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April 1, 2020

Submitted electronically at <https://cara.ecosystem-management.org/Public//CommentInput?Project=57708>

Joby P. Timm, Forest Supervisor
George Washington and Jefferson
National Forests
5162 Vallepointe Parkway
Roanoke, VA 24019

RE: Mt. Storm to Valley 500kV Electric Transmission Line Replacement #57708

Dear Mr. Timm,

Please consider these comments filed by the above listed agencies in regard to the proposed rebuild of the Virginian Electric and Power Company d/b/a Dominion Energy Virginia (Dominion) Mt. Storm to Valley 500 kV electric transmission line project across a portion of the George Washington National Forest. The project area is located on the North River Ranger District in Rockingham County, Virginia, and Pendleton County, West Virginia.

First, let us say that we applaud the desire to continue to locate the transmission line upgrade within the long-standing designated corridor. Further we appreciate the continued dedication of Dominion to providing safe, reliable energy toward the citizens of Virginia and West Virginia. There are, however, several issues that we hope that the U.S. Forest Service and Dominion Energy will take into consideration in order to make this a responsible project built to the highest standards with the least possible impacts to the forest and its associated natural and human communities and its associated uses.

To that end we welcome the opportunity to sit down with representatives of the Forest Service and Dominion so that we can address our concerns together and help create a project for which our collective communities will be proud of for generations to come. We have included a list of concerns, both general and specific to this project, which we hope can be addressed together so that we can assess potential impacts and together develop potential responsible mitigation strategies.

GENERAL OBSERVATIONS

- While we understand that work will continue within the existing right-of-way, the scoping notice does suggest that locations of individual towers and their locations could shift significantly within the right-of-way necessitating excavation and temporary and permanent (12 acres) forest clearing. Changes in individual tower heights as well as elevation and other siting changes could have significant environmental and visual impacts. These impacts could vary by location and nearby management prescription areas. We would like accurate information on the location **of each tower** and its relationship to its previous location. Will there be additional towers added? What will be the height differences with **each new tower** (not an average, we need to know the changes to each tower.) Please provide this information as without it we are not able to make accurate comments in regard to potential impacts and the development of mitigation strategies.

The scoping notice says only “approximately” 60 towers will be removed and replaced with “approximately” 60 new ones. Please supply site plans for each tower and its site location within the right-of-way.

- The visual impacts of taller, wider towers that are also located at different elevations could create significant visual changes that impact the recreational experience of the National Forest and the quality of life to those communities on the edge of the Forest. A logical, cost-effective way for Dominion and the Forest Service to balance both the impacts to the Forest and the need for safe, reliable energy is for the towers to be darkened and the glistening wires to be made to be visually subdued. There are proven, cost effective ways to do this and we seek a commitment from Dominion and the Forest Service that they will work together to make this mitigation happen.
- In recent upgrades to other sections of this same transmission line in Augusta County, Dominion’s subcontractors allowed massive erosion and sediment control issues to continue unchecked for long periods of time, blasting caused damage to foundations, gravel and runoff were allowed to enter trout streams in the Shenandoah National Park, and transmission line workers used residents’ fields and forests for their own private outdoor bathroom facilities. We would like to explore opportunities to work with Dominion and the Forest Service to ensure that these situations do not repeat themselves.

OBSERVATIONS SPECIFIC TO THIS SCOPING NOTICE

This proposal must comply with the Forest Plan, National Environmental Policy Act, National Forest Management Act, Endangered Species Act, and other laws and regulations that bind the Forest Service. It is not clear from the limited information in the scoping notice that this proposal would.

- We have serious concerns about the potential sedimentation and erosion impacts from the proposed ground clearing, especially the 40+ miles of roads that would be built, improved, reconstructed, restored, and then used permanently or temporarily. This will involve a great deal of ground disturbance with resulting short- and long-term impacts to water quality (and perhaps soil) in the area. The Forest Service needs to analyze these impacts and disclose them to the public so that appropriate modifications, limits, and/or mitigation measures can be developed to comply with Virginia water quality laws and standards.
- The project could affect the **Rusty Patch Bumble Bee** (RPBB) and other rare bees recently discovered in the project area. It could also affect the **Cow Knob Salamander** (CKS) and other sensitive species in the Shenandoah Mountain Crest management area. Additional populations may occur outside the SMC management area. The Forest Plan, laws such as the Endangered Species Act and the National Forest Management Act, and other regulations may limit or prohibit some of the proposed activity.

The 12 acres of permanent tree clearing within the right-of-way and 1.3 mi. of road construction outside the utility corridor in the NF should be planned carefully so as not to have an impact on any of these special species. The Forest would need to be especially careful in 8E7, where use of Forest Roads is allowed, but widening and pull-offs could have impacts that would not be in line with the Forest Plan.

The areas where road widening will be done and pull offs constructed should be surveyed for special species before approval. Please note that recent research shows reduced populations of Cow Knob Salamander on Shenandoah Mountain in areas where prescribed burning has been done. This same effect could happen where areas are cleared and more sunlight gets in. Jacobsen, C.D. 2019. [Influence of climate change and prescribed fire on habitat suitability and abundance of the high-elevation endemic Cow Knob Salamander \(*Plethodon punctatus*\)](https://researchrepository.wvu.edu/etd/4051). Masters thesis. West Virginia University. <https://researchrepository.wvu.edu/etd/4051>

- The Forest Service needs to address whether the proposed action will satisfy the Forest Plan's requirements for the 5C-Designated Utility Corridors management prescription since any action by the Forest Service must be consistent with the plan to avoid violating NFMA. See 16 U.S.C. § 1604(i). Considerations include but are not limited to:
 - Within this management prescription, the Forest Service is supposed to provide for "the protection of rare communities and species associates" and also provide

“protection measures for population occurrences for threatened, endangered, sensitive, and locally rare species.” Forest Plan at 4-76 (DC 5C-03). How will the Forest Service provide for the protection of, among other species, the RPBB and cow know salamander?

- The Forest Plan anticipates that vegetation may be controlled in the utility corridor using herbicide. See Forest Plan at 4-76 (5C-001). Has the Forest Service considered the effects that herbicide will have on the rare bee species that the scoping notice acknowledges are found in the vicinity of the project area?
 - What inventoried scenic class or classes will be affected by this project and how will this project affect with the applicable scenic integrity objectives? See Forest Plan at 4-77 (5C-004). This is a particular area of concern; the Forest Service cannot rely on the existing impacts to scenic resources as a proxy because the proposed towers are significantly taller, larger, and more reflective than the existing towers.
- New tower sites should not be located on north-facing talus slopes, which is prime habitat for CKS.
 - Please supply better maps that show exactly where the new road construction will be outside the Utility Corridor management area. It is not clear on the maps provided.
 - Make sure that plants native to the region are used to revegetate, as required in the Forest Plan.
 - Please revise the map to show recreational impacts on trails along the corridor. Will the recently-constructed Carr Mountain Trail, a portion of the Great Eastern Trail which is recognized by USFS Region 8, be used as an access road? If so, please disclose this in your analysis.
 - Please note that this project is in the headwaters of the North Fork of the Shenandoah River and could have an impact on native brook trout streams, like the German River, if erosion and siltation are not carefully controlled.
 - The Forest Service needs to ensure that this project and nearby projects, including for example additional projects to replace this same transmission line in other areas and the North Shenandoah project, are not “stacked” to such a degree that cumulative impacts occur. This is particularly true since the North Shenandoah did not consider impacts of this project and the Forest Service is proposing to evade full environmental review here with use of a Categorical Exclusion.

USE OF A CATEGORICAL EXCLUSION IS INAPPROPRIATE

Given the above, we believe the Forest Service, at a minimum, needs to complete an EA with input from the public. We understand that categorical exclusions can apply only actions that do not individually or cumulatively have a significant effect, and a proposed action can be categorically excluded from further analysis and documentation "only if there are no extraordinary circumstances related to the proposed action...."¹ When determining if extraordinary circumstances exist, the District must consider (among other things): threatened, endangered, species or designated critical habitat, as well as Forest Service sensitive species; Roadless areas, including Potential Wilderness Areas (PWAs), American Indian and cultural sites; and archaeological or historic sites.² Given the presence of the RPBB, the CKS, the Indiana bat, and several sensitive species, full analysis is needed and the public deserves a chance to review and provide comments on impacts to these species from this proposal.

First, it is not clear this proposal falls within the plan language of the proposed CE. For example, the project proposes massive road building and other work that goes beyond replacing the line. Some of this would be permanent.

Second, it seems very possible the proposed actions could directly cause "take" of, or even jeopardy to the continued existence of the critically endangered RPBB. These extraordinary circumstances, as well as other discussed herein, require analysis in an EA or even EIS. In light of uncertainties related to the Rusty Patched bumble bee and because USFWS had not recorded the new, nearby occurrences of the RPBB in in IPaC system or adjusted the High Potential zones (or primary dispersal zones) for the RPBB, the North River District recently proposed to drop proposed ground disturbance near the right of way. It seems highly improper to now propose ground disturbance in the very right of way without full environmental review with public comment.

In addition, we understand that staff from the Virginia Department of Recreation- Division of Natural Heritage (VDNH) discussed at least 3 species of rare bees in surveys being completed for this project. The Forest Service did not consider these bees during plan revision, We understand from the proposed North Shenandoah timber sale that: none of the three species were not known to occur in Virginia, one of the species was considered possibly extinct until recently, the bees are so rare that experts are needed to even help identify species, additional rare species may be identified once an expert is able to identify the bees, and VDNH will likely add these bee species to Virginia's Natural Heritage's Rare Animal List.

The fact that VDNH is likely to add these bee species to Virginia's Natural Heritage's Rare Animal List will likely impact the status that the Forest Service assigns to these bees. For example, the bees may be added to Region 8's Species of Conservation Concern ("SCC") list and/or Region 8's Sensitive Species list.³ This would require maintaining viable populations of these species.

¹ FSH 1909.15, Chapter 30 and 31.1; 36 C.F.R. § 220.6(a).

² 36 C.F.R. § 220.6(b); FSH 1909.15, Chapter 31.2.

³ Forest Service Handbook (FSH) 1909.12, section 12.52; FSM 2672.11.

If the Forest Service for some reason believes that ground disturbance within the very right of way where the RPBB and other bees exist will not harm the bees, it should have disclosed more information about the bee species and any rationale for this conclusion in the scoping notice. While some of the right of way may continue to provide similar habitat in the future, there seems no doubt that removing the vegetation in some areas to, for example, construct the new towers in new sites and build crane sites, could lead to endangered and rare bees being crushed or killed in the process, as well as temporarily or permanently harm habitat.

With regard to roadless areas, the Forest Service needs to acknowledge and analyze that portions of this proposal in the Feltz Ridge area are very close to the Beech Lick Knob proposed wilderness area and the Beech Lick Knob potential wilderness area (PWA), which was identified during the GWNF plan revision process and meets roadless area criteria. The District should delineate this area on maps, consider any effects on roadless characteristics and values, and ensure the project would not affect the proposed wilderness area or the PWA's future status and eligibility.

Thank you for considering these comments, and please let us know if you have questions.

A handwritten signature in black ink, reading "Katherine Wofford". The signature is fluid and cursive, with the first name "Katherine" and last name "Wofford" clearly legible.

Katherine Wofford
Executive Director
Alliance for the Shenandoah Valley

Please see list of signatory organizations attached:

Signatory Organizations:

Friends of the North Fork of the Shenandoah River
P.O. Box 746
Woodstock VA 22664
David V. Brotman, Executive Director

Virginia Wilderness Committee
119 Madison Place
Staunton VA 24401
John D. Hutchinson V, Executive Director

cc: Kristin Davis, Southern Environmental Law Center (via email at kdavis@selcva.org)
Spencer Gall, Southern Environmental Law Center (via email at sgall@selcva.org)
John Hutchinson, Valley Conservation Council (via email at john@valleyconservation.org)