



ADDENDUM NO. 001

TO: All Plan Holders

RE: Breaks Interstate Park Waterpark Expansion
For Breaks Interstate Park Commission
T&L Project No. 16914

DATE: August 4, 2023

BIDS RECEIVED DATE: August 11, 2023

This Addendum forms a part of the Contract Documents and modifies the original Bidding Documents dated June 12, 2023, as noted below. Acknowledge receipt of this Addendum in the space provided on the Bid Form. Failure to do so may subject Bidder to disqualification.

This Addendum consists of 57 pages.

CHANGES TO THE PROJECT MANUAL:

1. Appendix D – NEPA Environmental Assessment was incomplete. Appendix A: NEPA Figures and Appendix B: Biological Correspondence are enclosed.
2. Specifications Section 13 1200 – Swimming Pool Equipment, DELETE paragraphs 1.2F.1.b and 3.4.D in their entirety. The revised section is not enclosed.

ANSWERS TO PRE-BID QUESTIONS:

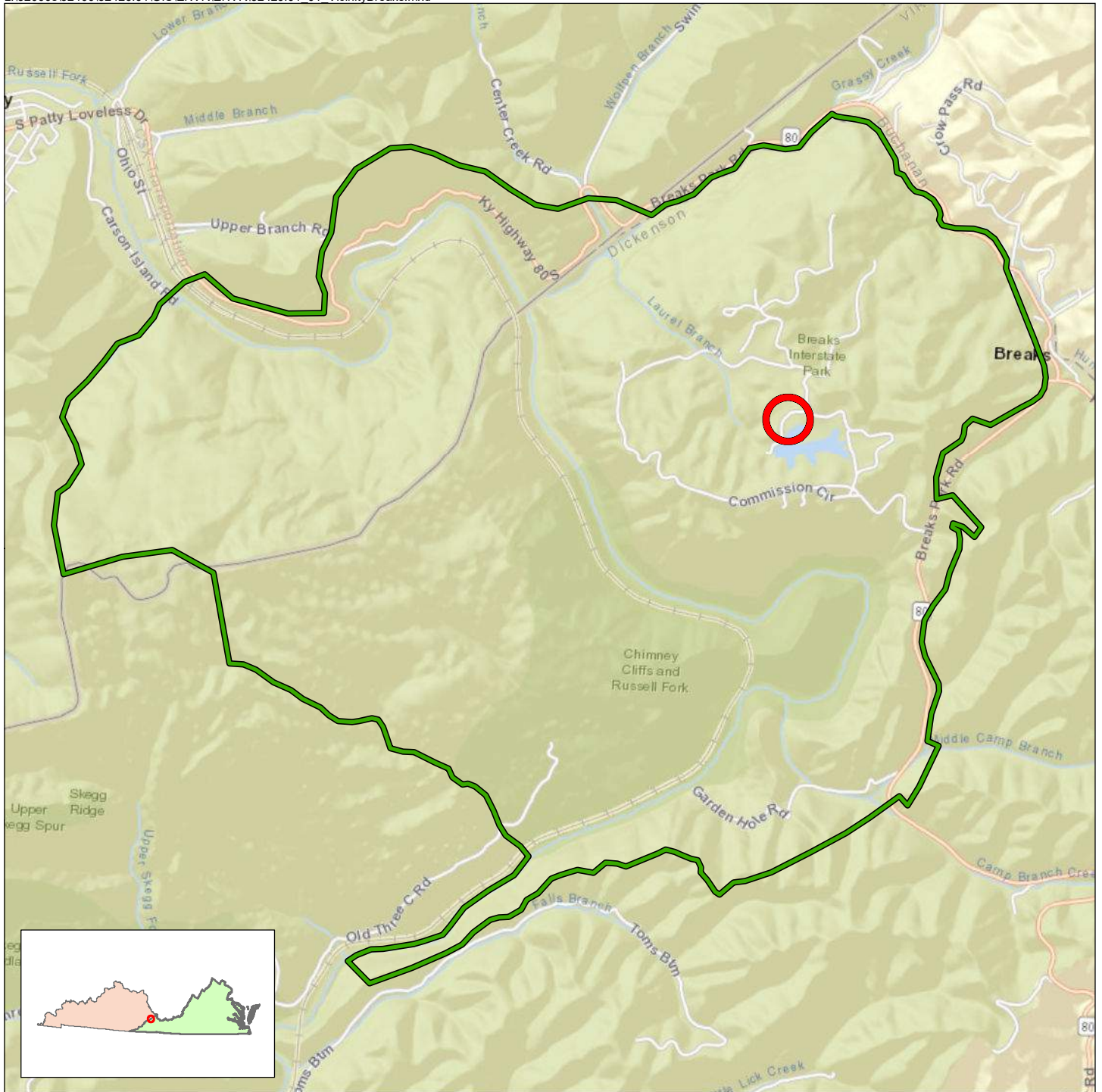
1. QUESTION: Can excess excavated material be wasted on site? If so, where?
ANSWER: Yes. Please refer to the enclosed diagram illustrating the spoil area in the northern most triangle.
2. QUESTION: Can temporary construction power be provided out of the existing ADMIN BUILDING at no cost to the GC?
ANSWER: Yes. Per the superintendent of the Breaks Interstate Park Commission, the park will provide electricity from the existing waterpark building at no charge to the Contractor.





3. QUESTION: Is temporary fencing required?
ANSWER: No, temporary fencing is not required.
4. QUESTION: Are there any liquidated damages related to a late finish?
ANSWER: No, there are no liquidated damages.
5. QUESTION: Will the Park provide rooms to out of town construction workers during construction? If so, what is the cost?
ANSWER: Yes, Per the superintendent of the Breaks Interstate Park Commission, the park will provide lodging to the Contractor and Subcontractors in the lodge at no cost, under the following conditions:
 - The total number of rooms provided to contractors/subcontractors cannot exceed twelve (12) at any time.
 - Rooms will be provided Sunday-Thursday night only. Any rooms taken for Friday and Saturday night will be charged at a rate of \$79.95/night.
 - Contractors and Subcontractors are responsible for abiding by all park regulations and will refrain from damaging the facilities. This includes cooking in the facilities and smoking in the facilities. Rooms come with refrigerators and contractors can provide their own microwaves, but any other type of cooking is prohibited inside the hotel rooms.
6. QUESTION: Clarification of Pool Accessories.
ANSWER: Please refer to Appendix B – Pool Accessory Cutsheet Exhibits of the Project Manual. Disregard Diving Boards, Diving Stands, and ADA Lift shown on Drawing MP101, Table ‘Pool Equipment List – Provided by Pool Contractor.’
7. QUESTION: There is no handrail for the pool stair entry. The code will require a handrail for the stairs at the pool entry. Could you please clarify?
ANSWER: The pool entry stair handrail is shown on BOTH A101 and A102.
8. QUESTION: Clarification of Pool Lights.
ANSWER: Refer to Drawing MP101, Table – Pool Equipment Voltage Requirements. Delete all references within this table and the bid documents to pool lights.
9. QUESTION: The panel schedule notes a receptacle for the chair lift, but the location or type is not shown on the drawings.
ANSWER: Refer to Drawing E101. The receptacle is shown. It is mounted to the pool equipment building and indicates a weatherproof, water-resistant receptacle. The receptacle is protected by GFI breaker.

