



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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September 30, 2025

Mr. Jay Garcia
U.S. Forest Service

Submitted via Electronic Commenting Web Page:
<https://cara.fs2c.usda.gov/Public/CommentInput?project=66727>

RE: Draft Environmental Assessment, U.S. Forest Service: Forest-wide Open Lands Vegetation Project (DEQ 25-054F, USFS File Code 1950)

Dear Mr. Garcia:

The Commonwealth of Virginia has completed its review of the draft Programmatic Environmental Assessment (PEA) issued on September 9, 2025. The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. The following agencies participated in this review:

Department of Environmental Quality
Department of Conservation and Recreation (DCR)
Department of Health (VDH)
Department of Wildlife Resources (DWR)

The Virginia Department of Agriculture and Consumer Services, Department of Historic Resources, Department of Forestry, Central Shenandoah Planning District Commission (PDC), Cumberland Plateau PDC, Lenowisco PDC, Mount Rogers PDC, New River Valley RC, Northern Shenandoah Valley RC and Roanoke Valley-Alleghany RC.

PROJECT DESCRIPTION

The U.S. Forest Service (USFS) issued a draft Environmental Assessment (EA) for the Forest-wide Open lands Vegetation Management project at George Washington and Jefferson National

Forests (GWJNFs). Throughout the history of GWJNFs, early successional habitats have been created and maintained across the landscape to provide wildlife habitat, scenic vistas, grazing opportunities, safe vehicle travel and reliable utility delivery to the public. To better coordinate the maintenance and management of these open lands, the GWJNFs is proposing an integrated program for early successional habitat management within the following resource areas: (1) permanent open and semi-open lands; (2) extended buffers around Forest Service roads; and (3) utility corridors. This EA also proposes to allow herbicide application to occur on native plant species within the proposed resource areas under the conditions described in the 2010 Forestwide Non-native Invasive Plant Control EA. The Open Lands Vegetation Management Project provides a specific set of activities by which to manage native and non-native vegetation and maintain the early successional habitat common to these three resource areas. This EA explores the potential effects of the proposed set of maintenance activities within the three resource areas. This project also proposes the use of a checklist process to ensure that all standards, guidelines, and design criteria related to the activity, management prescription area, and site are implemented. The EA evaluates Alternative 1 (Proposed Action) and Alternative 2 (No Action) alternatives.

ENVIRONMENTAL IMPACTS AND MITIGATION

1. Point Source Air Pollution. The EA (page 27) states that herbicide spray has the potential to impact air quality.

1(a) Agency Jurisdiction. The DEQ Air Division, on behalf of the State Air Pollution Control Board, is responsible for developing regulations that implement Virginia's Air Pollution Control Law (Virginia Code §10.1-1300 *et seq.*). DEQ is charged with carrying out mandates of the state law and related regulations as well as Virginia's federal obligations under the Clean Air Act as amended in 1990. The objective is to protect and enhance public health and quality of life through control and mitigation of air pollution. The division ensures the safety and quality of air in Virginia by monitoring and analyzing air quality data, regulating sources of air pollution, and working with local, state and federal agencies to plan and implement strategies to protect Virginia's air quality. The appropriate DEQ regional office is directly responsible for the issuance of necessary permits to construct and operate all stationary sources in the region as well as monitoring emissions from these sources for compliance. As a part of this mandate, environmental impact reviews (EIRs) of projects to be undertaken in the state are also reviewed. In the case of certain projects, additional evaluation and demonstration must be made under the general conformity provisions of state and federal law.

The Air Division regulates emissions of air pollutants from industries and facilities and implements programs designed to ensure that Virginia meets national air quality standards. The most common regulations associated with projects are:

- Open burning: 9 VAC 5-130 *et seq.*
- Fugitive dust control: 9 VAC 5-50-60 *et seq.*
- Permits for fuel-burning equipment: 9 VAC 5-80-1100 *et seq.*

1(b) Requirements. The following requirements may be applicable to future projects:

1(b)(i) Fugitive Dust. During land-disturbing activities, fugitive dust must be kept to a minimum by using control methods outlined in 9VAC5-50-60 *et seq.* of the Regulations for the Control and Abatement of Air Pollution. These precautions include, but are not limited to, the following:

- Use, where possible, of water or suitable chemicals for dust control during the proposed demolition and construction operations and from material stockpiles;
- Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials;
- Covering of open equipment for conveying materials; and
- Prompt removal of spilled or tracked dirt or other materials from paved streets and removal of dried sediments resulting from soil erosion.

Clearly denote activities taken to control and mitigate fugitive dust emissions, where applicable.

1(b)(ii) Open Burning. If project activities change to include open burning or the use of special incineration devices are employed in the disposal of land-clearing debris during demolition and construction, these activities must meet the requirements under 9VAC5-130 *et seq.* for open burning. Whereas, the regulation provides for, but does not require, the local adoption of a model ordinance concerning open burning, the applicant should contact the locality to determine what local requirements, if any, exist. Some applicable provisions of the regulation include, but are not limited to:

- Open burning or the use of special incineration devices for the destruction of clean burning waste and debris waste resulting from clearing operations is prohibited from May 1 through September 30.
- Open burning for forest management, agricultural practices, and highway construction and maintenance programs that have been approved by the board shall be at least 1,000 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted. The burning shall be attended at all times.

- Special attention should be directed to § [10.1-1142](#) of the Code of Virginia, which is enforced by the Department of Forestry.
- Special attention should also be directed to the regulations of the Virginia Waste Management Board.
- Follow the open burning prohibitions as outlined in 9VAC5-130-30.

1(c) Agency Findings. The DEQ Southwest Regional Office (SWRO) states that the project is not likely to affect air quality.

The DEQ Air and Renewable Energy Division states that portions of the project fall within the Western Virginia emission control area for volatile organic compounds and nitrogen oxides. The EA does not include a section stating potential air quality impacts and best management practices.

1(d) Agency Recommendations. The DEQ Air and Renewable Energy Division recommends adding a section identifying potential air quality impacts and best management practices in the “Soil, Water and Air” section of the EA.

2. Water Quality and Wetlands. The EA (page 42) states that the proposed action would improve accountability and standardize best management practice (BMP) implementation for each activity by incorporation a project implementation checklist. Watershed resources are managed according to standards identified in each forest’s Land and Resource Management Plan (LRMP). Vegetation management would not contribute to most Total Maximum Daily Loads (TMDLs).

2(a) Agency Jurisdiction. The State Water Control Board promulgates Virginia's water regulations covering a variety of permits to include the [Virginia Pollutant Discharge Elimination System Permit](#) regulating point source discharges to surface waters, Virginia Pollution Abatement Permit regulating sewage sludge, storage and land application of biosolids, industrial wastes (sludge and wastewater), municipal wastewater, and animal wastes, the [Surface and Groundwater Withdrawal Permit](#), and the [Virginia Water Protection \(VWP\) Permit](#) regulating impacts to streams, wetlands, and other surface waters. The VWP permit is a state permit which governs activities in state surface waters including wetlands, and certain surface water withdrawals, diversion, and impoundments. It also may serve as Section 401 Water Quality Certification of the federal licenses and permits under the Clean Water Act. The VWP Permit Program is under the Office of Wetlands and Stream Protection, within the DEQ Division of Water Permitting. Six DEQ regional offices perform permit application reviews and issue permits or coverages for the covered activities.

- Clean Water Act Sections 404 and 401 (33 U.S.C. § 1251 *et seq.*);
- Section 404(b)(i) Guidelines Mitigation Memorandum of Agreement (2/90) (40 CFR Part 230);
- State Water Control Law, Chapter 3.1 of Title 62.1 of the Code of Virginia; and
- State Water Control Board regulations 9VAC25-210 *et seq.*; 9VAC25-660 *et seq.*; 9VAC25-670 *et seq.*; 9VAC25-680 *et seq.*; and 9VAC25-690 *et seq.*

2(a) Agency Findings. Although no long-term adverse impacts to water quality are anticipated from this project, potential short-term adverse impacts resulting from surface runoff due to construction must be minimized. This can be achieved by using BMPs.

2(b) Requirements. Permanent and temporary impacts, including conversion of wetlands from one Cowardin class to another, to surface waters or wetlands may require prior approval by DEQ's Virginia Water Protection Program (VWPP) and/or the U.S. Army Corps of Engineers.

2(c) Agency Recommendations. In general, DEQ recommends that stream and wetland impacts be avoided to the maximum extent practicable.

