



Miller, Kelly &lt;kelly.miller@deq.virginia.gov&gt;

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**Re: FW: Spearhead Trails**

1 message

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**Miller, Kelly** <kelly.miller@deq.virginia.gov>

Thu, Oct 3, 2019 at 9:04 AM

To: "Davenport, Melanie" &lt;melanie.davenport@deq.virginia.gov&gt;, Hurst Jeffrey vno79457 &lt;jeffrey.hurst@deq.virginia.gov&gt;

Cc: Hammond Andrew dae43935 &lt;andrew.hammond@deq.virginia.gov&gt;

Thanks for sharing! I can contribute any background info you need. They sent me an email some time ago saying they were going to lobby for an exemption but I told them go ahead, no way they would or should be exempted from ESC or VSMP. I told them maybe for exemption from the post-construction water quality requirements but the reality is it is so easy for them to meet post-construction with conserved open space ( when there is no issue with ownership).

I'm attaching a letter I shared with Drew yesterday. This was a result of a huge mess they made out of a trail construction near Breaks Interstate Park. They claim to be confused on when they needed a permit or ESC from the county.

I'm also attaching an email exchange that gives a little more background. Also, Spearhead Trails has been a huge topic for our region for nearly two years. We've really tried to change attitudes and construction practices with them--we even hosted a specialized training just for ESC training for trail building. 25 of Spearhead staff attended. There's also controversy as The Clinch Coalition opposes the trails and has FOIA our records twice.

Please let me know if I can be of any assistance,  
Kelly

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Kelly R. Miller  
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Va. Dept. of Environmental Quality  
Southwest Regional Office  
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Abingdon, VA 24210  
Phone: (276) 676-4879  
DEQ Website: [www.deq.virginia.gov](http://www.deq.virginia.gov)

On Wed, Oct 2, 2019 at 10:26 PM Davenport, Melanie <[melanie.davenport@deq.virginia.gov](mailto:melanie.davenport@deq.virginia.gov)> wrote:

This is what I sent to DKP

----- Forwarded message -----

From: **Davenport, Melanie** <[melanie.davenport@deq.virginia.gov](mailto:melanie.davenport@deq.virginia.gov)>

Date: Tue, Oct 1, 2019 at 9:10 PM

Subject: Re: FW: Spearhead Trails

To: Jeffrey Hurst <[jeffrey.hurst@deq.virginia.gov](mailto:jeffrey.hurst@deq.virginia.gov)>

CC: David Paylor <[david.paylor@deq.virginia.gov](mailto:david.paylor@deq.virginia.gov)>

The permit exemptions in our cgp come from the federal rule. I'm pretty sure that even if this activity is exempted under state law, if for any such project land disturbance equals one acre or more, it must be covered by a federal permit. In other words, it would still be unpermitted under federal law.

I'm not advocating this but we could exempt it from post construction stormwater requirements under state law. I can't tell if they're asking us to eliminate the permit requirement or they are asking us to not require stormwater management. Would be glad to discuss.

On Tue, Oct 1, 2019 at 5:15 PM Jeffrey Hurst <[jeffrey.hurst@deq.virginia.gov](mailto:jeffrey.hurst@deq.virginia.gov)> wrote:

I don't believe Frank Kilgore is involved in Spearhead Trails. His project was the Mendota Trail system over near Bristol, which is a rail-to-trail project similar to the Virginia Creeper Trail, and open only to bicycle and pedestrian. However, some of the same issues arose in that project over the "new construction" vs. "maintenance of existing" activities (cutting new paths, vs. maintaining the original railroad ROW, as well as auxiliary parking features).

Spearhead Trails is part of the Southwest Regional Recreational Authority (SRRRA), which was created by legislation in March 2008, with the mandate to establish and maintain "...a system of recreational trails and appurtenant facilities, including trail-head centers, parking areas, camping facilities, picnic areas, recreational areas, historical or cultural interpretive sites, and other facilities..." in the SRRRA area (basically the coal counties). Their focus thus far seems to be, All Terrain Vehicle (ATV) or Off-Highway Vehicle (OHV) trail construction, modeled after West Virginia's Hatfield-McCoy Trail System. Spearhead Trails currently advertises over 400 miles of trails within their network. <https://spearheadtrails.com/>

**From:** Davenport, Melanie <[melanie.davenport@deq.virginia.gov](mailto:melanie.davenport@deq.virginia.gov)>  
**Sent:** Tuesday, October 1, 2019 4:48 PM  
**To:** Jeffrey Hurst <[jeffrey.hurst@deq.virginia.gov](mailto:jeffrey.hurst@deq.virginia.gov)>  
**Cc:** David Paylor <[david.paylor@deq.virginia.gov](mailto:david.paylor@deq.virginia.gov)>  
**Subject:** Re: FW: Spearhead Trails

