

6. WETLANDS
CORRESPONDENCE

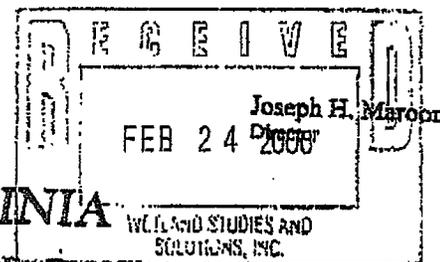


COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

217 Governor Street

Richmond, Virginia 23219-2010

(804) 786-7951 FAX (804) 371-2674



L. Preston Bryant, Jr.
Secretary of Natural Resources

February 22, 2006

Jean Tufts
Wetland Studies and Solutions, Inc.
5300 Wellington Branch Dr., Suite 100
Gainesville, VA 20155

Re: #21375.01: Netway Residential Development and Associated Infrastructure

Dear Ms. Tufts:

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.

Biotics documents the presence of natural heritage resources in the project areas. However, due to the scope of the activity and the distance to the resources, we do not anticipate that this project will adversely impact these natural heritage resources.

In addition, our files do not indicate the presence of any State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (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.

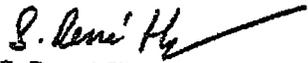
New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

A fee of \$260.00 has been assessed for the service of providing this information. Please find enclosed an invoice for that amount. Please return one copy of the invoice along with your remittance made payable to the Treasurer of Virginia, Department of Conservation and Recreation, 203 Governor Street, Suite 414, Richmond, VA 23219, ATTN: Cashier. Payment is due within thirty days of the invoice date.

The Virginia Department of Game and Inland Fisheries 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 www.dgif.virginia.gov/wildlife/info_map/index.html, or contact Shirl Dressler at (804) 367-6913.

Should you have any questions or concerns, feel free to contact me at 804-371-2708. Thank you for the opportunity to comment on this project.

Sincerely,


S. Rene' Hypes
Project Review Coordinator



February 14, 2006

VIA FEDERAL EXPRESS

Rene Hypes
Project Review Coordinator
DCR Division of Natural Heritage
3rd Floor
217 Governor Street
Richmond, Virginia 23219

Re: Request for Impact Review
Netway (± 32 acres)
Loudoun County, Virginia
WSSI #21375.01

File with us

Dear Ms. Hypes:

We would like to request an Impact Review, detailing all documented occurrences of natural heritage resources on and in the immediate vicinity of the above-referenced parcel. Enclosed please find an order form and the following documents which should enable you to locate the above-referenced site, where a residential development or a sewer alignment, etc. is proposed:

- Exhibit 1: Vicinity Map
- Exhibit 2: Excerpt from USGS Topo Quad – Sterling VA-MD 1994
- Exhibit 3: Spring 2004 WSSI Color Infrared Aerial Photograph

The site is located in the northwest quadrant of the intersection of Waxpool Road (Route 625) and Ashburn Village Blvd., in Loudoun County, Virginia. Exhibit 1 is a vicinity map that depicts the approximate boundaries of the site and its general location. The site consists of an abandoned field with a small pine plantation and small deciduous forest in the north and a forested floodplain and unnamed tributary to Beaverdam Run on the western border. A stormwater pond is located along the northern boundary, Ashburn Village Blvd. creates the boundary to the east, and Waxpool Road creates the southern boundary. This site is slightly sloping toward the stormwater pond in the northern portion of the site. The topography can be seen in the excerpt from the Sterling, Virginia-Maryland 1994 USGS topographic quadrangle map included as Exhibit 2.

Please contact us at 703-679-5600 if you need any additional information to aid in your Impact Review. Thank you very much for your consideration.

Sincerely,

WETLAND STUDIES AND SOLUTIONS, INC.

Jean M. Tufts
Jean M. Tufts, WPIT
Environmental Scientist

Enclosures

cc: Mr. Brian J. Cullen, Keane Enterprises (w/o enc.)
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COMMONWEALTH of VIRGINIA

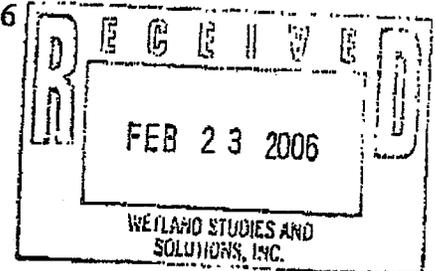
W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Department of Game and Inland Fisheries

Colonel W. Gerald Massengill
Interim Director

February 22, 2006

Jean M Tufts, WPIT
Environmental Scientist
Wetland Studies and Solutions, Inc.
5300 Wellington Branch Drive, Suite 100
Gainesville, Virginia 20155



RE: ESSLOG #22023, Netway (\pm 32 acres), WSSI #21375.01, Loudoun County, VA— subscriber confirmation.

Dear Ms. Tufts:

This letter is in response to your request for information related to the presence of threatened or endangered species in the vicinity of the above referenced project.

I concur with your findings from the Virginia Fish and Wildlife Information Service. Though there are a number of species listed as "likely to occur" on the Project Review Reports, there are currently no known documentations of threatened or endangered species in the project area that require any coordination with the applicant. Though, a block survey of an area encompassing the project site documented the *state special concern* barn owl (*Tyto alba*) during the breeding season. However, the classification of *state special concern* is not a legal designation and does not require further coordination.

Information about fish and wildlife species was generated from our agency's computerized Fish and Wildlife Information System, which describes animals that are known or may occur in a particular geographic area. Field surveys may be necessary to determine the presence or absence of some of these species on or near the proposed area. Also, additional sensitive animal species may be present, but their presence has not been documented in our information system.

Endangered plants and insects are under the jurisdiction of the Virginia Department of Agriculture and Consumer Services, Bureau of Plant Protection. Questions concerning sensitive plant and insect species occurring at the project site should be directed to Keith Tignor at (804) 786-3515.

The Virginia Department of Conservation and Recreation, Natural Heritage Program, maintains a database of natural heritage resources, including the habitat of rare, threatened, or endangered plant and animal species, unique exemplary natural communities, and significant geologic formations, that may contain information not documented in this letter. Their database may be accessed from <http://www.dcr.state.va.us/dnh/nhrinfo.htm>, or by contacting S. Rene Hypes at (804) 371-2708.

Jean M Tufts, WPIT
ESSLog #22023
2/22/2006
Page 2

This letter summarizes the likelihood of the occurrence of endangered or threatened animal species at the project site. If you have additional questions in this regard, please contact me at (804) 367-1185.

Please note that this response does not constitute consultation or management recommendations regarding endangered or threatened wildlife, or any other environmental concerns. These issues are analyzed by our Environmental Services Section, in conjunction with interagency review of applications for state and federal permits. If you have any questions in this regard, please contact the Environmental Services Section at (804) 367-6913.

Please note that the data used to develop this response are continually updated. Therefore, if significant changes are made to your project or if the project has not begun within 6 months of receiving this letter, then the applicant should request a new review of our data.

The Fish and Wildlife Information Service, the system of databases used to provide the information in this letter, can now be accessed via the Internet! The Service currently provides access to current and comprehensive information about all of Virginia's fish and wildlife resources, including those listed as threatened, endangered, or special concern; colonial birds; waterfowl; trout streams; and all wildlife. Users can choose a geographic location and generate a report of species known or likely to occur around that point. From our main web page at www.dgif.virginia.gov, choose the hyperlink to "Virginia Fish and Wildlife Information Service." For more information about the service, please contact Shirl Dressler at (804) 367-6913.

Thank you for your interest in the wildlife resources of Virginia.