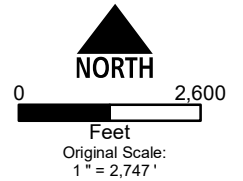
Enclosures: NEPA Assessment Appendix A: NEPA Figures, 4 pages
NEPA Assessment Appendix B: Biological Correspondence, 50 pages
Spoil Area Diagram, 1 page

**Attachment A:
Figures**



-  Project Site
-  Breaks Interstate Park

Project Vicinity
Breaks Interstate Park Pool
WSSI #32426.01

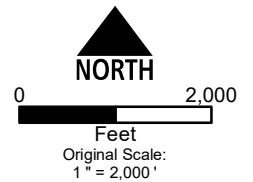


Source: World Street Map - ESRI







 Project Site

**USGS 7.5' Quadrangle
Breaks Interstate Park Pool
WSSI #32426.01**

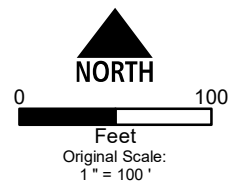


Elkhorn City, KY VA 1978
Latitude: 37°17'27"N
Longitude: 82°17'49"W
Hydrologic Unit Code (HUC): 050702020703
HUC12 Name: Beaver Creek-Russell Fork
COE Region: Eastern Mountains and Piedmont



-  Pool Area
-  Potential Staging Area
-  Staging and Soil Storage Area
-  Existing Water Park

Project Elements
Breaks Interstate Park Pool
WSSI #32426.01



Source: VGIN Most Recent - 2019

Appendix B

Biological Resources Agency Coordination

Responses Received



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

November 10, 2022

Suzanne Richert
Wetland Studies and Solutions, Inc.
201 Church Street
Blacksburg, VA 24060

Re: 32426.01, Breaks Water Park Pool

Dear Ms. Richert:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information in our files, the Russell Fork - Camp Branch Creek - Frying Pan Creek Stream Conservation Unit (SCU) is within the project area. SCUs identify stream reaches that contain aquatic natural heritage resources, including 2 miles upstream and 1 mile downstream of documented occurrences, and all tributaries within this reach. SCUs are also given a biodiversity significance ranking based on the rarity, quality, and number of element occurrences they contain. The Russell Fork - Camp Branch Creek - Frying Pan Creek Scu has been assigned a biodiversity rank of B2, which represents a site of very high significance. The natural heritage resources associated with this SCU are:

<i>Cambarus callainus</i>	Big Sandy Crayfish	G2/S1S2/LT/LT
<i>Cambarus jezerinaci</i>	Spiny scale crayfish	G3/S2/NL/NL
<i>Hylogomphus viridifrons</i>	Green-faced Clubtail	G3G4/S2/NL/NL
<i>Ophiogomphus mainensis</i>	Maine Snaketail	G4G5/S2/NL/NL
<i>Percina maculata</i>	Blackside Darter	G5/S1/NL/NL
<i>Spiraea virginiana</i>	Virginia Spiraea	G2/S1/LT/LE

To minimize adverse impacts to the aquatic ecosystem as a result of the proposed activities, DCR recommends the implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations including the temporary spoil disposal site. DCR recommends locating the temporary spoil pile in an approved upland site and supports efforts to prevent erosion and control sediment when spreading the excessive spoil material throughout the project area. DCR recommends the development of an invasive species management plan for the project and the use of Virginia native species alternatives to the non-native species listed in the Virginia Erosion and Sediment Control Handbook (Third Edition 1992), can be found in the 2017 addendum titled "Native versus Invasive Plant Species", here:

<https://www.deq.virginia.gov/home/showpublisheddocument?id=2466>. Page 3 of the addendum provides a list of native alternatives for non-natives commonly used for site stabilization including native cover crop species (i.e.

Virginia wildrye). DCR also recommends the development and implementation of an emergency spill plan to prevent chlorinated water and other harmful pollutants from entering the surrounding water features including Laurel Branch and Laurel Lake.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. With adherence to best management practices as recommended above, the current activity will not affect any documented state-listed plants or insects.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

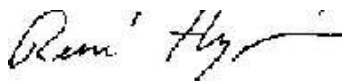
New and updated information is continually added to Biotics. Please re-submit a completed order form and project map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

A fee of \$120.00 has been assessed for the service of providing this information. Please find attached an invoice for that amount. Please return one copy of the invoice along with your remittance made payable to the Treasurer of Virginia, DCR Finance, 600 East Main Street, 24th Floor, Richmond, VA 23219. Payment is due within thirty days of the invoice date. Please note late payment may result in the suspension of project review service for future projects.

The Virginia Department of Wildlife Resources (VDWR) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Amy Martin at 804-367-2211 or amy.martin@dwr.virginia.gov.

Should you have any questions or concerns, feel free to contact me at 804-371-2708. Thank you for the opportunity to comment on this project.

Sincerely,



S. René Hypes
Natural Heritage Project Review Coordinator

From: [Brann, Lee \(DWR\)](#)
To: [Spotswood, Abby](#)
Cc: [nhreview \(DCR\)](#); [Doucette, Tamara \(DWR\)](#); [Martin, Amy \(DWR\)](#)
Subject: ESSLog# 42684_Breaks Interstate Park Pool Project_DWR_HLB20221220
Date: Tuesday, December 20, 2022 3:06:46 PM
Attachments: [image001.png](#)

Ms. Spotswood,

We have reviewed the subject project that proposes to install a pool and associated features at Breaks Interstate Park in Dickenson County. We document Federally Threatened State Threatened Big Sandy Crayfish, State Endangered Variegate Darters, and State Threatened Brown Supercoils from the project area. Russell Fork in the project area is a designated Threatened and Endangered Species Water due to the presence of Big Sandy Crayfish and Variegate Darters. However, given the location and scope of the proposed work, we do not anticipate it to result in adverse impacts upon any of the aforementioned species or other resources under our jurisdiction.

To minimize overall impacts to wildlife and our natural resources, we offer the following general comments about development activities: we recommend that the applicant avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable. Avoidance and minimization of impact may include relocating stream channels as opposed to filling or channelizing as well as using, and incorporating into the development plan, a natural stream channel design and forested riparian buffers. We recommend maintaining undisturbed naturally vegetated buffers of at least 100 feet in width around all on-site wetlands and on both sides of all perennial and intermittent streams. We recommend maintaining wooded lots to the fullest extent possible. We generally do not support proposals to mitigate wetland impacts through the construction of stormwater management ponds, nor do we support the creation of in-stream stormwater management ponds.

We recommend that the stormwater controls for this project be designed to replicate and maintain the hydrographic condition of the site prior to the change in landscape. This should include, but not be limited to, utilizing bioretention areas, and minimizing the use of curb and gutter in favor of grassed swales. Bioretention areas (also called rain gardens) and grass swales are components of Low Impact Development (LID). They are designed to capture stormwater runoff as close to the source as possible and allow it to slowly infiltrate into the surrounding soil. They benefit natural resources by filtering pollutants and decreasing downstream runoff volumes.

We recommend that all tree removal and ground clearing adhere to a time of year restriction (TOYR) protective of resident and migratory songbird nesting from March 15 through August 15 of any year.

We recommend adherence to erosion and sediment controls during ground disturbance. To minimize potential wildlife entanglements resulting from use of synthetic/plastic erosion and sediment control matting, we recommend use of matting made from natural/organic materials such as coir fiber, jute, and/or burlap.

In addition to the listed species and wildlife resources mentioned above, a number of species designated as Species of Greatest Conservation Need in Virginia's Wildlife Action Plan are likely to occur, if suitable habitat exists, in and around the project area. We recommend that the Virginia Wildlife Action Plan (available through www.bewildvirginia.gov) be reviewed to determine what threats are known to these species, what constitutes suitable habitat for these species, and how to best protect them and their habitats from harm.

This project is located within 2 miles of a documented occurrence of a state or federal threatened or endangered plant or insect species and/or other Natural Heritage coordination species. Therefore, we recommend coordination with VDCR-DNH regarding protection of these resources.

This project is located within 2 miles of a documented occurrence of federally-listed species.

To ensure protection of such species, we recommend coordination with the USFWS through their Online Project Review Process (<https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process>).

Thank you,



Lee Brann

Environmental Services Biologist
Wildlife Information and Environmental Services

P 804.367.1295

C 804.481.1934

Department of Wildlife Resources

CONSERVE. CONNECT. PROTECT.

