



**US Army Corps  
of Engineers**®  
Wilmington District

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**PHILPOTT LAKE, VIRGINIA  
WATER STORAGE REALLOCATION  
INTEGRATED FEASIBILITY STUDY AND ENVIRONMENTAL ASSESSMENT**



**APPENDIX E: PERTINENT CORRESPONDENCE**

**Final Report  
February 2023**

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# Attachment 1: Public Scoping Meeting Notice



DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

April 7, 2021

Planning and Environmental Branch

Dear Sir or Madam:

The U.S. Army Corps of Engineers, Wilmington District (USACE), is preparing an Integrated Feasibility Report with Environmental Assessment (IFR/EA) to evaluate the feasibility and impacts of a water storage reallocation for the Philpott Lake and Dam, located in Patrick, Franklin and Henry Counties, Virginia (Figure 1). Philpott Dam is located on the Smith River, crossing the border between Henry and Franklin Counties in Virginia. Construction of Philpott Dam was authorized by the Flood Control Act of 1944 (PL 78-534). The authorized project provides for a concrete gravity dam 920 feet long with a maximum height of 220 feet above the streambed, with a lake that stretches 15 miles upstream of the dam on the Smith River extending into portions of Henry, Patrick and Franklin Counties. Philpott Lake is operated for flood risk management, generation of hydroelectric power, regulation of low river flow, and public recreation. Water supply and environmental stewardship are additional incidental purposes. The powerhouse has a total installed capacity of 15,000 kilowatts.

The Henry County Public Service Authority (HCPSA) currently operates a state-approved six million gallons per day water supply intake that is located about 3 miles downstream of Philpott Dam. The HCPSA has requested water supply storage in Philpott Lake to support additional releases for four million gallons per day of additional downstream water supply withdrawals. The water storage reallocation feasibility study was authorized by the Public Law 85-500, Title III, Water Supply Act of 1958 (43 USC 390b; P.L. 85-500), as amended. The HCPSA is the local sponsor.

There are no water supply storage agreements currently in place for Philpott Lake, and there are no special operations for water supply. Releases for flood operations, power generation, and low-flows provide sufficient water for current downstream water supply withdrawals by HCPSA. However, to meet future increased downstream withdrawals by HCPSA, reservoir storage currently designated for other purposes will need to be reallocated to water supply to allow for increased releases from the dam.

The Corps is requesting comments from agencies, interest groups and the public to identify significant resources and issues of concern with regard to the proposed reallocation. Comments received as a result of this scoping letter will be considered during preparation of the IFR/EA. The EA will be prepared in accordance with the requirements of the National Environmental Policy Act of 1969, as amended, and will address the project's relationship to all applicable federal and state laws and Executive

Orders. Significant resources known to occur in the study area will be identified (including socioeconomic, cultural, recreational and aesthetic resources) and potential impacts on these resources will be fully addressed in the EA.

The EA is being prepared in accordance with the requirements of the National Environmental Policy Act of 1969, as amended, and will address the project's relationship to all applicable Federal and State laws and Executive Orders. Resources known to occur in the study area include fisheries and benthic resources; threatened and endangered species, human resources (including socioeconomic, recreational and aesthetic resources); and cultural resources. Potential impacts to these resources, as well as, water quality, air quality, and other resources of significance will be fully addressed in the EA. Should there be other issues which you believe should be discussed in the EA, please take this opportunity to bring them to our attention.

A Public Scoping and Information meeting will be held on April 15<sup>th</sup>, at 6:00 pm at the Henry County Administration Building's 1<sup>st</sup> Floor Conference Room, 3300 Kings Mountain Road, Martinsville, VA 24112. The meeting can also be viewed on Facebook Live accessed through the following link: <https://fb.me/e/7fb1Q0eF1>. Input provided at this meeting and in response to this scoping letter may result in coordination with individuals or agencies on an as-needed basis to discuss certain issues. In order to effectively address any concerns that are raised, we need to have your input no later than 30 days from the date of this letter. Any question or input may be provided via regular mail (address above), or by email to Mr. Kent Tranter, Project Manager, [Kent.Tranter@usace.army.mil](mailto:Kent.Tranter@usace.army.mil).