Sincerely,



Susan H. Watson
Research Specialist Senior

cc: R.T. Fernald, VDGIF



February 14, 2006

VIA FEDERAL EXPRESS

Shirl Dressler
Wildlife Diversity Division
Virginia Department of Game & Inland Fisheries
4010 West Broad Street
Richmond, Virginia 23230

Re: Request for Project Review
Netway (\pm 32 acres)
Loudoun County, Virginia
WSSI #21375.01

Dear Ms. Dressler:

Wetland Studies and Solutions, Inc. (WSSI) would like to request a project review for the above-referenced site. We ask that you confirm the accuracy of the information contained in the enclosed Project Review Report generated from the Virginia Fish and Wildlife Information Service database. We also request that you determine if any endangered, threatened, or special concern species are likely to occur on the site and whether or not their presence will pose constraints to development that would likely require future coordination with the Department of Game and Inland Fisheries. Please process this request as a priority.

Enclosed please find the following documents, which will facilitate your evaluation of the Poole Property site, where residential development is proposed:

- Exhibit 1: Vicinity Map
- Exhibit 2: Excerpt from USGS Topo Quad – Sterling VA-MD 1994
- Exhibit 3: Summer 2004 Aerial Express Color Infrared Photograph
- Exhibit 4: Project Review Report (from the Virginia Fish and Wildlife Information Services website)

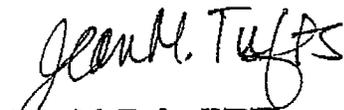
The site is located in the northwest quadrant of the intersection of Waxpool Road (Route 625) and Ashburn Village Blvd., in Loudoun County, Virginia. Exhibit 1 is a vicinity map that depicts the approximate boundaries of the site and its general location. The site consists of an abandoned field with a small pine plantation and small deciduous forest in the north and a forested floodplain and unnamed tributary to Beaverdam Run on the western border. A stormwater pond is located along the northern boundary, Ashburn Village Blvd. creates the boundary to the east, and Waxpool Road creates the southern boundary. This site is slightly sloping toward the stormwater pond in the northern portion of the site. The topography can be seen in the excerpt from the Sterling, Virginia-Maryland 1994 USGS topographic quadrangle map included as Exhibit 2.

Shirl Dressler
February 14, 2006
WSSI #21374.01
Page 2

Please contact us at 703-679-5600 if you need any additional information to aid in your project review. Thank you very much for your consideration.

Sincerely,

WETLAND STUDIES AND SOLUTIONS, INC.


Jean M. Tufts, WPIT
Environmental Scientist

Enclosures

cc: Mr. Brian Cullen, Keane Enterprises (w/o enc.)
Mr. Craig Turner, Wetland Studies and Solutions, Inc. (w/o enc.)

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March 7, 2006

Mr. Brian Cullen
Netway
c/o Keane Enterprises
20604 Gordon Park Square, Suite 170
Ashburn, Virginia 20147

Re: Endangered and Threatened Species (ETS) Review
Netway (± 32 acres)
Loudoun County, Virginia
WSSI #21375.01

Dear Mr. Cullen:

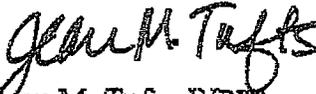
Enclosed is a letter from the Virginia Department of Conservation and Recreation (DCR) regarding Endangered and Threatened Species (ETS) on the above-referenced property. This letter indicates that no natural heritage resources have been documented in the project area (although it does indicate that this lack of information may result from a lack of surveys in the project area).

However, in accordance with Chapter 5 ("Natural Resource Assets") of the General Plan Policies, and Section 7.700 A of the Facilities Standards Manual for Loudoun County, a habitat evaluation for endangered, threatened, and rare species and other natural heritage resources (e.g., natural communities considered by DCR to be rare) is a required element of the Existing Conditions Plat, which is required for all preliminary subdivision applications, site plan applications, and construction plans and profile applications where such a plat was not prepared as part of the preliminary subdivision process. Therefore, you will likely be required to eventually undertake a habitat evaluation for these natural heritage resources on your site.