A 7870 Villa Park Drive, P.O. Box 90778, Henrico, VA 23228

www.VirginiaWildlife.gov

**USFWS Self Certification Package
and DWR and DCR Coordination**

From: [Spotswood, Abby](#)
To: virginiafieldoffice@fws.gov
Cc: matthew.powers@energy.virginia.gov; AMLER@energy.virginia.gov; [Liszeski, Susan](#)
Subject: Project Review Request: Breaks Interstate Park Pool Project
Date: Friday, December 2, 2022 4:44:37 PM
Attachments: [Breaks Pool_USFWS Project Review Request_120222.pdf](#)

Good afternoon,

On behalf of the Breaks Interstate Park Commission and Virginia Energy, we are submitting the attached Project Review Request package for a proposed project to install a new pool at Breaks Interstate Park in Dickenson County, Virginia.

Please reach out if you have any questions or would like additional information.

Regards,

Abby

Abby Spotswood (she/her)

Environmental Technician

Wetland Studies and Solutions, Inc., a Davey company

201 Church Street, Suite C

Blacksburg, Virginia 24060

O: 540.953.0170 Ext. 4321 **M(preferred):** 540.598.6027

Email: aspotswood@wetlands.com

There's no one better in the field! wetlands.com



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Virginia Field Office
6669 Short Lane
Gloucester, VA 23061

Date:

Self-Certification Letter

Project Name:

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Virginia Ecological Services online project review process. By printing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the project named above in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the enclosed project review package, completes the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this certification to be valid. This letter and the project review package will be maintained in our records.

The species conclusions table in the enclosed project review package summarizes your ESA conclusions. These conclusions resulted in:

- “no effect” determinations for proposed/listed species and/or proposed/designated critical habitat; and/or
- Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR § 17.40(o) [as determined through the Information, Planning, and Consultation System (IPaC) northern long-eared bat assisted determination key]; and/or
- “may affect, not likely to adversely affect” determinations for proposed/listed species and/or proposed/designated critical habitat.

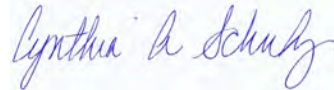
We certify that use of the online project review process in strict accordance with the instructions provided as documented in the enclosed project review package results in reaching the appropriate determinations. Therefore, we concur with the determinations described above for proposed and listed species and proposed and designated critical habitat. Additional coordination with this office is not needed.

Candidate species are not legally protected pursuant to the ESA. However, the Service encourages consideration of these species by avoiding adverse impacts to them. Please contact this office for additional coordination if your project action area contains candidate species.

Should project plans change or if additional information on the distribution of proposed or listed species, proposed or designated critical habitat becomes available, this determination may be reconsidered. This certification letter is valid for 1 year.

Information about the online project review process including instructions and use, species information, and other information regarding project reviews within Virginia is available at our website http://www.fws.gov/northeast/virginiafield/endspecies/project_reviews.html. If you have any questions, please contact Troy Andersen of this office at (804) 824-2428.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia A. Schulz". The signature is written in a cursive style and is positioned above the printed name.

Cindy Schulz
Field Supervisor
Virginia Ecological Services

Enclosures - project review package

Project Description



PROJECT DESCRIPTION

Breaks Interstate Park Pool in Dickenson County, Virginia

Wetland Studies and Solutions, Inc. (WSSI) is preparing an Environmental Assessment on behalf of the Breaks Interstate Park Commission and the Virginia Department of Energy (Virginia Energy) pursuant to the National Environmental Policy Act (NEPA) for construction of a public swimming pool at Breaks Interstate Park in Dickenson County, Virginia. The project is part of the Office of Surface Mining Reclamation and Enforcement (OSMRE) Abandoned Mine Land Economic Revitalization Program (AMLER), and the Breaks Interstate Park Commission is receiving federal funding for the project. WSSI is submitting this letter on behalf of the Breaks Interstate Park Commission and Virginia Energy and is requesting USFWS' review of the proposed project.

Project Location

The proposed project site is along Pool Drive, north of Laurel Lake, within the limits of Breaks Interstate Park. The project site currently consists of asphalt pavement, concrete sidewalks, and grass islands. The project site is surrounded by forest, the existing public water park and paved parking/roads, and Laurel Lake. Figures 1, 2, and 3 (Attachment A) show the general location, topography, and existing conditions of the project site.

Description of the Proposed Action

The Proposed Action is to construct a new public swimming pool adjacent to the existing public water park within Breaks Interstate Park. In addition to the pool construction, and if funding allows, the existing water park's restrooms and splashpad play features may be upgraded to better accommodate increased visitation levels. Details about the project are listed below. All project elements would be constructed on property owned by the Breaks Interstate Park Commission.

- The new swimming pool dimensions would be approximately 40 by 80 feet (3,200 square feet [0.07 acre]) and the pool would range from approximately 3 to 10 feet deep.
- The pool would likely be made of reinforced concrete and would include associated pool decking.
- A small retaining wall may be installed on the north side of the pool unless grading is possible instead (TBD upon further design). If the grading option is chosen, the existing road would be shifted slightly into the north parking lot. It is possible that a few parking spaces would be lost.
- The maximum depth of excavation required would be approximately 15 feet deep.
- Site leveling and grading would be required.
- Excavated soils and rock would be placed in an approximately 0.1-acre open grassy lot across Pool Drive from the project site. The soil pile at the disposal site would be graded and seeded.
- Existing parking lots surrounding and close to the project site (shown on Figure 3) may be used as construction staging areas.

- Excavated pavement would be removed off site and disposed of in a permitted disposal facility.
- No new utilities would need to be installed; however, one power pole would be relocated.
- The existing parking areas are anticipated to be adequate to accommodate the visitors using the existing water park, the lake, and the new pool.
- Renovation of the restrooms at the existing water park such as new commercial toilets, commercial fixtures, dividers, and tile flooring.
- Replacement of two splashpads at the existing water park with newer models.
- Construction is anticipated to begin in Fall of 2023 and end in Spring of 2024.

Please refer to [Figure 3](#) for the location of the existing water park, the proposed pool, the staging areas, and the soil disposal area.

Water Resources

According to the National Wetlands Inventory, the National Hydrography Dataset, aerial photography, and a site visit, there are no surface water resources at the project site. The Breaks Interstate Park Commission would implement erosion and sediment control (E&SC) and stormwater best management practices (BMPs) to avoid indirect impacts to water resources, primarily Laurel Lake that is approximately 100 feet south of the project site.

