

APPENDIX A:
AGENCY & PUBLIC COORDINATION



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127

In Reply Refer To:

02/12/2026 16:35:52 UTC

Project Code: 2024-0071655

Project Name: Jennings Randolph Lake Forest Management Activities

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.*).

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 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 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:

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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 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/program/migratory-bird-permit/what-we-do>.

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/library/collections/threats-birds>.

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/partner/council-conservation-migratory-birds>.

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 Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Note: IPaC has provided all available attachments because this project is in multiple field office jurisdictions.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

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PROJECT SUMMARY

Project Code: 2024-0071655

Project Name: Jennings Randolph Lake Forest Management Activities

Project Type: Forest Management Plan

Project Description: The Baltimore District, U.S. Army Corps of Engineers (USACE) is planning to continue to conduct forest management activities on approximately 500 acres at Jennings Randolph Lake Project (JRL) in Mineral County, West Virginia and Garrett County, Maryland to support long-term forest management goals. Jennings Randolph Lake is a multipurpose water resources project constructed and operated by USACE. Project lands and waters provide flood-risk management, outdoor recreation, fish and wildlife habitat, plant habitat, and timber products. Project lands are primarily forested and managed to ensure long-term sustainability of the forest as well as maintain forest values to the project.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.42036525,-79.13478158531528,14z>



Counties: Maryland and West Virginia

ENDANGERED SPECIES ACT SPECIES

There is a total of 6 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. Note that 1 of these species should be considered only under certain conditions.

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
<p>Indiana Bat <i>Myotis sodalis</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ Consultation in this area is only required for wind power projects. ▪ All activities in this location should consider potential effects to this species. This project is not within a known-use area, but potentially occupied habitat may exist. Please contact the WVFO for further coordination. <p>Species profile: https://ecos.fws.gov/ecp/species/5949</p>	Endangered
<p>Northern Long-eared Bat <i>Myotis septentrionalis</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/9045</p>	Endangered
<p>Tricolored Bat <i>Perimyotis subflavus</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/10515</p>	Proposed Endangered
<p>Virginia Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii virginianus</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/8369</p>	Endangered

INSECTS

NAME	STATUS
<p>Monarch Butterfly <i>Danaus plexippus</i></p> <p>There is proposed critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/9743</p>	Proposed Threatened
<p>Rusty Patched Bumble Bee <i>Bombus affinis</i></p> <p>There is proposed critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/9383</p>	Endangered

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

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.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

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

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information](#)

[on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles 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. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Aug 31
Golden Eagle <i>Aquila chrysaetos</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. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere

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 "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

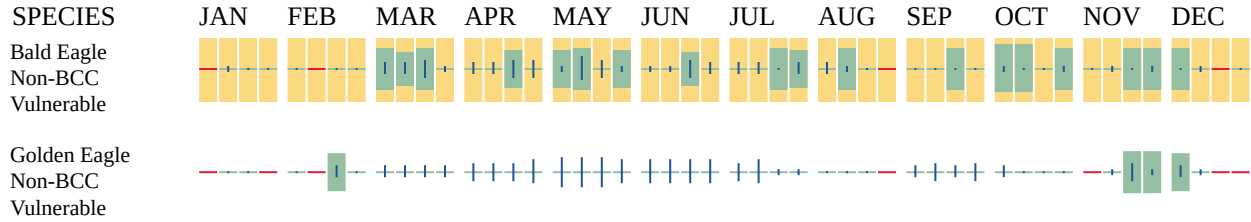
Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

■ probability of presence ■ breeding season | survey effort — no data



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

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)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below 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. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Aug 31

NAME	BREEDING SEASON
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
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 https://ecos.fws.gov/ecp/species/10645	Breeds Apr 10 to Jul 31
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9454	Breeds May 20 to Jul 31
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9643	Breeds May 20 to Aug 10
Cerulean Warbler <i>Setophaga 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. https://ecos.fws.gov/ecp/species/9406	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. https://ecos.fws.gov/ecp/species/10678	Breeds May 1 to Aug 20
Golden Eagle <i>Aquila chrysaetos</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. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere
Golden-winged Warbler <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8745	Breeds May 1 to Jul 20
Henslow's Sparrow <i>Centronyx henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3941	Breeds May 1 to Aug 31

NAME	BREEDING SEASON
Kentucky Warbler <i>Geothlypis formosa</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9443	Breeds Apr 20 to Aug 20
Northern Saw-whet Owl <i>Aegolius acadicus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9101	Breeds Mar 1 to Jul 31
Prairie Warbler <i>Setophaga discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9513	Breeds May 1 to Jul 31
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 https://ecos.fws.gov/ecp/species/9478	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. https://ecos.fws.gov/ecp/species/9431	Breeds May 10 to Aug 31

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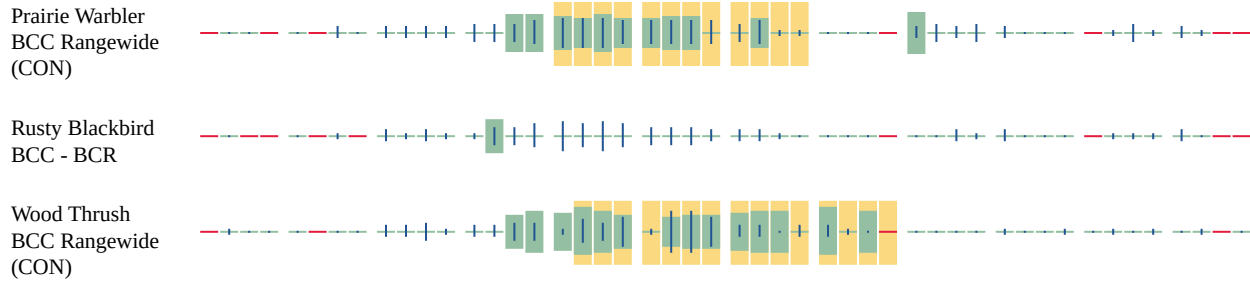
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WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R5UBH
- R3UBH
- R2UBH
- R2USC
- R3USA

FRESHWATER POND

- PUBHh
- PUBHx
- PUBF

LAKE

- L1UBHh

IPAC USER CONTACT INFORMATION

Agency: Army Corps of Engineers
Name: Grant Cunningham
Address: 2 Hopkins Plaza
Address Line 2: 10-E-09
City: Baltimore
State: MD
Zip: 21201
Email: grant.m.cunningham@usace.army.mil
Phone: 4107905628



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-
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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. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> ▪ Consultation in this area is only required for wind power projects. ▪ All activities in this location should consider potential effects to this species. This project is not within a known-use area, but potentially occupied habitat may exist. Please contact the WVFO for further coordination. 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	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Rusty Patched Bumble Bee <i>Bombus affinis</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9383	Endangered

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

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.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

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

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles 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. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Aug 31
Golden Eagle <i>Aquila chrysaetos</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. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere

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 "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

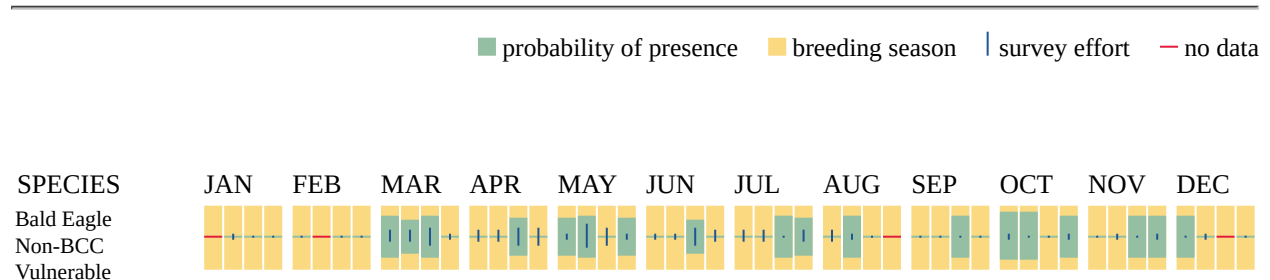
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (-)

A week is marked as having no data if there were no survey events for that week.



