

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA9 – North Carolina Department of Administration – Commission of Indian Affairs

20170406-5567 FERC PDF (Unofficial) 4/6/2017 3:40:35 PM



North Carolina  
Department of Administration  
Commission of Indian Affairs

Machelle Sanders  
*Secretary*

Gregory A. Richardson  
*Executive Director*

April 6, 2017

Nathaniel J. Davis, Sr., Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

**RE: Public Comments - Regarding the Atlantic Coast Pipeline**

Dear Mr. Davis:

The North Carolina Commission of Indian Affairs writes in response to the Draft Environmental Impact Statement (DEIS) prepared by the Federal Energy Regulatory Commission regarding the proposed Atlantic Coast Pipeline described in Docket Nos. CP15-554-000, CP15-554-001, CP15-555-000, and CP15-556-000.

The Commission of Indian Affairs was organized in 1973 by North Carolina General Statute §143B Part 15 to ensure fair and effective dealings with American Indians throughout the state of North Carolina, to provide aid and protection for American Indians, to promote the rights of American Indians to pursue cultural and religious traditions, and for other purposes. Commission membership includes representatives from state and federally recognized Indian tribes, urban Indian organizations, state legislature, and executive departments. As such, the Commission of Indian Affairs has a strong interest in the potential impacts of the Atlantic Coast Pipeline as it relates to the American Indian population in North Carolina in particular the American Indian tribal communities.

The proposed pipeline route traverses territory traditionally held by the Meherrin, Haliwa-Saponi, Coharie, Lumbee, and other historic Indian tribes. Certain landscapes and environments along the proposed route hold special meaning to these tribes for a variety of cultural, spiritual, and historical reasons.

SA9-1

Data from the latest US Census shown in the DEIS (Appendix Table U1) indicate 29,696 American Indians living in census blocks along the North Carolina portion of the proposed route. This number equals approximately 25% of all American Indians living in the State of North Carolina and approximately 1% of all American Indians in the United States.

American Indians constitute only 3.8% of the total population of counties along the proposed pipeline route and 1.2% of the total state population, yet they make up 13% of North Carolinians living in census blocks along the proposed route. Using either reference, the proposed route would have highly disproportionate impacts on American Indians, specifically, because of the proposed geographic location of the Atlantic Coast Pipeline.

Given (1) the proposed route through tribally-significant environments and landscapes, (2) the large number of American Indian individuals that would be impacted by this project, and (3) the

State of North Carolina | Commission of Indian Affairs  
116 West Jones Street, Suite 3054 | 1317 Mail Service | Raleigh, NC 27603  
919 807 4440 T

SA9-1

See the response to comment SA6-9. Section 4.9.9 includes our analysis of impacts on environmental justice communities.

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA9 – North Carolina Department of Administration – Commission of Indian Affairs (cont'd)

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SA9-1  
(cont'd)

disproportionate impacts on American Indians, the Commission of Indian Affairs strongly urges the Federal Energy Regulatory Commission to engage in meaningful consultations with tribal governments to understand and address their environmental, cultural, and other concerns associated with these communities.

Federal guidance documents pertaining to the National Environmental Policy Act<sup>1</sup> and the National Historic Preservation Act<sup>2</sup> encourage meaningful consultation between regulatory agencies and Indian tribes, even if those tribes are not federally recognized. In addition to consulting tribal governments, regulators should engage in meaningful consultations with Urban Indian Organizations and with the Commission of Indian Affairs itself to better understand and address the concerns of American Indians in North Carolina who stand to be impacted by this project.

We believe that such consultation is imperative if pipeline developers are to assure that historic sites, unmarked burials are not disturbed and that they are protected to the greatest degree possible in accordance with the following:

#### **Discovery of Unmarked Burials or Human Remains**

1. If unmarked human burial or skeletal remains are encountered during construction activities, Atlantic will comply with applicable provisions of North Carolina's "Unmarked Human Burial and Human Skeletal Remains Protection Act" (North Carolina General Statutes Chapter 70, Article 3).
2. Atlantic's Environmental Project Manager will direct the FI to flag or fence off the site (including the area within 100 feet of the find or the outer perimeter of a group of finds), and will notify the County sheriff, who will notify the County medical examiner as required by North Carolina General Statutes Chapter 70, Article 3.
3. Atlantic's Environmental Project Manager will notify the FERC of the find. Plan for the Unanticipated Discovery of Historic Properties or Human Remains during Construction in North Carolina.
4. If the County medical examiner determines that the remains are not modern or do not reflect a crime scene, and/or if they otherwise relinquish their jurisdiction over the remains, the County medical examiner will notify the state's Chief Medical Examiner, who in turn will notify the State Archaeologist of the discovery and the findings of the County medical examiner. The State Archaeologist will take charge of the remains.
5. The State Archaeologist will have 48 hours to make arrangements with the landowner for the protection or removal of the burial or remains.
6. If the remains are removed, the State Archaeologist will coordinate the excavation by a professional archaeologist. The professional archaeologist will report his/her opinion on the characteristics of the remains to the State Archaeologist within two days after the removal.
7. Atlantic's Environmental Project Manager will consult appropriate parties (e.g., the State Archaeologist, the NCDCR, the Executive Director of the North Carolina Commission of Indian Affairs, federally

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA9 – North Carolina Department of Administration – Commission of Indian Affairs (cont'd)

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SA9-2 Comment noted.

SA9-1  
(cont'd)

recognized Indian tribes, and/or the landowner) as directed by the FERC regarding additional steps to be followed.

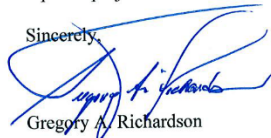
8. If it is determined that the remains are Native American, a reasonable effort will be made to identify, locate, and notify the appropriate Tribe.
9. If it is determined the remains are not Native American, the State Archaeologist will attempt to determine the identity or next of kin of the deceased. If no next of kin are identified the remains will be transferred to the State Archaeologist and permanently curated.
10. The measures to protect the remains and associated artifacts will remain in effect until they have been fully evaluated, appropriate treatment of the discovery (if applicable) has been completed, and Atlantic has received written notice from the FERC to proceed with construction at the discovery site.

SA9-2

Finally, in addition to consultation with the tribes regarding the permitting process throughout the development of the Atlantic Coast Pipeline, we request that the NC Commission of Indian Affairs and the Coharie, Haliwa-Saponi, Meherrin and the Lumbee tribes be provided information about employment, contracting and vendor opportunities, prior to the rolling out of the project, if it is approved.

Thank you for the opportunity to submit Public Comments regarding the proposed Atlantic Coast Pipeline project in North Carolina.

Sincerely,



Gregory A. Richardson

Contributors:

Environmental Justice (EJ) Committee, NC Commission of Indian Affairs  
Jeff Anstead, Chairman, EJ Committee  
Dr. Ryan Emanuel, Adhoc Member, EJ Committee  
Brittany Anstead, Adhoc Member, EJ Committee

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA10 – North Carolina House of Representatives, Office of the Speaker, Tim Moore

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### Office of the Speaker North Carolina House of Representatives

TIM MOORE  
SPEAKER

April 6, 2017

Kimberly D. Bose, Secretary  
Nathaniel J. Davis, Sr., Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Dear Ms. Bose and Mr. Davis, Sr.,

SUBJECT: Comment on Draft Environmental Impact Statement for the Atlantic Coast Pipeline, LLC, Dominion Transmissions, Inc. and Atlantic and Piedmont natural Gas Co., Inc. (Docket Nos. CP15-554-000,-001; CP15-555-000; and CP15-556-000).

SA10-1

I am writing to you today to request that changes be made to the Atlantic Coast Pipeline (ACP) route as requested by Representative John Szoka. He electronically filed a comment on April, 4, 2017 on the Environmental Impact Statement for the ACP.

Rep. Szoka currently serves as Senior Chairman for the House Committee on Energy and Public Utilities and Chairman of the House Finance Committee. As Speaker of the House, I have witnessed Rep. Szoka's leadership firsthand, and can attest to his immense knowledge and concern over this matter. Over the course of his three terms in the House, Rep. Szoka has brought commonsense reform to the table, and has been the subject matter expert on all legislation pertaining to energy and public utilities.

Upon reviewing the plan for the ACP, it is clear that the proposed route will disrupt and negatively impact the citizens of the Town of Wade and Cumberland County. I concur with Rep. Szoka's filed remarks before your commission, as his proposed route change makes economic sense. There is no reason why the ACP route could not follow the Progress Energy Carolinas (PEC) transmission line easement; using the PEC transmission line easement places very little burden on our citizens and less of a burden on our environment.

Please make the changes to the ACP route as Rep. Szoka has requested, and feel free to contact me with any questions or concerns. Thank you for your consideration.

Best regards,

A handwritten signature in blue ink, appearing to read "Tim Moore".

Tim Moore

TM/be

16 WEST JONES ST. • (919) 733-3451 • RALEIGH, NC 27601

SA10-1

We believe the proposed route is environmentally acceptable and meets the purpose and need of the project.

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA10 – North Carolina House of Representatives, Office of the Speaker, Tim Moore (cont'd)

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North Carolina General Assembly  
House of Representatives  
REPRESENTATIVE JOHN D. SZOKA  
State Legislative Building  
Raleigh, NC 27601-1096

April 4, 2017

Kimberly D. Bose, Secretary  
Nathaniel J. Davis, Sr., Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Dear Ms. Bose and Mr. Davis, Sr.,

SUBJECT: Comment on Draft Environmental Impact Statement for the Atlantic Coast Pipeline, LLC, Dominion Transmissions, Inc. and Atlantic and Piedmont natural Gas Co., Inc. (Docket Nos. CP15-554-000,-001; CP15-555-000; and CP15-556-000).

FERC made notice on May 3, 2016 of the Fayetteville Major Route Modification (Cumberland County, North Carolina) to the Atlantic Coast Pipeline (ACP). This major route modification was, in my opinion, a very reasonable modification that minimized impacts on private property owners and the environment.

Within the northern end of Cumberland County there is still a segment of the pipeline that travels generally southwest from the vicinity of the Town of Falcon to a connection point with a NCG existing pipeline to the west of the Town of Wade. The proposed ACP route then travels back to the Progress Energy Carolinas (PEC) 500 kilowatt electric transmission line easement and continues southward. (See attached map.)

Since the Fayetteville Major Route Modification was made I have asked both Duke Energy and Dominion why this interconnection site (point 3 on the map) was maintained at that location. Why was not the whole route for this section of the ACP moved east to the PEC transmission line easement? No one in either company could answer my question. After several telephone conversations and meetings with company officials at the state legislative building in Raleigh, I met Bruce McKay, a senior engineer from Dominion on the ground in the Town of Wade. We drove over a portion of the proposed pipeline site. Afterwards we met at the town hall and I asked him again, why was not the ACP moved over to the PEC transmission line easement and the interconnection point moved? He had no answer.

The decision for this small portion of the ACP seems to be that the interconnection point with the NCG pipeline (west of Wade at point 3) was made before FERC made the Fayetteville Major Route Modification. Prior to the Fayetteville Major Route Modification, this interconnection point made sense. I have personally visited this site. There are no improvements to the site at this time. As it now stands, I know of no rational justification why the interconnection point cannot be moved to the east to point 2 on the map.

My request of FERC is to reroute the current route of the ACP directly from point 1 to point 4, shown on the accompanying map; the current route runs from point 1 to point 2 to point 3 to point 4. This would

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA10 – North Carolina House of Representatives, Office of the Speaker, Tim Moore (cont'd)


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move the interconnection point with the NCNG existing pipeline currently at point 3 over to point 2 in the vicinity of the existing PEC transmission line easement. My reasons are as follows:

1. Neither Duke Energy nor Dominion can state any reason why the interconnect point with the existing NCNG pipeline is located where it currently is. Neither Duke Energy nor Dominion can state any reason why the interconnect point could not be moved further to the east in the vicinity of the PEC electric transmission line. I believe that the interconnect point is planned at its current location solely because it made sense before the Fayetteville Major Route Modification was made. Now, there is no supporting logic in keeping the interconnect point there as it could easily be moved less than 1.5 miles to the east.
2. Rerouting this small portion of the pipeline prevents the pipeline from boring beneath I-95 twice. The importance of I-95 as a major north-south interstate highway cannot be overstated. Rerouting also prevents this small portion of the pipeline from boring underneath a major rail line twice. This rail line not only carries a high volume of commercial rail traffic but is a major north-south AMTRACK route.
3. The number of homeowners whose property would be impacted would be significantly less than maintaining the current route.
  - a. I have personally driven/walked the entire route and there are a surprising number of homes in this mostly rural area. The current route is very close to a substantial number of those homes which causes the homeowners a great deal of concern. Moving the route would significantly minimize the number of impacted homeowners.
  - b. Of significant note is that if the current route is maintained, the small Town of Wade will be adversely impacted. The route now runs through a planned housing subdivision within the city limits. If the pipeline remains routed through the planned subdivision the number of houses built will be substantially fewer than what is planned. This will adversely impact property taxes collected by the Town of Wade.
4. The area around the Town of Wade is a mixture of farmland and forest. There is one major creek, under which the pipeline would be bored that is fairly deep; from the lip of the ground that overlooks the creek I estimate about 30 vertical feet. While that is not significant in and of itself, it is significant because of the drainage pattern around the Town of Wade. Because of Hurricane Matthew last year, the topography and the creek itself was changed. I have personally seen hundred year old massive trees that were ripped out of the banks and major portions of the creek banks washed out at the exact point where the ACP must be bored under, or alternatively, go over this creek. I have lived in Cumberland County for twenty-three (23) years and have seen many Hurricanes rip through the area. I am not an expert at routing pipelines nor am I a hydrologist; however, what I saw gives me pause. If the pipeline were rerouted as I suggest, major damage to the pipeline in the future could be avoided.

I believe that this small change to the route is in the best interest of the people in and around the Town of Wade, the safety of the public and the environment. Thank you for your consideration of my request.

Sincerely,



Representative John D. Szoka  
North Carolina House of Representatives  
45<sup>th</sup> District, Cumberland County

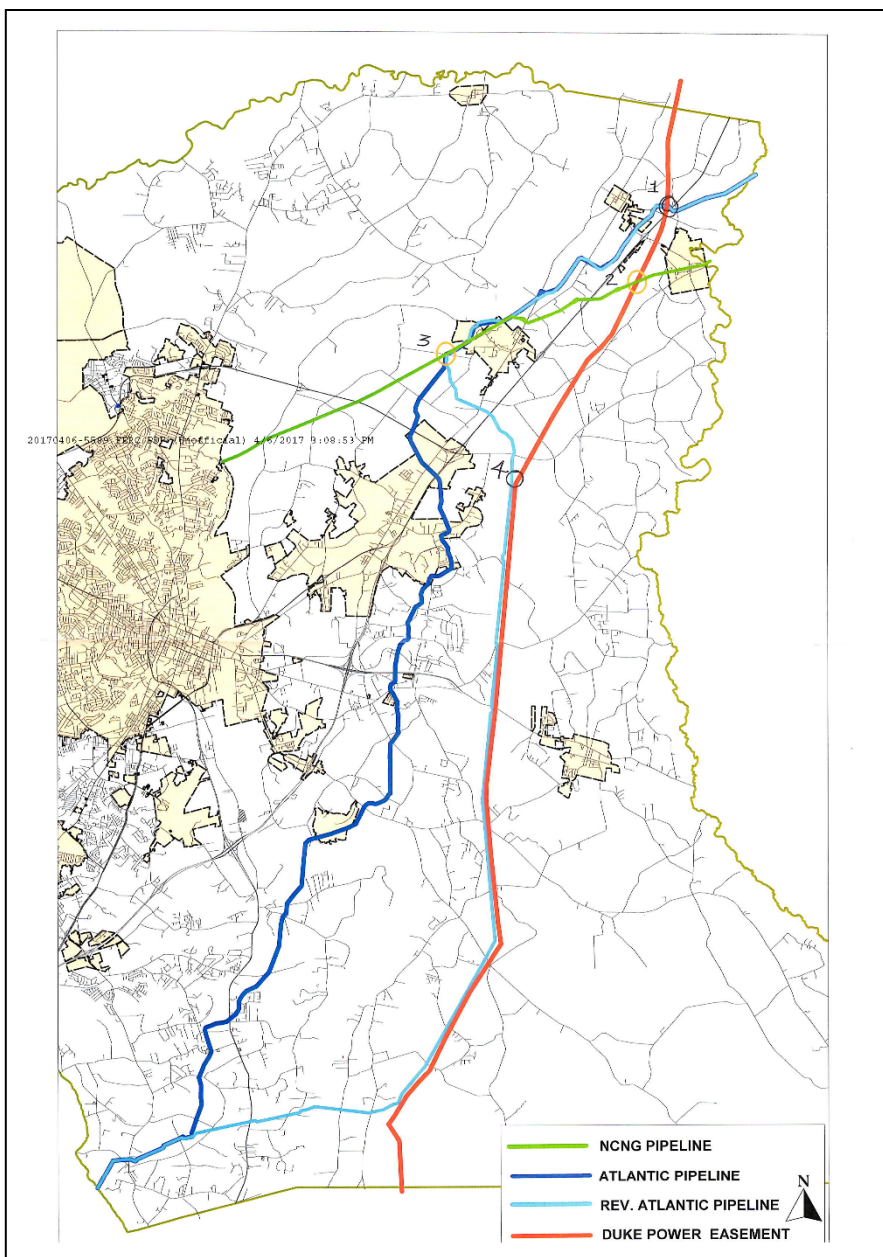
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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

SA10 – North Carolina House of Representatives, Office of the Speaker, Tim Moore (cont'd)

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA11 – State of West Virginia – Office of the Attorney General

20170406-5612 FERC PDF (Unofficial) 4/6/2017 3:57:07 PM

OFFICE OF ATTORNEY GENERAL  
STATE OF WEST VIRGINIA



PATRICK MORRISSEY  
ATTORNEY GENERAL

April 6, 2017

Via [www.ferc.gov](http://www.ferc.gov)

Nathaniel J. Davis, Sr.  
Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

**Re: A communication from the State of West Virginia regarding approval of the Atlantic Coast Pipeline (Docket Nos. CP15-554-000 and CP15-554-001).**

Dear Mr. Davis:

As the chief legal officer of West Virginia, I respectfully ask that the Commission approve the pending application of a project that has significant potential to improve the economy of the State of West Virginia: the Atlantic Coast Pipeline. The project stands to offer new jobs, new economic activity, and lower energy prices for the citizens of West Virginia. I join with other public officials from the States of West Virginia, Virginia, and North Carolina in asking you to approve the project.<sup>1</sup>

The project represents a significant opportunity for West Virginia. It would encourage the continued growth of the State's natural gas production by linking West Virginia's natural gas supply to growing energy markets in the southeast. A September 2014 report showed that the

<sup>1</sup> Letter from leaders of the West Virginia Senate and House of Delegates; Virginia Senate and House of Delegates; and North Carolina Senate and House of Representatives to Nathaniel J. Davis, Jr., Deputy Secretary, Fed. Energy Regulatory Comm'n, Docket Nos. CP15-554-000 and CP15-554-001 (Apr. 4, 2017).

SA11-1 Comment noted.

Z-323

SA11-1



# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA11 – State of West Virginia – Office of the Attorney General (cont'd)

20170406-5612 FERC PDF (Unofficial) 4/6/2017 3:57:07 PM

Re: Docket Nos. CP15-554-000 and CP15-554-001 (Atlantic Coast Pipeline)

April 6, 2017

Page 2

SA11-1  
(cont'd)

project would generate nearly \$479 million in new economic activity in West Virginia.<sup>2</sup> Construction of the project would also generate nearly 3,100 jobs for hard-working West Virginians.<sup>3</sup> These new jobs would provide hope and opportunity for families and communities throughout the State.

The project also would provide the State with valuable tax dollars including \$113,678 in annual tax revenue from 2019 onward.<sup>4</sup> And the draft Environmental Impact Study demonstrates that the project can be accomplished without threatening West Virginia's priceless natural resources.<sup>5</sup>

Accordingly, I respectfully urge the Commission to approve the project upon completion of its review.

Sincerely,



Patrick Morrissey  
Attorney General of West Virginia

<sup>2</sup> The Economic Impact of the Atlantic Coast Pipeline in West Virginia, Virginia, and North Carolina at 16, Chmura Economics & Analytics (September 2014).

<sup>3</sup> *See id.*

<sup>4</sup> *Id.* at 3.

<sup>5</sup> *See* Draft Environmental Impact Statement at ES-14.

Z-324

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA12 – Virginia Department of Conservation and Recreation

20170406-5751 FERC PDF (Unofficial) 4/6/2017 4:44:02 PM

Molly Joseph Ward  
*Secretary of Natural Resources*

Clyde E. Cristman  
*Director*



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

Rochelle Altholz  
*Deputy Director of  
Administration and Finance*

David C. Dowling  
*Deputy Director of  
Soil and Water Conservation  
and Dam Safety*

Thomas L. Smith  
*Deputy Director of Operations*

April 6, 2017

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Re: Atlantic Coast Pipeline, LLC  
Docket Nos. CP15-554-000 and CP15-554-001

Dear Ms. Bose,

I am writing today to transmit the attached April 4, 2017 letter from the Virginia Cave Board to you regarding comments and recommendations on the proposed Atlantic Coast Pipeline. The information presented is that of the Virginia Cave Board, an Advisory Board of the Commonwealth of Virginia under *Code of Virginia* § 10.1-1000-1008, and not that of my agency or this administration.

The Cave Board letter includes important karst features along the proposed pipeline route and recommendations on monitoring and management of surface water and runoff in karst areas.

Sincerely,

A handwritten signature in black ink, appearing to read "Clyde E. Cristman".

Clyde E. Cristman  
Director

600 East Main Street, 24<sup>th</sup> Floor | Richmond, Virginia 23219 | 804-786-6124

*State Parks • Soil and Water Conservation • Outdoor Recreation Planning  
Natural Heritage • Dam Safety and Floodplain Management • Land Conservation*

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA12 – Virginia Department of Conservation and Recreation (cont'd)

20170406-5751 FERC PDF (Unofficial) 4/6/2017 4:44:02 PM

Molly Joseph Ward  
*Secretary of Natural Resources*

Clyde E. Cristman  
*Director*



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

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*Deputy Director of Operations*

April 4, 2017

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Re: Atlantic Coast Pipeline, LLC  
Docket Nos. CP15-554-000 and CP15-554-001

VIRGINIA CAVE BOARD COMMENTS ON THE PROPOSED ATLANTIC COAST PIPELINE  
DRAFT ENVIRONMENTAL IMPACT STATEMENT (ROUTE VERSION 11b)

Dear Ms. Bose,

First enacted in 1966, the Virginia Cave Protection Act was established to protect the cave and karst resources of the Commonwealth of Virginia. As part of an amendment to the Act, The Virginia Cave Board was established in 1979 and charged with advising local, state, and federal governmental entities on matters concerning caves and karst lands throughout the Commonwealth. The Virginia Cave Board has the duty to make recommendations concerning any proposed rule, regulation or administrative policy that directly affects the use and conservation of caves in the Commonwealth. Therefore, the Cave Board is writing to provide input and recommendations for protection of cave and karst resources in Virginia with respect to the proposed construction of the Atlantic Coast Pipeline (ACP).

We previously submitted documentation (Submittal 20150420-5030 submitted April 18, 2015 under docket PF15-6) outlining our concerns regarding the intersection of the originally proposed pipeline route with known significant and sensitive cave and karst conservation areas in Virginia, and provided general recommendations for construction and operation of gas pipelines in karst regions. Since that time, revision of the original proposed route has occurred to the current proposed route, re-route version 11b.

We are pleased to see that the ACP has adopted many of our earlier recommendations, and that FERC has requested several of the avoidance and mitigation actions within the "Karst Terrain Assessment Construction, Monitoring and Mitigation Plan" dated Jan. 20, 2017 (FERC Accession number 20170127-5202). This plan is comprehensive, and if implemented in full will help to ensure the protection and conservation of sensitive karst ecological environments. We note that reports on the karst features encountered along the pipeline route during reconnaissance field surveying and construction will be, or have been prepared, and we request that copies of these reports be sent to the Dept. of Conservation and Recreation Karst Heritage program office.

600 East Main Street, 2<sup>nd</sup> Floor | Richmond, Virginia 23219 | 804-786-6124

*State Parks • Soil and Water Conservation • Outdoor Recreation Planning  
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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA12 – Virginia Department of Conservation and Recreation (cont'd)

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While we strongly endorse the “Karst Terrain Assessment Construction, Monitoring and Mitigation Plan”, we nevertheless find that the proposed pipeline route (re-route version 11b) still poses a threat of deleterious impacts on known karst areas that are present within the Commonwealth, and that certain deficiencies still exist in the draft EIS with respect to the identification and monitoring of impacts on groundwater and sensitive karst features.

SA12-1

Foremost among our concerns is that the newly proposed pipeline route version 11b crosses one of the most significant karst regions of the Commonwealth of Virginia, the Burnsville Cove (Fig. 1). This is a result of the revision of the ACP route that had been proposed in 2015. The Cave Board has not yet commented on the revised route version 11b, and is providing that commentary herein.

Atlantic Coast Pipeline Route (Rev. 11b)

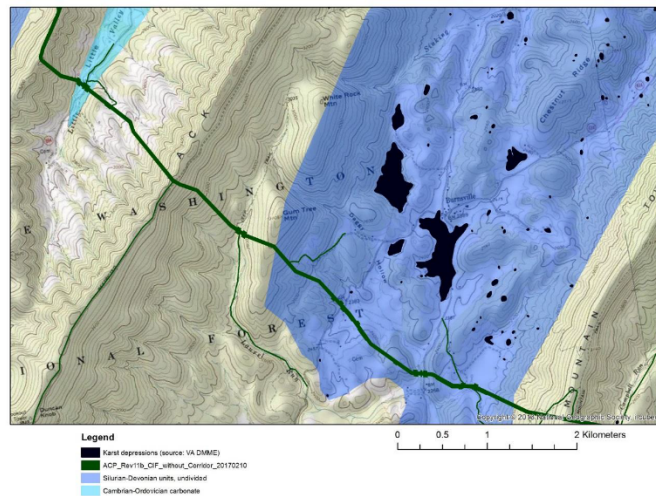


Figure 1: Proposed Dominion Atlantic Coast Pipeline route 11b and karst near the Burnsville Cove, Virginia.

The Burnsville Cove is an approximately 18 square-mile area straddling the Highland-Bath county line near the town of Burnsville, Virginia, part of which is highlighted in Fig. 1. The Burnsville Cove contains 97 known caves (White, 2015) which contain over 80 miles of surveyed passageways (VSS, 2016). Two of the caves have been declared National Natural Landmarks by the United States Department of the Interior, National Park Service; 14 of the caves are listed as Significant by the Virginia Speleological Survey and the Virginia Cave Board.

Caves in the Burnsville Cove contain federally endangered bats including the Indiana bat, the Northern long-eared bat, and the Virginia Big-eared bat. They also contain populations of the Tri-Colored bat and Little Brown bat. In addition, Holsinger et. al. (2013) listed no less than six invertebrate species found in the Burnsville Cove which are ranked G1 or G2. As a result, the Burnsville Cove is one of the seven most significant karst areas in Virginia. Still, many of the caves remain un-surveyed for bats and un-sampled for invertebrate fauna.

SA12-1

Comment noted. A route revision (Valley Center Route Variation) was developed in response to our request for Atlantic to evaluate an alternative route that avoids the karst and spring features near Valley Center Road (see section 3.4.3). As discussed there, we concluded the alternative route would not offer a significant advantage over the proposed route and we do not recommend it to be incorporated as part of the project.

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA12 – Virginia Department of Conservation and Recreation (cont'd)

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SA12-1  
(cont'd)

The Virginia Cave Board is concerned that the ACP construction and operation in the headwater regions of the Burnsville Cove, and along the proposed access roads may have negative environmental impacts on this significant karst area. The cove is characterized by a complex karst drainage system such that under normal flow conditions all surface water sinks into the karst bedrock, and is eventually discharged through four springs along the Bullpasture River—a stocked trout stream—at the northeast end of the cove. The recharge areas of these springs have been determined by 27 dye traces from sinking points connected to these springs by subsurface flows (Davis, 2015).

Specifically, a dye trace on March 26, 1971 from a sink point along Daggy Hollow Run demonstrated a connection to Cathedral Spring, located 7.6 km to the northeast from the sink point; the transit time of the dye was less than 15 days (Davis, 2015). This and other traces within the Burnsville Cove region illustrate the complex and intimate connection between surface runoff and groundwater in this significant karst region.

Therefore, we strongly recommend complete avoidance of areas along the proposed ACP route where surface flows within—and runoff of sediment from—the zone of pipeline construction and access roads will adversely impact high risk karst features within or inferred to receive drainage from the pipeline construction corridor and access roads. These impacts can only truly be determined through tracer tests.

Atlantic Coast Pipeline Route (Rev. 11b)

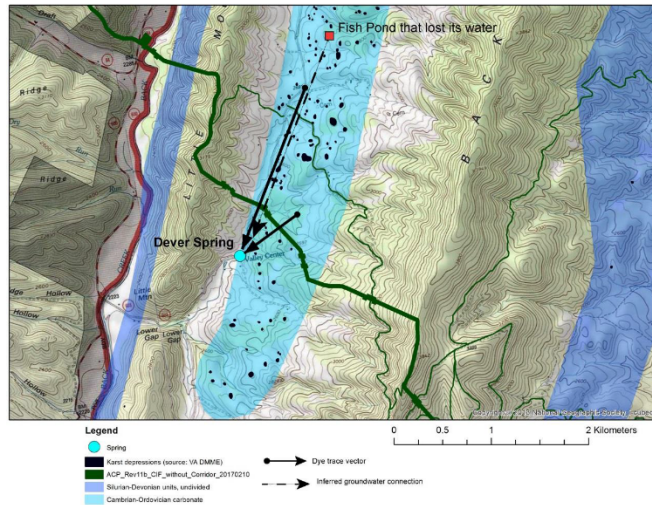


Figure 2: Map showing the ACP route 11b where it crosses Valley Center, Virginia. Note the locations of Dever Spring, and the dye trace vectors indicating subsurface flow connecting the spring and surface swallets. The Smith Fish Pond that lost water in November 2004 is also shown.

SA12-2

We further note that the ACP route revision 11b crosses a belt of karst at Valley Center, Virginia (Fig. 2), which is an area where the karst drainage is only partly understood. Specifically, in November 2004, the Smith Fish Pond (SH6119) just northeast of Valley Center lost its water and fish, and Dever Spring (located a mile and a half to the southwest), then ran muddy for a week (J. Brock, pers. comm. to R.A. Lambert, December 2004). As a

SA12-2

A discussion of beheading of karst and underground streams is provided in section 4.1.2.

Z-328

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA12 – Virginia Department of Conservation and Recreation (cont'd)

20170406-5751 FERC PDF (Unofficial) 4/6/2017 4:44:02 PM

SA12-2  
(cont'd)

result, the Virginia Department of Conservation and Recreation Natural Heritage Program (DCR-DNII) conducted multiple dye traces in the Valley Center/Mill Gap areas in an attempt to delineate the Dever Spring recharge area. The positive traces indicate flow that would cross the proposed ACP route 11b (Fig.2). Moreover, the karst assessment survey conducted by GeoConcepts Engineering, Inc. (FERC Accession Number 20170224-5149) indicates a greater concentration of karst depressions and caves than previously known (Fig. 3), many of which are directly intersected by the proposed ACP route version 11b (Fig. 4).

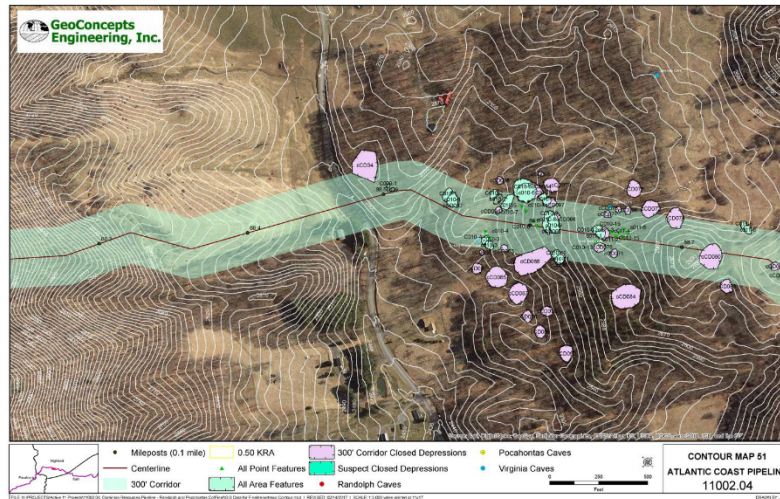


Figure 3: Map of the Valley Center area showing the proposed ACP route version 11b directly intersecting a high concentration of karst features (closed depressions, caves, etc.) within the recharge area of Dever Spring (the spring is not shown on the map—see Figure 4).

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA12 – Virginia Department of Conservation and Recreation (cont'd)

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SA12-2  
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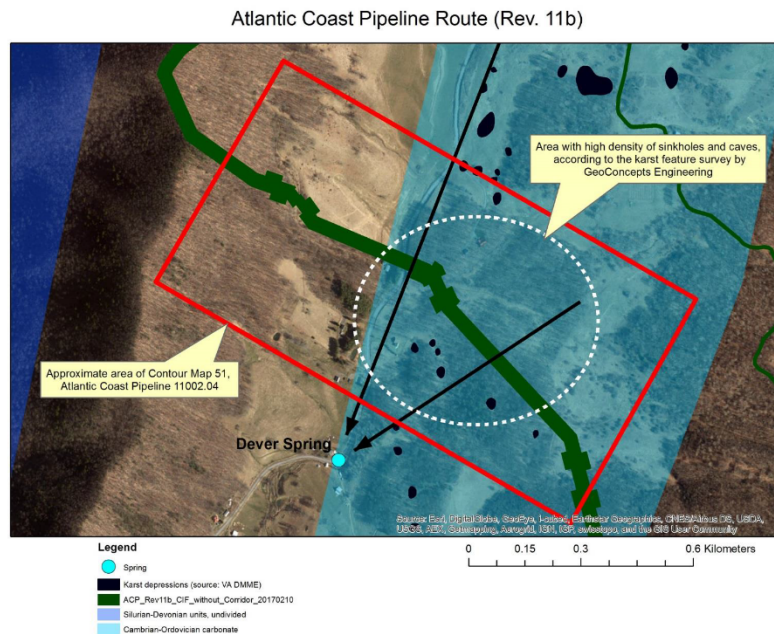


Figure 4: Map showing the dye trace vectors crossing the proposed ACP route 11b within the zone of high concentration of karst features documented by GeoConcepts Engineering, Inc. The area within the red box is the region shown on the map in Figure 3 that illustrates the high concentration of karst features located within the dashed circle.

Unfortunately, dye traces by DCR-DNII were curtailed before the resurgences of all the known sinking points within the suspected recharge area for Dever Spring were definitively determined. Nonetheless, knowing that the water from the Smith Fish Pond went south to Dever Spring, and that a later dye trace confirmed flow to south across the proposed ACP route version 11b (see Fig. 2), we infer that pipeline construction may adversely impact Dever Spring. Trenching a few hundred feet north of Dever Spring within a zone of high karst feature density will potentially result in underground passageways carrying water and sediment recharged from the surface karst features to the spring. Disturbance of karst features through this area should be avoided.

We strongly recommend more stringent watershed basin delineation and water quality monitoring within the within all karst areas crossed by the ACP. Such delineations and monitoring should include a detailed and comprehensive inventory of all karst features (including caves, closed depressions, sinkholes, solutionally-enhanced fracture traces, and springs) within a zone of influence of surface runoff within and extending beyond the primary (150 ft) and secondary (1/4 mile) buffers of the ACP route. Special consideration is warranted of the drainage areas across and along the corridors of the access roads and the proposed pipeline route. The zone of

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA12 – Virginia Department of Conservation and Recreation (cont'd)

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SA12-2  
(cont'd)

influence of surface runoff should be determined via a standard surface watershed delineation procedure. This would specifically be one that utilizes high-resolution (1 m or less horizontal resolution, 10 cm or less vertical resolution) topographic information obtained via LiDAR (light detection and ranging) surveys, and which would extend from areas of highest topographic relief to outlets of channelized runoff, and which especially would be considering focused perennial and ephemeral stream flows. Such watershed delineation must include a determination of karst features (swallets) that actively take surface runoff and route it into underground pathways. These features must be subject to a greater degree of investigation so as to unequivocally determine where the subsurface flow goes. This determination should be made using tracer tests that employ non-toxic dyes (dye-tracing) that can be easily detected at low concentration at monitoring points.

We wish to emphasize that such detailed hydrological assessments in karst terrains crossed by the ACP are necessary to serve three critically important purposes: 1) avoidance of (and thus protection of) sensitive cave and karst resources, and 2) prevention of costly mitigation measures to the ACP resulting from deleterious impacts, and/or 3) the ability to mount a rapid response to mitigate against any future unintentional releases of sediment or contaminants along the ACP route.

An informative and valuable example of how such knowledge of surface and subsurface flow pathways could and probably would have prevented degradation of an important karst resource occurred in July of 2016, when a fuel spill at a recent natural gas pipeline construction project in Giles County, Virginia may have contaminated the public drinking water supply of Peterstown, West Virginia ([http://www.roanoke.com/business/pipeline-opponents-cite-contamination-of-drinking-water-supply-as-cautionary/article\\_1172b929-8960-54a6-abdc-1784023dd5b9.html](http://www.roanoke.com/business/pipeline-opponents-cite-contamination-of-drinking-water-supply-as-cautionary/article_1172b929-8960-54a6-abdc-1784023dd5b9.html)). Had Columbia Gas of Virginia performed proactive hydrological studies such as those that we are recommending herein for the ACP project, there would have been prior knowledge as to where the spill potentially could go, and such knowledge could have made it possible for Columbia Gas of Virginia to inform the water system operator immediately as to the impending presence of spilled fuel, thereby providing the water system operator with critical time to decide how best to mitigate the problem. In addition, more detailed knowledge of flow pathways would have made it possible for private well owners along the delineated groundwater basin to have been notified immediately after the spill occurrence.

SA12-3

In addition, we find that provisions made in the draft EIS for water quality monitoring are insufficient. The karst assessment plan prescribes a buffer of only 500 ft of the pipeline work areas for wells and water supply springs; such a buffer distance is inadequate and quite arbitrary, especially in a karst region where groundwater can travel at velocities that in some instances are measured in miles per day. As cited above, the fuel spill incident along a pipeline route may have impacted a spring used for the Peterstown, West Virginia public water supply, and that spring is located about 2000 ft (straight line distance) from the pipeline corridor. Distances of this type are not at all uncommon in karst regions, which are typically characterized by subsurface drainage divides that do not match surface drainage divides. We concur with DCR-DNH recommendation that dye tracing studies should be performed wherever both 1) the ACP crosses karst terrain AND 2) prior dye tracing information does not exist or is insufficient. We also recommend expanding the current 500' assessment buffer for wells and water supply springs to monitor water sources for dye recovery within karst drainage basins that could potentially be impacted by a spill or sediment release in the construction work zones, regardless of distance from the work area.

SA12-4

We also recommend that the following specific measures be taken along the ACP route:

- Water quality monitoring in all karst areas, and this monitoring should include all springs and wells within topographically-delineated catchments crossed by the pipeline right of way that drain surface runoff to active or ephemeral channels, and to closed depressions (swallets);
- Dye-tracing should be employed to delineate boundaries of groundwater drainage basins that gain recharge from within those catchments of surface runoff as outlined above, including the drainage divide boundaries that delineate storm-flow (high water) overflow routes, which are commonly quite different than fair-weather low-flow routes;

SA12-3

Comment noted. See the responses to comments SA8-144 and SA8-174.

SA12-4

The water use and quality portion of section 4.3.1.7 has been revised to incorporate this and similar comments.



# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA12 – Virginia Department of Conservation and Recreation (cont'd)

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(cont'd)

- Water quality monitoring at springs affected by the catchments of surface runoff areas outlined above should include continuous measurements of turbidity, temperature, dissolved oxygen, and specific electrical conductance using datalogging sensors, in order to adequately assess the rapid changes that can occur in karst regions due to land disturbance.

### References

Davis, Nevin W. 2015. Hydrogeology of Burnsville Cove. In: *The Caves of Burnsville Cove, Virginia* (pages 335-352). William B. White editor, published by Springer International Publishing AG Switzerland, 479 pages.

Holsinger, John R.; Culver, David C.; Hubbard, David A. Jr.; Orndorff, William D.; Hobson, Christopher S. 2013. The Invertebrate Cave Fauna of Virginia. *Banisteria*, Number 42, pages 9-56, Virginia Natural History Society.

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White, William B. 2015. Burnsville Cove, in *The Caves of the Burnsville Cove, Virginia*, William B. White editor, published by Springer International Publishing AG Switzerland, 479 pages.

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA13 – Virginia Department of Historic Resources

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### COMMONWEALTH of VIRGINIA

Molly Joseph Ward  
Secretary of Natural Resources

Department of Historic Resources  
2801 Kensington Avenue, Richmond, Virginia 23221

Jolie V. Langan  
Director

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April 5, 2017

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: Atlantic Coast Pipeline and Supply Header Project – Draft Environmental Impact Statement  
FERC Docket Nos. CP15-554-000, CP15-554-001, and CP15-555  
DHR File No. 2014-0710

Dear Secretary Bose:

The Department of Historic Resources (DHR), which serves as the Virginia State Historic Preservation Office (SHPO), has received the Draft Environmental Impact Statement (DEIS) prepared in support of the application by Atlantic Coast Pipeline, LLC (ACP) and Dominion Transmission, Inc. (DTI) to construct and operate interstate natural gas facilities in West Virginia, Virginia, and North Carolina. DHR provides the following comments as assistance to the Federal Energy Regulatory Commission (FERC) in meeting its responsibilities pursuant to the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA).

#### Consulting Parties

Under Section 106 of the NHPA, FERC has a responsibility to identify and meaningfully engage with consulting parties, including representatives of local governments (36 CFR 800.2(c)(3)) and “individuals and organizations with a demonstrated interest in the undertaking...due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking’s effects on historic properties” (36 CFR 800.2(c)(5)), throughout the compliance process. We understand that FERC has denied numerous requests from stakeholder groups to participate in the Section 106 process as consulting parties stating that existing procedures allow for comments on cultural resources without granting consulting party status (DEIS, Section 4.10.3). DHR has concerns about this approach and questions whether the public comment process within NEPA sufficiently satisfies FERC’s responsibilities under Section 106. Specifically, FERC has denied access by potential consulting parties to the cultural resource studies that pertain directly to the resources of concern to those parties. Although we recognize the potential sensitivity of these studies and thank FERC for its careful handling of these reports, DHR has voluntarily offered to provide the studies to potential consulting parties so that they may be fully informed on FERC’s efforts to identify historic properties. It is our opinion that FERC should reconsider its decisions regarding the

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SA13-1

See revised section 4.10.3. Numerous organizations and individuals requested consulting party status for the project. After consideration of the regulations, we invited the Nelson County Board of Supervisors to be a consulting party. We asked Atlantic and DETI to assist interested parties with contacting the respective SHPOs and arranging to view survey reports and other privileged documents after signing a confidentiality agreement.

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SA13-1

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA13 – Virginia Department of Historic Resources (cont'd)

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SA13-1 | inclusion of consulting parties so that the Section 106 process may proceed with the benefit of input from those who best understand the affected historic properties.

SA13-2 | It should be noted that FERC's tribal consultation does not include the Pamunkey Indian Tribe, who gained Federal recognition in 2016. FERC should consider whether consultation with the Pamunkey Indian Tribe is appropriate and update the DEIS accordingly.

### Identification of Historic Properties

SA13-3 | As correctly stated in the DEIS, the identification of historic properties has not been fully completed by ACP/DIT nor has DHR provided comments on all of the cultural resource surveys submitted for our review. DHR has met with ACP/DIT and their consultants regarding the ongoing efforts to identify historic properties and have recommended that ACP/DIT prepare and maintain throughout continued consultation a master list of all potentially affected historic properties or those that we have agreed to treat as eligible for listing in the National Register of Historic Places (NRHP) for the purposes of review.

The project will cross at least three (3) NRHP-listed or -eligible historic districts in Virginia, including the Warminster Rural Historic District (DHR ID # 062-5160), South Rockfish Valley Rural Historic District (DHR ID #062-5119), and Sunray Agricultural Historic District (DHR ID #131-5325). Historic property identification for these districts should include the districts themselves and all contributing resources within the Area of Potential Effects. Additional historic districts may be identified through the efforts of private property owners along the project path and we will keep FERC and ACP/DIT informed of any developments in this regard.

In addition, the project crosses five Civil War battlefields in Virginia. Identification of historic properties within these battlefields should include systematic metal detection to identify any contributing archaeological resources within the limits of disturbance.

A recent project reroute takes the pipeline into Bath County. We understand that survey in Bath County is ongoing; however, we must note that DHR's State Review Board in December 2016 determined The Wilderness (DHR ID #008-0011), an historic farmstead, to be NRHP eligible and the NRHP nomination is currently under review by DHR staff. The pipeline, as planned, crosses a significant portion of the property and impacts to this resource should be assessed and minimized or otherwise mitigated.

### Effects to Historic Properties

SA13-4 | In the DEIS, FERC acknowledges the potential for adverse effects to historic properties. FERC appropriately recognizes that the analysis of effects to identified historic properties has yet to be completed and consultation is ongoing. DHR has met with ACP/DIT and their consultants to discuss our expectations and methodology for assessing direct and indirect/visual effects to historic properties within the APE. We have recommended a phased approach that would introduce a progressively robust analysis that may exclude certain properties from further consideration based on topography and vegetative cover. On Page 4-419 of the DEIS, it is correctly stated that DHR has not provided comments on effects to the NRHP-eligible Yogaville Historic District (DHR ID #014-5067); however, we must emphasize that analysis of the impacts to Yogaville has not been completed and DHR has rendered no opinion on effects to this resource.

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SA13-2 We have consulted with the Pamunkey Tribe (see revised section 4.10.4).

SA13-3 We acknowledge that cultural sites, historic districts, battlefields, and cemeteries are present in the project APE. The section 106 process to identify, evaluate, assess, and mitigate adverse effects is ongoing. See section 4.10.1 of the EIS.

SA13-4 Section 4.10.1.1 has been revised to address this issue.

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA13 – Virginia Department of Historic Resources (cont'd)

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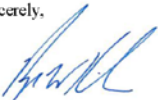
SA13-5 For each of the identified districts, their rural or agricultural settings are critical to the historic significance of the resources. The integral relationship between the historic built environment and its natural setting creates a cultural landscape that is greater than the sum of its parts. To assess impacts to these districts, FERC should consider effects to contributing resources and significant observation points within the districts that reflect the historic landscape and how residents and visitors experience that landscape. Impacts to the identified battlefield landscapes should be handled with a similar approach and should consider concepts of military terrain analysis, such as KOCO.A.

SA13-6 We understand that the Blue Ridge Parkway and Appalachian Trail, both of which are considered historic properties by our office, will be avoided through Horizontal Directional Drilling (HDD). Certain archaeological properties, especially those along waterways, may also be avoided through HDD. While DHR agrees that HDD can minimize impacts to resources and supports this approach to avoidance, we request that when utilized to avoid historic properties, the site-specific contingency plans include provisions to address the potential adverse effects in the event of drill failure.

SA13-7 Finally, it is our understanding the ACP/DTI intend to formalize any necessary mitigation in a Memorandum of Agreement among FERC, its applicant, and DHR. We encourage FERC to consider an agreement that reflects consultation with affected historic property owners on ways to minimize and/or mitigate all identified and potential adverse effects, including those from HDD failure.

We will continue to work with your applicant on the necessary studies and provide comments when available. Should you have any questions concerning these comments or our review of this project, please do not hesitate to contact me at [roger.kirchen@dhr.virginia.gov](mailto:roger.kirchen@dhr.virginia.gov).

Sincerely,



Roger W. Kirchen, Director  
Review and Compliance Division

c. Mr. John Eddins, ACHP

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SA13-5 Comments regarding assessment of effects to historic districts in Virginia are noted.

SA13-6 See section 2.3.3.2 regarding use of HDD and contingency plans; also see section 4.10.6 regarding temporary adverse effects to the ANST and BRP.

SA13-7 Comment noted.

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA14 – North Carolina Wildlife Resources Commission



### North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

#### MEMORANDUM

**TO:** Nathaniel J. Davis, Sr.  
Deputy Secretary  
Federal Energy Regulatory Commission

**FROM:** Gabriela Garrison  
Eastern Piedmont Coordinator  
Habitat Conservation *Gabriela Garrison*

**DATE:** April 6, 2017

**SUBJECT:** Comments on the Draft Environmental Impact Statement for the Atlantic Coast Pipeline and Supply Header Project

Biologists from the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the Draft Environmental Impact Statement (DEIS) for the Atlantic Coast Pipeline (ACP) and Supply Header Project (SHP). The NCWRC has been involved in the ACP project since Fall 2014. Our comments are limited to the ACP because the SHP does not occur in North Carolina. Comments are provided in accordance with certain provisions of the Clean Water Act of 1977 (33 U.S.C. 1251-1387) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

Atlantic Coast Pipeline, LLC (Atlantic) is a joint venture of Dominion Transmission, Inc., Duke Energy Corporation, Piedmont Natural Gas and Southern Gas Company. The ACP project would deliver up to 1.5 billion cubic feet per day of natural gas from supply areas in West Virginia to customers in Virginia and North Carolina. Approximately 198 miles of the ACP will cross Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland and Robeson counties and traverse parts of the Chowan, Roanoke, Tar, Neuse, Cape Fear and Lumber River basins. Combined, the ACP and SHP would disturb 12,030 acres of land; 5,976 acres would be permanently maintained after construction for operation and maintenance. Combined, the ACP and SHP would affect 786 acres of wetlands during construction; 248 acres of these wetlands would be affected by operations (located within permanent right-of-ways (ROW)). The DEIS for this project was issued December 30, 2016; comments are due April 6, 2017.

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA14 – North Carolina Wildlife Resources Commission (cont'd)

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NCWRC COMMENTS APRIL 6, 2017

DEIS FOR ATLANTIC COAST PIPELINE

The NCWRC offers the following specific comments on the DEIS:

- |        |   |
|--------|---|
| SA14-1 | 1. ES-3. Paragraph 3. Project Impacts and Mitigation. “Reasonably foreseeable actions in the project area” should include the expected secondary and cumulative impacts from new networks of pipelines built to distribute natural gas provided by the ACP to customers.  |
| SA14-2 | 2. ES-9. Paragraph 1. As of December 2016, the Neuse River was planned to be crossed by open cut. An Updated Master Waterbody Crossing Table has the Neuse River being crossed using a cofferdam. The NCWRC agrees that a cofferdam crossing is better than an open cut for the Neuse River and expects impacts to be reduced with this updated crossing method. However, this is one of many instances where information continues to be updated after the DEIS was issued; this makes the DEIS obsolete in some areas.  |
| SA14-3 | 3. ES-11. Paragraph 2. In accordance with other agency responses, the NCWRC is concerned about the direct and indirect impacts of fragmentation resulting from the proposed ACP. North Carolina provides migratory corridors as well as breeding habitat for hundreds of species of birds. The loss of habitat and increased fragmentation will result in edge effect, which will intensify predation, reduce productivity, allow for the spread of invasive species and displace already imperiled species. The NCWRC agrees that more information is needed regarding fragmentation analysis, effects of forest edge creation on wildlife and measures to avoid, minimize and mitigate impacts to interior forest habitat. The Habitat Equivalency Analysis (HEA) is a well-known tool for determining habitat loss and mitigation. |
| SA14-4 | 4. ES-13. Paragraph 1. Cumulative Impacts. The DEIS does not adequately address the cumulative impacts that will occur as a result of the ACP. The DEIS does not consider the impacts associated with constructing new pipelines for distributing natural gas to residential customers once the ACP is complete.  |
| SA14-5 | 5. Page 1-2. Project Purpose and Need. The second stated purpose of the project is to provide natural gas for “direct residential...use.” We suggest elaborating on this point to explain what percent of natural gas will be available for direct residential use and what, if any, additional infrastructure is needed to provide direct residential use. Additional infrastructure should be included in discussions regarding the cumulative impacts of the project. If the infrastructure to distribute 9.1 % of the natural gas supplied by the ACP is already in place, it should be stated as such.   |
| SA14-6 | 6. Page 1-29. Table 1.4-1. North Carolina Wildlife Commission should be North Carolina Wildlife <i>Resources</i> Commission.  |
| SA14-7 | 7. Page 2-29. Ap-2 Mainline. The NCWRC recommends modifications to the staging area locations to prevent impacts to wetlands and wetland buffers for the Little River and Cape Fear River horizontal directional drill (HDD) crossings.   |

SA14-1 The EIS was prepared in accordance with NEPA, CEQ guidelines, and other applicable requirements. The EIS includes sufficient detail to enable the reader to understand and consider the issues raised by the proposed project and addresses a reasonable range of alternatives. The EIS is consistent with FERC style, formatting, and policy regarding NEPA evaluation of alternatives and different types of impacts, including cumulative impacts. Duration and significance of impacts are discussed throughout the various EIS resource sections. The EIS is comprehensive and thorough in its identification and evaluation of feasible mitigation measures to reduce those effects whenever possible.

SA14-2 Comment noted.

SA14-3 Interior forest habitat is not generally protected as a sensitive resource in the ACP or SHP project areas, although there may be specific interior vegetation community types that are protected as described in section 4.4. HEAs are a means to determine the amount of compensatory restoration required to provide services that are equivalent to the interim loss of natural resource services following an injury. HEAs are used by the FWS as one of many conservation measures that may be used to mitigate impacts to migratory birds and threatened and endangered species; it is important to note that HEAs are a voluntary measure. Although we agree that compensatory mitigation is one way to offset the impacts resulting from forest loss and fragmentation, there are other measures described in sections 4.4.6 and 4.5.6 that would reduce fragmentation and edge effects. Atlantic is required to obtain the necessary permits and authorizations required to construct and operate the project. As such, to the extent the state has regulatory authority and permitting jurisdiction for these features, Atlantic would consult with the NCWRC. The NCWRC would have the opportunity to review Atlantic’s proposed crossings during the permitting process and, if necessary, identify additional mitigation measures beyond those proposed.

SA14-4 See the response to comment SA14-1.

SA14-5 The Commissioners at FERC ultimately have the authority to evaluate the merits of a project’s objective and either approve the proposal, with or without modification or conditions, or decide to not approve the project. Should the Commission decide that a project is not in the public convenience and necessity, it would deny the project (in effect, selecting the No Action Alternative) versus designing or recommending a new project with different objectives.

A project’s need is established by the FERC when it determines whether a project is required by the public convenience and necessity. The FERC’s Certificate Policy Statement provides guidance as to how the Commission evaluates proposals for new construction, and establishes criteria for determining whether there is a need for a proposed project and whether it would serve the public interest. The Certificate Policy Statement explains that in deciding whether to authorize the construction of major new pipeline facilities, the Commission balances the anticipated public benefits against the potential adverse consequences. The Commission’s goal is to give

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA14 – North Carolina Wildlife Resources Commission (cont'd)

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NCWRC COMMENTS APRIL 6, 2017

DEIS FOR ATLANTIC COAST PIPELINE

- SA14-8 | 8. Page 2-53. Paragraph 2. The NCWRC recommends a time-of-year restriction (TOYR) for ROW maintenance from April 1 to October 1. This will reduce impacts to nesting wildlife, including reptiles, amphibians and ground-nesting birds.
- SA14-9 | 9. Page 3-44. Paragraph 1. The last statement in the first paragraph misconstrues the NCWRC’s previous comments about Cypress Creek crossings. In our comment letter dated 28 April 2015, we suggested moving the pipeline north so that it would not cross Cypress Creek in three locations. A more northern route could possibly reduce the number of crossings from three to one. The state-significantly rare, banded sunfish, is found in Cypress Creek. We generally encourage collocating utility lines whenever possible, but other factors must also be considered when determining which alternative will have the fewest environmental impacts.
- SA14-10 | 10. Page 3-51. The route of the ACP was also adjusted to avoid crossing Buffalo Creek and traversing the Buffalo Creek floodplain. The route was shifted downstream on the Little River to below the confluence with Buffalo Creek.
- SA14-11 | 11. Page 4-29. 4.1.4.3 Flash Flooding. The NCWRC recommends placing infrastructure outside of 100-year floodplains and avoiding modifications within the 100-year floodplain. The Fayetteville and Pembroke M&R stations and Valve site 21 are within the 100-year floodplain. When planning construction activities in floodplains, Atlantic should consider seasonal hydrologic trends and weather events to avoid activity during periods when floodplains are inundated and/or soils are saturated. Construction in flooded areas could exacerbate impacts to riparian zones as well as increase turbidity and sediment transport downstream.
- SA14-12 | 12. Page 4-91. Contractor Yards. Elsewhere in the document there is a 50-foot setback of additional temporary workspace from waterbodies or wetlands; “a 5-foot buffer around each waterbody” appears to be an error.
- SA14-13 | 13. Page 4-100. Erosion and Sediment Control. The NCWRC recommends more stringent measures to control sedimentation and erosion in watersheds that drain to waterbodies with sensitive species. Such measures include installing sediment control fencing and stabilizing unvegetated fill. Unvegetated fill should be stabilized at the end of each work day with an acceptable erosion control cloth, blanket or matting until the fill is ready to be permanently stabilized. In addition, no grubbing should occur with 50 feet of surface waters with sensitive species outside of the growing season (TOYR from November 15 – April 1) to protect mussels from sedimentation impacts.
- In addition, the use of biodegradable and wildlife-friendly sediment and erosion control devices is strongly recommended. Silt fencing, fiber rolls and/or other products should have loose-weave netting that is made of natural fiber materials with movable joints between the vertical and horizontal twines. Silt fencing or similar materials that have been reinforced with plastic or metal mesh should be avoided as they impede the movement of terrestrial wildlife species. Numerous studies have

- SA14-5 (cont'd) | appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant’s responsibility for unsubscribed capacity, avoiding the unnecessary exercise of eminent domain, and disruptions of the environment.
- SA14-6 | Table 1.4-1 has been revised to reflect the requested correction.
- SA14-7 | Comment noted.
- SA14-8 | Comment noted. Atlantic and DETI would adhere to state-specific TOYRs for migratory birds as described in section 4.5.3.
- SA14-9 | Section 3.3.13 has been revised to remove reference to the NCWRC.
- SA14-10 | Comment noted.
- SA14-11 | Recommendation noted. State agencies would have the opportunity to review Atlantic’s proposed facilities during their permitting processes, and, if necessary, identify additional mitigation measures beyond those currently proposed.
- SA14-12 | A contractor yard is not considered an additional temporary workspace and does not have the same workspace setbacks as the pipeline right-of-way. A 5-foot buffer around waterbodies at contractor yards is acceptable to FERC.
- SA14-13 | Atlantic has committed to additional conservation measures at ESA sensitive waterbodies as described in section 4.7.1 and appendix K.

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA14 – North Carolina Wildlife Resources Commission (cont'd)

NCWRC COMMENTS APRIL 6, 2017

DEIS FOR ATLANTIC COAST PIPELINE

shown the likelihood of many species, in particular bird, amphibian and reptilian species, to become entrapped in these devices and ultimately perish because of their inability to escape.

SA14-14

14. Page 4-102. Paragraph 1. The NCWRC received the Updated Master Waterbody Crossing Table for the ACP on 23 March 2017. The Updated Master Waterbody Crossing Table has the Neuse River being crossed using a cofferdam. Other streams that were planned to be crossed with a dam and pump or flume are now planned to be crossed using the open cut method. Such updates while the document is out for review make it difficult to accurately review the DEIS. Based on the Updated Master Waterbody Crossing Table, in North Carolina, there are 3 canal/ditch crossings that will be dam and pump or flume and 32 ephemeral channel crossings that are planned to be done with dam and pump or flume. In contrast, there are 11 intermittent streams and 39 perennial streams that will be crossed with open cut. It seems counterintuitive that ephemeral channels which rarely contain water will be crossed in the dry (dam and flume or pump) while intermittent and perennial streams that are likely to contain water will be impacted by wet construction (open cut). More discussion is needed to explain the rationale for using various crossing techniques. Furthermore, this updated water crossing table needs to be available to all DEIS reviewers so that comments can be as pertinent and up to date as possible.

- According to Rev. 11a of the ACP route, the ACP will cross Mingo Swamp in Sampson County, South River (referred to as Black River in the DEIS) in Cumberland County, and Big Marsh Swamp, Tenmile Swamp and Saddletree Swamp in Robeson County. While the Updated Master Waterbody Crossing Table lists crossings for several unnamed tributaries to the waterbodies, the waterbodies themselves do not appear in the updated crossing table. The crossing method for these waterbodies is needed to provide appropriate comments on the DEIS. Atlantic should verify that all other waterbodies that will be crossed by the ACP are listed in the waterbody crossing table.
- Many streams that NCWRC identified in the *North Carolina Revised Fish and Other Aquatic Taxa Collection and Relocation Protocol for Instream Construction Activities* report for Tier 2 aquatics removal are planned to be crossed by open cut according to the Updated Master Waterbody Crossing Table. According to the waterbodies crossed table in Appendix K, these streams will be crossed by dam and flume or pump. More information needs to be provided to explain why these streams will now be crossed by open cut. Open cut crossings are expected to increase sediment transport and turbidity downstream of the construction area. Additional conservation measures should be implemented in streams with sensitive resources to minimize impacts associated with open cut crossings.

SA14-15

15. Page 4-103. Table 4.2.3-7. The risk of hydrofracture needs to be known before determining if HDD is the most appropriate crossing technique for Contentnea Creek.

SA14-14 The waterbody crossing table has been revised based on route revisions, refined engineering, and recommendations from agencies. Section 4.3.2.6 has been updated to clarify the need for open-cut crossings.

SA14-15 We concur.

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA14 – North Carolina Wildlife Resources Commission (cont'd)

NCWRC COMMENTS APRIL 6, 2017

DEIS FOR ATLANTIC COAST PIPELINE

- SA14-16 | 16. Page 4-103. Bullet 2. In addition to notifying agencies with regulatory jurisdiction, the NCWRC would also like to be notified if drilling mud is released into a waterbody.
- SA14-17 | 17. Page 4-105. Floodplains. The DEIS states that graveled lots and areas that are vegetated have similar rates of rainwater infiltration. Areas that are vegetated are not defined, but this statement is misleading. Graveled lots and forests do not have similar rates of infiltration; construction infrastructure in floodplains will affect floodplain function.
- SA14-18 | 18. Page 4-106. Last paragraph of Blasting section. According to the Updated Master Waterbody Crossing Table, in-stream blasting and blasting within 1,000 feet of a waterbody is a potential for crossings in Northampton and Halifax counties in NC. According to the DEIS, blasting would occur primarily at dry crossings after the area has been isolated from stream flow. In Northampton and Halifax counties, there are 13 open cut crossings with potential blasting. The DEIS needs to explain how blasting will be conducted at open cut stream crossings. The NCWRC recommends that blasting be conducted in the dry. If blasting is required at an open cut crossing, the crossing method should be changed to dam and flume or pump to allow for blasting. This would also allow for collection and relocation of sessile aquatic organisms, such as freshwater mussels, crayfish, and some fish species that do not flee from scare charges or banging.
- SA14-19 | 19. Page 4-107. More details are needed in this section regarding water sources, pump rates, measures to treat discharged water, etc. In addition, if municipal water sources will be the sole sources of water, the DEIS needs to reflect this and include details of how this water will be transported and discharged. If municipal water has any additives such as chlorine or chloramine or if an algicide is added to the water, it should not be released into surface waters unless it is safe for sensitive species including amphibians and aquatic invertebrates.
- SA14-20 | 20. Page 4-123. We suggest adding "Plant" to the title Aquatic Invasive Species because this section only pertains to aquatic plants, not other aquatic invasive taxa.
- SA14-21 | 21. Page 4-128. The first sentence of 4.4.1.3 North Carolina refers to VA and WV. This appears to be in error.
- SA14-22 | 22. Page 4-129. Paragraph 1 and elsewhere. The DEIS references the 2005 NC Wildlife Action Plan (WAP). The 2015 WAP has been published and should be referenced instead. It is available at <http://www.ncwildlife.org/Plan>
- SA14-23 | 23. Page 4-138. Paragraph 2. The term "restoration" is confusing as it is used here. Restoration typically implies a return to a previous condition. This paragraph should be reworded to improve clarity and accuracy.

- SA14-16 | Comment noted.
- SA14-17 | Section 4.3.2.6 has been revised to address this comment.
- SA14-18 | Most of these crossings are waterbody/wetland complexes and do not have a defined bed or bank, making a dry-ditch crossing method infeasible.
- SA14-19 | Water withdrawal permits have not been issued; therefore, these details are not available. Water would be discharged to upland locations and would not reach receiving waters unless specifically authorized and conditioned in state permits.
- SA14-20 | Section 4.3.3.5 has been revised to address this comment.
- SA14-21 | The referenced text has been revised.
- SA14-22 | The referenced text has been revised.
- SA14-23 | The referenced text has been revised.

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA14 – North Carolina Wildlife Resources Commission (cont'd)

NCWRC COMMENTS APRIL 6, 2017

DEIS FOR ATLANTIC COAST PIPELINE

- SA14-24 | 24. Page 4-158. 4.5.3.2. Bird Conservation Regions and Birds of Conservation Concern. This section references the Migratory Bird Plan. The most current version of the Migratory Bird Plan that we have seen is the updated Rev. 3 version dated Jan. 27, 2017. The following species should be added for NC: American oystercatcher, Bewick's wren, black skimmer, black-throated green warbler, golden-winged warbler, gull-billed tern, least tern, lesser yellowlegs, Louisiana waterthrush, northern saw-whet owl, olive-sided flycatcher, pied-billed grebe, red-headed woodpecker, short-billed dowitcher (should have "a" since it does not breed in NC), snowy egret, whimbrel (should have "a" since it does not breed in NC), willow flycatcher, black-billed cuckoo, blue-winged warbler, Canada warbler and yellow-bellied sapsucker.
- SA14-25 | 25. Page 4-160. Table 4.5.3.2. For North Carolina, the same text regarding migratory birds, "avoid clearing vegetation..." should be added for migratory birds. In addition, the TOYR for migratory birds in NC of April 1 – August 31 should be added.
- SA14-26 | 26. Page 4-161. Paragraph 2 and first bullet. Table 2 in the report titled "Survey Report for Red-cockaded Woodpeckers in North Carolina and Virginia and Bald Eagles and Rookeries in North Carolina Updated" dated April 2016 shows that there are 10 rookeries in NC within 0.5 miles of the rev. 10 study corridor: WBC1, -2, -4, -5, -7, -9, -11, -12, -13, and -15. Two of these are located within the 500 foot vegetated buffer. WBC9 near milepost 107 in Johnston County is only 185' from the study corridor; this rookery was omitted from the DEIS. WBC1 near milepost 32 in Halifax County is 415' from the study corridor. To minimize impacts to rookeries, construction activities should not occur from 15 February to 31 July. Construction activity within 500 feet of the rookeries is likely to adversely impact breeding success. The Final Migratory Bird Plan should include conservation measures to minimize impacts to active rookeries.
- SA14-27 | 27. Page 4-161. Next to last paragraph. The Habitat Equivalency Analysis is a vetted and broadly utilized method for analyzing habitat loss and replacement. The NCWRC anticipates continued dialogue with Atlantic regarding habitat mitigation in North Carolina and the HEA.
- SA14-28 | 28. Page 4-163. Last paragraph. The NCWRC is concerned that some priority reptile and amphibian species (identified as Species of Greatest Conservation Need (SGCN) in the NC WAP) may fall into open trenches. Such species include but are not limited to: pine barrens treefrog (federal species of concern (FSC), state-threatened (ST)), eastern tiger salamander (ST), southern hognose snake (FSC, state-special concern) and eastern coachwhip. More information is needed regarding measures to prevent herps from falling into trenches and to ensure they do not remain in trenches.
- SA14-29 | 29. Page 4-164. Paragraph 3. The percentages of access road types add up to 108%. This should be reworded or recalculated.

- SA14-24 | The referenced text has been revised.
- SA14-25 | The referenced text has been revised.
- SA14-26 | Comment noted. Atlantic is currently consulting with the NCWRC regarding potential conservation measures for these rookeries. We have included a recommendation in section 4.5.3 that Atlantic file a revised Migratory Bird Plan that incorporates these conservation measures prior to construction.
- SA14-27 | Comment noted.
- SA14-28 | As discussed in section 4.5.5, Atlantic's and DETI's EIs would inspect the open trench daily, prior to construction, to identify and relocate animals (or livestock) that may have fallen into the trench. Atlantic and DETI would also place gaps in the temporary trench spoil piles and pipe stringing areas to allow wildlife movement through the construction corridor. Atlantic is required to obtain the necessary permits and authorizations required to construct and operate the project. As such, to the extent the state has regulatory authority and permitting jurisdiction for these features, Atlantic would consult with the NCWRC. The NCWRC would have the opportunity to review Atlantic's proposed crossings during the permitting process and, if necessary, identify additional mitigation measures beyond those proposed.
- SA14-29 | The referenced text has been revised.

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA14 – North Carolina Wildlife Resources Commission (cont'd)

NCWRC COMMENTS APRIL 6, 2017

DEIS FOR ATLANTIC COAST PIPELINE

- SA14-30 | 30. Page 4-171. The list of representative warmwater fish for NC leaves off a lot of species typically found in streams that will be crossed by the ACP. While several species could be added to improve the list, deleting pigfish, a marine species, will suffice.
- SA14-31 | 31. Page 4-172. Table 4.6.1-2. For NC, add a TOYR to protect mussels from sedimentation impacts. No grubbing within 50 feet of surface waters with sensitive species outside of the growing season (TOYR from November 15 – April 1). The TOYR for in-water work within Primary Nursery Areas (PNA) in inland fishing waters is February 15 to September 30. The Anadromous Fish Spawning Area moratorium is February 15 to June 30. The sturgeon moratorium is February 1 to June 30.
- SA14-32 | 32. Page 4-175. Paragraph 1 of 4.6.1.3. North Carolina. The NCWRC has designated PNAs in inland fishing waters. Waterbodies crossed by the ACP that are designated as PNAs in inland fishing waters are the Roanoke River, Neuse River and Cape Fear River. The Tar River is also a designated PNA in inland waters but the designation starts at the Rocky Mount Mills Dam. The ACP will cross the Tar River upstream of this location.
- SA14-33 | 33. Page 4-181. Paragraph 1 of Anadromous Fish Spawning Areas. Add blueback herring to the list of anadromous fish.
- SA14-34 | 34. Page 4-181. Paragraph 3 of Anadromous Fish Spawning Areas and continuing on page 4-182. Some of these waterbodies listed do not support anadromous fish at the ACP crossing location due to migration barriers downstream. While the Tar River supports anadromous fish, the ACP will cross the Tar River upstream of Rocky Mount Mills Dam and Tar River Reservoir; these impoundments prevent upstream migration of anadromous fish. Likewise, the ACP will cross Contentnea Creek upstream of Wiggins Mill Reservoir in Wilson, Wilson County; this impoundment prevents upstream migration of anadromous fish. At the ACP crossing location, the waterbody referred to as the Black River is the South River.
- SA14-35 | 35. Page 4-182. Paragraph 2. The TOYR for in-water work for PNAs in inland fishing waters would apply to the Roanoke, Neuse and Cape Fear Rivers. This TOYR is February 15 to Sept. 30. This would be extended to February 1 to September 30 for the Roanoke and Neuse Rivers because the sturgeon moratorium would also apply.
- SA14-36 | 36. Page 4-182. The Stream Crossing Habitat Map for Stony Creek, found in Appendix B of the *Rare, Threatened, and Endangered Aquatic Species Studies for the Proposed Atlantic Coast Pipeline in North Carolina* draft report dated 13 Oct. 2016, indicates that a Neuse River waterdog was found at a trap site in Stony Creek. This record for Neuse River waterdog from Stony Creek is not reported in other ACP reports. The validity of this record should be verified prior to the completion of aquatic surveys for NC and publication of the final report.

- SA14-30 | The referenced text has been revised.
- SA14-31 | The referenced text has been revised.
- SA14-32 | The referenced text and appendix K have been revised.
- SA14-33 | The referenced text has been revised.
- SA14-34 | The referenced text and appendix K have been revised.
- SA14-35 | The referenced text and appendix K have been revised.
- SA14-36 | We have included a recommendation in appendix K for Atlantic to consult with the FWS North Carolina Field Office regarding potentially suitable habitat for Carolina madtom at Stony Creek (AP-2 MP 48.7).

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA14 – North Carolina Wildlife Resources Commission (cont'd)

NCWRC COMMENTS APRIL 6, 2017

DEIS FOR ATLANTIC COAST PIPELINE

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- SA14-37 | 37. Page 4-184. Paragraph 1 of Freshwater Mussels. Given the number of listed and petitioned freshwater mussels in waterbodies crossed by the ACP, this section should be expanded. While they were not collected during any surveys, there are records for two federally endangered mussel species in streams crossed by the ACP in NC: Tar River spiny mussel and dwarf wedgemussel. The Tar River spiny mussel is only currently found in four streams in North Carolina: Fishing Creek, Little Fishing Creek, Swift Creek, and Little River. The ACP crosses three of these streams.
- SA14-38 | 38. Page 4-184. Paragraph 1 of Freshwater Mussels. Per recommendation by the NCWRC, surveys for freshwater mussels were only done in second order and larger streams in the Neuse and Tar River basins, select streams in the Roanoke River basin, and streams in the Neuse and Tar basin that did not meet the second order threshold but were large enough to support freshwater mussels.
- SA14-39 | 39. Page 4-184. Paragraph 1 of Freshwater Mussels. According to the *Rare, Threatened, and Endangered Aquatic Species Studies for the Proposed Atlantic Coast Pipeline in North Carolina* draft report dated 13 Oct. 2016, Atlantic pigtoe (live) was collected at 4 sites: Fishing Creek, Swift Creek, Tar River and Contentnea Creek. There is no mention of a deadshell Atlantic pigtoe collected at any NC site during surveys for the ACP. The reference to the collected deadshell should be verified, refer to collection site if accurate or deleted.
- SA14-40 | 40. Page 4-184. Paragraph 2 of Freshwater Mussels. The NCWRC has reviewed and provided comments on the North Carolina Aquatics Relocation Plan. However, the methodology outlined in this plan is not specific to mussels. The NCWRC has discussed guidelines for a separate mussel relocation plan and expect to review the first draft of a mussel relocation plan from ACP representatives in April 2017.
- SA14-41 | 41. Page 4-188. Last paragraph. Freshwater mussels will be relocated in NC as well as WV and VA.
- SA14-42 | 42. Page 4-190. Paragraph 2. Another advantage of HDDs is that by not clearing a right-of-way through the riparian zone, off-road vehicles are not provided new access to drive along and through streams.
- SA14-43 | 43. Page 4-190. Last paragraph. The last paragraph states “Atlantic and DTI would conduct in-water work, except that required to install or remove equipment, outside of the sensitive fisheries TOYR...” Installing and removing equipment has high potential to impact aquatic resources and should also occur outside of TOYRs.
- SA14-44 | 44. Page 4-191. Paragraph 3. To prevent entrainment and impingement of aquatic organisms, the NCWRC recommends intake velocities, as measured through the intake screening material, of 0.25 feet per second or less and mesh sizes of 1 mm in waters containing sensitive species.

- SA14-37 | The referenced text has been revised. See section 4.7.15 for additional discussion of ESA-listed mussel species.
- SA14-38 | Comment noted.
- SA14-39 | The referenced text has been revised.
- SA14-40 | Comment noted. The final EIS has been updated to reference Atlantic’s *Freshwater Mussel Relocation Plan for ACP in North Carolina* where appropriate.
- SA14-41 | The referenced text has been revised.
- SA14-42 | Comment noted.
- SA14-43 | The referenced text has been revised.
- SA14-44 | Section 4.6.4, Water Appropriation and Discharge, describes the measures that would be implemented to prevent entrainment at ESA sensitive waterbodies. Atlantic is required to obtain the necessary permits and authorizations required to construct and operate the project. As such, to the extent the state has regulatory authority and permitting jurisdiction for these features, Atlantic would consult with the NCWRC. The NCWRC would have the opportunity to review Atlantic’s proposed crossings during the permitting process and, if necessary, identify additional mitigation measures beyond those proposed.

