

# LANDOWNERS COMMENTS

LO65 – Roberta Koontz

To: Kimberly Bose From: Roberta K Koontz Reference: CP15-554-000  
Date: 3/31/17

Subject: Failure of Dominion to Address Historic Properties Being Destroyed  
by the ACP in the EIS.



Z-2927

# LANDOWNERS COMMENTS

## LO65 – Roberta Koontz (cont'd)

Z-2928



Refusal of FERC & Dominion to make confidential documents public regarding preservation of Historical Properties endangered by the ACP. The EIS should include detailed information and specifics about historic properties, sites, potential sites and structures which are being destroyed by the ACP

LO65-1 Comment noted.

Dear Ms. Bose,

LO65-1

In the very lengthy Environmental Study of the ACP published by Dominion, the endangerment of historic properties and Virginia landmarks is not addressed by Dominion. There is no list of historic properties that are endangered by the ACP. No mention of the environment of these historic properties, sites and structures. No mention of potential archaeological sites that would be destroyed by the ACP. No mention of the historic value of these properties to the Commonwealth of Virginia and the United States. No mention of the value of the properties to owners who have invested significant money to preserve and safeguard these historic properties. No mention of how these properties are protected today by conservation easements and several government agencies.

Apparently some information by Dominion is referenced in the ACP National Historical Preservation Act (NHPA) but FERC has designated this information as Confidential. FERC will allow access to the documentation only to specific people and only if they will sign confidentiality agreements.

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# LANDOWNERS COMMENTS

## LO65 – Roberta Koontz (cont'd)

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LO65-1  
(cont'd)

Secrecy with respect to historic properties is evident from the letter written by FERC to the Nelson County Board of Supervisors in Virginia. There are several historic properties in Nelson County that are endangered by the ACP. The Nelson County Board of Supervisors apparently asked to consult with Dominion regarding preservation of these properties. In order to see what is contained in the "ACP Historic National Preservation Act (HPNA), the Board must sign a confidentiality agreement with FERC. This means that no information contained in the document could be used by the Nelson Board to fight the ACP.

Why is the information regarding the ACP and historic properties endangered by the ACP being kept a secret with approval from FERC. Owners and interested parties such as the Virginia Department of Historic Resources (DHR) are entitled to this critical information. I previously submitted a filing to FERC regarding the secrecy surrounding the ACP and historic properties with respect to the NHPA.

I now protest that NO information regarding the ACP and historic properties endangered by the ACP is not included in Dominion's EIS. Certainly the impact on historic structures and historic properties should be address in this environmental study. Specifics should be published regarding dangers to these specific properties. Specifics should have been provided about Dominion and FERC's treatments of these historic properties.

LO65-2

Many of these historic properties endangered by the ACP are protected by conservation easements (we have two conservation easements with VOF), the Virginia Department of Historic Resources Review & Compliance Section and the US Department of the Interior. Yet Dominion apparently does not cooperate with other governmental agencies to comply with their goals, concerns, preservation, etc. for historic properties. FERC has made Dominion all powerful and accountable to no one - especially land owners and even other government agencies. Why was this critical component of our environment not addressed in the EIS. Obviously Dominion and FERC do not care about historic preservation. Historic preservation obviously should not interfere with the ACP in their effort to shove the ACP down the throats of anyone opposed to the ACP for any reason.

LO65-3

Our history 1000-acre property, The Wilderness, is about to be designated as a Virginia Landmark and registered on the National Registry of Historic Places. Yet Dominion has ignored all of our protests that the ACP will endanger our property and even our lives since we will be living in the BLAST ZONE of the ACP. Dominion has refused to move the route of the ACP across 750

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LO65-2

Section 4.10 discusses historic properties and the potential impacts on these features resulting from construction and operation of the project. We note that the house depicted in the photo would not be destroyed as a result of construction of ACP. The final EIS discussion of VOF conservation easements has been updated based on information from Atlantic, the VOF, and other appropriate permitting and regulatory authorities.

LO65-3

Access roads would no longer be used on your property, and we find the currently proposed route acceptable when considering erosion, karst, and landslide issues.

# LANDOWNERS COMMENTS

## LO65 – Roberta Koontz (cont'd)

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LO65-3 | acres of our property for less negative impact. FERC has apparently ignored all of my filings with respect to the historic importance of The Wilderness.

LO65-4 | I recently filed with FERC a copy of our nomination to designate The Wilderness as a Virginia Landmark and placement on the US Department of the Interior. The history documented in this FERC filing illustrates the historic importance of The Wilderness. However, there is even more history known about the property which justifies saving it from the ACP.

I am attaching a document about the history of The Wilderness that I compiled in 2006. The early builders and owners of The Wilderness were famous Virginians and patriots who helped form our great county. Their participation in civic and military events of great importance is astonishing.

Now the property these patriots built and loved that has survived many wars (including the French & Indian War, Revolutionary War, War of 1812, Patriots War of 1812, Civil War, World War I and World War II) is destined to be destroyed by greed and the Dominion's ACP. Destroyed with the support of the US Government that they helped to form from over 200 years ago from a British Colony. As you may recall, tyranny was a major issue for the colony with Britain. History is now repeating itself and tyranny is an issue with FERC and the ACP in my opinion.

Thank you for taking the time to read and understand my concerns about destruction of our historic property and many other historic properties by Dominion's ACP. And thank you for reading the brief history that I have attached about The Wilderness in Bath County, Va.

Sincerely,

Roberta K Koontz  
The Wilderness - Bath County  
[wildernessfarm@mgwnet.com](mailto:wildernessfarm@mgwnet.com)

### Story of "The Wilderness", Bath County

As of 2016, "The Wilderness" consists of approximately 1000 acre of forests and open fields with 200+ acres in cultivation. There is a "fine brick dwelling of notable sophistication" completed in 1797 and a separate carriage house completed in 1800. Remains of the original kitchen still exist near the old home. The entry to a tunnel from the house to the kitchen can still be seen in the basement today.

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LO65-4 Thank you for the information. It was reviewed and is part of the project record.



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## LO65 – Roberta Koontz (cont'd)

Conservation easements help preserve and protect approximately 1200 acres of the original Wilderness as of around 2003. The property has been inhabited and under continuous cultivation as a farm since the 1750s. Cattle have been raised off and on through these years. Cattle were sent to our soldiers during the French and Indian War by the Mathews brothers.

The origin of the Wilderness within early Virginia pioneers dates back to a vast land grant from George II. The grant was given to brothers George Mathews (1739 – 1812) and Sampson Mathews (1737– 1807) in the 1750s under Virginia Governor Robert Dinwiddie. Sampson and George were born from Scotch-Irish parents who immigrated to Augusta County, VA (part of which would later become Bath County, VA).

By the 1760s, George and Sampson owned extensive property in the western frontier (both Virginia and Kentucky). They operated an inn and tavern as well as several outposts that sold necessities and specialties. This included outposts in Greenbrier (Mathews Trading Post), Calf Pasture, Staunton and on a farm named Cloverdale about 45 miles from Staunton. The outpost in Cloverdale was the home of both brothers and known as Market Hill. George had over 1000 acres of Cloverdale in cultivation by the 1760s.

The outposts sold a variety of goods including tobacco, weapons, ammunition, liquor, dry goods, hides, spelling books, silk, hats, watches, silver and even tailor-made suits. The brothers also acted as “unofficial bankers” and held public offices for over 50 years.

Both brothers fought in several skirmishes and battles with Native Americans and later in the Continental Army during the Revolutionary War. Both gained wide fame in the Battle of Point Pleasant against Native Americans in 1774. Both were elected to the 1<sup>st</sup> Virginia Convention. George Mathews was wounded several times during fights with the Indians.

George Mathews joined the troops of George Washington as a General at the beginning of the war. He fought at the Battle of Brandywine where he was described as “a hero”. He was wounded and captured by the British in 1777 at the Battle of Germantown. Held prisoner for a time in Pennsylvania, George was later held captive on British ships in New York harbor. He was finally released in 1781 through a prisoner exchange personally arranged by George Washington. He returned to service in the army following his release. Once independence was secured, George served in the first US Congress.

George Mathews and his wife Polly had eight children including a daughter named Ann (1765 – 1840). Having seen the vast land available in Georgia, George decided to relocate his family there by 1784. He quickly entered local politics and served as the 20 – 21<sup>st</sup> Governor of Georgia.

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## LO65 – Roberta Koontz (cont'd)

A passionate Federalist, George urged President Madison to invade Florida in an attempt to annex Florida from Spain. With unofficial support from the Presidency, he led an invasion of Florida as a US Brigadier General in 1812 and engaged the Spanish in several battles. This war is known as "The Patriots' War" and was the "other War of 1812". Due to conflict with the British, US support for Mathews' war against Spain diminished.

At the age of 73, Mathews set out for Washington to regain support for the war with Spain. He died en route in 1812 in Augusta, Georgia where he is buried. Although the war was not an official victory, the conflict helped convince Spain to withdraw from Florida. The US was later able to purchase Spanish holdings that Mathews foresaw as essential to the young United States.

In 1785, George's daughter Ann Mathews married General Samuel Blackburn (1759 - 1835). General Blackburn was born in Virginia and educated as a lawyer at Liberty Hall in Lexington. (Sampson Mathews was an original founder of Liberty Hall, later Washington and Lee University, in 1776.)

General Blackburn served with distinction throughout the Revolutionary War and held numerous public offices throughout his life in Virginia. He was known as a fine criminal lawyer, a classical scholar, a great and even feared orator and a religious man. He was responsible for enactment of the country's first anti-dueling law (in the Virginia Congress).

In 1786, Samuel and Ann purchased approximately 1200 acres of Cloverdale from her father George Mathews. They continued cultivation of this land and built a brick home that was completed in 1797 and became their primary home. They named their new estate "The Wilderness" as it is still known today. Their house was widely known as "The Mansion" and many prominent friends spent time at The Mansion. The Blackburns also owned a fine brick home in Staunton where they attended church.

As was unfortunately common in those days, Samuel and Ann had 46 slaves who resided at The Wilderness. Upon his death in 1835, Samuel's will stated that he would free all slaves and pay their passage to Liberia should they be willing to go. All but one were freed and returned to Africa. Samuel also designated that \$500 would be paid to the Staunton Bible Society.

Samuel and Ann did not have children but had a close bond with Samuel's nephew (who changed his name to Samuel Blackburn, Jr.). The nephew lived with the Blackburns for some time and then lived a few miles from The Wilderness. His charming little house still stands behind a 19<sup>th</sup> century house on the same property. Upon Samuel's death, Ann moved to their home in Staunton and The Wilderness was bequeathed to Samuel, Jr.

# LANDOWNERS COMMENTS

## LO65 – Roberta Koontz (cont'd)

Ann and Samuel Blackburn are buried side by side in the Trinity Episcopal Church cemetery in Staunton, Virginia. Their beautiful marble gravestones provide a lovely tribute to both of these remarkable pioneers of early Virginia.

The Wilderness played an important part in the life of early Virginia pioneers and is still well known today. The property has been in continuous cultivation since the 1750s. The Mansion is one of the few surviving 18<sup>th</sup> century Georgian brick homes in Augusta and Bath Counties.

The parcel now for sale was part of the original Cloverdale land and later, The Wilderness. This is only the second division of The Wilderness (which can only be divided into seven parcels within the 1200+ acres).

Other interesting information or tidbits about the Mathews and Blackburns:

- George Mathews was appointed to serve as Governor of the Mississippi Territory after serving as Governor of GA. This appointment was withdrawn after Mathews was involved in a land scandal in Georgia although he was apparently innocent of any wrongdoing.
- Sampson served in the French & Indian War under Braddock
- Sampson was regarded as an “expert” about Native Americans and how to defend against them
- Sampson led an army at the behest of Thomas Jefferson to successfully drive Benedict Arnold from Richmond during the Revolutionary War
- Sampson oversaw shipbuilding for the Continental Navy’s Virginia Fleet
- Sampson was elected High Sheriff of Bath County
- Sampson practiced law in Bath County and Richmond
- Sampson died in Staunton and is buried there
- Sampson was a founder of Liberty Hall which later became Washington and Lee University in Lexington
- Samuel Blackburn, Jr. is buried in the Mann Family Cemetery in Deerfield, VA very near where he spent the majority of his life.
- Ann Blackburn was described as a devoted wife, smart, warm and kind
- Ann Blackburn described her stepmother Catherine (a wealthy widow from Staunton) as “capable of every kind of evil” during the time George was divorcing Catherine.
- While George was Governor of GA, Catherine would sometimes visit Staunton by carriage accompanied by some of George’s children. The ride was so rugged that she suffered broken ribs during one trip. It was on one of these trips to Staunton that Ann Mathews met Samuel Blackburn.
- The Blackburns adopted an orphan boy who they raised as their son at the Wilderness. The son sadly died at the age of 17 and is buried next to the Blackburns in Staunton.

# LANDOWNERS COMMENTS

## LO65 – Roberta Koontz (cont'd)

- Mathews' mercantile business in Staunton was located at the corner of Beverly and Augusta Streets (the heart of downtown Staunton today). They purchased the property at this site for \$100 in 1760.
- In addition to their thriving mercantile business in Staunton, George and Sampson had significant holdings of land including acreage purchased from the Beverly family. This included Betsey Bell Hill (the location of our vet in Staunton today). Small world.
- Sampson owned a log cabin at the corner of Beverly and Water streets in Staunton in the early days of Staunton. I have been unable to locate the Blackburn's "fine brick home" but Samuel had a home on New Street opposite the Augusta Female Seminary in his early days.
- The Greenbrier Historical Society has original Day Ledgers from the Mathews Trading Post that record names of the customers and what they purchased. The structure for the Trading Post is long gone but the location is still named Mathews Ford.
- Samuel Blackburn's will is recorded in The Annals of Bath County along with other information about him.

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# LANDOWNERS COMMENTS

LO66 – Roberta Koontz

CP15-554-00

To: Kimberly Bose                      From: Roberta K Koontz                      Date: 3/31/17

Subject: Protest of Dominion and VOF collaborating to destroy our two VOF conservation easements as per letter of 3/31/17 filed with FERC by Dominion.

LO66-1 | We have two conservation easements with the Virginia Outdoors Foundation (VOF) to preserve and protect our 1000-acres historic property and dwellings. VOF has collaborated with Dominion to conduct a "land swap" where Dominion provides one farm in conservation with VOF. In return, VOF will allow Dominion to cross ten properties easements in Bath County with the ACP. This is being done to us despite our continual protests to VOF.

As of the VOF Board meeting on 2/9/17, VOF delayed the decision to approve Dominion's land swap. But according to Dominion's attached letter, the deal is done. Our attorneys believe that this land swap is illegal. It will betray the land owners like us who placed our land in the care of the VOF. VOF has made no attempt to help us fight the ACP in any way. This act of betrayal and misuse of VOF's charter will certainly impact the future of conservation easements in Virginia and perhaps the US.

Final approval of this land swap will certainly result in litigation against VOF. We are currently working with litigation attorneys who may represent us in such litigation.

I seriously doubt FERC will do anything to prevent the ACP from being routed on conservation easements. However, our protest about this is now on record with FERC. I have made several other filings related to this illegal and corrupt agreement between VOF and Dominion.

Roberta K Koontz  
The Wilderness - Bath County  
[wildernessfarm@mgwnet.com](mailto:wildernessfarm@mgwnet.com)

LO66-1                      See the response to comments SA8-252, CO3-1, and CO10-3.

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# LANDOWNERS COMMENTS

LO66 – Roberta Koontz (cont'd)

CP15-554-00



**Atlantic Coast Pipeline, LLC**

707 East Main Street, Richmond, VA 23219

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

**Re: Atlantic Coast Pipeline, LLC Atlantic Coast Pipeline**

March 31, 2017

**Docket Nos. CP15-554-000 & CP15-554-001  
Supplemental Information – VOF Open Space Conversion  
Applications**

Dear Secretary Bose:

On September 18, 2015, Atlantic Coast Pipeline, LLC (Atlantic) filed an abbreviated application (Application), under the above referenced docket CP15-554-000, for the Atlantic Coast Pipeline pursuant to Section 7(c) of the Natural Gas Act, as amended, and Part 157 of the Rules and Regulations of the Federal Energy Regulatory Commission (Commission or FERC). Additionally, on March 14, 2016, Atlantic filed

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# LANDOWNERS COMMENTS

## LO66 – Roberta Koontz (cont'd)

CP15-554-00

an Amendment to its pending Application, under the above referenced docket CP15-554-001.

As referenced in the Virginia Outdoors Foundation's (VOF's) letter dated March 10, 2017, the VOF Board of Trustees (VOF Board) held a meeting on February 9, 2017, to consider Atlantic's applications for conversion of ten open space easements.

The General Assembly established §10.1-1704 of the Code of Virginia to provide a means for the VOF Board to approve the conversion of open space easements in limited situations when there is a demonstrated public need. Atlantic's applications to VOF (which are included in VOF's letter), as well as its presentation to the VOF Board outline the purpose and need of the Atlantic Coast Pipeline (ACP or Project) and how the Project meets the relevant statutory criteria for conversion. Atlantic's presentation to the VOF Board is included in Attachment 1.

Atlantic has taken significant steps to avoid and minimize impacts to conservation easements and has proposed substantial replacement land as mitigation for the crossing of the ten VOF easements. As noted in the staff reports that were submitted with VOF's letter, the proposed mitigation properties meet the statutory requirements for replacement land and have the potential to serve multiple conservation goals and opportunities for the Commonwealth of Virginia.

Atlantic is committed to meeting the following conditions, which are included in the final conclusions for each open space easement conversion application found at the end of each VOF

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# LANDOWNERS COMMENTS

LO66 – Roberta Koontz (cont'd)

CP15-554-00



## **Atlantic Coast Pipeline, LLC**

707 East Main Street, Richmond, VA 23219

staff report, and as outlined in the VOF letter. Atlantic supports the inclusion of these VOF conditions in the Final Environmental Impact Statement and Certificate. Atlantic will comply with these conditions contingent on VOF's approval of Atlantic's ten applications:

*Issuance of a Certificate of Public Convenience and Necessity (Certificate) by FERC and all other necessary state and federal permits for the proposed ACP route crossing this easement.*

*VOF approval and sign off of final ROW easement permitting only a permanent 50-foot easement for one 42-inch diameter underground natural gas pipeline and the associated permanent access road easement. No above-ground structures are permitted within this permanent ROW except for above ground pipeline markers as required by law.*

*ACP transfer of fee-simple interest to VOF of the proposed 1,034-acre Hayfields Farm Property and 85-acre Rockfish River Parcel*

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# LANDOWNERS COMMENTS

LO66 – Roberta Koontz (cont'd)

CP15-554-00

*as Substitute Land for the converted areas of the open-space easement property.*

*The acceptance of funds from ACP to: (i) serve as a Stewardship Fund to support VOF with the operation and management of the substitute properties, and (ii) partially offset VOF's unreimbursed costs associated with the ACP.*

Atlantic appreciates the VOF's thorough review of our conversion applications. Should there be any additional questions, please do not hesitate to contact Angela Woolard at 866-319-3382.

Sincerely,

Leslie Hartz  
Vice President Atlantic Coast Pipeline



cc:

encl(s)/

Kevin Bowman, FERC  
Brett Glymph, Executive Director, Virginia Outdoors Foundation Martha  
Little, Director of Stewardship, Virginia Outdoors Foundation Service  
List

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# LANDOWNERS

## LO67 – Roberta Koontz

cp15-554-000

To: Kimberly Bose From: Roberta K Koontz Reference: CP15-554-000  
Date: 4/1/17

**Subject:** I protest that Dominion's ACP will illegally cross two of our VOF conservation easement properties. DEIS does not specify protection of our 1000-acre historic property as it was protected by two VOF conservation easements. More harm will be inflicted on us and our property by the ACP than we could have possibly imagine or foreseen with our two conservation easements. And this harm cannot ever be reversed. The DEIS specifies nothing to protect our property and environment as it needs to be protected. No study of the property was done and no protection will be provided by Dominion.

Dear Ms. Bose,

LO67-1 | Dominion has successfully conspired with the Virginia Outdoors Foundation (VOF) to **illegally** cross our two conservation easements with the ACP via a land swap. The DEIS does not specify the protection and preservation of our property that is provided in our two VOF conservation easements. And we could never have foreseen the destruction that we will experience with the ACP. Yet no study was conducted of our property. No issues were documented and addressed in the DEIS. No mention at all of our rare and very historic colonial Virginia property.

Dominion's ACP will destroy our significant investment in preserving the historic 1000-acre property for future generations to enjoy. The DEIS ignores the historic importance of our property and the fragile environment including karst and the critically endangered James River Spineymussel.

Once Dominion has stolen our property, there will be no end to how they can steal even more and endanger our property while they destroy our property values & quality of life. All with the support and approval of our US government. More encroaching, more theft of our private property, more digging up the property, more destruction of the environment, more harm to wildlife, more invasion by Dominion employees, access roads, storage facilities, more pipelines, etc.

Attached is an editorial published in *The Recorder* with an interview by my husband, Bob Koontz and me (Robbie Koontz). Many of the quotes are from an interview conducted by the Southern Environmental Law Center that views VOF & Dominion as breaking the law. Bob outlines how we searched for years to find the perfect property to conserve for future generations to enjoy (originally 1200 acres). And then how we thought the property would be protected by our two VOF conservation easements.

LO67-1 See the response to comments SA8-252, CO3-1, and CO10-3.

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# LANDOWNERS COMMENTS

## LO67 – Roberta Koontz (cont'd)

cp15-554-000

LO67-1  
(cont'd)

Bob notes that we have a family cemetery on the property that VOF promised to protect “as long as there is a Commonwealth of Virginia”. Just like they have protected us from a horrific gas pipeline (ACP) where we will be living in the blast zone. No protection or help from VOF at all. We will be killed outright should there be an explosion. So the guarantee of protection through a VOF conservation is worthless and a serious betrayal. As Bob says, Dominion could someday just “dig us up and throw us away” in our family cemetery that VOF committed to protect but will obviously not.

Please read the following article from *The Recorder* published in Bath & Highland Counties of Virginia. This is one of many stories published by *The Recorder* that chronicles our year long fight against Dominion to stop the ACP. And there are many articles published about other property owners, business owners, etc. who will suffer terrible damage from Dominion & the ACP. Thanks to *The Recorder*, those property owners endangered by the ACP and having their property stolen by a for-profit Corporation have some voice. We are also grateful to the many individuals, environmental & community organizations and government agencies helping to fight Dominion & the ACP. This includes the Bath County Board of Supervisors.

Is FERC paying attention to the tremendous outrage from so many about the ACP being built when it is unnecessary and results in damage to the environment and financial ruin for many???? I think not. I feel that everything I and many others file with FERC against Dominion & the ACP immediately goes into a big trashcan to be ignored by FERC and Dominion. Sadly, no voice speaking on our behalf is coming from the US government. And in particular, FERC is doing nothing except blindly support Dominion.

Regards,

Roberta K Koontz  
The Wilderness - Bath County, Va  
wildernessfarm@mgwnet.com

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# LANDOWNERS COMMENTS

LO67 – Roberta Koontz (cont'd)

cp15-554-000

## Landowner: 'Dominion would just dig us up and throw us out'

BY JOHN BRUCE • STAFF WRITER



Bob Koontz said he traveled 30,000 miles between [Texas](#) and [Virginia](#) in search of retirement land before choosing Wilderness Farm in northern [Bath County](#) and donating the property under a conservation easement. He and his wife plan to fight for the land. (Photo courtesy SELC)

[MONTEREY](#) – Call it a Catch-22 for rural America.

Looking back, landowners say they went from feeling secure to defenseless, despite donating acreage to a legally binding, state-run program to prevent development.

Dominion's modified [Atlantic Coast Pipeline](#) route could violate agreements of at least 10 property owners who placed their land in a special trust, the [Southern Environmental Law Center](#) charged in a filing to federal regulators last week.

Doing so, SELC said, would jeopardize confidence in Virginia's conservation easement program and betray easement donors.

For its part, Dominion maintains the impact would be "minimal."

"You think, my goodness, what does a conservation easement mean?" northern Bath County landowner Roberta "Robbie" Koontz said in an interview with SELC.

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## LO67 – Roberta Koontz (cont'd)

cp15-554-000

She and her husband, Bob, years ago put their 1,200 acres in the state conservation easement program with the [Virginia Outdoors Foundation](#). Last winter, Dominion included their property in the proposed pipeline route, along with nine other tracts under VOF conservation easements. “We’ve worked all our lives,” she said. “We’ve been good, loyal citizens and taxpayers. We think, how can this be happening to us?”

Mr. and Mrs. Koontz thought the easement program would prevent development. “Going into it, we really felt very protected,” [Robbie Koontz](#) said. “Now, we feel completely vulnerable.”

Her husband says they plan to fight for their land, Wilderness Farm, which includes a small family cemetery on a bluff where they would like to be buried. “Now, I’m worried Dominion would just dig us up and throw us out,” he said.

Concerns over endangering the conservation easement program are unfounded, Dominion said.

“From the beginning, our goal has always been to avoid crossing conservation easements to the greatest extent possible,” Dominion spokesman [Aaron Ruby](#) told The Recorder. “However, due to environmental and other constraints, we were unable to avoid crossing all conservation easements along the 600-mile route ... Our original route crossed only one Virginia Outdoors Foundation easement. However, in order to avoid some environmentally sensitive areas in the national forests, earlier this year we had to adjust the route.

“To offset the minimal impact of these crossings, we’ve proposed to donate more than 1,200 acres of pristine conservation land to the easement holder (VOF),” he said.

He was referring to [Hayfields Farm](#) south of [McDowell](#), a large parcel recently purchased by The [Conservation Fund](#) as a way to offset taking the other 11 easements. Dominion has applied to the VOF for a “conversion” of land under easement, essentially “trading” the 11 easements with one easement on the Hayfields tract. “That’s more than 17 times as many acres as would be minimally impacted by the ACP, which we believe is a fair and appropriate offer. We believe our proposal is consistent with the mission of VOF and will advance the goal of expanding land conservation,” Ruby said.

SELC attorneys filed a motion with the [Federal Energy Regulatory Commission](#) to reject Dominion’s proposed pipeline route. The lengthened route would stretch from [West Virginia](#), through Virginia to [North Carolina](#), at a cost of \$5 billion. The company modified and extended the route after

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LO67 – Roberta Koontz (cont'd)

cp15-554-000

the [U.S. Forest Service](#) objected over disturbing an endangered salamander species with the original route.

SELC represents the [Shenandoah Valley Network](#), [Highlanders for Responsible Development](#), [Shenandoah Valley Battlefields Foundation](#), and the [Natural Resources Defense Council](#).

“When the U.S. Forest Service rejected Dominion’s original route for the Atlantic Coast Pipeline earlier this year, Dominion wasn’t about to let go of a project that promises to be very lucrative for its shareholders,” SELC senior attorney [Greg Buppert](#) said. Instead, investor-owned Dominion proposed an equally destructive route requiring an unprecedented taking of conservation easement land, Buppert explained.

The SELC challenge centers on the conservation easement program administered by VOF. Landowners can place large rural parcels into the program to prevent future development. That’s what Mr. and Mrs. Koontz did when they purchased their historic farm and manor house. The home dates to 1797 and traces its lineage to soldiers and generals who fought in the [Revolutionary War](#), the couple said.

“This was something we wanted to give to the people of Virginia,” Bob Koontz said. “We wanted it to be looked after. That was our gift. We didn’t want it broken up into little parcels.”

Robbie Koontz said the pipeline would cut through some of their orchards and could damage several underground springs that feed the property’s creeks. She said a construction access road would be built across their driveway.

“This property survived the French and [Indian War](#), the [Civil War](#), world wars, all sorts of things,” she said. “And now to see it destroyed by Dominion is really unbelievable.”

When a protected property such as Wilderness Farm is used for development, the change in status is called a “conversion.” Since the conservation easement program was started in 1966, only 13 properties under VOF easements have been converted. All were for small projects, such as a school’s turning lane and a town’s water tank.

Dominion’s request to convert at least 10 protected properties is “unprecedented,” Buppert says, adding it doesn’t comply with state law. Virginia law requires conversions to be essential to the county or locality where the property is located and in accordance with that locality’s comprehensive plan. In this case, Buppert said, not only is the pipeline unessential, it does not benefit the counties of Bath, Highland, [Augusta](#) or Nelson.

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# LANDOWNERS COMMENTS

LO67 – Roberta Koontz (cont'd)

cp15-554-000

The pipeline would carry natural gas to other areas, not the areas where the property is being converted. "The conservation easements threatened by the Atlantic Coast Pipeline play such a vital role in this region," said Kate Wofford, executive director of the Shenandoah Valley Network. "They protect intact forestland, water quality, scenic views, and rare cave habitat — and they help to preserve the unique rural character of this extraordinary place. Landowners who have voluntarily placed their property under conservation easements trust that the land they love will be protected in perpetuity."

Wofford said landowners might stop putting their properties into conservation easements if this is what will become of them. Numerous landowners have expressed precisely that concern to the VOF, she said, and the foundation shares that concern.

Dominion is pressuring the VOF to approve its request, but so far, the foundation is holding firm and has expressed its opposition to the conversions to the Federal Energy Regulatory Commission, SELC said. The SELC motion points out Bath supervisors and planning commission have gone on record in opposition, and the pipeline route is at odds with county comprehensive plans. SELC argues the proposed conversion would conflict with the intent of the conversion process itself.

"Up until now, conservation easement conversions have been infrequent and small. If the pipeline is allowed to disrupt or destroy the conservation purposes of this much land (71.25 acres proposed for conversion on parcels totaling 4,700 acres) protected by conservation easements, existing and future easement donors will no longer be able to rely on an expectation that conversions will be few and far between.

"Unlike Dominion's proposal, each of the previously approved conservation easement conversions also provided a clear benefit to the locality where the property was located," the SELC filing states. "For instance, in 2006, VOF approved the conversion of 0.4 acres in [Fauquier County](#) to provide space for a driveway to a school. The locality supported the small conversion. Similarly, in [Franklin County](#) in 2000 and 2007, VOF approved the conversion of 0.87 acres and 0.24 acres, respectively, to improve access to public schools. Other approved conversions were made to facilitate construction of a town water tank, expand a county-owned landfill, and to make room for construction of a larger volunteer fire station. These approved conversions, which were very small and almost exclusively expansions of existing rights of way, improved access to schools and allowed for updates to essential services like waste disposal, water supply, and fire protection."

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# LANDOWNERS COMMENTS

## LO67 – Roberta Koontz (cont'd)

cp15-554-000

Approving the Dominion request would instantly double VOF conversions approved since VOF was formed 50 years ago, SELC said. Also last week, VOF announced it would hear [Mountain Valley Pipeline](#) and Atlantic Coast Pipeline conversion applications at its Feb. 9, 2017 board meeting, if the current alignments and project schedules remain unchanged.

No meeting time or location was announced yet.

VOF decided the February meeting would be the appropriate time to hear the applications because FERC has already issued a [Draft Environmental Impact Statement](#) for the MVP, and expects to issue a draft EIS for the ACP as early as December.

“Trustees want to ensure that VOF has an opportunity to submit formal comments to FERC before a certificate of public convenience and necessity is issued. VOF believes this timing is important to protect the public’s interest in its easements through the FERC process,” the foundation said. “VOF has been working with the pipeline developers for more than two years to determine what impacts may occur to VOF-protected lands. The foundation has emphasized its preference to avoid all protected lands.”

If the existing route cannot be avoided, VOF told Dominion it considers the construction, operation and maintenance of large-scale gas pipelines a violation of existing easements. “This would trigger a process in Virginia law known as ‘conversion of open space.’ This process, spelled out in the Open Space Land Act, outlines requirements that are designed to protect the public’s interest in open-space lands when a violation is unavoidable,” the foundation explained.

“As shown in the [Draft EIS](#), the proposed route for MVP crosses two VOF easements in [Montgomery County](#). Company officials are hopeful that they can still avoid all VOF easements; however, VOF is exercising what it feels is a prudent approach by asking MVP to move through the conversion process as a precaution.

“The proposed ACP route crosses 10 VOF easements in Bath, Highland, Augusta and Nelson counties, and a variation known as the Spruce Creek Route crosses an 11th easement in [Nelson County](#). VOF has asked ACP to initiate the conversion process for all 11 easements.”

VOF told FERC the easements possess “multiple important conservation values protected in perpetuity by the deed of easement.”

VOF spokesman Jason McGarvey added, “We’re encouraging (Dominion) to avoid the easements, but to also be prepared to follow Virginia law and go through the conversion process if FERC eventually issues a certificate

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# LANDOWNERS COMMENTS

LO67 – Roberta Koontz (cont'd)

cp15-554-000

of public convenience and necessity. Initiating the conversion process in February, before a final EIS is issued, helps to ensure that will happen.” The foundation explained, “ACP and MVP submitted draft applications to VOF’s Energy and Infrastructure Committee in May. Since then, VOF has been gathering more input on the projects, as well as input from affected landowners and other interested parties. It has also asked the companies to refine their applications based on new information in the FERC process. VOF will post the applications on its website as soon as they become available.”

Those who wish to comment on the process may submit written comments addressed to the Virginia Outdoors Foundation board through the Warrenton office, electronically to [bcabibbo@vofonline.org](mailto:bcabibbo@vofonline.org), or in person during the public comment portion of the Feb. 9 meeting.”

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# LANDOWNERS COMMENTS

## LO68 – Roberta Koontz

CP15-554-000

To: Kimberly Bose From: Roberta K Koontz Reference: CP15-554-000  
Date: 4/1/17

Summary: Protest by Roberta K Koontz of Dominion's abuse of landowners filed with FERC regarding ACP access roads in 3/26/17 resulted in publication of the attached letter in *The Recorder* on 3/31/17. This letter is part of a chronicle by *The Recorder* of the battle by the Koontz to save The Wilderness from Dominion & ACP. And part of on-going articles published by *The Recorder* to provide a voice to land owners, business owners, etc. in the fight against the ACP.

Dear Ms. Bose,

LO68-1 | There are serious concerns among residents & property owners in Bath County about the ACP but grave concerns also the ACP access roads. Dominion has not addressed the access roads in the DEIS. Dominion has refused to speak publicly about these access roads, etc.

Dominion published maps without notice to property owners with access roads running across many private properties & destroying existing driveways, etc. Dominion refuses to discuss the access roads and has removed these maps from their website. These access roads and other structures associated with the ACP are endangering the environment and resulting in more theft & destruction of private property all along the ACP.

Dominion published a map in around April, 2016 of an access road that divided our historic 1000-acre farm (The Wilderness) at the center of our homesite & farming operations. I have filed several documents about this ACP access road with FERC to date. We engaged an attorney to try to compromise with Dominion and Dominion simply burned up our budget for hiring an attorney. Dominion refused to compromise at all despite their claims that they are "working closely with landowners and compromising. We were both too ill to manage any discussions with Dominion ourselves and endure the constant stress. I was confined to an ICU and intense physical therapy for months on end.

The ACP access road has been a source of torment and huge stress for us for almost one year. Some details are provided in the attached article. Gregory Park of Dominion has admitted to me and my husband that these ACP access roads were defined by people sitting in offices and looking at an assortment of maps. There were no site visits and no studies of the environmental impact. Another example of shockingly sloppy work by Dominion and they do not care at all. Apparently FERC also does not care at all.

LO68-1 | The EIS analysis of environmental impacts associated with ACP and SHP include all areas that would be required during construction and operation of the projects, including access roads, ATWS, yards, etc. We also note that the referenced access road on this property is no longer part of the proposed project.

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# LANDOWNERS COMMENTS

## LO68 – Roberta Koontz (cont'd)

CP15-554-000

LO68-1  
(cont'd)

The DEIS did nothing to study the environment and danger from the ACP access roads, storage facilities, etc. This is more private property being stolen from American citizens and constructed near private property belonging to the same property owners. Who wants a road crossing their private property with potentially heavy trucks and constant 24x7 access by strangers with no notice of any kind. Family pets can no longer play on family property. Farm animals and crops are endangered. Wildlife are greatly endangered. Personal items are subject to theft and vandalism. Improvements and equipment could be damaged. Visitors, farm help, service people, friends and the owners are no longer safe on the property. Additional responsibilities are heaped on property owners who are powerless to do anything and cannot protect nothing from Dominion and their agents.

Does Dominion simply consider it their right to do whatever they want without any regard to the environment & harm they can cause. How can Dominion be allowed to receive approval for the ACP without people having any knowledge of the access roads, storage facilities, etc. Dominion has boasted that "they are using existing roads when possible" as if that were a good thing. There are many existing options for access roads that minimize harm to land owners. But Dominion ignores that fact. The historical entrance to our property is a one-lane gravel road with two expensive bridges meant only for farm use. Dominion has ignored other options for the past 11+ months.

I believe this is an attempt to bully and torment us. Dominion representatives acted as if we should be "grateful" that they might not destroy our driveway and much more) with an access road & simply accept the ACP where Dominion wants to route it across our property.

In our case, an access road or other ACP facilities will be crossing a VOF conservation easement or two easements. This increases the harm done to those of us with a VOF conservation easement. And these access roads, etc. have not been factored in by VOF and Dominion as they allow the ACP to cross conservation easements. More property taken even without even more illegal land swapping proposed by Dominion and apparently approved by VOF.

FERC should force Dominion to provide "EIS level" information about roads, structures, etc. associated with the ACP. Notice should also be provided to landowners along with a forum to protest that will not be biased in favor of Dominion as we see with FERC. Are ACP-related access roads & storage facilities part of "eminent domain" given to a for-profit corporation? Like the ACP, these access roads & storage facilities will be suddenly built in a fragile environment endangering much of what we land owners hold dear. Is there no limit to what Dominion can steal from American citizens with FERC's blessings?

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# LANDOWNERS COMMENTS

## LO68 – Roberta Koontz (cont'd)

CP15-554-000

LO68-1  
(cont'd)

And steal without any consideration to the impact on property owners, property values and the environment.

FERC should require Dominion to include everything to be built and stolen from property owners as part of the DEIS. How can this important part of the overall picture be kept secret from property owners, residents, etc.

Regards,

Roberta K Koontz  
The Wilderness - Bath County  
wildernessfarm@mgwnet.com

### Dominion's treatment of landowners 'abusive'

*Editor's note: The following letter about the proposed [Atlantic Coast Pipeline](#) was submitted to [Kimberly Bose](#), secretary of the Federal Energy Regulatory Commission March 26, and shared with *The Recorder*. Dear Ms. Bose,*

Around April 2016, [Dominion](#) published numerous maps on their website of plans for Atlantic Coast Pipeline access roads. We discovered that Dominion planned to build an ACP access road on top the historic entrance (circa [1740](#)) to our farm and on top of our one-lane gravel-dirt driveway and across two bridges.

We have 1.64 miles of road frontage on SR629 and more on [Bright Hollow Road](#).

However, Dominion saw fit to destroy our numerous significant improvements, property, safety, farming operations and life in our historic home (1797).

The ACP access road would cut 750 acres of our 1,000- acre farm in half — right through the center separating our home from our barns among other things. The

ACP access road would endanger us, our dogs, our farm help, visitors, service people, and our old home with a 24x7 highway over which we have no control and no warning of usage.

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# LANDOWNERS COMMENTS

LO68 – Roberta Koontz (cont'd)

CP15-554-000

We would have to abandon the property and could not live here or manage farming operations until our destroyed improvements were rebuilt if that were even possible. Recovery from the ACP access road would require significant time and money for no purpose except to bully and intimidate us.

The ACP access road would completely destroy the value of the property. It would destroy the quality of our life forever. The access road would be a constant and horrific issue for the remainder of our lives. And there are many, many alternatives.

What kind of people we see at Dominion inflict this horror and stress on American citizens who are trying to live a peaceful life, and who have invested significant money in preserving a beautiful, historic property?

We have two conservation easements with the [Virginia Outdoors Foundation](#). Dominion has crafted a "land swap" so that they can illegally cross our conservation property.

Due to our health issues and the stress we experienced from Dominion, we decided to hire an attorney to talk with Dominion about moving the path of the ACP across our 750 acres and moving the ACP access road. He met several times with Dominion representatives and they refused to make any changes.

Our attorney clearly explained all of the issues for us, especially with the access road. Dominion refused to do anything. Dominion simply burned up thousands of dollars we spent on an attorney over 11 months. They have unlimited funds and the landowners have limited resources to resist Dominion's destruction and arrogance.

I almost died from an allergic reaction to an antibiotic in June 2016 while recovering from multiple fractures in my pelvis. I had to spend almost six weeks in the University of Virginia ICU in Charlottesville. I was on a ventilator with a feeding tube. I had multiple surgeries on my throat. I now have serious nerve damage, which requires multiple surgeries and intense physical therapy. Most of my hair fell out in September 2016 which my doctor believed was due to the stress inflicted on us by Dominion. It took me several months to be able to walk.

My husband was also ill and weak during this time. My right hand is essentially paralyzed so producing documents to file with FERC is extremely difficult.

The stress inflicted on us by FERC and Dominion has been significant and continuous. We expected this to be the most peaceful time in our life. We planned to live in peace on the farm until we died. We planned to sell parcels to help finance the remainder of our lives and keep maintaining our

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# LANDOWNERS COMMENTS

LO68 – Roberta Koontz (cont'd)

CP15-554-000

property. We wanted to preserve our historic property for future generations to enjoy. All of that is now impossible due to the ACP and Dominion and FERC.

We have listed parcels for sale for over 18 months. People will not even come to look at our property due to the ACP. Yet Dominion and FERC claim that property values are not negatively impacted by the ACP. That is absurd and dishonest to say the least. The insignificant compensation we might receive from Dominion is ridiculous compared to the loss we suffer in property value, destruction of our environment and quality of life.

When Dominion published the maps for the access roads, they boasted about how they were “using existing roads for access roads” as if that were a good thing. Our driveway is not an existing road but a private driveway essential to our lives. This is one of many examples of the sloppy work by Dominion as well as their arrogance, which I find unparalleled.

