



**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF CONSERVATION AND RECREATION**

**MEMORANDUM**

**DATE:** June 3, 2025

**TO:** Michael Mussomeli, DEQ

**FROM:** Allison Tillett, Environmental Impact Review Coordinator

**SUBJECT:** 25-0752- MVP Southgate Amendment

**Division of Planning and Recreation Resources**

DCR's Division of Planning and Recreational Resources (DCR-PRR) administers the Virginia Scenic Rivers (Virginia Code § 10.1-200), state trails programs (Virginia Code §10.1-204), and the state park master planning process (Virginia Code §10.1-200.1). DCR-PRR develops the Virginia Outdoors Plan (VOP), the state's comprehensive outdoor recreation and open space plan (Virginia Code §10.1-200) and administers the state-assistance side of the Land and Water Conservation Fund (LWCF). The VOP recognizes the importance of scenery, natural landscapes, and access to recreational opportunities for Virginians.

**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.

DCR reiterates our August 8, 2024, comments below as included in Attachment A-5 Virginia Department of Conservation and Recreation and Department of Wildlife Resources Correspondence of the Joint Permit Application along with updated information.

According to the information in our files, the Transco Road Net and MVP Southgate Net VA-SB01CA Conservation Sites are located within the project area. Conservation sites are tools for representing key areas of the landscape that warrant further review for possible conservation action because of the natural heritage resources and habitat they support. Conservation sites are polygons built around one or more rare plant, animal, or natural community designed to include the element and, where possible, its associated habitat, and buffer or other adjacent land thought necessary for the element's conservation. Conservation sites are given a biodiversity significance ranking (B-rank) based on the rarity, quality, and number of element occurrences they contain; on a scale of 1-5, 1 being most significant. Both the Transco Road Net and MVP Southgate Net VA-SB01CA Conservation Sites have been assigned a B-rank of B4, which represents a site of moderate significance. The natural heritage resource associated with these sites is:

*Perimyotis subflavus*

Tricolored bat (=Eastern pipistrelle)

G3G4/S1S3/PE/LE

Tricolored bat is a very small bat distinguished from other *Myotis* species by tricolored individual back hairs and inhabits open woods near water, rock cliffs, buildings and caves in the summer. Since 2008, there has been a significant decline in population numbers (greater than 90%) for the Tricolored bat due to white nose syndrome. This species was listed as endangered on April 1, 2016, by the Virginia Department of Wildlife Resources (VDWR).

When working in these conservation sites, DCR recommends adhering to time-of-year-restrictions (TOYR) for tree removal for the protection of tri-colored bats. Due to the legal status of the tri-colored bat, DCR recommends coordination with the VDWR, Virginia's regulatory authority for the management and protection of this species to ensure compliance with the Virginia Endangered Species Act (VA ST §§ 29.1-563 – 570).

As an update to our previous comments, the project area also intersects the following conservation sites: Horseshoe Road R.O.W, Sandy River R.O.W, and Trotters Creek R.O.W. All sites have been assigned a B-rank of B5, which represents a site of general significance. The natural heritage resource associated with these sites is:

*Mimosa microphylla*

Little-leaf sensitive-brier

G5T5/S1/NL/NL

Little-leaf sensitive-brier, a state rare plant species, inhabits dry, sandy soil in open areas and tolerates disturbed habitats. Little-leaf sensitive-brier is appropriately named because the leaves close when touched (TNC, 1996). In Virginia, this species is currently known from seven populations in the piedmont and coastal plain region. Historically, it has also been identified at several locations in these regions.

According to the information provided by the applicant on October 21, 2024, and April 14, 2025, little-leaf sensitive-brier was documented within the right-of-way of the proposed project within eight distinctive patches during the plant survey for the project. All patches except patches 7 and 8 will be avoided. To minimize impacts to patches 7 and 8, the project proponent proposes the following best management practices: 1) segregate and restore post-construction topsoil from the impacted patches to retain the seedbed 2) collect seed pods from the local population for replanting the disturbed areas post-construction. DCR supports these measures to minimize impacts to this state rare plant.

DCR supports the development and inclusion of the “Horizontal Directional Drill Contingency Plan” for the proposed horizontal directional drill (HDD) crossing of the Sandy River, and recommends its inclusion if HDD is proposed for the Banister River or other streams. DCR also recommends the development and implementation of an emergency spill plan and the utilization of industry best management practices for hydrostatic testing and dewatering of the proposed force main.

