Data Submitted (UTC 11): 12/16/2019 5:00:00 AM
First name: Michael
Last name: Hutchison
Organization: Virginia DEQ
Title: Regional Biologist
Comments: Dear Ms. Davalos,

Thank you for the opportunity to review this proposed project to improve pollinator habitat surrounding the High Knob Observation Tower in Wise County. This project would involve the removal of approximately 10 acres of trees surrounding the tower, followed by seeding the area with a native pollinator seed mix. Non-native and undesirable species would be controlled through herbicide application, and the area may be maintained through prescribed burns.

The project site is in the watersheds of Machine Branch, Benges Branch, Stony Creek, and the South Fork Powell River in the Tennessee and Big Sandy River Basin (Clinch River Subbasin). These streams are all currently unassessed due to insufficient data. Benges Branch is classified as Section 1d, Class IV (Public Water Supply) from Norton[rsquo]s raw water intake to its headwaters. The South Fork Powell River is classified as Section 1C, Class IV (Public Water Supply) from Big Stone Gap[rsquo]s raw water intake to its headwaters.

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[rsquo]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 [sect] 404 of the Clean Water Act and [sect] 10 of the Rivers and Harbors Act;

(2) Department of Environmental Quality for issuance of Virginia Water Protection Permit pursuant to [sect] 401 of the Clean Water Act, Virginia Code[sect] 62.1-44.2 et seq., VirginiaCode[sect] 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[sect] 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 Clairise Shaheen at (276) 676- 4809 or email Clairise.Shaheen@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 measures must be implemented in accordance with the current edition of the Virginia Erosion and Sediment Control Handbook and the Virginia Erosion and Sediment Control Regulations, which are available online: http://www.deq.virginia.gov/Programs/Water/LawsRegulationsGuidance.aspx. If the total land disturbance exceeds 10,000 square feet, an erosion and sediment control plan will be required. Erosion and sediment control requirements are regulated by the local government where your land disturbing activity is occurring. Please contact the appropriate county, city or town for information and compliance requirements.

Stormwater management planning and permitting is required through our Department should your land disturbance be greater than one (1) acre or lie within the boundaries of a common plan of development. Information, permit application, and regulations on our stormwater management program are available online at: http://www.deq.virginia.gov/Programs/Water/StormwaterManagement.aspx.

Please contact Kelly Miller at our Southwest Regional Office at (276) 676-4879 or email Kelly.Miller@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. Please note any process equipment that prepares coal via breaking, crushing, screening, wet or dry cleaning, thermal drying, etc. should be evaluated for permit applicability. 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 contact is Crystal Bazyk at (276) 676-4829 or email Crystal.Bazyk@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 Daniel Manweiler at (276) 676-4837 or email Daniel.Manweiler@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[rsquo] 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).
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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[rsquo]s Office of Pollution Prevention at (804) 698-4344 Sharon.Baxter@deq.virginia.gov.

7. 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.
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Gerald Wilkes, Department of Mines, Minerals and Energy, at (434) 951-6364 should be contacted for assistance in meeting this challenge.

8. Natural Heritage Resources. The Department of Conservation and Recreation[rsquo]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.

9. Wildlife Resources. The Department of Game and Inland Fisheries (DGIF), as the Commonwealth[rsquo]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). DGIF 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. DGIF 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 DGIF website at www.dgif.state.va.us or contact Ray Fernald at (804) 367-6913.

10. 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 Ms. Ethel Eaton at (804) 367- 2323.

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 Michael Hutchison at (276) 676-4865.

Sincerely,

Jeffrey L. Hurst

Regional Director