



WEST VIRGINIA REGISTER

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Volume XXXV

Issue 22

June 1, 2018

A Weekly Publication

Administrative Law Division
Judy Cooper, Manager

Mac Warner
Secretary of State
Administrative Law Division
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Office of Tax Appeal Decisions

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This week's publication includes documents submitted by the following agencies:

Health and Human Resources

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Insurance Commission

Lottery Commission

Miners Health Safety and Training

Public Health, Bureau for

Senior Services

Water Resources, Div. of Water & Waste Mgmt.

CHRONOLOGICAL INDEX, VOLUME XXXV ISSUE 22

NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TITLE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Miners Health Safety and Training (56-08)	Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of WV Legislative	§§22A-1-6 and 22A-1-36(a)and(c)	Written Comments Only June 29, 2018, 4:00 pm Eugene White 7 Players Club Drive, Suite 2 Charleston, WV 25311 eugene.e.white@wv.gov
Miners Health Safety and Training (56-23)	Rules for Operating Diesel Equipment in Underground Mines in WV Legislative	§§22A-2A-1001 and 22A-2A-308(a)	Written Comments Only June 29, 2018, 4:00 pm William Tucker 7 Players Club Drive, Suite 2 Charleston, WV 25311 william.h.tucker@wv.gov
Senior Services (76-04)	West Virginia State Plan on Aging Interpretive	§16-5P-1	Written Comments Only June 29, 2018, 4:00 pm Commissioner Robert E Roswall WV Bureau of Senior Services 1900 Kanawha Boulevard East Charleston, WV 25305 robert.e.roswall@wv.gov
Water Resources, Div. of Water & Waste Mgmt. (47-2)	Requirements Governing Water Quality Standards Legislative	§§22-11-4(a)(16); 22-11-7b	Public Hearing July 10, 2018, 6:00 pm 601 5 th Street SE Charleston, WV 25304 Written Comments July 10, 2018, 8:00 pm Laura Cooper 601 5 th Street SE Charleston, WV 25304 laura.k.cooper@wv.gov

NEW EMERGENCY RULES FILED THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE FOR HEARING
Miners Health Safety and Training (56-08)	Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of WV	§§22A-1-6 and 22A-1-36(a)and(c)	ERD by July 11, 2018	June 29, 2018
Miners Health Safety and Training (56-23)	Rules for Operating Diesel Equipment in Underground Mines in WV	§§22A-2A-1001 and 22A-2A-308(o)	ERD by July 10, 2018	June 29, 2018



Mac Warner
Secretary of State
State of West Virginia

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State Capitol
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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1. Agency Name, (Title and Series Number)
Column	2. Rule Title, Price and Type
Column	3. Date Notice of Public Hearing or Comment Period Filed
Column	4. Date of Public Hearing or Last Date Comments Will Be Received
Column	5. Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6. Date Agency Approved Legislative Rules Filed.
Column	7. Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8. Legislative Action
Column	9. Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10. Date Rule is Effective

- Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
- If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
TITLE 1	ACCOUNTANCY
TITLE 3	BARBERS AND COSMETOLOGISTS
TITLE 7	PROFESSIONAL ENGINEERS
TITLE 8	HEARING AID DEALERS
TITLE 10	LICENSED PRACTICAL NURSES
TITLE 11	MEDICINE
TITLE 14	OPTOMETRY
TITLE 15	PHARMACY
TITLE 16	PHYSICAL THERAPY
TITLE 17	PSYCHOLOGISTS
TITLE 20	SANITARIANS
TITLE 24	OSTEOPATHY
TITLE 25	SOCIAL WORK EXAMINERS
TITLE 26	VETERINARY MEDICINE
TITLE 27	COUNSELING
TITLE 29	SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY
TITLE 31	DIETITIANS
TITLE 33	OFFICE OF WASTE MANAGEMENT (FORMERLY PART OF TITLE 47)
TITLE 35	OFFICE OF OIL AND GAS
TITLE 36	COAL MINE HEALTH & SAFETY
TITLE 38	MINING & RECLAMATION
TITLE 42	LABOR
TITLE 45	OFFICE OF AIR QUALITY
TITLE 47	OFFICE OF WATER RESOURCES
TITLE 48	MINES TRAINING EDUCATION & CERTIFICATION
TITLE 56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE 58	NATURAL RESOURCES
TITLE 60	ENVIRONMENTAL PROTECTION, SECRETARY'S OFFICE
TITLE 61	AGRICULTURE
TITLE 63	CONSERVATION AGENCY
TITLE 64	HEALTH
TITLE 65	HEALTH CARE AUTHORITY
TITLE 69	HEALTH & HUMAN RESOURCES
TITLE 76	SENIOR SERVICES
TITLE 78	HUMAN SERVICES
TITLE 81	STATE POLICE
TITLE 82	CULTURE AND HISTORY
TITLE 85	WORKERSCOMPENSATION BY THE INSURANCE COMMISSION
TITLE 86	VETERANS AFFAIRS
TITLE 87	FIRE COMMISSION
TITLE 90	CORRECTIONS
TITLE 91	MOTOR VEHICLES
TITLE 94	REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY
TITLE 96	WORKFORCE WEST VIRGINIA
TITLE 110	TAX DEPARTMENT
TITLE 112	TREASURER
TITLE 113	HEALTH INSURANCE PLAN
TITLE 114	INSURANCE
TITLE 126	EDUCATION
TITLE 127	SECONDARY SCHOOLS ACTIVITIES COMM.
TITLE 133	HIGHER EDUCATION POLICY COMMISSION
TITLE 135	COMMUNITY & TECHNICAL COLLEGE EDUCATION
TITLE 143	PERSONNEL
TITLE 144	TOURISM
TITLE 146	STATE ELECTION COMMISSION
TITLE 148	ADMINISTRATION
TITLE 149	CRIME, DELINQUENCY AND CORRECTION
TITLE 150	PUBLIC SERVICE COMMISSION
TITLE 153	SECRETARY OF STATE
TITLE 157	DIVISION OF HIGHWAYS
TITLE 158	ETHICS COMMISSION
TITLE 162	CONSOLIDATED PUBLIC RETIREMENT BOARD
TITLE 164	SCHOOL BUILDING AUTHORITY
TITLE 172	STATE RAIL AUTHORITY
TITLE 174	REAL ESTATE COMMISSION
TITLE 175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE 176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE 177	ATHLETIC COMMISSION
TITLE 178	RACING COMMISSION
TITLE 179	LOTTERY
TITLE 184	PARKWAYS ECONOMIC DEV. & TOURISM AUTHORITY
TITLE 190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE 191	FAMILY PROTECTION SERVICES BOARD
TITLE 194	MESSAGE THERAPY LICENSURE BOARD
TITLE 199	EXPLOSIVES & BLASTING
TITLE 204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LMRRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy, WV Bc. Of (1-01)	Board Rules and Rules of Professional Conduct Legislative	6/23/2017	7/23/2017		7/28/2017	Modified & Approved 9/20/2017 Filed 9/29/2017	Bundled HB 4079	5/7/2018	7/1/2018
Agriculture (81-118)	Auctioneers Legislative	6/28/2017	7/26/2017		7/28/2017	Modified & Approved 12/2/2017 Filed 12/19/2017	Bundled HB 4079	5/4/2018	8/2/2018
Agriculture (81-36)	Farm to Food Bank Tax Credit Legislative	12/18/2017	1/18/2018	12/18/2017 Effective 1/29/2018	1/19/2018				
Board of Review (84-1)	Procedural Rule Board of Review Procedural	12/12/2017	1/16/2018						
Comm. & Tech. College Education (135-12)	Capital Project Management Legislative	12/11/2017	1/16/2018		1/26/2018	Amended by LOCEA & Approved 2/6/2018 Filed 2/8/2018	Bundled HB 4622		
Comm. & Tech. College Education (135-32)	Tuition and Fees Legislative	4/24/2018	5/25/2018						
Comm. & Tech. College Education (135-55)	Human Resources Administration Legislative	12/8/2017	1/10/2018		1/26/2018	Approved 2/6/2018	Bundled HB 4622		
Crime Delinquency and Correction (149-2)	Law Enforcement Training and Certification Standards Legislative	6/21/2017	7/24/2017		7/26/2017	Modified & Approved 12/2/2017 Filed 12/13/2017	Bundled SB 181	4/2/2018	7/1/2018
Crime Delinquency and Correction (149-03)	Protocol for Law Enforcement Response to Domestic Violence Legislative	6/28/2017	7/28/2017		7/28/2017	Modified & Approved 12/2/2017 Filed 12/14/2017	Bundled SB 181	4/6/2018	7/1/2018
Education (126-12)	WV Accountability System (2322) Legislative Exempt	4/12/2018	5/14/2018						
Education (126-14)	WV Measures of Academic Progress (2340) Legislative Exempt	4/12/2018	5/14/2018						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LMRRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-28)	West Virginia's Universal Access to a Quality Early Education System (2525) Legislative Exempt	8/10/2017	8/11/2017					10/12/2017	7/1/2018
Education (126-32)	Issuance of the State of WV High School Equivalency Diplomas and Option Pathway (2444.4) Legislative Exempt	4/12/2018	5/14/2018						
Education (126-41)	Safe and Acceptable Use of the Internet by Students and Educators (2460) Legislative Exempt	11/9/2017	12/11/2017					1/11/2018	7/1/2018
Education (126-42)	Assuring the Quality of Education: Regulations for Education Programs (2510) Legislative Exempt	11/9/2017	12/11/2017					1/11/2018	7/1/2018
Education (126-44E)	WV College and Career-Readiness Standards for Wellness Education (2520.5) Legislative Exempt	4/12/2018	5/14/2018						
Education (126-44G)	WV College and Career-Readiness Standards for World Languages (2520.7) Legislative Exempt	8/10/2017	8/11/2017					10/12/2017	7/1/2018
Education (126-44I)	WV College and Career-Readiness Standards for the Arts (2520.9) Legislative Exempt	4/12/2018	5/14/2018						
Education (126-44M)	WV College and Career-Readiness Programs of Study/Standards for Career and Technical Education (2520.13) Legislative Exempt	8/10/2017	8/11/2017					10/12/2017	7/1/2018
Education (126-44O)	WV Pre-K Standards (Ages 3-5) (2520.15) Legislative Exempt	8/10/2017	8/11/2017					10/12/2017	7/1/2019
Education (126-44P)	WV Alternative Academic Achievement Standards (2520.16) Legislative Exempt	8/10/2017	8/11/2017					10/12/2017	7/1/2018
Fire Commission (87-3)	Hazardous Substances Emergency Response Training Programs Legislative	6/19/2017	7/19/2017		7/25/2017	Modified & Approved 12/2/2017 Filed 12/13/2017	Bundled SB 181	4/26/2018	7/1/2018