Golden Eagle
Non-BCC
Vulnerable



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

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)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below 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. https://ecos.fws.gov/ecp/species/1626	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 https://ecos.fws.gov/ecp/species/10645	Breeds Apr 10 to Jul 31
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9454	Breeds May 20 to Jul 31
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9643	Breeds May 20 to Aug 10
Cerulean Warbler <i>Setophaga 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. https://ecos.fws.gov/ecp/species/9406	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. https://ecos.fws.gov/ecp/species/10678	Breeds May 1 to Aug 20
Golden Eagle <i>Aquila chrysaetos</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. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere
Golden-winged Warbler <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8745	Breeds May 1 to Jul 20
Henslow's Sparrow <i>Centronyx henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3941	Breeds May 1 to Aug 31
Kentucky Warbler <i>Geothlypis formosa</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9443	Breeds Apr 20 to Aug 20

NAME	BREEDING SEASON
Northern Saw-whet Owl <i>Aegolius acadicus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9101	Breeds Mar 1 to Jul 31
Prairie Warbler <i>Setophaga discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9513	Breeds May 1 to Jul 31
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 https://ecos.fws.gov/ecp/species/9478	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. https://ecos.fws.gov/ecp/species/9431	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 "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

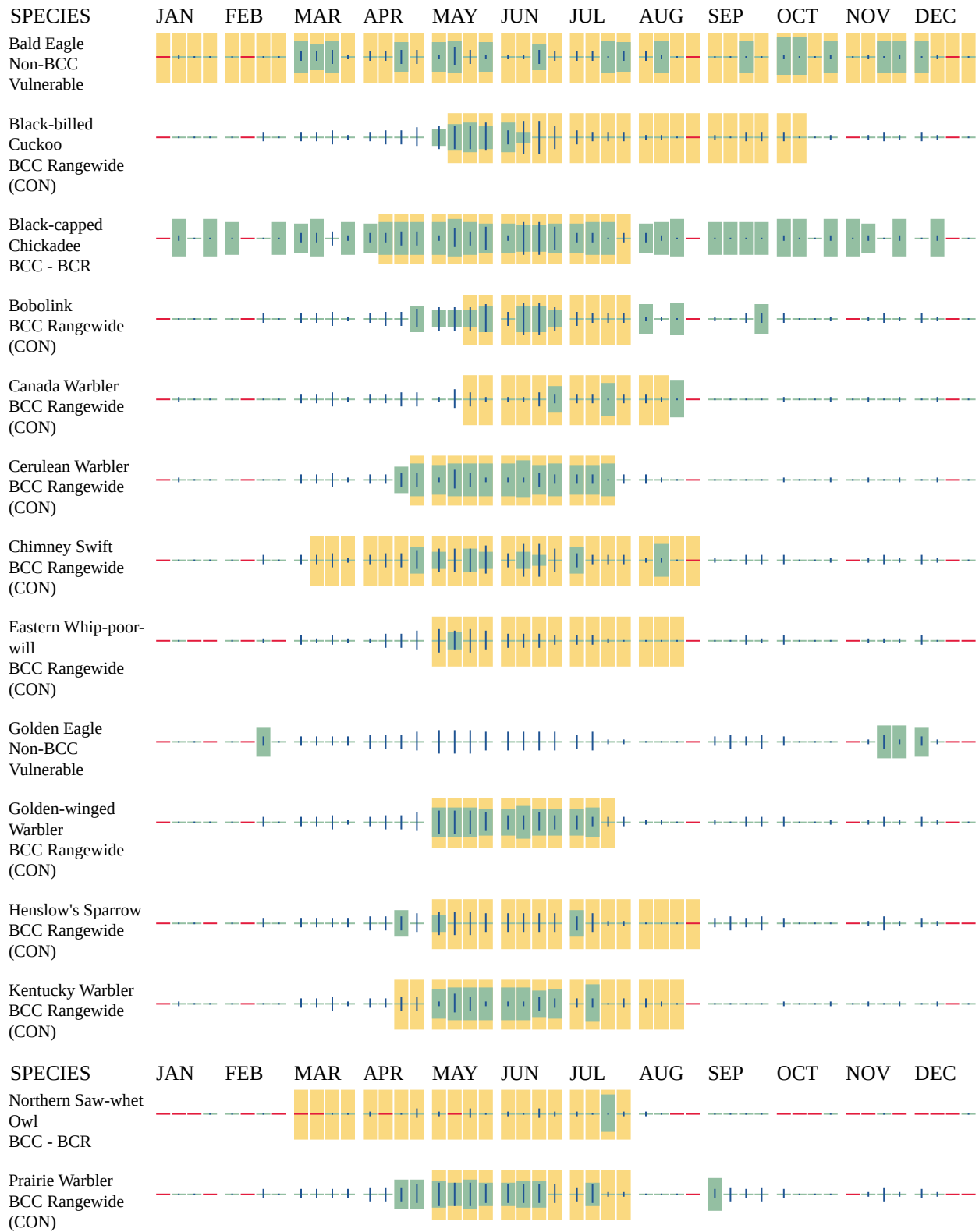
Survey Effort (|)

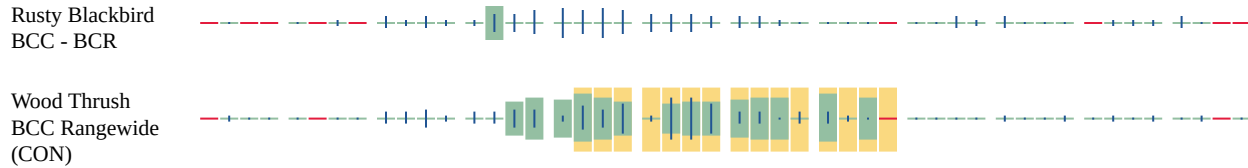
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

■ probability of presence ■ breeding season | survey effort — no data





Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R5UBH
- R3UBH
- R2UBH
- R2USC
- R3USA

FRESHWATER POND

- PUBHh
- PUBHx
- PUBF

LAKE

- L1UBHh

IPAC USER CONTACT INFORMATION

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United States Department of the Interior



FISH AND WILDLIFE SERVICE
Assistant Regional Director-Ecological Services
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Phone: (612) 713-5350 Fax: (612) 713-5292

In Reply Refer To:

07/31/2025 14:57:02 UTC

Project code: 2024-0071655

Project Name: Jennings Randolph Lake Forest Management Activities

Federal Nexus: yes

Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Technical assistance for 'Jennings Randolph Lake Forest Management Activities'

Dear Grant Cunningham:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on July 31, 2025, for 'Jennings Randolph Lake Forest Management Activities' (here forward, Project). This project has been assigned Project Code 2024-0071655 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project. **Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey), invalidates this letter.**

Determination for the Northern Long-Eared Bat and Tricolored Bat

Based on your IPaC submission and a standing analysis completed by the Service, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	May affect
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed	May affect
	Endangered	

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Indiana Bat *Myotis sodalis* Endangered
- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Rusty Patched Bumble Bee *Bombus affinis* Endangered

You may coordinate with our Office to determine whether the Action may cause prohibited take of the species listed above.