Sincerely,

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Elden J. Gatwood  
Chief, Planning and  
Environmental Branch

Enclosure



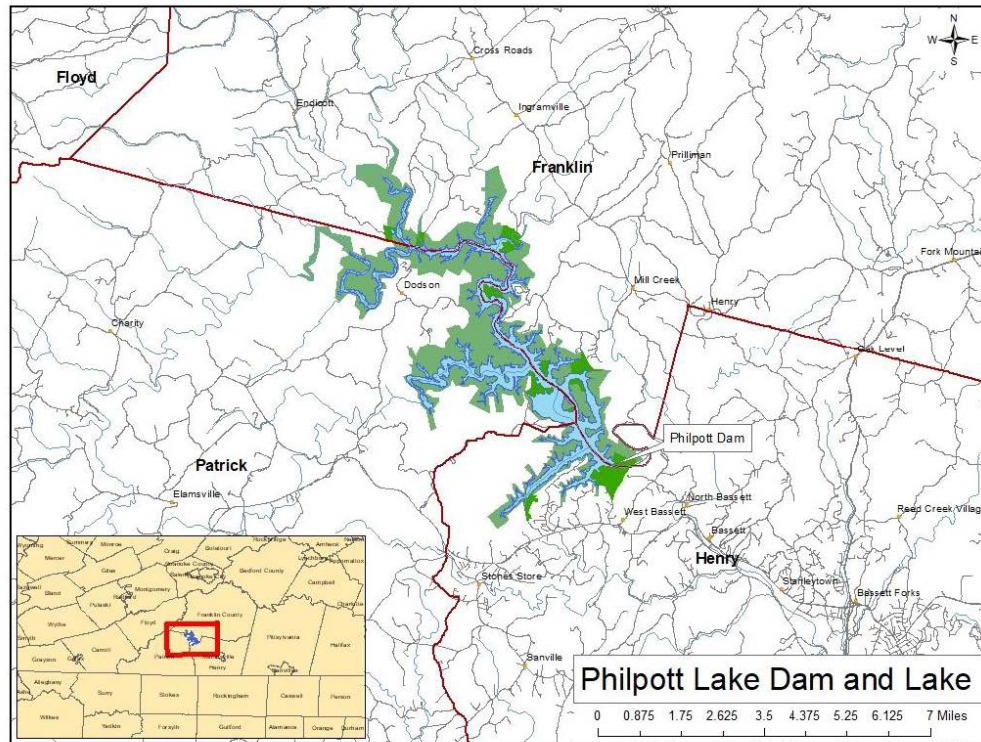


Figure 1. Philpott Water Reallocation Study Area

## Attachment 2: Section 106 Concurrence

**From:** [Samantha Henderson](#)  
**To:** [Bashaw, Justin P.CIV USARMY CESAW \(USA\)](#)  
**Subject:** [Non-DoD Source] Philpott Lake Water Supply Reallocation (DHR File No. 2021-4917) | e-Mail #03811  
**Date:** Wednesday, December 15, 2021 4:12:55 PM

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Dear Mr. Bashaw:

The Department of Historic Resources (DHR) has received through our ePIX system the referenced project for our review and comment. Based upon the documentation provided, DHR concurs with the U.S. Army Corps of Engineers' determination that no historic properties will be affected by the proposed undertaking.

Implementation of the undertaking in accordance with the finding of *No Historic Properties Affected* as documented fulfills the Federal agency's responsibilities under Section 106 of the National Historic Preservation Act. If for any reason the undertaking is not or cannot be conducted as proposed in the finding, consultation under Section 106 must be reopened.

Thank you for your consideration of historic resources. If you have any questions or if we may provide any further assistance at this time, please do not hesitate to contact me.

Regards,

Sam Henderson, Archaeologist  
Division of Review and Compliance  
Phone: (804) 482-6088  
[Samantha.Henderson@dhr.virginia.gov](mailto:Samantha.Henderson@dhr.virginia.gov)

## Attachment 3: HCPSA Letter of Intent

# County of Henry

P.O. BOX 7  
KINGS MOUNTAIN ROAD  
COLLINSVILLE, VIRGINIA 24078-0007  
[www.henrycountyva.gov](http://www.henrycountyva.gov)



