Report page 9
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	West Virginia has no Coastal Zone Management Areas. See attached map. Data obtained from USGS.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Toxic substances will not be used or generated from this project. See Engineers Report page 10

Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>See attached Fish and Wildlife Service and DNR Letter</i>
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>No explosives or flammable hazards are associated with this project. See engineers report</i>
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Project is in previously disturbed residential areas within WVDOH, Town and private roadway right of ways. See attached maps</i>
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>200 ft of waterline replacement project area is in flood plain. No above ground structures. See attached floodplain map.</i>
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>See attached SHPO Letter</i>
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Minimal noise from equipment during construction. No noise after construction.</i> <i>See Engineers Report page 9</i>
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>There are no Sole Source Aquifers in West Virginia. See attached map with data information from the U.S. EPA web page.</i> http://catalog.data.gov/dataset/national-sole-source-aquifer-gis-layer
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Project is built primarily in right of ways that have been previously disturbed. No wetlands in project area</i> <i>See US Fish and Wildlife Wetlands maps</i>
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>there are no wild and scenic rivers in project area.</i> <i>See printout from The National Wild and Scenic Rivers System</i>
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Project will have no long term adverse environmental affects. Project will improve the water quality and pressure for residents.</i> <i>See Engineers Report page 10</i>

Field Inspection (Date and completed by):

The preliminary field inspection for this project was completed in April/May 2016 The Thrasher Group, Inc. had staff on site to observed the surface conditions. Further field inspection will be conducted, if necessary, during the design phase of this project.

Summary of Findings and Conclusions:

Project proposes to replace existing waterlines in existing WVDOH, Town and private roads which have been previously disturbed. No resources were found, nor were any conditions observed to be of concern. Final permitting will take place upon the design of the water lines to be completed. The project intends to install new waterlines in mainly existing waterline ROW.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Thrasher	apply for NPDES Stormwater Control Permit and any mitigation as required to receive this permit
Contractor	follow requirements of NPDES Permit

Determination:

- ☐ This categorically excluded activity/project converts to EXEMPT per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; Recipient does not have to publish or submit a NOI-RROF; Funds may be committed and drawn down after WVDO issues a Notice to Proceed for this (now) EXEMPT project.; OR
- ☒ This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, publish NOI/RROF and obtain "Authority to Use Grant Funds" (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- ☐ This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: _____

Date: 3/6/2019

Name, Title: Jennifer L. Wishmyer, Assistant Director

Organization: Eastern Panhandle Regional Planning and Development Council

Responsible Entity

Certifying Officer Signature: _____

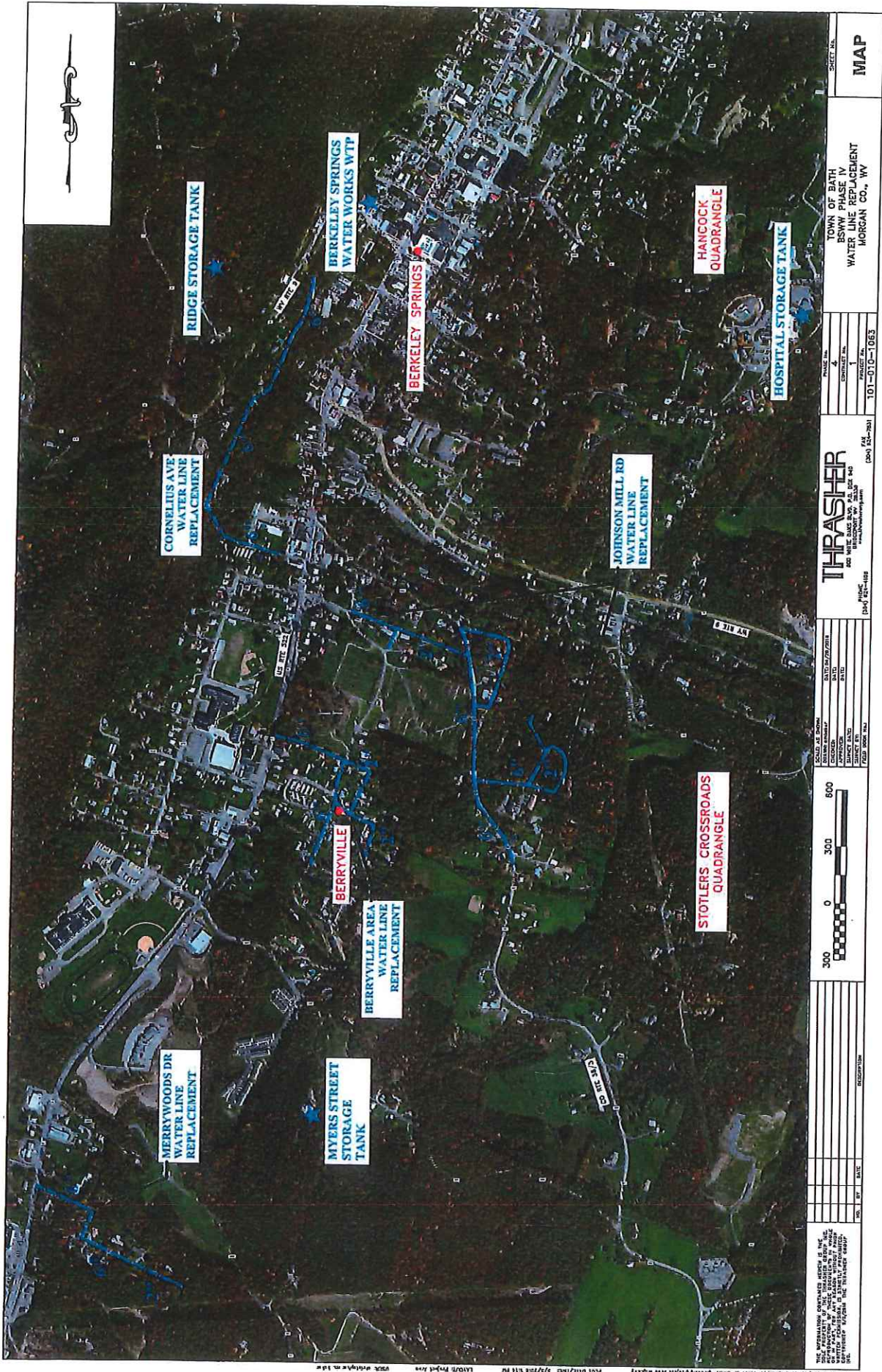
Date: 3/6/2019

Name, Title: Scott Merki, Mayor

Organization: Town of Bath

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Project Map



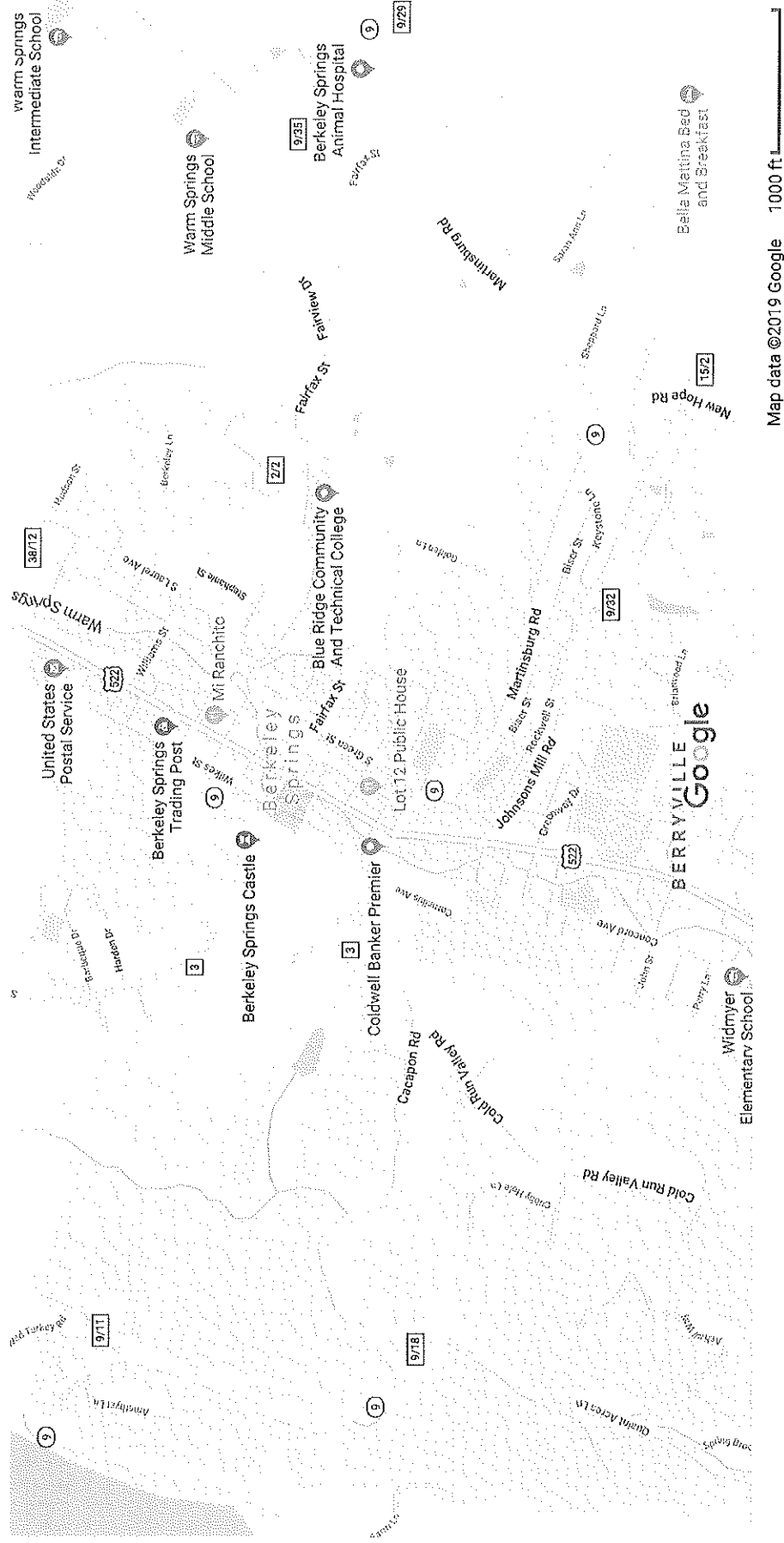
THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THRASHER & ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THRASHER & ASSOCIATES, INC.		SHEET NO. MAP	
TOWN OF BATH BSWW PHASE IV WATER LINE REPLACEMENT MORGAN CO., WV		PROJECT NO. 101-010-1063	
DATE: 06/27/2013 DRAWN BY: JLD CHECKED BY: JLD SCALE: AS SHOWN TYPED BY: JLD	DATE: 06/27/2013 DRAWN BY: JLD CHECKED BY: JLD SCALE: AS SHOWN TYPED BY: JLD	PROJECT NO. 101-010-1063	

