



**US Army Corps
of Engineers**
WILMINGTON DISTRICT

FINDING OF NO SIGNIFICANT IMPACT

AQUATIC VEGETATION MANAGEMENT PROGRAM
JOHN H. KERR RESERVOIR
BOYDTON, VIRGINIA

July 2013

FINDING OF NO SIGNIFICANT IMPACT

AQUATIC VEGETATION MANAGEMENT PROGRAM JOHN H. KERR RESERVOIR BOYDTON, VIRGINIA

July 2013

1.0 INTRODUCTION

The National Environmental Policy Act of 1969, as amended, (NEPA), requires consideration of the environmental impacts for Federal actions. The proposed action and the environmental impacts of the proposed action were addressed in the Environmental Assessment (EA) for the Aquatic Vegetation Management Program, John H. Kerr Reservoir, dated April 2013.

This FONSI has been prepared pursuant to NEPA in accordance with the Council on Environmental Quality (CEQ) regulations as contained in 40 CFR 1500 to 1508, which directs Federal agencies on how to implement the provisions of NEPA.

1.1 Purpose and Need. The noxious aquatic weed *Hydrilla* is prevalent and expanding in John H Kerr Reservoir, infesting approximately *698 acres in 2011 and 888 acres in 2012*. An Aquatic Vegetation Management Program (AVMP) has been developed and is proposed for implementation at John H. Kerr. This FONSI considers environmental impacts associated with management actions proposed as part of the John H. Kerr Reservoir AVMP on the Reservoir and contiguous water bodies. Methods proposed include chemical control, biological control utilizing triploid grass carp (*Ctenopharyngodon idella - triploid*), hand removal of vegetation, and planting of native aquatic vegetation.

1.2 Project Authority. The USACE Invasive Species Policy was developed to ensure agency compliance with *Executive Order 13112 Invasive Species*. The policy requires operating projects to include strategies for invasive species management in their project operations and maintenance responsibilities and that these strategies be coordinated with other Federal, State, and local agencies. *Executive Order 13112 Invasive Species* defines an invasive species as a species not native (exotic) to that ecosystem whose introduction does or is likely to cause economic or environmental harm or harm to human health.

1.3 Project Area. Kerr Reservoir is located along the Roanoke River in Halifax, Mecklenburg, and Charlotte Counties, Virginia and Granville, Vance, and Warren Counties, North Carolina. The Kerr Reservoir project includes approximately 48,900 acres of water surrounded by approximately 55,000 acres of public land, all under the stewardship of the USACE Wilmington District. The reservoir creates over 800 miles of shoreline. The pool elevation for Kerr Reservoir follows an annual guide curve fluctuating seasonally between 295.5 and 302 feet mean sea level (ft msl).

2.0 DESCRIPTION OF PROPOSED ACTION

The implementation of the Kerr Reservoir AVMP is the USACE's Preferred Alternative. Implementation of the AVMP would help achieve goals of the USACE Invasive Species Policy and comply with federal laws and regulation on invasive species. The Kerr Reservoir AVMP can be accessed at

<http://www.saw.usace.army.mil/Locations/DistrictLakesandDams/JohnHKerr/NaturalResources/AquaticVegetationManagement.aspx>

The AVMP includes an Action Plan that would be updated annually. The Action Plan details proposed objectives, actions, and responsibilities under the following action items: Chemical Control, Biological Control, Hand Removal, Native Aquatic Vegetation, Survey and Monitoring, Public Education, and Enforcement. Chemical control utilizing herbicides, biological control utilizing triploid grass carp, and hand removal would be used to control overgrowth of invasive aquatic vegetation. Establishment and promotion of native aquatic vegetation may be utilized in efforts to fill areas where invasive species are removed and to occupy uninfested areas. Survey and monitoring would be utilized to facilitate adaptive management decisions and development of the annual Action Plan. Public education efforts would focus on identification and methods to avoid spread of invasive species, encouraging participation in management efforts, increasing awareness of adverse impacts of invasive species, and promoting awareness of penalties for violation of nuisance and invasive species laws and regulations. Enforcement efforts would rely on existing laws and regulations.

3.0 PUBLIC AND AGENCY COORDINATION

An Environmental Assessment, Aquatic Vegetation Management Program, John H. Kerr Reservoir, dated April 2013 was circulated for public and agency comment. All comments received were considered in the preparation of this Finding of No Significant Impact (FONSI). Summarized comments and responses are included as Attachment 1.

4.0 ENVIRONMENTAL IMPACTS

Section 5.0 of the EA provides information on the affected environment present at John H. Kerr Reservoir. The probable consequences (impacts and effects) of the No Action Alternative and the Preferred Alternative (implementation of the proposed AVMP) on the environmental resources of the John H. Kerr area were evaluated. In the long-term, implementation of the proposed AVMP will result in positive effects for the natural resources of Kerr Reservoir. The Preferred Alternative would have no long-term adverse impacts to socioeconomic characteristics (population and economy, transportation, utilities and conservation potential, or safety). No adverse long-term effects or cumulative impacts would be expected. Under the No Action Alternative, the invasive aquatic weed expansion within Kerr Reservoir would likely continue along with the adverse impacts of such.