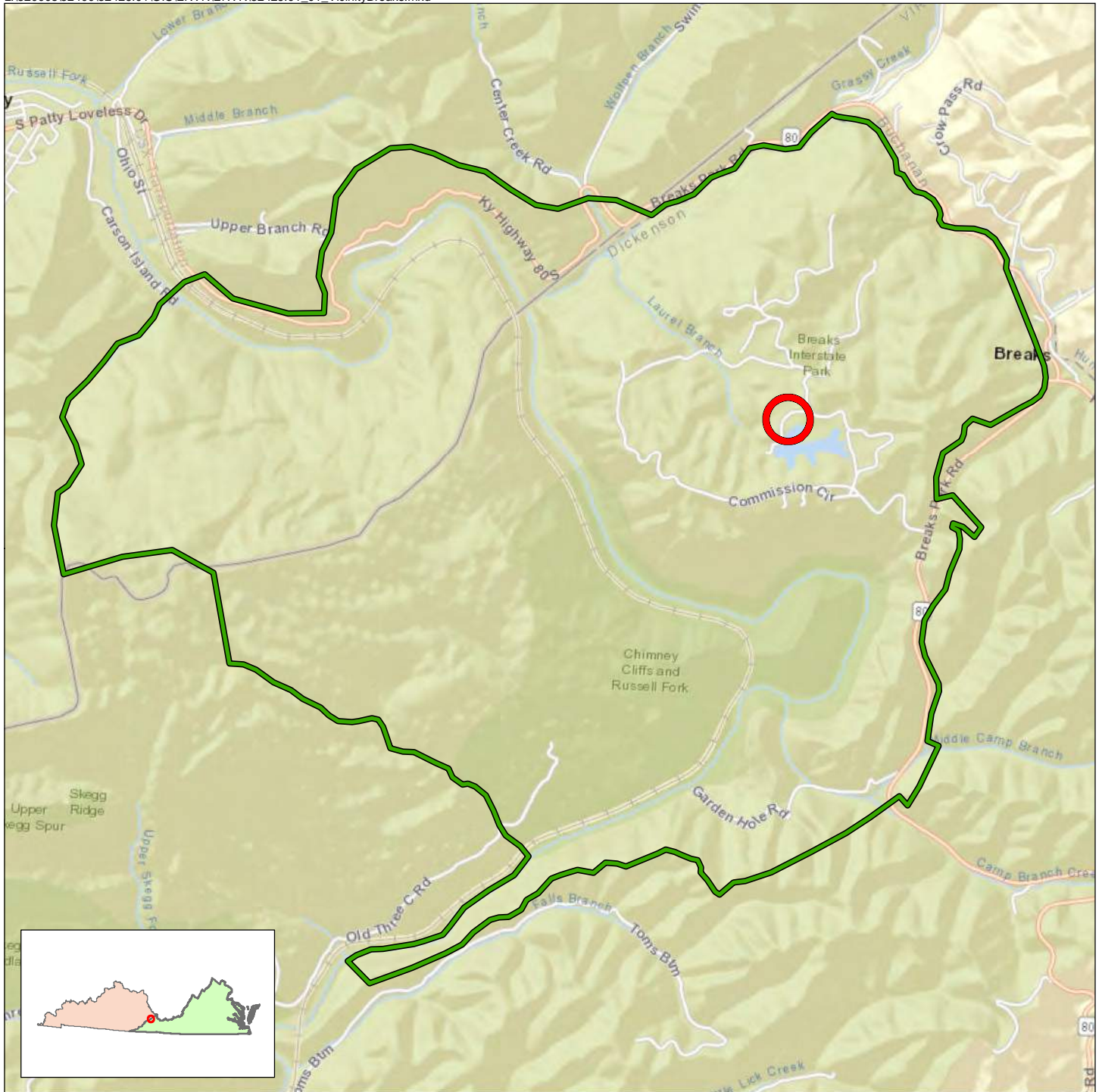
According to Federal Emergency Management Agency's floodplain mapping, no portions of the proposed project area lie in a 100-year or 500-year floodplain. Based on a geotechnical evaluation report of the project site dated November 15, 2022, by Cross Engineering, no ground water was encountered during geotechnical testing at the pool site.



Vegetation and Soils

The pool site consists of flat paved roads, sidewalks, and open grassy islands maintained by mowing. The soil disposal site is currently a grassy flat area maintained by mowing. There is no vegetation at the existing water park where restroom and splashpad upgrades may occur. There is no native vegetation at the site and there would be no shrub and/or tree removal needed.

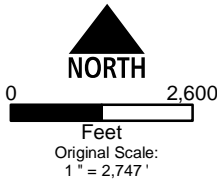
Based on a geotechnical evaluation report of the pool project site dated November 15, 2022, by Cross Engineering, there are native soils at the project site (found in all five test locations). Fill from previous construction activities was also found in some areas to a depth of 2 feet below the ground surface. Below approximately 1.5 feet, the soil transitions to a hard consistency and includes some weathered sandstone bedrock, with sandstone encountered between 3 to 8.5 feet below ground surface. No land at the project site is classified as prime farmland.

Figures



-  Project Site
-  Breaks Interstate Park

Project Vicinity
Breaks Interstate Park Pool
WSSI #32426.01



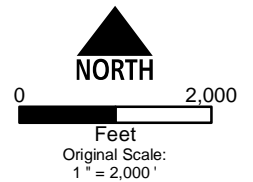
Source: World Street Map - ESRI

Figure 1







 Project Site

**USGS 7.5' Quadrangle
Breaks Interstate Park Pool
WSSI #32426.01**

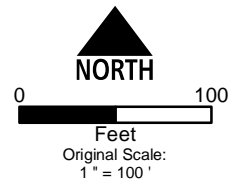


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COE Region: Eastern Mountains and Piedmont



-  Pool Area
-  Potential Staging Area
-  Staging and Soil Storage Area
-  Existing Water Park

Project Elements
Breaks Interstate Park Pool
WSSI #32426.01



Source: VGIN Most Recent - 2019

Official Species List



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Virginia Ecological Services Field Office
6669 Short Lane
Gloucester, VA 23061-4410
Phone: (804) 693-6694 Fax: (804) 693-9032

In Reply Refer To:
Project Code: 2023-0004389
Project Name: Breaks Water Park Pool

October 13, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Project Code in the header of this

letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Virginia Ecological Services Field Office

6669 Short Lane

Gloucester, VA 23061-4410

(804) 693-6694

Project Summary

Project Code: 2023-0004389

Project Name: Breaks Water Park Pool

Project Type: Recreation - New Construction

Project Description: The proposed Breaks Water Park Pool project consists of the construction of a new public swimming pool within the limits of the existing Breaks Water Park north of Laurel Lake in Buchanan County, Virginia. The proponent and owner of the project is the Breaks Interstate Park Commission. The new swimming pool is approximate 3,200 square feet (0.07 acre) and 10 feet deep. The material excess from the excavation will be placed on an identified area north of Pool Drive.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.290845149999996,-82.29690508917177,14z>



Counties: Dickenson County, Virginia

Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Crustaceans

NAME	STATUS
Big Sandy Crayfish <i>Cambarus callainus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8285	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Sep 1 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10

NAME	BREEDING SEASON
Black-capped Chickadee <i>Poecile atricapillus praticus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 10 to Jul 31
Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 27 to Jul 20
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Aug 20
Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in

the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of

certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

IPaC User Contact Information

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Species Determination Table

Endangered Species Act (ESA) Section 7 Determination Table

Project Name: Breaks Interstate Park Pool Project, Dickenson County,

Virginia Date: December 2, 2022

Consultation Code: 2023-0004389

Species / Resource Name	Habitat/Species Presence in Action Area	Sources of Info	ESA Section 7 Determination	Project Elements that Support Determination
Indiana Bat (<i>Myotis sodalis</i>)	No suitable habitat present.	USFWS Official Species List, DWR VaFWIS, DCR NHDE databases	No effect.	Patches of mature hardwood trees are present in areas north of the project site. No tree removal would occur for implementation of the Proposed Action.
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	No suitable habitat present.	USFWS Official Species List, DWR VaFWIS, DCR NHDE databases	No effect.	According to the VDWR NLEB Winter Habitat and Roost Trees Map, the project area is beyond the 0.25-mi radius of a known NLEB location and beyond the 5.5-mile hibernaculum buffer. DWR database searches identified confirmed records of this species within a 2-mile radius of the action area. Patches of mature hardwood trees are present in areas north of the project site. No tree removal would occur for implementation of the Proposed Action.
Big Sandy Crayfish (<i>Cambarus callainus</i>)	No suitable habitat present.	USFWS Official Species List, DWR VaFWIS database, NHDE database	No effect	There are no surface waters at the project site; the closest water body is Laurel Lake approximately 100 feet south of the project. The Breaks Interstate Park Commission would adhere to erosion and sediment control measures and stormwater best management practices.
Monarch Butterfly (<i>Danaus plexippus</i>)	Habitat may be present.	USFWS Official Species List, DWR VaFWIS database, NHDE database	May affect, not likely to adversely affect.	There may be areas of the project site where milkweed is present. Total acreage of disturbance would be approximately 0.15 acres.
Critical Habitat not present		VAFO CH Map Tool		

**Other Documentation:
DWR VaFWIS Search Results,
DCR's NHDE Results,
Virginia Karst Map**

VaFWIS Initial Project Assessment Report Compiled on 10/13/2022,[Help](#)

3:42:58 PM

Known or likely to occur within a **2 mile radius around point 37.2906670 -82.2968628**
in **027 Buchanan County, 051 Dickenson County, VA**

[View Map of
Site Location](#)

490 Known or Likely Species ordered by Status Concern for Conservation
(displaying first 29) (29 species with Status* or Tier I** or Tier II**)