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LEBMRCACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Marshal (103-5)	Electricians Licensing Rules Legislative	12/21/2017	1/20/2018		1/26/2018		Bundled SB 181	4/26/2018	7/1/2018
Health (64-109)	General Rules-Medical Cannabis Program Legislative			4/3/2018 Effective 4/3/2018					
Health (64-110)	Growth/Processors-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-111)	Laboratories-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-112)	Dispensaries-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-113)	Safe Harbor Letter-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Higher Education Policy Comm. (133-12)	Capitol Project Management Legislative	11/20/2017	12/20/2017		1/22/2018	Amended by LOCEA & Approved 2/6/2018 Filed 2/8/2018	Bundled HB 4622		
Higher Education Policy Comm. (133-32)	Tuition and Fee Policy Legislative	11/20/2017	12/20/2017		1/16/2018	Approved 1/16/2018	Bundled HB 4622		
Higher Education Policy Comm. (133-55)	Human Resources Administration Legislative	11/21/2017	12/21/2017		2/8/2018	Approved 2/6/2018	Bundled HB 4622		
Labor (42-37)	Jobs Act Procedures Procedural	5/2/2018	6/3/2018				HB-4079	5/9/2018	7/1/2018
Medicine (11-01A)	Licensing and Disciplinary Procedures; Physicians; Podiatric Physicians and Surgeons Legislative								
Medicine (11-01B)	License, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	7/11/2017	8/10/2017	9/11/2017 Approved 10/20/2017	8/29/2017	Modified & Approved 12/3/2017 Filed 12/6/2017	Bundled HB 4079	4/23/2018	7/1/2018
Medicine (11-6)	Continuing Education for Physicians and Podiatrists Legislative	6/21/2017	7/21/2017		7/26/2017	Approved 8/29/2017	Bundled HB 4079	4/23/2018	7/1/2018

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LMRRC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
Miners Health Safety (56-08)	Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of West Virginia Legislative	5/30/2018	6/29/2018	5/30/2018 ERD by 7/11/2018			Bundled SB 163	3/21/2018	7/1/2018
Miners Health Safety (56-23)	Rules for Operating Diesel Equipment in Underground Mines in West Virginia Legislative	5/30/2018	6/29/2018	6/29/2018 ERD by 7/10/2018					
Mining and Reclamation (38-02)	West Virginia Surface Mining Reclamation Legislative	6/6/2017	7/18/2017		7/27/2017	Modified & Approved 12/1/2017 Filed 12/5/2017			
Optometry (14-01)	WV Board of Optometry Legislative	6/28/2017	7/28/2017		7/28/2017	Approved 8/29/2017	Bundled HB 4079	5/9/2018	7/1/2018
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	5/24/2018	6/25/2018						
Psychologists (17-01)	Fees Legislative	6/28/2017	7/28/2017		7/28/2017	Modified & Approved 12/1/2017 Filed 12/13/2017	Bundled HB 4079	4/25/2018	7/1/2018
Psychologists (17-03)	Requirements for Licensure as a Psychologist and/or a School Psychologist Legislative	6/28/2017	7/28/2017		7/28/2017	Approved 12/1/2017	Bundled HB 4079	4/26/2018	7/1/2018
Psychologists (17-06)	Code of Ethics Legislative	6/28/2017	7/28/2017		7/28/2017	Approved 12/1/2017	Bundled HB 4079	4/26/2018	7/1/2018
Public Service Commission (150-1)	Rules of Practice and Procedure Legislative Exempt	5/10/2018	7/10/2018						
Public Service Commission (150-02)	Rules for the Construction and Filing of Tariffs Legislative Exempt	5/10/2018	7/10/2018						
Public Service Commission (150-3)	Government of Electric Utilities Legislative Exempt	11/8/2017	12/11/2017						
Public Service Commission (150-4)	Government of Gas Utilities and Gas Pipeline Safety Legislative Exempt	11/8/2017	12/11/2017						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Public Service Commission (150.25)	Telephone Emergency Service Legislative Exempt	3/8/2018	5/9/2018						
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/19/2017	7/19/2017		7/27/2017	Approved w/certain amendments 12/1/2017		3/29/2018	6/27/2018
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers and Salespersons and the Conduct of Brokerage Business Legislative	6/23/2017	7/24/2017		7/27/2017	Modified & Approved 12/1/2017 Filed 12/8/2017	Bundled HB 4079	4/12/2018	7/1/2018
Real Estate Commission (174-02)	Schedule of Fees Legislative	6/28/2017	7/28/2017		7/27/2017	Approved 12/1/2017	Bundled HB 4079	4/13/2018	7/1/2018
Real Estate Commission (174-03)	Requirements for Real Estate Com'n, Counsel Providers and Insulators Legislative	6/28/2017	7/28/2017		7/27/2017	Modified w/ certain amendments & Approved 12/1/2017 Filed 12/8/2017	Bundled HB 4079	4/12/2018	7/1/2018
Secretary of State (153-10)	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Elections Systems, Software, Services and Upgrades Legislative	5/24/2018	6/25/2018	4/25/2018 ERO by 6/8/2018					
Secretary of State (153-13)	Early Voting In-Person Satellite Precincts Legislative	5/24/2018	6/25/2018	4/25/2018 ERO by 6/8/2018					
Senior Services (176-3)	West Virginia State Plan for Aging Programs - Title V Interpretive	4/9/2018 5/10/2018	5/18/2018 6/8/2018						
Senior Services (175-04)	West Virginia State Plan on Aging Interpretive	5/31/2018	6/28/2018						
Tax (110-41)	Railroad Diesel Locomotive Refundable Exemption from the Variable Rate Component of the Motor Fuel Excise Tax Procedural	12/26/2017	1/26/2018						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LRMRC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
Veterinary Medicine (26-1)	Organization and Operation and Licensing of Veterinarians Legislative	6/12/2017	7/13/2017		7/18/2017	Modified & Approved 8/29/2017 Filed 8/29/2017	Bundled HB 4079	4/23/2018	7/1/2018
Veterinary Medicine (26-5)	Certified Animal Euthanasia Technicians Legislative	6/12/2017	7/13/2017		7/18/2017	Approved & Modified 8/20/2017 Filed 8/20/2017	Bundled HB 4079	4/23/2018	7/1/2018
Veterinary Medicine (26-6)	Schedule of Fees Legislative	6/12/2017	7/13/2017		7/18/2017	Modified & Approved 8/20/2017 Filed 8/29/2017	Bundled HB 4079	4/23/2018	7/1/2018
Water Resources, Div. of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	5/25/2018	7/10/2018						