Conclusion

Consultation with the Service is not complete. Further consultation or coordination with the Service is necessary for those species or designated critical habitats with a determination of “May Affect.” A “May Affect” determination in this key indicates that the project, as entered, is not consistent with the questions in the key. Not all projects that reach a “May Affect” determination are anticipated to result in adverse impacts to listed species. These projects may result in a “No Effect”, “May Affect, Not Likely to Adversely Affect”, or “May Affect, Likely to Adversely Affect” determination depending on the details of the project. Please contact our Assistant Regional Director-Ecological Services to discuss methods to avoid or minimize potential adverse effects to those species or designated critical habitats.

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate. Projects that receive a may affect determination for tricolored bat through the key, should contact the appropriate Ecological Services Field Office if they want to conference on this species.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Jennings Randolph Lake Forest Management Activities

2. Description

The following description was provided for the project 'Jennings Randolph Lake Forest Management Activities':

The Baltimore District, U.S. Army Corps of Engineers (USACE) is planning to continue to conduct forest management activities on approximately 500 acres at Jennings Randolph Lake Project (JRL) in Mineral County, West Virginia and Garrett County, Maryland to support long-term forest management goals. Jennings Randolph Lake is a multipurpose water resources project constructed and operated by USACE. Project lands and waters provide flood-risk management, outdoor recreation, fish and wildlife habitat, plant habitat, and timber products. Project lands are primarily forested and managed to ensure long-term sustainability of the forest as well as maintain forest values to the project.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.42036525,-79.13478158531528,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect” for a least one species covered by this determination key.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

4. Does the proposed action involve wind or solar energy?

No

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Note for projects in Pennsylvania: Projects requiring authorization under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act would be considered as having a federal nexus. Since the U.S. Army Corps of Engineers (Corps) has issued the Pennsylvania State Programmatic General Permit (PASPGP), which may be verified by the PA Department of Environmental Protection or certain Conservation Districts, the need to receive a Corps authorization to perform the work under the PASPGP serves as a federal nexus. As such, if proposing to use the PASPGP, you would answer ‘yes’ to this question.

Yes

6. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

7. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

Yes

8. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

9. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

10. Have you contacted the appropriate agency to determine if your action is near any known northern long-eared bat or tricolored bat **hibernacula**?

Note: A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of northern long-eared bat and tricolored bat hibernacula is available [here](#). Location information for northern long-eared bat and tricolored bat hibernacula is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

Yes

11. Is any portion of the action area within 0.5-mile radius of any known bat **hibernacula**?

If unsure, contact your local Ecological Services Field Office.

No

12. Have you contacted the appropriate agency to determine if your action is near any known occupied culverts?

Note: A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of northern long-eared bat and tricolored bat hibernacula is available [here](#). Location information for northern long-eared bat and tricolored bat hibernacula is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

Yes

13. Is any portion of the action area within a 0.25-mile radius of any known bat occupied culvert? If unsure, contact your local Ecological Services Field Office.

No

14. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

15. Will the action cause effects to a bridge?

Note: Covered bridges should be considered as bridges in this question.

No

16. Will the action result in effects to a culvert or tunnel at any time of year?

No

17. Are trees present within 1000 feet of the action area?

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

18. Does the action include the intentional exclusion of bats from a building or building-like structure? **Note:** Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

No

19. Does the action involve removal, modification, or maintenance of a human-made building-like structure (barn, house, or other building) **known or suspected to contain roosting bats?**

No

20. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

21. Will the action include or cause any construction or other activity that is reasonably certain to increase average night-time traffic permanently or temporarily on one or more existing roads? **Note:** For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

No

22. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

23. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

Note: For information regarding NSF/ANSI 60 please visit <https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects>

No

24. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

25. Will the action include drilling or blasting?

No

26. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

27. Will the proposed action involve the use of herbicides or other pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

Yes

28. Will the action include or result in herbicide use that may affect suitable summer habitat for the northern long-eared bat or tricolored bat?

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

29. Will all herbicide use that may affect suitable summer habitat for the northern long-eared bat or tricolored bat include only targeted application methods like hack-and-squirt, basal bark, injections, cut-stump, or spot-spraying (foliar spraying on individual herbaceous plants with no foliar spraying of deciduous tree leaves or Spanish moss)?

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

30. Will the action include or cause the application or drift of pesticides (e.g., fungicides, insecticides, or rodenticides) into forested areas that are suitable summer habitat for the northern long-eared bat or tricolored bat?

Answer "Yes" if the application may result in transport (e.g., in water) or aerial drift of the pesticide into forested areas that are suitable summer habitat for the northern long-eared bat or tricolored bat.

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

31. Does the action area intersect the northern long-eared bat species list area?

Automatically answered

Yes

32. [Semantic] Is the action area located within 0.5 miles of radius of an entrance/opening to any known NLEB hibernacula? Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

33. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats? **Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

34. Have you contacted the appropriate agency to determine if your action is within 150 feet of any documented northern long-eared bat roosts?

Note: A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of northern long-eared bat roosts is available [here](#). Location information for northern long-eared bat roosts is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

Yes

35. Is any portion of the action area within 150 feet of any known northern long-eared bat roosts? If unsure, contact your local Ecological Services Field Office.

No

36. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?

If unsure, answer "Yes."

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

37. Have you contacted the appropriate agency to determine if the action area overlaps with a known northern long-eared bat habitat buffer? Summer habitat buffers include the following: (1) 3-mile buffer around northern long-eared bat captures or acoustic detections; (2) 1.5-mile buffer around known roosts). The Spring Staging/Fall Swarming buffer includes 5-mile buffer around the entrance of known hibernacula)?

Note: A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees can be found [here](#). Location information for northern long-eared bat maternity roost trees and swarming areas is generally kept in state natural heritage inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

Yes

38. Does the action area overlap with a known northern long-eared bat spring staging/fall swarming buffer (within 5 miles of known hibernacula)?

No

39. Does the action area overlap with a known northern long-eared bat summer buffer (3-mile buffer around northern long-eared bat captures or acoustic detections; 1.5-mile buffer around known roost trees)?

No

40. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area?

No

41. Does the action area intersect the tricolored bat species list area?

Automatically answered

Yes

42. [Semantic] Is the action area located within 0.5 miles of radius of an entrance/opening to any known tricolored bat hibernacula? Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

43. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats? **Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

44. Have you contacted the appropriate agency to determine if your action is within 150 feet of any documented tricolored bat roosts?

Note: A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of tricolored bat roosts is available [here](#). Location information for tricolored bat roosts is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

Yes

45. Is any portion of the action area within 150 feet of any documented tricolored bat roosts? If unsure, contact your local Ecological Services Field Office.

No

46. Have you contacted the appropriate agency to determine if the action area overlaps with a known tricolored bat habitat buffer? Summer habitat buffers include the following: (1) 3-mile buffer around tricolored bat captures or acoustic detections; (2) 1.5-mile buffer around known roosts). The Spring Staging/Fall Swarming buffer includes a 3-mile buffer around the entrance of known hibernacula)?