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA14 – North Carolina Wildlife Resources Commission (cont'd)

NCWRC COMMENTS APRIL 6, 2017

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- SA14-45 | 45. Page 4-192. Open Cut Crossings. As mentioned in Comment #13, the NCWRC received an updated Master Waterbody Crossing Table for the ACP on 23 March 2017. The Updated Waterbody Crossing Table has the Neuse River being crossed using a cofferdam. Other streams that were planned to be crossed with a dam and pump or flume are now planned to be crossed using the open cut method. As a result of this update, some information in this section is obsolete. Such updates while the DEIS is out for review make it difficult to accurately review the document. More open cut crossings are planned with this updated table. There are now 11 intermittent streams and 39 perennial streams that will be crossed with open cut in NC. In NC, there are 32 waterbodies classified as ephemeral and 3 classified as canal / ditch that are planned to be crossed using a dam and pump or flume. It seems counterintuitive that ephemeral channels which rarely contain water will be crossed in the dry (dam and flume or pump) while intermittent and perennial streams that are likely to contain water will be impacted by wet construction (open cut). More discussion is needed to explain the rationale for using various crossing techniques. Furthermore, this updated water crossing table needs to be available to all DEIS reviewers so that comments can be as pertinent and up to date as possible.
- According to Rev. 11a of the ACP route, the ACP will cross Mingo Swamp in Sampson County, South River (referred to as Black River in the DEIS) in Cumberland County, and Big Marsh Swamp, Tenmile Swamp and Saddletree Swamp in Robeson County. While the Updated Master Waterbody Crossing Table lists crossings for several unnamed tributaries to the waterbodies, the waterbodies themselves do not appear in the updated crossing table. The crossing method for these waterbodies is needed to provide appropriate comments on the DEIS. Atlantic should verify that all other waterbodies that will be crossed by the ACP are listed in the waterbody crossing table.
  - The crossing method for Stony Creek in Nash Co., NC has been changed from dam and pump or flume to open cut. During Neuse River waterdog trapping surveys, NC spiny crayfish was observed in traps. The NCWRC recommends that Stony Creek be crossed in the dry or Atlantic provide sufficient rationale explaining why an open cut is necessary. Also see the previous comment for Page 4-182 regarding the Stream Crossing Habitat Map for Stony Creek.
- SA14-46 | 46. Page 4-193. Blasting. Blasting should occur in the dry after aquatic species have been collected and relocated.
- SA14-47 | 47. Page 4-193. Water Appropriation and Discharge. More details are needed in this section regarding water sources, pump rates, measures to treat discharged water, etc. In addition, if municipal water sources will be the sole sources of water, the DEIS needs to reflect this and include details of how this water will be transported and discharged. If municipal water has any additives such as chlorine or chloramine or if an algicide is added to the water, it should not be released into surface waters unless it is safe for sensitive species including amphibians and aquatic invertebrates.

- SA14-45 | Comment noted. Appendix K has been updated with the revised waterbody crossing methods.
- SA14-46 | As discussed in section 4.6.4, Atlantic has committed to conducting blasting within the dry-ditch crossing area and utilize matting to minimize noise and vibration.
- SA14-47 | Section 4.6.4, Water Appropriation and Discharge, has been updated with additional information and mitigation measures. Atlantic is required to obtain the necessary permits and authorizations required to construct and operate the project. As such, to the extent the state has regulatory authority and permitting jurisdiction for these features, Atlantic would consult with the NCWRC. The NCWRC would have the opportunity to review Atlantic's proposed crossings during the permitting process and, if necessary, identify additional mitigation measures beyond those proposed.

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA14 – North Carolina Wildlife Resources Commission (cont'd)

NCWRC COMMENTS APRIL 6, 2017

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- SA14-48 | 48. Page 4-200. Table 4.7.1-1. Indiana bat was heard during acoustic surveys for the ACP in NC in the following counties: Cumberland, Halifax, Nash, Wilson and Northampton. Northern long-eared bat was heard during acoustic surveys for the ACP in NC in the following counties: Halifax, Nash, Wilson, Johnston, Cumberland, Northampton, and Robeson (all counties except Sampson). During aquatic surveys for the ACP, Neuse River waterdog was collected from streams in Halifax, Nash and Johnston counties. Page 4-223 discusses Atlantic sturgeon in the Neuse River but this population is not included in this table.
- SA14-49 | 49. Page 4-201. Table 4.7.1-1. During aquatic surveys for the ACP, Carolina madtom was collected from streams in Wilson, Johnston and Nash counties.
- SA14-50 | 50. Page 4-207. Paragraph 2. The first sentence of paragraph 2 indicates that Indiana bats have potential to occur in WV and VA but does not include NC. Indiana bats were heard during acoustic surveys for the ACP in NC in the following counties: Cumberland, Halifax, Nash, Wilson and Northampton. The 4<sup>th</sup> paragraph on this page says that Indiana bats were acoustically detected at 27 sites in NC.
- SA14-51 | 51. Page 4-207. Table 4.7.1-2. The table title should specify *Acoustic* survey results.
- SA14-52 | 52. Page 4-214. Last paragraph. This paragraph should elaborate on the results of Atlantic's assessment of NLEB activity during winter months in NC. NLEB have been shown to be active (not hibernating) and present on the landscape during the winter months in NC.
- SA14-53 | 53. Page 4-215. Table 4.7.1-7. The table title should specify *Acoustic* survey results.
- SA14-54 | 54. Page 4-215. Paragraph 2. While winter tree clearing and avoiding tree clearing during breeding season months is the preferred methodology, it should be noted that NLEB have been shown to be active (not hibernating) and present on the landscape during the winter months in NC.
- SA14-55 | 55. Page 4-218. 4.7.1.5 Red-cockaded Woodpecker. Red-cockaded woodpeckers are also known to occur in Cumberland County. In addition to numerous other SGCN in NC, RCWs are habitat specialists and typically prefer longleaf pine habitat. As such, the NCWRC recommends that longleaf pine is replanted in all areas where it will be impacted and/or removed.
- SA14-56 | 56. Page 4-221. Paragraph 1. Atlantic filed the report titled *North Carolina Revised Fish and Other Aquatic Taxa Collection and Relocation Protocol for Instream Construction Activities* on the FERC docket on March 10, 2017.
- SA14-57 | 57. Page 4-221. Paragraph 6. More information is needed about how and where silt retention barriers may be installed to further reduce downstream sedimentation. The

- SA14-48 | Sections 4.7.1.3 and 4.7.1.4 discuss the acoustic positive results from Indiana bat and northern long-eared bat surveys in North Carolina (see tables 4.7.1-4 and 4.7.1-8). Table 4.7.1-1 has been updated to include Johnston County where the Neuse River crosses ACP for the Carolina DPS of Atlantic sturgeon.
- SA14-49 | Table 4.7.1-1 has been updated to include these counties.
- SA14-50 | Section 4.7.1.3 discusses the acoustic positive results from Indiana bat surveys in North Carolina.
- SA14-51 | Table 4.7.1-4 (previously table 4.7.1-2) has been updated to include this information.
- SA14-52 | Section 4.7.1.4 discusses the winter acoustic surveys for the northern long-eared bat in North Carolina.
- SA14-53 | Table 4.7.1-8 (previously table 4.7.1-7) has been updated to include mist-net survey results.
- SA14-54 | Section 4.7.1.4 discusses the winter acoustic surveys for the northern long-eared bat in North Carolina.
- SA14-55 | Section 4.7.1.5 has been updated to include Cumberland County.
- SA14-56 | Section 4.7.1.11 has been updated to include this information.
- SA14-57 | Section 4.7.1 includes our recommendation that Atlantic and DETI use enhanced erosion and sediment control measures within 300 feet of ESA sensitive waterbodies.

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA14 – North Carolina Wildlife Resources Commission (cont'd)

NCWRC COMMENTS APRIL 6, 2017

DEIS FOR ATLANTIC COAST PIPELINE

- SA14-58 | NCWRC recommends additional measures to minimize sedimentation in streams with sensitive species and in streams crossed by the open cut construction method.  
58. Page 4-223. The ACP crosses the Tar River upstream of two impoundments.
- SA14-59 | 59. Page 4-227. Paragraph 3. Carolina madtom was also collected in Swift Creek during surveys for the ACP. The last sentence of the paragraph regarding the SHP should be reworded.
- SA14-60 | 60. Page 4-227. Paragraph 6. Regarding the North Carolina Aquatics Relocation Plan, not only will aquatic animals be removed at all dry crossing sites (Tier 1) during dewatering, at selected sites identified for Tier 2 removal, animals will be removed before any in-water work, such as temporary dam construction, begins. This would also apply to selected crossings that are currently planned for open cut crossings. While it is true that removal of aquatic animals may result in stress, physical damage or death, not removing them prior to in-water construction is expected to cause worse results.
- SA14-61 | 61. Page 4-232. Paragraph 3 of 4.7.1.13 Freshwater Mussels. Although the USFWS has said that no mussel surveys are needed at HDD sites, mussel surveys have been conducted at 5 sites planned for HDD: Fishing Creek, Swift Creek, Tar River, Contentnea Creek, and Little River.
- SA14-62 | 62. Page 4-234. Paragraph 3 of Tar River Spiny mussel. Little River is not in the Tar River system.
- SA14-63 | 63. Page 4-236. Paragraph 1 of Freshwater Mussels Impacts Assessment. While the first sentence is true, it is somewhat misleading, at least for NC, because freshwater mussels that are not currently under ESA review will also be relocated. As noted previously, the *North Carolina Aquatics Relocation Plan* does not pertain specifically to mussels. Another document that focuses on mussel relocation is expected to be developed in April 2017.
- SA14-64 | 64. Page 4-236. Paragraph 2 of Freshwater Mussels Impacts Assessment. Swift River should be *Swift Creek*.
- SA14-65 | 65. Page 4-237. Last paragraph. It is unclear what resources are found in Polecat Branch that would raise a concern.
- SA14-66 | 66. Page 4-264. 4.7.4.3 North Carolina. The NC Natural Heritage Program (NHP) is now located within the NC Department of Natural and Cultural Resources. The NC Department of Agriculture is responsible for plant conservation. The NHP maintains and publishes the Rare Plant and Rare Animal lists every two years. These lists report the regulated State and Federal Status for plants and animals and NHP also identifies additional categories including "Significantly Rare" and the various levels of "Watch"

- SA14-58 | Comment noted. Section 4.7.1.8 has been updated.
- SA14-59 | Comment noted. Section 4.7.1.11 has been updated.
- SA14-60 | Comment noted. Section 4.7.1.11 has been updated.
- SA14-61 | Comment noted.
- SA14-62 | Section 4.7.1.15 has been updated to include this information.
- SA14-63 | We disagree. Section 4.7.1.15 relates to ESA-listed, proposed, and under review species, so the statement should be interpreted within that framework.
- SA14-64 | Section 4.7.1.15 has been updated to include this information.
- SA14-65 | Section 4.7.1.15 has been updated to include this information.
- SA14-66 | The referenced text has been revised.

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA14 – North Carolina Wildlife Resources Commission (cont'd)

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list. These are non-regulatory statuses based upon evaluation of species' level of imperilment and level of knowledge of a species' status in the State.

- SA14-67 | 67. Page 4-265. Paragraph 1. The NCWRC also requested surveys for southern hognose snake, Bachman's sparrow, cerulean warbler, bald eagle and red-cockaded woodpecker.
- SA14-68 | 68. Page 4-265. Paragraph 3. North Carolina does not use NETHCS.
- SA14-69 | 69. Page 4-265. Table 4.7.4.3. The title of this table should be changed. The table does not list all Federal listed species in NC as the title implies, and it includes species that are not found along the path of the ACP in NC such as Roanoke logperch and Cape Fear shiner. Indiana bat should be added to the list for NC to be consistent with other portions of the DEIS.
- SA14-70 | 70. Page 4-266. Bats. According to the *North Carolina Segment Protected Bat Species Year 2 Presence/Probable Absence Survey Report* dated 13 October 2016, a roost tree for the federal species of concern and state-threatened, Rafinesque's big-eared bat and/or federal species of concern and state-special concern, southeastern myotis, is located within the proposed workspace for the ACP. Access road 16-088-AR 1, an existing road, is proposed for regrade and gravel. While the roost tree is not slated for removal, activity, noise and traffic on the access road may impact bats roosting in this tree, causing breeding failure or abandonment of pups. The NCWRC recommends avoiding work in this area until breeding season is over and bats have left the area for their winter hibernacula.
- SA14-71 | 71. Page 4-266. Freshwater mussels. As mentioned previously, there will be an additional document detailing freshwater mussel removal and relocation.
- SA14-72 | 72. Page 4-268. Table 4.7.4-4. For NC, Neuse River waterdog, Bachman's sparrow and southern hognose snake should be added.
- SA14-73 | 73. Page 4-289. Paragraph 3 of Timber Removal. Atlantic should consult with federal and state agencies if timber removal schedules are altered.
- SA14-74 | 74. Page 4-291. Paragraph 6. Atlantic should consult with federal and state resource agencies about specific plans to use timber for instream or upland wildlife habitat diversity structures.
- SA14-75 | 75. Page 4-292. Paragraph 4. Logs and slash should not be yarded across any waterbodies unless fully suspended, not just across perennial streams.
- SA14-76 | 76. Page 4-296. Paragraph 1. According to the USFWS, communication towers kill an estimated 4-5 million birds per year. Due to the impacts that wireless communication facilities have on birds and bats, USFWS has developed guidance on the siting, construction, operation and decommissioning of communications towers. The

Z-347

- SA14-67 | The referenced text has been revised.
- SA14-68 | The referenced text has been revised.
- SA14-69 | This table has been removed.
- SA14-70 | Table S-3 of appendix S has been updated with this information. Atlantic would avoid and implement a 0.25-mile buffer around positively identified roost trees and only clear suitable habitat during the non-active season (November 16-March 31). Atlantic is required to obtain the necessary permits and authorizations required to construct and operate the project. As such, to the extent the state has regulatory authority and permitting jurisdiction for these features, Atlantic would consult with the NCWRC. The NCWRC would have the opportunity to review Atlantic's proposed crossings during the permitting process and, if necessary, identify additional mitigation measures beyond those proposed.
- SA14-71 | Comment noted.
- SA14-72 | This table has been removed. See section 4.7.4 for a description of the conservation measures that would be implemented for the Neuse River waterdog. Refer to table S-3 of appendix S for a discussion of impacts and mitigation measures that would apply to state-listed and rare species. Atlantic is required to obtain the necessary permits and authorizations required to construct and operate the project. As such, to the extent the state has regulatory authority and permitting jurisdiction for these features, Atlantic would consult with the NCWRC. The NCWRC would have the opportunity to review Atlantic's proposed crossings during the permitting process and, if necessary, identify additional mitigation measures beyond those proposed.
- SA14-73 | The final EIS has been updated to include a recommendation that a final Timber Removal Plan reflecting the revised construction schedule be provided prior to construction.
- SA14-74 | As stated in its July 1, 2016 data response: "Atlantic and DETI continue to work with the U.S. Fish and Wildlife Service (USFWS), U.S. Forest Service (USFS), and State/Commonwealth agencies to determine appropriate conservation measures for protected species. Further details, including restoration and revegetation plans and specifics of timber removal practices to benefit wildlife species, will be outlined in the Biological Assessment (for federally listed species) and the Biological Evaluation (for USFS lands)." The final EIS serves as the BA for the projects; the BE is currently being developed and will be issued separately from the final EIS.
- SA14-75 | Comment noted.
- SA14-76 | Section 4.5.3 has been updated to include a discussion of the impacts on migratory birds from the presence of communication towers. Atlantic has updated its Migratory Bird Plan to include the commitment to adhere to the FWS guidance for "Project Design and Maintenance" reviews of communication towers provided by the Raleigh FWS Office (FWS, 2013c) and the FWS Migratory Bird Office (FWS, 2016o).



# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA14 – North Carolina Wildlife Resources Commission (cont'd)

NCWRC COMMENTS APRIL 6, 2017

DEIS FOR ATLANTIC COAST PIPELINE

NCWRC urges Atlantic to comply with as many recommendations as possible, particularly the use of bird-friendly lighting and the avoidance of guy wires. Please review the guidance that was issued from the USFWS office in Raleigh, NC: <https://www.fws.gov/raleigh/pdfs/CommunicationTowerGuidanceLetter12232013.pdf>

- SA14-77 | 77. PAGE 4-328. Table 4.8.5-3. The proposed crossing methods in this table are not consistent with those listed elsewhere in the DEIS or in the updated Master Waterbody Crossing Table. Fishing River should be Fishing Creek and Black River should be South River.
- SA14-78 | 78. Page 4-330. Table 4.8.5-4 and bottom of page. Averborough Battlefield is in Harnett County, not Johnston County.
- SA14-79 | 79. Page 4-337. Table 4.8.8-1. The proposed crossing methods in this table are not consistent with those listed elsewhere in the DEIS or in the updated Master Waterbody Crossing Table. Black River should be South River.
- SA14-80 | 80. Page 4-484. Cumulative Impacts. The Cumulative Impacts section does not adequately consider the future impacts that will occur as a result of building the ACP to transport natural gas. This section should also discuss the potential for constructing additional distribution lines to deliver natural gas to residential customers. Construction of additional distribution lines has the potential to cause similar impacts to aquatic and terrestrial resources as those associated with the ACP.
- SA14-81 | 81. Page 4-497. This section needs to be updated based on the Updated Master Waterbody Crossing Table.
- SA14-82 | 82. Page 4-501. Paragraph 1. This paragraph should be updated per previous comments regarding Table 4.7.4-4 on page 4-268 and section 4.7.4.3 on page 4-264.
- SA14-83 | 83. Page 5-9. Paragraph 4. The NCWRC is also concerned about forest fragmentation and the impacts on interior forest and their associated wildlife species resulting from the proposed ACP. North Carolina provides migratory corridors as well as breeding habitat for hundreds of species of birds. The loss of habitat and increased fragmentation will result in edge effect, which will intensify predation, reduce productivity, allow for the spread of invasive species and displace already imperiled species. The NCWRC agrees that more information is needed regarding fragmentation analysis, effects of forest edge creation on wildlife and measures to avoid, minimize and mitigate impacts to interior forest habitat.
- SA14-84 | 84. Page 5-10. Last paragraph. Not only will aquatic animals be removed during dewatering, animals will be removed before any in-water work, such as temporary dam construction, begins. This would also apply to selected crossings that are currently planned for open cut crossings.

- SA14-77 | Tables in section 4.8 have been updated to be consistent with the revised waterbody crossing table (see appendix K).
- SA14-78 | Table 4.8.5-4 and the EIS have been updated to reflect the commentor's edit.
- SA14-79 | Tables in section 4.8 have been updated to be consistent with the revised waterbody crossing table (see appendix K).
- SA14-80 | See the response to comment SA6-7.
- SA14-81 | Tables in section 4.8 have been updated to be consistent with the revised waterbody crossing table (see appendix K).
- SA14-82 | Comment noted.
- SA14-83 | Comments noted. Refer to the updated interior forest fragmentation analysis in section 4.5.6.
- SA14-84 | The referenced text has been revised.

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA14 – North Carolina Wildlife Resources Commission (cont'd)

Z-349

NCWRC COMMENTS APRIL 6, 2017

DEIS FOR ATLANTIC COAST PIPELINE

SA14-85  
(cont'd)

85. Page 5-15. This paragraph should be updated per previous comments regarding Table 4.7.4-4 on page 4-268 and section 4.7.4.3 on page 4-264.

SA14-86

Atlantic has continued to provide additional information about the ACP project while the DEIS is being reviewed. Additionally, some species surveys have not yet been completed due to landowner access restrictions. These factors make accurately reviewing the DEIS difficult. In particular, the waterbodies crossed table in Appendix K of the DEIS is now outdated. While NCWRC received an updated waterbody crossing table, other DEIS reviewers did not. We are also concerned that there will be no more opportunities to provide comments on the ACP project after the DEIS comment period ends. Given these concerns, NCWRC recommends a supplemental DEIS that addresses concerns raised during the comment period and provides updates to new information supplied by Atlantic since the DEIS was issued. If a supplemental DEIS is not practical, NCWRC asks to receive the final EIS at the same time as cooperating agencies, along with the opportunity to provide written comments on the final EIS at this early time.

SA14-87

The cumulative impacts portion of the DEIS does not adequately account for future impacts to natural resources resulting from the construction of the ACP and the delivery of natural gas to portions of eastern North Carolina. We anticipate future infrastructure projects that will distribute natural gas delivered by the ACP to residential customers. New distribution lines would be expected to cross waterbodies, fragment forest blocks, reduce wetland functionality and cause other impacts similar to the ACP. More information is needed about these foreseeable future impacts that are a direct result of the ACP.

SA14-88

We recognize, as do many of our natural resource partners, that there are likely areas along the ACP where recommended avoidance and minimization measures (AMMs) for a species or resource may conflict with recommendations for another. To facilitate our understanding of where such conflicts may occur, we recommend the creation of an environmental constraints map and/or table that identifies the AMMs that have been recommended for each pipeline segment. We recommend that the map be organized by county and be provided to all natural resource agencies for review. Where there are identified conflicts between recommendations, the natural resource agencies will work together to prioritize the AMMs for each county and provide that information to the applicant and permitting agencies.

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement for the Atlantic Coast Pipeline and Supply Header Project. Please feel free to contact me at [gabriela.garrison@ncwildlife.org](mailto:gabriela.garrison@ncwildlife.org) or (910) 409-7350 or Vann Stancil at [vann.stancil@ncwildlife.org](mailto:vann.stancil@ncwildlife.org) or (919) 284-5218 if you have any questions or concerns about these project comments.

cc: Vann Stancil, NCWRC  
John Ellis, USFWS  
David Cox, NCWRC  
Shannon Deaton, NCWRC  
Lyn Hardison, NCDEQ

SA14-86

While information was still pending at the time of issuance of the draft EIS, the lack of this final information does not deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such effect. The EIS includes sufficient detail to enable the reader to understand and consider the issues raised by the proposed project and addresses a reasonable range of alternatives.

SA14-87

See the response to comment SA6-7.

SA14-88

Comment noted. We note that the most recent and reliable GIS data of the project are available from Atlantic, not FERC.

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA15 – Senate of Virginia, Senator R. Creigh Deeds

20170320-0056 FERC PDF (Unofficial) 03/17/2017

ORIGINAL

### SENATE OF VIRGINIA

**R. CREIGH DEEDS**  
25<sup>TH</sup> SENATORIAL DISTRICT  
ALL OF ALLEGHANY, BATH, HIGHLAND, NELSON,  
AND ROCKBRIDGE COUNTIES; ALL OF THE CITIES OF  
BUENA VISTA, CHARLOTTESVILLE, COWINGTON, AND  
LEXINGTON; AND PART OF ALBEMARLE COUNTY  
POST OFFICE BOX 9462  
CHARLOTTESVILLE, VIRGINIA 22909



COMMITTEE ASSIGNMENTS:  
GENERAL LAWS AND TECHNOLOGY  
PRIVILEGES AND ELECTIONS  
TRANSPORTATION

March 13, 2017

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

RE: ACP docket number – CP15-554-000

Dear Secretary Bose,

I represent the 25<sup>th</sup> District in the Senate of Virginia, which includes the Counties of Bath, Highland, and Nelson. Each of those jurisdictions has been under consideration for possible location of the Atlantic Coast Pipeline. I have written to FERC on a number of occasions at different states of this process.

Many constituents, property-owners and their neighbors have reached out to FERC directly to share their concerns, and I have followed closely these communications. I only wish to relay a handful of points based on all of the correspondence shared with my office.

SA15-1 First, the residents of these localities who will be impacted by the pipeline remain concerned about the impact on water supply. Given the unique geographical features of the region, the presence of springs, and the uncertain impact on wells, it is unclear what steps will be in place to mitigate temporary and or permanent harm to drinking water supplies during the construction of the pipeline and in the event of a rupture or leak.

SA15-2 Second, evidence has been shared with me regarding the plummeting property values in the region. Our rural counties often are desperate for economic growth and avenues to keep people within the community. While much has been said about the potential for jobs during the construction phase, we cannot ignore the possible negative impacts on tourism, which is vital to this part of the Commonwealth of Virginia. Nor can we discount the impact lower property values have on the tax base and ultimately on the revenues available for schools and public safety in these communities. People travel to these areas to enjoy the natural resources, including a number of state and federal parklands. The localities cannot afford to lose these visitors.

P.O. DRAWER D, HOT SPRINGS, VIRGINIA 24448

SA15-1 Comment noted. The water use and quality portion of section 4.3.1.7 has been revised to incorporate this and similar comments.

SA15-2 Potential impacts on the local economy and specifically impacts on recreation and tourism are discussed in section 4.9.5. Our analysis concluded that based on the impacts identified and Atlantic and DETI's proposed measures to reduce impacts, the projects would not result in significant or adverse impacts on recreational or special interest areas. As such, and given the relative short timeframe for construction, we conclude the projects would not result in significant or adverse long-term impacts on tourism. Potential impacts on public and private recreation resources in the project area are assessed in more detail in section 4.8.

Potential impacts on property values are discussed in section 4.9.7. This section provides an overview of existing studies on this issue and discusses potential project-related impacts. Based on FERC staff's research, our analysis found no conclusive evidence indicating that natural gas pipeline easements or compressor stations would have a significant negative impact on property values in general, although this is not to say that any one property may or may not experience an impact on property value for either the short or long term.

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# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA15 – Senate of Virginia, Senator R. Creigh Deeds (cont'd)

20170320-0056 FERC PDF (Unofficial) 03/17/2017

March 13, 2017  
Page Two

SA15-3

Finally, I have shared with Dominion Resources on a number of occasions my concerns about the under-utilization of existing easements. If FERC determines that the additional natural gas that would be transported by this pipeline is indeed necessary and in the public interest (and I am certain FERC has received reports suggesting otherwise), I hope that the impact on private property can be minimized through a more rigorous effort to co-locate the pipeline within existing rights of way.

While my constituents have relayed all of this information to you in much more personal and eloquent ways, as a legislator who represents the region, I urge you to carefully consider these concerns throughout the decision-making process. I appreciate your diligence.

Sincerely,

  
R. Creigh Deeds

SA15-3

Section 3.3 identifies alternatives that would increase collocation with other rights-of-way. Additional alternatives and variations were considered during the pre-filing phase of the project, but were eliminated from further consideration, for reasons discussed in section 3. No additional practical alternatives were identified during the draft EIS comment period.

Z-351

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA16 – North Carolina General Assembly, Senator Danny E. Britt, Jr.

20170330-0090 FERC PDF (Unofficial) 03/29/2017



North Carolina General Assembly  
Senate

ORIGINAL

SENATOR DANNY EARL BRITT, JR.  
13TH DISTRICT

OFFICE: 2117 LEGISLATIVE BUILDING  
16 WEST JONES STREET  
RALEIGH, NC 27601

PHONE: (919) 733-5651

EMAIL: DANNY.BRITT@NCLEG.NET

DISTRICT: ROBESON & COLUMBUS COUNTIES

COMMITTEES:

APPROPRIATIONS ON JUSTICE AND PUBLIC SAFETY  
AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES  
JUDICIARY  
STATE AND LOCAL GOVERNMENT  
TRANSPORTATION

March 16, 2017

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Dear Ms. Bose:

FILED  
SECRETARY OF THE  
COMMISSION  
2017 MAR 29 A 2:46  
FEDERAL ENERGY  
REGULATION COMMISSION


SA16-1

In years past Senator Michael P. Walters and Senator Jane W. Smith sent a letter to the Honorable Pat McCrory, Governor of the State of North Carolina at that time, endorsing the proposed Atlantic Coast Pipeline. I now represent the 13<sup>th</sup> Senatorial District in the North Carolina General Assembly and I too, support this project.

Since a numbered, docketed proceeding (PF15-6-000) has now been established; I'm asking for support of this project. I have discussed this with former Senator Walters and others in Robeson County and I believe the proposed pipeline will be a step forward toward bringing the benefits of additional supplies of clean, lower-priced domestic natural gas to the homes, businesses and power generators of North Carolina and my district.

I look forward to working with the Commission during its review of the project, and I ask the Commission to approve it.

Sincerely,

  
Senator Danny E. Britt, Jr.  
13<sup>th</sup> District  
North Carolina Senate

DEB/cjd

cc: Jeff Wright, Office of Energy Projects



SA16-1 Comment noted.

Z-352

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA17 – North Carolina General Assembly, Representative Brenden Jones

20170330-0100 FERC PDF (Unofficial) 03/28/2017



North Carolina General Assembly  
EXTERNAL AFFAIRS

2017 MAR 28 P 3 33

FEDERAL ENERGY  
REGULATORY COMMISSION

REPRESENTATIVE BRENDEN JONES  
FRESHMAN MAJORITY WHIP  
46TH DISTRICT

OFFICE: 2217 LEGISLATIVE BUILDING  
16 W. JONES STREET  
RALEIGH, NC 27601-1096  
PHONE: (919) 733-9821  
FAX: (919) 734-3320  
EMAIL: brenden.jones@ncleg.net

COMMITTEES:

AGRICULTURE  
ALCOHOL BEVERAGE CONTROL  
APPROPRIATIONS  
APPROPRIATIONS, JUSTICE AND PUBLIC SAFETY  
JUDICIARY II  
TRANSPORTATION  
WILDLIFE RESOURCES

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Dear Ms. Bose,

I am writing to extend my endorsement of docket numbered CP15-554. From a personal standpoint, I believe the approval of the proposed pipeline will benefit my constituents in the 46<sup>th</sup> district by supplying a cleaner and more affordable product. By 2022 alone, the tax revenue generated by one of the counties in my district, Robeson County, will amount to approximately \$891,500.00. This will enhance economic opportunities to an area of the state that desperately needs it.

Support for the Atlantic Coast Pipeline is widespread in my area, and the Robeson County Committee of 100, a non-profit corporation comprised of individuals and businesses, is just one example amongst many showing their support of the construction and operation of the Atlantic Coast Pipeline.

The implementation of the pipeline benefits not only the environment, with the ability to deliver clean-burning natural gas to homes as an alternative to higher emission coal-fired generation plants, but it also is economically beneficial to consumers, with estimates indicating an annual savings of more than \$377 million.

I hope the Commission will consider my support of this project and please contact my office should there be any questions or concerns.

Sincerely,

Representative Brenden Jones

SA17-1 Comment noted.

SA17-1

Z-353



# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA18 – Members of the West Virginia Senate and House of Delegates; Virginia Senate and House of Delegates; and North Carolina Senate and House of Representatives

SA18-1      Comment noted.

STATE OF NORTH CAROLINA  
COMMONWEALTH OF VIRGINIA  
STATE OF WEST VIRGINIA

April 4, 2017

Nathaniel J. Davis, Sr.  
Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: Docket Nos. CP15-554-000 and CP15-554-001(Atlantic Coast Pipeline)

Dear Mr. Davis:

SA18-1

As leaders of the West Virginia Senate and House of Delegates; Virginia Senate and House of Delegates; and North Carolina Senate and House of Representatives, we respectfully ask the Commission to approve the pending application for a major project that holds great potential to improve the economies and supply of energy in our states: the Atlantic Coast Pipeline (ACP). The project represents a much-needed addition to our nation's energy infrastructure, since it would provide a new, direct pathway for the burgeoning natural gas production in West Virginia and elsewhere in the Appalachian Basin to reach the growing markets of the Southeast.

For the people of our states, the project also holds the promise of thousands of new jobs, hundreds of millions of dollars of new economic activity, and lower energy prices. Additionally, we believe the pipeline would protect our region's environment by making clean-burning natural gas more available for the production of electricity. We are also very encouraged by the Commission staff's findings in the draft Environmental Impact Statement (EIS) assessing the project. The draft EIS, in our opinion, conclusively demonstrates that construction and operation of the ACP would pose no threat to our states' priceless natural resources.

Studies have repeatedly shown that the project would produce enormous benefits for the economies of West Virginia, Virginia and North Carolina, beginning with the construction phase. These benefits were highlighted in a September 2014 report by the consulting firm of Chmura Economics & Analytics. The report's forecast of the total economic activity generated by pipeline construction is impressive: almost \$479 million in West Virginia, \$1.4 billion in Virginia and more than \$680 million in North Carolina. Chmura's estimates of the number of new jobs supported by the construction phase are noteworthy as well: almost 3,100 in West

Z-354

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA18 – Members of the West Virginia Senate and House of Delegates; Virginia Senate and House of Delegates; and North Carolina Senate and House of Representatives (cont'd)

Re: Docket Nos. CP15-554-000 and CP15-554-001 (Atlantic Coast Pipeline)  
April 4, 2017  
Page 2

SA18-1  
(cont'd)

Virginia, 8,800 in Virginia and more than 4,400 in North Carolina. Many of these positions would be skilled labor directly employed in construction. The new jobs would offer hope and opportunity to thousands of hard-working men and women in our states. Although we have strived to promote economic growth and provide new jobs for our citizens, the recovery from the last decade's recession has been weak and progress has often been slow. Construction of the ACP would quickly improve that situation. In the words of Virginia Governor McAuliffe, the pipeline would be a "game changer." We agree.

Once it enters operation, the project would also help our economies move forward. In West Virginia, the ACP would promote the continued growth of natural gas production, particularly from the Marcellus and Utica shale fields. The pipeline would directly link these supplies to rapidly growing southeastern markets. And in Virginia and North Carolina, the pipeline would ease constraints plaguing an interstate natural gas pipeline system that has reached its capacity, often leaving it unable to serve new, energy-intensive customers. This has severely hampered our ability to attract new businesses, particularly modern manufacturing operations. The pipeline's operation would greatly improve our states' competitive positions and provide a significant boost to our economic development efforts.

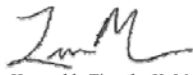
Finally, the project would mean valuable new tax revenues for many of our counties and cities. According to a recent study by Dominion, the pipeline through the period ending in 2025 would generate more than \$60.1 million in property tax payments for West Virginia localities; more than \$70.6 million for Virginia localities; and more than \$60 million for North Carolina localities. These revenues will greatly assist our local governments as they work to maintain many vital services, such as education, transportation and law enforcement.

In short, construction and operation of the ACP represents a tremendous new opportunity for our states, and particularly for our working people. The benefits would be felt in many ways: job creation, economic growth, improved energy reliability, new revenues for local governments. All of this can be accomplished through a project that would not only protect but even improve the environment. We believe the case for the ACP is clear, and again we respectfully urge the Commission to approve it after the conclusion of your thorough and timely review.

Sincerely,



The Honorable William J. Howell  
Speaker of the House  
Commonwealth of Virginia



The Honorable Timothy K. Moore  
Speaker of the House  
State of North Carolina

Z-355



# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

SA18 – Members of the West Virginia Senate and House of Delegates; Virginia Senate and House of Delegates; and North Carolina Senate and House of Representatives (cont'd)

Re: Docket Nos. CP15-554-000 and CP15-554-001(Atlantic Coast Pipeline)  
April 4, 2017  
Page 3




The Honorable Mitchell B. Carmichael  
President of the Senate  
State of West Virginia



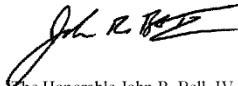
The Honorable Phil Berger  
Senate President Pro Tempore  
State of North Carolina



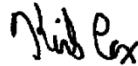
The Honorable Thomas K. Norment, Jr.  
Majority Leader of the Senate  
Commonwealth of Virginia



The Honorable Ryan J. Ferns  
Majority Leader of the Senate  
State of West Virginia



The Honorable John R. Bell, IV  
Majority Leader of the House  
State of North Carolina



The Honorable M. Kirkland Cox  
Majority Leader of the House  
Commonwealth of Virginia



The Honorable Daryl E. Cowles  
Majority Leader of the House  
State of West Virginia



The Honorable Daniel T. Blue, Jr.  
Minority Leader of the Senate  
State of North Carolina



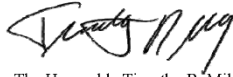
The Honorable Richard S. Saslaw  
Minority Leader of the Senate  
Commonwealth of Virginia



The Honorable Roman W. Prezioso, Jr.  
Minority Leader of the Senate  
State of West Virginia



The Honorable Corey L. Palumbo  
Minority Whip of the Senate  
State of West Virginia



The Honorable Timothy R. Miley  
Minority Leader of the House  
State of West Virginia



The Honorable Ken Goodman  
Chairman, Main Street Democrats  
State of North Carolina



The Honorable Matthew James  
Vice Chair, Hampton Roads Caucus  
Commonwealth of Virginia

Z-356

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA19 – North Carolina General Assembly, Senator Wesley Meredith



North Carolina General Assembly  
Senator Wesley A. Meredith  
Majority Whip  
19th District

OFFICE: 314 LEGISLATIVE OFFICE BUILDING  
300 N. SALISBURY STREET  
RALEIGH, NC 27603-5925  
PHONE: (919) 733-5776  
FAX: (919) 734-3229  
EMAIL: wesley.meredith@ncleg.net

COMMITTEES:  
APPROPRIATIONS ON DEPARTMENT OF  
TRANSPORTATION, CHAIR  
COMMERCE AND INSURANCE CHAIR  
AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES  
RULES AND OPERATIONS OF THE SENATE  
TRANSPORTATION

Kimberly D. Bose, Secretary  
Nathaniel J. Davis, Sr., Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

April 5, 2017

Dear Ms. Bose and Mr. Davis, Sr.,

SUBJECT: Comment on Draft Environmental Impact Statement for the Atlantic Coast Pipeline, LLC, Dominion Transmissions, Inc. and Atlantic and Piedmont natural Gas Co., Inc. (Docket Nos. CP15-554-000-001; CP15-555-000; and CP15-556-000).

SA19-1 | On April 4, 2017, Rep. John Szoka filed a comment on the Environmental Impact Statement for the Atlantic Coast Pipeline (ACP). As Senator of the 19<sup>th</sup> District, serving the Town of Wade and Cumberland County, I concur one-hundred percent with Rep. Szoka's filed remarks before your commission. Please make the changes to the ACP route as Rep. Szoka has requested. If you have any questions, please feel free to contact me. Thank you.

Best regards,

Senator Wesley Meredith  
North Carolina General Assembly  
District 19



SA19-1 Comment noted. See also the response to comment SA7-1.

Z-357

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

SA19 – North Carolina General Assembly, Senator Wesley Meredith (cont'd)



North Carolina General Assembly  
House of Representatives  
REPRESENTATIVE JOHN D. SZOKA  
State Legislative Building  
Raleigh, NC 27601-1096

April 4, 2017

Kimberly D. Bose, Secretary  
Nathaniel J. Davis, Sr., Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Dear Ms. Bose and Mr. Davis, Sr.,

SUBJECT: Comment on Draft Environmental Impact Statement for the Atlantic Coast Pipeline, LLC, Dominion Transmissions, Inc. and Atlantic and Piedmont natural Gas Co., Inc. (Docket Nos. CP15-554-000, -001; CP15-555-000; and CP15-556-000).

FERC made notice on May 3, 2016 of the Fayetteville Major Route Modification (Cumberland County, North Carolina) to the Atlantic Coast Pipeline (ACP). This major route modification was, in my opinion, a very reasonable modification that minimized impacts on private property owners and the environment.

Within the northern end of Cumberland County there is still a segment of the pipeline that travels generally southwest from the vicinity of the Town of Falcon to a connection point with a NCNG existing pipeline to the west of the Town of Wade. The proposed ACP route then travels back to the Progress Energy Carolinas (PEC) 500 kilowatt electric transmission line easement and continues southward. (See attached map.)

Since the Fayetteville Major Route Modification was made I have asked both Duke Energy and Dominion why this interconnection site (point 3 on the map) was maintained at that location. Why was not the whole route for this section of the ACP moved east to the PEC transmission line easement? No one in either company could answer my question. After several telephone conversations and meetings with company officials at the state legislative building in Raleigh, I met Bruce McKay, a senior engineer from Dominion on the ground in the Town of Wade. We drove over a portion of the proposed pipeline site. Afterwards we met at the town hall and I asked him again, why was not the ACP moved over to the PEC transmission line easement and the interconnection point moved? He had no answer.

The decision for this small portion of the ACP seems to be that the interconnection point with the NCNG pipeline (west of Wade at point 3) was made before FERC made the Fayetteville Major Route Modification. Prior to the Fayetteville Major Route Modification, this interconnection point made sense. I have personally visited this site. There are no improvements to the site at this time. As it now stands, I know of no rational justification why the interconnection point cannot be moved to the east to point 2 on the map.

My request of FERC is to reroute the current route of the ACP directly from point 1 to point 4, shown on the accompanying map; the current route runs from point 1 to point 2 to point 3 to point 4. This would

Z-358

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

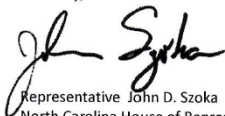
## SA19 – North Carolina General Assembly, Senator Wesley Meredith (cont'd)

move the interconnection point with the NCNG existing pipeline currently at point 3 over to point 2 in the vicinity of the existing PEC transmission line easement. My reasons are as follows:

1. Neither Duke Energy nor Dominion can state any reason why the interconnect point with the existing NCNG pipeline is located where it currently is. Neither Duke Energy nor Dominion can state any reason why the interconnect point could not be moved further to the east in the vicinity of the PEC electric transmission line. I believe that the interconnect point is planned at its current location solely because it made sense before the Fayetteville Major Route Modification was made. Now, there is no supporting logic in keeping the interconnect point there as it could easily be moved less than 1.5 miles to the east.
2. Rerouting this small portion of the pipeline prevents the pipeline from boring beneath I-95 twice. The importance of I-95 as a major north-south interstate highway cannot be overstated. Rerouting also prevents this small portion of the pipeline from boring underneath a major rail line twice. This rail line not only carries a high volume of commercial rail traffic but is a major north-south AMTRACK route.
3. The number of homeowners whose property would be impacted would be significantly less than maintaining the current route.
  - a. I have personally driven/walked the entire route and there are a surprising number of homes in this mostly rural area. The current route is very close to a substantial number of those homes which causes the homeowners a great deal of concern. Moving the route would significantly minimize the number of impacted homeowners.
  - b. Of significant note is that if the current route is maintained, the small Town of Wade will be adversely impacted. The route now runs through a planned housing subdivision within the city limits. If the pipeline remains routed through the planned subdivision the number of houses built will be substantially fewer than what is planned. This will adversely impact property taxes collected by the Town of Wade.
4. The area around the Town of Wade is a mixture of farmland and forest. There is one major creek, under which the pipeline would be bored that is fairly deep; from the lip of the ground that overlooks the creek I estimate about 30 vertical feet. While that is not significant in and of itself, it is significant because of the drainage pattern around the Town of Wade. Because of Hurricane Matthew last year, the topography and the creek itself was changed. I have personally seen hundred year old massive trees that were ripped out of the banks and major portions of the creek banks washed out at the exact point where the ACP must be bored under, or alternatively, go over this creek. I have lived in Cumberland County for twenty-three (23) years and have seen many Hurricanes rip through the area. I am not an expert at routing pipelines nor am I a hydrologist; however, what I saw gives me pause. If the pipeline were rerouted as I suggest, major damage to the pipeline in the future could be avoided.

I believe that this small change to the route is in the best interest of the people in and around the Town of Wade, the safety of the public and the environment. Thank you for your consideration of my request.

Sincerely,



Representative John D. Szoka  
North Carolina House of Representatives  
45<sup>th</sup> District, Cumberland County

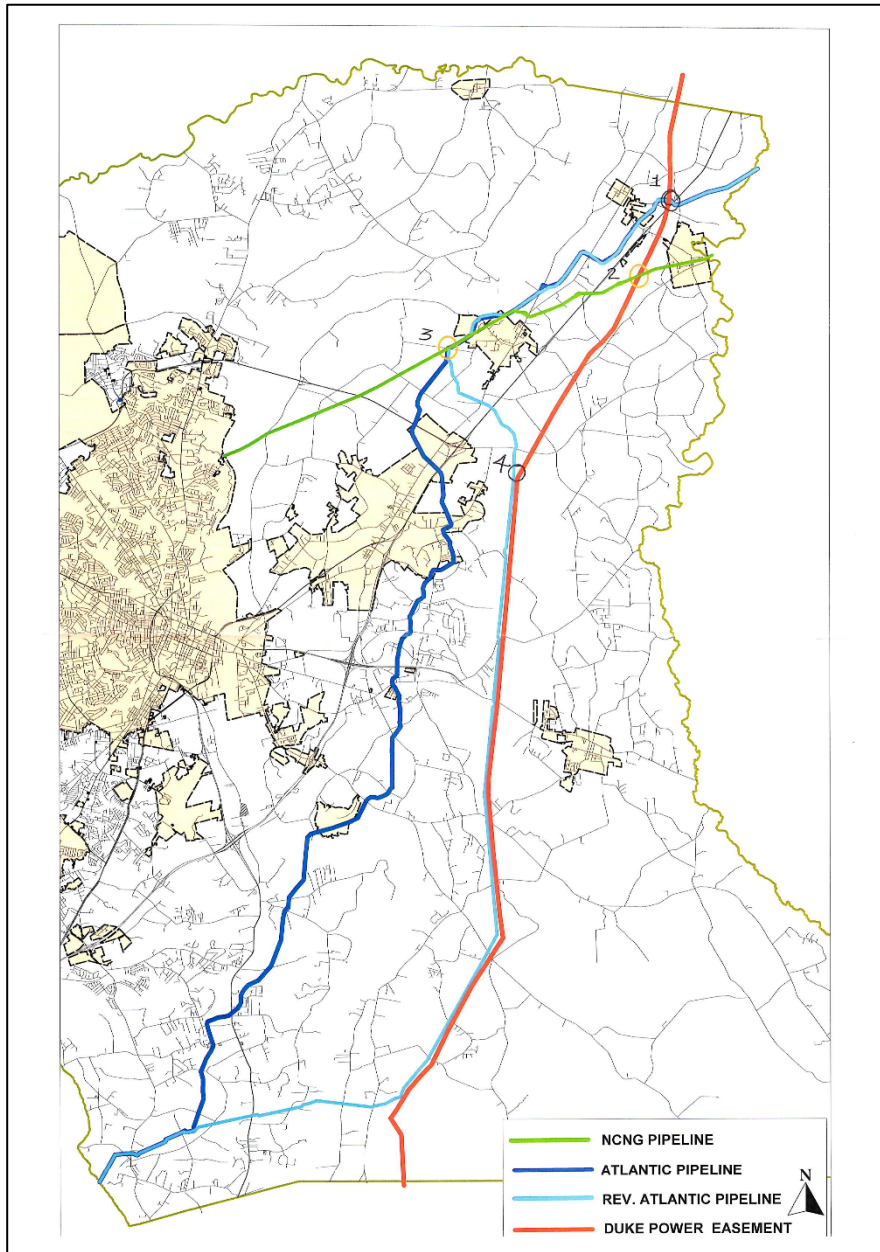
JDS/bbs

Z-359

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

SA19 – North Carolina General Assembly, Senator Wesley Meredith (cont'd)

Z-360



# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA20 – State of West Virginia – Office of the State Auditor

20170412-0007 FERC PDF (Unofficial) 04/10/2017



ORIGINAL

**State of West Virginia**  
**John B. McCuskey**

**State Auditor**

Office of the State Auditor  
1900 Kanawha Boulevard, East  
State Capitol, Building 1, Suite W-100  
Charleston, West Virginia 25305

Toll Free: (877) 982-9148  
Telephone: (304) 558-2251  
Fax: (304) 558-5200  
www.wvsao.gov

March 29, 2017

Nathaniel J. Davis, Sr.  
Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: Docket Nos. CP15-554-000 and CP15-554-001 (Atlantic Coast Pipeline) and CP15-555-000 (Supply Header Project)

Dear Mr. Davis:

As an elected official, representing the people of the State of West Virginia, I am dedicated to promoting the economic growth and health of our state, providing more job opportunities for West Virginians, and protecting our state's priceless natural resources. Therefore, I want the Commission to know I strongly support development of two major energy projects in our state: the proposed Atlantic Coast Pipeline (Docket Nos. CP15-554-000 and CP15-554-001) and its related gathering project, the Supply Header Project (Docket No. CP15-555-000). These projects hold great promise to bring tremendous benefits to the people of West Virginia. I also believe the draft Environmental Impact Statement (EIS) issued by the Commission staff on December 30, 2016 demonstrates conclusively the projects can be built and operated in ways that safeguard West Virginia's natural resources and protect the environment. I therefore respectfully urge the Commission to approve both projects and allow them to move forward to construction.

West Virginians today are confronted with very difficult economic realities. Job opportunities for our hard-working men and women are regrettably scarce. Many traditional sources of good-paying jobs, including mining and manufacturing, are in decline. Unemployment in many parts of our state is unacceptably high.

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SECRETARY OF THE  
COMMISSION  
2017 APR 10 P 3 13  
FEDERAL ENERGY  
REGULATORY COMMISSION

SA20-1 Comment noted.

Z-361

SA20-1

# STATE AGENCIES/ELECTED OFFICIALS COMMENTS

## SA20 – State of West Virginia – Office of the State Auditor (cont'd)

20170412-0007 FERC PDF (Unofficial) 04/10/2017

Nathaniel J. Davis, Sr.  
March 29, 2017  
Page 2

SA20-1  
(cont'd)

Studies have repeatedly shown that both the Atlantic Coast Pipeline (ACP) and the Supply Header Project (SHP) would do much to change this regrettable situation. First, even during their construction phases, the projects would provide our state with a much-needed boost. The ACP is projected to generate almost \$479 million in economic activity for West Virginia during construction, and this activity will in turn support almost 3,100 much-needed new job opportunities. Construction of the SHP will create an additional \$132 million in economic activity and support more than 1,000 jobs.

The benefits from both projects would continue after they begin operation. This is clearly demonstrated by estimates that the ACP would provide more than \$10.7 million in property tax payments to West Virginia localities by 2022. By that same year, the SHP would pay more than \$4.6 million in property taxes to our local governments. This new revenue will be crucial in helping our counties provide vital public services including education, transportation and law enforcement.

The projects would also greatly improve the access of our state's abundant natural gas production to markets in the Southeast eager for new supplies of this clean-burning environmentally friendly fuel. West Virginia's natural gas industry has expanded very significantly in recent years, but we are still handicapped by an inadequate interstate pipeline system that impedes our access to these growing markets. This has significantly depressed prices for West Virginia natural gas. The ACP, with its capacity of up to 1.5 billion cubic feet per day, would offer our state's natural gas production a new, direct path to markets as far away as southern North Carolina.

Of course, I would have grave concerns about these projects, despite their potential economic benefits, if I viewed them as a threat to the environment, both in our state and throughout our nation. However, I believe the draft EIS clearly shows construction and operation of the ACP and SHP would pose no threat to our state's priceless natural resources. The draft EIS's statement on page ES-13 that the projects could be built and operated in ways that "would not result in a significant cumulative impact on the environment" is particularly significant, in my opinion.

These projects may well be two of the most significant economic development opportunities for West Virginia in many decades. For all the reasons stated in this letter, I again respectfully ask the Commission to approve these two projects after timely completion of your review.

Best Regards,



John B. McCuskey  
State Auditor

JBM/chp

Z-362

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA1 – Halifax County Economic Development Commission, North Carolina

LA1-1 Comment noted.

ORIGINAL

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COMMUNITY DEVELOPMENT  
2017 Jan 30  
2017 JAN 30 P 3:21



January 23, 2017

Kimberly Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: Docket CP15-554-000 – Atlantic Coast Pipeline

Dear Ms. Bose:

LA1-1

On January 11, 2017, the Board of Directors of Halifax County Business Horizons, Inc. adopted a resolution expressing their support for the proposed Atlantic Coast Pipeline. The Atlantic Coast Pipeline will provide Halifax County with greatly improved, direct access to the abundant and affordable natural gas production in the Appalachian region's Marcellus and Utica shale basins. The project will also enhance our ability to recruit additional businesses, especially manufacturing, since abundant, reliable and reasonably priced supplies of natural gas are a fundamental requirement of many modern industrial operations.

Thank you for your attention to this matter. We look forward to working with the Commission as it conducts a timely and thorough review of all aspects of this project.

Sincerely,

Cathy A. Scott  
Executive Director

CAS/le

**Halifax County Economic Development Commission**

260 Premier Boulevard • Roanoke Rapids, NC 27870

Phone (252) 519-2630 • Fax (252) 519-2632

E-Mail: [hdc@halifaxdevelopment.com](mailto:hdc@halifaxdevelopment.com) • Website: [www.halifaxdevelopment.com](http://www.halifaxdevelopment.com)

[www.halifaxcorporatepark.com](http://www.halifaxcorporatepark.com) [www.flambeaubuilding.com](http://www.flambeaubuilding.com) [www.littletonindustrialbuilding.com](http://www.littletonindustrialbuilding.com)

Z-363



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA1 – Halifax County Economic Development Commission, North Carolina (cont'd)



**RESOLUTION OF THE BOARD OF DIRECTORS OF  
HALIFAX COUNTY BUSINESS HORIZONS, INC.  
SUPPORTING THE PROPOSED ATLANTIC COAST PIPELINE**

**2016-2017  
CORPORATE  
MEMBERS**

**PLATINUM**

City of Roanoke Rapids  
County of Halifax  
Halifax Electric  
Membership Corporation  
Halifax Regional  
Medical Center  
Keg Stone Paper &  
Packaging Corporation  
New Dixie Oil Corporation  
Reser's Fine Foods, Inc.  
Roanoke Electric  
Corporation  
Roanoke Rapids  
Sanitary District  
Safelite  
The Daily Herald

**GOLD**

PCB Pizotronics of NC

**SILVER**

EBAT  
Huka Resources NC, LLC  
PAC  
Weldon Steel

**BRONZE**

Citizens Community Bank  
Eagle Home Medical  
Genex  
Halifax County Convention  
& Visitors Bureau  
North Carolina Association  
of Electric Cooperatives  
Pelican Packaging  
Roanoke Rapids  
Savings Bank  
State Farm – Chris Canady  
Town of Edfield  
Town of Halifax  
Town of Hogwood  
Town of Scotland Neck  
Town of Weldon  
White Motors, Inc.

LA1-1  
(cont'd)

Z-364

**WHEREAS**, the proposed Atlantic Coast Pipeline will provide a critically important new route for the abundant natural gas production from the Appalachian region's Marcellus and Utica shale basins to reach much of the Southeast, including North Carolina; and

**WHEREAS**, the path of this project will pass directly through Halifax County along the Interstate 95 corridor; and

**WHEREAS**, access to reliable and reasonably priced natural gas supplies is a fundamental requirement of many modern business operations, especially manufacturing; and

**WHEREAS**, the expanded availability of this clean, economical fuel will greatly enhance the ability of Halifax County to recruit new businesses and provide additional employment opportunities for the people of our locality; and

**WHEREAS**, the pipeline will provide other significant benefits for our locality and its residents, including greater stability in energy costs for electricity, home heating, and commercial heating, as well as important new tax revenues to help support our county's services; and

**WHEREAS**, even before the new pipeline begins operations, its construction will generate substantial economic activity and create needed new jobs throughout much of North Carolina, including Halifax County; and

**WHEREAS**, the project will also help protect the environment, by furnishing additional supplies of this clean-burning, lower-emissions fuel to electric utilities for power generation; and

**WHEREAS**, the Board of Directors of Halifax County Business Horizons, Inc. has great confidence that the partnership consisting of Dominion, Duke Energy, Piedmont Natural Gas and AGL Resources will build and operate the pipeline in an efficient, safe and environmentally sound manner;

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA1 – Board of Directors of Halifax County Business Horizons, Inc.

LA1-1  
(cont'd)

**NOW, THEREFORE, BE IT RESOLVED** that, the Board of Directors of Halifax County Business Horizons, Inc. expresses its support for the Atlantic Coast Pipeline and respectfully requests the Federal Energy Regulatory Commission to approve the project after a timely and comprehensive review of the proposal.

**BE IT FURTHER RESOLVED** that the Board of Directors of Halifax County Business Horizons, Inc., does hereby adopt this resolution and requests that a copy of this resolution be forwarded to the Federal Energy Regulatory Commission.

Adopted this 11<sup>th</sup> day of January, 2017.

  
\_\_\_\_\_  
Jay Battle, President

ATTEST:

  
\_\_\_\_\_  
Bonnie Caudle, Secretary

Z-365

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA2 – Tyler County Development Authority, West Virginia

James E Peters, Sistersville, WV.  
January 31, 2017

Nathaniel J. Davis, Sr.  
Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: Docket Nos. CP-14-554-001 (Atlantic Coast Pipeline) and CP-15-555-000 (Supply Header Project)

Dear Mr. Davis:

The Tyler County Development Authority greatly appreciates the opportunity afforded by the Commission to comment on the draft Environmental Impact Statement (EIS) prepared by the Staff for the proposed Atlantic Coast Pipeline (ACP) and Supply Header Project (SHP).

LA2-1 | Given the economic value of these projects to our region, we welcome the conclusions that "the majority of project effects would be reduced to less-than-significant levels." Based on those findings, we feel confident these projects can be completed in a manner that minimizes environmental impacts and maximizes public safety while providing substantial economic benefits to the affected localities.

We support these projects because of the benefits that will accrue to our economy and communities. As Staff notes on p. ES-11 in the draft EIS, "During construction, ACP and SHP would benefit the state and local economies by creating a short-term stimulus to the affected areas through payroll expenditures, local purchases of consumables and project-specific materials, and sales tax." Staff's assertions are supported by a 2014 study conducted by Chmura Economics and Analytics. That study also projects that the economic advantages of the project will continue once the ACP becomes operational and will provide more than \$60 million in local tax revenue through 2025 to the six impacted counties in West Virginia, according to projections.

In closing, we would like to point out that enhanced access to natural gas will help states and localities attract new commercial and industrial investment, while greater access to natural gas will also translate to more stable energy prices for homes and businesses by relieving pipeline constraints during periods of high demand. We urge the Commission to approve the draft EIS at the conclusion of its comprehensive review.

Sincerely,  
J. Eric Peters, PCED  
Executive Director

LA2-1 | Comment noted.

Z-366

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA3 – Wetzel County Commissioners, West Virginia

20170215-0007 FERC PDF (Unofficial) 02/14/2017

ORIGINAL

C215-554-000

### WETZEL COUNTY COMMISSION

NEW MARTINSVILLE, WV 26155

CAROL S. HAUGHT  
COUNTY CLERK

LAWRENCE P. LEMON, PRESIDENT  
NEW MARTINSVILLE, WV 26155

ROBERT L. GORBY, VICE-PRESIDENT  
NEW MARTINSVILLE, WV 26155

P.O. BOX 156  
NEW MARTINSVILLE, WV  
26155

LISA L. HEASLEY, COMMISSIONER  
NEW MARTINSVILLE, WV 26155

SESSIONS:  
1<sup>ST</sup> TUES JAN  
1<sup>ST</sup> TUES APR  
3<sup>RD</sup> TUES JUL  
1<sup>ST</sup> TUES OCT

TELEPHONE:  
(304) 455-8224  
FAX:  
(304) 455-5256

February 7, 2017

Mr. Nathaniel J. Davis  
Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Dear Mr. Davis:

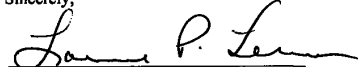
The Wetzel County Commission appreciates the opportunity to comment on the draft Environmental Impact Statement for the proposed Atlantic Coast Pipeline and the Supply Header Project.

It is our sincere hope that these two projects will increase the natural gas capacity to meet market demands in the rest of the country. In addition, and most important to our county residents, we hope the projects will attract commercial and industrial development to our area. We are particularly happy to know that construction of the pipeline will be done by union labor.

The draft concludes that minimal environmental impact will occur with the project. That issue is important to our county given the number of pipeline projects planned for our area.

Thank you again for allowing us to comment on these important projects.

Sincerely,



Lawrence P. Lemon, President



Robert L. Gorby-Vice-President



Lisa L. Heasley, Commissioner

WCC/ch

LA3-1 Comment noted.

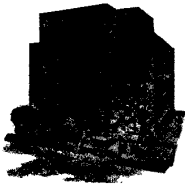
Z-367

LA3-1

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA4 – Harrison County Commissioners, West Virginia

20170221-0006 FERC PDF (Unofficial) 02/17/2017



HARRISON COUNTY COURT HOUSE

### Harrison County Commission

301 WEST MAIN STREET  
CLARKSBURG, WEST VIRGINIA 26301  
304-624-8500  
FAX 304-624-8673

COMMISSIONERS  
BERNIE FAZZINI  
DAVID L. HINKLE  
RONALD R. WATSON

February 8, 2017

Nathaniel J. Davis, Sr.  
Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: Docket Nos. CP15-554-000 and CP15-554-001 (Atlantic Coast Pipeline) and CP15-555-000 (Supply Header Project)

Dear Mr. Davis:

The Harrison County Commission greatly appreciates the opportunity afforded by the Federal Energy Regulatory Commission (FERC) to comment on the draft Environmental Impact Statement (EIS) prepared by the Staff for the proposed Atlantic Coast Pipeline (ACP) and Supply Header Project (SHP). The Harrison County Commission read with interest the Executive Summary of the draft EIS and was impressed with its exhaustive and detailed analysis of these projects.

Given the economic value of these projects to our region, we were pleased with the Staff's conclusions on p. ES-14 of the Executive Summary that "the majority of project effects would be reduced to less-than-significant levels" as a result of planned mitigation measures along with adherence to further recommendations detailed by the Staff. Based on Staff's findings, we feel confident these projects can be completed in a manner that minimizes environmental impacts and maximizes public safety while providing substantial economic benefits to the affected localities.

We support these projects because of the benefits that will accrue to our economy and communities. As Staff notes on p. ES-11 in the draft EIS, "During construction, ACP and SHP would benefit the state and local economies by creating a short-term stimulus to the affected areas through payroll expenditures, local purchases of consumables and project-specific materials, and sales tax." Staff's assertions are supported by a 2014 study conducted by Chmura Economics and Analytics which concludes that construction of the ACP would generate nearly \$479 million in economic activity in West Virginia, including the support of 3,100 jobs and generation of \$4 million in additional tax revenue. The study also projects



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LA4-1 Comment noted.

Z-368

LA4-1

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA4 – Harrison County Commissioners, West Virginia (cont'd)

20170221-0006 FERC PDF (Unofficial) 02/17/2017

LA4-1  
(cont'd)

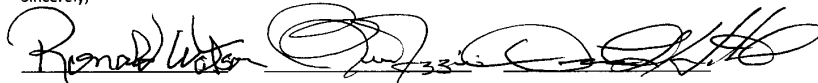
that the economic advantages of the project will continue once the ACP becomes operational. Chmura's analysis indicates that operation of the pipeline will inject \$15.6 million in the state on an annual basis. Furthermore, Chmura forecasts that ACP's operations would support 74 jobs annually in West Virginia, including 24 directly employed in pipeline operations. Their analysis also estimates that the operational pipeline will produce almost \$114,000 in additional tax revenue for West Virginia every year.

The ACP and SHP will also help West Virginia fully realize the economic benefits from its thriving shale production industry by increasing the takeaway capacity needed to move gas to meet market demand in other regions. In March 2016, Forbes magazine highlighted the need for new pipeline infrastructure to resolve the issue of price depression in an article titled *Appalachia Pumps Up the Volume as Natural Gas Prices Remain Lower for Longer*. The article notes, "With production in these basins exceeding local demand, upstream operators that lack firm takeaway capacity must accept dramatically lower prices for their output – or slow their development plans until additional takeaway capacity comes onstream." As the Forbes article emphasizes, lack of pipeline infrastructure not only depresses price but also may delay or curtail development of the abundant shale resources needed to fuel the regional and national economy.

In closing, we would point out the broader economic benefits of the ACP and SHP for West Virginia and other states directly impacted by the projects. Enhanced access to natural gas will help states and localities attract new commercial and industrial investment, while greater access to natural gas will also translate to more stable energy prices for homes and businesses by relieving pipeline constraints during periods of high demand.

Thank you again for the opportunity to offer these comments on the draft EIS. This report should serve to persuade the public that these projects, which are so vital to the economic and energy needs of West Virginia and neighboring states, can be constructed and operated in a manner protective of the environment and public safety. Therefore, the Harrison County Commission respectfully urges the FERC to approve them at the conclusion of its comprehensive review.

Sincerely,



Ronald L. Watson  
President, Harrison  
County Commission

Bernie L. Fazzini  
Commissioner

David L. Hinkle  
Commissioner

/mlf

Z-369

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA5 – City of Staunton, Virginia

20170228-0015 FERC PDF (Unofficial) 02/27/2017

CAROLYN W. DULL  
MAYOR  
DIRECT DIAL 540.332.3810  
FACSIMILE 540.851.4001



116 W. BEVERLEY STREET  
P.O. BOX 58  
STAUNTON, VA 24402

February 21, 2017

**VIA EXPRESS DELIVERY**

Mr. Nathaniel J. Davis, Sr.  
Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street N.E., Room 1A  
Washington, D.C. 20426

ORIGINAL

RECEIVED  
FEDERAL ENERGY REGULATORY COMMISSION  
2017 FEB 27 P 14 26

Re: Atlantic Coast Pipeline Project  
Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000  
FERC/EIS-0274D

Dear Mr. Davis:

Enclosed please find a letter (with enclosure) sent this date on behalf of the City of Staunton, Virginia, to Ms. Julia Wellman, Environmental Impact Review Coordinator of the Virginia Department of Environmental Quality (VDEQ), with comments made on behalf of the city concerning the draft environmental impact statement for the Atlantic Coast Pipeline Project. I call particular attention to the city's request that Atlantic Coast Pipeline, LLC and Dominion Transmission, Inc. be required to complete and submit to the Federal Energy Regulatory Commission or VDEQ an independent, detailed study and analysis of the potentially momentous adverse consequences of the project for Gardner Spring, a major and critical water supply of the city.

Sincerely,

Handwritten signature of Carolyn W. Dull in cursive.

Carolyn W. Dull  
Mayor

Z-370

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA5 – City of Staunton, Virginia (cont'd)

20170228-0015 FERC PDF (Unofficial) 02/27/2017

Mr. Nathaniel J. Davis, Sr.  
February 21, 2017  
Page 2

### Enclosure

cc: Members of the Staunton City Council (w/o enclosure)  
Members of the Augusta County Board of Supervisors (w/o enclosure)  
Members of the Board of Directors of the Augusta County Service Authority (w/o enclosure)  
Julia Wellman, Virginia Department of Environmental Quality (w/o enclosure)

Z-371

Atlantic Coast Pipeline Project  
Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000  
FERC/EIS-0274D



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

LA5 – City of Staunton, Virginia (cont'd)

20170228-0014 FERC PDF (Unofficial) 02/27/2017

CAROLYN W. DULL  
MAYOR  
DIRECT DIAL 540.332-3810  
FACSIMILE 540.851.4001



ORIGINAL

116 W. BEVERLEY STREET  
P.O. BOX 58  
STAUNTON, VA 24402

February 21, 2017

**VIA EMAIL IN PDF AND EXPRESS DELIVERY**

Ms. Julia Wellman  
Environmental Impact Review Coordinator  
Department of Environmental Quality  
629 E. Main Street  
Richmond, VA 23219

Re: Atlantic Coast Pipeline Project  
DEQ #16-248F  
Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000  
FERC/EIS-0274D

Dear Ms. Wellman:

As the Mayor of the City of Staunton, located in the beautiful Shenandoah Valley of Virginia where we treasure our natural resources, I write to affirm the Staunton City Council's objection overall to the Atlantic Coast Pipeline project and lodge a specific objection based upon the threat to a critical water source for our citizens and for Augusta County. We submit that both Dominion and the Federal Energy Regulatory Commission, as evidenced in the Draft Environmental Impact Statement (DEIS), have utterly failed to account yet for the potentially catastrophic consequences of the project as to the route of the line that would be unacceptably within the ambit of our water source known as Gardner Spring. We believe the huge gas pipeline would cut through the recharge area that is an integral aspect of the Gardner Spring resource that serves both our City and our neighbors in the County, putting all those who rely upon the water in jeopardy.

Please understand that I do not intend this letter to be exhaustive or even comprehensive and certainly not a formal brief in support of the City's position. I simply highlight aspects that even without a highly sophisticated submission beg for immediate pause and fundamental reconsideration of the DEIS and certainly against any approval. Actually, we ask that the Virginia Department of Environmental Quality (VDEQ) demonstrate the

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COMMISSION  
2017 FEB 27 P 4:32  
FEDERAL ENERGY  
REGULATORY COMMISSION

Z-372

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA5 – City of Staunton, Virginia (cont'd)

20170228-0014 FERC PDF (Unofficial) 02/27/2017

Ms. Julia Wellman  
February 21, 2017  
Page 2

exercise of independent judgment, even against what may be political pressures on your agency otherwise, and we request the DEQ itself lodge with the Federal Energy Regulatory Commission strong objection to the project at least as it relates to our water supply. Will you?

LA5-1

Our citizens are fortunate that our predecessor leaders of our City had the foresight to secure for them a vitally important water source referred to as Gardner Spring, which actually is located in neighboring Augusta County. Gardner Spring benefits residents both of our City and of Augusta County. The City initially acquired the rights to Gardner Spring in the 1930s. The precious water from Gardner Spring is processed at our City's water plant and then redistributed through pipelines in our City and into Augusta County to those who depend on it, including individuals and those in important Shenandoah Valley commerce. Our City has invested millions in not only our water plant but also more recently in new water lines that help to serve Augusta County users as well. Gardner Spring provides a majority of the water for our City residents, being capable of offering as much as or more than 5 million gallons of raw water per day for treatment by the City of Staunton, again both for the ultimate benefit of the City and of Augusta County.

The Gardner Spring resource is incontrovertibly priceless and any chance of it being put in jeopardy by the Atlantic Coast Pipeline project is actually putting the safety and the welfare of the City of Staunton and Augusta County and their users at risk. From what we can discern (and we are not engineers), nothing in Dominion's submission and nothing in the DEIS begins to address this critical resource in any meaningful way even though the DEIS acknowledges generally in section 4.1.2.3 potential underground damage because of Karst geology that prevails in our region. As the DEIS states, "Karst terrain is characterized by the presence of sinkholes, caverns, an irregular 'pinnacled' bedrock surface, and springs." Despite seemingly glibly admitting that "[t]hese features could present a hazard to the pipeline both pre- and post-construction due to cave or sinkhole collapse, and can also provide direct conduits from the ground surface to the groundwater, increasing the potential for groundwater contamination," nowhere is it obvious that Dominion has been required to have done and submitted to you or the Federal Energy Regulatory Commission an independent, detailed study and analysis of the potentially momentous adverse consequences for Gardner Spring, a major and critical water supply. It is not obvious to us that anything in the "Construction Impacts and Mitigation" aspects of the DEIS addresses Gardner Spring or, without specific reference by name, even anything similar to this uniquely vital water resource for so many who depend on it daily. If the DEIS includes such a discussion, would you or the Federal Energy Regulatory Commission point it out for us and our citizens in order that we may assess it?

We would anticipate that Dominion may attempt to assert that its proposed, huge pipeline does not go directly into the center of Gardner Spring; however, that contention would be illusory at best, because the proposed route is sufficiently near Gardner Spring that the recharge area of Gardner Spring is implicated and quite possibly directly jeopardized.

Atlantic Coast Pipeline Project  
DEQ #16-248F  
Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000  
FERC/EIS-0274D

LA5-1 Comment noted.

Z-373

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA5 – City of Staunton, Virginia (cont'd)

20170228-0014 FERC PDF (Unofficial) 02/27/2017

Ms. Julia Wellman  
February 21, 2017  
Page 3

LA5-1  
(cont'd)

That recharge area is vital, because the bulk of the water that feeds Gardner Spring comes from an extensive underground aquifer system and network of karst channels that the DEIS has wholly failed to acknowledge, much less analyze. Gardner Spring's underground paths provide a fairly constant flow, allowing the spring to discharge a steady, reliable resource of critical water. The water, drawing from a large recharge area, is fed by precipitation, which enters the ground, and the water is discharged from Gardner Spring approximately 28 to 45 days later. The recharge contribution area for Gardner Spring may extend as many as five or more miles from Gardner Spring. **Where is that explicitly mentioned at all in the DEIS?**

Based on what we know about a spring water source generally and our own Gardner Spring, we believe that it is essential that any meaningful analysis of the environmental impact must be based on a careful, thorough consideration of the recharge area. Spring recharge areas are, without doubt, recognized to be as vital to the quality of groundwater resources as the center of the spring itself, perhaps more so in ways that are particularly pivotal in this instance. The water quality, without a spring recharge area "can be adversely affected by land uses that allow groundwater contamination to migrate into underlying aquifers." *Emery & Gardner Groundwater, Inc., Hydrogeologic Investigation of Gardner Spring* (July 2002). Even distant spills can reach Gardner Spring through the Karst aquifer system. As such, the Gardner Spring recharge area is highly susceptible to a wide variety of potential contaminants, and the area should continue to be protected from land uses that even might threaten the quality of the water.

Let me mention another consideration that is revealing about Dominion and this project that Dominion is trying to impose, selfishly for profits, on us and others. Several months ago, a City representative invited Dominion to visit with us and sit down just with our City Council and discuss the project, being mindful of the potentially calamitous implications for Gardner Spring. We could not have really imagined that Dominion would not join us around the table in our Caucus Room. To our surprise and dismay, Dominion arrogantly refused even the courtesy of a meeting discussion, rebuffing our request and invitation. That speaks volumes to us and to our City citizens—and should speak volumes to VDEQ and to the Federal Energy Regulatory Commission.

VDEQ declares that its mission "is to protect and improve the environment for the well-being of all Virginians." You also promise that "DEQ collaborates . . . to enhance the quality of our environment and to strengthen the role everyone plays in environmental protection." Will you collaborate with us and our citizens to protect Gardner Spring?

We hope and trust you are listening, even though we realize that some of Virginia's elected officials appear quite a while ago to have been advocating for the Atlantic Coast Pipeline project even well before the issuance of the DEIS. Despite the political muscle visited by Dominion and the pressure, will both VDEQ and the Federal Energy Regulatory Commission truly act independently and protect our environment, including our Gardner Spring?

Atlantic Coast Pipeline Project  
DEQ #16-248F  
Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000  
FERC/EIS-0274D

Z-374

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA5 – City of Staunton, Virginia

20170228-0014 FERC PDF (Unofficial) 02/27/2017

Ms. Julia Wellman  
February 21, 2017  
Page 4

LA5-2 Comment noted.

LA5-3 Comment noted.

LA5-1  
(cont'd)

So that you will appreciate perhaps even more the sincerity and consistency of our objection and advocacy now, I also enclose a copy of our City Council's resolution adopted October 23, 2014. As you and the Federal Energy Regulatory Commission know, many others also have objected to or taken issue with the project, which will cut through some of the priceless natural resource treasures in our region and state. We also are keenly mindful, as you should be, that the water coming from Staunton and Augusta County is the headwaters of both the James and Shenandoah rivers and eventually flows into our state's capital as well as into our nation's capital. Our City, beyond the reasons stated by many others for objection, objects strongly because its critical water resource now apparently is directly and indirectly implicated by the proposed route reflected in the DEIS.

LA5-2

LA5-3

We ask you to honor that promise and refuse to permit this pipeline project to proceed, advocating similarly with the Federal Energy Regulatory Commission. At the very least, we urge DEQ and the Federal Energy Regulatory Commission to insist that Dominion have independent outside professional engineers and other professionals, undertake and complete and publish for comment a detailed study regarding the potential implications for our Gardner Spring water source. Both VDEQ and the Federal Energy Regulatory Commission should mandate that Dominion complete and submit its study for public exposure and comment before the process proceeds further. **Will you or the Federal Energy Regulatory Commission insist that Dominion do so?**

We thank you for your time and consideration. We look forward to your and the Federal Energy Regulatory Commission's response in the near future. Please provide us with specific responses to our questions and, to use VDEQ's own words, honor the commitment to "protect and improve the environment for the well-being of all Virginians." **Will you, please do so through action, not just words, forcing Dominion to respect your mission and the critical interests of Staunton and Augusta County citizens?**

Sincerely,



Carolyn W. Dull  
Mayor

cc: Federal Energy Regulatory Commission ✓  
Members of the Staunton City Council  
Members of the Augusta County Board of Supervisors  
Members of the Board of Directors of the Augusta County Service Authority

Enclosure

Atlantic Coast Pipeline Project  
DEQ #16-248F  
Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000  
FERC/EIS-0274D

Z-375

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA5 – City of Staunton, Virginia

20170228-0014 FERC PDF (Unofficial) 02/27/2017

### RESOLUTION OF THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA IN OPPOSITION TO ATLANTIC COAST PIPELINE

LA5-4

WHEREAS, Dominion Virginia Power has entered into what the company describes as a joint venture with three other major U.S. energy companies—Duke Energy, Piedmont Natural Gas and AGL Resources—to build and own a natural gas pipeline which will traverse portions of three states, including 11 counties and two cities in the Commonwealth of Virginia; and

WHEREAS, the proposed project will pass in close proximity to a public water source and boundary of the City; and

WHEREAS, representatives of Dominion Virginia Power, upon the invitation of City Council of the City of Staunton, Virginia, made a presentation about the project to Council at its meeting on August 28, 2014, held at Robert E. Lee High School to accommodate an overflow audience; and

WHEREAS, reflective of the considerable public interest in the project, dozens of individuals at the meeting, through questions submitted to City Council and comments made during the public comment period, registered their strong opposition to the project, as proposed; and

WHEREAS, members of City Council share many of the concerns expressed by citizens of the City and desire, as a body, to express their opposition to the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that:

1. Council joins with other localities in the Commonwealth of Virginia, including the counties of Augusta and Nelson, in their expressions of concern about and opposition to the Atlantic Coast Pipeline.
2. Council opposes the construction of the Atlantic Coast Pipeline and urges Dominion Virginia Power and all others involved to reduce reliance on natural gas and to seek solutions for the 21<sup>st</sup> century, including conservation and renewable energy such as solar and wind power, that will satisfy future energy needs without imperiling the natural bounty and beauty of our region and the health and safety of our citizens.
3. In the event Dominion Virginia Power and its partners submit an application for construction of the Atlantic Coast Pipeline to the Federal Energy Regulatory Commission (“FERC”), Council, in the strongest possible terms, urges FERC to withhold approval of the project, on the basis that the natural gas to be transported is not believed to be required to serve the energy needs of Virginia or North Carolina (a significant portion of which can be satisfied by conservation and renewable energy

LA5-4

Comments noted.