On March 20, in a meeting in our home with Dominion representatives, [Gregory Park](#) of Dominion admitted to us that the access roads were planned by people sitting in offices and looking at maps. There was no attempt on the part of Dominion to understand what they were doing and the impact. That is because FERC and government at many levels has made Dominion all-powerful. And Dominion is quite high on their power. Within about three months of publishing the maps for ACP roads, Dominion suddenly removed them from the website. Numerous people and organizations have tried to get information from Dominion about the access roads as well as other ACP-related structures. Dominion refuses to discuss anything and provides no specifics. Dominion is notorious for failing to provide any specifics.

Apparently even the USFS cannot get Dominion to fulfill their request for information and specifics.

We are now being represented by litigation attorneys. While we do not wish to litigate, we have found it impossible to work with Dominion. Yet Dominion boasts about how they work with landowners and compromise. They have made concessions to some landowners. Dominion moved the route of the ACP on the property of the farm next to us. But they refuse to move the route on our property.

We want FERC and other government agencies to know how we have been abused and ignored by Dominion. Dominion planned to survey our property from March 21-28. We refused to allow them unless they would meet with us to discuss our issues. We realized they could obtain a court order but that we were most willing to do this.

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# LANDOWNERS COMMENTS

LO68 – Roberta Koontz (cont'd)

CP15-554-000

Four Dominion representatives including Gregory Park came to our home on March 20. We agreed, we allowed Dominion to proceed with the survey on March 21. I will make another filing about the meeting with Dominion on March 20. It did not go well.

FERC needs to force Dominion to change the way they treat property owners and how they ignore any issues. Dominion only cares about moving forward as they see fit. This kind of abuse of American citizens by a private corporation with the approval of our government is astonishing. I believe this is the kind of behavior that President Trump is committed to change. I applaud his efforts and hope that FERC is high on the list along with the IRS, FBI and more.

I will provide visual aids in a separate FERC filing to convey the horror of the ACP access road as well as the ACP on us.

Roberta K. Koontz

The Wilderness

Z-2953

# LANDOWNERS COMMENTS

## LO69 – James Bolton

March 17, 2017

James Bolton  
312 Perry Lane  
Lovington, VA 22949

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

**RE: Comment of James Bolton on the 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 and Members of the Commission,

Thank you for providing the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Atlantic Coast Pipeline and Supply Header Project.

### Project Purpose and Need:

As mandated by NEPA, and confirmed by its own policies, it is FERC's responsibility to protect the public from any unjustified impacts of a particular project by certifying (i.e. making certain) that it is, in fact, needed, i.e. in the public convenience and necessity. Thus the issue of need is absolutely fundamental to any argument for certification of a project, especially one that would allow the use of eminent domain to take private property on the scale of the project in question, and therefore requires thorough address.

It is thus perhaps appropriate that the December, 2016 Draft Environmental Impact Statement (DEIS) issued by your Commission for the Atlantic Coast Pipeline introduces its discussion of the project with a statement titled **Project Purpose and Need**. Indeed, these two terms are actually closely interrelated and, in many ways, can be viewed as two sides of the same coin; functioning to address the fundamental reason, or reasons, that the action is being proposed on the one hand, while justifying the purpose by further explaining why the action is necessary on the other. While the purpose of the ACP may therefore, on its most fundamental level, be seen as the transportation of natural gas, this, like any statement of purpose is incomplete without a complementary reference to its need, i.e., in this case, to justify why the transportation of gas is necessary.

The DEIS acknowledges this dual role by combining both Purpose and Need into one heading (DEIS p.1-2) (emphasis mine):

#### 1.1 PROJECT PURPOSE AND NEED

*Atlantic's and DTI's stated purpose for ACP and SHP are, in summary:*

LO69-1 See the response to comment CO46-1.

Z-2954

LO69-1



# LANDOWNERS COMMENTS

## LO69 – James Bolton (cont'd)

Z-2955

LO69-1  
(cont'd)

- *to serve the growing energy needs of multiple public utilities and local distribution companies in Virginia and North Carolina by using the natural gas to generate electricity for industrial, commercial, and residential uses;*
- *to provide natural gas for direct residential, commercial, and industrial uses;*
- *to increase the reliability and security of natural gas supplies in Virginia and North Carolina; and*
- *to provide access to a low cost supply hub with a large volume of transactions characterized by multiple buyers and sellers willing to trade natural gas on a daily basis and into the futures market (liquidity).*

While despite its heading, this section may be viewed as primarily a statement of purpose, i.e. “to serve”, “provide”, or “increase”, it does nonetheless introduce the subject of need by indicating the anticipated uses for the gas, primarily, “to generate electricity for industrial, commercial, and residential uses”. By way of further describing the project need, the following statement (in **Sec. 1.1.1**) is more to the point:

*“ACP would serve the growing energy needs of multiple public utilities and local distribution companies in Virginia and North Carolina. The majority (Atlantic anticipates approximately 79.2 percent) of the natural gas transported by ACP would be used as a fuel to generate electricity for industrial, commercial, and residential uses.” (DEIS, p.1-2)*

Clearly, if the underlying, fundamental Purpose of the project is to transport natural gas, the stated need for the project is thus to address the requirement, or demand, for additional electric power generation in the region.

### **The Definition of Need:**

Traditionally, the metric that FERC has used in identifying the need for pipeline projects has not been one that directly reflects just such a real-world demand for power, but a somewhat different criterion that uses customer commitments for transportation capacity as primary indicator of need. While these precedent customer commitments may be a convenient way to gauge project “need”, and may have in the past represented a valid metric for it when projected energy loads were, in fact, growing, this is no longer necessarily true in the current environment and is furthermore susceptible to abuse by project development entities that may, as in the case at hand, be composed of affiliates that are also the very customers who have ostensibly established the “need” for the project through their subscriptions for transportation capacity.

As far back as its 1999 Policy Statement, FERC itself stated that the policy of basing project need on customer contracts should be de-emphasized.

*“In the policy statement, the Commission explained that as the natural gas marketplace has changed, the Commission’s traditional factors for establishing the need for a project, such as contracts and precedent agreements, may no longer be a sufficient indicator that a project is in the public convenience and necessity.”<sup>1</sup>*

# LANDOWNERS COMMENTS

## LO69 – James Bolton (cont'd)

LO69-1  
(cont'd)

And:

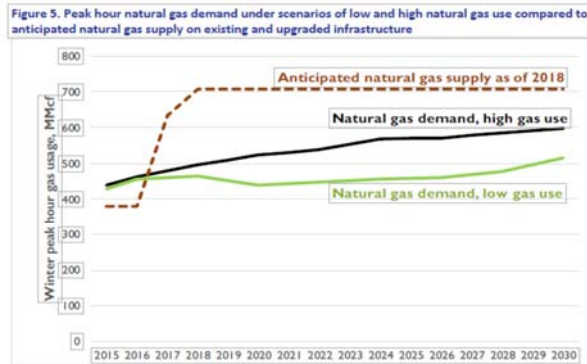
*“The amount of capacity under contract... is not a sufficient indicator by itself of the need for a project, because the industry has been moving to a practice of relying on short-term contracts, and pipeline capacity is often managed by an entity that is not the actual purchaser of the gas. Using contracts as the primary indicator of market support for the proposed pipeline project also raises additional issues when the contracts are held by pipeline affiliates. Thus, the test relying on the percent of capacity contracted does not reflect the reality of the natural gas industry’s structure and presents difficult issues.”<sup>2</sup>*

Finally, former FERC Chairman Norman Bay has also recently weighed in on the subject;

*“While these ‘precedent agreements’ are useful indicators of need, Bay said the commission should also consider whether capacity is needed to ensure deliverability to power generators, reliability benefits and concerns ‘that anticipated markets may fail to materialize’.”<sup>3</sup>*

### Demonstrable Real-world Need:

Obviously, these policy statements provide what must be seen as further support for the premise that the real need for a project must be ultimately linked to the actual demonstrable demand for energy in the region that the project is intended to serve. By way of analyzing this demand for energy, recent studies such as the September 2016 Synapse Energy Economics report have indicated that the rate of increase in the demand for natural gas in the region, as demonstrated by overall peak need as well as for the generation of electric power, has been slower than anticipated and is expected to remain so in the foreseeable future. In fact, by the end of 2016, gas supply had already risen enough to meet demand.<sup>4</sup>



# LANDOWNERS COMMENTS

## LO69 – James Bolton (cont'd)

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LO69-1  
(cont'd)

While these studies have, in fact already been submitted to the docket record, the Commission has, as evidenced by the previous quote from Sec. 1.1) apparently chosen to disregard consideration of them, and instead merely echo the assertions of the developer (ACP, LLC) that the ACP is necessary to meet regional energy demand now and in the future. Indeed, the following statement is found in Sec.3.1:

*“Natural gas consumption is projected to continue increasing due to population growth, industrial consumption, and electric power generation (EIA, 2016a).” (DEIS p.3.3)*

It must be noted, however, that even if overall gas consumption in the US may be generally projected to increase in the future as the above-referenced EIA report suggests (and it will be shown that there is reason to question this assumption), this increase in consumption does not necessarily indicate a requirement for more transportation capacity, as existing capacity is deemed to be sufficient to meet transportation demand until at least 2030. In a 2015 study the Department of Energy, has, for example, stated;

*“This study concludes that, under scenarios in which natural gas demand from the electric power sector increases, the incremental increase in interstate natural gas pipeline expansion and associated investment is modest, relative to historical capacity additions. The projected rate of interstate pipeline capacity expansion in the scenarios considered in this analysis is lower than the rate of historical capacity additions over the past 15 years.”<sup>5</sup>*

And;

*“Two primary factors mitigate the need for additional interstate natural gas pipeline infrastructure and related capital expenditures in these scenarios. First, the growth in both natural gas demand from electricity generation and natural gas production is broadly distributed rather than geographically concentrated, reducing potential interstate pipeline capacity constraints as well as the need for new interstate pipelines. Second, increasing utilization of capacity that is not fully utilized in existing interstate natural gas pipelines, re-routing natural gas flows, and expanding existing pipeline capacity are potentially lower-cost alternatives to building new infrastructure and can accommodate a significant increase in natural gas flows.”<sup>6</sup>*

Furthermore, in looking at the need for more pipeline infrastructure from a more regional perspective, i.e. focusing specifically on the region including VA and NC, the Synapse report, concludes;

*“The region’s anticipated natural gas supply on existing and upgraded infrastructure is sufficient to meet maximum natural gas demand from 2017 through 2030. Additional interstate natural gas pipelines, like the Atlantic Coast Pipeline and the Mountain Valley Pipeline, are not needed to keep the lights on, homes and businesses heated, and industrial facilities in production.”<sup>7</sup>*

When this distinction is taken into account, it becomes obvious that customer contracts or not, there is actually no overriding real-world need for more energy delivery capacity in the region. In addition;

# LANDOWNERS COMMENTS

## LO69 – James Bolton (cont'd)

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LO69-1  
(cont'd)

- All the electric power generating plants that have been cited by DTI/ACP as examples of facilities requiring to be supplied by the ACP are already supplied by existing pipelines, or ones currently under construction.
- Reversing flow of Transco and improvements to the capacity of the Columbia system will only increase gas supplies available to VA and NC.

There is, of course, no way to predict the future demand for energy in any region with absolute assurity, but there is nonetheless reason to expect that the demand for electricity generated from traditional, fossil fuel sources such as natural gas, is likely to be significantly reduced with the growing shift towards conservation and the increases in the contributions of renewables, including both wind and solar. The DEIS flatly, and mistakenly, dismisses the relevance of conservation and the potential contributions of renewables by appealing to the stated purpose of the project:

*“Authorizations related to how the project area would meet demands for electricity are not part of the application before the Commission and their consideration is outside the scope of this EIS. Therefore, because the purpose of ACP and SHP is to transport natural gas, and the generation of electricity from renewable energy sources or the gains realized from increased energy efficiency and conservation are not transportation alternatives, they cannot function as a substitute for ACP and SHP and are not considered or evaluated further in this analysis.” (DEIS, p.3-2)*

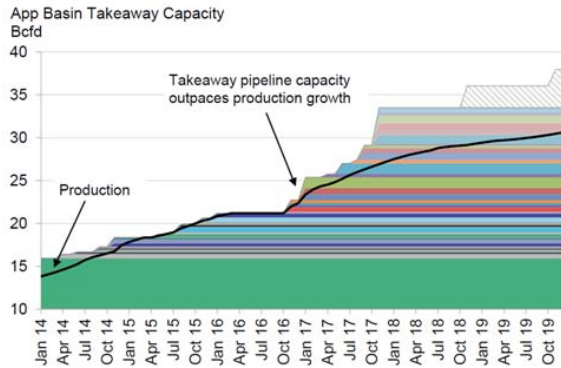
But, as has been previously discussed, to cite a project’s purpose without a complimentary reference to its need is incomplete at best, and disingenuous at worst. In fact, the entire argument for, and purpose of, the project depend on the assumption that the transportation of the gas is necessary, as we have already seen in **Sec. 1-1**, “...to serve the growing energy needs of multiple public utilities...by using [it]to generate electricity for industrial, commercial, and residential uses...”, and furthermore that this need is, in fact, first among “...Atlantic’s and DTI’s stated purpose[s]”, and comprising the “...majority (...approximately 79.2 percent) of the natural gas transported by ACP...” (Interestingly, there is no mention whatsoever in **Sec. 1.1, Purpose and Need** of the purpose of the project being to “transport natural gas”). Clearly, ACP and DTI cannot have it both ways. Either the purpose of the project is for transportation alone, and the stated energy needs of its “customers” and the region served are not relevant, or its purpose is to address these needs by using the gas to generate electricity, in which case the need for electricity and the potential contributions of conservation and renewable are indeed relevant as they have the potential to affect the need. Obviously, the only conclusion that offers a rational way out of this contradictory situation is the latter, and the DEIS must, at the very least, be revised to reflect this distinction.

So, not only does the overall use of natural gas not necessarily increase, but even if it does, this does not mean that an increase in the infrastructure will be required to transport it, and if whatever portion of the increase that may be associated with the region including Virginia and Carolinas can be met, in the near term at least, by existing infrastructure, there is no compelling reason for the project to proceed, and allowing it to do so will likely result only in the kind of project overbuild that it is FEREC’s duty to avoid. Indeed, if all the pipelines currently slated to take gas away from the Marcellus are built, there will ultimately be 40% more take-away capacity than exists in the Marcellus.<sup>8</sup>

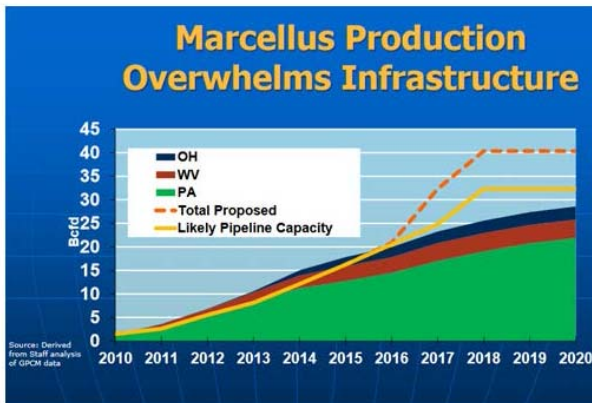
# LANDOWNERS COMMENTS

## LO69 – James Bolton (cont'd)

LO69-1  
(cont'd)



In addition, in 2015, the Commission was advised in a presentation by its own staff of the then-current deficiencies in take-away infrastructure associated with the Marcellus, but also warned of the looming potential for pipeline overbuild by 2016 in reaction to the shortfall:<sup>9</sup>



(The title refers to the insufficient infrastructure that existed in 2014. A more appropriate title for the same illustration in 2017 might be "Pipeline Capacity Overwhelms Marcellus Output." Also, notice the

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# LANDOWNERS COMMENTS

## LO69 – James Bolton (cont'd)

Z-2960

LO69-1 (cont'd) striking similarities between this slide from a presentation to the Commissioners by FERC staff and the graph from the Synapse study on p. 3.)

In summary, it is clear that;

*“The assessment of need from the developers of these proposed pipelines rely entirely on the expectation that there will be significant growth in regional natural gas use for electric power generation over the next 20 years. Developers expect that the Atlantic Coast Pipeline and Mountain Valley Pipeline will primarily (1) serve new natural gas-fired electric generating units constructed to replace retiring coal units or (2) meet growing electric demand in Virginia and North Carolina. Both pipeline developers rely on projections of electric demand and infrastructure additions from the EIA; however, the EIA has revised its forecasts of electricity consumption steadily downward over the last 15 years....”<sup>10</sup>*

### If the Project is not Needed, Why has it been Proposed?

If existing pipeline capacity is sufficient to meet the demand until at least 2030, rendering more delivery capacity unnecessary, why would a company like ACP want to build a new pipeline to supply a non-existent demand?

- FERC, the very agency that is supposed to regulate the industry and certify the need for new projects while preventing overbuilding of infrastructure continues to hold out a “carrot” consisting of handsome (as much as 15%) rates of return on investment in such new infrastructure, and as this rate of return can be passed on to the rate payers through their electric bills, it is essentially guaranteed. (This may have made some degree of sense in the past, when the need for energy was, in fact, increasing, and expected to continue doing so, but has the potential for significant overbuild in today’s environment.)
- After all, what for-profit corporation, especially one composed mainly of utilities, wouldn’t want to satisfy their shareholders with the potential for such guaranteed rates of return, rather than having to pay someone else to transport the gas to their power plants?
- Obviously the ACP partners would rather pay themselves to move the gas than to pay someone else to do it, thus taking competition out of the equation.

### “Cheap” Natural Gas Will Not Save the Public Money:

LO69-2 If it is thus clear that this guaranteed rate of return is, in fact, the real reason that the ACP project is on the table, in this light, it may just as well be viewed as the real Purpose of the project, a project that will leave the captive customers of the utilities that compose the majority of ACP, LLC ultimately stuck paying for it through their electric rates.

*“Pipelines are attractive investments because they are typically allowed rates of return of around 14%, compared with the average regulated utility return allowed by public utility commissions of about 10%.*

*For the southeastern utilities, however, that rate of return is only part of the attraction. In a strategy that ought to concern regulators and electricity consumers, Duke, Dominion and*

LO69-2 In general, natural gas prices are mainly a function of market supply and demand. It is beyond the scope of this EIS to assess the potential change in the future price of natural gas due to changing demand, and the exact future price of natural gas to the consumer is unknown. How any savings are allocated or passed on to consumers is more appropriately addressed through the state public utilities commission or applicable agency with jurisdiction over the local distribution agency.

# LANDOWNERS COMMENTS

## LO69 – James Bolton (cont'd)

LO69-2  
(cont'd)

*NextEra all plan to use their regulated electric power subsidiaries to guarantee demand for the pipelines they're building. The subsidiaries will build natural gas generating plants, paid for by electricity consumers, to be supplied with gas carried through the pipelines owned by their sister companies."*<sup>11</sup>

Not only that, but rates for power generation from the combustion of gas are destined to increase, so the ACP will not save money for Virginia consumers:

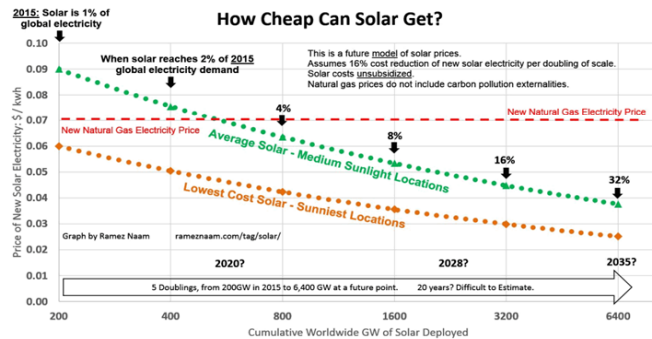
- While there may currently be a gas glut in the Marcellus, it will eventually play out and gas will become more expensive. (This may already be happening.)
- This will exacerbate if and when more take-away capacity is built
- Using new pipelines to transport gas is always more expensive for consumers than using existing (older) pipelines because transportation rates are depreciated and get cheaper over time
- Gas from sources in Pennsylvania feeding Transco are cheaper than those in WV that ACP will draw from.

Clearly, the ACP cannot be viewed as being in the public interest.

LO69-3

### Options that Will Save the Public Money:

On the other hand, for comparison purposes, the cost curve for renewable energy such as solar and wind has (as we have seen) been trending sharply downward, and will likely continue to do so as technological innovation and the efficiencies of scale drive prices down. The speed of future deployment of technologies to take advantage of energy derived from renewable sources depends, of course, on both federal and state policy decisions that may or may not be adopted on the one hand, and market economics on the other, and while there is little certainty with regard to how policy will respond, there is considerable reason to expect that the currently-increasing market share of renewables will continue to increase with the pace of technological innovation and the economic efficiencies of scale. Consider this estimate from 2015:<sup>12</sup>



LO69-3 See the response to comment CO66-2.

Z-2961

# LANDOWNERS COMMENTS

## LO69 – James Bolton (cont'd)

Z-2962

LO69-3  
(cont'd)

(Note that this illustration assumes that the price of electricity generated from natural gas remains essentially steady throughout the period, when they are, in fact, likely to increase.) For example, using Dominion's own estimate that natural gas prices could well be something like 3-4 times higher than today's costs in 10-15 years<sup>13</sup>, and the assumption that the cost of fuel is approximately 40% of the total cost of energy for gas-fired plants like its recently-completed Brunswick power station in SE VA, power generated at these plants will, in ten years or so, be approximately twice as expensive as it is today. The cost of energy from solar sources, on the other hand, is on course for experiencing a 50% price reduction every 5 years, which means that in ten years it is expected to be something like 25% as expensive as it is now.

In addition, while the above illustration was made back in 2015, more recent reports indicate what seems to be an even greater rate of adoption and decreasing costs for renewables. For example;

*"The renewable energy future will arrive when installing new solar panels is cheaper than a comparable investment in coal, natural gas or other options. If you ask the World Economic Forum (WEF), the day has arrived.*

*Solar and wind is now the same price or cheaper than new fossil fuel capacity in more than 30 countries, the WEF reported in December (pdf). As prices for solar and wind power continue their precipitous fall, two-thirds of all nations will reach the point known as "grid parity" within a few years, even without subsidies. "Renewable energy has reached a tipping point," Michael Drexler, who leads infrastructure and development investing at the WEF, said in a statement. "It is not only a commercially viable option, but an outright compelling investment opportunity with long-term, stable, inflation-protected returns."*<sup>14</sup>

And;

*"In early 2011, Steven Chu, Secretary of the U.S. Department of Energy (and a scientist), along with Dick Swanson, founder of SunPower, christened the DOE's SunShot initiative. Swanson cited DOE's early support of SunPower as a factor in SunPower's success.... With the advent of \$1.00-per-watt (DC) pricing for utility fixed-tilt PV systems, the solar industry has crushed the SunShot Program's \$1.00-per-watt goal for 2020 three years early."*<sup>15</sup>

Finally;

*"The wind power industry is booming in the United States, with wind-farm technician projected to be the country's fastest-growing occupation over the next decade."*<sup>16</sup>

So where is the "public good" in this project? It would seem as if FERC is caught in a kind of anachronistic system that uses what appear to be outmoded and obsolete assumptions regarding energy demand, combined with an equally outmoded definition of "need" that, together with handsome guarantees of return on investment, create a situation that functions both to encourage the building of new projects regardless of whether they are responsive to existent real-world energy needs. As the result is needless higher costs for consumers, environmental degradation, and the devaluation of private property, as well as the potential for its being taken through eminent domain, it is high time for FERC to finally heed its own policies that have essentially been ignored for 18 years and base its



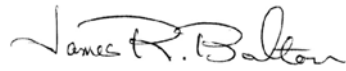
# LANDOWNERS COMMENTS

## LO69 – James Bolton (cont'd)

LO69-3  
(cont'd)

determination of project need on energy demand reality rather than the outmoded metric of self-dealing "precedent agreements" that results in a "build first, consider later" approach to pipeline projects. If doing so ultimately leads to the rejection of this and other projects on the basis of lack of real, demonstrable demand for energy, so much the better for all concerned. For all the reasons outlined above, and in adherence to its duty to protect the public interest by preventing both unnecessary project overbuild and rate increases, FERC should and must choose the "No Action Alternative" and deny ACP its certification for the Atlantic Coast Pipeline.

Respectfully,



James R. Bolton

**Notes:**

1. Order Clarifying Statement of Policy, Certification of New Interstate Natural Gas Pipeline Facilities, Docket No. PL99-3-001, Federal Energy Regulatory Commission, February 9, 2000, p.3.
2. Statement of Policy, Certification of New Interstate Natural Gas Pipeline Facilities, Docket No. PL99-3-000, Federal Energy Regulatory Commission, September 15, 1999, p.16.
3. Heidorn, R., 'Bay Calls for Review of Marcellus, Utica Shale Development', RTO Insider, Feb. 5, 2017
4. Wilson, R., Fields, S., Knight, P., McGee, E., Ong, W., Santeen, N., Vitolo, T., Stanton, E., [Are the Atlantic Coast Pipeline and the Mountain Valley Pipeline Necessary?](#), An examination of the need for additional pipeline capacity into Virginia and Carolinas, Synapse Energy Economics, Inc., Sept. 12, 2016, p.18.
5. Natural Gas Infrastructure Implications of Increased Demand from the Electric Power Sector, U.S. Department of Energy, February 2015, p.31.
6. *Ibid.*
7. Synapse Energy Economics, Inc., Sept. 12, 2016, p. 17.
8. Braziel, S. and Shelor, J., "Marcellus/Utica On Pace for Pipeline Overbuild", NGI's Daily Gas Price Index, June, 8 201.
9. 2014 State of the Markets, Item No. A-3, March 19, 2015, presented by the Office of Enforcement's Division of Energy Market Oversight to the Commissioners, Slide 8, <http://www.ferc.gov/CalendarFiles/20150319162231-A-3.pdf>.
10. Synapse, pp. 8-9

# LANDOWNERS COMMENTS

LO69 – James Bolton (cont'd)

11. <http://bluevirginia.us/2016/07/southeastern-electric-utilities-find-way-higher-profits-gas-pipelines-captive-consumers>
12. <https://hypergeometric.files.wordpress.com/2016/05/whyfossilfuelsareinbigtrouble-future-solar-cost-projections-ppa-lcoe.png>
13. Dominion Virginia Power's and Dominion North Carolina Power's Report of its Integrated Resource Plan, filed before the Virginia State Corporation Commission and North Carolina Utilities Commission, Case No. PUE-2016-00049, Docket No. E-100, Sub 147, April 29, 2016, p.73.
14. Coren, Michael J., "2016 was the year that solar panels became cheaper than fossil fuels, just wait for 2017", Quartz, Dec. 26, 2016.
15. Wesoff, Eric, "On the Blogs: U.S. hits Solar Pricing Goal Three years Ahead of Schedule", GreenTech Media, January 26, 2017.
16. Gillis, J., "By Degrees", January 2, 2017, [https://www.nytimes.com/2017/01/02/science/donald-trump-global-warming.html?\\_r=1](https://www.nytimes.com/2017/01/02/science/donald-trump-global-warming.html?_r=1)

Z-2964

# LANDOWNERS COMMENTS

## LO70 – William Limpert

20170404-5203 FERC PDF (Unofficial) 4/4/2017 1:51:18 PM

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

Re: Comments on the draft environmental impact statement for the Atlantic Coast Pipeline

Docket Number CP 15-554-000, CP15-554-001

April 4, 2017

Ms. Bose:

Please find my comments on the draft environmental impact statement for the Atlantic Coast Pipeline. I find this document to be unsatisfactory. The document needs to be retracted and rewritten.

Please refer to my earlier comments for the Atlantic Coast Pipeline that are on record. These include written comments and photo documentations of 3/6/16, 3/31/16, 4/22/16, 5/23/16, 5/30/16, 6/1/16, 8/7/16, 10/31/16, 11/14/16, 12/5/16, and 12/6/16 and scoping meeting comments of 5/20/17, 5/21/17, 2/23/17, and 2/28/17. I have not seen evidence in the DEIS that my earlier comments were reviewed by FERC. Therefore, send the names of the FERC staff member who reviewed each of these documents, and the FERC staff review notes or comments from those reviews. Email them to me at wlimpert@gmail.com, or send them to:

William F. Limpert  
4102B Garfield Road  
Smithsburg, MD 21783

In these current comments I refer to "the ACP" in all references to the Atlantic Coast Pipeline, and Dominion entities.

My comments include the following topics:

**Retract and Rewrite the DEIS**  
**DEIS Incorrectly Dismisses Alternatives**  
**DEIS Incorrectly Dismisses Climate Change**  
**DEIS Ignores Old Growth Forests On Private Land**  
**DEIS Incorrectly Dismisses Negative Impacts**  
**Eminent Domain Without Public Need**  
**Public Safety and Pipeline Integrity**  
**The ACP Cannot Be Constructed On Miracle Ridge**  
**Sinking Streams Adjacent To Proposed Pipeline On Limpert Property**  
**The Pipeline Cannot Be Constructed On The Limpert Property**  
**Detailed Site Specific Grading Plans Must Be Submitted And Approved**  
**Property Values**  
**Visual Impacts**  
**Excavation Limiting Factors**  
**Socioeconomic Concerns**

Z-2965

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

20170404-5203 FERC PDF (Unofficial) 4/4/2017 1:51:18 PM

**The ACP Should Not Be Constructed in Karst Terrain  
Demand Letter Regarding Springs And Wells In Karst Terrain  
Geohazards  
Lack of Adequate Pollution Controls  
Undercounting of Springs in Proximity To The Pipeline  
General Comments  
Conclusion and Recommendations**

### Retract and Rewrite The DEIS

- LO70-1 | FERC must retract the Draft Environmental Impact Statement (DEIS) for the Atlantic Coast Pipeline. FERC issued the document without sufficient information. Much of the information that is missing is vital to accurately address the very large impacts from this project to public safety, including emergency rescue operations, public health, private drinking water springs and wells, water pollution, alternate routes, collocation opportunities, climate change, property values, scenic, historic, recreational, and wildlife values, and other issues.
- Further, the public benefit versus the negative impacts for the ACP have not been properly assessed due to FERC's failure to take into account other available pipelines, alternative renewable energy sources, and simple conservation which could be utilized for the same purpose as the ACP, without taking thousands of properties through eminent domain, putting tens of thousands of others in harm's way in the blast zone and the evacuation zone of the ACP. FERC must write another more objective, accurate, and up to date DEIS where all information is accounted for and properly analyzed.
- The ACP and FERC have had more than sufficient time to obtain this information, but both have failed to do so. This project was announced in the spring of 2014, nearly 3 years ago. ACP's proposed construction schedule or costs incurred to this point should not be considered in this matter. First things first, and the first thing is to have the necessary information to write a valid and reliable draft EIS.
- The ACP has failed to complete surveys and accurately report on geohazard risks to the pipeline, karst risks to the pipeline, biological risks from the pipeline, including any surveys whatsoever regarding the threat of invasive species. The ACP has even gone so far as to blame landowners for their failure to complete these surveys, stating that landowners have not given permission to survey. This is no excuse. The ACP does not need landowner permission to survey. The ACP's failure to complete these surveys is theirs alone. ACP's failure to provide the needed information for the draft EIS may not just be due to incompetence. It could very well be part of ACP's manipulation of the system to delay information until after the DEIS is issued to allow them "through the gate", and on their way to full approval.
- FERC has failed to require the ACP to provide and fully explain information that is vital to a full assessment of the impacts of this pipeline, including information on property values, scenic values, public safety through emergency rescue, alternate routes, collocation opportunities, existing wells and springs in proximity to the pipeline, climate change, alternate energy sources, including renewable energy systems, and an assessment of existing underutilized pipelines that could fill the same need as the ACP.
- LO70-2 | The United States Forest Service (USFS) has recently stated that they have not had sufficient

- LO70-1 See the response to comment CO6-1.  
LO70-2 See the response to comment CO52-4.

Z-2966

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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Z-2967

LO70-2 (cont'd) | time to complete their legal requirements for a thorough review of the project, and once again, much of this can be traced back to the ACP's failure to supply the information that the USFS has requested. On at least 3 occasions the USFS has requested that the ACP provide them with basic construction grading sheets for steep slopes to assess the potential for soil loss and landslides. On each occasion the ACP has failed to do so. Following this failure, the ACP testified to the Senate Energy Committee that the USFS was slowing the project down. I strongly believe that the ACP does not want to release these plan sheets because they would show that the project is unsafe.

LO70-3 | Additionally, the Virginia Outdoors Foundation has not ruled on the ACP's request to strip private property owners of conservation easements that they have purchased for up to eleven parcels of land. How can a DEIS be written without this information?

LO70-4 | Citizens have been required to consider, comprehend, and comment on ever changing plans and information for this project. This continues. Since the DEIS was written very large amounts of new information have been submitted by the applicant. It is unfair to concerned and impacted citizens to be forced to comment on incomplete information. It is a mockery of FERC's so called public participation process, and I believe that it is illegal.

It is readily apparent that this DEIS was not written in an impartial manner. FERC selectively uses information that is unsubstantiated and not scientifically valid to bolster its case for project approval, while at the same time dismissing solid, valid, and reliable evidence showing overwhelming negative impacts. Rather than regulate the industry FERC has facilitated the industry. Rather than support the public comments, FERC has thwarted the public comments. As the early computer statement went...garbage in...garbage out. FERC's failure to fairly assess the overwhelming negative impacts of the ACP in this DEIS puts countless numbers of citizens at risk, and is a gross violation of the public trust.

LO70-5 | Finally, the DEIS directs the public to mail comments to:

Nataniel J. Davis Sr. Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington DC, 20426  
Docket Number CP-14-554-001

This is an incorrect Docket Number. Docket Number CP-14-554-001 is for the Sabal Trail pipeline in Florida, not the Atlantic Coast Pipeline. Comments submitted incorrectly under this Docket Number may not have been reviewed for the Atlantic Coast Pipeline. FERC must issue a public statement regarding this error, and allow anyone who has submitted comments under this mistaken Docket Number to resubmit their comments.

The DEIS must be retracted and rewritten.

### DEIS Incorrectly Dismisses Alternatives

LO70-6 | FERC is required by law to consider alternatives to the Atlantic Coast Pipeline, but FERC has not come close to adequately fulfilling that legal requirement. Instead, FERC uses incomplete analysis to dismiss alternatives that are far superior to the ACP, and the multitude of negative

LO70-3 | See the response to comments SA8-252, CO3-1, and CO10-3.

LO70-4 | Applicants are required under 18 CFR to provide information to the Commission regarding environmental resources that could be affected by their proposals. Information provided by Atlantic and DETI for ACP and SHP was independently evaluated and was one resource used by the FERC staff for development of the EIS. See also the response to comment CO6-1.

LO70-5 | The error in the cover letter published in the draft EIS is noted. The separate Notice of Availability that was sent to the same distribution as the draft EIS provided the correct docket numbers for the projects. We also note that the correct docket number was provided elsewhere in the cover letter; regardless, we regret the error. Further, a review of the FERC eLibrary site shows that one comment letter on the draft EIS for ACP and SHP was filed under the incorrect docket number, a letter in support of the projects (see accession no. 20170331-0030 and table Z-1).

LO70-6 | See the response to comments CO66-2, CO55-6, SA15-3, CO55-23, and LA17-1. The transmission route through Highland County is not practical due to increased side-slope construction and its crossing of Shenandoah Mountain, which has been dismissed as a viable option by the FS.

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-6  
(cont'd)

impacts it would bring. FERC must obey the law by realistically comparing practical alternatives, including the no action alternative, other energy sources, other available pipelines, and other routes.

The DEIS states that alternative energy sources, energy conservation and efficiency are not within the scope of this analysis because the purpose of the ACP is to transport natural gas. FERC's scope of analysis should include all reasonable alternatives to the ACP, but FERC has chosen not to follow the law and consider those alternatives. By doing so FERC ignores much preferable alternatives that would provide the same or greater benefits, at lower cost to ratepayers, and with much less negative impacts than the ACP. FERC does not benefit the public whatsoever with such purposely chosen and myopic decision making. It is obvious to me and many others that rather than regulate the energy industry, FERC facilitates it, while at the same time reducing the public's energy choices and cost, and increasing the negative impacts to citizens.

The DEIS states that no action alternative would not be acceptable because natural gas consumption grew by 12% and 49% in VA and NC between 2010 and 2014, and between 2011 and 2015 gas fired electricity generation increased by 71% and 199% respectively. This may or may not accurately reflect current natural gas trends, but it certainly does not prove that natural gas is preferred by customers in those markets. In fact, and as I have previously stated, energy use in VA and NC has actually decreased in the past decade and according to the EIA, it is expected to increase only 0.4% in the next several decades, and actually decrease on a per capita basis. The no action alternative along with energy conservation would certainly be the better alternative to the 600 mile ACP which would take private property, and has a long list of negative impacts to citizens near and far from the pipeline. Those customers in the targeted market of the ACP may very well prefer energy conservation, or other energy sources, including renewable energy sources.

I call on FERC to commission an independent survey of those customers to determine their energy choices in this matter.

FERC's statement that lack of a new pipeline could result in energy shortages, deprivation, and price increases is incorrect. Energy conservation alone would provide enough energy for the stated market of the ACP, and additional supplemental energy could be provided with other less intrusive and cleaner energy sources. The amount of energy that the ACP would bring is much more than is needed, and the negative impacts it would bring are much too high.

The DEIS states that natural gas is cleaner than other fossil fuels, and air pollution could increase if the ACP is not built. This is also incorrect. As numerous studies have shown, and as I have stated in earlier comments, natural gas systems, due to methane loss, contribute roughly the same amount of greenhouse gas emissions as existing coal fired power plants. If the ACP is built air pollution would continue to increase as greenhouse gases continue to accumulate in our atmosphere. Furthermore, the DEIS refuses to compare the ACP with renewable energy systems regarding impacts to air pollution. Why does the DEIS compare the ACP to other fossil fuel systems but refuse to compare it to renewable energy systems? Why the double standard? Renewable energy systems contribute much less air pollution than the ACP would. In fact, the ACP would lock in decades of unhealthy air pollution, and greenhouse gas emissions, including ever increasing concentrations of carbon dioxide and methane.

The DEIS incorrectly rejects the ACP/MVP merged systems alternative, a single 42 inch or 48 inch pipe that would carry 3.44Bcf/d. In the rejection FERC relies on information supplied by

Z-2968

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-6  
(cont'd)

the applicant rather than independent studies, and even uses an outdated 1999 industry study as well. This is not objective information gathering. The excuses for the rejection are that the pipe would weigh more, the walls would need to be thicker, there would be reduced operational flexibility, and possible future expansion, larger construction equipment would be required, several compressor stations would need to be added, increased workspace would be required, increased construction complexity would be added, reduction of the elasticity of the pipeline would occur, increased soil displacement would occur, and delivery of the 3.44Bcf/d would be delayed due to significant time needed for planning and design. As I stated these excuses were supplied by the applicant, and the industry, and were not determined by FERC using independent studies, or FERC's own expertise. I am particularly skeptical of the statement regarding additional compressor stations. These applicant and industry statements are not reliable information, and should not be used in FERC's decision making process. FERC should compare the number of compressor stations for the ACP and the MVP separately to the number of compressor stations if they were merged into one pipe, and compare the other issues stated above as well.

The significant benefits of this merger are summarily dismissed. They include increased collocation with existing utility rights of way, avoidance of the GWNF and MNF, reduced crossings of the BRP and ANST, reduced number of access roads and contractor yards, and less construction in karst. Other obvious benefits that are outstanding, but not mentioned include less private property taken, fewer geohazard threats, less deforestation, and less total land disturbance.

FERC needs to reconsider this alternative using objective information.

The DEIS states that major route alternatives are typically only recommended if they have significant environmental advantages, but does not state how much of an advantage the alternate route would need to be recommended. FERC needs to quantify the environmental advantages to make a reasonable and understandable comparison. Furthermore, this criteria completely leaves out the advantages that alternative routes would have regarding reduced impacts to private property owners, and pipeline safety issues.

The DEIS incorrectly dismisses collocation, as I have stated in my earlier comments, and passively accepts ACP's simplistic explanation for not including more collocation. Further, the DEIS does not mention the collocation route that I proposed in earlier comments that follows an existing and wide Dominion electric transmission line right of way north of the current route which would, among many other advantages, move the ACP out of the steep slopes and karst terrain of Bath County. This alternative needs to be reviewed by FERC. Collocation rates on large gas pipeline projects are typically in the 40% to 50% range, much higher than the proposed ACP. This project could be collocated much more than it is, but I believe that the ACP has decided that they would rather take private property, and FERC is content allow them do that.

The DEIS states under 3.3.3 that collocating with a highway is permissible only if the utility is in the public interest, would not interfere with traffic, and would not interfere with future expansion. If FERC determines that the project is in the public interest (I am convinced that it is not, but FERC most assuredly will determine that it is), then this is a viable and much preferred alternative. The ACP-1 and ACP-2 could be constructed in the median of I-79, I-64, and I-95 without interfering with traffic, and without harming future expansion. Commercial expansion will not occur in the median of the highway, and expansion of the travel portion of

Z-2969

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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the highway will not as well. In fact, with the advent of self driving cars in the near future, which will be able to travel very close together, highways will not need to increase in size, even while accommodating more vehicles.

This alternative would not take property from private property owners. FERC states that it would add more steep slopes than the existing proposed route, but this is incorrect, because the grade or slope of the highway has already been established, and those grades rarely exceed even 10%, much less than the 60% slopes that would be crossed in Little Valley, and in other areas in Western Virginia and West Virginia under the current proposed route. The pipeline would simply follow the existing grade, which would greatly reduce construction excavation, and cut and fill. It would eliminate the extreme slopes and karst terrain hazards that the current proposed route has.

In a few areas where the median is too narrow to accommodate pipeline construction traffic could be temporarily diverted to one of the lanes on the other side of the highway, or a temporary roadway could be constructed. In rare cases, the pipeline could be constructed adjacent to the highway. Collocating with I-79, I 64, and I-95 should be further researched, and FERC should be in contact with federal and state highway authorities as part of that effort. It is a superior option to the current proposed route.

