



Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Date: July 16, 2012

Notice No. **LRH-2012-232**

Closing Date: August 15, 2012

PROPOSED REGIONAL PERMIT FOR ABANDONED MINE LANDS WITHIN THE HUNTINGTON AND PITTSBURGH DISTRICTS FOR THE STATE OF WEST VIRGINIA

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for the re-issuance of the above referenced regional permit. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

REGULATORY PROGRAM: Since its early history, the United States Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the U.S., including wetlands. The intent of this law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: In accordance with Title 33 CFR 322.2 (f), 323.2(h), and 325.2(e)(2) published on November 13, 1986, in the Federal Register, Volume 51, Number 219, the U.S. Army Corps of Engineers Huntington and Pittsburgh Districts are considering issuance of a Regional Permit for Abandoned Mine Lands pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. This proposed Regional Permit would be available for use within the entire State of West Virginia.

BACKGROUND: As part of the West Virginia Department of Environmental Protection's (WVDEP) responsibilities for the protection and restoration of the environment in West Virginia, the WVDEP administers two programs that focus on restoration of environmental damage associated with coal mining activities that occurred prior to the passage of SMCRA in 1977. These Programs are the Abandoned Mine Lands (AML) and the Non-Point Source (NPS) programs.

ABANDONED MINE LANDS PROGRAM: On August 3, 1977, Congress passed the Surface Mining Control and Reclamation Act, Public Law 95-87, (30 USC 1234-1328; SMCRA). In enacting SMCRA, Congress identified lands located throughout major regions of the United States, such as the Appalachian Mountains, which had been disturbed by surface and underground coal mining with little or no reclamation. Congress also recognized the impacts from these unreclaimed lands imposed social and economic costs on the residents in nearby and adjoining areas as well as the impairment of environmental quality. Section 102(h) of SMCRA defines one of its purposes as promotion of the reclamation of mined areas left without adequate reclamation prior to its enactment and in their unreclaimed condition: substantially degrade the quality of the environment; prevent or damage the beneficial use of land and water resources; and/or endanger the health or safety of the public. Title IV of SMCRA addresses Abandoned Mine Reclamation, including the establishment of the Abandoned Mine Reclamation Fund (AML Fund) and defines the purposes for which the AML Fund may be used.

The United States Department of Interior, Office of Surface Mining (OSM) is the federal agency responsible for ensuring that the requirements of SMCRA are implemented; however, many individual states have been given the primary regulatory responsibility. In January 1981, OSM approved West Virginia's State Reclamation Plan, giving the state responsibility and authority to implement a state abandoned mine reclamation program. The WVDEP, Office of Abandoned Mine Lands and Reclamation (OAML) has been addressing abandoned mine lands throughout the state since 1981.

The AML Fund also provides funding through the Appalachian Clean Streams Program to address polluted drainage from abandoned coal mines. Mine drainage may contain high levels of metals and is often acidic. Polluted mine drainage is often referred to as acid mine drainage (AMD), although the water may sometimes be alkaline rather than acid. AMD treatment projects are being conducted throughout the state by non-profit watershed groups, frequently using funds from various government organizations.

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) also provides funding and/or technical assistance for projects that addresses AML. These funding streams occur through three programs: the Small Watershed Program (authorized by Public Law 83-566, the Watershed Protection and Flood Prevention Act of 1954 (16 USC 18)), the Potomac River Watershed program (authorized by Public Law 78-534, the Flood Control Act of 1944 (16 USC 460; 33 USC 701) and the Rural Abandoned Mine Fund, authorized under SMCRA. The NRCS distributes this funding to sponsors that include the West Virginia Conservation Agency (WVCA) and their respective Soil Conservation Districts.

NON-POINT SOURCE PROGRAM: The WVDEP's Division of Water and Waste Management (DWWM) has the primary responsibility for ensuring the state complies with the Federal Water Pollution Control Act (Title 33 Chapter 26), referred to as the Clean Water Act. Under Section 303(d)(1)(A) of the Act, the state is required to "identify those waters within its boundaries for which the effluent limitations required are not stringent enough to implement any water quality standard applicable to such waters" and to "establish a priority ranking for such waters." This is referred to as the 303(d) List. Paragraph (C) of this section of the Act requires the state to establish the total maximum daily load (TMDL) of pollutants discharged into waters on the list. Subsection (2) requires the state to incorporate the TMDL into its "current plan" after approval by the Administrator of United States Environmental Protection Agency (USEPA).

