

CAR1436 “Finite Carbon – Dingess Rum IFM”  
Attachment K: Legal Constraints

*Evaluation of Rules and Regulations subject to the Project Area*

| Rule/Regulation                                                                              | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| Clean Water Act<br>&<br>Logging Sediment Control Act<br>&<br>State Best Management Practices | These guidelines deal with problems caused by soil erosion, siltation and inattention to aesthetics.<br><br>The West Virginia Logging Sediment Control Act (LSCA) Chapter 19 Article 1B mandates the use of Best Management Practices (BMPs ) to prevent Soil Erosion and stream sedimentation.                                                                                                                                                                                                                    | The WV division of forestry provides a publication of the most commonly used BMP practices for controlling soil erosion and sedimentation from logging operations. It is noted that this not a complete list and is to be used as a guide.<br><br>The LSCA denotes that failure to follow BMPs that lead to irreparable soil erosion or endangers life may result in the issuance of a compliance order or a shut-down order from the WV Division of Forestry. SMZ width is set at 100ft on either side of the stream.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| National Wild & Scenic Rivers Act                                                            | The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations.                                                                                                                                                                                                                     | There are no nationally designated wild and scenic rivers within the project area.<br><br><a href="http://www.rivers.gov/">www.rivers.gov/</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Endangered Species Act (ESA)                                                                 | The Endangered Species Act (ESA) provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The lead federal agencies for implementing ESA are the U.S. Fish and Wildlife Service (FWS) and the U.S. National Oceanic and Atmospheric Administration (NOAA) Fisheries Service. The FWS maintains a worldwide list of endangered species. Species include birds, insects, fish, reptiles, mammals, crustaceans, flowers, grasses, and trees. | WV DNR indicates that the project area falls within Indiana Bat habitat indicating that the species may be present on the property and that a hibernaculum has possibility to exist ,however, he no occurrences are known to the OPO. Restrictions associated with harvesting include seasonal operational limitations associated with brood/pup season as well as pre-hibernation swarming. It may be required to work with the Ecological Field Services Field offices when harvesting as locations of known hibernaculum by DNR are not disclosed. All harvest modeled in the baseline are assumed to take place outside of these two periods as applicable.<br><br>There are no other endangered species identified within the Project Area. This was confirmed by inspecting the public database ( <a href="https://ecos.fws.gov/ecp/report/table/critical-habitat.html">https://ecos.fws.gov/ecp/report/table/critical-habitat.html</a> ). Implementation of conservative BMPs within the baseline modeling insures that endangered/threatened aquatic species are not adversely impacted. |
| Local Ordinances                                                                             | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |