



# United States Department of the Interior

FISH AND WILDLIFE SERVICE



Virginia Field Office  
6669 Short Lane  
Gloucester, VA 23061

January 15, 2016

Mr. Jay Roberts  
Virginia Department of Environmental Quality  
3019 Peters Creek Road  
Roanoke, VA 24019

Re: Joint Permit Application Number 15-1551, Pigg River Restoration at Power Dam, Franklin County, VA

Dear Mr. Roberts:

This document transmits the U.S. Fish and Wildlife Service's (Service) responses to your November 12, 2015 information request on the referenced Joint Permit Application (JPA). The request from the Virginia Department of Environmental Quality (VDEQ) indicated that VDEQ staff has evaluated our application against the requirements for a complete application found in the Virginia Water Protection Permit (VWPP) Regulation at 9VAC25-690-60.B and needs additional information as part of the application.

Below is the list of information requested from VDEQ and the Service's response.

VDEQ Request: *A narrative description of the project shall include physical alteration to surface waters and all impacts, permanent and temporary, associated with the project upstream and downstream.*

*Identify impacts as listed in Virginia Code, Section 62.1-44.15:20, which states, "A. Except in compliance with an individual or general Virginia Water Protection Permit issued in accordance with this article, it shall be unlawful to: 1. Excavate in a wetland; 2. On or after October 1, 2001, conduct the following in a wetland: a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions; b. Filling or dumping; c. Permanent flooding or impounding; or d. New activities that cause significant alteration or degradation of existing wetland acreage or functions; or 3. Alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses unless authorized by a certificate issued by the Board."*

Service Response: The requested narrative is included on pages 3 to 5 of the enclosed revised project description JPA Question 3 and wetland delineation maps. Additional information

regarding physical alterations may be found in the report titled “Power Dam Sediment Capacity and Fate Modelling” by Kris Bass Engineering, Inc. which is available at <http://www.fws.gov/northeast/virginiafield/partners/powerdam.html>.

VDEQ Request: *Wetland impacts should be quantified and identified according to their Cowardin classification or similar terminology. Conversion of one type of wetland to another type of wetland is considered to be a permanent impact. Stream impacts should be quantified and identified based on geomorphological types. Amount of wetland impacts (by type in acres or square feet), stream impacts (in linear feet), and in square feet for purposes of calculating the permit application fee, when applicable, and open water impacts (by type in square feet or acres, as applicable).*

Service Response: The enclosed JPA and project description JPA Question 3 have been revised to include the requested narrative.

VDEQ Request: *Submit a complete copy of the “Sediment Sampling and Analysis Study” including appendices referenced in the application.*

Service Response: The final report with professional engineer’s seal is available at <http://www.fws.gov/northeast/virginiafield/partners/powerdam.html>. A hard copy will be provided upon request.

VDEQ Request: *Functions and values assessment for wetlands impacts, if applicable, wetlands delineation information, state- and federally-listed threatened and endangered species information, mitigation plan demonstrating avoidance and minimization to the maximum extent practicable, and compensation for unavoidable impacts.*

Service Response: The requested information is included in the enclosed Service species conclusion table and the revised JPA Question 3. Also see the biological opinion available at <http://www.fws.gov/northeast/virginiafield/partners/powerdam.html>.

VDEQ Request: *For wetland impacts greater than one acre, if applicable, the assessment of functional values of the affected surface waters must include information on: surrounding land uses and cover types; nutrient, sediment, and pollutant trapping; flood control and flood storage capacity; erosion control and shoreline stabilization; groundwater recharge and discharge; aquatic and wildlife habitat; and unique or critical habitats. Functional values may also include: water quality, floodflow desynchronization, nutrient import or export, stormwater retention or detention, recreation, education, aesthetics, or other beneficial uses. These values shall be assessed using an acceptable method appropriate for the type of impacted resource.*

Service Response: Impacts to vegetated wetlands equal 0.16 acres. Other impacts involve open water associated with a man-made impoundment and creation of a wetland bench. We did not perform a functional values assessment on these impacts because impacts to vegetated wetlands were less than 1 acre and temporary.