BOVA Code	Status*	Tier**	Common Name	Scientific Name	Confirmed	Database(s)
050023	FESE	Ia	Bat, Indiana	Myotis sodalis		BOVA
050021	FESE	IIa	Bat, gray	Myotis grisescens		BOVA
050035	FESE	IIa	Bat, Virginia big-eared	Corynorhinus townsendii virginianus		BOVA
050022	FTST	Ia	Bat, northern long-eared	Myotis septentrionalis	Yes	BOVA,SppObs
070118	FTST	Ic	Crayfish, Big Sandy	Cambarus callainus	Yes	BOVA,TEWaters,Habitat,SppObs
060029	FTST	IIa	Lance, yellow	Elliptio lanceolata		BOVA
010203	SE	Ia	Darter, variegate	Etheostoma variatum	Yes	BOVA,TEWaters,Habitat,SppObs
050020	SE	Ia	Bat, little brown	Myotis lucifugus		BOVA
050027	FPSE	Ia	Bat, tri-colored	Perimyotis subflavus		BOVA
040267	SE		Wren, Bewick's	Thryomanes bewickii		BOVA
040096	ST	Ia	Falcon, peregrine	Falco peregrinus		BOVA,Habitat
110241	ST	Ic	Supercoil, brown	Paravitrea septadens	Yes	BOVA,SppObs
020030	CC	IIb	Salamander, green	Aneides aeneus	Yes	BOVA,SppObs
030012	CC	IVa	Rattlesnake, timber	Crotalus horridus		BOVA
040306		Ia	Warbler, golden-winged	Vermivora chrysoptera		BOVA
050024		Ia	Myotis, eastern small-footed	Myotis leibii	Yes	BOVA,SppObs
100248		Ia	Fritillary, regal	Speyeria idalia idalia		BOVA

040213		Ic	Owl, northern saw-whet	Aegolius acadicus		BOVA
020011		IIa	Frog, mountain chorus	Pseudacris brachyphona	Yes	BOVA,Habitat,SppObs
040052		IIa	Duck, American black	Anas rubripes		BOVA
040320		IIa	Warbler, cerulean	Setophaga cerulea		BOVA
040140		IIa	Woodcock, American	Scolopax minor		BOVA
040203		IIb	Cuckoo, black-billed	Coccyzus erythrophthalmus		BOVA
040304		IIc	Warbler, Swainson's	Limnothlypis swainsonii	Yes	BOVA,SppObs
070183		IIc	Crayfish, Coalfields	Cambarus theepiensis		BOVA
080187		IIc	Clubtail, green-faced	Gomphus viridifrons		Habitat
080219		IIc	Roachfly, lobed	Tallaperla lobata		BOVA
110334		IIc	Supercoil, funnel	Paravitrea mira	Yes	BOVA,SppObs
110211		IIc	Vertigo, delicate	Vertigo bollesiana	Yes	SppObs

To view **All 490 species** [View 490](#)

*FE=Federal Endangered; FT=Federal Threatened; SE=State Endangered; ST=State Threatened; FP=Federal Proposed; FC=Federal Candidate; CC=Collection Concern

**I=VA Wildlife Action Plan - Tier I - Critical Conservation Need; II=VA Wildlife Action Plan - Tier II - Very High Conservation Need; III=VA Wildlife Action Plan - Tier III - High Conservation Need; IV=VA Wildlife Action Plan - Tier IV - Moderate Conservation Need

Virginia Wildlife Action Plan Conservation Opportunity Ranking:

- a - On the ground management strategies/actions exist and can be feasibly implemented.;
- b - On the ground actions or research needs have been identified but cannot feasibly be implemented at this time.;
- c - No on the ground actions or research needs have been identified or all identified conservation opportunities have been exhausted.

Bat Colonies or Hibernacula: **Not Known**

Anadromous Fish Use Streams

N/A

Colonial Water Bird Survey

N/A

Threatened and Endangered Waters (6 Reaches)

[View Map of All Threatened and Endangered Waters](#)

Stream Name	T&E Waters Species						View Map
	Highest TE*	BOVA Code, Status*, Tier**, Common & Scientific Name					
Russell Fork (0199739.)	FTSE	010203	SE	Ia	Darter, variegate	Etheostoma variatum	Yes
		070118	FTST	Ic	Crayfish, Big Sandy	Cambarus callainus	
Russell Fork (0202480.)	FTST	070118	FTST	Ic	Crayfish, Big Sandy	Cambarus callainus	Yes
Russell Fork (0203135.)	FTST	070118	FTST	Ic	Crayfish, Big Sandy	Cambarus callainus	Yes
Russell Fork (0204161.)	FTST	070118	FTST	Ic	Crayfish, Big Sandy	Cambarus callainus	Yes
Russell Fork (0217984.)	FTST	070118	FTST	Ic	Crayfish, Big Sandy	Cambarus callainus	Yes
Russell Fork (0206622.)	SE	010203	SE	Ia	Darter, variegate	Etheostoma variatum	Yes

Managed Trout Streams

N/A

Bald Eagle Concentration Areas and Roosts

N/A

Bald Eagle Nests

N/A

Habitat Predicted for Aquatic WAP Tier I & II Species (6 Reaches)

[View Map Combined Reaches from Below of Habitat Predicted for WAP Tier I & II Aquatic Species](#)

Stream Name	Tier Species						View Map
	Highest TE*	BOVA Code, Status*, Tier**, Common & Scientific Name					
Grassy Creek (05070202)	SE	010203	SE	Ia	Darter, variegate	Etheostoma variatum	Yes

Little Grassy Branch (05070202)	SE	010203	SE	Ia	Darter, variegate	Etheostoma variatum	Yes
Little Lick Creek (05070202)		080187		Iic	Clubtail, green-faced	Gomphus viridifrons	Yes
Russell Fork (05070202)	FTSE	010203	SE	Ia	Darter, variegate	Etheostoma variatum	Yes
		070118	FTST	Ic	Crayfish, Big Sandy	Cambarus callainus	
Russell Fork (05070202)	SE	010203	SE	Ia	Darter, variegate	Etheostoma variatum	Yes
tributary (05070202)	FTSE	010203	SE	Ia	Darter, variegate	Etheostoma variatum	Yes
		070118	FTST	Ic	Crayfish, Big Sandy	Cambarus callainus	

Habitat Predicted for Terrestrial WAP Tier I & II Species (2 Species)

[View Map of Combined Terrestrial Habitat Predicted for 2 WAP Tier I & II Species Listed Below](#)

ordered by Status Concern for Conservation

BOVA Code	Status*	Tier**	Common Name	Scientific Name	View Map
040096	ST	Ia	Falcon, peregrine	Falco peregrinus	Yes
020011		IIa	Frog, mountain chorus	Pseudacris brachyphona	Yes

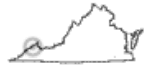
Public Holdings: (2 names)

Name	Agency	Level
Jefferson Natioanl Forest	U.S. Forest Service	Federal
Breaks Interstate State Park	VA Dept. of Conservation and Recreation	State

Compiled on 10/13/2022, 3:42:58 PM 11413563.0 report=IPA searchType=R dist= 3218 poi= 37.2906670 -82.2968628

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VaFWIS - Department of Game and Inland Fisheries



37.29066 -82.29686
is the Search Point

[Refresh Browser Page](#)

Map Click

Map Scale

Screen Size

[Help](#)