Regarding resolution 3, note that section 4.8.2 describes the Commission’s policy on determining whether a proposed project is in the public good and required by the public convenience and necessity.

Z-376

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA5 – City of Staunton, Virginia

20170228-0014 FERC PDF (Unofficial) 02/27/2017

LA5-4  
(cont'd)

sources) and, therefore, the pipeline will neither serve the public interest nor satisfy the legal standard of "public convenience and necessity."

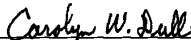
4. Council respectfully requests that the Governor of Virginia reconsider his public endorsement of the Atlantic Coast Pipeline, and, after consultation with the City of Staunton and other localities that would be impacted by the project and consideration of risks to the environment (including threats to karst environments and water supplies locally in the Shenandoah Valley, elsewhere in the Commonwealth of Virginia and in the District of Columbia and the State of Maryland) and the state's economy (including its agricultural and tourism sectors), oppose the project.

5. Council respectfully requests that Senator Mark Warner, Senator Tim Kaine and Congressman Bob Goodlatte join publicly in opposition to the project, communicate their opposition to FERC and take appropriate action to encourage FERC to withhold approval of the project.

6. In the event Dominion Virginia Power and its partners elect to proceed with the construction of the Atlantic Coast Pipeline, and the project is approved by FERC, Council implores Dominion Virginia Power and its partners to give full consideration to the use of existing utility and highway corridors for the project, so as to minimize, to the greatest extent possible, the impacts of construction, maintenance and operation of the project.

7. Council directs that the Clerk of Council send a copy of this resolution to Dominion Virginia Power, Senator Mark Warner, Senator Tim Kaine, Congressman Bob Goodlatte, Governor Terry McAuliffe and Cheryl A. LaFleur, Chairman of FERC.

Adopted this 23<sup>rd</sup> day of October, 2014.

  
Carolyn W. Dull, Mayor

Attest:

  
Linda Little, Clerk of Council

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA6 – Columbus County Board of Commissioners, North Carolina

**Gary Lanier**

CP15-554

**From:** Rosemary Wyche <rosemary@eandvgroup.com>  
**Sent:** Wednesday, February 22, 2017 12:30 PM  
**To:** stevey@ncse.org  
**Cc:** Bruce McKay; Gary Lanier  
**Subject:** Re: Resolution of Support for Atlantic Coast Pipeline

ORIGINAL

Gary

Thank you so very much for the Resolution of Support from Columbus County, below is the mailing address for the Federal Energy Regulatory Commission, please also include the Docket #.

Steve,  
As always thank you for your continued support.

Take Care.  
Rosemary

**Kimberly Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington DC 20426**

**RE: Docket # CP15-554**

RECEIVED  
FEB 22 2017  
11:28 AM  
STEVE YOST

On Feb 22, 2017, at 11:36 AM, Steve Yost <stevy@ncse.org> wrote:

Rosemary & Bruce,

Attached is Resolution of Support for the ACP from Columbus County. Please thank Gary Lanier, Executive Director of the Columbus County EDC and also NCEDA board member, for getting this done.

Steve

**From:** Gary Lanier [mailto:glanier@columbusco.org]  
**Sent:** Wednesday, February 22, 2017 11:28 AM  
**To:** Steve Yost  
**Subject:** Resolution of Support for Atlantic Coast Pipeline

Steve,  
Can you forward this to the pipeline folks? I don't think I have the address, or if I do I cannot lay my hands on it. If you have a mailing address, please let me know on that also and I will mail the original to them .....  
Thanks,  
Gary

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA6 – Columbus County Board of Commissioners, North Carolina (cont'd)

LA6-1 Comment noted.

### COLUMBUS COUNTY BOARD OF COMMISSIONERS



#### RESOLUTION IN SUPPORT OF THE CONSTRUCTION OF THE ATLANTIC COAST PIPELINE

LA6-1

**WHEREAS**, a group of major U.S. energy companies, including Dominion, Duke Energy, and Southern Gas recently formed a joint partnership to build the Atlantic Coast Pipeline, a 600-mile natural gas transmission line that will run from Harrison County, West Virginia to Robeson County in our state; **and**

**WHEREAS**, a lack of natural gas pipeline capacity, especially in eastern North Carolina currently limits North Carolina's access to this economical and environmentally friendly form of energy; **and**

**WHEREAS**, the route of the proposed 600-mile route of the Atlantic Coast Pipeline will pass through the eastern part of North Carolina; **and**

**WHEREAS**, the Atlantic Coast Pipeline will make the growing supplies of natural gas produced in the Appalachian shale basins such as the Marcellus and Utica formations much more available to North Carolina; **and**

**WHEREAS**, this will provide an additional natural gas supply source for the homes and businesses in the Eastern part of the region; **and**

**WHEREAS**, this project will help alleviate a shortage of pipeline capacity in North Carolina and work against pipeline constraints such as those that caused severe natural gas price spikes during the extremely cold winter of 2014; **and**

**WHEREAS**, this improved access will help promote stability in natural gas costs and help alleviate pipeline constraints that can cause severe price spikes such as those that occurred during the winter of 2014; **and**

**WHEREAS**, this better access will help promote North Carolina's continued economic development by providing better opportunities to recruit new manufacturing facilities that use the fuel; **and**

**WHEREAS**, this improved access will also work to improve air quality by enabling power generators to build new plants using this environmentally friendly fuel or convert existing plants to natural gas power.

**NOW, THEREFORE, BE IT RESOLVED** the Columbus County Board of Commissioners supports construction of the Atlantic Coast Pipeline and notes the project's significant benefits for our state's consumers, utilities, industries and continued economic growth and development.

**APPROVED and ADOPTED** this the 20<sup>th</sup> day of February, 2017.

#### COLUMBUS COUNTY BOARD OF COMMISSIONERS

JAMES E. PREVATTE, Chairman

GILES E. BYRD

TRENT BURROUGHS

CHARLES T. McDOWELL



AMON E. MCKENZIE, Vice Chairman

EDWIN RUSS

RICKY BULLARD

ATTESTED BY:  
  
JUNE B. HALL, Clerk to Board

Z-379



**LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS**  
**LA7 – Board of Directors of Halifax County Economic Development Commission, North Carolina**

LA7-1      Comment noted.

ORIGINAL



February 8, 2017

Nathaniel J. Davis Sr., Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Room 1A  
Washington, DC 20426

Re: Docket CP15-554-000 – Atlantic Coast Pipeline


Dear Mr. Davis:

LA7-1

The Board of Directors of the Halifax County Economic Development Commission adopted the attached resolution expressing their support for the proposed Atlantic Coast Pipeline. The Atlantic Coast Pipeline will provide Halifax County with greatly improved, direct access to the abundant and affordable natural gas production in the Appalachian region's Marcellus and Utica shale basins. The project will also enhance our ability to recruit additional businesses, especially manufacturing, since abundant, reliable and reasonably priced supplies of natural gas are a fundamental requirement of many modern industrial operations.

Thank you for your attention to this matter. We look forward to working with the Commission as you complete your review.

Sincerely,

  
Cathy A. Scott  
Executive Director

CAS/le

**Halifax County Economic Development Commission**

250 Premier Boulevard • Roanoke Rapids, NC 27870

Phone (252) 519-2630 • Fax (252) 519-2632

E-Mail: [hdc@halifaxdevelopment.com](mailto:hdc@halifaxdevelopment.com) • Website: [www.halifaxdevelopment.com](http://www.halifaxdevelopment.com)

[www.halifaxcorporatepark.com](http://www.halifaxcorporatepark.com) • [www.lambeaubuilding.com](http://www.lambeaubuilding.com) • [www.littletonindustrialbuilding.com](http://www.littletonindustrialbuilding.com)

Z-380

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA7 – Board of Directors of Halifax County Economic Development Commission, North Carolina (cont'd)



### RESOLUTION OF THE BOARD OF DIRECTORS OF THE HALIFAX COUNTY ECONOMIC DEVELOPMENT COMMISSION SUPPORTING THE PROPOSED ATLANTIC COAST PIPELINE

LA7-1  
(cont'd)

**WHEREAS**, the proposed Atlantic Coast Pipeline will provide a critically important new route for the abundant natural gas production from the Appalachian region's Marcellus and Utica shale basins to reach much of the Southeast, including North Carolina; and

**WHEREAS**, the path of this project will pass directly through Halifax County along the Interstate 95 corridor; and

**WHEREAS**, access to reliable and reasonably priced natural gas supplies is a fundamental requirement of many modern business operations, especially manufacturing; and

**WHEREAS**, the expanded availability of this clean, economical fuel will greatly enhance the ability of Halifax County to recruit new businesses and provide additional employment opportunities for the people of our locality; and

**WHEREAS**, the pipeline will provide other significant benefits for our locality and its residents, including greater stability in energy costs for electricity, home heating, and commercial heating, as well as important new tax revenues to help support our county's services; and

**Halifax County Economic Development Commission**  
260 Premier Boulevard • Roanoke Rapids, NC 27870  
Phone (252) 519-2630 • Fax (252) 519-2632  
E-Mail: [hdc@halifaxdevelopment.com](mailto:hdc@halifaxdevelopment.com) • Website: [www.halifaxdevelopment.com](http://www.halifaxdevelopment.com)

Z-381

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA7 – Board of Directors of Halifax County Economic Development Commission, North Carolina (cont'd)

LA7-1  
(cont'd)

**WHEREAS**, even before the new pipeline begins operations, its construction will generate substantial economic activity and create needed new jobs throughout much of North Carolina, including Halifax County; and

**WHEREAS**, the project will also help protect the environment, by furnishing additional supplies of this clean-burning, lower-emissions fuel to electric utilities for power generation; and

**WHEREAS**, the Halifax County Economic Development Commission has great confidence that the partnership consisting of Dominion, Duke Energy, Piedmont Natural Gas and AGL Resources will build and operate the pipeline in an efficient, safe and environmentally sound manner;

**NOW THEREFORE BE IT RESOLVED** that, the Board of Directors of the Halifax County Economic Development Commission of Halifax County, North Carolina expresses its support for the Atlantic Coast Pipeline and respectfully asks the Federal Energy Regulatory Commission to approve the project after a timely and comprehensive review of the proposal.

**BE IT FURTHER RESOLVED THAT** the Board of Directors of the Halifax County Economic Development Commission does hereby adopt this resolution and requests that a copy of this resolution be forwarded to the Halifax County Board of Commissioners and Ms. Kimberly Bose and Mr. Jeff Wright of the Federal Energy Regulatory Commission.

**ADOPTED THIS 23RD DAY OF OCTOBER, 2014.**

ATTEST:

  
Samuel Robinsen, Secretary

HALIFAX COUNTY ECONOMIC  
DEVELOPMENT COMMISSION

  
Frank Avent III, Chairman

Z-382

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA8 – Town of Pembroke, North Carolina

LA8-1 Comment noted.



*Town of Pembroke*

CP15-554

POST OFFICE BOX 866  
PEMBROKE, NORTH CAROLINA  
28372

CHANNING JONES  
MAYOR PRO-TEM

AMIRA L. HUNT  
CLERK

TYLER W. THOMAS  
MANAGER

Resolution In Support of  
Atlantic Coast Pipeline  
No: 2016-02-03

COUNCIL:  
CHANNING JONES  
THERESA LOCKLEAR  
LARRY McNEILL  
RYAN SAMPSON

LA8-1

Whereas the proposed Atlantic Coast Pipeline would provide the state of North Carolina and Robeson County with unprecedented direct access to affordable, abundant supplies of domestically produced natural gas; and

Whereas such access is a key element in the decision-making process as businesses consider where to locate new operations or expand existing ones; and

Whereas the economic development efforts of the Town of Pembroke and Robeson County have been hindered by the lack of availability of natural gas, a situation that would be changed dramatically with construction of the Atlantic Coast Pipeline; and

Whereas construction and operation of the pipeline would provide valuable new job opportunities for the men and women of Robeson County, including the residents of the Town of Pembroke; and

Whereas studies indicate these benefits would begin with construction of the pipeline, even before it goes into operation; and

Whereas a recent analysis by the consulting firm of Chmura Economics & Analytics found that construction of the project would support more than 4,400 jobs in the state of North Carolina with almost 2,600 directly supported by spending on construction activities; and

Whereas the same study found that the construction would produce more than \$680 million in additional economic activity in our state; and

Whereas operation of the pipeline would continue to produce major benefits for Robeson County and North Carolina, with a recent study by ICF International forecasting that the improved availability of natural gas provided by the pipeline would produce \$134 million annually in energy cost savings for our state's consumers; and

Whereas these savings on energy would generate additional economic activity that would support an average of 925 new jobs annually in our state, according to the ICF study; and

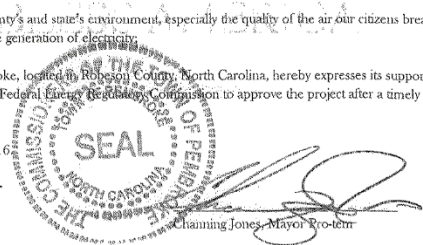
Whereas the pipeline will provide a valuable source of much needed new revenue for our county, producing almost \$5.5 million in new property tax revenues during the 10-year period ending in 2025; and


Whereas the pipeline would help protect our county's and state's environment, especially the quality of the air our citizens breathe, by offering a new low-emissions source of fuel for the generation of electricity;

Be it therefore resolved, that the Town of Pembroke, located in Robeson County, North Carolina, hereby expresses its support for the Atlantic Coast Pipeline and respectfully urges the Federal Energy Regulatory Commission to approve the project after a timely and thorough review.

Adopted unanimously this 1<sup>st</sup> day of February, 2016

  
Amira L. Hunt, Town Clerk



  
Channing Jones, Mayor Pro-tem

PHONE (910) 521-9758 • FAX (910) 521-0472

Z-383

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA9 – Robeson County, North Carolina

020116-01

CP15-554

LA9-1 Comment noted.

LA9-1

### Resolution Supporting Atlantic Coast Pipeline

Whereas the proposed Atlantic Coast Pipeline would provide the State of North Carolina and Robeson County with unprecedented direct access to affordable, abundant supplies of domestically produced natural gas; and

Whereas such access is a key element in the decision-making process as businesses consider where to locate new operations or expand existing ones; and

Whereas the economic development efforts of Robeson County have been hindered by the lack of availability of natural gas, a situation that would be changed dramatically with construction of the Atlantic Coast Pipeline; and

Whereas construction and operation of the pipeline would provide valuable new job opportunities for the men and women of Robeson County, including the residents of Robeson County; and

Whereas studies indicate these benefits would begin with construction of the pipeline, even before it goes into operation; and

Whereas a recent analysis by the consulting firm of Chmura Economics & Analytics found that construction of the project would support more than 4,400 jobs in the state of North Carolina with almost 2,600 directly supported by spending on construction activities; and

Whereas the same study found that the construction would produce more than \$680 million in additional economic activity in our state; and

Whereas operation of the pipeline would continue to produce major benefits for Robeson County and North Carolina, with a recent study by ICF International forecasting that the improved availability of natural gas provided by the pipeline would produce \$134 million annually in energy cost savings for our state's consumers; and

Whereas these savings on energy would generate additional economic activity that would support an average of 925 new jobs annually in our state, according to the ICF study; and

Whereas the pipeline will provide a valuable source of much needed new revenue for our county, producing almost \$5.5 million in new property tax revenues during the 10-year period ending in 2025; and

Whereas the pipeline would help protect our county's and state's environment, especially the quality of the air our citizens breathe, by offering a new low-emissions source of fuel for the generation of electricity;

Be it therefore resolved, that Robeson County Board of Commissioners, hereby expresses its support for the Atlantic Coast Pipeline and respectfully urges the Federal Energy Regulatory Commission to approve the project after a timely and thorough review.

Adopted this 1<sup>st</sup> day of February, 2016.



Jerry Stephens, Chairman

Tammy Freeman, Clerk to the Board

Docket # CP15-554-000

Z-384

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA10 – Halifax County Economic Development Commission, North Carolina

20170310-0100 FERC PDF (Unofficial) 03/10/2017

LA10-1 Comment noted.



February 15, 2017

Nathaniel J. Davis, Sr.,  
Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

RE: Draft Environment Impact Statement – Atlantic Coast Pipeline  
CP15-554-001

Dear Mr. Davis:

LA10-1

Investments in infrastructure help lay the foundation for economic growth. The Atlantic Coast Pipeline will provide North Carolina with new access to an abundant supply of clean, reliable and competitively priced natural gas, which is a fundamental requirement of many modern business operations, especially manufacturing. In Eastern North Carolina, it can help accelerate economic development, enhance job creation opportunities, increase revenues, and stimulate corporate investment. Construction of the pipeline will provide other significant benefits as well as important new tax revenues to help support our County's services.

I am aware of the draft Environmental Impact Statement prepared by the Federal Energy Regulatory Commission (FERC) for the Atlantic Coast Pipeline (Docket #CP15-554) and I appreciate FERC's thorough review of this project. The draft concludes that the Atlantic Coast Pipeline can safely and reliably provide our region with clean, American-based fuel sources to meet our energy needs today.

I urge FERC to approve the Atlantic Coast Pipeline Project. North Carolina's need for clean, reliable American energy should not be delayed.

Sincerely,

A handwritten signature in black ink that reads "Cathy A. Scott".

Cathy A. Scott  
Executive Director

**Halifax County Economic Development Commission**  
280 Premier Boulevard • Roanoke Rapids, NC 27870  
Phone (252) 519-2630 • Fax (252) 519-2632  
E-Mail: [hdc@halifaxdevelopment.com](mailto:hdc@halifaxdevelopment.com) • Website: [www.halifaxdevelopment.com](http://www.halifaxdevelopment.com)

Z-385

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA11 – Northampton County Economic Development Commission, North Carolina

20170310-0100 FERC PDF (Unofficial) 03/10/2017

**FEDERAL ENERGY REGULATORY COMMISSION  
ATLANTIC COAST PIPELINE AND SUPPLY HEADER PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT COMMENTS**

Comments can be: (1) left with a FERC representative; (2) mailed to the addresses below; or (3) electronically filed.<sup>1</sup>

For Official Mail Filing, Send To:

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE, Room 1A  
Washington, DC 20426

As applicable, please indicate project(s) you are commenting on:

- Atlantic Coast Pipeline: Docket No. CP15-554  
 Supply Header Project: Docket No. CP15-555  
 All of the above

COMMENTOR'S NAME AND MAILING ADDRESS: *(Please Print)*

Gary Brown  
Northampton County (NC) Economic Development Commission  
P.O. Box 685  
Jackson, NC 27845

COMMENTS: (PLEASE PRINT) *[continue on back of page if necessary]*

(Please see the attached.)  
\_\_\_\_\_  
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<sup>1</sup> The Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.gov> under the "e-Filing" link and the link to the User's Guide. Before you can file comments you will need to create a free account by clicking on "Login to File" and then "New User Account".

Z-386

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA11 – Northampton County Economic Development Commission, North Carolina (cont'd)

20170310-0100 FERC PDF (Unofficial) 03/10/2017

LA11-1

For more than two (2) years, the Northampton County (NC) Economic Development Commission (NCEDC) has closely followed the development of the Atlantic Coast Pipeline project, attending meetings and workshops, and engaging the project principals in furthering our understanding of the project.

The project is intended to meet the growing energy needs of public utilities in Virginia and North Carolina for cleaner electricity, residential home heating and power for local business and industry. That demand is very real and growing.

We believe the Atlantic Coast Pipeline will meet that objective, and will substantially strengthen the energy and economic infrastructure for all of eastern North Carolina.

LA11-1 Comment noted.

Z-387



**LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS**  
**LA11 – Northampton County Economic Development Commission, North Carolina (cont'd)**

20170310-0100 FERC PDF (Unofficial) 03/10/2017

LA11-1  
(cont'd)

From the onset, we have noted that Dominion Power and the other project partners have been diligent in meeting all regulatory requirements; designing to minimize environmental impact; cooperatively responding to all agency recommendations; and organizing a remarkably complex project with great attention to safe and secure operations.

Here in Northampton County, in addition to strengthening our energy and economic development infrastructure, the Atlantic Coast Pipeline project will bring additional benefit.

- First, locating the ACP Compressor Station and Operations Center in Northampton County will result in a significant capital investment which, together with the pipeline segment in the County, will, we project, result in a taxable capital investment in excess of \$100,000,000 which, at the current ad valorem rate, will generate in excess of \$1,000,000 in additional tax revenue annually once fully operational.

**LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS**  
**LA11 – Northampton County Economic Development Commission, North Carolina (cont'd)**

20170310-0100 FERC PDF (Unofficial) 03/10/2017

LA11-1  
(cont'd)

- Second, the ACP Compressor Station and Operations Center will employ 20 to 24 individuals in skilled higher-wage positions, creating additional opportunity for long-term, higher-wage employment in Northampton County.

At the NCEDC meeting of December 13th, the members received a presentation from ACP representatives particular to a Special Use Permit Application submitted to Northampton County for the compressor station and operations center to be located in Northampton County.

A that meeting, the members of the NCEDC then voted, unanimously, to recommend favorable consideration and approval of the Atlantic Coast Pipeline Compressor Station Special Use Permit Application by the Northampton County (NC) Board of Commissioners.

Previously, on January 11, 2017 the members of the Northampton County (NC) Planning Board also voted, unanimously to recommend approval of the Atlantic Coast Pipeline Compressor Station Special Use Permit Application by the Northampton County (NC) Board of Commissioners.

Z-389

**LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS**  
**LA11 – Northampton County Economic Development Commission, North Carolina (cont'd)**

20170310-0100 FERC PDF (Unofficial) 03/10/2017

LA11-1  
(cont'd)

Subsequently, on February 6, 2017, the Northampton County (NC) Board of Commissioners voted, unanimously, to approve the special use application.

On behalf of the Northampton County (NC) Economic Development Commission, the Northampton County (NC) Planning Board and the Northampton County (NC) Board of Commissioners, thank you for your consideration and your service.

---

Gary Brown  
Executive Director  
Northampton County  
Economic Development Commission  
9495 NC-305 Highway  
PO Box 685  
Jackson, NC 27845

Z-390

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA12 – City of Emporia, Virginia

20170310-0100 FERC PDF (Unofficial) 03/10/2017

CP15-554

### F. Woodrow Harris

Councilman, City of Emporia

1105 West End Drive      Emporia, VA 23847      (434) 634-2725 (home)  
(434) 348-3645 (office)      (434) 348-9319 (fax)      [harrisfw@comcast.net](mailto:harrisfw@comcast.net) (Email)

Comments for Atlantic Coast Pipeline Project  
Federal Energy Regulatory Commission Public Hearing 2/15/17

LA12-1 | Good evening. My name is Woodrow Harris. I'm a member of Emporia City Council. I appreciate the opportunity to provide comments on this important project. My comments are in full support of the Atlantic Coast Pipeline for a number of reasons.

From an economic development perspective natural gas is increasingly essential in attracting industrial and economic development to any locality.

Georgia Pacific is one of the City of Emporia's largest employers. At several times over the last decade representatives of that company have approached the city for discussions about the prospect of assisting in getting natural gas to their facility. On each occasion the city has attempted to help make this happen. These efforts have not been successful until now. Fortunately, alternatives were found and the facility has been able to maintain viability and continue to provide jobs in our community. A time will come when that may not be the case. This pipeline will thus serve as a means to allow an important existing industry to remain in our community.

Dominion Power is in the process of building a 1,600 megawatt natural gas fired power plant in Greensville County. The City of Emporia will provide half of the needed water for this facility. This plant will become Virginia's largest fueled by natural gas and is the largest single economic development investment in our community. EVER. The Greensville plant's little brother in Brunswick County began producing electricity in April, 2016 and will ultimately produce enough to power 325,000 homes. These two plants are not just beneficial to the jurisdictions they are housed in; they will benefit a large section of Southside Virginia! The ultimate plan is for both these plants to be served by the Atlantic Coast Pipeline when it is completed and on line, making the project critical to the optimal functioning of these two large power plants. Spur extensions are planned for both of these plants.

Additionally, our local government officials have been encouraged by the willingness of Atlantic Coast Pipeline contacts to consider creation of additional spur extensions to major natural gas users in our industrial parks and mega site development when those needs materialize.

Once completed, the pipeline will generate over \$10 million annually in local property taxes for the Virginia localities impacted. Over \$750,000 of this will be in Greensville County, with similar amounts in Brunswick and Southampton Counties. While the pipeline will not physically

LA12-1      Comment noted.

Z-391

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA12 – City of Emporia, Virginia (cont'd)

20170310-0100 FERC PDF (Unofficial) 03/10/2017

LA12-1  
(cont'd)

run through the City of Emporia, our economy is dependent on activity from our neighbors. Additionally, it's been estimated that pipeline operation will result in \$37 million in economic activity in Virginia and 1,300 jobs created or supported.

During the construction period for the pipeline, the impacts, while temporary, are even greater. Estimates are for \$1.4 billion in economic activity and 8,800 jobs created or supported. While construction is being done in the area of Emporia, local motels and restaurants will benefit from increased traffic and patronage.

This project is not just desirable from a local economic development perspective. Other localities will see similar benefits and the state of Virginia as a whole will have benefits from labor income and an increase in the gross state product.

Finally, during the initial span of operation for this project, consumer energy cost savings are estimated at over \$240 million.

For all of these reasons, the Atlantic Coast Pipeline makes good sense for Southside Virginia, the state as a whole and the entire United States central east coast.

Thank you.

Z-392

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA13 – Halifax County Commission, North Carolina

20170310-0100 FERC PDF (Unofficial) 03/10/2017

### FEDERAL ENERGY REGULATORY COMMISSION ATLANTIC COAST PIPELINE AND SUPPLY HEADER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT COMMENTS

Comments can be: (1) left with a FERC representative; (2) mailed to the addresses below; or (3) electronically filed.<sup>1</sup>

**For Official Mail Filing, Send To:**

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE, Room 1A  
Washington, DC 20426

As applicable, please indicate project(s) you are commenting on:

- Atlantic Coast Pipeline: Docket No. CP15-554  
 Supply Header Project: Docket No. CP15-555  
 All of the above

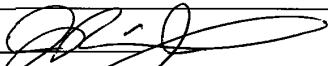
COMMENTOR'S NAME AND MAILING ADDRESS: (Please Print)

J. Rives Manning Jr  
737 Franklin St  
Roanoke Rapids NC 27870

COMMENTS: (PLEASE PRINT) [continue on back of page if necessary]

LA13-1 I know the pipeline is coming thru Halifax Co, NC, that being said I would like to have FERC require that the pipeline furnish AT LEAST ONE (1) TAP for Economic Development to utilize in Halifax Co, NC, AT NO Cost to County & AT A Site to be determined on Need in the Future.

LA13-2 I hope that the "Pipeline" will work with the Property Owners of the Land they cross to make it as "Painless" for the Property Owners as possible.

  
<sup>1</sup> The Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.gov> under the "e-Filing" link and the link to the User's Guide. Before you can file comments you will need to create a free account by clicking on "Login to File" and then "New User Account".

COUNTY Email: [manningj@halifax.com](mailto:manningj@halifax.com) • [www.halifax.com](http://www.halifax.com)  
10 North King Street • Post Office Box 38 • Halifax, North Carolina 27839  
252-326-1131 • Fax: 252-326-9931  
OFFICE Email: [halco@halifax.com](mailto:halco@halifax.com)  
737 Franklin Street • Roanoke Rapids, North Carolina 27870 • 252-519-0700

J. RIVES MANNING JR  
COMMISSIONER



- LA13-1 Providing natural gas to Halifax, North Carolina is outside the scope of this project and environmental analysis; however, the FERC will evaluate such an application if and when one is put before it. If gas supplies are needed in Halifax, North Carolina, discussion of this need should occur with a company that could develop a project to serve Halifax, North Carolina with additional supplies of gas.
- LA13-2 Section 4.8.2 describes the easement negotiation process between a pipeline company and landowner.

Z-393

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

LA14 – Richard S. Holman, Mayor, Monterey, Virginia

LA14-1      Comment noted.

Statement to Federal Energy Regulatory Commission  
February 28, 2017  
The Highland Center  
Monterey, Virginia

LA14-1

Water protection has been my first priority from the time we learned of plans for the Atlantic Coast Pipeline. As Mayor of Monterey, with the original route, I was deeply concerned for our pristine municipal water supply. When Monterey Town Council presented a report and asked for a bond or guarantee for the water system, Dominion's response was "All we (Dominion) will do is what FERC requires us to do."

The DEIS seems to be clear that FERC is not "requiring" Dominion to do anything to protect water systems. Instead it is leaving it to Dominion to carry out vague "mitigation" efforts. The route is different now but other water supplies private and municipal are in the cross-hairs. Surely FERC has sufficient experience with this company to know that even "requiring" certain actions would not guarantee that water systems would not be impacted, compromised and in many cases destroyed. For this reason and many others I believe construction of this unnecessary pipeline should not be allowed.

  
Richard S. Holman  
Monterey, Virginia

Z-394

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA15 – Tyler County Commission, West Virginia

20170310-0091 FERC PDF (Unofficial) 03/09/2017

CHARLES A. SMITH  
COMMISSIONER  
JOHN F. STENDER  
COMMISSIONER  
ERIC H. VINCENT  
COMMISSIONER

  
*Tyler County Commission*  
P.O. BOX 66  
MIDDLEBOURNE, WEST VIRGINIA 2614

OFFICE OF  
EXTERNAL AFFAIRS  
2017 MAR -9 P 2:38  
FEDERAL ENERGY  
REGULATORY COMMISSION  
NEIL A. ARCHER II  
COUNTY CLERK  
TELEPHONE  
(304) 759-2102  
FACSIMILE  
(304) 759-2128

February 22, 2017

Nathaniel J Davis Sr  
Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street NE Room 1A  
Washington DC 20426

RE: Docket Nos. CP15-554-000 and CP15-554-001 (Atlantic Coast Pipeline) and  
CP15-555-000 (Supply Header Project)

Dear Mr. Davis:

We greatly appreciate the opportunity afforded by the Commission to comment on the draft Environmental Impact Statement (EIS) prepared by the Staff for the proposed Atlantic Coast Pipeline (ACP) and Supply Header Project (SHP). I read with interest the Executive Summary of the draft EIS and was impressed with its exhaustive and detailed analysis of these projects.

Given the economic value of these projects to our region, I was pleased with the Staff's conclusions on p ES-14 of the Executive Summary that "the majority of project effects would be reduced to less-than-significant levels" as a result of planned mitigation measures along with adherence to further recommendations detailed by the Staff. Based on Staff's findings, I feel confident these projects can be completed in a manner that minimizes environmental impacts and maximizes public safety while providing substantial economic benefits to the affected localities.

LA15-1

The Tyler County Commission does not oppose the 30 inch pipeline of the Supply Header Project and recognizes this as a necessary way to move natural gas that may be needed for the continued economic stability of our nation.

LA15-1 Comment noted.

Z-395



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA15 – Tyler County Commission, West Virginia (cont'd)

20170310-0091 FERC PDF (Unofficial) 03/09/2017

LA15-2

The Tyler County Commission does have concerns for the safety of our citizens and our children who reside near the proposed Supply Header Project due to the imminent danger of loss of life in the event of a ruptured gas line. The Tyler County Commission welcomes the revenue, but does have an issue with the proximity of our taxpayer's homes. We do take issue with the placement of the right of way. Our main concern is the safety of our citizens.

Thank you again for the opportunity to offer these comments on the draft EIS. This report should serve to persuade the public that these projects, which are so vital to the economic and energy needs of West Virginia and neighboring states, can be constructed and operated in a manner protective of the environment and public safety. Therefore, we respectfully urge the Commission to approve them at the conclusion of its comprehensive review.

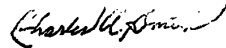
Sincerely,



Eric H Vincent  
Commission President



John F Stender  
Commission Vice-President



Charles A Smith  
Commissioner

LA15-2

Section 4.12 describes the rules and regulations related to pipeline construction and operation and safety.

Z-396

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA16 – Wintergreen Fire and Rescue, Virginia

20170310-0109 FERC PDF (Unofficial) 03/10/2017

Comments to FERC regarding Atlantic Coast Pipeline

Curtis Sheets, Chief  
Wintergreen Fire & Rescue

February 23, 2017  
Augusta County Meeting

Dear members of FERC,

LA16-1

Thank you for considering my concerns. I am the professional Fire Chief responsible for protecting Wintergreen community, Wintergreen Resort, and much of Nelson County. A portion of our property is in Augusta County.

Our census during the winter often exceeds 10,000. Our full-time resident census for the mountain community is approximately 500. Wintergreen Property Owners Association includes approximately 3,600 properties on 11,000 acres. There are over 1,200 condos in our mountain community.

There is only one entry/exit for our community. This entry point is where you will find our police department and our 911 call center. The proposed route of the ACP places the entry/exit in the blast zone. I fully understand the statistics which speak to the low probability of a pipeline explosion. I don't dispute these statistics, which are evidence based.

Presently, the chance of a natural gas pipeline emergency trapping citizens in our community is zero. Wintergreen has gone to great lengths to provide evidence of our topography and how fire would travel through our "box canyon" to our mountain village quickly, likely resulting in catastrophic property loss, and quite possibly loss of life.

It has become apparent to me, and many others, that Dominion Power will proceed with this project no matter how much public objection is recorded. Profit has been placed ahead of life safety and political leaders with the power to avert this risk are choosing not to oppose their corporate donors.

My primary goal now is to be certain that I have provided written documentation which clearly states our concerns so that persons litigating after an incident can have the evidence they need.

Wintergreen Fire & Rescue staffs their mountain station with 2 firefighters during the nights. These firefighters are backed up by 3 additional firefighters from our valley station. A pipeline emergency would preclude the two teams from joining forces. The two mountain firefighters would be faced with protecting the mountain village on their own. This is a ridiculous proposition. Any assistance we may typically receive from Nelson and Augusta fire agencies will also be cut off.

LA16-1

As described in section 4.12.1 of the EIS, DOT regulations require that Atlantic and DETI establish and maintain a liaison with appropriate fire, police, and public officials and to coordinate mutual assistance and ensure that these services have the equipment and training necessary to respond to any emergencies related to ACP and SHP. Atlantic and DETI would communicate with emergency responders on an annual basis. Atlantic and DETI would also establish a continuing education program to enable customers, the public, government officials, and those engaged in excavation activities to recognize a gas pipeline emergency and report it to appropriate public officials. In addition, Section 4.12.1 has been revised with additional discussion of Atlantic's coordination with Local Emergency Response Providers and the development of its Operational Emergency Response Plans, which would address evacuation requirements in the event of an incident along the pipeline.

Z-397

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA16 – Wintergreen Fire and Rescue, Virginia (cont'd)

20170310-0109 FERC PDF (Unofficial) 03/10/2017

LA16-1  
(cont'd)

Again, recognizing the potential for disaster is quite low, the fact remains the ACP is a potential recipe for disaster at Wintergreen. We are understaffed and untrained to handle any pipeline emergencies.

Long ago we identified a possible emergency exit to the Blue Ridge Parkway. We have reviewed these plans with Dominion Power officials and various local, state, and federal politicians. There has been no movement towards creating this exit.

The hazard to Wintergreen by the ACP is 100% avoidable. Wintergreen is by far the most densely populated portion of Nelson County, however no effort to avoid it has been made.

The Insurance Safety Office (ISO) ranks Wintergreen Fire Department among the top 5% of all Fire Departments in Virginia. This rating is more about our policies and operating procedures than staffing levels. One could easily argue this rating lends credibility to the opinions issued by our department. To that end, it would seem as if Wintergreen Fire Department could provide "expert" testimony for any litigation against Dominion Power relative to risk at Wintergreen, and we will.

In closing, as you read this, consider that the structure you're sitting in has more than one exit. This is a requirement in the United States because building officials in all 50 states agree there must always be multiple egress paths to be certain citizens can escape peril.


There is one exit for Wintergreen Resort. Are you going to support blocking that exit with a high-pressure natural gas pipeline?

Z-398

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA17 – County of Augusta, Virginia, Board of Supervisors

**COUNTY OF AUGUSTA, VA.**  
**BOARD OF SUPERVISORS**

MARSHALL W. PATTIE North River	GERALD W. GARBER Middle River		
TRACY C. PYLES, JR. Pastures	TERRY L. KELLEY, JR. Beverley Manor		WENDELL L. COLEMAN Wayne
MICHAEL L. SHULL Riverheads	CAROLYN S. BRAGG South River		

**TIMOTHY K. FITZGERALD – COUNTY ADMINISTRATOR**  
AUGUSTA COUNTY GOVERNMENT CENTER  
P.O. BOX 590, VERONA, VA 24482-0590  
(540) 245-5610 FAX (540) 245-5621  
coadmin@co.augusta.va.us

March 28, 2017

Cheryl A. LaFleur, Acting Chairman  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, D.C. 20426

Dear Ms. LaFleur:

On behalf of the Augusta County Board of Supervisors, I respectfully submit these comments to the Federal Energy Regulatory Commission (FERC) on the Draft Environmental Impact Statement (DEIS) on the Atlantic Coast Pipeline released in December 2016 (FERC Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000).

After our review of the DEIS, we are concerned with the documents continual acceptance of Atlantic submitted plans and procedures as sufficient in mitigating adverse impacts. We believe that the DEIS is essentially a summarization of Atlantic's claims, figures, and numbers rather than a critical analysis in which these claims are thoroughly vetted for their comprehensiveness, evaluated independently and verified for accuracy. Some examples of such summaries and the questions that remain are detailed below.

**LA17-1 | ALTERNATIVE ROUTES**

We have reviewed the DEIS' remarks on alternative routes. It was disheartening to read that a route alternative would only be considered if it did not cause significant delays in project timelines. How can environmental impacts be properly assessed if timing and project deadlines are paramount?

The FERC's regulations for an Environmental Impact Statement require that the "Alternatives" section of the report shall assess alternative routes as follows:

2017-00030

Z-399

LA17-1

The focus of our NEPA review is to analyze an applicant's request for specific pipeline routes, aboveground facility locations, and associated activities so that we can disclose and analyze the expected impacts of constructing and operating the proposed projects. Therefore, our approach to the analysis of alternatives is premised on two principles: first, our analysis is in response to an application for a specific project; and, second, the analysis of alternatives is driven by the need to resolve resource conflicts. Each alternative is compared to the applicant's proposal to determine if any or all expected impacts can be avoided or reduced.

Within this framework, we identified a full range of alternatives. Early in the pre-filing process, we screened the alternatives identified by various stakeholders, as well as the company sponsor, to determine if they are reasonable or if they should be eliminated from further analysis. All reasonable alternatives were evaluated in the draft EIS to determine whether they would be environmentally preferable to the proposed action.

Through the scoping process we identified and the draft EIS considered numerous system alternatives, route alternatives, and route variations. In addition to those identified by the agencies and public during scoping, alternatives were also identified by our staff to reduce or avoid impacts. The scope of reasonable alternatives is logically bounded by the projects objectives and its purpose. We also evaluated alternatives based on whether they are technically feasible, practicable, and offer a significant environmental advantage over the proposed action.

Alternatives and variations are not evaluated and discussed at the same level of detail as the proposed action in section 4, or at the same level of detail when compared to other analyzed alternatives or variations. We evaluate each alternative until we determine it is not reasonable, feasible, or environmentally preferable, or for some, until we recommend that the applicant provide additional information or adopt the alternative as part of the proposed project. Our criteria for alternatives analysis are well defined and the alternatives disclosed are reasonable. For each alternative evaluated in detail in the EIS, we identify the factors used to make a direct comparison to the proposed project.

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA17 – County of Augusta, Virginia, Board of Supervisors (cont'd)

Z-400

Cheryl A. LaFleur  
 March 28, 2017  
 Page 2

LA17-1  
 (cont'd)

“For alternative routes or locations considered for more in-depth consideration, describe the environmental characteristics of each route or site and reasons for rejecting it. Provide comparative tables showing the differences in environmental characteristics for the alternative and proposed action.”

Who determines the alternative routes that will receive “more in-depth consideration?” Some alternative routes were compared to the proposed route in tables expressing overall length, number of wetlands crossed, number of waterbodies crossed, miles of forested lands crossed, miles adjacent to existing linear corridor facilities, etc., while other routes did not. Did Atlantic submit these figures? Does “alternative routes or locations considered for more in-depth consideration” mean those routes that Atlantic chose to pursue with a greater depth of analysis based on their profit interests? This leaves the public wondering what criterion/elimination process FERC used to evaluate route alternatives and determine whether or not route alternatives suggested by the public and/or other federal agencies were receiving the in-depth consideration they deserve. Please provide specifics as to why and through what process some routes were considered more quantitatively than others. Weighing of environmental benefits between alternatives and the proposed route were not comparatively or quantitatively evaluated for many of the routes suggested as part of the public comment period. Rather, vague paragraphs were used to state that some environmental benefits may be achieved by an alternative route. These benefits were not quantified nor weighted. Furthermore, several alternative routes, despite a mention of environmental benefits, were continually not recommended due to possible feasibility concerns or issues of timing. We assert that the DEIS’ discussion of alternatives leaves a number of questions unanswered concerning the evaluative process/methodology, which should be disclosed for public comment, prior to the Final Environmental Impact Statement.

**TRAFFIC IMPACT**

Atlantic’s Traffic and Transportation Management Plan reads:

“The movement of construction equipment, materials, and personnel will cause a temporary increase in traffic volumes along area roadways. Impacts are expected to be minor and short term because construction spreads and personnel will be geographically dispersed and personnel will commute to and from work areas in early morning and late evening during non-peak traffic hours.”

LA17-2

The DEIS simply re-states Atlantic’s claim that traffic impacts will be relatively minor without providing for any independent review or analysis of estimated traffic volumes. Atlantic estimates 125 to 150 vehicle trips per day for Route 250 in Augusta County related to pipeline construction. Where does this number come from? Where is the breakdown of construction related traffic that supports this number? Does this number include the tank trucks required to haul 3.2 million gallons from Jennings Branch and 1.6 million gallons from a municipal water source in Augusta County to the hydrostatic testing sites? Why does the traffic impact number only assess impact to Route 250? With these important questions left unanswered, we do not believe FERC can conclude that the traffic impact is minor.

LA17-3

Table 1.3-1 on page 1-18 of the DEIS, titled Environmental Issues and Concerns Raised During Public Scoping for the Atlantic Coast Pipeline and Supply Header Project, provides the reader with a brief description of the concern and/or question raised by the public and the associated section of the DEIS where such issue is addressed. According to this table, “Impacts from construction-related traffic, including narrow existing roads,” can be found in Section 4.9.6. While Section 4.9.6 does address traffic, it still leaves unanswered the

LA17-2

Vehicle trips associated with project construction are based on estimates provided by the applicant. We disagree that the conclusions in the EIS are not accurate. As discussed in section 4.9.6, ACP may temporarily impact transportation and traffic during construction across and within roadways and from an increase in vehicle traffic associated with the commuting of the construction workforce to the project area and the movement of construction vehicles and delivery of equipment and materials to the construction work areas. Construction activities in the ACP and SHP study area would result in temporary effects on local transportation infrastructure and vehicle traffic, including disruptions from increased transportation of construction equipment, materials, and workforce; disruptions from construction of pipeline facilities at or across existing roads; and damage to local roads caused by heavy machinery and materials.

LA17-3

To minimize and mitigate potential impacts and identify road specific issues with transportation, Atlantic and DETI would prepare spread-specific traffic and transportation management plans for managing vehicle traffic during construction of the projects.

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA17 – County of Augusta, Virginia, Board of Supervisors (cont'd)

Cheryl A. LaFleur  
March 28, 2017  
Page 3

LA17-3  
(cont'd)

questions identified above. More specifically, this section does not mention, much less assess, the feasibility and impact of construction related traffic and the narrow roads which exist in many parts of Augusta County. For example, what length and width size trucks are required to haul pipes needed for construction? What is the typical width of rural roads that will need to accommodate this traffic? Are the shoulders sufficient to safely allow for the passing of a construction/equipment truck and an average sized vehicle? Below is a picture of Route 629 in Augusta County. This narrow, winding road will receive pipeline construction traffic. Please assess this road segment's ability to safely accommodate pipeline construction equipment and materials and average size vehicle traffic.

Google Maps 1830 State Rte 629



West Augusta, Virginia  
Street View - Jun 2009

### URBAN SERVICE AREAS

LA17-4

The pipeline crosses through parcels designated as Urban Service Areas in the County's Comprehensive Plan. These are areas where the County would like to see 80% of future commercial and residential growth. These are areas with water and sewer infrastructure investments. Some of these areas are already zoned for business and/or industrial development. While FERC identifies the development of such sites as speculative and thus not a determining factor when assessing negative impact, the Board asserts that such taxpayer investments are most certainly not speculative and should be taken into consideration.

LA17-4 Section 4.8.4.1 has been updated to include the commentator's statements.

Z-401

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA17 – County of Augusta, Virginia, Board of Supervisors (cont'd)

Cheryl A. LaFleur  
March 28, 2017  
Page 4

LA17-4 (cont'd) | As identified in the DEIS, the pipeline crosses through the Planned Unit Development, Stone Valley, in Augusta County. The pipeline project could reduce the overall number of developable lots by 18 to 30 units. The DEIS inaccurately states that “the portion of the area planned for development would not be crossed by the project.” Furthermore, the DEIS states that “...based on Atlantic’s consultations, the proposed route through the development is agreeable to the developer.” Townhouse lots are assessed at \$35,000 and single family lots at \$50,000 to \$60,000. At this time, a compensatory agreement offered by Atlantic has not been agreeable to the developer.

### AGRICULTURE/FARMING

LA17-5 | Several farmers in the Augusta County community have expressed concern as to the appropriate depth of pipeline construction through agricultural operations. At what depth must the pipeline be installed so as to safely accommodate the heaviest potential farm equipment needed to operate overtop the pipeline post construction? According to the DEIS, the Department of Transportation (DOT), regulates the depth of cover required, which appears to be directly related to the DOT’s area classifications. Class 1 areas, defined as a location having 10 or fewer buildings intended for human occupancy, have a lower depth of cover than Class 2, 3, and 4 areas which have varying degrees of more dense development, including buildings with four or more stories.

Using the DOT’s classifications, the majority of large agricultural operations in Augusta County most likely fall under Class I and would require a lower depth of cover than more densely populated areas. We urge Atlantic, FERC, and the DOT to assess whether or not the Class I locations and their subsequent depth of cover regulation, is sufficient for heavy farm machinery despite a comparative lower safety standard based on population.

### LANDFILL SITES

LA17-6 | The DEIS identified landfill and solid waste sites within 0.5 of a mile of the pipeline centerline. The report identified only one site for Augusta County, the Jolivue landfill/Augusta Regional Landfill, within this proximity. The DEIS identified the Augusta Regional Landfill as being 1,592 ~~feet~~ to the northeast of the pipeline. The DEIS also identified this site as having a “closed” status, which is incorrect.

Furthermore, there is an inactive coal ash landfill in Augusta County, located approximately 900 ft. northeast of the pipeline that is not identified in the DEIS. This coal ash landfill is upgradient of the pipeline. The image below shows the pipeline route in yellow and a circle marking the approximate location of the coal ash landfill.

LA17-5 | As discussed in revised section 4.12.1, Atlantic and DETI have stated that normal farm equipment may cross the pipeline without prior notification from landowners.

LA17-6 | Comment noted. Table 4.3.1-3 has been revised with supplemental data provided by Atlantic.

Z-402

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA17 – County of Augusta, Virginia, Board of Supervisors (cont'd)

Cheryl A. LaFleur  
March 28, 2017  
Page 5

LA17-6  
(cont'd)



On page 4-332 of the DEIS, the following summarization is given:

“Five total Landfill and Solid Waste Sites within 0.5 mile of the AP-1 mainline and AP-3 lateral. Three sites are over 300 feet from the project and two sites are over 130 feet from valve 35. One site has an open status but is downgradient of ACP. The remaining are closed (site has been remediated and/or contamination does not pose an unacceptable risk to human health or the environment) and up or side gradient to the project.”

Based on the additional information provided in this letter, the above summary is incorrect. It is important to note that there are actually **two** sites with an open status within the identified proximity to the AP-1 mainline and AP-3 lateral, and the site in Augusta County, according to Table 4.3.1-3 is **upgradient** of the ACP. The other identified open site close to the AP-3 Lateral is listed as side gradient to the project in DEIS Table 4.3.1-3 but downgradient to the project in the summarization quoted above.

With inaccurate, conflicting, and missing information concerning landfill and solid waste sites and their proximity to the project, how can FERC sufficiently assess the risks? How many other sites listed as closed are actually active? Are the distances and gradient directions listed in the table and summarized by FERC accurate? How many other landfill and/or LUST sites exist that have not been included?

### SOURCEWATER PROTECTION AREAS

Augusta County is proud to be situated as a headwaters zone, providing an estimated 173,812 Mgal/year (million gallons per year) and 273,251 Mgal/year to adjoining counties on an annual basis via groundwater flow and streamflow (Sullivan International Group). With the possession of such a precious resource comes great responsibility. While the County does have a wealth of water resources, it is the Western part of our

Z-403



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA17 – County of Augusta, Virginia, Board of Supervisors (cont'd)

Cheryl A. LaFleur  
March 28, 2017  
Page 6

County, which encompasses the Deerfield area, where these quantities are less abundant and thus even more precious.

The Augusta County Service Authority, in conjunction with Virginia Department of Environmental Quality and Virginia Department of Health grant funds, has invested \$155,200 to delineate the groundwater recharge area for the Deerfield public supply well. The results of that study show approximately 541 acres of groundwater recharge area to the existing Deerfield Well. In addition to the recharge area, approximately 10,675 acres, 8,738 of which is within the George Washington National Forest, is direct surface water area contributing to the existing Deerfield well. The completed recharge area delineation study shows a segment of the GWNF 6 Alternative Route, south of Deerfield Valley Road, crossing through the 541 acre recharge area, dangerously close to an identified sinking stream (i.e., swallet), which is a characteristic feature of karst terrain. Atlantic's route continues to change, with route adjustments being filed as recently as January 19, 2017, which was after the DEIS was issued for public comment. We urge you to prohibit the pipeline and subsequent laydown areas from locating within the Augusta County Deerfield groundwater recharge area (See attached map entitled "Zone 1 and Zone 2 of the Wellhead Protection Area (WHPS) Around the Deerfield Well and the ACP Pipeline Route Augusta County, Virginia).

The route identified as the "Proposed Survey Corridor" on the Atlantic Coast Pipeline Project interactive web map appears to have a 1/19/2017 date, which matches the supplemental filing that occurred after the DEIS was issued. If this is the most recent route, it avoids the groundwater recharge area as identified in the above mentioned map, but does cross through the direct surface water contributing area to the Deerfield well. Water will eventually drain from this area to the recharge area feeding the Deerfield well and should therefore be protected from risk of contamination.

We are in the process of adopting both the groundwater recharge and surface water areas into our Source Water Protection Overlay ordinance (Public Hearings and consideration in April 2017), which we use to enforce the findings of these delineation studies and guide our future land use decisions. We also ask that such findings guide your decisions as well. We appreciate that Atlantic Coast Pipeline, LLC rerouted to avoid the Lyndhurst Source Water Protection Area in Augusta County. We believe this was a sound environmental decision that should be made with regards to the Deerfield area as well.

### KARST TERRAIN/WELLS

Atlantic's comments on the DEIS dated February 9, 2017, corrected the FERC's mistaken perception that Atlantic would provide for pre and post well testing. Instead, Atlantic clarifies that they will only be providing post well testing if a landowner brings a suit against them, claiming reduced water quality and/or quantity. Why is the burden on the landowner to prove damage to their water source? What if the landowner does not suspect negative water quality issues despite the actual presence? What if the landowner does not have the means to secure such representation?

It is the belief of this Board that a one-time pre and post testing of wells within a specific distance of pipeline construction, specifically in mature karst terrain, would provide an incomplete snapshot of a water table and pattern that is much more complex. As referenced above, Augusta County has contracted with companies to provide for such complex water table mapping to identify groundwater recharge areas within the County. For the delineation of all recharge areas and development of the Sourcewater Protection Ordinance in Augusta County, a total of \$1,381,403 has been invested by local and state funding. This expensive and time consuming delineation process is necessary in order for us to make informed decisions concerning the types of land uses

LA17-7 Comment noted.

LA17-8 Comment noted. The water use and quality portion of section 4.3.1.7 has been revised to incorporate this and similar comments.

Z-404

LA17-7

LA17-8

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA17 – County of Augusta, Virginia, Board of Supervisors (cont'd)

Cheryl A. LaFleur  
March 28, 2017  
Page 7


LA17-8 (cont'd) | that should be permitted within these areas. This same detailed water analysis should be a required investment by Dominion, without it, the adverse impacts cannot accurately be quantified.

The Board believes it is telling that FERC assumed pre and post well testing despite Atlantic's intentions otherwise. We urge FERC to stand by this assumption as sound mitigation practice and furthermore urge FERC to demand from Dominion the rigorous testing that is required for adequate assessment.

### CONCLUSION

LA17-9 | In conclusion, we would like to reference a recent ruling by a federal judge that Dominion's coal ash site in Chesapeake, Virginia is leaking arsenic and is in violation of the Clean Water Act. This revelation demonstrates that mitigation plans are not always sufficient in reducing negative environmental and health/safety impacts to "less than significant levels." It also demonstrates the vigilance that is necessary on the part of assessment, permitting and enforcement agencies to protect the environment and public health. We hope that the Final Environmental Impact Statement will embody such vigilance and answer the questions we have detailed above. We appreciate the ability to provide comment and ask that our questions and concerns guide your final recommendations.

Sincerely,

  
\_\_\_\_\_  
Tracy Pyles, Jr., Chairman  
Augusta County Board of Supervisors

cc: The Honorable Congressman Bob Goodlatte  
The Honorable Senator Mark Warner  
The Honorable Senator Tim Kaine  
The Honorable Governor Terry L. McAuliffe  
The Honorable Attorney General Mark R. Herring  
Matthew R. Bley, Dominion Transmission, Inc.

LA17-9

Comment noted. Section 2.5 discusses the environmental inspection and monitoring that would occur during construction of the projects, and training for EIs and third-party compliance monitors. Section 2.6.1 describes pipeline facility operation and maintenance procedures, including aerial and ground patrols of the pipeline right-of-way to monitor for evidence of leaks, unauthorized excavation activities, erosion and wash-out areas, areas of sparse vegetation, damage to permanent erosion control devices, exposed pipe, missing markers and signs, new residential developments, and other conditions that might affect the safety or operation of the pipeline.

Z-405



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA18 – Randolph County Development Authority, West Virginia

20170313-0030 FERC PDF (Unofficial) 03/10/2017



**DEVELOPMENT  
AUTHORITY**  
PLAN - INVEST PROSPER  
COURTESY OF THE

ORIGINAL

March 3, 2017

Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, D.C. 20426

Re: Atlantic Coast Pipeline

To Whom It May Concern:

2017 MAR 10 P 3:06

CP15-554

LA18-1

Please accept this letter on behalf of the Board of Directors of the Randolph County Development Authority, as our formal support for the Atlantic Coast Pipeline (ACP) project. As the lead economic development organization in Randolph County, we kindly request that FERC approve this project as quickly as possible so that the energy and economic benefits can be realized by both individuals and businesses alike.

This project will help Randolph County and West Virginia in many ways. First and foremost it will provide an outlet for the tremendous natural gas reserves that are held in West Virginia. This will help improve two significant problems currently facing West Virginia, jobs and tax revenue. Thousands of jobs are expected to be created during the construction of the ACP. The permanent jobs provided by the work necessary to fill the pipeline will be numerous. In addition to the jobs, the taxes expected to be generated, both directly and indirectly, are expected to be significant. From property, severance, and income taxes, the ACP project will help struggling government revenues tremendously.

The RCDA believes the safety, environmental, historical and cultural concerns have been properly vetted and addressed by all parties involved. We are comfortable with the project moving forward with regards to these issues. As you know, the beauty of our beloved Mountain State is treasured by all West Virginians and we appreciate the work done to ensure this beauty will remain during and after the construction of the ACP.

In summary, we strongly encourage the Federal Energy Regulatory Commission to approve the Atlantic Coast Pipeline. We look forward to reaping the benefits this project will provide to all West Virginians. If you should have any questions, please do not hesitate to contact us.

Respectfully Submitted,

Robert L. Morris, Jr.  
Executive Director

10 Eleventh Street · Elkins, WV 26241 · www.rcdawv.net · Phone 304.637.0803 · Fax 304.637.4902 · info@rcdawv.org

LA18-1 Comment noted.

Z-407

**LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS**  
**LA19 – County Commission of Lewis County, West Virginia**

20170314-0212 FERC PDF (Unofficial) 03/14/2017

ORIGINAL

LA19-1 Comment noted.

**COUNTY COMMISSION OF LEWIS COUNTY**

110 Center Avenue  
Weston, WV 26452  
Phone: (304)269-8200  
Fax: (304)269-2416  
Email: lewiscountycommission@lewiscountywv.org  
Website: lewiscountywv.org



**COMMISSIONERS:**  
**PATRICK D. BOYLE**  
President  
**AGNES G. QUEEN**  
Commissioner  
**ROD WYMAN**  
Commissioner

February 27, 2017

Nathaniel J. Davis, Sr.  
Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: Docket No. CP 16-10

Dear Mr. Davis:

We greatly appreciate the opportunity afforded by the Commission to comment on the draft Environmental Impact Statement (EIS) prepared by the Staff for the proposed Mountain Valley Pipeline. We commend the Staff for its exhaustive and detailed analysis of these projects as reflected in the draft EIS.

LA19-1

Based on Staff's findings, we feel confident this project can be completed in a manner that minimizes environmental impacts and maximizes public safety while providing substantial economic benefits to the affected localities.

We support this project because of the benefit that will accrue to our economy and communities. The construction of the Mountain Valley Pipeline would generate nearly \$47 million in economic activity in West Virginia, including the support of 4,500 jobs and generation of \$4 million in additional tax revenue. The study also projects that the economic advantages of the project will continue once the Mountain Valley Pipeline becomes operational. FTI Consulting analysis indicates that operation of the pipeline will inject up to \$2 million in local tax revenues annually.

In closing, we would like to point out the broader economic benefits of the Mountain Valley Pipeline for West Virginia and other states directly impacted by the projects. Enhanced access to natural gas will help states and localities attract new commercial and industrial investment, while greater access to natural gas will also translate to more stable energy prices for homes and businesses by relieving pipeline constraints during periods of high demand.

Thank you again for the opportunity to offer these comments on the draft EIS. This report should serve to persuade the public that these projects, which are so vital to the economic and energy needs of West Virginia and neighboring states, can be constructed and operated in a manner protective of the environment and public safety. Therefore, we respectfully urge the Commission to approve them at the conclusion of its comprehensive review.

Sincerely,  
  
Patrick D. Boyle, President

Agnes G. Queen, Commissioner

Rod Wyman, Commissioner

FILED  
SECRETARY OF THE  
COMMISSION  
2017 MAR 13 P 3:59  
FEDERAL ENERGY  
REGULATORY COMMISSION

Z-408

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA20 – Council of the Town of Salem, West Virginia

20170314-0306 FERC PDF (Unofficial) 03/13/2017

ORIGINAL

CP15-554

LA20-1 Comment noted.

### RESOLUTION OF THE COUNCIL OF THE TOWN OF SALEM IN SUPPORT OF THE ATLANTIC COAST PIPELINE (ACP) PROJECT

February 14, 2017

LA20-1

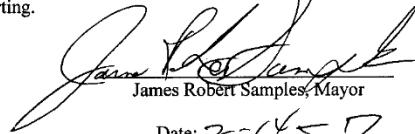
**WHEREAS**, the Atlantic Coast Pipeline (ACP) is an interstate natural gas transmission pipeline designed to serve multiple public utilities and their growing energy needs starting in North Central West Virginia and continuing to the States of Virginia and North Carolina. Atlantic is a company formed by four major, regionally based energy companies, including Dominion, Duke Energy, Piedmont Natural Gas and Southern Company Gas, to develop, construct, and operate the ACP.

**WHEREAS**, the ACP and related pipeline projects will assist the State of West Virginia and its communities to fully realize the economic benefit from the shale production industry by creating infrastructure to move natural gas to market demand while creating new jobs, maintaining cleaner air, and providing lower prices to heat and power homes and businesses; and,

**WHEREAS**, given the economic value of the project to the State of West Virginia and benefits to the economy and community of the Town of Salem as a whole, the Council of the Town of Salem pledges its support to the ACP project and similarly related projects; and,

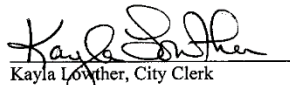
**WHEREAS**, it is in the best interests of the citizens of the Town of Salem to support the entire ACP project; now, *therefore, be it*

**RESOLVED**, that the Council of the Town of Salem approves of and supports the Atlantic Coast Pipeline and related pipeline projects as economic benefits to the community which the citizens of the Town of Salem have a valuable interest in supporting.

  
James Robert Samples, Mayor

Date: 2-14-17

Attest:

  
Kayla Lowther, City Clerk

2-14-2017  
Date:

FILED  
SECRETARY OF THE  
DEPARTMENT  
2017 MAR 13 P 3:26  
FEDERAL ENERGY  
REGULATION COMMISSION

Z-409

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia

20170406-5193 FERC PDF (Unofficial) 4/6/2017 9:43:37 AM

**Augusta County Historical Society**  
P.O. 686  
Staunton, VA 24402  
Together with the  
**Augusta County Alliance**  
3419 Cold Springs Rd.  
Greenville, VA 24440  
Telephone (540) 292-4170 email: lotswife@comcast.net

April 6, 2017

Kimberly D. Bose, Secretary  
Nathaniel J. Davis, Sr., Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE, Room 1A  
Washington, DC 20426

**RE: Comments on DEIS for Atlantic Coast Pipeline/Docket Number CP15-554  
Effect of the Proposed Atlantic Coast Pipeline on Historic Properties – Comments and  
Request from Augusta County, VA**

Dear Ms. Bose and Mr. Davis:

I am writing to you as an intervenor representing the Augusta County Alliance. I also represent the Augusta County Historical Society that has appointed me to act as its representative to make comments on the Section 106 Process regarding the cultural resources in Augusta County that are within the Area of Potential Effect (APE) of Dominion's Atlantic Coast Pipeline. As such your agency (FERC) as well as Dominion in agreement with the Virginia Department of Historic Resources has allowed me unlimited access to the files submitted by Atlantic's architectural and archaeological consultants in the cultural resources surveying process. I would like to thank your agency (FERC), the Atlantic Coast Pipeline LLC (ACP LLC), and the Virginia Department of Historic Resources (DHR) for allowing the Augusta County Historical Society the opportunity to review the findings of the Architectural and Archaeological Surveys of the Atlantic Coast Pipeline in Augusta County, conducted by the Dovetail Group, NRG, and ERM. Based on our review of those survey reports, we are writing to express serious concerns about the accuracy and adequacy of ACP LLC's efforts to identify, record, and evaluate cultural resources in Augusta County within the APE. We also question the ACP LLC's preliminary determination of effects on those historic properties. For instance, we would like to point out the different levels of attention paid to potentially significant properties depending on whether the ownership was private or public (in the George Washington National Forest).

We have found that the consultants on both the archaeological and the architectural portion of the surveys have failed to identify a number of potentially significant resources. We offer several here simply as examples of what we see as a major flaw in the overall study. Further, we question the fact that the overwhelming majority of the findings were deemed

1

LA21-1

The Section 106 process to identify, evaluate, assess and mitigate adverse effects to historic properties in the project APE is on-going. Atlantic provided additional information about linear resources in Augusta County in a May 1, 2017 filing (see section 4.10.1.1).

Z-410

LA21-1

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5193 FERC PDF (Unofficial) 4/6/2017 9:43:37 AM

LA21-1  
(cont'd)

ineligible for the National Register of Historic Places, apparently without specific research or, in most cases, without stepping foot on the property. In some cases, it is also apparent that the consultants were not even within the vicinity of the properties as at least two structures are listed as extant (and one deemed potentially eligible for the NRHP) that have not been standing for years. In most instances, however, properties were dismissed as not eligible for the NRHP with no apparent research. Just a few examples: Buckhorn Inn on Rt. 250, at least two houses on the Warm Springs Turnpike in Deerfield, and several houses on the edge of the Stuarts Draft village. Without an adequate survey and assessment of the history and integrity of those structures, it is not possible to begin to determine the effects of the ACP within the APE or the eligibility of those structures for register listing. That survey and assessment should consider whether these contributing resources may be individually eligible for register listing. Considering the number of historic resources in Augusta on the proposed 56-mile route, it seems inconceivable that the overwhelming majority of those would be dismissed without even the most minimal research.

Further, while the surveyors identified a few linear resources, they failed to identify a number of significant linear resources along the route, including one extant and one extinct railroad, the Great Wagon Road, and several turnpikes.

We hereby offer several examples of instances where the surveys fell short of the legal standards in Section 106. We would like to emphasize that we do not feel like these are the only instances of inadequacies, but rather are indicative of a subpar cultural resource assessment of the ACP within the APE in Augusta County.

LA21-2

Two significant resources stand out to us as areas of high concern, one is prehistoric and the other is historic. The first is the almost complete dismissal of Native American artifacts along the entire route, despite overwhelming evidence that the entire county is replete with evidence that would help tell the story of nearly 10,000 years of indigenous culture on the landscape of Augusta County. Of particular concern is the proximity of the pipeline to significant finds surrounding the East Burial Mound in Churchville, Va., and along Back Creek in the Sherando area. There were also significant finds in Deerfield. The findings of the ACP survey team near the East Burial Mound that were summarily dismissed as not important, appear to be linked to two previous archaeological sites that contained human interments and other culturally significant finds in close proximity. **We feel like the route needs to be altered significantly to avoid this area, that further archaeological investigation needs to occur on any new site, and that Tribal Consultation needs to be continuous as this develops.** The significant findings in Deerfield and Sherando point to a need to reconsider the route through those areas as well.

LA21-3

Another significant omission pertains to the historic stone walls along the slopes of the Blue Ridge Mountains in eastern Augusta County. These mortar-less stone walls are important cultural markers of the early Ulster Scots who settled this land. The walls, which resemble those used for agricultural purposes in the north of Ireland and before that in Scotland, were used to enclose livestock, surround gardens, and mark property lines. **Destruction of these important cultural landscape markers would be permanent and could not be mitigated.** These walls exist on at least five properties being impacted by the ACP. They are documented by the surveyors on two properties and, although initially dismissed by NRG, it is recommended on two properties that the walls be avoided and that further research be done to determine

LA21-2

On April 11, 2017, we filed a request for information regarding resources in Augusta County, including the East Burial Mound and historic stone walls. Atlantic's response filed on May 1, 2017 resolved some of the issues and confirmed that the investigations are on-going. See also section 4.10.3.

LA21-3

See the response to comment LA21-2.

Z-411



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5193 PERC PDF (Unofficial) 4/6/2017 9:43:37 AM

LA21-3  
(cont'd)

eligibility. The walls that are the most intact and also that will be the most extensively impacted are those owned by Hazel Palmer. Despite the fact that Dominion's engineering crew has produced drawings noting some of the walls in the direct path of the pipeline, these walls are not mentioned on any cultural resource documents.

LA21-4

Finally, we feel that along the 56 miles of proposed pipeline in Augusta County there will be significant visual impacts to the historic resources and landscape. A thorough study of these impacts needs to be done, but until a more accurate assessment of the cultural resources has been completed, it is premature to assess visual effects. When it is completed, determinations of effects should employ state-of-the-art elevation modelling and photo simulation to show the impacts of the project on cultural landscapes, view sheds, historic districts, contributing resources in historic districts and historic properties eligible for National Register listing. According to the Advisory Council on Historic Preservation (ACHP), the Section 106 review process is designed to take into account alternatives that avoid or minimize adverse effects. **The ACHP holds that consideration of alternatives and determinations of effect and completion of the Section 106 review process under the National Historic Preservation Act of 1966 as amended should precede award by your Commission of a construction certificate to the ACP LLC.**

LA21-5

**Further, it is suggested that the DEIS in regard to Augusta County be discarded and a new and more thorough study be launched that more accurately identifies cultural resources, both historic and prehistoric, and assesses potential impact.**

Thanks for your consideration in these matters. I am available to answer in questions that might arise in regard to the cultural resources of Augusta County.

Sincerely,



Nancy T. Sorrells, Board Member  
Augusta County Historical Society  
Augusta County Alliance Co-chair  
540-292-4170  
[lotswife@comcast.net](mailto:lotswife@comcast.net)

Cc: Robert Bishka, Senator Mark Warner, Senator Tim Kaine, Congressman Robert Goodlatte, Governor Terry McAuliff, Senator Emmett Hanger, Delegate Richard Bell, Delegate Steve Landes, Augusta County Board of Supervisors Chairman Tracy Pyles, Augusta County Administrator Tim Fitzgerald, Advisory Council on Historic Preservation Director John M. Fowler, Secretary of Natural Resources Molly Ward, and Department of Historic Resources Director Julie V. Langan.

LA21-4 The assessment of visual effects to historic architecture sites is underway.

LA21-5 Comment noted.

Z-412

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5193 FERC PDF (Unofficial) 4/6/2017 9:43:37 AM

**Submitted by the Augusta County Historical Society and Augusta County Alliance  
FERC Atlantic Coast Pipeline Docket #CP15-554-000  
General comments regarding the Cultural Resource Inventories for the ACP in Augusta  
County, including Architectural comments as well as comments on the Phase I & Phase II  
Archaeological investigations in Augusta County**

### Uneven quality of archaeological surveys

The general professionalism of the Phase I archaeological surveys has been disappointing. The difference in time and testing methods spent on private land as compared to public lands such as the George Washington National Forest is shocking. Compare, for instance, the prehistoric site survey report in the Deerfield area (44AU0910) in which the site type is described as basically "Lithic scatter, Native American." The survey strategies are described as "Subsurface testing, Surface Testing." The form was filled out with short sentences with no further explanation. Despite the fact that the site yielded 12 positive shovel tests out of 38, it was deemed not eligible for the National Register or for Phase II investigation.

A comparison of the Deerfield report, on private land, with another prehistoric site on federal land (44AU0917) clearly shows the double standard to which property is held. The survey description on the Deerfield property says "Phase I Survey." The same entry for the Forest Service survey is 16 lines long and contains detailed survey information. In Deerfield the entry under "Artifacts Summary and Diagnostics states "Debitage and FCR." The Forest Service entry is 14 lines long and has lengthy descriptions about the lithic artifacts that were discovered. With no exceptions, every Forest Service archaeological site was held to this higher standard of survey and reporting. (See pages 1-4 of Augusta County attachment)

### Overall lack of integrity for the archaeological surveys

This double standard and casual dismissal of the majority of the sites within Augusta County strongly suggests that many archaeological surveys are lacking in enough detail to make a final recommendation either for National Register eligibility or for a Phase II survey. Further, the cultural resource surveys missed or did not report a number of resources within the 300-foot survey corridor from the pipeline centerline.

**The following are simply a few examples and are not meant to be inclusive by any means. The conclusion should be that the entire archaeological survey for Augusta County is deeply flawed, lacks basic information, and needs to be redone.**

1. The Missing Archaeological Survey: The Jonathan Harper House (007-0233) This house, which is listed on the National Register, is within the APE for the ACP. It is located in Stuarts Draft. It does appear in the DEIS on pg. 604. However, despite the fact that the house has been listed for a number of years, the information presented in the DEIS is inaccurate. It notes that the cultural association is "unknown" (it is an historic farmstead). Dominion appears not to know that the structure is already on the Register as it is listed as "unevaluated." According to the couple who lives in the house, one of whom is a trained historian, the Phase I archaeological survey turned up very interesting 18<sup>th</sup>-century historic artifacts in the vicinity of the rumored first house for the site. The archaeologists were excited by the find, made notations, reburied the artifacts, and said they would return. They also indicated to the homeowners that the find might mean a shift in the pipeline path.

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5193 FERC PDF (Unofficial) 4/6/2017 9:43:37 AM

The lack of further analysis is troubling for several reasons. The survey report submitted to DHR notes that in 2005 during the eligibility hearing “archaeology significance should be considered during the research phase of the nomination work. [Board member Barbara Heath said] she felt that the information in the PIFs indicated potential for Criterion D or notation that an archaeological component of the property should be highlighted for further/future research. It is noted that on Feb. 2, 2015, the Dominion Architectural Survey team for Dominion ACP (Dovetail CRG led by Stephanie Jacobs) reviewed the file so they would have been aware of the archaeological potential for the property. IT IS IMPORTANT TO NOTE THAT APPARENTLY NO PHASE I ARCHAEOLOGICAL REPORT HAS EVER BEEN FILED FOR THE SITE AND NO SURVEY TEAM HAS RETURNED. (See Harper House Attachment)

2. The cultural resources survey teams did identify several linear resources along the route, including the C&O Railroad and a section of the Staunton-Parkersburg Turnpike. (Although the date on the C&O Railroad listed in the DEIS for the railroad’s arrival in Augusta County is off by two decades.) The team failed to identify several other key linear resources that will be crossed by the pipeline. A glance at the 1885 Augusta County map by Jed Hotchkiss would have pinpointed all of these resources, so it is hard to justify why they are not identified and at least targeted for an initial survey. While time might have erased historic evidence in these examples, the sites deserve at least the level of attention given that VDOT gives to road projects along historic linear corridors.

These resources include:

1. The Middlebrook-Brownsburg Turnpike (Rt. 252) from Staunton to Brownsburg.
2. The historic B&O Railroad that ran parallel to the Valley Pike. This railroad is no longer operating, but the remaining railroad bed will be crossed by the pipeline path at Folly Farms. Folly Mills Station Road will be used as the pipeline path and might have associated railroad resources as well.
3. The historic (and still existing) Shenandoah Valley Railroad, now Norfolk Southern, will be crossed by the pipeline route in the vicinity of Stuarts Draft.
4. The Howardsville Turnpike will also be crossed by the pipeline route east of Stuarts Draft.
5. Historic Rt. 11 that is also the Valley Pike and the Great Wagon Road will be crossed at Folly Mills.
6. Warm Springs Turnpike will be crossed in the Deerfield Valley
7. The Staunton-Parkersburg Turnpike. Further information on this resource will be provided by the Shenandoah Valley Battlefields Foundation.

The crossing at U.S. Rt. 11 at Folly Farm (007-0015) is particularly fraught with worry. The historic farmstead, which as noted in the DEIS is on the National Register and should be avoided or mitigated, is one of the most historic properties in the county. The house and the unique serpentine walls, reputedly designed by Thomas Jefferson, could be heavily damaged by any blasting that takes place. The damage could be irreparable. Archaeological surveys did document a slave cemetery on the property that will be avoided. However this crossing has a number of other cultural resources that will be impacted. Further, shifts in the route along this section are fraught

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## LA21 – Augusta County Historical Society, Virginia (cont'd)

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with other concerns as this is the area where the environmentally significant Cochran's Caves are located, as well as sensitive aquifers, and Augusta County's sealed landfill cells just across I-81. The section of the interstate where Dominion is proposing to drill under is a section that regularly deals with sinkhole concerns.

That said, the historic resources that have to be dealt with from Stingy Hollow Road to White Hill Road on this section of the proposed route are significantly understated by Dominion. Starting on the western section of this area are the archaeological remains of Cochran's Mill and the associated millrace. (This is at the Stingy Hollow/Old Greenville Road intersection). There is also a brick house on Old Greenville Road at the same crossing that could be eligible for the National Register. The route that heads east quickly encounters concerns about Folly Farm, its outbuildings, its historic walls, and its slave cemetery. At the U.S. Rt. 11 crossing is the B&O railroad bed and its associated resources that need to be examined.

3. There are other archaeological resources that have surfaced and have not been identified by Dominion's contracted surveyors. One example is a lime kiln located within 100 feet of the pipeline route on the East property near Churchville. This 19<sup>th</sup>-century industrial site deserves at least a Phase I investigation. (See pages 5-6 of Augusta County attachment)

**Native Americans in Augusta County:** Archaeologists know very little about the Native American population of Augusta County beyond the fact that significant occupation (as is evidenced by an abundance of artifacts) occurred continuously from the Archaic period (ca. 10,000 B.P.) to the late Woodland period (ca. 1700 A.D.). Experts know enough to trace generally the evolution from a hunter-gatherer society to a more permanent village culture during that period. Artifacts show an extensive East Coast trading network. A series of burial mounds gives a small glimpse into a sophisticated hierarchical society, but the heretofore rather superficial archaeological surveys have only provided tantalizing glimpses into 10,000 years of a highly developed society and culture. Beyond those sketchy generalizations, we know almost nothing about these people: who they were, how they lived, and why they disappeared. It is literally a vacuum of information. Therefore EVERY prehistoric artifact that is found in Augusta County is useful; it is reckless to dismiss any find as insignificant when it suggests that there is intact material culture beneath the surface. The 300-foot APE has the potential of irrevocably destroying any opportunity to learn more about a culture that once flourished in the Upper Shenandoah Valley.

Despite numerous sites that revealed prehistoric evidence within the 300-foot APE, Atlantic's contractors referred just two sites, one in Deerfield (44AU0907) and one in Sherando (44AU0873), for Phase II study and from that just one site (44AU0907) on the 56 miles of the proposed route in Augusta County was deemed as potentially eligible for the National Register. (As of March 16, 2017 the route had not been adjusted to avoid that site.) The second site, a large tool making site that spanned a period of several millennia, and appeared to be connected to a larger site that could reveal even more about the culture, was not deemed eligible for the register by the contractor archaeologists. The January 2017 supplemental filing noted of that site: "In general, the prehistoric assemblage represents multiple lithic reduction episodes that utilized raw material common to the area. It appears that site activities during most or all occupations were focused on tool production and maintenance." Nonetheless, it was concluded that "44AU0873 has very little research potential. Therefore, it is recommended ineligible for the NRHP. We also recommend that construction can begin at this location without further archaeological considerations."

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### Native American Burial Ground and related cultural resources

The Augusta County Historical Society has grave concerns about the ACP's proximity to this sacred burial area and potential village site along the Middle River in Churchville, Va. The Society notes that the survey team has failed to recognize and therefore has dismissed evidence that the project would be infringing on this area. The Society would like to have further investigation of this site and the surrounding area and potentially associated sites. Further, we would like to bring in Tribal Consultation for this site as it is a burial ground.

We have serious concerns over the proximity of the ACP APE to the burial mound/temple, village and town located along the Middle River near the village of Churchville. Apparently no one from ACP has surveyed the site, which has been surveyed and documented at least three times since the second half of the 20th century. Those instances are on record with VDHR and would be hard to miss.

A survey of 44AU0035 was generated on April 10, 2015, referencing a survey from 1997. That survey referenced the 1952 test strip in the mound that uncovered 129 pottery sherds, 17 chips, 44 points and blades, two drills, 2 pipes, and 1 celt. There were three burial groups discovered as well. (Holland in *BAE Bulletin* 173, 1960, Report *ASV Bulletin* "The East Mound", Meggers, vol 7, No 3, March 1953.)

In 1965, an extensive excavation occurred. During this investigation approximately 143 skeletons were removed although many more were so deteriorated that they could not be moved meaning that the ground remains a place where human remains are buried. There were many stone points, pipes, and pottery pieces removed as well. There were some shell beads, animal bones, and an eagle talon.

The results of the 1965 research point to a time period of between 960 A.D. to 1320 A.D. – an almost 300-year-period when the mound was in use. Archaeologists therefore described the mound as Late Woodland and noted that it was **probably in close proximity to a village or semi-permanent encampment**. It should be noted that Native American artifacts in the Churchville area are commonplace, particular around springs. (*Augusta Historical Bulletin*, 2015)

In the Summary of Archaeological Resources in the APE, for sites 44AU0919 and 44AU0920 the surveys note lithic scatter but declare the sites ineligible for the NRHP. Anyone checking the existing archaeological resources at VDHR could not help but notice the proximity especially of the second site with two existing documented sites related to the East Burial Mound. It makes sense that the test sites, especially 44AU0920, are part of a larger Late Woodland complex considering that it appears between two previously recorded VDHR sites. Further investigation into the connection between these sites is warranted.

Site 44AU0920, located on a slope above Middle River, produced 13 of 23 positive shovel tests that revealed 52 artifacts. The report notes that: "Site delineation suggests that the cultural remains may extend beyond the current Project survey corridor to the west. Although it is unlikely that significant remains would be present, the portion of the site beyond the survey corridor was not investigated, so a NRHP eligibility recommendation cannot be made for the site overall. However, that portion of the site in the APE lacks further research value, and would not contribute to the eligibility of the site as a whole. Therefore, the proposed construction through this portion of 44AU0920 would pose no adverse effect; ERM recommends no further work at the site."

**The Augusta County Historical Society would like to dispute these recommendations and suggest that the site is culturally connected to the larger East Mound burial and village**

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**complex that was inhabited for almost three centuries.** Further, final reports from archaeologists in the 1960s suggest that less than half of the human remains were successfully removed from the site. **This site not only warrants further investigation, but it is a sacred burial ground that should not be disturbed and destroyed by the ACP. We would like to bring in Tribal Consultation for this site.** Information about the East Burial Mound and the surrounding area are included as an attachment. (See pages 7-9 of Augusta County attachment)

### Tribal Consultation

Page 617 in the DEIS notes that the following tribal contacts were interested in more information about the ACP project: the Seneca Nation of Indians, the Catawba Indian Nation, the Delaware Tribe of Indians, the Eastern Shawnee Tribe of Oklahoma, the Tonawanda Band of Seneca, and the Tuscarora Nation. The Catawba Indian National responded with a letter stating that they have no immediate concerns regarding the projects, but would like to be notified if Native American artifacts or human remains are encountered during the ground disturbing phase of construction. "The Delaware National informed us that the project does not endanger cultural or religious sites known to them, and asked that their office be included as a contact in the event of an unanticipated discovery during construction." The Eastern Band of Cherokee Indians filed a letter on the docket requesting maps and copies of the archaeological survey reports of the project areas. "Atlantic and DTI sent copies of all archaeological survey reports to the tribe. We will continue to consult with tribes who are interested in the projects and ensure they get the information they request."

**The Augusta County Historical Society would like confirmation that all documentation has been sent to those interested tribal contacts and that, further, copies of this report be sent to them as well.**

### Questioning time spent on visual architectural surveys

One has to wonder how much time was actually spent doing visual architectural surveys of the APE. Three glaring admissions within less than a mile serve as an example of why this statement is being made. In each of the Dovetail reports, the G.M. Cochran Mill (AU007-0917) and Cochran's Church/Chapel (AU007-914) are mentioned. The mill is listed as being eligible for the NRHP. The church is listed as existing but as not having been evaluated. The problem is that neither resource is extant. The mill was dismantled in 2007. The chapel was taken down sometime in the late 20<sup>th</sup> century. If these buildings were not "missed" by the surveyors than obviously no one actually drove the route as both were once located within feet of the road. One must then wonder what else has been missed on the remaining 55 miles of the route. Also at this point the pipeline route crosses historic Rt. 11 (the Valley Pike, i.e. the Great Wagon Road) and the B&O Railroad bed. Although the mill and the chapel are gone, both should qualify and should have been red-flagged for at least Phase I archaeological surveys. There are also extensive mill races that remain for both the G.M. Cochran Mill and the mill that supplied the stone for the nearby Folly Mills bridge on U.S. Rt. 11. This mill race might be within the APE.

### Cochran's Chapel (007-914)

Immediately upon crossing U.S. Rt. 11, the route crosses a tiny tract of land that was once an early 20<sup>th</sup> century African-American chapel. How the cultural resource research team missed this is anyone's guess as it has been listed in the DHR records for decades. Further, Dominion's land team had to know about it to research the current owners of the site, which they have done. They obviously did not coordinate their information with the cultural resource team. A separate

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report on this site is attached. This site should require a Phase I archaeological survey at the minimum. (See pages 10-12 of Augusta County attachment)

### Stone Walls as cultural landscape markers

#### Historic Mortar-less Stone Walls

One of the most glaring omissions in the cultural resources report for Augusta County is the lack of identification by any of the contractor teams looking at cultural resources of the historic stone walls that will be destroyed on the last three parcels of land in eastern Augusta County. Hundreds of feet of these walls crisscross the property on Hazel Palmer as well as the adjoining properties of Monroe and Hanger. The bulk of the walls, however, lies on the Palmer property. These walls would be destroyed at numerous points both through the proposed route and the alternate route (if the HDD under the Blue Ridge Parkway and Appalachian Trail fails).

Although these walls now go through mostly wooded land, they were once part of a cleared landscape. Settlers on the western slopes of the Blue Ridge Mountains lived proud and independent lives on their subsistence farms. As their ancestors had done in the north of Ireland and in Scotland before that, they picked rock from the fields and built massive stone walls to protect their crops and gardens, to enclose their livestock -- mostly hogs and cattle -- and to delineate property lines. Built with a skill long lost, these stone walls are mortar-less -- held together by the skill of the builder. Horse-high and hog tight, these walls are often as wide as six feet and as high as a person's chest. They snake horizontally across the rising hills of the Blue Ridge and extend for miles. On the eastern portion of the county, ALL of the routes and alternate routes in Augusta County would cross and destroy these silent and powerful symbols of our pioneering ancestors who settled the Valley of Virginia. There is no mitigation that can restore what those artisans created centuries ago.

The designers of the Blue Ridge Parkway recognized the significance of these walls and integrated stone walls along the parkway's length in order to reflect the Appalachian culture through which the scenic byway wound. Some of the historic stone walls can be seen along the road and snaking through the forest along the Blue Ridge Parkway in the Augusta County-Nelson County portion of the drive.

The most extensive and intact series of walls remain on Hazel Palmer's property. Her ancestors bought the property almost 140 years ago and the walls were there at that time. "...I am the fourth generation to own this property. It was the home place of my maternal great-grandparents, who purchased the property in 1880, grandparents, parents, myself, and now my daughter who is fifth generation. My family has taken care of the property with great pride," said Palmer.

The walls are cultural indicators that remain from the Ulster Scots who settled the land in the late eighteenth and early nineteenth centuries. Local folklorist and author Lynn Coffey, who has extensively documented the mountain culture of the Augusta County-Nelson County-Amherst County geographic area, notes that the stone walls found on numerous properties in the area are part of the heritage, creating a unique cultural attachment to place and space. She writes:

"The stone walls found throughout the mountains are part of the early landscape built by people who settled in the Blue Ridge in the eighteenth and nineteenth centuries. As they began clearing the land for farming they found an abundance of native rock, which they used to their benefit. The rocks were gathered and piled into stone walls, which were a convenient and aesthetic way in which to dispose of them plus the walls could be used to mark boundary lines or keep livestock inside a barrier.

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“These stone walls are abundant in our area, whether located on the property of those still living here or on the home places of long-abandoned farms. They stand as a silent sentinel to the hard working Appalachian people who first settled here and are part of history that cannot be replicated, and thus should be protected from the onslaught of progress whenever possible.

“People who have these early stone walls on their property are careful not to disturb them and have an attachment that runs deep because of their unique history. Our own mountain land has been in the same family for eight generations and looking at the stone walls, one can only marvel at the back-breaking work that must have gone into building them.”

Professor Audrey Horning, at Queen’s University Belfast, specializes in the relationships between archaeology and contemporary identity with a particular focus upon European expansion into the early modern Atlantic worlds. Dr. Horning agrees that the stone walls of eastern Augusta County are “culturally meaningful aspects of heritage” and adds that the styles, in her opinion, can often be attributed to particular kin groups. More research would have to be done to find direct Ulster connections; further making the argument that these walls should be *totally avoided* if the pipeline route becomes reality. (See pages 13-15 of Augusta County attachment)

### Other Stone Walls

The fact that the cultural resources survey teams failed to identify hundreds of feet of these stone walls on three properties is inexcusable, especially in light of their own archaeological report from nearby Augusta County property 44AU0860. That survey, included in the Phase I Archaeological Report, has the remains of an old homestead and a series of stone walls that are far more weathered than those on Hazel Palmer’s property. The NRG report notes:

“The date and function of the stone walls is unknown. However, the association of the five stone walls with the architectural remains at the site suggests an historic origin as well...Further research is needed to provide context for the features observed at **44AU0860**, and to facilitate evaluation according to the NRHP eligibility criteria. **NRG recommends avoidance of the site pending further documentary and archaeological investigation.**” **No further documentation about this site from Dominion’s cultural resource teams has been found.**

The Augusta County Historical Society would also like to draw the attention to another site containing these mortar-less stone walls in the vicinity, **site 44AU0878, that was dismissed by NRG but re-evaluated by the Virginia Department of Historic Resources. The recommendations made by VDHR do not appear to have been acted upon.**

The site **44AU0878** had been surveyed by Jena Whipking of NRG on 11/6/2015 and “Recommended Not Eligible.” The site had three positive shovel tests with historic artifacts out of 6 and an observation of the “Historic stone surface features” was made.

Despite the recommendation in the Phase I survey of not being eligible, the landowner apparently showed the site to DHR representative Bob Jolley on 3/9/2016. His conclusion was that the rock walls constructed on opposite sides of an intermittent stream that run for over 500 feet might have been used to impound water. “This is an unusual site plan for a domestic historic site, one not previously seen by this investigator before,” he wrote. **“If the area is to be impacted, additional site survey is recommended including a site plan and excavation of test units in and adjacent to the foundation of the historic structure. Recommended for further survey.”** he concluded.

Despite the fact that Jolley’s recommendation for further survey and potential construction avoidance occurred over a year ago, no evidence of a Phase II investigation has been seen and no alteration of the route has apparently occurred.



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If, indeed, avoidance of these two sites is recommended, why would avoidance of the Hazel Palmer site with more stone walls, in better shape, and better documentation, not also be recommended for avoidance? Could it be because the Palmer site is the staging area for the HDD drilling? Would that be why the walls on the Palmer property and the adjoining properties are not even documented by the cultural resources teams? Interestingly enough, Dominion's engineering drawings do show the rock walls so the company is aware of the resource being impacted. (See **attachment**.) The Augusta County Historical Society is currently working with an anthropology student from James Madison University to map the walls on the Palmer property.

**The Society insists that these walls as well as any others that occur in the path of the pipeline are unique cultural resources associated with the early Ulster Scots settlers (also called Scotch-Irish) to this geographic region of the Shenandoah Valley. As such any damage cannot be mitigated. All activity associated with the pipeline, including the proposed pipeline route as well as associated construction, access roads, blasting, and ground vibration should be moved around the walls now known to occur on at least five Augusta County properties: the Palmer property, Monroe Property, Hanger property, 44AU0878 and 44AU0860. Further, we request that additional surveys on nearby properties be conducted to identify whether or not similar walls occur on other properties within the APE. It is recommended that similar surveys occur on the other side of the mountain in Nelson County.**

### Shenandoah Valley Battlefields National Historic District

Finally, the Augusta County Historical Society needs to bring to FERC's attention the impact that the ACP will have on the Civil War Resources in Augusta County. The county is part of the Shenandoah Valley Battlefields National Historic District and as such has numerous Civil War period resources that need to be documented in conjunction with possible effects from the ACP. The McDowell Battlefield Corridor is one such resource that will be crossed by the pipeline. The route of Hunter's 1864 Campaign will also be crossed by the pipeline route in at least three locations: along the Middlebrook-Brownsburg Turnpike, along U.S. Rt. 11, and along Mt. Torry Road. There could be other Civil War resources that are impacted as well. With the exception of a brief mention of the McDowell Battlefield, none of these potential impacts are even mentioned in the DEIS.

The Shenandoah Valley Battlefields Foundation plans to file documentation about this missing information as well.

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## LA21 – Augusta County Historical Society, Virginia (cont'd)

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Virginia Department of Historic Resources  
Architectural Survey Form

DHR ID: 007-0233  
Other DHR ID: No Data

### Property Information

#### Property Names

Name Explanation	Name
Function/Location	Farm, 3029 Stuarts Draft Highway
Historic	Jonathan Harper House
Historic/Current	George Harper Farm
Historic/Current	Harper House

#### Property Evaluation Status

NRHP Listing  
VLR Listing

#### Property Addresses

Current - 3029 Stuarts Draft Highway Route 340  
**County/Independent City(s):** Augusta (County)  
**Incorporated Town(s):** Stuarts Draft  
**Zip Code(s):** 24477  
**Magisterial District(s):** No Data  
**Tax Parcel(s):** No Data  
**USGS Quad(s):** STUARTS DRAFT

### Additional Property Information

**Architecture Setting:** Rural  
**Acreage:** 1.3

#### Site Description:

1981 survey: The farm is noteworthy for its fine selection of outbuildings, all conveniently clustered around the back porch of the main house.

2005 PIF: Unusually intact 19th century 151.81 acre farm site east of Stuarts Draft with a vernacular brick Virginia I-house with a rear saddlelog ell, along with period outbuildings, fields, and orchard. There are several outbuildings dating to the late 19th and early 20th centuries including a granary, salt curing/smokehouse, shed, silo, metal windmill, and a kitchen/dairy that may have been used as a dwelling prior to the main brick structure. The site originally included a barn, chicken house, rabbit house, farrowing barns, a log cabin dwelling house, a bunk/tenant house, and the original post office for the town of Stuarts Draft, now all demolished.

2005 nomination: In the yard are two small concrete fish ponds of oblong form. The property is surrounded by farmland with scattered historic and modern houses and farms and views of the Blue Ridge Mountains to the south and east. Nominated parcel is approximately 1.25 acres. The house retains several historic domestic outbuildings including a workshop and a large meathouse, and also a large mortise-and-tenon frame granary, the principal survivor from the farm complex once associated with the house.

March 2015: There have been no changes since the previous survey.

#### Surveyor Assessment:

1981 survey: The Hotchkiss Atlas indicates that this was the home of Jonathan Harper in 1885. Local residents remember this as the George Harper farm. When he died five years ago, the property passed to his daughter, Dorothy Eckhart.

2005 PIF: William Harper acquired land in August County around 1800. His son, Joseph Harper, owned the land associated with the Harper House by 1850 (Deed Books, August County, Virginia). After Joseph's death in 1860, the farm was left to his widow and brothers. Probate reported that the farm included 441 acres on the road from Waynesboro to Greenville on both sides of the South River (Will Book 40, page 37). Family tradition recalls that this included the draft of Stuarts Draft, as well as the original post office for the town.

Following the Civil War, Joseph's nephew John J. Harper and his wife, Sarah, moved to the farm from West Virginia. Family tradition maintains that it was John Harper who built the brick house. The house was constructed from bricks made from clay dug on the site. Historical Atlas of Augusta County, VA, 1885, by Jedediah Hotchkiss indicates that this was the home of Jno. Harper in 1885. John was referenced as one of the "principal farmers" of Stuarts Draft in Chataigne's Augusta County, Virginia Gazetteer and Classified Business Directory for 1888. His self-sufficient farm produced wheat, corn, apples, cattle, milk cows, and hogs.

John Harper died in 1890, leaving most of the farm and the house as a life-right to his wife. The house and farm transferred to their son, George Alexander Harper, around 1905. He was living in the house with his wife, Carmen Hicks, by 1909. It is believed that Carmen gave the house the moniker "Maple Shade" after the line of large maple trees along the front of the house (removed by highway expansion in the 1980s). Certainly, the family called their residence Maple Shade during the 20th century. George Harper was Chairman and member of the school board for thirty-five years, rose notably as leader and education reformer who transformed the school system from one-room schools to modern facilities, introduced school buses, and developed the Woodrow Wilson Education Center. As one of the leading forces in the evolution of the County's educational system and school architecture during the early 20th century, George Harper is associated with the Virginia Department of Historic Resources' 1984 thematic nomination "Public Schools in Augusta County, Virginia, 1870 to 1940 (McCleary, Ann. "Augusta County Schools Selected for State's First Thematic Nomination," Notes on Virginia 26, Spring 1985, p. 28-33). Because George occupied the house and farmed the land until his death in 1984, local residents remember this property as the George Harper farm. Today, the farm is owned by Harper's grandchildren, Mary Louisa Urquhart Bryant and Charles Fox Urquhart III.

2005 nomination: The Harper House is a well-preserved Italianate dwelling located near Stuarts Draft in Augusta County, Virginia.

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Virginia Department of Historic Resources  
Architectural Survey Form

DHR ID: 007-0233  
Other DHR ID: No Data

Tax records suggest the two-story brick house was built ca. 1888 for farmer John J. Harper, his wife Sarah, and the couple's family. The salient exterior feature is a richly ornamented front porch with sawn and pierced woodwork that appears to be modeled on cast iron porch details of the era. On the interior are Greek Revival mantels and a stair newel carved with a star design. The house is accompanied by a complement of domestic outbuildings including a large meathouse and a building that may have served as a summer kitchen, laundry, and dwelling in addition to its later function as a workshop. A large morise-and-knon granary features a threshing floor flanked by grain bins and a slated corner. The Harper House passed to George and Carmen Harper in the early twentieth century. George Harper was an educational reformer who helped modernize Augusta County schools during the first half of the twentieth century. The Harper House now belongs to Harper family descendants who are considering rehabilitation approaches to the property.

#### Applicable Criteria

The Harper House is eligible for listing in the National Register of Historic Places under Criterion C in the area of Architecture as a well preserved and finely finished Italianate dwelling with a number of notable architectural features, and also for the survival of the major part of its historic domestic outbuilding complex. Prior to the current documentation, the property was visited twice by architectural historians associated with the Virginia State Historic Preservation Office, and both wrote approvingly of the property. Dell Upton wrote in 1974, "This is perhaps the finest nineteenth century house along this part of the highway. It has the distinction of combining a handsome house with a varied and well preserved collection of outbuildings." Ann McCleary surveyed the property in 1981 and commented, "The farm is also noteworthy for its fine selection of outbuildings, all conveniently clustered around the back porch." The period of significance extends from ca. 1870, a date that reflects the possibility that some of the outbuildings pre-date the main house, until ca. 1940, embracing later developments such as additions to the house. The Harper House is eligible at the local level of significance.

The Jonathan Harper House located at 3029 Stuarts Draft Highway was listed on the NRHP in 2005. The two-story, three-bay, Italianate, I-house was built circa 1888 of five-course American common bond with a Flemish-bowd variant. Outbuildings include a granary, windmill, garage, kitchen, and meat house. Dovezail recommends that the Jonathan Harper house maintain its NRHP-listed status.

**Surveyor Recommendation:** Recommended Eligible

#### Ownership

**Ownership Category:** Private  
**Ownership Entity:** No Data

#### Primary Resource Information

**Resource Category:** Domestic  
**Resource Type:** Single Dwelling  
**Date of Construction:** 1888Ca  
**Historic Time Period:** Reconstruction and Growth (1866 - 1916)  
**Historic Context(s):** Architecture/Landscape, Domestic, Subsistence/Agriculture  
**Architectural Style:** Italianate  
**Form:** I-House  
**Number of Stories:** 2.0  
**Condition:** Fair  
**Interior Plan:** Central Passage, Single Pile  
**Threats to Resource:** Erosion, Public Utility Expansion, Transportation Expansion

#### Architectural Description:

**Architecture Summary, 1981:** The Harper House is typical of late 19th century brick farmhouses in the Stuarts Draft area. Many were built during these years south and east of Stuarts Draft, suggesting its continued prosperity at this time. Bracketed cornice.

**2005 PIF:** A survey conducted by D.T. Upton for the Virginia Landmarks Commission in 1974 reports, "This is perhaps the finest nineteenth century house along this part of the highway. It has the distinction of combining a handsome house with a varied and well preserved collection of outbuildings."

A survey conducted by Ann McCleary for the Virginia Historic Landmarks Commission in 1981 reports, "The Harper House is typical of late 19th century brick farmhouses in the Stuarts Draft area. Many were built during these years south and east of Stuarts Draft, suggesting its continued prosperity at this time. The three-bay facade I-house plan, the use of five-course American bond with Flemish variant, the interior chimneys, hip roof, and bracketed cornice were popular late 19th century characteristics in this area."

The house has numerous Italianate characteristics, including paired cornice brackets, 2 over 2 windows, a hipped roof, and a four-panel front door with transom, sidelights, and corner lights. The windows and four-panel doors throughout the structure appear to be original and retain their original period hardware, including porcelain doorknobs and decorative cast hinges. The front porch features sawn work pillars and railings, the design appears to be a local craftsman's interpretation of wrought iron. This feature, along with complimentary detailing on the paired brackets and corner lights, adds to the attractive and distinctive appearance of this house.

There is a two-story brick saddlebag ell on the south (rear) I-house which has a basement/root cellar and identical windows, paired brackets, shutters, doors, molding, and mantel. Historically, the ell had a two-tiered porch to the west which featured woodwork that matched the front porch (photo documentation and family recollection). The ell was probably built at the same time as the I-house, but may also be an older section that was remodelled during the construction of the main house. The two-tiered porch was replaced by a single-tiered metal porch in the mid-to-late 1960s following a storm, marking the only loss of exterior period features. A two-story brick room was added off the ell to the east at some point. This addition also features matching windows, paired brackets, and doors and, therefore, probably dates closely to the original construction—only a minor variation in brickwork around the windows and doors indicates a different construction phase during the initial

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Virginia Department of Historic Resources  
Architectural Survey Form

DHR ID: 007-0233  
Other DHR ID: No Data

inspection. In addition, a two-story brick bathroom wing was added by 1920 off the east I-house end and includes the only 20th century windows in this house, 1 over 1 and 9 over 1. There is also a wooden porch off the east side of the ell that is enclosed. The interior plaster coated walls are approximately 12 inches thick, with variations between interior and exterior walls. The interior includes original pine floors, Greek Revival mantels, wide plank skirting, period moldings around doors and windows, and built-in cupboards adjoining the kitchen/dining room fireplace and the front room fireplace. The original main staircase survives and features a carved star on the newel post and wooden paneling between the tread-end and the floor.

2005 nomination: The Harper House is constructed of brick laid in Flemish variant 4:1 and 5:1 American bond. Penciling survives on many interior joints. The mid-twentieth century bathroom wing on the east end of the front part of the house is constructed of random American bond and has a partial (or partially visible) concrete foundation. The two brick chimneys that rise from the interior of the front section and the one that rises from the interior of the ell have corbelled caps. The wood cornice at the top of the walls has paired sawn brackets and unusual channeling or linear indentations on the soffits. The front section, the ell, and the early two-story enlargement on the east side of the ell all have the same bracket and soffit details; the bathroom wing has a plain wood cornice and soffit.

The principal decorative feature of the house is the front porch, which has supports constructed of scantling with gaps between the members creating a vertically striped effect. At the top of the supports are molded caps and sawn brackets and between them are sawn balustrades with a stylized vasiform repeat. The cornice of the hip porch roof has small paired brackets aligned with the supports. The porch also has a beaded tongue-and-groove ceiling, a wood floor, and brick footers. The porch shelters the centered front entry, which has a transom and sidelights, heavy carved brackets between the sections of the transom, and a four-panel door. The house has two other porches. The one-story porch that extends along the west side of the ell has a shed roof, square posts, a metal railing, a plywood ceiling, and cinder block footers. It replaces a two-story porch at the same location. (The bottom tier of this former porch, which was destroyed in a storm in the late twentieth century, had cornice brackets similar to ones elsewhere on the house.) On the east side of the ell is a smaller one-story porch with a W-pattern lattice railing and a weatherboarded pantry enclosure. This porch may be a reduction of the original porch on this side of the ell, which would have been mostly removed when the ell addition was made. Key stains on the presently exposed studs inside the pantry indicate a former plaster-and-lath finish, although it is possible the studs were re-used from another context. The weatherboards are attached with wire nails suggesting the pantry was created about 1900 or the early decades of the twentieth century. Adjacent to this porch is a concrete platform that covers a cistern that is no longer in use.

The windows in the original section of the house and the early ell addition are two-over-two sash, those on the front section with louvered shutters. The bathroom wing has nine-over-nine windows and there are small four-light windows in the pantry and on the west side of the ell basement under the porch. The basement windows are in front of iron rod barred vents. The second-story front elevation window is flanked by narrow one-over-one sashes, reflecting the three-part form of the entry and sidelights below. The entries on the west side of the ell have four-panel doors with the upper panels glazed.

### House Interior

Typical interior finishes include plaster walls and ceilings, wood floors, simply molded baseboards, and four-panel doors with porcelain knobs and decorative butt hinges. The doors (as well as most other woodwork) have light-colored modern paint, although at least one door shows earlier dark brown paint where the modern paint has chipped. The original door and window openings have molded surrounds, the molding profiles different on the first and second floors, and the openings are slightly splayed where they pass through exterior walls. The front entry surround is cross-stated. The principal stair is located in the center passage and has one run with a complex modified landing or partial run at the top. The newel at the foot of the stair and the ovoid-section hand rail appear to be walnut, the risers are walnut stained, and the other stair elements are painted. The newel has a heavy turned form and is capped by a relief carving of a five-pointed star. The balusters are turned, the spandrel is finished with panels that grow successively taller as the stair rises, and the closet under the stair was refinished in the twentieth century. The landing at the top of the stair provides access to the second-floor center passage, the main room on the second floor of the ell, and a short hallway created to provide access to the bathroom wing.

The late Greek Revival post-and-lintel mantels are very similar in form throughout the house but have subtle variations. The mantels, six in all, have narrow pilasters with molded caps and bases and slightly projecting panels on their faces. The pilasters perch on decorative base blocks that have shoulders with angular, convexly curved, or concavely curved profiles. The mantel shelves have varied corner treatments, with convex or concave curves in three or more profiles. The mantels in the two front second-floor rooms are smaller than the mantels in the rooms below. Some hearths have been replaced with wood floor boards; the hearth in the main second-floor ell room is concrete scored to simulate brick and painted dark gray. Next to the mantel in the first-floor east front room is a press with paneled doors with decorative latches and partly removed shelves. The floor boards at the center of this room are unpainted, indication of an original carpet or mat floor covering. The floors of the second-floor west front room and the second-floor ell addition also have unpainted center areas of square or rectangular form.

The present kitchen at the south end of the first floor of the ell probably occupies the location of an original kitchen. The kitchen may once have had a mantel like others in the house. The kitchen has a corner winder stair, mostly enclosed, that leads to the room above and also, formerly, to the basement. Access to the year is through a batten door with a simple lift latch. The kitchen has ca. 1970s cabinets and paneling; similar paneling covers the walls of the second-floor east front room. The first-floor room in the ell addition, known to the Harper family as the "office," has a brick stove flue that begins two or three feet above the floor. Wrapping around the flue at about four feet above the floor is a shelf with convex curved corners supported on carved brackets. The outer wall of the room is lined with book cases. Other interior features include several second-floor closets with decorative wire clothes hooks, remnants of conventional floral or other pattern twentieth century wallpaper in some second-floor spaces, and doorways cut into the southeast corner of the first-floor front west room to provide access to the rear of the center passage and the ell.

The basement extends only under the ell and ell addition. It is entered by steps from the exterior at the south end—a gabled bulkhead formerly covered the steps—and through a batten door painted red and secured by a wrought iron hook. The two basement rooms under the ell have parge walls, dirt floors, and cut-nailed cross bracing between the ceiling joists. Next to the chimney breast in the north room is a crude built-in cabinet. It is unclear whether there were functional fireplaces in the two rooms. The space under the ell addition, which has white-painted brick walls, was used for processing milk during the early twentieth century. The ceiling joists in this space are smaller in section than those in the rest of the basement.

March 2015: There have been no changes since the previous survey.

### Exterior Components

Component	Component Type	Material	Material Treatment
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# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5193 FERC PDF (Unofficial) 4/6/2017 9:43:37 AM

Virginia Department of Historic Resources  
Architectural Survey Form

DHR ID: 007-0233  
Other DHR ID: No Data

Roof	Hipped	Metal	Standing Seam
Windows	Sash, Double-Hung	Wood	2/2
Structural System and Exterior Treatment	Masonry	Brick	Other
Chimneys	Interior	Brick	No Data
Porch	1-story, 4-bay	Wood	No Data
Porch	1-story, 3-bay	Wood	No Data
Windows	Sash, Double-Hung	Wood	6/1
No Data	No Data	Stone	No Data

### Secondary Resource Information

#### Secondary Resource #1

**Resource Category:** Agriculture/Subsistence  
**Resource Type:** Granary  
**Architectural Style:** No Discernable Style  
**Form:** Rectangular  
**Date of Construction:** 1890  
**Condition:** Poor  
**Threats to Resource:** Deterioration, Public Utility Expansion

**Architectural Description:**

March 2005: The granary's core is hewn framing members that are mortise and tenoned and pegged together and covered with pine boards that are approximately one foot wide. The hewn framing may date to the antebellum era.

Late 19th century contributing building.

March 2015: There have been no changes since the previous survey.

**Number of Stories:** 1

#### Secondary Resource #2

**Resource Category:** DSS Legacy  
**Resource Type:** Shed  
**Architectural Style:** No Data  
**Form:** No Data  
**Date of Construction:** No Data  
**Condition:** Demolished  
**Threats to Resource:** Demolition, Deterioration, Public Utility Expansion

**Architectural Description:**

In poor condition at time of original recordation. Not included in 2005 nomination, so likely demolished.

March 2015: This resource has been demolished.

**Number of Stories:** 1

#### Secondary Resource #3

**Resource Category:** Agriculture/Subsistence  
**Resource Type:** Chicken House/Poultry House  
**Architectural Style:** No Data  
**Form:** No Data  
**Date of Construction:** No Data  
**Condition:** Demolished  
**Threats to Resource:** Demolition, Public Utility Expansion

**Architectural Description:**

March 2015: This resource has been demolished.

**Number of Stories:** No Data

#### Secondary Resource #4

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# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5193 FERC PDF (Unofficial) 4/6/2017 9:43:37 AM

Virginia Department of Historic Resources  
Architectural Survey Form

DHR ID: 007-0233  
Other DHR ID: No Data

**Resource Category:** Agriculture/Subsistence  
**Resource Type:** Windmill  
**Architectural Style:** No Discernable Style  
**Form:** *No Data*  
**Date of Construction:** 1900  
**Condition:** Poor  
**Threats to Resource:** Deterioration, Public Utility Expansion

**Architectural Description:**

Early 20th century contributing resource.

March 2005

March 2015: There have been no changes since the previous survey.

**Secondary Resource #5**

**Resource Category:** Domestic  
**Resource Type:** Garage  
**Architectural Style:** No Discernable Style  
**Form:** Rectangular  
**Date of Construction:** 1940  
**Condition:** Ruinous  
**Threats to Resource:** None Known, Public Utility Expansion

**Architectural Description:**

1st half of 20th century, contributing building.

March 2005

March 2015: There have been no changes since the previous survey.

**Number of Stories:** 1

**Secondary Resource #6**

**Resource Category:** Domestic  
**Resource Type:** Kitchen  
**Architectural Style:** No Discernable Style  
**Form:** Rectangular  
**Date of Construction:** 1890  
**Condition:** Poor  
**Threats to Resource:** Deterioration, Public Utility Expansion

**Architectural Description:**

March 2005: The kitchen has an exterior brick chimney and stone foundation. It consists of two rooms, a loft and a basement dairy. Family tradition maintains that this structure, which was called the "workshop" during the 20th century, once served as a family residence.

Late 19th century contributing resource under Workshop designation.

March 2015: There have been no changes since the previous survey.

**Number of Stories:** 1

**Secondary Resource #7**

**Resource Category:** Agriculture/Subsistence  
**Resource Type:** Smoke/Meat House  
**Architectural Style:** No Discernable Style  
**Form:** Rectangular  
**Date of Construction:** 1890  
**Condition:** Poor  
**Threats to Resource:** Deterioration, Public Utility Expansion

**Architectural Description:**

March 2005: The salt curing/smokehouse has partial brick noggin up to about chest height, as well as plates and corner posts that are pegged

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# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

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Virginia Department of Historic Resources  
Architectural Survey Form

DHR ID: 007-0233  
Other DHR ID: No Data

together.

Late 19th century contributing resource.

March 2015: There have been no changes since the previous survey.

Number of Stories: 1

### Historic District Information

Historic District Name: No Data  
Local Historic District Name: No Data  
Historic District Significance: No Data

### CRM Events

#### Event Type: Survey:Phase I/Reconnaissance

Project Review File Number: 2014-0710  
Investigator: Stephanie Jacobs  
Organization/Company: Dovecail CRG  
Sponsoring Organization: No Data  
Survey Date: 2/2/2015  
Dhr Library Report Number: VA-119  
Project Staff/Notes:

Adriana T. Lesiak, Stephanie A.T. Jacobs, Michelle Salvato, M. Chris Manning, Caitlin Oshida, Emily K. Anderson  
Architectural Survey for the Dominion Atlantic Coast Pipeline in Highland, Augusta, Nelson, Buckingham, Cumberland, Prince Edward,  
Nottoway, Dinwiddie, Brunswick, Greenville, Southampton Counties and the Cities of Suffolk and Chesapeake, Virginia  
Dovecail Cultural Resources Group, Sept 2015  
VA-119  
2014-0710

#### Event Type: NRHP Listing

DHR ID: 007-0233  
Staff Name: NPS  
Event Date: 2/1/2006  
Staff Comment  
No Data

#### Event Type: VLR Listing

DHR ID: 007-0233  
Staff Name: DHR  
Event Date: 12/7/2005  
Staff Comment  
No Data

#### Event Type: NRHP Nomination

DHR ID: 007-0233  
Staff Name: Pezoni, J. Daniel  
Event Date: 9/22/2005  
Staff Comment  
No Data

#### Event Type: DHR Board Det. Eligible

DHR ID: 007-0233

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# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

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Virginia Department of Historic Resources  
Architectural Survey Form

DHR ID: 007-0233  
Other DHR ID: No Data

**Staff Name:** State Review Board  
**Event Date:** 6/1/2005

**Staff Comment**  
Grasslands, Loudoun County, #053-0472 (Criteria A and C) and Harper House, Augusta County, #007-0233 (Criteria A and C)

**Board Comment:** Board member Barbara Heath made a brief recommendation that for both of the above properties: archaeology significance should be considered during the research phase of the nomination work. She felt that the information in the PIFs indicated potential for Criterion D or notion that an archaeological component of the property should be highlighted for further future research.

### Event Type: DHR Staff: Eligible

**DHR ID:** 007-0233  
**Staff Name:** DHR  
**Event Date:** 4/7/2005

**Staff Comment**  
Virginia Department Of Historic Resources-Richmond  
National Register Evaluation Committee  
April 7th, 2005

**Wagner Presenting:**  
Harper House, Augusta County, DHR File Number 007-0233  
The resource is an evolved 2 story, masonry, Italianate style farmhouse, c. 1871 and later, with several early (contemporary with house) outbuildings, some relating to agricultural use. The period of significance is 1871, considered under Criteria A (History-Agriculture) and C (Architecture). There is possibility of Criterion B for locally important education leader George Alexander Harper (long time farmer and resident on the property). The committee recommends eligible with a score of 35 points.

### Event Type: PIF

**Project Review File Number:** No Data  
**Investigator:** Bryant, Mary Louisa U.  
**Organization/Company:** Unknown (DSS)  
**Sponsoring Organization:** No Data  
**Survey Date:** 3/31/2005  
**Dhr Library Report Number:** No Data

**Project Staff/Notes:**  
"We are concerned about the future of this family farm and believe that increased awareness resulting from this recognition, as well as the option of rehabilitation tax credits and preservation easements, would help ensure its preservation."

### Event Type: Survey:Phase II/Intensive

**Project Review File Number:** No Data  
**Investigator:** McCleary, Ann  
**Organization/Company:** Unknown (DSS)  
**Sponsoring Organization:** No Data  
**Survey Date:** 11/1/1981  
**Dhr Library Report Number:** No Data

**Project Staff/Notes:**  
VHLC survey - originally recorded under DHR file number of 007-0901.

### Event Type: Survey:Phase II/Intensive

**Project Review File Number:** No Data  
**Investigator:** Upton, D.T.  
**Organization/Company:** Unknown (DSS)  
**Sponsoring Organization:** No Data  
**Survey Date:** 11/6/1974  
**Dhr Library Report Number:** No Data

**Project Staff/Notes:**  
VHLC survey

### Bibliographic Information



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5193 FERC PDF (Unofficial) 4/6/2017 9:43:37 AM

Virginia Department of Historic Resources  
Architectural Survey Form

DHR ID: 007-0233  
Other DHR ID: No Data

**Bibliography:**

No Data

**Property Notes:**

Name: Charles F. Urquhart III  
Address 1: 26026 Court Street  
City: Courtland  
State: Virginia  
ZIP: 22837  
Surveyor Notes: co-owner at time of 2005 PIF  
Owner Relationship: Owner of property

Name: Mary Louisa U. Bryant  
Address 1: 504 Francisca Lane  
City: Cary  
State: North Carolina  
ZIP: 27511  
Phone 1: 919-467-6876  
Ext: 0000  
Surveyor Notes: co-owner at time of PIF, 2005  
Owner Relationship: Informant, Owner of property

**Project Bibliographic Information:**

No Data

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# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5193 FERC PDF (Unofficial) 4/6/2017 9:43:37 AM

### Comparison of two archaeology reports: one on private land and one on National Forest land Site on Private land

Virginia Department of Historic Resources  
Archaeological Site Record

Snapshot		Date Generated: December 12, 2016
Site Name:	No Data	Site Evaluation Status Not Evaluated
Site Classification:	Terrestrial, open air	
Year(s):	No Data	
Site Type(s):	Lithic scatter	
Other DHR ID:	No Data	
Temporary Designation:		

Locational Information	
USGS Quad:	DEERFIELD
County/Independent City:	Augusta (County)
Physiographic Province:	Valley and Ridge
Elevation:	1800
Aspect:	No Data
Drainage:	Jarvis
Slope:	2 - 6
Acres:	1.100
Landform:	Other
Ownership Status:	Private
Government Entity Name:	No Data

Site Components	
<b>Component 1</b>	
Category:	Industry/Processing/Extraction
Site Type:	Lithic scatter
Cultural Affiliation:	Native American
DHR Time Period:	Pre-Contact
Start Year:	No Data
End Year:	No Data
Comments:	No Data

Bibliographic Information	
Bibliography:	No Data
Informant Data:	No Data

Archaeological site data is protected under the Archaeological Resource Protection Act (ARPA 1979).

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# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

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Virginia Department of Historic Resources  
Archaeological Site Record

### CRM Events

Event Type: Survey:Phase I

**Project Staff/Notes:**

No Data

**Project Review File Number:**

No Data

**Sponsoring Organization:**

No Data

**Organization/Company:**

Natural Resource Group, LLC

**Investigator:**

Jena Whipping

**Survey Date:**

5/10/2016

**Survey Description:**

Phase I Survey

**Current Land Use**

Agricultural field

**Date of Use**

5/19/2016 12:00:00 AM

**Comments**

No Data

**Threats to Resource:**

Erosion, Other

**Site Conditions:**

Site Totally Destroyed

**Survey Strategies:**

Subsurface Testing, Surface Testing

**Specimens Collected:**

Yes

**Specimens Observed, Not Collected:**

No

**Artifacts Summary and Diagnostics:**

Debris and FCR

**Summary of Specimens Observed, Not Collected:**

No Data

**Current Curation Repository:**

ERM Atlanta (Duluth) Office

**Permanent Curation Repository:**

Return to Landowner

**Field Notes:**

Yes

**Field Notes Repository:**

ERM Atlanta (Duluth) Office

**Photographic Media:**

Digital

**Survey Reports:**

Yes

**Survey Report Information:**

Phase I Archaeological Survey of the Atlantic Coast Pipeline Project, Virginia Project Components

**Survey Report Repository:**

ERM Atlanta (Duluth) Office

**DHR Library Reference Number:**

No Data

**Significance Statement:**

Low artifact density; site destroyed; 12 positive shovel tests out of 38 total

**Surveyor's Eligibility Recommendations:**

Recommended Not Eligible

**Surveyor's NR Criteria Recommendations, :**

No Data

**Surveyor's NR Criteria Considerations:**

No Data

Archaeological site data is protected under the Archaeological Resource Protection Act (ARPA 1979).

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# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5193\_FERC\_PDF (Unofficial) 4/6/2017 9:43:37 AM

### Site on Forest Service land

#### CRM Events

Event Type: Survey:Phase I

##### Project Staff/Notes:

Jonathan Glenn; William Caramana; JT Sutton; Scott Gajewski; Sarasel Williams; Christine Lasser; Cory Laughlin.

GAI's portion is only on George Washington National Forest land.

##### Project Review File Number:

No Data

##### Sponsoring Organization:

GAI Consultants, Inc.

##### Investigator:

Jonathan Glenn, M.A., RPA

##### Survey Date:

4/27/2016

##### Survey Description:

The impetus for this survey was FERC permitting for a natural gas pipeline. GAI's portion is only on George Washington National Forest land. The direct APE along the pipeline ROW consists of a 91.4-meter (n) [300 foot (ft)] corridor (see Figure 2) centered on the proposed pipeline. The direct APE for access roads consists of a 15.2 m [50-ft] corridor centered on the proposed existing roadways. An APE wider than the proposed limit of disturbance (LOD) was studied for both the pipeline and access roads to allow flexibility in final design.

Subsurface investigation consisted of systematic excavation of shovel test pits (STPs) within testable areas of the APE. GAI archaeologists used a compass, tape, and measured pacing to establish a regular testing pattern within the APE. STPs were generally placed at 15.0 m (49.2 ft) intervals along transects spaced 15.0 m (49.2 ft) apart. Shovel testing within the APE included a maximum of six transects along the proposed pipeline and a maximum of two transects along the access roads (one transect along each side of the road), where deemed testable.

Each shovel test measured 50 cm (19.69 in) in diameter and was hand-excavated by natural soil horizons to at least 10 cm (3.9 in) into culturally sterile subsoil or to bedrock. Excavated soils were screened through 0.6 millimeter (mm) (0.25-in) hardware cloth for systematic artifact recovery. In the event that a single shovel test yielded artifacts, close interval radial STPs were generally excavated at 3 m (9.8 ft) intervals to determine if the discovery was an isolated find. If multiple adjacent or nearby initial STPs yielded artifacts and defined a site, then radial STPs were excavated at 5-m (16.40-ft) intervals to further investigate the locality. In the case of multiple initial positive STPs, radial STPs were generally focused around the perimeter of the cluster of initial positive STPs in order to refine the site boundary.

To date, GAI recorded six newly-identified sites and six isolated artifact finds, re-identified two previously recorded sites, and was unable to re-identify two other previously recorded sites.

Current Land Use	Date of Use	Comments
Forest	8/5/2016 12:00:00 AM	No Data
Threats to Resource:	Public Utility Expansion	
Site Conditions:	No Surface Deposits but With Subsurface Integrity	
Survey Strategies:	Subsurface Testing	
Specimens Collected:	Yes	
Specimens Observed, Not Collected:	No	

##### Artifacts Summary and Diagnostics:

Of the 1,299 artifacts in the assemblage, 3 flakes were found in the upper few centimeters (cm) of the B horizon while the remaining 99.77 percent (n=1,296) of the artifacts occurred within the O/A horizon. Phase I shovel test artifact density ranged from one to 188 artifacts per STP. The peak artifact density (47 to 183 artifacts per STP) occurs in the northern third and along the western edge of the site (STPs D4, E3, F8, F5, F10, R18, R32, and R37). Relatively moderate densities (14-41 artifacts) also occur across the western half of the site. The Phase I artifact assemblage consists of six bifaces, eight unifaces, two cores and 1,283 debitage. The majority (>99 percent) of the lithic assemblage is comprised of quartzite, while quartz, gray chert, and gray grainy metamorphic material all combined constitute less than one percent. Evidence suggestive of thermal alteration was noted on 19 flake fragments, one utilized flake (uniface), and one biface. The bifaces, all made from quartzite, include three middle-stage, two late-stage, and one fragment too small to determine the stage of reduction (Photograph 9). The uniface tools, also all made from quartzite, include six utilized flakes, one retouched flake, and one notched flake. Such expedient tools were typically used for the scraping or cutting of wood, hides and other soft materials. Both core fragments are freehand cores made from quartzite. The debitage sample is almost exclusively (99.3 percent; n=1,277) made from quartzite material. It consists overwhelmingly of biface reduction flakes (39 percent; n=506) and non-diagnostic flake fragments (59 percent; n=762). Early reduction flakes account for only one percent (n=15) of the collected debitage.

##### Summary of Specimens Observed, Not Collected:

No Data

Current Curator Repository:	GAI Consultants, Inc.
Permanent Curator Repository:	George Washington National Forest
Field Notes:	Yes
Field Notes Repository:	George Washington National Forest
Photographic Media:	Digital
Survey Reports:	Yes
Survey Report Information:	Glenn, Jonathan, Williams Caramana, Sarasel Williams, 2016. Technical Report, Phase I Cultural Resources Investigation, Atlantic Coast Pipeline

Archaeological site data is protected under the Archaeological Resource Protection Act (ARPA 1979).

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5193 FERC PDF (Unofficial) 4/6/2017 9:43:37 AM

Virginia Department of Historic Resources  
Archaeological Site Record

DHR ID: 44AU0917

Project, George Washington National Forest, Augusta, Bath, and Highland Counties, Virginia. Prepared by GAI Consultants, Inc., Homestead, Pennsylvania, for Dominion Transmission, Inc. and Atlantic Coast Pipeline, LLC.	
Survey Report Repository:	George Washington National Forest; VDHR; FERC
DHR Library Reference Number:	No Data
Significance Statement:	<p>GWNF Site 6 consists of a large prehistoric lithic scatter measuring approximately 10,013 sq m (107,790 sq ft). An unnamed tributary to Back Creek meanders through the site, flowing in a generally southwesterly direction. A quartzite outcrop is visible along the western edge of the Project APE at this location. Based on the Phase I artifact distribution, Site 6 likely extends further to the west and south, beyond the current APE. This site will be impacted by activities associated with proposed pipeline installation.</p> <p>Six transects of 15-m (50-ft) interval STPs were initially excavated along the project APE. Positive STPs were encountered in five transects. Radial shovel tests were subsequently excavated at 5 m (16-ft) intervals around the edges of the cluster of initial positive STPs in order to define site boundaries. A total of 102 STPs were excavated within or immediately adjacent to the Site 6 boundary, with 64 positive STPs and one incidental surface collection producing 1,299 prehistoric lithic artifacts.</p> <p>Of the 1,299 artifacts in the assemblage, 3 flakes were found in the upper five centimeters (cm) of the B horizon while the remaining 99.77 percent (n=1,296) of the artifacts occurred within the O/A horizon. Phase I shovel test artifact density ranged from one to 188 artifacts per STP. The peak artifact density (47 to 183 artifacts per STP) occurs in the northern third and along the western edge of the site (STPs D4, E3, F8, F5, F10, R18, R32, and R37). Relatively moderate densities (14-41 artifacts) also occur across the western half of the site. The Phase I artifact assemblage consists of six bifaces, eight unifaces, two cores and 1,283 debitage. The majority (99 percent) of the lithic assemblage is comprised of quartzite, while quartz, gray chert, and gray granitic metamorphic material all combined constitute less than one percent. Evidence suggestive of thermal alteration was noted on 19 flake fragments, one utilized flake (uniface), and one biface.</p> <p>The bifaces, all made from quartzite, include three middle-stage, two late-stage, and one fragment too small to determine the stage of reduction. The uniface tools, also all made from quartzite, include six utilized flakes, one retouched flake, and one notched flake. Such expedient tools were typically used for the scraping or cutting of wood, hides and other soft materials. Both core fragments are frechard cores made from quartzite.</p> <p>The debitage sample is almost exclusively (99.5 percent; n=1,277) made from quartzite material. It consists overwhelmingly of biface reduction flakes (99 percent; n=506) and non-diagnostic flake fragments (59 percent; n=762). Early reduction flakes account for only one percent (n=15) of the collected debitage.</p> <p>Based on the results of Phase I flake type analysis, the site's prehistoric occupants appear to have been focused on later stage lithic reduction activities, typically associated with biface manufacture or projectile point refurbishing. The preponderance of quartzite artifacts is not surprising in nature, quartzite outcrops occur adjacent to this site and are prevalent along the broader landscape. However, given that only 15 flakes represent early-stage reduction and expedient cores, it appears quarrying activities may not a primary activity carried out on this site, unless the raw material was removed to a different location prior to the majority of the initial reduction being performed.</p> <p>Although no temporally diagnostic artifacts were recovered, the overall high density of artifacts and the presence of a fair number of other bifaces and flake tools, suggest this site has potential to contain diagnostic artifacts. Further, the presence of thermally-altered artifacts may signal the presence of cultural features such as hearth-fire pits. Therefore, GWNF Site 6 has potential to yield data that would contribute to understanding precontact-period occupation/ utilization of the region. Therefore, GAI recommends that GWNF Site 6 is Potentially Eligible for listing in the NRHP under Criterion D. Site avoidance or additional archaeological investigations (Phase II) are recommended for this site.</p>
Surveyor's Eligibility Recommendations:	Recommended Potentially Eligible
Surveyor's NR Criteria Recommendations, :	D
Surveyor's NR Criteria Considerations:	No Data

Archaeological site data is protected under the Archaeological Resource Protection Act (ARPA 1979).

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# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5192 PERC EDF (Unofficial) 4/6/2017 9:43:37 AM

Photographs of a Lime Kiln on the East Property  
near the ACP proposed route



Z-433

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5192 PERC PDF (Unofficial) 4/6/2017 9:43:37 AM



Z-434

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5193 FERC PDF (Unofficial) 4/6/2017 9:43:37 AM

### Native American Burial Ground and related cultural resources (East Burial Mound)

The Augusta County Historical Society has grave concerns about the ACP's proximity to this sacred burial area and potential village site. The Society notes that the survey team has failed to recognize and therefore has dismissed evidence that the project would be infringing on this area. The Society would like to have further investigation of this site and the surrounding area and potentially associated sites. Further, we would like to bring in Tribal Consultation for this site as it is a burial ground.

We have serious concerns over the proximity of the ACP APE to the burial mound/temple, village and town located along the Middle River near the village of Churchville. Apparently no one from ACP has surveyed the site, which has been surveyed and documented at least three times since the second half of the 20th century. Those instances are on record with VDHR and would be hard to miss. Although this site is just outside the APE, it is clearly connected to an archaeological site within the APE.

A survey of 44AU0035 was generated on April 10, 2015, referencing a survey from 1997. That survey referenced the 1952 test strip in the mound that uncovered 129 pottery sherds, 17 chips, 44 points and blades, two drills, 2 pipes, and 1 celt. There were three burial groups discovered as well. (Holland in *BAE Bulletin* 173, 1960, Report *ASV Bulletin* "The East Mound", Meggers, vol 7, No 3, March 1953.)

In 1965, an extensive excavation occurred. During this investigation approximately 143 skeletons were removed although many more were so deteriorated that they could not be moved meaning that the ground remains a place where human remains are buried. There were many stone points, pipes, and pottery pieces removed as well. There were some shell beads, animal bones, and an eagle talon.

The results of the 1965 research point to a time period of between 960 A.D. to 1320 A.D. – an almost 300-year-period when the mound was in use. Archaeologists therefore described the mound as Late Woodland and noted that it was probably in close proximity to a village or semi-permanent encampment. It should be noted that Native American artifacts in the Churchville area are commonplace, particular around springs. (*Augusta Historical Bulletin*, 2015)

In the Summary of Archaeological Resources in the APE, 44AU0919 Appendix A, sheet 13 AP1, MP 129.0 and 44AU0920 Appendix A, Sheet 13 AP1, MP 130.3 the surveys note lithic scatter but declare the sites ineligible for the NRHP. Anyone checking the existing archaeological resources at VDHR could not help but notice the proximity of this site with two existing documented sites related to the East Burial Mound. It makes sense that the test sites, especially 0920 are part of a larger Late Woodland complex considering that it appears between two recorded VDHR sites. Further investigation into the connection between these sites is warranted.

Site 44AU0920, located on a slope above Middle River produced 13 of 23 positive shovel tests that revealed 52 artifacts. The report notes that: "Site delineation suggests that the cultural remains may extend beyond the current Project survey corridor to the west. Although it is unlikely that significant remains would be present, the portion of the site beyond the survey corridor was not investigated, so a NRHP eligibility recommendation cannot be made for the site overall. However, that portion of the site in the APE lacks further research value, and would not contribute to the eligibility of the site as a whole. Therefore, the proposed construction through this portion of 44AU0920 would pose no adverse effect; ERM recommends no further work at the site."

The Augusta County Historical Society would like to dispute these recommendations and suggest that the site is culturally connected to the larger East Mound burial and village complex that was inhabited for almost three centu-



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5192 FERC EDF (Unofficial) 4/6/2017 9:43:37 AM

ries. Further, final reports from archaeologists in the 1960s suggest that less than half of the human remains were successfully removed from the site. This site not only warrants further investigation, but it is a sacred burial ground that should not be permanently disturbed and destroyed by the ACP. We would like to bring in Tribal Consultation for this site.

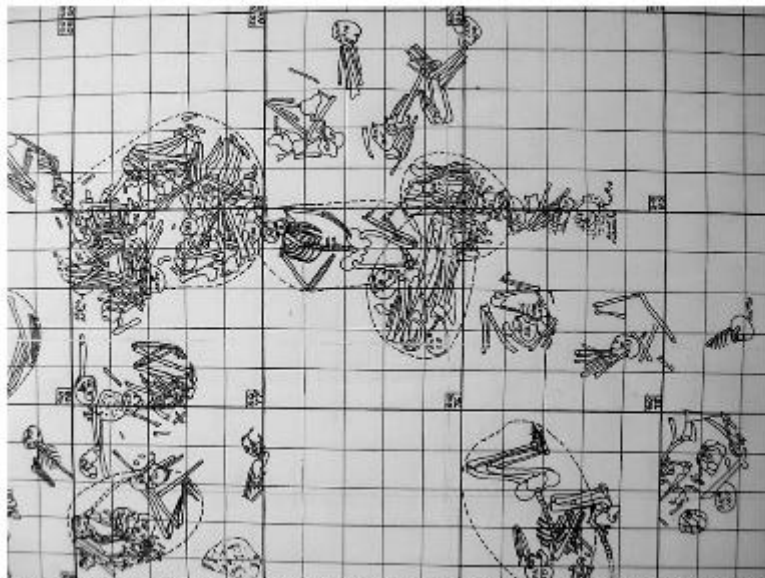


Z-436

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406 5193 PERC PDF (Unofficial) 4/6/2017 9:43:37 AM



Approximately 130 burials were exhumed in the 1965 archaeological project. It was estimated that there were originally about 300 burials in the mound but many were too deteriorated to be removed. A portion of the map showing the location of the burials is at top. A burial is seen below left and a shell necklace from the site is seen below right.



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Z-437

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5193 FERC PDF (Unofficial) 4/6/2017 9:43:37 AM

### Cochran's Chapel/Church Site 007-914

Although this early 20th-century African-American chapel is no longer extant, the site should at least warrant an archaeological survey. (Note: the Dovetail report lists this site as extant but unevaluated.) The tract, which is less than half an acre, was the site of a rural black Baptist church congregation made up of African-American families descended from slaves once associated with the nearby Folly Farms plantation (on the National Register of Historic Places). The land was given to the families by members of the Cochran family (current owners of Folly Farm) and reverted to them once the church moved about a half mile away in the late 20th century.

The structure was extant when Ann McCleary surveyed it in November of 1981.

The survey is filed with VDHR and the tax records clearly list the property as Cochran's Chapel. Further, Doyle Land representatives knew about the existence of the property because they traced the ownership back to the Cochrans in order to map and survey the pipeline route.

Why this property was not at least noted by the cultural resources team or the land survey team as a potential archaeological site is unclear. At a minimum, an archaeological survey should take place on this site. A photograph of the building as well as a map locating the building footprint on the site is included in file number 07-914.




# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

LA21 – Augusta County Historical Society, Virginia (cont'd)

Z-439

20170406-5192 PERC EDF (Unofficial) 4/6/2017 9:43:37 AM

Atlantic Coast Pipeline Page 1 of 1



<http://dom.maps.arcgis.com/apps/Viewer/index.html?appid=ce2477e937f044dcb4d7f461...> 11/30/2015

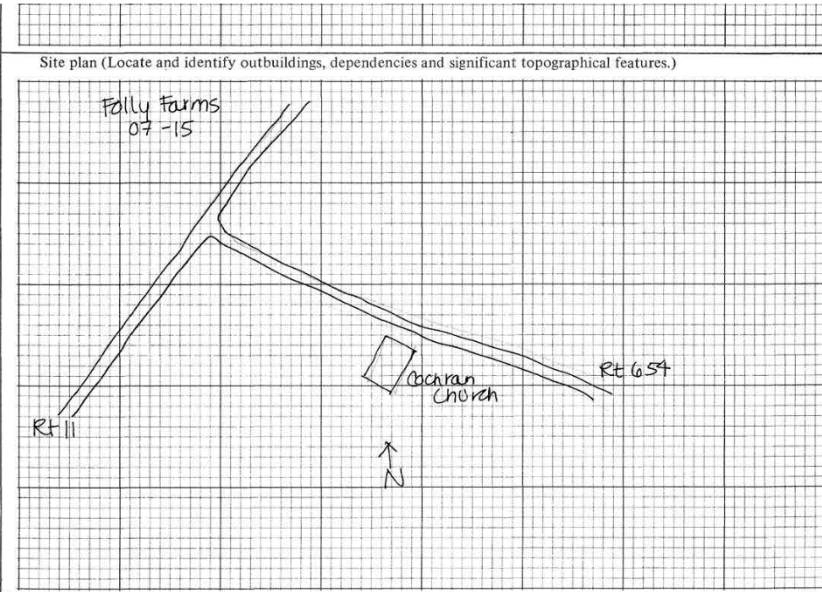
Page 11

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5193 FERC PDF (Unofficial) 4/6/2017 9:43:37 AM

Site plan (Locate and identify outbuildings, dependencies and significant topographical features.)



Name, address and title of recorder	James Madison University	Date
Ann McCleary, Architectural Historian, VHLC	Archeological Research Center	November, 1981

Z-440

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5192 PERC EDF (Unofficial) 4/6/2017 9:43:37 AM

Hazel Palmer's Stone Walls



Z-441

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5192 PERC EDF (Unofficial) 4/6/2017 9:43:37 AM



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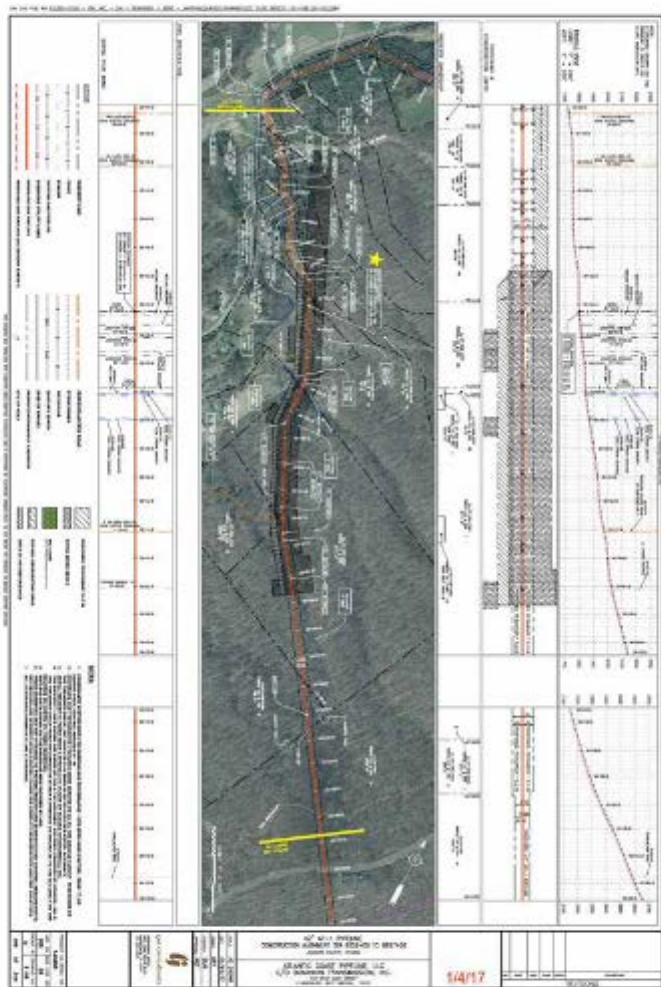
Z-442

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

LA21 – Augusta County Historical Society, Virginia (cont'd)

20170406-5192 PERC EDF (Unofficial) 4/6/2017 9:43:37 AM

### Dominion map showing Palmer stone walls



Z-443



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA22 – Highland County Board of Supervisors, Virginia

20170406-5285 FERC PDF (Unofficial) 4/6/2017 11:41:05 AM



COUNTY ADMINISTRATOR  
ROBERTA A. LAMBERT  
MONTEREY, VIRGINIA

### HIGHLAND COUNTY BOARD OF SUPERVISORS

P. O. BOX 130  
MONTEREY, VIRGINIA 24465  
Phone: 540-468-2347 Fax: 540-468-3447  
E-mail: [hcbboard@hcnct.org](mailto:hcbboard@hcnct.org)  
Website: [www.highlandcova.org](http://www.highlandcova.org)

### BOARD MEMBERS:

DAVID W. BI ANCHARD  
MONTEREY, VIRGINIA

KEVIN W. WAGNER  
MONTEREY, VIRGINIA

HARRY B. SPONAGLE  
DOE HILL, VIRGINIA

April 6, 2017

Ms. Cheryl A. LaFleur, Acting Chairman  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

RE: Atlantic Coast Pipeline Project (ACP)  
Docket Nos. CP15-554-000; CP15-554-001 and CP15-555-000

Dear Ms. LaFleur:

The Highland County, Virginia Board of Supervisors has reviewed the ACP Draft Environmental Impact Statement (DEIS) submitted to FERC. The DEIS fails to adequately address the Board's ongoing concerns about adverse impacts to groundwater sources in Highland and fails to specify necessary protections for endangered species like the Indiana Bat.

LA22-1 | The DEIS relies heavily on "desktop analysis" regarding construction of the pipeline in our karst terrain, which inadequately identifies barriers to construction such as sinkholes and does not fully consider groundwater recharge areas in the pipeline path. Highland farmers rely on spring water to raise sheep and cattle. Dominion's offer to provide wells to farmers whose springs cease to flow as a consequence of the pipeline construction is not acceptable. A farm that must rely on well water is no longer a viable farm. Dominion should be directed to provide an independent analysis of groundwater recharge areas based on actual site visits and real data before being allowed to proceed.

LA22-2 | Highland has an active caving community which has explored and surveyed our numerous caves. The caves are home to several bat species, including the federally-protected Indiana Bat. The DEIS fails to adequately address mitigation regarding this endangered species.

LA22-1 | Comment noted. Section 4.3.1 includes our analysis of potential impacts of the projects on groundwater.

LA22-2 | Section 4.7.1.3 has been updated.

Z-444

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA22 – Highland County Board of Supervisors, Virginia (cont'd)

20170406-5285 FERC PDF (Unofficial) 4/6/2017 11:41:05 AM

Ms. Cheryl A. LaFleur, Acting Chairman  
April 6, 2017  
page 2

LA22-3 | The Highland Board of Supervisors has remained neutral on the ACP. However, we were alarmed to read of the March 2017 decision by a U. S. District Judge in Virginia, who found that Dominion Virginia Power violated the Clean Water Act by leaking arsenic into waters surrounding a coal ash storage area. Our small county cannot and should not have to rely on Dominion's "good will" where the ACP is concerned. Hard facts must be demanded by FERC.

LA22-4 | We ask that you require detailed, independent analyses of the threats to our groundwater and the threats to all endangered species. Our County does not have a staff engineer, a staff erosion and sediment control expert, or a staff biologist. We are reliant on FERC to protect us from all unreasonable adverse impacts as a result of this for-profit project.

Thank you for the opportunity to have our concerns identified and considered by the Commission.

Sincerely,

HIGHLAND COUNTY BOARD OF SUPERVISORS

By:   
David W. Blanehard, Chairman

MAD/acr

cc: The Honorable Senator Mark Warner  
The Honorable Timothy Kaine  
The Honorable Congressman Bob Goodlatte  
The Honorable Governor Terry McAuliffe  
The Honorable Senator R. Creigh Deeds  
The Honorable Senator Emmett Hanger  
The Honorable Delegate Dickie Bell  
Scott Smith, WVLS  
John Bruce, The Recorder  
Emmett W. Toms, Jr.

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LA22-3 See the response to comment LA17-9.

LA22-4 Sections 4.3.1 and 4.7 include our analysis of potential impacts of the projects on groundwater and special status species, respectively.

Z-445

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA23 – Pocahontas County Convention and Visitors Bureau, West Virginia



April 6, 2017

Nathaniel J. Davis, Sr. Deputy Secretary  
Federal Energy Regulatory Commission  
888 Frist Street NE, Room 1A  
Washington, DC 20426

RE: Atlantic Coast Pipeline CP15-554-000 DEIS comment

Dear Mr. Davis;

The Pocahontas County Convention and Visitor's Bureau (CVB hereafter) is dedicated to promoting tourism which strengthens our community through job creation and education while protecting the environment, sharing our culture and preserving history. With this said, it is reasonable to assume the CVB has a major stake in the debate regarding the construction of the Atlantic Coast Pipeline (ACP) through Pocahontas County, West Virginia.

The tourism industry is the leading economic backbone for Pocahontas County, WV and positively impacts the private sector and tax revenues. Supporting the future growth and development of the tourism industry in the county is a key to maintaining a stable, existing economic strategy.

This letter of comment on the ACP DEIS is specifically directed to the sections dealing with tourism related issues and in particular the impacts to Pocahontas County, WV which has the most potential for tourism impact than any other county in the ACP path. Consider the Pocahontas County WV tourism facts:

- According to the WV Division of Tourism, one out of four jobs in Pocahontas County is generated by travel and tourism and the total earnings and employment from the tourism industry in Pocahontas County is greater than in any other county in West Virginia.
- Pocahontas County, WV is a year round destination recording over a million visits by travelers per year.
- According to a spring 2014 survey of visitors to Pocahontas County conducted by the CVB, the average daily visitor spending is between \$100 and \$200 with the total estimated economic impact of visitor spending over \$100 million on lodging, meals, gasoline, retail, entertainment etc. This is a higher projection than your DEIS table 4.9.5-1 based on local data collection.
- The most recent three year average Hotel/Motel tax collection generated \$1.52 million equating to an average of \$25 Million dollars in annual lodging revenue.
- This Hotel/Motel tax supports numerous organizations within the community to deliver quality programming and services to the visitor and resident alike and includes the CVB, Pocahontas County Parks and Recreation, Pocahontas Arts Council, Pocahontas County Landmarks Commission, Pocahontas County Dramas Fairs and Festivals, Pocahontas County Free Libraries, Preserving Pocahontas, Pocahontas County EMS, Pocahontas County Volunteer Fire Departments and the Pocahontas Memorial Hospital.
- The tourism impact on Pocahontas County households relieves property owners of an estimated \$1,031 annually in property taxes – the fourth largest in West Virginia following only counties with gaming, according to the WV Division of Tourism.

Pocahontas County Convention & Visitors Bureau  
P.O. Box 275, Marlinton, WV 24954  
304.799.4636 Fax 304.799.4649

pccvb@pocahontascountywv.com  
pocahontascountywv.com  
800.336.7009

Z-446

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA23 – Pocahontas County Convention and Visitors Bureau, West Virginia (cont'd)

Z-447

- Pocahontas County is abundant in tourism rich assets and positive growth potential continues to present itself. Snowshoe Mountain Resort, The Greenbrier River Trail State Park, Cass Scenic Railroad State Park, Watoga State Park, Green Bank Observatory and a host of other attractions compliment the 800 miles of hiking and mountain biking trails, ski slopes and the many outdoor recreational opportunities which exist in the county and which drive a thriving economic base for the county residents.
- *Nature's Mountain Playground*, the tourism 'brand' the CVB has developed and successfully marketed, represents well what the county offers a tourist and why a tourist visits the county. According to recent surveys by both the CVB and the WV Division of Tourism, the number one reason visitors choose a vacation destination is for scenic beauty. Pocahontas County offers more scenic byways than any other county in West Virginia. The county is rich in natural beauty with sixty two percent (62%) of the county's land made up of the Monongahela National Forest, five state parks and two state forests. This vast public lands combined with the scenic value of the farming communities dispersed throughout the county, create an area largely known for being pristine in beauty.
- Pocahontas County has been well known as the Birthplace of Rivers since 1716 and eight rivers' headwaters are found in Pocahontas County. With this, the recreational component to tourism such as native trout fishing relies heavily on the high quality streams and rivers of the county. The upper Elk River trout waters, for instance, are some of the finest in the eastern US. The upper Big Spring fork which feeds the Elk is a nursery for wild fish populations. The upper Clover Creek is another truly wild Brook trout stream. These waters are unique in many ways but what stands out is the sustainable wild brook, Brown and Rainbow populations in this watershed. They are not stocked as many other West Virginia streams are. This is due to the strong wild reproduction that occurs on Big Springs fork and below the confluence on the Elk at Slatyfork. Several contributing natural conditions provide what a wild fish needs. The water temps are rarely over 60 degrees year round which trout need to survive. The amount of insects on the upper reaches of the Elk River and its feeder streams are unique to this river.

The ACP will impact tourism in Pocahontas County and it should be the goal of the ACP to mitigate the impact to the maximum extent possible. The CVB requests FERC provide close and diligent scrutiny to the tourism concerns listed below.

LA23-1

- Hotel/Motel tax decline – the DEIS does not address this measurable concern or recommend how this loss of revenues will be compensated. Based on the DEIS section 4.9.3, a strong potential exists for the influx of temporary jobs in the county to overload lodging establishments for an extended period of time. Pocahontas County offers vacation market lodging such as resort, motel and cabin lodging inventory to accommodate temporary housing however with extended stays, the Hotel/motel tax will be waived for these transient ACP employees. This will offset the Hotel/Motel tax revenues that otherwise would be generated by short-term tourist overnight stays by taking valuable rooms off the vacation market inventory. This will significantly impact the budget of the Pocahontas County CVB and the marketing efforts of the CVB which is the primary beneficiary of the hotel/motel tax. Tourism and marketing go hand-in-hand. Without tourists spending the night in local lodging, the hotel/motel tax declines and the marketing budget goes down. In order to offset the negative impacts of the pipeline, marketing not only needs to be steady, additional marketing will be necessary to sustain visitation to our area known for scenic beauty. In addition, the other organizations receiving hotel/motel tax will have significant impact to their operating budgets and will have difficulty maintaining the same level of operations because of the significant decline in funding as a direct result of ACP employees extended stays.

LA23-2

- Short-term and permanent view shed impact - Visitors surveyed indicate the number one reason they travel to Pocahontas County is for the scenic beauty. The CVB is concerned about the permanent impact the pipeline will have on this highly valued asset.

LA23-1

As discussed in section 4.9.3, there are 29 metropolitan statistical areas within 50 miles of ACP and SHP (as shown in table 4.9.3-1). These areas provide many options for hotels and motels if options are not available in smaller communities in the study area, and would be sufficient to accommodate the estimated non-local construction workforce and non-local operations workforce. Based on our experience, non-local workers often choose national brand hotels/motels or campgrounds or RV parks during their temporary stay.

LA23-2

Section 4.8.8 discusses the impacts on visual resources resulting from construction and operation of the project.

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA23 – Pocahontas County Convention and Visitors Bureau, West Virginia (cont'd)

Z-448

LA23-3

- Road surfaces - Pocahontas County is fortunate to have significantly better maintained roads than most of West Virginia and these roads are a key asset to the traveler's experience, making a strong, positive impression on the traveler coming into the county and especially to motorcycle enthusiasts who choose Pocahontas County as their destination because of the quality roads. The road surface impact has potential to detract this special segment of the travel market, without proper repairs made post construction.