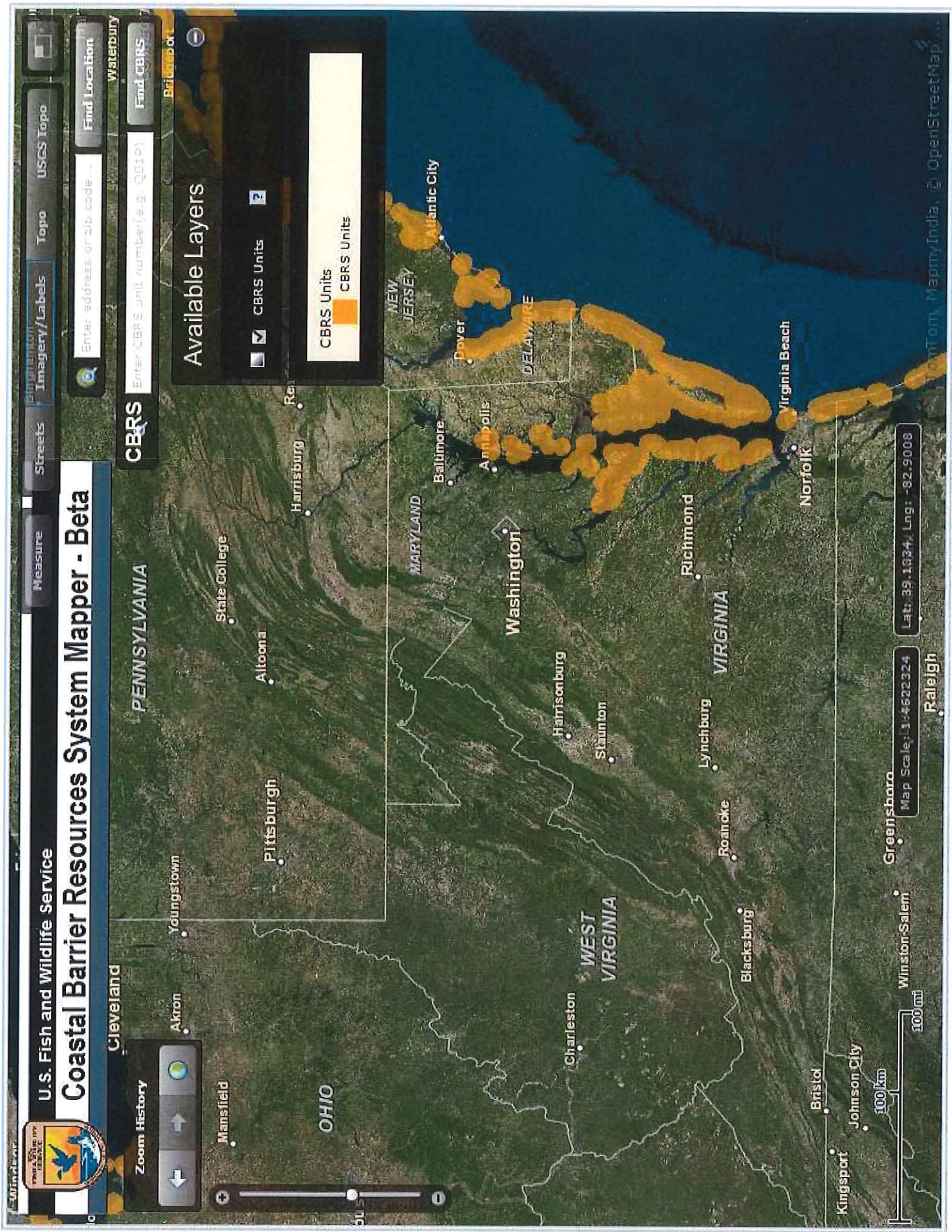
**West Virginia
Civil Primary and Commercial Service Airports**

<p>Greenbrier Valley Airport - LBW www.gvairport.com Jerry O'Sullivan P.O. Box 329 Lewisburg, WV 24901 Telephone: 304-645-3961 Fax: 304-645-4683 jerryosull@aol.com</p>	<p>Morgantown Municipal Airport - MGW www.morgantownairport.com Jackie Marhefka Interim Director 100 Hart Field Road Morgantown, WV 26505 Telephone: 304-291-7461 Fax: 304-291-7463 jmarhefka@cityofmorgantown.org</p>
<p>North Central West Virginia Airport – CKB www.flyckb.com Richard Rock, Director 2000 Aviation Way Bridgeport, WV 26330 Telephone: 304-842-3400 Fax: 304-842-0825 rrock@flyckb.com gjenkins@flyckb.com</p>	<p>Raleigh County Memorial Airport - BKW www.flybeckley.com Tom Cochran 176 Airport Road Beaver, WV 25813 Telephone: 304-255-0476 Fax: 304-253-2095 tcochran@suddenlinkmail.com</p>
<p>Mid-Ohio Valley Regional Airport - PKB www.flymov.com Jeff McDougale P.O. Box 4089 Parkersburg, WV 26104 Telephone: 304-464-5113 Fax: 304-464-5112 jeffmcdougale@flymov.com</p>	<p>Tri-State Airport - HTS www.tristateairport.com Jerry Brienza 1449 Airport Road Huntington, WV 25704 Telephone: 304-453-2801 Alternate Telephone: 304-453-6165 x18 Fax: 304-453-6183 jbrienza@tristateairport.com</p>
	<p>Yeager Airport - CRW www2.yeagerairport.com Richard A. Atkinson, III 100 Airport Road, Suite 175 Charleston, WV 25311 Telephone: 304-344-8033 Fax: 304-344-8034 rick@yeagerairport.com</p>

Source: WVDOT Aviation (www.aviation.wv.gov)

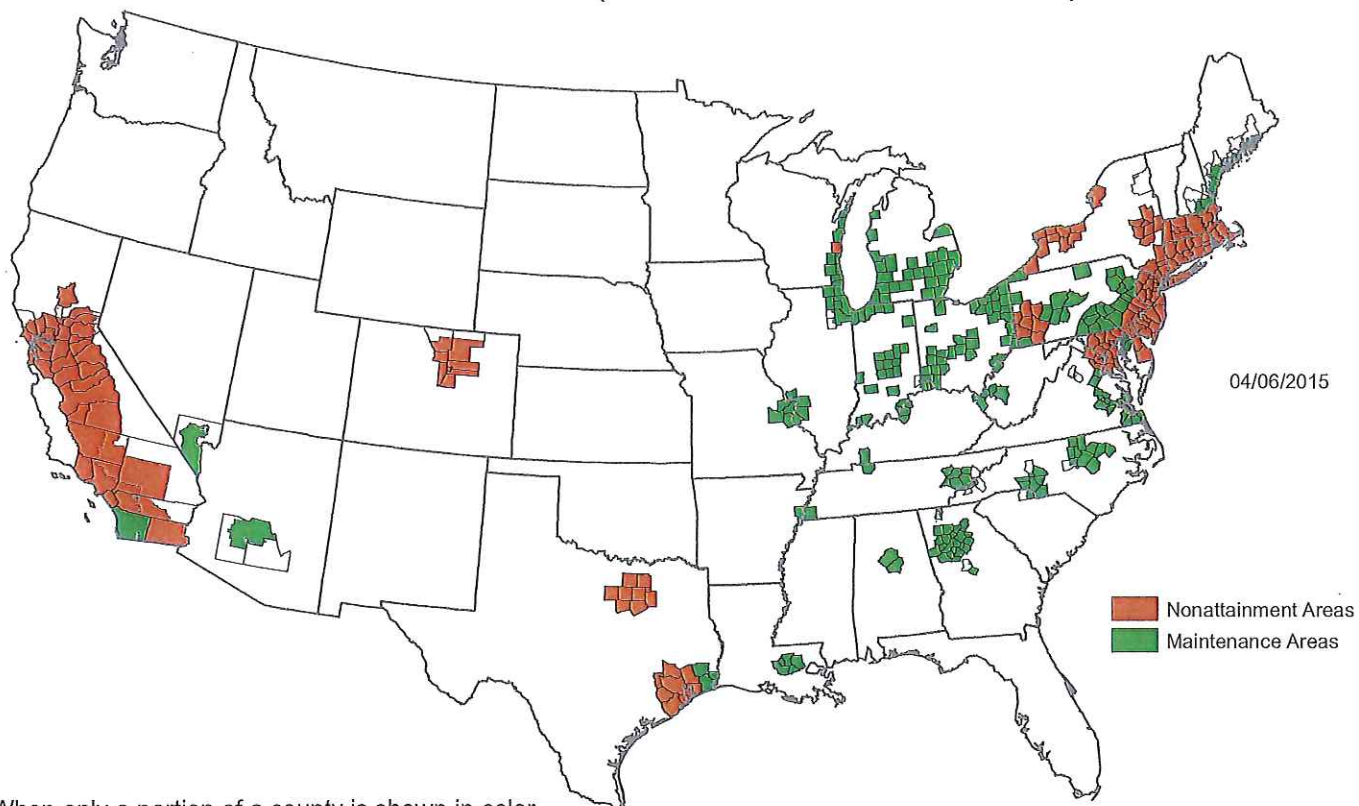
Google Maps airports near town of bath wv





© 2008 TomTom, MapmyIndia, © OpenStreetMap

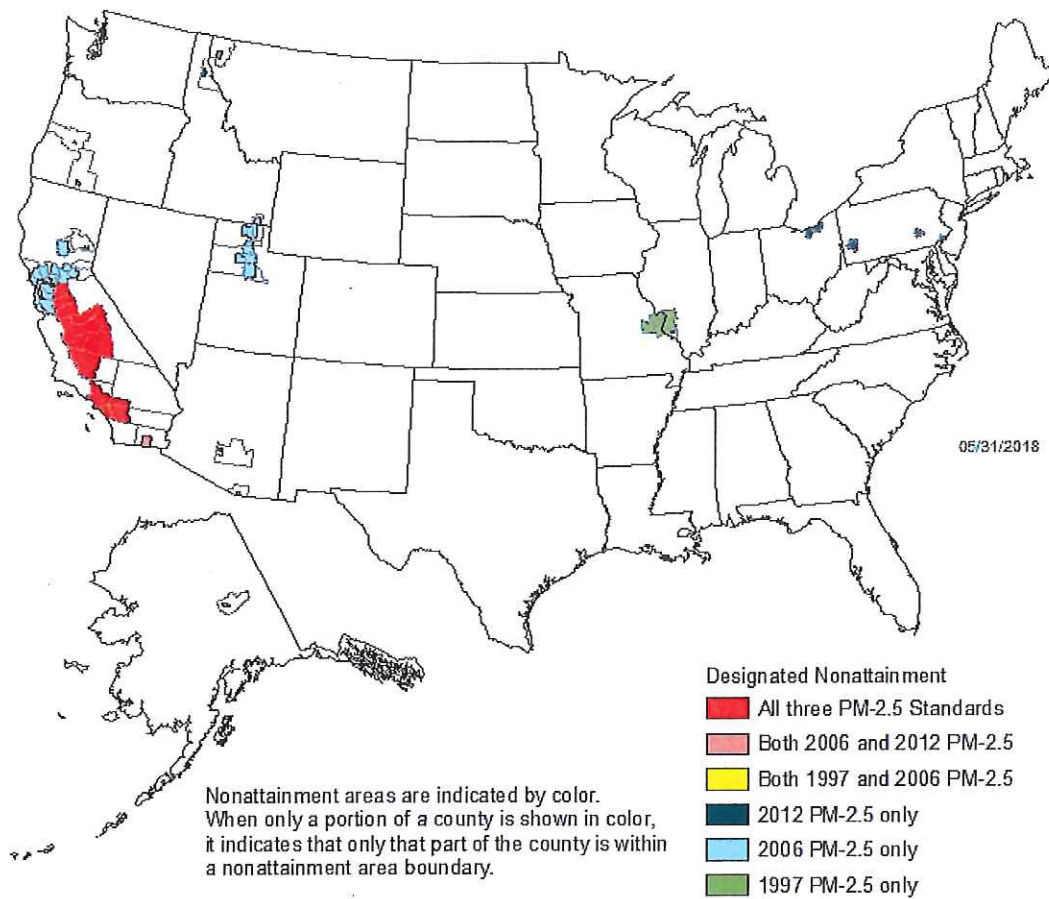
8-Hour Ozone Nonattainment and Maintenance Areas (1997 Standard - Revoked)



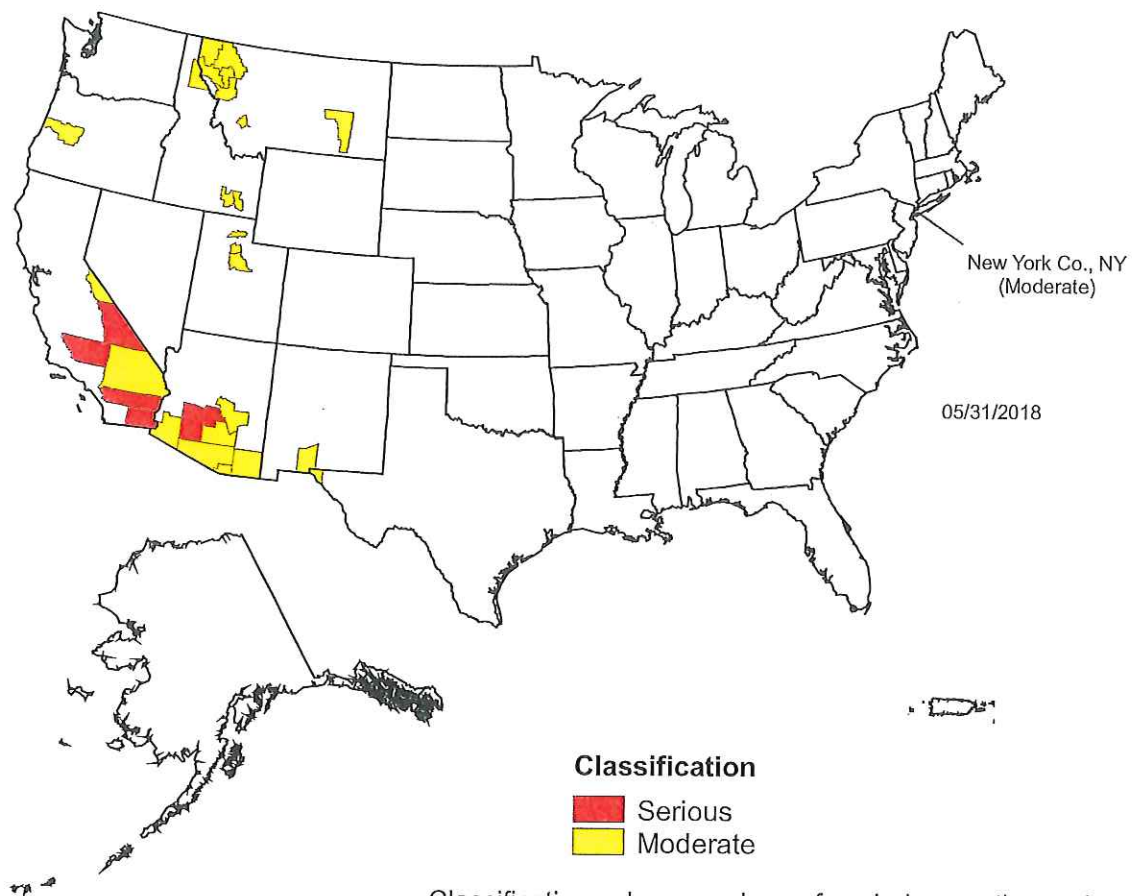
When only a portion of a county is shown in color,
it indicates that only that part of the county is within
an area boundary.

The 1997 Ozone NAAQS was revoked effective April 6, 2015 (80 FR 12264).

**Counties Designated Nonattainment
for PM-2.5 (1997, 2006, and/or 2012 Standards)**

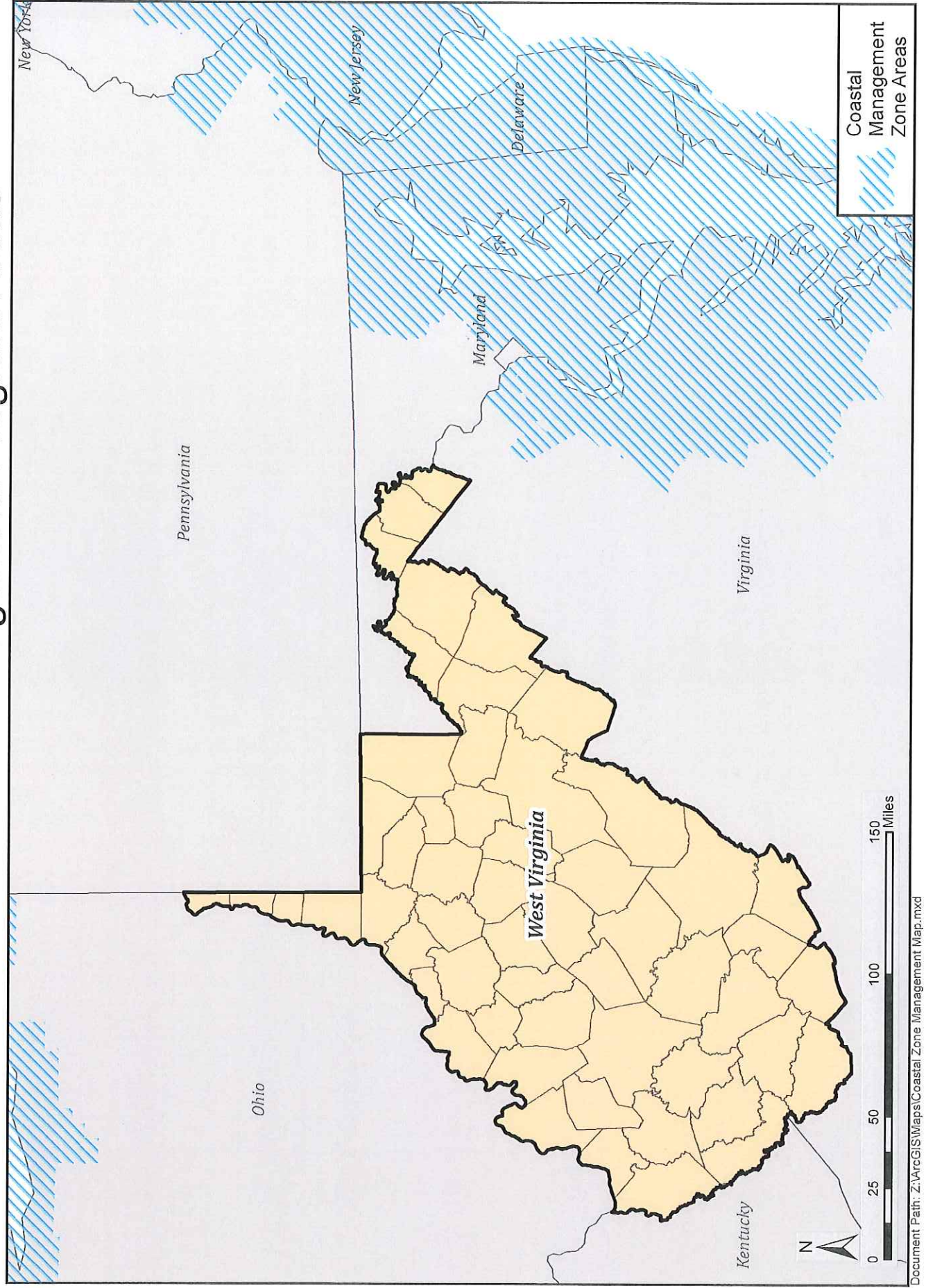


Counties Designated Nonattainment for PM-10



Classification colors are shown for whole counties and denote the highest area classification that the county is in

U.S. Coastal Zone Management Program Areas





DIVISION OF NATURAL RESOURCES

Wildlife Resources Section
Operations Center
P.O. Box 67
Elkins, West Virginia 26241-3235
Telephone (304) 637-0245
Fax (304) 637-0250

Earl Ray Tomblin
Governor

Robert A. Fala
Director

June 2, 2016

Mr. Chris Baker
The Thrasher Group, Inc.
PO Box 940
Bridgeport, WV 26330

Dear Mr. Baker:


We have reviewed our files for information on rare, threatened and endangered (RTE) species and sensitive habitats for the area of the proposed Phase IV Waterline Replacement project for the Town of Bath, Morgan County, WV (Project #101-010-1063).

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

The information provided above is the product of a database search and retrieval. This information does not satisfy other consultation or permitting requirements for disturbances to the natural resources of the state, 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 above number, or barbara.d.sargent@wv.gov. Enclosed please find an invoice.

Sincerely,


Barbara Sargent
Environmental Resources Specialist
Natural Heritage Program
Wildlife Diversity Unit

enclosure

Cornelius Avenue



- Farmland of statewide importance
- Farmland of local importance
- Soil Areas Not prime farmland



Greenway / Johnsons Mill



Merrywood Drive



- Farmland of statewide importance
- Farmland of local importance
- Soil Areas Not prime farmland
- All areas are prime farmland





United States Department of the Interior

FISH AND WILDLIFE SERVICE

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



Contact Name: Chris Baker

Email Address or Fax Number: cmbaker@thrashereng.com

FWS File # 2016-I-0536 All future correspondence should clearly reference this file #.

Project: Town of Bath waterline replacement, Morgan Co.

Date of Letter Request: 05/09/2016

This is in response to your letter requesting threatened and endangered species information in regard to the proposed project listed above. These comments are provided pursuant to the Endangered Species Act (ESA, 87 Stat. 884, as amended; 16 U. S. C. 1531 *et seq.*).

We have made a "no effect" determination that the project will not affect federally listed endangered or threatened species. Therefore no biological assessment or further section 7 consultation under the ESA is required with the Fish and Wildlife Service. Should 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 determination may be reconsidered.

Definitive determinations of the presences of waters of the United States, including wetlands, in the project area and the need for permits, if any, are made by the U.S. Army Corps of Engineers. They may be contacted at: Pittsburgh District, Regulatory Branch, William S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222-4188, telephone (412) 395-7152.

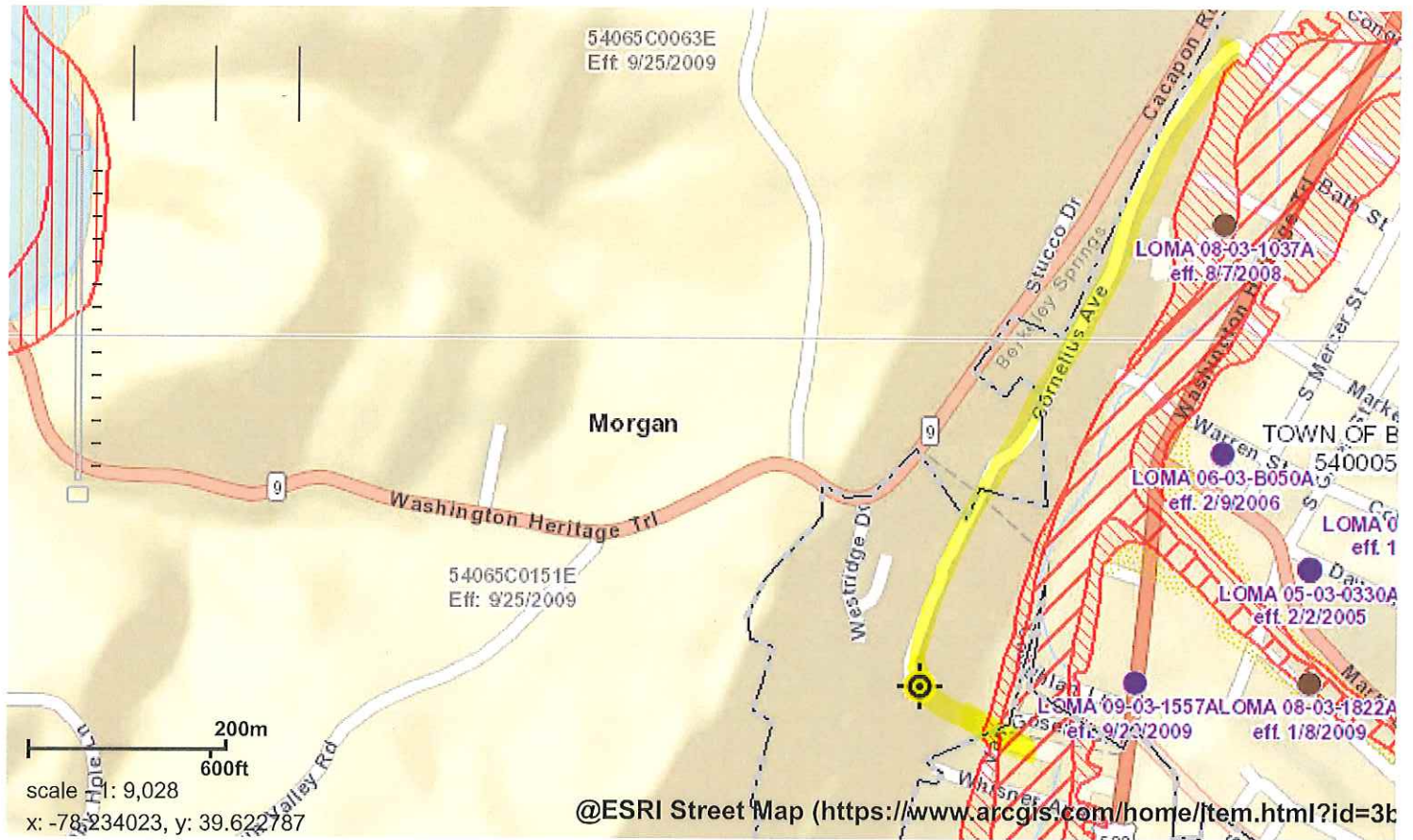
05/16/2016

Reviewer's signature and date

5/19/2016

Field Supervisor's signature and date

Views			Layers			Search	
Public	Expert	Risk MAP	Flood ▼	Reference ▼	Basemaps ▼	Address	▼ Corneelius Ave, Berkeley Sprin



FEMA Flood Map Service Center: Search By Address

Navigation

Search

Languages

[MSC Home \(/portal/\)](#)

[MSC Search by Address \(/portal/search\)](#)

[MSC Search All Products \(/portal/advanceSearch\)](#)

▼ [MSC Products and Tools \(/portal/resources/productsandtools\)](#)

[Hazus \(/portal/resources/hazus\)](#)

[LOMC Batch Files \(/portal/resources/lomc\)](#)

[Product Availability \(/portal/productAvailability\)](#)

[MSC Frequently Asked Questions \(FAQs\) \(/portal/resources/faq\)](#)

[MSC Email Subscriptions \(/portal/subscriptionHome\)](#)

[Contact MSC Help \(/portal/resources/contact\)](#)

Enter an address, place, or coordinates: ?

cornelius drive, berkeley Springs ww

Search

Whether you are in a high risk zone or not, you may need [flood insurance \(https://www.fema.gov/national-flood-insurance-program\)](https://www.fema.gov/national-flood-insurance-program) because most homeowners insurance doesn't cover flood damage. If you live in an area with low or moderate flood risk, you are 5 times more likely to experience flood than a fire in your home over the next 30 years. For many, a National Flood Insurance Program's flood insurance policy could cost less than \$400 per year. Call your insurance agent today and protect what you've built.

Learn more about [steps you can take \(https://www.fema.gov/what-mitigation\)](https://www.fema.gov/what-mitigation) to reduce flood risk damage.

Search Results—Products for BATH, TOWN OF

[Show ALL Products » \(https://](#)

The flood map for the selected area is number **54065C0151E**, effective on **09/25/2009** ?

DYNAMIC MAP



PRINT MAP/
FIRMette

MAP IMAGE



[https://msc.fema.gov/portal/downloadProduct?](https://msc.fema.gov/portal/downloadProduct?filepath=/54/P/Firm/54065C0151E.png&productTypeID=FINAL_PRODUCT&products)

[filepath=/54/P/Firm/54065C0151E.png&productTypeID=FINAL_PRODUCT&products](#)

Changes to this FIRM ?

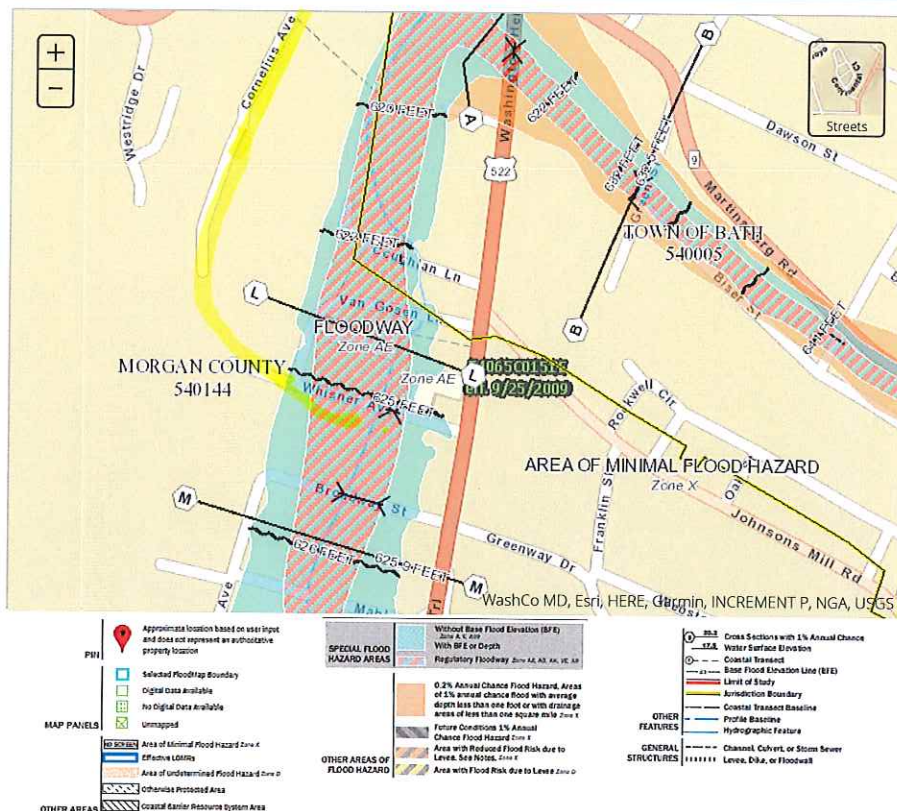
Revisions (0)

Amendments (3)

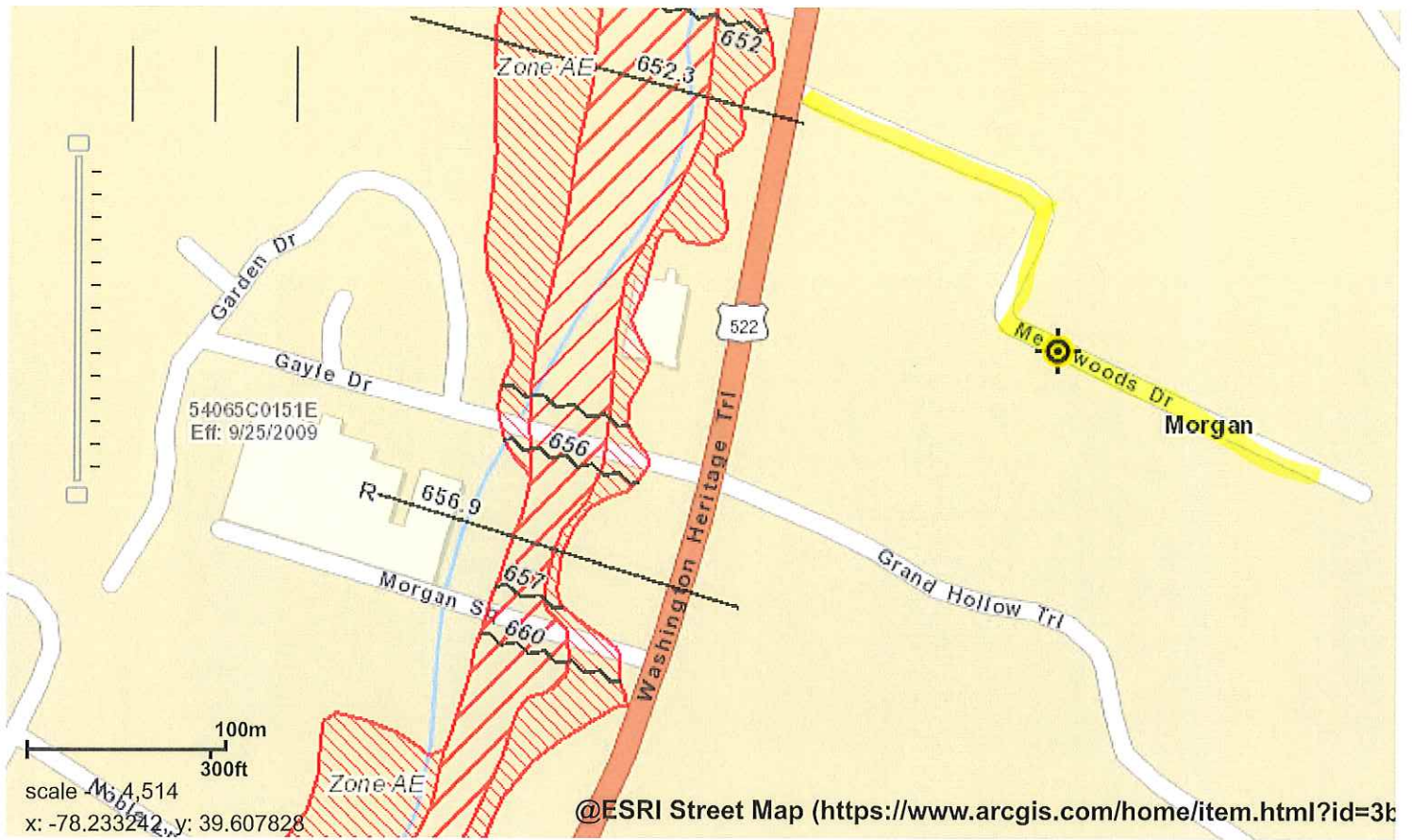
Revalidations (1)

You can choose a new flood map or move the location pin by selecting a different location on the locator map below or by entering a new location in the search field above. It may take a minute or more during peak hours to generate a dynamic FIRMette.

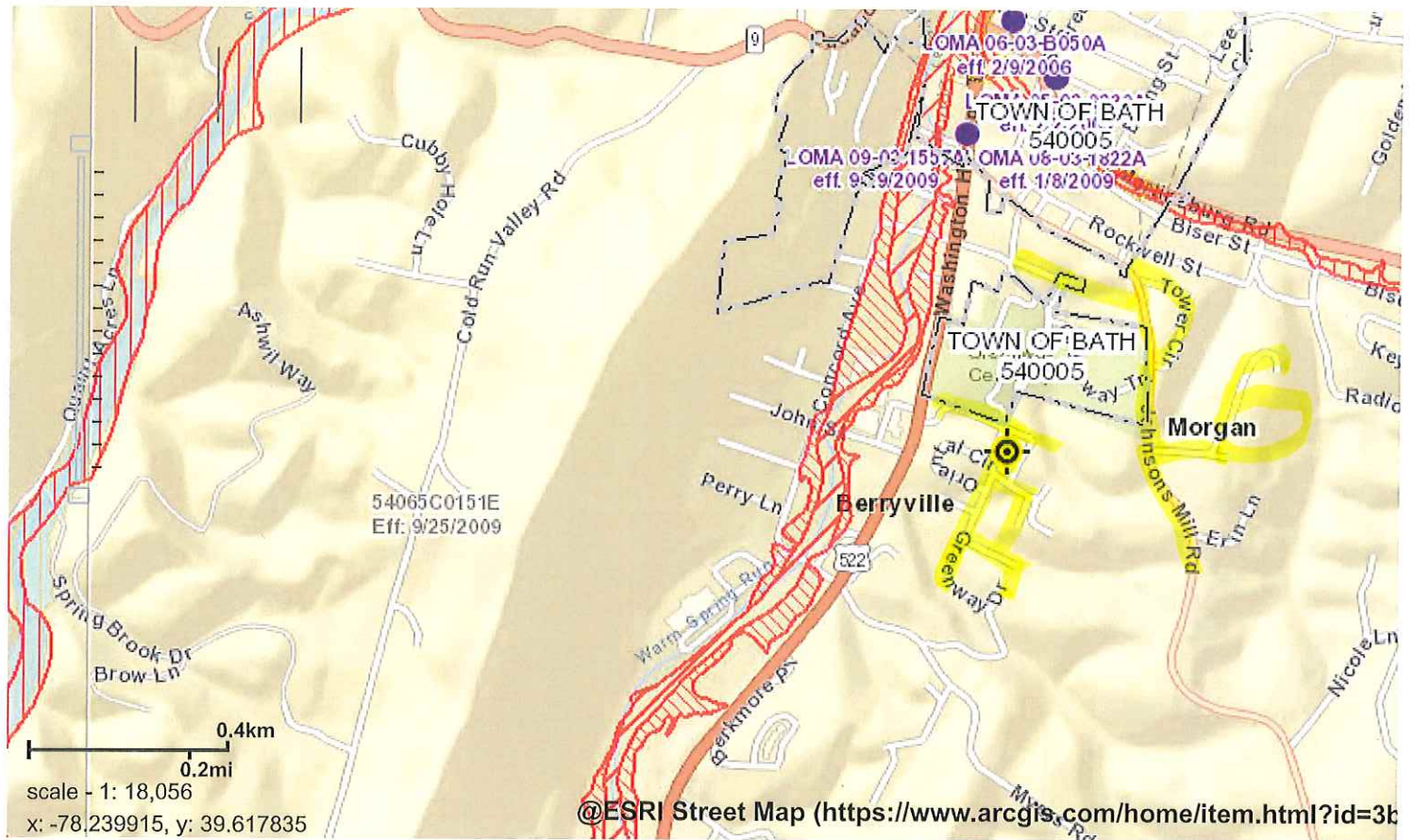
[Go To NFHL Viewer » \(http:](#)



Views			Layers			Search	
Public	Expert	Risk MAP	Flood ▼	Reference ▼	Basemaps ▼	Address	▼ Merry Woods Drive Berkeley S



Views			Layers			Search	
Public	Expert	Risk MAP	Flood ▼	Reference ▼	Basemaps ▼	Address	▼ Johnson Mill Road, Berkeley S





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

Randall Reid-Smith, Commissioner

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

EO/AA Employer

June 7, 2016

Mr. Christopher Baker
Staff Engineer
The Thrasher Group, Inc.
300 Association Drive
P.O. Box 2431
Charleston, WV 25311

RE: Town of Bath – Proposed Water Line Replacement (Phase IV)
Thrasher Project #101-010-1063
FR# 16-644-MN

Dear Mr. Baker:

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

According to submitted information, the Town of Bath proposes to undertake a water line replacement project that will involve the removal and replacement of approximately 2.62 miles of existing water line and the construction of new fire hydrant assemblies as well as water meters. The water line work will occur on Harrison Avenue, Johnson Mill Road, Cornelius Avenue, Merry Woods Drive, and in the Berryville area of Morgan County.

Architectural Resources:

We have reviewed the submitted information and determined that portions of the project are in the Bath Historic District which is listed on the National Register of Historic Places. The project is replacing underground pipelines in previously disturbed areas that will be out of sight upon completion. It is our opinion that these properties will not be adversely impacted by the proposed project. No further consultation is necessary regarding architectural resources; however, we do ask that you contact our office if your project should change

Archaeological Resources:

A search of our records located no previously documented archaeological resources within the proposed project area. Also, according to our records there are portions of the proposed project area that were previously reviewed under FR#S 93-713-MN and 91-703-MN-2. Submitted information states that the construction activities will be confined to existing road rights-of-way and/or existing previously disturbed water line utility rights-of-way. In our opinion, there are no historic archaeological properties that will be affected by the proposed project. No further consultation is necessary with respect to archaeological resources. If, however, intact cultural materials are encountered during construction, please cease all activity within the discovery area and contact our office immediately.

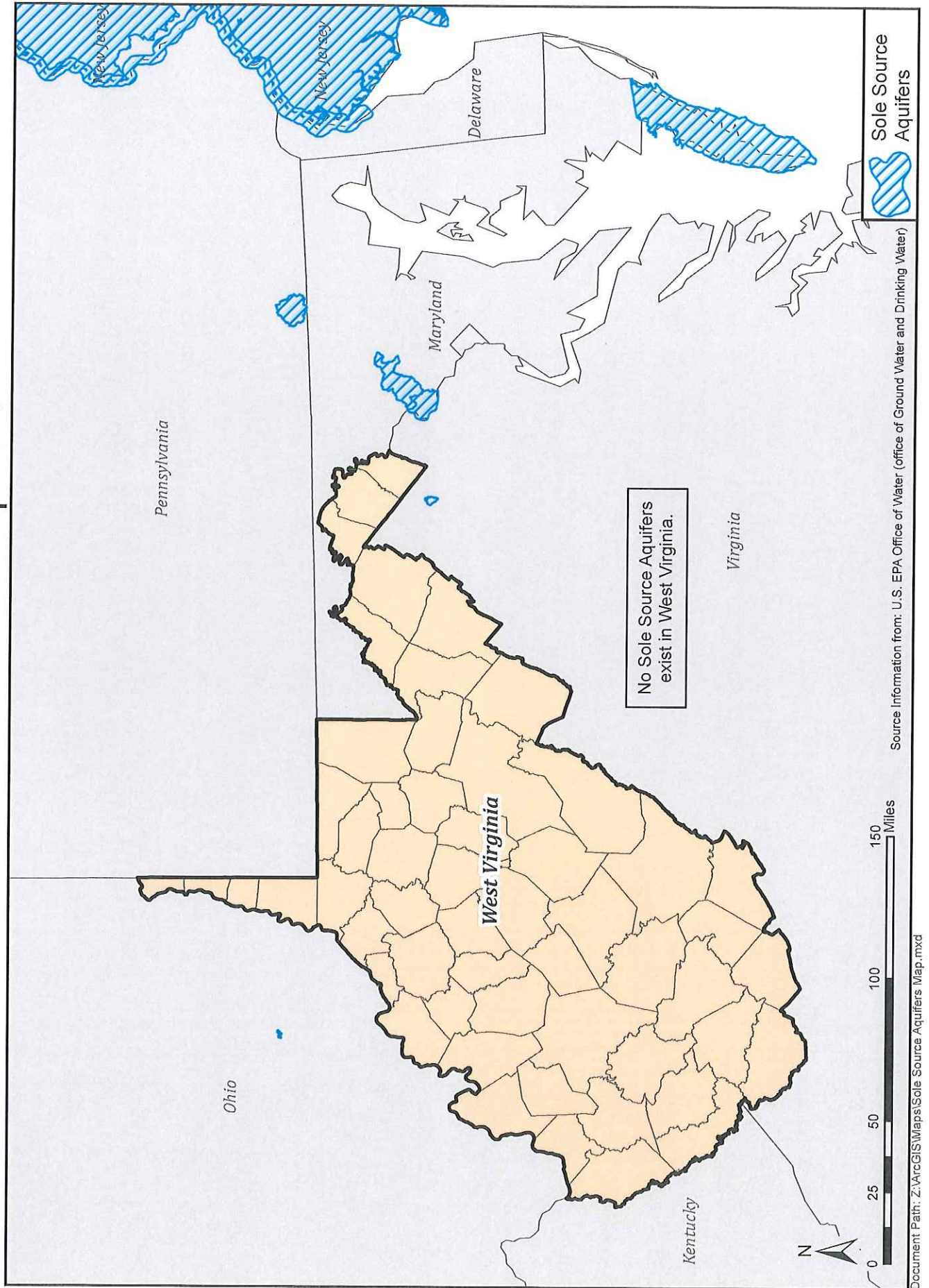
We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Carolyn Kender, Archaeologist, or Ernest E. Blevins, Structural Historian, at (304) 558-0240.*

Sincerely,

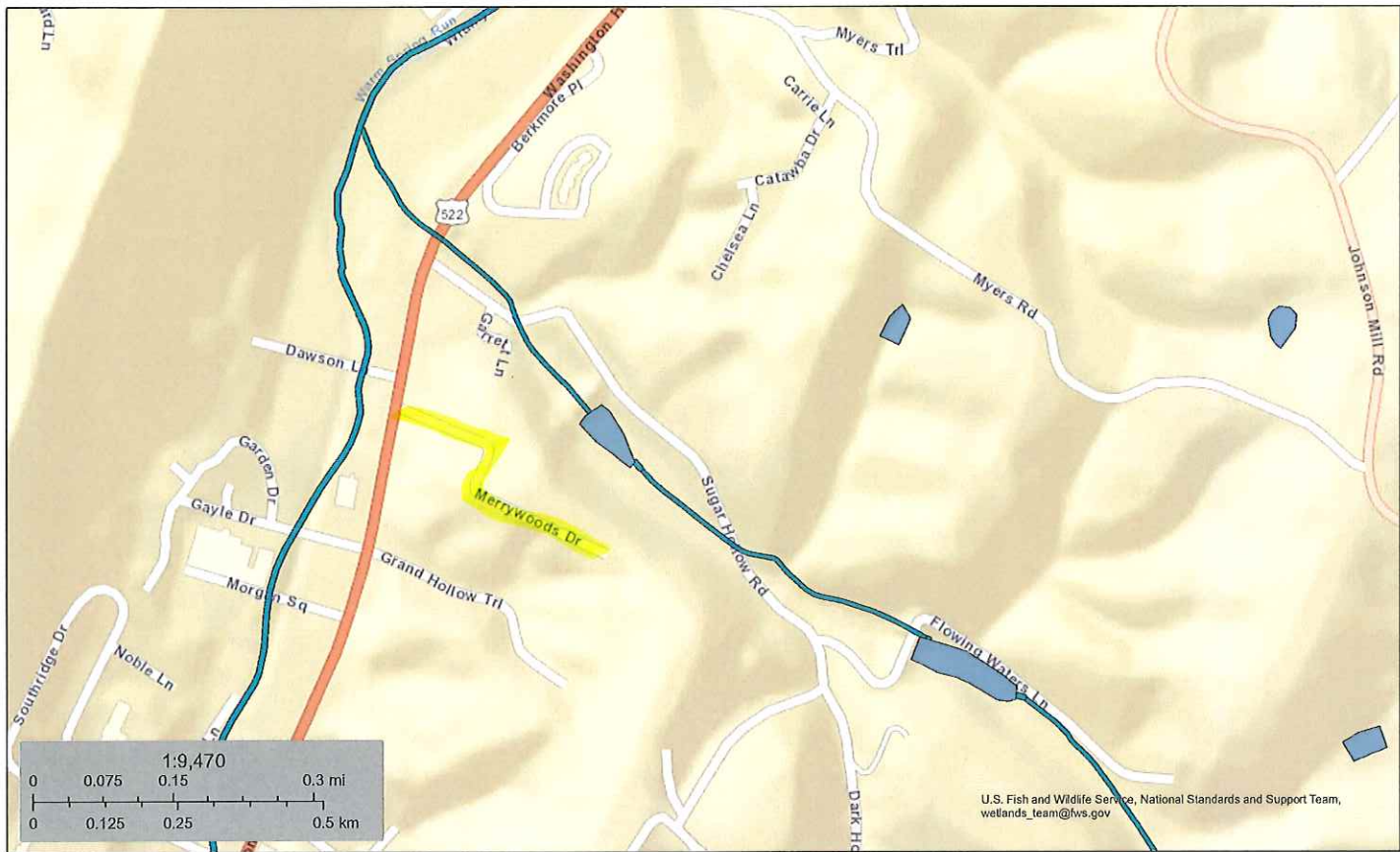
Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/CMK/EEB

U.S. Sole Source Aquifers








Wetlands



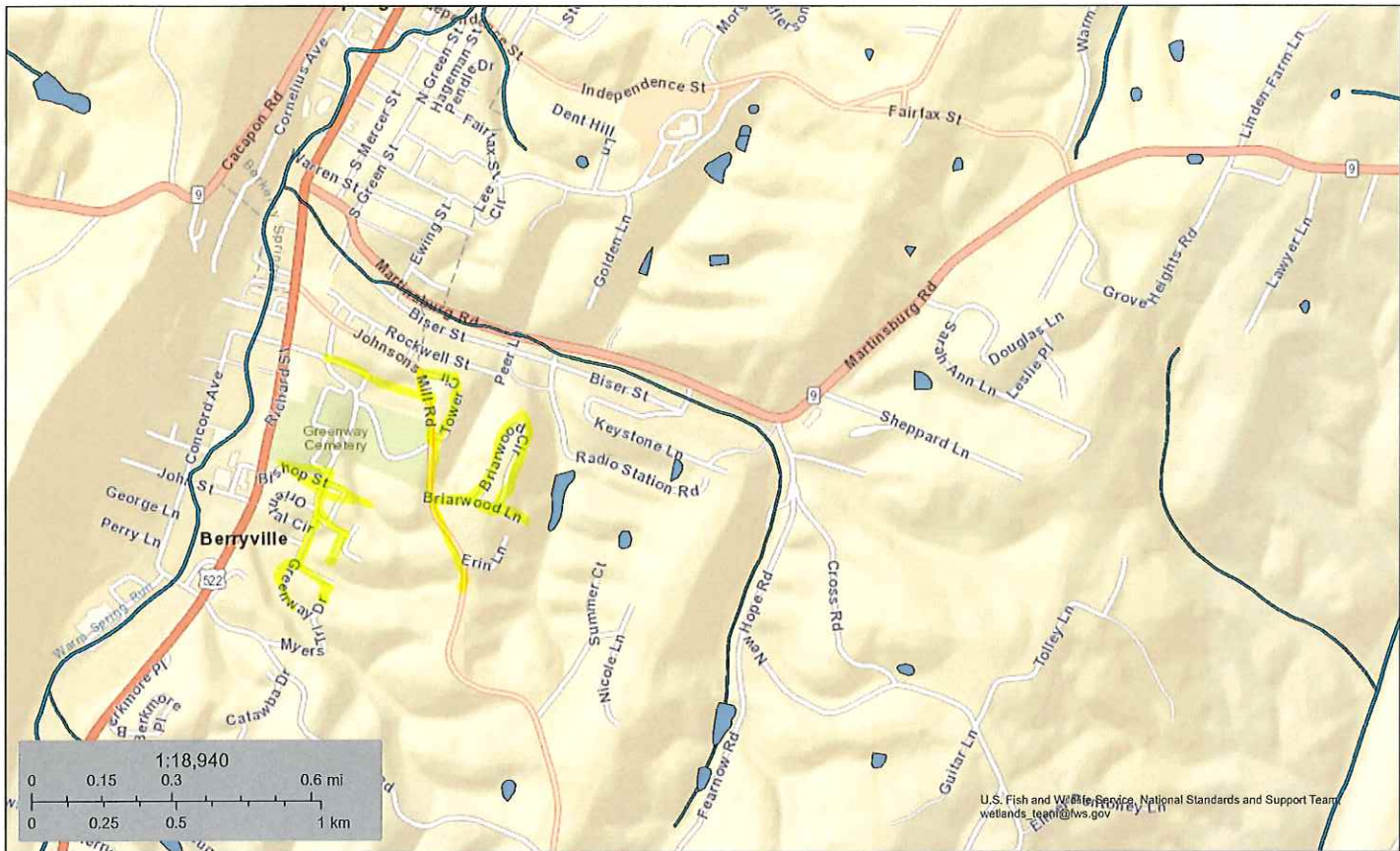
March 25, 2019

Wetlands

- | | | |
|--|---|--|
|  Estuarine and Marine Deepwater |  Freshwater Emergent Wetland |  Lake |
|  Estuarine and Marine Wetland |  Freshwater Forested/Shrub Wetland |  Other |
| |  Freshwater Pond |  Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Wetlands



March 25, 2019

Wetlands

- Estuarine and Marine Deepwater

Estuarine and Marine Wetland

- Freshwater Emergent Wetland

Freshwater Forested/Shrub Wetland

Freshwater Pond

- Lake

Other

Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Wetlands



March 25, 2019

Wetlands

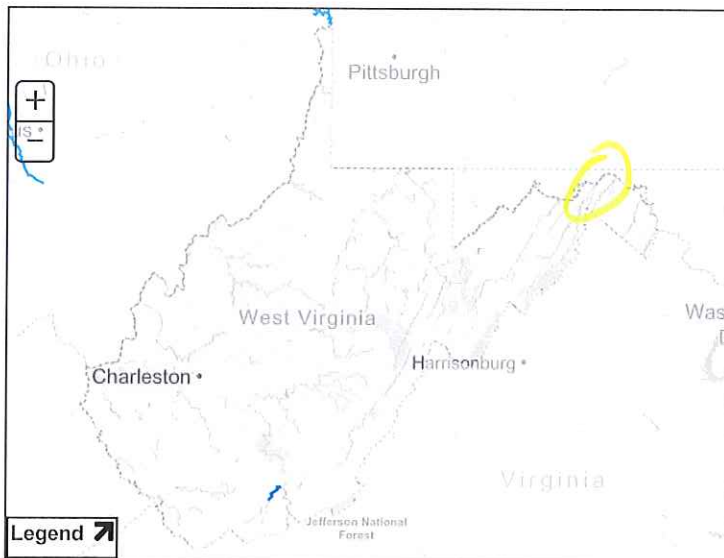
- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
|  | Freshwater Pond |  | Riverine |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



WEST VIRGINIA

West Virginia has approximately 32,260 miles of river, of which 10 miles are designated as wild & scenic—3/100ths of 1% of the state's river miles.



Choose A State	Go
Choose A River	Go

While progress should never come to a halt, there are many places it should never come to at all. — Paul Newman

[+ View larger map](#)

Bluestone River



Grantee: Town of BathProject: Waterline Replacement and System Improvements

**Calculation of Time Periods for Public Comment
Concurrent/Combined Notices including Floodplain Notices**

Enter Published Date of Early Public Notice (1st Floodplain Notice)		03/06/19
Start Comment Period	1 day	03/07/19
End Comment Period	15 days	03/21/19
Enter Published Date of Notice of Explanation (2nd Floodplain Notice)	Earliest Pub. Date	03/27/19
Start Comment Period	1 day	03/28/19
End Comment Period	7 days	04/03/19
Enter Published Date of Combined Notices (can run concurrent to 2nd Floodplain Notice)	Earliest Pub. Date	03/27/19
Start Comment Period	1 day	03/28/19
End Comment Period	15 days	04/11/19
Submit Request & Certification	16 days	04/12/19
Receipt by State (same day if sent via email or fax; RE must also send original)	Earliest Rec. Date	04/12/19
Start Review Period	1 day	04/13/19
End Review Period	15 days	04/29/19
Release of Funds by State	16 days	04/30/19

Note:

Time periods cannot end on a weekend or holiday; enter the next business day in the cell if this occurs.

**WEST VIRGINIA DEPARTMENT
OF TRANSPORTATION
Division Of Highways
NOTICE TO CONTRACTORS**

Bids will be received electronically by the West Virginia Department of Transportation, Division of Highways through the Bid Express Bidding Service (www.bidx.com) and by sealed proposals (only when prequalification is waived) being received at its office in Building 5, Room 843, 1900 Kanawha Boulevard East, Charleston, West Virginia until March 19, 2019 at 10:00 AM (Eastern Standard Time). The bids will be downloaded and/or opened and read publicly thereafter for the construction of the following project(s):

Call: 015
Contract No.: 1702731
State Project: U333-1-0.00 00
Federal Project: HSIP-0001(280)D
Description: Guardrail
River Road GDRL
River Road GDRL
County: Morgan

Proposals will be received from pre-qualified and West Virginia licensed contractors only except that on Federal-Aid Projects a contractors' license is not required at time of bid, but will be required before work can begin. Registration is required with the Department of Administration, Division of Purchasing, in accordance with Chapter 5A, Article 3, Section 12 of the West Virginia Code. All contractors submitting bids on project(s) must include one of the following forms properly executed with each proposal: Proposal Guaranty Bond, Cashier's Check, or Certified Check for \$500.00 or 5% of total bid, whichever is greater.

*These are projects on which any contractor with a Category "W" Pre-qualification Rating may be eligible to bid.

The West Virginia Department of Transportation, Division of Highways reserves the right to defer, delay or postpone the date for receiving and publicly opening proposals for any project designated in this advertisement, without the necessity of renewing such advertisement. All bidders holding valid bidding proposals will be notified of such deferment, delay or postponement and the date that proposals will be received and publicly opened.

The West Virginia Department of Transportation, Division of Highways hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, sex or national origin in consideration for an award.

WEST VIRGINIA DEPARTMENT
OF TRANSPORTATION
Division of Highways
Aaron Gillispie,
Acting Deputy State Highway
Engineer - Planning
and Programming
2-27-21m

**EARLY NOTICE AND PUBLIC REVIEW
OF A PROPOSED ACTIVITY
IN A 100-YEAR FLOODPLAIN**

To: All interested Agencies, Groups and Individuals

This is to give notice that The Town of Bath has determined that a portion of the following proposed action under the Community Development Block Grant project #17SCBG0018 is located in the 100 year floodplain, and Bath will be identifying and evaluating practicable alternatives to locating the action in the floodplain and the potential impacts on the floodplain from the proposed action, as required by Executive Order 11988 in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands. The Town of Bath Water Line Replacement and System Improvements Project proposes to repair/replace 7,800 linear feet of 6" water lines and 3,650 linear feet of 2" water lines, installation of 14 new fire hydrants, 82 water meter settings, various sized vales, street repairs and necessary appurtenances. The proposed project is located in The Town of Bath, Morgan County, WV.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplain and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative sites outside of the floodplain, alternative methods to serve the same project purpose and methods to minimize and mitigate impacts. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains it must inform those who may be put at greater or continued risk.

Written comments must be received by The Town of Bath at the following address on or before March 21, 2019: Town of Bath, 271 Wilkes Street, Berkeley Springs and 304-258-1102 Attention: Mayor Scott Merki or via email at jwishmyer@region9wv.com. A full description of the project may also be reviewed from 9:00 a.m. to 5:00 p.m. at Bath Town Hall or at <http://www.region9wv.com/public-information-.html>.



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Optic cable Public comment open about in water line work in town

by Trish Rudder

potential local and regional providers to expand broadband internet access for the communities surrounding our builds," said Kevin Salvadori, Director of Network Investments, Facebook.

The project will provide the opportunity to significantly enhance internet connectivity in West Virginia. The project builds upon West Virginia's proximity between major internet exchanges and establishes the state as a preferred route for fiber backbone construction. With access to this internet infrastructure, broadband providers can expand middle-mile networks into communities along the route.

"We are very excited to expand West Virginia's internet infrastructure through this partnership with Facebook," Commerce Secretary Ed Gaunch said.

A public notice in this week's *Morgan Messenger* notifies the public of a comment period about the proposed water line replacements in the Town of Bath.

Bill Clark, executive director of the Eastern Panhandle Regional Planning & Development Council (Region 9), submitted the public notice for the Community Development Block Grant project that Region 9 helped secure for the town-owned water department, Berkeley Springs Water Works (BSWW), in the amount of \$1.5 million to replace leaking water lines.

The project involves the repair or replacement of 7,800 linear feet of 6" water lines and 3,650 linear feet of 2" water lines, installation of 14 new fire hydrants, 82 water meter settings, various sized

valves, street repairs and related work.

Clark said the comment period is normal procedure to alert the public that work will be done in the flood plain in the Town of Bath.

"Obviously, installing a water line within a flood plain or floodway has little or no impact on flooding when proper construction techniques are utilized and will be in this project," Clark said in an email.

Written comments must be received by the Town of Bath before March 21 at 271 Wilkes St., Berkeley Springs, WV 25411, Attn: Mayor Scott Merki, or via email at jwishmyer@region9wv.com.

A full project description may be reviewed between 9 a.m.-5 p.m. at Bath Town Hall or at <http://www.region9wv.com/public-information.html>.

include water rules

"The sediment just keeps coming back," Gordon said.

"Some must be removed because it's blocking the stream. It will always be transported," Ridley said.

"The collected sediment in the run still causes problems like it was in 1989," Yost said.

Lehman asked if the 2015 study by Thrasher Engineering "Warm Springs Run Green Infrastructure" would be included in any updating. She said the watershed association implements green infrastructure as grants become available.


"Bioretention 'soft' projects work well," Commissioner Tuttle said. Some of this has helped, he said, and it would work better if every

Supreme Court

(from front)

Cases for the 2019 LAWS docket and documents filed in those cases are posted on the April 9 section of the Calendar and Docket page of the West Virginia Judiciary website (<http://www.courtswv.gov/supreme-court/calendar/2019/dockets/apr-9-19ad.html>).

The West Virginia State Bar's website has a list of attorneys who have expressed interest in helping students: <https://www.mywvbar.org/mentor-search>. Teachers or administrators can search by county for attorneys in their geographic area willing to work with classes preparing to view the LAWS docket online.



**MORGAN COUNTY
BERKELEY SPRINGS**

**CRIME
SOLVERS**

TIP LINE: 304-258-2450