Section 3.3.4.2 of the DEIS mentions that the current GWNF-6 route adds 31.8 miles to the original route that crossed Shenandoah Mountain on National Forest land, and may inherently have more generalized environmental impacts than the former route, including forest clearing, waterbody crossings, karst topography, steep slopes, private landowners affected, and more air emissions. This is a rare part of the DEIS that I agree with. FERC should again review the former route to determine if impacts to rare and endangered species on National Forest land can be mitigated to allow that route to go forward, or further review my proposal of collocating with the Dominion electric line right of way through Highland County, as I have previously stated.

The DEIS incorrectly evaluates alternative routes through national forest and the crossing of the ANST and BRP. National forests and public land are given much greater importance in the DEIS than privately owned lands. Public lands are avoided, and private lands are targeted. This is not fair, and it belies our country's tradition of the value and sanctity of private property. Private land is private, and should not be violated for exploitation. Public land is public, and should be more open to a project that, according to FERC, gives a public benefit.

Private land has homes on it. People live in those homes. A person's greatest investment in most cases is their home and property. As I state elsewhere in these comments the ACP will significantly reduce property values for those properties directly impacted and near the pipeline, and these property owners are disproportionately in the lower economic categories. It will threaten their private water supply. It will greatly diminish the scenic beauty of their property and their enjoyment of it. A person's home and property are at the root of their spiritual core. A man's home is his castle, and his land is his kingdom. Private property rights cannot be dismissed and trampled on. Pipeline impacts to private land are up close and personal to those who live there. Most property owners know every square foot of their land. They cherish it, and watch it grow as they grow. Private property should not be violated.

Public land, on the other hand, does not have homes on it. It is generally removed from homes and areas of population. It is not a person's greatest investment. Persons don't get their private

Z-2970



# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-6  
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drinking water from it. Large areas of public lands are rarely even visited.

I love our public lands. My wife and I have spent many wonderful days visiting out national forests, parks, and other public lands. These lands should be protected. But they should not be given priority over private land.

The requirements, stipulations, and information needed to evaluate alternative routes through public lands should be the same as through private lands. Yet, they are much stricter through public lands. Much more information and many more studies are required for public land. This is not right. Requirements for both public and private land should be the same. They should be vigorous in order to avoid many negative impacts, but they should be the same. The increased requirements for public land tends to move the ACP onto private lands, where it is more difficult for private landowners to defend themselves against the very large negative impacts of the ACP.

An outstanding example of the double standard between public and private lands embraced by FERC in the DEIS is the proposed tunneling under the Blue Ridge in the GWNF for the BRP and the ANST. This is a very expensive and risky operation that may not be feasible, and carries with it great environmental impacts as well, with disposal of excavated material. It also entails great impacts to private land, specifically the land of 84 year old widow Hazel Palmer on the Augusta County side of the proposed tunnel.

All of this work and expense is being undertaken on the publicly owned Blue Ridge Parkway so that motorists on the parkway will not see the ACP, even though impacts to the scenic views of those motorists would generally be small. If the ACP crossed the BRP in a meadow or area without trees motorists would be unaware that it was there within several years after construction. If it crossed in a forested area, motorists would see a linear gap in the forest around 125 feet wide on each side of the Parkway. Motorists would not see the ACP coming up or going down the steep sides of the mountain, since these areas are generally not visible from the BRP. Views of the Blue Ridge Mountain from areas to the East or west would be somewhat enhanced, since the pipeline would not be visible going all the way up and over the mountain. However the pipeline may still be visible traversing the lower portion of the mountain before disappearing into the tunnel. FERC should require visual analysis from the BRP and from the East and west side of the Blue Ridge to verify the impact to scenic values under both scenarios.

The point I am making here is that extraordinary measures are being taken for this public land, and they are not being taken for private land where visual impacts will be much greater, and in many cases will be visible to more people as well. In fact, as stated elsewhere in this document in my comments regarding scenic values the BRP carries 1,200 motorists per day in the area of the ACP. Scenic Route 220 in the area of the ACP carries twice as many motorists, 2,400 per day. These motorists would see the ACP cutting off and flattening the top of Back Creek Mountain to the West and cutting off and flattening the top of Little Mountain to the East. They would also see numerous large access roads cutting through the wooded west flank of Little Mountain. Private property owners and local residents would see this from their homes every day, and others would see this on a daily basis as they commute to work, or take the bus to school. Motorists who visit the BRP perhaps once per year or less would see a similar view whether or not the ACP was tunneled under the mountain or crossed it.

The same double standard is apparent in the rejection of the ACP crossing Shenandoah

Z-2971

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-6  
(cont'd)

Mountain in the George Washington National Forest, and the rerouting of it through many more private lands on the current route, and with many more environmental impacts.

This double standard, where public land is protected more than private land is not right. FERC needs to revisit it, and get it right.

Section 3.6.2 of the DEIS states that FERC did not receive any alternative valve location site recommendations from stakeholders. This is incorrect. In my comments of 11/14/16 I stated that the valve station for Little Valley should be moved out of Little Valley, and out of my neighbor's back yard.

Other route alternatives that have not been adequately discussed in the DEIS include routes that have less impact to forested lands, less steep slopes, less waterbody crossings, and less impacts to private property.

Routing the pipeline through more agricultural land would reduce deforestation, which is a primary driver of climate change. It would also decrease the impact to scenic values, since agricultural land or non forested land would return to pre-construction appearance within a few years of pipeline construction, while forested land, especially mature forested land, would not return to pre-construction appearance for decades, and in some cases, more than 100 years.

Routing the pipeline along less steep slopes could be accomplished by following highway rights of way, as previously stated, or by following waterways that pass through natural gaps in the landscape rather than going over ridges. In many cases this would also result in less deforestation.

Routing the pipeline along, or near natural drainage divides would avoid waterbody crossings.

FERC is so lacking and liable in its required, but failed duty to consider alternatives that it actually states that a preferable alternative must meet the stated mission of the ACP, and that is to transport 1.44 Bcf/d of natural gas to consuming markets at the delivery points specified by the project's customers. That's like deciding that the only other person you would consider going out on a date with is an identical twin. The DEIS goes on to state that FERC did not consider renewable energy systems because they did not meet the project criteria of transporting natural gas. This is not a reasonable criteria for summarily rejecting these much preferred alternatives, and FERC has failed to consider alternatives to the ACP.

The DEIS states that other existing natural gas systems lack the available capacity to meet the purpose of the ACP, and that modifying these systems could result in impacts similar to the proposed pipeline, or would be economically impractical. This is completely untrue. Numerous existing pipelines could carry all, and more of the natural gas that the ACP could carry, with very minor and inexpensive modifications, and very little impact. Further, they would cost much less than the ACP, result in lower rates for captive ratepayers, and have much less impact than the ACP. My previously submitted comments of 8/7/17 included industry expert Tom Hadwin's thorough and factual analysis of the available alternative pipelines. FERC needs to review these comments again.

The DEIS looks at each existing or proposed alternate pipeline individually rather than collectively in FERC's flawed analysis. Minor modifications to several of these pipelines would enable these lines to carry all of the natural gas the ACP would carry without taking property

Z-2972

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

20170404-5203 FERC PDF (Unofficial) 4/4/2017 1:51:18 PM

LO70-6 (cont'd) | from thousands of citizens, without putting tens of thousands of citizens at risk in the pipeline's blast zone and evacuation zone, and with much less environmental damage.

Section 2.2.2.1 states that the mainline pipelines (AP-1 and AP-2) would be collocated with existing rights of way for 48 miles, or 9% of the combined lengths of these pipelines, and the entire route of the ACP is collocated for only 13% of the route. The average collocation rate for pipelines over 300 miles long in our country is around 50%. There is no collocation along the currently proposed alternate GWNF-6 route, even though FERC directed the ACP in a December 2015 letter to optimize and maximize collocation in that 95 mile route. Further, ACP's explanation of why they would not comply with FERC's directive is limited to several paragraphs, most of which does not present a solid argument for failing to comply with FERC's directive.

My earlier comments of November 14, 2016 suggested an alternate route following a very wide existing Dominion right of way through Highland County that would avoid much of the negative impact of the current proposed route. I saw no mention of this in the DEIS whatsoever. Others have commented on this route as well. FERC must revisit and consider this route.

I believe that the ACP has chosen to limit collocation because it is easier for them to route the pipeline through private land. FERC's unbelievable conclusion that there would be no loss of property values facilitates this plan of action by the ACP, as does the double standard regarding routing the pipeline through public lands versus private lands. The taking of private land by a for profit company is against our country's 240 year history of respect for private land. It is Un American. FERC should stand up against the ACP in this regard, and direct the ACP to collocate the route to at least 40% of the total route.

There are many alternatives to the overwhelming negative impacts of the ACP. FERC has not adequately considered them. FERC must do so.

### DEIS Incorrectly Dismisses Climate Change

LO70-7 | The DEIS incorrectly states that the ACP would have an unknown impact on climate change, while it downplays those impacts, and presents outdated data while not presenting newer data in its findings. The ACP would lock in decades of continued greenhouse gas (GHG) emissions. This could be prevented by using the no action alternative with energy conservation and/or renewable energy systems which are currently available and affordable to supplement any energy needs in the ACP market area.

The DEIS is astonishingly lacking in information regarding the ACP's impacts on climate change, even though it is universally recognized that climate change is a very serious threat, and energy usage, particularly fossil fuel energy usage, is the biggest contributor to climate change. Climate change is not listed in the 5 page table of contents for the DEIS, and only 5 pages of text are devoted to climate change in the 2,376 page DEIS.

Federal agencies have been given guidance by the Council on Environmental Quality to quantitatively assess the impacts to climate change for the projects that they are reviewing. The DEIS fails to do so. In fact the DEIS states that because we cannot determine the projects' incremental physical impacts on the environment caused by climate change, we cannot determine whether the projects' cumulative impacts on climate change would be significant.

LO70-7 See the response to comments CO29-2 and CO55-2.

Z-2973

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

20170404-5203 FERC PDF (Unofficial) 4/4/2017 1:51:18 PM

LO70-7  
(cont'd) FERC admits its failure to comply in that statement.

The DEIS refuses to quantify or even mention the CO<sub>2</sub> and methane emissions from the upstream fracking that the ACP would facilitate, even though it is obvious that these fracking emissions would be dependent on the ACP for transport, and would be greatly reduced, if not stopped, if the ACP was not built.

The DEIS mentions the amount of CO<sub>2</sub> that would be emitted from gas fired power plants it would serve, but does not mention the impact on climate change that those emissions would create. The DEIS further states that the ACP climate change impacts on the area of the project cannot be determined because climate change is a global issue. This is an incorrect statement, especially since the DEIS lists specific local impacts from climate change in general earlier in the document.

The DEIS refers to the DOE's National Energy Technology Laboratory's May 29, 2014 report: Life Cycle Analysis of Natural Gas Extraction and Power Generation which indicates that life cycle emissions of GHG are lower for energy production from natural gas than from coal. The report also quantifies methane emissions. This argument is flawed in several ways.

First, it does not compare the life cycle GHG emissions with any other energy source than coal. Other energy sources, and especially renewable energy sources have much lower life cycle GHG emissions than natural gas, and actually contribute no GHG emissions, or extremely low GHG emissions, once operating. This again shows that renewable energy systems are far superior to natural gas systems in protecting us from climate change.

Secondly, the above referenced DOE study is outdated and inaccurate. The more recent DOE National Energy Technology Laboratory's August 30, 2016 report by the same author found that methane GHG emissions are nearly twice as high as the 2014 report indicated. This report was available a full 4 months prior to the DEIS being issued. FERC's decision to use an outdated report over the newer report is deceitful at best, and possibly illegal. How can FERC be trusted with reporting accurate information when this important information was left out of the DEIS?

Many studies have shown methane emissions from natural gas systems to be even higher than that. See my comments in my submittal of August 7, 2016 for additional information. In fact, they are so much higher that in many cases burning natural gas results in greater GHG emissions than burning coal. I am sure that FERC is aware of these more recent studies, but chose not to include them in this DEIS. This, along with the above mentioned 2016 DOE study that FERC chose to withhold from the DEIS amounts to a blatantly dishonest assessment of the climate change impacts that the ACP would have.

I would ask any FERC personnel involved in writing this portion of the DEIS to write a letter to their children, their grandchildren, and to other family members who will follow them into the future. The letter should include an explanation of why you chose to ignore climate change in this report.

Oil Change International's report of February, 2017 clearly shows that the ACP GHG emissions would be very large. The report found that the ACP would add about 68 million metric tons of GHG emissions per year. That is the equivalent of about 20 average sized coal plants, or 14 million passenger vehicles. Compare this to the almost zero emissions that would be produced

Z-2974

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-7  
(cont'd)

by renewable energy sources including solar, wind, retroactive hydroelectric, and geothermal, or the virtual zero emissions from energy efficiency and added insulation.

The DEIS states that renewable energy systems were not considered because they did not meet the project criteria of transporting natural gas. FERC, by law, is required to consider alternatives to this project. Why have they not considered the virtual zero impact to climate change from renewable energy sources?

The DEIS states that natural gas burns cleaner than other fossil fuels with 50% less CO2, 70% less NO3, and 99% less SO2 than a coal fired power plant, and that air pollution could increase if no alternative to burning coal was available. There are alternatives to burning coal that are much cleaner than natural gas, like energy conservation, and renewable energy, but FERC refuses to consider them.

Further, this misleading statement by FERC does not discuss methane emissions from the exploration, extraction, storage, transmission, and burning of natural gas. These methane emissions are extensive, and efforts to reduce or eliminate them are weak, and will likely become weaker under the current administration. Additionally, the statement does not take into account that CO2 does not break down except for a very long time in our atmosphere, and that time frame is measured in centuries. Basically, what CO2 goes into the atmosphere stays in the atmosphere.

Every emission of CO2 accumulates in our atmosphere. A reduction in emissions while still emitting CO2, means an increase in CO2 levels in our atmosphere that will remain for centuries. Methane emissions into our atmosphere do not break down for decades. Both CO2 and methane levels are already at historically record levels with CO2 being much higher than it has been for at least the past 800,000 years. Methane levels are 2.5 times higher than prior to the industrial revolution, and are expected to increase another 25% in the next decade.

What this means is that our atmosphere is already a very efficient and dangerous heat trapping system. Even at today's levels of CO2 and methane, and with no further emissions, our planet will continue to heat up beyond our already record setting temperatures. Add more CO2 and methane, and a bad situation becomes much worse... catastrophically worse. So any statement that natural gas is a clean source of energy is incorrect. Burning natural gas will drive us over the cliff of catastrophic climate change.

As I have stated in previous submittals, climate change is mankind's biggest challenge, and I believe that it will kill more people than all previous wars combined, unless immediate and effective actions are taken to stop further GHG emissions. An overwhelming number of climate experts agree that climate change is extremely dangerous. I have reviewed the impacts of climate change in earlier submittals. Please refer to them. I would also remind the reader that besides physical changes to the climate and our planet, according to leading economists, climate change will cause a dramatic drop in gross domestic product worldwide, pushing untold numbers of people into poverty and hunger. The ACP would not stop GHG emissions. It would continue emissions of CO2 and increase emissions of methane for the life of the project, and would exacerbate our ever increasing threat from climate change.

FERC should only approve this project under the following conditions:

- 1) Methane losses from exploration to burning are kept at 0.5% or lower for the volume of gas

Z-2975

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-7 (cont'd) delivered  
2) Carbon dioxide is captured and sequestered at all gas fired power plants that are served by the ACP  
3) These limits are enforced and monitored regularly, with strict penalties imposed for any violations, with the penalties amounting to no less than twice the amount of profit made through the violating action, and including jail sentences for more egregious violations

### DEIS Ignores Old Growth Forests On Private Lands

LO70-8 The DEIS does not mention old growth forests or assess impacts to rare old growth forests on private land, including the old growth and virgin forest documented on the Limpert property that would be cut down in the current proposed route of the ACP. This old growth, and never been cut virgin forest is extremely rare as I have stated in my previous comments, and as shown in forester Mark Sims' report in those comments. This forest is as rare as an endangered species, and should be preserved as they are.

DEIS Table 4.8.9-10 minimally discusses old growth forest on public lands regarding potential amendment 4 to the forest service plan, and this is the only reference that I found regarding old growth forest.

The DEIS states that in determining tree size the ACP used the following definitions to distinguish tree size: large trees were considered to be anything over roughly 50 feet in height with a mature spreading crown. This is hardly an old tree, and a tree of that description could be 50 years old or younger. A forest with trees this age and size has in most cases been cut down 3 or more times, and does not retain old growth characteristics. Forests of this age contain pioneer species like locust and cherry, and few of the species that make up old growth forests. These species do not support native wildlife which evolved in harmony with old growth forests for thousands of years before most of the old growth forests were cut down. They also contain large numbers of invasive species and vines that suppress tree growth, and can spread to other forested areas.

Old growth forests contain tree species that support wildlife as the habitat trees and wildlife have evolved together for thousands of years. These wildlife species provide habitat for a number of endangered species. Old growth forests in the Eastern United States have essentially remained the same for at least the past ten thousand years, following the retreat of the glaciers of the last ice age. These forests are stable, and contain less invasive species than the younger forests. They provide better soil retention, cleaner air, and carbon sequestration than younger forests.

Some trees on the Limpert property are likely 500 years old. As previously stated Mr Sims' cored a 17 inch diameter red oak and found that it was over 205 years old. A number of trees on the property are over 48 inches in diameter, and therefore much older. Mr. Sims did not have a core sampler large enough to core the largest trees. Under the ACP definition of tree size our trees are grouped together with trees 50 years old, and perhaps younger.

The DEIS does, however mention that forested areas would have significant impacts from fragmentation, and the trees that would not be cut by the clearing for the pipeline would suffer from the fragmentation and edge effect as well.

In section 4.13.3.4 the DEIS states that vegetation impacts would be minor in comparison to

LO70-8

Comments noted. Section 4.4.2 has been updated to include a discussion of old growth forests; however, note that public datasets delineating old growth communities are not currently available for the ACP and SHP project areas; therefore, a desktop analysis was conducted. As noted in your comment, old growth trees would be included in the 50+ age group and likely overestimates the amount of old growth in the area. Atlantic and DETI have indicated that they would conduct timber cruises where requested by the landowner prior to construction. As described in the Timber Removal Plan (see table 2.3.1-1), Atlantic has also committed to avoid large snags or large diameter trees on the edge of the construction right-of-way where practicable. These trees would be flagged prior to clearing. Timber, brush, and other materials cleared from the construction corridor would be placed alongside the construction right-of-way for landowner use, open burned, chipped/mulched within the construction right-of-way or hauled offsite to an appropriate disposal location as outlined in the Timber Removal Plan.

Z-2976

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-8  
(cont'd)

the abundance of comparable habitat in the area. This is incorrect. There is no comparable habitat in the area. As I previously stated, I contacted the Shenandoah National Park botanist, and was advised that no section of forest in the entire 300 square miles of that park contained trees as old as the trees in our forest that would be lost to the ACP. Forester Mark Sims stated in his report, which I included with previous comments, that he has never seen an older forest in Virginia in his 39 years as a forester. I am certain that there are no other forested areas along the entire path of the ACP that have a stand of trees this old.

Old growth forests like ours are a truly unique habitat that support specific species that are specially suited for old growth forests. This includes very large trees with exfoliating bark like shagbark hickory, sugar maple and other tree species that provide habitat for the Indiana Bat and the Big Eared Bat. Most tree species develop exfoliating or deeply grooved bark as they become very large, like the trees on our property, and they provide this type of habitat. The FERC reviewer should refer to my previous comments regarding the benefits of old growth forest.

Our forest makes up a very large interior block of forest much larger than 35 acres in size. The 120 acres is almost entirely forested, and the forest continues for many miles in all directions. It continues for more than 5 miles to both the North and the South along the western side of Jack Mountain. It continues for an estimated 3 miles to both the East, to the Burnsville area, and to the West, the toe of the West side of Little Mountain. This is an extensive forested area with our property virtually in the center of it. It's a continuous stretch of wild forest. This forest should not be cut down for the ACP, and our old growth virgin forest should not be cut down as well.

We received an offer to sell a right of way for the ACP. We will not accept that offer, or any other offer. The ACP will have to take our property through eminent domain proceedings if they plan to place the pipeline through our property. However, in the offer we found that logs over 11 inches in diameter from trees removed from the right of way would be piled off the right of way on our property and it would be our responsibility to deal with them, without using the right of way to remove them. However, the DEIS states that all timber operations must be contained within the work area. The ACP statement and the FERC statement are not compatible.

Leaving the logs outside the right of way without allowing use of the right of way to remove them is unfair. This leaves the landowner with unsightly piles of logs through the length of the right of way through the property. In our case a number of these logs would be over 4 feet in diameter, and very valuable. Since our property is virtually entirely wooded they could not be removed unless logging roads were cut through our forest to access the various piles of logs. This would require cutting down more old growth trees, and further fragmenting our old growth forest. This is not acceptable.

Several groups and individuals have visited this unique forest. Tours of the forest have been conducted for the Bath County High School and Wild Virginia. Several journalists have toured the forest and written articles published in Earth Island Journal and to be published in the Sierra Club magazine. Another tour of the forest is planned for May 6th of this year, and at this time 198 persons have expressed interest in attending.

FERC must require that the ACP avoid cutting down the old growth and virgin forest on the Limpert property. This is a rare and unique forest with great scenic, historic, recreational, educational, and ecological value.

Z-2977

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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### DEIS Incorrectly Dismisses Negative Impacts

LO70-9

In almost all cases the DEIS greatly understates the negative impacts of this project. The statement that negative impacts can be mitigated to less than significant status is false. The negative impacts from this project would be tremendous, and cannot be adequately mitigated.

FERC has purposefully chosen biased and incomplete information to arrive at their incorrect conclusion of less than significant impacts from this project. In so doing, FERC has gone to the same playbook of misleading, incomplete, and inaccurate information that the applicant has used to incorrectly downplay the negative impacts. In fact, FERC has relied on applicant and industry studies that are obviously biased, and in some cases FERC has virtually copied and pasted those invalid comments into the DEIS.

At the same time FERC has discounted and ignored valid, scientifically accurate information, and comments from many knowledgeable and qualified citizens that overwhelmingly prove the significant negative impacts.

This biased conclusion not only places the public at great risk, it condemns them to a reduced quality of life.

The ACP's failure to submit the necessary information for the draft EIS, and their consistent misleading, inaccurate, and simplistic filings brings up another very important issue, and that is their performance in constructing the pipeline, and carrying out any stated mitigation. Information submitted to FERC and other agencies in the application process has been misleading, incomplete, and inaccurate. This submission of inaccurate information has been submitted knowing that it would be reviewed by FERC and other agencies. On site work on the pipeline, on the other hand, will not be reviewed and monitored by regulatory authorities to any great extent. FERC will have a limited presence at best. The Pipeline and Hazardous Safety Administration, with little more than 100 inspectors across the country, and many other pipelines under construction, will have a minimal and transient presence, if any presence at all. Even the industry itself admits that qualified pipeline contractors and inspectors are in short supply because of the current boom in the industry. The Virginia Department of Environmental Quality has stated that they will not inspect construction of the pipeline. The Army Corps of Engineers routinely does not have a presence. Even citizens will not be allowed on the construction site to monitor what is happening in their neighborhoods, or even on their own property.

LO70-10

I assume that the ACP will hire contractors to inspect some aspects of construction. But that's an inherent conflict of interest. It's like having the fox watch the henhouse. Inspection and enforcement will be influenced by the payments that the contractor is receiving. Will a contract inspection company receive further contracts for future projects if they find and act on more or less violations? You know the answer.

So the bottom line is that construction will be undertaken with little or no inspection and enforcement. It will mostly be up to the ACP to self monitor their own work.

The ACP has a proven track record of performing poorly even while under scrutiny for virtually every filing they've submitted. Performance on the job can be expected to much worse without

LO70-9

We disagree. The EIS discloses the potential impacts on environmental resources resulting from construction and operation of the project. 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. Atlantic's and DETI's construction and restoration plans contain numerous mitigation measures to avoid or reduce project-related impacts, and our recommendations would also serve to further reduce impacts.

LO70-10

As discussed in section 2.5.2, the FERC staff acknowledges that the role of Atlantic's and DETI's EIS is to ensure ACP and SHP are constructed in accordance with the requirements imposed by FERC and other regulatory agencies. However, the EI's role should not be mistaken for FERC abdicating its inspection authority to Atlantic and DETI. The purpose of the EI is to ensure applicants are cognizant of and taking matters of compliance seriously, and to provide immediate correction when necessary. To further ensure ACP and SHP are constructed in compliance with the FERC's and other regulatory agencies' requirements, FERC would conduct its own independent monitoring and inspection of the projects as discussed in section 2.5.3.

Z-2978



# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-10  
(cont'd)

that scrutiny. Will the ACP actually follow all the procedures that they have stated they will follow in their filings? I think not. Will the ACP go out in boats to warn fish that a blast is pending as the DEIS states? Will the ACP clean each vehicle before they leave the site to stop the spread of invasive species per the DEIS? Will the ACP have a karst expert on site in karst areas? Will the ACP inspect each pipe segment for internal and external corrosion protection just prior to placing the pipe in the trench? Will the ACP immediately remove all fly rock that leaves the right of way? Will the ACP conduct additional analysis on the steep slopes in Western Virginia if they find tension cracks, slumping, erosion, or seeps? I think that all of these stated procedures would be highly suspect given the ACP's proven unsatisfactory performance in their filings, and the lack of oversight, inspection, and enforcement on the construction site.

The final product will very likely be shoddy work performed primarily for the purpose of saving money on construction costs and maximizing profits. This threatens public safety, public health, clean water, clean air, and property values. The ACP's earlier filings that they would construct the pipeline under harsh winter conditions shows how reckless they are, and how eager they are to sacrifice all but their profits. The landslides that they caused on steep slopes in West Virginia show a track record they should not be allowed to repeat. This project is a disaster in the making, and FERC should reject it unless safeguards are better incorporated into the process.

FERC must require sufficient independent inspection and enforcement personnel that are not picked or paid by the ACP. These personnel must be required to be present at all times when the pipe is being placed in the trench, welded, and backfilled. They must also be present during tree clearing operations, sediment control installations, grading operations, geohazard and karst assessment and mitigation, waterway and wetland crossings, during restoration, and during maintenance operations for a period of five years after construction is completed. These inspectors must be independent of the ACP, and must have the authority to issue enforcement actions, fines, and stop work orders for violations of approved procedures and mitigation practices by using a predetermined criteria to apply specific enforcement actions based on the severity of the violations.

### **Eminent Domain Without Public Need**

LO70-11

FERC fails to prove that this project meets the public necessity and convenience requirement that would enable it to approve the project and subject thousands of property owners to having their property being taken by a private corporation through eminent domain. To the contrary, this project would provide very little benefit, and enormous negative impacts. I have discussed this in numerous comments filed previously for this project. Nevertheless, I will summarize them again.

There is no urgent need for natural gas in the area that the ACP would serve. Energy use in Virginia and North Carolina has decreased in the past decade, and is only expected to increase 0.4% per year for decades to come per the EIA. Existing coal plants may not be decommissioned. The current administration has vowed to bring back coal. Additionally, the Clean Power Plan is currently held up in the courts, blocked by a new executive order, and may very well be eliminated. Affordable and much less intrusive energy conservation and renewable energy systems can easily provide all of the stated market's energy needs. Our nation is experiencing an unprecedented energy glut. I feel confident that natural gas carried by the ACP will be shipped overseas with no benefit to the stated market area. FERC should

LO70-11      Comment noted.

Z-2979

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-11  
(cont'd)

require that no gas carried by the ACP will be shipped overseas. Even if no natural gas is shipped overseas, areas from Nelson County west will not receive any gas. These areas will experience all pain, and no gain.

Additionally, there are already more than enough existing and underutilized natural gas pipelines in place that could carry all of the gas that the ACP would carry to the same markets if that gas was really needed.

The numerous negative impacts that I have previously stated include:

- Loss of private property rights
- Reduced enjoyment of property
- Loss of scenic values
- Disruption to property owners and communities from construction and operation
- Increased public safety risks, including the risk of terrorism
- Reliability issues due to a long vulnerable transmission line
- Public health risks from polluted, diminished, or cessated drinking supplies, and air emissions
- Stress related issues and health impacts
- Property value losses, resultant property tax revenue losses, and lower potential for prospective buyers to purchase property in impacted areas
- Reduced tourism and loss of tourism revenue to Bath County and other rural areas
- Deforestation, including old growth virgin forest on our property
- Loss of wildlife habitat
- Water pollution from construction and operations with very little pollution controls
- Approximately 20 square miles of soil disturbance
- Countless crossings of streams, rivers, and wetlands
- Climate change through continued discharge of CO2 and increased discharges of Methane
- Expenditure of federal, state, and local government time, energy, and money to review the project
- Invasive species proliferation
- Facilitation of fracking which causes negative health impacts and earthquakes
- Negative health impacts from burning natural gas, including the discharge of NO2, the precursor of smog
- Locking in decades of CO2 and methane emissions while slowing the growth of clean renewable energy
- Overwhelming public rejection of the project
- Increased rates for captive ratepayers

### Public Safety and Pipeline Integrity

LO70-12

FERC states that the project will be constructed under federal DOT PHMSA regulations, and will be safe. This is incorrect. The pipeline poses a significant public safety threat.

The DEIS fails to mention the explosive capacity of the proposed pipeline. It fails to describe the size of the impact radius, or blast zone, where death is almost certain in a pipeline explosion. It fails to mention the size of the evacuation zone, where death or serious injury is likely unless a person quickly gets out of that zone. It fails to state how many total properties would be in the blast and evacuation zones. It fails to mention how many persons reside or frequent those properties. It fails to notify those persons of the potential danger they face from a

LO70-12

Section 4.12 discusses the potential risk associated with natural gas transmission pipelines. Section 4.12.1 defines the potential impact radius. Sections 4.12.2 and 4.12.3 address the historic incident data for natural gas transmission pipelines, including injuries and fatalities. We acknowledge the potential risk associated with operation of ACP and SHP. However, the data, as presented in the EIS, demonstrate that natural gas transmission pipelines continue to be a safe and reliable means of energy transportation. See also the response to comment CO66-56.

Z-2980

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-12  
(cont'd)

pipeline explosion. This is unconscionable, and is a public safety disgrace

Tens of thousands of properties would be in the blast zone and evacuation zone of the pipeline. The blast zone is 2,200 feet wide, and covers over 200 square miles. The evacuation zone is 1.4 miles wide, and covers over 800 square miles, nearly 2/3 the size of the state of Rhode Island.

The DEIS does not show our property or any other in Bath County, Virginia as a High Consequence Area or an identified site. Our property and nearby properties in Little Valley are clearly in a High Consequence Area under DOT 49 CFR 192 since rescue or evacuation would be impossible during a pipeline explosion, and persons with decreased mobility live in the area. In fact, seven homes, including ours, are in an area of Little Valley where it would be impossible to escape from the evacuation zone due to the pipeline cutting off egress. My wife and I, and our neighbors would be trapped in the evacuation zone. Under DOT 49 CFR 192 High consequence areas like ours are required to have an integrity management plan. Apparently we don't have such a plan, since we are not listed as a High Consequence Area.

We have reviewed the layout of our property and our neighbors' property in person with FERC staff and in previous submitted comments. We have physically shown FERC staff that escape would be impossible. These communications included a clear map of the proposed pipeline, the blast zone, and the evacuation zone through the upper or southern portion of Little Valley, the one public road which deadends in the evacuation zone at the head of the valley, the homes that are in the High Consequence Area, and the private drives to those homes. In fact during the May, 2016 Scoping meeting at Bath County high school I personally showed this map to FERC staff, including lead environmental reviewer, Kevin Bowman. I vividly recall that Mr. Bowman put his finger on the map at the location of our home, and traced a path out from the back of the house up the wooded mountain away from the pipeline, while advising me that my wife and I should walk away from the explosion, should one occur. FERC's failure to follow through on this issue is unacceptable.

FERC advises that the ACP wrote to Bath County Supervisor Stuart Hall, and advised that locations like ours with single access roads and no safe egress will be handled on a case by case basis. This is not acceptable. FERC and the ACP must comply with DOT 49 CFR 192. I should also advise you that Stuart Hall has been indicted for election violations and found guilty. This occurred well before the release of the DEIS, and FERC should have been aware of it. I repeat that escape or rescue from a pipeline fire or explosion from our home and the upper portion of Little Valley would be impossible. FERC and the ACP must obey the law, and include us and others in a High Consequence Zone with an integrity management plan, and a realistic plan as to how we would be rescued.

The DEIS advises that an odorant would be added to the natural gas in the ACP to further assure pipeline safety. However, large portions of the pipeline are in rural isolated areas where it is extremely unlikely that a person would smell a gas leak, and the odorant would not make a difference in pipeline safety.

The DEIS states that PHMSA regulations ensure that people and the environment are protected from pipeline incidents. Nevertheless, section 4.12.12 of the DEIS shows an average of 69 pipeline incidents per year in the United States, and an average of 2.5 incidents per year in Virginia. That is hardly a credible record of safety, and is particularly unacceptable given the

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1867-7

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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(cont'd)

extreme explosive capability of the ACP, and the steep landslide prone slopes, karst terrain with sinkholes and caves, and steep narrow valleys with floodprone streams creating very difficult working conditions, and unsafe conditions in general in which to construct a safe pipeline. FERC's statement in this regard is extremely irresponsible and false.

Section 4.12.13 of the DEIS states that based on earlier pipeline safety data that there will be an average of one pipeline fatality from the ACP every 156 years. Again, this is a very irresponsible statement, and it does not take into account the extreme explosive potential of the ACP, the extreme conditions in which it would be constructed and operated, or the proven history of pipeline accidents over the past 20 years.

As I have stated, the ACP route is primarily through rural areas. Pipeline safety regulations are weaker in rural areas than in more populated areas, and therefore, pipeline failure is more likely in rural areas. The regulations allow thinner pipe walls in rural areas. Requirements for hydrostatic test pressures, and the distance between sectionalizing valves are all reduced in rural areas, as are pipeline inspections, the testing of welds, and leak surveys.

Furthermore, and as I have earlier commented, many of the PHMSA regulations are premised with "escape clauses" like "where possible", or "if feasible" that weaken the safety protections that the regulations are supposed to uphold.

Section 4.12.4 of the DEIS dismisses the threat of a terrorist attack on pipeline integrity and public safety by saying that our country's security agencies are constantly working to improve safety, but gives no indication of how they are working to reduce the potential for a terrorist attack on natural gas pipelines, or the ACP. The DEIS then goes on to state that there is a continuing need for construction of natural gas pipelines, and construction of them cannot stop due to a terrorist threat. I have previously commented that the ACP faces a severe threat from terrorists, and discussed how easy it would be for a terrorist to drive to an isolated area, place a bomb on the ground above the pipeline, and detonate the bomb and the pipeline. There is no security whatsoever for this scenario. Additionally, cyber terrorists could hack into the pipeline operation computers, and manipulate valves and other structures to facilitate a catastrophic explosion.

The DEIS mentions that there are 12.5 miles of slopes greater than 35% along the proposed path of the ACP in Virginia. Even this statement does not come close to describing the steep slopes on and near our home in Little Valley along the path of the proposed pipeline. Please note the slopes along the proposed path of the pipeline through our property include sideslopes up to 78%, a center line up to 58%, and over 1,000 consecutive feet of the centerline over 40%. Please also note, as I have previously commented that the average slope of the proposed pipeline on the East side of Little Mountain in Little Valley is 47% for a distance of 1,600 feet, and this includes over 300 consecutive feet of slopes at 60%.

As I have stated in earlier comments, these slopes have already slid in extensive landslides during a 4 inch rain event in the summer of 2015. A landslide 500 feet long, 35 feet wide, and up to 7 feet deep occurred on the East side of Little Mountain within several hundred feet of the proposed pipeline. This landslide would have exposed the pipeline had it occurred in the area of the pipeline. Another landslide 40 feet long, 40 feet wide, and up to 5 feet deep occurred during the same storm event on the bank of Little Valley Run within several hundred feet of the proposed pipeline crossing. A number of significant landslides occurred simultaneously on our property within several hundred feet of the proposed path of the

Z-2982

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-12  
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pipeline. During the same event. These landslides occurred on ground that had not been significantly excavated and blasted, and thus made less stable by pipeline placement. Post excavation areas have a higher risk of sliding than natural ground, and are likely to occur.

I have also commented regarding the extensive karst sinkholes in proximity to, and on both sides of the proposed pipeline, and the possibility that diversion berms to direct water away from the pipeline on the steep mountain sides could cause sudden formation of new sinkholes due to changing water runoff patterns.

I have also commented about the extreme flooding and debris blockage in Little Valley Run that occurred during the same storm event in 2015 and permanently altered the stream channel with a debris accumulation that included many boulders, a number of which are 5 feet long.

Finally, I want to again state that the ACP stated before the Augusta County Board of Supervisors in August of 2014 that they would not construct the ACP in Bath County due to the steep slopes and karst terrain. They know that this is an unsafe location to build the pipeline but they, as well as FERC, now somehow find that it is safe.

FERC's assertion in the DEIS that this pipeline is safe is pure nonsense and patently false. I repeat that my wife and I will seek significant damages against FERC, the ACP, and any responsible person, if we are injured in a pipeline accident, or if our home or property is damaged or destroyed by a pipeline accident. We have also advised our heirs to do the same should we be killed in a pipeline accident.

### **The ACP Cannot Be Constructed On Miracle Ridge**

LO70-13

I previously submitted comments regarding the steep and narrow ridge through the center of our property where the ACP is currently proposed. See my comments of November 14, 2016. My wife and I have named this Miracle Ridge. We gave it that name because of the uplifting spiritual feeling that we get every time we walk on it. As I have also previously stated in November 14, 2016 comments, and verified by the report from forester Mark Sims in those comments, this ridge and other areas of our property contain very old growth forest, and a large part of this forest, including the forest on the Miracle Ridge is virgin forest, meaning that it has never been cut. I will comment further regarding this ancient forest that would be destroyed by the ACP later in these comments.

For now, I will concentrate on showing that the ACP cannot be constructed on Miracle Ridge due to the physical limitations of the very steep slopes. I have a professional background in excavation practices, erosion and sediment control, and environmental regulation. Using the parameters set forth in FERC's description of how the pipeline would be constructed, I computed the impacts that pipeline construction would have on our property.

The pipeline would follow Miracle Ridge for most of the 3,000 foot route through our property. This is a very steep and narrow ridge with very steep side slopes. My computations and conclusions follow, and I am confident in their reliability. All measurements were completed by my wife and I using an inclinometer and measuring tape. Computations regarding cut and fill were made using graph paper. I would encourage FERC to hire an independent engineering firm to verify my findings. I am confident that they are accurate. Please note that percent slope

LO70-13

Refer to section 4.1.4.2 for a discussion of the mitigation measures that would be utilized in steep slope areas. Section 5.6 of Atlantic's and DETI's Restoration and Rehabilitation Plan (appendix F) describes methods that would be utilized to establish vegetation in steep slope areas. Fast-growing cool-season grasses would be used to help ensure faster soil stabilization. Permanent erosion control devices (i.e., slope breakers) designed to reduce runoff velocity, divert water from surface of the rights-of-way, and encourage retention of soils may be used, in addition to additional structural material (e.g., rocky or woody debris) to provide an anchor for revegetation and deposition of soil. In addition to these measures, Atlantic and DETI would develop and implement other site-specific measures, where warranted, to address land movement, surface erosion, backfill erosion, general soil stability when backfilling the trench, and restoring the rights-of-way in steep slope areas.

While Atlantic and DETI have implemented programs and several mitigation measures to minimize the potential for slope instabilities and landslides, the development of other slope instability/landslide risk reduction measures have not been completed or have not been adopted. Additionally, although the proposed pipelines have been sited to maximize ridgeline construction, numerous segment of pipeline would be constructed on steep slopes and in areas of high landslide potential. Considering the historic and recent landslide incidences in the immediate project area, along with the factors above, we conclude that constructing the pipelines in steep terrain or high landslide incidence areas could increase the potential for landslides to occur. However, Atlantic and DETI would comply with DOT regulations, specifically 49 CFR 192.317(a), which require pipeline operators to protect transmission pipelines from hazards, including landslides. Regulations at 49 CFR 192 also specify pipeline design requirements to ensure safe pipeline operation and include pipe stress requirements/testing and require consideration of external loads in pipeline design. Adherence to the DOT's pipeline safety regulations would minimize the risk of damage to the pipeline in the event of landslides in the project area. However, Atlantic and DETI are currently working to provide documentation of the likelihood that the proposed restoration design features and mitigation measures that would be implemented in steep slope areas would minimize the risk of landslides in the project area (see section 4.1.4.2).

Z-2983

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-13  
(cont'd)

is computed as rise (or fall) over run. In other words if a slope rises 6 feet in a horizontal distance of 10 feet it is a 60% slope. A 60% slope is barely walkable. Anything greater cannot be walked.

Total length of proposed pipeline through property - 3,000 feet

Average slope of Miracle Ridge - 31.6%

Steepest slope of 100 foot segment - 58%

Steepest slope of 1000 consecutive foot segment - 46%

Average north sideslope - 66%

Steepest north sideslope - 78%

Average south sideslope - 39%

Steepest south sideslope - 58%

Note: south sideslope extends hundreds of feet at these same slopes before reaching bottom of Cathedral Hollow to the South...north sideslope extends at least 100 feet at these same slopes before reaching waterway at toe of slope. In other words, these same slopes extend down the sideslopes well beyond the proposed work area.

The typical construction right-of way drawings C-2 and C-3 in the DEIS show the pipe being placed in a flat area with no side slopes. There is no typical drawing in the DEIS showing side slopes, or the increased trench width of 30 feet for trench construction on steep slopes. The width of the bottom of the trench is not shown as well, although it appears to be about 6 feet wide. That width is nowhere near the required width for safe working conditions. It would leave only 15 inches of workspace on each side of the pipe. It would jeopardize worker safety, and would make safe installation of the pipe impossible. Material would have to be compacted under the pipe to keep it stable, and this would be impossible given such limited work area. Additionally, since the pipe would be installed on a slope as steep as 58% and averaging 46% for 1,000 consecutive feet it would be difficult for workers to maintain their balance, much less safely weld and install the pipeline.