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May 31, 2018

FILE

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MAY 29 2018

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OFFICE OF LEGISLATIVE

SECRETARY OF STATE

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SECRETARY OF STATE

Changes to Social Services Manuals

Agency: West Virginia Department of Health and Human Resources
Bureau: Children and Families, Division of Children and Adult Services

Rule: 78&5

Change Number: CAS-AS-18-7

Revision existing manual: Yes X No

This is to provide a copy of a new social services policy. Please archive the Adult Protective Services (APS) Policy and replace it with the revised APS Policy with an effective date of June 4, 2018.

I have enclosed two copies; please file one (1) and send one (1) stamped back to the Bureau of Children and Families.

Please send to:
Niggin Mission
Health and Human Resources Specialist, Senior
350 Capital Street, Room 691
Charleston, WV 25301-3704

May 25, 2018

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Pursuant to W. Va. Code §25-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to facemask video lottery which are specifically authorized by W. Va. Code §19-22A-1 et seq.

Dear Secretary Warner:

Enclosed are game rules for "Lotteria El Diable" and "Lotteria La Sirena", manufactured by Bully Technologies for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

Alan H. Larrick
Director

All/Job Lotteria El Diable
Enclosures: Lotteria La Sirena



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LEGISLATIVE

May 31, 2018

Honorable Mac Warner
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

Dear Secretary Warner:

Pursuant to W. Va. Code §20-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Raceback Video Lottery which are specifically authorized by W. Va. Code §20-22A-1 et seq.

Enclosed are game rules for "Lotus Land Deluxe" manufactured by Konami Gaming, Inc. for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,


Alan H. Larrick
Director

AHL/jb
Enclosures: Lotus Land Deluxe

FILED
MAY 31 P 2 02
OFFICE WEST VIRGINIA
SECRETARIES OF STATE

May 31, 2017

Honorable Mac Warner
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

Dear Secretary Warner:

Pursuant to W. Va. Code §20-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Raceback Video Lottery which are specifically authorized by W. Va. Code §20-22A-1 et seq.

Enclosed are game rules for "Myth of Pharaoh," "Sally Pirates," "Ultra Stack Feature Africa" and "Ultra Stack Feature Butterfly" manufactured by Aruze Gaming America, Inc. for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,


Alan H. Larrick
Director

AHL/jb
Enclosures: Myth of Pharaoh
Sally Pirates
Ultra Stack Feature Africa
Ultra Stack Feature Butterfly

FILED
MAY 31 P 2 01
OFFICE WEST VIRGINIA
SECRETARIES OF STATE



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LEGISLATIVE

May 31, 2018

FILED
MAY 31 2 02
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Honorable Mac Warner
West Virginia Secretary of State
Attn: Administrative Law Division
1500 Kanawha Boulevard, East
Charleston, WV 25305-0771

Dear Secretary Warner:

Pursuant to W. Va. Code §29-22A-5(j), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to RaceTrack Video Lottery which are specifically authorized by W. Va. Code §29-22A-1 et seq.

Enclosed are game rules for "Crazy Money High Demom," "Heart, 'Em Up Power Wheel" and "Money Roll HD" manufactured by Incredible Technologies, Inc., for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

Alan H. Larrick
Director

AHL/jb

Enclosures: Crazy Money High Demom
Heart 'Em Up Power Wheel
Money Roll HD

May 31, 2018

FILED
MAY 31 2 05
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Honorable Mik Warner
West Virginia Secretary of State
Attn: Administrative Law Division
1500 Kanawha Boulevard, East
Charleston, WV 25305-0771

Dear Secretary Warner:

Pursuant to W. Va. Code §29-22A-5(j), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to RaceTrack Video Lottery which are specifically authorized by W. Va. Code §29-22A-1 et seq.

