



January 18, 2022

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Mary Yonce, District Ranger  
North River Ranger District  
USDA Forest Service  
ATTN: Jay Martin, jay.martin2@usda.gov

Submitted Electronically

Re: Comments on Archer Knob Project Scoping (Project #61252)

*Board of Directors:*

Dear Ranger Yonce:

Wild Virginia, a non-profit organization dedicated to protecting Virginia's environment, respectfully submits these comments concerning the Forest Service's proposed Archer Knob project. Specifically, Wild Virginia asserts that the Forest Service (Service) must include information and analyses regarding the following issues in an Environmental Assessment (EA):

*Bette Dzamba*  
*Leigh Kirchner*  
*Kate Mallek*  
*Allison McClure*  
*Jamie Trost*  
*Grace Tuttle*  
*Ryan Wagener*  
*Elizabeth Williams*

- ways in which the project may negatively affect wildlife connectivity, both terrestrial and aquatic, and ways these values may be enhanced through the project;
- condition of roads and trails in the project area, the ability of the Service to meet goals for proper maintenance and improvements to these features, and current impacts on water quality related to these features; and
- assurances that the project activities will be conducted such that Virginia water quality standards will be met.

#### Wildlife Habitat Connectivity Impacts

The scoping notice describes potential efforts to restore aquatic organism passage (AOP) in project-area streams and Wild Virginia strongly endorses this proposal. In addition, we believe it is appropriate for the Service to look at habitat connectivity issues on a much wider scale, both for terrestrial and aquatic species.

Just as passage of organisms in streams should be an important part of the goal of watershed improvement, which is expressed as a major focus of the project, restoring and retaining connections between vegetative communities and habitats for terrestrial animals should be an important goal. Preserving existing wildlife corridors and enhancing them must be seen as an important component of the effort to "move the project area closer to the desired conditions" described in the Land and Resource Management Plan (Forest Plan) for the George Washington National Forest (GWNF).

Virginia is quickly becoming a national leader when it comes to protecting wildlife corridors and addressing issues of wildlife habitat connectivity. Recent state law

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changes are promoting and facilitating planning to make ecosystem connectivity a standard part of decision-making.<sup>1</sup> Wildlife connectivity is important because it not only enables wildlife to more easily migrate throughout the state and country, but also enhances biodiversity and ecosystem resilience. As such, Wild Virginia is especially keen to participate in a thorough analysis of the potential opportunities the Archer Knob projects offers in this regard.

Additionally, the Service's environmental assessment must analyze the potential for negative impacts on wildlife habitat connectivity, including impacts on any particular species of concern (e.g. the federally protected and critically endangered James River spiny mussel) or any habitats of concern. The EA should look at the incremental values of new timbering, roads, and prescribed burns balanced against any loss or weakening of connectivity.

#### Water Quality Impacts Due to Road and Trail Maintenance

The scoping notice lists several proposed areas of analysis related to roads in the project area. We urge the Service to make a detailed study of the condition of existing roads and trails and, particularly, to focus on water quality impacts and threats caused by these features.

Just as the Forest Plan calls for action to achieve a diversity of age stands across the Forest, it also calls for adequate maintenance and repair of roads and trails. One Service employee described to us an "ever-expanding backlog of trail maintenance" needs on the GWNF, in a meeting several years ago. Our own observations and the discussions during a range of project planning processes, seems to indicate that similar backlogs may exist for road projects.

We do not believe that the goal of forest stand age diversity can or should predominate in the discussion of Forest Plan goals or in choosing the direction this project should take. And we note that any new roads, whether planned to be temporary or permanent, create a new demand for maintenance and we believe that the limited resources available to the Service should not be expended unnecessarily on expanding a maintenance backlog.

We are particularly interested that the EA analyze the water quality impacts and threats posed by roads and trails. According to the U.S. Environmental Protection Agency (EPA):

Roads are generally considered to be the major source of sediment to water bodies from harvested forest lands. They have been found to contribute up to 90 percent of the total sediment production from forestry activities (Megahan, 1980; Patric, 1976; Rothwell, 1983). . . . Erosion from roads can be disproportionately high because roads lack vegetative cover, are exposed to direct rainfall, have a tendency to channel water on their surfaces, and are disturbed repeatedly when used. Erosion from roads can be exacerbated by instability on cut-and-fill slopes, water flow over the road surface or through a

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<sup>1</sup> See e.g.: Wildlands Network, *Virginia Passes Second Bill to Protect Wildlife Corridors*, <https://wildlandsnetwork.org/news/virginia-passes-second-bill-to-protect-wildlife-corridors>.