FERC is remiss in not showing a typical drawing for sloped land, and not requiring detailed engineered drawings for pipe installation in these steep areas. A large part of the ACP is proposed through rolling piedmont and very steep mountainous land, virtually the entire width of the Appalachian Mountains. Drawings C-2 and C-3 in the DEIS are not representative of these areas, and approving this project without valid and reliable engineered drawings is unacceptable.

The DEIS adds 25 feet of additional workspace, but limits the right of way to a total width of 150 feet in steep areas. The DEIS further states that the area would have to be flattened 125 feet wide in order to create a safe work area for construction.

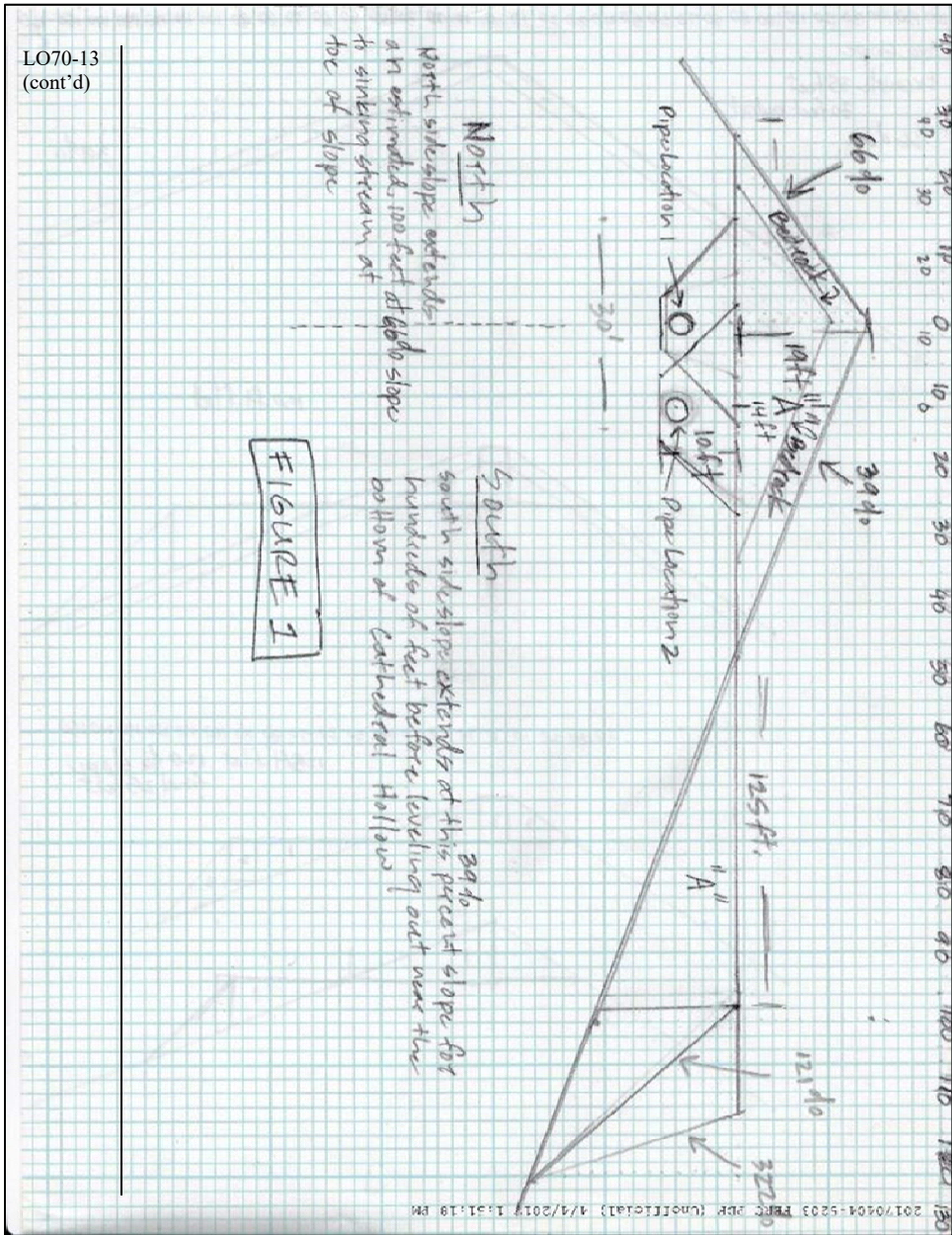
Please refer to the attached cross section of Miracle Ridge showing pipeline construction in Figure 1. This is a rough drawing, and may not show the exact cut and fill, but it is very close to the cut and fill that would be performed should the pipeline be built. It indicates the extreme difficulty in constructing the pipeline along Miracle Ridge. This drawing is far superior, shows much more detail, and is much more representative of the required excavation in steep areas than the inadequate drawings shown in the DEIS, which show the pipeline being constructed on flat ground.

ADD FIGURE 1

Z-2984

# LANDOWNERS COMMENTS

LO70 - William Limpert (cont'd)



Z-2985

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-13  
(cont'd)

Please note the following in Figure 1:

It shows the average north sideslope of 66% and the average south sideslope of 39%.

It adds 25 feet of additional work space as shown in the DEIS drawing C-3 for a total of 150 feet due to the steep slopes requiring a wider trench of 30 feet at the top and 8 feet wide at the bottom. That appears to be the width at the bottom in drawing C-3, although the width is not shown, and an 8 foot width would seem to be inadequate for safe pipeline placement. More than likely the bottom of the trench would have to be at least 10 feet wide to give the workers an adequate and safe work area. A 10 foot wide or wider bottom width would require more material to be excavated and temporarily stockpiled.

Bedrock is shown at 5 feet under the surface.

Two scenarios are shown for the center line.

Scenario 1 shows the center line directly under the top of the ridge as indicated by the survey markers that were placed on the property by Doyle surveyors on 1/18/17. Depth of cut for pipe placement in scenario 1 is 29 feet, with 24 feet through bedrock.

Scenario 2 shows the center line offset 12 feet to the south of the top of the ridge/survey markers. This allows for a 24 foot depth of cut for pipe placement, including 19 feet through bedrock.

The 121% slope on the South sideslope is created by placing the material cut from the North sideslope to create part of the 125 foot flat work area.

The 322% slope on the South sideslope would be created by also adding the material cut from the trench. It is possible that this material could be temporarily stored on the flat work area to avoid the 322% slope and the difficulty in retrieving this material to place back in the trench.

"A" indicates identical quantities of material cut from the South sideslope and then filled on the South sideslope to create the bulk of the 125 foot flat work area.

Please call me at 540-839-3202 or 301-416-0571 or e-mail me at [wlimpert@gmail.com](mailto:wlimpert@gmail.com) with any questions about Figure 1, or my computations.

In order to avoid placing the pipe in fill it would have to be placed in the North side of the right of way. Therefore, the North side would be the "spoil side" and permanent right of way, and the South side would be the "working side" and the temporary construction right of way. Nevertheless, fill material would have to be placed on the very steep south sideslope because the even steeper north side would have to be cut significantly.

The minimum amount of excavation needed would be as follows:

Depth of cut for pipe placement - 24 to 29 feet, including 19 to 24 feet through bedrock  
Length of fill placed on 39% slope - 74 feet  
Cross section of earth excavated - 330 square feet, and then placed as fill - 330 square feet  
Cross section of bedrock excavated - 568 square feet, and then placed as fill - 568 square feet  
Cross section of total excavation - 898 square feet, and then placed as fill - 898 square feet

Z-2986



# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-13  
(cont'd)

Total earth excavation and fill on the property - 990,000 cubic feet, or 36,000 cubic yards of excavation and 990,000 cubic feet, or 36,000 cubic yards of fill.  
Total bedrock excavation and fill on the property - 1,704,000 cubic feet, or 63,111 cubic yards of excavation and 1,704,000 cubic feet, or 63,111 cubic yards of fill.  
Total excavation and fill on the property - 2,694,000 cubic feet, or 99,778 cubic yards of excavation, and 2,694,000 cubic feet, or 99,778 cubic yards of fill, or over 33 cubic yards for each foot of pipeline through the Limpert property.

In order to avoid a 31 foot vertical wall of fill at the South limit of the 125 foot flat area, some fill material from the leveling work would need to be placed in the remaining 25 foot additional work space. This would result in an unstable and unacceptable 121% fill slope in the additional work space that would be 31 feet high. A slope this steep would not be stable. It would collapse unless controlled by a retaining wall.

If the additional material excavated for the trench was also temporarily placed in this area the fill slope would increase to an almost vertical 322%. This slope would be unstable as well, unless controlled by the same 31 foot high retaining wall. This material could not all be placed on the North side of the trench due to limited work space, and large amount of material from the 30 foot wide trench. Placement on the flat south side of the trench would encroach on the needed flat work space.

Placement of fill on the 39% south sideslope would be extremely reckless and unsafe. A slope this steep cannot accommodate a large amount of fill. The fill would likely collapse in a landslide and run down the slope. Keep in mind that the majority of the fill would be unconsolidated rock from blasting. Rock cannot be compacted and it would remain unstable. Keep in mind as well that the extensive blasting needed through bedrock in this area would further exacerbate the instability of the fill slope and create an even larger potential for slope failure and landslides.

In order to successfully revegetate this area soil, topsoil, and rock would have to be segregated in stockpiles. The rock would need to be rolled extensively in order to try to reduce voids between the rocks. Soil would then be placed on the rock fill, and a large part of it would likely fall through the voids in the underlying rock fill. Then topsoil would be placed on top of the soil.

Section 2.3.2.6 of the DEIS states that the trench must be free of rocks. So the trench must be filled with soil. If bedrock is 5 feet under the surface of the ground 70% of the excavated soil would be needed to fill the trench. If bedrock is 3.5 feet below the surface all of the excavated soil would go into the trench. If bedrock is less than 3.5 feet below the surface there would not be enough soil to go into the trench. I believe there is a very good chance that bedrock is less than 3.5 feet of below the surface on this very steep and narrow ridge, and there would not be enough soil to fill the trench. This would leave no soil to spread on the remaining 125 foot rock fill area, and it would remain barren and unvegetated for many years into the future. Even if bedrock is 5 feet below the surface there would only be enough soil left over from filling the trench to cover the rock with only about 6 inches of soil, and as I stated, a large amount of this would likely fall through the voids in the rock fill, leaving little if any soil on the surface for revegetation.

The figures that I used in these computations are based on the average slopes for Miracle Ridge. In areas where the slopes are steeper, with the main slope at 58%, the North sideslope

Z-2987

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-13  
(cont'd)

at 78%, and the South sideslope at 58% construction would be even more difficult and unsafe.

I understand that these issues, my computations, and figure 1 may be difficult for the FERC reviewer to fully comprehend. Therefore, I ask you to contact me to discuss these issues, and to have a qualified civil engineer who is familiar with excavation and blasting in steep mountainous slopes thoroughly review these comments, and to contact me as well.

The amount of excavation and blasting that would be needed on our steep land is hard to imagine. All of this would be visible from our front porch, and our scenic view of Miracle Ridge and our old growth forest across Cathedral Hollow would be gone forever.

It is obvious to me that this proposed route would be a disaster to my wife and I if it is attempted. It would require extensive blasting through bedrock, and an incredible amount of excavation that would still leave very tall, steep, and unstable fill slopes. The blasting could easily collapse the limestone water carrying channels that bring drinking water to our wells and springs in Little Valley. Not surprisingly the ACP has admitted no liability for any of those numerous drinking water sources except one well, which is within about 300 feet of the proposed line. We and our neighbors could all lose our water with no liability whatsoever for the ACP.

Keep in mind as well, as I have earlier stated, that there are several large landslides on our property and in Little Valley, all within several hundred feet of the proposed line that occurred just a little less than 2 years ago. These occurred under natural conditions, with no excavation, loose fill material, or blasting involved. Carrying out these activities in our steep area could easily cause further landslides and catastrophic pipe failure.

Ours is not the only location in Western Virginia and West Virginia where the ACP is planning to conduct such reckless excavation and blasting. More than a dozen mountaintops would be removed in similar operations leaving permanent scars, landslide threats, and the potential for a catastrophic explosion. Many other very steep slopes, and many that have been shown to have a high potential for landslides would be cut open, and left in an unstable condition, with a highly explosive gas pipeline just under the surface.

I have been continually appalled at the ACP's lack of foresight in their stated plans. They have consistently downplayed the consequences of their proposed actions, and put tens of thousands of citizens at risk by their carelessness. FERC, fully funded by the energy industry, has been equally blind to ACP's proposals, and is content to rubber stamp them. I have never seen such careless planning that could result in such dangerous and injurious consequences.

The ACP should not be constructed as currently proposed on Miracle Ridge through our property due to the extreme slopes, which create unsafe working conditions, pipeline safety issues, landslide potential, erosion and sediment control issues, potential for water pollution to private wells and springs, and extreme difficulty in revegetating the area because of the large amount of rock and small amount of soil.

If the ACP is constructed it should be rerouted away from Miracle Ridge, the Limpert property and Little Valley, which contain similar terrain, and any other similar steep narrow ridges.

**Sinking Streams Adjacent To Proposed Pipeline On Limpert Property**

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8867-7

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-14 | During the initial Doyle/ACP survey of our property on January 18, 2017 we observed and documented the tributary to Little Valley Run at the toe of the North slope of Miracle Ridge, where the pipeline is proposed, to be sinking into the ground. It was running strongly above this location, and then abruptly sinking out of sight, and not resurfacing at any apparent location downstream. The stream bed below this location was dry. We also observed and documented what appeared to be a large limestone rock in this same area. We brought both of these issues to the attention of Eric Donajkowski of the survey crew who was at that location with us, and witnessed the sinking stream and the rock. We advised him that the sinking tributary and limestone rock indicated that karst conditions are present in this location, and not just in the valley floor of Little Valley. Mr. Donajkowski agreed with our findings in this matter.

Survey crew members stated during the survey that spoil material from pipeline excavation would be placed on the North side of the center line. The center line as marked by the survey crew follows the center of very narrow Miracle Ridge through all but the very westernmost portion of our property, except for one eastern location where the center line is about 15 feet down the steep north sideslope. The North sideslope of Miracle Ridge is consistently in the 78% slope range for almost all of the proposed path through our property, and averages 66% slope for the entire length through our property. Further, the South sideslope of Miracle Ridge is also very steep, averaging 39%, and up to 58%. This would require extreme excavation and blasting to level the ridge to the 125 foot flat safe working area, with a possible 25 foot planned additional workspace due to the larger trench required in steep areas such as this.

On March 4, 2017 my wife and I once again observed and documented the sinking stream at the toe of slope on the North side of Miracle Ridge. The stream continued to sink at the same location previously discovered. Stream flow was less than observed on January 18, 2017. I estimated the stream flow at 2 gallons per minute. The stream was flowing for only about 60 feet upgrade from the sinking location. We measured this location at about 350 feet downgrade from where the stream crosses the property line between our parcels 14-18C, and 14-18E. We followed the channel down from the sinking location all of the way to where it enters the perennial tributary which starts at Big Spring on our property. This is greater than 1,000 feet. The channel was dry for the entire length and we could not hear water flowing under the rocks for any of that distance.

We also found a stake that the survey crew had placed in the same channel 171 feet above the property line between our two parcels on parcel 14-18E. The stake was marked with apparent GPS coordinates N38,27468 W079.31973. We found water pooled under a large rock at this location. I believe this is the highest location where the surveyors first found water in the hollow. This pooled water was not running in the channel, and we could hear no water under the rocks in the channel below this location until the 60 feet of open water mentioned previously. This indicates that water is sinking at this location as well.

We observed, documented, and photographed the stream at the north toe of the slope of Miracle Ridge again on March 24, 2107. Flow was again about 2 gpm, and the stream was sinking at the same location. The channel below was completely dry with no sound of water under the channel all of the way down to where it meets the perennial tributary to Little Valley Run. We also found and documented several springs to the north of this tributary that were sinking as well. Water was running under a rock at the location formerly marked with GPS coordinates, and I heard water under the rocks about 10 feet above this location as well. I did not hear water in the channel below this location, but I heard water in under a large number of rocks in the several locations north of the channel below this area.

LO70-14 Details describing the precautionary measures to be taken during pipeline construction blasting are discussed in section 4.1.2.2 and also in Atlantic's and DETI's Blasting Plan.

FERC's team of karst geologists and hydrologists independently evaluated the information concerning karst geology and hydrology and concluded that collectively, the information provided by Atlantic and DETI is sufficient to adequately characterize karst and water resources. The EIS details the reasons for our conclusions that, if ACP and SHP are constructed and operated in accordance with PHMSA regulations and project-specific construction, monitoring, and mitigation plans, as well as FERC staff recommendations, the projects would not result in significant impacts on karst features or water resources, or represent a significant risk to public safety.

Z-2989

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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Cathedral Hollow at the south side of Miracle Ridge also contains an intermittent tributary to Little Valley Run that sinks as well. We have frequently seen water in this channel at the property line between parcels 14-18C and 14-18E with no water in the channel below. There was no water in that channel the day of the survey. Mr. Donajkowski also inspected the headwaters of this tributary in attempting to locate the spring or springs that initiate this waterway. On March 24, 2017 my wife and I inspected and documented through photographs that this stream was running and sinking in several locations on our property as well. The lower 500 feet of the channel on parcel 14-18C was dry with no sound of water under the channel, and there was only water in a few pools above this location. There was the sound of water under the channel at the border of Parcels 14-18C and 14-18E, but no surface water.

I observed, documented, and photographed both streams again on April 2, 2017. Approximately 1/2 inch of rain had fallen on March 31, 2017. There was increased flow in portions of both streams with a maximum estimated flow of 6 gpm in the stream at the north toe of the slope of Miracle Ridge. Flow volumes varied from about 2 gpm to 6 gpm in the areas of channel flow. This stream was rising and sinking at several more locations than previously, including an area of flow below the previously noted area. A very large subsurface flow was heard in the scree rocks to the north of the channel within 100 feet up grade and down grade from the property line between our two parcels without flow in the channel, which is at a lower elevation in this area. A large subsurface flow in scree rocks was also heard about 10 feet above the previously noted Doyle GPS ribbon location. I heard no water above that location. I noted and marked 3 more springs within 50 feet of the channel in this location, and all of them were well within 500 feet of the construction zone. This brings the total number of springs north of the proposed route of the pipeline, and in close proximity to 5. The lower portion of the channel was again completely dry with no sound of water running under the channel.

The stream in Cathedral Hollow was dry at our lower property line. I found that water was flowing into the pool approximately 500 feet above the property line at an estimated 2 gpm, but sinking at this location. There was continuous flow in the channel upstream from this location to where a trail leads to our home. I did not follow the channel further upstream on this date. I observed that the flow varied in volume during this stretch of channel, and in some areas was barely flowing.

On April 3, 2017 I inspected the stream in Cathedral Hollow from the trail leading to our home to its source. The stream was running near the trail to our house, and was rising in the channel about 100 feet upstream of that location. The channel was dry above that location except for about a 20 foot stretch with a very small amount of running water. The spring in Cathedral Hollow was running at an estimated 2 gpm, and was flowing continuously all of the estimated 150 feet to the stream channel. That flow sank when it reached the stream channel, and the stream channel was dry with no sound of water under the channel below this location. About 100 feet upstream from this location water in the channel was sinking into the channel. Above this location water was either visible flowing in the channel, or audible just under the channel. Water was audible under the rocks in the channel to about 300 feet above the line between our two parcels. I could not hear water under the rocks immediately above this location.

These inspections show that the stream at the north toe of the slope of Miracle Ridge, where the pipeline is proposed, and the stream in Cathedral Hollow, just south of Miracle Ridge both sink in several locations. Both of these streams receive runoff from Miracle Ridge. The north stream is at the base of the average 66% north slope coming off Miracle Ridge, and the south

Z-2990

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-14  
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stream is at the base of the 39% south slope coming off of Miracle Ridge. Both of these streams receive large amounts of runoff from Miracle Ridge. The inspections also show that there are 7 springs in proximity to the proposed pipeline construction area on Miracle Ridge. Five of them are north of Miracle Ridge and these are all within about 200 feet of the proposed construction area, and two of them are south of Miracle Ridge, and within 500 feet of the proposed construction area.

Given the sinking streams, numerous springs, karst terrain at this location, and plans to place very large amounts of spoil on the very steep north sideslope directly above this area, how will the ACP prevent groundwater aquifer pollution at this location, and how will the numerous downgrade drinking water wells, drinking water springs, and springs that are currently not being used for drinking water, but could be used for that purpose in the future, be protected from pollution runoff from the construction site?

Since this is a karst area, the ACP will be required to implement the stated blasting plan for karst areas involving minimal blasting charges. The stated reason for this protocol is to minimize the likelihood of the blasts collapsing the limestone water carrying channels, and reducing, or completely cutting off water to downgrade drinking water wells, drinking water springs, and springs that are currently not being used for drinking water, but could be in the future. As you may know there is no public water within 15 miles of this area.

How will the ACP carry out this minimal blasting charge plan when such extensive blasting would be required over a wide area through about 3,000 feet of our property?

How will sediment be kept out of this waterway in Cathedral Hollow, which is adjacent to, and south of Miracle Ridge, and the waterway to the north of Miracle Ridge, where pipeline placement is currently proposed?

At a minimum, there should be a dye study conducted for these sinking streams to show the extent of the underground aquifer and impacted downgrade wells and springs. Nevertheless, the proposed path of the pipeline should also be moved away from this location.

LO70-15

### **The Pipeline Cannot Be Constructed On The Limpert Property**

The two previous sections demonstrate that the ACP cannot be safely constructed on Miracle Ridge through the Limpert property. The ridge and sideslopes are much too steep, and attempting to excavate and place fill earth and rock on these steep slopes would result in very high landslide and soil loss potential that may jeopardize the safety of the pipe itself. The very steep unstable placement of rock and soil along the South side of the work area would require a retaining wall around 3,000 feet long through the entire property.

The presence of sinking streams and karst terrain on both sides of Miracle Ridge would make it very difficult to keep sediment and pollution from construction practices out of the groundwater that feeds wells, and the numerous drinking water springs, and other springs that could be used as drinking water springs in Little Valley. As I have previously stated, there is no public water in Little Valley. The nearest public water is 15 miles away.

The fact that the minimal blasting charges shown in the blasting plan for karst areas would be required would make the attempt very costly and time consuming.

LO70-15      Comment noted.

Z-2991

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-15  
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As I have also previously stated the rest of the Limpert property is a series of steep narrow ridges coming off of Jack Mountain with streams in the hollows between the ridges. These ridges are as steep and narrow as Miracle Ridge. The hollows end in very steep scree slopes of 80% near the summit of Jack Mountain. The same limiting factors stated above for Miracle Ridge would apply to these areas as well.

None of the terrain on the Limpert property is suitable for placement of the ACP, and it should not be constructed there.

I repeat my intent to take legal action against the ACP, FERC, and any appropriate individual working for the ACP or FERC for any injuries that my wife and I may sustain in a pipeline accident, any damage to our property from a pipeline accident, and to advise my next of kin to do the same should my wife and I die in a pipeline accident. I will also take legal action against the ACP, FERC, and any appropriate individual working for the ACP and FERC should our water supply or any springs on our property be polluted, diminished, or cessated as a result of ACP construction, operation, and maintenance.

LO70-16

### Detailed Site Specific Grading Plans Must Be Submitted And Approved

FERC should require submission and approval of site specific grading and erosion and sediment control plans for this project. It is very rare that a county, state, or federal highway is constructed on slopes greater than even 10%. All of the construction plans for these roadways show site specific detailed grading plans, with cut and fill slopes and quantities clearly defined. These plans are essential for the integrity and safety of the roadway. The ACP is proposed to traverse slopes of 60% and greater, with sideslopes at 78% and perhaps greater in some areas. The ACP has the explosive capacity of our military's largest conventional bombs, and according to several industry experts, the explosive capacity of the atomic bombs dropped on Japan in World War II. It is absolutely essential that construction of this pipeline be done with care and with safe construction techniques. A big part of that requires site specific grading plans.

Pipeline safety is not the only reason to require site specific grading plans for this project. This project is routed through many miles of high landslide potential. In fact, it is routed through areas where large landslides have already occurred, including Little Valley, and our property. Landslides occurred on a Dominion pipeline project on steep slopes in West Virginia several years ago. Section 4.1.4.2 of the DEIS cites a number of studies showing high landslide potential from placing fill on steep slopes, and reviews the extensive landslide prone areas in Western Virginia and West Virginia. Site specific detailed plans are essential to avoid landslides

Soil erosion from the steep, unstable slopes involved in this project could easily pollute local streams, damage aquatic life, and travel for significant distances downstream. Soil loss to channels could also fill those channels with sediment, reduce the channel carrying capacity, and contribute to greater flooding in the future, especially considering the reliable predictions of increased intensity storm events in the future. Site specific detailed plans are essential to avoid massive sediment loss to our streams.

The United States Forest Service (USFS) has requested these detailed grading plans from the ACP on at least three separate occasions, and the ACP has failed to produce them. The USFS

LO70-16 Comment noted. Atlantic would provide mitigation measures for the six steep slope categories in the Erosion and Sediment Control plans as typical drawings.

Z-2992

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-16  
(cont'd)

shares my concerns in this regard, and detailed site specific grading plans should be submitted to them as well as FERC.

Finally, the pipeline is proposed to traverse a number of high, steep ridgetops for many miles. These ridgetops would present the same construction challenges that I have demonstrated for Miracle Ridge. Besides disfiguring these ridgetops permanently, and causing loss of scenic values, for many persons for many miles around these ridges, there would be no suitable location to place the spoil material. The ridges are too narrow and steep. The fill material could not be stabilized on those slopes, and would erode or fall down the steep mountainsides to the properties and waterways below. Site specific detailed grading plans for these areas would be essential to determine if placement of the pipeline along these ridgetops would even be feasible given the difficult working conditions.

### Property Values

LO70-17

FERC states in the DEIS that based on literature reviews and discussions with real estate appraisers, they conclude that the ACP and the SHP would not result in decreased property values. This conclusion is blatantly untrue. It was based on false and incomplete information. FERC subjects over 2,700 directly impacted property owners, and tens of thousands of property owners in the blast zone, the evacuation zone, the viewshed of the pipeline, and near the appurtenant above ground facilities to massive property value losses with this invalid conclusion. FERC must withdraw this conclusion, and conduct further study of this matter.

FERC's research is flawed, and does not accurately reflect the impacts that the ACP would have on property values in most areas. No consultations or discussions with real estate professionals were completed for the areas that would be impacted by the ACP, despite my earlier comments urging FERC to do just that. No specific independent studies of the impacts that the ACP would have on property values were completed despite my earlier comments urging FERC to do that as well. Many of these studies compared properties close to a pipeline with other properties that were close to the same pipeline. The studies that were reviewed do not reflect the rural nature of the vast majority of the properties that would be impacted by the ACP. Many of the studies that were reviewed were commissioned by the oil and gas industry, and are biased to that industry's ongoing propaganda campaign that gas pipelines do not reduce property values. Finally, none of the pipelines in these studies was as large, or had the extreme explosive potential of the ACP. Numerous other non industry studies that FERC does not mention show that property value losses from natural gas pipelines would be substantial.

FERC's obvious pro industry and anti citizen decision to choose only specific studies that claim no property value losses, while ignoring studies that clearly demonstrate property value losses is unconscionable, and leaves FERC open to legal action. FERC's failure to conduct an independent study for the ACP, and failure to consult with real estate professionals in the areas impacted by the ACP does so as well. Additionally, FERC's comment that in a few cases where property values would be negatively impacted the property owners would be fairly compensated by the ACP or through legal proceedings is also incorrect, and I will demonstrate that.

I will comment on the studies that FERC mentions in their DEIS, and point out their flawed methodology.

LO70-17

Your concerns are noted. Based on FERC staff's research and a thorough review of the information presented in your comment letter, our analysis still finds 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.

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 Coast 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.

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.

In addition, Atlantic and DETI would implement a Landowner Complaint Resolution Procedure for landowners to contact Atlantic or DETI if they have any concerns during the construction period or during restoration. In addition, the FERC's Landowner Helpline can be utilized in the event Atlantic's or DETI's response is not satisfactory to the landowner.

Z-2993

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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FERC cites a Western Washington University study by Hanson and Benson that concluded that a 1999 pipeline explosion lowered values \$13,000 immediately after the accident, but after time those values returned to pre explosion values. The study showed that prices were lowered more on properties that were closer to the pipeline. This study is not pertinent to the ACP impact on property values for several reasons. The incident occurred in an urban area, and not in the typical rural area that the ACP would cross. This was a 19 inch gasoline pipeline. Gasoline is not as explosive as natural gas, and this explosion would not compare to the catastrophic explosion that could occur from the 42 inch ACP. This study found that only 40% of the residents who lived near the pipeline knew that the pipeline was nearby, and 55% of residents who lived near the pipeline flatly denied that they were close to the pipeline. Prospective buyers will know if the property they are considering is close to the ACP. A real estate agent here in Bath County has told me the first question he is asked by persons looking for property is how close is the proposed ACP. Additionally, today's information technology facilitates large amounts of information available to most people, and gas pipeline explosions are more well known today than in 1999. This would reduce the potential for prospective buyers to forget, or not be aware of pipeline explosions. This study is not pertinent to the ACP.

The cited 2001 INGAA study by Allen, Williford, and Seale is flawed as well. It was commissioned by the oil and gas industry, with likely bias toward that industry's ongoing position that gas pipelines do not reduce property values. The study claims that 4 different areas were researched and that two were suburban, one was commercial, and one was rural. None of these areas was rural. The stated rural area of Katy, Texas is a residential community just west of Houston. The study indicates that it is one of the largest developments in the Houston metropolitan area, and the map provided shows it to be a dense area of homes. All of these studies compared property values for properties that were all close to pipelines. This is not an accurate measure of property value. The study states that lawsuits that awarded property owners compensation for not being advised that a gas pipeline was on or near the property were later overturned by appellate courts, but provided no specific cases to support that claim. This study is not pertinent to the ACP.

FERC cites a Medford Oregon study, but this was only a 12 inch gas pipeline, and was primarily in urban and suburban locations. This study is not pertinent to the ACP

FERC also cites a Las Colinas 24 inch pipeline through a commercial area. This study is not pertinent to the ACP.

FERC cited studies commissioned by natural gas companies for the Palomar Gas Transmission line and the Oregon LNG project for a natural gas pipeline that was constructed along the western edge of Portland, Oregon. These studies likely reflect industry bias and were primarily in urban and suburban settings. This study is not pertinent to the ACP.

FERC cites a study by Dilin et al in 2011 researching effects of pipelines on residential properties in AZ, all in dense residential areas. This study is not pertinent to the ACP.

FERC goes on to cite another INGAA study carried out once again by Allen, Williford, and Seale for the Williams gas pipeline in the Saddle Ridge development in Luzerne County, PA. Once again, this study compared units all in proximity to the pipeline in the same suburban subdivision. This study is not pertinent to the ACP.

FERC states that their previous analysis of Constitution Pipeline and Wright Interconnect

Z-2994



# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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projects was based on appraisers' information. They stated that they contacted several appraisers about potential impacts to property values due to the presence of the pipeline, however, only one appraiser provided information. This single appraiser stated that empirical evidence indicates no difference in property value attributable to the existence of the pipeline easement, and he was not aware of other appraisers making adjustments due to pipelines. Then he went on to state that many other variables make it difficult to determine the incremental effect that any one variable may have on property values. He further stated that perceived safety issues or land use restrictions could reduce the number of potential buyers, and extend the number of days that properties in proximity to the pipeline are on the market. These comments were made by a single appraiser, and included an admission of uncertainty, along with negative impacts due to pipeline proximity. These comments are not pertinent to the ACP.

FERC cites yet another INGAA study conducted in 2016 in Ohio, New Jersey, Pennsylvania, and Mississippi for single family homes and townhouses. This once again compared properties in urban and suburban settings that were in the same subdivision, and all close to pipelines. This study is not pertinent to the ACP.

None of these studies is pertinent to the ACP, and none of them should be used by FERC to conclude that the ACP would result in decreased property values. I believe that FERC intentionally selected these studies to back the industry's claims of no negative impacts to property values.

I searched "Gas Pipeline Property Values" on my computer. The first 24 sites that were listed showed 12 that were sponsored by the oil and gas industry, and the other 12 were not. Every site sponsored by the oil and gas industry claimed that gas pipelines have no impact on property values. Every site that was not sponsored by the oil and gas industry showed that proximity to a natural gas pipeline would lower property values. This demonstrates the oil and gas industry's ongoing misinformation campaign regarding this issue. It also points out FERC's bias toward the industry by choosing studies that back the industry's position.

A number of studies that I found that show that proximity to natural gas pipelines lowers property values are shown below.

The Forensic Appraisal Group, a Wisconsin based pipeline and power line valuation company found property value losses of up to 30%, depending on the scope of the impact to the property. For instance, an impact far from a home would lower property value less than an impact close to a home. An impact that reduced the ability to subdivide the property, or use the property in the same way as prior to the pipeline would also further reduce the property value. The Forensic Appraisal Group also pointed out that any break in the pipe or explosion would be catastrophic. Since valves on pipelines are far apart the volume of gas that would be exposed in a pipeline break and the resultant explosion is much greater than any other type of transportation.

The Lebanon, Pennsylvania Daily News found that gas pipelines can reduce property values 5% to 40%. This information was obtained from Lebanon County real estate agents. The article criticized FERC for stating that there was no consistent information that natural gas pipelines reduce property values in FERC's review of the Constitution Pipeline.

A Roanoke Times Article stated that Conversations For Responsible Economic Development

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# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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found that a Pepco Pipeline in MD lowered impacted properties by 11%. They also reported that the BP Inland Corporation Pipeline in Ohio lowered values 25%

Three separate cases heard by the Texas Supreme Court recently upheld lower court rulings for significant compensation to new property owners who were not advised that a gas pipeline ran through the property prior to purchasing the property. They found that land outside of the easement itself lost significant value.

Similarly, in 2014 the State of California Court of Appeals awarded the Gaviota Holding LLC \$1.51 million for a decline in property value after existence of a gas pipeline was not disclosed prior to Gaviota purchasing the property.

A provision in Fannie Mae and Freddie Mac mortgage agreements prohibits properties from storage or release of hazardous substances or industrial activities. This could make it difficult to obtain a mortgage through Fannie Mae or Freddie Mac for a property impacted by a pipeline. Additionally, many banks are afraid of liabilities associated with gas pipelines, and are reluctant to finance loans for properties with pipelines. The USAA Financial Services Company found that a pipeline impacting a property would change that property's insurance category from residential to commercial.

The Key-Log study of the impacts the pipeline would have on the economies of Buckingham, Nelson, Augusta, and Highland counties finds property value losses.

The comparison of land and home prices in the Wintergreen area of Nelson County submitted to FERC by Pamela Farnham in DEIS comments before and after the ACP was announced, and that price comparison to other parts of Virginia during the same time period shows the negative impact the ACP is already having on properties close to the proposed route.

Our leading real estate agent in Bath County has stated that properties directly impacted by the Atlantic Coast Pipeline will lose at least 50% of their value. Another real estate agent has stated that the first question he gets from prospective buyers is "Where is the pipeline going?" An acquaintance in Bath County listed his home and property for sale several days before the Alternate Route GWNF-6 was announced for the ACP. That route would impact a neighboring property. He has had no inquiries whatsoever for his home and property, and it has been over year since it went on the market. Another couple in eastern Bath County who would be directly impacted by the pipeline have been trying to sell off parts of their property to pay legal fees involved in trying to stop the pipeline, and they have had no offers whatsoever.

Our property would be directly impacted. The pipeline would cut our property in half. We would lose at least \$300,000 in property value. The ACP has offered us less than \$33,000 for an easement through our property. We will not sell an easement no matter what the offer. So, we would incur a \$267,000 loss. I am retired, and 70 years old. My wife and I cannot afford to sustain a \$267,000 loss. So it crossed my mind to possibly get back in the work force to try and recoup that loss. But even if I could find a job that paid what I was earning when I retired, and I put all of my earnings toward recouping the property value loss, and did not spend my earnings on anything else, it would take me over 5 years, until age 75 to do so. If I found a job at \$15 per hour, it would take me 12 years, until age 82 to recoup the loss. At minimum wage of \$7.50 per hour, it would take me 24 years...age 94.

We would not be able stay in our retirement home if the pipeline is built as proposed. We

Z-2996

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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would have to abandon it. We cannot live next to a dangerous pipeline, or see the destruction it would bring to our property and our most beautiful part of the world. We would have to try and sell it. Rural homes and property generally do not sell quickly. Our home would be even less likely to sell with the pipeline running through it. We would be left with a toxic asset at half its former value, and one that we would still have to maintain with heat, property maintenance, taxes, and other typical expenses of home ownership, all while be exiled from our home and property. We would actually be better off if our home burned down, or was destroyed in a tornado. At least we would get the insurance money for it, and that would be more than we could get with the pipeline on the property.

FERC's states in the DEIS that in the rare cases where property owners would have their property values reduced by the ACP they would be fairly compensated is also untrue.

Only properties directly impacted by the pipeline and it's associated structures would be offered any compensation for their property loss. These directly impacted owners would be offered a settlement amount for their property that is well below the total property value loss that would occur. The offer is only for an easement for the right of way through their property, and does not cover the full loss of property value, which in our area could be 50% or more.

Property owners who refused the inadequate compensation would have their property taken from them by eminent domain. These property owners do not even have the right to choose which eminent domain court would hear their case. Only the ACP has that choice under the law. Virginia law is much more favorable to property owners than federal law in eminent domain cases. The ACP has stated that they will take these cases to federal courts, where they will benefit at the expense of the property owners. Finally, there are significant attorney fees involved, and generally those fees would be 1/3 of the difference between what the ACP offers and the final verdict. So, it's possible to receive more than the ACP offer, but only if your attorney can prevail over the ACP attorneys, and that outcome is questionable given the ACP's experienced and highly paid attorneys. Even if the verdict is favorable to you, you still don't recoup your full property value loss, because a large part of the verdict goes to your attorney fees, and the verdict may not cover your true losses.

Property owners not directly impacted by the pipeline or it's structures, but are still affected by the pipeline would not be offered any compensation whatsoever. They would have their property values diminished substantially if they are in the blast zone or the evacuation zone, near a compressor station, valve station, industrial access road, or in the diminished viewshed of the pipeline. The blast zone for most of this pipeline is 2,200 feet wide, and the size of the entire blast zone for the 600 mile pipeline is close to 240 square miles. The evacuation zone for the ACP is 1.4 miles wide, and the size of the entire evacuation zone is close to 800 square miles, or about 2/3 the size of Rhode Island. There are 3 large compressor stations, valve stations every 15 miles, hundreds of miles of large industrial access roads, and countless beautiful vistas that would be destroyed. Many, many property owners would receive no compensation for their loss.

I believe that the small amount that the ACP would pay for taking private property is a major incentive for them to take the private property, instead of collocating with other utility or transportation rights of way. Collocation would involve some costs as well, but very likely those costs would be more than the \$55 million that Dominion is offering private property owners. Paying for a small portion of a property, while significantly lowering the value of the entire property, and other nearby properties is not fair. The ACP should be required to pay full

Z-2997

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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appraised value for any property they take, plus additional compensation for forcibly taking private property, and compensate nearby properties, and properties with diminished scenic views for their lost value as well.

I would like to comment again on property value losses that have already occurred, and will continue into the future if the pipeline is approved. I earlier estimated total property value losses for the project at \$840 million in my filing of May 31, 2016. Since then I have learned that a little over 2,700 properties will be directly impacted by the project. My original estimate of impacted properties was 4,800. I have also realized that I made a calculation error in my earlier submittal. Nevertheless, I believe my original estimate is reliable, property values losses would be very high, and an explanation follows.

Here are the variables and calculations I used in my original estimate:

- 8 properties directly impacted per mile with 25% property value loss
- 8 additional properties per mile not directly impacted, but within the 2,200 foot blast zone with 15% property value loss
- 20 additional properties per mile out of the blast zone, but within the 1.4 mile evacuation zone with 10% property value loss
- Average property value \$250,000

So that comes to:

- 4,800 properties directly impacted
- 4,800 other properties in the blast zone
- 12,000 other properties in the evacuation zone

Total property value without the pipeline:

- \$1.2 billion
- \$1.2 billion
- \$3.0 billion

Total property value loss with the pipeline:

- \$300 million
- \$240 million
- \$300 million

Total property value loss = \$840

Correcting for the earlier calculation error, the total property value loss for properties in the blast zone should have been \$180 million...not \$240 million. This would make the total property value loss \$780 million...not \$840 million.

I have also learned that fewer properties than I earlier estimated will be directly impacted. Nevertheless, that doesn't lower the total estimated property value loss. Fewer properties impacted indicates that the properties that are impacted are larger in size than previously estimated. So instead of an average of 8 properties per mile being impacted there are 4.5 properties per mile impacted. This equates to an average length of the pipeline through each

Z-2998

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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property at 1,173 feet. That's a big property. In fact, a property that is in the shape of a square 1,173 feet by 1,173 feet is over 28 acres in size. That's the average size of a property directly impacted by the pipeline. I used an average property value of \$250,000 in my earlier computations. A property of 28 acres in size with even a modest home on it is worth much more than \$250,000, so my earlier estimate of the value of each impacted property was likely low, because it was based on a smaller sized property. The same size estimates and property values would apply to properties in the blast zone, and in the evacuation zone. In summary, there are fewer properties impacted, but they are more valuable than the earlier estimate.

Further, my earlier estimate did not take into account hundreds of miles of access roads, and resultant property value losses. In our area of Western Virginia there are as many miles of access roads as there are of pipeline. These access roads directly impact many properties that are not impacted by the pipeline. In fact, with around 300 miles of access roads I estimate that over 1,000 additional properties are directly impacted by an access road. A wide industrial access road through a property which is used by very heavy equipment both during construction of the pipeline, and for maintenance or emergency response on the pipeline after construction would reduce property values significantly.

