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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

November 9, 2005

Dr. Clarence V. Cuffee, City Manager
City of Chesapeake
PO Box 15225
Chesapeake, VA 23328-5225

RE: Proposed Black Bear Landfill
Camden County, NC
ESSLog# 21392

Dear Dr. Cuffee:

We received a copy of a letter addressed to you from the Region 5 office of the U.S. Fish and Wildlife Service (USFWS) regarding the proposed Black Bear Landfill sited for development in Camden County, NC. After reading that letter and information regarding this project received from the USFWS, we offer the following comments. The Department of Game and Inland Fisheries (VDGIF), as Virginia's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over those resources, inclusive of state or federally endangered or threatened species, but excluding listed insects. We are a consulting agency under the U.S. Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and we provide environmental analysis of projects or permit applications coordinated through the Virginia Department of Environmental Quality, the Virginia Marine Resources Commission, the Virginia Department of Transportation, the U.S. Army Corps of Engineers, the Federal Energy Regulatory Commission, and other state or federal agencies. Our role in these procedures is to determine likely impacts upon fish and wildlife resources and habitats, and to recommend appropriate measures to avoid, reduce, or compensate for those impacts.

Waste Industries USA, Inc. proposes to develop a 490-acre landfill along U.S. Route 17 South, less than 0.5 mile south of the Virginia / North Carolina state line and less than 1.0 mile from the southeastern boundary of the Great Dismal Swamp National Wildlife Refuge (Refuge). The landfill as proposed would service 21 states, reach a height of 280 feet, and be visible from a distance of 20 miles or more. This project raises a number of concerns with respect to its potential impacts upon Virginia's fish and wildlife resources, as outlined below:

- It appears that leachate and runoff from the landfill may drain toward the Northwest River watershed north of the project site, and also that stormwater runoff will be directed into the Dismal Swamp Canal at the eastern border of the Refuge. The Great Dismal Swamp, the largest intact wetland in Virginia, supports a number of imperiled wildlife

species including the Federally Threatened / State Threatened bald eagle, State Endangered canebrake rattlesnake, and State Threatened Dismal Swamp southeastern shrew; as well as many nonlisted amphibians, reptiles, resident and migratory birds, and other wildlife species. VDGIF, in cooperation with our partners, has been working to protect and restore wetlands in the Northwest River watershed to enhance these habitats for waterfowl and other native wildlife. Further degradation of water quality in this watershed would significantly hamper these efforts and adversely impact our native wildlife communities.

- Likely aggregation of gulls, vultures, and other birds at the proposed landfill may create nuisance wildlife situations, increase incidence of wildlife diseases, and otherwise adversely impact native wildlife populations in southeastern Virginia.
- Landfills, especially one as large as this proposal, tend to attract black bears. Not only may this facility draw bears from adjacent forests within the Northwest River Watershed, but increased bear activity at the landfill will likely increase human/bear interactions and the need for nuisance wildlife intervention.
- Ecotourism and the Watchable Wildlife industry are very important to Virginia's economy and to fostering stewardship of our natural resources. VDGIF and our partners plan to extend loops of the Virginia Birding and Wildlife Trail in the Northwest River drainage and along U.S. Route 17. This effort is being planned in conjunction with the above-mentioned wetland restoration projects and proposed improvements to U.S. Route 17. Development of a 490-acre landfill, viewable from 20 miles away, may detract from use of the Birding and Wildlife Trail by Virginia residents and tourists to the Commonwealth.

In summary, we concur with your interest in fully evaluating the potential impacts of this proposed project upon Virginia's natural resources and wildlife, especially with regard to potential impacts upon the Northwest River basin and the Dismal Swamp National Wildlife Refuge. Thank you for considering these comments, and please contact Amy Martin, Environmental Services Biologist, or me if we may be of further assistance regarding this project.

Sincerely,

Handwritten signature of Amy Martin in cursive script.

Raymond T. Fernald, Manager
Nongame and Environmental Programs

CC: John Kleopfer, VDGIF
David Whitehurst, VDGIF
Bob Duncan, VDGIF
Todd Engelmeier, VDGIF

Dr. Clarence V. Cuffee

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Ellie Irons, VDEQ
Bridgett Costanzo, USFWS
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