Enclosed are game rules for "Parties," "Reelboat Queen," "Snackin' 777" and "Yardbirds 2 Foxy's Revenge" manufactured by Ever Games, Inc., (Formerly known as Multimedia Games, Inc.) for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

Alan H. Larrick
Director

AHL/jb

Enclosures: Parties
Reelboat Queen
Snackin' 777
Yardbirds 2 Foxy's Revenge





WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

#FILED
5/30/2018 1:44 PM
Office of West Virginia
Secretary of State



WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

#FILED
5/30/2018 1:39 PM
Office of West Virginia
Secretary of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Mines Health Safety And Training
RULE TYPE: Legislative
RULE NAME: Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program For Coal Mining Operations in the State of West Virginia
CITE STATUTORY AUTHORITY: W. Va. Code §122A-1-4 and 22A-1-36(a)(6)(c)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/20/2018 4:00 PM
COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Eugene White
ADDRESS: 7 Players Club Driv., Suite 2
Charleston, WV 25311
EMAIL: eugene.a.white@wv.gov

AGENCY: Mines Health Safety And Training
RULE TYPE: Legislative
RULE NAME: Amendment to Existing Rule:
CITE STATUTORY AUTHORITY: W. Va. Code §122A-2A-1001 & 22A-2A-300(a)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/20/2018 4:00 PM
COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: William Tucker
ADDRESS: 7 Players Club Driv., Suite 2
Charleston, WV 25311
EMAIL: william.h.tucker@wv.gov

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Mines Health Safety And Training
RULE TYPE: Legislative
RULE NAME: Amendment to Existing Rule:
CITE STATUTORY AUTHORITY: W. Va. Code §122A-2A-1001 & 22A-2A-300(a)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/20/2018 4:00 PM
COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: William Tucker
ADDRESS: 7 Players Club Driv., Suite 2
Charleston, WV 25311
EMAIL: william.h.tucker@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)



WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

FILED
5/25/2018 2:40 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Water Resources Division Of Water And Waste Management
TITLE SERIES: 47-42
RULE TYPE: Legislative Amendment to Existing Rule: Yes
Repeat of existing rule: No
RULE NAME: Requirements Governing Water Quality Standards
CITE STATUTORY AUTHORITY: W. Va. Code §§ 22-11-40(a)(16); 22-11-7b
COMMENTS LIMITED TO:
Oral and Written

DATE OF PUBLIC HEARING: 07/10/2018 8:00 PM
LOCATION OF PUBLIC HEARING:
601 5TH ST SE Charleston, WV 25304
DATE WRITTEN COMMENT PERIOD ENDS: 07/10/2018 8:00 PM
COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Laura Cooper
ADDRESS: 601 5TH ST SE
Charleston, WV 25304
EMAIL: laura.k.cooper@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:
RELEVANT FEDERAL STATUTES OR REGULATIONS: No
(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)
INCORPORATED BY REFERENCE: No
(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)



STATE OF WEST VIRGINIA
BUREAU OF SENIOR SERVICES
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0160
Telephone (304) 586-3317
www.wvseniorservices.gov



Ms. Maureen Lewis
WV Secretary of State's Office
1900 Kanawha Blvd., East
State 157-K
Charleston, WV 25305

Ms. Lewis:

The Bureau is requesting that the Notice filed for the West Virginia State Plan for Aging Programs on April 9, 2018, be withdrawn, since it was filed under the incorrect Series number.

We are also requesting a new Series number 76-04 to file the West Virginia State Plan for Aging Programs which is different from the West Virginia State Plan for Aging Programs—Title V.

Thank you.

Sincerely,


 Robert E. Rowell
 Commissioner

FILED
MAY 29 2 18
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

INTERPRETIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION



#FILED
5/31/2018 9:30 AM
Office of West Virginia
Secretary of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Senior Services TITLE-SERIES: 76-04
 RULE TYPE: Interpretive Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: West Virginia State Plan on Aging

CITE STATUTORY AUTHORITY: 16-20-1

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/29/2018 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Commissioner Robert E. Rowell/WV Bureau of Senior Services

ADDRESS: 1900 Kanawha Blvd., East

Charleston, WV 25305

robert.e.rowell@wv.gov

EMAIL:

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)



WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

#FILED
6/20/2018 1:30:02 PM
Office of West Virginia
Secretary of State



WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

#FILED
5/29/2018 4:21:04 PM
Office of West Virginia
Secretary of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Miners Health Safety Acid Training
 RULE TYPE: Legislative Amendment to Existing Rule: Yes
 RULE NAME: Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of West Virginia
 CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:
 W. Va. Code §§22A-1-8 and 22A-1-9(b)(4-c)

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

W. Va. Code §(22A)-1-9C.

W. Va. Code §22A-2A-1001; the effective date for diesel generators to be used underground is 6/6/18. This rule implements the use of diesel generators underground.

PRIMARY CONTACT:

NAME: Eugene White
 ADDRESS: 7 Playens Club Drive Suite 2
 Charleston, WV 25311
 EMAIL: ewhite@wv.gov
 PHONE NUMBER: 304-558-1425

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

NOTICE OF AN EMERGENCY RULE

AGENCY: Miners Health Safety Acid Training
 RULE TYPE: Legislative Amendment to Existing Rule: Yes
 RULE NAME: Rules for Operating Diesel Equipment in Underground Mines in West Virginia
 CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:
 W. Va. Code §§22A-2A-1001 & 22A-2A-306(a)

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

W. Va. Code §22A-2A-1001; the effective date for diesel generators to be used underground is 6/6/18. This rule implements the use of diesel generators underground.

PRIMARY CONTACT:

NAME: William Tucker
 ADDRESS: 7 Playens Club Drive Suite 2
 Charleston, WV 25311
 EMAIL: william.t.tucker@wv.gov
 PHONE NUMBER: 304-558-1425

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Orders Report

Docket Number	Agency	Respondent	Date Rendered
18-01137-0001	Health Care Authority	Appalachian Regional Healthcare Inc	5/22/2018
18-01137-0002	Health Care Authority	Community Care of West Virginia Inc	5/22/2018
18-01137-0003	Health Care Authority	Appalachian Regional Healthcare Inc	5/22/2018
18-01137-0007, 18-01137-0008, 18-01137-0009, 18-01137-0010	Insurance Commission	Continental Casualty Company	5/9/2018
18-01137-0003	Insurance Commission	Continental Indemnity Company	4/26/2018



STATE OF WEST VIRGINIA
 DEPARTMENT OF ENVIRONMENTAL RESOURCES
 Bureau for Public Health
 Office of Environmental Health Service - Risk Control, MD, MPH, MBA, FACH
 Commissioner
 Bureau Health Officer

Bill J. Crouch
 Cabinet Secretary

OTHER

Lashmet PSD
CATEGORICAL EXCLUSION DECISION

(May 28, 2018)

MEMORANDUM

TO: Interested Parties

THROUGH: Patrick M. Murphy, P.E., Director
 Environmental Engineering Division

FROM: Robert W. DeChase, P. E., *RWD*
 Drinking Water Treatment Revolving Fund

DATE: May 28, 2018

SUBJECT: Categorical Exclusion Decisions (CE)
 Lashmet PSD – Manassas Water Connection Project Part A

FILED
 JUN 25 2018
 OFFICE OF THE COMMISSIONER
 DEPARTMENT OF ENVIRONMENTAL RESOURCES
 STATE OF WEST VIRGINIA

TO: ALL INTERESTED PARTIES

In accordance with the Environmental Protection Agency (EPA) regulations for complying with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190), a review has been performed on a request for a categorical exclusion for the environmental review requirements under NEPA, for the proposed action described below.

Lashmet PSD – Manassas Water Connection Project Part A
 Manassas County, WV
 WVUDC Project #: 2018WV-1729
 SER Project #: 18DWTREFA402a

(Official Project Name and Number)

Lashmet PSD
 P O Box 189
 Lashmet, WV 24733-0189

(Project Applicant)

Manassas
 Mercer County, West Virginia

(Project Location, City, County, State)

\$ 183,704

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

\$ 461,104

(Estimated Total Project Cost)

A copy of the Lashmet PSD Manassas Water Connection Project Part A Categorical Exclusion Decision (CE) is enclosed for your records.

The review process concluded that the proposed action is consistent with the categories of actions eligible for categorical exclusion. This means that environmental information about the environmental assessments or environmental impact statements will not be required for this project and the project is authorized to proceed forward.

This decision is based upon a careful review of supporting documents provided by the applicant and other documentation available to the West Virginia Bureau of Public Health (WVBPB). These documents are on file with the WVBPB, Office of Environmental Health Services (OEHS), Environmental Engineering Division (EED), and are available for review upon request.

Comments on this decision may be submitted for consideration to: WVBPB/OEHS/EED, attention Stephanie Redden, 300 Capitol Street, Room 313 Charleston, WV 25301-3713, or you may fax your comments to (204) 338-6691 or e-mail Stephanie.Redden@dnr.wv.gov.

RWD

Enclosures

300 Capitol Street, Room 313
 Charleston, West Virginia 25301-3713
 Telephone: (204) 338-2851 / Fax: (204) 338-4691

ENVIRONMENTAL ASSESSMENT

for the

Lafayette PSD
Manokwa Water Center Project Part A

WV JDC Project No.: 2019W-1729 / SRP Project No.: HDWTR/AR2A

OTHER

VI. FLOODPLAIN MANAGEMENT/RESILIENCY

The engineer reviewed the FEMA Flood Insurance Rate Maps and concluded that the project will have no effect on the floodplain or floodway. There are 900 feet of proposed 6" wastewater that will be located within the 100-year floodplain. However, the wastewater will be installed at a minimum cover depth of 42" and will have no impact on the floodplain.

VII. CLIMATE CHANGE/ENERGY EFFICIENCY

A greenhouse gases evaluation was conducted for this project. For this water construction project it is assumed that there is no net change in the release of greenhouse gases. This project will be replacing the existing water systems operated by the Town of Manokwa. With the project, there will be an increase in the production capacity and plant operating time at WVAV biomass plant, but it's anticipated that the increase in greenhouse gases will be offset by taking the Manokwa system off line. An energy efficiency evaluation was not needed because this portion of the project does not include any energy consuming equipment.

VIII. REVOCATION:

This revocation can be revoked if additional advisor firm information indicates any of the following:

1. The proposed action no longer meets the defined category due to changes in the proposed action;
2. Serious local or environmental issues now exist; and/or
3. Federal, state or local laws may be violated.

IX. DOCUMENTATION:

1. Categorical Exclusion Checklist as prepared by Stacy Fowler, PE, Staffed Consultant Inc.
2. West Virginia Division of Culture and History letter dated April 19, 2018
3. Natural Resources Conservation Service letter dated May 25, 2018
4. Division of Natural Resources letter dated April 30, 2018
5. U.S. Army Corps of Engineers email dated May 9, 2018
6. Environmental Justice Certification
7. Flood plain management documentation

I. PROPOSED PROJECT:

The Manokwa Law Extension Phase 3 Part A project will connect the Manokwa area to the Lafayette PSD system by installing a water line along State Route 10. Included in this portion of the project will be approximately 0.3 miles of 6" water line along with all necessary valves and appurtenances to the Lafayette PSD system will allow for the decommissioning of the Manokwa water treatment plant.

II. PURPOSE AND NEED:

The Town of Manokwa is in the process of un-incorporating themselves which would leave no one to operate or maintain the current water system. Connecting to Lafayette PSD will provide them with water from West Virginia American Water and would allow for the Manokwa plant to be decommissioned. The current Manokwa water treatment plant has also had issues with benzene in the source water.