TIM HALL  
County Administrator

DALE WAGONER  
Deputy County Administrator

### Board of Supervisors

JIM ADAMS  
CHAIRMAN  
*Blackberry District*

RYAN ZEHR  
*Ridgeway District*

T.J. "TOMMY" SLAUGHTER  
*Reed Creek District*

Telephone (276) 634-4601

### Board of Supervisors

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VICE-CHAIRMAN  
*Horsepasture District*

JOSEPH A. BRYANT  
*Collinsville District*

J. DAVID MARTIN  
*Iriswood District*

Fax (276) 634-4781

January 7, 2020

Colonel Robert J. Clark, District Engineer  
Wilmington District, USACE  
69 Darlington Avenue  
Wilmington, NC 28403

RE: **Henry County Public Service Authority  
Upper Smith River Water Filtration Plant  
Philpott Lake Water Supply Reallocation Feasibility Study Letter of Intent**

Dear Mr. Clark:

Please allow this letter to serve as the required Letter of Intent (LOI) regarding the Philpott Lake Water Supply Reallocation Feasibility Study.

The Henry County Public Service Authority (PSA) is requesting that a portion of the storage in the Philpott Reservoir be allocated for water supply storage that would allow for increased releases of up to four (4) million gallons per day (MGD) for additional downstream water withdrawals by the PSA.

We understand that the current cost estimate for the reallocation study will be over \$700,000 at 100% Federal cost, and that additional Federal funds may not be available to supplement additional costs. To support the Corps' study and potentially reduce the overall study costs, we will provide to the USACE the information compiled for the Virginia water withdrawal permit, the associated environmental studies, and the related demand analyses that the PSA conducted for this permit or other planning efforts.

The PSA fully understands that if the study supports reallocation, then a Water Supply Agreement between the United States and the PSA will be executed.

The PSA also fully understand that according to the Water Supply Agreement, the cost of storage reallocation includes its share of first costs as well as operations and maintenance of the project, and its share of potential future repair, rehabilitation and replacement.

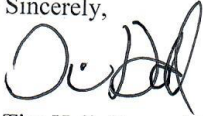
Colonel Robert J. Clark  
USACE – Wilmington District

Page 2

January 7, 2020

Thank you in advance for your dedication and support for this important project for the Henry County PSA. If you require any further information or explanation, please contact Mr. Michael Ward at 276-634-2540.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Hall', written over a horizontal line.

Tim Hall, General Manager

cc: Dale Wagoner, Assistant General Manager  
Michael Ward, Director of Regulatory Compliance & Technical Applications  
Lawrence Hoffman, CHA  
Kent Tranter, USACE  
Ryan Green, VADEQ  
file



## Attachment 4: HCPSA DSAC Notification Letter from SAW



DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

January 10, 2020

CESAW-ECP-E

Mr. Tim Hall  
General Manager  
Henry County Public Service Authority  
P.O. Box 7  
Kings Mountain Road  
Collinsville, VA 24078

Dear Mr. Hall:

You have requested storage space in Philpott Lake for water supply uses. Such storage may be available, subject to preparation and approval of a report and compliance with applicable Federal and state laws and regulations. Before proceeding, however, we must inform you of the status of the dam at Philpott Lake and the potential impacts on water supply storage.

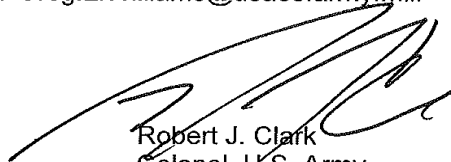
While the U. S. Army Corps of Engineers (USACE) recognizes the numerous public benefits of providing storage in its reservoirs for water supply purposes, USACE also recognizes its responsibility to provide storage in a safe, secure and reliable environment. USACE continually evaluates its dams and determines if remediation may be necessary to meet and maintain current USACE safety standards.

USACE is totally committed to the safety of its dams. USACE dams are classified through a risk assessment process into five Dam Safety Action Classes (DSAC) which represent varying levels of urgency of action and incremental flood risk.

The dam at Philpott Lake has been classified DSAC 3 - Moderate Urgency. As a result, USACE is implementing interim and long-range measures to remediate the conditions which led to the dam's DSAC assignment. These measures may impact the storage in the reservoir for water supply purposes, such that the amount of storage available for water supply could be reduced. USACE water supply storage agreements require non-Federal users to share the costs of remediation in proportion to the storage space that has been provided to each user.