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roadside ditch, flow from surrounding areas becoming concentrated and channelled by a road surface, and lack of a protective surfacing.<sup>2</sup>

Given this understanding, water quality degradation in Forest streams highly likely to be related to roads. Again, given that a primary goal of the Service and the Forest Plan is to project and restore streams and watersheds, this survey of conditions and a careful analysis of the needs and potential benefits of road enhancement should be of the highest priority. We believe the following should be components of the assessment:

- current maintenance plan(s) and schedule(s) for mitigating negative water quality impacts of stormwater runoff from forest roads and trails;
- any proposed changes to maintenance plan(s) and/or schedule(s) for addressing stormwater runoff from forest roads and trails;
- projected water quality impacts from all new roads and/or trails required for the project, including an alternatives analysis; and
- maintenance plan(s) and schedule(s) for all new roads and/or trails as it relates to the Service's ability to maintain existing roads and trails.

#### Water Quality Impacts & Compliance with State Water Quality Standards

The Service is obligated to perform analyses to ensure that Virginia water quality standards will be met in any waterbodies that could be affected by the activities proposed in this project. Wild Virginia has raised this issue in comments to the Service for previous project proposals. The Service has neither completed the required analyses nor has it provided any detailed response to our assertions.

One example of this failure is demonstrated on the North Shenandoah Mountain Restoration and Management Project. In scoping comments for this project, Wild Virginia asserted: "The EA must address Virginia water quality standards ("WQS") and the measures that will ensure compliance with all sections of the WQS."<sup>3</sup> A review of the Final EA and the response to comments document on the Service's website, reveals that neither document even mentioned the term "water quality standard." Other terms and concepts key to a Clean Water Act review and application of state WQS that were entirely omitted from the North Shenandoah documents include: antidegradation, water quality criteria, designated uses, and existing uses.

Needless to say, this failure to mention the primary components of the WQS is accompanied by the absence of any meaningful discussion or analysis as to how that project could or would meet water quality standards. We readily acknowledge that the Service staff perform stream monitoring and analyses of potential impacts and that the EA mentioned includes important and notable discussions. The vital part that is missing is the comparison of those findings with

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<sup>2</sup> U.S. EPA, *National Management Measures to Control Nonpoint Source Pollution from Forestry*, EPA-841-B-05-001, April 2005, at 2-4, accessible at [https://www.epa.gov/sites/default/files/2015-10/documents/2005\\_05\\_09\\_nps\\_forestrygmt\\_guidance.pdf](https://www.epa.gov/sites/default/files/2015-10/documents/2005_05_09_nps_forestrygmt_guidance.pdf).

<sup>3</sup> Letter from David Sligh, Wild Virginia to District Ranger Mary Yonce, *Re: Response to Scoping Notice for North Shenandoah Mountain Restoration and Management Project Dated September 15, 2017*, November 6, 2017, at 4. Attached to this letter.

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the legal standards that are to protect all Virginia waterbodies. In this instance, the Service must take these concerns seriously.

The following is a brief discussion of some of the components of Virginia WQS and discussion of these issues must be included in the EA:

The State of Virginia has adopted water quality standards (WQS) that establish designated uses for all "state waters"<sup>4</sup> to include "recreational uses, e.g., swimming and boating; the propagation and growth of a balanced, indigenous population of aquatic life, including game fish, which might reasonably be expected to inhabit them; wildlife; and the production of edible and marketable natural resources, e.g., fish and shellfish." 9 VAC 25-260-10.A. These uses apply to those waters that flow within the National Forest and waters outside Forerst boundaries that are affected by the Service's actions.

To protect these designated uses, the WQS regulations include both general or narrative criteria, 9 VAC 25-260-20., and numeric criteria, 9 VAC 25-260-50 and 9 VAC 25-260-140. The general criteria require that state waters be free from substances which "interfere directly or indirectly with designated uses of such water or which are inimical or harmful to human, animal, plant, or aquatic life." 9 VAC 25-260-20.A.

It is important to note that the WQS do not permit designated uses to be "interfered with" for any period of time. Conditions that prevent recreational uses, which include enjoyment of aesthetic values, or degrade those uses for some period would violate the standards regulation. Likewise, negative impacts to biological communities or changes to physical habitats that interfere with full support of native species and populations, even if that system may recover after a season or some other period, are prohibited.

Finally, the WQS include an antidegradation policy, which requires that "existing uses"<sup>5</sup> "shall be maintained and protected," 9 VAC 25-260-30.1., and prohibits lowering of good water quality, except under specific, strictly confined circumstances.

Thank you for considering our concerns and we look forward to further sharing of ideas through this project review.

Sincerely,

/s/ David Sligh

David Sligh  
Conservation Director

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<sup>4</sup> Defined as "all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands." Code of Virginia § 62.1-44.3.

<sup>5</sup> Defined as "those use actually attained in the waterbody on or after November 28, 1975, whether or not they are included in the water quality standards." 9 VAC 25-260-5.