

## **6 CONSULTATION AND COORDINATION**

Section 1.7 of this DEIS provides a summary of the public notice, involvement, and scoping process used in the development of this EIS, as well as a summary of issues identified during scoping.

Table 6-1 summarizes the Service's consultation and coordination activities with governmental agencies and tribes that have potential interests in the proposed Project.

### **6.1.1 MBTA and BGEPA**

BRE initiated consultation with the Service regarding migratory birds and eagles in 2007 and received a letter from Thomas Chapman, Field Supervisor, on March 7, 2006, identifying specific issues regarding birds at the Project site. BRE further discussed bird issues with the Service during meetings on October 6 and 7, 2010; January 25, 2011; March 17, 2011; and April 7, 2011. BRE, Blanton and Associates, Inc., and the Service discussed the outline, scope, and content of an APP. BRE provided a draft APP to the Service on June 27, 2011. The Service provided comments on September 26 and November 9, 2011, and discussed these comments with BRE on November 17, 2011. A revised APP was submitted to the USFWS in January 2012. Informal discussions occurred during February and March 2012, followed by submittal of written comments on the APP from the Service on April 25, 2012. The current version of the APP in Appendix B is the result of this consultation and coordination (see Appendix B).

### **6.1.2 Section 106 of National Historic Preservation Act**

#### **6.1.2.1 *West Virginia State Historic Preservation Office Consultation***

The Service initiated consultation with the WVDCH on December 2, 2010. BRE's historic resource consultants, Gray & Pape, conducted an assessment of effects to architectural resources for the Phase II Project APE and filed a draft report to the WVSHPO on August 26, 2011. The report concluded that visual impacts from the Project would adversely affect the Duo Historic District viewshed. Project noise was found not to adversely impact historical properties within the auditory area of potential affect. The WVDCH reviewed the report and on October 26, 2011 concurred with the assessments of Gray & Pape. The Service submitted comments on the Phase II architectural survey on Nov. 9, 2011. In response to Service comments, BRE revised and resubmitted the report. The Service concurred with the final effects assessment on April 13, 2012; and the SHPO concurred on April 16, 2012.

BRE's archaeological consultants, CRA, conducted a desktop review of archaeological resources in the Phase II Project area and filed a report on August 26, 2011 (CRA 2011). On November 4, 2011, the Service completed their review of the archaeological resources report and concurred with those comments the WVDCH made on September 27, 2011. Archaeological resources will be assessed onsite as Phase II turbine locations are finalized. Because turbine locations are not yet precise, at this time it may not be possible to predict all potential impacts to archaeological resources. BRE plans to avoid impacts to archaeological resources.

Together with WVSHPO, BRE, and the Catawba nation, the Service is preparing an MOA to address mitigation for the Project's potentially adverse effects to cultural resources. Additionally, the ACHP and other interested parties are being solicited to participate.

#### **6.1.2.2 *Tribal Consultation***

On June 2, 2010 the Service distributed a letter to 15 tribal nations with ancestral ties to West Virginia, in accordance with NHPA's Section 106, Executive Order 13175, Department of Interior Secretarial Order 3206, and the Service's Native American Policy. Four tribes responded to the request. The Seneca Nation made a finding of "No effect" on historical and cultural resources. The Delaware Nation declined to comment on the Project. The Oneida Nation did not identify any areas of concern. These 3 Nations requested to be notified of any changes in the scope of work or if any historical or cultural resources are discovered during the Project construction and operation. The Catawba Nation requested information

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about Phase I Section 106 compliance and if archaeological surveys were completed in areas of Phase II proposed ground disturbance. The Service responded to the Catawba Nation's questions on August 10, 2011 and invited participation in the MOA. On September 1, 2011, the Service provided the Catawba Nation a copy of the desktop review archaeological report for Phase II and is awaiting any comments they may have.

Archaeological resources will be assessed onsite as Phase II turbine locations are finalized. Because turbine locations are not yet precise, at this time it may not be possible to predict all potential impacts to archaeological resources.

#### **6.1.2.3 USACE Consultation**

BRE's wetland consultant, Potesta, conducted wetland delineation in the Phase II Project area and filed a report to the USACE in December 2010. On January 11, 2011, and again on June 22, 2011, the USACE verbally confirmed by a phone call that they would not be a Cooperating Agency but wished to be notified of the public comment periods. The USACE met with BRE and Potesta during summer 2011 at the Phase II identified wetland resources in the Project area to review wetland determinations. The USACE has not yet written a concurrence letter for the wetland determinations. BRE intends to avoid impacts to jurisdictional wetlands as much as possible and seeks to use an NWP for possibly one stream crossing. A decision on use of an NWP would be made at the time BRE submits construction plans to the USACE.