Comments received during the coordination of the Environmental Assessment did not identify any additional categories of environmental impacts.

5.0 FINDING OF NO SIGNIFICANT IMPACT (FONSI)

I have reviewed the EA for the Aquatic Vegetation Management Program (AVMP), John H. Kerr Reservoir, the information provided by interested parties, and the information contained in this Finding of No Significant Impact, and I find that the adoption of the AVMP will not significantly affect the quality of the human environment. Therefore, preparation of an Environmental Impact Statement, pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, is not required.

SIGNATURE:  DATE: 29 JULY 2013

Steven A. Baker
Colonel, U.S. Army
District Commander

ATTACHMENT 1

Summary of EA Comments Received On EA and USACE Responses

**AQUATIC VEGETATION MANAGEMENT PROGRAM
JOHN H. KERR RESERVOIR
BOYDTON, VIRGINIA**

Comment Summary and Corps Responses

AQUATIC VEGETATION MANAGEMENT PROGRAM JOHN H. KERR RESERVOIR BOYDTON, VIRGINIA

FEDERAL AGENCIES

US FISH AND WILDLIFE LETTER DATED 23 MAY 2013

COMMENT: The proposed action is not likely to adversely affect any federally-listed endangered or threatened species, their formally designated critical habitat, or species currently proposed for listing under the Act at these sites. We believe that the requirements of section 7(a)(2) of the Act have been satisfied for your project. Please remember that obligations under section 7 consultation must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner that was not considered in this review; or (3) a new species is listed or critical habitat determined that may be affected by the identified action.

RESPONSE: Noted.

COMMENT: We recommend that all practicable measures be taken to avoid adverse impacts to aquatic species, including implementing directional boring methods and stringent sediment and erosion control measures. An erosion and sedimentation control plan should be submitted to and approved by the North Carolina Division of Land Resources, Land Quality Section prior to construction. Erosion and sedimentation controls should be installed and maintained between the construction site and any nearby down-gradient surface waters. In addition, we recommend maintaining natural, vegetated buffers on all streams and creeks adjacent to the project site.

RESPONSE: We will take practical measures to avoid impacts to aquatic species. No ground disturbing activities are included in this plan, therefore no sedimentation control plan is required.

STATE AGENCIES

NC Department of Administration State Clearing House Letter dated May 31, 2013

COMMENT: This project was reviewed by The Department of Environment and Natural Resources, The Region K Kerr Tar Regional COG, Department of Transportation Department of Cultural Resources Division of Emergency Management, who provided No Comment.

RESPONSE: Noted.

Commonwealth of Virginia Department of Environmental Quality letter dated May 29, 2013.

COMMENT: The following state agencies joined in this review: Department of Environmental Quality Department of Game and Inland Fisheries, Department of Conservation and Recreation addition, the Virginia Marine Resources Commission was invited to comment.

RESPONSE: Noted.

COMMENT: VDEQ's Blue Ridge Regional Office- Lynchburg - Pesticide application would be covered under DEQ's Pesticide General Permit. The Corps will need to have copies of the DEQ Pesticide General Permit,

RESPONSE: The Corps will obtain copies of the permit.

COMMENT: The Corps coordinated with the Department of Game and Inland Fisheries (DGIF) during the development of the Aquatic Vegetation Management Program, which constitutes the Preferred Alternative. In general, DGIF supports the Preferred Alternative, which takes an integrative approach to removal and management of hydrilla.

RESPONSE: Noted.

COMMENT: Based on the number of triploid grass carp proposed for repeated stocking (15 fish per vegetated acre of 13,320 fish over the 888 acres of identified hydrilla), DGIF recommends that ploidy (i.e., "sterility," per Ewing/Ellis, 5/28/13) be confirmed either by the Corps, the respective natural resource agency, or the supplier. This could be accomplished through random blood samples, among other methods.

RESPONSE: Grass carp sterility will be confirmed prior to stocking.

COMMENT: DGIF supports the use of herbicides approved for aquatic use in limited-access areas, and recommends that these be applied by certified personnel.

RESPONSE: Only certified applicators will be permitted to treat aquatic weeds in John H. Kerr.

COMMENT: DGIF cautions the Corps that hand/mechanical removal is difficult to do on large scale and can be less effective than other methods.

RESPONSE: Noted.

COMMENT: DGIF supports and appreciates the Corps' emphasis on public outreach and education as well as its proposal to plant native vegetation and fish attractors. All of these components will be necessary to ensure success and positive public feedback.

RESPONSE: Noted.