Note: A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of tricolored bat roost trees can be found [here](#). Location information for tricolored bat maternity roost trees and swarming areas is generally kept in state natural heritage inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. If you'd like to assume presence of tricolored bats, answer "No".

Yes

47. Does the action area intersect a known Spring Staging/Fall Swarming tricolored bat buffer (within 3 miles of known hibernacula)?

No

48. Does the action area intersect a known tricolored bat summer buffer (3-mile buffer around tricolored bat captures or detections; 1.5-mile buffer around known roost trees)?

Yes

49. Has a presence/probable absence bat survey targeting the [tricolored bat and following the Service's Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area?

No

50. Is suitable summer habitat for the tricolored bat present within 1000 feet of project activities?

(If unsure, answer ""Yes."")

Note: If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pines) answer ""Yes."" For a complete definition of suitable summer habitat for the tricolored bat, please see Appendix A in the [Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines](#).

Yes

51. Do you have any documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

Agency: Army Corps of Engineers
Name: Grant Cunningham
Address: 2 Hopkins Plaza
Address Line 2: 10-E-09
City: Baltimore
State: MD
Zip: 21201
Email: grant.m.cunningham@usace.army.mil
Phone: 4107905628



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Assistant Regional Director-Ecological Services
5600 American Blvd. West
Bloomington, MN 55437-1458
Phone: (612) 713-5350 Fax: (612) 713-5292

In Reply Refer To:

07/31/2025 15:15:24 UTC

Project code: 2024-0071655

Project Name: Jennings Randolph Lake Forest Management Activities

Federal Nexus: yes

Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Technical Assistance letter for 'Jennings Randolph Lake Forest Management Activities' for rusty patched bumble bee that may occur in your proposed project location consistent with the Rusty Patched Bumble Bee Range Wide Determination Key (RPBB DKey).

Dear Grant Cunningham:

This letter records your determination using the RPBB DKey within the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (USFWS) on **July 31, 2025**, for 'Jennings Randolph Lake Forest Management Activities' (here forward, Project). This project has been assigned Project Code '2024-0071655' and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC Determination Keys

The USFWS developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. **Failure to accurately represent or implement the Project as detailed in IPaC or the RPBB DKey, invalidates this letter.**

Determination for the Rusty Patched Bumble Bee

Based on your answers and the assistance of the USFWS' RPBB DKey, you made the following effect determination for the proposed Action:

Species	Listing Status	Determination
Rusty Patched Bumble Bee (<i>Bombus affinis</i>)	Endangered	May affect

Consultation with the USFWS is not complete. This determination was reached because the RPBB DKey was unable to provide a conclusion for activities which you were either unsure about the determination or you chose to make a “may affect” determination. If the RPBB DKey was unable to provide a conclusion, this does not necessarily mean that the project is likely to adversely affect the species.

Your agency’s ESA section 7 consultation requirement for rusty patched bumble bee with the USFWS is not complete, and further consultation with the USFWS is required. Please email the local USFWS Ecological Services Field Office and attach a copy of this letter, so we can discuss methods to avoid or minimize potential adverse impacts.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the rusty patched bumble bee **does not** apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Indiana Bat *Myotis sodalis* Endangered
- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

Coordination with the USFWS is advised for any species and/or critical habitat listed above.

You should coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above and if further consultation is required. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

If you have any questions regarding this letter or need further assistance, please contact the local Ecological Services Field Office and reference Project Code ‘2024-0071655’ associated with this Project. See the top of this letter for the Project Code.

Additional Information

Sufficient project details: Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

Future project changes: The Service recommends that you contact the local Ecological Services Field Office or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect rusty patched bumble bee in a manner or to an extent not previously considered; 3) the Action is modified in a manner that

causes effects to rusty patched bumble bee; or 4) or critical habitat is designated. If any of the above conditions occur, additional consultation with the Service should take place before project changes are final or resources are committed.

Species-specific information

Bald and Golden Eagles: Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the “taking” of bald and golden eagles and defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” The Eagle Act’s implementing regulations define disturb as “... to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

If you observe a bald eagle nest in the vicinity of your proposed project, you should follow the National Bald Eagle Management Guidelines (May 2007). For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit our regional eagle website or contact the local Ecological Services Field Office. If the Action may affect bald or golden eagles, additional coordination with the Service under the Eagle Act may be required.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Jennings Randolph Lake Forest Management Activities

2. Description

The following description was provided for the project 'Jennings Randolph Lake Forest Management Activities':

The Baltimore District, U.S. Army Corps of Engineers (USACE) is planning to continue to conduct forest management activities on approximately 500 acres at Jennings Randolph Lake Project (JRL) in Mineral County, West Virginia and Garrett County, Maryland to support long-term forest management goals. Jennings Randolph Lake is a multipurpose water resources project constructed and operated by USACE. Project lands and waters provide flood-risk management, outdoor recreation, fish and wildlife habitat, plant habitat, and timber products. Project lands are primarily forested and managed to ensure long-term sustainability of the forest as well as maintain forest values to the project.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.42036525,-79.13478158531528,14z>



QUALIFICATION INTERVIEW

1. Does the proposed action involve wind or solar energy?

No

2. Is the action authorized, funded, or being carried out by a Federal agency?

Yes

3. Are you the Federal agency or designated non-federal representative?

Yes

4. Does the action area overlap with a rusty patched bumble bee high potential zone?

Automatically answered

Yes

5. Does the action include - or is it reasonably certain to cause - intentional take of rusty patched bumble bee (rusty patched bumble bee) that is not covered under a scientific recovery permit under section 10(A)1(a) of the Endangered Species Act or under a cooperative agreement with a state agency?

Note: This could include, for example, surveys or studies that include handling or capture of the species. Whether "Project Review" surveys using USFWS protocols were conducted as part of the action is addressed later in this key.

No

6. Does the action include – or is it reasonably certain to result in – construction of one or more new roads or rail lines that will increase vehicle traffic in a rusty patched bumble bee HPZ?

Yes

IPAC USER CONTACT INFORMATION

Agency: Army Corps of Engineers
Name: Grant Cunningham
Address: 2 Hopkins Plaza
Address Line 2: 10-E-09
City: Baltimore
State: MD
Zip: 21201
Email: grant.m.cunningham@usace.army.mil
Phone: 4107905628

From: [Clark, Trevor](#)
To: [Cunningham, Grant M CIV USARMY CENAB \(USA\)](#)
Cc: [Leasure, Charles W CIV USARMY CENAB \(USA\)](#); [Aulick, Riley W](#)
Subject: [Non-DoD Source] Jennings Randolph Lake Forest Management Activities (IPaC Project Code: 2024-0071655)
Date: Wednesday, August 27, 2025 12:34:10 PM

Hi Grant,

Consultation for the Indiana bat (*Myotis sodalis*) in these four (4) Maryland potential forest management areas is not required because this project does not involve wind power.

This project as proposed is "not likely to adversely affect" the northern long-eared bat (*Myotis septentrionalis*) and tricolored bat (*Perimyotis subflavus*) because the U.S. Army Corps of Engineers (Corps) has agreed to implement the following time-of-year restriction for tree clearing in all four (4) potential forest management areas in Maryland:

Tree clearing activities will not occur from April 1 through September 30 of any year.