#### **6.1.2.4 Consultation with USEPA**

As per the Service's request, the USEPA commented on the preliminary DEIS in September 2011. The USEPA provided written comments on the draft and provided further guidance during a conference call on September 19, 2011. The USEPA provided guidance on the Service's purpose and need for the Project and analyzing reasonable alternatives that meet the purpose and need. The USEPA suggested that the document should have complete explanations of each alternative to the Proposed Action. Alternatives should be fully developed and described in detail how they would be implemented.

The USEPA advised that the document should include all details on mitigation measures and adaptive management procedures. The USEPA asked that the Service consider a shorter permit term than 25 years, but the Service explained that the HCP included adaptive management that would address modified measures for the permit term should they be deemed necessary. Issuing a permit for a shorter term would not ensure additional protection.

The USEPA indicated the DEIS should include more detailed information on impacts to waterways associated with trenches, transmission lines, and roads, along with descriptions of protective and restorative measures. The Service discussed these matters with BRE, and BRE indicated they have and will continue to avoid impacts to waterways during all Project activities.

In addition, the USEPA suggested that potential impacts to aquatic resources be analyzed. The DEIS should also include a section on invasive plants. The Service has since added these pieces to the document.

As required by NEPA, the Service will provide the DEIS to the USEPA for review during the public comment period.

#### **6.1.2.5 Coordination with USFS**

Parts of the BRE Project are within the proclamation boundary<sup>59</sup> of the Monongahela National Forest. The Service coordinated with the U.S. Forest Service (USFS) and inquired as to whether they wanted to be a cooperating agency. The USFS declined the opportunity to be a cooperating agency for the NEPA process.

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<sup>59</sup> Lands within a National Forest proclamation boundary include those that are targeted for acquisition as well as those under USFS ownership.

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**Table 6-1.** Record of the Service's coordination and consultation with tribes and agencies for the Beech Ridge Wind Energy Center DEIS.

Date	From	To	Consultation / Coordination Description	Correspondence Type
<b>Native American Tribes</b>				
5/5/2011	Service	Tribes and tribal Leaders	Final letter from Service to Tribes regarding the DEIS and ITP / HCP.	Letter
6/22/2011	Seneca Nation of Indians	USFWS	Seneca Nation finds no effect on historical properties from Project.	Letter
6/22/2011	Seneca Nation of Indians	USFWS	Letter of correspondence for the Beech Ridge Project	E-mail
6/22/2011	Delaware Nation	USFWS	The Delaware Nation will not be commenting on Project.	E-mail
6/23/2011	Oneida Indian Nation	USFWS	Oneida Nation does not wish to be a consulting party for Project, but wishes to be notified in the discovery of any artefacts during Project planning and construction.	E-mail
6/24/2011	Catawba Indian Nation	USFWS	Questions regarding NHPA Section 106 on Phase I and surveys in areas of ground disturbance.	E-mail
7/7/2011	Service	BRE	Summary of tribal comments and consultation. Seneca Nation, Delaware Nation, Oneida Nation, and Catawba Nation responded to consultation.	E-mail
8/10/2011	Service RHPO	Catawba Indian Nation	Response to questions from the Catawba Tribe	E-mail
9/1/2011	Service	Catawba Indian Nation	Provided copy of desktop archaeological report for Phase II to the Tribe for review.	E-mail
<b>U.S. Environmental Protection Agency (USEPA)</b>				
9/15/2011	USEPA	USFWS	EPA provided comments on early draft of DEIS	E-mail
9/19/2011	Service, Stantec	USEPA	Conference call discussing USEPA's comments. USEPA provides direction for developing Purpose and Need and Alternatives, and scope of Environmental Consequences.	Conference Call
<b>U.S. Army Corps of Engineers (USACE)</b>				
1/11/2011	Service	USACE	Beech Ridge 404 permit compliance. USACE received the wetland report but has not yet commented on it.	E-mail
5/04/2012	Service	BRE	Verifying that USACE, Potesta, and BRE conducted a site visit during summer 2011 to verify the wetland delineation for Phase II.	E-mail
<b>West Virginia Division of Culture and History (WVDCH) State Historic Preservation Office (SHPO)</b>				
8/4/2008	WVPSC	Invenergy	WVDCH was a consulting agency on BRE Phase I Project.	MOA
12/2/2010	Service	USFWS, BRE, WVDCH	WVDCH is to be a consulting agency on BRE Phase II Project.	Meeting minutes
12/8/2010	Service	BRE	Compliance with federal NHPA, consultation with WVDCH.	E-mail
1/18/2011	Gray and Pape, Inc. <sup>1</sup>	WVDCH	Response to comments from WVDCH.	Letter