COMMENT: The Virginia Marine Resources Commission did not respond to DEQ's request for comments.

RESPONSE: Noted

COMMENT: Virginia Department of Conservation and Recreation (DCR) supports the control of invasive species and the needs identified by the Corps as stated in the EA.

RESPONSE: Noted.

COMMENT: The proposed project will not affect any documented state-listed plants or insects, according to DCR.

RESPONSE: Noted.

COMMENT: The Difficult Creek Natural Area Preserve, administered by DCR, is located adjacent to the Kerr Reservoir. Due to the scope of the project, DCR does not anticipate impacts to the Preserve and associated natural heritage resources.

RESPONSE: Noted

COMMENT: DGIF recommends that the Corps update Table 2, found on pages 21-22 of the EA, to indicate that the bald eagle is no longer listed by the Commonwealth as a threatened species in Virginia.

RESPONSE: The EA will not be recirculated; however, this will be considered in preparation of future correspondence. This information was considered in the preparation of the FONSI.

COMMENT: Due to the legal status of the species associated with the DGIF "T and E Waters" listing (see "Environmental Impacts and Mitigation," item 4(c), above), DCR recommends (if not already done) that the Corps coordinate with DGIF, Virginia's regulatory authority for the management and protection of listed species, to ensure compliance with applicable law.

RESPONSE: The EA was reviewed by VDGIF. Coordination with VDGIF regarding this project will continue.

Adjacent Property Owners and Lake Users

Nineteen letters (19) letters and emails were submitted by adjacent property owners and lake users during public review of the EA.

COMMENT: Fifteen (15) comments stated support for implementation of the AVMP; fourteen (14) of these comments requested aggressive implementation as soon as possible.

RESPONSE: The Corps plans to implement the AVMP this year in accordance with the 2013 Annual Action Plan.

COMMENT: Six (6) comments noted that *Hydrilla* is or will impact recreational use of the lake. Five (5) comments described a specific problem area and one notes concerns for swimmer safety.

RESPONSE: The Corps agrees that recreational use of John H. Kerr is being adversely impacted by hydrilla. Identified problem areas are noted.

COMMENT: Four (4) comments stated that *Hydrilla* control at John H. Kerr is a Corps responsibility. Two (2) comments added that land owner control is not enough to control *Hydrilla* infestation.

RESPONSE: Due to scope of this problem it is expected that all stakeholders will need to participate in some way; Including vigilance to keep boats clean thereby preventing new introductions and identifying new infestations as they occur. The AVMP includes actions that may be taken by state and Federal land managers and shoreline permit holders.

COMMENT: Two (2) commenters thought that the AVMP is not comprehensive enough with one (1) asking that mechanical harvesting be included in the AVMP.

RESPONSE: Mechanical harvesting was considered but not included in the AVMP for reasons described in the Environmental Assessment.

The AVMP is a comprehensive plan that would be updated annually as needed. The Action Plan details proposed objectives, actions, and responsibilities under the following action items: Chemical Control, Biological Control, Hand Removal, Native Aquatic Vegetation, Survey and Monitoring, Public Education, and Enforcement. Chemical control utilizing herbicides, biological control utilizing triploid grass carp, and hand removal would be used to control overgrowth of invasive aquatic vegetation. Establishment and promotion of native aquatic vegetation may be utilized in efforts to fill areas where invasive species are removed and occupy uninfested areas. Survey and monitoring would be utilized to facilitate adaptive management decisions and development of the annual Action Plan. Public education efforts would focus on identification and methods to avoid spread of invasive species, encouraging participation in

management efforts, awareness of adverse impacts of invasive species, and awareness of penalties for violation of nuisance and invasive species laws and regulations.

COMMENT: One comment described boat damage allegedly resulting from the application of aquatic herbicide by a private contractor and asked who was responsible.

RESPONSE: Shoreline permit holders may contract with herbicide applicators holding a current authorization from the USACE to apply aquatic herbicides for the purpose of aquatic vegetation control at Kerr Reservoir. This USACE authorization is provided to aquatic herbicide applicators based on presentation of proof of valid insurance and licensing documents. The authorization is not an endorsement or guarantee of quality of the services provided by the applicator. Applicators are responsible for compliance with all applicable laws and regulations. Applicators assume full responsibility for any damage claims arising from their activities.

COMMENT: One comment inquired about the effects of recommended herbicides on humans who swim in Buggs Island Lake/Kerr Reservoir and what action needs to be taken for protection from contact with toxins in the water.

RESPONSE: Compliance with herbicide label restrictions and notifications relative to swimming, fishing, drinking water, watering livestock, irrigation, etc. are the responsibility of the herbicide applicator and the party employing the applicator. Visitors and shoreline permit holders with questions regarding the location of authorized herbicide treatments may contact the USACE Kerr Lake office and/or the entity managing the area they plan to visit.