Additionally, my earlier estimate did not take into account other structures related to the pipeline that would likely reduce property values even more than the pipeline itself. These include compressor stations, above ground valves, microwave towers, storage yards, and water impoundment areas. These structures would further reduce property values.

Finally, my earlier estimate I did not take into account other factors that lower property values. I did not take into account properties whose scenic value is diminished due to the pipeline. Certainly in all areas, and particularly in rural areas, a scenic view adds to the property value. Take away that scenic view for a view of the pipeline going up the side of a mountain, or worse yet, cutting off the top of a mountain as is proposed for eleven separate mountains visible for great distances in Western Virginia and West Virginia, and the property value drops significantly.

So, I am confident that my earlier estimate of \$840 million in total property value losses from the pipeline is reasonably close to the true property value loss. In fact, it could be low. Given the additional loss factors mentioned here, the total property value loss could easily reach \$1 billion and more.

We had previously learned that the ACP was offering \$7,000 per acre in compensation for their right-of-way through properties in Western Virginia. Actually, they only offered us a little over \$4,000 per acre. But even at \$7,000 per acre they would pay only about \$55 million to property owners along the entire route of the ACP. So property owners would lose close to \$1 billion and the ACP would pay only \$55 million. That's anything but fair, and FERC knows it.

There is no question whatsoever that the ACP will significantly reduce property values for tens of thousands of people. FERC's assertion in the DEIS that it will not reduce property values is wrong, and is not backed by any credible information. It is a slap in the face to the tens of thousands of property owners whose properties would lose significant value (and have already lost significant value) if the pipeline is constructed as proposed. It also leaves FERC open to legal action for that blatantly biased and fundamentally incorrect statement.

FERC must conduct an objective study of impacts to property values from the ACP, and factor

Z-2999

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

20170404-5203 FERC PDF (Unofficial) 4/4/2017 1:51:18 PM

LO70-17  
(cont'd)

that into their decision making process.

### Visual Impacts

LO70-18

I have commented about the loss of scenic values that would occur if the ACP is placed through Western Virginia and West Virginia as currently proposed in earlier comments, and at length in my comments of November 14, 2016. Please review those comments in conjunction with these current comments. Constructing the ACP as currently proposed would violate the Natural Gas Act 18 C.F.R. 380.15. Legal action against FERC, Atlantic, and those individuals who have violated this law should the project be constructed as currently proposed could certainly occur.

The Appalachians are a series of scenic high narrow forested ridges running generally southwest to northeast through large parts of Virginia, West Virginia and other states. The ACP would cut through all of those ridges. In many cases the ACP would cut a 150 foot notch through a number of these ridgetops, leaving an ugly visible cut at the ridgetop, and the same width scar running up and down the forested slopes of the mountains. However, on at least 12 of these high mountain ridges the ACP would not only cross the mountain, it would conduct mountaintop removal running along the top ridge of the mountain for great distances, denuding, flattening, and actually physically lowering the highest and most scenic ridges. What was a beautiful rolling forested mountain ridge on the horizon would become a sterile, barren, flat eyesore.

One of the ridges that would be flattened is Little Mountain, which is the western border of our Little Valley. It would be denuded and flattened for 0.7 miles. Another is Back Creek Mountain just west of Scenic Route 220. In fact, from Scenic Route 220 which runs down the Jackson River Valley (The Jackson River is the headwaters of the James River) both Little Mountain to the East and Back Creek Mountain to the West would be visible, flattened and bare. Please note that there is another Little Mountain in Highland County, Virginia that would also be leveled in this manner, and residents and motorists along route 84 and the Mill Gap area would see this Little Mountain and Back Creek Mountain denuded and flattened at the same time as well. This same scenario would be repeated from Buckingham County through all of Western Virginia and West Virginia.

The Natural Gas Act 18 C.F.R.380.15 requires that natural gas pipelines avoid or minimize impacts to scenic areas. The ACP as proposed would not comply with either of these requirements of federal law. The ACP could avoid this scenic area by using the Interstate 79 and Interstate 64 transportation corridors, collocating with other pipelines, or by using other available routes. It could also minimize scenic impacts through this area by following a number of electric utility rights of way that are already in place. But the ACP and FERC have refused these alternatives, despite valid and well thought out arguments for them to do so.

FERC's Draft Environmental Impact Statement (DEIS) erroneously and purposefully ignores this obvious premeditated violation of the law.

In what might be one of the most outlandish statements ever by a federal agency, FERC states that these denuded, flattened, and cut off ridges would not be visible for those looking at them from a lower elevation. We see these ridges all of the time. All of the tourists who come to our area do as well. That's why they come to our area, and provide 60% of our local economy. From Scenic Route 220, at 2,200 feet elevation, the top of Little Mountain at 3,200 feet

LO70-18

As described in section 4.8.8.1, construction vehicles, heavy equipment, and project personnel would all be visible during project construction, and would affect views of the existing landscape for viewers in close proximity to the construction yards and pipeline right-of-way and in areas where the pipeline is located adjacent to residential areas, along roadways, and near recreation areas. Agricultural land including pasture and cultivated croplands, open lands, and developed lands including commercial and residential areas are characterized as having low-lying vegetation such as grasses and crops, lower elevations, and previous ground disturbance associated with agricultural farming activities and the development of residential areas and commercial structures. Visual conditions in these areas have been previously disturbed and modified; therefore, construction of the pipeline would be consistent with the existing visual conditions in these areas and contribute very minimal visual impacts.

After construction, all disturbed areas would be revegetated and restored to previous conditions. Section 4.8.8 further acknowledges that pipeline construction would result in a greater degree of visual impacts in heavily forested areas with high elevations and along steep mountainsides. In West Virginia and northwestern Virginia, portions of the AP-1 mainline would be constructed in steep, mountainous terrain and require the removal of trees. Restoration and the establishment of vegetation in these areas typically takes several years to decades, and re-planting trees in the right-of-way would be prohibited due to operational and safety concerns. The cleared and maintained permanent right-of-way in heavily forested areas would create a visual contrast more noticeable to viewers and result in a greater degree of visual impacts. Impacts on scenery would be greatest where maintained herbaceous right-of-way on mountainsides and ridgetops with a predominant surrounding landscape character of intact forest canopy is viewed from valleys and adjacent mountains.

Z-3000

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-18  
(cont'd)

elevation is clearly visible about a mile away, and it is visible for many miles along that scenic highway.

Here's an easy way to tell just how absurd the FERC statement is. FERC employees can conveniently do this in their office space, since you have refused to come to our area and see for yourselves. Stand about 10 or 11 feet away from a wall in your home or office and look at the where that wall meets the ceiling. If your ceiling is the standard 8 feet high that's the same angle as looking at the top of Little Mountain from Scenic Route 220. The line where the wall meets the ceiling is clearly visible, as is the top of Little Mountain. All of the other mountains that would be cut off would be visible from the surrounding area as well. In fact, since these are the highest ridges, they would be visible not from just one or two locations. They would be visible from great distances. So FERC's lame argument is way off base. This is the same argument that the ACP has used in their application filings, and FERC has basically copied and pasted it into their DEIS.

FERC goes on to argue that these scenic areas are remote and not seen by many people. FERC is wrong again. This is not a remote backwoods community. It's an area that is beloved by residents and tourists alike. In fact, during the first two weekends in March tens of thousands of tourists arrive each year for our annual Maple Festival. These tourists come because of the beautiful scenery. Our local Bolar Ruritan Club served over 800 breakfasts in only one day during Maple Festival this year. Little Mountain is clearly visible from the Bolar Ruritan Club. Scarring our landscape by cutting off the top of Little Mountain and others would certainly dissuade these people from coming to our area in future years. Many, many more tourists come to our area as the spring, summer, and fall tourist seasons follow.

The DEIS shows an average daily traffic count of 2,400 for Scenic Route 220 in Bath County. The view of flattened and denuded Little Mountain to the East and flattened and denuded Back Creek Mountain to the West would be fully visible for long distances by all motorists on this scenic highway. Residents of this area will experience this loss of scenic values every day. In comparison, according to Virginia Department of Transportation statistics, the Blue Ridge Parkway at the proposed ACP crossing location has an average daily traffic count of only 1,200, just half of Scenic Route 220. Yet, the ACP is proposed to tunnel under the Blue Ridge Parkway in a risky and expensive operation to avoid loss of scenic values to those motorists on the Parkway. Even if the ACP were to directly cross the Parkway, the impact to scenic values would be much less than along Scenic Route 220. Since the Parkway runs along the top of the Blue Ridge, motorists would only see the pipeline as they are crossing it, and then only if it crosses in a wooded area. If it crosses in a meadow that area would be restored to original condition, and present no impact to scenic values within a year or two after construction. The pipeline coming up and down the steep sides of the Blue Ridge would not be visible to motorists in most cases, since the sides of the mountain are not visible from the Parkway.

Furthermore, no one lives on the Blue Ridge Parkway, and therefore, no one would experience the loss of scenic values on a daily basis the way those of us living in Western Virginia and West Virginia would. Many of us who live here do so because of the natural beauty of this area. Those of us who have chosen to live in this beautiful area who would have the pipeline directly impact their property, would endure the loss of scenic values up close and personal, each and every day, and for the rest of our lives. Our view from our front porch...devastated. The forest that we walk through to find peace and tranquility...gone forever. The spiritual uplifting from living in harmony with nature on our own property...ripped away.

Z-3001

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-18  
(cont'd)

FERC further fouls its argument about why it is okay to violate the law and chop up our area by saying that the areas along which the ACP will be built have already been disturbed by mankind for 15,000 years, so additional disturbance is insignificant. I defy any one from FERC to come here, look at these mountains, and say that to my face. How dare you make that statement. These wooded mountains look the same as they have since the last ice age, green, verdant, and beautiful. I have asked FERC to come look at these mountains and they have refused to do so. When a number FERC employees were in nearby Hot Springs for a scoping meeting earlier this year we asked them to simply drive back to Washington by using Scenic Route 220, and they refused to do so as well.

FERC advises in the DEIS that they recommend that the permanent right of way for the ACP should be reduced from 75 feet in width to 50 feet in width. Even if the ACP agrees to this reduction in the permanent right of way the project would still violate the Natural Gas Act. Any clearcutting for a right of way through our forested mountains would be visible as a loss of scenic values for decades at a minimum, and in many cases for a lifetime, as new trees slowly grow where mature trees were removed. A 50 foot cut wouldn't be much different visually than a 75 foot cut. This would not minimize the loss of scenic values. Furthermore, in many locations in our steep mountainous area the temporary right of way would be increased by 25 feet to provide additional workspace, leaving a 150 foot cut, rather than a 125 foot cut, further exacerbating the loss of scenic values.

Finally, for cumulative scenic value impacts FERC uses a 0.5 mile limit. This is much too small of a distance considering the long range viewsheds in Western Virginia and West Virginia. Viewsheds in these areas can easily exceed 20 miles. This is especially true with the mountaintop excavation and flattening that is planned on a large number of high ridges visible for great distances in this area. This 0.5 mile limit would eliminate the large loss of scenic values from the excavation and flattening of the top of Little Mountain to the east of Scenic Route 220. Loss of scenic values from the pipeline would be visible from very large distances, and cumulative impacts must be considered over a distance of 20 miles.

These scenic mountains are icons for those of us who live here, and all of those who come to visit us. We love them. They are our Washington Monument, our Capitol Building, and our Twin Towers. Tearing them apart would not only tear us apart...it would break the law.

FERC has failed to adequately address the loss of scenic values that this project would bring to many people. FERC must reassess their incorrect conclusions regarding impacts to scenic values, and rewrite the DEIS to properly address them.

### **Socioeconomic Concerns**

The DEIS is incorrect in most of the statements it makes regarding socioeconomic concerns.

As I have previously shown, property values for those properties directly impacted by the pipeline, access roads, valves, and other permanent or temporary structures, properties in the very large blast and evacuation zones, and properties that would have the pipeline or associated structures in their viewsheds would lose property value. For the entire project this loss of property value could approach \$1 billion. This loss of property value would also result in loss of tax revenue for the communities damaged by the pipeline. FERC's conclusion of no

Z-3002



# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-19

property value losses is one of the worst statements I have ever heard from a government agency, and it is wrong.

The statement that no environmental justice communities would be adversely impacted is also blatantly incorrect. The following information shows that the pipeline would overwhelmingly, disproportionately, and permanently impact low income communities in many ways. A minority and low income community in Buckingham County, Virginia would also be very adversely impacted as well.

All 14 of the counties and municipalities in Virginia in the study area have per capita income rates below the state average. All 8 North Carolina counties do as well. All but one of the 5 West Virginia counties did as well, with one county exceeding the state average by only several hundred dollars per year. With very few exceptions, the areas where the ACP is routed are less affluent than other areas where the ACP could have been routed. This is no coincidence. In fact, the random chance of all of the above counties and municipalities being impacted instead of more affluent areas is less than 1 in 67,000,000. So, this is not a random occurrence.

The DEIS compares the prevalence of persons below the poverty level in census tracts within a 1 mile radius of the proposed ACP to the prevalence of persons below the poverty level in the state as a whole. For Virginia 54.0% of the census tracts near the ACP have a higher percentage of people below the poverty level compared to 11.5% for the state as a whole. For West Virginia 36.4% of the census tracts near the ACP have a higher percentage of people below the poverty level compared to 18.1% for the state as a whole. For North Carolina 64.3% of the census tracts near the ACP have a higher percentage of people below the poverty level compared to 17.6% for the state as a whole. So for Virginia it's 5 times greater than the state average. For West Virginia it's 2 times greater than the state average. For North Carolina it's about 4 times higher than the state average. These facts show that an overwhelmingly greater proportion of low income persons would be impacted by the ACP.

I wish to point out that I believe that this information was manipulated in the DEIS to make it hard to find. The state averages were expressed as percentages, but the census tracts in proximity to the pipeline were expressed in fractions. I had to convert the fractions to percentages to make a valid comparison. I contend the this was done intentionally to hide the overwhelming number of low income persons that would be impacted by the ACP.

The DEIS states that the ACP would affect a mix of socioeconomic areas, but the facts clearly point out that overwhelmingly lower socioeconomic areas would be mostly impacted.

This is happening because I believe that the ACP has calculated that people in the lower socioeconomic levels are less educated, and have less resources to defend themselves from an unwanted pipeline. Additionally, the ACP can offer to pay them for an easement, and they will be more inclined to do so, since they need the money. The ACP can also offer less for the easement than they would to a more affluent property owner. Finally, the ACP figures that the courts will award a lower amount to these less affluent citizens if their property is taken from them by eminent domain. This is classic predator behavior...prey on those less able to defend themselves.

This is the outcome that environmental justice is supposed to stop. FERC knows this, but once again cherry picks an argument that backs their goal of declaring that there is no wrongdoing

LO70-19

Section 4.9.9 includes our analysis of impacts on environmental justice communities. To summarize, the construction and operation of the proposed facilities would affect a mix of racial/ethnic and socioeconomic areas in the ACP and SHP project area as a whole. Not all impacts identified in this EIS are considered to affect minority or low-income populations. The primary adverse impacts on the environmental justice communities associated with the construction of ACP and SHP would be the temporary increases in dust, noise, and traffic from project construction. These impacts would occur along the entire pipeline route and in areas with a variety of socioeconomic backgrounds.

Atlantic and DETI would implement a series of measures that would minimize potential impacts on the nearby communities, including environmental justice communities near project facilities. For instance, Atlantic and DETI propose to employ proven construction-related practices to control fugitive dust, such as application of water or other commercially available dust control agents on unpaved areas subject to frequent vehicle traffic. Some individuals with extreme sensitivity to changes in air quality could be impacted by temporary fugitive dust during construction or air emissions from the compressor stations. However, not all individuals within the identified and surrounding environmental justice populations would be impacted.

Similarly, noise control measures would be implemented by Atlantic and DETI during construction and operation of the projects. Impacts from construction dust would be minor as they would be temporary and localized. Further, Atlantic and DETI would implement measures from their Fugitive Dust Control and Mitigation Plan to limit fugitive dust emissions. Impacts from compressor station emissions would be moderate because, while they would be permanent facilities, air emissions would not exceed regulatory permissible levels. As a result, no disproportionately high and adverse impacts on environmental justice populations as result of impacts on air quality would be expected as a result of the ACP and SHP projects. Also, no disproportionately high and adverse impacts on environmental justice populations as a result of impacts on other resources would be expected.

Z-3003

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

20170404-5203 FERC PDF (Unofficial) 4/4/2017 1:51:18 PM

LO70-19  
(cont'd)

here. We all know there is.

DEIS conclusions regarding no environmental justice violations from this proposed project are incorrect.

Executive Order 12898 requires federal agencies to consider if impacts to human health and social and economic impacts would be disproportionately high for low income populations and appreciably exceed impacts on the general population. They are. As stated above, low income counties and municipalities would be disproportionately impacted. Health and safety of persons in these locations would be disproportionately impacted.

FERC generously pats itself on the back for what it claims is an effective public participation. However, FERC's public participation process does not allow potentially affected community residents to have an appropriate opportunity to participate. As I have previously stated citizens cannot be expected to review over 130,000 pages of filings by the ACP and 2,376 pages in the DEIS, all written in technical terms, understand them, and respond appropriately. In fact, citizens have been under a constant barrage of new information for the duration of this process. Even the DEIS itself is incomplete in that it was written without important information, especially regarding public safety and public health issues.

I see no evidence that the public's contribution has influenced FERC's decision making process. Virtually all of the valid and well researched concerns that citizens have expressed in comments to FERC have been ignored, or whitewashed by FERC.

Likewise, I see no evidence that the concerns of all citizens will be considered in the decision making process. There has been no evidence of this in the DEIS, and I realize that my comments here will likely be discarded as my earlier comments were.

Finally, I see no evidence that FERC decision makers seek out and facilitate the involvement of those potentially affected. FERC should have appointed an individual to facilitate the NEPA process as the law strongly urges them to do, and to help citizens understand this incredibly complicated process, all written in industry and government jargon, but they did not. As I have stated before, FERC's so called public participation process is a smoke and mirrors exercise to evade true public participation, while at the same time seeking to avoid legal defeats.

FERC's incorrect conclusion regarding environmental justice places too much emphasis on minority populations, and not enough emphasis on low income populations. Under the law both of these factors must be considered, and FERC has failed to do that. In general, in Nelson, Augusta, Bath, and Highland Counties in Western Virginia there are few minorities. Nevertheless, these counties are below the state income average as stated above. This factor cannot be ignored, and environmental justice violations to non minority persons who would be impacted by this project in those counties cannot be discounted.

The DEIS states that the primary impacts on these communities would be temporary, but the facts clearly show that the long term impacts of reduced property values, reduced property tax revenues, reduced investment and development in areas near the pipeline, reduced enjoyment of property, deforestation, including loss of old growth forest, loss of scenic values, ongoing safety issues, stress related health impacts, ongoing disruption to property from operation and maintenance of the pipeline, loss of tourism, loss of wildlife habitat, climate change issues, and increased rates for captive Dominion rate payers would all impact lower socioeconomic

Z-3004

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-19  
(cont'd)

citizens for years and years to come.

LO70-20

The DEIS also states that because the project would generally traverse rural areas, the number of persons who would be at risk of injury due to a pipeline failure would be low, and there is no evidence that such risks would be disproportionately born by any racial, ethnic, or socioeconomic group. This statement is blatantly false and also misleading. The statement fails to mention that death could occur. In fact, death is likely in a pipeline explosion for anyone within the 2,200 foot blast zone, and death could occur unless persons quickly escape the 1.4 mile evacuation zone.

Persons in rural areas face a far greater danger from the pipeline than those in urban or suburban areas.

Pipeline safety regulations are much more lax in rural areas than in more populated areas, and therefore, pipeline failure is more likely in rural areas. The federal Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations allow thinner pipe walls in rural areas. Requirements for hydrostatic test pressures, and the distance between sectionalizing valves are all weakened in rural areas. The inspection and testing of welds are reduced. Pipeline inspections and leak surveys are reduced as well in rural areas. Even these PHMSA regulations violate environmental justice criteria, since rural areas are generally less affluent than urban areas.

The risk of a terrorist causing a pipeline explosion is greater in these rural areas, as I have previously stated. There is no security for the pipeline. A terrorist could easily drive to an isolated area, set off an explosive device above the pipeline, and cause a catastrophic explosion.

Emergency rescue services in rural areas are not as fast or well equipped as those in non rural areas, leaving citizens in these areas more at risk. In a number of areas of the proposed pipeline, including our own Little Valley, persons would be trapped with no possible escape during a pipeline explosion. Seven homes in Little Valley would be trapped in the evacuation zone at the head of the valley with no way that they could be rescued. I will comment on this further in this document.

Medical services in rural areas are not as sophisticated as in urban areas. Specialty treatment units, like burn centers, are generally not available in these areas.

The risk of a rapidly spreading forest fire from a pipeline explosion also is present in rural areas where there are more forested areas, and forests on steep, hard to reach mountain slopes where the fire would spread quickly, especially during dry conditions. The fires that occurred earlier this year near Gatlinburg, Tennessee should be a reminder that steep wooded areas can create a firestorm, especially if they are ignited by a gas pipeline explosion.

Finally, the steep landslide prone mountainous terrain and karst conditions with sinkholes and caves in Western Virginia and West Virginia make safe pipeline construction significantly more difficult. Sections of pipe would need to be welded together directly in the pipeline trench, and in some cases on slopes of 60% and more. A person can barely walk on a 60% slope. The ACP's stated plan to construct the pipeline through the extreme winter conditions in the higher elevations of Western Virginia and West Virginia further compromises pipeline safety.

LO70-20

See the responses to comments LO62-6 and LO70-12. Issues related to terrorism and its potential effects on the proposed projects are addressed in section 4.12.4 of the EIS.

Z-3005

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-20 (cont'd) | So, the DEIS statement that pipeline risks would be low in rural areas, and would not disproportionately impact lower income areas is a blatant falsehood, and is not born out by the facts.

LO70-21 | The Buckingham County compressor station would negatively impact a minority community in the lower socioeconomic range. Many of these citizens are elderly and in bad health. The compressor station would make their lives significantly more difficult, lower their property values, and place a very heavy burden on their community.

The DEIS 4.9.4 states that there will be insignificant temporary impacts to local communities and public services during construction of the ACP, and in fact, local communities will benefit. This statement is incorrect.

The DEIS also states that the ACP will create permanent jobs, but it goes on to state that there will only be 39 permanent jobs created in Virginia as a result of the pipeline. 25 of these positions will be in Richmond, and not in the local communities that are impacted by the pipeline. There will be no permanent jobs created for Nelson, Augusta, Bath, and Highland counties in Western Virginia. I am confident that many more permanent jobs will be lost from pipeline construction than will be gained due to the blight that the pipeline will bring to local communities.

The document states that there are 43 hotels and motels in Bath County and 32 hotels and motels in Highland County. It claims that there will be plenty of accommodations for the estimated 875 out of state workers who will be coming to the area, and these additional workers will not create a shortage of available rooms for tourists.

There are 4 hotels and motels in Bath County. One of them is the Homestead, an expensive luxury hotel and resort. The pipeline is routed away from the Homestead. I doubt that the workers will be staying at the Homestead. This leaves three hotels and motels with a total of no more than 40 rooms. There are 2 hotels and motels in Highland County with a total of around 30 rooms. These are not enough rooms to accommodate the influx of workers to this area. There are several small bed and breakfast locations and small scale room and cottage rentals in the counties, but these would likely not be able to accommodate any more persons than the hotels and motels. These available rooms are primarily used by tourists visiting Bath and Highland Counties, and these tourists would be deprived of accommodations if these rooms are taken by the glut of out of state workers. Tourism comprises 60% of Bath County's economic base, and it would be hurt by the lack of accommodations, the tremendous disruption of the construction process, and the eyesore of the pipeline, the access roads, above ground structures, and ongoing maintenance and operation of the pipeline.

There are 3 moderately priced restaurants in Bath County and 3 in Highland County. There are a few expensive high end restaurants in the Hot springs area, and one in the Warm Springs area in Bath County, but it is doubtful that the workers would be using those facilities. Total seating at the moderate and low priced restaurant is less than 200 persons. These restaurants could not accommodate the estimated 875 out of state workers, and any out of state workers using these restaurants would deprive local residents and tourists from using them.

There is one small grocery store in Bath County and none in Highland County. The influx of out of state workers would cause food shortages that would deprive local customers and tourists as well from being able to purchase food.

LO70-21

Due to the number of comments we received regarding environmental justice and specifically impacts resulting from increased noise and air emissions at the proposed Compressor Station 2, we expanded our discussion of the potential for the risk of impacts to fall disproportionately on environmental justice communities. The expanded analysis can be found in detail in section 4.9.9. Our analysis concluded that due to construction dust and compressor station emissions, African American populations near the proposed compressor stations could experience disproportionate impacts due to their susceptibility to asthma. However, impacts from construction dust would be minor as they would be temporary and localized. Further, Atlantic and DETI would implement measures from their Fugitive Dust Control and Mitigation Plan to limit fugitive dust emissions. In addition, impacts from compressor station emissions would be moderate because, while they would be permanent facilities, air emissions would not exceed regulatory permissible levels. As a result, no disproportionately high and adverse impacts on environmental justice populations as result of impacts on air quality, including impacts associated with the proposed Compressor Station 2, would be expected as a result of ACP.

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 the 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

Comment noted. Section 4.9.4 discusses availability and adequacy of current emergency and medical services.

As discussed in section 4.9.6, Construction activities in the ACP and SHP study area would result in temporary effects on local transportation infrastructure and vehicle traffic, including potential damage to local roads caused by heavy machinery and materials. Atlantic and DETI would coordinate with state and local departments of transportation and land-managing agencies to obtain the required permits to operate trucks on public roads. Atlantic and DETI would also coordinate with landowners and tenants in the areas where local, private roadways may be impacted during construction. Atlantic and DETI would coordinate with appropriate transportation authorities to assess the need for road repair after construction of the projects.

Atlantic and DETI would be responsible for repairing/restoring roads in accordance the FERC Plan, other permit conditions, and as requested by landowners or agencies, and would periodically inspect roads near crossings and make repairs as necessary to damages caused by construction activities.

Z-3006

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-21  
(cont'd)

There is one hardware store in Highland County and one in Bath County. The influx of out of state workers purchasing needed tools, equipment, and supplies would deprive local residents from purchasing them.

There is one small hospital in Bath County and one small medical center in Highland County. A large influx of construction workers, an occupation that entails a large number of injuries, could overwhelm these facilities. This could leave some workers waiting for medical treatment or unable to receive it. It could leave local residents in the same predicament as well.

Impacts to local businesses would generally be difficult to predict, and business owners would not be able to adequately adjust inventories to match the uncertain demand. At best, there would be a boom and bust cycle which could leave many businesses with an oversupply of inventory that they cannot sell after the temporary out of state workers leave the area. Any business owner, small or large, will tell you that a steady, predictable demand for services and supplies is better than an unpredictable one.

Impacts to local roads from the heavy construction equipment needed for construction of the pipeline would be significant. Additional maintenance and repair above that required by normal use would be required, and it would be expensive. The influx of workers would also create traffic issues for residents commuting to work, and carrying out their daily activities.

The statement in the DEIS that the ACP would limit workers on the roads between 6AM and 6PM is not believable, and is misleading at best. It likely means that only a few of the estimated 875 workers would be kept off the roads during those hours. There is no daylight during large parts of the year prior to 6AM and after 6PM, leaving the workers who are limited from being on the roads apparently working in the dark.

These workers will not be greeted positively in the local community, since opposition to the pipeline is fierce. Disruption in services to residents will only add to the tension. Most of the workers will be young and away from home for long periods of time. The tendency for them to use alcohol in the evenings and weekends will create additional friction, not only among themselves, but especially with residents. The potential for violence would be exacerbated by these conditions. Local law enforcement staff could be stretched thin in reacting to violent incidents, and thereby less able to carry out the community services and help to residents that they usually do.

FERC's DEIS conclusions that local communities will be helped by the temporary influx of a large number of out of state workers is simply untrue. It would be a disruption at best. FERC needs to reassess the impacts to local communities from the influx of temporary out of state workers.

### **The ACP Should Not Be Constructed in Karst Terrain**

LO70-22

Construction of the ACP through karst terrain threatens water supplies, pipeline safety, caves, and rare and endangered species. The DEIS statement that Atlantic's karst mitigation plan would reduce impacts to less than significant status is incorrect. Karst surveys have not been completed in large areas of the proposed ACP. The DEIS coverage of the potential impacts of karst on the ACP is not complete.

LO70-22

Comments noted. As discussed in section 4.1.2.3, with the implementation of the DOT safety standards during the operation of ACP and SHP, we conclude that operation of the project would not pose a significant risk to karst or public safety. Further, as discussed in section 4.1.2.3, we have reviewed available reports from PHMSA for pipeline facility damage reports in Virginia and West Virginia due to earth movement (a sinkhole event is considered an earth movement by PHMSA). A total of five "significant incidents" were reported in Virginia and West Virginia between 1995 and 2014; however, none of these incidents were reported in the karst areas crossed by ACP.

Section 4.1.2.3 includes a discussion of the natural processes that can trigger karst activity that could be accelerated by disturbance, such as trenching, grading activity, or diversion of project-related water into otherwise stable karst features. These processes include an increase in water flow or redirection of surface water flow or subsurface flow that could accelerate the raveling of soil fines, the removal of vegetation cover and topsoil, and a sudden decrease in the water elevation, which decreases the natural buoyancy of the water supporting a soil plug in a conduit. Atlantic and DETI have developed a Karst Terrain Assessment, Construction, Monitoring, and Mitigation Plan to address karst features encountered during construction and further reduce the potential to initiate sinkhole development during construction and operation of the facilities. We have reviewed Atlantic's and DETI's plans and, with revisions recommended in the EIS, find them acceptable. The proposed facilities would also be designed, constructed, maintained, and monitored in accordance with modern construction standards and PHMSA regulations, which would further reduce the potential for karst conditions to adversely impact the facilities. We also note that other residential, commercial, industrial, and infrastructure development has been constructed and continued successfully in these areas.

Z-3007

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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Numerous studies have been completed and submitted to FERC that show that it would be dangerous to construct the ACP through karst areas, and would put landowners near the pipeline at risk for losing their wells, drinking water springs, and springs that could be used for drinking water.

Page ES-3 of the DEIS states that construction the ACP through karst areas would limit disturbance to 6 to 8 feet below ground surface, and sensitive groundwater resources and cave systems are generally found at greater depths. This depth of construction is inconsistent with other references to the depth of construction in the DEIS. The minimum depth of the trench for the ACP is 10 feet. The depth of construction is likely to be much greater in sloping land, and much of the area that is karst is located in sloping land. Construction of the ACP on Limpert property could involve excavation to a 29 foot depth on average, and even deeper on the steepest sloped land. The statement that the depth of excavation is too shallow to threaten groundwater sources is false, and should be retracted.

Page ES-4 of the DEIS states that while small, localized, on temporary impacts on karst features, water flow, and water quality could occur, the impacts would be minimized and mitigated through Atlantic's and DTI's plans and recommendations. This statement is incorrect, and should be retracted. Impacts to groundwater from construction in karst are well established, and Atlantic's proposed karst mitigation plan fails to assure negative impacts to groundwater. Minimizing impacts to groundwater is not acceptable. There should be no impacts to groundwater. As I have stated, all property owners in Bath County impacted and near the proposed pipeline rely on private wells and springs for their drinking water. A minimal negative impact to their drinking water is not acceptable.

This same section states that an increase or redirection of overland surface water, removal of vegetative cover, and sudden decrease in the water table could cause the rapid formation of new sinkholes. Construction of the ACP would create all 3 of these conditions, which could create new sinkholes, and result in catastrophic pipeline failure.

Furthermore, the ACP has not accepted any liability whatsoever for replacing or repairing drinking water springs, or springs that could be used for drinking water that would be damaged by the ACP, and their limited liability for damaged wells extends only 500 feet from the construction area, and places the burden of proof on the property owner, rather than the ACP. Homes that have their water polluted, diminished, or ceased that are not covered by Atlantic's very limited statement of liability would have to try to find water on their own. This would be very costly, and would make their property virtually unsellable should they be forced to vacate their home and property. Even homes that have been provided with some type of potable water by the ACP for loss of their water would be greatly reduced in value due to the stigma of their natural water supply being contaminated by the pipeline.

The second paragraph Section 4.1.2.3 of the DEIS does not mention the ACP crossing through karst in Bath County, Virginia. This is incorrect and needs to be corrected. There are numerous areas of karst in Bath County, and most of them have not been surveyed the ACP. Table 4.1.2-2 is therefore incomplete and inaccurate. The DEIS should not have been written without this survey information, and needs to be rewritten if, and when the surveys are completed.

In Little Valley alone I have identified numerous sinkholes within the 0.25 mile karst review area, sinking streams on either side of the proposed pipeline on the Limpert property, and

Z-3008

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-22  
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numerous springs within 500 feet of the proposed construction zone on the Limpert property.

The DEIS states in a number of places that surveys were not completed because of lack of permission from property owners. That statement is incorrect. Owner permission is not required for surveys. The ACP could have easily completed these surveys prior to the issuance of the DEIS. I believe that the ACP intentionally delayed karst surveys in order to have a favorable, if flawed, and incomplete DEIS written.

Page 4-14 states that Little Valley has not been surveyed because landowners have not given permission is incorrect. Whitelaw, Keyser, and Baum in Little Valley all gave permission, and their properties were surveyed in November of 2016, although the ACP chose not to conduct a karst survey at that time. My wife and I did not give permission, but made it clear that surveyors could come onto the property to survey. We even agreed to meet the surveyors on our property in April of 2016, but they did not show up. The ACP chose not to do so until January 18, 2017, but even then did not conduct a karst survey, and has advised that a karst survey will not be conducted until later in the spring of 2017.

Figure 4.1.2-2 shows no sinkholes in Little Valley. This is incorrect. There are many, many sinkholes located in Little Valley in the vicinity of the proposed pipeline and both south and north of the proposed pipeline. This information was submitted to FERC well before the issuance of the DEIS, and should have been included.

Figure 4.1.2-2 does not show the route of the pipeline through Highland County, including all of the sinkholes in the Valley Center area.

Page 4-17 states that electrical resistivity surveys, borings, and inspection by a karst specialist will be completed prior to construction. This should be done prior to any vegetation or tree removal (which is part of the construction process) to avoid initial deforestation and then possible re-routing to another location.

The Karst Mitigation Plan is inadequate to provide protection to groundwater, springs, and wells. Comments on the plan follow. These comments are not an endorsement of the plan. Even if these comments were incorporated pipeline construction should not occur in karst areas or within one half mile of a karst area.

- All preconstruction work must be done prior to tree removal
- Geology and engineering staff must pass a scientifically recognized geology test regarding identification and mitigation of karst, and one of these individuals must be at the construction site at all times.
- The preconstruction inspection must be made by a credentialed karst specialist
- Rerouting of the pipe should not be limited to minor reroutes
- Thicker walled pipe as required in urban areas must be used in all karst areas
- Specific measures to keep water from construction influenced water from flowing into karst features should be stated and approved by state approval authority
- The disposal of any materials into karst features should be prohibited
- Maintain a 100 foot natural vegetated buffer around a waterbody or karst feature at all times
- Minimal blasting limited to no more than 2 inches horizontal per second must be implemented in all karst areas, and within 1/2 mile of any karst area
- Prohibit the discharge of hydrostatic test water in karst areas, or areas draining to karst areas.

Z-3009

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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Page 4-19 of the DEIS incorrectly states 58 and then 52 pipeline incidents in Virginia. One of these figures is incorrect and should be corrected. Either of these figures is too high to be considered safe, especially considering the explosive potential of the ACP, and the severe working conditions making pipeline installation difficult.

Page 4-20 states that many miles of pipeline in Virginia and West Virginia have operated without earth movement in karst sensitive areas without reported earth movement incidents. The DEIS should specify how many miles in karst, and specify the size of the pipelines in discussion.

Page 4-20 states that Atlantic and DTI conservatively determined that the proposed 42 pipe would be able to span a 40 foot unsupported without any sign of deflection or sag. This statement is not supported by PHMSA documentation in the DEIS. It should be. Additionally the thickness of the pipe wall in rural areas should be taken into account in this statement. Further, "any sign of deflection or sag" is a subjective statement that does not indicate that the pipe could fail. FERC should require that PHMSA concur or disagree with this statement in the DEIS, and state whether or not it is at all relevant to pipeline safety. I think it is not.

Page 4-20 implies that because the pipeline would be monitored during operation leaks of methane into the groundwater that could cause an explosion in water casings would be detected. Unless remote monitoring could detect and initiate shut down of the pipeline and repair of the leaks, underground leaks of methane could not be monitored by inspection personnel without excavating the pipeline. The DEIS should provide independent and scientifically accurate background information about how much leakage occurs on comparable pipelines, and report prior incidents where this has occurred.

If the ACP and FERC are so confident that potential impacts to groundwater, including wells, drinking water springs, and springs that could be used for drinking water are so small in karst areas, then the ACP should be required to greatly expand its limit of liability to all wells and spring within 2 miles of the centerline.

Numerous studies, including the William Jones study of Little Valley, have shown that pollutants can travel many miles in karst areas. This study, and a number of other valid studies some of which have been submitted to FERC during earlier comments overwhelmingly indicate that the ACP should not be constructed in karst terrain due to safety concerns, impacts to groundwater, and impacts to endangered species.

These studies include the aforementioned Jones report on Little Valley, and the Lambert assessment of four karst systems that would be impacted by the ACP, the Karst submission to FERC with information regarding karst in Augusta County, the Sullivan Report covering Augusta County, the Robinson report on karst features, wells and springs in Little Valley, a report by the Virginia Cave Board, The Pocahontas County water resources management report, the Giles County Columbia gas pipeline Celanese contamination study, the Edray Fish Hatchery contamination information from the USFS EIS on the extension of the Highland Scenic Highway, and the Groves report and Kastner report on karst impacts on the Mountain Valley Pipeline.

FERC's dismissal of this valid and relevant information in their assessment of karst impacts leaves large numbers of citizens vulnerable to loss of drinking water resources with no liability

Z-3010



# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-22 (cont'd) | to the ACP. These individuals would also face tremendous property value losses, since loss of water leaves a property virtually worthless. It also leaves large numbers of citizens at risk of a catastrophic pipeline explosion due to pipeline failure from undetected karst features, or new sinkhole formation caused by construction of the pipeline that appears after construction is completed, and the pipeline is operational.

### Demand Letter Regarding Springs and Wells In Karst Terrain

LO70-23 | The following letter was previously submitted in earlier comments. I am re-submitting it because I find no indication in the DEIS that it was reviewed or acknowledged by FERC staff.

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

Re: Docket No. CP15-554 The Atlantic Coast Pipeline

And

David A. Christian, Chief Executive Officer - Energy Infrastructure Group Dominion Resources  
701 East Cary Street  
Richmond, VA 23219

October 31, 2016

Ms. Bose and Mr. Christian:

We, the undersigned use either spring water or well water for our drinking water. Public water is not available to us. Our springs and wells are located in karst bedrock per the United States Geological Survey. These springs and wells are within 2 miles of the proposed Atlantic Coast Pipeline. We are very much concerned about contamination, diminution, or cessation of our drinking water from the construction and maintenance of the Atlantic Coast Pipeline should it be constructed as currently proposed.

We believe that the 500 foot testing limit proposed by The Atlantic Coast Pipeline for assessing damages to wells and springs from construction and maintenance of the pipeline, access roads, and supporting structures in karst bedrock is unrealistic, and not based on sound scientific evidence. Sound scientific evidence clearly shows that due to the fragile nature of underground water channels and the interaction between surface waters and groundwaters due to sinking springs and other surface waters in karst soils that springs or wells far from the proposed pipeline are likely to be contaminated, diminished, or stopped completely from construction and maintenance activity, including blasting, the discharge of pollutants, and the spraying of herbicides. Geological studies confirm that Atlantic's proposed testing limit is not based on sound scientific evidence.

Recent studies completed by William Jones, Rick Lambert, Ernst Kastning, and the Sullivan Report, and Emery and Garrett Groundwater Investigations, LLC, both for Augusta County, all confirm that pollution from pipeline construction and maintenance can travel long distances to

LO70-23 FERC's team of karst geologists and hydrologists independently evaluated the information concerning karst geology and hydrology and concluded that collectively, the information provided by Atlantic and DETI is sufficient to adequately characterize karst and water resources. Potential impacts, and measures to reduce impacts, on groundwater, including water supply wells, are discussed in section 4.3.1.

Z-3011

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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private wells and springs. Studies have shown that pollutants can travel 8 miles and more in karst terrain. They also confirm that blasting for pipeline construction can damage fragile subsurface water passages disrupting or completely stopping water supplies to wells and springs. Additionally, blasting can damage well casings, leaving the well susceptible to contamination.

Therefore, we hereby demand that the Atlantic Coast Pipeline complete comprehensive water quality and water quantity assessments to be carried out by an independent qualified water quality laboratory at all currently used drinking water springs and wells, and all other springs that could be used as drinking water sources within 2 miles of the proposed pipeline in karst terrain. These assessments must be made within one year prior to any construction activity for the pipeline, during the construction of the pipeline, 3 months after construction of the pipeline, and once per year for 5 years following completion of the pipeline, and within 1 month of any herbicide application.

If, at any time following the commencement of construction, should the test results show increased pollution to a spring or well, or diminution, or cessation of that spring or well that cannot be proven to come from an event or source other than the construction activity or maintenance for the Atlantic Coast Pipeline, then we demand that the Atlantic Coast Pipeline supply continuous clean drinking water in the quantity found during the pre construction testing within 24 hours of the test results, and construct a permanent clean drinking water supply system in the quantity found during the pre construction testing no later than 3 months following the test results unless Atlantic can prove that the damage was the result of some other activity or event.