For unavoidable impacts, DEQ encourages the following practices to minimize the impacts to wetlands and waterways:

- use of directional drilling from upland locations
- operation of machinery and construction vehicles outside of streambeds and wetlands
- use of synthetic mats when in- stream work is unavoidable
- stockpiling of material excavated from the trench for replacement if directional drilling is not feasible
- preservation of the top 12 inches of trench material removed from wetlands for use as wetland seed and root stock in the excavated area

3. Erosion and Sediment Control and Stormwater Management. The EA (page 42) states that soils would be managed according to each forest's LRMP. Implementation of the proposed action would standards BMPs.

3(a) Agency Jurisdiction. The DEQ Office of Stormwater Management (OSM) administers the following laws and regulations governing construction activities:

- Virginia Erosion and Sediment Control Law (VESCL) (§ 62.1-44.15:51 *et seq.*);
- Virginia Stormwater Management Act (VSMA) (§ 62.1-44.15:24 *et seq.*);

- Virginia Erosion and Stormwater Management Regulation (VESMR) (9VAC25-875 *et seq.*) and
- 2024 General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities (9VAC25-875 *et. seq.*).

In addition, DEQ is responsible for VSMP General Permit for Stormwater Discharges from Construction Activities related to Municipal Separate Storm Sewer Systems (MS4s) and construction activities for the control of stormwater discharges from MS4s and land disturbing activities under the Virginia Stormwater Management Program (9VAC25-890-40).

3(b) Requirements. The following may be applicable:

3(b)(i) Erosion and Sediment Control and Stormwater Management Plans. The applicant and its authorized agents conducting regulated land-disturbing activities on private and public lands in the state must comply with the Virginia Erosion and Sediment Control Law and Regulations (VESCL&R) and Virginia Stormwater Management Law and Regulations (VSWML&R), including coverage under the general permit for stormwater discharge from construction activities, and other applicable federal nonpoint source pollution mandates (e.g. Clean Water Act-Section 313, federal consistency under the Coastal Zone Management Act). Clearing and grading activities, installation of staging areas, parking lots, roads, buildings, utilities, borrow areas, soil stockpiles, and related land-disturbing activities that result in the total land disturbance of equal to or greater than 10,000 square feet (or 2,500 square feet in a Chesapeake Bay Preservation Area) would be regulated by VESCL&R. Accordingly, the applicant must prepare and implement an erosion and sediment control (ESC) plan to ensure compliance with state law and regulations. Land-disturbing activities that result in the total land disturbance of equal to or greater than 1 acre would be regulated by the VSWML&R. Accordingly, the applicant must prepare and implement a stormwater management (SWM) plan to ensure compliance with state law and regulations. The ESC/SWM plan should be submitted to the DEQ regional office that serves the area where the project is located for review and compliance. The applicant is ultimately responsible for achieving project compliance through oversight of on-site contractors, regular field inspection, prompt action against non-compliant sites, and other mechanisms consistent with agency policy (Reference: VESCL 62.1-44.15 *et seq.*; consolidated ESC/SWM regulations 9VAC25-875-10 *et seq.*).

3(b)(ii) General Permit for Stormwater Discharges from Construction Activities (VAR10). DEQ is responsible for the issuance, denial, revocation, termination and enforcement of the Virginia Stormwater Management Program (VSMP) General Permit for Stormwater Discharges from Construction Activities related to municipal separate storm sewer systems (MS4s) and construction activities for the control of stormwater discharges from MS4s and land disturbing activities under the Virginia Stormwater Management Program. The owner or

operator of projects involving land-disturbing activities of equal to or greater than 1 acre is required to register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project-specific Stormwater Pollution Prevention Plan. Construction activities requiring registration also include land disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan of development will collectively disturb equal to or greater than one acre. The SWPPP must be prepared prior to submission of the registration statement for coverage under the general permit and the SWPPP must address water quality and quantity in accordance with the VSMP Permit Regulations (Reference: Virginia Stormwater Management Act 62.1-44.15 *et seq.*; VSMP Permit Regulations 9VAC25-880 *et seq.*).

4. Solid and Hazardous Waste Management. The EA (page 10) states that the proposed action involves limited amounts of tree removal to improve road conditions and reduce hazardous fuel use. Otherwise the EA does not address waste management.

4(a) Agency Jurisdiction. On behalf of the Virginia Waste Management Board, the DEQ Division of Land Protection and Revitalization is responsible for carrying out the mandates of the Virginia Waste Management Act (Virginia Code §10.1-1400 *et seq.*), as well as meeting Virginia's federal obligations under the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response Compensation Liability Act (CERCLA), commonly known as Superfund. The DEQ Division of Land Protection and Revitalization also administers those laws and regulations on behalf of the State Water Control Board that govern Petroleum Storage Tanks (Virginia Code §62.1-44.34:8 *et seq.*), including Aboveground Storage Tanks (9VAC25-91 *et seq.*) and Underground Storage Tanks (9VAC25-580 *et seq.* and 9VAC25-580-370 *et seq.*), also known as Virginia Tank Regulations, and § 62.1-44.34:14 *et seq.* which covers oil spills.

Virginia:

- Virginia Waste Management Act, Virginia Code § 10.1-1400 *et seq.*
- Virginia Solid Waste Management Regulations, 9VAC20-81
 - (9VAC20-81-620 applies to asbestos-containing materials)
- Virginia Hazardous Waste Management Regulations, 9VAC20-60
 - (9VAC20-60-261 applies to lead-based paints)
- Virginia Regulations for the Transportation of Hazardous Materials, 9VAC20-110.

Federal:

- Resource Conservation and Recovery Act (RCRA), 42 U.S. Code sections 6901 *et seq.*

- U.S. Department of Transportation Rules for Transportation of Hazardous Materials, 49 Code of Federal Regulations, Part 107
- Applicable rules contained in Title 40, Code of Federal Regulations.

4(b) Agency Recommendations. The DEQ Division of Land Protection and Revitalization (DLPR) recommends a search (at least 200-foot radius) of any land-based project areas using the following solid and hazardous waste databases to identify waste sites (including petroleum releases) in close proximity to those project areas.

- Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Database: Superfund Information Systems Information on hazardous waste sites, potentially hazardous waste sites and remedial activities across the nation, including sites that are on the National Priorities List (NPL) or being considered for the NPL:
 - o <https://cumulis.epa.gov/supercpad/CurSites/srchsites.cfm>
- DEQ Online Database: Virginia Environmental Geographic Information Systems Information on Permitted Solid Waste Management Facilities, Impaired Waters, Petroleum Releases, Registered Petroleum Facilities, Permitted Discharge (Virginia Pollution Discharge Elimination System Permits) Facilities, Resource Conservation and Recovery Act (RCRA) Sites, Water Monitoring Stations, National Wetlands Inventory:
 - o <https://apps.deq.virginia.gov/EDM/>

DEQ encourages all projects to implement pollution prevention principles, including:

- the reduction, reuse and recycling of all solid wastes generated; and
- the minimization and proper handling of generated hazardous wastes.

4(c) Requirements. The following requirements may apply to future projects:

- The project manager is reminded that if any solid or hazardous waste is generated/encountered during construction, the project manager would follow applicable federal, state, and local regulations for their disposal.
- The removal, relocation or closure or installation/operation of any regulated petroleum storage tanks, aboveground storage tank (AST) or underground storage tank (UST), must be conducted in accordance with the requirements of the Virginia Tank Regulations 9

VAC 25-91-10 *et seq.* (AST) and / or 9 VAC 25-580-10 *et seq.* (UST). Submit appropriate documentation to DEQ.

- Test and dispose of any soil/sediment that is suspected of contamination or wastes that are generated during construction-related activities in accordance with applicable federal, state, and local laws and regulations.
- Any future site activities involving excavation or disturbance of formerly petroleum contaminated soils and or groundwater must be reported to DEQ, as authorized by Virginia Code § 62.1-44.34.8 through 9 and 9 VAC 25-580-10 *et seq.*
- Petroleum-contaminated soils and ground water generated during implementation of this project must be properly characterized and disposed of properly.
- All construction and demolition waste, including any excess soil, must be characterized in accordance with the Virginia Hazardous Waste Management Regulations and disposed of at an appropriate facility as applicable.
- If evidence of a petroleum release is discovered during implementation of this project, it must be reported to DEQ, as authorized by Code of Virginia 62.1-44.34.8 through 19 and 9VAC 25-580-10 *et seq.*
- All structures being demolished or removed should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM and LBP are found, in addition to the federal waste-related regulations mentioned above, state regulations 9VAC20-81-640 for ACM and 9VAC20-60-261 for LBP must be followed.

5. Natural Heritage Resources. The EA (page 2) states that a goal of the project is to manage successional habitat in open and semi-open lands, extended road corridor buffers and utility corridors.

