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US ARMY INSTALLATION MANAGEMENT COMMAND
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FORT LEE POLICY NO. 09-05
1 June 2009

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Land Disturbing Activities

1. **References:**

- a. AR 200-1, subject: Environmental Protection and Enhancement, 21 Feb 97.
- b. AR 200-2, subject: Environmental Effects of Army Actions, 23 Dec 88.
- c. Code of Virginia, Title 10 (§10.1-560 et. seq.), Erosion and Sediment Control.

2. **Purpose:** The purpose of this policy is to assure that Fort Lee maintains compliance with federal and state law with regard to land disturbing activities on the installation. In order to assure compliance with section 10.1 – 562 of reference c, Fort Lee needs to have in place programs and policies which are consistent with the state program and regulations for erosion and sediment control.

3. **Discussion:** As defined in the Code of Virginia, a “land disturbing activity” refers to “any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or into lands of the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting, and filling of land” Many processes are already in place to assure the review of land disturbing activities by qualified individuals (as defined in state law). This occurs in most instances in accordance with references a and b (reference b being Army amplification of the National Environmental Policy Act (NEPA) as codified at 32 CFR 651). Environmental reviews occur in various programs such as military construction (MILCON) and within the Directorate of Logistics/Directorate of Public Works (DOL/DPW), particularly the work order and job order contracting processes. However, there can be instances of work occurring on the installation that do not utilize these processes and have heretofore missed environmental review. The state law is very specific and requires a review of any land disturbing activity which disturbs greater than 10,000 square feet (= 1/4 acre of land). This limitation could very easily affect troop unit projects, public works operations and maintenance, and training area land management activities.

4. **Policy:** All organizations, including tenants, on Fort Lee will coordinate any land disturbing activity with the potential of exceeding the 10,000 square foot trigger threshold with the DOL/DPW. DOL/DPW will perform the requisite project reviews in compliance with reference c. This review does not obviate the need for any other project reviews, in accordance with

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references a and b, to assure that other concerns, such as critical habitat, archeological resources, wetlands, etc. are not compromised.

5. **Effective date:** This policy is effective on the above-mentioned date of this memorandum.

6. **Proponent:** Proponent for this policy is the DOL/DPW Environmental Management Office, (804) 734-5014.



MICHAEL G. MORROW
COL, LG
Garrison Commander

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