Please call us at 703-679-5600 if you have any questions regarding DCR's impact review or if you would like a proposal from WSSI to perform an endangered, threatened, and rare species/community habitat evaluation on this site.

Sincerely,

WETLAND STUDIES AND SOLUTIONS, INC.


Jean M. Tufts, WPII
Environmental Scientist

Enclosure

LA:21375.01\Admin\etsreview.doc

Definitions of Abbreviations Used on Natural Heritage Resource Lists

FEDERAL STATUS

The Division of Natural Heritage uses the standard abbreviations for Federal endangerment developed by the U.S. Fish and Wildlife Service, Division of Endangered Species and Habitat Conservation.

LE - Listed Endangered	LT - Listed Threatened	PE - Proposed Endangered	PT - Proposed Threatened
C - Candidate (formerly C1 - Candidate category 1)	E(S/A) - treat as endangered because of similarity of appearance	T(S/A) - treat as threatened because of similarity of appearance	

STATE STATUS

The Division of Natural Heritage uses similar abbreviations for State endangerment.

LE - Listed Endangered	PE - Proposed Endangered	SC - Special Concern - animals that merit special concern according to VDGIF (not a regulatory category)
LT - Listed Threatened	PT - Proposed Threatened	C - Candidate

State Rank

The following ranks are used by the Virginia Department of Conservation and Recreation to set protection priorities for natural heritage resources. Natural Heritage Resources, or "NHR's," are rare plant and animal species, rare and exemplary natural communities, and significant geologic features. The criterion for ranking NHR's is the number of populations or occurrences, i.e. the number of known distinct localities; the number of individuals in existence at each locality or, if a highly mobile organism (e.g., sea turtles, many birds, and butterflies), the total number of individuals; the quality of the occurrences, the number of protected occurrences; and threats.

- S1 - Extremely rare; usually 5 or fewer populations or occurrences in the state; or may be a few remaining individuals; often especially vulnerable to extirpation.
- S2 - Very rare; usually between 5 and 20 populations or occurrences; or with many individuals in fewer occurrences; often susceptible to becoming extirpated.
- S3 - Rare to uncommon; usually between 20 and 100 populations or occurrences; may have fewer occurrences, but with a large number of individuals in some populations; may be susceptible to large-scale disturbances.
- S4 - Common; usually >100 populations or occurrences, but may be fewer with many large populations; may be restricted to only a portion of the state; usually not susceptible to immediate threats.
- S5 - Very common; demonstrably secure under present conditions.
- SA - Accidental in the state.
- S#B - Breeding status of an organism within the state.

- **SH** - Historically known from the state, but not verified for an extended period, usually > 15 years; this rank is used primarily when inventory has been attempted recently.
- **S#N** - Non-breeding status within the state. Usually applied to winter resident species.
- **SU** - Status uncertain, often because of low search effort or cryptic nature of the element.
- **SX** - Apparently extirpated from the state.
- **SZ** - Long distance migrant whose occurrences during migration are too irregular, transitory and/or dispersed to be reliably identified, mapped and protected.

Global ranks are similar, but refer to a species' rarity throughout its total range. Global ranks are denoted with a "G" followed by a character. Note that GA and GN are not used and GX means apparently extinct. A "Q" in a rank indicates that a taxonomic question concerning that species exists. Ranks for subspecies are denoted with a "T". The global and state ranks combined (e.g. G2/S1) give an instant grasp of a species' known rarity.
These ranks should not be interpreted as legal designations.

For information on the laws pertaining to threatened or endangered species, please contact:
U.S. Fish and Wildlife Service for all **FEDERALLY** listed species;
Department of Agriculture and Consumer Services, Plant Protection Bureau for **STATE** listed plants and insects
Department of Game and Inland Fisheries for all other **STATE** listed animals

(Modified from information provided at Virginia's Department of Conservation and Recreation (DCR) Division of Natural Heritage web site: <http://www.dcr.state.va.us/dnh>)