5(a) Agency Jurisdiction.

5(a)(i) Virginia Department of Conservation and Recreation's (DCR) Division of Natural Heritage (DNH): DNH's mission is conserving Virginia's biodiversity through inventory, protection and stewardship. The Virginia Natural Area Preserves Act (Virginia Code §10.1-209 through 217), authorized DCR to maintain a statewide database for conservation planning and project review, protect land for the conservation of biodiversity, and the protect and ecologically manage the natural heritage resources of Virginia (the habitats of rare, threatened and endangered species, significant natural communities, geologic sites, and other natural features).

5(a)(ii) Virginia Department of Agriculture and Consumer Services (VDACS): The Endangered Plant and Insect Species Act of 1979 (Virginia Code Chapter 39 §3.1-1020 through 1030) authorizes VDACS to conserve, protect and manage endangered and threatened species of plants and insects. Under a Memorandum of Agreement established between VDACS and the DCR,

DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species.

5(b) Agency Findings – Natural Heritage. According to information currently in DCR DNH's files, numerous natural heritage resources occur on the George Washington and Jefferson National Forests.

Activities such as discharge of runoff to sinkholes or sinking streams, filling of sinkholes, and alteration of cave entrances can lead to environmental impacts including surface collapse, flooding, erosion and sedimentation, contamination of groundwater and springs, and degradation of subterranean habitat for natural heritage resources (e.g. cave adapted invertebrates, bats). These potential impacts are not necessarily limited to the immediate project area, as karst systems can transport water and associated contaminants rapidly over relatively long distances, depending on the nature of the local karst system.

The U.S. Fish and Wildlife Service (USFWS) utilizes an online project review process (<https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process>) to facilitate compliance with the Endangered Species Act (16 U.S.C. 1531-1544, 87 Stat. 884) (ESA), as amended. The process enables users to 1) follow step-by-step guidance; 2) access information that will allow them to identify threatened and endangered species, designated critical habitat, and other Federal trust resources that may be affected by their project; and 3) accurately reach determinations regarding the potential effects of their project on these resources as required under the ESA. For questions regarding the online review process, please contact virginiafieldoffice@dcr.virginia.gov.

5(c) Agency Findings – Threatened and Endangered Plant and Insect Species. Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state- listed threatened and endangered plant and insect species.

5(d) Agency Findings – State Natural Areas Preserves. There are no State Natural Area Preserves under DCR DNH's jurisdiction in the project vicinity.

5(e) Agency Recommendations. DCR has the following recommendations:

- DCR recommends avoiding documented occurrences of natural heritage resources during these vegetation management activities.
- As stated on page 27 under the “Design Criteria for Federally Listed and Rare Species” section of the EA, DCR supports USFS staff conducting a review of potential impacts to

natural heritage resources including threatened and endangered species and forest sensitive species before beginning proposed management activities.

- DCR recommends that current updated resource information be utilized to inform this review of these management projects as new and updated information is continually added to the Biotics Data System.
- DCR also recommends coordination with DCR DNH if potential impacts are identified to natural heritage resources.
- Due to the legal status of some of the natural heritage resources documented in the potential management areas, DCR recommends coordination with the Virginia Department of Wildlife Resources (DWR) and the U.S. Fish and Wildlife Service (FWS) to ensure compliance with protective species legislation.
- If surveys are needed to inform management projects, DCR DNH biologists are qualified to conduct inventories for rare, threatened, and endangered species. Contact DCR DNH (Anne Chazal, Natural Heritage Chief Biologist, at anne.chazal@dcr.virginia.gov or 804-786-9014) to discuss availability and rates for field work. For a list of FWS-approved surveyors in Virginia visit <https://www.fws.gov/media/collection-approved-surveyor-lists-project-review-process-virginia>.
- Under the ‘Design Criteria for Herbicide Use “on page of 27 of the EA for “Design Criteria Specific to Open Lands Activities”, DCR recommends the following addition to the language in bold below:
 - 2. Glyphosate, **clethodim**, and triclopyr are the preferred active ingredients for herbicide applications near rare plants because they are not soil active.
- If karst features such as sinkholes, caves, disappearing streams, and large springs are encountered during the management activities, coordinate with DCR DNH (Wil Orndorff at 540-230-5960 or Wil.Orndorff@dcr.virginia.gov) to document and minimize adverse impacts.
- If the project involves filling or “improvement” of sinkholes or cave openings, submit detailed location information and copies of the design specifications to DCR DNH. In cases where sinkhole improvement is for storm water discharge, copies of VDOT Form EQ-120 will suffice.

- Contact the DCR DNH and resubmit project information and a map if the scope of the project changes and/or six months have passed before it is utilized.

6. Floodplain Management. The EA (page 40) states that hydrologic floodplains are managed as part of the riparian corridor.

6(a) Agency Jurisdiction. DCR is the lead coordinating agency for the Commonwealth's floodplain management program and the National Flood Insurance Program (Code of Virginia § 10.1-602).

6(b) Agency Findings. DCR states that the National Flood Insurance Program (NFIP) is administered by Federal Emergency Management Agency (FEMA) and communities that elect to participate in this voluntary program manage and enforce the program on the local level through that community's local floodplain ordinance. Each local floodplain ordinance must comply with the minimum standards of the NFIP, outlined in 44 CFR 60.3; however, local communities may adopt more restrictive requirements in their local floodplain ordinance, such as regulating the 0.2% annual chance flood zone (Shaded X Zone).

The DCR Floodplain Management Program does not have regulatory authority for projects in the Special Flood Hazard Area (SFHA). For federal projects, the applicant/developer is encouraged to contact the local floodplain administrator and comply with the community's local floodplain ordinance.

6(c) Requirements. DCR's comments indicate that the following may be applicable:

- All development within a SFHA, as shown on the locality's Flood Insurance Rate Map (FIRM), must be permitted and comply with the requirements of the local floodplain ordinance.
- Projects conducted by federal agencies within the SFHA must comply with federal Executive Order 11988: Floodplain Management.
- The applicant/developer must contact the local floodplain administrator for an official floodplain determination and comply with the community's local floodplain ordinance, including receiving a local permit. Failure to comply with the local floodplain ordinance could result in enforcement action from the locality.

7. Public Water Supplies. The EA (page 41) states that waterways within or downstream of the George Washington National Forest serve public water supplies or systems. The Jefferson National Forest LRMP emphasizes the maintenance of healthy watersheds to provide clean drinking water. Activities would adhere to the LRMP standards.

7(a) Agency Jurisdiction. The Virginia Department of Health (VDH) Office of Drinking Water reviews projects for the potential to impact drinking water sources (groundwater wells, springs, and surface water intakes) serving waterworks. VDH administers the Virginia Waterworks Regulations (12VAC5-590) governing waterworks operation and construction, and has primacy for the National Primary Drinking Water Regulations (40 CFR § 141) and implements the National Secondary Drinking Water Regulations (40 CFR § 143).

7(b) Agency Findings. The VDH ODW has no comments to submit at this time.

7(c) Requirements. Potential impacts to public water distribution systems or sanitary sewage collection systems must be verified by the local utility.

8. Pollution Prevention. DEQ's [Office of Pollution of Prevention](#) hosts a number of programs and initiatives that serve for non-regulatory assistance to businesses, institutions, and communities including the Virginia Environmental Excellence Program and Virginia Green.

8(a) Recommendations. DEQ has several pollution prevention recommendations that may be helpful:

- Consider development of an effective Environmental Management System (EMS). An effective EMS will ensure that the proposed facility is committed to complying with environmental regulations, reducing risk, minimizing environmental impacts, setting environmental goals, and achieving improvements in its environmental performance. DEQ offers EMS development assistance and recognizes facilities with effective Environmental Management Systems through its Virginia Environmental Excellence Program (VEEP). VEEP provides recognition, annual permit fee discounts, and the possibility for alternative compliance methods.
- Consider environmental attributes when purchasing materials. For example, the extent of recycled material content, toxicity level, and amount of packaging should be considered and can be specified in purchasing contracts.
- Consider energy efficiency when choosing materials and products, like insulation, fixtures, and HVAC systems.
- Consider contractors' commitment to the environment when choosing contractors. Specifications regarding raw materials and construction practices can be included in contract documents and requests for proposals.
- Choose sustainable materials and practices for building construction and design.
- Integrate pollution prevention techniques into the facility maintenance and operation, to include inventory control for centralized storage of hazardous

materials. Maintenance facilities should have sufficient and suitable space to allow for effective inventory control and preventive maintenance.