We also hereby demand that the Atlantic Coast Pipeline develop a mitigation plan that is developed and approved by FERC, the Virginia Department of Conservation and Recreation, and the local board of supervisors in each affected locality should a private well or spring become polluted, diminished, or ceased as a result of construction or maintenance of the Atlantic Coast Pipeline. The plan shall establish the Atlantic Coast Pipeline's financial liability to repair, replace, or remediate any private well, or spring within 2 miles of the pipeline in karst areas. The plan shall also provide for alternative potable water supplies during a water outage. The plan shall require and specify appropriate financial assurances such as escrow accounts, surety bonds, insurance instruments, etc. to ensure that any remediation is completed, and appropriate compensation for property value loss due to a compromised water supply is given, even if the company is no longer solvent.

Sincerely,

William F. Limpert, Little Valley, VA  
Lynn S. Limpert, Little Valley, VA  
Robbie Koontz, Millboro, VA  
Robert Koontz, Millboro, VA  
Nancy Miller, Burnsville, VA  
Scott Miller, Burnsville, VA  
Lee Brauer, Little Valley, VA  
Linda Brauer, Little Valley, VA  
Ron McLean, Little Valley, VA  
Kitty McLean, Little Valley, VA  
Dennis Keyser, Little Valley, VA

Z-3012

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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(cont'd)

Joe Gilbert, Little Valley, VA  
Lillie Gilbert, Little Valley, VA  
Gary Robinson, Little Valley, VA  
Jeanette Robinson, Little Valley, VA  
Robert Helms, Little Valley, VA  
Delores Helms, Little Valley, VA  
Dr. Victor Baum, Little Valley, VA  
Dr. Lora Baum, Little Valley, VA  
Katherine Smith, Little Valley, VA  
Anne Bryan, Burnsville, VA  
Joseph Murray, Burnsville, VA  
Ben Allen, Burnsville, VA  
Judy Allen, Burnsville, VA  
Elfrieda McDaniel, Burnsville, VA  
Trish Darby, Millboro, VA  
Wade Neely, Millboro, VA  
Elizabeth Neely, Millboro, VA  
Sue Reichel, Millboro, VA  
Frank Reichel, Millboro, VA  
Charlie Alexander, Burnsville, VA  
Betty Alexander, Burnsville, VA  
Joyce Alexander, Burnsville, VA  
Lynn Alexander, Burnsville, VA  
Scott Alexander, Burnsville, VA  
Kim Alexander, Burnsville, VA  
Charles Burke, Burnsville, VA  
Jane Burke, Burnsville, VA  
Diana Green, Burnsville, VA  
Dempsey Hevener, Burnsville, VA  
Joseph Murray, Burnsville, VA  
Domingo Tan, Burnsville, VA  
Jackie Tan, Burnsville, VA  
David Cowden, Burnsville, VA  
John Cowden, Burnsville, VA  
Carol Cowden, Burnsville, VA  
Kathleen and Forbes, Millboro, VA  
Randy Forbes, Millboro, VA  
Ann Williams, Millboro, VA  
Ralph Steger, Mints Springs, VA  
Phil Knopp, Churchville, VA  
Amanda McGuire, Burnsville, VA  
Ellen Ford, Millboro Springs, VA  
Kent Ford, Millboro Springs, VA  
Delbert Simmons, Bolar VA  
Margaret Simmons, Bolar, VA  
Linda Williams, Middlebrook, VA  
Robin Williams, Middlebrook, VA Evangeline Bryant Foster, Lyndhurst, VA Susan Belsky,  
Stuart's Draft, VA  
Daniel Everhart, Lyndhurst, VA Julie Scofield, Staunton, VA  
Anita Lewis, Waynesboro, VA Shannon Harrington, Staunton, VA Erin Trzell, Churchville, VA

Z-3013

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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Andrea Wasiewski, Stuart's Draft, VA Dreama Anderson, Swoope, VA Juliann Corrigan,  
Swoope, VA  
Louis Ravina, Churchville, VA  
Yvette Ravina, Churchville, VA

cc: President Barack Obama  
Senator Tim Kaine  
Senator Mark Warner  
Governor Terence McAuliffe  
The Virginia Department of Conservation and Recreation The American Civil Liberties Union  
The Richmond Times-Dispatch

### Geohazards

LO70-24

My comments in this section do not include karst features. Karst features remain geohazards, and are covered in the previous section.

The DEIS does not adequately assess the significant risk to public safety through damage to the pipeline, the potential for landslides, and the potential for resultant water pollution from geohazards, particularly in the steep areas of the proposed pipeline in western portions of Western Virginia and West Virginia. The DEIS was written without needed survey information, studies, and a finalized plan for addressing the significant geohazards that threaten public safety and the environment. DEIS conclusions based on incomplete industry driven data differ significantly with conclusions reached by the United States Geological Survey. Plans to locate and repair landslides or potential landslides after construction is completed lack credibility due to the large number of procedures that must all be completed correctly in order for the plan to be effective.

FERC once again blames the public for the ACP's failure to complete surveys in a timely manner. As previously stated, survey access is guaranteed by Virginia law, and property owners do not need to give the ACP permission to survey. Any failure to survey is the ACP's failure, and not the property owners.

The ACP's planned "best in class" team to recommend engineering methods on steep slopes had not been formed prior to issuance of the DEIS, and there is no guarantee that the team will be formed, that they will be qualified, that their recommendations will be valid, or that those recommendations will be carried out.

Landslide potential along the proposed path of the pipeline in Western Virginia and West Virginia is very high. In fact, the DEIS states that 28% of ACP-1 has a high incidence and high susceptibility of landslides, 21% has a moderate incidence and high susceptibility of landslides, and 7% has moderate incidence and moderate susceptibility of landslides. The DEIS specifically mentions Bath County and Highland County as having a high incidence and high susceptibility to landslides, but does not indicate a moderate or low incidence or susceptibility in these two counties, thereby indicating that all sloped areas in these counties are high incidence and high susceptibility. Given the length of the ACP-1 this indicates that virtually the entire western portion of the proposed route is at high or moderate risk or susceptibility of a landslide, and this is prior to construction. Construction of the ACP would increase this risk significantly since the land is less stable and more prone to landslides after it is disturbed by

LO70-24 See the response to comment CO55-81.

Z-3014

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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construction activities. This is especially true for very large scale construction that would be required.

The DEIS goes on to state that the ACP's Geohazard Analysis Program identified slopes that warranted further evaluation based on various slope criteria. Based on this criteria the slope on our property and the slope on the East side of Little Mountain warrant further evaluation. However, that evaluation has not occurred. No geotechnical personnel have come to our property or Little Valley. The ACP also identified slope instability hazard locations along the SHP where evidence suggests previous slope instability, but they apparently did not do so for the ACP, because that is not mentioned. Previous slope instability and significant landslides have occurred on our property and in Little Valley, and we have documented this to FERC in previous comments, yet it is not mentioned in the DEIS. How can I accurately comment on the DEIS if our property, our immediate area, and in fact the entire ACP has not been studied in this manner?

The DEIS states that the BIC Team is considering screening criteria for slopes that would be identified for site specific requirements for construction and restoration. Our property and Little Valley meet all of those criteria, and also meet the criteria for slopes that are potential hazards. Nevertheless, without the screening criteria being finalized, how can I comment on it?

The DEIS mentions that if a slip is discovered during an inspection various methods will be used to control it and prevent debris from sliding off of the right of way or into public waters. Nevertheless, this section does not indicate how frequently these inspections would occur. It does not take into account that landslides, including catastrophic landslides, can occur with no visible signs of the impending catastrophe in advance of the occurrence. It also does not adequately explain that restoration measures may not be enough to contain, control, and prevent a catastrophic landslide, whether or not any sign of a potential landslide is found.

In other words, the plan requires a large number of separate tasks to all be accomplished to avoid a possible landslide, or control an ongoing landslide. 1) An inspection needs to be made 2) The inspector needs to find a landslide or an indication that a landslide is imminent 3) The inspector needs to make the correct diagnosis of the potential for a landslide or an actual landslide 4) The inspector needs to notify a number of other parties 5) These parties would likely have to come to the site to evaluate the priority of the response 6) These parties would have to notify FERC and appropriate state agencies (although the role of these parties is not stated) 7) BMP's would have to be installed to temporarily control the landslide (although these BMP's are not specified) 8) Data would have to be collected and submitted to DTI 9) The data would have to be evaluated 10) A repair technique would have to be found 11) Short term repair measures would have to be installed to stabilize the slope 12) Final repairs would have to be installed and documented.

This plan of action is not sufficient considering the grave consequences of a landslide. There are too many steps, and too many opportunities to miss any of these multiple steps, or act inappropriately on any of these multiple steps. In other words, a large number of procedures all have to be carried out and work at 100% efficiency for these procedures to effectively stop or control a landslide. That's not likely to happen. These steps would be time consuming, and the landslide may continue or occur without all of the steps being completed. There is no guarantee that the ACP will follow through on any of these steps, much less complete them in a satisfactory manner. The best plan of action would be to avoid these hazardous slopes in the first place. The DEIS states that the ACP attempted to avoid slopes over 30%, but it is obvious

Z-3015

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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that they did not, since alternate routes that contained less hazardous slopes have been routinely rejected with no credible explanation.

Nevertheless, The ACP reports in the DEIS that the Phase 2 geohazard analysis program ground reconnaissance has assigned only 5 specific sites as high potential slope instability hazards, and only 8 as moderate slope instability hazards. Furthermore, no ground reconnaissance has been conducted on or near our property in Little Valley, where extensive landslides occurred during the summer of 2015, as I have previously stated.

The DEIS states that very few slopes along the ACP contain landslides. However, there are numerous large landslides in Little Valley very close to the proposed pipeline that we have documented, photographed, and submitted to FERC. Why are these not mentioned in the DEIS?

The ACP plan to divert surface water away from the pipeline location is not well thought out, and could very well create additional serious issues.

Diversion of water into karst areas has been shown to cause the rapid creation of sinkholes, and this is stated in the DEIS. New sinkhole formation in the area of the pipeline could undermine it, expose it, and cause catastrophic failure. New sinkhole formation could also threaten water supplies, homes, outbuildings, roadways, culverts, and other structures. Much of the proposed path of the ACP in Western Virginia, particularly in Bath, Highland, and Augusta counties is through karst areas with very steep slopes. Diverted water naturally channelizes as it flows downgrade, and this increased concentrated flow entering the karst areas in the valley causes rapid sinkhole formation.

Diversion of water on the steep landslide prone slopes that cover much of the western portion of the ACP could also result in landslides in those areas with catastrophic consequences, not only for the pipeline, but for properties, homes, buildings, and other structures below. It would also result in severe sediment pollution to the receiving stream below. It could also result in trees being uprooted and carried downhill as well as debris and rock, and blocking the receiving stream channel in the valley below. This has already occurred in the floods of July, 2015 in Little Valley, even without manmade diversions in place when trees and boulders entered Little Valley Run due to several large landslides. A large tree carried down the mountain in a landslide blocked the channel adjacent to the home of Lee and Linda Brauer causing floodwaters to come within several feet of their home in the middle of the night. Emergency rescue personnel could not reach them due to flooding blocking the only road into Little Valley, and they were advised to seek higher ground. Boulders from a large landslide on the very steep bank of Little Valley Run blocked the channel below, and caused a permanent relocation of the stream. This landslide occurred several hundred feet above the proposed crossing of the ACP, and the resultant stream boulder blockage occurred several hundred feet downstream of the proposed crossing.

I have commented on documented this flooding and these landslides in Little Valley elsewhere in these comments, and in earlier comments. My comments and photographic evidence of this event are already on file with FERC. Please refer to them as you read my current comments. As stated in the DEIS, and also well known in the scientific community, storm intensity has increased in recent decades, and will continue to increase due to climate change. These extreme weather events and resultant flooding will become more severe and more common. Unnatural manmade diversions of water will only exacerbate a bad situation, and cause more

Z-3016

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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damage.

Diversion of natural drainage patterns also results in concentrated flows of water to flow to areas that have not received concentrated flow previously, or to areas that have received less flow than previously. The increased force of the concentrated flow causes erosion and soil loss in that area. Erosion sends soil and rock downgrade from that area, and it can fill in drainage channels below, particularly where the slope flattens out, and flow velocities are reduced. This in turn reduces the cross section and the carrying capacity of that channel, which causes more out of channel flow during heavier precipitation events, and resultant erosion of areas outside of the channel. This results in sediment deposition in channels further downstream in an ongoing progression of erosion and flooding issues. I've seen this happen many times during my career as an environmental regulator.

Sediment pollution to receiving waters results in loss of aquatic species as well, and native brook trout in Western Virginia waters would be particularly hard hit, and could very well be lost forever in certain waterways adjacent to, near, and downstream from the project. Other aquatic species would be negatively impacted as well.

The DEIS mentions the slope failures, resultant stream pollution, and consent order for the DTI G-150 pipeline in West Virginia. It states that DTI complied with the consent order, and the ACP will be constructed of modern materials in accordance with law. These statements in no way indicate that similar landslides and water pollution will not occur on this project. The DEIS response in this regard is groundless

Another geohazard that threatens the proposed pipeline and above ground facilities is earthquakes. Section 4.1.4.1 of the DEIS incorrectly dismisses the threat of earthquake damage to the ACP and above ground structures by stating that significant earthquake risk is low, seismic groundfaulting is low, and soil liquefaction risk is low. This dismissal is simplistic, reckless, and places the public at risk. Earthquakes could damage the ACP and result in a catastrophic explosion.

Recent earthquake activity in Virginia indicates that earthquakes occur, they are occurring more frequently, and the impacts of these earthquakes over large areas are more severe and widespread than previously thought. The Mineral, Virginia earthquake damaged major buildings in Washington, DC, more than 100 miles away from the epicenter. It also damaged schools, homes, and other structures closer to the epicenter. The earthquake exceeded levels for which the North Anna nuclear power plant was licensed and damaged nuclear waste storage facilities at that facility. Two earthquakes have occurred in the same general area of Virginia in March, 2017, and one of these was centered close to the proposed Buckingham compressor station for the ACP.

Furthermore, the DEIS fails to mention that fracking has been shown by the USGS to cause earthquakes, and that fracking in Oklahoma and surrounding states has caused more than a one hundred fold increase in earthquakes with substantial damage to homes, businesses, and other structures. A fracking induced earthquake recently occurred in Pennsylvania as well. Industry plans to frack throughout much of Virginia leave the area prone to fracking induced earthquakes, and consequent threats to pipeline integrity, including the integrity of the ACP.

The DEIS is incorrect in stating that the ACP would not pose a significant threat to public safety, public health through drinking water, and pollution to public waters due to geohazards.

Z-3017

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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(cont'd)

Geohazards along the current proposed route are significant and cannot be adequately mitigated. Land movement, landslides, and earthquakes could damage the pipe, causing a catastrophic explosion, death and injury, and damage to private property. A landslide or soil slippage due to pipeline construction could cause the same damage even without a pipeline explosion.

Studies have not been completed regarding the significant threat to the ACP from geohazards. The best way to avoid these potential negative impacts is to reroute the pipeline away from steep areas, including all of Bath and Highland Counties, and other counties and areas that contain steep slopes that are included in the current route, away from any area that is undergoing fracking, or may undergo fracking in the future, and away from any area that has recently experienced an earthquake.

### Lack of Adequate Pollution Controls

LO70-25

The DEIS states in section ES-9 that water pollution mitigation techniques undertaken by the ACP will reduce water pollution to less than significant impacts. Nothing could be further from the truth. The mitigation techniques described are inadequate, and would allow very large amounts of pollution to enter public waters.

The stated use of silt fence, hay bales, water diversions, and revegetation for this project is at best a joke, and would be ineffective. This project would disturb around 20 square miles of earth, and would include large scale excavation, with a large part of it on very steep mountainsides that are erosion and landslide prone, and would be difficult to revegetate, according to the DEIS. The project would also cross hundreds of waterways.

A project of this scope requires detailed erosion and sediment control plans that are approved by a legitimate erosion and sediment control authority, and not by FERC. It needs sediment traps and sediment basins to catch and detain sediment laden runoff, so that the sediment particles can settle out prior to discharge into public waters. In many cases it needs erosion control netting to hold thin soils in place on steep slopes until grass is fully established, and the grass shields the ground from the impact of rainfall, and the roots hold the soil together.

Silt fence cannot withstand concentrated flows, or even sheet flow over anything but a short distance and a moderate slope. Silt fence will fail very quickly on steep slopes, and if diversions or length of flow concentrates the flow. Silt fence will not protect our public waters from sediment runoff from this project. The same applies to hay bales or straw bales. Diversions will concentrate flow causing concentrated erosion in the flow path, especially on steep and long slopes. Rather than prevent erosion they will contribute to it.

The DEIS states that construction may result in a temporary increase in turbidity which would reduce dissolved oxygen levels and have a minor impact on aquatic life. This is not correct. Impacts would be large and longlasting. Sediment in water bodies does not magically disappear. It remains for long periods of time. It may wash downstream and fill in the channels of slower velocity downstream waters. This, in turn would reduce the cross section of those channels and decreasing their ability to contain high flows, which would increase flooding. The native brook trout population of Western Virginia and West Virginia could be lost in numerous watersheds as a result these pollution impacts. Other aquatic species would suffer as well.

LO70-25 Comment noted.

Z-3018



# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-26 Comment noted.

LO70-25  
(cont'd)

The DEIS states that hydrostatic testing discharges will average between 1,500 and 2,500 gpm, and that discharges would occur on upland areas to reduce pollution to receiving streams. This volume of water at this rate of discharge cannot be adequately treated in this manner. The toxic pollutants from the manufacturing process flushed from the pipe will not be treated whatsoever, and the volume and rate of discharge to upland areas will cause significant erosion and scouring of the land as it flows down to the receiving stream. Large amounts of sediment will actually be created by this method and they will be discharged into the stream along with the toxic pollutants flushed out of the pipe. So rather than reduce pollution this method will increase pollution.

The DEIS is remiss in that it does not state the total volume of hydrostatic testing discharges that are likely to occur. Regardless of the total volume, these discharges must be contained in a treatment pond or tank. During containment, the liquid must be treated, and then tested prior to discharge to public waters to make sure the discharge meets water quality standards and temperature requirements. Then the liquid must be released at a non erosive velocity to public waters.

The DEIS states that cumulative impacts to water pollution were based on drainage areas of 40,000 to 250,000 acres. That's 62.5 square miles to 391 square miles. The DEIS then states that the project would comprise only a very small percentage of that area, and therefore impacts would be less than significant. Once again FERC distorts reality to an absurd degree by this statement. Cumulative impacts must be considered for all waters, including local waters, not a large body of water taken as a single entity. Local waters would be severely damaged by this project.

Similarly, the DEIS states that the Jackson River and Back Creek, which are already temperature impaired will suffer further temperature impairment due to pipeline operation, but then states that this would be insignificant considering the entire stretch of the stream. Once again, FERC ignores the fact that these rivers will be negatively impacted, particularly in the area of the pipeline. This is not acceptable. Citizens and wildlife in the area of the pipeline should not be negatively impacted.

The DEIS states that there would be 13 waterbodies in contractor yards, but a 5 foot buffer would be maintained between the yard and the waterbody. This will provide virtually no pollution protection. Any rain event, flood, mishap, or spill will result in water pollution under this scenario. Contractor yards should not be placed where waterbodies are present.

This massive project's lack of adequate pollution controls is unacceptable. FERC's acceptance of these inadequate controls will result in large scale pollution. FERC must require stronger controls as stated above, and as required by reasonable standards under federal law.

### Under Reporting Of Springs In Proximity To The Pipeline

LO70-26

DEIS table 4.3.1-2 lists springs in proximity to the ACP. It grossly undercounts the number of springs. I previously addressed this in my comments of November 14, 2016. Nevertheless, the undercount remains. For instance, from our east property line heading east along the proposed line there are no springs listed for about 8 miles, and only 3 springs are listed for all of Bath County outside of Little Valley. For all of Nelson County only two springs are listed. For all of Buckingham County only 6 springs are listed. Only 1 spring is listed for Cumberland County,

Z-3019

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-26  
(cont'd)

VA. No springs are listed for Prince Edward, Nottoway, Dinwiddie Counties, and only 3 are listed for Brunswick County.

Along the AP-2 line only one spring is listed for each of Northampton, Nash, Wilson, Johnston, and Robeson Counties in North Carolina. Only 2 are listed for Cumberland County. This is about 180 miles of pipeline with only 7 springs listed in proximity.

No springs whatsoever are listed for the AP-3, AP-4, and AP-5 lines of the proposed project.

These areas that the proposed ACP would traverse generally average 40 inches of rainfall per year. There are many springs, and I am sure that there are many, many springs near the pipeline that the ACP is not reporting. FERC must not accept this undercount. FERC must require accurate reporting of springs near the line.

The ACP has stated that they would complete water quality testing on springs near the proposed pipeline on a voluntary basis. Not reporting these springs means that they won't have to pay for that testing, and the owners of those resources may have no recourse if, and when the ACP pollutes them, diminishes their flow, or cessates them completely.

Many persons in rural areas near the proposed project have no public water available, and use springs as their drinking water source. They depend on these springs, and in many cases have built their home in a location where a spring can be used for their drinking water. Other springs currently not being used for a drinking water source could be used as a drinking water source in the future, especially if a new home is planned, or a property is being subdivided. These springs must be accurately accounted for, and given protection if damaged by the ACP.

FERC should require an explanation from the ACP about their gross undercount of springs close to the proposed line. FERC should require that the ACP conduct additional field surveys along the entire line with enforcement penalties issued if springs are missed or not reported. Another option would be to have FERC hire an independent contractor at ACP expense to do the same.

I suspect that the information regarding wells in proximity to the project filed in Table 4.3.1-1 is also inaccurate. FERC should carefully review this information, and take action as above for the spring count if it appears that this information is inaccurate.

### General Comments

LO70-27

ES-3 Trench depth limited to 6-8 feet deep...this is not pertinent to the ACP. the ACP trench depth will be 10 feet at a minimum

LO70-28

1-4 ACP would supply gas service to West Virginia...it would not

LO70-29

2.3.3.1 After ACP completes land and easement acquisition survey crews come onto the property...survey crews come first

LO70-30

2.3.2.3 Trench 8 feet deep...various depths for the trench are listed in the DEIS. 8 feet deep would leave only 4.5 feet of cover over the pipe. This is not sufficient to protect against landslides like the ones that occurred in 2015 in Little Valley, and on our property, which would

LO70-27 Comment noted. We note that the referenced text omits the word “generally” regarding the depth of the trench.

LO70-28 See the response to comment CO46-1.

LO70-29 We assume that the commentor is referring to the discussion in section 2.3.2.1. Section 2.3.2.1 has been revised to clarify that civil survey crews would stake the limits of the construction right-of-way; civil survey crews are separate from the environmental survey crews.

LO70-30 Comment noted.

Z-3020

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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Z-3021

LO70-30 (cont'd)	have exposed the pipe.
LO70-31	2.3.2.7 Any leaks found in hydrostatic testing would be repaired...these leaks should be reported to the public.
LO70-32	2.3.2.9 Restoration will return all areas to pre-construction contours and natural drainage patterns with permanent slope breakers or diversion berms in place...breakers and berms would change the natural drainage patterns.
LO70-33	2.3.3.10 Construction will occur in winter conditions...this is unsafe, particularly on extreme steep slopes and harsh winter conditions in Western Virginia and West Virginia
LO70-34	2.5.2 ACP would employ environmental inspectors...these should be independent inspectors hired by an independent party. DEIS should specify number of inspectors, their duties, and their authority, including issuance of fines and stop work orders  2.5.3 FERC compliance inspections...DEIS should specify number of inspectors, their duties, and their authority, including issuance of fines and stop work orders.
LO70-35	2.5.5 Post-Approval Variance process...should not allow route changes, or construction without surveys
LO70-36	4.1.2.3 Karst terrain not mentioned in Bath County...why not?  Table 4.1.2-2 Only 39% of Bath County was surveyed...all of Bath County should be surveyed.
LO70-37	4.1.4.1 Seismic related hazards...does not mention fracking induced earthquakes
LO70-38	4.1.4.2 One day of aerial reconnaissance along GWNF-6 route without LIDAR...why was LIDAR not used?  Page 4-26 and following pages on slope stability mentioning slopes that need additional study, and steep slopes that have been studied...all of these slope locations must be shown. Were the large landslides in Little Valley included?
LO70-39	4.2.2.11 The pipeline would have a typical bottom depth of 5.5 feet...this would leave only 2 feet of cover over the pipe, and must be incorrect.
LO70-40	4.3.1.7 Construction of pipelines would generally be confined to depths of 10 feet or less...this is not true of steep slopes and narrow ridges. Trench depths of 30 feet are possible in these areas. See Figure 1.
LO70-41	Table 4.3.2-2 Access roads would cross Cowpasture River at MP 97.8 and 97.9...are access roads really crossing the Cowpasture River?
LO70-42	Section 4 Large woody debris would be placed adjacent to waterbody crossings to add shade and improve fish habitat...this would do no good, and would likely wash into the channel during high flow conditions. Obstructions such as this should not be left in the floodplain.
LO70-43	Section 4 Floodplains Above ground facilities would be graveled allowing infiltration...there will

LO70-31	Comment noted.
LO70-32	We note the referenced text by the commentor omits the phrase “as closely as possible.” This is a standard construction practice required by the FERC Plan for all natural gas pipelines constructed under FERC authorization. These construction requirements are meant to mitigate the potential of an increase in impermeable surfaces over construction work areas and to minimize impact to natural infiltration capacity of post-construction surfaces.
LO70-33	Comment noted. Atlantic’s and DETI’s Winter Construction Plan (see table 2.3.1-1) describes measures that would be implemented to ensure safety during winter construction.
LO70-34	Environmental Condition No. 6 (see section 5.2) includes our recommendation that Atlantic and DETI identify the number of EIs assigned per spread and how the company would ensure that sufficient personnel are available to implement environmental mitigation measures described in its application and supplements (including responses to staff data requests), identified in the EIS, and required by the Order. The number of third-party compliance monitors required during construction would be determined by FERC to ensure sufficient monitoring of project construction activities. The third-party compliance monitors would work solely under the direction of the FERC and would be onsite daily during construction to document Atlantic’s and DETI’s construction and restoration through about the time the pipeline would be placed into service. In addition, FERC staff would periodically inspect the project area during construction and restoration to ensure restoration occurs and, if any issues arise, that they are addressed. The third-party monitors would also consult with FERC staff as needed during construction and restoration.
LO70-35	Comment noted.
LO70-36	Comment noted.
LO70-37	See the response to comment CO48-10.
LO70-38	Comments noted. LiDAR was used where coverage was available. Phase 2 field reconnaissance for landslides in Little Valley is pending due to land access and potential route adjustments.
LO70-39	Comment noted. The depth of cover information has been corrected in section 4.2.2.11.
LO70-40	Comment noted.
LO70-41	We assume that the commentor is referring to table 4.3.2-3. Table 4.3.2-3 has been updated to reflect that no access roads would cross the Cowpasture River.
LO70-42	Comment noted.
LO70-43	Section 4.3.2.6 has been updated.

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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Z-3022

- LO70-43 (cont'd) | be minimal if any infiltration during flood events, and gravel will not reduce flooding.
- LO70-44 | Section 4 Dispersal of fish from blasting areas by drilling shot holes, banging on a piece of submerged pipe, or going out in bots to move fish away from blast zone...these would not be effective and likely would not be used
- LO70-45 | Section 4 Hydrostatic testing Withdrawal of water at 1,500 to 3,000 gallons per minute using a low pressure pump...a low pressure pump cannot withdraw water at these high rates  
 Section 4 Hydrostatic testing In karst areas Discharges at 1,500 to 2,500 gallons per minute would occur in upland areas...these large volume discharges would still enter karst areas and could cause rapid sinkhole formation, pollution to aquifers, and thermal pollution to receiving waters  
 Section 4 Hydrostatic testing Most water withdrawals would occur between August and October...this is the time of year when typical low stream levels occur. There may not be enough water to withdraw large amounts of water, and not significantly reduce stream flow and damage aquatic life
- LO70-46 | 4.4.2.2 FERC received comments on 4 sensitive landscapes...I submitted comments about unique and sensitive old growth forest on Miracle Ridge on our property, and my comments were not addressed. Why not?
- LO70-47 | 4.4.4 ACP found Japanese stiltgrass and multiflora rose along AP-1...barberry, bittersweet, and garlic mustard are common invasives along AP-1. Why were these not found? Why is this different then 4.4.9.2 which states that the ACP found 17 invasive species including garlic mustard and barberry?
- LO70-48 | 4.6 Lists Little Valley Run as intermittent....it is perennial
- LO70-49 | 4.8.4.3 Averitt Spruce Creek Market and Resort would be mitigated...The pipeline runs right through the center of this planned development. How would it be mitigated?
- LO70-50 | 4.8.5.6 0.3 miles of McDowell Battlefield would be crossed...the current route does not cross the McDowell Battlefield. I have commented on this previously, and it remains incorrect.
- LO70-51 | Table 4.8.9-10 pertains to old growth criteria for public lands...Why does this not pertain to private land
- LO70-52 | 4.11.1.3 8%-12% of cleared timber will be burned...This will impact local air quality, and could result in forest fires
- LO70-53 | 4.11.2 Pipeline construction noise would have no significant impact on nearby neighbors... does not mention noise from blasting. States that workers will keep radios at low volume. This assessment is 100% incorrect. Heavy construction and blasting will create very significant impacts to nearby neighbors.
- LO70-54 | 4.13.2.2 Cumulative impacts from oil and gas exploration...excludes fracking, which is exploding. The ACP is built to carry fracked gas.

- LO70-44 | Comment noted.
- LO70-45 | Withdrawal and discharge rates would be regulated by state agencies.
- LO70-46 | See the response to comment LO70-8.
- LO70-47 | As described in section 4.4.4, Atlantic and DETI consulted with state agencies charged with regulating noxious and invasive plant species to identify a total of 55 regulated invasive plant species within Pennsylvania, West Virginia, Virginia, and North Carolina. Field surveys were conducted to document and delineate these regulated species along the ACP and SHP survey corridor on non-NFS lands. Garlic mustard and Japanese barberry are not currently state regulated invasive plant species, thus why there are not included in the discussion in section 4.4.4 or identified in Atlantic's and DETI's Invasive Species Management Plan (see table 2.3.1-1). Garlic mustard and Japanese barberry are managed on NFS lands, and the FS required Atlantic to conduct surveys for all FS-managed non-native invasive species on the survey corridor through the GWNF and MNF, thus why these species are discussed in section 4.4.9.
- LO70-48 | Atlantic's master water table indicates Little Valley Run in an intermittent waterbody. We acknowledge that the waterbody could flow during construction restoration, and during operation of the pipeline.
- LO70-49 | Section 4.8.4.3 has been revised to include additional impacts information made publicly available by the developer.
- LO70-50 | While the pipeline route does not cross the core area of the McDowell Battlefield, it would cross a short linear segment of the battlefield site that was historically used for troop movement and supply.
- LO70-51 | Table 4.8.9-10 in section 4.8.9 is specific to federal land crossings by the project and pertains to Proposed and Potential Project-Specific Amendments on the George Washington National Forest. Timber removal impacts on private and public lands is addressed in section 4.8.1.1.
- LO70-52 | See the response to comment CO116-10.
- LO70-53 | See the response to comment CO111-3.
- LO70-54 | See the response to comment CO48-10.

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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Z-3023

LO70-55 | 4.13.3.3 Cumulative impacts to water resources would be short term only measured in days or weeks...DEIS stated elsewhere that temperature impacts to the Jackson River and Back Creek would be permanent. Changes in stormwater runoff from forested ground to cleared ground would also entail long term impacts.

LO70-56 | 4.13.3.8 Overall visual impact of the pipeline would be minor given that it is buried. Above ground facilities would fit in with the general area...as earlier stated the pipeline would create a very large loss of scenic values. The valve station in Little Valley, and other above ground facilities in rural areas would not fit in with the general area. They would be an eyesore and greatly diminish scenic values.

LO70-57 | 5.1.3.1 There is no mention that blasting could collapse limestone channels and reduce or cessate water to wells and springs in karst terrain...this must be added and studied

LO70-58 | 5.1.4 Construction Vehicles will be cleaned before leaving sites to avoid the spread of invasive species...this is not likely to occur

LO70-59 | 5.1.7 Rusty patched bumblebee is now an endangered species. ACP will complete further surveys by 10/17...this is well after the close of the DEIS comment period, and probably the FERC decision on project approval. The DEIS comment period must be extended until at least 2 months after these surveys are completed.

LO70-60 | 5.1.15 Alternatives considered using criteria of homes within 50 feet of workspace, and economic practicality for the applicant...this criteria is much too simplistic. The criteria should include homes, schools, hospitals, businesses within 500 feet of workspace, within the blast zone, and within the evacuation zone with weighted factors including distance from pipeline, and number persons in each facility. The economic practicality for the ACP should not be factored in to alternative selection. That should be a voluntary decision made solely by the ACP. The economic practicality for private property owners through loss of property values, and local communities through loss of tax revenue, fewer homes sales and home construction, and loss of tourism should be factored in, because these entities do not have a choice in this matter.

**Conclusion and Recommendations**

LO70-61 | The DEIS fails to accurately assess the impacts of the proposed Atlantic Coast Pipeline. It minimizes or completely dismisses the many negative impacts of the project. A number of these negative impacts are very large, and would result in life changing consequences to many affected citizens.

The DEIS was written without important information, especially information regarding the significant public safety and public health issues. It is incomplete.

FERC conclusions in the DEIS are extremely biased toward the applicant and the energy industry. It is very apparent that information for FERC's conclusions was deliberately chosen to support approval of the project, and other information showing negative impacts was ignored, discarded, or discredited.

The DEIS states that the applicant will take measures to mitigate adverse impacts to less than

LO70-55 | As stated in section 4.3.2.6, two waterbodies are listed as impaired with respect to temperature (Back Creek at AP-1 MP 87.2 and Jackson River at AP-1 MP 91.5). The classification of impairment is a pre-existing condition that was not created by the proposed project. The section acknowledges that once in operation, a slight localized increase in temperature may occur due to removed riparian vegetation; however, this would be negligible when accounting for the entire reach of the stream.

LO70-56 | Comment noted.

LO70-57 | Details describing the precautionary measures to be taken during pipeline construction blasting are discussed in section 4.1.2.2 and also in Atlantic's and DETI's Blasting Plan. The final EIS has been revised to describe that blasting for excavation during pipeline projects typically involves small-scale, controlled, rolling detonation procedures that result in limited ground upheaval. These blasts do not typically result in large, aboveground explosions. Atlantic and DETI would conduct blasting in accordance with all federal, state, and local regulations.

LO70-58 | Refer to section 6.2.2 of the Invasive Species Management Plan (see table 2.3.1-1), which provides a complete description of the measures that would be implemented during construction to prevent the spread of invasive species during construction activities, including cleaning equipment prior to arriving at the construction site. As described in section 2.5.3, in addition to Atlantic's and DETI's EIs, Atlantic and DETI would participate in a third-party compliance monitoring program that would provide environmental compliance monitoring services for ACP and SHP. The FS would also implement compliance monitoring, and other federal, state/commonwealth, and local agencies also may monitor the projects to the extent determined necessary by the agency. While there may be differences between agency permit requirements and conditions, the environmental inspection program and third-party monitoring for the projects would address all stipulations and conditions placed on the projects.

LO70-59 | Section 4.7.1.16 provides an updated discussion of the rusty patched bumble bee, including potential impacts and avoidance, mitigation, and conservation measures.

LO70-60 | Comment noted.

LO70-61 | See the response to LO70-1.

# LANDOWNERS COMMENTS

## LO70 – William Limpert (cont'd)

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LO70-61  
(cont'd)

significant status. However, the stated mitigation procedures are ineffective, and there is no mechanism to assure that they will be carried out.

Prior to issuance of this document I had some faith that FERC that would complete an objective and impartial review of this project, and that would be reflected in the DEIS. it did not happen.

The DEIS must be retracted and rewritten following receipt of all information pertinent to the impacts of the project. It must be written using objective, unbiased data, and without that data being manipulated to mislead the public.

Given the large amount of invalid information that FERC has used to generally state that this project will have less than significant impacts, while consistently dismissing valid information that shows that the project would have very significant negative impacts, FERC is liable for negative impacts that would occur if the project is approved under the same incorrect conclusions. If this project is approved and impacts my wife and I, or our property, I will seek reparations from all responsible parties and individuals until we are fully compensated. I will not relent in seeking that compensation to my final day.

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Z-3024

# LANDOWNERS COMMENTS

## LO71 – James Bolton

March 24, 2017

James R. Bolton  
312 Perry Lane  
Lovingson, VA 22949

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

**RE: Comments of James R. Bolton Re: the 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 and Members of the Commission;

LO71-1

Thank you for providing the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Atlantic Coast Pipeline and Supply Header Project.

Among the various alternatives discussed in **Section 3.2** of the Draft Environmental Impact Statement (DEIS) issued by the commission in December of 2016, one in particular would seem to stand out as worthy of additional attention and further scrutiny. While they are both discussed under one heading, this “MVP Merged System Alternative”, included in **Section 3.2.3.2 Proposed Mountain Valley and Equitrans Expansion Projects** (DEIS, p. 3-6), would basically follow the route of the proposed Mountain Valley Pipeline through WV and into VA while satisfying the transportation capacity of both the MVP and ACP in one pipe. The alternative actually includes consideration of two potential options, one that would use a thicker-walled 42”-diameter pipe operated at a higher pressure to move sufficient gas to meet the transportation goals of both projects, and a second that would accomplish the same goals through the use of a larger, 48”-diameter pipe. (A third option is also mentioned, i.e. using a 42”-diameter pipe operated at 1440 psig pressure, which is the stated operating pressure for the ACP, and perhaps for this reason and the presumed capacity limitations that would result, is not given further discussion.) In any event, when the various arguments are given careful analysis, the picture emerges that the option involving the installation of a 48’-diameter pipe in the MVP ROW would not only seem to offer significant advantages over the other “system alternatives” considered in **Sec. 3.2** in terms of significant reductions in the number and degree of environmental, and other impacts, including the total number of property owners affected, but the arguments presented for its dismissal ultimately lead to an unsupportable conclusion due to the inclusion of inaccurate and erroneous information, unsubstantiated claims, and faulty reasoning.

According to the DEIS (pp. 3-6 and 3-7);

LO71-1

Regarding equipment, we also consider the increased size of side-boom tractors that lift and lay the pipeline into the trench. The larger size of these machines would require a larger footprint to operate and maneuver. We agree that equipment is not by itself a reason to dismiss the alternative.

Welding complexity would increase on steep slopes. The ability to hold larger and heavier pipeline joints in place during the welding process increases in complexity.

We concur that a 48-inch-diameter pipeline would only increase the width of the construction right-of-way marginally when compared to the use of two separate pipeline rights-of-way.

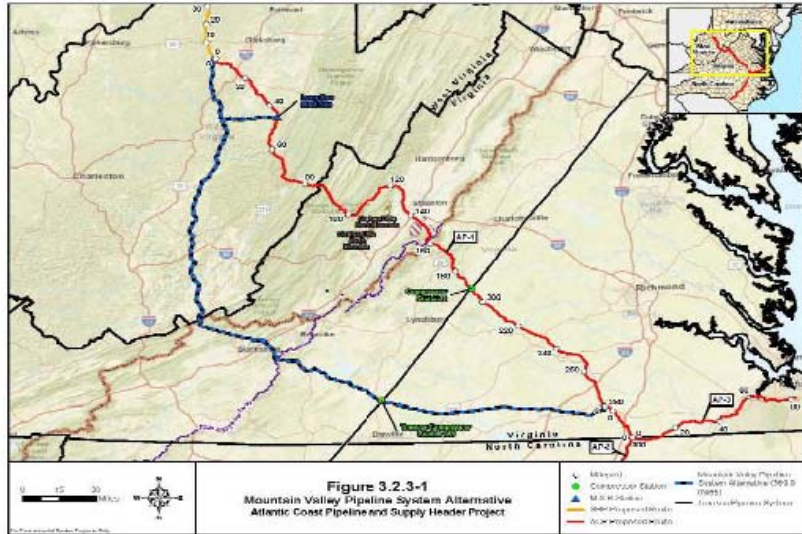
Regarding compression, based on flow calculations, moving both projects through a 42-inch pipeline would require approximately 616,000 hp compared to the combined horsepower of both project (approximately 302,000 hp). Moving both projects through a 48-inch-diameter pipeline would require approximately 485,000 hp.

# LANDOWNERS COMMENTS

## LO71 – James Bolton

LO71-1  
(cont'd)

*"This system alternative would primarily follow the proposed MVP route and would require the capacity of both MVP and ACP, a total of approximately 3.44 Bcfd, to be transported through one large diameter pipeline to Transco's existing Compressor Station 166 in Pittsylvania County, Virginia. At this delivery point, the alternative would continue to ACP delivery points in Virginia and North Carolina as shown on figure 3.2.3-1."*



To its credit, the DEIS document mentions numerous advantages of the so-called merged system over the construction of both projects separately. These are listed below. (All quoted material is from DEIS pp. 3-8 and 3-9):

- 1) *"...the length of the merged system alternative would be 173 miles shorter than the cumulative mileage of each separate project."*
- 2) *"...the operating pressure and compression requirements of this option would be reduced and may allow for future expansion of the system."*
- 3) *"...increased collocation with existing utility rights-of-way"*
- 4) *"...avoidance of the MNF and GWNF"*
- 5) *"...reduced crossings of the ANST and the BRP from two to one"*
- 6) *"...reduced number of access roads and contractor pipe yards used,"*



# LANDOWNERS COMMENTS

## LO71 – James Bolton

LO71-1  
(cont'd)

- 7) "...less construction in karst topography" , and;
- 8) "... Reducing the amount of permanently-maintained pipeline right-of-way."

Precisely as it seems that this list of benefits represents such significant potential to mitigate so many of the crucial problems associated with the construction of both projects individually, including, in addition to those benefits mentioned, greatly reducing the number of affected landowners, it would certainly seem reasonable that the accompanying list of factors that is presented to provide argument against the adoption of the MVP Merged System Alternative be subjected to further scrutiny. These factors are summarized below (DEIS, pp.3 8 and 3 9):

- 1) increased weight and decreased flexibility of the pipe
- 2) increased "complexity" of welding
- 3) increased "construction complexity" in steep terrain
- 4) greater excavation requirements to accommodate the larger pipe, resulting in an increase in the required construction workspace
- 5) increased "...air and noise emissions due to the amount of additional compression required to transport 3.44 Bcf/d through one pipeline."