Search Point

- Change to "clicked" map point
- Fixed at 37.29066 -82.29686

Show Position Rings

- Yes No

1 mile and 1/4 mile at the Search Point

Show Search Area

- Yes No

2 Search distance miles radius

Search Point is at map center

Base Map Choices

Topography

Map Overlay Choices

Current List: Position, Search

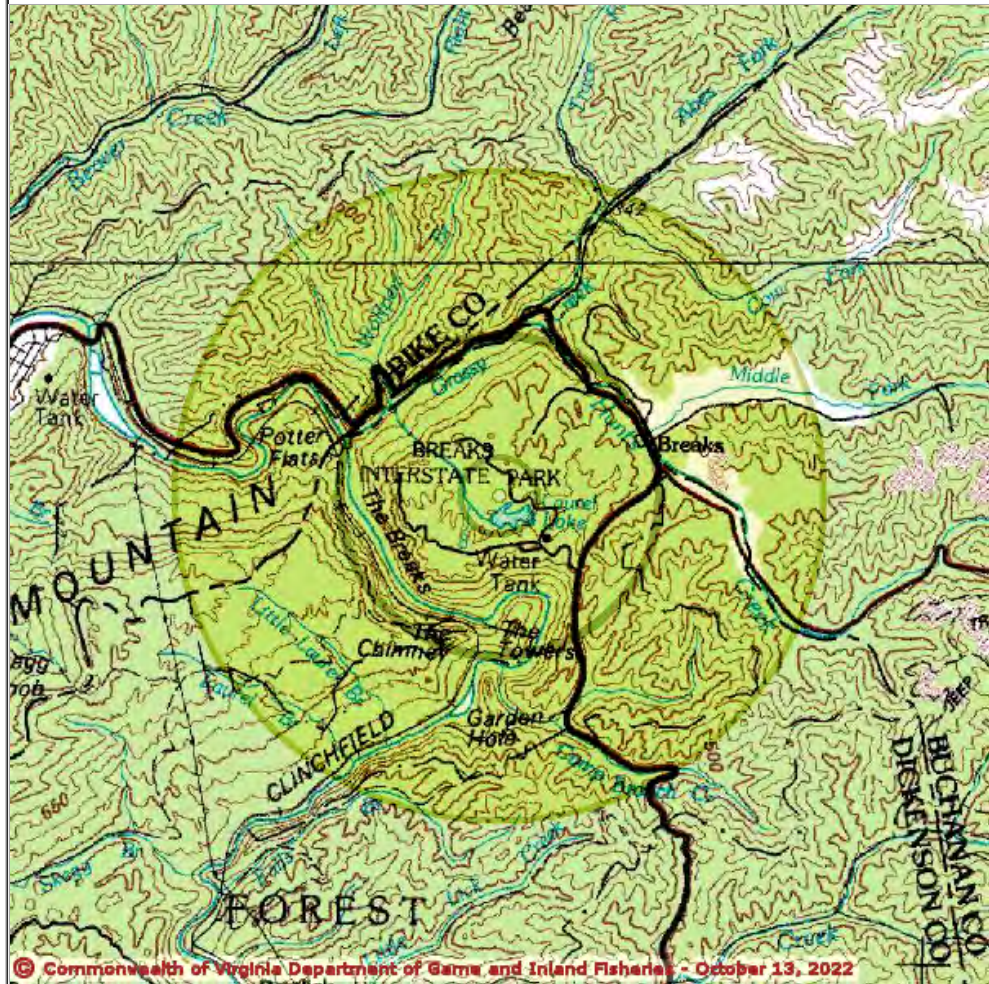
Map Overlay Legend



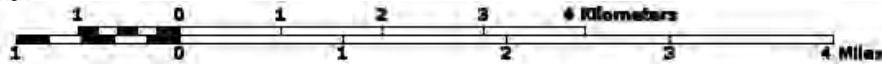
Position Rings
1 mile and 1/4 mile at the Search Point



2 mile radius Search Area



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Point of Search 37.29066 -82.29686
Map Location 37.29066 -82.29686

- Select **Coordinate System**:
- Degrees, Minutes, Seconds Latitude - Longitude
 - Decimal Degrees Latitude - Longitude
 - Meters UTM NAD83 East North Zone
 - Meters UTM NAD27 East North Zone

Base Map source: USGS 1:100,000 topographic maps (see [Microsoft terraserver-usa.com](https://microsoft.terraserver-usa.com) for details)

Map projection is UTM Zone 17 NAD 1983 with left 380250 and top 4132706. Pixel size is 16 meters. Coordinates displayed are decimal Degrees North and West. Map is currently displayed as 600 columns by 600 rows for a total of 360000 pixels. The map display represents 9600 meters east to west by 9600 meters north to south for a total of 92.1 square kilometers. The map display represents 31501 feet east to west by 31501 feet north to south for a total of 35.5 square miles.

Topographic maps and Black and white aerial photography for year 1990+ are from the United States Department of the Interior, United States Geological Survey. Color aerial photography aquired 2002 is from Virginia Base Mapping Program, Virginia Geographic Information Network.

Shaded topographic maps are from TOPO! ©2006 National Geographic

<http://www.national.geographic.com/topo>

All other map products are from the Commonwealth of Virginia Department of Game and Inland Fisheries.

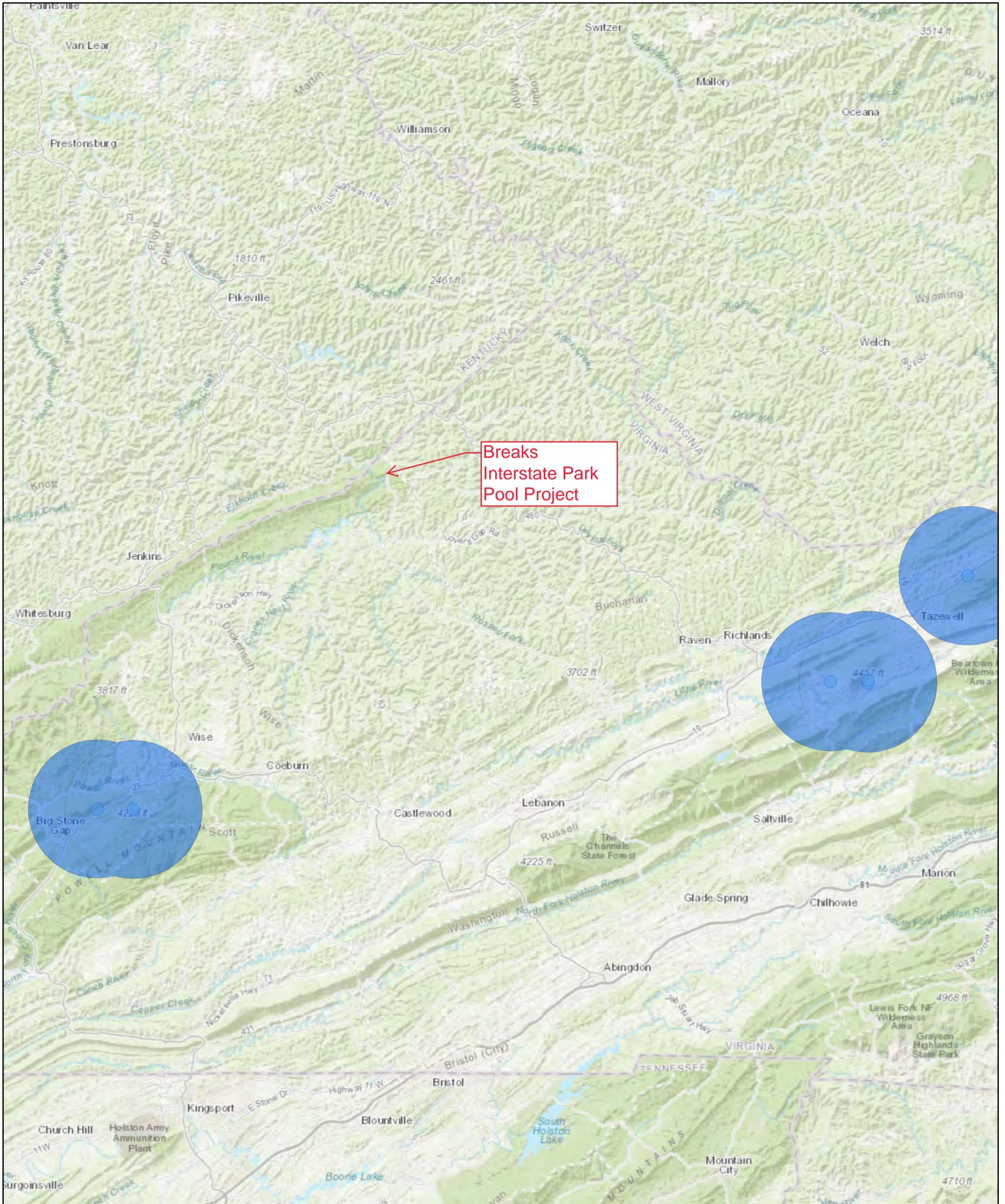
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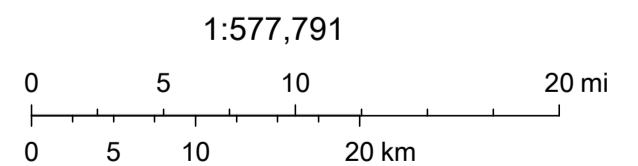
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NLEB Locations and Roost Trees