DEQ's Office of Pollution Prevention provides information and technical assistance relating to pollution prevention techniques and EMS. If interested, please contact DEQ (Meghann Quinn at Meghann.Quinn@deq.virginia.gov or 804-774-9076).

9. Pesticides and Herbicides. In general, when pesticides or herbicides must be used, their use should be strictly in accordance with manufacturers' recommendations. In addition, DEQ recommends that the responsible agent use the least toxic pesticides or herbicides effective in controlling the target species. For more information on pesticide or herbicide use, please contact the Virginia Department of Agriculture and Consumer Services (804- 371-6560).

10. Wildlife Resources. The EA (page 46) states that anticipated effects center around the probability that a wildlife species is present in the affected area during the time of disturbance. Maintenance and management activities of open and semi-open areas can affect certain groups of wildlife species.

10(a) Agency Jurisdiction. The Virginia Department of Wildlife Resources (DWR), as the Commonwealth's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over wildlife and freshwater fish, including state- or federally listed endangered or threatened species, but excluding listed insects (Virginia Code, Title 29.1). DWR is a consulting agency under the U.S. Fish and Wildlife Coordination Act (16 U.S. Code §661 et seq.) and provides environmental analysis of projects or permit applications coordinated through DEQ and several other state and federal agencies. DWR determines likely impacts upon fish and wildlife resources and habitat, and recommends appropriate measures to avoid, reduce or compensate for those impacts. For more information, see the DWR website at <https://dwr.virginia.gov/>.

10(b) Agency Findings. DWR's Environmental Services Section is unable to review the proposed project, which does not constitute an endorsement of the project or indicate a lack of concern regarding potential project impacts upon wildlife and their habitats.

10(c) Agency Recommendations. DWR encourages full consideration of protections for the Commonwealth's wildlife resources during the design, planning and construction phases of this project. For information on how best to avoid or minimize adverse impacts upon listed species and other wildlife resources under DWR's jurisdiction, DWR recommends a review (if not already completed) of the online tools, project review protocols, best management practices, wildlife survey guidance and species information that are available at <https://dwr.virginia.gov/wies/wies-additional-resources/>.

For specific questions and/or concerns about the project that may require further consideration, contact DWR at ESSProjects@dwr.virginia.gov and briefly summarize the project components, species and potential impacts that need further attention."

REGULATORY AND COORDINATION NEEDS

1. Air Quality Regulations. The following regulations may apply during construction or operation:

- fugitive dust and emissions control (9VAC5-50-60 *et seq.*)
- open burning restrictions (9VAC5-130 *et seq.*)
- permits for new and modified sources (fuel-burning equipment) (9VAC5-80, Article 6)

Contact officials with the appropriate locality for information on any local requirements pertaining to open burning if necessary. Contact the applicable DEQ regional office (<https://www.deq.virginia.gov/news-info/contact-us>) for additional information on potential air permitting as necessary.

2. Water Quality and Wetlands. Coordinate with the applicable DEQ regional office (<https://www.deq.virginia.gov/news-info/contact-us>) if impacts are proposed to waters, including wetlands, or if discharge to state waters will be anticipated, including changes to the storm water system or infrastructure.

3. Erosion and Sediment Control and Stormwater Management Plans. The applicant and its authorized agents conducting regulated land-disturbing activities on private and public lands in the state must comply with Virginia Erosion and Stormwater Management Regulation, including coverage under the general permit for stormwater discharge from construction activities, and other applicable federal nonpoint source pollution mandates (e.g. Clean Water Act-Section 313, federal consistency under the Coastal Zone Management Act). Submit the ESC and SWM plans to the appropriate DEQ regional office (<https://www.deq.virginia.gov/news-info/contact-us>) (Reference: Virginia Erosion and Stormwater Management Regulation, 9VAC25-875 *et. seq.*).

4. General Permit for Stormwater Discharges from Construction Activities (VAR10). The operator or owner of a construction activity involving land disturbance of equal to or greater than 1 acre is required to register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project specific stormwater pollution prevention plan (SWPPP). Coordinate with the appropriate DEQ regional office (<https://www.deq.virginia.gov/news-info/contact-us>) for additional information as necessary.

5. Solid Waste and Hazardous Substances. All solid waste, hazardous waste, and hazardous materials must be managed in accordance with all applicable federal, state, and local environmental regulations. If free product, discolored soils, or other evidence of contaminated soils are encountered, appropriate DEQ regional office (<https://www.deq.virginia.gov/news-info/contact-us>). Any future site activities involving excavation or disturbance of formerly petroleum contaminated soils and/or groundwater must be reported to DEQ, as authorized by Code of Virginia 62.1-44.34.8 through 19 and 9VAC25-580-10 *et seq.*

6. Natural Heritage Resources. Contact (804-371-2708) about its recommendations and re-submit project information and a map for an update on natural heritage information if the scope of the project changes and/or six months has passed before it is utilized. Due to the legal status of some of the natural heritage resources documented in the potential management areas, DCR recommends coordination with DWR and FWS to ensure compliance with protective species legislation. If surveys are needed to inform management projects, DCR DNH biologists are qualified to conduct inventories for rare, threatened, and endangered species. Contact DCR DNH (Anne Chazal, Natural Heritage Chief Biologist, at anne.chazal@dcr.virginia.gov or 804-786-9014) to discuss availability and rates for field work. For a list of FWS-approved surveyors in Virginia visit <https://www.fws.gov/media/collection-approved-surveyor-lists-project-review-process-virginia>. If karst features such as sinkholes, caves, disappearing streams, and large springs are encountered during the management activities, coordinate with DCR DNH (Wil Orndorff at 540-230-5960 or Wil.Orndorff@dcr.virginia.gov) to document and minimize adverse impacts. If the project involves filling or “improvement” of sinkholes or cave openings, submit detailed location information and copies of the design specifications to DCR DNH. In cases where sinkhole improvement is for storm water discharge, copies of VDOT Form EQ-120 will suffice.

7. Floodplain. As applicable, the applicant should ensure compliance with applicable floodplain requirements. To find community NFIP participation and local floodplain administrator contact information, use DCR’s Local Floodplain Management Directory: www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory.

8. Wildlife Resources. For specific questions and/or concerns about the project that may require further consideration, contact DWR at ESSProjects@dwr.virginia.gov and briefly summarize the project components, species and potential impacts that need further attention.

Thank you for the opportunity to comment on this EA. The detailed comments of reviewers are attached. If you have questions, please feel free to contact me or Julia Wellman at 804-774-8237.

U.S Forest Service
George Washington and Jefferson National Forests
Forest-wide Open Lands Vegetation Project
DEQ 25-154F

Sincerely,



Bettina Rayfield, Manager
Environmental Impact Review and Long Range Priorities Program
Virginia Department of Environmental Quality
804-659-1915
Bettina.Rayfield@deq.virginia.gov
Central Office
1111 E. Main St., Suite 1400
Richmond, VA 23219
804-698-4000

cc: Hannah Schul, DWR
Keith Tignor, VDACS
Allison Tillett, DCR
Arlene Warren, VDH
Samantha Henderson, DHR
Clint Folks, DOF
Ann Cundy, Central Shenandoah PDC
Scotty Wampler, Cumberland Plateau PDC
Duane Miller, Lenowisco PDC
Aaron Sizemore, Mount Rogers PDC
Kevin Byrd, New River Valley RC
Brandon Davis, Northern Shenandoah Valley RC
Jeremy Holmes, Roanoke Valley-Alleghany RC

**DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR AND RENEWABLE ENERGY DIVISION**

ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY

TO: The Office of Environmental Impact Review

We thank **OEIR** for providing DEQ-AIR an opportunity to review the following project:
Accordingly, I am providing following comments for consideration.

Document Type: Draft Environmental Assessment

Project Sponsor: U.S. Department of Agriculture

Project Title: Forest-Wide Open Lands Vegetation Management Project, George Washington and Jefferson National Forests

Location: N/A

Project Number: DEQ #25-154F

PROJECT LOCATION: Portions of this project fall within the Western Virginia ECA 9VAC5-20-206.1.e. and 2.e. Emission Control Area for VOC and NOx.

REGULATORY REQUIREMENTS MAY BE APPLICABLE TO:

CONSTRUCTION

OPERATION

STATE AIR POLLUTION CONTROL BOARD REGULATIONS THAT MAY APPLY:

1. 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 E – STAGE I
2. 9 VAC 5-45-760 et seq. – Asphalt Paving operations
3. 9 VAC 5-130 et seq. – Open Burning
4. 9 VAC 5-50-60 et seq. Fugitive Dust Emissions
5. 9 VAC 5-50-130 et seq. - Odorous Emissions; Applicable to _____
6. 9 VAC 5-60-300 et seq. – Standards of Performance for Toxic Pollutants
7. 9 VAC 5-50-400 Subpart _____, Standards of Performance for New Stationary Sources, designates standards of performance for the _____
8. 9 VAC 5-80-1100 et seq. of the regulations – Permits for Stationary Sources
9. 9 VAC 5-80-1605 et seq. Of the regulations – Major or Modified Sources located in PSD areas. This rule may be applicable to the _____
10. 9 VAC 5-80-2000 et seq. of the regulations – New and modified sources located in non-attainment areas
11. 9 VAC 5-80-800 et seq. Of the regulations – State Operating Permits. This rule may be applicable to _____

COMMENTS SPECIFIC TO THE PROJECT:

- Follow 9VAC 5-130 et seq. to follow proper open burning practices for all land management activity. Follow local ordinances on open burning, where applicable.
- Follow 9VAC 5-50-60 et seq. to limit particulate matter and other air pollutants from all ground disturbance activities. Clearly denote activities taken to control and mitigate fugitive dust emissions, where applicable.
- The documentation provided does not include a section stating potential air quality impacts and best management practices. Provide this information in the “Soil, Water, and Air” section.



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

Stefanie K. Taillon
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

September 25, 2025

Jay Garcia
USDA
George Washington and Jefferson National Forests
5162 Valleypointe Pkwy
Roanoke, VA 24019

Re: USDA Forest-Wide Open Lands Vegetation Management Project

Dear Mr. Garcia,

Thank you for submitting to the Virginia Department of Environmental Quality this proposal for the USDA Forest-Wide Open Lands Vegetation Management Project. Proposed activities include changes to early successional habitat management, road and fuel management within extended road corridor buffers, and Herbicide application on native plant species." Tree clearing is anticipated for this reclamation project, and, furthermore, the total projected amount of disturbance will be less than 85 acres.

The Project Area is the George Washington and Jefferson National Forest in Southwest Virginia.

The following discussion is provided as a guideline of programs administered by the Department of Environmental Quality (DEQ) and other agencies of the Commonwealth, which could be applicable to the proposed action. Final determination concerning potential impacts on these programs rests with DEQ's Southwest Regional Office and the appropriate agency administering each program. It is the responsibility of the applicant to coordinate development with these agencies.

The Department of Environmental Quality has no objections to the project provided that the applicant abides by all applicable state, Federal, and local laws and regulations. Prior to construction, all permits and approvals must be obtained. In general, development must incorporate features which prevent significant adverse impacts on ambient air quality, water quality, wetlands, historic structures, fish wildlife, and species of plants, animals, or insects listed by state agencies as rare, threatened, or endangered.

1. Water Quality and Wetlands. Although no long-term adverse impacts to water quality are anticipated from this project, potential short-term adverse impacts resulting from surface runoff due to construction must be minimized. This can be achieved by using Best Management Practices (BMPs).

Federal and state governments regulate impacts to streams and wetlands. The Virginia Marine Resources Commission serves as the clearinghouse for the Joint Permit Application (JPA) used by: (1) U.S. Army

Corps of Engineers for issuing permits pursuant to *§ 404 of the Clean Water Act* and *§ 10 of the Rivers and Harbors Act*; (2) Department of Environmental Quality for issuance of Virginia Water Protection Permit pursuant to *§ 401 of the Clean Water Act*, Virginia Code § 62.1-44.2 et seq., Virginia Code § 62.1-44.15:5, and Virginia Administrative Code 9 VAC 25-210-10 *et seq.*; and (3) Virginia Marine Resources Commission regulates encroachments on or over state-owned subaqueous beds as well as tidal wetlands pursuant to Virginia Code § 28.2-1200 through 1400. Contact VMRC at (757) 247-2200 to determine the need for a JPA for this project. VMRC will distribute the application to the appropriate agencies. Each agency will conduct its review and respond.

In general, DEQ recommends that the amount of stream and wetland impacts be avoided to the maximum extent practicable. For unavoidable impacts, DEQ encourages the following practices to minimize the impacts to wetlands and waterways: use of directional drilling from upland locations; operation of machinery and construction vehicles outside of stream-beds and wetlands; use of synthetic mats when in-stream work is unavoidable; stockpiling of material excavated from the trench for replacement if directional drilling is not feasible; and preservation of the top 12 inches of trench material removed from wetlands for use as wetland seed and root stock in the excavated area. The Southwest Regional contact is currently David Nishida at (276) 698-7680 or email David.Nishida@deq.virginia.gov if a permit is necessary to go forward with the project.

2. Erosion and Sediment Control and Stormwater Management. Erosion and Sediment Control and Stormwater Management. If the total land disturbance associated with your project exceeds 10,000 square feet, an erosion and sediment control plan will be required. Erosion and sediment control measures must be implemented in accordance with the most current version of the Virginia Stormwater Management Handbook which is available online at: <https://online.encodeplus.com/regs/deq-va/index.aspx>. Erosion and sediment control requirements are regulated by the local government where your project will be located. Please contact the appropriate county, city or town for information and compliance requirements.

Stormwater management planning and permitting is required through our department if your land disturbance exceeds one (1) acre or lies within the boundaries of a common plan of development. Information, permitting requirements, forms, and the regulations are available at: <https://www.deq.virginia.gov/permits/water/stormwater-construction>.

Please contact Kelly Miller at our Southwest Regional Office at (276) 676-4879 or by email at kelly.miller@deq.virginia.gov for more information.

Stormwater discharges associated with industrial activity may require permitting based on the nature of the industrial activity and the Standard Industrial Code associated with the facility. Information, permit application, and regulations on our industrial stormwater permitting program are available online at: <https://www.deq.virginia.gov/permits/water/stormwater-industrial>. Please contact David Nishida at our Southwest Regional Office at (276) 698-7680 or email David.Nishida@deq.virginia.gov for more information.

3. Air Quality. This project is not likely to adversely affect air quality. However, during construction fugitive dust must be kept at a minimum. This requires, but is not limited to, measures such as application of water to suppress dust and washing down construction vehicles and paved roadways immediately adjacent to the construction site. The following sections of Virginia Administrative Code (VAC) may be applicable: 9 VAC 5-50-60 *et. seq.*, governs abatement of visible emissions and fugitive dust emissions, and 9 VAC 5-40-5600 *et. seq.* addresses open burning. The Southwest Regional Office contact is Tracey Blalock at (276) 676-8848 or email susan.blalock@deq.virginia.gov.

Some emission units may require an air quality permit prior to beginning actual construction. Examples of units that may require permitting can include, but are not limited to, boilers, space heaters, furnaces, incinerators, engines, emergency generators, or other gaseous, liquid, or solid fuel-fired equipment. A construction and operation permit in accordance with 9VAC5-80, Article 6 (<https://www.deq.virginia.gov/home/showpublisheddocument/4530/6380464080910300>)

can be obtained by submitting a complete permit application to DEQ. The Form 7 permit application is available at <https://www.deq.virginia.gov/permits/air/forms>. In addition to permitting requirements, other state and federal regulations may apply to fuel burning equipment units. The Southwest Regional Office contact for air quality permitting is Rob Feagins at (276) 608.8506, or email rob.feagins@deq.virginia.gov.

4. Solid and Hazardous Wastes, and Hazardous Substances. DEQ administers the Virginia Solid Waste Management Regulations and the Virginia Hazardous Waste Management Regulations. We recommend that all solid wastes generated at the site be reduced at the source, reused, or recycled. All hazardous wastes should be minimized. Otherwise, all solid waste and hazardous waste must be managed in accordance with all applicable federal, state, and local environmental regulations. The Southwest Regional Office contact is Stacey Bowers at (276) 608-8777 or email Stacy.Bowers@deq.virginia.gov concerning location and availability of waste management facilities in the project area.

5. Pesticides and Herbicides. DEQ recommends that the use of herbicides or pesticides for construction or landscape maintenance should be in accordance with the principles of integrated pest management. The least toxic pesticides that are effective in controlling the target species should be used. Please contact the Virginia Department of Agriculture and Consumer Services at (804) 786-3501 for more information.

6. Pollution Prevention. DEQ recommends that construction projects incorporate the principles of pollution prevention including the following recommendations:

- Consider environmental attributes when purchasing materials. For example, the extent of recycled material content and toxicity level should be considered.
- Consider contractors' commitments to the environment when choosing contractors. Also, specifications regarding raw material selection (alternative fuels and energy sources) and construction practices can be included in contract documents and requests for proposals.
- Choose sustainable practices and materials in infrastructure and construction and design. These could include asphalt and concrete containing recycled materials and integrated pest management in landscaping.
- Integrate pollution prevention techniques into maintenance and operation activities to include source reduction (fixing leaks, energy efficient products).

Pollution prevention measures are likely to reduce potential environmental impacts and reduce costs for material purchasing and waste disposal. For more information, contact Sharon Baxter at DEQ's Office of Pollution Prevention at (804) 659-1911 or email Sharon.Baxter@deq.virginia.gov.

7. Water Withdrawal Permitting and Compliance. Withdrawals from surface water or groundwater sources may require a water withdrawal permit if they exceed certain withdrawal volumes. Both groundwater and surface water supplies are becoming more limited, and if your facility anticipates needing water in excess of 300,000 gallons in any month for groundwater, or 10,000 gallons on any day from surface water, early engagement with DEQ's Office of Water Supply is strongly encouraged. For more information, please contact Eric Seavey at (804) 754-6250 or eric.seavey@deq.virginia.gov or visit DEQ's website at <https://www.deq.virginia.gov/permits/water/water-withdrawal>

8. Energy Conservation. Structures should be planned and designed to comply with state and federal guidelines and industry standards for energy conservation and efficiency. For example, energy efficiency of any structures can be enhanced by maximizing the use of the following

- thermally-efficient building shell components (roof, wall, floor, and insulation);
- high efficiency heating, ventilation, air conditioning systems; and
- high efficiency lighting systems.

Gerald Wilkes of Virginia Energy can be contacted at (434) 951-6364 for assistance in meeting this challenge.

9. Natural Heritage Resources. The Department of Conservation and Recreation's Division of Natural Heritage (DNH) can search its Biotics Data System (BDS) for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered animal and plant species, unique or exemplary natural communities, and significant geologic communities.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Department of Conservation and Recreation (DCR), DCR has the authority to report for VDACS on state-listed plant and insect species. We recommend that the DNH be contacted at (804) 786-7951, to secure updated information on natural heritage resources before the project is implemented.

10. Wildlife Resources. The Department of Wildlife Resources (DWR), as the Commonwealth's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over wildlife and freshwater fish, including state or federally listed endangered or threatened species, but excluding listed insects (*Virginia Code* Title 29.1). DWR is a consulting agency under the U.S. Fish and Wildlife Coordination Act (16 U.S.C. sections 661 *et seq.*), and provides environmental analysis of projects or permit applications coordinated through DEQ and several other state and federal agencies. DWR determines likely impacts upon fish and wildlife resources and habitat, and recommends appropriate measures to avoid, reduce, or compensate for those impacts. For more information, see the DWR website at <http://dwr.virginia.gov/wies/environmental-services> or contact ESSProjects@dwr.virginia.gov and ProjectReview@dwr.virginia.gov.

11. Historic and Archaeological Resources. *Section 106 of the National Historic and Preservation Act of 1966*, as amended, requires that activities that receive federal funding must consider effects to properties that are listed or eligible for listing on the National Register of Historic Places. The Department of Historic Resources (DHR) conducts reviews of projects to determine their effect on historic structures or cultural resources. If applicable, contact DHR. In the event that archaeological resources are encountered during construction, immediately contact Adrienne Birge-Wilson at (804) 482-6092.

12. Waterworks Operation. Installation of new water lines and appurtenances must comply with the State's Waterworks Regulations. The Virginia Department of Health administers both federal and state laws governing waterworks operation. For more information, contact Brian.Blankenship@vdh.virginia.gov.

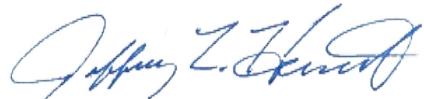
13. Sewerage Regulations. Sewage treatment works must be designed in accordance with the Department of Environmental Quality's Sewage Collection and Treatment (SCAT) Regulations (9 VAC 25-790). Information concerning regulations may be found at the Department of Environmental Quality Wastewater Engineering web site: <https://www.deq.virginia.gov/our-programs/water/wastewater>. The

September 25, 2025
USDA Forest-Wide Open Lands Vegetation Management Project

project proponent is required to obtain a Certificate to Construct (CTC) and a Certificate to Operate (CTO) from the DEQ Southwest Regional Office, prior to constructing wastewater treatment works and operating the treatment works, respectively. Additionally, modifications and upgrades to wastewater treatment works may have additional implications to the Virginia Pollutant Discharge Elimination System (VPDES) Permit associated with the facility. The Southwest Regional Office contact for VPDES Permits is David Nishida. He can be reached at david.nishida@deq.virginia.gov or (276) 698-7680.

Thank you for your inquiry. We appreciate your interest in complying with Virginia's environmental legislation. If you have any further questions, please do not hesitate to call Cindy Robertson (276) 698-8546.

Sincerely,



Jeffrey L. Hurst, Regional Director
Virginia Department of Environmental Quality
(276) 676-4804
jeffrey.hurst@deq.virginia.gov
Southwest Regional Office
355-A Deadmore St., Abingdon VA 24210
(276) 676-4800

cc. file



RE: NEW PROJECT-EXPEDITED REVIEW-USDA Forest-Wide Open Lands Vegetation Management Project, DEQ 25-154F

From Angueira, Antony (DEQ) <Antony.Angueira@deq.virginia.gov>

Date Fri 9/26/2025 8:50 AM

To Wellman, Julia (DEQ) <Julia.Wellman@deq.virginia.gov>

Hi Julia,

Do you have time for a call today? I only have 2 comments built for federal projects, depending on permitting or funding. In an effort to remain consistent, I always check back to see which comment I have provided for similar projects in the past, but somehow, I have been getting them wrong lately.

I would like to create a decision tree or matrix to help get these right.

In the meantime, here is the revised OSWM comment for 25-254F:

- a. **Non-point Source Water Pollution.** The policy addresses the control of stormwater runoff to protect the quality and quantity of state waters from the potential harm of unmanaged stormwater. Virginia's Erosion and Sediment Control Law requires soil-disturbing projects to be designed to reduce soil erosion and to decrease inputs of chemical nutrients and sediments to the Chesapeake Bay, its tributaries, and other rivers and waters of the Commonwealth. This program is administered by DEQ (*Virginia Code §§ 62.1-44.15:25, 62.1-44.15:52; 9VAC25-875-10 et. seq.*).
- b. **Erosion and Sediment Control and Stormwater Management Plans.** The Applicant and its authorized agents conducting regulated land-disturbing activities on private and public lands in Virginia must comply with *VESCL&R* and *VSWML&R*, including coverage under the general permit for stormwater discharge from construction activities, and other applicable federal nonpoint source pollution mandates (e.g. Clean Water Act-Section 313, federal consistency under the Coastal Zone Management Act). Clearing and grading activities, installation of staging areas, parking lots, roads, buildings, utilities, borrow areas, soil stockpiles, and related land-disturbing activities that result in the total land disturbance of $\geq 10,000$ square feet ($\geq 2,500$ square feet in Chesapeake Bay Preservation Area) would be regulated by *VESCL&R*. Accordingly, the Applicant must prepare and implement an erosion and sediment control (ESC) plan to ensure compliance with state law and regulations. Land-disturbing activities that result in the total land disturbance of ≥ 1 acre ($\geq 2,500$ square feet in Chesapeake Bay Preservation Area) would be regulated by *VSWML&R*. Accordingly, the Applicant must prepare and implement a Stormwater Management (SWM) plan to ensure compliance with state law and regulations. The ESC/SWM plan is submitted to the DEQ Regional Office that serves the area where the project is located for compliance review. The Applicant is ultimately responsible for achieving project compliance through oversight of onsite contractors, regular field inspection, prompt action against non-compliant sites, and other mechanisms consistent with agency policy. [ref: *VESCL §62.1-44.15 et seq.*; consolidated ESC/SWM regs *9VAC25-875-10 et. seq.*]
- c. **General Permit for Stormwater Discharges from Construction Activities (VAR10).** DEQ is responsible for the issuance, denial, revocation, termination, and enforcement of the Virginia Stormwater Management Program (VSMP) General Permit for Stormwater Discharges from Construction Activities related to municipal separate storm sewer systems (MS4s) and construction activities for the control of stormwater discharges from MS4s and land disturbing activities under the VSMP.

The owner or operator of projects involving land-disturbing activities of ≥ 1 acre is required to register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project-specific Stormwater Pollution Prevention Plan (SWPPP). Construction activities requiring registration also include land disturbance of < 1 acre of total land area that is part of a larger common plan of development or sale if the larger common plan of development will collectively disturb ≥ 1 acre. The SWPPP must be prepared prior to submission of the registration statement for coverage under the general permit and the SWPPP must address water quality and quantity in accordance with the *VSMP Permit Regulations*. [ref: Virginia Stormwater Management Act 62.1-44.15 et seq.; VSMP Permit Regulations 9VAC25-880 et seq.]

Thank you,
Tony



Tony Angueira
Stormwater Supervisor
Office of Stormwater Management
[Virginia Department of Environmental Quality](https://deq.virginia.gov/programs/stormwater-management)
1111 E. Main St., Suite 1400
Richmond, VA 23219
(804) 584-6265

From: Wellman, Julia (DEQ) <Julia.Wellman@deq.virginia.gov>
Sent: Thursday, September 25, 2025 2:47 PM
To: Angueira, Antony (DEQ) <Antony.Angueira@deq.virginia.gov>
Subject: Re: NEW PROJECT-EXPEDITED REVIEW-USDA Forest-Wide Open Lands Vegetation Management Project, DEQ 25-154F

Hi Tony,

I am just double checking that these are the most applicable comments for this U.S. Forest Service project. For federal projects, I usually received comments that start with, **"The applicant and its authorized agents conducting regulated land-disturbing activities on private and public lands in the state must comply with the Virginia Erosion and Sediment Control Law and Regulations (VESCL&R) and Virginia Stormwater Management Law and Regulations (VSWML&R), including coverage under the general permit for stormwater discharge from construction activities, and other applicable federal nonpoint source pollution mandates (e.g. Clean Water Act-Section 313, federal consistency under the Coastal Zone Management Act)..."**

If you could get back to me by tomorrow, I would appreciate it. Thanks!

Julia Wellman
Environmental Impact Review Coordinator
Office of Environmental Impact Review and Long Range Priorities
Division of Environmental Enhancement
[Virginia Department of Environmental Quality](https://deq.virginia.gov/programs/environmental-impact-review)
1111 East Main Street, Suite 1400
Richmond, Virginia 23219
(804) 774-8237

For program updates and public notices, please subscribe to the Environmental Impact Review Public Notices Bulletin: <https://public.govdelivery.com/accounts/VADEQ/subscriber/new>.



MEMORANDUM

TO: Julia Wellman, DEQ/EIR Environmental Program Planner

FROM: Nikolas I. Churchill, Division of Land Protection & Revitalization Review Coordinator

DATE: September 15, 2025

COPIES: Sanjay Thirunagari, Division of Land Protection & Revitalization Review Manager; file

SUBJECT: Environmental Impact Review: 25-154F Forest-Wide Open Lands Vegetation Management Project, George Washington and Jefferson National Forests.

The Division of Land Protection & Revitalization (DLPR) has completed its review of the U.S. Department of Agriculture's September 11, 2025 EIR for 25-154F Forest-Wide Open Lands Vegetation Management Project, George Washington and Jefferson National Forests.

DLPR staff recommends a search (at least 200 ft. radius) of any land-based project areas using the following solid and hazardous waste databases to identify waste sites (including petroleum releases) in close proximity to those project areas:

- Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Database: Superfund Information Systems Information on hazardous waste sites, potentially hazardous waste sites and remedial activities across the nation, including sites that are on the National Priorities List (NPL) or being considered for the NPL:
 - o <https://cumulis.epa.gov/supercpad/CurSites/srchsites.cfm>
- DEQ Online Database: Virginia Environmental Geographic Information Systems Information on Permitted Solid Waste Management Facilities, Impaired Waters, Petroleum Releases, Registered Petroleum Facilities, Permitted Discharge (Virginia Pollution Discharge Elimination System Permits) Facilities, Resource Conservation and Recovery Act (RCRA) Sites, Water Monitoring Stations, National Wetlands Inventory:
 - o <https://apps.deq.virginia.gov/EDM/>

PROJECT SPECIFIC COMMENTS

None

GENERAL COMMENTS

Soil, Sediment, Groundwater, and Waste Management

Any soil, sediment or groundwater that is suspected of contamination or wastes that are generated must be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. Some of the applicable state laws and regulations are: Virginia Waste Management Act, Code of Virginia Section 10.1-1400 *et seq.*; Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60); Virginia Solid Waste Management Regulations (VSWMR) (9VAC 20-81); Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110). Some of the applicable Federal laws and regulations are: the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 *et seq.*, and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous Materials, 49 CFR Part 107.

Asbestos and/or Lead-based Paint

All structures being demolished/renovated/removed should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, State regulations 9VAC 20-81-620 for ACM and 9VAC 20-60-261 for LBP must be followed. Questions may be directed to the DEQ's Blue Ridge Regional Office at (540) 562-6700, Southwest Regional Office at (276) 676-4800, or Valley Regional Office (540) 574-7800.

Pollution Prevention – Reuse - Recycling

Please note that DEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately.

If you have any questions or need further information, please contact Nikolas Churchill by phone at (804) 659-2663 or email nikolas.churchill@deq.virginia.gov.



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

MEMORANDUM

DATE: September 25, 2025

TO: Julia Wellman, DEQ-EIR

FROM: Allison Tillett, Environmental Impact Review Coordinator

SUBJECT: DEQ 25-154F, Forest-Wide Open Lands Vegetation Management Project

Division of Planning and Recreation Resources

DCR's Division of Planning and Recreational Resources (DCR-PRR) administers the Virginia Scenic Rivers (Virginia Code § 10.1-200), state trails programs (Virginia Code §10.1-204), and the state park master planning process (Virginia Code §10.1-200.1). DCR-PRR develops the Virginia Outdoors Plan (VOP), the state's comprehensive outdoor recreation and open space plan (Virginia Code §10.1-200) and administers the state-assistance side of the Land and Water Conservation Fund (LWCF). The VOP recognizes the importance of scenery, natural landscapes, and access to recreational opportunities for Virginians.

Division of Natural Heritage

The mission of the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR-DNH) is to document, protect and manage "the habitats of rare, threatened, or endangered plant and animal species, rare or state-significant communities and other natural features" (section 10.1: 209-217, *Code of Virginia*).

According to information currently in our files, numerous natural heritage resources occur on the George Washington and Jefferson National Forests. DCR recommends avoiding documented occurrences of natural heritage resources during these vegetation management activities. As stated on page 27 under the "Design Criteria for Federally Listed and Rare Species" section of the Forest-Wide Open Lands Vegetation Management Project Environmental Assessment (EA) for the George Washington and Jefferson National Forests, DCR supports USFS staff conducting a review of potential impacts to natural heritage resources including threatened and endangered species and forest sensitive species before beginning proposed management activities. DCR recommends that current updated resource information be utilized to inform this review of these management projects as new and updated information is continually added to Biotics. DCR also recommends coordination with this office if potential impacts are identified to natural heritage resources. Due to the legal status of some of the natural heritage resources documented in the potential management areas, DCR recommends coordination with the Virginia Department of Wildlife Resources (VDWR) and the United States Fish and Wildlife Service (USFWS) to ensure compliance with protective species legislation.

If surveys are needed to inform management projects, DCR-Division of Natural Heritage biologists are qualified to conduct inventories for rare, threatened, and endangered species. Please contact Anne Chazal, Natural Heritage Chief Biologist, at anne.chazal@dcr.virginia.gov or 804-786-9014 to discuss availability and rates for field work. For a list of USFWS-approved surveyors in Virginia visit <https://www.fws.gov/media/collection-approved-surveyor-lists-project-review-process-virginia>.

In addition, under the ‘Design Criteria for Herbicide Use “on page of 27 of the EA for “Design Criteria Specific to Open Lands Activities”, DCR recommends the following addition to the language in bold below:

“2. Glyphosate, clethodim, and triclopyr are the preferred active ingredients for herbicide applications near rare plants because they are not soil active.

If karst features such as sinkholes, caves, disappearing streams, and large springs are encountered during the management activities, please coordinate with Wil Orndorff (540-230-5960, Wil.Orndorff@dcr.virginia.gov) the Virginia DCR, Division of Natural Heritage Karst Protection Coordinator, to document and minimize adverse impacts. Activities such as discharge of runoff to sinkholes or sinking streams, filling of sinkholes, and alteration of cave entrances can lead to environmental impacts including surface collapse, flooding, erosion and sedimentation, contamination of groundwater and springs, and degradation of subterranean habitat for natural heritage resources (e.g. cave adapted invertebrates, bats). These potential impacts are not necessarily limited to the immediate project area, as karst systems can transport water and associated contaminants rapidly over relatively long distances, depending on the nature of the local karst system. If the project involves filling or “improvement” of sinkholes or cave openings, DCR would like detailed location information and copies of the design specifications. In cases where sinkhole improvement is for storm water discharge, copies of VDOT Form EQ-120 will suffice.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR-DNH, DCR-DNH represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species.

There are no State Natural Area Preserves under DCR-DNH’s jurisdiction in the project vicinity.

New and updated information is continually added to Biotics. Please re-submit project information and map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

The U.S. Fish and Wildlife Service (USFWS) utilizes an online project review process (<https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process>) to facilitate compliance with the Endangered Species Act (16 U.S.C. 1531-1544, 87 Stat. 884) (ESA), as amended. The process enables users to 1) follow step-by-step guidance; 2) access information that will allow them to identify threatened and endangered species, designated critical habitat, and other Federal trust resources that may be affected by their project; and 3) accurately reach determinations regarding the potential effects of their project on these resources as required under the ESA. If you have questions regarding the online review process, please contact virginiafieldoffice@dcr.virginia.gov.

The Virginia Department of Wildlife Resources (VDWR) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed at <https://services.dwr.virginia.gov/fwis/> or contact Susan Watson at Susan.Watson@dwr.virginia.gov.

Division of State Parks

DCR's Division of State Parks is responsible for acquiring and managing, state parks. Park development and master planning are managed by the Division of Planning and Recreation Resources. Master plans are required prior to a parks opening and are updated every ten years (Virginia Code § 10.1-200 *et seq.*).

Division of Dam Safety and Floodplain Management

Dam Safety Program:

The Dam Safety program was established to provide proper and safe design, construction, operation and maintenance of dams to protect public safety. Authority is bestowed upon the program according to *The Virginia Dam Safety Act*, Article 2, Chapter 6, Title 10.1 (10.1-604 *et seq.*) of the Code of Virginia and Dam Safety Impounding Structure Regulations (Dam Safety Regulations), established and published by the Virginia Soil and Water Conservation Board (VSWCB).

Floodplain Management Program:

The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA), and communities who elect to participate in this voluntary program manage and enforce the program on the local level through that community's local floodplain ordinance. Each local floodplain ordinance must comply with the minimum standards of the NFIP, outlined in 44 CFR 60.3; however, local communities may adopt more restrictive requirements in their local floodplain ordinance, such as regulating the 0.2% annual chance flood zone (Shaded X Zone).

All development within a Special Flood Hazard Area (SFHA), as shown on the locality's Flood Insurance Rate Map (FIRM), must be permitted and comply with the requirements of the local floodplain ordinance.

State Agency Projects Only

All agencies and departments of the Commonwealth shall comply with the Code of Virginia [§ 10.1-603. State agency compliance.](#)

Federal Agency Projects Only

Projects conducted by federal agencies within the SFHA must comply with federal Executive Order 11988: Floodplain Management.

DCR's Floodplain Management Program does not have regulatory authority for projects in the SFHA. The applicant/developer must reach out to the local floodplain administrator for an official floodplain determination and comply with the community's local floodplain ordinance, including receiving a local permit. Failure to comply with the local floodplain ordinance could result in enforcement action from the locality. For state projects, DCR recommends that compliance documentation be provided prior to the project being funded. For federal projects, the applicant/developer is encouraged to reach out to the local floodplain administrator and comply with the community's local floodplain ordinance.

To find flood zone information, use the Virginia Flood Risk Information System (VFRIS):
www.dcr.virginia.gov/vfris

To find community NFIP participation and local floodplain administrator contact information, use DCR's Local Floodplain Management Directory: www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory

The remaining DCR divisions have no comments regarding the scope of this project. Thank you for the opportunity to comment.

Cc: Hannah Schul, VDWR



RE: reminder: NEW PROJECT-EXPEDITED REVIEW-USDA Forest-Wide Open Lands Vegetation Management Project, DEQ 25-154F

From dgif-ESS Projects (DWR) <ESSProjects@dwr.virginia.gov>

Date Fri 9/26/2025 2:46 PM

To Wellman, Julia (DEQ) <Julia.Wellman@deq.virginia.gov>

Cc Schul, Hannah (DWR) <Hannah.Schul@dwr.virginia.gov>

Hi Julia,

Thank you for the reminder about comments for this project. Please apply the standard language we approved regarding no time to comment:

"DWR's Environmental Services Section is unable to review the proposed project, which does not constitute an endorsement of the project or indicate a lack of concern regarding potential project impacts upon wildlife and their habitats.

DWR encourages full consideration of protections for the Commonwealth's wildlife resources during the design, planning and construction phases of this project. For information on how to best avoid or minimize adverse impacts upon listed species and other wildlife resources under DWR's jurisdiction, DWR recommends a review (if not already completed) of the online tools, project review protocols, best management practices, wildlife survey guidance and species information that are available at <https://dwr.virginia.gov/wies/wies-additional-resources/>.

For specific questions and/or concerns about the project that may require further consideration, contact DWR at ESSProjects@dwr.virginia.gov and briefly summarize the project components, species and potential impacts that need further attention."

We are coordinating with our forest staff as the comments only from ESS would not be complete without this. We will provide our comments directly to the Forest Service on the draft EA by the 10/9 comment period and will provide you a copy as well.

Thank you and have a great weekend,
Nicole



Nicole Strawderman

(she/her)

Environmental Services Project Review Assistant

804-367-2211

Virginia Department of Wildlife Resources

7870 Villa Park Drive, P.O. Box 90778, Henrico, VA 23228

www.dwr.virginia.gov

From: Wellman, Julia (DEQ) <Julia.Wellman@deq.virginia.gov>

Sent: Thursday, September 25, 2025 10:30 AM

To: dgif-ESS Projects (DWR) <ESSProjects@dwr.virginia.gov>; Tignor, Keith (VDACS)



RE: NEW PROJECT-EXPEDITED REVIEW-USDA Forest-Wide Open Lands Vegetation Management Project, DEQ 25-154F

From Warren, Arlene (VDH) <Arlene.Warren@vdh.virginia.gov>

Date Fri 9/19/2025 7:42 AM

To Wellman, Julia (DEQ) <Julia.Wellman@deq.virginia.gov>

VDH – Office of Drinking Water has reviewed the above project and has no comments to submit currently.

Best Regards,

Arlene F. Warren

GIS Program Support Technician

Mobile 804-389-2167 (office/cell/text)

Email [arlene.warren@vdh.virginia.gov]arlene.warren@vdh.virginia.gov

VDH, Office of Drinking Water

109 Governor Street, 6th Floor

Richmond, VA 23219

From: Fulcher, Valerie (DEQ) <Valerie.Fulcher@deq.virginia.gov>

Sent: Thursday, September 11, 2025 1:00 PM

To: dgif-ESS Projects (DWR) <ESSProjects@dwr.virginia.gov>; Tignor, Keith (VDACS)

<Keith.Tignor@vdacs.virginia.gov>; DCR-PRR Environmental Review (DCR) <envreview@dcr.virginia.gov>;

odwreview (VDH) <odwreview@vdh.virginia.gov>; Churchill, Nikolas (DEQ) <Nikolas.Churchill@deq.virginia.gov>;

Frantz, Allyson (DEQ) <Allyson.B.Frantz@deq.virginia.gov>; Lovain, Ava (DEQ) <Anna.Lovain@deq.virginia.gov>;

Angueira, Antony (DEQ) <Antony.Angueira@deq.virginia.gov>; Harlow, Kevin (DEQ)

<Kevin.Harlow@deq.virginia.gov>; Robertson, Cynthia (DEQ) <Cynthia.Robertson@deq.virginia.gov>; Henderson,

Samantha (DHR) <Samantha.Henderson@dhr.virginia.gov>; Folks, Clint (DOF) <Clint.Folks@dof.virginia.gov>;

Miller, Duane <dmiller@lenowisco.org>; Scotty Wampler <swampler@cppdc.org>; Aaron Sizemore

<asizemore@mrpdc.org>; Kevin.Byrd <kbyrd@nrvrc.org>; Jeremy Holmes <jholmes@rvarc.org>; Ann Cundy

<ann@cspdc.org>; Davis, Brandon (VDOT) <bdavis@nsvregion.org>

Cc: Wellman, Julia (DEQ) <Julia.Wellman@deq.virginia.gov>

Subject: NEW PROJECT-EXPEDITED REVIEW-USDA Forest-Wide Open Lands Vegetation Management Project, DEQ 25-154F

Good afternoon- this is a new OEIR review request/project:

Document Type: **Draft Environmental Assessment**

Project Sponsor: **U.S. Department of Agriculture**