VDEQ Request: *The assessment of potential impacts to federally-listed and state-listed threatened or endangered species shall include correspondence or documentation from federal*

*and state resource agencies addressing potential impacts to any listed species.*

Service Response: A Service species conclusion table is enclosed. An assessment of impacts to the Roanoke logperch has been completed by the Service and the biological opinion is available at <http://www.fws.gov/northeast/virginiafield/partners/powerdam.html>. The terms and conditions contained in the biological opinion shall be strictly adhered to throughout project implementation.

VDEQ Request: *A delineation map of the geographic area of a delineated wetland for all wetlands on the site, including areas adjacent to the dam and power pool, in accordance with 9VAC25-210-45, including wetlands data sheets. Wetland types shall be noted according to their Cowardin classification or similar terminology. A copy of the USACE delineation confirmation, or other correspondence from the USACE indicating their approval of the wetland boundary, shall also be provided at the time of application, or if not available at that time, as soon as it becomes available during the VWP permit review.*

Service Response: The enclosed wetland delineations and maps were submitted to the U.S. Army Corps of Engineers for approval on December 7, 2015. Appendix A of the enclosed revised project description JPA Question 3 includes a table and narrative of all wetlands directly within the project area.

VDEQ Request: *The plan of mitigation for impacts to surface waters must include, in accordance with current federal regulations: measures taken to avoid impacts to the maximum extent practicable, the measures proposed to reduce the impacts to surface waters to the maximum extent practicable, and where impacts could not be avoided, the means by which compensation will be accomplished to achieve no net loss of wetland acreage and functions or stream functions and water quality benefits. A narrative description must be provided detailing the measures taken during project design and development both to avoid and minimize impacts to surface waters to the maximum extent practicable (see 9VAC25-210-115).*

Service Response: Narratives addressing avoidance and minimization of impacts to the maximum extent practicable and offsets for unavoidable impacts are included on pages 6 to 9 of the enclosed revised project description JPA Question 3. This restoration project is expected to result in no net loss of wetlands and a net gain in forested riparian wetlands.

VDEQ Request: *If needed based upon projected permanent wetland impacts, a conceptual wetland compensatory mitigation plan must be submitted for unavoidable permanent impacts to wetlands, unless dependent solely on mitigation banking or monetary contribution to an in-lieu fee fund. Wetland compensation may need to include: the goals and objectives in terms of replacement of wetland acreage and functions; a detailed location map (for example, a United States Geologic Survey topographic quadrangle map), including latitude and longitude (to the nearest second) and the hydrologic unit code (HUC) at the center of the site; a description of the surrounding land use; a hydrologic analysis, including a draft water budget based on expected monthly inputs and outputs which will project water level elevations for a typical year, a dry year and a wet year; groundwater elevation data, if available, or the proposed location of groundwater monitoring wells to collect these data; wetland delineation*

*confirmation and data sheets and maps for existing surface water areas on the proposed site(s); a conceptual grading plan; a conceptual planting scheme, including suggested plant species and zonation of each vegetation type proposed; a description of existing soils, including general information on both topsoil and subsoil conditions, permeability, and the need for soil amendments; a draft design of any water control structures; inclusion of buffer areas; a description of any structures and features necessary for the success of the site; the schedule for compensatory mitigation site construction; and proposed deed restriction language for protecting the compensation site or sites, including all surface waters and buffer areas within its boundaries, in perpetuity.*

Service Response: Offsets and compensation for unavoidable permanent impacts associated with this restoration project are described on page 6 of the enclosed revised project description JPA Question 3 and wetland bench drawings and planting plan. The proposed wetland bench is located on lands owned by the applicant and will be permanently protected from development.