11/18/2022, 9:35:56 AM

- NLEB Hibernaculum 5.5 Mile Buffer
- NLEB Hibernaculum Half Mile Buffer



Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS



Department of Conservation & Recreation

CONSERVING VIRGINIA'S NATURAL & RECREATIONAL RESOURCES

PROJECT INFORMATION

TITLE: Breaks Water Park Pool

DESCRIPTION: The proposed Breaks Water Park Pool project consists of the construction of a new public swimming pool within the limits of the existing Breaks Water Park north of Laurel Lake in Buchanan County, Virginia. The proponent and owner of the project is Breaks Interstate Park Commission. The new swimming pool is approximate 3,200 square feet (0.07 acre) and 10 feet deep. The material excess from the excavation will be placed on an identified area north of Pool Drive.

EXISTING SITE CONDITIONS: Developed area, primarily herbaceous with open fields and roads.

QUADRANGLES: Elkhorn City

COUNTIES: Dickenson

Latitude/Longitude (DMS): 37° 17' 27.4203" N / 82° 17' 49.1111" W

Acreage: 2 acres

Comments:

REQUESTOR INFORMATION

Priority: N

Tier Level: Tier II

Tax ID:

Contact Name: Suzanne Richert

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Conservation Site	Site Type	Brank	Acreage	Listed Species Presence	Essential Conservation Site?
CHIMNEY CLIFFS AND RUSSELL FORK	Conservation Site	B2	8926	FL	YES
RUSSELL FORK - CAMP BRANCH CREEK - FRYING PAN CREEK SCU	SCU	B2	15674	FL	NA

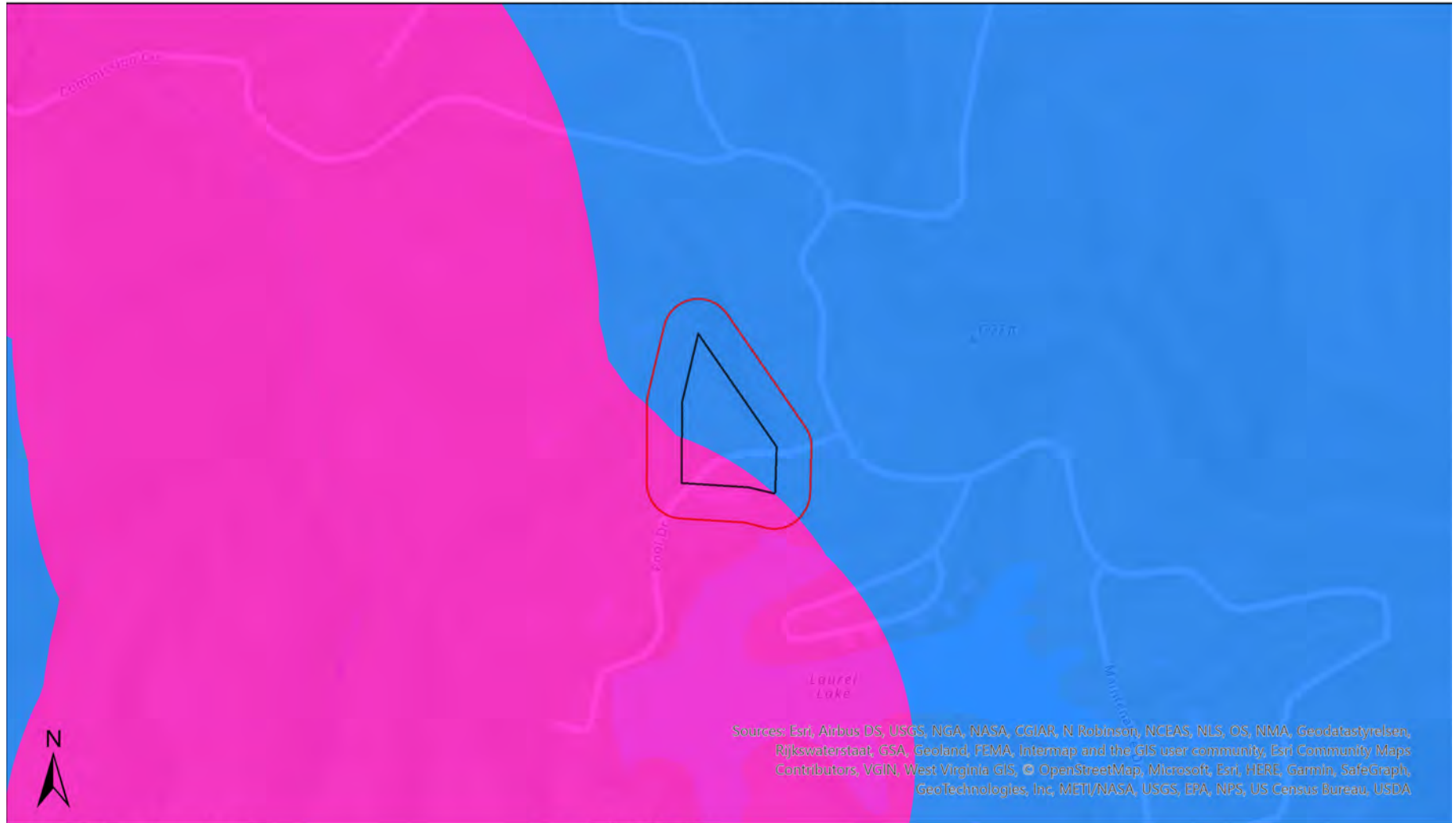
Natural Heritage Screening Features Intersecting Project Boundary

Site Name	Group Name	Common Name	Scientific Name	GRANK SRANK	Fed Status	Species of Concern	State Status	EO Rank	Last Obs Date	Precision
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Natural Heritage Resources Intersecting Project Boundary

Intersecting Predictive Models
 Predictive Model Results

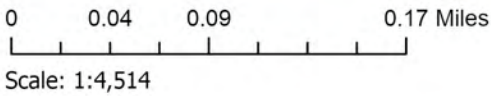
Breaks Water Park Pool



NH_Screening_Layer

- Conservation Site
- SCU

- Buffered Project Boundary
- Project Boundary



Quads: Elkhorn City
Counties: Dickenson

Company: Wetlands Studies and Solutions, Inc.
Lat/Long: 371727 / -821749



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

The project mapped as part of this report has been searched against the Department of Conservation and Recreation's Biotics Data System for occurrences of natural heritage resources from the area indicated for this project. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in Biotics files, NATURAL HERITAGE RESOURCES HAVE BEEN DOCUMENTED within the submitted project boundary including a 100 foot buffer and/or PREDICTED HABITAT MODELS FOR NATURAL HERITAGE RESOURCES intersect the project area.

You have submitted this project to DCR for a more detailed review for potential impacts to natural heritage resources. DCR will review the submitted project to identify the specific natural heritage resources within the proposed project area including a 100 foot buffer. Using the expertise of our biologists, DCR will evaluate whether your specific project is likely to impact these resources. DCR's response will indicate whether any negative impacts are likely and, if so, make recommendations to avoid, minimize and/or mitigate these impacts. If the potential negative impacts are to species that are state- or federally-listed as threatened or endangered, DCR will also recommend coordination with the appropriate regulatory agencies: the Virginia Department of Wildlife Resources for state-listed animals, the Virginia Department of Agriculture and Consumer Services for state-listed plants and insects, and the United States Fish and Wildlife Service for federally listed plants and animals. If your project is expected to have positive impacts we will report those to you with recommendations for enhancing these benefits.