In the interests of public safety, USACE water supply policy does not allow the conservation pool to be raised at projects where dams are classified DSAC 1, 2 or 3. Therefore, only storage within the existing conservation pool may be considered for water supply purposes at Philpott Lake.

For us to move forward with the reallocation request, we require a written response to this letter that states that (1) you understand Philpott Dam's DSAC 3 status; (2) you understand your financial responsibility regarding proportional remediation costs; (3) you understand that dam safety risks are dynamic and that further performance could require elevated monitoring and evaluation. We will continue to work with you in your efforts to meet your present and future water needs. To this end, we continually review our projects for effectiveness, efficiency and safety. If you have questions about any matters addressed in this letter, or wish to learn more about USACE's commitment to dam safety, please contact Dr. Greg Williams, Chief Engineering Branch and Dam Safety Officer at 910-251-4767 or [Greg.L.Williams@usace.army.mil](mailto:Greg.L.Williams@usace.army.mil).



Robert J. Clark  
Colonel, U.S. Army  
District Commander

## Attachment 5: HCPSA Response to SAW DSAC Letter



Tim Hall, General Manager  
Henry County Public Service Authority  
P.O. Box 69  
Collinsville, VA 24075  
(276) 634-4601 office  
[thall@co.henry.va.us](mailto:thall@co.henry.va.us)

January 7, 2020

Colonel Robert J. Clark, District Engineer  
Wilmington District, USACE 69  
Darlington Avenue  
Wilmington, NC 28403

**RE: Henry County Public Service Authority  
Philpott Lake Water Supply Reallocation Feasibility Study  
Response to USACE Letter Dated January 10, 2020**

Dear Mr. Clark:

Please allow this letter to serve as the requested response to U.S. Army Corp of Engineers (USACE) letter dated January 10, 2020 regarding the Philpott Lake Water Supply Reallocation Feasibility Study and the PSA's understanding of some safety and financial issues.

The Henry County Public Service Authority (PSA) understands that the USACE has assigned the Philpott Dam a Dam Safety Action Class (DSAC) category of 3 – Moderate Urgency safety rating out of a possible 5. The PSA also understands that the USACE is implementing interim and long-range measures to remediate the conditions that led to this safety rating.

The PSA also understands that there will be financial responsibilities regarding proportional remediation costs related to actions taken as part of the dam safety remediation measures. In addition, the PSA also understands that dam safety risks are dynamic and that further performance could require elevated monitoring and evaluation.

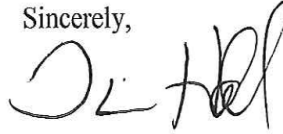
Thank you in advance for your dedication and support for this important project for the Henry County PSA. If you require any further information or explanation, please contact Mr. Michael Ward, P.E., Director of Regulatory Compliance & Technical Applications at 276-634-2540 or [mward@co.henry.va.us](mailto:mward@co.henry.va.us).

Colonel Robert J. Clark  
USACE – Wilmington District

Page 2

January 7, 2020

Sincerely,

A handwritten signature in black ink, appearing to read 'TH', is written over the word 'Sincerely,'.

Tim Hall, General Manager

cc: Dale Wagoner, Assistant General Manager  
Michael Ward, P.E., Director of Regulatory Compliance & Technical Applications  
Lawrence Hoffman, CHA  
Kent Tranter, USACE  
Ryan Green, VADEQ  
file

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## Attachment 6: DSO Approval Letter to Complete Reallocation Study



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET, NW  
WASHINGTON, DC 20314-1000

CECW-EC

MEMORANDUM FOR Commander, U.S. Army Corps of Engineers, South Atlantic Division, ATTN: CESAD-DE, 60 Forsyth Street, S.W., Atlanta, GA 30303

SUBJECT: Approval to Perform a Water Supply Reallocation Study at Philpott Dam, VA (DSAC 3)

1. References:

- a. Memorandum, CESAD-RBT, dated 11 February 2020, subject as above.
- b. Memorandum, CESAW-ECP-E, dated 29 January 2020, subject as above.
- c. ER 1110-2-1156, *Safety of Dams – Policy and Procedures*, 31 March 2014.
- d. Memorandum, CECW-CE, dated 5 Nov 2012, Subject: Corps Dam Safety Officer Review of the Philpott Dam SPRA Re-evaluation Request

2. The request for exception to ER 1110-2-1156, *Safety of Dams – Policy and Procedures*, paragraph 24.7.1, which restricts reallocation studies at a project with Dam Safety Action Classification (DSAC) 1, 2, or 3, is hereby granted for Philpott Dam, which is classified as a DSAC 3 as of the date of this memorandum.