Monarch butterfly (*Danaus plexippus*) is a species proposed for Federal listing as threatened with a 4(d) rule, and may be present within the project action area. A preliminary assessment by Service is that the proposed action is not likely to jeopardize the continued existence of monarch butterfly. Therefore, conferencing for the species is not required under Section 7 of the Endangered Species Act. The Service is developing tools and guidance to assist Federal agencies with voluntary conferencing which may be helpful to inform future consultation if the proposed rule to list monarch butterfly is finalized and becomes effective.

This project as proposed will have "no effect" on the rusty patched bumble bee (*Bombus affinis*) in Maryland because the four (4) potential forest management areas in Maryland are located outside of the High Potential Zones for the species.

The U.S. Fish and Wildlife Service's Chesapeake Bay Field Office spoke with the West Virginia Field Office (WVFO) and the WVFO concurs with the "not likely to adversely affect" determination for bats due to the implementation of the time-of-year restriction for tree clearing. The WVFO also concurs with the "no effect" determination for the rusty patched bumble bee since the Corps is avoiding the High Potential Zones.

Thanks Grant.

Trevor Clark
Fish and Wildlife Biologist/Transportation Liaison
U.S. Fish and Wildlife Service
Chesapeake Bay Ecological Services Field Office
Endangered and Threatened Species Branch
177 Admiral Cochrane Drive
Annapolis, Maryland 21401

Telephone: (410) 573-4527

Email: trevor_clark@fws.gov



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2930

May 17, 2024

U.S. Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis MD 21401
cbfoprojectreview@fws.gov

To Whom it May Concern,

The Baltimore District, U.S. Army Corps of Engineers (USACE) is planning to continue to conduct forest management activities on approximately 500 acres at Jennings Randolph Lake Project (JRL) in Mineral County, West Virginia and Garrett County, Maryland to support long-term forest management goals. The USACE is preparing a National Environmental Policy Act (NEPA) document to assess effects to the human environment from the proposed forest management activities.

Jennings Randolph Lake is a multipurpose water resources project constructed and operated by USACE. Project lands and waters provide flood-risk management, outdoor recreation, fish and wildlife habitat, plant habitat, and timber products. Project lands are primarily forested and managed to ensure long-term sustainability of the forest as well as maintain forest values to the project.

The proposed work consists of, on average, approximately 50 acres of forest management each year (Enclosure 1). The work involves approximately one and a half percent of land base each year and would be completed after appropriate forest stand analysis and stand prescription for harvest. Even-age and uneven-age forestry practices would be utilized, both of which could include timber harvesting, prescribed burning, herbicide treatments, and reforestation. All management actions work cohesively to provide quality native vegetation for future use. Previously used skid trails and haul roads already exist; however, some improvements or construction of new roads or trails may be needed.

The USACE completed "Information for Planning and Consultation" (IPaC) determination keys for this project and is reaching out to further coordinate regarding two species for which the project has received a "may affect" determination: the Northern Long-eared Bat (*Myotis septentrionalis*) and the Rusty Patched Bumble Bee (*Bombus affinis*). The Official Species List generated for this project, as well as consistency letters for both species, are enclosed with this correspondence (Enclosures 2, 3, 4). Given the bi-state area of effect for this project, a similar request for coordination has been sent to the West Virginia Ecological Services Field Office.

I kindly request your feedback on this project (or quick indication of no input) by June 17, 2024. You can provide comments or direct questions to Grant Cunningham, project planner, at grant.m.cunningham@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles W. Leasure', with a long horizontal flourish extending to the right.

Charles W. Leasure
Environmental Policy Advisor
Planning Division

Enclosures



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2930

May 17, 2024

U.S. Fish and Wildlife Service
West Virginia Field Office
6263 Appalachian Highway
Davis, WV 26260-8061
FW5_WVFO@fws.gov

To Whom it May Concern,

The Baltimore District, U.S. Army Corps of Engineers (USACE) is planning to continue to conduct forest management activities on approximately 500 acres at Jennings Randolph Lake Project (JRL) in Mineral County, West Virginia and Garrett County, Maryland to support long-term forest management goals. The USACE is preparing a National Environmental Policy Act (NEPA) document to assess effects to the human environment from the proposed forest management activities.

Jennings Randolph Lake is a multipurpose water resources project constructed and operated by USACE. Project lands and waters provide flood-risk management, outdoor recreation, fish and wildlife habitat, plant habitat, and timber products. Project lands are primarily forested and managed to ensure long-term sustainability of the forest as well as maintain forest values to the project.

The proposed work consists of, on average, approximately 50 acres of forest management each year (Enclosure 1). The work involves approximately one and a half percent of land base each year and would be completed after appropriate forest stand analysis and stand prescription for harvest. Even-age and uneven-age forestry practices would be utilized, both of which could include timber harvesting, prescribed burning, herbicide treatments, and reforestation. All management actions work cohesively to provide quality native vegetation for future use. Previously used skid trails and haul roads already exist; however, some improvements or construction of new roads or trails may be needed.

The USACE completed "Information for Planning and Consultation" (IPaC) determination keys for this project and is reaching out to further coordinate regarding two species for which the project has received a "may affect" determination: the Northern Long-eared Bat (*Myotis septentrionalis*) and the Rusty Patched Bumble Bee (*Bombus affinis*). The Official Species List generated for this project, as well as consistency letters for both species, are enclosed with this correspondence (Enclosures 2, 3, 4). Given the bi-state area of effect for this project, a similar request for coordination has been sent to the Chesapeake Bay Ecological Services Field Office.

I kindly request your feedback on this project (or quick indication of no input) by June 17, 2024. You can provide comments or direct questions to Grant Cunningham, project planner, at grant.m.cunningham@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles W. Leasure', with a long horizontal flourish extending to the right.

Charles W. Leasure
Environmental Policy Advisor
Planning Division

Enclosures



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

March 18, 2024

Mr. Daniel M. Bierly
Department of the Army
Corps of Engineers, Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201

RE: Environmental Review for Continuation of Forest Management Activities at Jennings Randolph Lake Project, Garrett County, Maryland

Dear Mr. Bierly:

The Wildlife and Heritage Service has determined that there are records for the state rare Baltimore Checkerspot (*Euphydryas phaeton*) and the state highly rare West Virginia White (*Pieris virginiensis*) documented on the project site in the general area of Mt. Zion Road. These butterfly species could potentially occur in other areas of the project site if suitable habitat and host plants occur there.

Also, our remote analysis suggests that the forested area on this property contains Forest Interior Dwelling Species (FIDS) habitat, especially for birds. Populations of many bird species which depend on this type of forested habitat are declining in Maryland and throughout the Eastern United States. The declines in FIDS populations have been attributed in part to the loss and fragmentation of forests due largely to urbanization, agriculture, and some forest management practices. The key to maintaining suitable breeding habitat for FIDS, and halting or reversing their declines, is the protection of extensive, unbroken forested areas throughout the region. The conservation of FIDS habitat throughout Maryland is strongly encouraged by the Wildlife and Heritage Service. The following recommendations give highest priority and the greatest protection to the following habitats: riparian forests (including floodplain or bottomland forests), mature to overmature forests in coves and ravines, and overmature forests in upland areas not associated with coves and ravines. These could be incorporated (as applicable) into the management of this project site:

1. Timber harvesting should not result in the creation of any new permanent forest openings (e.g. as a result of logging roads, landings areas, wildlife food plots, etc.)
2. No timber harvesting should occur within the buffer of any perennial tidal or non-tidal streams, as indicated on USGS 7.5' topographic maps.
3. In riparian forests supporting high quality FIDS habitat, no timber harvesting or only light single tree selection cutting, should be permitted within 100-300 feet of perennial and non-tidal streams. A minimum 150 foot no-cut buffer is encouraged along each side of smaller streams where there tends to be forest canopy closure over the stream course. Along larger streams and rivers where there is a distinct break in the forest canopy of the waterway, a no-cut buffer of 300 feet or greater should be maintained along each shoreline.
4. No timber harvesting should occur within 25 feet of high quality vernal pools.
5. Encourage the use of single-tree selection with the retention of 70% or greater forest canopy closure in the following areas:
 - a. Mature to overmature upland hardwood and mixed hardwood-pine forests

- b. Within 150 feet of intermittent streams if high quality FIDS habitat is present.
- c. Forested coves and ravines containing high quality FIDS habitat.
- 6. Patch clearcutting and group selection should not occur in the forest interior (i.e. greater than 300 feet from the nearest forest edge) if such timber harvest practices result in significant forest fragmentation.
- 7. Design the shape of harvest areas, particularly clearcuts, in such a way that minimizes the amount of edge habitat created. Circular or square cuts are ideal.
- 8. Where possible, the following is recommended in upland forests less than 60 years old that are under even-aged management:
 - a. Schedule harvests in such a way that maximizes the amount of contiguous mature forest; i.e. arrange harvest areas so that the oldest stands area next to each other and the youngest areas occur adjacent to each other.
 - b. Plan clearcuts so that they are adjacent to existing forest edges and do not bisect an otherwise contiguous forest tract.
 - c. Increase rotation lengths to 80 years or greater.
- 9. No timber harvesting may occur during April 1-July 31, the breeding season for most FIDS.
- 10. Encourage the retention of at least 8 snags per acre (each 8 inches dbh or greater) in timber harvest areas. The largest snags possible should be selected for retention. Groups of snags should be favored over scattered isolated snags. In clearcuts where insufficient densities of size classes of snags are present, live trees (e.g. such as trees with relatively little merchantable value) of a similar minimum size and density should be frilled or girdled and left standing.
- 11. Encourage the retention of dead and downed woody debris on the forest floor. Slash should be left laying and not placed in windows or brushpiles. Clean, park-like conditions should be avoided.
- 12. Regarding logging roads and trails:
 - a. Woods road maintenance should be kept to the minimum that will allow access for fire suppression and future management activities.
 - b. Maintain forest canopy closure over roads (i.e. do not daylight).
 - c. Road widths should be less than 15 feet.
 - d. Avoid maintaining grassy roadbeds and berms.
 - e. If '12d' is unavoidable, maintain at least 10 inches of grass height throughout the FIDS breeding season (April 1-July 31).
 - f. Where possible, allow logging roads to succeed to native forest vegetation.

Other FIDS conservation measures, restoration practices and principles:

- 1. Maximize the amount of forest "interior" (forest area > 300 feet from the forest edge) within each forest tract (i.e. minimize the forest edge:area ratio). Circular forest tracts are ideal and square tracts are better than rectangular or long, linear forests.
- 2. Minimize forest isolation. Generally, forests that are adjacent, close to, or connected to other forests provide higher quality FIDS habitat than more isolated forests.
- 3. To provide more valuable forest tracts for FIDS and other wildlife and plant species dependent on large contiguous forests, promote the reforestation of artificial forest openings, open peninsulas, gaps between forest tracts, and riparian corridors in order to create larger, more contiguous forest tracts with a minimal forest edge:area ratio. Reforestation can be achieved through natural succession or plantings of locally native trees. Avoid planting tree monocultures and discourage nonnative plant species (e.g. multiflora rose, Japanese honeysuckle) in reforestation areas.
- 4. During thinning operations in pine stands, allow some hardwoods to become established in the understory, midstory and canopy where possible.

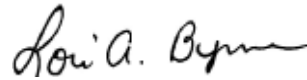
5. Plan cooperatively with adjacent landowners to minimize forest fragmentation.
6. Encourage homeowners to keep pet cats indoors or, if taken outside, kept on a leash or inside a fenced area.
7. Promote the development of a diverse forest understory by removing livestock from forested areas, halting mowing, and by controlling overbrowsing by white-tailed deer.
8. To provide optimal habitat for FIDS, consider establishing large contiguous tracts of old growth forest. In forest tracts where timber management is an important objective, the best opportunities for reserving areas from harvesting may be sites with hydric soils, steep slopes, or other conditions that might prevent effective timber management.
9. Avoid the loss of small forests (< 50 acres), particularly along coastlines, riparian corridors, and peninsula tips and in landscapes where forests are scarce. Although small forests do not provide suitable breeding habitat for most FIDS, they can provide important migratory stopover sites for a variety of bird species, including many FIDS.
10. Where possible and ecologically appropriate, promote controlled burns as a means of restoring native forest vegetation.
11. In forest areas where management for forest game or early successional species is an objective, implement the following guidelines wherever possible:
 - a. Focus management for early successional forest habitat near (within 300 feet) of existing forest edges.
 - b. Avoid creating permanent forest openings in the forest interior.
 - c. Create soft (vs. hard) feathered edges along existing forest edges.
 - d. Manage transmission line corridors, gas lines, and permanent logging roads as brood habitat for Wild Turkey and Ruffed Grouse in lieu of creating permanent openings.
 - e. Avoid daylighting logging roads and trails.
 - f. Consider leaving timber unsalvaged in stands with moderate to heavy gypsy moth damage as a means of managing FIDS while still providing high quality habitat for many forest game species including Wild Turkey, Ruffed Grouse, White-tailed Deer and American Woodcock.
 - g. Use single-tree selection timber harvests whenever possible.
 - h. Avoid creating greentree impoundments in riparian or bottomland forests; this practice can eliminate or reduce the suitability of breeding habitat for some FIDS.

While the Wildlife and Heritage Service does not have any records for the Northern Long-eared Bat (*Myotis septentrionalis*) on this project site, it is listed as an endangered species by the State of Maryland and by the U.S. Fish and Wildlife Service. Projects that have the potential to impact forest habitat of 15 acres or more should be screened by the U.S. Fish and Wildlife Service's Chesapeake Bay Field Office at: <https://www.fws.gov/office/chesapeake-bay-ecological-services/project-review>.

Page 4

For further technical assistance regarding these important rare species, please contact Megan Zagorski of the Wildlife and Heritage Service at megan.zagorski@maryland.gov. Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at lori.byrne@maryland.gov or at (410) 260-8573.

Sincerely,

A handwritten signature in black ink that reads "Lori A. Byrne". The signature is written in a cursive style with a large initial "L" and a long, sweeping underline.

Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2024.0299.ga
Cc: M. Zagorski, DNR



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2930

February 15, 2024

Lori Byrne
Wildlife & Heritage Service
Department of Natural Resources
580 Taylor Ave.
Tawes Office Bldg E-1
Annapolis, MD 21401
lori.byrne@maryland.gov

Dear Ms. Byrne:

The Baltimore District, U.S. Army Corps of Engineers (USACE) is planning to continue to conduct forest management activities on approximately 500 acres at Jennings Randolph Lake Project (JRL) in Mineral County, West Virginia and Garrett County, Maryland to support long-term forest management goals. The USACE is preparing a National Environmental Policy Act (NEPA) document to assess effects to the human environment from the proposed forest management activities.

Jennings Randolph Lake is a multipurpose water resources project constructed and operated by USACE. Project lands and waters provide flood-risk management, outdoor recreation, fish and wildlife habitat, plant habitat, and timber products. Project lands are primarily forested and managed to ensure long-term sustainability of the forest as well as maintain forest values to the project.

The proposed work consists of, on average, approximately 50 acres of forest management each year (Enclosure 1). The work involves approximately one and a half percent of land base each year and would be completed after appropriate forest stand analysis and stand prescription for harvest. Even-age and uneven-age forestry practices would be utilized, both of which could include timber harvesting, prescribed burning, herbicide treatments, and reforestation. All management actions work cohesively to provide quality native vegetation for future use. Previously used skid trails and haul roads already exist; however, some improvements or construction of new roads or trails may be needed.

USACE is reaching out to request information or comments your agency may have that may assist us with the Jennings Randolph Lake forest management NEPA document. Given the scope and nature of this forest management project, we would specifically request comments regarding potential impacts to rare, threatened, or endangered bat populations in the project area.

I kindly request your feedback (or quick indication of no input) by March 14, 2024. You can provide comments or direct questions to Grant Cunningham, project planner, at grant.m.cunningham@usace.army.mil.

Sincerely,



Daniel M. Bierly
Chief, Civil Project Development Branch
Planning Division

Enclosure: Jennings Randolph Lake Forest-Management Project Area

March 20, 2024

Grant Cunningham
Community Planner
Civil Project Development Branch
US Army Corps of Engineers, Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201

Dear Mr. Cunningham,

Thank you for contacting the West Virginia Division of Natural Resources regarding your ongoing forest management projects at Jennings Randolph Lake. Your letter indicated that your plan involves approximately 50 acres of forest management each year, with an eventual goal of 500 acres being managed in some way. The landscape surrounding Jennings Randolph Lake is heavily forested, mostly with mature forest stands. Your plan sounds like it will create a substantial amount of early-successional habitat, which will be valuable to many of the game species such as deer, turkey, and a bear.

The array of actions you list in your letter – prescribed fire, herbicide treatments (presumably mostly of invasive vegetation?), and both even and uneven aged stand practices, are what we would look for in building a diverse and sustainable ecosystem. Utilizing existing skid trails, as you indicated you plan to do, is a good plan for minimizing soil compaction and erosion. I would encourage you to consider planting these old skid trails, either between projects or whenever a section is complete, to reduce the propagation of invasive plants into your timber management areas.

With regards to sensitive, threatened, or endangered species; there is a known northern-long-eared bat maternity colony south of the lake, and habitat suitability modelling indicates that the area has good to excellent habitat conditions for Indiana bats. Forest management at your location should use standard best forest management practices relative to bats. These include, but are not limited to, using a seasonal clearing window for bats (i.e. remove trees between November 15 and March 31), and leaving snags and the trees immediately surrounding them where the crowns of those trees touch the canopy gap created by the snag with a target minimum of 3-5 such snags and surrounding trees per acre. As feasible, it would be good to apply beneficial forest management practices for white-nose-syndrome affected bats (link with more information: <https://www.whitenosesyndrome.org/mmedia-education/beneficial-forest-management-practices-for-wns-affected-bats-voluntary-guidance-for-land-managers-and-woodland-owners-in-the-eastern-united-states>).

The area falls within rusty patched bumble bee high and low potential zones as defined by the USFWS. To the best extent possible, it is recommended that proactive conservation measures for rusty patched bumblebees be applied. The USFWS has developed a document with detailed information on this (https://www.fws.gov/sites/default/files/documents/ConservationGuidanceRPBBv1_27Feb2018_0.pdf)

Lastly, there are wood turtle records for this area, however your proposed management units do not appear to be within 1000ft of a stream, so there is unlikely to be any impact. Some best management practices for managing a forest with wood turtles present might be applicable anyway, these would include:

- Time of year timber harvest restriction to non-active periods (November – March) when wood turtles would be expected to be in water rather than on land.
- Speed reduction (15 mph) to reduce mortality
- Use of slow, low intensity burns if prescribed fire is used March – April; no prescribed fire May – October

Thank you for keeping WVDNR informed of your plans for the Jennings Randolph Lake Project.

Sincerely,

Chelsey Faller

Chelsey Faller
District Wildlife Biologist



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2930

February 15, 2024

Paul R. Johansen
Wildlife Resources Section
Division of Natural Resources
738 Ward Road, P.O. Box 67
Elkins Operations Center
Elkins WV 26421
DNR.wildlife@wv.gov

Dear Mr. Johansen:

The Baltimore District, U.S. Army Corps of Engineers (USACE) is planning to continue to conduct forest management activities on approximately 500 acres at Jennings Randolph Lake Project (JRL) in Mineral County, West Virginia and Garrett County, Maryland to support long-term forest management goals. The USACE is preparing a National Environmental Policy Act (NEPA) document to assess effects to the human environment from the proposed forest management activities.

Jennings Randolph Lake is a multipurpose water resources project constructed and operated by USACE. Project lands and waters provide flood-risk management, outdoor recreation, fish and wildlife habitat, plant habitat, and timber products. Project lands are primarily forested and managed to ensure long-term sustainability of the forest as well as maintain forest values to the project.

The proposed work consists of, on average, approximately 50 acres of forest management each year (Enclosure 1). The work involves approximately one and a half percent of land base each year and would be completed after appropriate forest stand analysis and stand prescription for harvest. Even-age and uneven-age forestry practices would be utilized, both of which could include timber harvesting, prescribed burning, herbicide treatments, and reforestation. All management actions work cohesively to provide quality native vegetation for future use. Previously used skid trails and haul roads already exist; however, some improvements or construction of new roads or trails may be needed.

USACE is reaching out to request information or comments your agency may have that may assist us with the Jennings Randolph Lake forest management NEPA document. Given the scope and nature of this forest management project, we would specifically request comments regarding potential impacts to rare, threatened, or endangered bat populations in the project area.

I kindly request your feedback (or quick indication of no input) by March 14, 2024. You can provide comments or direct questions to Grant Cunningham, project planner, at grant.m.cunningham@usace.army.mil.

Sincerely,



Daniel M. Bierly
Chief, Civil Project Development Branch
Planning Division

Enclosure: Jennings Randolph Lake Forest-Management Project Area

Date: August 23, 2024

To: Ethan Bean
U.S. Army Corps of Engineers, Baltimore District

Project Name: Jennings Randolph Lake Forestry Management

County: Garrett County

Agency: Corps of Engineers

Second Agency: -- Not noted --

MHT Log #: 202403591

MHT Response: Thank you for providing the Maryland Historical Trust the opportunity to comment on the above-referenced undertaking using the MHT e106 system. The Maryland Historical Trust has reviewed the submitted project for its effects on historic and archeological resources, pursuant to Section 106 of the National Historic Preservation Act of 1966 and/or the Maryland Historical Trust Act of 1985. We offer the following comments and/or concurrence with the agency's findings:

No historic properties will be affected by the proposed undertaking. Additional consultation with our office may be required if there are any significant changes in project scope or location.