LA23-4

- Long-term impact to the environment and water quality – As the *Birthplace of Rivers*, this potential negative impact may be a detriment to the natural environment that brings a segment of the traveler to Pocahontas County. The tourism based recreation in the county is reliant on existing high quality streams and rivers. The Elk River, Big Springs Fork and Clover Creek are primary streams that provide high quality habitat for native trout, a special segment of the outdoor enthusiast market that visits the county for a unique fishing experience.
  - Silt and runoff from construction has high potential to coat the stream bottom to the point that the invertebrate (bugs) will not reproduce and then the wild trout populations will suffer. The pipeline construction is highly likely to impair the wild fish population to a point of non-existence thus also negatively impacting existing guide services and fishing lodges that use the Elk River and other native trout streams to support their livelihood not only during construction but post construction.
  - Once the ACP enters Pocahontas County it will pass through 18 miles of upper Elk River tributaries. These 18 miles all drain into the Elk River. Some of these waters flow on the surface and some sink into caves and fishers that make up a huge underground cave and spring system. The amount of dirt and tree removal in these areas could have adverse effects on water quality both for the wild trout populations and residential water supply.

LA23-5

According to the DEIS table 4.9.5-1 Pocahontas County has the second highest travel impact, second to only Harrison County, WV in terms of dollars. The tourism economy is the most vulnerable to negative impacts from the ACP compared to any other economic segment therefore Pocahontas County is the most vulnerable of all ACP area counties because the Pocahontas County economy is primarily reliant on tourism expenditures. Tourism is a product that is subject to the fickle nature of the traveler. An extra burden and higher standard of quality is expected on behalf of the public's interest and for travel destinations like Pocahontas County that are so strongly tied to natural resources and outdoor recreation. The Pocahontas County CVB Board of Directors value the attributes which support the tourism product in this county and expresses these concerns urging FERC to follow due diligence in this matter by carefully weighing the impacts the construction and operations of a pipeline and the long-term unknowns may have on an existing, thriving tourism economy which is currently positioned to continue growing through thoughtful development and promotion.

Sincerely,



Cara H. Rose, Executive Director  
On behalf of the Pocahontas County CVB Board of Directors

LA23-3 Comment noted.

LA23-4 Comment noted.

LA23-5 Comment noted. Potential impacts on the local economy and specifically impacts on recreation and tourism, including in Pocahontas County, West Virginia, are discussed in section 4.9.5 of the EIS.

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA24 – Augusta County Service Authority, Virginia

### AUGUSTA COUNTY SERVICE AUTHORITY



18 GOVERNMENT CENTER LANE, P.O. BOX 859, VERONA, VIRGINIA 24482 (540) 245-5670 FAX: (540) 245-5684

April 6, 2017

Nathaniel J. Davis, Sr., Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

RE: Draft Environmental Impact Statement for the Atlantic Coast Pipeline and Supply Header Project  
(Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000 FERC/EIS-0274D)

Dear Mr. Davis,

I write to you on behalf of the Board of Directors of Augusta County Service Authority (Service Authority) regarding the proposed ACP project. The Service Authority is responsible for public water production and distribution to approximately 14,600 customers and is responsible for public sewer and collection and treatment for nearly 9,000 customers. Additionally, the Service Authority is responsible for management and operation of the County's solid waste disposal facility. Augusta County is the second largest county in the Commonwealth of Virginia covering more than 967 square miles. The Service Authority provides water service in 12 separate water service areas. Our water supplies are primarily reliant on wells and springs. Our county is situated on karst topography, which increases the risk of introducing contaminants into the aquifers through surface activities. As you may know, the route(s) for this project selected by DTI cuts through several Service Authority service areas. As a result, the Service Authority is very concerned about the risk to the Service Authority's existing infrastructure and more importantly, its water sources.

#### Source Water Protection

Recognizing this and our significant dependence on groundwater, the Service Authority and County of Augusta prepared and implemented a Source Water Protection Ordinance in 2011. Later that year, we were honored by the United States Environmental Protection Agency for our outstanding work in development of an excellent source water protection program.

The USEPA Press Release (attached) from December 15, 2011 states that:

*The U.S. Environmental Protection Agency has awarded two prestigious awards to the Augusta County Service Authority: the **Source Water Protection Award** for protecting existing and potential drinking water sources and the **PISCES Award** recognizing leadership and innovation in utilizing clean water infrastructure funds. "Drinking water is a finite and precious resource, and we commend Augusta County's leadership in protecting it," said EPA Region III Administrator Shawn M. Garvin. "Other municipalities would be well-served to follow their example in adopting source water protection ordinances."*

*The Augusta County Service Authority coordinated the development of one of the strongest source water protection ordinances in the Commonwealth of Virginia. The ordinance, passed in February 2011, helps to protect ground water sources of drinking water from adverse impacts such as contamination from hazardous materials or petroleum products, or loss of water in underground aquifers which supply water in the County. "We've invested a lot of resources in establishing our drinking water supply,*

CHARTERED MARCH 1966



Z-449

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA24 – Augusta County Service Authority, Virginia (cont'd)

Z-450

Draft Environmental Impact Statement for the Atlantic Coast Pipeline and Supply Header Project (Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000 FERC/EIS-0274D)  
 April 6, 2017  
 Page 2

*said Augusta County Service Authority Director Ken Fanfoni. "The ordinance will help us to prevent it being jeopardized by careless actions or unforeseen events."*

The Augusta County Service Authority has expended millions of dollars (along with funding from the USEPA, the VA Department of Environmental Quality, and the Virginia Department of Health) to develop scientifically-based Source Water Protection Areas in order to protect the sensitive karst areas that feed into our drinking water supplies, and have been recognized by the USEPA for its vision and leadership. A copy of the Augusta County Source Water Protection Ordinance is attached. **Please note that this ordinance, adopted by the local county government and the basis of our USEPA recognition, would prohibit the construction of this pipeline through our designated Source Water Protection Areas.**

LA24-1

Please refer to the attached study performed by the consultant Emery and Garrett Groundwater Inc. (EGGI) for the Deerfield Source Water Protection Area. The Deerfield Well is the sole public groundwater supply for the Deerfield community and the Service Authority, Virginia Department of Health and the Virginia Department of Environmental Quality spent \$155,200 in order to delineate the contributing area to this well which is shown on Figure 12 of the EGGI report. A portion of the ACP as shown in the DEIS is intersecting the Groundwater Recharge Area. The Service Authority is insistent upon this portion of the line being moved out of the Groundwater Recharge Area. The placement of a line in the Groundwater Recharge Area is in direct conflict with the Source Water Protection Ordinance. In addition, blasting along this route, once moved, should not be allowed as it is very likely to generate negative impacts on the subsurface flow of water through the karst, or to open new pathways for surface contamination particularly within the Direct Surface Water Contributing Recharge Area. Extreme care needs to be used to not allow any contamination to run off the site during construction by requiring a construction management and karst plan specific to this area. Also, during construction, groundwater monitoring of the Service Authority well shall be required by DTI. If damaged, the replacement cost of this public water source could easily reach \$0.5 million.

LA24-2

Another major concern under Section 2 of the Draft Environmental Impact Statement (DEIS) is the potential for this pipeline to carry other hazardous liquids in the future, instead of the originally intended high pressure gas. The presence of hazardous liquids in this pipeline would certainly change its risk to groundwater quality, and alter our comments. DTI's response has been simply that they "do not plan" to transport any products other than natural gas, but this is certainly no guarantee. A revised permit in the future is certainly not a problem for DTI, although transporting hazardous liquids through our karst recharge areas would change the entire threat level of this project to our drinking water supply. **DTI should be willing to sign an agreement that no products other than natural gas will ever be transported through this pipeline or along their pipeline ROW. We encourage FERC to incorporate this restriction into the final permit for this project.**

LA24-3

**Request for Water Sales to ACP**

Requests from DTI outside of what is listed in the DEIS have been made. Copies of this correspondence is attached. It is still unclear if DTI is requesting one or many locations to withdraw water from the Service Authority's system as the DEIS is in conflict with their actual request. The DEIS needs to be amended to reflect what we have in writing from them (see attached letter). Our ability to provide this water either cannot be met or can be met with severe limitations.

LA24-1

Comment noted.

LA24-2

If the project is approved, the FERC's Certificate would specifically allow for the transport of natural gas as described in this EIS. The proposed project has been designed for the transport of natural gas based on the DOT requirements in 49 CFR 192. As described in section 2.7, if at some point in the future, any of the project facilities approved in this proceeding were proposed to be abandoned, Atlantic and/or DETI would have to seek specific authorization from the FERC for that action and the public would have the opportunity to comment on the applicant's abandonment proposal.

LA24-3

Our analysis of hydrostatic test water needs is provided in section 4.3.2, and table 4.3.2-9 identifies the source water for each spread. Based on the review of correspondence provided, it appears that the negotiations for providing municipal and/or highly treated wastewater are ongoing.

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA24 – Augusta County Service Authority, Virginia (cont'd)

Z-451

Draft Environmental Impact Statement for the Atlantic Coast Pipeline and Supply Header Project (Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000 FERC/EIS-0274D)  
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LA24-4 **ACP Crossing Service Authority Water and Sewer Lines**  
The Service Authority had many questions regarding the DTI document, "Guidelines for Construction Activities on Rights-of-Way and in the Vicinity of Dominion Transmission, Inc. Pipelines" that were outlined and provided to DTI prior to meeting with company representatives on December 3, 2014. Responses were also documented by Staff during the meeting. A summary of key items promised by DTI following this meeting included:

- 1) A new guideline document or agreement that would directly pertain to the Service Authority (including a commitment of reciprocal notification of DTI's work plans where pipeline crossings occur).
- 2) Clarification of paperwork/permit requirements to work within DTI right-of-way as a utility. Multiple documents are mentioned (DTI easement document, reimbursement agreement, encroachment agreement, and the guidelines document, which requires a legally binding signature).
- 3) A copy of the draft easement document that will be used by DTI as it is expected that there may be language in this document that could affect the Authority's construction and maintenance activities in DTI right-of-way.

**The above issues noted in the April 27, 2015 comment letter to Kimberly Bose of FERC, remain unanswered by DTI.** To ensure that there is long term clarity, a written agreement with the Service Authority should be required. No offer to provide new documents or enter into an agreement at a future date have been provided. Ultimately, the Service Authority would like to have a clear understanding of what is expected and required by DTI policy and procedures when it comes to working in DTI right-of-way and whether the DTI requirements conflict with the Service Authority's ability to construct, operate, and maintain a public water and sewer utility. No further mention of these items appear in the DEIS. Crossing are covered in the DEIS under section 2.3.3.9 Foreign Utilities. However, this section of the report, including Appendix N, fails to address anything other than other gas and electric lines. Municipal water and sewer lines are not addressed other than stating that there is a 12" clearance requirement. As a municipal water and sewer provider that may have customers affected by either damage to our utilities or inability to make repairs in a timely manner due to close proximity of the gas pipeline to our water and sewer lines, it is imperative that DTI include these details. In fact it is preferred that crossing our pipelines be avoided altogether. Once any adjustments are made to minimize water and sewer crossings, DTI's resubmittal should include the number of water/sewer line crossings, details on how the crossings will be made, and any limitations they will impose once the gas lines are installed.

LA24-5 **Augusta Regional Landfill**  
The proposed pipeline route is also crossing the Augusta Regional Landfill property. The gas pipeline is projected to be in close proximity to our state-regulated gas migration and groundwater monitoring wells. We have expressed our concerns to DTI regarding negative impacts of blasting near our monitoring wells and the potential to cause offsite migration of gas or leachate that would put the Landfill in regulatory non-compliance with state and federal laws. The response received from DTI includes this statement on March 5, 2015:

*"It is our current understanding that the ACP will cross Service Authority property near the Augusta County Landfill. ACP is currently developing easements for property owners"*

LA24-4 As discussed in sections 4.12.1 and 4.12.2, Atlantic and DETI would be required to participated in the "One Call" public utility programs to provide preconstruction information to contractors or other maintenance workers on the underground location of pipes, cables, and culverts.

LA24-5 Comment noted.



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA24 – Augusta County Service Authority, Virginia (cont'd)

LA24-5  
(cont'd)

Draft Environmental Impact Statement for the Atlantic Coast Pipeline and Supply Header Project (Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000 FERC/EIS-0274D)  
April 6, 2017  
Page 4

*along the pipeline route. ACP will engage Service Authority at an appropriate future time to negotiate the terms of that easement specific to Service Authority-held property."*

However, the draft easement received from DTI on February 14, 2017 did not address these issues. The Service Authority has also requested that DTI consider installing a tap to allow the Augusta Regional Landfill to inject treated landfill gas that meets DTI's specifications. However, DTI has not seriously addressed this request. A tap installed during construction would be much cheaper and less technically challenging than attempting to connect once in operation. Injecting landfill gas could be very economically and environmentally beneficial.

Sincerely,

*Larry J. Wills by Salli W. Smith, Asst. Board Secretary*  
Larry J. Wills  
Chairman, Augusta County Service Authority Board

Cc:

The Honorable Governor Terry R. McAuliffe  
The Honorable Senator Mark R. Warner  
The Honorable Senator Timothy M. Kaine  
The Honorable Senator Emmett W. Hanger, Jr  
The Honorable Lieutenant Governor Ralph S. Northam  
The Honorable Attorney General Mark R. Herring  
The Honorable Congressman Robert W. Goodlatte  
The Honorable Delegate Richard P. Bell  
The Honorable Delegate R. Steven Landes  
Matthew Bley, Director, Gas Transmission Certificates  
Jim Moore, Acting Director VDH-ODW  
Emmett Toms, Dominion Power  
Amy Thatcher Owens, DEQ-VRO Regional Director

**Attachments:**

EGGI Delineation of a Wellhead Protection Area for the Deerfield Well  
Source Water Protection Ordinance  
DTI March 15, 2017 response  
Service Authority February 2, 2017 response

The attachments to this letter have been reviewed by FERC staff and can be found on the FERC eLibrary site under FERC Accession No. 20170406-5623.

Z-452

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA25 – City of Buckhannon, West Virginia

20170407-5082 FERC PDF (Unofficial) 4/6/2017 5:01:48 PM

### CITY OF BUCKHANNON WEST VIRGINIA 26201

70 E. MAIN STREET  
BUCKHANNON, WV 26201

TELEPHONE  
(304) 472-1651  
DD # (304) 472-9550  
FAX # (304) 472-4620

April 23, 2015

Honorable Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE, Room 1A  
Washington, DC 20426

**Re: Letter of Comments on Environmental Issues  
near Buckhannon, WV related to the  
Environmental Impact Statement for the Planned  
Atlantic Coast Pipeline Project  
Docket Number: PF15-6-000**

Dear Secretary Bose,

The City of Buckhannon (City) has received information regarding FERC's preparation of an Environment Impact Study (EIS) involving the construction & operation of facilities by Atlantic Coast Pipeline, LLC (Atlantic) on the Atlantic Coast Pipeline Project (ACP), which is also referenced by Docket Number PF-15-6-000.

I would like to preface that this Letter of Comments should not be misinterpreted as the City of Buckhannon being in support of, or in objection to, the proposed ACP; rather, this Letter of Comments is merely a means for the City of Buckhannon to express its concerns regarding the proposed river and stream crossings in Upshur County, West Virginia that provide the raw water necessary to meet the daily potable water demands of over 93% of Upshur County's citizens (see below for additional information).

LA25-1

Based upon the information collected by Mr. James S. Hollen, III, PE, City Engineer, it appears that the ACP will require one (1) crossing of the Buckhannon River and eight (8) stream crossings, all of which are part of the county's only source of raw water. Based upon information obtained from Dominion's website, the proposed river crossing by the ACP shall cross the Buckhannon River just east of the ACP 30-mile marker, between the communities of Hampton and Sago, both of which are located in Upshur County. The (8) proposed stream crossings include Cutright Run, an unnamed tributary of French Creek, French Creek, an unnamed tributary of Trubie Run, an unnamed tributary of the Buckhannon River, Grassy Run, Gravel Run and Laurel Run (see Attachment 1 – Proposed ACP Site Plan through Attachment 4 – Proposed ACP Site Plan for a more detailed location of each of the crossings). All of the streams listed above ultimately converge with the Buckhannon River at various points along the Buckhannon River. The convergence distances of the stream crossings with the Buckhannon River range from 5.02 miles and 9.72

Page 1 of 7

*Buckhannon - The promise of tomorrow with the dignity of yesterday*



LA25-1

We acknowledge that the proposed pipeline route crosses zones of critical concern in relation to the city's water treatment plant. Potential impacts from a natural gas leak are discussed in section 4.3.2.6.

Z-453

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA25 – City of Buckhannon, West Virginia (cont'd)

20170407-5082 FERC PDF (Unofficial) 4/6/2017 5:01:48 PM

LA25-1  
(cont'd)

miles upstream of the City's raw water intake. Given the relatively short distances upstream of the raw water intake of the river and stream crossings, in conjunction with the travel time of the Buckhannon River (see additional information regarding travel time contained in this letter), there is cause for concern about the ACP as it pertains to the numerous river and stream crossings of Upshur County's raw water supply.

Information from the United States Census Bureau indicate that the City and the four (4) outlying Public Service Districts (PSDs) provide potable water to approximately 22,574 people in both Buckhannon and Upshur County, West Virginia. These 22,574 people represent approximately 93.07 percent (93.07%) of Upshur County's entire population (24,254 people per the 2010 U. S. Census).

Following is a brief summary of the total amounts of potable water produced, information regarding the City's water treatment plant (WTP), the total number of customers and the total amount of potable water consumed:

1. The City's water treatment plant (WTP) has the capability to produce up to 5,616,000 gallons of potable water per day (5.616 MGD). At this time, normal operation at the WTP consists of approximately 8.0 to 8.5 hours of production time at 3,700 gallons per minute, which produces between 1,776,000 and 1,887,000 gallons of potable water per day (1.776 MGD) while operating between 31.6% and 32.8% capacity.
2. The City's WTP produces enough potable water to meet the daily consumption demands of the 8,550 residential customers, the 766 commercial customers and the 5 industrial customers, totaling approximately 22,574 people, every day of every year, all while depending upon the Buckhannon River as the only source of raw water.

On October 17, 2014, Dominion Transmission, Inc. (Dominion) held an open house in the Virginia Thomas Law Center for the Performing Arts on the campus of West Virginia Wesleyan College, located in Buckhannon, WV, to discuss the ACP. Mr. Hollen attended the open house on behalf of the City and met with numerous Dominion representatives, including Ms. Brittany Moody (Engineering) and Mr. Gregory Park (Construction Supervisor).

Topics of discussions between Mr. Hollen, Ms. Moody and Mr. Park included the following:

1. The pipeline that will be crossing underneath the Buckhannon River will be 42 inches in diameter (42"Ø).
2. The pipeline will be constructed of high-carbon steel.
3. All pipeline joints are to be welded and x-rayed for integrity.
4. The pipeline will be constructed of Class III pipe with wall thicknesses of  $\geq 0.875$ ".
5. The pipeline will have concrete casing along the river bottom.
6. The pipeline will be epoxy coated and fusion bonded.
7. The extent of the pipeline's concrete casing will be based upon the width of the river (i.e. the casing will only be as wide as the river).
8. The gas will be transmitted in a gaseous state, not a liquid state, with a transmission pressure of  $\pm 1,440$  pounds per square inch gauge (psig).
9. The pipeline is to be pressure tested between 110% and 150% of its working pressure (i.e. 1,584 psig and 2,160 psig).

While at the meeting, Mr. Hollen discussed his concerns regarding the Buckhannon River crossing in light of recent legislation regarding the State of West Virginia's Senate Bill 373 (SB373), which contains the Aboveground Storage Tank Act §22-30 and the Public Water Supply Protection Act §22-31. SB373 was

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Z-454

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA25 – City of Buckhannon, West Virginia (cont'd)

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LA25-1  
(cont'd)

approved by the 2014 Legislature and signed into law by Governor Earl Ray Tomblin on April 1, 2014. The law officially took effect on June 6, 2014 and requires an inventory & registration of all aboveground storage tanks (ASTs), spill prevention response plans for all ASTs and inspections & certifications of all ASTs.

Associated with SB373 is the delineated Zone of Critical Concern (ZCC). As defined by the West Virginia Department of Health & Human Resources (WVDHHR), the ZCC for a public surface water supply is a corridor along streams within a watershed that warrants *more detailed scrutiny* due to its proximity to the surface water intake and the intake's susceptibility to potential contaminants within that corridor. The ZCC is determined using a mathematical model that accounts for stream flows, gradient and area topography. The length of the ZCC is based on a five (5) hour time-of-travel of water in the streams to the water intake, plus an additional one-fourth mile below the water intake. The width of the ZCC is one thousand feet (1,000') measured horizontally from each bank of the principal stream and five hundred feet (500') measured horizontally from each bank of the tributaries draining into the principal stream. Based upon new delineated ZCC information received from the WVDHHR on April 6, 2015, it appears as if the ACP's proposed route will now require (9) river and stream crossings as the re-delineated ZCC has increased approximately 344% in acreage and 4.70 miles in length.

Even though the information contained in the following paragraph was not provided to the City until April 8, 2105, it is important that it be mentioned and considered in conjunction with the ZCC as part of the City's concerns regarding the (9) river and stream crossings.

To further add to the City's concerns, the WVDHHR reported to the City in an April 8, 2015 meeting that recent legislation indicates that a Zone of Peripheral Concern (ZPC) will be included on the upstream end of the delineated ZCC, which will further increase both the acreage and length of the Buckhannon River watershed, possibly incorporating additional river and stream crossings, which could result in even more detailed scrutiny of the ZCC and ZPC areas. As defined by the WVDHHR, a ZPC for a public surface water supply source and for a public surface water influenced groundwater supply is a corridor along streams within a watershed that warrants *scrutiny* due to its proximity to the surface water intake and the intake's susceptibility to potential contaminants within that corridor. The ZPC is determined using a mathematical model that accounts for stream flows, gradient and area topography. The length of the ZPC is based upon an additional five-hour time-of-travel of water in the streams beyond the perimeter of the ZCC, which creates a protection zone of ten hours above the water intake. The width of the ZPC is one thousand feet (1,000') measured horizontally from each bank of the principal stream and five hundred feet (500') measured horizontally from each bank of the tributaries draining into the principal stream.

The reason the ZCC was discussed at the open house was because ACP's proposed river crossing is to be constructed within the delineated ZCC. For each ZCC in West Virginia, the WVDHHR, with assistance from the West Virginia Division of Homeland Security and Emergency Management, has developed a list of Potential Significant Sources of Contamination (PSSC). By definition, a facility or activity is listed as a PSSC if it has the potential to release a contaminant that could potentially impact a nearby public water supply. Given the potential for the possible release of natural gas into both the Buckhannon River and the (8) stream crossings, the City is very concerned about how the ACP's proposed river and stream crossings within the delineated ZCC will be designed & constructed and what type of protective measures will be taken once construction is complete to ensure protection of the (9) river and stream crossings. If the Buckhannon River and the (8) stream crossings are not properly protected from any PSSCs, the release of such PSSCs in, or nearby, the delineated ZCC could have devastating effects on the raw water supply.

If there was a PSSC release, based upon the characteristics of the Buckhannon River, the topography of the area immediately adjacent to the Buckhannon River, the five-hour time-of-travel parameters and the

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Z-455

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA25 – City of Buckhannon, West Virginia (cont'd)

20170407-5082 FERC PDF (Unofficial) 4/6/2017 5:01:48 PM

LA25-1  
(cont'd)

locations of both the proposed ACP river and stream crossings, the City could have less than (5) hours of time to:

1. Learn about a contaminant release,
2. Determine the type of contaminant,
3. Determine the level of threat / emergency resulting from the contaminant release,
4. Produce as much potable water as possible,
5. "Top off" as many water storage tanks as possible (to provide as much potable water storage as possible),
6. Shut down the raw water intake, the water treatment plant and all booster stations,
7. Notify system personnel and the Upshur County Communications Center,
8. Isolate the potentially contaminated areas of the water distribution system,
  
9. Determine the proper response procedures, and
10. Begin implementation of said response procedures.

Because of the concerns listed above and the fact that the proposed Buckhannon River crossing will more than likely be constructed using the "open cut" method, as opposed to the directional drilling method (based upon the information gathered at the October 17, 2014 open house), Mr. Hollen informed Ms. Moody and Mr. Park that he, on behalf of the City, will request that as one (1) minimum safety requirement, the concrete casing will need to be extended to at least the horizontal limits of the Ordinary High Water Level (OHWL) or the top of the river banks, whichever is greater. This request was made to ensure that in the event of a PSSC release, at least the river and stream crossings would be better protected from the contaminant by the installation of the longer concrete casing.

Mr. Hollen has also requested that any pipeline within the delineated ZCC of the Buckhannon River be pressure tested to a minimum 150% of the operational pressure of the pipeline (in this case, tested at 2,160 psig) to ensure the pipeline's integrity through these most-important areas.

On Monday, December 1, 2014, Mr. Hollen contacted Ms. Moody and Mr. Park via email to discuss a possible meeting with the City to address some of the City's concerns mentioned above. Below is an excerpt from the December 1, 2014 email that Mr. Hollen sent:

*"I would like to request information on how Dominion proposes to cross the Buckhannon River between Hampton and Sago with the 42"O pipeline. As you may or may not know, Senate Bill 373 has changed the process of how infrastructure is maintained and operated, especially in the Zones of Critical Concern (ZCC). As I mentioned to you both at the Buckhannon Open House, the ACP project, as it pertains to the river crossing, is entirely in the City's ZCC. Special attention must be made in how the river crossing is constructed and how it will be maintained.*

*I am requesting a copy of detailed engineering drawings and specifications of how Dominion proposes to cross the Buckhannon River, including but not limited to, Plan & Profile Sheets, details, specifications, casing pipe information, etc. that the City can review and determine how it may affect our ZCC.*

*I'm hoping that we can schedule a meeting or teleconference sometime in the next few months to discuss the City's concerns regarding our source water and our ZCC and how it relates to the ACP Project."*

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA25 – City of Buckhannon, West Virginia (cont'd)

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LA25-1  
(cont'd)

On December 19, 2014, Mr. Hollen contacted Ms. Moody and Mr. Park again via email following up on his initial request for a meeting with the City to address the City's concerns mentioned above. On that same day, Mr. Park replied that Dominion was trying to set up a meeting sometime in February 2015. However, no meeting was ever scheduled by Dominion.

On Thursday, March 12, 2015, Mr. Hollen contacted Ms. Moody and Mr. Park via email to determine why no meeting had been scheduled with the City to address the City's concerns and to discuss the recently-received FERC Notice of Intent to Prepare an Environmental Impact Statement, dated February 27, 2015. Below is an excerpt from the March 12, 2015 email that Mr. Hollen sent:

*"I am writing yet again in an attempt to set up a meeting to discuss the proposed ACP crossing of the Buckhannon River. The last contact was a telephone conversation with Greg in mid-January (around that time) regarding the possibility of setting up a meeting in March to discuss the City's concerns. However, I have not heard back from anyone from Dominion regarding the requested meeting.*

*On Wednesday, I received Environmental Impact Study information from the Federal Energy Regulatory Commission regarding the project, including procedures to follow in for voicing concerns about the project. I called Greg yesterday morning asking him to call me back to discuss the project and the information received (I meant to call Brittany with the same message but was sidetracked with a waterline leak that needed addressing). Seeing as how no response from Dominion has been received by the City concerning the river crossing, I will be recommending that the City submit our concerns / comments regarding the river crossing to the Federal Energy Regulatory Commission in the near future. As stated below in the December 1, 2014 email, **"the ACP project, as it pertains to the river crossing, is entirely in the City's ZCC. Special attention must be made in how the river crossing is constructed and how it will be maintained"**. The Buckhannon River supplies the source water for the City's water treatment plant, which in turns, supplies potable water to nearly 94% of the population of Upshur County. Therefore, I think you can see why the City has such concerns regarding the proposed river crossing.*

*I would still like to have a meeting with Dominion in the very near future (as in the next (2) to (3) weeks) to discuss the river crossing. Could you please let me know if this is going to be possible?"*

Mr. Hollen received both an email and a telephone call from Mr. Park later that day to discuss possible meeting dates. It was determined that a late March 2015 / early April 2015 date would work best for Mr. Park and that Mr. Park would contact Ms. Moody to determine an exact date for the meeting and get back in touch with Mr. Hollen to confirm the meeting date. However, as of today, no one from Dominion has contacted Mr. Hollen with a scheduled meeting date.

On Thursday, April 2, 2015, Mr. Hollen reported to the Buckhannon City Council of FERC's EIS and expressed his concerns regarding the difficulty he has faced in getting information regarding the river and stream crossings. The following are brief excerpts from Mr. Hollen's report:

1. Stated that he was working on a letter to FERC regarding the ACP.
2. Prefaced that the letter was no intended to be in support of, or in objection to, the ACP and that it was merely a Letter of Concern resulting from Dominion's reluctance to meet with him to discuss the proposed river and stream crossings, how the crossings will be engineered, how will the crossings be constructed and what type of protection measures will be incorporated into the river and stream crossings.

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA25 – City of Buckhannon, West Virginia (cont'd)

20170407-5082 FERC PDF (Unofficial) 4/6/2017 5:01:48 PM

LA25-1  
(cont'd)

3. The river and stream crossings are both located with the Zone of Critical Concern (as delineated by the WVDHHR).
4. The Buckhannon River is Upshur County's only source of raw water and the Buckhannon River provides enough raw water to allow the City to produce enough potable water to meet the daily consumption demands of approximately 93% of Upshur County's population.
5. Mr. Hollen has requested meetings since December 1, 2014 and contacted them (10) times. Even though there has been communication between Dominion and himself, Dominion has still not replied with any meeting dates.
6. Mr. Hollen stated that he plans to have the FERC letter and attachments ready for review & approval by the City Council at the April 16, 2015 meeting so that he may send the letter to FERC.
7. The letter has to be submitted to FERC no later than April 28, 2015.

Following an article that was published in the Friday, April 3, 2015 edition of *The Inter-Mountain* on Mr. Hollen's report to City Council (see above), email correspondence from Dominion on both Sunday, April 5, 2015 and email & telephone correspondence on Monday, April 6, 2015 resulted in a Monday afternoon meeting with Mr. Robert Orndorff (Dominion Senior Policy Advisor for State & Local Affairs), Mr. Hollen and myself to discuss the newspaper article, the City's concerns, status of the ACP from Dominion's standpoint, etc. Mr. Orndorff provided the following information during the meeting:

1. The ACP application is scheduled to be submitted to FERC in late summer 2015.
2. The final route still has not been determined and that the ACP alignment may change.
3. Dominion has installed numerous river and stream crossings throughout West Virginia and surrounding areas.
4. Since the exact ACP route wasn't finalized as of yet, the engineering and design of the river and stream crossings haven't been completed yet.
  - Mr. Hollen stated that he found it "hard to believe" that a project of this magnitude (550+ miles over (3) states) that is ready to be submitted to FERC in approximately (3) months does not have the engineering & design completed for the river and stream crossings.<sup>1</sup>
  - Mr. Hollen informed Mr. Orndorff that per the December 1, 2014 email, the only information that he is requesting is detailed engineering drawings and specifications of how Dominion proposes to cross the Buckhannon River and streams (tributaries). The information may include Plan & Profile sheets, details, specifications, casing pipe information, etc. that are related to the river and stream crossings.<sup>1</sup>
5. Depending on what Dominion's contractors determine from their scheduled site visits regarding the ACP alignment, the river and stream crossings will be constructed using an "open cut" method or a directional drilling method.

However, as of today, the City still has not received the information regarding the river and stream crossings. Mr. Hollen requested an update as to the river and stream crossings from Mr. Orndorff on April 10, 2015 and in an email to Mr. Hollen that same day, Mr. Orndorff stated that he has "some feelers out within my company and I have not heard back. Everyone is busy with the project and are on a tight schedule. I will get back to you as soon as possible."

In addition, has the United States Army Corps of Engineers – Pittsburgh District (ACOE), the West Virginia Department of Environmental Protection (WVDEP) and the West Virginia Division of Natural Resources (WVDNR) been contacted in regards to the numerous river and stream crossings that are planned not just for Upshur County, but for all affected counties in West Virginia, for the ACP? Has FERC

<sup>1</sup> The information was from a conversation between Mr. Hollen and Mr. Orndorff after Mayor Edwards excused himself from the meeting to attend a previously-scheduled engagements.

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA25 – City of Buckhannon, West Virginia (cont'd)

LA25-1  
(cont'd)

received any information, comments or concerns from any of these agencies, or any other governmental agencies, regarding the ACP as it related to river and stream crossings?

Because the City has not received any requested information regarding the river and stream crossings for the ACP, I am hereby providing you and FERC with this letter expressing the concerns the City has with the proposed ACP as it pertains to the (9) river and stream crossings, all of which are located between 5.02 miles and 9.72 miles upstream of the City's raw water intake.

As was previously mentioned, please note that this Letter of Comments should not be misinterpreted as the City of Buckhannon being in support of, or in objection to, the proposed ACP; rather, this Letter of Comments is merely the means in which the City of Buckhannon chose to express its concerns regarding the proposed river and stream crossings in Upshur County, West Virginia.

The City is also requesting that we become an Intervenor to FERC's proceedings. This will allow the City to play a more formal role in the ACP, be able to file briefs, appear at hearings and be heard by the courts if such a need arises.

The City looks forward to discussing the concerns identified in this Letter of Comments with you in the near future and please feel free to contact me at your convenience at (304) 472-1651, Extension 1002.

Sincerely,



Richard W. Edwards  
Mayor

Attachments: Attachment 1 – Proposed ACP Site Plan  
Attachment 2 – Proposed ACP Site Plan  
Attachment 3 – Proposed ACP Site Plan  
Attachment 4 – Proposed ACP Site Plan  
Attachment 5 – Buckhannon River Zone of Critical Concern - Draft

cc: Michael Doss – City Administrator  
David McCauley – City Attorney  
Scott Rodeheaver – WVDHHR  
J. C. Raffety – Upshur County Commission President  
Josh Marsh – Upshur County Health Department  
Adrian PSD  
Elkins Road PSD  
Hodgesville PSD  
Mt. Hope Water Association



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

LA25 – City of Buckhannon, West Virginia (cont'd)

Z-460



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

LA25 – City of Buckhannon, West Virginia (cont'd)

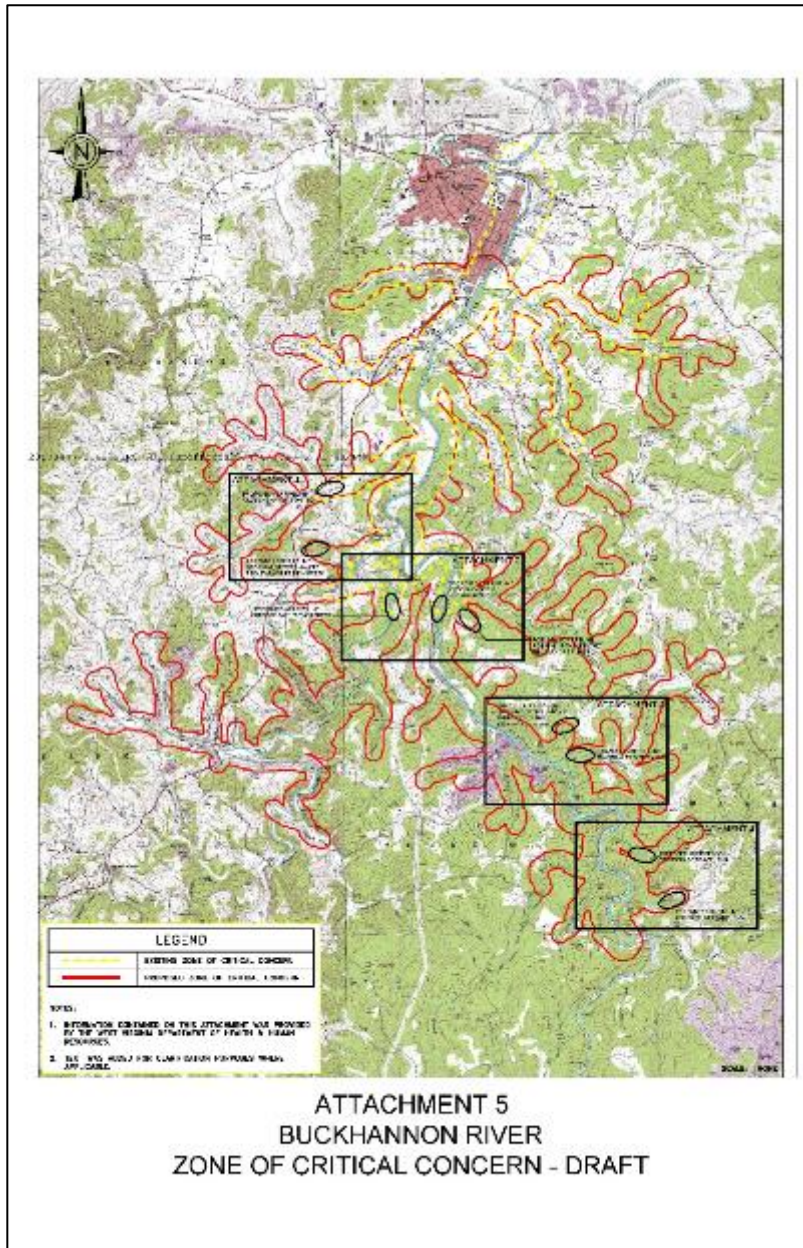


Z-461

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

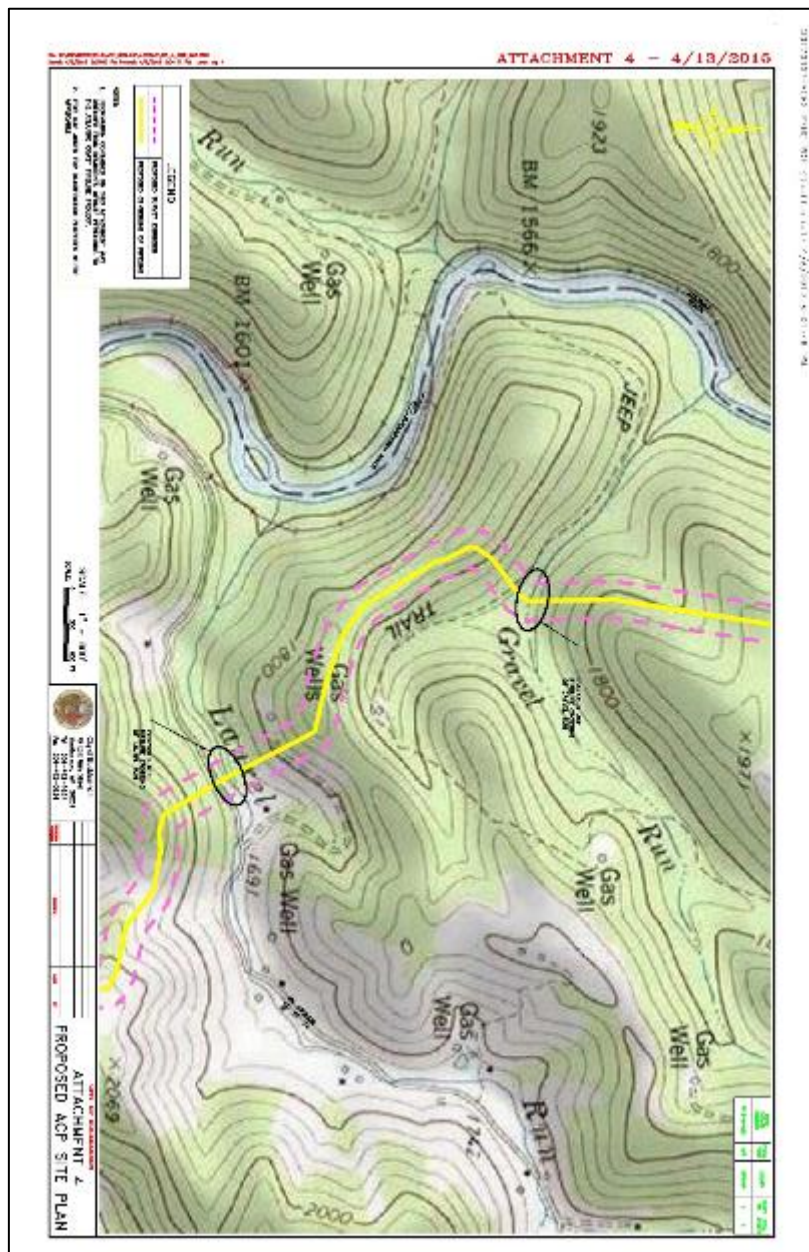
LA25 – City of Buckhannon, West Virginia (cont'd)

Z-462



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

LA25 – City of Buckhannon, West Virginia (cont'd)

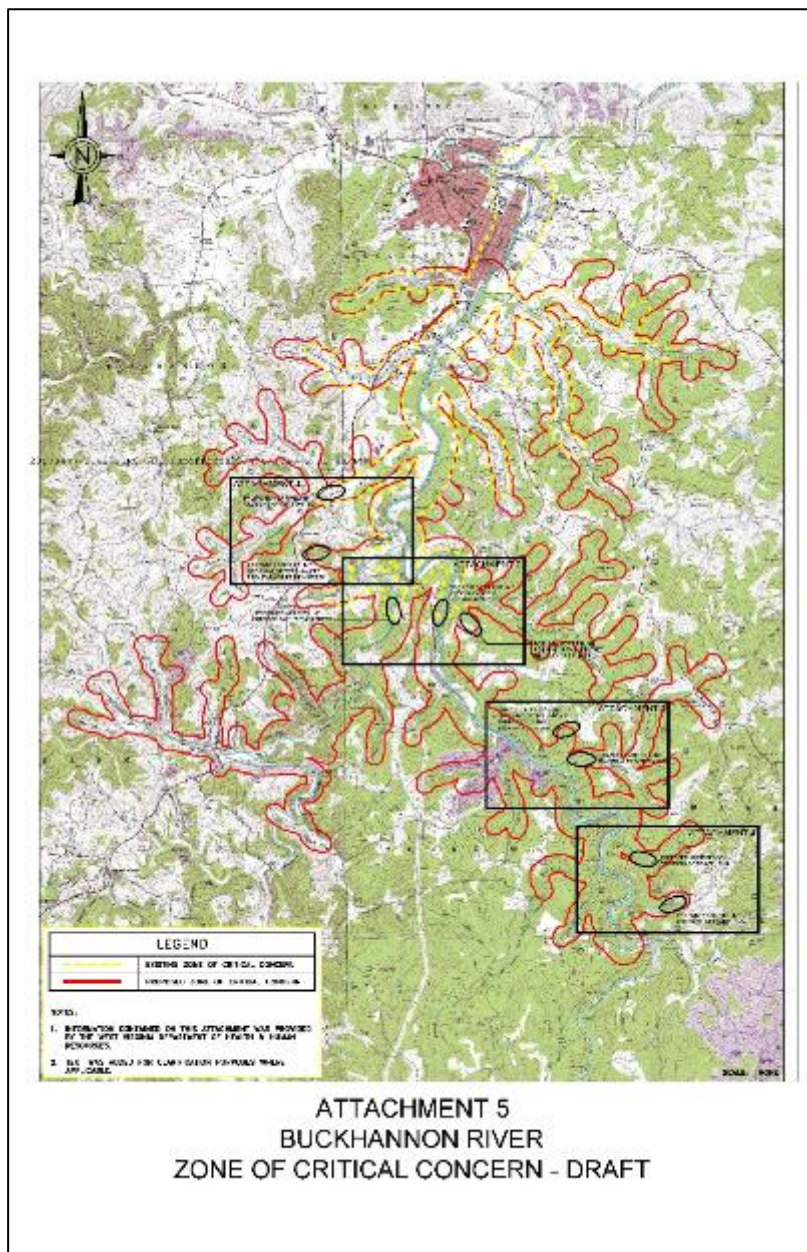


Z-463

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

LA25 – City of Buckhannon, West Virginia (cont'd)

Z-464



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA26 – Nelson County Historical Society, Virginia



NELSON COUNTY HISTORICAL SOCIETY  
P.O. BOX 474  
LOVINGSTON, VA 22949



March 31, 2017

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

RE: Atlantic Coast Pipeline/Docket Number CP15-554  
Comments on the Draft Environmental Impact Statement by Nelson County Historical Society

Dear Ms. Bose:

As president of the Nelson County Historical Society I have written numerous letters on behalf of the Society's Board to the Federal Energy Regulatory Commission expressing our continuing concerns about the potential adverse effects of the Atlantic Coast Pipeline on historic properties including historic districts in Nelson County and stressing the importance of avoiding them.

LA26-1 | In our judgment, the concerns we have expressed are not fully or fairly addressed or resolved in the draft EIS. On the contrary, the DEIS admits that identification and evaluation of historic properties are still underway and that full consultation between FERC, State Historic Preservation Offices, the President's Advisory Council on Historic Preservation and other interested parties on the determination of the effects and adverse effects of this project on historic properties has yet to begin. Moreover, the DEIS does not make clear when the interested consulting parties will begin to consider alternatives to avoid or mitigate the adverse effects of this project on historic properties including historic districts. On the contrary, the Draft EIS recommends that the Commission approve the final EIS, and then issue a construction certificate to the ACP LLC, thereby empowering that private corporation immediately to acquire private property under eminent domain before FERC has fulfilled its responsibilities for federal review of the project under Section 106 of the National Historic Preservation Act of 1966 as amended. What this means is that the draft EIS cannot actually tell us what the environmental impact of this project will be on historic properties in Nelson County and in other counties in Virginia. We are simply assured in the DEIS that all pertinent matters related to the treatment of historic properties will ultimately be determined and resolved by the interested consulting parties before actual construction begins.

LA26-1 Comment noted.

Z-465

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA26 – Nelson County Historical Society, Virginia (cont'd)

LA26-1  
(cont'd)

For FERC to issue a construction certificate before FERC has completely fulfilled its responsibilities for federal review of the project under Section 106 of the National Historic Preservation Act will effectively foreclose the opportunity by all appropriate consulting parties to engage in a full exploration of alternatives to avoid adverse effects to historic properties affected by this project. It will effectively limit the mandated consultation to consideration of one and only pipeline route and only to consideration of options to mitigate, not avoid adverse effects.

LA26-2

Let me also record that to date FERC has failed to comply with regulations of the Advisory Council on Historic Preservation that require FERC to identify and include appropriate consulting parties in the Section 106 process. More importantly, the DEIS makes no provision or commitment for their inclusion in the Section 106 review process before construction of the ACP would begin. The inclusion of local governments, preservation organizations and other representatives of communities along the project area as consulting parties is critical to reaching sound agreement on the presence and significance of historic properties, on the effects of the project on historic properties and on appropriate ways to resolve adverse effects to historic properties, including historic districts. It is foundational to the integrity of the Section 106 process.

We submit that the FERC's DEIS as it describes and addresses the environmental impact of the ACP on historic properties including historic districts runs counter to the spirit and letter of federal regulations for review of the ACP under the National Historic Preservation Act of 1966 as amended (36 CFR 800 PROTECTION OF HISTORIC PROPERTIES).

Sincerely yours,



Robert A. Carter, President  
Nelson County Historical Society

Cc: Mr. Robert Bishka, Senator Mark Warner, Senator Tim Kaine, Congressman Robert Hurt, Governor Terry McAuliff, Senator Creigh Deeds, Delegate Richard Bell, Delegate Matt Fariss, Supervisor Connie Brennan, Supervisor Thomas Bruguere, Supervisor Allen Hale, Supervisor Tommy Harvey, Supervisor Larry Saunders, Advisory Council on Historic Preservation Director John M. Fowler, Secretary of Natural Resources Molly Ward, Department of Historic Resources Director Julie V. Langan, Mr. Peter Agelasto.

LA26-2 See the response to comment FA4-1.

Z-466

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA27 – Lewis County Economic Development Authority, West Virginia

LA27-1 Comment noted.

110 Center Avenue  
Weirton, WV 26452  
www.lceda.org



Office: 304.269.4993  
Fax: 304.269.2416  
Info@lceda.org

February 24, 2017

Mr. Nathaniel J. Davis, Sr.  
Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE, Room 1A  
Washington, D.C. 20426

ORIGINAL  
2017 FEB - 3 10:51  
FEDERAL ENERGY REGULATORY COMMISSION

Re: Docket Nos. CP15-554-001 (Atlantic Coast Pipeline) and CP15-555-000 (Supply Header Project)

Dear Mr. Davis:

LA27-1

Thank you for the opportunity to comment on the draft Environmental Impact Statement prepared by the Staff for the proposed Atlantic Coast Pipeline (ACP and Supply Header Project (SHP). After reading the Executive Summary of the draft EIS, I was impressed with the exhaustive and detailed analysis of these projects.

The ACP will greatly affect Lewis County, West Virginia in a positive way. I was pleased with the Staff's conclusions on p. ES-14 of the Executive Summary that "the majority of project effects would be reduced to less-than-significant levels" as a result of planned mitigation measures along with adherence to further recommendations detailed by the Staff. Based on the Staff's findings, I believe these projects can be completed in a manner that minimizes environmental impacts and maximizes public safety while providing substantial economic benefits to the affected localities.

The Lewis County Economic Development Authority supports these projects because of the benefits that will accrue to our economy and communities. As Staff notes on p. ES-11 in the draft EIS, "During the construction, ACP and SHP would benefit the state and local economies by creating short-term stimulus to the affected areas through payroll expenditures, local purchases of consumables and project-specific materials, and sales tax." Staff's assertions are supported by a 2014 study conducted by Chmura Economics and Analytics which concludes that construction of the ACP would generate nearly \$479 million in economic activity in West Virginia, including the support of 3,100 jobs and generation of \$4 million in additional tax revenue. The study also projects that the economic advantages of the project will continue once the ACP becomes operational. Chmura's analysis indicates that operation of the pipeline will inject \$15.6 million into the state on an annual basis. Chmura forecasts that ACP's operations would support 74 jobs annual in West Virginia, including 24 directly employed in pipeline operations. Their analysis also estimates that the operational pipeline will produce almost \$114,000 in additional tax revenue for West Virginia every year.

The ACP and SHP also will help West Virginia and Lewis County fully realize its economic benefits from its thriving shale production industry by increasing the takeaway capacity needed to move gas to meet market demand in other regions. In March 2016, Forbes magazine highlighted the need for new pipeline infrastructure to resolve the issue of price depression in an article titled, *Appalachia Pumps Up the Volume as Natural Gas Prices Remain Lower for Longer*. The article notes, "With production in these basins exceeding local demand, upstream operator that lack firm takeaway capacity must accept dramatically lower prices for the output—or slow their development plans until additional takeaway

Z-467



# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA27 – Lewis County Economic Development Authority, West Virginia (cont'd)

110 Center Avenue  
Weston, WV 26452  
www.lceda.org



Office: 304.269.4993  
Fax: 304.269.2416  
Info@lceda.org

Mr. Nathan J. Davis, Sr.  
Page 2

LA27-1  
(cont'd)

capacity comes onstream." As the Forbes article emphasizes, lack of pipeline infrastructure not only depresses prices but also may delay or curtail development of the abundant shale resources needed to fuel the regional and national economy.

In closing, I'd like to point out the broader economic benefits of the ACP and SHP for Lewis County, West Virginia and other states directly impacted by these projects. Enhanced access to natural gas will help states and localities attract new commercial and industrial investment, while greater access to natural gas will also translate to more stable energy prices for homes and businesses by relieving pipeline constraints during periods of high demand.

Allow me to thank you again for the opportunity to offer these comments on the draft EIS. This report should serve to persuade the public that these projects, which are so vital to the economic and energy needs of West Virginia and neighboring states, can be constructed and operated in a manner protective on the environment and public safety. Therefore, I respectfully urge the Commission to approve them at the conclusion of its comprehensive review.

Sincerely:

A handwritten signature in black ink, appearing to read "Michael D. Herron", written over a horizontal line.

Michael D. Herron  
Executive Director

Z-468

**LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS**  
**LA28 – New Kent County Board of Supervisors, Virginia**

20170411-0167 FERC PDF (Unofficial) 04/10/2017

March 31, 2017

Nathaniel J. Davis, Sr., Deputy Secretary  
Federal Energy Regulatory Commission  
888 First St. NE, Room 1A  
Washington, DC 20426

RE: Docket # CP15-554

Dear Sir:

Please find the enclosed resolution, in reference to FERC Docket# CP15-554.

Sincerely,

New Kent County Board of Supervisors

Enclosure

**ORIGINAL**

FILED  
SECRETARY OF THE  
COMMISSION  
2017 APR 10 P 3:23  
FEDERAL ENERGY  
REGULATORY COMMISSION

Z-469

# LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS

## LA28 – New Kent County Board of Supervisors, Virginia (cont'd)

20170411-0167 PERC PDF (Unofficial) 04/10/2017

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**R-09-17**

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 13<sup>th</sup> day of March, 2017:

Present:	Vote:
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Abstain
W. R. Davis, Jr.	Aye

Motion was made and carried 4:0:1, to adopt the following resolution:

**A RESOLUTION IN SUPPORT OF THE  
PROPOSED ATLANTIC COAST PIPELINE**

**WHEREAS**, New Kent County, Virginia is a growing locality with more than 20,000 residents in the Commonwealth's Greater Richmond Area; and

**WHEREAS**, the New Kent County Board of Supervisors and County administration place a very high priority on the availability of clean, reliable and affordable energy for the people and businesses of our locality; and

**WHEREAS**, the Board of Supervisors and County administration recognize that the energy infrastructure serving the Commonwealth, particularly the interstate natural gas pipeline system, is in need of expansion and strengthening; and

**WHEREAS**, the current pipeline system in Virginia frequently operates at or near capacity, subjecting natural gas customers to supply constraints as well as price spikes and volatility; and

**WHEREAS**, this infrastructure weakness affects the ability of localities throughout Virginia, including New Kent County, to attract new business prospects that require assurances of the secure and reliable availability of natural gas; and

**WHEREAS**, the proposed Atlantic Coast Pipeline would provide a new, direct link to the Commonwealth to the abundant and economical supplies of natural gas now being produced in the Appalachian Basin; and

LA28-1 Comment noted.

Z-470

LA28-1

**LOCAL AGENCIES/ELECTED OFFICIALS COMMENTS**  
**LA28 – New Kent County Board of Supervisors, Virginia (cont'd)**

20170411-0167 PERC PDF (Unofficial) 04/10/2017

R-09-17  
March 13, 2017

LA28-1  
(cont'd)

**WHEREAS**, the pipeline would be capable of delivering 1.5 billion cubic feet of natural gas per day to markets in the Southeast, including Virginia, with the new capacity helping to stabilize energy prices and benefit consumers and localities throughout the Commonwealth; and

**WHEREAS**, the increased supplies of natural gas and greater price stability would greatly enhance the prospects of Virginia localities, including New Kent County, to attract new business and job opportunities for our working men and women; and


**WHEREAS**, a study by ICF International has shown that operation of the pipeline would produce annual energy savings of approximately \$243 million per year for Virginia consumers, including those in New Kent County; and

**WHEREAS**, the draft Environmental Impact Statement recently issued by the staff of the Federal Emergency Regulatory Commission has conclusively demonstrated that the project can be built and operated in a manner that protects the environment; and

**WHEREAS**, operation of the pipeline would support the continued improvement of air quality throughout Virginia, including New Kent County, by supporting the use of lower-emissions natural gas as a fuel for electric generation;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of New Kent County, Virginia supports construction of the proposed Atlantic Coast Pipeline and respectfully urges the Federal Energy Regulatory Commission to approve the project after completion of its thorough and timely review process.

  
\_\_\_\_\_  
Rodney A. Hathaway  
County Administrator

  
\_\_\_\_\_  
W.R. Davis, Jr.  
Chairman

Z-471

# COMPANIES/ORGANIZATIONS COMMENTS

## CO1 – Industrial Energy Consumers of America

Z-472

**UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION**

Atlantic Coast Pipeline, LLC                    )                    Docket No. CP15-554  
Dominion Transmission, Inc.                    )

CO1-1                    Comment noted.

CO1-1

On behalf of the Industrial Energy Consumers of America (IECA) we urge approval of the Atlantic Coast Pipeline, LLC. IECA member companies are natural gas and electricity-intensive consuming companies from every major industrial sector. We are an important stakeholder because our ability to maintain and increase manufacturing jobs is completely dependent upon an increase in the deliverability of the supply of natural gas. If we do not have sufficient deliverability capabilities to move natural gas to operate our facilities, we have no choice but to relocate to other states or offshore. Manufacturing companies do not have an alternative for natural gas. Major manufacturing production processes and equipment are designed to specifically use natural gas. Nothing else can be substituted for natural gas. We cannot operate manufacturing facilities on electricity, especially solar or wind power. Coal and oil are also not an alternative for a variety of reasons, including EPA air regulations that limit their use.

**I. Industrial Energy Consumers of America (IECA)**

IECA is a nonpartisan association of leading manufacturing companies with over \$1.0 trillion in annual sales, and with more than 1.6 million employees. It is an organization created to promote the interests of manufacturing companies through advocacy and collaboration for which the availability, use and cost of energy, power or feedstock play a significant role in their ability to compete in domestic and world markets. IECA membership represents a diverse set of industries including: chemicals,

# COMPANIES/ORGANIZATIONS COMMENTS

## CO1 – Industrial Energy Consumers of America (cont'd)

CO1-1  
(cont'd)

plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, insulation, glass, industrial gases, pharmaceutical, building products, automotive, brewing, independent oil refining, and cement.

### II. Dismiss “Keep it in the Ground” Campaign Claims

There are entities that oppose building this pipeline, and the motives vary. There is a significant environmental activist movement who call for and support the “keep it in the ground” mantra. Their objective is to force their will upon consumers of natural gas in order to stop the use of fossil fuels for other alternatives, such as the exclusive production of electricity from solar or wind.

These activists do not represent consumers in the states and they are not accountable for millions of employees who work in our factories in order to sustain their families and lifestyles. They represent an ideology that is not realistic when it comes to commerce or the wellbeing and safety of consumers who need the natural gas from this pipeline to heat their homes. For the record, IECA and its member companies support cost-effective production of renewable energy and its many environmental benefits. However, renewable energy is not a viable alternative to replace natural gas in manufacturing.

Manufacturing companies cannot operate facilities on electricity alone, whether it is produced from renewable energy, natural gas, nuclear, hydro, or coal. Our equipment will only operate on natural gas. And, natural gas on a Btu basis costs substantially less than a Btu of electricity. This is important because manufacturers compete globally and the competition is very tough. Business orders can be won or lost based on pennies on the dollar. If costs are not kept low, our products will be displaced by foreign imports. Due to

Z-473

# COMPANIES/ORGANIZATIONS COMMENTS

## CO1 – Industrial Energy Consumers of America (cont'd)

Z-474

CO1-1  
(cont'd)

technical limitations of manufacturers, if we were forced to stop using natural gas, we would have no choice but to shutdown.

Also, renewable energy from solar and wind are variable and provide little capacity value to the grid. Supply is determined by when the wind blows and when the sun shines. Most manufacturing facilities operate 24/7, so consistency of supply is crucial. If we have an electricity disruption, it can result in the shutdown of the entire facility, causing product losses and damage to equipment. The disruption in supply of electricity can cost a single manufacturer millions of dollars, depending on size. Gas-fired power generation is low-cost in and of itself, but it also fills the void when renewable power is not available. It assumes the vitally important role of stabilizing the power grid as more intermittent renewables are added to the system, driven by increased state renewable portfolio standards.

Therefore, activists should not be able to deny this fundamental service of natural gas supply to consumers in the states. Activists' motives are impractical and dangerous to the safety of people living in the states. Imagine forcing homeowners to be solely dependent upon renewable energy during severe weather conditions. If this pipeline is not built, activists will not be held accountable for the results. However, the FERC's mandate does include acting in support of the public interest, and FERC should act upon it.

### **III. Disapproval of Pipeline Permits Directly Damages Commerce Across the Country**

FERC has the responsibility to approve this pipeline to prevent commerce from slowing or stopping at great costs to the U.S. economy. Manufacturing companies buy raw materials from other manufacturing companies and sell their products to other

# COMPANIES/ORGANIZATIONS COMMENTS

## CO1 – Industrial Energy Consumers of America (cont'd)

CO1-1  
(cont'd)

manufacturers. This fully integrated network of suppliers, called the supply chain includes facility locations all over the country. This is called the supply chain and it is very integrated. Disruptions to the supply chain are costly. Of course, the ultimate consumer of these products is the retail consumer.

For example, let us assume that Company A will be supplied by the pipeline. Company A purchases raw material inputs to produce its products. Its suppliers may also be dependent upon the pipeline. Company A is also a supplier to other manufacturing companies who may or may not be supplied by the pipeline. If U.S. manufacturers cannot supply the goods others need, they will be imported. Although importing products may be the best solution, it does not preserve U.S.-based jobs or job-related economic growth.

#### **IV. Manufacturing Companies Cannot Grow without Increased Supply of Natural Gas**

The Atlantic Coast Pipeline, L.L.C will traverse North Carolina, Virginia, and West Virginia and supply needed natural gas to allow manufacturing companies in these states to produce their products. According to the U.S. Energy Information Administration (EIA), natural gas demand by manufacturing companies in these states has increased by 14.7 percent since 2006 and is forecasted to increase by 207.7 percent in 2020. Adding new pipeline capacity relieves congestion in the overall geographic area and helps to avoid pipeline transportation costs that are due to congestion.



# COMPANIES/ORGANIZATIONS COMMENTS

## CO1 – Industrial Energy Consumers of America (cont'd)

CO1-1  
(cont'd)

The following information makes it clear that manufacturing companies are vital to the economy of these states.

States (NC, VA, WV)	Manufacturing Statistics, 2014-2015
Employment	740.8 thousand manufacturing jobs
Annual Payroll	\$34.1 billion
Gross Domestic Product	\$150.4 billion
Value Added	\$172.2 billion
Total Value of Shipments and Receipts for Services	\$336.9 billion
Capital Expenditures	\$8.3 billion

### V. Accelerate and Streamline the Pipeline Permitting Process

It is taking too long for the Commission to review and make a determination on whether a natural gas pipeline is approved. According to research conducted by Bloomberg Intelligence, “since the end of 2013, it takes almost 70 days longer to go from an initial FERC filing to notice of construction. Overall, the average approval time was 429 days.<sup>1</sup>”

Manufacturing companies cannot make capital investment decisions without knowing there is new available pipeline capacity. We urge the Commission to fully understand that the U.S. is in competition with the world for economic growth. Every day of delay in approving a pipeline cascades into delays of other very significant capital investments. Manufacturing sector growth is largely dependent upon access to affordable natural gas and feedstocks that can only be delivered by pipeline.

### VI. Conclusion

IECA urges the FERC to approve the pipeline and to reject the claims of the environmental “keep it in the ground” movement. We also ask that the decision is not

<sup>1</sup> Bloomberg Daily Report for Executives, December 14, 2016

# COMPANIES/ORGANIZATIONS COMMENTS

## CO1 – Industrial Energy Consumers of America (cont'd)

CO1-1  
(cont'd)

delayed. It is in the public interest to approve the pipeline and ensure the absolute necessity of natural gas supply to manufacturers in these states.

Sincerely,

Paul N. Cicio  
President  
Industrial Energy Consumers of America  
1776 K Street, NW, Suite 720  
Washington, DC 20006  
202-223-1661  
[pcicio@ieca-us.org](mailto:pcicio@ieca-us.org)

January 9, 2017

Z-477

# COMPANIES/ORGANIZATIONS COMMENTS

## CO2 – Industrial Energy Consumers of America

Z-478

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Supply Header Project ) Docket No. CP15-555  
Dominion Transmission, Inc. )

CO2-1

On behalf of the Industrial Energy Consumers of America (IECA) we urge approval of the Supply Header Project. IECA member companies are natural gas and electricity-intensive consuming companies from every major industrial sector. We are an important stakeholder because our ability to maintain and increase manufacturing jobs is completely dependent upon an increase in the deliverability of the supply of natural gas. If we do not have sufficient deliverability capabilities to move natural gas to operate our facilities, we have no choice but to relocate to other states or offshore. Manufacturing companies do not have an alternative for natural gas. Major manufacturing production processes and equipment are designed to specifically use natural gas. Nothing else can be substituted for natural gas. We cannot operate manufacturing facilities on electricity, especially solar or wind power. Coal and oil are also not an alternative for a variety of reasons, including EPA air regulations that limit their use.

**I. Industrial Energy Consumers of America (IECA)**

IECA is a nonpartisan association of leading manufacturing companies with over \$1.0 trillion in annual sales, and with more than 1.6 million employees. It is an organization created to promote the interests of manufacturing companies through advocacy and collaboration for which the availability, use and cost of energy, power or feedstock play a significant role in their ability to compete in domestic and world markets. IECA membership represents a diverse set of industries including: chemicals, plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, insulation, glass,

CO2-1 Comment noted.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO2 – Industrial Energy Consumers of America (cont'd)

CO2-1  
(cont'd)

industrial gases, pharmaceutical, building products, automotive, brewing, independent oil refining, and cement.

### II. Dismiss “Keep it in the Ground” Campaign Claims

There are entities that oppose building this pipeline, and the motives vary. There is a significant environmental activist movement who call for and support the “keep it in the ground” mantra. Their objective is to force their will upon consumers of natural gas in order to stop the use of fossil fuels for other alternatives, such as the exclusive production of electricity from solar or wind.

These activists do not represent consumers in the states and they are not accountable for millions of employees who work in our factories in order to sustain their families and lifestyles. They represent an ideology that is not realistic when it comes to commerce or the wellbeing and safety of consumers who need the natural gas from this pipeline to heat their homes. For the record, IECA and its member companies support cost-effective production of renewable energy and its many environmental benefits. However, renewable energy is not a viable alternative to replace natural gas in manufacturing.

Manufacturing companies cannot operate facilities on electricity alone, whether it is produced from renewable energy, natural gas, nuclear, hydro, or coal. Our equipment will only operate on natural gas. And, natural gas on a Btu basis costs substantially less than a Btu of electricity. This is important because manufacturers compete globally and the competition is very tough. Business orders can be won or lost based on pennies on the dollar. If costs are not kept low, our products will be displaced by foreign imports. Due to technical limitations of manufacturers, if we were forced to stop using natural gas, we would have no choice but to shutdown.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO2 – Industrial Energy Consumers of America (cont'd)

CO2-1  
(cont'd)

Also, renewable energy from solar and wind are variable and provide little capacity value to the grid. Supply is determined by when the wind blows and when the sun shines. Most manufacturing facilities operate 24/7, so consistency of supply is crucial. If we have an electricity disruption, it can result in the shutdown of the entire facility, causing product losses and damage to equipment. The disruption in supply of electricity can cost a single manufacturer millions of dollars, depending on size. Gas-fired power generation is low-cost in and of itself, but it also fills the void when renewable power is not available. It assumes the vitally important role of stabilizing the power grid as more intermittent renewables are added to the system, driven by increased state renewable portfolio standards.

Therefore, activists should not be able to deny this fundamental service of natural gas supply to consumers in the states. Activists' motives are impractical and dangerous to the safety of people living in the states. Imagine forcing homeowners to be solely dependent upon renewable energy during severe weather conditions. If this pipeline is not built, activists will not be held accountable for the results. However, the FERC's mandate does include acting in support of the public interest, and FERC should act upon it.

### **III. Disapproval of Pipeline Permits Directly Damages Commerce Across the Country**

FERC has the responsibility to approve this pipeline to prevent commerce from slowing or stopping at great costs to the U.S. economy. Manufacturing companies buy raw materials from other manufacturing companies and sell their products to other manufacturers. This fully integrated network of suppliers, called the supply chain includes facility locations all over the country. This is called the supply chain and it is

# COMPANIES/ORGANIZATIONS COMMENTS

## CO2 – Industrial Energy Consumers of America (cont'd)

CO2-1  
(cont'd)

very integrated. Disruptions to the supply chain are costly. Of course, the ultimate consumer of these products is the retail consumer.

For example, let us assume that Company A will be supplied by the pipeline.

Company A purchases raw material inputs to produce its products. Its suppliers may also be dependent upon the pipeline. Company A is also a supplier to other manufacturing companies who may or may not be supplied by the pipeline. If U.S. manufacturers cannot supply the goods others need, they will be imported. Although importing products may be the best solution, it does not preserve U.S.-based jobs or job-related economic growth.

#### **IV. Manufacturing Companies Cannot Grow without Increased Supply of Natural Gas**

The Supply Header Project will traverse Pennsylvania and West Virginia and supply needed natural gas to allow manufacturing companies in these states to produce their products. According to the U.S. Energy Information Administration (EIA), natural gas demand by manufacturing companies in these states has increased by 21.0 percent since 2006. Adding new pipeline capacity relieves congestion in the overall geographic area and helps to avoid pipeline transportation costs that are due to congestion.

Z-481

# COMPANIES/ORGANIZATIONS COMMENTS

## CO2 – Industrial Energy Consumers of America (cont'd)

CO2-1  
(cont'd)

The following information makes it clear that manufacturing companies are vital to the economy of these states.

States (PA, WV)	2015 Manufacturing Statistics
Employment	615.9 thousand manufacturing jobs
Annual Payroll	\$32.2 billion
Gross Domestic Product	\$92.6 billion
Value Added	\$119.9 billion
Total Value of Shipments and Receipts for Services	\$249.5 billion
Capital Expenditures	\$10.0 billion

### V. Accelerate and Streamline the Pipeline Permitting Process

It is taking too long for the Commission to review and make a determination on whether a natural gas pipeline is approved. According to research conducted by Bloomberg Intelligence, “since the end of 2013, it takes almost 70 days longer to go from an initial FERC filing to notice of construction. Overall, the average approval time was 429 days.”<sup>1</sup>

Manufacturing companies cannot make capital investment decisions without knowing there is new available pipeline capacity. We urge the Commission to fully understand that the U.S. is in competition with the world for economic growth. Every day of delay in approving a pipeline cascades into delays of other very significant capital investments. Manufacturing sector growth is largely dependent upon access to affordable natural gas and feedstocks that can only be delivered by pipeline.

### VI. Conclusion

IECA urges the FERC to approve the pipeline and to reject the claims of the environmental “keep it in the ground” movement. We also ask that the decision is not

<sup>1</sup> Bloomberg Daily Report for Executives, December 14, 2016

# COMPANIES/ORGANIZATIONS COMMENTS

## CO2 – Industrial Energy Consumers of America (cont'd)

CO2-1  
(cont'd)

delayed. It is in the public interest to approve the pipeline and ensure the absolute necessity of natural gas supply to manufacturers in these states.

Sincerely,

Paul N. Cicio  
President  
Industrial Energy Consumers of America  
1776 K Street, NW, Suite 720  
Washington, DC 20006  
202-223-1661  
[pcicio@ieca-us.org](mailto:pcicio@ieca-us.org)

January 13, 2017

Z-483



# COMPANIES/ORGANIZATIONS COMMENTS

## CO3 – Friends of Nelson

20170117-5193 FERC PDF (Unofficial) 1/17/2017 1:03:19 PM

Dear Virginia Outdoors Foundation Board of Trustees,

The currently preferred route for the Atlantic Coast Pipeline (ACP) is slated to go through a number of properties on which Virginia Outdoors Foundation (VOF) holds conservation easements.

We are appreciative of the efforts that VOF has already made in upholding the conservation interests of the citizens and the Commonwealth of Virginia, and we want to support you in continuing to protect these properties.

Friends of Nelson, a non-profit, local citizens' advocacy group, is gravely concerned about the devastating construction impacts and lasting ecosystem disruption that ACP project would inflict on *all* of these conservation easements. However, we have a heightened interest in the VOF easement(s) in Nelson County, and would like to offer some comments in light of the ACP's application for conversion/diversion under VA Code Sec. 10.1-1704.

According to the statute, "No open-space land...acquired under this chapter...shall be converted or diverted from open-space land use unless (i) the conversion or diversion is determined by the public body to be (a) essential to the orderly development and growth of the locality and (b) in accordance with the official comprehensive plan for the locality in effect at the time of the conversion or diversion."

Please note that the statute references the needs of THE locality, not the Commonwealth as a whole. Dominion's application repeatedly distorts the intent of the statute and dodges the issue of local benefit by referring to "Virginia's localities" and thereby construing "the locality" to refer to the Commonwealth as a whole. The ACP is well versed in this tactic, but it remains simply that: a strategy to apply their own interpretation to Virginia law in order to avoid compliance. The intent of "locality" is clear in this case and must not be conveniently redefined.

Land use rightly resides at the local level. The language of the Nelson County Comprehensive Plan is clear both in its future goals and its desire for responsible development.

"Maintaining the rural character and ensuring the protection of current and future agricultural and forestal land are essential to preserving the heritage and unique character of Nelson County."<sup>1</sup>

Although widely known, but worth repeating, not one BTU of the gas which the ACP proposes to carry will be serving the needs of Nelson County or helping it to "grow". Instead, according to the recent Key-Log Economic study<sup>2</sup>, the presence of the ACP in Nelson is more likely to actually *hinder* our orderly development and growth both during and after construction. Not only will

<sup>1</sup> <http://www.nelsoncounty.va.gov/departments/planning-zoning/comprehensive-plan/>

<sup>2</sup> [http://friendsofnelson.com/wpcontent/uploads/2016/05/ACPCosts\\_NelsonCounty\\_Summary\\_REVISED\\_20160516.pdf](http://friendsofnelson.com/wpcontent/uploads/2016/05/ACPCosts_NelsonCounty_Summary_REVISED_20160516.pdf)

CO3-1

CO3-2

Z-484

CO3-1

As discussed in section 4.8.2, pipeline operators must obtain easements from landowners and land-managing agencies to construct and operate natural gas facilities, or acquire the land on which the facilities would be located. As such, Atlantic and DETI would need to acquire long-term easements from the VOF to construct and operate the new project facilities on VOF-held easements. We acknowledge in section 4.8.5.2 that a VOF open-space easement limits present and future property development rights, and activities such as establishing rights-of-way or other easements require advance notification and/or written approval from the VOF (VOF, 2016). However, these negotiations are between the landowner, VOF, and Atlantic and are not subject to review by the FERC.

If an easement cannot be negotiated with a landowner and the project has been certificated by the FERC, the company may use the right of eminent domain granted to it under section 7(h) of the NGA and the procedure set forth under the Federal Rules of Civil Procedure (Rule 71A) to obtain the right-of-way and extra workspace areas. This would supersede state statutes or designations. The company would still be required to compensate the landowner for the right-of-way and for any damages incurred during construction.

A pipeline easement would prohibit certain types of uses from occurring within the permanent right-of-way that could affect the maintenance and safe operation of the pipeline, such as the construction of any permanent aboveground structures (e.g., houses, commercial buildings) or excavation activities. However, operation of the pipeline would not affect other types of land uses or other activities that do not directly disturb the pipeline or operational right-of-way. Most land uses would be allowed to revert to prior uses following construction.

CO3-2

See the response to comment CO3-1. Purpose and need of the project is discussed in section 1.1. Socioeconomics impacts associated with the projects are discussed in section 4.9.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO3 – Friends of Nelson (cont'd)

20170117-5193 FERC PDF (Unofficial) 1/17/2017 1:03:19 PM

CO3-2 (cont'd) | it negatively impact current businesses in the thriving agritourism segment of our economy, but it will prevent the development of two other projects that would have further fueled our economic growth by creating 250 tourism-based jobs and adding \$23-32 million in annual revenue to the County.<sup>3</sup>

CO3-3 | At best, Dominion's propaganda would have one believe that the gas will contribute to the creation of manufacturing jobs along the pipeline route. However that kind of large-scale development — and especially in the parts of the county that the pipeline proposes to traverse — is in direct conflict with our Comprehensive Plan. It would neither be "in designated development areas" nor would it be "compatible with the county's size and rural character."

CO3-4 | In addition to the statutory considerations and the intent that conservation easements be legally protected in perpetuity, there are enormous environmental considerations that cannot be ignored. According to maps which integrate ACP route with the USDA Natural Resources Conservation Service Soil Survey's SSURGO data set, the potential erosion hazard on this part of the route is "severe". (See the Atlantic Coast Pipeline Environmental Mapping System, prepared by the Dominion Pipeline Monitoring Coalition.<sup>4</sup>)

CO3-4 | Also, according to Virginia DCR Green Infrastructure cores ... this area is rated "very high". And again, the proposed route through Nelson encompasses nearly 90% steep slopes, which ACP cites as high risk for landslides and also cites "revegetation concerns". The Nelson County Comprehensive Plan strictly precludes such development: "Limit development on critical slopes in order to maintain the balance between slope, soils, geology, and vegetation." An independent study of Nelson slopes to be released in the near future, will substantiate these arguments.