3. The exception permits study of potentially reallocating storage at Philpott Dam in support of municipal and industrial (M&I) water supply in coordination with the Henry County Public Service Authority under the Water Supply Act of 1958 (P.L. 85-500, Title III), as amended.

4. Wilmington District has notified the sponsor, Henry County Public Service Authority, of the project's DSAC and other points, as required by paragraph 24.7.6 of reference 1.a. The sponsor has acknowledged, in writing, that USACE is pursuing interim and long-term risk reduction measures and that there will be financial responsibilities regarding proportional remediation costs related to dam safety modification measures.

5. Wilmington District shall coordinate with the Risk Management Center, the Dam Safety Modification Mandatory Center of Expertise, and the vertical team to develop a study plan including any risk assessments and modification studies necessary for Philpott Dam. The team also should continue to coordinate with the Dam Safety

CECW-EC

SUBJECT: Approval to Perform a Water Supply Reallocation Study at Philpott Dam,  
VA (DSAC 3)

Officers, Planning Division Chiefs, and the Water Management and Reallocation  
Studies Planning Center of Expertise, at all levels (District, Division, and HQ).

6. The point of contact is Jacob Davis, P.E., HQ Dam Safety Program Manager, at  
(202) 761-4643 or Jacob.R.Davis@usace.army.mil.

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Encls

1. Memo, CESAD-RBT, 11 Feb 2020
2. Memo, CECW-CE, 5 Nov 2012

LARRY D. MCCALLISTER, PhD, P.E., PMP  
Corps Dam Safety Officer

CF:

CECW-EC (Perrell, Davis, Smith, Pathak)  
CECW-P (Wegner, Frantz)  
CECC-G (Hostyk)  
CECW-SAD-RIT (Wilcox)  
CESAD-RBT (Smith, Hernandez)  
CESAD-DE  
CESAW-ECP-E (Williams)  
CESAW-ECP-EG (Garrett)

## Attachment 7: EPA Review Letter

Hi Jenny,

EPA appreciates the opportunity to review and comment on the Philpott Lake Water Storage Reallocation Feasibility Study and EA. EPA understand the project purpose to reallocate a small portion of water from conservation storage at Philpott Lake to be used as municipal and industrial water supply. Based on the information found on your website at <https://www.saw.usace.army.mil/Locations/District-Lakes-and-Dams/Philpott/Reallocation-Feasibility-Study/>, EPA does not have any comments regarding the proposed study. Should changes occur to the alternatives or the project altered in a way that includes impacts to natural resources or human health and the environment we would appreciate the opportunity to review that new information.

If you have any questions, please do not hesitate to contact us.

Thank you,

Tim

**Timothy Witman**

Environmental Assessment Branch

Office of Communities, Tribes and Environmental Assessment

## Attachment 8: SEPA Review Letter



**United States Department of Energy**  
**Southeastern Power Administration**  
1166 Athens Tech Road  
Elberton, Georgia 30635

August 29, 2022

Southeastern Power Administration (Southeastern) is the Federal agency responsible for marketing power from both Philpott and John H Kerr hydroelectric facilities. As such, any potential changes that will be taken which affect the projects, reallocations of storage and changes in project operations, pose a concern. Southeastern has a long standing relationship with the U.S. Army Corps of Engineers and welcomes the opportunity to provide the following comments on the Water Storage Reallocation Feasibility Study and Environmental Assessment of the Philpott Lake in Virginia.

Reallocations of storage reduce the availability of water for power generation. Individual impacts may be classified as small, however, cumulatively small impacts will create a larger shift in project priorities. It is Southeastern's responsibility to ensure the allocated costs, created in the original project purposes authorized by Congress, are repaid to the United States Treasury through the sale of hydroelectric power.

This study proposes to furnish flows of 6.19 cubic-feet per second (CFS) from the plant's station service unit to provide Henry County Public Service Authority 4 million gallons per day. While this at first does not seem to be a noticeable impact – the station service unit produces flows much higher than 6 cfs during operations. It does set the precedent that the unit will have to run continuously, unless the main units are in operation, to meet the downstream requirement. Cumulative future withdrawal requests will eventually exceed the flow capability of the station service unit. Southeastern cautions the Corps in setting the precedent that this withdrawal request has no significant impact.