There will be a charge for this service for "for profit companies": \$60, plus an additional charge of \$35 for 1-5 occurrences and \$60 for 6 or more occurrences.

Please allow up to 30 calendar days for a response, unless you requested a priority response of 5 business days at an additional surcharge of \$500 or 15 calendar days at an additional surcharge of \$300. An invoice will be provided with your response.

We will review the project based on the information you included in the Project Info submittal form, which is included in this report. Also any additional information including photographs, survey documents, etc. attached during the project submittal process and/or sent via email referencing the project title (from the first page of this report).

Thank you for submitting your project for review to the Virginia Natural Heritage Program through the NH Data Explorer. Should you have any questions or concerns about DCR, the Data Explorer, or this report, please contact the Natural Heritage Project Review Unit at 804-371-2708.



December 2, 2022

Mr. Lee Brann or Ms. Tamara Doucette
Environmental Services Staff
Virginia Department of Wildlife Resources

Via Email: ESSProjects@dwr.virginia.gov

Re: Project Review Request Breaks Interstate Park Pool, Dickenson County, VA

Dear Mr. Brann or Ms. Doucette:

Wetland Studies and Solutions, Inc. (WSSI) is preparing an Environmental Assessment on behalf of the Breaks Interstate Park Commission and the Virginia Department of Energy (Virginia Energy) pursuant to the National Environmental Policy Act (NEPA) for construction of a public swimming pool at Breaks Interstate Park in Dickenson County, Virginia. The project is part of the Office of Surface Mining Reclamation and Enforcement (OSMRE) Abandoned Mine Land Economic Revitalization Program (AMLER), and the Breaks Interstate Park Commission is receiving federal funding for the project. WSSI is submitting this letter on behalf of the Breaks Interstate Park Commission and Virginia Energy and is requesting the Department of Wildlife Resources' (DWR) review of the proposed project.

Project Location

The proposed project site is along Pool Drive, north of Laurel Lake, within the limits of Breaks Interstate Park. The project site currently consists of asphalt pavement, concrete sidewalks, and grass islands. The project site is surrounded by forest, the existing public water park, paved parking/roads, and Laurel Lake. Figures 1, 2, and 3 (Attachment A) show the general location, topography, and existing conditions of the project site.

Description of the Proposed Action

The Proposed Action is to construct a new public swimming pool adjacent to the existing public water park within Breaks Interstate Park. In addition to the pool construction, and if funding allows, the existing water park's restrooms and splashpad play features may be upgraded to better accommodate increased visitation levels. Details about the project are listed below. All project elements would be constructed on property owned by the Breaks Interstate Park Commission.

- The new swimming pool dimensions would be approximately 40 by 80 feet (3,200 square feet [0.07 acre]) and the pool would range from approximately 3 to 10 feet deep.
- The pool would likely be made of reinforced concrete and would include associated pool decking.
- A small retaining wall may be installed on the north side of the pool unless grading is possible instead (TBD upon further design). If the grading option is chosen, the existing road would be shifted slightly into the north parking lot. It is possible that a few parking spaces would be lost.

- The maximum depth of excavation required would be approximately 15 feet deep.
- Site leveling and grading would be required.
- Excavated soils and rock would be placed in an approximately 0.1-acre open grassy lot across Pool Drive from the project site. The soil pile at the disposal site would be graded and seeded.
- Existing parking lots surrounding and close to the project site (shown on [Figure 3](#)) may be used as construction staging areas.
- Excavated pavement would be removed off site and disposed of in a permitted disposal facility.
- No new utilities would need to be installed; however, one power pole would be relocated.
- The existing parking areas are anticipated to be adequate to accommodate the visitors using the existing water park, the lake, and the new pool.
- Renovation of the restrooms at the existing water park such as new commercial toilets, commercial fixtures, dividers, and tile flooring.
- Replacement of two splashpads at the existing water park with newer models.
- Construction is anticipated to begin in Fall of 2023 and end in Spring of 2024.

Please refer to [Figure 3](#) for the location of the existing water park, the proposed pool, the staging areas, and the soil disposal area.

Water Resources

According to the National Wetlands Inventory, the National Hydrography Dataset, aerial photography, and a site visit, there are no surface water resources at the project site. The Breaks Interstate Park Commission would implement erosion and sediment control (E&SC) and stormwater best management practices (BMPs) to avoid indirect impacts to water resources, primarily Laurel Lake that is approximately 100 feet south of the project site.

According to Federal Emergency Management Agency's floodplain mapping, no portions of the proposed project area lie in a 100-year or 500-year floodplain. Based on a geotechnical evaluation report of the project site dated November 15, 2022, by Cross Engineering, no ground water was encountered during geotechnical testing at the pool site.

Vegetation and Soils

The pool site consists of flat paved roads, sidewalks, and open grassy islands maintained by mowing. The soil disposal site is currently a grassy flat area maintained by mowing. There is no vegetation at the existing water park where restroom and splashpad upgrades may occur. There is no native vegetation at the site and there would be no shrub and/or tree removal needed.

Based on a geotechnical evaluation report of the pool project site dated November 15, 2022, by Cross Engineering, there are native soils at the project site (found in all five test locations). Fill from previous construction activities was also found in some areas to a depth of 2 feet below the ground surface. Below approximately 1.5 feet, the soil transitions to a hard consistency and includes some weathered sandstone bedrock, with sandstone encountered

between 3 to 8.5 feet below ground surface. No land at the project site is classified as prime farmland.

Threatened and Endangered Species

A search of the Virginia Department of Wildlife Resources' (DWR) Fish and Wildlife Information Service (VaFWIS) database was conducted for the Proposed Action (**Attachment B**). The VaFWIS search results include 12 species with federal and/or state legal status as threatened or endangered that are likely to occur within a 2-mile radius of the project site. These include four aquatic species, six bat species, and two bird species. There is a confirmed observation of four of these species, the northern long eared bat (NLEB, *Myotis septentrionalis*), the Big Sandy Crayfish (*Cambarus callainus*), the variegate darter (*Etheostoma variatum*), and the brown supercoil (*Paravitra septadens*). DWR's NLEB Winter Habitat and Roost Trees mapper shows that the project site is not within a 5.5-mile buffer of a known hibernacula.

A search of the Virginia Department of Conservation and Recreation (DCR) Natural Heritage Data Explorer (NHDE) was conducted and showed that the project area intersects a stream conservation unit and a conservation site predictive model layer (**Attachment C**).

The U.S. Fish and Wildlife Service (USFWS) Official Species List includes four species: Indiana bat (*Myotis sodalis*), NLEB, Big Sandy Crayfish, and monarch butterfly (*Danaus plexippus*). Refer to **Attachment D**. There are no critical habitats within the project area. The Species Determination Table that was submitted to the USFWS as part of the Project Review Package is included in **Attachment D**.

Due to the developed nature of the site (roads, sidewalks, mowing, existing water park), and the fact that there are no trees, native vegetation, or water resources, there is no habitat for any of the federal or state threatened and endangered species.

We would appreciate a response within 30 days. If you would like further information or wish to discuss the project, please contact me at (540) 598-6027 or aspotswood@wetlands.com.

Sincerely,

WETLAND STUDIES AND SOLUTIONS, INC.



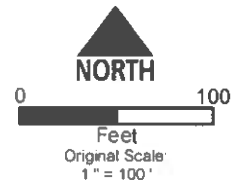
Abby Spotswood
Environmental Scientist

Enclosures: Attachment A – Figures
Attachment B – VaFWIS Search Results
Attachment C – DCR NHDE Results
Attachment D – USFWS Project Review Package



-  Construction Limits of Disturbance
-  Pool Area
-  Potential Staging Area
-  Staging and Road Reroute Area
-  Staging and Soil Storage Area
-  Existing Water Park

Project Elements
Breaks Interstate Park Pool
WSSI #32426.01



Source: VGIN Most Recent - 2019

Figure 3