Each of these issues is discussed separately below.

### 1. Increased Weight and decreased flexibility of the pipe:

While it is of course true that the use of 48"-diameter pipe would result in increased weight as and decreased flexibility over 42"-diameter pipe, this fact is not, by itself, a rationale that argues against its utilization because it does not contribute to the big-picture benefit analysis of the proposal that is under discussion, i.e. it is not a physical comparison of the characteristics of two pipe sizes, and their implications for construction, that is relevant, but rather the potential for savings in effort, expenditure, and efficiency gained from the use of a single, if larger and heavier, pipe in a single ROW as compared to that of transporting and installing many additional miles of two slightly smaller pipes in separate ROWs. For example, because fewer sections of pipe could be hauled on any single truck as they are being delivered to the construction site, the larger pipe would presumably require more delivery trips resulting in heavier truck traffic during construction, but certainly this heavier traffic becomes less significant when compared to the total number of delivery trips with similarly-laden trucks hauling pipe for two, separate, 42"-diameter pipelines (along with the associated impacts on local traffic patterns, increased congestion on narrow country roads, increased wear and tear on local roads and bridges, etc.).

### 2. Increased complexity of welding:

While it would seem intuitive that the use of larger pipe could, in fact, increase the **amount** of welding required to join the pipe sections, the DEIS is silent regarding the details of the ways in which its "**complexity**" would be increased, and perhaps typically, expects the reader to accept this claim without further explanation or justification. In any event, the same rationale presented above must also apply in this instance. What must be compared in the analysis is not the increase in the amount, or

# LANDOWNERS COMMENTS

## LO71 – James Bolton

Z-3028

LO71-1  
(cont'd)

“complexity”, of welding of a larger pipe as compared to a smaller, but rather that which would result in the least overall effort and expense when considering the potential savings resulting from the installation of one larger pipe in one ROW as compared to that of two smaller pipes in two separate ROWs. When viewed from this more appropriate perspective, it becomes apparent that the net benefits resulting from the use of one larger pipe would almost certainly be significantly greater than the two-pipe alternative.

### 3. Increased construction complexity in steep terrain:

Once again, not only does the DEIS fail to explain the exact nature of the claimed increased “complexity” involved in installing the larger pipe in steep terrain and how this would be problematic, but asks the reader to accept the statement at face value. And, for a third time, it is not how the complexity involved with the installation of a larger pipe in steep terrain would compare to that of installing the smaller under similar conditions that is important, but rather how it would compare to the total complexity associated with installing the smaller pipe in the steep terrain traversed by both of the two routes separately. This distinction is especially relevant in this case because the portion of the ACP route that would be eliminated if the merged System Alternative were adopted (i.e. from its origin in WV to the Buckingham, VA compressor station) includes the vast majority of the steep terrain on the entire route, and thus offers the highest potential for the reduction of associated environmental impacts resulting from construction disturbance, as well as, by the way, significant potential savings in construction costs. The potential for significant overall reduction in the potential landslides and slippage, erosion, and stream siltation to name a few, when coupled with the avoidance of all the potential problems associated with the crossing of the George Washington National Forrest, would seem to lead to the undeniable conclusion that these benefits must compensate for, or outweigh, any additional “complexity” in the installation of a slightly larger pipe on one part of the route.

### 4. Greater excavation requirements to accommodate the larger pipe, resulting in an increase in the required construction workspace:

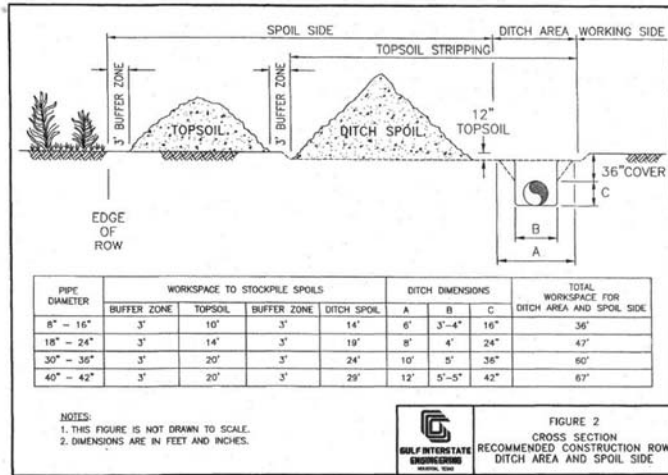
Of all the factors listed, the argument for the premise that the use of a 48”-diameter pipe would result in greater required ROW widths is given the most discussion in the DEIS, in spite of the fact that much of it appears to be based on faulty reasoning. While it is true that a 48” diameter pipe does, in fact, encompass an increase in cross-sectional area (or volume when multiplied by a unit length) of approximately 30% over that of a 42” diameter pipe, it does not follow that the increase in the size of the trench required to accommodate the larger pipe would displace “...at least 30 percent more spoil.” (DEIS, p. 3-9). To the contrary, because the dimensions of a trench required to accommodate a 48” diameter pipe, would only need to be both 6” deeper and 6” wider than a trench excavated to accommodate one of 42” diameter (while still providing the same pipe-to-trench clearances specified by the Interstate Natural Gas Association of America (INGAA) as specified in the following Figure (INGAA).<sup>1</sup>

# LANDOWNERS COMMENTS

## LO71 – James Bolton

LO71-1  
(cont'd)

**Figure 1: INGAA Recommended Construction ROW**



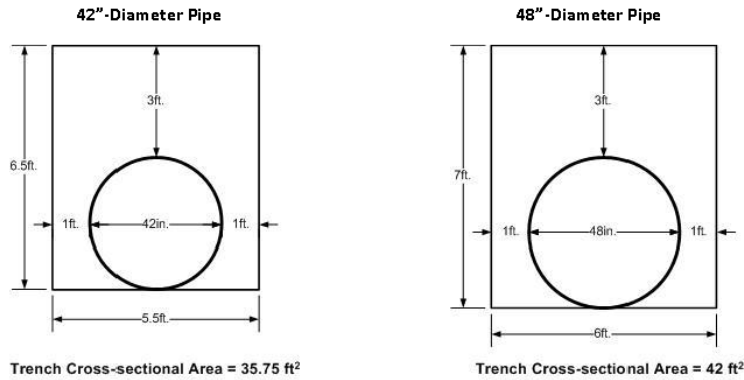
As can be seen from the above chart, the trench required to accommodate, e.g. a 36" (3'-0")-diameter pipe is 5 feet wide (2 feet greater than the pipe diameter, or 1 foot of clearance per side), and, with a 3' cover depth, 6' deep. Similarly, a 42" (3'-6")-diameter pipe (the largest diameter considered at the time of the study) would, according to the chart, require a 5'-5" wide by 6'-6" deep trench. (The present analysis assumes that the stated 5'-5" trench width given for the 42"-diameter pipe was actually intended to be 5.5' [or 5'-6" instead of 5'-5"].) It therefore follows that because the trench width requirement given in the chart is consistently 2 feet greater than the pipe diameter, the width of trench required for a 48"-diameter pipe would be 6'-0", and assuming a consistent cover depth of 3 feet, that the required trench depth would be 48"+36", or 84" (7'-0"). The cross-sectional area of material requiring excavation for a trench to accommodate a 48"-diameter pipe would thus be 42 ft<sup>2</sup> (6' x 7') per unit length, as compared to 35.75 ft<sup>2</sup> (5.5'x6.5') per unit length for the 42" diameter pipe. Doing the math (see Figure 2 below), it becomes obvious that the trench for the larger pipe would require the removal of only an extra 6.25 ft<sup>2</sup> of material per unit length, which is the equivalent of a only a 17.5% increase as opposed to the 30% as stated in the DEIS. Put another way, the difference in the quantity of spoil resulting from excavating one linear foot of the larger trench would be slightly less than the contents of one typical 30"-wide backhoe bucket.

# LANDOWNERS COMMENTS

LO71 – James Bolton

LO71-1  
(cont'd)

Figure 2: Trench Area Calculations:



42.00 ft <sup>2</sup> -35.75 ft <sup>2</sup> 6.25 ft <sup>2</sup> and, 6.25/35.75=.175=17.5%
--

Once removed from the trench, the material, or "spoil" must, of course, be stored until such time as the trench is refilled. Assuming that the INGAA chart is generally accurate in terms of the width of the "ditch" and "topsoil" spoil piles, and that a 30 degree angle of repose represents a reasonable, if a bit conservative, average for the included angles of a stable spoil pile cross section, the additional 6.25 ft<sup>2</sup> per unit length, would, even if the larger spoil pile were the same height as the pile associated with the 42" pipe (and it could certainly be somewhat taller given a consistent 30 degree angle of repose), after again doing the math (see Figure 3 below), the resulting ditch spoil pile would be approximately 30.5 feet wide, or an increase in width of just **1.5 feet**. Furthermore, assuming that the pile to accommodate the additional topsoil removed and set aside from the wider trench would also increase by a foot or so (certainly a generous estimate), the Total Workspace For Ditch Area And Spoil Side that results would be approximately **70 feet, or 3 feet more than that for a 42" diameter pipe**. So, even if the Working Side of the temporary construction ROW would need to be somewhat wider to accommodate operations associated with the 48" diameter pipe, it certainly would appear that everything could be satisfactorily accommodated in a construction ROW significantly less than the 155 foot total width

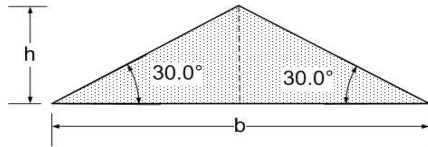
# LANDOWNERS COMMENTS

LO71 – James Bolton

LO71-1  
(cont'd)

resulting from adding an additional 30 feet (as is stated on p.3-9 of the DEIS illustrated on p. C-2) to the typical 125-foot construction ROW width for non-agricultural areas.

**Figure 3: Spoil Pile Width Calculations:**



For 42" Dia. Pipe, From Chart,  
Spoil Pile Width (b) is 29':  
 $\tan 30 = h/14.5'$   
 $.577 = h/14.5'$   
 $h = 8.4'$   
If the cross-sectional area of the pile (A) = .5b x h  
 $A = .5 \times 29' \times h = 14.5' \times 8.4' = 121.8 \text{ ft}^2$

So, (even) assuming that a pile accommodating the spoil from a 48" dia. pipe would be no taller than that for a 42" pipe, and that the additional spoil is 6.25 ft<sup>2</sup> (from Figure 2), the cross-sectional area of the pile (A) = 1/2b x h,  
 $121.8 \text{ ft}^2 + 6.25 \text{ ft}^2 =$   
 $.5b' \times 8.4'$   
 $128.05 \text{ ft}^2 = .5b \times 8.4'$   
 $128.05 \text{ ft}^2 / 8.4' = .5b$   
 $15.24' = .5b$   
 $b = 30.5'$   
And  $30.5' - 29' = 1.5'$  Additional Width

(It should be noted that this illustration is based on extremely conservative estimates of achievable angle of repose and spoil pile height. In most instances steeper angle and increased heights could be expected, further decreasing pile width. Also the implications for construction ROW widths associated with the crossing of agricultural land are intentionally not considered here on the assumption that the environmental impacts associated with these areas would, in fact, be significantly reduced due to the comparatively level terrain and the fact that additional removal of trees would typically be reduced or not be necessary.)

As a point of reference, the construction ROW width associated with the BP SCPX Pipeline, an expansion project that is currently under construction through mountainous areas of Azerbaijan and Georgia, where a 48" diameter pipe is, in fact, being installed, is 36M, or 118 feet<sup>2</sup>, as compared to the 155 foot total derived from the questionable assumptions made in the DEIS for the merged MVP-ACP alternative. Worthy of note is the additional fact that the SPX pipeline had been previously proposed to utilize 56" diameter pipe that had also been scheduled to be installed in the same 36M-wide construction ROW.<sup>3</sup>

Z-3031

# LANDOWNERS COMMENTS

## LO71 – James Bolton

Z-3032

LO71-1  
(cont'd)

At any rate it appears obvious that the arguments regarding ROW width required to accommodate a 48"-diameter pipe that are provided in the DEIS are, at best, highly questionable, and therefore require thorough reconsideration.

5. **Increased air and noise emissions, i.e. "....construction of the merged system alternative [...using 48"-diameter pipe...] would increase air and noise emissions due to the amount of additional compression required to transport 3.44 Bcf/d through one pipeline."** (DEIS, p.3-9, third full paragraph)

Not only does this statement yet again ask the reader to simply accept that "additional compression" necessarily would result in the stated consequences, i.e. "increased air and noise pollution", without clarifying the reasons why and exactly what is involved, but it also directly contradicts two additional statements on the subject, i.e. the second of the list of benefits referenced on p. 2 of the present document, as well as the concluding sentence of the second full paragraph on DEIS, p.3-9:

*"....the operating pressure and compression requirements of this option [utilizing a 48"-diameter pipe] would be reduced and may allow for future expansion of the system"*

Obviously, both contentions cannot be correct, so the obvious question becomes, which one? Assuming that the mileage totals given in the DEIS (p.3-8) are correct, the question comes down to whether the total amount of compression required to push a larger volume of gas through 301 miles of one larger 48"-diameter pipe along the MVP route as far as the Transco Compressor Station 165, would actually be more than that required to push the gas through the same 301 miles of 42"-diameter pipe plus the additional approximately 192 miles of the ACP route from its origin in WV to Compressor Station 2, or a total of 493 miles? (Whether an additional 65 miles of looping would also be required to connect these two compressor stations is a question that is left open by the DEIS and therefore not considered here.)<sup>4</sup> Furthermore, would the compression required for the 301 miles of 48"-diameter pipe actually result in greater emissions than that associated with the 493 miles 42"-diameter pipe? Again, excerpts from the "Non-technical Summaries" for the aforementioned SCPX project (at a point in the design process where a decision on whether to utilize 48" or even larger 56"-diameter pipe was yet to be made) seem to shed additional light on the subject. For example;

*"The selection of a 56"-diameter pipeline instead of a 42"-diameter pipeline led to a significant reduction in potential greenhouse gas emissions."*<sup>5</sup>

And again;

*"The [SCPX] design team compared alternative pipeline designs using a 42"-diameter and 56"-diameter pipe. ....the 56" diameter pipeline needs fewer compressors at each compressor station, will consume less fuel gas and will have lowered emissions of atmospheric pollutants, greenhouse gases and noise than the 42'-diameter design concept."*<sup>6</sup> (Emphasis added.)

And, finally, from the final Environmental and Social Impact Assessment Addendum for the Azerbaijan segment of the pipeline;

*"Greenhouse gas and air emissions are highest with the 42" option due to the highest compression requirements and lower for both the 56" and 48" which have the same lower requirements."*<sup>7</sup>

# LANDOWNERS COMMENTS

## LO71 – James Bolton

Z-3033

LO71-1  
(cont'd)

As the above excerpts clearly indicate (and as is acknowledged elsewhere in the DEIS in the two previously-referenced instances) the assumption that employing a larger pipe necessarily results in greater "air and noise emissions" is likely not valid, presumably because a larger diameter pipe would have a significantly larger included volume per unit of pipe length, and a correspondingly lower ratio of wall area to included volume, that results in lower total frictional losses as gas passes through the pipe. As the above excerpts would seem to confirm, the reduced flow resistance associated with a larger diameter pipe would, in turn, tend to **reduce**, rather than increase, the amount of compression required to move the gas at equivalent line pressures, and would therefore function to **reduce**, rather than increase, the emission of pollutants, greenhouse gases, and noise. In any case, as is also true of the other so-called problems with the MVP Merged Alternative, the discussion of this issue as framed in the DEIS is clearly inadequate, if not intentionally disingenuous.

Finally, in the concluding paragraph of its discussion of the MVP Merged System Alternative, the DEIS adds a final volley of additional problems to add to the previously-discussed list of reasons to dismiss its adoption:

*"In conclusion, construction and operation of merged system alternative may hold an environmental advantage when compared to construction and operation of both ACP/SHP and MVP/EEP separately. However, pursuing this alternative would require significant time for the planning and design, result in a significant delay to the delivery of the 3.44 Bcf/d of natural gas to the proposed customers of both ACP and MVP, and would limit the ability to provide additional gas to the projects' customers." (DEIS p.3-9)*

While there would undoubtedly be additional planning and design time involved in adopting the MVP Merged System Alternative, which may, in fact, be inconvenient for the project developers, there is no particular reason to assume that this delay would necessarily be significant, and even if it were, it is certainly not FERC's responsibility to ensure that any project proceeds precisely according to the developers' preconceived plan and schedule. Indeed, on the subject of FERC'S consideration of alternatives, the Council on Economic Quality has made it clear that;

*".....[r]easonable alternatives include those that are **practical or feasible from the technical and economic standpoint and using common sense**, rather than simply **desirable** from the standpoint of the applicant." <sup>8</sup> (Emphasis added.)*

On the other hand, it is FERC's stated responsibility to;

*"....determine whether potential environmental impacts associated with the construction and operation of the proposed facilities could be avoided or reduced while still meeting the basic purpose of the projects." (DEIS p.3-4)*

which is, by the way, the very *".....purpose of identifying and evaluating system alternatives...."* (again from DEIS p.3-4) in the first place. Nowhere in **Sec. 1.1 Purpose and Need**, or elsewhere in the DEIS for that matter, can the language that the "basic purpose" of the ACP is to meet the developers' construction schedule. If potential environmental impacts can, in fact be avoided, and it is obvious that through the adoption of the MVP Merged Alternative that many can, then the criteria for a viable

# LANDOWNERS COMMENTS

## LO71 – James Bolton

Z-3034

LO71-1  
(cont'd)

alternative have in fact been satisfied and the alternative must be both seriously considered and finally adopted.

(Incidentally, the remaining objection that adoption of the alternative “...*would limit the ability to provide additional gas to the projects’ customers*” would only apply to the design concept of using 42”-diameter pipe in the MVP ROW that would be operated under higher-pressure to move the additional gas (DEIS p.3-8). As is discussed briefly [and leaving aside for the moment the troubling issue of whose opinions, analysis, and conclusions are actually presented in the document] this option is, “according to Atlantic”, problematic because it would restrict operational flexibility and the potential to expand the capacity of the system in the future. It would not, however, presumably apply in the case of the installation of 48”-diameter pipe because, as is the case with the SCPX project, it could initially be operated at a lower pressure than would be required for 42”-diameter pipe to move an equivalent amount of gas, leaving head room for increased capacity by adding additional compression later.)

Clearly, with the exception of the “No Action” Alternative, which would of course avoid the environmental impacts of the project altogether (and given the highly questionable arguments presented in the DEIS or need for the project, a convincing argument can, in fact, be made for this alternative)<sup>9</sup>, the Merged System Alternative offers the highest degree of avoidance and reduction of potential environmental impact, as well as the highest reduction of effects on landowners, historical and cultural heritage, and local economies (to name a few), when it is compared to any of the so-called “system” alternatives discussed, including the so-called “preferred” ACP alignment itself. In addition, because they appear to be based on conjecture, faulty logic, and/or faulty math, the reasons given for the Commission’s dismissal of it are at best highly questionable and incomplete, and at worst, misleading and disingenuous, and any conclusions drawn from them are therefore rendered unsupportable. I therefore request that the Commission get back to work to both correct these deficiencies and give the MVP Merged Alternative the reconsideration and legitimate analysis that it rightly deserves by virtue of the significantly reduced environmental impact that would result from its adoption. Furthermore, only by rescinding the current version and producing a new one that incorporates the changes indicated in this and numerous other comments, as well as the information that had not yet been submitted at the time of issuance, and subsequently opening a new comment period, will the public have the opportunity to adequately consider and evaluate these, and the other relevant issues, in their totality. FERC owes the public this further consideration and analysis in order to make good on its mandate to protect it and the environment from the impacts of the overbuilding of unnecessarily damaging pipeline projects.

Respectfully,

James Bolton  
Research Scientist  
Department of Mechanical and Aerospace Engineering  
University of Virginia (Retired)



# LANDOWNERS COMMENTS

LO71 – James Bolton

**Notes:**

1. INGAA Foundation, Temporary Right-of-way Width requirements For Pipeline Construction, 1999, p.11.
2. [http://www.bp.com/content/dam/bp-country/en\\_az/pdf/ESIAs/SCPX-ESIA-Georgia/05 Project description Rev09 28-02-2012](http://www.bp.com/content/dam/bp-country/en_az/pdf/ESIAs/SCPX-ESIA-Georgia/05 Project description Rev09 28-02-2012). (p.5-20).
3. [http://www.bp.com/content/dam/bp-country/en\\_ge/documents/scpx/SCPX-non-technical-summary.pdf](http://www.bp.com/content/dam/bp-country/en_ge/documents/scpx/SCPX-non-technical-summary.pdf)
4. While DTI/ACP does state elsewhere that an interconnection with the Transco precisely at the Buckingham County location is a requirement stipulated by the precedent customer agreements, and is therefore set in stone and non-negotiable, DTI/ACP has so far refused to elucidate the reasoning behind this assertion. Given the fact that the merged alternative would interconnect with the Transco at CS 165, and then proceed eastward through southern Virginia “...to transport about 1.44 Bcf/d natural gas from the Transco Compressor Station 165 to the Brunswick Power Station and onward to the proposed ACP Compressor Station 3” (DEIS, p. 3-8), one must wonder why an interconnection at the Buckingham location would still be required at all, as it would presumably be rendered redundant due to it no longer lying on the current mainline route. In addition, it is apparent in light of the history behind the mention of this stipulation re: the Buckingham location in the various versions of the Resource Reports, that there may be further cause to question this assertion. (Please see: Motion to Intervene of James R. Bolton under CP15-554, Accession Number 20160217-5132, filed on 02/17/2016.)
5. [http://www.bp.com/content/dam/bp-country/en\\_ge/documents/scpx/SCPX-non-technical-summary.pdf](http://www.bp.com/content/dam/bp-country/en_ge/documents/scpx/SCPX-non-technical-summary.pdf) (p.16).
6. [http://www.bp.com/content/dam/bp-country/en\\_ge/documents/scpx/SCPX-non-technical-summary.pdf](http://www.bp.com/content/dam/bp-country/en_ge/documents/scpx/SCPX-non-technical-summary.pdf) (p.15).
7. [http://www.bp.com/content/dam/bp-country/en\\_az/pdf/ESIAs/SCPX-ESIA-Addendum/04%20Alternatives\\_web.pdf](http://www.bp.com/content/dam/bp-country/en_az/pdf/ESIAs/SCPX-ESIA-Addendum/04%20Alternatives_web.pdf) (p.4-4).
8. Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, 46 Fed. Reg. 18,026, 18,027 (Mar. 23, 1981)
9. Please see: Comment of James R. Bolton on the DEIS for the Atlantic Cost Pipeline, Accession Number 20170317-5073, filed on 03/17/2017.

# LANDOWNERS COMMENTS

LO72 – Pamela Farnham

**Pamela Farnham**  
 159 Fortune's Point Lane  
 Roseland, VA 22967

March 15, 2017

Re: Atlantic Coast Pipeline, Docket No. CP15-554-000

Dear Ms. Bose:

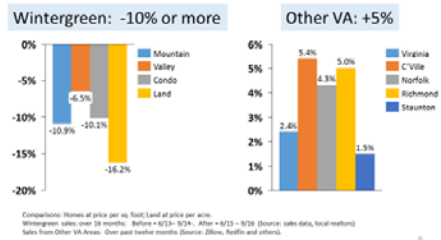
LO72-1

I am an intervenor and landowner directly impacted by the Atlantic Coast Pipeline. I am writing to follow-up on the comments I made to the above on October 23, 2015 (attached) regards the “blight” the Atlantic Coast Pipeline is already having on local property values.

Atlantic and FERC claim the presence of a natural gas pipeline easement does not negatively impact real estate values. Four real estate property value “studies” (Diskin et. al - 2011; PGP Valuation Inc. -2011; EcoWest - 2008; Hansen et. al.- 2008) are cited by FERC and Atlantic supporting this conclusion. Upon closer examination, as I referenced in my earlier intervention to you, these four studies and their conclusions are either flawed in methodology or does not confirm this claim. More importantly, however, none of these studies are germane to properties situated in an eco-sensitive, resort, vacation home community such as Wintergreen.

Since I wrote in October 2015, several Nelson county realtors have produced sales data that shows the Atlantic Coast Pipeline is **already** having a deleterious effect on local property values – even before it has been approved for construction. Since the announcement of the ACP route by the Wintergreen area, analysis has shown that property values have dropped by 10% or more. This decline is in sharp contrast to property value that have increased in virtually all Virginia communities not subject to the “blight” of this potential 42 inch pipeline presence. (See chart.)

**Pipeline And Wintergreen Property Values**  
 % Change in Property Values After Pipeline Announcement



On a macro level, a ten percent drop in Wintergreen real estate values equates to a \$80-\$100 million loss in community property values (and corresponding real estate taxes to Nelson County). Sales for higher end properties have virtually shut down because of the ACP pipeline “blight”. This is reality, not a study.

Furthermore, as others have commented to you, this condition has placed significant pressure on the continued

viability of the entire Wintergreen resort and community, including:

LO72-1 Comment noted.

Z-3036

# LANDOWNERS COMMENTS

## LO72 – Pamela Farnham (cont'd)

Z-3037

LO72-2

- Compromised safety – ACP’s planned location would be situated at the only entrance/exit to the resort, where 10,000 or more residents and guests would be jeopardized.

LO72-3

- Halt in economic development projects – Two \$75 million in tourism development projects (Wintergreen Hotel; Spruce Creek Resort and Market) and the 250+ new jobs it would bring to Nelson County have been cancelled or indefinitely delayed because of the pipeline location. This is not a theoretical problem -- affidavits to this effect have been presented by the projects’ developers.

LO72-4

- Erosion and Steep Slopes – There is a high likelihood of significant erosion from steep slopes (some in excess of 65 degrees), colluvial soils, shallow bedrock, and adverse weather conditions, which the DEIS and the ACP did not properly evaluate. Recent geological and soils analysis conducted by private groups (and not by the ACP or required by FERC) demonstrate the unique frailty of these areas. These are the same concerns outlined by the USFS to FERC and the ACP recently.

LO72-5

- Mitigation – The ACP claims its BIC (Best in Class) construction approach will mitigate environmental impacts to problematic work areas. The USFS has challenged this claim, as do I. We ask that that FERC be equally proactive and challenging on the application and efficacy of of BIC techniques to these unique physical settings.

Moreover, the DEIS does not meet NEPA requirements and is fundamentally deficient in a number of areas:

LO72-6

- Fails to incorporate in the DEIS all the supplemental and critical data supplied by ACP after the DEIS was issued. This omission makes it impossible for landowners and the public to fully and properly evaluate the project.

LO72-7

- Inadequately evaluates the impact the ACP will in areas of steeper slopes (greater than 30 percent) given the soils, topology and geology in the Wintergreen area (especially on Piney Mountain, HDD area leading to the Blue Ridge Parkway, and nearby areas). We note the USFS has demanded from the ACP a much more detailed and granular evaluation on these very issues. Several private groups, including Friends of Wintergreen and the Wintergreen Property Owners Association, have funded special studies in these areas, studies that should have been provided by the ACP and required by FERC but were not.

LO72-8

- Incompletely compares alternative routes, such as those proposed by Friends of Wintergreen and others.

Finally, I join the thousands of others individuals and organizations who have advocated that ACP, if it has to be built at all, be situated in a less damaging and disruptive location, preferably one that is already damaged with existing rights-of-way. Other groups, like the Friends of Wintergreen, have proposed viable alternatives. Furthermore, landowners cannot even begin to evaluate these and other implications, alternative solutions and mitigation approaches if the DEIS work is inadequate.

Sincerely,

Pamela Farnham  
 Permanent Address: 8208 Kimbershell Place, Richmond VA 23229  
 Wintergreen Address: 159 Fortunes Point Lane, Roseland, VA 22967

The attachment to this letter from October 2015 has been reviewed by FERC staff and can be found on the FERC eLibrary site under FERC Accession No. 20170406-5155.

LO72-2

We acknowledge the potential risk associated with operation of ACP and SHP. However, the data, as presented in the EIS, demonstrate that natural gas transmission pipelines continue to be a safe and reliable means of energy transportation. See also the response to comment CO48-2.

LO72-3

Sections 4.9.5 and 4.9.8 included our discussion of potential impacts on the Rockfish Valley and Wintergreen Resort.

LO72-4

Comment noted. Refer to section 4.1.4.2 for a discussion of the mitigation measures that would be utilized in steep slope areas.

LO72-5

Comment noted.

LO72-6

See the response to comment CO6-1.

LO72-7

Comment noted.

LO72-8

See the response to comments SA15-3 and LA17-1.

# LANDOWNERS COMMENTS

LO73 – Susan Baker

Remarks made to FERC on February 23, 2016

Staunton, Virginia 24401

Let's face it.

LO73-1

Eminent Domain is cruel. People lose property they have spent a lifetime building, and they are forced to move to a lesser place, or they must remain in a spoiled environment because they cannot afford to move. In the state of Virginia, they are very poorly compensated, which is fortunate for those speculating to take their property.

There was a sad time in American history when Barons -- Land Barons, Coal Barons, and Timber Barons could take and take and take for personal and corporate gain. The common people who stood in their way were not worth the dirt they stood on in the eyes of the Barons.

The government has needed to take private property for highways, railroads, dams, and other undertakings that benefit millions of people.

Dominion Resources is not the government. It is a profit-making corporation whose job, first and foremost, is to make money. Dominion Resources affiliates first determined there was a need for a new, huge pipeline, and then they announced they had the solution to meet that need, which is the Atlantic Coast Pipeline.

LO73-2

I am asking FERC to please consider this proposed pipeline a capital venture, corporate speculation that is going to leave people, private property, public land, and fragile environmental treasures destroyed in the wake of its blasting and devastation.

A new pipeline is not needed now or in the future. Dominion says it is, of course. They stand to make an astronomical profit from the project, but at what cost to people who live in its proposed corridor? Speculation is just that - it's a gamble. They will survive very well if they don't get their deal.

LO73-1 Comment noted.

LO73-2 See the response to comment CO46-1.

Z-3038

# LANDOWNERS COMMENTS

LO73 – Susan Baker (cont'd)

LO73-3

There are existing pipelines owned by other companies that have plenty of room to transport all the natural gas in question. Some pipelines crossing through Virginia are carrying only 50% of the natural gas they could.

Eminent Domain is cruel and so very personal to the people whose land is taken, and even more cruel when the need has been determined and mapped out in corporate offices for corporate profit.

Thank you for your consideration.

Susan Baker

343 Bethel Green Road

Staunton, Va 24401

LO73-3

See the response to comment CO55-6.

Z-3039

# LANDOWNERS COMMENTS

## LO74 – Bonnie Ralston

Z-3040

**FERC Comment 2/23/17**

**My name is Bonnie Ralston. I own property in Deerfield, Virginia, in Augusta County that will be crossed by the Atlantic Coast Pipeline. Our property is on the AP-1 mainline route at mile post 108 to 109.**

LO74-1 **Our property survey was completed in July 2016 and the pipeline route was changed on our property. The original route had it crossing wetlands and now it crosses three steep ridges. One of those ridges has already experienced a landslide, more than twenty feet tall. A photo is attached. Augusta County is indicated in the DEIS as an area with a high incidence of and high susceptibility to landslides along the AP-1 mainline route. We were told by the surveyors that slope stability studies would be completed at a later date, but no one has ever come back to do that. Then I read in the DEIS that phase two analysis for steep slope areas has not been done yet. How can this be an accurate environmental impact review when additional slope stability studies have not been done?**

**On page 4-15 in volume 1, the DEIS states that "Areas of concern include the crossing of karst near Deerfield (approximate AP-1 MP 109)." This is on our property, in the area of the landslide. Karst needs to be completely and properly studied and the information should already be included in the DEIS.**

LO74-2 **This DEIS is full of errors and incomplete information. For example, the access road proposed on our property is not included in Table E-1 in volume II. And this access road crosses a stream that feeds into Hamilton Branch, a stream of great importance, because it feeds the public water supply of the Deerfield community.**

LO74-3 **The public well that supplies the community of Deerfield is missing from Table 4.3.1-1 in volume I.**

LO74-4 **And the route adjustment made on our property in July 2016 is missing from Table 3.5-1 in volume I.**

LO74-5 **These are the errors just associated with our property. There must be many others also. How can an accurate environmental impact review be done with incomplete information?**

**I know that many properties in Bath County, and I'm sure many other properties, along the route did not have property surveys completed before the DEIS was published. This makes the DEIS incomplete.**

LO74-6 **And another concern, the pipeline's route through the Deerfield Valley will impact the public water supply of the Deerfield community. The delineation area of that public well is vast.**

**A revised DEIS needs to be completed to address errors, incomplete information and to provide Dominion an opportunity to supply more complete studies and information.**

**Bonnie Ralston**

**3441 Deerfield Valley Rd.**

**Deerfield, VA 24432**

LO74-1 Comments noted. Section 4.1.2.3 has been revised to recommend karst surveys in your area. See also the response to comment CO6-1.

LO74-2 The table has been updated to identify the access road. We are aware your driveway, proposed as an access road, crosses the stream.

LO74-3 Comment noted.

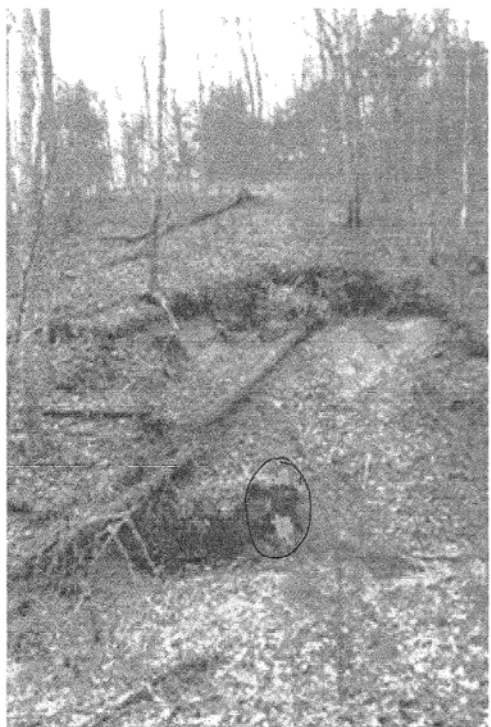
LO74-4 Table 3.5-1 has been updated to include the reroute.

LO74-5 We disagree. See the response to comment CO6-1.

LO74-6 Atlantic's consultations with the Virginia Department of Health and review of VDH's well database did not identify a public water supply well within 150 feet of construction workspace. Your subsequent filing (Comment Letter LO141) indicates the well is outside of the search radius for the project.

# LANDOWNERS COMMENTS

LO74 – Bonnie Ralston (cont'd)



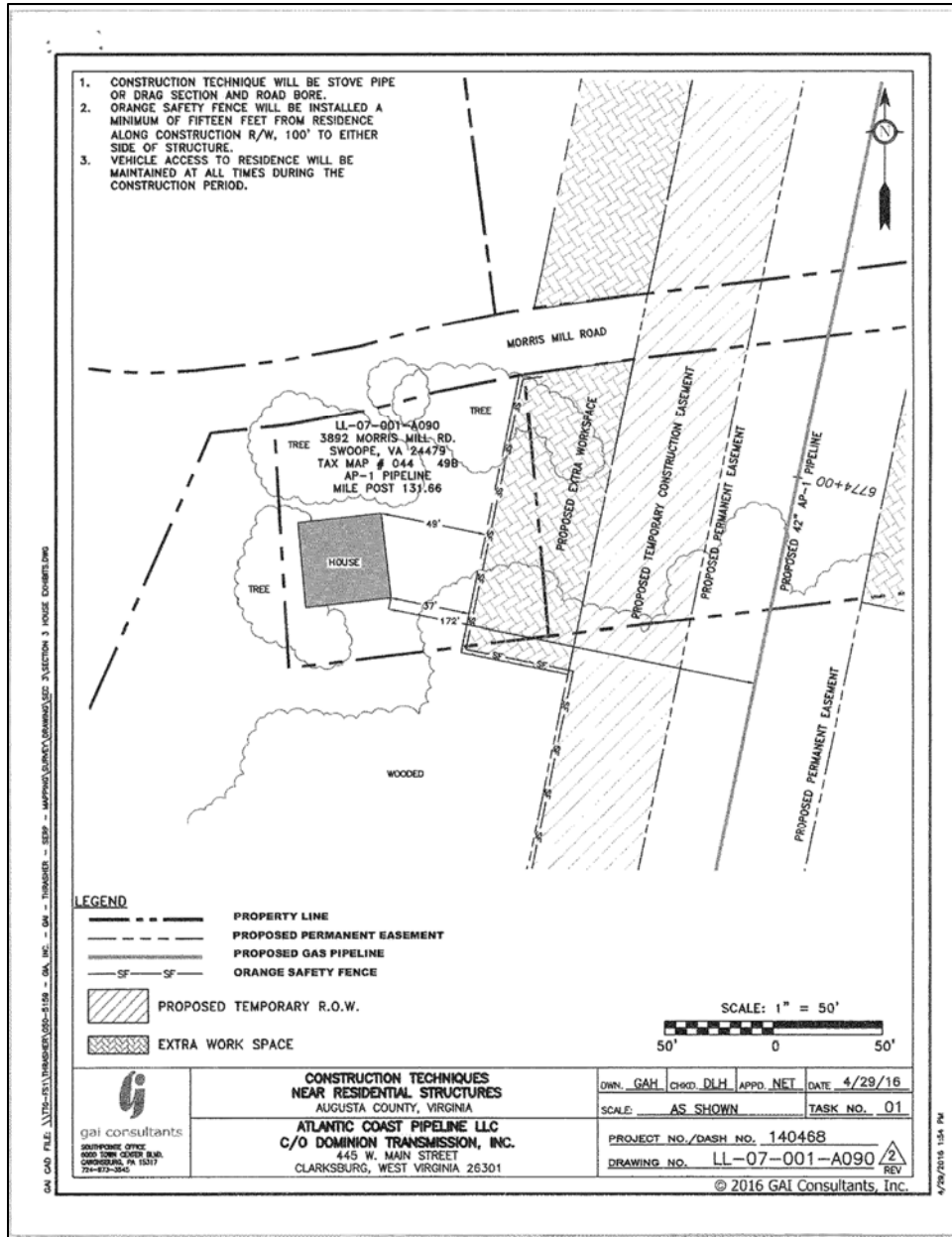
Bonnie Ralston  
Deerfield VA  
existing landslide  
on AP-1 mainline  
route near  
NP 109

Z-3041

# LANDOWNERS COMMENTS

LO74 – Bonnie Ralston (cont'd)

Z-3042





# LANDOWNERS COMMENTS

LO75 – Becci Harmon and Dave Buell

Nathaniel J. Davis, Sr., Deputy Secretary  
FERC  
888 First St NE, Rm 1A  
Washington DC 20426  
CP15-554-000

LO75-1 | **"No significant impact".....those words, Fixed Energy Regulatory Commission officials, will bring us down and make us feel like the worthless pieces of shit you and the Atlantic Coast Pipeline seem to think we are.**

On April 12, 1991, the day before we were married, my husband and I signed on our home situated on one acre. For almost 26 years of a 30 year loan, this has been our home. We did not purchase or maintain our home for the convenience of the ACP to come in and destroy what we have worked for. We do not believe the lies we are told of how our property will not be devalued. One acre. We do not believe the lies we are told of how safe we will be. One acre. We do not believe the lies that we should not hear much or feel much (hum and flutter) from the 42 inch natural gas pipeline running under our feet. One acre. And we will not be fooled by the blatant lies we have been told of how this gas pipeline will not destroy this valley.

LO75-2 | **We have had zero contact with any ACP officials in at least six months. Nothing from engineers to tell us how they plan on fixing the destruction of our septic tank and our drain field. We have no other options here. No county water. No county septic. We cannot, as Aaron Ruby stated, have our waste hauled away, as in Augusta County, this is illegal. And even if not, at whose expense? Our plans for our property during our retirement have now been destroyed. The very being and core of our lives would be ripped away from us.**

LO75-3 | **We do not use the word Federal in your agency's title. We use the word fixed as we know who funds your paycheck. We believe you are a bullshit agency without any balls to admit this pipeline is unnecessary. We believe you do not have the ability to stand up, just once, and say NO. Stop saying our safety, our drinking water, our properties, our forests, our natural beauty, our local economy, our rivers, our air, our conservation easements, our health, our climate, me, my husband, our neighbors, and our community is insignificant. Stand by the people of Virginia. I have zero faith in this organization. Prove us wrong.**

Becci Harmon  
Dave Buell  
3892 Morris Mill Rd  
Swoope VA 24479

LO75-1      Comment noted.  
LO75-2      See the response to comments CO8-1 and CO68-12.  
LO75-3      Comment noted.

Z-3043

# LANDOWNERS COMMENTS

## LO76 – Ann Schages

Z-3044

Comments for FERC Meeting Feb. 23

Holiday Inn

Hello, my name is Ann Schages. I am a retired widow, who lives on narrow private country lane near Lyndhurst, Virginia. My disabled son, dog, and cat live with me. We have a nice, quiet peaceful life. Dominion plans to ruin all of that, and it doesn't care if we and our neighbors are in the way.

There are four houses on our narrow PRIVATE dirt lane. Schages Lanes is named for my husband Hans' family. They were immigrants here after WWII. They came to America to start a new life, and became proud citizens of their new country.

Almost 40 years ago, Hans and I moved onto this one acre of land, and built this little house with our own hands. We borrowed money twice and did most of the work ourselves. It is small, but it serves us well, and it is our home. Hans also built the garage and the outbuilding.

LO76-1

Now Dominion is going to run their pipeline right down our lane. They claim that they are doing this because it is making use of a public right of way. In reality this is our private dead-end lane, that is our only access out to the public road. They tell us that they will need to use our land, some during the construction and that they will give us, maybe \$600. They say the whole area will be taken over by the heavy equipment and loud construction.