Friends of Nelson supports the mission of the Virginia Outdoors Foundation and trusts its Board to deny conversion of the easements in Nelson County proposed by Dominion on behalf of the ACP.

With Respect,

Ernie Reed, President of Friends of Nelson

<sup>3</sup> [http://elibrary.ferc.gov/idmws/file\\_list.asp?accession\\_num=20151023-5292](http://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20151023-5292)

<sup>4</sup> <https://dpmc-gis.maps.arcgis.com/apps/webappviewer/index.html?id=86d265defe5543c095cc5b8c5ff9d8e6>

CO3-3 | Comment noted. Section 4.2.2.1 includes our analysis of impacts on erosion-prone soils. Additionally, mitigation measures that would be implemented are addressed in section 4.2.3.

CO3-4 | Section 4.2.2.9 includes our analysis of slope gradients along the project route. Additionally, mitigation measures that would be implemented are addressed in section 4.2.3.

Z-485

# COMPANIES/ORGANIZATIONS COMMENTS

## CO4 – Lewis Airstrip, LLC

2017Q118-0010 FERC PDF (Unofficial) 01/17/2017

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Buckhannon, WV 26201  
Call: 304.439.0153  
Fax: 304.472.3668

LEWIS AIRSTRIP, LLC.

NEAL W. ROHR  
MEMBER and MANAGER  
rohrmw@yahoo.com

FILED  
SECRETARY OF THE  
ENERGY COMMISSION

2017 JAN 17 P 3:28 January 10, 2017

Mr. Nathaniel J. Davis, Sr., Deputy Director  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: CP15-554

ORIGINAL

Dear Mr. Davis:

### INTRODUCTION

Thank you for the CD detailing the Atlantic Coast Pipeline draft EIS, and for the nine page booklet referencing dockets CP15-554 and 555. I have reviewed these with great interest. The ACP team has expressed an interest for our field to be used as a pipe/contractor yard. I note in the CD, Volume 2, page 151, our field is identified as a temporary work site.

### SUMMARY

I have submitted comments via eComment. Your acknowledgement of having received that submittal is enclosed. My submitted comments are as follows:

CO4-1 Please change the wording of paragraphs 2.2.4.1, 4.2.5, 4.8.1.3, and 4.8.8.3 to include the wording of paragraph 2.3.2.9, which follows: "Landowners are also at liberty to negotiate certain specific construction requirements and restoration measures directly with Atlantic or DTI. Restoration activities would be completed in accordance with landowner agreements, permit requirements, and written recommendations."

Incidentally, because Lewis Airstrip is private, and because I am member, manager, and part owner, I used eComment. If I need to use eFile, please advise.

### DISCUSSION

The following four paragraphs from Volume 1 pertain to contractor/pipe yards.

NR 1/10/17

CO4-1

For brevity, the statement has not been repeated. However, the statement applies to these paragraphs even if not explicitly stated. We also note that this comment was also submitted under accession no. 20170109-5217.

Z-486

# COMPANIES/ORGANIZATIONS COMMENTS

## CO4 – Lewis Airstrip, LLC (cont'd)

20170118-0010 FERC PDF (Unofficial) 01/17/2017

### LEWIS AIRSTRIP, LLC.

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NEAL W. ROHR  
MEMBER and MANAGER  
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CO4-2

1. Paragraph 2.2.4.1, CD page 96, contains the following: "Contractor yards would be restored to their former land use after construction is complete...."
2. Paragraph 4.2.5, CD page 238, contains the following: "Yards would be reclaimed and allowed to revegetate following construction and would not represent new permanent impacts on soil resources."
3. Paragraph 4.8.1.3, CD page 479, contains the following: "Following construction, those areas would be restored in accordance with Atlantic's and DTI's Restoration and Rehabilitation plan or as requested by the landowner or land management agency."
4. Paragraph 4.8.8.3, CD page 525, contains the following: "...all disturbed work areas would be stabilized and revegetated as soon as possible after final grading in accordance with construction and restoration plans."

So the first two indicate return to the original condition, the third provides for landowner direction, and the fourth appears to me to be indeterminate.

Paragraph 2.2.4.1, CD page 108, concerns restoration of the pipe trench and adjacent areas. It contains this wording: "Landowners are also at liberty to negotiate certain specific construction requirements and restoration measures directly with Atlantic or DTI. Restoration activities would be completed in accordance with landowner agreements, permit requirements, and written recommendations." Contrary to the above four paragraphs, paragraph 2.2.4.1 clearly provides landowners reasonable control of the final condition of their property. Accordingly, I request paragraphs 2.2.4.1, 4.2.5, 4.8.1.3, and 4.8.8.3 be changed to include the wording I have referenced in paragraph 2.2.4.1.

Thank you for your cooperation.

Sincerely,

*Neal W Rohr* 1/10/17

CO4-2

Sections 2.2.4.1, 4.2.5, and 4.8.8.3 have been revised clarify the restoration of contractor yards following construction.

Z-487

# COMPANIES/ORGANIZATIONS COMMENTS

## CO4 – Lewis Airstrip, LLC (cont'd)

20170118-0010 FERC PDF (Unofficial) 01/17/2017 <https://mg.mail.yahoo.com/neo/launch?.rand=93mi3pv4b5mjb#1743...>

**Subject:** FERC eComment Receipt in CP15-554-000

**From:** eFiling@ferc.gov (eFiling@ferc.gov)

**To:** rohrmw@yahoo.com; eFilingAcceptance@ferc.gov;

**Date:** Monday, January 9, 2017 2:17 PM

Thank you for using FERC's eComment System. Your comments have been added to the record for CP15-554-000 and will be available in the Commission's Online eLibrary System at <http://www.ferc.gov/docs-filing/elibrary.asp>.

If there is an error or any other issue with your submission, please contact the eFiling help line at 202-502-8258. You may also email [efiling@ferc.gov](mailto:efiling@ferc.gov) (for assistance only – we do not accept comments on proceedings via email).

For more information on FERC procedures, we invite you to review the Citizen Guides at <http://www.ferc.gov/for-citizens/for-citizens.asp>.

FERC Dockets and Registry

# COMPANIES/ORGANIZATIONS COMMENTS

## CO5 – Potomac Appalachian Trail Club – Southern Shenandoah Valley Chapter



### Southern Shenandoah Valley Chapter

January 23, 2017

Thomas Tidwell, Forest Service Chief  
Kathleen Atkinson, Eastern Region Forester  
Tony Tooke, Southern Region Forester  
Clyde Thompson, Monongahela National Forest Supervisor  
Job Timm, George Washington National Forest Supervisor

Re: Atlantic Coast Pipeline: FERC Docket #CP15-554)

Dear Chief Tidwell, Regional Foresters Atkinson and Tooke, and Supervisors Thompson and Timm:

I am writing on behalf of Potomac Appalachian Trail Club – Southern Shenandoah Valley Chapter (PATC-SSVC) to support of the Forest Service taking the time it needs to make a responsible and well-informed decision on whether to issue a Special Use Permit for the Atlantic Coast Pipeline and amend the George Washington and Monongahela National Forest management plans. For this large and extremely consequential project, it is imperative that the Forest Service follow the laws and regulations in place and have access to all the information it needs to make a responsible decision.

CO5-1 | PATC-SSVC is located in the Shenandoah Valley of Virginia in the Harrisonburg-Staunton-Waynesboro area. Our club leads hikes and maintains trails along the 16-mile route of the Atlantic Coast Pipeline through the George Washington National Forest (GWNF). We typically log 1,000-2,000 hours of volunteer work on trails in the Shenandoah Mountain area of the GWNF. Our club is opposed to the proposed ACP route, and we have been active in expressing our concerns in writing and by speaking at public meetings held by FERC.

When we hike, we enjoy scenic views, cascading mountain streams, wildflowers, birds, and geologic features, and we especially appreciate the large, unfragmented tracts of national forest on the Blue Ridge Mountains and Shenandoah Mountain. These tracts of wildlands offer supreme hiking experiences for the 10 million people who live within a two-hour drive of the GWNF. The ACP route cuts through some of the premier areas of the national forest for nature study and outdoor recreation.

CO5-2 | Our Conservation Committee has reviewed the Draft EIS for the ACP and have found it to be incomplete and very misleading. Some of the most essential information for a responsible decision is missing. We are very concerned that Dominion and FERC are pushing to expedite this consequential project without allowing enough time for all the agencies and other parties involved to gather and submit critical information for analysis and review. A project of this magnitude cannot be evaluated quickly.

CO5-1 | FS response: The opposition to the ACP route is noted. The purpose of the EIS is to identify and address issues of concern for this project, seeking to avoid, minimize, and where necessary mitigate likely negative impacts. Chapter 4 of the EIS discusses the environmental consequences of the proposed ACP, including those involving vegetation, geology, numerous species, water and soil issues, forest fragmentation, visual and cultural resources, air quality and noise, and reliability and safety, as well as special interest areas and socioeconomics impacts.

CO5-2 | FS response: The comment is noted. The FS and FERC have received additional information and analyses since the draft EIS and have incorporated such into the final EIS in the applicable resource sections.

Z-489

# COMPANIES/ORGANIZATIONS COMMENTS

## CO5 – Potomac Appalachian Trail Club – Southern Shenandoah Valley Chapter (cont'd)

Z-490

CO5-3

As one example of misinformation, please note that the draft EIS states that the pipeline will not be visible from the proposed Shenandoah Mountain National Scenic Area. Our chapter has led a hike to a scenic viewpoint on Shenandoah Mountain on New Years Day of 2016 and 2017. The pipeline route would bisect the viewshed shown in the photo with a permanent utility corridor. Photo by Lynn Cameron



CO5-4

PATC-SSVC supports Supervisor Clyde Thompson's Dec. 13 letter stating the Forest Service does not concur with the expedited timetable set by FERC and that more time is needed. This is not just for convenience sake; more time is required by the laws and regulations the Forest Service must follow.

This pipeline is putting many fragile resources in the GWNF at risk. It is imperative that the Forest Service be given adequate time to work its way through the process carefully. Information, like Biological Surveys for sensitive species, detailed plans for high risk areas, and a more detailed engineering plan for the HDD through the Blue Ridge must be available before a decision is made, not after.

If the Forest Service is forced to fast-track this decision without critical information, the Agency will be vulnerable to objections, appeals and lawsuits.

Thank you for your responsible stewardship of our national forests, and please take the time you need to assemble and review the necessary information. It is crucial that time for public participation be taken into account during this process.

Thank you.

*David Bennick*

David Bennick  
President  
Potomac Appalachian Trail Club – Southern Shenandoah Valley Chapter  
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Stuarts Draft, VA 24477  
dbennick@verizon.net  
www.ssvc.org

CO5-3

FS response: The FS reviewed the materials provided by the Friends of Shenandoah Mountain organization and ran additional viewshed analysis for the GWNF LRMP Recommended Shenandoah Mountain National Scenic Area. The effects to this area are described in the Visual Resources part of Section 4.8.9.1-Forest Service.

CO5-4

FS response: The comment is noted. See response to comment CO5-2.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO6 – Public Interest Groups (representing 14 separate groups)

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

\_\_\_\_\_  
In the matter of: )  
Atlantic Coast Pipeline, LLC )  
Docket Nos. CP15-554-000 )  
PF15-6-000 )  
Dominion Transmission, Inc. )  
Docket Nos. CP15-555-000 )  
PF15-5-000 )  
Atlantic Coast Pipeline, LLC and )  
Piedmont Natural Gas Company )  
Docket No. CP15-556-000 )  
\_\_\_\_\_

January 23, 2017

### JOINT MOTION TO RESCIND OR SUPPLEMENT DEIS

PURSUANT to FERC Rule 212 at 18 C.F.R. § 385.212, the National Environmental Policy Act (“NEPA”) at 42 U.S.C. § 4332, and 40 C.F.R. § 1502.9, now come the North Carolina Waste Awareness and Reduction Network (“NC WARN”); Clean Water for North Carolina; the NC APPPL: Stop the Pipeline; the Blue Ridge Environmental Defense League (“BREDL”), and its chapters, Protect Our Water! (Faber, VA), Concern for the New Generation (Buckingham, VA), Halifax & Northampton Concerned Stewards (Halifax and Northampton, NC), Nash Stop the Pipeline (Spring Hope, NC), Wilson County No Pipeline (Kenly, NC), Sampson County Citizens for a Safe Environment (Faison, NC), and Cumberland County Caring Voices (Eastover, NC); Sustainable Sandhills; Beyond Extreme Energy; The Climate Times; Triangle Women’s International League for Peace and Freedom; Haw River Assembly; Winyah Rivers Foundation, Inc.;

Z-491



# COMPANIES/ORGANIZATIONS COMMENTS

## CO6 – Public Interest Groups (representing 14 separate groups) (cont’d)

River Guardian Foundation; 350.org Triangle; Eno River Unitarian Universalist Fellowship – Earth Justice; and NoFrackingInStokes (together “the Public Interest Groups”), by and through the undersigned counsel, with a joint motion to the Commission to rescind or supplement the Draft Environmental Impact Statement (“DEIS”) on the Atlantic Coast Pipeline (“ACP”) issued on December 30, 2016 in the above captioned dockets.

### MOTION

CO6-1

Pursuant to NEPA at 42 U.S.C. § 4332, and the rules promulgated under it implementing its procedural provisions, and specifically 40 C.F.R. § 1502.9(c)(1)(ii), the Public Interest Groups move that the Commission rescinds and supplements the DEIS in this matter because “[t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” At the same time, the present public comment period should be placed in abeyance until a new or supplemental DEIS is issued.

### SUPPORTING FACTS AND LAW

1. The Public Interest Groups are not-for-profit corporations under the laws of North Carolina and Virginia law acting in the public interest and community groups organized to protect the family and property of their members. Several of the Public Interest Groups, including but not limited to NC WARN and BREDL are intervenors in this proceeding pursuant to Commission Notice Granting Late Interventions, November 8, 2016. As intervenors they have the ability to make motions to the Commission

CO6-1

The EIS was prepared in accordance with NEPA, CEQ guidelines, and other applicable requirements. The EIS is consistent with FERC style, formatting, and policy regarding NEPA evaluation of alternatives and different impact types. The EIS is comprehensive and thorough in its identification and evaluation of feasible mitigation measures to reduce those effects whenever possible.

While some information was still pending at the time of issuance of the draft EIS, the lack of this final information does not deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the projects or a feasible way to mitigate or avoid such effect. The EIS includes sufficient detail to enable the reader to understand and consider the issues raised by the proposed projects and addresses a reasonable range of alternatives.

The final EIS includes additional information provided by Atlantic and DETI, cooperating agencies, and new or revised information based on substantive comments on the draft EIS.

Z-492

# COMPANIES/ORGANIZATIONS COMMENTS

## CO6 – Public Interest Groups (representing 14 separate groups) (cont'd)

CO6-1  
(cont'd)

pursuant to Commission Rule 212, 18 C.F.R. § 385.212. Although the interests of the intervenors are more clearly stated in their respective motions to intervene, those same interests are held by each of the Public Interest Groups. The Public Interest Groups and their members will be significantly affected by the proposed ACP.

2. On September 18, 2015, the ACP LLC filed an application under section 7(c) of the Natural Gas Act, requesting authorization to construct, own, and operate the ACP, including three compressor stations and at least 564 miles of pipeline across West Virginia, Virginia, and North Carolina. The ACP is a joint venture of Dominion Resources, Inc., Duke Energy Corporation, Piedmont Natural Gas Company, Inc. (now a wholly owned subsidiary of Duke Energy), and AGL Resources, Inc. (collectively, "Dominion").

3. On October 2, 2015, the Commission filed its Notice of Application, providing additional details about the application and outlining the review process, and opportunities for public comment.

4. The Commission has authority under NGA Section 7 (Interstate Natural Gas Pipelines and Storage Facilities) to issue a Certificate of Public Convenience and Necessity ("certificate") to construct a natural gas pipeline. As described in the Commission guidance manuals, environmental documents are required to describe the purpose and commercial need for the project, the transportation rate to be charged to customers, proposed project facilities, and how the company will comply with all applicable regulatory requirements.<sup>1</sup> The applicants must evaluate project alternatives,

<sup>1</sup> Both the FERC Guidance Manual for Environmental Report Preparation (August 2002) and the Draft Guidance Manual for Environmental Report Preparation (December 2015) provide the minimum analysis required by the agency in preparing environmental documents. Neither guidance manual discusses the requirement to supplement environmental documents so the Commission must rely on NEPA guidance.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO6 – Public Interest Groups (representing 14 separate groups) (cont'd)

Z-494

CO6-1  
(cont'd)

identify a preferred route, and complete a thorough environmental analysis – including consultation with appropriate regulatory agencies, data reviews, and field surveys. The Commission is required to analyze the information provided by Dominion to determine if the project is one of public convenience and necessity. The purpose of the Commission's review is to reduce overbuilding of pipeline capacity in order to protect consumers and property owners.

5. As part of its review process, the Commission prepares environmental documents, and in this case, a DEIS was prepared and released on December 30, 2016. As part of the release, the Commission provided a public comment period until April 6, 2017. Subsequently, the Commission scheduled "public comment sessions" in ten locations along the ACP route to allow for public comments.

6. On January 10, 2017, Dominion filed an additional fourteen documents supplementing its original application.<sup>2</sup> This filing of new information contains thousands of new pages of information, voluminous appendices, and attachments on environmental issues directly relevant to the DEIS.<sup>3</sup> ATTACHMENT A to this motion briefly summarizes the contents of the new documents including, but not limited to:

- historic properties in West Virginia, Virginia, and North Carolina

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<sup>2</sup> [https://elibrary.ferc.gov/idmws/file\\_list.asp?accession\\_num=20170110-5142](https://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20170110-5142)

<sup>3</sup> On January 23, 2017, Dominion filed an additional 12 files of supplemental information and another seven files updating its visual impact assessment. Although none of these files have been reviewed by the Public Interest Groups, the filing of new information supports their legal argument the DEIS is required to be supplemented. [http://elibrary.FERC.gov/idmws/file\\_list.asp?accession\\_num=20170123-5110](http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20170123-5110)  
[http://elibrary.FERC.gov/idmws/file\\_list.asp?accession\\_num=20170119-5180](http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20170119-5180)

# COMPANIES/ORGANIZATIONS COMMENTS

## CO6 – Public Interest Groups (representing 14 separate groups) (cont'd)

Z-495

CO6-1  
(cont'd)

- supplemental updates on compressor stations, metering and regulation stations, steep slopes in West Virginia and Virginia, archaeological sites, and impacts of forest fragmentation on bird species
- maps of non-jurisdictional facilities
- engineering updates on horizontal directional drilling, river crossings, and hydrofracture risk
- geological considerations in West Virginia
- cultural resources in West Virginia, including cemeteries
- restoration plans for wetlands
- considerations of soil, erosion, and steep slopes; direct impacts on forested sites in West Virginia, Virginia, and North Carolina
- impacts on streams and biotic resources
- removal and relocation of aquatic species
- correspondence with state agencies and between state and federal agencies on water quality, air quality, wildlife resources, threatened and endangered species, and mitigation

This new information clearly supplements the information in the original application, the information supplied to FERC staff for their review, and any information available to intervenors and the public.

7. As such, the Commission is required to supplement the DEIS after receiving the new filings. Rules promulgated by the Council on Environmental Quality pursuant to NEPA provide mandatory guidance to all Federal agencies on the preparation of

# COMPANIES/ORGANIZATIONS COMMENTS

## CO6 – Public Interest Groups (representing 14 separate groups) (cont'd)

Z-496

CO6-1  
(cont'd)

environmental statements. 40 C.F.R. 1502.9(c)(1)(ii) specifically addresses the obligation of the agencies to supplement to the environmental statements, stating:

(c) Agencies:

(1) **Shall** prepare supplements to either draft or final environmental impact statements if:

(i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or

(ii) ***There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.***

(emphasis added). As shown above, the new filings by Dominion on January 10, 2017, are squarely within the requirements of this rule. The information is significant and directly relevant to environmental concerns and impacts addressed in the DEIS and, after review by the agency and public review, the information in the new filings is likely to have a bearing on the Commission's action.

8. The timing of Dominion's filing of the new information is suspect and appears to have been held until the agency had issued the DEIS. Most, if not all, of the information filed on January 10, 2017, has clearly been prepared earlier to its filing date and withheld from public and agency review until after the DEIS was issued. One of the relevant documents (Appendix B, HDD Design Report) was dated as early as December 14, 2016. Even giving Dominion the benefit of the doubt over the propriety of a late filing, the information in new filings is both substantive and relevant, fitting clearly under the provisions of 40 C.F.R. 1502.9(c)(1)(ii). Therefore, the public comment period on the DEIS should be held in abeyance until agency staff and the Commission review the new information and supplement the DEIS.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO6 – Public Interest Groups (representing 14 separate groups) (cont'd)

CO6-1  
(cont'd)

9. Case law on the agency's requirement to supplement an environmental document is clear. New information causes environmental documents to be supplemented, even after the environmental document has been completed and the agency action taken. In its review of one action, the Court found there "are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." *Norton v. Southern Utah Wilderness Alliance*, 542 U.S. 55 (2004) (new study of use of park lands). Of course, not all new information is significant or relevant; but the Commission is required to take a "hard look" at the new information and, after review, incorporate it into environmental documents. As discussed in *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 109 S.Ct. 1851, 104 L.Ed.2d 377 (1989), "

The parties are in essential agreement concerning the standard that governs an agency's decision whether to prepare a supplemental EIS. They agree that an agency should apply a "rule of reason," and the cases they cite in support of this standard explicate this rule in the same basic terms. These cases make clear that an agency need not supplement an EIS every time new information comes to light after the EIS is finalized. To require otherwise would render agency decisionmaking intractable, always awaiting updated information only to find the new information outdated by the time a decision is made. On the other hand, and as the petitioners concede, NEPA does require that agencies take a "hard look" at the environmental effects of their planned action, even after a proposal has received initial approval.

The Court endorsed the "hard look" at new information even after a proposal had received its initial approval, and permit, from the agency. "When new information is presented, the agency is obligated to consider and evaluate it and to make a reasoned decision as to whether it shows that any proposed action will affect the environment in a significant manner not already considered." *Ibid.*, 490 U.S. at 374; also endorsed by the Court in *Arkansas Wildlife v. U.S. Army Corps*, 431 F.3d 1096 (Fed. 8th Cir., 2005).

# COMPANIES/ORGANIZATIONS COMMENTS

## CO6 – Public Interest Groups (representing 14 separate groups) (cont'd)

CO6-1  
(cont'd)

10. The Public Interest Groups believe the mandate for a full analysis of the "public convenience and necessity" for pipelines involves more than responding to a professed need for capacity. The new, late-filed information from Dominion is relevant and significant, directly concerning many of the environmental issues the Commission is required to review and fully analyze. The burden is on the Commission to fully investigate the environmental risks and costs associated with the ACP, including all new and supplemental information.

### RELIEF REQUESTED

The Public Interest Groups respectfully request that the Commission grant their joint motion. In this matter, the Commission must take a "hard look" at the new information, review it in the context of the application and current public comments, and then supplement the DEIS to incorporate the new information. At the same time, the Commission should rescind the DEIS and hold the public comment period in abeyance until it issues the supplemental DEIS.

ON BEHALF OF THE PUBLIC INTEREST GROUPS

*/s/ John D. Runkle*

---

John D. Runkle  
Attorney at Law  
2121 Damascus Church Road  
Chapel Hill, North Carolina 27516  
919-942-0600  
[jrunkle@pricedcreek.com](mailto:jrunkle@pricedcreek.com)

# COMPANIES/ORGANIZATIONS COMMENTS

## CO6 – Public Interest Groups (representing 14 separate groups) (cont'd)

### ATTACHMENT A

Supplemental Filing for ACP DEIS - filed with FERC on 1/10/17  
 all files accessed from: [https://elibrary.ferc.gov/dmvs/file\\_list.asp?accession\\_num=20170110-5142](https://elibrary.ferc.gov/dmvs/file_list.asp?accession_num=20170110-5142)

Link to doc	FERC document number	Document Name	Content
<a href="#">PUBLIC Cover Letter 1-10-17 Suppl Info.PDF</a>	30381	PUBLIC Appendix F Part 1, WV Structures	Historic properties in WV covered under Section 106 of the Historic Preservation Act
<a href="#">PUBLIC Supplemental Filing 1-10-2017.PDF</a>	315884	Supplemental	Update on Non-jurisdictional facilities: <ul style="list-style-type: none"> <li>• Update on compressor stations 1 and 3</li> <li>• Update on Normampton office building and M&amp;R (metering and regulation) station</li> <li>• Update on steep slopes in WV and VA</li> <li>• Archaeological sites in WV, VA and NC</li> <li>• Effects of forest fragmentation on bird species</li> <li>• North Carolina aquatic species removal plan</li> </ul>
<a href="#">PUBLIC Appendix A NonJur Facilities.PDF</a>	3553746	Supplemental Appendix A	Maps of non-jurisdictional facilities

1

<a href="#">PUBLIC Appendix B HDD Design Report.PDF</a>	12120999	Appendix B, HDD Design Report (12/14/15)	Engineering updates <ul style="list-style-type: none"> <li>• HDD (Horizontal Directional Drilling) (how pipeline is installed)</li> <li>• Discusses pipeline crossings on rivers and highways - pipes range from 20 to 42 inches in diameter, and length - 1500 to 4700 feet horizontally. Rivers include Cape Fear, James, Tar, Femico</li> <li>• Factors that affect feasibility of HDD - p 4-5</li> <li>• Area required, drilling fluid (including p 6 photo of drilling fluid problems)</li> <li>• Page 10 has hydrofracture risk by location (including one is high on Route 17)               <ul style="list-style-type: none"> <li>○ Engineering stress criteria, "pulling loads"</li> <li>○ Has stress loads by pipe diameter</li> <li>○ Risks at listed rivers</li> </ul> </li> <li>• Engineering documents and maps</li> </ul>
<a href="#">PUBLIC Appendix C Site Specific Geo Design.PDF</a>	3476698	Appendix C, Revised Site Specific Geohazard Mitigation Design Drawings. 81 pp	<ul style="list-style-type: none"> <li>• steep slopes in WV</li> <li>• Addresses concerns brought up by Tom Collins of the Forest Service on mountainous terrain and geography</li> </ul>
<a href="#">PUBLIC Appendix F Part 1 WV Structures Add 1.PDF</a>	8897021	Appendix F, Cultural Resources	117 pages, addresses cemeteries and other cultural resources in WV

2

Z-499



# COMPANIES/ORGANIZATIONS COMMENTS

## CO6 – Public Interest Groups (representing 14 separate groups) (cont'd)

<a href="#">PUBLIC Appendix F Part 2a VA Structures Add 4.PDF</a>	16268172	Section 106 Review, VA only	136 pages, re: historic properties in VA, only refers to North Carolina in historic accounts of settlement
<a href="#">PUBLIC Appendix F Part 2b VA Structures Add 4.PDF</a>	30161750		Addendum to above filing on VA historic properties
<a href="#">PUBLIC Appendix F Part 3 NC Structures Add 3.PDF</a>	8637095	Section 106 review in North Carolina;	84 pages, includes 10 historic dwellings in Cumberland County, NC on p. 36
<a href="#">PUBLIC Appendix G Restoration and Rehab Plan.PDF</a>	2964624	Appendix G, Restoration and Rehabilitation Plan	<ul style="list-style-type: none"> <li>Restoration plans for sites in NC and VA; 93 pages (Updated, Rev. 4)</li> <li>Re: erosion, soil, steep slopes, agricultural areas, wetland restoration</li> <li>experts consulted</li> <li>list of sites in North Carolina and drainage characteristics by county</li> </ul>
<a href="#">PUBLIC Appendix H Forest Fragmentation Analysis.PDF</a>	386079	Appendix H, Forest Fragmentation Analysis	Direct impacts on list of forested sites in WV, VA and NC
<a href="#">PUBLIC Appendix I NC Aquatics</a>	806664	Appendix I, North Carolina Fish and	letter to NC Wildlife Resource Commission requesting comments on Tier 1 and Tier 2 streams, biotic resources, including mussels.

3

<a href="#">Removal.PDF</a>		Non-Fish Aquatics Collection and Relocation Protocol for Instream Construction Activities	netting and removal/relocation of fish and non-fish species
<a href="#">PUBLIC Appendix J ACP Agency Correspondence.PDF</a>	47297233	Correspondence with all agencies	306 pp. on correspondence with state agencies and communications between state agencies and federal agencies on air and water quality; wildlife resources (including specific species threatened by pipeline); mitigation
<a href="#">PUBLIC Appendix K SHP Agency Correspondence.PDF</a>	205694	PA Section 106 review	Additional historic review

4

Z-500

# COMPANIES/ORGANIZATIONS COMMENTS

## CO7 – Research Triangle Regional Partnership

20170124-0018 FERC PDF (Unofficial) 01/23/2017



John Kane, Chairman

January 17, 2017

ORIGINAL

Kimberly Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: Docket #CP15-554

Dear Secretary Bose:

Enclosed is a resolution in support of the construction of the Atlantic Coast Pipeline. Please enter it into the official record.

Thank you,

A handwritten signature in cursive script that reads "John Kane".

John Kane  
Chairman of the Board  
Research Triangle Regional Partnership

Research Triangle Regional Partnership  
8000 Weston Parkway, Suite 340, Cary, North Carolina 27513  
919-840-7372 www.researchtriangle.org

FILED  
SECRETARY OF THE  
COMMISSION  
2017 JAN 23 P 4: 07  
FEDERAL ENERGY REGULATORY COMMISSION

Z-501

# COMPANIES/ORGANIZATIONS COMMENTS

## CO7 – Research Triangle Regional Partnership (cont'd)

20170124-0018 FERC PDF (Unofficial) 01/23/2017

CO7-1 Comment noted.

### RESOLUTION IN SUPPORT OF THE CONSTRUCTION OF THE ATLANTIC COAST PIPELINE

CO7-1

**WHEREAS**, a group of major U.S. energy companies, including Dominion, Duke Energy, and Southern Gas recently formed a joint partnership to build the Atlantic Coast Pipeline, a 600-mile natural gas transmission line that will run from Harrison County, West Virginia to Robeson County in our state; and

**WHEREAS**, a lack of natural gas pipeline capacity, especially in eastern North Carolina currently limits North Carolina's access to this economical and environmentally friendly form of energy; and

**WHEREAS**, the route of the proposed 600-mile route of the Atlantic Coast Pipeline will pass through the eastern part of the Research Triangle Region; and

**WHEREAS**, the Atlantic Coast Pipeline will make the growing supplies of natural gas produced in the Appalachian shale basins such as the Marcellus and Utica formations much more available to North Carolina and the Research Triangle Region; and

**WHEREAS**, this will provide an additional natural gas supply source for the homes and businesses in the Eastern part of the region; and

**WHEREAS**, this project will help alleviate a shortage of pipeline capacity in North Carolina and work against pipeline constraints such as those that caused severe natural gas price spikes during the extremely cold winter of 2014; and

**WHEREAS**, this improved access will help promote stability in natural gas costs and help alleviate pipeline constraints that can cause severe price spikes such as those that occurred during the winter of 2014; and

**WHEREAS**, this better access will help promote North Carolina and the Research Triangle region's continued economic development by providing better opportunities to recruit new manufacturing facilities that use the fuel; and

**WHEREAS**, this improved access will also work to improve air quality by enabling power generators to build new plants using this environmentally friendly fuel or convert existing plants to natural gas power;

**NOW, THEREFORE, BE IT RESOLVED** that the Research Triangle Regional Partnership of North Carolina supports construction of the Atlantic Coast Pipeline and notes the project's significant benefits for our state's consumers, utilities, industries and continued economic growth and development.

Z-502

# COMPANIES/ORGANIZATIONS COMMENTS

## CO8 – NRP (Operating) LLC

20170125-0008 FERC PDF (Unofficial) 01/25/2017

**NRP (OPERATING) LLC**  
5260 Irwin Road  
Huntington, WV 25705  
(304) 522-5757 • Fax (304) 522-5401

FILED  
SECRETARY OF THE  
FEDERAL ENERGY  
REGULATORY COMMISSION

January 24, 2017

2017 JAN 25 A 11:19

FEDERAL ENERGY  
REGULATORY COMMISSION

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE., Room 1A  
Washington, DC 20426

ORIGINAL

RE: Atlantic Coast Pipeline (Docket No.'s CP 15-554-000 & CP15-554-001)

Dear Secretary Bose:

Western Pocahontas Properties Limited Partnership and WPP LLC (collectively "WPP") have mineral ownership, with extensive surface rights appurtenant thereto, in Harrison, Lewis and Randolph Counties, West Virginia within the foot print of this pipeline as presently proposed. This letter is to express WPP's objection to this project due to the apparent lack of concern by the operators and owners of the Atlantic Coast Pipeline regarding these ownership rights. It is our belief that FERC should require the owners and operators of pipelines subject to FERC approval to address the concerns and property rights of any owners of any estates lying within the footprint of a pipeline of this nature.

WPP has identified potential health and safety issues and operating inefficiencies which could occur while mining under or near this proposed pipeline. The pipeline as proposed would present safety issues when mining, not to mention the costs associated with constantly restaging equipment for surface mining operations. We notified Dominion of our concerns, and those concerns have not been addressed in any manner.

An area of particular concern to WPP and a specific example of the concern expressed above is a mining operation of Carter Roag Coal Company in Randolph County, West Virginia, located on property of WPP. The mining operation consists of the following facilities and or planned mines:

CO8-1

As discussed in section 4.8.2, pipeline operators must obtain easements from landowners and land-managing agencies to construct and operate natural gas facilities, or acquire the land on which the facilities would be located. As such, Atlantic and DETI would need to acquire long-term easements from the landowner and/or land-managing agency to construct and operate the new project facilities. These negotiations are between the landowner and/or land-managing agency and Atlantic and DETI, and are not subject to review by the FERC. Landowners have the opportunity to request that site-specific factors and/or development plans for their property be considered during easement negotiations, and that specific measures be taken into account.

CO8-2

Section 4.1.3 has been revised to include inactive and abandoned coal and other mines. Atlantic has stated it is consulting with mine owners/operators to avoid coal sterilization. Also see the response to comment CO8-1.

Z-503

CO8-1

CO8-2

# COMPANIES/ORGANIZATIONS COMMENTS

## CO8 – NRP (Operating) LLC (cont'd)

20170125-0008 FERC PDF (Unofficial) 01/25/2017

2

CO8-2  
(cont'd)

1. Morgan Camp #8 Deep Mine, Lower Sewell Seam – State Permit U-2012-97/MSHA Id. 46-08656
2. Morgan Camp #7 Deep Mine, Lower Sewell Seam – State Permit U-2009-97/MSHA Id. 46-08651
3. Beech Mountain Deep Mine – State Permit U-2014-08/MSHA Id. 46-09333
4. 1A Deep Mine – Lower Sewell Seam – State Permit U-111-83/MSHA Id. 46-06715
5. Proposed Buchanan Surface Mine, Sewell Seam
6. Proposed Hicks Ridge Surface Mine, Peerless Seam.
7. Blue Knob Refuse Disposal Facility – State Permit 0-31-85

As presently proposed the Atlantic Coast Pipeline runs essentially right through the heart of this mine complex. It would render two deep mine portals useless and may ultimately result in the loss of all reserves within this mine complex which total 13,361,778 tons broken down as follows:

Surface Met Coal	639,451 tons
Underground Met Coal	7,874,901 tons
Surface Thermal Coal	1,411,338 tons
Underground Thermal Coal	<u>3,436,088 tons</u>
Totals Tons	13,361,778 tons

The estimated present day value of these tons are as follows:

Total Met coal – 8,514,352 x \$191/ton = approximately 1.6 Billion Dollars  
Total Thermal Coal – 4,847,426 x \$55/ton = approximately 266 Million Dollars  
Total Value of Coal Reserves = approximately 1.9 Billion Dollars  
\*Numbers are rounded off

The loss of this coal would also mean a loss of approximately 5% of the gross sales price of the coal or approximately 95 million dollars to the State of West Virginia. As you can see, the potential economic losses for the coal owner, coal operators, and the State of West Virginia are devastating. By adjusting the line location slightly to the east these losses could be avoided and it is inconceivable to WPP that FERC would approve the construction of this pipeline in its presently proposed location given the potential economic hardships which could occur.

Z-504

# COMPANIES/ORGANIZATIONS COMMENTS

## CO8 – NRP (Operating) LLC (cont'd)

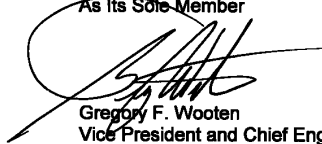
20170125-0008 FERC PDF (Unofficial) 01/25/2017

3

Given the cavalier approach of the owners and operators of the Atlantic Coast Pipeline to the concerns and potential economic losses to WPP, we ask that FERC deny approval of this pipeline until WPP's concerns have been addressed.

Sincerely,

NRP (Operating) LLC  
On Behalf of WPP LLC  
As Its Sole Member



Gregory F. Wooten  
Vice President and Chief Engineer

TI/vg

CC: Ryan Rowland  
Right of Way Supervisor  
DOYLE LAND SERVICES, INC.  
[rowland@doyleland.com](mailto:rowland@doyleland.com)

Jamie Burton  
Senior Land Agent  
Dominion Transmission Inc.  
[Jamie.s.burton@dom.com](mailto:Jamie.s.burton@dom.com)

Z-505

# COMPANIES/ORGANIZATIONS COMMENTS

## CO9 – West Virginia Matters

Z-506

West Virginia Matters, Green Bank, WV.  
WEST VIRGINIA MATTERS - P.O. BOX 311 - GREEN BANK, WV 24944  
2 mountains - 3 streams - 20 states - 40+ million people

Kimberly D. Bose, Secretary                      January 27, 2017  
Federal Energy Regulatory Commission  
888 First Street, N. E.  
Washington, D.C. 20426

Re: Atlantic Coast Pipeline, LLC - CP15-554

SUBJECT : Actual Minimum Width of ACP is approximately the length of a football field.

CO9-1

The length of a football field [360 feet] [1] is the actual estimated minimum width [347 feet]of the proposed methane transmission lines in West Virginia and Virginia.

Mountain top flattening is required for the level work space mandated for the construction equipment, work area and emergency access.

The 125 foot minimum width requirements set by the the Interstate Natural Gas Association of America [INGAA] includes: [2]

### SPOIL SIDE

3 feet for the Edge of Row  
3 feet for Work Space  
20 feet for Top Soil  
29 feet for Ditch Spoil  
12 feet for the Ditch Area

### WORKING SIDE

13 feet for Work Area  
22 feet area for construction equipment  
5 feet for the Work Space  
15 feet space for Construction Equipment  
3 feet for the Edge of Row

At least 104 feet minimum would be added according to federal regulations [3] including:

### KNOWN FEDERAL ADDITIONAL WIDTH

10 feet for the Buffer Zone  
29 feet for the Equipment Work Area  
13 feet for Pipe Make Up  
5 foot Separation Zone [maneuvering equip.]  
10 feet for Top Soil Segregation  
25 - 55 X 100-150' for Water body Crossings

There are twenty-five additional width categories designated as "UNKNOWN" by INGAA,[4] they include:

Access Roads  
Alignment Grade

CO9-1

Comment noted.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO9 – West Virginia Matters (cont'd)

Z-507

<p>CO9-1 (cont'd)</p>	<ul style="list-style-type: none"> <li>Automatic Welding Area</li> <li>Clay Drainage Tile Frequency</li> <li>Emergency &amp; Medical Vehicles</li> <li>Federal Worker Safety Laws</li> <li>Rain</li> <li>Rock Displacement by Rock-piling</li> <li>Rock Depth</li> <li>Rock Type</li> <li>Shooflies</li> <li>Side Slope Grade</li> <li>Soil Depth</li> <li>Soil Type</li> <li>Special Construction Techniques</li> <li>Special Erosion Control Requirements</li> <li>Special Work Areas</li> <li>Spoil Piles will spread out</li> <li>State Worker Safety Laws</li> <li>Steep Slide Slopes</li> <li>Temperature</li> <li>Terrain</li> <li>Timber Disposition by Stockpiling</li> <li>Turnaround Areas</li> <li>Undulating Alignment Profiles</li> <li>Steep Slide Slopes</li> <li>Temperature</li> <li>Terrain</li> <li>Timber Disposition by Stockpiling</li> <li>Turnaround Areas</li> <li>Undulating Alignment Profiles</li> </ul>
<p>CO9-2</p>	<p>It is rarely mentioned that this 500 mile pathway/scar/swath from the Ohio River to the Atlantic Ocean would be serviced regularly by low flying helicopters. Bi-monthly federally mandated fly overs looking for leaks with in-fared equipment and bi-monthly low flying sprays to inhibit</p>
<p>CO9-3</p>	<p>growth with chemicals with additional an unknown permanent runoff affect to the wildlife, streams and water table.</p> <p>Sincerely,</p> <p>Lauren D. Ragland West Virginia Matters PO Box 311 Green Bank, WV 24944 west.virginia.matters@gmail.com WVmatters.com</p> <p>1 <a href="https://drive.google.com/file/d/0B9sB5_pjf29IQ0tpUjZmQWxGZk0/view">https://drive.google.com/file/d/0B9sB5_pjf29IQ0tpUjZmQWxGZk0/view</a>                  2 <a href="https://drive.google.com/file/d/0B9sB5_pjf29ldm5KOGNKKldwbFU/view">https://drive.google.com/file/d/0B9sB5_pjf29ldm5KOGNKKldwbFU/view</a>                  3 <a href="https://drive.google.com/file/d/0B9sB5_pjf29lbEhXMxg0SU9RSIk/view">https://drive.google.com/file/d/0B9sB5_pjf29lbEhXMxg0SU9RSIk/view</a>                  4 <a href="https://drive.google.com/file/d/0B9sB5_pjf29lenZiOGxnRmtaSnM/view">https://drive.google.com/file/d/0B9sB5_pjf29lenZiOGxnRmtaSnM/view</a>  <a href="https://drive.google.com/file/d/0B9sB5_pjf29IRklHeVITZWxEX1k/view">https://drive.google.com/file/d/0B9sB5_pjf29IRklHeVITZWxEX1k/view</a>  <a href="https://drive.google.com/file/d/0B9sB5_pjf29IVkloLXgtbFpEamM/view">https://drive.google.com/file/d/0B9sB5_pjf29IVkloLXgtbFpEamM/view</a></p>

- CO9-2 Section 2.6.1 describes pipeline facility operation and maintenance procedures, including aerial and ground patrols of the pipeline right-of-way.
- CO9-3 Section 4.4.4 has been revised to clarify that aerial spraying of herbicides would not be used to control invasive species.



# COMPANIES/ORGANIZATIONS COMMENTS

## CO10 – Friends of Nelson

20170130-5066 FERC PDF (Unofficial) 1/30/2017 9:20:27 AM

January 30, 2017

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E., Room 1A  
Washington, DC 20426


Dear Ms. Bose:

Friends of Nelson, as an intervening party, is submitting for the record for Docket# CP15-554 the article printed January 26, 2017 in the Highland Recorder by Editor Anne Adams entitled: *Pipeline project awaits critical state decision Perspective*. This article discusses in detail the unresolved issue of Atlantic Coast Pipeline LLC and the potential route of the Atlantic Coast Pipeline on properties under conservation easement with the Virginia Outdoors Foundation. It documents a host of issues including the threats to Virginia's entire open space preservation system through conservation easements. It also mentions issues with karst geologic formations and endangered species—the Virginia Spineymussel—issues that Friends of Nelson has raised in previous submissions.

These impacts do not stop at the Bath County border. They affect all residents of Virginia, including those of Nelson County.

The potential economic and environmental impacts that are core to this issue are being presented here for the record. Friends of Nelson is making this submission within the comment period for the Draft Environmental Impact Statement.

Sincerely,



Ernie Reed, President  
Friends of Nelson  
971 Rainbow Ridge Road  
Faber, VA 22938

Z-508

# COMPANIES/ORGANIZATIONS COMMENTS

## CO10 – Friends of Nelson (cont'd)

Z-509

20170130-5066 FERC FDP (Unofficial) 1/30/2017 9:20:27 AM

# The Recorder

IN THE COMMUNITY, ABOUT THE COMMUNITY, SINCE 1877.

2017-01-26 / Top News

## Pipeline project awaits critical state decision

### Perspective

BY ANNE ADAMS • STAFF WRITER

WARM SPRINGS — The decision could make or break the future of their farm.

Robert "Bob" and Roberta "Robbie" Koontz are in arguably the toughest battle of their lives — to preserve hundreds of acres they have worked tirelessly to save from industrial ruin.

When utility powerhouse Dominion Resources moved its planned Atlantic Coast Pipeline from central Highland to a more southwesterly route, the Koontz's historic property, "The Wilderness," was sitting midline, and vulnerable, with the proposed gas transmission line headed straight up their driveway.

Never mind they had carefully documented the rich and deep history of the place going back to the 1700s. Never mind they worked closely with the Virginia Outdoors Foundation to place not one but two conservation easements on the land to protect and conserve it. Never mind they are documenting endangered and threatened species that make their place habitat and home.

All that might not matter at all, depending on what happens Feb. 8.

When Dominion re-routed the line after the U.S. Forest Service nixed the original route to avoid sensitive habitat, the company moved the project through properties in southern Highland and northern Bath County — nine of which were, in whole or in part, under conservation easements held by the VOF.

The foundation has explained to the Federal Energy Regulatory Commission the project cannot cross those easements unless they are converted — a legal state process that requires the company to offer another, similar property upon which an easement can be attached.

According to the law, no open-space land acquired and designated as open space land can be converted or diverted from that use unless VOF determines that is "essential to the orderly development and growth of the locality, and in accordance with the official comprehensive plan for the locality in effect at the time of conversion or diversion; and there is substituted other real property which is of at least equal fair market value, of greater value as permanent open-space land than the land converted or diverted and of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted."

Dominion proposes to use Hayfields farm in McDowell as the substitute property.

CO10-1

CO10-1 See the response to comment CO3-1.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO10 – Friends of Nelson (cont'd)

Z-510

CO10-1  
(cont'd)

20170130-5066 FERC PDF (Unofficial) 1/30/2017 9:20:27 AM

As reported last week, to meet the "essentiality" requirement, Dominion must demonstrate the conversion is essential to the orderly development and growth of the locality and must submit a letter or statement and/or materials from the local government, regional, state, or federal entity to this effect. None was provided in its most recently revised application.

The VOF will hold a hearing Feb. 9 to decide whether Dominion's proposal holds up under the legal requirements for conversion.

From documents The Recorder acquired through a Freedom of Information Act request, it's evident this decision is critical to Dominion's forward progress. Michael Lapidus of Goldman Sachs, Global Investment Research, reached out to VOF Deputy Director Martha Little last November to discuss the issue. Goldman Sachs is monitoring the project's progress for utility investors, including the state and federal filings required, according to that report.

Little told Lapidus there has never been a case for the foundation involving energy infrastructure with a project this large or for as many acres. "The closest case was a road expansion for a locality landfill project that 'converted/diverted' approximately 18 acres," she told him.

Lapidus sent Little a Dec. 5 report generated by Goldman Sachs noting the "complex permitting and siting process" for the pipeline "still remains ahead."

"For both (Dominion) and (Duke Energy), once built, we forecast that this project represents roughly \$125 million-\$150 million of net income annually," the summary states. "Dominion, the project manager for ACP, already announced project delays earlier this year given the need to revise routing of this project."

Further, it states, "We view the companies' effort to gain access to conservation easements overseer by the VOF as a key step necessary for construction."

The summary noted:

- "Our forecast assumes the project comes online at (year end) 2019 but we recognize potential for further delays exists due to siting and routing challenges, especially given (1) the project will run through various national/state forest land and (2) the project intersects or goes through 10-1' sites under VOF oversight or control."
- "In (a) FERC filing, VOF disclosed (1) that VOF views the 'minor conversions' to VOF easements as decidedly not 'minor' as they would represent the largest conversion of open space land in the VOF's 50 year history, (2) that eight of the easements, in VOF's view, do not contain legal language that permits this scope of activity (the construction of ACP) without impairing conservation values of the affected properties and (3) that VOF views the construction and operation of the interstate gas pipeline as 'inconsistent' with the open space protections afforded by easements."

The report concludes, "While we still assume completion of the project at (year end) 2019, we recognize the effort to route ACP through or near VOF controlled easements remains a key item for ACP and could impact Dominion and Duke earnings power in 2018-19 if incremental delays, due to siting or routing issues, emerge."

The summary contained a link to a report for investors, but Little told The Recorder she was unable to see it, and believes it's only available to the energy company shareholders or project investors.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO10 – Friends of Nelson (cont'd)

Z-511

CO10-1  
(cont'd)

20170130-5066 FERC PDF (Unofficial) 1/30/2017 9:20:27 AM

Another correspondence shared with the VOF was from area resident Peggy Quarles, who wrote Stephanie Ridder, VOF board chair, in November, explaining concerns that since the Federal Energy Regulatory Commission issued the draft Environmental Impact Statement for the project, that might lead VOF to conclude it will be approved for its certificate to build.

Quarles and another person had a conversation with Jennifer Adams of the U.S. Forest Service, a pipeline project coordinator, about FERC and the National Environmental Policy Act process.

"The purpose of the discussion was to clarify our expectations about the draft and final EIS and when there would be an indication of whether or not FERC would approve either the (Mountain Valley Pipeline) or ACP. Jennifer pointed out that the draft EIS for the MVP does not contain a recommendation section and that it does not in any way predict what the forest service or FERC might ultimately decide. This is not obvious — it would be easy to assume that just issuing the draft EIS for the MVP implies approval. She warned us not to make that assumption," Quarles told Ridder.

"Further, in the FERC process, even the final EIS is not the decision document for a certificate. The final EIS is the document of the environmental staff containing recommendations to the commissioners. It is the commissioners who decide and issue a decision document. Jennifer pointed out that the NEPA process may be a decision document for other types of federal actions and that many people are confused."

She continued, "The Forest Service is evaluating the proposed route with the same thoroughness as the earlier route over Cheat Mountain. They did not endorse, promote or cooperate with Dominion on the GWNFG route (the one through northern Bath County). The final EIS is not the decision document for the Forest Service about the special use permit and plan amendments. In fact, the Forest Service has mentioned along the way a supplemental EIS may be necessary. And we believe that the Forest Service decision is just as critical to your interests as the FERC certificate. If the Forest Service denies the special use permit, your easements will probably not be crossed," Quarles told the VOF chair.

"This is important to VOF because Dominion and others want us to believe that the draft EIS for the ACP will indicate what FERC's decision will be and that VOF should take steps in response. Based on our conversation with Jennifer, this will not happen. In fact, we may find that we do not know what FERC or the Forest Service will do for quite some time. The likely timing of both actions should be considered. To agree to Dominion's conversion proposal prematurely, even conditionally, before you know what the Forest Service and FERC decisions will be, gives FERC a free pass to ignore the VOF as any kind of barrier to approving the route. And the fact that you may be willing to do so runs the risk of damaging the confidence of current and future landowners in your commitment to protect them. The potential environmental damage of a massive pipeline on these easements far exceeds any allowed landowner uses, such as forestry or agriculture. And it is permanent.

"We urge you again to delay consideration or, even better, reject the Dominion application until it is clearly necessary. If the 1704 conversion must occur, it will be available to you at that time. We believe that Dominion has no incentive to withdraw the

Dominion has no incentive to withdraw the offer, even after the certificates and permits have been issued and appeals exhausted," Quarles said.

The Koonizes are not hopeful.

"Our hopes, dreams and our remaining years will all be ruined if VOF does not reject the proposal," they told the foundation.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO10 – Friends of Nelson (cont'd)

Z-512

20170130-5066 FERC PDF (Unofficial) 1/30/2017 9:20:27 AM

CO10-2

Three times they've written to VOF's board to urge the foundation to reject the plan. They have faced an appraiser, who arrived to calculate the value of their land — one paid by Dominion. A real estate agent told them they are unlikely to be able to sell the property as long as the threat of the pipeline project exists. They're tired, their health is precarious, and they're not sure what to do next.

In their Jan. 11 to the VOF board, the Koontzes explained they could not attend the Feb. 9 meeting due to health issues. "The stress of travel and the distress of dealing with the proposed diversion of our property prohibits our participation. It is important that you know that our failure to appear in no way reflects a lack of absolute commitment to preserving our property; property we thought was preserved when we placed it under conservation easement," they wrote.

They told the VOF board it must refuse to accept the conversion/diversion plan from Dominion, arguing:

CO10-3

- Good faith consideration of the easement donors' commitment to preserve their properties requires VOF to reject the proposal, they said. "To elect to agree to the diversion is an abdication of your statutory preservation role. Put the burden on Dominion to convince a court that the proposal is acceptable."

- The proposal fails to meet requirements of the law which "specifically includes two elements which cannot be met, namely a determination that the diversion is (a) essential to the orderly development and growth of the locality, (the locality, Bath County, has publicly rejected that notion), and (b) in accordance with the official comprehensive plan for the locality, (the county specifically found that it was not)."

- Failure to reject the proposal will effectively destroy the foundation's conservation easement program and jeopardize the efforts of other land trust organizations in Virginia. "What landowner seeking to preserve land in Virginia would consider putting property in a Conservation Easement when it would be manifest that VOF will not defend the conservation values?" they asked.

- Donors will suffer an additional and substantial diminution of the value of their property. "The market for property in the Deerfield area has been significantly depressed," they said.

- Hundreds of acres of rural lands, remarkable natural and cultural resources will be destroyed. "The width of the easement for the ACP project is such that it will create a jarring scar across the very visible landscape in the Valley. The use of the land will be curtailed and many potential building sites for homes, barns and other improvements allowed under terms of the existing conservation easement will be rendered unbuildable and/or undesirable. And these assessments do not begin to address the effects of a gas line explosion. The effect on the karst topography that exists on our farm has not been evaluated by ACP or any state agency."

They explained, "We purchased our farm, The Wilderness, which was established by a 1750 land grant, farmed since then and the house constructed in 1797, with the goal of protecting it forever. To that end we committed the bulk of our financial resources to the purchase, preservation and maintenance of the farm, leaving us with limited means. Our plan under the easement was to create and market large tracts of land configured consistent with the streams, ridges and open fields. The proposed location of the pipeline is wholly antithetical to the character of the landscape."

Robbie Koontz said the appraisal of their farm was somewhat forced. The couple's attorney agreed to allowing it because he felt it might benefit them with respect to VOF and Dominion. "He also knew the appraiser and thought he would be fair," she said. "And in the end, Dominion could have obtained a court order. So far, we have refused to allow Dominion to survey our property or set foot on the property until the appraiser. This appraiser is apparently appraising all 11 of the VOF easement properties for Dominion ... This is very disturbing."

CO10-2

Comment noted.

CO10-3

The comments are directed to the VOF and its regulations, policies, and decision-making authority. VOF would determine if the project is compatible with the goal of each easement crossed and approve or not approve Atlantic's permit request. However, as discussed in section 4.8.2, if an easement cannot be negotiated with a landowner and the project has been certificated by the FERC, the company may use the right of eminent domain granted to it under section 7(h) of the NGA and the procedure set forth under the Federal Rules of Civil Procedure (Rule 71A) to obtain the right-of-way and extra workspace areas. This would supersede state statutes or designations.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO10 – Friends of Nelson (cont'd)

Z-513

20170130-5066 FERC PDF (Unofficial) 1/30/2017 9:20:27 AM

I do not believe Dominion could have obtained a court order but to date, they apparently do not want to make waves with VOF just yet. We did not allow a Dominion agent to set foot on the property. The appraiser came alone and Bob knew what he looked like."

CO10-4

The couple is wary of giving Dominion or its contractors permission to do anything on their land. "We had a close brush with this because Dominion once announced to our attorney that they were bringing over their archaeologists in three days or so to assess a big sinkhole on the property that we believe has been the dump for the property perhaps for 100-plus years," Mrs. Koontz said. "We had protested the ACP passing right next to this sinkhole, through our attorney. I think this was in September, when I was barely out of the ICU. The sinkhole and potential collection of very historic relics is in the path of the ACP. We refused to allow Dominion to come and said we would hire our own archaeologists. I tried to hire an archaeologist but we could not possibly afford them," she said.

CO10-5

After the VOF decision, she added, the couple might have to stop using their attorney on the pipeline issue. "He will remain our estate planning attorney but really does not want to continue on with this work," she said. "And we cannot afford it. He feels that after the VOF decision, our only recourse will be to litigate. We cannot possibly afford to litigate whether ACP can be routed through our property. It is a costly and losing battle due to eminent domain. However, we can litigate about where the ACP crosses our property. Our attorney has met with and talked to Dominion attorneys and representatives several times. Although they moved the ACP on Revercomb property, and apparently on other property, to accommodate his wishes ... Dominion refuses to move the ACP to the edge of our property or at all, including a horrific access road they have mapped out. They will destroy all the prime areas of the 800 acres on this side of State Route 629."

CO10-6

The couple has consulted with real estate professionals about selling their farm. Mrs. Koontz pointed to a letter she received from a Fishersville representative.

"We were waiting and hoping that more properties would have gone under contract," the agent told the couple. "However, we are not finding any properties in your area that have been recently sold. We feel due to the fact the gas line is having such an impact on the properties in Bath and Western Augusta County, buyers are afraid to purchase in the event, that the gas line will go through their property making it such undesirable for farming and building their dream homes."

Further, the agent said, "Your property has been on the market over a year and we have only a handful of interested buyers. We have to disclose that the gas line is coming through this area, whether it is located on the acreage or not. It still has an impact on the value. Buyers do not want to be anywhere close to the gas line. We know there are many safety precautions that will be in place; it doesn't seem to change buyers' minds. Unfortunately, we can advertise and spend lots of money, it won't change people's minds about the gas line."

The couple wrote to the Virginia Outdoors Foundation about this problem on Jan. 11, including a copy of the real estate agent's letter. "Due to our poor health and age, my husband and I have been trying to sell three parcels of our VOF protected property for over a year. Our real estate agents ... are highly qualified, experienced and successful agents. They tell us that potential buyers will not even look at our property due to the ACP. Buyers do not want to be near the ACP, let alone purchase a property with the ACP running through it," they wrote. "Dominion continues to assert and claim that the ACP will not have a negative impact on property values. Who on earth would believe this? This is an outrageous, deceptive and absurd claim. No buyer wants to purchase property with or even near a gas pipeline. And then possibly have ACP access roads, storage locations and who knows what on their property, as we will, according to Dominion. And then also live in a 'kill zone' where their family, animals, friends, livelihood and assets can be blown away."

CO10-4

The Wilderness has been recommended eligible for the NRHP; it is discussed in section 4.10.1.1 of the EIS.

CO10-5

Access roads are no longer proposed on this property, and the proposed pipeline route on the Koontz property minimizes erosion and landslide potential and karst impacts to the greatest extent practical.

CO10-6

Section 4.9.7 describes the potential impacts on property values resulting from constructing and operating the project. This section provides an overview of existing studies on this issue and discusses potential project-related impacts. Based on FERC staff's research, our analysis found no conclusive evidence indicating that natural gas pipeline easements or compressor stations would have a significant negative impact on property values, although this is not to say that any one property may or may not experience an impact on property value for either the short or long term.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO10 – Friends of Nelson (cont'd)

Z-514

20170130-5066 FERC PDF (Unofficial) 1/30/2017 9:20:27 AM

CO10-6  
(cont'd)

"Buyers know that their investment in such a property would be grossly diminished in the unlikely event that they could even resell the property in the future. Yet Dominion claims all of these dangerous and invasive ACP structures and activity will not negatively impact the value of our property. Or our livelihood." The couple urged the VOF to read the letter from Old Dominion, the real estate agency. "They have given us permission to share this letter widely with other property owners and residents of Bath County to reveal what is really happening to property values near the ACP. This information is factual and specific to The Wilderness in Bath County with a VOF conservation easement. Dominion cannot substantiate their claim that property values on The Wilderness not being negatively impacted. Our property values have been negatively impacted by Dominion and the ACP for over one year now. And there is nothing we can do about it," the couple wrote. "We will now have the worst of both scenarios. We have a property with many restrictions that, for example, do not allow subdivisions, which some buyers want to do. These restrictions were obviously designed to protect and preserve the historic property. At the same time, the property will house the invasive and dangerous Atlantic Coast Pipeline. And property owners on The Wilderness will have to live in or near a kill zone. There will be no protection from Dominion now or in the future — ever. Dominion and the ACP will be a complete unknown and very high risk for the once-pristine and very historic property," they continued. "The ACP as already impacted us negatively because we are unable to sell much of our property. Having 1,000 acres to maintain has become stressful and expensive. Having a great deal of our assets tied up and unavailable to us through no fault of our own is stressful, expensive and unfair. Having to hire an attorney and consultants to fight Dominion is expensive, stressful and unfair. Having to spend hours researching issues and filing comments to FERC is tiring, time consuming and harmful to our health. VOF has done nothing to protect us or even help us. It is almost impossible to believe this corruption exists and honest citizens can have their lives ruined." The Koontzes kept at it, writing yet a third letter to VOF — this time pointing to environmental impacts from the pipeline project, including damage to the endangered James spiny mussel, after consulting the Virginia Department of Game and Inland Fisheries. "We have worked with the VDGIF on many projects and highly respect them," Mrs. Koontz said. "We received the highest U.S. and state grants dollars in Virginia in one year, maybe 2005, for establishing wildlife habitats and for projects to improve the land and water, thanks to Bob (DGIF's) Al Bourgeois once took me on a 'bear release' with a 256-pound male bear, which ranks as one of the high points in my life. VDGIF staff have highly skilled and dedicated biologists including two fishery biologists in Bath County alone. That suggests that there is a lot of important marine life in Bath County that requires support from VDGIF."

CO10-7

She added, "VDGIF has helped us so many ways including management of our deer population, which we love but recognize can suffer greatly without some management. We had a limited hunting club of VDGIF employees only for the first four years or so that we owned the farm. We knew we could trust them."

The Koontzes read up on the James spiny mussel, learning it has been critically endangered since 1990 or earlier. "So it has not rebounded while being highly endangered and protected," Mrs. Koontz said.

"It breaks my husband's and my heart to think of all the rare resources of this long-pristine and historic property that could be destroyed forever."

The letter to the VOF explains, "These comments concern the environmental impact of the ACP on our historic property with respect to such things as air, erosion, soil, water, plants, trees, farm crops, agriculture fields, wildlife habitats, all living creatures, endangered species, etc. Are we all merely collateral mortality for the great Dominion and their ACP?" they wrote.

CO10-8

"Dominion and even VOF representatives claim that Dominion has been working with property owners, making compromises, etc. That is certainly not true for us. Our attorney has talked with Dominion about moving the proposed path of the ACP so there is less negative impact on us, our property values, the farm, our livelihood,

CO10-7 Comment noted. FERC encourages the Koontz family to continue working with the VDGIF regarding wildlife management on their property. Section 4.7.1.15 provides information on the James spiny mussel.

CO10-8 See response to comment CO10-5.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO10 – Friends of Nelson (cont'd)

Z-515

20170130-5066 FERC PDF (Unofficial) 1/30/2017 9:20:27 AM

CO10-8  
(cont'd)

etc. Dominion has been unwilling to move their proposed route of the ACP on The Wilderness. No compromise at all. The proposed ACP path will wipe out all of the prime building sites for the property. Dominion moved the path for the farmer living next to us, but not us. No compromise. And Dominion plans a major access road that could run over top of the historic entrance to our farm (our driveway) and right next to the 1797 structure where we live. Dominion has selected the prime areas of our farm for the ACP. The ACP could have been routed along the edge of our property with far less negative impact on us. The access road could also be routed along the edge of the property. I believe Dominion cares nothing for property owners and in fact, they want to punish those of us who do not want to surrender our property rights to them. What other conclusion could we draw from Dominion's behavior towards us?" she said.

CO10-9

"FERC recently released the Environmental Impact Study for the ACP published by Dominion as required by FERC. I have been recovering from a recent surgery and unable to study the report. However, I have seen many comments and evaluations by others that are highly critical of Dominion's process, conclusions, remedies (if any) and the report itself. For example, Dominion never conducted any studies of karst on our property. We have sinkholes and caves, which are evidence of karst. Yet Dominion claims there are no problems with karst in the path of the ACP. Their claim was proven false in the area of Little Valley and they now admit there is karst in this area. They offer excuses that blame everyone else such as mapmakers for the error. This is just one small example of Dominion versus the environment.

CO10-10

"Our farm is a haven for wildlife, trees, plants, fish, etc. There are forests, fields, meadows, ponds and creeks. Our historic 1797 home is unique in Bath County. For example, the first carriage house ever built in Bath still stands and is used today (circa 1800). Previous owners of the property were famous patriots who helped with the settlement of Virginia. We have worked hard to provide the proper environment and protection for these great resources on the property."

The Koontzes explained that conservation easements for their property were key in their strategy to preserve and protect the property.

"We made significant investments in the renovation of the old house while trying to preserve the historic integrity. And we have invested considerable monies in improving and maintaining the property. We have invested considerable resources in improving the farm land and protecting the water. Our goal is to protect this wonderful property and preserve the property for future generations to enjoy," they explained to VOF.

CO10-11

"The negative environmental impact on our property from the ACP is horrific, final and unfair. We have found one specific example of Dominion's lack of regard for the environment of our farm," Mrs. Koontz wrote. "My husband contacted Al Bourgeois, district wildlife biologist with the Virginia Department of Game and Inland Fisheries to inquire about marine life on The Wilderness. Several VGDIF biologists including the fisheries biologists for Bath County investigated areas on our farm and determined that there is a critically endangered species living in Mill Creek on our property. It is the James spiny mussel. There could be more endangered plants and living creatures on the property. And more environmental risks such as karst.

"Not only does Dominion plan to route the ACP near and through water sources feeding Mill Creek, Dominion actually plans to have the ACP cross Mill Creek and then go up very high, steep slopes running next to Mill Creek. This is unacceptable and outrageous. And Dominion never even evaluated our property to identify issues and risks. The James Spiny Mussel is at great risk due to Dominion's lack of regard for our property and environment."

Mrs. Koontz provided a series of email correspondence between her husband and VGDIF biologists. "The James Spiny Mussel is just one example of something Dominion does not care about or even know about. I am

CO10-9

Section 4.1.2.3 describes karst geology in the project area, including how karst was characterized and why certain areas were focused on in the EIS.

CO10-10

See the response to comment CO10-4.

CO10-11

Section 4.7.1 recommends a condition for the construction of the projects to commence only after the completion of all outstanding biological surveys and any necessary section 7 consultation with the FWS. Section 4.7.1 also includes updated enhanced conservation measures. All EIS sections regarding impacts on and avoidance, mitigation, and conservation measures for all special status species have been updated.



# COMPANIES/ORGANIZATIONS COMMENTS

## CO10 – Friends of Nelson (cont'd)

20170130-5066 FERC PDF (Unofficial) 1/30/2017 9:20:27 AM

CO10-11  
(cont'd)

confident there are many more unknowns that will just become collateral mortality of the ACP. And there is nothing we can do about it. We need your help to keep the ACP off of our property," she said.

Mrs. Koortz has researched the number of threatened species in Bath County and knows some of them exist at The Wilderness. "We have many, many bats on the property and we love our bats. They used to inhabit our attics but now have moved on to caves. We never harmed any of them in this multi-year relocation program. We have a lot of shale on the property, so one or more of these plants could be on the property. We have regular sightings of wonderful bald eagles. Bald eagles and other eagles live on or near the property," she said. "Certainly some of the listed plants might be present on the farm."

The Koortzes' frustration is endless.

"It makes me just ill that some landowners will speak in favor of VOF agreeing to the land swap," Mrs. Koortz said. "But sadly, I think some landowners obtain a conservation easement in the first place for the money they receive. And now that Dominion is giving them even more money, they support Dominion."

The Virginia Outdoors Foundation will hold its hearing Feb. 9 at 10 a.m., though details are subject to change through Feb. 6. The meeting will be held at the Virginia Department of Game and Inland Fisheries, 7870 Villa Park Suite 400, in Henrico. VOF accepts written comments on the issue, and they may be emailed to: [hcabibbo@vofonline.org](mailto:hcabibbo@vofonline.org). They should include name, address, and daytime phone number in order to be accepted as part of the official meeting record.

[Return to top](#)

**ATTENTION PET OWNERS:**  
 Please remember that 2017 dog and cat licenses are due by January 15, 2017. All dogs and cats that are not licensed are required to have a county license.  
 Licenses can be purchased at the Bath County Sheriff's Office at the Courthouse and by purchase at the Bath County Sheriff's Office at the Courthouse or by mail to the Bath County Sheriff's Office, 1000 Main Street, P.O. Box 100, Bath, VA 24203.  
 Please see us before Friday, dog and cat, 95 main dogs and cats, 65 cats and dogs and cats.  
 Contact between now and the day by January 15, 2017. For questions regarding licensed licenses, please call the Bath County Sheriff's Office at 540-532-2200 or Bath County Building, Planning and Zoning office at 540-535-7200.  
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Z-516

# COMPANIES/ORGANIZATIONS COMMENTS

## CO11 – Friends of Nelson

20170130-5068 FERC PDF (Unofficial) 1/30/2017 9:26:46 AM

January 30, 2017

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E., Room 1A  
Washington, DC 20426

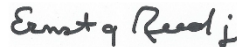
Dear Ms. Bose:

CO11-1 Friends of Nelson, as an intervening party, is submitting for the record for Docket# CP15-554 the article printed January 26, 2017 in the Highland Recorder by Editor Anne Adams entitled: *Pipeline project awaits critical state decision Perspective*. This article discusses in detail the unresolved issue of Atlantic Coast Pipeline LLC and the potential route of the Atlantic Coast Pipeline on properties under conservation easement with the Virginia Outdoors Foundation. It documents a host of issues including the threats to Virginia's entire open space preservation system through conservation easements. It also mentions issues with karst geologic formations and endangered species—the James Spineymussel—issues that Friends of Nelson has raised in previous submissions.

These impacts do not stop at the Bath County border. They affect all residents of Virginia, including those of Nelson County.

The potential economic and environmental impacts that are core to this issue are being presented here for the record. Friends of Nelson is making this submission within the comment period for the Draft Environmental Impact Statement.

Sincerely,



Ernie Reed, President  
Friends of Nelson  
971 Rainbow Ridge Road  
Faber, VA 22938

CO11-1 See the responses to comment letter CO10.

Z-517

# COMPANIES/ORGANIZATIONS COMMENTS

## CO12 – Wild Virginia

20170130-5069 FERC PDF (Unofficial) 1/30/2017 9:33:22 AM

January 30, 2017

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E., Room 1A  
Washington, DC 20426

Dear Ms. Bose:

CO12-1 Wild Virginia and Ernest Reed, as intervening parties, are submitting for the record for Docket# CP15-554 the article printed January 26, 2017 in the Highland Recorder by Editor Anne Adams entitled: *Pipeline project awaits critical state decision Perspective*. This article discusses in detail the unresolved issue of Atlantic Coast Pipeline LLC and the potential route of the Atlantic Coast Pipeline on properties under conservation easement with the Virginia Outdoors Foundation. It documents a host of issues including the threats to Virginia's entire open space preservation system through conservation easements. It also mentions issues with karst geologic formations and endangered species—the James Spineymussel—issues that Wild Virginia and I have raised in previous submissions.

These impacts do not stop at the Bath County border. They affect all residents of Virginia and the conservation values on Virginia's private and public lands.

The potential economic and environmental impacts that are core to this issue are being presented here for the record. Wild Virginia and Ernest Reed are making this submission within the comment period for the Draft Environmental Impact Statement.

Sincerely,



Ernie Reed, President  
Wild Virginia  
971 Rainbow Ridge Road  
Faber, VA 22938

CO12-1 See the responses to comment letter CO10.

Z-518

# COMPANIES/ORGANIZATIONS COMMENTS

## CO12 – Wild Virginia (cont'd)

20170130-5069 FERC PDF (Unofficial) 1/30/2017 9:33:22 AM

# The Recorder

IN THE COMMUNITY, ABOUT THE COMMUNITY, SINCE 1877.

2017-01-26 / Top News

## Pipeline project awaits critical state decision

### Perspective

BY ANNE ADAMS • STAFF WRITER

WARM SPRINGS — The decision could make or break the future of their farm.

Robert "Bob" and Roberta "Robbie" Koontz are in arguably the toughest battle of their lives — to preserve hundreds of acres they have worked tirelessly to save from industrial ruin.

When utility powerhouse Dominion Resources moved its planned Atlantic Coast Pipeline from central Highland to a more southwesterly route, the Koontz's historic property, "The Wilderness," was sitting midline, and vulnerable, with the proposed gas transmission line headed straight up their driveway.

Never mind they had carefully documented the rich and deep history of the place going back to the 1700s. Never mind they worked closely with the Virginia Outdoors Foundation to place not one but two conservation easements on the land to protect and conserve it. Never mind they are documenting endangered and threatened species that make their place habitat and home.

All that might not matter at all, depending on what happens Feb. 9.

When Dominion re-routed the line after the U.S. Forest Service nixed the original route to avoid sensitive habitat, the company moved the project through properties in southern Highland and northern Bath County — nine of which were, in whole or in part, under conservation easements held by the VOF.

The foundation has explained to the Federal Energy Regulatory Commission the project cannot cross those easements unless they are converted — a legal state process that requires the company to offer another, similar property upon which an easement can be attached.

According to the law, no open-space land acquired and designated as open space land can be converted or diverted from that use unless VOF determines that is "essential to the orderly development and growth of the locality, and in accordance with the official comprehensive plan for the locality in effect at the time of conversion or diversion; and there is substituted other real property which is of at least equal fair market value, of greater value as permanent open-space land than the land converted or diverted and of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted."

Dominion proposes to use Hayfields farm in McDowell as the substitute property.

Z-519

# COMPANIES/ORGANIZATIONS COMMENTS

## CO12 – Wild Virginia (cont'd)

20170130-5069 FERC PDF (Unofficial) 1/30/2017 9:33:22 AM

As reported last week, to meet the “essentiality” requirement, Dominion must demonstrate the conversion is essential to the orderly development and growth of the locality and must submit a letter or statement and/or materials from the local government, regional, state, or federal entity to this effect. None was provided in its most recently revised application.

The VOF will hold a hearing Feb. 9 to decide whether Dominion’s proposal holds up under the legal requirements for conversion.

From documents The Recorder acquired through a Freedom of Information Act request, it’s evident this decision is critical to Dominion’s forward progress. Michael Lapides of Goldman Sachs, Global Investment Research, reached out to VOF Deputy Director Martha Little last November to discuss the issue. Goldman Sachs is monitoring the project’s progress for utility investors, including the state and federal filings required, according to that report.

Little told Lapides there has never been a case for the foundation involving energy infrastructure with a project this large or for as many acres. “The closest case was a road expansion for a locality landfill project that ‘converted/diverted’ approximately 18 acres,” she told him.

Lapides sent Little a Dec. 5 report generated by Goldman Sachs noting the “complex permitting and siting process” for the pipeline “still remains ahead.”

“For both (Dominion) and (Duke Energy), once built, we forecast that this project represents roughly \$125 million-\$150 million of net income annually,” the summary states. “Dominion, the project manager for ACP, already announced project delays earlier this year given the need to revise routing of this project.”

Further, it states, “We view the companies’ effort to gain access to conservation easements overseen by the VOF as a key step necessary for construction.”

The summary noted:

- “Our forecast assumes the project comes online at (year end) 2019 but we recognize potential for further delays exists due to siting and routing challenges, especially given (1) the project will run through various national/state forest land and (2) the project intersects or goes through 10-11 sites under VOF oversight or control.”
- “In (a) FERC filing, VOF disclosed (1) that VOF views the ‘minor conversions’ to VOF easements as decidedly not ‘minor’ as they would represent the largest conversion of open space land in the VOF’s 50 year history, (2) that eight of the easements, in VOF’s view, do not contain legal language that permits this scope of activity (the construction of ACP) without impairing conservation values of the affected properties and (3) that VOF views the construction and operation of the interstate gas pipeline as ‘inconsistent’ with the open space protections afforded by easements.”

The report concludes, “While we still assume completion of the project at (year end) 2019, we recognize the effort to route ACP through or near VOF controlled easements remains a key item for ACP and could impact Dominion and Duke earnings power in 2018-19 if incremental delays, due to siting or routing issues, emerge.”

The summary contained a link to a report for investors, but Little told The Recorder she was unable to see it, and believes it’s only available to the energy company shareholders or project investors.