III. ENVIRONMENTAL CONSEQUENCES IF PROJECT IS NOT BUILT:

If this project is not constructed and the Town of Manokwa un-incorporates themselves that would leave no one to operate or maintain the current water system.

IV. CATEGORICAL EXCLUSION CRITERIA:

EPA regulation 40 CFR 6.106(d) permits the use of categorical exclusions from substantive environmental requirements of the National Environmental Policy Act (NEPA) for:

1. Actions which are solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or construction of auxiliary facilities; or
 2. Other actions specifically allowed in program specific subparts of this regulation.
- Criteria which would prevent the use of a categorical exclusion are found in 40 CFR 6.107(e) summarized as follows:
3. The action may have a significant effect on the quality of the human environment; or
 4. The action may affect cultural resource areas, endangered or threatened species, environmentally important natural resources, or other identified resource areas of concern; or
 5. The action is not cost-effective or may cause public controversy.

V. ANALYSIS:

The proposed project meets the criteria for categorical exclusion. It involves installing approximately 0.3 miles of 6" water line along State Route 10 along with all necessary valves and appurtenances. All work will be done on DOH right of way or previously disturbed ground and will have no adverse environmental impact.

CATEGORICAL EXCLUSION DETERMINATION CHECKLIST

Project Name Giatts-Wyanoka Wastewater Extension / Marooka Water Connection

Applicant has provided sufficient information to allow review for a Categorical Exclusion (CE). Per EPA Regulations found under Part 6.204, CE and extraordinary circumstances:

OTHER

Extraordinary Circumstances (Environmental Crosscutters)

A project that will cause significant environmental impacts is not eligible for a CE. If answer to the following questions is "yes," please attach a detailed explanation to the checklist.

	YES	NO
<input type="checkbox"/> Are there environmental justice issues?		X
<input type="checkbox"/> Are there impacts to federally-listed endangered/threatened species or habitats?		X
<input type="checkbox"/> Are there impacts to archaeological/historic sites?		X
<input type="checkbox"/> Will the project impact wetlands, floodplains, fish & wildlife resources, or groundwater resources?		X
<input type="checkbox"/> Are there any air quality issues?		X
<input type="checkbox"/> Are there any impacts on land use?		X
<input type="checkbox"/> Is there any public controversy concerning potential environmental impacts?		X

Project Type

- Existing Infrastructure
- Minor Upgrading
If so, describe: _____ X
- Minor Expansion
If so, describe: Giatts Wyanoka wastewater extension from the existing storage tank located on Old Lathrop Road and then follow existing road right-of-ways to the Marooka water treatment plant
- Major Expansion
For projects involving major expansion, check which category applies:
 - ___ Looping
 - Adjacent to an existing service area
- Rehabilitation (including functional replacement)
If so, describe: _____ X
- New Minor Ancillary Facilities
If so, describe: _____ X
- Replacement of existing On-lot systems X
- Projects completed prior to Appropriation X

Existing Infrastructure Projects will not qualify for a CE under the following circumstances (Check any that apply):

- ___ Project will involve a new or increased discharge.
- ___ Project will result in a substantial increase in the volume or pollutant loading to the receiving waters.
- ___ Project will provide capacity to population greater than 30% of existing population.
- ___ Project will not be consistent with State and Local Land Use Plans.
- ___ Project is primarily intended to support new development.

Project qualifies for a CE

X



Date

5-10-18

Date

5/10/18

Date



DEPARTMENT OF THE ARMY
 WASHINGTON, DC 20315
 REGULATORY DIVISION
 BRANCH

MAIL ROOM

Regulatory Division
 Branch
 LRLH-2018-377-NEW

MAY 03 2018

OTHER

We appreciate your concern for our nation's aquatic resources. If you have any questions concerning the above, please contact Lauren A. Pitt at (304) 396-5275, by mail at the above address or by email at lauren.a.pitt@usace.army.mil.

Sincerely,

Mr. Stacy Fowler
 Lead Civil Consultants, Inc.
 P.O. Box 516
 Precincts, West Virginia 26748

Dear Mr. Fowler:

I refer to the Department of the Army (DA) permit application received in our office on April 13, 2018, regarding the Lathrop Public Service District (PSD) Guano-Wyomack Water Treatment Plant located near Lake Meads, in Mineral County, West Virginia at approximately latitude 37.413103, longitude 81.261403. This project has been assigned file number: LRLH-2018-377-NEW. Please refer to this number in any future correspondence regarding this matter.

This project has been reviewed in accordance with Section 404 of the Clean Water Act (Section 404) and Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Under Section 404, the United States Army Corps of Engineers (Corps) regulates the discharge of dredged and/or fill material into waters of the United States (U.S.), including wetlands. Under Section 10 our responsibility is to regulate any work in, or affecting, navigable waters of the United States.

According to the information provided, the proposed project would not involve the discharge of dredged and/or fill material into waters of the United States in conjunction with the improvement of the existing waterline. The proposed work would include the installation of a waterline parallel to existing roads, with no work in waters of the United States and no discharge of dredged and/or fill material below the ordinary high water mark. As described above, a DA permit is not required from this office for this activity.

We have determined the proposed project will not result in discharge of dredged and/or fill material into waters of the United States or involve work in, on, over or under a navigable water of the United States. Therefore, a DA permit is not required from this office for the proposed activity. However, if this determination changes and it becomes necessary perform work in, on, over or under navigable waters, or to discharge dredged and/or fill material into waters or adjacent to or under navigable waters, or to discharge dredged and/or fill material into waters or navigable waters of the U.S., including wetlands, DA authorization would be required.