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Date	From	To	Consultation / Coordination Description	Correspondence Type
6/23/2011	WVDCH	Gray and Pape, Inc.	Comments on Draft Report Reconnaissance-Level Architectural Survey for the Proposed Expansion/Modification of the Beech Ridge Wind Energy Facility	Letter
9/1/2011	Service	WVDCH, BRE	Comments on Draft Desktop Analysis and Archaeological Reconnaissance Survey for the Proposed Expansion/Modification of the Beech Ridge Wind Energy Facility.	E-mail
9/14/2011	WVDCH	Gray and Pape, Inc.	Comments on Final Reconnaissance-Level Architectural Survey for the Proposed Expansion/Modification of the Beech Ridge Wind Energy Facility.	Letter
9/27/2011	WVDCH	Cultural Resource Analysts, Inc. <sup>2</sup>	Concurrence with Desktop Analysis and Archaeological Reconnaissance Survey for the Proposed Expansion/Modification of the Beech Ridge Wind Energy Facility.	Letter
10/26/2011	WVDCH	Gray and Pape, Inc.	Concurrence with Draft Report Assessment of Effects to Architectural Resources for the Proposed Expansion/Modification of the Beech Ridge Wind Energy Facility.	Letter
11/4/2011	Service	WVDCH, BRE	Concurrence with Desktop Analysis and Archaeological Reconnaissance Survey for the Proposed Expansion/Modification of the Beech Ridge Wind Energy Facility.	E-mail
11/7/2011	WVDCH	Gray and Pape, Inc.	Acceptance of edits on Final Reconnaissance-Level Architectural Survey for the Proposed Expansion/Modification of the Beech Ridge Wind Energy Facility.	Letter
11/9/2011	USFWS	WVDCH, BRE	Comments on Final Reconnaissance-Level Architectural Survey for the Proposed Expansion/Modification of the Beech Ridge Wind Energy Facility.	E-mail
3/6/2012	USFWS	BRE, WVDCH	Comments on Final Assessment of Effects to Architectural Resources for the Proposed Expansion/Modification of the Beech Ridge Wind Energy Facility.	E-mail
4/13/2012 and 6/4/2012	USFWS	BRE	Concurrence with Final Report on Assessment of Effects to Architectural Resources for the Proposed Expansion/Modification of the Beech Ridge Energy Facility	E-mails
4/16/2012	WVDCH	Gray and Pape, Inc.	Concurrence with Final Report on Assessment of Effects to Architectural Resources for the Proposed Expansion/Modification of the Beech Ridge Energy Facility	Letter
<b>U.S. Forest Service (USFS)</b>				

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Date	From	To	Consultation / Coordination Description	Correspondence Type
1/9/2011	Service	USFS	Service informally consulted during the scoping period with the USFS about consultation on the Beech Ridge Project. USFS declined to be a consulting agency.	E-mail

<sup>1</sup> Gray and Pape, Inc. is BRE's architectural resource consultant.

<sup>2</sup> Cultural Resource Analysts, Inc. is BRE's archaeological resource consultant.

**6.2 List of Preparers**

<b>Name</b>	<b>Title</b>	<b>Degree</b>	<b>Sections Prepared or Reviewed</b>
<b>US Fish and Wildlife Service</b>			
Laura Hill	Assistant Field Supervisor, Fish and Wildlife Biologist	MS – Wildlife Ecology BS- Fisheries and Wildlife Biology	Preparation of Purpose and Need; review, comment, and revision of all sections
Glenn Smith	Assistant Chief of Endangered Species, Fish and Wildlife Biologist	JD – Law BS – Resource Development-Water Resources Management	Review and comment of all sections
John Wilson	Regional Historic Preservation Officer	MA - Anthropology (with Archaeology as Sub-field)	Review and comment on Cultural Resources
<b>Name</b>	<b>Title</b>	<b>Degree</b>	<b>Sections Prepared</b>
<b>Stantec Consulting Services Inc.</b>			
Elizabeth Annand	Project Manager	MS – Wildlife Biology BS – Botany and Wildlife Management	Alternatives Analysis Geology and Soils Noise Air Quality and Climate Water Resources Vegetation Resources Avian Resources Safety and Security
Gino Giumarro	Senior Associate	MS – Natural Resources Planning BS – Wildlife Biology	Bat Resources Socioeconomics
Fred DiBello	Project Manager	BS – Wildlife Biology	Land Use Visual Resources, Cultural Resources Transportation Communications
Quintana Baker	Environmental Specialist	B.A. - Biology	Wildlife and Fisheries Resources Avian Resources

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Name	Title	Degree	Sections Prepared or Reviewed
Janice Huebner	Wildlife Biologist	MS – Ecology and Environmental Science BS – Wildlife Management	Administrative Record; Consultation and Coordination

**6.3 Distribution**

When the EIS was issued, the Service filed copies with the USEPA, who published a Notice of Availability of the EIS in the Federal Register. The Service also distributed paper and electronic (on CD-ROM) copies, or links to websites where electronic files are available, to federal agencies and other requesting parties. The Service will provide copies to other interested organizations or individuals on request.

This DEIS has been distributed to individuals and organizations who specifically requested a copy of the document. In addition, copies or web links have been sent to the following elected officials, federal agencies, and state, county, and local offices:

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200 Chestnut Street  
Philadelphia, PA 19106

WV Senator William Laird IV  
Room 229W, Building 1  
State Capitol Complex  
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