Southeastern appreciates the effort by the Wilmington District to develop this report and we look forward to continuing to work together for the benefit of the basin stakeholders. Should you have any questions, please feel free to contact Douglas Spencer at (706) 213-3855 or [douglas.spencer@sepa.doe.gov](mailto:douglas.spencer@sepa.doe.gov).

Sincerely,

**DOUGLAS SPENCER** Digitally signed by  
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Date: 2022.08.29  
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Douglas Spencer  
Civil Engineer  
Southeastern Power Administration



## Attachment 9: VADEQ Review Letter



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482 FAX (804) 698-4178

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Travis A. Voyles  
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director  
(804) 698-4020

August 22, 2022

Ms. Jennifer Owens  
U.S. Army Corps of Engineers  
Sent via email: [Jennifer.L.Owens@usace.army.mil](mailto:Jennifer.L.Owens@usace.army.mil)

RE: U.S. Army Corps of Engineers Environmental Assessment: Philpott Lake,  
Virginia, Water Storage Reallocation Feasibility Study (DEQ 22-114F)

Dear Ms. Owens:

The Commonwealth of Virginia has completed its review of the draft environmental assessment (EA) for the above-referenced project. 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 joined in this review:

Department of Environmental Quality  
Department of Conservation and Recreation  
Department of Health

The Department of Wildlife Resources, Department of Historic Resources, Marine Resources Commission, West Piedmont Planning District Commission and Franklin, Henry and Patrick counties also were invited to comment.

### **PROJECT DESCRIPTION**

The U.S. Army Corps of Engineers (Corps) developed an EA for the proposed water storage reallocation project at Philpott Lake in Franklin, Henry and Patrick counties. The lake is a 2,880-acre impoundment managed by the Corps. The EA evaluates the reallocation of 5,200 acre-feet of water storage at Philpott Lake to support additional downstream withdrawals for the Henry County Public Service Authority (HCPSA). The

proposed reallocation is a nonstructural project. The Corps is planning to increase the output or releases from the station service hydropower unit which will then feed the HCPSA's existing downstream water intake. During times when the station service unit is unavailable, water supply releases will be maintained through low flow valves in the dam that have comparable discharge capacity. Since the reallocation is being made from the conservation pool and not the flood storage pool, there will be no impacts to flood risk management or low flow augmentation. As proposed, the annual minimum lake elevations will rise no more than one foot without changes in the recurrence interval for lake levels dropping below the minimum conservation pool. In addition, no adverse downstream flow impacts are expected.

## NEPA CONCLUSION

Provided activities are performed in accordance with the recommendations which follow in the Environmental Impacts and Mitigation section of this report, the proposal described in the EA is unlikely to have significant effects on ambient air quality, water quality, wetlands, wildlife resources, forest resources, historic resources, and solid and hazardous wastes. It is unlikely to affect species of animals, plants or insects listed by state agencies as rare, threatened, or endangered adversely.

## ENVIRONMENTAL IMPACTS AND MITIGATION

**1. Wetlands and Water Quality.** The EA (page 50) states that the proposed alternative would have no effect on wetlands and no adverse impacts to adjacent lands.

**1(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 wetlands, surface water, and surface water withdrawals and impoundments. It also serves as §401 certification of the federal Clean Water Act §404 permits for dredge and fill activities in waters of the U.S. The VWP Permit Program is under the Office of Wetlands and Stream Protection, within the DEQ Division of Water Permitting. In addition to central office staff that review and issue VWP permits for transportation and water withdrawal projects, the six DEQ regional offices perform permit application reviews and issue permits for the covered activities:

- Clean Water Act, §401;
- Section 404(b)(1) Guidelines Mitigation Memorandum of Agreement (2/90);

- State Water Control Law, Virginia Code section 62.1-44.15:20 *et seq.*; and
- State Water Control Regulations, 9VAC25-210-10.

**1(b) Agency Comments.** The DEQ Blue Ridge Regional Office (BRRO) has no comments based on the limited environmental impacts.