I've worked through a trail related stormwater issue with Frank Kilgore ( sent to me from SNR) . Is he associated with this issue? What exactly is Spearhead? Thanks

On Tue, Oct 1, 2019 at 4:38 PM Jeffrey Hurst <[jeffrey.hurst@deq.virginia.gov](mailto:jeffrey.hurst@deq.virginia.gov)> wrote:

One additional piece of information I forgot to mention. TNC now owns the surface rights for at least 2 of their trails, as a part of their recent land conservation acquisition. So they may weigh in as well.

**From:** Paylor, David <[david.paylor@deq.virginia.gov](mailto:david.paylor@deq.virginia.gov)>  
**Sent:** Tuesday, October 1, 2019 2:43 PM  
**To:** Davenport, Melanie <[melanie.davenport@deq.virginia.gov](mailto:melanie.davenport@deq.virginia.gov)>; Jeffrey Hurst <[jeffrey.hurst@deq.virginia.gov](mailto:jeffrey.hurst@deq.virginia.gov)>  
**Subject:** Fwd: FW: Spearhead Trails

Please give me your feedback. David

David K. Paylor

804-698-4020

----- Forwarded message -----

From: **Saks, Joshua** <[joshua.saks@governor.virginia.gov](mailto:joshua.saks@governor.virginia.gov)>  
Date: Tue, Oct 1, 2019 at 1:55 PM

Subject: Fwd: FW: Spearhead Trails  
To: David Paylor <[david.paylor@deq.virginia.gov](mailto:david.paylor@deq.virginia.gov)>

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From: **Janet Settle** <[janet@settleandassociates.com](mailto:janet@settleandassociates.com)>  
Date: Mon, Sep 23, 2019 at 3:05 PM  
Subject: FW: Spearhead Trails  
To: <[joshua.saks@governor.virginia.gov](mailto:joshua.saks@governor.virginia.gov)>

Hi Joshua,

Hope you are well. I've tried to reach you by phone to follow-up on a few things.

1. Have you given anymore thought to the DEQ exemption?
2. Would you reach out to Evan Feinman at the Tobacco Commission and voice DGIF support for Spearhead's Application of \$250,000 for the Sportsman's Complex as we explained to you at our meeting? This week is the time to do that, as the staff reviews are going on now.

Thanks in advance for your assistance.

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**From:** Janet Settle <[janet@settleandassociates.com](mailto:janet@settleandassociates.com)>  
**Sent:** Wednesday, August 28, 2019 5:51 PM  
**To:** '[joshua.saks@governor.virginia.gov](mailto:joshua.saks@governor.virginia.gov)' <[joshua.saks@governor.virginia.gov](mailto:joshua.saks@governor.virginia.gov)>  
**Cc:** Shawn Lindsey ([director@spearheadtrails.com](mailto:director@spearheadtrails.com)) <[director@spearheadtrails.com](mailto:director@spearheadtrails.com)>  
**Subject:** Spearhead Trails

Hi Josh,

Thanks again for meeting with Shawn Lindsey and myself on Monday. We had a full two days of meetings and really feel enthusiastic about the support we enjoy from the Governor's Office and staff.

I told you I would send the language change suggested to secure Spearhead an exemption from DEQ. We are a secondary user of linear trails, which are exempt from some regulations. The language change would include recreational trails in that exemption and hopefully expand on that to include our

trail building as well. As we talked, it is preferable that we come to some understanding that may omit the need for a language change. I will leave that to your good judgement and that of Clark's. We are grateful for the relationship we have with DEQ and do not want to harm that in any way.

Please see the attachment. It is a first stab. Again thanks for your insight.

Enjoy your vacation!

Janet S. Settle

Settle Associates Inc.

804-347-9163

[janet@settleandassociates.com](mailto:janet@settleandassociates.com)

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Joshua Saks

Deputy Secretary of Natural Resources

Commonwealth of Virginia

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Melanie Davenport- Virginia DEQ.

Sent from my iPad - Please excuse any autocorrect errors

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Melanie Davenport- Virginia DEQ.

Sent from my iPad - Please excuse any autocorrect errors

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Melanie Davenport- Virginia DEQ.

Sent from my iPad - Please excuse any autocorrect errors

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## 2 attachments



**DEQ Spearhead Recreational Trails Law and Reg Clarification 8 22 2019.pdf**

297K



**Commonwealth of Virginia Mail - Re\_ Complaint investigation results on the Russell Fork Adventure**

**Trail.pdf**

220K