Z-520

# COMPANIES/ORGANIZATIONS COMMENTS

## CO12 – Wild Virginia (cont'd)

20170130-5069 FERC PDF (Unofficial) 1/30/2017 9:33:22 AM

Another correspondence shared with the VOF was from area resident Peggy Quarles, who wrote Stephanie Ridder, VOF board chair, in November, explaining concerns that since the Federal Energy Regulatory Commission issued the draft Environmental Impact Statement for the project, that might lead VOF to conclude it will be approved for its certificate to build.

Quarles and another person had a conversation with Jennifer Adams of the U.S. Forest Service, a pipeline project coordinator, about FERC and the National Environmental Policy Act process.

"The purpose of the discussion was to clarify our expectations about the draft and final EIS and when there would be an indication of whether or not FERC would approve either the (Mountain Valley Pipeline) or ACP. Jennifer pointed out that the draft EIS for the MVP does not contain a recommendation section and that it does not in any way predict what the forest service or FERC might ultimately decide. This is not obvious — it would be easy to assume that just issuing the draft EIS for the MVP implies approval. She warned us not to make that assumption," Quarles told Ridder.

"Further, in the FERC process, even the final EIS is not the decision document for a certificate. The final EIS is the document of the environmental staff containing recommendations to the commissioners. It is the commissioners who decide and issue a decision document. Jennifer pointed out that the NEPA process may be a decision document for other types of federal actions and that many people are confused."

She continued, "The Forest Service is evaluating the proposed route with the same thoroughness as the earlier route over Cheat Mountain. They did not endorse, promote or cooperate with Dominion on the GWNF6 route (the one through northern Bath County). The final EIS is not the decision document for the Forest Service about the special use permit and plan amendments. In fact, the Forest Service has mentioned along the way a supplemental EIS may be necessary. And we believe that the Forest Service decision is just as critical to your interests as the FERC certificate. If the Forest Service denies the special use permit, your easements will probably not be crossed," Quarles told the VOF chair.

"This is important to VOF because Dominion and others want us to believe that the draft EIS for the ACP will indicate what FERC's decision will be and that VOF should take steps in response. Based on our conversation with Jennifer, this will not happen. In fact, we may find that we do not know what FERC or the Forest Service will do for quite some time. The likely timing of both actions should be considered. To agree to Dominion's conversion proposal prematurely, even conditionally, before you know what the Forest Service and FERC decisions will be, gives FERC a free pass to ignore the VOF as any kind of barrier to approving the route. And the fact that you may be willing to do so runs the risk of damaging the confidence of current and future landowners in your commitment to protect them. The potential environmental damage of a massive pipeline on these easements far exceeds any allowed landowner uses, such as foresting or agriculture. And it is permanent.

"We urge you again to delay consideration or, even better, reject the Dominion application until it is clearly necessary. If the 1704 conversion must occur, it will be available to you at that time. We believe that Dominion has no incentive to withdraw the

Dominion has no incentive to withdraw the offer, even after the certificates and permits have been issued and appeals exhausted," Quarles said.

The Koontzes are not hopeful.

"Our hopes, dreams and our remaining years will all be ruined if VOF does not reject the proposal," they told the foundation.

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# COMPANIES/ORGANIZATIONS COMMENTS

## CO12 – Wild Virginia (cont'd)

20170130-5069 FERC PDF (Unofficial) 1/30/2017 9:33:22 AM

Three times they've written to VOF's board to urge the foundation to reject the plan. They have faced an appraiser, who arrived to calculate the value of their land — one paid by Dominion. A real estate agent told them they are unlikely to be able to sell the property as long as the threat of the pipeline project exists. They're tired, their health is precarious, and they're not sure what to do next.

In their Jan. 11 to the VOF board, the Koontzes explained they could not attend the Feb. 9 meeting due to health issues. "The stress of travel and the distress of dealing with the proposed diversion of our property prohibits our participation. It is important that you know that our failure to appear in no way reflects a lack of absolute commitment to preserving our property; property we thought was preserved when we placed it under conservation easement," they wrote.

They told the VOF board it must refuse to accept the conversion/diversion plan from Dominion, arguing:

- Good faith consideration of the easement donors' commitment to preserve their properties requires VOF to reject the proposal, they said. "To elect to agree to the diversion is an abdication of your statutory preservation role. Put the burden on Dominion to convince a court that the proposal is acceptable."
- The proposal fails to meet requirements of the law which "specifically includes two elements which cannot be met, namely a determination that the diversion is (a) essential to the orderly development and growth of the locality, (the locality, Bath County, has publicly rejected that notion), and (b) in accordance with the official comprehensive plan for the locality, (the county specifically found that it was not)."
- Failure to reject the proposal will effectively destroy the foundation's conservation easement program and jeopardize the efforts of other land trust organizations in Virginia. "What landowner seeking to preserve land in Virginia would consider putting property in a Conservation Easement when it would be manifest that VOF will not defend the conservation values?" they asked.
- Donors will suffer an additional and substantial diminution of the value of their property. "The market for property in the Deerfield area has been significantly depressed," they said.
- Hundreds of acres of rural lands, remarkable natural and cultural resources will be destroyed. "The width of the easement for the ACP project is such that it will create a jarring scar across the very visible landscape in the Valley. The use of the land will be curtailed and many potential building sites for homes, barns and other improvements allowed under terms of the existing conservation easement will be rendered unbuildable and/or undesirable. And these assessments do not begin to address the effects of a gas line explosion. The effect on the karst topography that exists on our farm has not been evaluated by ACP or any state agency."

They explained, "We purchased our farm, The Wilderness, which was established by a 1750 land grant, farmed since then and the house constructed in 1797, with the goal of protecting it forever. To that end we committed the bulk of our financial resources to the purchase, preservation and maintenance of the farm, leaving us with limited means. Our plan under the easement was to create and market large tracts of land configured consistent with the streams, ridges and open fields. The proposed location of the pipeline is wholly antithetical to the character of the landscape."

Robbie Koontz said the appraisal of their farm was somewhat forced. The couple's attorney agreed to allowing it because he felt it might benefit them with respect to VOF and Dominion. "He also knew the appraiser and thought he would be fair," she said. "And in the end, Dominion could have obtained a court order. So far, we have refused to allow Dominion to survey our property or set foot on the property until the appraiser. This appraiser is apparently appraising all 11 of the VOF easement properties for Dominion ... This is very disturbing.

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# COMPANIES/ORGANIZATIONS COMMENTS

## CO12 – Wild Virginia (cont'd)

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I do not believe Dominion could have obtained a court order but to date, they apparently do not want to make waves with VOF just yet. We did not allow a Dominion agent to set foot on the property. The appraiser came alone and Bob knew what he looked like.”

The couple is wary of giving Dominion or its contractors permission to do anything on their land. “We had a close brush with this because Dominion once announced to our attorney that they were bringing over their archaeologists in three days or so to assess a big sinkhole on the property that we believe has been the dump for the property perhaps for 100-plus years,” Mrs. Koontz said. “We had protested the ACP passing right next to this sinkhole, through our attorney. I think this was in September, when I was barely out of the ICU. The sinkhole and potential collection of very historic relics is in the path of the ACP. We refused to allow Dominion to come and said we would hire our own archaeologists. I tried to hire an archaeologist but we could not possibly afford them,” she said.

After the VOF decision, she added, the couple might have to stop using their attorney on the pipeline issue. “He will remain our estate planning attorney but really does not want to continue on with this work,” she said. “And we cannot afford it. He feels that after the VOF decision, our only recourse will be to litigate. We cannot possibly afford to litigate whether ACP can be routed through our property. It is a costly and losing battle due to eminent domain. However, we can litigate about where the ACP crosses our property. Our attorney has met with and talked to Dominion attorneys and representatives several times. Although they moved the ACP on Revercomb property, and apparently on other property, to accommodate his wishes ... Dominion refuses to move the ACP to the edge of our property or at all, including a horrific access road they have mapped out. They will destroy all the prime areas of the 800 acres on this side of State Route 629.”

The couple has consulted with real estate professionals about selling their farm. Mrs. Koontz pointed to a letter she received from a Fishersville representative.

“We were waiting and hoping that more properties would have gone under contract,” the agent told the couple. “However, we are not finding any properties in your area that have been recently sold. We feel due to the fact the gas line is having such an impact on the properties in Bath and Western Augusta County, buyers are afraid to purchase in the event, that the gas line will go through their property making it such undesirable for farming and building their dream homes.”

Further, the agent said, “Your property has been on the market over a year and we have only a handful of interested buyers. We have to disclose that the gas line is coming through this area, whether it is located on the acreage or not. It still has an impact on the value. Buyers do not want to be anywhere close to the gas line. We know there are many safety precautions that will be in place; it doesn’t seem to change buyers’ minds. Unfortunately, we can advertise and spend lots of money, it won’t change people’s minds about the gas line.”

The couple wrote to the Virginia Outdoors Foundation about this problem on Jan. 11, including a copy of the real estate agent’s letter. “Due to our poor health and age, my husband and I have been trying to sell three parcels of our VOF protected property for over a year. Our real estate agents ... are highly qualified, experienced and successful agents. They tell us that potential buyers will not even look at our property due to the ACP. Buyers do not want to be near the ACP, let alone purchase a property with the ACP running through it,” they wrote. “Dominion continues to assert and claim that the ACP will not have a negative impact on property values. Who on earth would believe this? This is an outrageous, deceptive and absurd claim. No buyer wants to purchase property with or even near a gas pipeline. And then possibly have ACP access roads, storage locations and who knows what on their property, as we will, according to Dominion. And then also live in a ‘kill zone’ where their family, animals, friends, livelihood and assets can be blown away.

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# COMPANIES/ORGANIZATIONS COMMENTS

## CO12 – Wild Virginia (cont'd)

20170130-5069 FERC PDF (Unofficial) 1/30/2017 9:33:22 AM

“Buyers know that their investment in such a property would be grossly diminished in the unlikely event that they could even resell the property in the future. Yet Dominion claims all of these dangerous and invasive ACP structures and activity will not negatively impact the value of our property. Or our livelihood.” The couple urged the VOF to read the letter from Old Dominion, the real estate agency. “They have given us permission to share this letter widely with other property owners and residents of Bath County to reveal what is really happening to property values near the ACP. This information is factual and specific to The Wilderness in Bath County with a VOF conservation easement. Dominion cannot substantiate their claim that property values on The Wilderness not being negatively impacted. Our property values have been negatively impacted by Dominion and the ACP for over one year now. And there is nothing we can do about it,” the couple wrote. “We will now have the worst of both scenarios. We have a property with many restrictions that, for example, do not allow subdivision, which some buyers want to do. These restrictions were obviously designed to protect and preserve the historic property. At the same time, the property will house the invasive and dangerous Atlantic Coast Pipeline. And property owners on The Wilderness will have to live in or near a kill zone. There will be no protection from Dominion now or in the future — ever. Dominion and the ACP will be a complete unknown and very high risk for the once pristine and very historic property,” they continued. “The ACP as already impacted us negatively because we are unable to sell much of our property. Having 1,000 acres to maintain has become stressful and expensive. Having a great deal of our assets tied up and unavailable to us through no fault of our own is stressful, expensive and unfair. Having to hire an attorney and consultants to fight Dominion is expensive, stressful and unfair. Having to spend hours researching issues and filing comments to FERC is tiring, time consuming and harmful to our health. VOF has done nothing to protect us or even help us. It is almost impossible to believe this corruption exists and honest citizens can have their lives ruined.” The Koontzes kept at it, writing yet a third letter to VOF — this time pointing to environmental impacts from the pipeline project, including damage to the endangered James spiny mussel, after consulting the Virginia Department of Game and Inland Fisheries. “We have worked with the VDGIF on many projects and highly respect them,” Mrs. Koontz said. “We received the highest U.S. and state grants dollars in Virginia in one year, maybe 2005, for establishing wildlife habitats and for projects to improve the land and water, thanks to Bob. (DGIF’s) Al Bourgeois once took me on a ‘bear release’ with a 256-pound male bear, which ranks as one of the high points in my life. VDGIF staff have highly skilled and dedicated biologists including two fishery biologists in Bath County alone. That suggests that there is a lot of important marine life in Bath County that requires support from VDGIF.”

She added, “VDGIF has helped us so many ways including management of our deer population, which we love but recognize can suffer greatly without some management. We had a limited hunting club of VDGIF employees only for the first four years or so that we owned the farm. We knew we could trust them.”

The Koontzes read up on the James spiny mussel, learning it has been critically endangered since 1990 or earlier. “So it has not rebounded while being highly endangered and protected,” Mrs. Koontz said.

“It breaks my husband’s and my heart to think of all the rare resources of this long-pristine and historic property that could be destroyed forever.”

The letter to the VOF explains, “These comments concern the environmental impact of the ACP on our historic property with respect to such things as air, erosion, soil, water, plants, trees, farm crops, agriculture fields, wildlife habitats, all living creatures, endangered species, etc. Are we all merely collateral mortality for the great Dominion and their ACP?” they wrote.

“Dominion and even VOF representatives claim that Dominion has been working with property owners, making compromises, etc. That is certainly not true for us. Our attorney has talked with Dominion about moving the proposed path of the ACP so there is less negative impact on us, our property values, the farm, our livelihood,

Z-524

# COMPANIES/ORGANIZATIONS COMMENTS

## CO12 – Wild Virginia (cont'd)

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etc. Dominion has been unwilling to move their proposed route of the ACP on The Wilderness. No compromise at all. The proposed ACP path will wipe out all of the prime building sites for the property. Dominion moved the path for the farmer living next to us, but not us. No compromise. And Dominion plans a major access road that could run over top of the historic entrance to our farm (our driveway) and right next to the 1797 structure where we live. Dominion has selected the prime areas of our farm for the ACP. The ACP could have been routed along the edge of our property with far less negative impact on us. The access road could also be routed along the edge of the property. I believe Dominion cares nothing for property owners and in fact, they want to punish those of us who do not want to surrender our property rights to them. What other conclusion could we draw from Dominion's behavior towards us?" she said.

"FERC recently released the Environmental Impact Study for the ACP published by Dominion as required by FERC. I have been recovering from a recent surgery and unable to study the report. However, I have seen many comments and evaluations by others that are highly critical of Dominion's process, conclusions, remedies (if any) and the report itself. For example, Dominion never conducted any studies of karst on our property. We have sinkholes and caves, which are evidence of karst. Yet Dominion claims there are no problems with karst in the path of the ACP. Their claim was proven false in the area of Little Valley and they now admit there is karst in this area. They offer excuses that blame everyone else such as mapmakers for the error. This is just one small example of Dominion versus the environment.

"Our farm is a haven for wildlife, trees, plants, fish, etc. There are forests, fields, meadows, ponds and creeks. Our historic 1797 home is unique in Bath County. For example, the first carriage house ever built in Bath still stands and is used today (circa 1800). Previous owners of the property were famous patriots who helped with the settlement of Virginia. We have worked hard to provide the proper environment and protection for these great resources on the property."

The Koontzes explained that conservation easements for their property were key in their strategy to preserve and protect the property.

"We made significant investments in the renovation of the old house while trying to preserve the historic integrity. And we have invested considerable monies in improving and maintaining the property. We have invested considerable resources in improving the farm land and protecting the water. Our goal is to protect this wonderful property and preserve the property for future generations to enjoy," they explained to VOF.

"The negative environmental impact on our property from the ACP is horrific, final and unfair. We have found one specific example of Dominion's lack of regard for the environment of our farm," Mrs. Koontz wrote. "My husband contacted Al Bourgeois, district wildlife biologist with the Virginia Department of Game and Inland Fisheries to inquire about marine life on The Wilderness. Several VGDIF biologists including the fisheries biologists for Bath County investigated areas on our farm and determined that there is a critically endangered species living in Mill Creek on our property. It is the James spiny mussel. There could be more endangered plants and living creatures on the property. And more environmental risks such as karst.

"Not only does Dominion plan to route the ACP near and through water sources feeding Mill Creek, Dominion actually plans to have the ACP cross Mill Creek and then go up very high, steep slopes running next to Mill Creek. This is unacceptable and outrageous. And Dominion never even evaluated our property to identify issues and risks. The James Spiny Mussel is at great risk due to Dominion's lack of regard for our property and environment."

Mrs. Koontz provided a series of email correspondence between her husband and VDGIF biologists. "The James Spiny Mussel is just one example of something Dominion does not care about or even know about. I am

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# COMPANIES/ORGANIZATIONS COMMENTS

## CO12 – Wild Virginia (cont'd)

20170130-5069 FERC PDF (Unofficial) 1/30/2017 9:33:22 AM

confident there are many more unknowns that will just become collateral mortality of the ACP. And there is nothing we can do about it. We need your help to keep the ACP off of our property," she said.

Mrs. Koontz has researched the number of threatened species in Bath County and knows some of them exist at The Wilderness. "We have many, many bats on the property and we love our bats. They used to inhabit our attics but now have moved on to caves. We never harmed any of them in this multi-year relocation program. We have a lot of shale on the property, so one or more of these plants could be on the property. We have regular sightings of wonderful bald eagles. Bald eagles and other eagles live on or near the property," she said. "Certainly some of the listed plants might be present on the farm."

The Koontzes' frustration is endless.

"It makes me just ill that some landowners will speak in favor of VOF agreeing to the land swap," Mrs. Koontz said. "But sadly, I think some landowners obtain a conservation easement in the first place for the money they receive. And now that Dominion is giving them even more money, they support Dominion."

The Virginia Outdoors Foundation will hold its hearing Feb. 9 at 10 a.m., though details are subject to change through Feb. 6. The meeting will be held at the Virginia Department of Game and Inland Fisheries, 7870 Villa Park Suite 400, in Henrico. VOF accepts written comments on the issue, and they may be emailed to: [hcabibbo@vofonline.org](mailto:hcabibbo@vofonline.org). They should include name, address, and daytime phone number in order to be accepted as part of the official meeting record.

[Return to top](#)

**ATTENTION PET OWNERS:**  
 This is a reminder that 2017 dog and cat licenses are due by January 31, 2017. All dogs and cats four months and older are required to have a county license. Licenses may be purchased at the Bath County Treasurer's office at the courthouse in Mount Vernon. A current rabies certificate will need to be presented for each dog or cat license purchase.  
 Prices are as follows: Female dogs and cats, \$5; male dogs and cats, \$2; combined or spayed dogs and cats, \$2.  
 Renewal licenses are due due by January 31, 2017. For questions regarding license renewals please contact either Bath County Animal Control at 360-826-7231 or Bath County Building, Planning and Zoning office at 360-826-7226.  
 Please contact the Treasurer's office at 360-826-7234 with questions about licenses and purchase options.

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Z-526

# COMPANIES/ORGANIZATIONS COMMENTS

## CO13 – Heartwood

20170130-5071 FERC PDF (Unofficial) 1/30/2017 9:41:59 AM

January 30, 2017

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E., Room 1A  
Washington, DC 20426

Dear Ms. Bose:

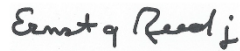
CO13-1

Heartwood, as an intervening party, is submitting for the record for Docket# CP15-554 the article printed January 26, 2017 in the Highland (VA) Recorder by Editor Anne Adams entitled: *Pipeline project awaits critical state decision Perspective*. This article discusses in detail the unresolved issue of Atlantic Coast Pipeline LLC and the potential route of the Atlantic Coast Pipeline on properties under conservation easement with the Virginia Outdoors Foundation. It documents a host of issues including the threats to Virginia's entire open space preservation system through conservation easements. It also mentions issues with karst geologic formations and endangered species—the James Spineymussel—issues that Heartwood has raised in previous submissions.

These impacts do not stop at the Bath County border. They affect all residents of the US, the entire conservation easement/open space protection system and private and public lands nation-wide.

The potential economic and environmental impacts that are core to this issue are being presented here for the record. Heartwood is making this submission within the comment period for the Draft Environmental Impact Statement.

Sincerely,



Ernie Reed, Council Member  
Heartwood  
971 Rainbow Ridge Road  
Faber, VA 22938

CO13-1 See the responses to comment letter CO10.

Z-527

# COMPANIES/ORGANIZATIONS COMMENTS

## CO13 – Heartwood (cont'd)

20170130-5071 FERC PDF (Unofficial) 1/30/2017 9:41:59 AM

# The Recorder

IN THE COMMUNITY, ABOUT THE COMMUNITY, SINCE 1877.

2017-01-26 / Top News

## Pipeline project awaits critical state decision

### Perspective

BY ANNE ADAMS • STAFF WRITER

WARM SPRINGS — The decision could make or break the future of their farm.

Robert "Bob" and Roberta "Robbie" Koontz are in arguably the toughest battle of their lives — to preserve hundreds of acres they have worked tirelessly to save from industrial ruin.

When utility powerhouse Dominion Resources moved its planned Atlantic Coast Pipeline from central Highland to a more southwesterly route, the Koontz's historic property, "The Wilderness," was sitting midline, and vulnerable, with the proposed gas transmission line headed straight up their driveway.

Never mind they had carefully documented the rich and deep history of the place going back to the 1700s. Never mind they worked closely with the Virginia Outdoors Foundation to place not one but two conservation easements on the land to protect and conserve it. Never mind they are documenting endangered and threatened species that make their place habitat and home.

All that might not matter at all, depending on what happens Feb. 9.

When Dominion re-routed the line after the U.S. Forest Service nixed the original route to avoid sensitive habitat, the company moved the project through properties in southern Highland and northern Bath County — nine of which were, in whole or in part, under conservation easements held by the VOF.

The foundation has explained to the Federal Energy Regulatory Commission the project cannot cross those easements unless they are converted — a legal state process that requires the company to offer another, similar property upon which an easement can be attached.

According to the law, no open-space land acquired and designated as open space land can be converted or diverted from that use unless VOF determines that is "essential to the orderly development and growth of the locality, and in accordance with the official comprehensive plan for the locality in effect at the time of conversion or diversion; and there is substituted other real property which is of at least equal fair market value, of greater value as permanent open-space land than the land converted or diverted and of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted."

Dominion proposes to use Hayfields farm in McDowell as the substitute property.

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# COMPANIES/ORGANIZATIONS COMMENTS

## CO13 – Heartwood (cont'd)

20170130-5071 FERC PDF (Unofficial) 1/30/2017 9:41:59 AM

As reported last week, to meet the “essentiality” requirement, Dominion must demonstrate the conversion is essential to the orderly development and growth of the locality and must submit a letter or statement and/or materials from the local government, regional, state, or federal entity to this effect. None was provided in its most recently revised application.

The VOF will hold a hearing Feb. 9 to decide whether Dominion’s proposal holds up under the legal requirements for conversion.

From documents The Recorder acquired through a Freedom of Information Act request, it’s evident this decision is critical to Dominion’s forward progress. Michael Lapides of Goldman Sachs, Global Investment Research, reached out to VOF Deputy Director Martha Little last November to discuss the issue. Goldman Sachs is monitoring the project’s progress for utility investors, including the state and federal filings required, according to that report.

Little told Lapides there has never been a case for the foundation involving energy infrastructure with a project this large or for as many acres. “The closest case was a road expansion for a locality landfill project that ‘converted/diverted’ approximately 18 acres,” she told him.

Lapides sent Little a Dec. 5 report generated by Goldman Sachs noting the “complex permitting and siting process” for the pipeline “still remains ahead.”

“For both (Dominion) and (Duke Energy), once built, we forecast that this project represents roughly \$125 million-\$150 million of net income annually,” the summary states. “Dominion, the project manager for ACP, already announced project delays earlier this year given the need to revise routing of this project.”

Further, it states, “We view the companies’ effort to gain access to conservation easements overseen by the VOF as a key step necessary for construction.”

The summary noted:

- “Our forecast assumes the project comes online at (year end) 2019 but we recognize potential for further delays exists due to siting and routing challenges, especially given (1) the project will run through various national/state forest land and (2) the project intersects or goes through 10-11 sites under VOF oversight or control.”
- “In (a) FERC filing, VOF disclosed (1) that VOF views the ‘minor conversions’ to VOF easements as decidedly not ‘minor’ as they would represent the largest conversion of open space land in the VOF’s 50 year history, (2) that eight of the easements, in VOF’s view, do not contain legal language that permits this scope of activity (the construction of ACP) without impairing conservation values of the affected properties and (3) that VOF views the construction and operation of the interstate gas pipeline as ‘inconsistent’ with the open space protections afforded by easements.”

The report concludes, “While we still assume completion of the project at (year end) 2019, we recognize the effort to route ACP through or near VOF controlled easements remains a key item for ACP and could impact Dominion and Duke earnings power in 2018-19 if incremental delays, due to siting or routing issues, emerge.”

The summary contained a link to a report for investors, but Little told The Recorder she was unable to see it, and believes it’s only available to the energy company shareholders or project investors.

Z-529

# COMPANIES/ORGANIZATIONS COMMENTS

## CO13 – Heartwood (cont'd)

20170130-5071 FERC PDF (Unofficial) 1/30/2017 9:41:59 AM

Another correspondence shared with the VOF was from area resident Peggy Quarles, who wrote Stephanie Ridder, VOF board chair, in November, explaining concerns that since the Federal Energy Regulatory Commission issued the draft Environmental Impact Statement for the project, that might lead VOF to conclude it will be approved for its certificate to build.

Quarles and another person had a conversation with Jennifer Adams of the U.S. Forest Service, a pipeline project coordinator, about FERC and the National Environmental Policy Act process.

"The purpose of the discussion was to clarify our expectations about the draft and final EIS and when there would be an indication of whether or not FERC would approve either the (Mountain Valley Pipeline) or ACP. Jennifer pointed out that the draft EIS for the MVP does not contain a recommendation section and that it does not in any way predict what the forest service or FERC might ultimately decide. This is not obvious — it would be easy to assume that just issuing the draft EIS for the MVP implies approval. She warned us not to make that assumption," Quarles told Ridder.

"Further, in the FERC process, even the final EIS is not the decision document for a certificate. The final EIS is the document of the environmental staff containing recommendations to the commissioners. It is the commissioners who decide and issue a decision document. Jennifer pointed out that the NEPA process may be a decision document for other types of federal actions and that many people are confused."

She continued, "The Forest Service is evaluating the proposed route with the same thoroughness as the earlier route over Cheat Mountain. They did not endorse, promote or cooperate with Dominion on the GWNF6 route (the one through northern Bath County). The final EIS is not the decision document for the Forest Service about the special use permit and plan amendments. In fact, the Forest Service has mentioned along the way a supplemental EIS may be necessary. And we believe that the Forest Service decision is just as critical to your interests as the FERC certificate. If the Forest Service denies the special use permit, your easements will probably not be crossed," Quarles told the VOF chair.

"This is important to VOF because Dominion and others want us to believe that the draft EIS for the ACP will indicate what FERC's decision will be and that VOF should take steps in response. Based on our conversation with Jennifer, this will not happen. In fact, we may find that we do not know what FERC or the Forest Service will do for quite some time. The likely timing of both actions should be considered. To agree to Dominion's conversion proposal prematurely, even conditionally, before you know what the Forest Service and FERC decisions will be, gives FERC a free pass to ignore the VOF as any kind of barrier to approving the route. And the fact that you may be willing to do so runs the risk of damaging the confidence of current and future landowners in your commitment to protect them. The potential environmental damage of a massive pipeline on these easements far exceeds any allowed landowner uses, such as foresting or agriculture. And it is permanent.

"We urge you again to delay consideration or, even better, reject the Dominion application until it is clearly necessary. If the 1704 conversion must occur, it will be available to you at that time. We believe that Dominion has no incentive to withdraw the

Dominion has no incentive to withdraw the offer, even after the certificates and permits have been issued and appeals exhausted," Quarles said.

The Koontzes are not hopeful.

"Our hopes, dreams and our remaining years will all be ruined if VOF does not reject the proposal," they told the foundation.

Z-530

# COMPANIES/ORGANIZATIONS COMMENTS

## CO13 – Heartwood (cont'd)

20170130-5071 FERC PDF (Unofficial) 1/30/2017 9:41:59 AM

Three times they've written to VOF's board to urge the foundation to reject the plan. They have faced an appraiser, who arrived to calculate the value of their land — one paid by Dominion. A real estate agent told them they are unlikely to be able to sell the property as long as the threat of the pipeline project exists. They're tired, their health is precarious, and they're not sure what to do next.

In their Jan. 11 to the VOF board, the Koontzes explained they could not attend the Feb. 9 meeting due to health issues. "The stress of travel and the distress of dealing with the proposed diversion of our property prohibits our participation. It is important that you know that our failure to appear in no way reflects a lack of absolute commitment to preserving our property; property we thought was preserved when we placed it under conservation easement," they wrote.

They told the VOF board it must refuse to accept the conversion/diversion plan from Dominion, arguing:

- Good faith consideration of the easement donors' commitment to preserve their properties requires VOF to reject the proposal, they said. "To elect to agree to the diversion is an abdication of your statutory preservation role. Put the burden on Dominion to convince a court that the proposal is acceptable."
- The proposal fails to meet requirements of the law which "specifically includes two elements which cannot be met, namely a determination that the diversion is (a) essential to the orderly development and growth of the locality, (the locality, Bath County, has publicly rejected that notion), and (b) in accordance with the official comprehensive plan for the locality, (the county specifically found that it was not)."
- Failure to reject the proposal will effectively destroy the foundation's conservation easement program and jeopardize the efforts of other land trust organizations in Virginia. "What landowner seeking to preserve land in Virginia would consider putting property in a Conservation Easement when it would be manifest that VOF will not defend the conservation values?" they asked.
- Donors will suffer an additional and substantial diminution of the value of their property. "The market for property in the Deerfield area has been significantly depressed," they said.
- Hundreds of acres of rural lands, remarkable natural and cultural resources will be destroyed. "The width of the easement for the ACP project is such that it will create a jarring scar across the very visible landscape in the Valley. The use of the land will be curtailed and many potential building sites for homes, barns and other improvements allowed under terms of the existing conservation easement will be rendered unbuildable and/or undesirable. And these assessments do not begin to address the effects of a gas line explosion. The effect on the karst topography that exists on our farm has not been evaluated by ACP or any state agency."

They explained, "We purchased our farm, The Wilderness, which was established by a 1750 land grant, farmed since then and the house constructed in 1797, with the goal of protecting it forever. To that end we committed the bulk of our financial resources to the purchase, preservation and maintenance of the farm, leaving us with limited means. Our plan under the easement was to create and market large tracts of land configured consistent with the streams, ridges and open fields. The proposed location of the pipeline is wholly antithetical to the character of the landscape."

Robbie Koontz said the appraisal of their farm was somewhat forced. The couple's attorney agreed to allowing it because he felt it might benefit them with respect to VOF and Dominion. "He also knew the appraiser and thought he would be fair," she said. "And in the end, Dominion could have obtained a court order. So far, we have refused to allow Dominion to survey our property or set foot on the property until the appraiser. This appraiser is apparently appraising all 11 of the VOF easement properties for Dominion ... This is very disturbing.

Z-531



# COMPANIES/ORGANIZATIONS COMMENTS

## CO13 – Heartwood (cont'd)

20170130-5071 FERC PDF (Unofficial) 1/30/2017 9:41:59 AM

I do not believe Dominion could have obtained a court order but to date, they apparently do not want to make waves with VOF just yet. We did not allow a Dominion agent to set foot on the property. The appraiser came alone and Bob knew what he looked like.”

The couple is wary of giving Dominion or its contractors permission to do anything on their land. “We had a close brush with this because Dominion once announced to our attorney that they were bringing over their archaeologists in three days or so to assess a big sinkhole on the property that we believe has been the dump for the property perhaps for 100-plus years,” Mrs. Koontz said. “We had protested the ACP passing right next to this sinkhole, through our attorney. I think this was in September, when I was barely out of the ICU. The sinkhole and potential collection of very historic relics is in the path of the ACP. We refused to allow Dominion to come and said we would hire our own archaeologists. I tried to hire an archaeologist but we could not possibly afford them,” she said.

After the VOF decision, she added, the couple might have to stop using their attorney on the pipeline issue. “He will remain our estate planning attorney but really does not want to continue on with this work,” she said. “And we cannot afford it. He feels that after the VOF decision, our only recourse will be to litigate. We cannot possibly afford to litigate whether ACP can be routed through our property. It is a costly and losing battle due to eminent domain. However, we can litigate about where the ACP crosses our property. Our attorney has met with and talked to Dominion attorneys and representatives several times. Although they moved the ACP on Revercomb property, and apparently on other property, to accommodate his wishes ... Dominion refuses to move the ACP to the edge of our property or at all, including a horrific access road they have mapped out. They will destroy all the prime areas of the 800 acres on this side of State Route 629.”

The couple has consulted with real estate professionals about selling their farm. Mrs. Koontz pointed to a letter she received from a Fishersville representative.

“We were waiting and hoping that more properties would have gone under contract,” the agent told the couple. “However, we are not finding any properties in your area that have been recently sold. We feel due to the fact the gas line is having such an impact on the properties in Bath and Western Augusta County, buyers are afraid to purchase in the event, that the gas line will go through their property making it such undesirable for farming and building their dream homes.”

Further, the agent said, “Your property has been on the market over a year and we have only a handful of interested buyers. We have to disclose that the gas line is coming through this area, whether it is located on the acreage or not. It still has an impact on the value. Buyers do not want to be anywhere close to the gas line. We know there are many safety precautions that will be in place; it doesn’t seem to change buyers’ minds. Unfortunately, we can advertise and spend lots of money, it won’t change people’s minds about the gas line.”

The couple wrote to the Virginia Outdoors Foundation about this problem on Jan. 11, including a copy of the real estate agent’s letter. “Due to our poor health and age, my husband and I have been trying to sell three parcels of our VOF protected property for over a year. Our real estate agents ... are highly qualified, experienced and successful agents. They tell us that potential buyers will not even look at our property due to the ACP. Buyers do not want to be near the ACP, let alone purchase a property with the ACP running through it,” they wrote. “Dominion continues to assert and claim that the ACP will not have a negative impact on property values. Who on earth would believe this? This is an outrageous, deceptive and absurd claim. No buyer wants to purchase property with or even near a gas pipeline. And then possibly have ACP access roads, storage locations and who knows what on their property, as we will, according to Dominion. And then also live in a ‘kill zone’ where their family, animals, friends, livelihood and assets can be blown away.

Z-532

# COMPANIES/ORGANIZATIONS COMMENTS

## CO13 – Heartwood (cont'd)

20170130-5071 FERC PDF (Unofficial) 1/30/2017 9:41:59 AM

“Buyers know that their investment in such a property would be grossly diminished in the unlikely event that they could even resell the property in the future. Yet Dominion claims all of these dangerous and invasive ACP structures and activity will not negatively impact the value of our property. Or our livelihood.” The couple urged the VOF to read the letter from Old Dominion, the real estate agency. “They have given us permission to share this letter widely with other property owners and residents of Bath County to reveal what is really happening to property values near the ACP. This information is factual and specific to The Wilderness in Bath County with a VOF conservation easement. Dominion cannot substantiate their claim that property values on The Wilderness not being negatively impacted. Our property values have been negatively impacted by Dominion and the ACP for over one year now. And there is nothing we can do about it,” the couple wrote. “We will now have the worst of both scenarios. We have a property with many restrictions that, for example, do not allow subdivision, which some buyers want to do. These restrictions were obviously designed to protect and preserve the historic property. At the same time, the property will house the invasive and dangerous Atlantic Coast Pipeline. And property owners on The Wilderness will have to live in or near a kill zone. There will be no protection from Dominion now or in the future — ever. Dominion and the ACP will be a complete unknown and very high risk for the once pristine and very historic property,” they continued. “The ACP as already impacted us negatively because we are unable to sell much of our property. Having 1,000 acres to maintain has become stressful and expensive. Having a great deal of our assets tied up and unavailable to us through no fault of our own is stressful, expensive and unfair. Having to hire an attorney and consultants to fight Dominion is expensive, stressful and unfair. Having to spend hours researching issues and filing comments to FERC is tiring, time consuming and harmful to our health. VOF has done nothing to protect us or even help us. It is almost impossible to believe this corruption exists and honest citizens can have their lives ruined.” The Koontzes kept at it, writing yet a third letter to VOF — this time pointing to environmental impacts from the pipeline project, including damage to the endangered James spiny mussel, after consulting the Virginia Department of Game and Inland Fisheries. “We have worked with the VDGIF on many projects and highly respect them,” Mrs. Koontz said. “We received the highest U.S. and state grants dollars in Virginia in one year, maybe 2005, for establishing wildlife habitats and for projects to improve the land and water, thanks to Bob. (DGIF’s) Al Bourgeois once took me on a ‘bear release’ with a 256-pound male bear, which ranks as one of the high points in my life. VDGIF staff have highly skilled and dedicated biologists including two fishery biologists in Bath County alone. That suggests that there is a lot of important marine life in Bath County that requires support from VDGIF.”

She added, “VDGIF has helped us so many ways including management of our deer population, which we love but recognize can suffer greatly without some management. We had a limited hunting club of VDGIF employees only for the first four years or so that we owned the farm. We knew we could trust them.”

The Koontzes read up on the James spiny mussel, learning it has been critically endangered since 1990 or earlier. “So it has not rebounded while being highly endangered and protected,” Mrs. Koontz said.

“It breaks my husband’s and my heart to think of all the rare resources of this long-pristine and historic property that could be destroyed forever.”

The letter to the VOF explains, “These comments concern the environmental impact of the ACP on our historic property with respect to such things as air, erosion, soil, water, plants, trees, farm crops, agriculture fields, wildlife habitats, all living creatures, endangered species, etc. Are we all merely collateral mortality for the great Dominion and their ACP?” they wrote.

“Dominion and even VOF representatives claim that Dominion has been working with property owners, making compromises, etc. That is certainly not true for us. Our attorney has talked with Dominion about moving the proposed path of the ACP so there is less negative impact on us, our property values, the farm, our livelihood,

Z-533

# COMPANIES/ORGANIZATIONS COMMENTS

## CO13 – Heartwood (cont'd)

20170130-5071 FERC PDF (Unofficial) 1/30/2017 9:41:59 AM

etc. Dominion has been unwilling to move their proposed route of the ACP on The Wilderness. No compromise at all. The proposed ACP path will wipe out all of the prime building sites for the property. Dominion moved the path for the farmer living next to us, but not us. No compromise. And Dominion plans a major access road that could run over top of the historic entrance to our farm (our driveway) and right next to the 1797 structure where we live. Dominion has selected the prime areas of our farm for the ACP. The ACP could have been routed along the edge of our property with far less negative impact on us. The access road could also be routed along the edge of the property. I believe Dominion cares nothing for property owners and in fact, they want to punish those of us who do not want to surrender our property rights to them. What other conclusion could we draw from Dominion's behavior towards us?" she said.

"FERC recently released the Environmental Impact Study for the ACP published by Dominion as required by FERC. I have been recovering from a recent surgery and unable to study the report. However, I have seen many comments and evaluations by others that are highly critical of Dominion's process, conclusions, remedies (if any) and the report itself. For example, Dominion never conducted any studies of karst on our property. We have sinkholes and caves, which are evidence of karst. Yet Dominion claims there are no problems with karst in the path of the ACP. Their claim was proven false in the area of Little Valley and they now admit there is karst in this area. They offer excuses that blame everyone else such as mapmakers for the error. This is just one small example of Dominion versus the environment.

"Our farm is a haven for wildlife, trees, plants, fish, etc. There are forests, fields, meadows, ponds and creeks. Our historic 1797 home is unique in Bath County. For example, the first carriage house ever built in Bath still stands and is used today (circa 1800). Previous owners of the property were famous patriots who helped with the settlement of Virginia. We have worked hard to provide the proper environment and protection for these great resources on the property."

The Koontzes explained that conservation easements for their property were key in their strategy to preserve and protect the property.

"We made significant investments in the renovation of the old house while trying to preserve the historic integrity. And we have invested considerable monies in improving and maintaining the property. We have invested considerable resources in improving the farm land and protecting the water. Our goal is to protect this wonderful property and preserve the property for future generations to enjoy," they explained to VOF.

"The negative environmental impact on our property from the ACP is horrific, final and unfair. We have found one specific example of Dominion's lack of regard for the environment of our farm," Mrs. Koontz wrote. "My husband contacted Al Bourgeois, district wildlife biologist with the Virginia Department of Game and Inland Fisheries to inquire about marine life on The Wilderness. Several VGDIF biologists including the fisheries biologists for Bath County investigated areas on our farm and determined that there is a critically endangered species living in Mill Creek on our property. It is the James spiny mussel. There could be more endangered plants and living creatures on the property. And more environmental risks such as karst.

"Not only does Dominion plan to route the ACP near and through water sources feeding Mill Creek, Dominion actually plans to have the ACP cross Mill Creek and then go up very high, steep slopes running next to Mill Creek. This is unacceptable and outrageous. And Dominion never even evaluated our property to identify issues and risks. The James Spiny Mussel is at great risk due to Dominion's lack of regard for our property and environment."

Mrs. Koontz provided a series of email correspondence between her husband and VDGIF biologists. "The James Spiny Mussel is just one example of something Dominion does not care about or even know about. I am

Z-534

# COMPANIES/ORGANIZATIONS COMMENTS

## CO13 – Heartwood (cont'd)

20170130-5071 FERC PDF (Unofficial) 1/30/2017 9:41:59 AM

confident there are many more unknowns that will just become collateral mortality of the ACP. And there is nothing we can do about it. We need your help to keep the ACP off of our property," she said.

Mrs. Koontz has researched the number of threatened species in Bath County and knows some of them exist at The Wilderness. "We have many, many bats on the property and we love our bats. They used to inhabit our attics but now have moved on to caves. We never harmed any of them in this multi-year relocation program. We have a lot of shale on the property, so one or more of these plants could be on the property. We have regular sightings of wonderful bald eagles. Bald eagles and other eagles live on or near the property," she said. "Certainly some of the listed plants might be present on the farm."

The Koontzes' frustration is endless.

"It makes me just ill that some landowners will speak in favor of VOF agreeing to the land swap," Mrs. Koontz said. "But sadly, I think some landowners obtain a conservation easement in the first place for the money they receive. And now that Dominion is giving them even more money, they support Dominion."

The Virginia Outdoors Foundation will hold its hearing Feb. 9 at 10 a.m., though details are subject to change through Feb. 6. The meeting will be held at the Virginia Department of Game and Inland Fisheries, 7870 Villa Park Suite 400, in Henrico. VOF accepts written comments on the issue, and they may be emailed to: [hcabibbo@vofonline.org](mailto:hcabibbo@vofonline.org). They should include name, address, and daytime phone number in order to be accepted as part of the official meeting record.

[Return to top](#)

**ATTENTION PET OWNERS:**  
 This is a reminder that 2017 dog and cat licenses are due by January 31, 2017. All dogs and cats four months and older are required to have a county license. Licenses may be purchased at the Bath County Treasurer's office at the courthouse in Mount Airy. A current rabies certificate will need to be presented for each dog or cat license purchase.  
 Prices are as follows: Female dogs and cats, \$5; male dogs and cats, \$2; unspayed or spayed dogs and cats, \$2.  
 Renewal licenses are due due by January 31, 2017. For questions regarding license renewals please contact either Bath County Animal Control at 360-829-7231 or Bath County Building, Planning and Zoning Office at 360-829-7226.  
 Please contact the Treasurer's office at 360-829-7234 with questions about licenses and purchase options.

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Z-535

# COMPANIES/ORGANIZATIONS COMMENTS

## CO14 – Lake Gaston Foundation

20170131-0010 FERC PDF (Unofficial) 01/30/2017

CP15-554



RESOLUTION OF THE BOARD OF DIRECTORS OF  
LAKE GASTON FOUNDATION, INC.  
SUPPORTING THE PROPOSED ATLANTIC COAST PIPELINE

ORIGINAL

CO14-1 Comment noted.

CO14-1

**WHEREAS**, the proposed Atlantic Coast Pipeline will provide a critically important new route for the abundant natural gas production from the Appalachian region's Marcellus and Utica shale basins to reach much of the Southeast, including Virginia and North Carolina; and

**WHEREAS**, the path of this project will pass directly through the Lake Gaston region, specifically in Brunswick County, VA; Northampton County, NC; and Halifax County, NC; and

**WHEREAS**, access to reliable and reasonably priced natural gas supplies is a fundamental requirement of many modern business operations, especially manufacturing; and

**WHEREAS**, the expanded availability of this clean, economical fuel will greatly enhance the ability of the Lake Gaston region to recruit new businesses and provide much-needed additional employment opportunities for the people of our region; and

**WHEREAS**, the pipeline will provide other significant benefits for our region and its residents, including great stability in energy costs for electricity, home heating, and commercial heating, as well as important new tax revenues to help support the state and county services in our region; and

**WHEREAS**, even before the new pipeline begins operations, its construction will generate substantial economic activity and create new jobs throughout much of Virginia and North Carolina, including the Lake Gaston region; and

**WHEREAS**, the project will also help protect the environment by furnishing additional supplies of this clean-burning, lower-emissions fuel to electric utilities for power generation; and

Z-536

# COMPANIES/ORGANIZATIONS COMMENTS

## CO14 – Lake Gaston Foundation (cont'd)

20170131-0010 FERC PDF (Unofficial) 01/30/2017

CO14-1  
(cont'd)

**WHEREAS**, the Board of Directors of the Lake Gaston Foundation, Inc., has great confidence that the partnership consisting of Dominion, Duke Energy, Piedmont Natural Gas, and AGL Resources will build and operate the pipeline in an efficient, safe and environmentally sound manner;

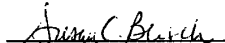
**NOW, THEREFORE BE IT RESOLVED** that the Board of Directors of the Lake Gaston Foundation, Inc., expresses its support for the Atlantic Coast Pipeline and respectfully requests the Federal Energy Regulatory Commission to approve the project after a timely and comprehensive review of the proposal.

**BE IT FURTHER RESOLVED** that the Board of Directors of the Lake Gaston Foundation, Inc., does hereby adopt this resolution and requests that a copy of this resolution be forwarded to the Federal Energy Regulatory Commission.

Adopted this 12<sup>th</sup> day of January, 2017.

  
\_\_\_\_\_  
Brady Martin, President

ATTEST:

  
\_\_\_\_\_  
Susan Bersch, Secretary/Treasurer

Z-537

# COMPANIES/ORGANIZATIONS COMMENTS

## CO15 – Lake Gaston Regional Chamber of Commerce

20170131-0009 FERC PDF (Unofficial) 01/30/2017

CPIS-554

### LAKE GASTON REGIONAL CHAMBER OF COMMERCE

LAKEGASTONCHAMBER.COM

RECEIVED  
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#### RESOLUTION OF THE BOARD OF DIRECTORS OF LAKE GASTON REGIONAL CHAMBER OF COMMERCE SUPPORTING THE PROPOSED ATLANTIC COAST PIPELINE

ORIGINAL

CO15-1 Comment noted.

CO15-1

**WHEREAS**, the proposed Atlantic Coast Pipeline will provide a critically important new route for the abundant natural gas production from the Appalachian region's Marcellus and Utica shale basins to reach much of the Southeast, including Virginia and North Carolina; and

**WHEREAS**, the path of this project will pass directly through the Lake Gaston region, specifically in Brunswick County, VA; Northampton County, NC; and Halifax County, NC; and

**WHEREAS**, access to reliable and reasonably priced natural gas supplies is a fundamental requirement of many modern business operations, especially manufacturing; and

**WHEREAS**, the expanded availability of this clean, economical fuel will greatly enhance the ability of the Lake Gaston region to recruit new businesses and provide much-needed additional employment opportunities for the people of our region; and

**WHEREAS**, the pipeline will provide other significant benefits for our region and its residents, including great stability in energy costs for electricity, home heating, and commercial heating, as well as important new tax revenues to help support the state and county services in our region; and

**WHEREAS**, even before the new pipeline begins operations, its construction will generate substantial economic activity and create new jobs throughout much of Virginia and North Carolina, including the Lake Gaston region; and

**WHEREAS**, the project will also help protect the environment by furnishing additional supplies of this clean-burning, lower-emissions fuel to electric utilities for power generation; and

**WHEREAS**, the Board of Directors of the Lake Gaston Regional Chamber of Commerce, has great confidence that the partnership consisting of Dominion, Duke Energy, Piedmont Natural

Z-538

# COMPANIES/ORGANIZATIONS COMMENTS

## CO15 – Lake Gaston Regional Chamber of Commerce (cont'd)

20170131-0009 FERC PDF (Unofficial) 01/30/2017

CO15-1  
(cont'd)

Gas, and AGL Resources will build and operate the pipeline in an efficient, safe and environmentally sound manner;

**NOW, THEREFORE BE IT RESOLVED** that the Board of Directors of the Lake Gaston Regional Chamber of Commerce, expresses its support for the Atlantic Coast Pipeline and respectfully requests the Federal Energy Regulatory Commission to approve the project after a timely and comprehensive review of the proposal.

**BE IT FURTHER RESOLVED** that the Board of Directors of the Lake Gaston Regional Chamber of Commerce, does hereby adopt this resolution and requests that a copy of this resolution be forwarded to the Federal Energy Regulatory Commission.

Adopted this 24<sup>th</sup> day of January, 2017.

  
Nancy Bulluck, Chairperson

ATTEST:

  
Mary Lou Kellogg, Secretary

Z-539



# COMPANIES/ORGANIZATIONS COMMENTS

## CO16 – Loudoun County Chamber of Commerce

20170203-0030 FERC PDF (Unofficial) 02/27/2017

CP15-534



January 26, 2017

The Honorable Norman Bay  
Chairman, Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

OFFICE OF  
EXTERNAL AFFAIRS  
2017 FEB -2 P 9 06  
FEDERAL ENERGY  
REGULATORY COMMISSION

Re: Docket #PF15-6 – Atlantic Coast Pipeline (Virginia)

Dear Mr. Chairman and Members of the Commission:

CO16-1

On behalf of the Loudoun County Chamber of Commerce's Board of Directors and our more than 1,250 members, I wish to express our support for the Atlantic Coast Pipeline and urge the Commission to approve this important project.


Chambers of Commerce and business organizations throughout Virginia believe development of North American energy resources will create and preserve thousands of jobs and greatly benefit Virginia's economy. Central to that principle, we believe that the construction of the Atlantic Coast Pipeline is in Virginia's best interest.

Our organizations are comprised of small and large businesses and their employees who live and work in communities all over Virginia. We know the benefits of a safe, reliable supply of domestic natural gas for Virginians are numerous. Not only would the Atlantic Coast Pipeline project create 8,800 jobs during construction, but 1,300 jobs will be supported post construction. Virginia consumers will realize \$243 million in savings annually once the pipeline is operational. In addition, millions of dollars of much needed new tax revenue will be generated that could be used for local projects and infrastructure like schools, roads, and bridges.

The Atlantic Coast Pipeline also receives the support of Governor Terry McAuliffe who recognizes its critical importance to the state. "This project is a game changer for Virginia's economy, and the benefits will be both immediate and long-lasting," said Governor McAuliffe. "In addition to the thousands of jobs and billions in economic activity that the construction of this project will create, the Atlantic Coast pipeline will lower energy costs for Virginia residents and businesses and help reduce carbon emissions in our state and region." He added, "This project will also help make Virginia the manufacturing hub of the Mid-Atlantic by enabling us to recruit job creating companies that rely on natural gas."

As this project is important to Virginia, we urge you to support the Atlantic Coast Pipeline. Thank you for your time and your consideration of our comments on this critically important business issue.

Sincerely,

  
Brian Fauls  
Manager, Government Affairs

Physical Address:  
19301 Winmeade Drive, Suite 210  
Lansdowne, VA 20176

Mailing Address:  
P.O. Box 1298  
Leeburg, VA 20177-1298

703 777 2176  
703 777 1392 fax  
www.loudounchamber.org

CO16-1 Comment noted.

Z-540

# COMPANIES/ORGANIZATIONS COMMENTS

## CO17 – Franklin Southampton Economic Development, Inc.

20170206-0047 FERC PDF (Unofficial) 02/06/2017



January 30, 2017

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

ORIGINAL

FILED  
2017 FEB -6 P 2:46  
FEDERAL ENERGY REGULATORY COMMISSION

**Re: Docket #CP15-554– Atlantic Coast Pipeline (Virginia)**

Dear Ms. Bose:

CO17-1

I write today to ask that you approve the Atlantic Coast Pipeline Project (ACP). ACP will give Franklin-Southampton another tool to attract quality economic opportunities for our communities. With an abundance of domestic supplies of natural gas in our region this will allow us to remain competitive with other parts of the country. Without this project, we could face serious impacts on the affordability of energy for our particular part of Virginia.

I appreciate your through review of the project thus far and appreciate your note in your draft environmental statement that there are many economic benefits to this project. We could not agree more. Over the last several years, we have been able to attract businesses to come to Franklin-Southampton because of our quality of life, cost of living and proximity to places like: the Virginia Port Authority which operates the Virginia International Gateway, a privately owned marine container terminal located along the Elizabeth River in Portsmouth, Virginia, the Port of Virginia, located 45 miles from our community, and the proximity to much of the populations centers on the east coast. These links, to much of the United States and across the globe, make our area a potential target for businesses worldwide bringing quality jobs for our community and many of those communities surrounding. Without abundant and affordable energy, not only does this makes us less attractive for new companies, much of our existing industries will struggle to compete and expand. The impact will be felt throughout our region, not just in Franklin-Southampton.

I proudly supports this project for affordable energy, for economic development opportunities and for quality jobs for our communities. I ask that FERC approve this project without delay.

Sincerely,

Amanda Jarratt  
President & CEO

Member of Virginia's Hampton Roads  
Economic Development Alliance

CO17-1 Comment noted.

Z-541

# COMPANIES/ORGANIZATIONS COMMENTS

## CO18 – Reinvent Hampton Roads

20170207-0008 FERC PDF (Unofficial) 02/07/2017



February 1, 2017

FILED  
SECRETARY OF THE  
COMMISSION  
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FEDERAL ENERGY  
REGULATORY COMMISSION

Federal Energy Regulatory Commission  
Attn: Mr. Nathaniel J. Davis, Sr., Deputy Secretary  
888 First Street NE, Room 1A  
Washington, D.C. 20426

Re: **Docket No. CP15-554-000**  
**Docket No. CP15-554-001**  
**Atlantic Coast Pipeline**

ORIGINAL

Dear Mr. Davis:

Reinvent Hampton Roads thanks you for the opportunity to comment upon the Draft Environmental Impact Statement for the Atlantic Coast Pipeline and Supply Header Project as proposed by Atlantic Coast Pipeline, LLC and Dominion Transmission, Inc. as described in the DEIS. The requested project would achieve the construction and operation of 641.3 miles of natural gas transmission pipeline and associated new and modified compressor stations which would provide the delivery of some 1.44 billion cubic feet of natural gas per day to electric generation, distribution, and end use markets in Virginia and North Carolina.

Reinvent Hampton Roads is a non-profit community based organization dedicated to creating more and higher paying jobs in the cities and counties located in Southeastern Virginia. Our region is home to over 1.7 million residents, major industrial companies, and the largest concentration of military facilities in the world. We work with numerous public and private entities to create a more diverse and prosperous economy for our citizens while preserving and improving the environmental quality of our region.

CO18-1

We believe the construction and operation of the Atlantic Coast Pipeline is fundamentally essential to achieving our mission and to the future quality of life in Hampton Roads. We appreciate the comprehensive scope and detail given by the cooperating agencies in their review of the Draft Environmental Impact Statement.

Based upon our review of the project as described in the Draft Environmental Impact Statement, we urge FERC to approve the DEIS and timely issue the project certificate that will allow construction of this essential infrastructure to supply the additional natural gas necessary for our future growth, prosperity and quality of life.

Sincerely,

A handwritten signature in blue ink that reads "James K. Spore". Below the signature is the printed name "James K. Spore" and the title "President and CEO".

**James K. Spore**  
President & CEO

101 W. Main Street  
Suite 415  
Norfolk, VA 23510

**757-961-8181**  
reinventhr.org  
Jspore@reinventhr.org

CO18-1 Comment noted.

Z-542

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition

20170207 5072 FEREC XCF (Unofficial) 2/7/2017 10:50:21 AM

### **A HIGH-RISK PROPOSAL DRILLING THROUGH THE BLUE RIDGE MOUNTAINS FOR THE ATLANTIC COAST PIPELINE**



Piney Mountain, Three Ridges and Reeds Gap (Photo by John Clarum)

**Comments to the Federal Energy Regulatory Commission  
Docket CP15-554**  
Submitted on behalf of the Dominion Pipeline Monitoring Coalition  
Rick Webb, Program Coordinator

**February 6, 2017**

Z-543

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

20170207-5072 FERC PDF (Unofficial) 2/7/2017 10:50:21 AM

### EXECUTIVE SUMMARY

The Federal Energy Regulatory Commission (FERC) published a Draft Environmental Impact Statement (DEIS) on December 30, 2016 for Dominion's proposed Atlantic Coast Pipeline (ACP).<sup>1</sup> Among other deficiencies, the DEIS does not acknowledge the risk of failure and the unavoidable environmental damage associated with plans for drilling 4,639 feet through the Blue Ridge under the George Washington National Forest, Appalachian National Scenic Trail, and Blue Ridge Parkway. Dominion's plan calls for use of horizontal directional drilling (HDD) and contingency use of direct pipe installation (DPI) if the HDD operation fails. The U.S. Forest Service has stipulated that any permit for ACP construction on National Forest lands will be conditioned on prior successful completion of the Blue Ridge HDD or DPI operations.

#### *The Undisclosed Environmental Footprint*

The extensive earth disturbance on steep slopes that will be required for the proposed Blue Ridge HDD and DPI operations was not addressed in the DEIS. The area and amount of excavation required for construction of level entry- and exit-side workspaces are imprecisely specified as "proposed" and "to be determined by contractor." The DEIS also failed to address the significant linear footprint associated with the additional pullback workspace needed for assembly and staging of the pipe string that is pulled from the exit-side through the drilled borehole. Due to the need for alignment of the pull-section pipe with the borehole and the accepted safe bending radius of a 42-inch steel pipe, it will be necessary to suspend the pipe for approximately 2,000 feet at heights approaching 200 feet above the sloping mountainside. This will require excavation for access, pipe fabrication and testing, and siting of heavy equipment needed for pipe handling and support.

Construction in the proposed HDD and DPI operations area, including for the pipeline corridor, entry- and exit-side workspaces, pipe pullback workspace, and access roads, will directly impact 7 perennial streams and 11 intermittent streams. Construction activity, will continuously affect these streams for a year or more, including during wintertime conditions. In-stream blasting will be required for crossing 7 streams, including the South Fork of Rockfish River, a native brook trout stream subject to time-of-year restrictions.

<sup>1</sup> Atlantic Coast Pipeline, LLC, formed by four companies, Dominion, Duke Energy, Piedmont Natural Gas, and Southern Company Gas, is herein referenced as "Dominion."

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

20170207-5072 FERC PDF (Unofficial) 2/7/2017 10:50:21 AM

### ***Risk Factors Associated with HDD Failure***

HDD operations can fail due to difficult or unexpected geologic conditions and lodging of the pipe in the borehole during the pipe-pullback phase of the operation.

Significant topographic and geologic risk factors confront the proposed HDD and contingency DPI operations. Pipeline engineers, including Dominion consultants, recommend fabrication and testing of the pull-section pipe in one continuous string to avoid delays and increased risk of failure associated with connecting multiple strings during pullback. The limited workspace on the pullback side of the proposed HDD operation precludes adherence to this recommendation.

Although detailed geophysical investigation of the drill path is standard practice for assessing the feasibility of prospective HDD and DPI operations, the information included in the DEIS is limited in both scope and reliability. The DEIS includes a Dominion claim that subsurface borings confirm expectations that the HDD drill path will be primarily through non-problematic solid rock. This claim, however, is contradicted by geophysical studies reported in previous Dominion submissions to FERC. Only two subsurface borings were completed near the HDD location. These borings were conducted at distances of 500-650 feet from the HDD endpoints, at lower elevations than the drill path, and they did not encounter solid rock. In addition, ground-based geophysical surveys were conducted in the vicinity of the HDD endpoints, but data were obtained for less than 25% of the drill path, and interpretation was qualified by insufficient subsurface boring data with which to corroborate the geophysics. This limited geophysical data indicated the presence of faulted and fractured rock in the drill path within about 150 to 550 feet of the entry and exit points. The data collected and reported for the proposed HDD and DPI operations did not indicate that the drill paths will primarily encounter solid rock.

A similar HDD operation for another FERC jurisdictional project, the proposed Mountain Valley Pipeline, was considered for Peters Mountain in the Jefferson National Forest on the Virginia-West Virginia border in Giles County, Virginia. The HDD option for Peters Mountain was rejected by the developer and FERC as infeasible due to engineering constraints and topographic conditions. The cited problematic conditions are similar to those associated with the proposed Blue Ridge HDD operation. A comparison of the factors that led to opposite conclusions concerning the feasibility of the proposed MVP Peters Mountain and ACP Blue Ridge HDD operations is needed.

### ***Erosion, Runoff, and Slope Stability Issues***

The DEIS does not include site-specific details concerning erosion and sediment control, stormwater management, and slope-failure prevention. Dominion proposes to wait until after

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

20170207-5072 FERC PDF (Unofficial) 2/7/2017 10:50:21 AM

completion of environmental review, until after permitting, or until after initiation of construction to complete surveys and provide specific plans and identify engineering solutions for the range of significant geohazard and water-related problems that confront the ACP project. FERC seemingly accepts this deferral, and recommends completion and submission of critical studies "prior to construction." FERC also dismisses concerns about erosion, sedimentation, and runoff control based on its generalized requirements for minimizing water resource impacts of pipeline construction. FERC has not been responsive to comments seeking scientifically objective evidence that its generic requirements are sufficient to prevent water resource impacts during and after pipeline construction in the central Appalachian region.

### ***State Regulatory Oversight in Question***

Past performance and unresolved issues raise significant concerns about Virginia natural resource agency oversight of ACP construction, including the proposed Blue Ridge HDD and DPI operations.

- The state has a duty under Section 401 of the Clean Water Act to rule against the ACP unless there is a reasonable assurance that the project will not violate water quality standards. It is not clear that the state will conduct the review necessary to make this determination or if the public will be provided its rightful opportunity for involvement in the process.
- Despite clear regulatory requirements and a lack of evidence, Dominion contends that the ACP is exempt from stormwater management regulations and permit requirements because the project will not alter the long-term runoff properties of the construction corridor.
- Erosion and sediment control plans were not available in the DEIS, and unless they are made available during the state's Clean Water Act section 401 review, the public will be denied the right to review and make informed comments.
- Dominion intends to seek variances to regulatory restrictions that limit open-trench segments to 500 feet. Dominion has argued that the open-trench limit increases the amount of disturbance and construction time for pipeline construction. In fact, an open trench prevents compliance with the required installation and spacing of erosion and sediment control structures that intercept and divert runoff on steep slopes.
- It is not clear whether state agencies or localities will be responsible for erosion and runoff control plan review and compliance oversight for ACP access roads. In many areas of the ACP, including the Blue Ridge HDD area, an extensive system of access roads will be located on steep slopes, requiring significant excavation. Many of these roads will cross or be in close proximity to streams.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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- In order to proceed with wintertime construction, Dominion will seek waivers from time-of-year restrictions on construction activity that may affect brook trout during sensitive early-life stages.

### ***National Forest Stewardship***

Although FERC has primary responsibility for conducting the required NEPA review for the proposed ACP project, the Forest Service is responsible for decisions concerning pipeline construction in the Monongahela and George Washington National Forests. The Forest Service must follow an administrative review process established by federal law in making decisions concerning the permits and management plan amendments that the ACP will require. The Forest Service has repeatedly requested information about the ACP that Dominion has persistently failed to provide.

- The Forest Service has asked Dominion to document the effectiveness of control methods for construction in areas that present high risks for slope failure, slippage, erosion, and sedimentation.
- The Forest Service has asked Dominion to demonstrate that the ACP can be built without unacceptable risk of resource damage by developing site-specific stabilization designs for selected high-hazard areas.
- The Forest Service has asked for specific documentation that justifies not considering post-construction stormwater management measures.
- The Forest Service has asked for proof that the open-trench limit causes a significant increase in disturbance and construction time for pipeline construction in steep mountainous terrain.
- The Forest Service has indicated that erosion and sediment control plans will be required for ACP access roads in the National Forest, and has indicated that detailed soil surveys and analysis of fill-slope stability will be needed.

### ***Conclusion: Avoid a Bad Outcome***

Given the topographic and geophysical challenges at the site, plus the insufficient investigation of the drill path, it is reasonable to conclude that the risk of failure for the proposed HDD and DPI operations is substantial. Should the HDD and DPI prove impracticable after ACP construction is underway and options for alternative routing are foreclosed, there will be an incentive for allowing an open-cut crossing of the ANST and the Blue Ridge Parkway. The Forest Service stipulation that any authorization for ACP construction on National Forest lands will be conditioned on prior successful completion of the proposed HDD or DPI operations will help avoid a situation in which significant investment and resource commitment is put in direct conflict with established legal protection of highly valued public resources.



# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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The DEIS is inadequate. It does not fully disclose the scope and degree of excavation required for the proposed drilling operations, the results of critical geophysical investigations have not been provided, and the identification of risks and evaluation of mitigation measures have been deferred until later, precluding the meaningful opportunity for public review and comment required by NEPA. A revised DEIS is necessary to meet the information needs of multiple stakeholders, including the general public, the regulatory agencies, Dominion partners and investors, and affected property owners.

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### *Report Author*

Rick Webb, has studied the hydrology and biogeochemistry of forested mountain watersheds in the central Appalachian region for more than 30 years. His resume is appended to this report.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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**NOTE TO READER:** Many of the cited documents are posted in the FERC docket for the Atlantic Coast Pipeline project, which can be accessed via <https://elibrary.ferc.gov>. Searches can be based on date, docket number, and text. The docket number for the ACP is CP15-554.

**ACKNOWLEDGEMENT:** This report represents the collective effort of many individuals, including participants in the Dominion Pipeline Monitoring Coalition ([pipelineupdate.org](http://pipelineupdate.org)). In particular, research and editorial assistance was provided by Lynn and Malcolm Cameron, Peggy Quarles, and David Sligh. Assistance with geospatial analysis was provided by Dan Shaffer.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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### 1.0 A FAILURE TO ACKNOWLEDGE RISK

The Federal Energy Regulatory Commission (FERC) has published a Draft Environmental Impact Statement (DEIS) for the proposed Atlantic Coast Pipeline (ACP).<sup>2</sup> The DEIS does not acknowledge the risk of failure and the unavoidable environmental damage associated with the plans proposed by Atlantic Coast Pipeline, LLC (Dominion) for drilling through the Blue Ridge Mountains.<sup>3</sup>

Because of restrictions on construction of a utility corridor across the Appalachian National Scenic Trail (ANST), Dominion proposes to tunnel through the Blue Ridge using horizontal directional drilling (HDD). Another drilling method, direct pipe installation (DPI), is proposed as a contingency should the HDD operation fail.<sup>4</sup> A map depicting the proposed HDD and DPI drill paths, workspace, pipe pullback areas, and access roads is provided as **Figure 1**.

As described in this report, both the HDD and DPI methods involve substantial risks of failure and environmental damage, given workspace limitations and the topographic and geologic characteristics of the proposed drilling locations.

#### 1.1 A Precautionary Requirement

Because of the uncertainty associated with the Dominion proposals, the U.S. Forest Service (USFS) has stipulated that any authorization for ACP construction on National Forest lands would be conditioned on prior successful completion of the proposed Blue Ridge HDD or DPI operations.<sup>5</sup> This requirement should serve to avoid a situation in which a significant investment and resource commitment associated with premature ACP construction would be put at risk and in direct conflict with established legal protection of a highly valued public resource.

Dominion's proposed construction schedule for the ACP, however, cannot be met given the year or more that would be required to first complete the HDD or DPI operations. FERC has thus recommended that Dominion consult with the USFS and provide a realistic schedule prior to the end of the comment period for the DEIS.

Dominion can be expected to argue that its plans are sufficient to assure the success of the drilling effort, and thus there is no need for the delay required to demonstrate success. However,

<sup>2</sup> Atlantic Coast Pipeline and Supply Header Project, Draft Environmental Impact Statement, 12/30/16.

<sup>3</sup> Atlantic Coast Pipeline, LLC, formed by four companies, Dominion, Duke Energy, Piedmont Natural Gas, and Southern Company Gas, is herein referenced as "Dominion."

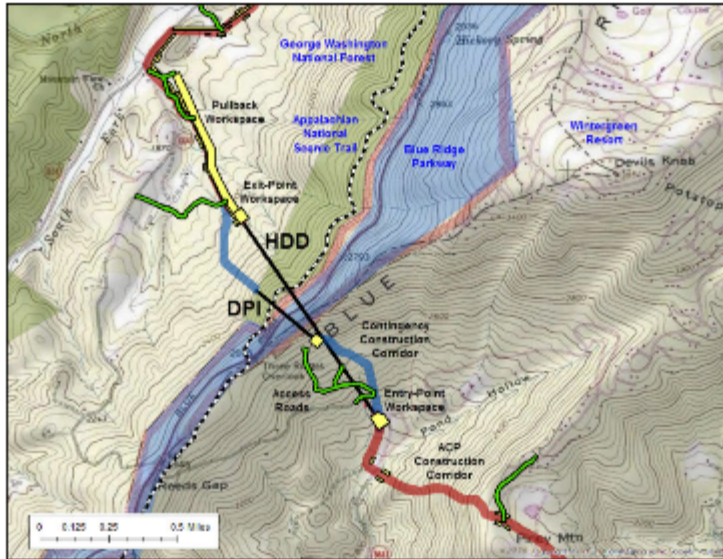
<sup>4</sup> The proposed HDD operation endpoints would be at elevation of 2,000 feet, and the length of the drill path would be 4,639 feet. The proposed DPI operation endpoints would be at elevations of 2,400 and 2,600 feet, and length of the drill path would be 1,396 feet.

<sup>5</sup> This condition was initially stated in correspondence to Leslie Hartz, Vice President, Atlantic Coast Pipeline, LLC, from the U.S. Forest Service, Regional Forester Eastern Region and Regional Forester Southern Region, 1/19/16.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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**FIGURE 1** – Proposed Horizontal Directional Drilling (HDD) and contingency Direct Pipe Installation (DPI), endpoint workspace, access roads, and construction corridors, based on information included in the DEIS and other information submitted to FERC by Dominion prior to publication of the DEIS. The location of the pullback workspace is based on information submitted to FERC on 1/15/17, after the DEIS was published.

the information that Dominion provided for consideration in the DEIS analysis is incomplete and misleading. It does not support an objective evaluation of the proposed drilling operations with respect to either the potential for successful completion or the acceptability of associated environmental damage.

Implementation of the National Environmental Policy Act (NEPA) requires an opportunity for public and agency review and comment. The DEIS for the ACP, however, repeatedly fails to address or provide the critical information required for meaningful review. The DEIS treatment of Dominion's proposed Blue Ridge drilling operation is a significant example of this deficiency.

This report describes the failure of the DEIS to fully disclose the risk factors and uncertainties associated with the proposal.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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### 2.0 THE PROPOSED DRILLING METHODS

The HDD operation would involve drilling for 4,639 feet at 800 feet below the crest of the Blue Ridge. The contingency DPI operation would involve drilling for 1,396 feet at 200 feet below the crest. Both methods are commonly used for installing pipelines under rivers or other obstacles where the terrain is relatively flat and extremely hard or fractured bedrock is not encountered. The use of either method to drill for long distances through steep mountains is less common. Dominion's proposal for drilling through the Blue Ridge approaches the limits of either technology, especially where geophysical conditions are both problematic and uncertain.

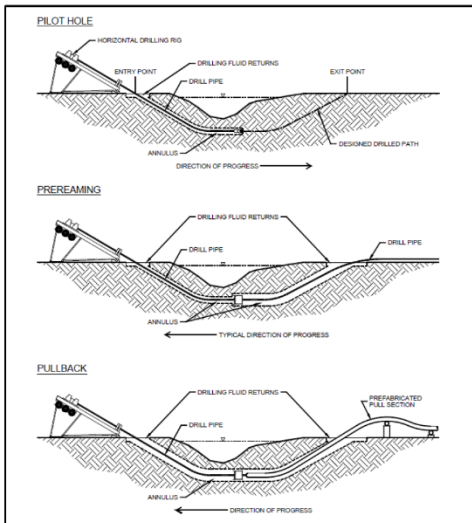
**Horizontal Directional Drilling** typically involves three operational phases (**Figure 2**).

**Phase 1:** A pilot hole is drilled from one side of the obstacle (river, mountain, road, etc.) to the other. A bentonite clay drilling fluid removes drill cuttings.

**Phase 2:** Reamers with larger bits and cutters are used to enlarge the borehole.

**Phase 3:** A pre-welded and pre-tested pipe string is pulled through the borehole from the exit side. The pullback section of pipe is elevated to align with the borehole.

**Direct Pipe Installation** is a newer method that involves mounting the drill bit on the front of a pre-welded and pre-tested pipe string and pushing it through or under the obstacle.



**FIGURE 2** – Phases of the HDD process as presented in the HDD Design Report prepared for Dominion Transmission, Inc. by J.D. Hair & Associates, Inc. (7/27/16). The depiction shows the more-common use of HDD for installing pipelines under rivers or other water bodies. Dominion proposes ten HDD crossings for pipe diameters of 36-inches or greater. The Blue Ridge crossing is the only HDD that involves drilling through a mountain, and it is the longest among the ten, exceeding the next longest by 1,674 feet.

Z-552

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

20170207-5072 FERC PDF (Unofficial) 2/7/2017 10:50:21 AM

### 3.0 THE UNDISCLOSED ENVIRONMENTAL FOOTPRINT

Our objection to the proposed Blue Ridge crossing is much like that for other areas of the ACP project. Large-scale forest clearing and excavation on steep mountainsides presents substantial risk of erosion and sedimentation, alteration of runoff properties, and landslides. FERC, however, has failed to require detailed plans for construction and mitigation prior to publication of the DEIS, thereby precluding informed public and regulatory agency analysis of risks, alternatives, and mitigation measures.

The proposed HDD and contingency DPI installations will require extensive excavation for creation of level workspaces, access roads, and areas for pipe fabrication, testing, staging, and pullback. The information included in the DEIS, however, does not disclose the full scope or impact of the proposed operations.

#### 3.1 Missing Information on Workspace requirements

The DEIS provides limited or misleading information concerning the excavation that will be required for the proposed primary and contingency drilling operations, and to the extent that information is provided, it is subject to change.

Information submitted to FERC by Dominion does acknowledge, but only in general terms, that there are issues related to the amount of excavation that will be required.

*The proposed HDD crossing will be complicated by the challenging topography at the site, which is likely to require some amount of excavation at both ends of the crossing to create level work areas for the HDD equipment.<sup>6</sup>*

Despite this admission, no specific information concerning the actual extent of entry- and exit point excavation was provided to FERC for consideration in the DEIS.

For example, the DEIS includes a schematic of the HDD operation.<sup>7</sup> However, the locations, areas, and excavation required for the entry and exit points are imprecisely specified as “proposed” or “to be designed by contractor.” In addition, the DEIS does not address plans submitted to the National Park Service that describe a modified HDD operation in which drilling would be conducted from both sides of the mountain.<sup>8</sup>

<sup>6</sup> HDD Design Report, Revision 2, Atlantic Coast Pipeline, prepared by J. D. Hair and Associates, Inc., page 16, 12/14/14. Submitted to FERC by Dominion, 1/10/17.

<sup>7</sup> Site-Specific Horizontal Directional Drill Plans. Included in the DEIS, Vol. II, Part 5, Appendix H3, 12/30/16.

<sup>8</sup> Stated in correspondence to Mark H. Woods, Superintendent, Blue Ridge Parkway, from Leslie Hartz, Vice President, Atlantic Coast Pipeline, LLC, 10/21/16. Submitted to FERC by Dominion, 11/17/16.

CO19-1 FS response: HDD feasibility is considered, and risks are recognized and prepared for, see examples:

1. Section 2.2 HDD Feasibility Considerations, and Section 4.2 42-inch Blue Ridge Parkway Crossing in HDD Design Report Supplemental Filing, dated January 10, 2017 (Appendix B);

2. Horizontal Directional Drill Drilling Fluid Monitoring, Operations, and Contingency Plan (2016 DEIS, Vol. II, Part 5, Appendix H1);

3. Contingency Plan for the Proposed Crossing of the Appalachian National Scenic Trail and Blue Ridge Parkway (2016 DEIS, Vol. II, Part 5, Appendix H2); Sections 3.0 Conditions For Contingency; 4.0 Initial Contingency Plan – New HDD Paths; 5.0 Drill Path Abandonment; and 6.0 Alternate Crossing Method. The FS and FERC received additional information and analyses since the draft EIS and have incorporated them into the final EIS in the applicable resource sections.