VDEQ Request: *If needed based upon projected permanent stream impacts, a conceptual stream compensatory mitigation plan must be submitted for unavoidable permanent impacts to streams, unless dependent solely on mitigation banking or monetary contribution to an in-lieu fee fund. Stream compensation may need to include: the goals and objectives in terms of water quality benefits and replacement of stream functions; a detailed location map (for example, a United States Geologic Survey topographic quadrangle map), including the latitude and longitude (to the nearest second) and the hydrologic unit code (HUC) at the center of the site; a description of the surrounding land use; the proposed stream segment restoration locations, including plan view and cross-section sketches; the stream deficiencies that need to be addressed; the proposed restoration measures to be employed, including channel measurements, proposed design flows, types of instream structures, and conceptual planting scheme; reference stream data, if available; inclusion of buffer areas; schedule for restoration activities; and proposed deed restriction language for protecting the compensation site or sites, including all surface waters and buffer areas within its boundaries, in perpetuity.*

Service Response: Offsets and compensation for unavoidable permanent and temporary stream impacts associated with this project are described on page 6 of the enclosed revised project description JPA Question 3.

VDEQ Request: *Plan view and cross-sectional sketches including, at a minimum, north arrow, scale, existing structures, existing and proposed (if available) contours, limit of surface water areas, ebb and flood or direction of flow, ordinary high water elevation, impact limits, and location and dimension of all structures in impact areas. Draining the power pool is an impact, so please show the location of the pool draw down areas, the location of the restored river reach, and areas that may be affected by sediment discharges. Profile sketches with the above items are requested. Please depict elevation changes associated with pool drawdown in plan, cross section, and profile sketches. A copy of the Sediment Transport Study referenced in the application is requested, and may provide some portion of the listed information.*

Service Response: The limit of surface waters and instream impact limits are included in the enclosed wetland maps for Site 8, and Sites 8 and 9 in the wetlands location map. Profiles, cross sections, and pool drawdown limits are depicted in the report titled “Power Dam Sediment Capacity and Fate Modelling” by Kris Bass Engineering, Inc. available at <http://www.fws.gov/northeast/virginiafield/partners/powerdam.html> and Figure 2 of the report titled “Hydrology Assessment of Riparian Floodplain Wetlands Above Power Dam, Franklin County, Virginia” included in the JPA. Water elevation was not depicted in cross-section as levels vary. However, water surface elevations at baseflow are expected to lower by up to 6 feet initially upon notching of Power Dam and 10 feet after 1 year at the dam (cross section 50). The drop in water surface elevation will be less at locations approaching the upstream limits of the impoundment.

VDEQ Request: *The need for an application processing fee will be determined after the above listed items are provided and evaluated.*

*In addition to the above listed items, please discuss efforts to educate upstream landowners about the effect pool dewatering will have on water levels adjacent to their property.*

*DEQ staff will continue reviewing application upon receipt of the requested information. Please be advised that upon receipt of the requested information, additional information may still be required for DEQ to reach a permit decision.*

*Please be aware that land disturbing activity one acre or greater may require issuance of a DEQ Construction General Permit (CGP). In this case, the CGP process may be conducted as a component of Franklin County’s erosion and sediment control plan and stormwater management plan review.*

Service Response: Landowner and locality involvement is described on pages 9-10 of the enclosed revised project description JPA Question 3. Franklin County conducted a review of the project site plan and erosion and sediment control plan and issued the necessary demolition and land disturbance permit on January 13, 2016.

If you have any questions, please contact Will Smith of this office at (804) 824-2409, or via email at [willard\\_smith@fws.gov](mailto:willard_smith@fws.gov).

Sincerely,

Cindy Schulz  
Field Supervisor  
Virginia Ecological Services

Enclosures

Mr. Roberts

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cc: Corps, Floyd, VA (Attn: Danielle Courtois)  
VMRC, Norfolk, VA (Attn: Mike Johnson)  
FORVA, Roanoke, VA (Attn: Bill Tanger)