**2. Air Quality.** The EA (page 63) states that the proposed alternative will not affect air quality.

**2(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 construction projects are:

- Open burning: 9VAC5-130 *et seq.*
- Fugitive dust control: 9VAC5-50-60 *et seq.*
- Permits for fuel-burning equipment: 9VAC5-80-1100 *et seq.*

**2(b) Ozone Attainment Status.** According to the DEQ Air Division, the project site is located in an ozone attainment area.

**3. Natural Heritage Resources.** The EA (page 51) states that vegetation along the rim of the lake are used to fluctuating water levels. Although there is a slight increase of average lake levels, the historic lake level range would not change. Therefore, this alternative would have no effect on vegetation.

**3(a) Agency Jurisdiction.**

**3(a)(i) The 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 to 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).

**3(a)(ii) The 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.

**3(b) Agency Findings – Natural Heritage Resources.** According to the information currently in DCR's files, there are several natural heritage resources documented within the proposed project area.

Based on the information provided in the draft EA, DCR does not anticipate adverse impact to documented natural heritage resources due to minimal water level/downstream flow changes and no water quality impacts from the proposed project.

Predictive models identifying potential habitat for natural heritage resources also intersect the project boundary. However, based on DCR biologist's review of the proposed project a survey is not recommended for the resources.

**3(c) Agency Findings – State Natural Area Preserves.** There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

**3(d) Agency Findings – Endangered Plant and Insect Species.** The current activity will not affect any documented state-listed plants or insects.

**3(e) Agency Recommendations.** Contact the DCR DNH and resubmit project information if the scope of the project changes and/or six months has passed before it is utilized.

**4. Floodplain Management.** The EA (page 45) states that the implementation of the proposed alternative would not result in significant impacts to floodplains.



**4(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).

**4(b) Agency Findings.** The National Flood Insurance Program (NFIP) is administered by 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).

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

**4(c) Requirements.**

- As applicable, all development 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.

**5. Public Water Sources.** The EA (page 49) states that the proposed alternative would result in reallocation of 5,200 acre-feet of conservation storage to water supply storage within Philpott Lake conservation pool.

**5(a) Agency Jurisdiction.** The Virginia Department of Health (VDH) Office of Drinking Water (ODW) reviews projects for the potential to impact public drinking water sources (groundwater wells, springs and surface water intakes). VDH administers both federal and state laws governing waterworks operation.

**5(b) Agency Findings.** VDH states that the following public groundwater wells are located within a 1-mile radius of the project site (wells within a 1,000 foot-radius are formatted in **bold**):

PWS ID Number	City/County	System Name	Facility Name
5067769	FRANKLIN CO	PHILPOTT RES - JAMISON MILL-BUILDING	WELL NO. 28
5067764	FRANKLIN CO	PHILPOTT RES - HORSESHOE POINT-UTILITY	WELL NO. 13
5067776	FRANKLIN CO	TWIN RIDGE PARK	DRILLED WELL 8
5067774	FRANKLIN CO	PHILPOTT RES - SALTHOUSE BRANCH-UTILITY	WELL NO. 21
5067773	FRANKLIN CO	PHILPOTT RES - SALTHOUSE BRANCH-BEACH	WELL NO. 18
5067772	FRANKLIN CO	PHILPOTT RES - SALTHOUSE BRANCH-PICNIC	WELL NO. 16
5067763	FRANKLIN CO	PHILPOTT RES - DEER ISLAND-WEST	WELL NO. 6
5067762	FRANKLIN CO	PHILPOTT RES - DEER ISLAND-FOOT BRIDGE	WELL NO. 5
5141556	PATRICK	PHILPOTT RES -GOOSE POINT-LOWER BLDG	WELL NO.10
5141557	PATRICK	PHILPOTT RES - GOOSE POINT-UPPER BLDG	WELL NO. 25
5067779	FRANKLIN CO	PHILPOTT RES- TAILRACE	WELL NO. 25
5089626	HENRY	PHILPOTT RES - BOWENS CREEK-BEACH	WELL NO. 30
5089770	HENRY	FAIRFIELD MOBILE HOME PARK	WELL NO. 1
5089075	HENRY	BASSETT MIRROR CO.-PHILPOTT	WELL NO. 2

The following surface water intakes are located within a 5-mile radius of the project site:

PWS ID Number	System Name	Facility Name
5089852	UPPER SMITH RIVER WATER SUPPLY	SMITH RIVER INTAKE