Thank you for your cooperation in this review process. Since the MHT response is now complete, this response will appear in the Completed section of your project dashboard. No hard copy of this response or attachments will be sent. If you have questions, please contact the following MHT project reviewers:

Dixie Henry dixie.henry@maryland.gov



Maryland Historical Trust
Project Review and Compliance
100 Community Place
Crownsville, MD 21032
mht.section106@maryland.gov

MHT.Maryland.gov
Planning.Maryland.gov



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

August 1, 2024

Elizabeth Hughes, SHPO
Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032

Dear Ms. Hughes:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 Code of Federal Regulations Part 800, regarding proposed forest management activities at Jennings Randolph Lake in Garrett County, Maryland and Mineral County, West Virginia. Jennings Randolph Lake is a multipurpose water resources project constructed and operated by the United States Army Corps of Engineers, Baltimore District (USACE). The USACE is proposing to continue long-term forest management that could include timber harvesting, prescribed burning, herbicide treatments, and reforestation.

The project's area of potential effect (APE) may be defined as the areas within which the undertaking may directly or indirectly cause alterations to the character or use of historic properties, including visual effects. A draft APE is included in Enclosure 1 for your review and includes the areas of proposed forest management. An examination of the Maryland Historical Trust's cultural resources information system, Medusa, indicates that no historic properties have been previously identified within any of the proposed management areas. While the proposed management areas have not been subjected to formal cultural resources investigations, they are within heavily sloped areas, or areas previously used for forest management. Additionally, ground disturbance is not expected because tree stumps will not be removed. The proposed project will have no effect on historic properties.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please email Ethan A. Bean at ethan.a.bean@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Bierly".

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosure



West Virginia Department of
**ARTS, CULTURE
AND HISTORY**

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

Randall Reid-Smith, Cabinet Secretary
Phone 304.558.0220 * www.wvculture.org
Fax 304.558.2779 * TDD 304.558.3562
EEO/AA Employer

August 29, 2024

Mr. Daniel M. Bierly
Chief, Civil Project Development Branch
Planning Division
Department of the Army
Corps of Engineers, Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201
Via email: ethan.a.bean@usace.army.mil

RE: Jennings Randolph Lake Forest Management
FR#: 24-1407-MI

Dear Mr. Bierly:

We have reviewed the information submitted in support of the above-mentioned project. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

According to the submitted information, the Department of the Army, Corps of Engineers, proposes to continue long-term forest management activities at Jennings Randolph Lake in Garrett County, Maryland and Mineral County, West Virginia. We understand that these activities could include timber harvesting, prescribed burning, herbicide treatments, and reforestation. The proposed draft area of potential effect (APE), as depicted on Enclosure 1, depicts those areas Jennings Randolph Lake where forest management activities could occur. Our comments pertain only to those portions of the APE located within West Virginia.

Archaeological Resources:

Our records indicate that no archaeological sites are located within or adjacent to the draft APE. In addition, the draft APE is situated on steep terrain and encompasses areas that have been previously disturbed. Furthermore, the proposed activities would involve no ground disturbance. This makes it unlikely that significant archaeological resources would be encountered. In our opinion, the proposed project will have no effect on archaeological historic properties. No further consultation is necessary for the proposed project as currently defined.

Architectural Resources:

We have reviewed the submitted information and concur that the proposed project's Area of Potential Effect (APE) does not include architectural properties eligible for or included in the

August 29, 2024
Mr. Bierly
FR# 24-1407-MI
Page 2

National Register of Historic Places. No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Lora A. Lamarre-DeMott, Senior Archaeologist, or Abigail M. Ayers, Structural Historian, at (304) 558-0240.*

Sincerely,



Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/LLD/AMA



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

August 1, 2024

Susan Pierce, Director
West Virginia SHPO
The Culture Center
1900 Kanawha Blvd.
East Charleston, WV 25305

Dear Ms. Pierce:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 Code of Federal Regulations Part 800, regarding proposed forest management activities at Jennings Randolph Lake in Garrett County, Maryland and Mineral County, West Virginia. Jennings Randolph Lake is a multipurpose water resources project constructed and operated by the United States Army Corps of Engineers, Baltimore District (USACE). The USACE is proposing to continue long-term forest management that could include timber harvesting, prescribed burning, herbicide treatments, and reforestation.

The project's area of potential effect (APE) may be defined as the areas within which the undertaking may directly or indirectly cause alterations to the character or use of historic properties, including visual effects. A draft APE is included in Enclosure 1 for your review and includes the areas of proposed forest management. An examination of the West Virginia State Historic Preservation Office's cultural resources information system indicates that no historic properties have been previously identified within any of the proposed management areas. While the proposed management areas have not been subjected to formal cultural resources investigations, they are within heavily sloped areas, or areas previously used for forest management. Additionally, ground disturbance is not expected because tree stumps will not be removed. The proposed project will have no effect on historic properties.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please email Ethan A. Bean at ethan.a.bean@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Bierly".

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosure



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

August 1, 2024

Deborah Dotson, President
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

Dear Ms. Dotson:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 Code of Federal Regulations Part 800, regarding proposed forest management activities at Jennings Randolph Lake in Garrett County, Maryland and Mineral County, West Virginia. Jennings Randolph Lake is a multipurpose water resources project constructed and operated by the United States Army Corps of Engineers, Baltimore District (USACE). The USACE is proposing to continue long-term forest management that could include timber harvesting, prescribed burning, herbicide treatments, and reforestation.

The project's area of potential effect (APE) may be defined as the areas within which the undertaking may directly or indirectly cause alterations to the character or use of historic properties, including visual effects. A draft APE is included in Enclosure 1 for your review and includes the areas of proposed forest management. An examination of the Maryland Historical Trust's cultural resources information system, Medusa, and the West Virginia State Historic Preservation Office's cultural resources information system, indicates that no historic properties have been previously identified within any of the proposed management areas. While the proposed management areas have not been subjected to formal cultural resources investigations, they are within heavily sloped areas, or areas previously used for forest management. Additionally, ground disturbance is not expected because tree stumps will not be removed. The proposed project will have no effect on historic properties.

Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at consultation meetings, and we will fully consider any information you wish to provide.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please email Ethan A. Bean at ethan.a.bean@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Bierly".

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosure



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

August 1, 2024

Susan Bachor, THPO
Delaware Tribe of Indians
126 University Circle, Stroud Hall Rm. 437
East Stroudsburg, PA 18301

Dear Ms. Bachor:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 Code of Federal Regulations Part 800, regarding proposed forest management activities at Jennings Randolph Lake in Garrett County, Maryland and Mineral County, West Virginia. Jennings Randolph Lake is a multipurpose water resources project constructed and operated by the United States Army Corps of Engineers, Baltimore District (USACE). The USACE is proposing to continue long-term forest management that could include timber harvesting, prescribed burning, herbicide treatments, and reforestation.

The project's area of potential effect (APE) may be defined as the areas within which the undertaking may directly or indirectly cause alterations to the character or use of historic properties, including visual effects. A draft APE is included in Enclosure 1 for your review and includes the areas of proposed forest management. An examination of the Maryland Historical Trust's cultural resources information system, Medusa, and the West Virginia State Historic Preservation Office's cultural resources information system, indicates that no historic properties have been previously identified within any of the proposed management areas. While the proposed management areas have not been subjected to formal cultural resources investigations, they are within heavily sloped areas, or areas previously used for forest management. Additionally, ground disturbance is not expected because tree stumps will not be removed. The proposed project will have no effect on historic properties.

Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at consultation meetings, and we will fully consider any information you wish to provide.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please email Ethan A. Bean at ethan.a.bean@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel M. Bierly".

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosure