



City of Lynchburg • Water Resources
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June 7, 2021

Via Electronic Filing

Reviewing Officer Joby P. Timm
Forest Supervisor
George Washington and Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, Virginia 24019-3050

**Re: Request for Predecisional Administrative Review
Pedlar River North Vegetation Project DDN/FONSI**

Dear Mr. Timm:

The purpose of this letter is to request predecisional administrative review of the above-referenced project, its Environmental Assessment, and the associated Draft Decision Notice (“DDN”) and Finding of No Significant Environmental Impact (“FONSI”) announced in April 2021. As the owner of Pedlar Reservoir and supplier of drinking water to over 100,000 people in the Lynchburg region, the City of Lynchburg and Lynchburg Water Resources appreciate the attention of the Forest Service to protect water quality in this watershed and our ongoing dialog to that end. We appreciate the availability of the review process and look forward to continued discussions and cooperation to ensure appropriate management of the affected resources and especially the safeguarding of this critical water supply.

REQUIRED ELEMENTS OF REVIEW REQUEST (36 CFR § 218.8)

36 CFR 218.8(d)(1) – The objector’s name is the City of Lynchburg (hereinafter the “City” or “Lynchburg Water Resources”). Our address is as shown above on our letterhead. The point of contact is Timothy A. Mitchell, P.E., Director of Water Resources, City of Lynchburg, Virginia, telephone (434) 455-4252, email timothy.mitchell@lynchburgva.gov.

36 CFR 218.8(d)(2) – The objector’s signature is provided below and verification of authorship is available upon request through our point of contact.

36 CFR 218.8(d)(3) – The sole and lead objector for purposes of this objection is the City of Lynchburg.

36 CFR 218.8(d)(4) – The name of the project is the Pedlar River North Vegetation Project. The responsible official is Lauren Stull, District Ranger, Glenwood/Pedlar Ranger Districts.

Our Job is Clear!

Notwithstanding the filing of this objection, the City wishes to acknowledge the professionalism and responsiveness of District Ranger Stull in communicating with City officials.

36 CFR 218.8(d)(5) –

Background and Supporting Reasons to Consider

Lynchburg Water Resources is dedicated to providing safe and clean drinking water to the more than 100,000 people plus businesses and institutions throughout the City as well as parts of Amherst, Bedford, and Campbell Counties. The Pedlar Reservoir in Amherst County is our main water source and the exceptionally high quality of our water is due in part to the protection the reservoir enjoys due to its location in the George Washington and Jefferson National Forests.

Once this water leaves the Pedlar Reservoir, it is piped to our College Hill and Abert Water Treatment Plants. Each year, our water plant operators and chemists perform over 130,000 water quality tests, testing for more than 70 types of contaminants such as lead, copper, chlorine, radium, coliform bacteria, and cryptosporidium. With 24/7 operations, our team of experts work tirelessly to ensure that our drinking water is safe from source to tap.

Currently, the quality of our drinking water more than exceeds all state and federal regulatory standards. For the past 15 years, the City of Lynchburg has received the Virginia Department of Health's "Excellence in Waterworks Performance" award for producing drinking water that is at least three times cleaner than U.S. EPA requirements.

Throughout this process, it has been the City's position that it is imperative that the quality of the Pedlar Reservoir water be "protected to the fullest extent possible." The City believes the Forest Service shares the interest reflected in the City's reservoir protection request as evidenced by the extensive collaborative efforts that have already occurred by the Forest Service and Lynchburg Water Resources. We are very much appreciative of these efforts, especially those of District Ranger Stull. Additionally, the USDA Forest Service acknowledges the importance of protecting and improving water supplies in its' Strategic Plan Strategic Objective D. Provide abundant clean water, which goes on to state, "The Forest Service will lead in managing the forests' and grasslands' contribution to delivering plenty of pure, clean water for people to enjoy.

It is also acknowledged that when done correctly, well-managed forests have a positive benefit on source water by reducing the amount of total organic carbon and nutrients that enter the water supply through activities such as: low intensity prescribed burns and select harvesting. In fact, the American Water Works Association, the nation's leader in drinking water expertise and advocacy, actively supports partnering with the USDA Forest Service on forest management and source water protection.

The City's overall interest remains to understand and ensure that the Forest Service is absolutely committed to fully protecting the Pedlar Reservoir (including water quality and capacity), that the Forest Service's plan expressly reflects this commitment and is fully sufficient to do so, and that the Forest Service will take all actions necessary to protect our reservoir and water when the plan

is implemented, including making any necessary or helpful improvements or enhancements through an adaptive management process.

Specific Activities, Issues, and Proposed Remedies

The City's reservoir-focused interest pertains to all forest management activities encompassed by the project having the potential to adversely impact Pedlar Reservoir's water quality (sediments/solids, herbicides, chemistry generally) and capacity (sediment deposit), including but not limited to timber harvest, road construction and use, prescribed burns, and herbicide use. Further details and proposed remedies are listed below.

Unit 41 Activity Generally

We appreciate the reduction in the final EA in the extent of Unit 41 to be harvested and the added statements regarding variable retention as opposed to clear cutting. To the extent that any harvesting will occur, all precautions should be taken to avoid erosion and sedimentation of the reservoir and as discussed with the Forest Service, throughout the watershed to the extent herbicides will be used, they would only be applied directly to the target plants with no aerial or broadcast application.

Erosion and Sediment Control (Reservoir Water Quality & Capacity Concerns)

We continue to have a strong interest in the adequacy of erosion and sediment control. In addition to the specific coordination efforts we propose below as a remedy, a number of our specific technical requests remain outstanding. We ask that these requests be more specifically addressed and implementation assured in the project through the administrative review process with a corresponding supplement to or revision of the EA. These items include:

- **Erosion & Sediment Control ("ESC") Design** – We have previously expressed concerns and made requests in written comments regarding the need for and adequacy of erosion and sediment control measures. We note that when referring to certain sediment load modeling the Final EA (p. 73) states that "For any watershed showing a potential increase of >10% sediment delivery above background, site-specific design criteria will be prescribed for the road system or logging plan features that were identified by the GRAIP Lite model as potential sources of sediment loading." However, the model predicts a 4% impact on the Pedlar Reservoir watershed, so it would not receive the benefit of the referenced site-specific design criteria.

The Final EA states that "in two locations where public comments raised concern about protection of water resources and steep slopes adjacent to temporary road building (Unit 41 and Unit 7), site-specific BMPs such as silt fence and spot graveling will be included in the timber contract to further ensure headwater areas are protected."

To resolve our concerns and in the spirit of cooperation for assuring protection of the public water supply, we request a site-specific ESC Plan Review Coordination process in which the City and its ESC Engineer would have an opportunity to review draft ESC plans in areas

relevant to the Pedlar Reservoir and have meaningful input on the identification and inclusion of enhanced ESC design features to maximize reservoir protection.

- **Buffers** – We have previously expressed concerns and made requests in written comments regarding the need for appropriate buffers. While we appreciate references in the Final EA to buffers, it is unclear where they will apply and what size they will be, particularly with respect to buffers from streams and waters in the Pedlar Reservoir watershed. We request that we collaboratively discuss these buffers and that we have the opportunity to review and comment on the proposed buffers.
- **Inspections & Maintenance** – We have previously expressed concerns and made requests in written comments regarding the frequency and timeliness of ESC inspections especially after rainstorms and the need for immediate corrective action when deficiencies are found. However, inspections and maintenance have been addressed adequately in the Final EA. Again, in the spirit of cooperation, we request that the inspection and maintenance program for BMPs in the Pedlar Reservoir watershed be more specifically addressed to include: (a) the opportunity for the Water Resources staff to accompany contractor and Forest Service inspections (including advance notice/coordination), (b) the City receive copies of all inspection reports by the contractor or Forest Service, (c) expeditious corrective action deadlines (same day), (d) a plan to stop work until corrective action is completed in the area to avoid exacerbating the problem, and (e) a remediation plan for excess sediment escaping the disturbed area.
- **Amount of Unstabilized Area** – We have previously expressed concerns and made requests in written comments regarding the need to minimize the extent of land disturbing areas at any given time and specifically request that the scheduling of the harvesting of the various areas should be such that the amount of disturbed areas at any given time is minimized. We appreciate that the Final EA notes that “this project likely contains three separate timber sales, such that effects could be spread out over numerous years and therefore sediment loads are expected to be substantially reduced. Project-specific design criteria was developed to minimize sediment impacts is in place by offering only one timber sale per calendar year, potentially allowing certain areas to recover before other sale areas are harvested.” However, references that the project “likely contains three separate timber sales” and only that the “development” design criteria setting a maximum of one timber sale per year are vague and uncertain (would the criteria be mandatory, how large could one sale be, and how would those decisions ensure Pedlar Reservoir protection?). We request that these methods of reducing impacts be more specifically (amounts and timeframes) memorialized in a supplement to or revision of the EA and ongoing discussion throughout the life of the project with Lynchburg Water Resources regarding the timing and size of the sales.

Ongoing Communications & Coordination

Given the importance of protecting the public water supply during the project, the City respectfully requests that the Forest Service work with the City to develop and support a protocol for ongoing communications and coordination on activities in the Pedlar Reservoir watershed. A potential partnership including a formal or informal Memorandum of Understanding outlining opportunities and areas of cooperation and collaboration that may be mutually beneficial, possibly using the

Forest Service's Forests to Faucets program used elsewhere across the country as a model. A program could include but not be limited to: sharing of findings of monitoring activities that occur in the watershed, flexibility to meet with the Forest Service as needed throughout project implementation, collaboratively identifying watershed improvement projects or activities and public outreach and educational opportunities.

36 CFR 218.8(d)(6) – The City electronically filed written comments with the Forest Service on the Draft Environmental Assessment on March 11, 2021. Consistent with the discussion above, the City's March 11th comments also requested protection of the Pedlar Reservoir source water to the fullest extent possible, including numerous more specific requests on aspects of how that level of protection could be better achieved. The referenced comments appear on the Forest Service's electronic docket at <https://cara.ecosystem-management.org/Public/ReadingRoom?List-size=25&Project=58783&List-page=1> and they are hereby incorporated by reference in accordance with 36 CFR § 218.8(b)(4).

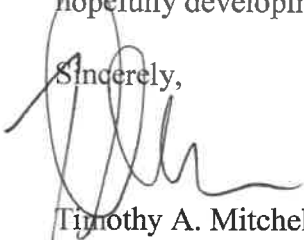
MEETING REQUEST PURSUANT TO 36 CFR 218.11(a)

The City requests the opportunity to meet to discuss the issues raised in this objection and potential resolution in accordance with 36 CFR 218.11(a). In addition, the City is available for informal consultation to explain this objection and collaborate on potential enhancements to the Project.

CONCLUSION

Thank you in advance for carefully considering this objection and the proposed remedies for the protection of the Pedlar Reservoir as a major water supply source. We look forward to meeting with you and discussing these issues through the predecisional administrative review process, and hopefully developing a long term, mutually beneficial relationship going forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy A. Mitchell', is written over the word 'Sincerely,'.

Timothy A. Mitchell, P.E.
Director

c: Reid Wodicka, PhD, Acting City Manager