Water quality impacts resulting from coal mining conducted prior to the regulation of the coal industry under SMCRA are primarily responsible for many of West Virginia's waters being placed on the 303(d) List. *West Virginia's Nonpoint Source Management Plan, 2000 (Plan)* sets the implementation of treatment systems to improve water quality in priority watersheds as a major goal of the NPS program. The *Plan* commits the NPS program to implementing AMD projects in the state's priority watersheds up to the year 2020.

The NPS program provides grants for project funding (for design, construction, oversight AND monitoring by the OAML) without any long term funding for operation and maintenance. This restriction limits the NPS program to funding, almost exclusively, passive AMD treatment systems for coal mine drainage. Treatment systems typically include the collection and treatment of polluted water within and adjacent to affected watercourses.

PERMITTEE INFORMATION: This Regional Permit may be used by the WVDEP, any non-profit 501(c)(3) watershed organizations or their subsidiaries, the WVCA and their respective Soil Conservation Districts and the West Virginia Division of Natural Resources (WVDNR), for projects associated with AML and AMD that require the discharge of dredged or fill material into waters of the United States.

SCOPE OF WORK: This Regional Permit may be used for the following activities associated with AML and AMD, which result in the discharge of dredged or fill material into waters of the United States, subject to all appropriate terms and conditions: site access and preparation for active AMD treatment such as the establishment of dosing systems; application of limestone fines and construction of limestone leach beds; site work associated with mine land reclamation; other related projects such as wetland construction, enhancement, and removal; stream channel lining; mine seal installation; channel diversion; impoundment construction; underdrain construction; highwall backfilling; regrading and capping of overburden and/or refuse spoils; piping; grouting in-situ; stream relocation; coal refuse sediment removal; bank and/or slope stabilization; construction of sediment control structures, reducing bioreactors, vertical flow ponds, diversion wells, successive alkaline producing systems and/or anoxic limestone drains; sludge removal; use of maelstrom oxidizers; refuse excavation and quenching; landslide repairs; subsidence control; mine fire excavation, quenching, trenching, and foaming; shaft backfilling and capping; and retaining wall construction, in addition to other passive and active mine drainage treatment technologies.

APPLICATION PROCEDURES: The following information will be provided to the appropriate Corps' District concerning each project, prior to initiation of reclamation work:

- (1) Name and address of the property owner;
- (2) Name and address of the applicant;
- (3) Name and address of entity responsible for project operation, maintenance, and monitoring;
- (4) Exact location of the work, including a location map on U.S.G.S. 7.5 Minute Series Quadrangle, with Latitude and Longitude in decimal degree format (e.g. Latitude 38.2111 and Longitude -81.3533) with all potential waters of the U.S. located within the project boundary, including stream channels (ephemeral, intermittent and perennial), open waters (such as impounded structures) and wetlands identified. All wetlands must be delineated in accordance with "The 1987 Corps of Engineers Wetland Delineation Manual Regional Supplement for the Eastern Mountains and Piedmont Region." The extent of waters of the U.S. should be identified in accordance with the definitions and limits of jurisdiction contained in 33 CFR 328;
- (5) Ground photographs with photograph locations and directional views depicted on a site plan;
- (6) Any appropriate plan and cross section views;
- (7) Description of all work proposed that would result in the discharge of dredged or fill material into waters of the United States and description of the ways in which impacts to waters of the U.S. have been avoided and minimized. The District Engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure the activity results in only minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources, if required, must comply with the applicable provisions of 33 CFR 332;
- (8) Description of project purpose and need, including baseline conditions and anticipated conditions upon project construction. Baseline conditions include, at a minimum, water quality parameters;
- (9) Description of any anticipated maintenance activities;
- (10) Amount of material to be discharged into waters of the U.S. expressed in linear feet and acres for streams and acres for wetlands and open waters, volume of material to be discharged below the ordinary high water mark, expressed in cubic yards;
- (11) Any other appropriate information, such as compliance with Section 7 of the

Endangered Species Act and Section 106 of the National Historic Preservation Act (NHPA);

AGENCY NOTIFICATION PROCEDURES: Notification to the appropriate resource agencies, including the USEPA, the United States Fish and Wildlife Service (USFWS), the WVDEP, the WVDNR, the West Virginia Division of Culture and History (WVDCH) and the United States Department of Agriculture Natural Resource Conservation Service (NRCS) will be required for the following types of projects:

- (1) Conversion, loss of functional capacity or elimination of greater than 0.25 acre of waters of the U.S.;
- (2) Relocation of streams;
- (3) Valley fills involving the discharge of dredged or fill material into greater than 300 linear feet of stream for projects in which fill construction is necessary to provide for the disposal of excess spoil;
- (4) Projects involving the discharges of dredged or fill material that includes the lining (e.g. with limestone leach beds) of perennial streams or lining of greater than 500 linear feet of intermittent streams; or,
- (5) Projects involving the discharges of dredged or fill material that includes increases in perennial stream channel capacity (i.e. channelization) and increases in intermittent stream channel capacities in excess of 500 linear feet.

The Corps will provide the resource agencies copies of the permit application and plans and will request agency review within 30 days. To expedite this review, the permit applications must contain one original hard copy and four copies in electronic format (CDs), if required.

The permittee is responsible for ensuring the work is performed in accordance with the terms and conditions of the permit. Work performed under this authorization can be suspended, modified or revoked in accordance with 33 CFR 325.7 if a later determination is made by the Corps that the information provided was inaccurate, incomplete, or prepared/provided in bad faith. In the event of such a determination, the Corps may use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5.

WATER QUALITY CERTIFICATION: This Public Notice will serve as a request to the WVDEP to act on Section 401 Water Quality Certification for this regional permit. The policies of this regional permit are subject to review and reconsideration at any time. At a minimum of every five years, this regional permit will undergo a comprehensive reevaluation in accordance with the regulations governing the establishment and use of regional permits.

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest and manner which may be adversely affected by the activities. This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the Corps, and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the USEPA pursuant to Section 404(b) (1) of the Clean Water Act. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

SOLICITATION OF COMMENTS: The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

U. S. Army Corps of Engineers Huntington District
ATTN: Samantha Dailey, CELRH-RD-E
502 Eighth Street
Huntington, West Virginia 25701-2070

Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning this Public Notice, please contact Samantha Dailey at 304-399-5610.

(W)

**Special Conditions for Regional Permit for Abandoned
Mine Lands Reclamation for the State of West Virginia**

- a. All work would be performed in an environmentally, technically, and economically sound manner and for work that would occur within jurisdictional streams, natural stream design principles should be incorporated to the maximum extent practicable.
- b. Stream grouting would be limited to those projects for which other stabilization methodologies are not practicable.
- c. Adverse impacts to existing wetlands would be avoided to the maximum extent practicable.
- d. Due to potential for adversely affecting threatened or endangered species, this permit would not apply to work in the waters identified in Appendix A.
- e. Stabilization through the planting of vegetation is highly encouraged and would be limited to those species native to West Virginia, in addition to non-invasive naturalized species.
- f. A copy of this permit would be posted on-site during construction activities.
- g. For all AMD projects, the permittee would be required to provide pre-project baseline water quality monitoring results, in addition to semi-annual water quality sampling for a minimum of two years. These results would include appropriate mapping to identify monitoring site(s). Monitoring would be conducted at the final discharge(s) of the completed remediation project and the testing results would be submitted to the appropriate Corps District annually and would include all sampling performed for that project during the year.
- h. The applicant would invite resource agencies to all field reviews and provide the WVDNR and the USFWS construction and location details for review a minimum of 30 days prior to initiation of work on streams supporting freshwater mussels. The most current list of streams known to support state protected freshwater mussel species is available from the Inter-Agency Coordination Supervisor, West Virginia Department of Natural Resources, PO Box 67, Elkins, West Virginia, 26241. The most current list of these streams can be found in Appendix B.
- i. This regional permit would not authorize:
 1. Activities involving the discharge of steel slag in waters of the U.S.;
 2. Activities that would affect historic, cultural or archaeological sites listed or eligible for listing in the National Register of Historic Places, unless coordination is completed as required by Section 106 of the National Historic Preservation Act of 1966. The applicant would contact the WVDCH to determine if historic, cultural or archaeological sites within the proposed work areas are eligible for or listed on the National Register of Historic Places. The response from the WVDCH would be

provided to the Corps. No work would commence until Section 106 requirements have been satisfied and the Corps' regional permit verification letter is provided to the prospective permittee;

3. Activities at sites that may affect proposed or listed endangered species or their designated critical habitat, unless consultation under Section 7(c) of the Endangered Species Act has been completed. No work would commence until Section 7 requirements have been satisfied and the Corps' regional permit verification letter is provided to the prospective permittee. Permit applicants may contact the U.S. Fish and Wildlife Service to determine the presence of potential threatened or endangered species or their habitats;
4. The discharges of dredged or fill material in designated components of the National or state Wild and Scenic Rivers Systems, Federal or state designated wildlife management areas or at sites included in the National Registry of Natural Landmarks, unless approval is granted from the administering agency;
5. The discharges of dredged or fill material proposed in the Nationwide Rivers Inventory streams, unless coordinated with the National Park Service. Inventory Rivers within the state of West Virginia include: Big Sandy Creek (Preston County), Blackwater River, Cheat River, Dry Fork of Cheat River, Glady Fork of Cheat River, Shavers Fork of Cheat River, South Fork of Cheat River, Cherry River, South Fork of Cherry River, North Fork of Cherry River, Cranberry River, Elk River, Left Fork of Elk River, Gauley River, Greenbrier River, East Fork of Greenbrier River, West Fork of Greenbrier River, Holly River, Left Fork of Holly River, Hughes River, North Fork of Hughes River, Laurel Fork (Randolph County), Little Kanawha River, Middle Fork River, Mud River, New River, North River, Otter Creek, Potomac River, North Fork of South Branch of Potomac River, South Branch of Potomac River, South Fork of the South Branch of Potomac River, Red Creek, Seneca Creek, Shavers Fork, Tygart Valley River, and Williams River;
6. Prior to commencement of work, Miss Utility of West Virginia, Inc. (WV 811) would be contacted at 1-800-245-4848 to determine the location of underground utility lines in the project area.

General Conditions for Regional Permit for Abandoned Mine Lands for the State of West Virginia

- a. If any previously unknown historic or archaeological remains are discovered while accomplishing the activity authorized by this permit, work must immediately cease and notification must be provided to this office detailing what has been found. The Corps would initiate the required Federal and state coordination to determine if the site is eligible for listing in the National Register of Historic Places.
- b. Representatives from the Corps would be allowed to inspect the authorized activity at any time deemed necessary to insure that work within waters of the United States is accomplished in accordance with the terms and conditions.
- c. Further Information:
 1. Congressional Authorities: This activity would be authorized pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.
 2. Limits of this authorization:
 - (a) This permit would not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - (b) This permit would not grant any property rights or exclusive privileges.
 - (c) This permit would not authorize any injury to the property or rights of others.
 - (d) This permit would not authorize interference with any existing or proposed Federal project.
 3. Limits of Federal Liability: In issuing this permit, the Federal Government would not assume any liability for the following:
 - (a) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - (b) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. in the public interest.
 - (c) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - (d) Design or construction deficiencies associated with the permitted work.

- (e) Damage claims associated with any future modification, suspension, or revocation of this permit.
4. **Reliance on Applicant's Data:** A determination of this office that the activity is not contrary to the public interest would be made in reliance on the information provided pursuant to the notification requirement. Any change to the proposed work may make the project ineligible for authorization by this regional permit.
 5. **Reevaluation of Permit Decision:** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but would not be limited to, the following:
 - (a) Failure to comply with the terms and conditions of this permit.
 - (b) The information provided with the submitted permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - (c) Significant new information becomes available which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5.

6. Consent to easement over and under land identified as a flowage easement would be attached, if applicable.

APPENDIX A**Streams with potential presence of Federally endangered species or their habitats**

(List current as of May 2012)

HUNTINGTON DISTRICT:

- Big Sandy Creek (Kanawha County)
- Bluestone River (Mercer and Summers Counties: Bluestone Gorge to slackwater of Bluestone Reservoir)
- Cedar Creek (Braxton and Gilmer Counties)
- Cove Creek (Monroe County)
- Elk River (Braxton, Clay, and Kanawha Counties: Sutton Dam to slackwater below Coonskin Park, including the lower one-half mile reaches of its tributaries Birch River, Blue Creek, and Laurel Creek)
- Fishing Creek (Wetzel County)
- Gauley River (Fayette and Nicholas Counties: Summersville Dam to Swiss)
- Greenbrier River (Greenbrier and Pocahontas Counties)
- Henry Fork (Calhoun and Roane Counties)
- Hughes River (Ritchie and Wirt Counties, including the lower one-half mile reach of its tributary Goose Creek)
- Kanawha River (Fayette, Kanawha, Mason, and Putnam Counties)
- Leading Creek (Gilmer and Lewis Counties, including the lower one-half mile reach of its tributary Fink Creek)
- Little Kanawha River (Braxton, Calhoun, Gilmer, Wirt, and Wood Counties, including the lower one-half mile reaches of its tributaries: Leading Creek (Calhoun County), Pine Creek, Sand Fork, Slate Creek, Straight Creek, Tanner Creek, Tucker Creek, and Walker Creek)
- Marsh Fork River including Dingess Branch and Millers Camp Branch and associated palustrine emergent and scrub-shrub wetlands (Raleigh County)

- McElroy Creek (Doddridge and Tyler Counties)
- Meadow River (Fayette, Greenbrier, and Nicholas Counties)
- Meathouse Fork of Middle Island Creek (Doddridge County, including the lower one-half mile reaches of its tributary Toms Fork)
- Middle Island Creek (Doddridge, Pleasants, and Tyler Counties, including the lower one-half mile reaches of its tributaries Arnold Creek, Bluestone Creek, Buckeye Creek, Indian Creek, McKim Creek, Point Pleasant Creek, and Sancho Creek)
- New River (Lower) (Fayette County: U.S. Route 19 to Gauley Bridge)
- North Fork Hughes River (Ritchie and Wirt Counties, including the lower one-half mile reaches of its tributaries Addis Run, Bonds Creek, Devilhole Creek, and Gillespie Run)
- Ohio River (Cabell, Jackson, Mason Pleasants, Tyler, Wetzel, and Wood Counties)
- Potts Creek and South Fork of Potts Creek (Monroe County)
- Reedy Creek (Roane and Wirt Counties)
- South Fork Hughes River (Doddridge, Ritchie, and Wirt Counties, including the lower one-half mile reaches of its tributaries Bone Creek, Indian Creek, Leatherbark Creek, Otterslide Creek, Slab Creek, and Spruce Creek)
- Spring Creek (Roane and Wirt Counties)
- Steer Creek (Calhoun and Gilmer Counties)
- Sugar Creek (Pleasants County)
- West Fork Little Kanawha River (Calhoun, Roane, and Wirt Counties)

PITTSBURGH DISTRICT:

- Back Creek (Berkeley County)
- Cacapon River (Morgan County)
- Dunkard Creek (Monongalia County)
- Fish Creek (Marshall County)

- Hackers Creek (of the West Fork River) (Harrison and Lewis Counties)
- Potomac River (Morgan County; from the mouth of the Cacapon River to the mouth of Sleepy Creek)
- Sleepy Creek (Morgan County)
- West Fork River (Harrison, Lewis, and Marion Counties)
- Streams, springs, and wetlands connected to the groundwater system including caves, areas near sinkholes, and other groundwater/surface interfaces, from the Potomac River west to Opequon Creek, especially in the Rippon and Leetown Areas, and the Evitts Run Watershed (Jefferson and Berkeley Counties)
- Wetlands (Berkeley and Hardy Counties)

APPENDIX B**Streams with potential presence of state protected “no take” mussel species**

(List current as of June 2012)

HUNTINGTON DISTRICT

James River Drainage
 South Fork of Potts Creek
Kanawha River Drainage
 Pocatalico River
 Kanawha River above Charleston
 Coal River
 Elk River (downstream of Webster Springs)
 Big Sandy Creek
New River
 Bluestone River
 Greenbrier River
 Indian Creek
Little Kanawha River Drainage
 Little Kanawha River
 Hughes River
 North and South Fork of Hughes River
 Steer Creek
 Cedar Creek
 Leading Creek
 Reedy Creek
 Spring Creek
 Spruce Creek
 Henry's Fork
 Goose Creek
Middle Island Creek Drainage
 Middle Island Creek
 Meathouse Fork (below Indian Fork)
 Buckeye Creek
Mud River Drainage
 Mud River
 Middle Fork
 Trace Fork
Ohio Direct Drainage
 Twelvepole Creek
 Beech Fork
 Tug Fork River (upstream of Kermit, WV)
 Mill Creek (Jackson County)
 Hurricane Creek
 Fishing Creek

PITTSBURGH DISTRICT

Ohio River Direct Drainage

Wheeling Creek

Fish Creek

Monongahela River Drainage

Dunkard Creek

West Fork River

Hackers Creek of Tygart Valley River

Kincheloe Creek

Potomac River Drainage

Cacapon River (below Wardensville)

North River of Cacapon River

Patterson Creek