The project is within the watershed of the following public surface water sources (facilities where the project falls within 5-miles of the intake **and** is within the intake's watershed are formatted in **bold**):

PWS ID Number	System Name	Facility Name
<b>5089852</b>	<b>UPPER SMITH RIVER WATER SUPPLY</b>	<b>SMITH RIVER INTAKE</b>
5117310	CLARKSVILLE, TOWN OF	KERR RESERVOIR INTAKE
5089852	UPPER SMITH RIVER WATER SUPPLY	SMITH RIVER INTAKE
5117707	ROANOKE RIVER SERVICE AUTHORITY	LAKE GASTON INTAKE
5780600	HCSA- LEIGH STREET PLANT	RAW WATER INTAKE
5590100	DANVILLE, CITY OF	DAN RIVER INTAKE

**5(c) Agency Recommendations.** VDH has the following recommendations, as applicable:

- Implement best management practices, including erosion and sedimentation controls as well as spill prevention controls and countermeasures, on the project site.
- Materials should be managed while on site and during transport to prevent impacts to nearby surface water.
- Well(s) within a 1,000-foot radius from the project site should be field marked and protected from accidental damage during construction.

**6. Pollution Prevention.** DEQ advocates that principles of pollution prevention and sustainability be used in all construction projects as well as in facility operations. Effective siting, planning, and on-site Best Management Practices (BMPs) will help to ensure that environmental impacts are minimized. However, pollution prevention and sustainability techniques also include decisions related to construction materials, design, and operational procedures that will facilitate the reduction of wastes at the source.

**6(a) Recommendations.** We have several pollution prevention recommendations that may be helpful for future projects:

- Consider development of an effective Environmental Management System (EMS). An effective EMS will ensure that the the 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 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 804-698-4021).

## **REGULATORY AND COORDINATION NEEDS**

**1. Air Quality.** Contact DEQ BRRO (Paul Jenkins at 540-597-8178) for additional information on air regulations if necessary.

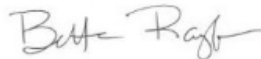
**2. Natural Heritage Resources.** Contact the DCR DNH (804-786-7951) and re-submit project information and a map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

**3. Public Water Supply.** Contact VDH ODW (Arlene Warren at Arlene.Warren@vdh.virginia.gov) for additional information about its recommendations if necessary.

**4. Floodplain.** As applicable, the Corps 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](http://www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory).

Thank you for the opportunity to comment on this draft EA. If you have questions, please do not hesitate to call me at (804) 659-1915 or Julia Wellman at (804) 774-8237.

Sincerely,



Bettina Rayfield, Manager

Environmental Impact Review and Long Range  
Priorities Program

Enclosures

ec: Tamara Doucette, DWR  
Kristal McKelvey, DCR  
Arlene Warren, VDH  
Roger Kirchen, DHR  
Claire Gorman, VMRC  
Michael Armbrister, West Piedmont PDC  
Christopher Whitlow, Franklin County  
Dale Wagoner, Henry County  
Geri S. Hazelwood, Patrick County



## Attachment 10: VAWRC Review Letter

Jennifer,

We have reviewed the *Draft, Philpott Lake, Virginia, Water Storage Reallocation Feasibility Study and Environmental Assessment, dated July 2022* and are generally supportive of its findings. The Smith River, on which this impoundment lies, is designated a Threatened and Endangered Species Water as it is known to support state Threatened Orange-fin Madtoms and Species of Greatest Conservation Need (SGCN) Tier Ia Roanoke Bass. As far as we can tell, this proposal to store water for use by Henry County is not likely to result in adverse impacts upon these species.

Thank you,

Tamara

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**Tamara Doucette**

Environmental Services Biologist

Wildlife Information and Environmental Services

P 804.367.8364

## Attachment 11: VADOT Review Letter

Dear Ms. Owens,

Ken King has asked me to respond on his behalf. VDOT has reviewed the information provided in your Philpott Water Storage Reallocation Feasibility Study and has no additional comments.

Sincerely:

	<b>Lisa Hughes, P.E.</b> Resident Engineer/Martinsville Virginia Department of Transportation 276 629 2582/ 276 340 2091 <a href="mailto:lisa.hughes@VDOT.Virginia.gov">lisa.hughes@VDOT.Virginia.gov</a>
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