See Land Use Section 4.8 for non-federal land (including Land Use Section 4.8.1; Contractor Yards Section 4.8.3; Access Roads Section 4.8.1.4; Planned Development Section 4.8.1.4) and Federal Lands Section 4.8.9, including Forest Service Section 4.8.9.1.

The draft EIS contained Site-Specific Horizontal Directional Drill Plans (2016 DEIS, Vol. II, Part 5, Appendix H3) displaying Plan and Profile for HDD, including temporary workspace for entry and exit and 3,000 feet x 150 wide workspace for pipe side operations and pull section staging and operations.

The draft EIS also contained Contingency Plan for the Proposed Crossing of the Appalachian National Scenic Trail and Blue Ridge Parkway (2016 DEIS, Vol. II, Part 5, Appendix H2) displaying Plan View and Profile for Direct Pipe installation (DPI), including temporary workspace.

The draft EIS also contained Horizontal Directional Drill Drilling Fluid Monitoring, Operations, and Contingency Plan (2016 DEIS, Vol. II, Part 5, Appendix H1).

For more information, see Second Draft of the Construction, Operations, and Maintenance Plan, dated January 27, 2017 (Appendix C); 2.1.9.10 Appalachian National Scenic Trail/Blue Ridge Parkway Crossing; Attachment O Appalachian National Scenic Trail HDD Plan and Profile Drawings; and Attachment P Contingency Plan for the Appalachian National Scenic Trail and the Blue Ridge Parkway Crossing.

For more information, see HDD Design Report Supplemental Filing, dated January 10, 2017 (Appendix B). The FS requested a third party contractor to provide a geotechnical and geological review of the ACP Primary Proposal and Contingency Proposal for the crossing under the ANST. The documents used for that review are listed on page 1 of the report. Based on that review, the FS found the HDD proposal and contingency proposal feasible. See

Z-553

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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CO19-2 Information in the DEIS concerning the contingency DPL operation is similarly deficient. The limited information provided on excavation required for entry and exit points is characterized as “conceptual” and qualified by the statement that “Any excavations required for launch and reception of the tunnel boring machine shall be designed by the contractor.”<sup>9</sup> Although the DEIS indicates that Dominion was to provide a site-specific contingency plan in late 2016, the plan was not included in the DEIS.<sup>10</sup>

Perspective on the footprint associated with HDD operations is provided by Figure 3, which shows an entry-side workspace for a recent HDD operation in West Virginia. In contrast with the proposed Blue Ridge operations, this workspace was on relatively level ground where the need for cut and fill excavation was minimal. The pipeline was also smaller, and the length of the drill path was much less. Figure 4 shows the approximate location of the entry-side workspace for the proposed Blue Ridge HDD.



Photo by DPMC Pipeline Air Force

**FIGURE 3 –** Entry-side workspace for a comparatively small HDD operation for the Stonewall Gathering Pipeline in West Virginia. The pullback phase has been completed and the drilling rig has been removed. This operation involved a 1,000 foot boring to install a 36-inch pipeline under Interstate 79.

<sup>9</sup> Contingency Plan for the Proposed Crossing of the Appalachian National Scenic Trail and Blue Ridge Parkway, 8/4/16. Included in the DEIS, Vol. II, Part 5, Appendix H12, 12/9/16.

<sup>10</sup> Horizontal Directional Drill Drilling Fluid Monitoring, Operations, and Contingency Plan, prepared by ERM, Inc., 7/18/16. Included in the DEIS, Vol. II, Part 5, Appendix H11, 12/9/16.

CO19-1 (cont'd) FERC Accessions 20170406-5065 and 20170417-5200 (Contractor Review Report).

FERC response: The final EIS has been revised to include additional information regarding impacts associated with BRP/ANST HDD workspace off of NFS lands.

CO19-2 See response to comment CO19-01.

Z-554

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

20170207-5072 FERC PDF (Unofficial) 2/7/2017 10:50:21 AM



Photo by Lynn Cameron

**FIGURE 4** – This photo was taken adjacent to the location (to the right) of the entry-side workspace for the proposed Blue Ridge HDD operation. The entrance to Wintergreen Resort is in the background.

### 3.2 Misinformation on Workspace Requirements

CO19-3 The DEIS failed to address the footprint that will be required for pipe pullback, fabrication, and testing. The schematic provided for the HDD operation simply indicated that the pull-section staging area will be about 3,000 feet long and the workspace will be 150-foot wide.<sup>11</sup> The necessary alignment of the pull-section pipe with the borehole will require suspension of the pipe high above the ground. The industry-accepted safe bending radius (radius of curvature) for a 42-inch steel pipe is 4,200 feet.<sup>12</sup> Given this bending radius and the slope of the location, it will be necessary to suspend the pipe for approximately 2,000 feet at heights approaching 200 feet above the mountainside (see **Figure 5**). If this is even practicable, it will require significant excavation for access, pipe fabrication and testing, and siting of the multiple large cranes or other heavy equipment needed for pipe handling and support. The required suspension of pull-section pipe for the proposed mountainside HDD operation greatly exceeds what is required for typical HDD operations on relatively flat ground. For example, see **Figure 6**.

<sup>11</sup> Site-Specific Horizontal Directional Drill Plans. Included in the DEIS, Vol. II, Part 5, Appendix H3, 12/30/16.

<sup>12</sup> American Society of Civil Engineers, Pipeline Design for Installation by Horizontal Directional Drilling, 2014.

CO19-3 See response to comment CO19-01.

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# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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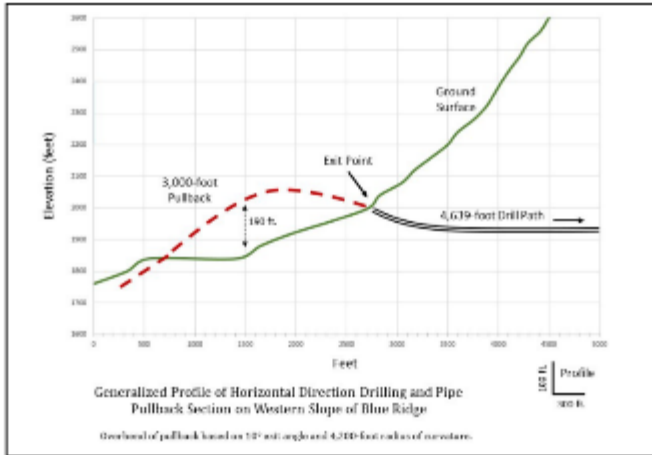


FIGURE 5 – Extreme pullback required for the proposed Blue Ridge HDD.



Photo by Mike Taylor

FIGURE 6 – Final section of pullback pipe for an HDD operation in relatively flat terrain.

Z-556

# COMPANIES/ORGANIZATIONS COMMENTS

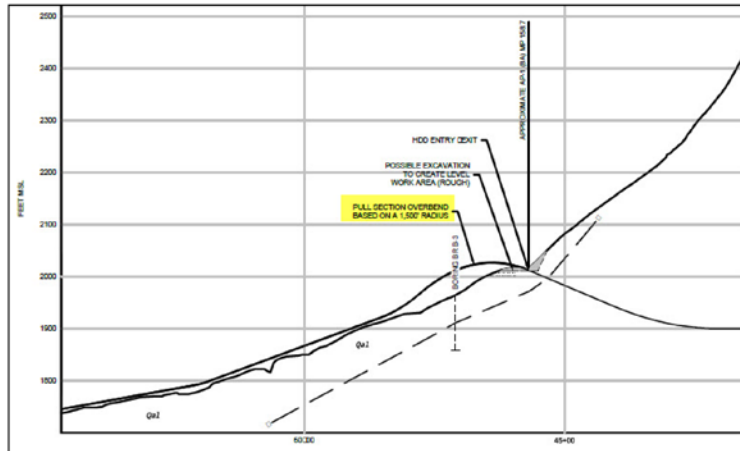
## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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CO19-3  
(cont'd)

The contingency DPI installation, which would occur on even steeper slopes than the proposed HDD operation, also raises questions about the potential footprint of the staging and fabrication area and the need for pipe suspension.<sup>13</sup>

The fact that the suspension of pullback pipe and the magnitude of the related footprint were not addressed in the DEIS may be due to incorrect or misleading information provided to FERC by Dominion. The only depiction of the HDD pullback section included in Dominion submissions to FERC is based on a 1,500 foot bending radius (see **Figure 7**). This differs substantially from



**FIGURE 7** – Profile of the proposed Blue Ridge HDD showing the exit-side suspension of pullback pipe based on a 1,500-foot bend radius instead of the correct 4,200-foot bend radius. From Geotechnical Site Investigation Report for Atlantic Coast Pipeline – Proposed Horizontal Directionally Drilled Crossing, Blue Ridge Parkway, Segment AP-1 MP 158 to 159, Virginia, Figure 4, prepared by Geosyntec Consultants, Inc., May 2016.

<sup>13</sup> DPI requires a large entry-side work area to accommodate the pipe thruster, supporting equipment and long lengths of welded pipe. The pipe thruster requires that structural steel, including piles, be installed to support the operation. (See Waterbody Crossing Review, Mountain Valley Pipeline Project, February 2016. FERC Docket CP16-10.)

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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CO19-3  
(cont'd)

the correct 4,200-foot bending radius. As indicated in the depiction, a shorter bending radius would require much less lifting of the pipe. The necessary elevation would only be about 50 feet compared to about 200 feet for the longer correct bending radius. The length of pipe suspension would also be much less. Dominion has acknowledged, but only in general terms, that there are topographic complications that affect the pullback operation.

*... since the product pipe will be laid downhill from the proposed exit point, it is anticipated that several cranes will be needed to handle the pipe and support it as it is lifted during pullback to be aligned with the reamed hole. However, the need for excavations and cranes does not cause any concern with regard to technical feasibility.*<sup>14</sup>

It is not clear, however, that the statement concerning technical feasibility and the suggestion that only "several cranes will be needed" is based on accurate information concerning the design or bending radius of the pipe. In addition, evaluation of environmental impacts, as required in preparation of a DEIS, concerns more than technical feasibility. However, the unavoidable environmental impacts associated the forest clearing and mountainside excavation required for the pullback component of the HDD operation are not addressed in the DEIS.

### 3.3 Minimal Information on Stream Crossings

CO19-4

Construction in the proposed HDD and DPI operations area, including for the primary and contingency pipeline corridors, the entry- and exit-point workspaces, the pipe pullback workspace, and access roads, will directly impact a number of streams (see **Figure 8**). The DEIS does not address the impact of construction for an extended period (a year or more) on these streams. The DEIS provides summary information concerning stream crossings (see **Table 1**).

**TABLE 1** – Water Crossing Information: Excerpt from DEIS.<sup>15</sup>

	Mile Post 157-158 Western Slope	Mile Post 158-159 Eastern Slope
Total Stream Crossings	14	5
Perennial Streams	3	4
Intermittent Streams	10	1
Blasting Within 1000 Feet	7	4
In-Stream Blasting	5	1
Time-of-Year Restrictions	11	5

<sup>14</sup> HDD Design Report, Revision 2, Atlantic Coast Pipeline, prepared by J. D. Hair and Associates, Inc., page 16, 12/14/14. Submitted to FERC by Dominion, 1/10/17.

<sup>15</sup> Waterbody Crossings along the Atlantic Coast Project. Included in the DEIS, Vol. III, Part 1, Appendix K-1, 12/30/16.

CO19-4

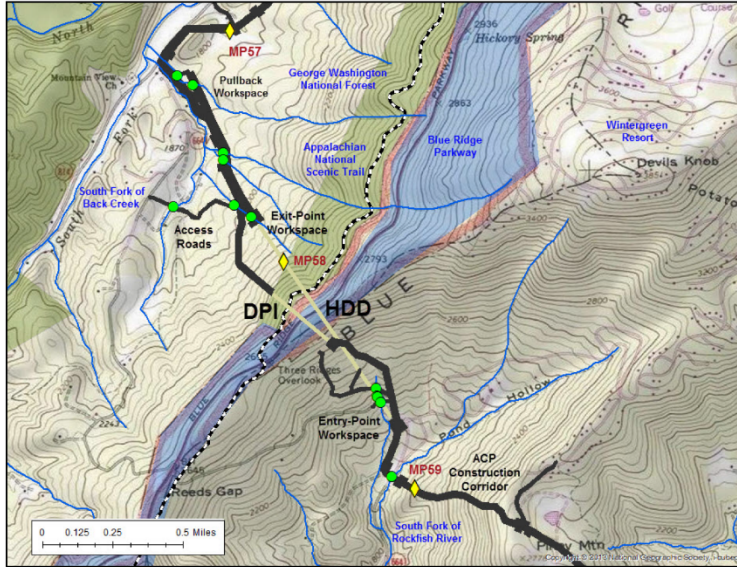
Comment noted. Section 4.3.2.6 has been revised to include a recommendation that Atlantic file site-specific plans to minimize and mitigate impacts on the waterbodies that would be crossed or otherwise impacted at the BRP/ANST HDD. Further, the final plans should be developed in consultation the USACE and/or appropriate state agency(s).

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# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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**FIGURE 8** – Streams crossed by construction associated with the proposed HDD and contingency DPI operations. The green symbols indicate stream crossings by the pipeline construction corridor, entry- and exit-point workspaces, pipe pullback and other workspace, and access roads. The yellow symbols indicate ACP mileposts. The stream lines shown on the map were obtained from the National Hydrography Dataset (U.S. Geological Survey). Note that more stream crossings are listed for this area in the DEIS (see **Table 1**). The reason for the difference has not been determined.

CO19-4  
(cont'd)

The indicated time-of-year restrictions for these streams limits work from October 1 to March 31 to protect sensitive life stages of aquatic life (see **Section 5.1**). Adherence to time-of-year restrictions conflicts with Dominion's plans for wintertime construction.

Information submitted by Dominion to the National Park Service does not correlate with the stream crossing information depicted in **Figure 8**, nor does it reflect a pro-active approach to stream protection.<sup>16</sup> Among a series of questions concerning the HDD operation, the National

<sup>16</sup> Correspondence with Mark H. Woods, Superintendent, Blue Ridge Parkway, from Leslie Hartz, Vice President, Atlantic Coast Pipeline, LLC, 10/21/16. Submitted to FERC by Dominion, 11/17/16.

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# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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CO19-4  
(cont'd)

Park Service asked: “Does the project proposal include altering any stream courses, surface or ground water flows in the area . . . ?”

Dominion’s response:

*No. The project will not result in the alteration of any perennial or intermittent streams . . . Both the HDD entry and exit points are located between 50 and 100 feet away from intermittent streambeds. . . The temporary construction workspace for both sides of the HDD will be in close proximity to the intermittent streambeds. However, should the streams happen to be flowing during construction, the intermittent streambeds will be protected with erosion control devices installed within or along the boundaries of the workspace in compliance with applicable regulations.*

### 4.0 HOW COULD THE DRILLING OPERATION FAIL?

*It is possible for HDD operations to fail, primarily due to encountering unexpected geologic conditions during drilling or if the pipe were to become lodged in the hole during pullback operations.<sup>17</sup>*

#### 4.1 Segmentation of Pullback Pipe Increases Risk of Failure

CO19-5

Topographic and workspace limitations affecting the pullback stage are among the significant problems confronting the proposed Blue Ridge HDD operation. As indicated in the DEIS, Dominion anticipates fabricating the pullback string in at least two sections.<sup>18</sup> Segmentation of the pullback string requires tie-in welding and thus a delay during the pullback. According to published HDD design information, segmentation of the pipe pullback string increases the risk of failure, and it does not conform to recommendations provided by engineering consultants working for Dominion.

The American Society of Civil Engineers has published a series of reports on engineering practice, including a 2014 report on HDD design that includes the following statement:

*The exit side (sometimes referred to as the pipe side) is where the pipeline is fabricated. Ideally, there is space in line with the drill alignment of sufficient length to fabricate the pipeline into one string. Delays associated with connecting strings together during pullback increase risk for the HDD installation.<sup>19</sup>*

<sup>17</sup> Description of Proposed Action. Included in the DEIS, Volume I, Section 2, page 2-40, 12/30/16

<sup>18</sup> Site-Specific Horizontal Directional Drill Plans. Included in the DEIS, Vol. II, Part 5, Appendix H3, 12/30/16.

<sup>19</sup> American Society of Civil Engineers, Pipeline Design for Installation by Horizontal Directional Drilling, 2014.

CO19-5 See response to comment CO19-01.

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# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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(cont'd)

The HDD design report prepared for Dominion by J.D. Hair & Associates, Inc. includes the following statement on pullback workspace requirements:

*It is preferable to have workspace aligned with the drilled segment extending back from the exit point the length of the pull section plus approximately 200 feet. This will allow the pull section to be prefabricated in one continuous length prior to installation. If space is not available, the pull section may be fabricated in two or more sections which are welded together during installation. It should be noted that delays associated with joining multiple pipe strings during pullback can increase the risk of the pipe becoming stuck in the hole. . . . A typical pull section fabrication site plan is shown in Figure 3 [see Figure 9]. Where possible, we recommend obtaining workspaces of similar dimensions to accommodate HDD pipe side operations on the ACP Project.*<sup>20</sup>

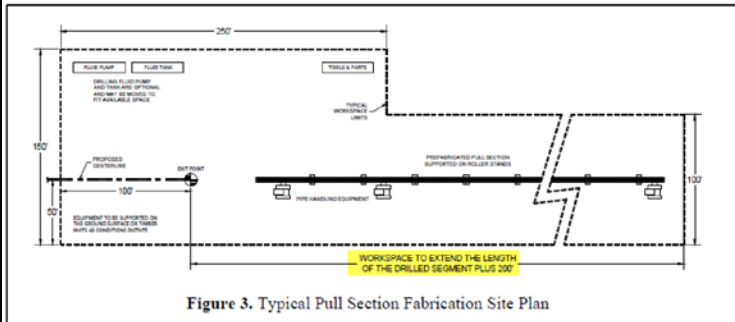


Figure 3. Typical Pull Section Fabrication Site Plan

**FIGURE 9** – Recommended exit-side and pullback pipe fabrication workspace.

The length of the drilled segment for Dominion’s proposed HDD is 4,639 feet. The recommended pullback segment would thus be 4,839 feet. However, as indicated in the DEIS, the length of the workspace available for staging the pipe pullback is only about 3,000 feet, which makes fabrication, hydrostatic testing, and pullback of the recommended single continuous pipe string impossible.

**Figure 10** shows the exit-side and pullback area for the proposed HDD on western slope of the Blue Ridge.

<sup>20</sup> HDD Design Report, Revision 2, Atlantic Coast Pipeline, prepared by J. D. Hair and Associates, Inc., page 6, 12/14/14. Submitted to FERC by Dominion, 1/10/17. (emphasis added)

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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Photo by Malcolm Cameron

**FIGURE 10** – Exit-side for the proposed HDD. The pullback workspace for the HDD operation would extend from the western slope of the main Blue Ridge crest in the background. This photo was taken from Torry Ridge Trail above the Sherando Lake Recreation Area in the George Washington National Forest.

### 4.2 Lack of Geophysical Characterization Increases Risk of Failure

CO19-6 *It is possible for HDD operations to fail, primarily due to encountering unexpected geologic conditions during drilling or if the pipe were to become lodged in the hole during pullback operations.<sup>21</sup>*

Detailed investigation of geophysical conditions is thus standard practice for assessing the feasibility of prospective HDD operations. The DEIS includes the following assurance:

*Atlantic has completed geotechnical subsurface borings at the HDD crossing location and has confirmed its expectations that the drill path would be primarily through solid rock approximately 800 feet below the BRP and the AT. Drilling through solid rock, while a time-*

<sup>21</sup> Description of Proposed Action. Included in the DEIS, Volume I, Section 2, page 2-40, 12/30/16.

CO19-6 See response to comment CO19-01.

Z-562

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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CO19-6  
(cont'd)

*consuming process, significantly helps to ensure the success of the drill operation due to the avoidance of rock fragments and cobbles that can disrupt or block the drill pathway.*<sup>22</sup>

This statement is not supported by information included in the DEIS nor in documents published in the FERC docket. In fact, Dominion has obtained surprisingly little geotechnical information specific to the proposed HDD or contingency DPI drill paths.

Based on the information submitted to FERC by Dominion, only two subsurface borings were completed for the proposed HDD, and both were at a lower elevation than the proposed HDD drill path. The only direct physical measurement of geotechnical properties or groundwater in the HDD area was provided by these borings. There were no subsurface borings in the area of the contingency DPI. Additional investigation using geophysical survey methods was limited to areas close to the HDD entry and exit points, covering only a small part of the projected drill path.

The locations of the two subsurface borings and other geophysical surveys for the HDD are indicated in **Figure 11**.

Neither the borings nor the geophysical surveys were focused on the full length of the proposed drill path, and none of the information obtained through borings or geophysical surveys confirms *“that the drill path would be primarily through solid rock.”* The results of these investigations instead reveal a high degree of uncertainty concerning geotechnical properties of the drill path.

An 85-foot subsurface boring on the HDD entry (eastern) side is about 500 feet downslope and south of the entry point. A 108-foot boring on the HDD exit (western) side is about 650 feet downslope of the exit point. Both borings encountered thick surficial layers of unconsolidated material consisting of boulders, cobbles, gravel, sand, silt, and clay. The entry-side boring did not reach bedrock. The exit-side boring encountered highly fractured rock beginning at about 60 feet, but did not reach solid bedrock.<sup>23</sup>

In addition to the two subsurface borings, surface-based geophysical survey techniques were employed to evaluate geologic conditions associated with the proposed HDD operation. In addition to the near-surface unconsolidated material identified with the subsurface borings, the

<sup>22</sup> Contingency Plan for the Proposed Crossing of the Appalachian National Scenic Trail and Blue Ridge Parkway. Included in the DEIS, Volume II, Part 5, Appendix H2, 12/30/16.

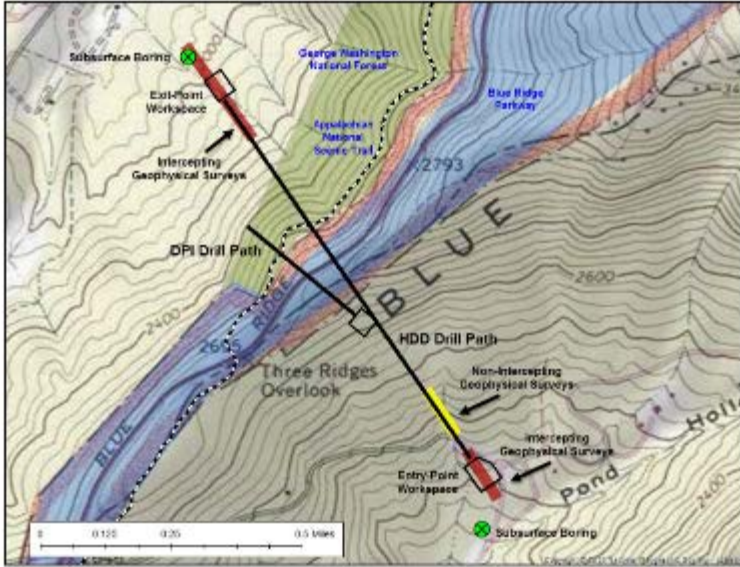
<sup>23</sup> Geotechnical Site Investigation Report for Atlantic Coast Pipeline – Proposed Horizontally Directionally Drilled Crossing, Blue Ridge Parkway, Segment AP-1 MP 158 to 159, Virginia, prepared by Geosyntec Consultants, Inc., May 2016. Submitted to FERC by Dominion, 5/13/16.



# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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**FIGURE 11** – Locations of subsurface borings and geophysical surveys conducted for the proposed Blue Ridge HDD crossing. From Geotechnical Site Investigation Report for Atlantic Coast Pipeline –horizontal Directionally Drilled Crossing, Blue Ridge Parkway (Segment AP-1 MP 156 to 158), Virginia, Geocyntec Consultants, Inc., May 2016

Designation of geophysical surveys (intercepting or non intercepting) refers to the depth of seismic refraction and electrical resistivity imaging in relation to the depth of the drill path. From Geophysical Study for a Proposed Blue Ridge HDD Crossing, Augusta and Nelson Counties, Virginia, AT&T International, Inc., 4/12/16.

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# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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CO19-6  
(cont'd)

surveys indicated the presence of faulting and fractured rock at greater depth.<sup>24</sup> The survey results indicated that approximately 100 feet of fractured rock associated with a fault would be encountered at approximately 160 feet from the west-side exit point. Another fault of undetermined extent, was estimated to be present in the drill path beginning at approximately 425-550 feet from the ground surface at the east-side entry point.<sup>25</sup>

**Figure 12** depicts the findings obtained through electrical resistivity and seismic refraction surveys.

Although the geophysical surveys served to confirm the presence of faulting and fractured rock in the projected HDD drill path, the information provided is limited in both scope and reliability. No geotechnical information was obtained for more than 75% of the drill path. For the part of the drill path that was surveyed, the absence of representative subsurface borings precluded specific findings concerning the location of the faults, the geotechnical properties of the fault zones, or the presence and amount of associated groundwater.<sup>26</sup>

In fact, the geophysical services company that conducted and interpreted the surveys raised questions concerning the reliability of even its limited findings, stating:

*... while three different geophysical methods were utilized in this study with the purpose of providing ample corroboration between the methods, all geophysical methods are interpretive, and the results presented in this report are provided with limited boring data with which to corroborate the geophysics. Additional boring and/or coring data would be necessary to confirm or refute these findings. Actual subsurface conditions may differ from those interpreted within this report.*<sup>27</sup>

<sup>24</sup> Geophysical Study for a Proposed Blue Ridge HDD Crossing Augusta and Nelson Counties, Virginia, prepared by ATS International, Inc., 4/12/16. Included in Geotechnical Site Investigation Report for Atlantic Coast Pipeline – Proposed Horizontal Directionally Drilled Crossing, Blue Ridge Parkway, Segment AP-1 MP 158 to 159, Virginia, prepared by Geosyntec Consultants, Inc., May 2016. Submitted to FERC by Dominion, 5/13/16.

<sup>25</sup> This corresponds to a major thrust fault at the contact between the primary bedrock formations in the area, the granitic Pedlar Formation and the basaltic Catoctin Formation. Faulting in the Pedlar and Catoctin Formations is extensive, with offsets ranging from hundreds to over 1,000 feet. (See Bartholomew, M. J. (1977). Geology of the Greenfield and Sherando Quadrangles, Virginia. Virginia Division of Mineral Resources, Commonwealth of Virginia)

<sup>26</sup> Interception of groundwater during an HDD operation can interfere with the circulation of drilling fluids, result in “inadvertent return” of drilling fluid to the surface, and disrupt or contaminate groundwater systems. The DEIS and information in the FERC docket addressed “hydrofracture” and loss of drilling fluids during HDD but did not address the potential for groundwater-related problems associated with fault zones in the Blue Ridge.

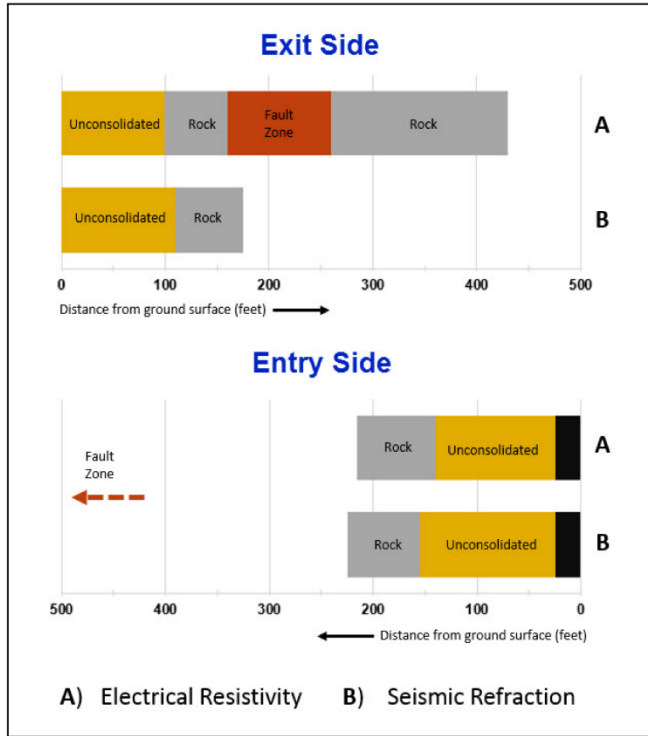
Investigations have shown that faults in the Blue Ridge Province can yield significant quantities of water and may dominate the hydrology of the region. (See, for example, Seaton, W.J., and T.J. Burbey, 2004. Influence of Ancient Thrust Faults on the Hydrogeology of the Blue Ridge Province, *Groundwater* 43, No. 3:301-313.)

<sup>27</sup> Geophysical Study for a Proposed Blue Ridge HDD Crossing Augusta and Nelson Counties, Virginia, prepared by ATS International, Inc., 4/12/16. Included in Geotechnical Site Investigation Report for Atlantic Coast Pipeline – Proposed Horizontal Directionally Drilled Crossing, Blue Ridge Parkway, Segment AP-1 MP 158 to 159, Virginia, prepared by Geosyntec Consultants, Inc., May 2016. Submitted to FERC by Dominion, 5/13/16.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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**FIGURE 12** – Interpreted results of geophysical surveys conducted at the entry- and exit-sides of the proposed HDD drill path. (Based on Geophysical Study for a Proposed Blue Ridge HDD Crossing Augusta and Nelson Counties, Virginia, prepared by ATS International, Inc., 4/12/16.)

Results are shown for survey sections where imaging intercepted the projected drilling path. The fault zone in the entry-side section was estimated based on non-intercepting surveys, and was estimated to begin at 425-550 feet from the ground surface. The black-colored segments starting at the ground surface on the entry side indicate planned excavation. The total length of the projected drill path is 4,639 feet.

995-Z

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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CO19-6  
(cont'd)

In other words, the company that performed the survey work cannot verify the accuracy of its interpretation.

This is consistent with the industry-recognized need for corroboration of information derived with geophysical techniques. A report prepared for a pipeline-industry research organization includes the following statement concerning the value of geophysical surveys:

*Geophysical exploration techniques are sometimes employed, but, results are only moderately reliable and vary significantly depending on the number of exploratory borings available for correlation.*<sup>28</sup>

The DEIS gave no consideration to the lack of substantive geologic data for the Blue Ridge HDD and DPI contingency proposals. Although the DEIS acknowledged that any Forest Service approval of ACP construction will be conditioned on successful completion of the Blue Ridge drilling, the DEIS did not address the risk factors at issue. The only risk-related information included in the DEIS was the misleading claim that subsurface borings provided confirmation that the drilling would primarily encounter solid rock.

Neither Dominion nor FERC have acknowledged the risk associated with the presence of fault zones and fractured rock deeper in the drilling path. Dominion's earlier submissions to FERC, however, acknowledged risks associated with the unconsolidated near-surface material.

*Upon completion of the boring on the southeast end of the crossing in which bedrock was not encountered, there was a concern that the adverse alluvium may be so extensive that the feasibility of the proposed HDD installation would be questionable. However, the results of the boring on the northwest end of the crossing and the subsequent geophysical survey indicate that the adverse alluvial soils are not as extensive as initially feared. Based on that information, it is believed that bedrock can be reached within 90 to 130 feet of both HDD endpoints which will allow for large diameter surface casings to be set from the endpoints to competent rock. The ability to set surface casings through the adverse soils significantly reduces the risk of the proposed HDD installation.*<sup>29</sup>

Although the installation of large-diameter casings may allow the HDD operation to bypass the unconsolidated material covering the mountainside, the environmental issues related to the installation of casings are not addressed in the DEIS. These include the possible plan to conduct entry-side drilling from both sides of the mountain, a plan that was probably developed due to

<sup>28</sup> J.D. Hair and Associates, Inc., Pre-Construction Drillability Assessment for Horizontal Directional Drilling, prepared for the Pipeline Research Council International, Inc., 2008.

<sup>29</sup> HDD Design Report, Revision 2, Atlantic Coast Pipeline, prepared by J. D. Hair and Associates, Inc., page 6, 12/14/14. Submitted to FERC by Dominion, 1/10/17.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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CO19-6 (cont'd) | the difficulty of aligning the drill path with a distant exit-point casing.<sup>30</sup> It is also possible that Dominion will opt to remove the unconsolidated material rather than install casings. This would avoid the significant noise factor reportedly associated with this type of casing installation.<sup>31</sup> Although excavation on this scale would dramatically increase the footprint of the HDD operation, it is an option that Dominion reserved in plans submitted to FERC by indicating that excavation, if needed at the entry-point, will be “determined by the contractor.”<sup>32</sup>

### 4.3 A Similar HDD Proposal Deemed Likely to Fail

CO19-7 | Another proposed pipeline project, the Mountain Valley Pipeline (MVP), may cross the Appalachian National Scenic Trail and Peters Mountain in the Jefferson National Forest at the West Virginia-Virginia border. HDD was rejected as a crossing method due to site-specific engineering constraints.<sup>33</sup>

The 2016 DEIS for the proposed MVP project included the following statement:

*Mountain Valley assessed the feasibility of HDD at the proposed ANST crossing area and reported that due to the topography of the area, the drill entry and exit areas exceeded recommended angles, thereby increasing the chance of HDD failure. . . . Substantial issues associated with topography and with a safe bending radius during pullback of the pipeline section (either in whole or in sub-sections) back through the bore hole also would increase the likelihood of HDD failure. Further, given the geology of the area, the use of drilling fluids under high pressure, and the likelihood of a high rock content and potential issues with keeping the borehole open prior to pipeline pullback, Mountain Valley concluded that HDD at this location was too likely to fail. We [FERC] concur.<sup>34</sup>*

In response to earlier information requests from FERC, it was explained that:

*Fabrication and pullback of the pipe in one continuous pullback is the preferred method for installing pipe by HDD. In analyzing the proposed exit side for HDD construction, the steep slopes on either side of the ANST lower the feasibility of an HDD. Due to the length of the proposed HDD and the sloping topography, long sections of pipe would have to be elevated to maintain a safe bend radius during the pullback phase. In addition, pipe pullback will likely have*

<sup>30</sup> The plan for drilling from both sides of the mountain was revealed in correspondence to Mark H. Woods, Superintendent, Blue Ridge Parkway, from Leslie Hartz, Vice President, Atlantic Coast Pipeline, LLC, 10/21/16.

<sup>31</sup> Although Dominion has not provided specifics on the installation of endpoint casings, the noise levels associated with the equipment most often used to drive casings may not be acceptable. (See Going Deep with HDD, *World Pipelines*, October 2012 (Accessed at www.golder.com, 1/22/17).

<sup>32</sup> Site-Specific Horizontal Directional Drill Plans. Included in the DEIS, Vol. II, Part 5, Appendix H3, 12/30/16.

<sup>33</sup> Responses to Forest Service Comments on Final FERC Resource Reports, Mountain Valley Pipeline, LLC, 3/9/16, FERC Docket No. CP16-10.

<sup>34</sup> Alternates for Crossing the Appalachian National Scenic Trail. Included in the Mountain Valley Project and Equitrans Expansion Project, Draft Environmental Impact Statement, page 3-46, September 2016.

CO19-7 See response to comment CO19-01.

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# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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CO19-7  
(cont'd)

*to be achieved in numerous sections, further complicating pullback operations. Based on these factors an HDD is not a feasible method for crossing the ANST.<sup>35</sup>*

It's notable that FERC agreed with the MVP developer's assessment that the Peters Mountain HDD would be likely to fail. Examination of topographic and geologic maps suggests that geophysical conditions associated with the proposed Peters Mountain HDD operation, including the length of the drill path, slope steepness, rock content, and resulting pullback issues are similar to those of the proposed Blue Ridge HDD operation.

Given the significance of the decisions, an objective comparison of the conditions that led to opposite conclusions concerning the feasibility of the proposed MVP Peters Mountain and ACP Blue Ridge HDD operations is needed.

### 5.0 EROSION, RUNOFF, AND SLOPE STABILITY ISSUES

CO19-8

Despite the extensive steep-slope excavation that will be required for the proposed Blue Ridge HDD, the DEIS does not include site-specific details concerning erosion and sediment control, stormwater management, and slope-failure prevention. This is the case for the broader ACP project, as well as for the Blue Ridge HDD location.

**Figure 13** shows slope classes for the pipeline corridor, workspaces, pullback area, and access roads in the Blue Ridge HDD and contingency DPI areas.

CO19-9

Dominion proposes to wait until after completion of environmental review, until after permitting, or until after initiation of construction to provide specific plans and identify engineering solutions for the range of significant geohazard and water-related problems that confront the ACP project. This delay in planning and analysis undermines the regulatory review process, as it will not provide the agencies with the information needed for responsible permitting decisions. It also denies the public an opportunity to review and comment on the actual project.

#### 5.1 Regulatory System Dysfunction

Dominion is developing what it calls a "*Best in Class Program*" to address geohazards in the proposed pipeline corridor. This Best in Class Program will convene a team of subject-matter experts to identify hazards and design mitigation measures.<sup>36</sup> However, Dominion has not

<sup>35</sup> Responses to FERC Post-Application Environmental Information Request #3, Mountain Valley Pipeline, LLC, 7/28/16, FERC Docket No. CP16-10

<sup>36</sup> Draft Construction, Operations, and Maintenance Plans, prepared by ERM, August 2016. Submitted by Dominion to the U.S. Forest Service and FERC, 8/22/16. Included in the DEIS, Vol. II, Part 5, Appendix G, 12/30/16.

CO19-8

FS response: The FS and FERC have received additional information and analyses since the draft EIS and have incorporated these into the final EIS in the applicable resource sections.

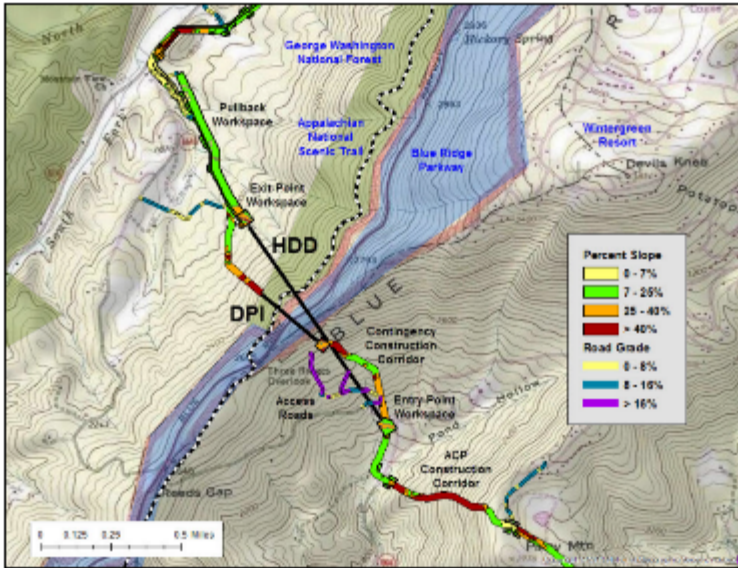
CO19-9

See response to comment CO19-8.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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**FIGURE 13** – Construction-area slope and access-road grade classification for the Blue Ridge HDD and contingency DPI operations area.

- Slope classification for the corridor and workspace areas is based on the following spacing criteria for right-of-way or runoff diversions (Virginia Erosion and Sediment Control Handbook, 1992)

SLOPE	REQUIRED SPACING
7 – 25%	75 feet
25 – 40%	50 feet
>40%	25 feet

- Slope classification for access-road gradients is based on the following design requirements for oil and gas roads (Surface Operating Standards and Guideline for Oil and Gas Exploration and Development, Bureau of Land Management and U.S. Forest Service, 2007).

*The gradient should fit as closely as possible to natural terrain. The gradient should not exceed 8 percent except for pitch grades (300 feet or less in length), in order to minimize environmental effects in mountainous or dissected terrain, grades greater than 8 percent up to 16 percent may be permissible with prior approval of the surface management agency.*

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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(cont'd)

completed the related field surveys, geotechnical studies, and geohazard analyses.<sup>37</sup> FERC is evidently willing to accept deferral of this critical data gathering, analysis, and planning until after environmental review and permitting. FERC simply recommends completion of the work and submission of results “prior to construction.”<sup>38</sup> This approach relies on the presumption that practicable control technologies are available for mitigation of the most-extreme geohazards that confront the ACP. It precludes any possible conclusion that the risks are insurmountable or unacceptable.

FERC routinely dismisses concerns about erosion, sedimentation, and runoff control based on the expectation that pipeline construction will comply with its Plans and Procedures.<sup>39</sup> These are one-size-fits-all guidelines that identify mitigation measures for minimizing impacts of pipeline construction, including erosion and impacts to water resources.

FERC has not been responsive to concerns that the central Appalachian region presents a set of geophysical and hydrologic conditions that, in combination with the extreme earth disturbance required for the proposed ACP, present challenges that are not adequately addressed by the generic Plans and Procedures. The DEIS did not address scoping comments that called on FERC to identify scientifically objective and quantitative evidence that the Plans and Procedures requirements are sufficient to prevent water resource impacts during and after construction of the ACP.<sup>40</sup> Given this failure to consider substantive concerns, there is no reason to expect a more-objective analysis of geohazard and water resource issues prior to FERC’s final decision on the project.

Virginia natural resource agencies may also prove ineffectual with respect to oversight of the ACP. The Department of Environmental Quality (DEQ) has the primary responsibility for ensuring that pipeline construction projects comply with state erosion and sediment control (ESC) and stormwater management (SWM) requirements. A regulatory system investigation in 2014 revealed basic problems with DEQ oversight of pipeline projects.<sup>41</sup> Deficiencies included:

<sup>37</sup> DEIS, Vol I, Executive Summary, page ES-4, 12/30/16.

<sup>38</sup> DEIS, Vol I, Conclusions and Recommendations, page 5-2, 12/30/16.

<sup>39</sup> Upland Erosion Control, Vegetation, and Maintenance Plan, FERC, 2013; Wetland and Waterbody Construction and Mitigation Procedures, FERC, 2013. (Accessed at [www.ferc.gov/industries/gas/enviro](http://www.ferc.gov/industries/gas/enviro), 1/22/17)

<sup>40</sup> Dominion Pipeline Monitoring Coalition, 6/2/16. Submitted in response to the Supplemental Notice of Intent to Prepare an Environmental Impact Statement and Proposed Land and Resource Plan Amendment(s) for the Proposed Atlantic Coast Pipeline, Request for Comments on Environmental Issues Related to New Route and Facility Modifications, and Notice of Public Meetings. Published by FERC, 5/1/16.

<sup>41</sup> The investigation was conducted by the Dominion Pipeline Monitoring Coalition through a series of Freedom of Information Act requests and meetings with agency officials. See <http://pipelineupdate.org/case-study-no-1/>.



# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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(cont'd)

- Failure to require submission of Annual Standards and Specifications by pipeline construction companies.<sup>42</sup>
- Failure to require submission of site-specific ESC plans for pipeline projects.
- Failure to inspect pipeline construction projects except in response to complaints.

In addition, it was revealed that the DEQ routinely grants variances to the minimum ESC standard that limits open-trench segments to no more than 500 linear feet, a critical requirement for large pipelines on steep mountainsides.<sup>43</sup> See **Figure 14**.

There is some recent evidence of improvement in DEQ's program. After a several-year gap in submissions, Annual Standards and Specifications were submitted to DEQ by Dominion in 2016.<sup>44</sup> It has also been reported that Dominion will finalize ESC plans for the entry and exit locations for the Blue Ridge HDD in March of 2017.<sup>45</sup> There are still many unresolved issues, however, concerning state natural resource agency oversight of pipeline construction. Some of the significant issues that apply to the ACP, as well as to the proposed Blue Ridge HDD, are described briefly below.

- **401 Certification.** The Clean Water Act (CWA) assigns two obligations to the state in regulating pipelines that require federal approval. First, the state must certify that federal and state water quality requirements will be met. Second, the state must provide for public involvement in the process. The state has a duty under CWA section 401 to rule against the ACP unless *"there is a reasonable assurance that the activity will be conducted in a manner which will not violate applicable water quality standards."*<sup>46</sup> It is not clear that the state will conduct the review necessary to make this determination or if the public will be provided a meaningful opportunity for involvement in the process.<sup>47</sup>
- **Stormwater Management.** Dominion contends in its Annual Standards and Specifications that the ACP is exempt from stormwater management regulations and permit requirements because the project will not alter the long-term runoff properties of the construction

<sup>42</sup> Although most construction projects are under the jurisdiction of local ESC authorities, pipeline construction companies are instead subject to Annual Standards and Specifications for ESC and SWM, with oversight by the DEQ.

<sup>43</sup> Virginia Erosion and Sediment Control Regulations (9VAC25-840-40), 2013. (Accessed at [http://law.lis.virginia.gov/admincode/title9/agency25/chapter840/section40\\_1/22/17](http://law.lis.virginia.gov/admincode/title9/agency25/chapter840/section40_1/22/17))

<sup>44</sup> 2016 Annual Standards and Specifications for Erosion and Sediment Control and Stormwater Management for Construction and Maintenance of Pipeline Projects in Virginia, Dominion Transmission, Inc., February 2016.

<sup>45</sup> Indicated in correspondence to Mark H. Woods, Superintendent, Blue Ridge Parkway, from Leslie Hartz, Vice President, Atlantic Coast Pipeline, LLC, 10/21/16.

<sup>46</sup> 40 CFR § 121.2(a)(3) (1993)

<sup>47</sup> Virginia Secretary of Natural Resources, Molly Ward, has indicated that the DEQ is evaluating the scope of its authority for this review. Correspondence with Dominion Pipeline Monitoring Coalition, 8/23/16.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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Forest Service photo

**FIGURE 14** – A comparatively small 2014 pipeline replacement project in the Jefferson National Forest on Peters Mountain in Giles County, Virginia. A variance to the 500-foot open trench limit was requested for this project. Although slopes exceeded 40%, the DEQ approved the variance request, allowing a 2,000-foot open trench. No water interceptor diversions were installed during trenching. Following a rain event that occurred shortly before the above photo was taken, a Forest Service employee described having “never seen that much sediment move off site before.” A case-study report is posted at [www.pipelineupdate.org/case-study-no-1/](http://www.pipelineupdate.org/case-study-no-1/).

The Dominion Pipeline Monitoring Coalition conducted a study of open-trench variance requests for pipeline construction projects in Virginia. Fifteen variance requests were submitted between January 2011 and July 2014, and all were approved. The authorized open-trench lengths ranged between 800 feet and 15 miles, with an average length of 2.3 miles. Nothing was discovered in DEQ documents to indicate that an analysis was conducted to ensure that these variances would not cause illegal discharges and water quality degradation.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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(cont'd)

corridor.<sup>48</sup> Regardless of this assertion, SWM plans are required by regulation for all construction projects that disturb five or more acres.<sup>49</sup>

- **Erosion and Sediment Control.** Dominion has indicated that site-specific ESC plans will be submitted to the DEQ prior to construction, and that stakeholders will have an opportunity to review these plans and provide comment to the DEQ.<sup>50</sup> The level of detail and sufficiency of these plans remains to be seen. The plans were not available in the DEIS, and unless they are made available during the state's CWA section 401 review, the public will be denied the right to review and make informed comments.
- **Open-Trench Limits.** Dominion intends to seek variances to the open-trench limit from the DEQ.<sup>51</sup> This will exacerbate runoff control problems on steep slope sections of the pipeline corridor such as areas adjacent to the proposed Blue Ridge HDD. Dominion has argued that the open-trench limit increases the amount and period of disturbance for pipeline construction. However, an open trench prevents compliance with the required installation and spacing of erosion and sediment control structures that intercept and divert runoff on steep slopes.<sup>52</sup>

The spacing criteria for right-of-way or runoff diversions, for example, are listed above (see **Figure 13**). These diversions, which must be constructed completely across the disturbed part of the right-of-way, are intended to prevent downslope runoff and erosion and offsite transport of sediment.

Based on the slope and length of the disturbed areas, about 45 runoff diversions would be required on the exit-side of the proposed HDD operation. About 80 runoff diversions would be required on the steep western side of Piney Mountain adjacent to the HDD operation. These runoff diversions cannot be properly designed, installed, and maintained in combination with long open trenches.

- **Access Road Oversight.** It is not clear whether the DEQ or localities will assume responsibility for ESC and SWM plan review and compliance oversight for construction of ACP access roads. In many areas, including the Blue Ridge HDD area, an extensive system of access roads is proposed. Many of the proposed roads are located on steep slopes, many will require significant excavation, and many will cross or be in close proximity to streams. These roads will be used for hauling heavy equipment and pipe.

The grade of the access road leading up to the entry-point workspace for the contingency DPI operation greatly exceeds recommendations for roads associated with natural gas

<sup>48</sup> 2016 Annual Standards and Specifications for Erosion and Sediment Control and Stormwater Management for Construction and Maintenance of Pipeline Projects in Virginia, Dominion Transmission, Inc., February 2016.

<sup>49</sup> Virginia Stormwater Management Program Regulations (9VAC25-870-10), 2014. (Accessed at <http://law.lis.virginia.gov/vacode/title62.1/chapter3.1/section62.1-44.15.28/>, 1/22/17.

<sup>50</sup> Indicated in correspondence to Mark H. Woods, Superintendent, Blue Ridge Parkway, from Leslie Hartz, Vice President, Atlantic Coast Pipeline, LLC, 10/21/16.

<sup>51</sup> Resource Report 1, General Project Description, Permit Table for Atlantic Coast Pipeline, Table 1.12-1, submitted to FERC by Dominion, September 2015.

<sup>52</sup> The required spacing of right-of-way or runoff diversions is based on slope, with closer spacing required on steeper slopes. See Virginia Erosion and Sediment Control Handbook, 1992.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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(cont'd)

development (see **Figure 13**). This particular access road includes a 1,300-foot segment with grades that are continuously above 25% and partly above 40%.

- **Trout Habitat Protection.** Virginia, West Virginia, and the Forest Service apply time-of-year restrictions on construction activities that may affect brook trout habitat. These restrictions apply to the cold-season months, October 1 through April 1, and are designed to protect native trout populations from siltation during the sensitive early-life-stage period. Dominion intends to seek waivers in order to proceed with winter-time construction. If these waivers are granted, many native brook trout streams will be harmed, including the South Fork of the Rockfish River, which would be crossed by the ACP using in-stream blasting below the entry-side workspace for the Blue Ridge HDD (**Figure 15**).



Photo by Lynn Cameron

**FIGURE 15** – South Fork of Rockfish River, a native brook trout stream on the eastern side of the proposed Blue Ridge HDD operation.

The photo shows the location of the proposed ACP crossing, about 800 feet down the mountain from the HDD entry-side workspace. In-stream blasting is planned for this crossing.<sup>53</sup>

Construction across this stream in winter will require a waiver of time-of-year restrictions by the Virginia Department of Game and Inland Fisheries.

<sup>53</sup> Waterbody Crossings along the Atlantic Coast Project. Included in the DEIS, Vol. III, Part 1, Appendix K-1, 12/30/16.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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### 5.2 National Forest Stewardship

CO19-10 Before construction of the ACP on National Forest land can proceed, the Forest Service must grant construction orders and special use permits and amend the Land and Resource Management Plans for the Monongahela National Forest (MNF) and the George Washington National Forest (GWNF).

Although FERC has primary responsibility for conducting the required NEPA review for the proposed project, the Forest Service is responsible for decisions concerning pipeline construction on National Forest lands.<sup>54</sup> The Forest Service also has a duty to meet all NEPA requirements independently if FERC fails to do so. The Forest Service has indicated that it must follow the administrative review process established by federal law, and that its timetable will depend on receipt of necessary information, including data, analysis, and design criteria.<sup>55</sup> In contrast, FERC has sought to follow a fixed schedule and consequently has issued a DEIS that does not include information required by the Forest Service. Dominion, for its part, has sought an expedited review process and even a waiver of FERC regulations.<sup>56</sup>

The Forest Service has repeatedly requested information about the ACP that Dominion has persistently failed to provide. As stated in Forest Service correspondence with FERC, much of this missing information is needed for evaluation of risks and mitigation options.

*The Forest Service, to the extent necessary, will develop avoidance, minimization, and mitigation strategies on National Forest System lands that would be affected by the proposed Atlantic Coast Pipeline Project. A number of effects have not been analyzed due to outstanding data and analyses. Without having all of the information requested for the project, the Forest Service cannot provide detailed comments on potential avoidance, minimization, and mitigation strategies.*<sup>57</sup>

The need for informed evaluation of risks and mitigation options extends to other areas in the route of the proposed ACP project, as well as to the National Forests. By insisting on receipt of critical information and analysis as a prerequisite for decisions on the project, the Forest Service is meeting its own obligations and demonstrating an appropriate standard of review for other permit-granting agencies and the concerned public.

<sup>54</sup> Notice of Availability of the Atlantic Coast Pipeline Project and Supply Header Project Draft Environmental Impact Statement and the Forest Service Draft of Associated Land and Resource Management Plan Amendments, USDA Forest Service, Federal Register, Vol. 82, No. 4, 1/6/17.

<sup>55</sup> Forest Service submission to FERC, 12/13/16.

<sup>56</sup> Amendment to Application of Atlantic Coast Pipeline for a Certificate of Public Convenience and Necessity and Blanket Certification. Submitted to FERC by Dominion, 3/11/16.

<sup>57</sup> Forest Service submission to FERC, 12/13/16.

CO19-10 FS response: The FS has received additional information and analyses since the draft EIS and has incorporated these into the final EIS in the applicable resource sections.

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# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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(cont'd)

Some of the ACP project information that the Forest Service requires is directly relevant to the proposed Blue Ridge HDD.

- **High-Hazard Locations.** The Forest Service has repeatedly raised concerns about the high-hazard conditions that the ACP would encounter in the central Appalachian region.

*... difficult situations include steep slopes, presence of headwater streams, geologic formations with high slippage potential, highly erodible soils, and the presence of high-value natural resources downslope of high hazard areas ... exacerbated by high annual rates of precipitation and the potential for extreme precipitation events.*<sup>58</sup>

As described above (see **Section 5.1**), Dominion proposed a “Best in Class Program” that defers critical data gathering, analysis, and planning until after environmental review and permitting. For the purpose of informing a preliminary determination of Forest Plan consistency, the Forest Service asked Dominion to instead demonstrate that the ACP can be built without unacceptable risk of resource damage (1) by documenting the effectiveness of control methods and (2) by developing site-specific stabilization designs for selected areas that present high risks for slope failure, slippage, erosion, and sedimentation.<sup>59</sup> Only limited information has been provided in response to this request.

One of the high-hazard areas selected for site-specific analysis is in the GWNF on the western slope of the Blue Ridge near ACP mile post 155, about two miles north of the pullback workspace for the proposed HDD (see **Figure 16**). Similar high-hazard conditions are present in the proposed HDD area. Based on geologic and topographic factors associated with slope failures in the region, the geohazard risks may be even more extreme in the HDD operations area.<sup>60</sup> Dominion identified the area as susceptible to debris flow hazards.<sup>61</sup>

- **Stormwater Management.** Dominion contends that preparation and implementation of post-construction stormwater management are not required for the ACP on National Forest lands because areas disturbed by pipeline-related construction will be restored to pre-development runoff condition.

*... forest/open space or managed turf will be returned to a vegetative state and characteristics of stormwater runoff should remain unchanged. Therefore, post-construction stormwater management will not be required ...*<sup>62</sup>

<sup>58</sup> Forest Service submission to FERC, 10/24/16.

<sup>59</sup> U.S. Forest Service Request for Site-Specific Design of Stabilization Measures in Selected High-Hazard Portions of the Proposed Atlantic Coast Pipeline Route. Submitted to FERC by the Forest Service, 10/24/16.

<sup>60</sup> Many of the debris-avalanches and landslides that occurred in the 1969 Hurricane Camille catastrophe were associated with the type of granitic and basaltic rock, saprolite, and soil present in the proposed HDD operations area. See Bartholomew, M. J., 1977. Geology of the Greenfield and Sherando Quadrangles, Virginia. Virginia Division of Mineral Resources, Commonwealth of Virginia.

<sup>61</sup> Geohazard Analysis Program Phase 2 Report, Atlantic Coast Pipeline and Supply Header Project, prepared by Geosyntec Consultants, Inc., Table 3-2, August 2016. Submitted to FERC by Dominion, 8/2/16.

<sup>62</sup> Construction, Operations, and Maintenance Plans, Draft, Prepared by ERM, August 2016. Submitted by Dominion to the U.S. Forest Service and FERC, 8/22/16. Included in the DEIS, Vol. II, Part 5, Appendix G, 12/30/16.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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Photo by DPMC Pipeline Air Force

**FIGURE 16** – One of the high-hazard areas selected for site-specific analysis by the Forest Service is located in the Back Creek watershed near the center of this photo. The HDD pullback area for the proposed ACP would extend from the western slope of the Blue Ridge in the foreground. The ACP would follow Back Creek northward and turn west across the Shenandoah Valley in the distance. Back Creek is identified as a Priority Watershed in the Forest Plan for the GWNF, a designation that places a priority on evaluation of proposed actions that could affect water quality.

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CO19-10  
(cont'd)

This is the same argument made in Dominion's 2016 Annual Standards and Specifications submission to the Virginia DEQ.<sup>63</sup> Dominion further argues in its submission to the Forest Service that regulatory agencies in both Virginia and West Virginia recognize that construction of aboveground and underground linear utilities "may not result in changes" to the post-development runoff characteristics of the land surface.

The Forest Service responded to this argument by asking for specific documentation that justifies not considering post-construction stormwater management measures.

<sup>63</sup> 2016 Annual Standards and Specifications for Erosion and Sediment Control and Stormwater Management for Construction and Maintenance of Pipeline Projects in Virginia, Dominion Transmission, Inc., February 2016.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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(cont'd)

*While it is true that the ACP pipeline as proposed **may not** create a significant increase in impervious surface along the majority of its route, there will be significant permanent changes to the vegetative composition of the pipeline corridor, as well as potential changes to soil compaction and other environmental conditions. These changes together will have a measureable impact on the ability of the land within the pipeline corridor to intercept, absorb, and retain both aboveground and belowground flow.<sup>64</sup>*

- **Open-Trench Limits.** Dominion has advised the Forest Service of its intention to seek a variance to Virginia's open-trench limit.

*The Virginia Erosion and Sediment Control Law Minimum Standard 16a requires that no more than 500 feet of trench remain open at one time. However, this requirement would significantly slow construction and increase the amount of time the work area remains disturbed. In accordance with 9 VAC 25-870-50, Atlantic will request that DEQ waive Minimum Standard 16a.<sup>65</sup>*

The Forest Service responded that Dominion has not presented proof that the open-trench limit causes a significant increase in disturbance and construction time in steep mountainous terrain, citing a recent example on National Forest land where the result was unacceptable.

*This standard is in place to help minimize erosion and sedimentation. Unknown to the USFS, a waiver was granted for the Celanese pipeline replacement, and there was excessive erosion and sedimentation at this location following a heavy rain event. **Such a waiver would not be allowed on NFS lands.** . . . Construction practices shall be planned in such a manner that the minimum standard 16a is met. . . . No variance shall be granted on NFS lands without site specific approval by a USFS AO [Authorized Officer] prior to implementation.<sup>66</sup>*

The cited Celanese pipeline replacement project is described in **Figure 14**.

- **Access Road Oversight.** The Forest Service has clearly indicated that ESC plans will be required for ACP access roads in the National Forest, including new, upgraded, and reconstructed roads. Detailed soil surveys will be required to ensure that access roads are designed to support the anticipated level of use. Additional information, including analysis of cut and fill slopes will be required to assess the potential for road construction to impact slope stability.<sup>67</sup> This level of investigation and planning may not be required for ACP access roads that are not in the National Forest. As indicated in **Section 5.1**, it is not clear whether state or local-level government will be responsible for ESC plan review and compliance oversight for access roads associated with the proposed Blue Ridge HDD and contingency DPI operations. It is also not clear, given the extreme gradients, how these roads can be constructed in compliance with accepted standards.

<sup>64</sup> Forest Service Comments on the Construction, Operation, Maintenance Plan for the Proposed Atlantic Coast Pipeline Project. Forest Service submission to FERC, 11/10/16. (emphasis added)

<sup>65</sup> Construction, Operations, and Maintenance Plans, Draft, Prepared by ERM, August 2016. Submitted by Dominion to the U.S. Forest Service and FERC, 8/22/16. Included in the DBIS, Appendix G, 12/30/16.

<sup>66</sup> Forest Service Comments on the Construction, Operation, Maintenance Plan for the Proposed Atlantic Coast Pipeline Project. Forest Service submission to FERC, 11/10/16.

<sup>67</sup> Ibid.



# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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### 6.0 CONCLUSION: AVOID A BAD OUTCOME

The primary purpose of this report was to examine the identifiable risk factors associated with the drilling proposal. Given the topographic and geophysical challenges at the site, plus the insufficient investigation of the drill path, it is reasonable to conclude that the risks are substantial. The Forest Service condition that any authorization for ACP construction on National Forest lands would be conditioned on prior successful completion of the proposed HDD or DPI operations is thus clearly warranted.

CO19-11 | As stated previously, the Forest Service condition will help avoid a situation in which a significant investment and resource commitment associated with premature ACP construction would be put at risk and in direct conflict with established legal protection of a highly valued public resource. Should the HDD and DPI prove impracticable after ACP construction is substantially underway and options for alternative routing are foreclosed, there will be a strong incentive for allowing an open-cut crossing of the ANST and the Blue Ridge Parkway. **Figure 17** shows the Blue Ridge Parkway area that aligns with the proposed ACP.

CO19-12 | A secondary purpose of this report is to establish the need for a revised DEIS. The information provided in the published DEIS and in the project docket is insufficient to support evaluation of the proposed HDD and contingency DPI operations. The scope and degree of excavation required for the proposed drilling operations are not fully disclosed or considered, and the results of critical geophysical investigations have not been provided. Identification of geohazards and evaluation of mitigation measures have been deferred until later, precluding a meaningful opportunity for informed review of the project. Without this information, FERC cannot make objective decisions concerning the proposed project.

CO19-13 | The published DEIS fails to meet the information and analysis needs of other governmental agencies that have permitting and oversight responsibilities related to the project, including:

- 1) **U.S. Forest Service.** The Forest Service is responsible for decisions concerning pipeline construction on National Forest lands, issuance of special use permits, and Forest Plan amendments. The Forest Service must follow an administrative review process established by federal law, and a timetable that depends on receipt of necessary information, including data, analysis, and design criteria. As described in this report (see **Section 5.2**), the published DEIS does not provide the information needed for assessment of risk to National Forest resources and evaluation of mitigation options. The DEIS does not satisfy the NEPA duties of the Forest Service.
- 2) **National Park Service.** The National Park Service relies on the NEPA review process for information related to Dominion's request for a right-of-way permit and a construction permit for the proposed HDD and DPI. As described in this report (see **Section 3.3**),

CO19-11 | See response to comment CO19-8.

CO19-12 | As discussed in revised section 2.3.3.2, we have reviewed Atlantic's HDD plans and find them adequate.

CO19-13 | FS response: The determination that the final EIS is sufficient to meet FS NEPA obligations will be made in the FS ROD.

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# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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Photo by Lynn Cameron

**FIGURE 17** – The Three Ridges Overlook area on the Blue Ridge Parkway. Any open-cut crossing would probably be in this area. The proposed ACP will cross under the Blue Ridge near this location, cross the South Fork of the Roanoke River in the valley below, and ascend steep-sided Piney Mountain in the middle distance.

Z-581

CO19-13  
(cont'd)

misleading information has been submitted to the National Park Service concerning effects on perennial or intermittent streams. The DEIS does not address this discrepancy.

- 3) **U.S. Army Corps of Engineers.** The U.S. Army Corps of Engineers relies, in part, on the NEPA review process to inform its decisions concerning Clean Water Act Section 404 permit requirements for the ACP. The DEIS does not address the cumulative impact of multiple stream crossings and extensive in-stream and near-stream excavation. As described in this report (see **Section 3.3**), the DEIS does not address the impact of an extended period (a year or more) of continuous and intensive construction activity directly affecting multiple streams in the HDD and DPI operation areas.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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CO19-13  
(cont'd)

4) **Virginia Department of Environmental Quality.** The DEQ is relying, in part, on the NEPA review process to inform its decisions concerning Clean Water Act Section 401 certification.<sup>68</sup> The DEIS, however, does not identify and assess the capability of available mitigation measures for prevention of water quality degradation during construction of the ACP. As described in this report (see **Section 5.1**), the DEIS compromises the NEPA process and fails to provide information needed by the DEQ by deferring identification of high-risk areas and engineering solutions until after NEPA review.<sup>69</sup>

CO19-14

The DEIS also fails to meet the information and analysis needs of non-government stakeholders, including:

- 1) **The Concerned Public.** The concerned public, which has an interest in effective implementation of environmental policy and protection of conservation values, has a right to informed participation in the NEPA review process. The DEIS for the ACP failed to provide critical information about the scope and impact of project that is required for effective participation in the review process (see **Sections 3.1 and 3.2**). The DEIS also failed to address substantive concerns that were raised by the public during the scoping period about the effectiveness of available mitigation options (see **Section 5.1**).
- 2) **Landowners in the Path of the ACP.** The most aggrieved of the stakeholders are the landowners whose property is in or near the path of the proposed ACP and its associated workspaces, staging areas, and access roads. Most rural property owners have a stewardship commitment to their land. For many, ownership of the land goes back for generations, and for others, land ownership was obtained through a lifetime of work. FERC approval of the ACP will grant Dominion the extraordinary power of eminent domain to cut forests, excavate for the construction corridor and workspaces, and build access roads, with long-term impacts on the land and landowners. The footprint of the Blue Ridge HDD and DPI operations, in particular, will be extreme. A poorly prepared DEIS does not serve the needs nor respect the interests of affected landowners.
- 3) **Dominion Partners and Investors.** Dominion's ACP partners and investors may be misinformed concerning the risk of failure and delay associated with the proposed Blue Ridge HDD. Annual reports submitted to the U.S. Securities Exchange Commission (SEC) by Dominion Resources, Inc. and its affiliates, for example, must disclose risk factors that

<sup>68</sup> Indicated in correspondence from Virginia Secretary of Natural Resource, Molly Ward, to David Sligh, Dominion Pipeline Monitoring Coalition, 8/23/16.

<sup>69</sup> Although the DEQ is relying, in part, on information provided through FERC's NEPA review process, the DEQ has an independent duty to conduct its own regulatory process, which includes a public comment opportunity, before it may issue a CWA section 401 water quality certification.

CO19-14 We disagree. See also the response to comment CO19-12.

Z-582

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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CO19-14  
(cont'd)

may affect company projects and the investors and partners with a stake in those projects. The information provided concerning risks associated with the ACP, however, is limited.

The 2015 report acknowledged: *The large diameter of the [ACP] pipeline and difficult terrain of certain portions of the proposed pipeline route aggravate the typical construction risks with which DTI [Dominion Transportation, Inc.] is familiar.*<sup>70</sup>

The 2016 report acknowledged: *Several of the Companies' key projects are increasingly large-scale, complex and being constructed in constrained geographic areas . . . or in difficult terrain (for example, the Atlantic Coast Pipeline Project).*<sup>71</sup>

Dominion's partners and investors would be well served by more-complete and accurate information concerning the issues that confront the ACP project, including the risk of failure and the unavoidable environmental damage associated with the proposed Blue Ridge HDD and DPI operations. The published DEIS, however, fails to provide that information.

<sup>70</sup> Annual Report Pursuant to the Section 13 or 15(d) of the Securities Exchange Act of 1934 for Fiscal Year Ended December 31, 2014 (Form 10-K), Dominion Resources, Inc., Virginia Electric and Power Company, Dominion Gas Holdings, LLC, 2015.

<sup>71</sup> Annual Report Pursuant to the Section 13 or 15(d) of the Securities Exchange Act of 1934 for Fiscal Year Ended December 31, 2015 (Form 10-K), Dominion Resources, Inc., Virginia Electric and Power Company, Dominion Gas Holdings, LLC, 2016.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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### **Rick Webb**

481 Ravens Run Road, Monterey, Virginia 24465  
(540) 468-2881, (540) 290-0913, [rwebb.481@gmail.com](mailto:rwebb.481@gmail.com)

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#### **PROFESSIONAL FOCUS**

Scientific investigation, analysis, and assessment contributing to the preservation of ecosystem integrity in the forested mountains of western Virginia and the central Appalachian region.

#### **EDUCATION**

M.S. (Environmental Sciences), University of Virginia, 1988

#### **PRESENT POSITIONS**

Program Coordinator, [Dominion Pipeline Monitoring Coalition](#)

Steering Committee Member, [Allegheny-Blue Ridge Alliance](#)

Board Member, [West Virginia Highlands Conservancy](#)

Senior Scientist, [Department of Environmental Sciences](#), University of Virginia

#### **SELECTED PROFESSIONAL EXPERIENCE**

- 1988–2014 Projects Coordinator, [Shenandoah Watershed Study and Virginia Trout Stream Sensitivity Study](#)
- 2000–2012 Expert witness for the U.S. Department of Justice concerning effects of power plant emissions in the central Appalachian region (U.S. vs. Westvaco Corporation; U.S. vs. Ohio-Edison Corporation; U.S. vs. Illinois Power Corporation)
- 2009–2011 Consultant, Development of U.S. Forest Service National Protocols for Air Pollution Sensitive Waters (E & S Environmental Chemistry, Inc.)
- 2007–2010 Co-Principal Investigator, Water Quality Monitoring Plan Development for the Mid-Atlantic Network of the National Park Service
- 2005–2007 Member, National Research Council Committee on Environmental Impacts of Wind Energy Projects in the Mid-Atlantic Highlands
- 2000–2003 Co-Principal Investigator, National Park Service research project: Assessment of Air Quality and Air Pollutant Impacts in the Shenandoah National Park
- 1993–1999 Member (academic community representative), Technical Oversight Committee, Southern Appalachian Mountain Initiative
- 1997–1998 Co-Principal Investigator, Trout Unlimited research project: Current and Projected Status of Cold Water Fish Communities in the Southeastern United States in the Context of Continued Acid Deposition
- 1992–1995 Co-Principal Investigator, Shenandoah National Park: Fish in Sensitive Habitats Project (National Park Service)

# COMPANIES/ORGANIZATIONS COMMENTS

## CO19 – Dominion Pipeline Monitoring Coalition (cont'd)

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### SELECTED PUBLICATIONS

- Sullivan, T.J., A.T. Herlihy, and J.R. Webb. 2015. Air Pollution and Freshwater Ecosystems: Sampling, Analysis, and Quality Assurance. CRC Press, Boca Raton, FL.
- Sullivan, T.J., and J.R. Webb. 2014. Adirondack Long Term Monitoring (ALTM) Program Efficiency Evaluation. E&S Environmental Chemistry, Inc., Corvallis, OR.
- Sullivan, T.J., A.T. Herlihy and J.R. Webb. 2014. Forest Service National Protocols for Sampling Air Pollution-Sensitive Waters. Prepared for the USDA Forest Services Air Resource Management Program, Rocky Mountain Research Station, General Technical Report RMRS-GTR-278WWW, 2012
- Robison, A.L., T.S. Scanlon, B.J. Cosby, J.R. Webb, and J.N. Galloway. 2013. Roles of sulfate adsorption and base cation supply in controlling the chemical response of streams of western Virginia to reduced acid deposition. Biogeochemistry, doi:10.1007/s10533-013-9921-6.
- Snyder, C.D., J.R. Webb, J.A. Young, and Z.B. Johnson. 2013. Significance of headwater streams and perennial springs in ecological monitoring in Shenandoah National Park: U.S. Geological Survey Open-File Report 2013-1178.
- Sullivan, T.J., J.R. Webb, K.U. Snyder, A.T. Herlihy, and B.J. Cosby. 2007. Spatial distribution of acid-sensitive and acid-impacted streams in relation to watershed features in the southern Appalachian mountains. Water, Air, and Soil Pollution, 182:57-71.
- NRC (National Research Council). 2007. Environmental Impacts of Wind Energy Projects in the Mid-Atlantic Highlands. Washington, DC: National Academy Press. (Coauthor and Committee Member)
- Webb, J.R., B.J. Cosby, F.A. Deviney, Jr., J.N. Galloway, S.W. Maben, and A.J. Bulger. 2004. Are brook trout streams in western Virginia and Shenandoah National Park recovering from acidification? Environmental Science and Technology, 38:4091-496.
- Kahl, J.S., J. Stoddard, R. Hacuber, S. Paulsen, R. Birnbaum, F. Deviney, D. DeWalle, C. Driscoll, A. Herlihy, J. Kellogg, P. Murdoch, K. Roy, W. Sharpe, S. Urquhart, R. Webb, and K. Webster. 2004. Response of surface water chemistry to changes in acidic deposition: Implications for future amendments to Clean Air Act. Environmental Science and Technology, 38:73-496.
- Sullivan, T.J., B.J. Cosby, R.K. Munson, J.R. Webb, K.U. Snyder, A.T. Herlihy, A.J. Bulger, E.H. Gilbert, and D. Moore. 2002. Assessment of the Effects of Acidic Deposition on Aquatic Resources in the Southern Appalachian Mountains. Final report to the Southern Appalachian Mountains Initiative, Asheville, NC.
- Sullivan, T.J., B.J. Cosby, J.A. Laurence, R.L. Dennis, K. Savig, J.R. Webb, A.J. Bulger, M. Scruggs, C. Gordon, J. Ray, E.H. Lee, W.E. Hogsett, H. Wayne, D. Miller, and J.S. Kern. 2003. Assessment of Air Quality and Related Values in Shenandoah National Park. NPS/NERCHAL/NRTR-03/090, U.S. Department of the Interior, Philadelphia, PA.
- Webb, J.R., B.J. Cosby, F.A. Deviney, K.N. Eshleman, and J.N. Galloway. 1995. Change in the acid-base status of an Appalachian Mountain catchment following forest defoliation by the gypsy moth. Water, Air and Soil Pollution, 85:535-540.
- Cosby, B.J., P.F. Ryan, J.R. Webb, G.M. Hornberger, and J.N. Galloway. 1991. Mountains of western Virginia, in Acid Deposition and Aquatic Ecosystems: Regional Case Studies, D.F. Charles, Ed., Springer-Verlag, New York.
- Webb, J.R., B.J. Cosby, J.N. Galloway, and G.M. Hornberger. 1989. Acidification of native brook trout streams in Virginia. Water Resources Research, 25:1367-1377.

# COMPANIES/ORGANIZATIONS COMMENTS

## CO20 – Virginia Poultry Federation

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P.O. Box 2277, Harrisonburg, VA 22801; 540-433-2451

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FEDERAL ENERGY REGULATORY COMMISSION

ORIGINAL

January 20, 2017

Kimberly Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: Docket #CP15-554– Atlantic Coast Pipeline (Virginia)

Dear Ms. Bose:

CO20-1

On behalf of our members from various sectors of the poultry industry, I ask that you support the proposal before you to approve the Atlantic Coast Pipeline project. Keeping energy costs low and bettering our environment is a critical part of keeping farming communities strong. With these communities strong, so too is our industry and thus Virginia's economy.

Agriculture is Virginia's largest industry by far, with an economic impact exceeding \$52 billion annually and providing nearly 311,000 jobs in the Commonwealth. If you add forestry, the economic impact expands to \$70 billion and provides nearly 415,000 jobs in the Commonwealth. In addition to the economic factors, agriculture provides many intangible benefits. These include recreation, tourism, wildlife habitat, biodiversity, flood mitigation, improved water quality, and soil stabilization.

I appreciate your organization's recent review of the environmental impact. We respect your detailed review and making sure that this project can be done with minimal impacts to the precious agriculture communities in Western Virginia. As you know our industry is a major user of energy and it is important that we keep those costs low. As part of the new environmental goals toward cleaner air and water, energy producers like Dominion are transitioning away from burning coal to make electricity. We appreciate the efforts to improve the environment, but we must have an alternative source. Natural gas is that source. It is abundant, reliable, and affordable.

This project impacts everyone from poultry producers to government contracts in Hampton Roads are impacted. Affordable energy is mandatory for growing business and keeping jobs in

CO20-1 Comment noted.

Z-586

# COMPANIES/ORGANIZATIONS COMMENTS

## CO20 – Virginia Poultry Federation (cont'd)

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CO20-1  
(cont'd)

Virginia. So many support this project, including Governor McAuliffe, who called this project a positive "game changer" for our economy.

With this all in mind, I ask that you approve this project and allow the beginning of construction of the Atlantic Coast Pipeline.

Sincerely,



Hobey Bauhan, President  
Virginia Poultry Federation

Cc:

Senator Mark Warner  
Senator Tim Kaine

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