Stacy Fowler

Stacy M. Workman
 Regulatory Project Manager
 South Transportation Branch



United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
99 Vance Drive
Elkins, West Virginia 26241



OTHER



United States Department of the Interior

NATIONAL PARK SERVICE

NEW RIVER GORGES NATIONAL MONUMENT
GREAT RIVER NATIONAL RECREATION AREA
NATIONAL MONUMENT
1000 Main Drive
Martinsburg, WV 26101-2200

Other Work: New River Gorge 22000

Contact Name: Stacy Fowler

Email Address or Fax Number: stowen@staff.wvu.edu

PWS File # 2018-02719 All future correspondence should clearly reference this PWS file #.

Project: Letcher PSD - Glatts-Waymole Water Extension, Mercer County, WV

Date of Letter Request: April 12, 2018

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

We have made a "no effect" determination that the project will not affect federally listed threatened or sensitive species. Therefore no biological assessment or further section 7 consultation is required. If you have any questions regarding the project, please contact the change or amendments be proposed that we have not considered to you. Should project plans change, we will be notified and we will re-evaluate the project. If you have any additional information on listed and proposed species becomes available, or if new species become listed or critical habitat is designated, this determination may be reconsidered.

Definitive determinations of the presence of waters of the United States, including wetlands, in the project area and the availability of permits, if any, are made by the U.S. Army Corps of Engineers, Huntington, West Virginia, 25701, telephone (204) 398-5710.

Carolee Solow

Biologist

Date: 4/12/2018

Stacy Fowler

Field Supervisor

Date: 4/25/2018

Updated April 2018

TAKE PRIDE IN AMERICA

April 21, 2018

(NER)

Stacy A. Fowler, P.E.
Project Manager
Surface Consultants, Inc.
1100 1st Street
1105 Mercer Street
Princeton, WV 24740

Re: Letcher Public Service District Glatts-Waymole Water Extension Project, Monaca Water Commission Project

Dear Mr. Fowler:

Thank you for the opportunity to respond to your letter of April 12, 2018. After review of the USGS map provided a determination was made that the project area is not our property and therefore will not have any impact on New River Gorge National River.

Sincerely,

Carolee Solow

Lizette Wain
Superintendent

Environmental Justice (EJ) Impact Analysis Certification

1. Applicant's name and proposed project name or description: Letchum Public Service District
Matawka Water Connection Project, EDC# Project #2018-173L, EPCRS Project #18070928ZANG.

2. Are there any identified EJ (minority or low income population) areas within or nearby the proposed project area? Yes No

3. Is the applicant's proposed project likely to result in a change in the current land use patterns (types of land use, development densities)? Yes No

4. Does a demographic analysis indicate the applicant's proposed project may disproportionately affect any significant EJ population? Yes No

If the answer is no, skip to item 10. If the answer is yes, continue with items 5 through 9.

5. Identify, describe, and provide locations of EJ populations. _____

6. If a disproportionate adverse effect is expected to impact an EJ population, identify type/level of public services implemented. _____

7. Identify disproportionately high and adverse impacts on EJ populations. _____

8. Are adverse impacts appreciably more severe or greater in magnitude than the adverse impacts expected on non-minority/high-income populations? Yes No

9. Are alternatives and/or mitigation required to avoid impacts to EJ populations? Yes No

If yes, describe action: _____

10. I certify that this certification accurately describes the impact to EJ populations and

No major EJ impact is likely to result if the proposed project is implemented.

A major EJ impact is likely to result if the proposed project is implemented.

Jeffrey A. Johnson, Comm. Director
Project Name & Title of Certifying Official

Jeffrey A. Johnson
Signature
5-13-2018
Date

STAFFORD CONSULTANTS INCORPORATED

Engineering, Design, and Consulting
Planning and Environmental Services



May 21, 2018

FILE: 17-7559-ADJR
10-7207-ADJR

Mr. Mickey Hunt, Chairman
Letchum Public Service District
P.O. Box 189
Letchum, WV 24733-0189

Dear Mr. Hunt:

RE: Letchum Public Services District
Matawka Water Connection
Gauls-Wyomahs Waterline Extension
Floodplain Status

Pursuant to my review of the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM), it is my opinion that the project will have no effect on the floodplain or flooding. My opinion was derived based on the following:

- The project limits are located on parcels 54655C01112D (dE 03/02/2003) and 54655C01112D (dE 03/02/2005) near Matawka, WV.
- The limits of the project are not located within the floodway and therefore have no anticipated impact on the floodway.
- The limits of the project, except for approximately 900 feet of E' waterline, are not located within the 100 year floodplain as determined by the FIRM documents listed above.
- The 900 feet of proposed E' waterline that is located within the floodplain, along Valley Street in Matawka, WV, is to be installed at a minimum cover depth of 42" and will therefore have no impact on the floodplain;
- Enclosed correspondence from the Mercer County Floodplain Manager;

Post Office Box 3649 • 1165 Marrow Street • Princeton, West Virginia 24740
Telephone: (606) 425-9535 • Fax: (606) 425-5957

OTHER

STAFFORD *S*

OTHER

If you have any questions or need additional information, please do not hesitate to contact

me.



/s/af

Attachment: Mercer County Floodplain Manager correspondence

cc: Jeff Johnson, wjohnson@mercercountynj.gov
Stephanie D. Hildebrand, P. E., whildebran@mercercountynj.gov
Roger A. Earls, P.E., wvolsck@mercercountynj.gov