##### **Memorandum**

Date**:** January 11, 2016

TO: Wayne Dyok

From:Roberta Rhur, Environmental Impact Review Coordinator

Subject: DCR 15-032; FERC: Scott’s Mill Dam rehab

Division of Planning and Recreation Resources

The Department of Conservation and Recreation (DCR), Division of Planning and Recreational Resources (PRR), develops the *Virginia Outdoors Plan* and coordinates a broad range of recreational and environmental programs throughout Virginia. These include the Virginia Scenic Rivers program; Trails, Greenways, and Water Trails; Virginia State Park Master Planning and State Park Design and Construction.

This project is along the James River in Lynchburg Virginia. Please note that this section of the James River is an established water trail and part of the regionally proposed James River Heritage Trail; therefore, providing interpretive signage explaining regional activities associated with the James would be a benefit to the City and greater area. Further, according to the 2014 VOP, a scenic byway corridor plan has been considered for this region: “*A James River Byway would consist of roads that closely parallel to the route of the James River Batteau Festival. The corridor includes Route 685 (River Road), Route 622 and Route 130 in Amherst County*.” Signage would also benefit potential plan.

Division of Natural Heritage

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System 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 plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in our files, the James River – Blackwater Creek Stream Conservation Unit (SCU) is within the project site. SCUs identify stream reaches that contain aquatic natural heritage resources, including 2 miles upstream and 1 mile downstream of documented occurrences, and all tributaries within this reach. SCUs are given a biodiversity significance ranking based on the rarity, quality, and number of element occurrences they contain; on a scale of 1-5, 1 being most significant. The James River – Blackwater Creek SCU has been given a biodiversity significance ranking of B5, which represents a site of general significance. The natural heritage resource of concern associated with this SCU is:

*Polanisia dodecandra ssp. dodecandra* Common clammy-weed G5T5?/S2/NL/NL

Common clammy-weed is extremely rare in Virginia. This plant has only been found on cobble bars and within disturbed riverine habitats along the James River (Ludwig, 1998). It is currently known from 12 occurrences and historically known from 1 occurrence in Virginia.

In addition, the Green floater (*Lasmigona subviridis*, G3/S2/NL/LT) has been historically documented immediately downstream of the dam. The Green floater is a rare freshwater mussel that ranges from New York to North Carolina in the Atlantic Slope drainages, as well as the New and Kanawha River systems in Virginia and West Virginia (NatureServe, 2009). In Virginia, there are records from the New, Roanoke, Chowan, James, York, Rappahannock, and Potomac River drainages. Throughout its range, the Green floater appears to prefer the pools and eddies with gravel and sand bottoms of smaller rivers and creeks, smaller channels of large rivers (Ortman, 1919) or small to medium-sized streams (Riddick, 1973). Please note that this species has been listed as state threatened by the Virginia Department of Game and Inland Fisheries (VDGIF).

Considered good indicators of the health of aquatic ecosystems, freshwater mussels are dependent on good water quality, good physical habitat conditions, and an environment that will support populations of host fish species (Williams et al., 1993). Because mussels are sedentary organisms, they are sensitive to water quality degradation related to increased sedimentation and pollution. They are also sensitive to habitat destruction through dam construction, channelization, and dredging, and the invasion of exotic mollusk species.

To minimize adverse impacts to the aquatic ecosystem as a result of the proposed activities, DCR recommends the implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations. Due to the legal status of the Green floater, DCR recommends coordination with Virginia's regulatory authority for the management and protection of this species, the VDGIF, to ensure compliance with the Virginia Endangered Species Act **(**VA ST §§ 29.1-563 – 570).

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

There are no State Natural Area Preserves under DCR’s jurisdiction in the project vicinity.

New and updated information is continually added to Biotics. Please re-submit project information and 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.

The VDGIF maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from http://vafwis.org/fwis/ or contact Ernie Aschenbach at 804-367-2733 or Ernie.Aschenbach@dgif.virginia.gov.

The remaining DCR divisions have no comments regarding the scope of this project. Thank you for the opportunity to comment.

CC: Ernie Aschenbach, VDGIF

Literature Cited

Ludwig, J.C. 1998. Personal communication. Virginia Department of Conservation and

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the genera and species. Mem. Carnegie Mus. 8:1-384.

Riddick, M.B. 1973. Freshwater mussels of the Pamunkey River system, Virginia. M.S. Thesis,

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