If tree removal outside of the existing right-of-way (ROW) is anticipated, the proposed project will impact multiple Ecological Cores (**C4 and C5**) as identified in the Virginia Natural Landscape Assessment (<https://www.dcr.virginia.gov/natural-heritage/vaconvisvnl>). Mapped cores in the project area can be viewed via the Virginia Natural Heritage Data Explorer, available here: <http://vanhde.org/content/map>.

Ecological Cores are areas of at least 100 acres of continuous interior, natural cover that provide habitat for a wide range of species, from interior-dependent forest species to habitat generalists, as well as species that utilize marsh, dune, and beach habitats. Interior core areas begin 100 meters inside core edges and continue to the deepest parts of cores. Cores also provide the natural, economic, and quality of life benefits of open space, recreation, thermal moderation, water quality (including drinking water recharge and protection, and erosion prevention), and air

quality (including sequestration of carbon, absorption of gaseous pollutants, and production of oxygen). Cores are ranked from C1 to C5 (C5 being the least significant) using nine prioritization criteria, including the habitats of natural heritage resources they contain.

Impacts to cores occur when their natural cover is partially or completely converted permanently to developed land uses. Habitat conversion to development causes reductions in ecosystem processes, native biodiversity, and habitat quality due to habitat loss; less viable plant and animal populations; increased predation; and increased introduction and establishment of invasive species.

DCR recommends avoidance of impacts to cores. When avoidance cannot be achieved, DCR recommends minimizing the area of impacts overall and concentrating the impacted area at the edges of cores, so that the most interior remains intact.

DCR supports the development and implementation of the “Exotic and Invasive Species Control Plan” as part of the maintenance practices for the right-of-way (ROW). The invasive species plan should include an invasive species inventory for the project area based on the current updated DCR Invasive Species List <https://www.dcr.virginia.gov/natural-heritage/document/nh-invasive-plant-list-2024.pdf> and methods for treating the invasives. DCR supports the inclusion of native species in the revegetation seed mix consisting of grasses and forbs and recommends robust monitoring, as well as an adaptive management plan to provide guidance if initial revegetation efforts are unsuccessful or if invasive species outbreaks occur. Guidance on native plant species for the Virginia portion of the pipeline can be found here: <https://www.dcr.virginia.gov/natural-heritage/native-plants-finder>.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, 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 a completed order form and project 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 Virginia Department of Wildlife Resources (VDWR) 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 <https://services.dwr.virginia.gov/fwis/> or contact Lee Brann at [Lee.Brann@dwr.virginia.gov](mailto:Lee.Brann@dwr.virginia.gov).

#### Division of State Parks

DCR’s Division of State Parks is responsible for acquiring and managing, state parks. Park development and master planning are managed by the Division of Planning and Recreation Resources. Master plans are required prior to a parks opening and are updated every ten years (Virginia Code § 10.1-200 *et seq.*).

#### Division of Dam Safety and Floodplain Management

##### Dam Safety Program:

The Dam Safety program was established to provide proper and safe design, construction, operation and maintenance of dams to protect public safety. Authority is bestowed upon the program according to *The Virginia Dam Safety Act*, Article 2, Chapter 6, Title 10.1 (10.1-604 et seq) of the Code of Virginia and Dam Safety Impounding Structure Regulations (Dam Safety Regulations), established and published by the Virginia Soil and Water Conservation Board (VSWCB).

#### Floodplain Management Program:

The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (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).

All development within a Special Flood Hazard Area (SFHA), as shown on the locality's Flood Insurance Rate Map (FIRM), must be permitted and comply with the requirements of the local floodplain ordinance.

#### State Agency Projects Only

All agencies and departments of the Commonwealth shall comply with the Code of Virginia [§ 10.1-603. State agency compliance.](#)

#### Federal Agency Projects Only

Projects conducted by federal agencies within the SFHA must comply with federal Executive Order 11988: Floodplain Management.

DCR's Floodplain Management Program does not have regulatory authority for projects in the SFHA. The applicant/developer must reach out to 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 state projects, DCR recommends that compliance documentation be provided prior to the project being funded. For federal projects, the applicant/developer is encouraged reach out to the local floodplain administrator and comply with the community's local floodplain ordinance.

To find flood zone information, use the Virginia Flood Risk Information System (VFRIS): [www.dcr.virginia.gov/vfris](http://www.dcr.virginia.gov/vfris)

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)

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

Cc: Hannah Schul, VDWR

### Literature Cited

NatureServe, 2015. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe. Arlington, Virginia. Available <http://explorer.natureserve.org> (Accessed: April 21, 2016).

The Nature Conservancy. 1996. Biological and Conservation Data System. Arlington, Virginia, USA.