According to the report that Dominion filed with FERC but which they haven't shared with me, they will be 16 feet from my front door. The report says that they will put plastic orange fencing around my house. How am I supposed to deal with that? My dog is terrified of loud noises. What will happen to her? How will my son get to his day care? How will I be able to let my animals outside? The dirt and dust will seep into everything we own. What will they do with our overhead wires (which the land people say will be in the way of the equipment)? Will they fix up our country lane after they have ripped it up? They said they might put in a load of gravel. They should pave it for our trouble! Who is going to clean up and return everything to normal and how will we ever be compensated?

LO76-2

The permanent pipeline easement will just be a few feet off of my property so I will get no settlement from Dominion. Not that I want it...I really just want them to move the route away from our lane further into the field, where there are no houses or not build it at all. Once construction is over this giant pipe will be 100 feet from my house, forever. As you know, the blast zone is 1,100 feet. We don't stand a chance if there is a leak or explosion. We will have to live with that fear forever. *I HAVE TO USE PROpane with a pipeline with natural gas*

*100 FT FROM my home?*  
I am worried sick about this. I can't get any answers from Dominion's land people. They won't tell me how long they will be here, when they would start, how many hours each day the construction would take place, what will happen to us while they are all around us, what will happen to my dog and cat. *My dog ran off (time) just from the noise from a new roof being put on my GARAGE*

I am a widow who thought I could spend the rest of my days, on my little piece of land, with my family in the peace and quiet of the country. Now I don't know what my future holds. I didn't ask for this. It is not right that a private company can come in and destroy someone's life like this.

LO76-1 See the response to comments CO8-1 and PM1-51.

LO76-2 We acknowledge the potential risk associated with operation of ACP and SHP. However, the data, as presented in the EIS, demonstrate that natural gas transmission pipelines continue to be a safe and reliable means of energy transportation.

# LANDOWNERS COMMENTS

LO76 – Ann Schages (cont'd)

Here's a copy of my house that Dominion filed with FERC. They did not have the courtesy to give this to me. A friend had to show this to me, otherwise I would never have known what Dominion's plans were.

Thank you for listening to one of the ordinary citizens, whose lives will be forever hurt by this project.

Ann Schages, 37 Schages Lane, Stuarts Draft, VA 24477, 540-949-0339

Z-3045

# LANDOWNERS COMMENTS

LO76 – Ann Schages (cont'd)

**ATLANTIC COAST PIPELINE, LLC  
ATLANTIC COAST PIPELINE**

**and**

**DOMINION TRANSMISSION, INC.  
SUPPLY HEADER PROJECT**

**Supplemental Filing  
June 17, 2016**

**APPENDIX E**

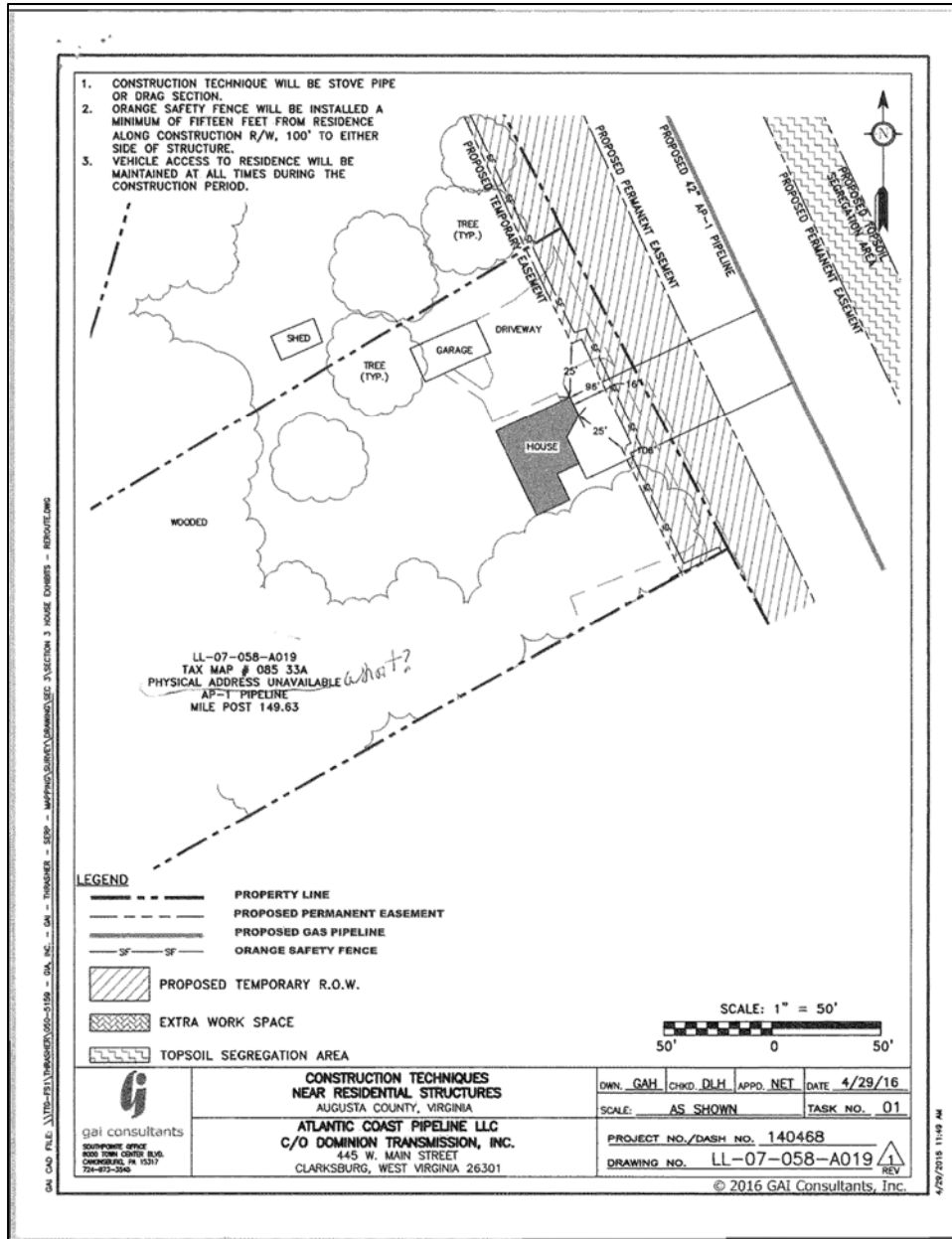
**Updated Site-Specific Plans for Residences  
and Commercial Structures**

Z-3046

# LANDOWNERS COMMENTS

LO76 – Ann Schages (cont'd)

Z-3047



# LANDOWNERS COMMENTS

LO77 – Louis & Yvette Ravina

**Louis & Yvette Ravina**  
3383 Churchville Avenue  
Staunton VA 24401  
Landline: 540-337-6046  
Fax: 540-213-0050  
Cell: 310-710-8425

Date: February 23, 2017  
To: Federal Energy Regulatory Commission ("FERC")  
Docket CP15-554-000  
Re: Atlantic Coast Pipeline – Draft Environmental Impact Statement – Comment Session

## **Comments of the Draft Environmental Impact Statement**

### **Our Standing as Intervenors**

We have serious objections to the proposed Atlantic Coast Pipeline and are both registered with the FERC as intervenors in this proceeding. We have standing both as affected landowners, and as affected citizens of Augusta County and of Virginia.

We have received an easement compensation offer from Atlantic Coast Pipeline, LLC (the "ACP") and have refused to even consider it. In fact, the only way we will surrender our property is via condemnation through an eminent domain proceeding.

We have organized our comments in two sections. The first discusses whether the proposed certification of the project is consistent with their mission of the FERC or is in fact a dereliction of their true mission. The second discusses the deleterious impacts on our property and our lives if the proposed pipeline is actually certified and constructed.

### **The Pipeline and the FERC's Mission**

FERC'S mission as stated on their website is:

- To assist consumers in obtaining reliable, efficient and sustainable energy services
- Ensure just and reasonable rates, terms and conditions
- Promote safe, reliable, secure and efficient infrastructure

Approving the Atlantic Coast Pipeline would be a violation of FERC'S mission because:

1. Infrastructure already exists to provide natural gas for power plants scheduled for operation in the next couple of decades or more.
2. The economic benefits are non-existent.
3. Studies show there will not be any net tax benefit.
4. The values of the land parcels in or adjacent to the pipeline will be reduced.
5. There will be loss of tourism income and lower economic development.
6. Four of the counties through which the Atlantic Coast Pipeline is proposed to pass through in Virginia would experience losses greater than the total cost of the pipeline.

# LANDOWNERS COMMENTS

## LO77 – Louis & Yvette Ravina (cont'd)

Z-3049

LO77-1

We are addressing items 1 and 2 in our comments below and will address the rest in our detailed objections to the draft Environmental Impact Statement prior to the closing date in April.

1. There are Alternative Pipeline Solutions that make the ACP Unnecessary and Uneconomical

The ACP is intended primarily to transport natural gas for power plants. The ACP is not for supporting the growth of communities and businesses along its path. In fact, the residential and commercial needs for natural gas are not expected to change for the next 25 years.

That time would be well spent making energy costs cheaper for Virginians by:

- Improving energy efficiency rather than build a new gas-fired power plant.
- Investing in solar power and wind power, which in the next 5 – 7 years is expected to be less expensive than gas plants.

Two new gas-fired plants are being built in Southside Virginia. A spur from the Transco pipeline can serve these two plants for an investment of \$490 million dollars. Dominion prefers to use the ACP to supply these two plants although:

- The ACP would require 300 miles of new pipeline
- The ACP will cost more than \$3 billion dollars to reach those same two plants.
- That cost would be passed on to Virginians.

Dominion's willingness to renege on a 20 – year Long Term Supply Agreement with Transco illustrates a glaring lack of commitment. Because of this lack of commitment, no agreement by Dominion is considered to be binding.

If 96% of the new Transco spur will go unused if supplanted by the ACP, Dominion ratepayers will end up paying for both pipelines. The gas transport fee is part of the fuel cost and would be passed on to Virginians.

Currently there is excess natural gas production in the Marcellus gas fields. Several of the existing pipelines in the Transco corridor could be available to reverse flow and bring natural gas from the Marcellus to Virginia and the Carolinas. This plan is identified in the Natural Gas Infrastructure report that was published by the Department of Energy in February, 2015.

Another project, the WBXPress, would provide 1.3 billion cubic feet per day (about the amount of the ACP) of additional capacity in the Columbia Gas System. It would require only:

- Three miles of new pipeline
- Twenty six miles of replacement pipeline in West Virginia
- A new compressor station in Virginia
- Modifications to several existing compressor stations

This project is expected to be in service in 2018 at a cost of \$875 million dollars. Adding capacity to the Columbia Gas System would provide greater supply to the Chesapeake Virginia region. The ACP project requires a 77 mile 20" pipeline to connect the Chesapeake area to the Atlantic pipeline after it enters North Carolina. Using the additional Capacity in the Columbia Gas System avoids the costs and impacts of this new construction.

LO77-1 See the response to comment CO46-1.

# LANDOWNERS COMMENTS

## LO77 – Louis & Yvette Ravina (cont'd)

Z-3050

LO77-1  
(cont'd)

Adding over twice the capacity of the ACP in the Transco and Columbia Gas pipeline provides Virginia with many options for locating new gas – fired plants when (and if) they are needed in the future. The Transco and Columbia pipelines could cover a greater area than a single corridor for the Atlantic Pipeline. It would provide more flexibility for growth and development without the disruption from new pipeline construction.

Pipelines serving North Carolina could connect over the same corridor planned for the Atlantic Coast Pipeline by connecting to the Transco mainline going through North Carolina. Costs and impacts of using existing pipelines to serve North Carolina would be the same or less than with the Atlantic Coast Pipeline.

### 2. There is No Economic Benefit to Consumers – Only to Dominion and Its Partners

LO77-2

Dominion and its partners prefer to own the supply pipeline. There are business advantages to paying themselves more rather than paying another company less to transport the natural gas. But, the benefits accrue to them only, not the ratepayers because:

- Virginians would pay higher transport fees for the ACP compared to using existing pipelines.
- Virginia would have a poorer infrastructure for future economic development and power plant location.
- Virginia and West Virginia public and private landowners would suffer irreparable harm from the impact of an unnecessary new pipeline construction.

Dominion claims that the gas from the Marcellus shale wells offers an economic advantage, but that advantage will disappear by the time the ACP is operating. Right now the Marcellus gas is “stranded” and the operators are selling gas at a discount. Soon this situation will be remedied as new takeaway pipelines come online. At that point the hundreds of millions of dollars in savings predicted by Dominion will likely disappear. If it does not, the alternative pipelines above can still carry the gas, but can also supply gas from Texas and the Gulf Coast – whichever is cheaper.

### 3. Eminent Domain is Not Justified

LO77-3

No rights to eminent domain should be granted to the developers of the ACP. The spirit of eminent domain is to require landowners to sacrifice their individual interest in order to serve the greater public good. In this case, the greater public good is better served both economically and environmentally by using existing pipelines.

The Department of Energy states that there is adequate capacity in the existing pipeline system to serve Virginia, West Virginia and North Carolina for decades. We ask that the land, landowners and ratepayers be respected by selecting the better option of using existing pipelines to supply our natural gas needs. Dominion should consider projects that benefit the residents of Virginia as well as their shareholders. There are numerous energy projects including solar and wind projects where Dominion and their partners could work for the good of all Virginians.

LO77-2      Comment noted.

LO77-3      Comment noted.



# LANDOWNERS COMMENTS

## LO77 – Louis & Yvette Ravina (cont'd)

Z-3051

### The Impacts on Our Lives

We own a 158 acre farm in Churchville, in Augusta County, Virginia. It is divided into two adjacent parcels – 150 acres of farmland and 8 acres that include our house and our spring.

LO77-4

We are resolutely opposed to this project because:

- It is unnecessary
- It involves eminent domain for private gain in violation of Article V of the Bill of Rights<sup>1</sup>.
- There will be major impacts upon the environment and the people in its path which cannot be mitigated.
- There is no mechanism proposed or in place that will provide fair and adequate compensation for the inevitable damage that will occur.

LO77-5

The map that accompanied our easement offer from the ACP made it crystal clear to us that:

1. Their project planning lacks simple common sense.
2. They give absolutely no consideration to treating landowners honorably.
3. They have not actually engineered the project in appropriate detail.

#### 1. The Pipeline Route Shows a Lack of Engineering Common Sense

LO77-6

Based on the pipeline as routed through our farm, we doubt if any forethought at all was involved in route selection. There are plenty of routes through nearby farms that do not involve steep slopes, yet they selected our farm, and in particular they mapped their route through the steepest slope on our farm – which they admit constitutes a “medium hydrotechnical” hazard<sup>2</sup>.

After the proposed pipeline route reaches the top of the steep slope it passes right through one side of a contained depression which is a clearly mapped sinkhole<sup>3</sup>. Then, further on, it passes within 200 feet of yet another clearly mapped sinkhole. Why select a path that may endanger the quality and quantity of our well and spring when there are other alternative routes? We can only believe that they simply do not care.

LO77-7

The easement offer from ACP contained a real surprise for us. It shows a 90,000 square foot rectangle marked: “Water Impoundment Area” in one of our fields without any explanation about its volume, method of construction, or purpose. No one from ACP ever actually spoke to us about the easement route or about this impoundment. Instead, we had to search the internet for relevant ACP filings with the FERC and then had to pore through an ACP filing titled: *Response to Data Requests of June 13, 2016* amounting to over 350 pages in order to find out exactly what a water impoundment was<sup>4</sup>. That then led us to yet another voluminous ACP filing titled: *Response to Data Requests of October 26, 2016* where we were shocked to learn that the water requirement in connection with this impoundment is 3.2 million gallons<sup>5</sup>.

<sup>1</sup> “nor shall private property be taken for public use, without just compensation.”

<sup>2</sup> Atlantic Coast Pipeline and Supply Header Project, Geologic Hazards Mapbook, Sheet 65 of 216

<sup>3</sup> Dominion Pipeline Monitoring Coalition – Map Overlay Showing Sinkholes based on data from Virginia Dept of Mines, Minerals and Energy.

<sup>4</sup> Question 15 subparts a & b

<sup>5</sup> See Table 2.2.7-1, Jennings Branch

LO77-4 Comment noted.

LO77-5 Comment noted.

LO77-6 Comment noted.

LO77-7 Comment noted. We acknowledge that you were not contacted about this project area.

# LANDOWNERS COMMENTS

## LO77 – Louis & Yvette Ravina (cont'd)

Z-3052

LO77-7  
(cont'd)

The location of this impoundment is even closer to our well and spring than the pipeline. We consider it another clear danger to the quantity and quality of our well and spring.

### 2. Atlantic Coast Pipeline, LLC has No Respect for Landowners and Pipeline Impacts

#### a. Lack of Simple Consideration

LO77-8

We opposed the ACP's right of survey access in court, yet when we lost we behaved properly. Once we received their "Notice of Intent to Enter" we contacted ACP by certified mail and politely requested that they call us 24 hours before entering so we could accompany their crews as they surveyed. Instead, their crews sneaked onto our farm unannounced, and from the back end – about a half mile from our house. We only discovered them by chance. Is this honorable behavior?

#### b. Impacts on Our Well and Spring

LO77-9

This past November we were contacted by someone from Doyle Land Services, as representatives of ACP with a request to sample our water supplies. When we asked for details about which supplies they would sample it turned out they only wanted to sample the livestock pond at the rear of our farm. We questioned why they would not want to sample our well and spring which are very obviously much more important. We were told that they only sample within 500 feet of the pipe centerline.

We have been in touch with Doyle Land Services on and off since then and they have refused to sample our well and spring which are both less than 500 feet away from the Water Impoundment Area. That impoundment is located at least 80 feet above the elevation of our well and spring. We are in the karst area, so any leakage will endanger our water supplies.

On page ES-8 of the Draft Environmental Impact Statement the FERC states that:

Atlantic and DTI would conduct preconstruction and post-construction water quality testing to determine whether construction activities have adversely affected water sources. Testing would be conducted by a qualified independent contractor for any water source within 150 feet of the construction workspace and within 500 feet of the construction workspace in karst terrain using the same parameters required for preconstruction water testing.

Note that the statement above specifies the construction workspace and not the pipeline centerline. In our case, that workspace includes the Water Impoundment Area which extends to within 300 feet of our water supplies. Yet ACP continues to refuse to sample our water supplies.

We believe that they do so in the hope that we will not bother to sample ourselves and will therefore lack adequate documentation to seek legal redress.

We plan to carefully document both quality and quantity and will seek full compensation, including replacement water supplies if ours are damaged.

LO77-8

Comment noted.

LO77-9

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

# LANDOWNERS COMMENTS

## LO77 – Louis & Yvette Ravina (cont'd)

Z-3053

LO77-9 (cont'd)	<p>The Draft Environmental Impact Statement admits that there is a good chance that wells and springs will be damaged by the pipeline construction. Yet it is silent about remediation requirements when water supplies such as ours are damaged.</p> <p><b>c. Lost Property Value</b></p>
LO77-10	<p>The proposed pipe route does not follow our property lines and fence lines. Instead it cuts through the approximate center of three of our fields and for all intents and purposes it divides our farm in half.</p> <p>On page ES-11 of the Draft Environmental Impact Statement the FERC states that "Based on literature reviews and discussions with real estate appraisers, we conclude that ACP and SHP would not result in decreased property values." Frankly, anyone with a drop of common sense would know that this statement is complete "hogwash".</p> <p>We have been told by farmers in our area that they would not think of buying our farm once the pipeline cuts through it. We have also conferred with an experienced and knowledgeable real estate agent in our area with the thought of taking our losses now and leaving the area. She told us it was not possible, that our farm is not marketable, even at a reduced price, because the pipe route divides it in half.</p> <p>Given that ACP seeks to employ the FERC's sledgehammer of eminent domain, wouldn't it have been at least a kindness if they had asked us to help them select a route that caused the least loss in our property value? It seems as if corporate greed trumps all.</p> <p><b>d. Blocked Access to Our Home</b></p>
LO77-11	<p>The map sent by ACP along with their easement offer shows them completely blocking the only access we have to our home with "Extra Work Space" and a "Topsoil Segregation Area". How are we supposed to live there during construction? How are we supposed to get propane deliveries? Apparently ACP could care less and, of course, they did not offer compensation or a temporary bridge to solve this problem. Again, corporate greed trumps all.</p> <p><b>3. <u>ACP has not Engineered the Project in Detail</u></b></p>
LO77-12	<p>We are frankly dismayed at the lack of detail concerning the Water Impoundment Area. In the ACP filing titled: <i>Response to Data Requests of June 13, 2016</i> their answer to Question 15 is that they "... plan to allow the General Pipeline Contractor to select the aboveground storage tank supplier provided the proposed tanks are equivalent to Extreme Plastic Plus's tanks." This is not a little 100 gallon tank, but a tank holding millions of gallons, and constructed with nothing more than what is essentially a steel ring wall with a pool liner to hold the water.</p>

- LO77-10 Comment noted.
- LO77-11 See the response to comment CO8-1.
- LO77-12 Section 4.3.2.7 has been updated to request a site-specific plan for this structure or to identify an alternative location for the structure.

# LANDOWNERS COMMENTS

LO77 – Louis & Yvette Ravina (cont'd)

LO77-12  
(cont'd)

That is hardly an engineering solution. What makes matters worse is that they have selected a site location in one of our fields where the ground elevation changes by about 40 feet over the span of their Water Impoundment Area. How do they propose to place an open tank on such a slope? Would a parent place a kiddie pool on a hillside and expect it to hold water?

And – why did they not site the Water Impoundment in a logical location. There are nearby fields within 750 feet of the pipeline route that are almost dead flat and right next to Jennings Branch, the water source. Any leakage at that point would go back into its source and would not enter the convoluted karst groundwater system.

There is also an agricultural access tunnel under Route 250 that could be used to pipe water from Jennings Branch to flatter land that is even closer to the proposed pipeline route.

#### **In Closing**

Thank you for this opportunity. We plan to submit much more detailed objections prior to the April 6<sup>th</sup> deadline.

Cc: Augusta County Alliance

Z-3054

# LANDOWNERS COMMENTS

## LO78 – Kenneth M. Wyner

Z-3055

kenneth m wyner, Takoma Park, MD.

We have been connected to the Nelson County area for forty years, & ten years ago we built a house in Horizons Village. The house was specifically designed to incorporate all the environmental & ecological benefits of tis truly unique and beautiful area. Radiant floor heat, solar gain, toxic free paints & stains.The house has been oriented for maximum energy use and use of E glass through out. This home is rented part time as a luxury ecological home which has been in use for nearly ten years & is a well known entity. We are at the end of the main road in Horizons Village. There is ONLY one entry and exit to the entire village which has 25 permanent homes. Each parcel is required to have at least five acres of land, & ours has

LO78-1

13, which leaves us extremely vulnerable to the extreme dangers of any type of emergency where speedy help is needed such as medical, police, or fire. The DEIS document has NO information or concern related to this very specific danger! We are very concerned with the dramatic lack of attention to the communities such as ours who have very small limited access roads in the case of emergencies. This is to say nothing of the main access roads to the entire area, which number only three primary roads. There are often traffic jam ups at rt. 151 & rt. 250, such that we can't imagine the disruption to be caused once construction begins. There is no studies that have been included in this DEIS, incredible as it might seem to not focus on the dramatic impacts to a small community both economically & as far as safety.

LO78-2

We are very concerned with the economic impact of the many small businesses along Rt. 151, as well as the larger companies such as Wintergreen Resort, Devils Backbone, The Wild Wolf, The Bold Rock and a number of other companies on the verge of building. We have already seen our property values go down by 25% and many of the smaller companies will not be able to survive a complete 14 month slow down of traffic as well as literal closing of many roads. The transportation and traffic issues with this pipeline are incredibly large! Wintergreen Resort has one entrance & exit, for hundreds of people. One dramatic accident during construction will likely cause dramatic consequences in terms of emergency vhecles and first responders. We want to see this DEIS be redone with a full & thorough study on the impacts of construction for up to 14 months on the transportation issues associated.

LO78-3

We have the Rockfish Gap river running through the length of our property. We often go river walking and our well water is some of the sweetest in the area. It has been tested as having incredibly balanced nutrients. We are very concerned with the very lean efforts to study the effects of our well water & all of the rivers & tributaries to be affected by the enormous amount of crossings of the pipeline as well as the severe explosive & drilling to be done in an area where the difficulties are extreme & the experience with the specifics of this are none. We require that the DEIS incorporate much more detailed studies and sensitivities to the Clean Water Act to ensure that our water will be protected! We want the DEIS to be redone with these issues focused on & incorporated!

We love the variety of Historic conservation that has been done in this very small area. The incredible work of The Rockfish Valley Ass. in preserving the history of this area through the Rockfish Museum & the numerous events they hold each year. WE are very concerned that

LO78-1 See the response to comment CO48-2.

LO78-2 Comment noted.

LO78-3 Comment noted.

# LANDOWNERS COMMENTS

## LO78 – Kenneth M. Wyner (cont'd)

Z-3056

LO78-4 through the entire process of creating this very large & supposedly comprehensive document, no efforts were made to incorporate or join hands with a number of local organizations such as the Rockfish Valley Association as well as The Nelson County Commerce. It is utterly incomplete & a clear effort to railroad this process through when NO reasonable efforts have been made to document & utilize the very concerted & detailed efforts of these local Associations. Clearly it is the most logical procedure to research & depend on local government & civilian organizations that have done the research already to detail & protect our historic sites. We demand that a new DEIS be written that incorporates all the already existing information on the truly rich history & heritage of the Nelson County area!

LO78-5 We have been coming to the Shenandoah Mountains & The Blue Ridge mountains for over forty years! What we love about Nelson county & the Wintergreen area are the very dramatic steep mountains & valleys. The lack of commercial construction & the pristine wild nature of this area is & has always been a National treasure! We are extremely concerned with the lack of coordination & consultation with Th National Forrest Service. Many requests for input have been refused. FERC itself in past efforts for other pipelines have revealed their lack of confidence in the practicality and ensured success of drilling underneath Skyline drive and the tremendous amount of additional construction required to utilize the large drilling machinery. WE are very concerned with the lack of studies having been done to focus on what the effects & course of actions will be if the drilling is not successful. WE want to be assured that all contingency plans are revealed BEFORE any permitting. The dangers of landslides, water pollution, and the large amount of residual areas to be clear cut & destroyed have not been detailed or studied in this DEIS. WE require that true to our safety, respect as land owners and concerned citizens, that Dominion & FERC give us the detailed information we deserve in a thoroughly researched and formulated document as required by law!

LO78-6 We demand that an entirely new DEIS be done that fulfill their legal obligations to gather together from ALL relevant sources & research the details that will help all relevant parties make an informed, honest decision on the route & need for this pipeline, as well as the most important details, those relate

LO78-4 The historic information provided by local organizations was reviewed and is part of the project record. Time and space do not allow us to reproduce the large amount of information in the EIS, but it is considered in decision making.

LO78-5 Section 3.3.4.3 discusses the crossing contingency.

LO78-6 See the response to comment CO6-1.

# LANDOWNERS COMMENTS

## LO79 – Carolyn L. Fischer

Z-3057

LO79-1	Carolyn L. Fischer, Nellysford, VA. I strongly support the USFS commitment to the regulatory review process in regards to the Atlantic Coast Pipeline's request to build a 42" natural gas pipeline across the George Washington and Monongahela National Forests. The risks to one of the wildest and most intact forests on the east coast is extreme and I believe the Forest Service should be granted the time they require to review this very complex project. ~ From a lay persons vantage point the most threatening aspect of the ACP project is the ongoing potential for castostrophic fire and extreme explosive events. My understanding is that the contractors building this pipeline would
LO79-2	be responsible for all contracting, building and final inspections. A lot can go wrong while building in such remote and steep terrain. Without outside inspections, I believe the forest is irresponsibly subjected to the unacceptable risk of an impending pipeline failure and the extreme fire that ensues. With the ACP plans to only install manual cutoffs every 10 miles, it could be hours before the gas is turned off in the event of an explosion. How large of a fire will protrude from a pressurized 42" gas pipeline? In a drought how big will that fire be? In a high wind and the pipeline corridor acting as a wind tunnel, how large will that fire grow? How fast will the forest be inundated with fire before the gas is turned off and responders can reach the area? The answers to all of these questions are that the ACP brings unacceptable risk to our
LO79-3	national forests. Risk that is not presently there. ~ Dominion has not provided an alternative and vetted route that does not go through Forest Service land. The USFS should not amend their Forest Plan to accommodate the ACP without first reviewing an alternative route that Dominion provides. I feel that the Forest Service should reject Dominion's efforts to shortcut the process for pipeline approval and Forest Plan amendment. ~ Sincerely, Carolyn Fischer
LO79-4	

- LO79-1 FS response: The comment is noted.
- LO79-2 Environmental inspection and monitoring during construction, including compliance monitoring by the FERC and FS, are discussed in section 2.5.
- LO79-3 As described in section 4.12.1, ACP and SHP would be constructed and operated in accordance with applicable DOT safety regulations. DOT regulations also 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 natural gas pipeline emergency and report it to appropriate public officials.
- LO79-4 FS response: Section 3.3.4.1-National Forest Avoidance Route Alternatives describe potential routes to the north and to the south that would avoid NFS lands. See responses to comments CO5-1, PM4-27, and LO146-20.

# LANDOWNERS COMMENTS

## LO80 – Tyler Bird Paul

To: FERC

From: Tyler Bird Paul, Highland County, Virginia

Date: 18 March 2017

RE: The Atlantic Coast Pipeline

I applaud the efforts of The Allegheny-Blue Ridge Alliance, a coalition of 51 organizations in Virginia and West Virginia, leading the charge against the Atlantic Coast Pipeline. Through thorough study and due diligence, the Alliance has respectfully disputed the avowed need and appropriateness for the Atlantic Coast Pipeline, particularly for the following reasons:

- LO80-1 | The ACP is not needed to assure needed future energy supplies. Numerous studies have been conducted, including some by the Federal Government and industry, that conclude there is sufficient capacity in existing pipelines. Furthermore, building new pipelines would be further unnecessary in the longer term because renewables (wind and solar) are the predominate source of new generating capacity being built in the nation.
- LO80-2 | The ACP will not bring jobs and economic benefits to affected communities. The people hired to construct the pipeline would not be local to VA, WV or NC, but would be contracted help from outside the area. The permanent positions created would be miniscule compared to the jobs permanently lost due to businesses that would be disrupted, particularly in the tourism industry. Further, depressed property value and reduced demand for affected real estate would adversely affect localities.
- LO80-3 | The ACP will devastate the environment of one of the nation's important ecosystems.
- Threaten the integrity and safety of water supplies in the immediately affected communities and other communities that are dependent upon water originating in the Allegheny-Blue Ridge region;
  - Endanger the structural character and seriously increase the possibility of long-term erosion in the steep mountain terrain through which the routes would pass;
  - Present serious safety risks because of the proven instability of the karst topography that these proposed routes would traverse, as well as the danger of pipeline failures;
  - Harm the habitat of many protected and unique species of plants and animals;
  - Compromise the intended uses of public lands, particularly the Monongahela and George Washington National Forests; and
  - Degrade the usefulness of affected agriculture and forest resources.
- LO80-4 | Moreover, Dominion Resources and its Atlantic Coast Pipeline will deprive -- by using eminent domain for private gain -- people of their property rights.

LO80-1 See the response to comment CO46-1.

LO80-2 Comment noted.

LO80-3 See the response to comment LO18-1.

LO80-4 Comment noted.

Z-3058



# LANDOWNERS COMMENTS

LO81 – Tyler Bird Paul

To: FERC  
From: Tyler Bird Paul, Highland County, Virginia  
Date: 16 March 2017  
RE: The Atlantic Coast Pipeline, Docket # CP 15 554 000

Cc: Brittany Moody, Greg Park, Emmett Toms, Tom Farrell

LO81-1

**With regard to the Atlantic Coast Pipeline crossing Routes 600 and 604 in the Mill Gap and Valley Center neighborhoods of Highland County, Virginia,** we would like to ensure at all costs that wells and springs are

protected not only for our homes and livestock troughs where the pipeline will touch, but also the homes and livestock troughs of many neighbors on all sides of us, near and far – as we are all connected by karst systems and channels and caves and springs beneath our lands.

In this area of the country, residents depend solely on private wells and springs for their water source. There is no public water supply.

Construction of the pipeline near these wells and springs increase the likelihood of contamination or complete loss of water. We and our neighbors, near and far, are extremely concerned about this.

Damage to wells and springs will not be tolerated, and Dominion engineers must explain to us all the above adequate measures they will put in place to protect the water sources. The last I heard, they were “working on it.” They thought that if our immediate neighbors lost water supply they might bring out a big tub of water to last them 24 hours and then they would start “looking for the problem.” This is unacceptable! What if you were my neighbor?

The protections should not only be during construction, or for a short time thereafter, but for the long-term, in perpetuity, since water systems may not indicate damage for many years hence, depending on the volume of water available and the amount of usage at a particular site.

Long-term testing of water quantity and water quality should be required, as well as legal guarantee of remediation if there is contamination or loss of water supply to us or to any of our neighbors, near or far – again, as we are all connected by karst systems and channels and caves and springs beneath our lands.

Lives, livelihoods and livestock are all at stake here. The pipeline will affect many more people and places than the landowners whose property is crossed, and its dire effects will reverberate down through our next generations and will tip our environment on end.

LO81-1 Comment noted. Potential impacts, and measures to reduce impacts, on groundwater, including water supply wells, are discussed in section 4.3.1.

Z-3059

# LANDOWNERS COMMENTS

## LO82 – Michelle and Carl Van Doren

Michelle and Carl Van Doren  
204 Graywinds Lane  
Nellysford, VA 22958

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

Re: Docket #CP15-554-000 (ACP)

Mr. Davis:

Besides obviously not being in the "best interest of the public", this pipeline can not and should not be built in this area for the following obvious reasons.

This area is one of the east coast's main tourist areas. The pipeline would run through the Blue Ridge Scenic Parkway, the Appalachian Trail, a proposed 90,000 acre Shenandoah Mountain National Scenic Area, Wintergreen Resort, generations of privately owned farms and properties, environmentally sustainable neighborhoods like Horizon Village, plus countless other factors. There are people who have invested their life savings on their properties and some are in the process of investing millions of dollars developing their dreams into reality in long sought after business ventures, only to be taken away by the pipeline. There are many famous environmentally operated breweries, wineries and distilleries here, almost all are on route 151, a small two lane road, which is the main road. All rely on local water and locally grown and raised foods. Furthermore, there is no road or town infrastructure to permit a pipeline and all of the people and equipment needed to create one. This area would become a ghost town. You couldn't travel because nothing would move and no one would want to come here because of both the construction and the look of the area in the aftermath of construction.

This is a pristine area. When you look up or down from the mountains you don't see towns or cities, you see pristine forest. There is no strip mall or town that you will ruin if you put a pipeline here, you just ruin people's lives, homes, properties and family dreams and the most incredible mountain views on the east coast.

Carl Van Doren

LO82-1

Section 4.9.7 includes our analysis of impacts on tourism/ecotourism. Our analysis concluded that tourists would experience temporary visual and noise impacts associated with construction. We found no evidence that short-term effects of pipeline construction have long-term significant impacts on the tourism industry during pipeline operation. Therefore we conclude tourism activities would not be affected long-term by operation of the project.

Z-3060

LO82-1

# LANDOWNERS COMMENTS

LO83 – David R. and Nancy L. Schwiesow

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UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Atlantic Coast Pipeline, LLC

Docket Nos. CP15-554-000  
CP15-554-001

**SECOND COMMENTS OF DAVID AND NANCY SCHWIESOW  
ON IMPACT OF THE PROPOSED ROUTE ON THE  
NEIGHBORHOOD OF FORTUNE'S POINT  
AND SURROUNDING AREA  
AND ALTERNATE ROUTES**

On December 30, 2016, the Federal Energy Regulatory Commission (“FERC” or the “Commission”) released the Draft Environmental Impact Statement (“DEIS” or “draft EIS”) prepared by its Office of Energy Projects for the Atlantic Coast Pipeline (“ACP”) and Supply Header Project (“SHP”) (collectively, the “Pipeline” or “Project”) that is proposed by Atlantic Coast Pipeline, LLC and Dominion Transmission, Inc. (collectively, the “Project Sponsors” or “Dominion”). David and Nancy Schwiesow (the “Schwiesows”) hereby submit their joint comments on the draft EIS (the “Second Comments”). On October 20, 2015, David Schwiesow timely filed a Motion to Intervene in this Docket Number CP15-554-000.

The Commission’s Certificate Policy Statement encourages applicants to minimize adverse impacts on landowners and surrounding communities and states that projects will not be found in the public interest if unmitigated adverse impacts, including those on landowners and surrounding communities, exceed the project’s benefits. The Schwiesows retired to the small community of Fortune’s Point in Nelson County, Virginia over four years ago, and we plan to live here for the next 30 years. The Proposed Route of the Pipeline that is currently advocated by the Project Sponsors will destroy Fortune’s Point. We did not think that the Project Sponsors were in the business of destroying communities, but they have shown no concern for the

Z-3061

# LANDOWNERS COMMENTS

## LO83 – David R. and Nancy L. Schwiesow (cont'd)

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LO83-1

community of Fortune's Point since we detailed our legitimate concerns beginning in a letter to Dominion on March 10, 2015, and in a filing with the Commission on the same date. See Attachments A and B to Attachment 1 (the "Comments"). Nearly 25 months later, the Project Sponsors have made no effort to even respond to these issues and have not modified the Proposed Route to avoid Fortune's Point.

Even worse, the Commission has been aware of these issues for nearly 25 months and has done nothing to require the Project Sponsors to modify the Proposed Route to avoid Fortune's Point, even though an alternate route – the 664 South Route – was identified by the Schwiesows and Friends of Wintergreen, Inc. ("Friends of Wintergreen" or "FOW") nearly two years ago. This Route involves only a minor modification to a few miles of the Proposed Route, yet it eliminates all the damage to Fortune's Point and to most of the surrounding Wintergreen area.

As explained below, the draft EIS is materially deficient and fails to satisfy the legal standards that are set forth in the National Environmental Policy Act, 42 U.S.C. § 4332 *et seq.* ("NEPA"); the Council on Environmental Quality's ("CEQ") regulations implementing provisions of NEPA, 40 C.F.R. pts. 1500-1508; FERC's regulations implementing NEPA, 18 C.F.R. pt. 380; and FERC's Certificate Policy Statement, *Certification of New Interstate Gas Pipeline Facilities*, Statement of Policy, 88 FERC ¶ 61,227 (1999) ("**Certificate Policy Statement**"); *clarified* 90 FERC ¶ 61,128 (2000); *further clarified* 92 FERC ¶ 61,094 (2000). FERC has failed to provide any reasoned analysis with facts supporting a conclusion that the Project Sponsors' Proposed Route is superior to the 664 South Route or any of the other alternate routes that Friends of Wintergreen has proposed, each of which eliminates all of the damage to Fortune's Point and most of the surrounding Wintergreen area. Accordingly, the draft EIS is not the product of reasoned decision making, and, to the extent these deficiencies in the draft EIS are

LO83-1 We disagree. See the response to comment CO6-1.

Z-3062

# LANDOWNERS COMMENTS

## LO83 – David R. and Nancy L. Schwiesow (cont'd)

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LO83-1 (cont'd) | carried through into the Final EIS, the Commission's approval of the Final EIS would be arbitrary, capricious, and subject to remand.

### I. Impact of Construction Activities on Fortune's Point

The DEIS is 2,376 pages long. Yet in all of this document, there is only a single passing reference to Fortune's Point. On page 4-304, the DEIS states:

"Most comments received expressed concern about crossing roads accessing the proposed and existing resort area. The project would cross Beech Grove Road and State Highway 664, which provide entry to the proposed Wintergreen Resort area at AP-1 MPs 158.6 and 158.8, respectively. Atlantic would cross Beech Grove Road using the HDD method in association with the proposed BRP crossing; the road would remain open to traffic throughout construction. Atlantic would cross State Highway 664 using the bore method, which also would allow for the road to remain open to traffic throughout construction. Atlantic would also cross Fortunes Ridge Road at AP-1 MP 159.4 using the open-cut method. The road ends west of the pipeline crossing, provides private access to a few residences located beyond the pipeline crossing, and provides no outlet to other roads. Atlantic would install materials, such as steel road plates, to maintain continued ingress/egress along Fortunes Ridge Road for residents during construction. Construction activities at these locations would take about 14 months to complete."

LO83-2 | The very brief discussion of the damage the Pipeline will impose on Fortune's Point is remarkable on several levels. The DEIS states that "Atlantic would also cross Fortunes Ridge Road at AP-1 MP 159.4 using the open-cut method." The Pipeline never crosses Fortunes Ridge Road, which is in Wintergreen. It crosses Fortune's Point Lane nearly a quarter of a mile away, in the Fortune's Point neighborhood. The DEIS then states that "the road ends west of the pipeline crossing." In fact, the road ends east of the pipeline crossing. The Project Sponsors

LO83-2 We acknowledge that pipeline construction in steep slope areas may take longer than construction in flatter terrain.

Z-3063

# LANDOWNERS COMMENTS

## LO83 – David R. and Nancy L. Schwiesow (cont'd)

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LO83-2  
(cont'd)

thus have a very shallow understanding of the area they are traversing with the Pipeline at this location. And the DEIS then states that the Project Sponsors will “maintain continued ingress/egress along Fortunes Ridge Road (sic) for residents during construction,” suggesting that this solves all of the problems for the neighborhood that the construction will create.

But in the final sentence, the DEIS simply states that “[c]onstruction activities at these locations would take about **14 months** to complete.” Emphasis added. The DEIS fails to explain what those construction activities will be or how they will impact the neighborhood. It is clear that the impact on the neighborhood of 14 months of construction is irrelevant to the Project Sponsors. The impact will be massive. As the first point of reference, in a small six-property neighborhood, the construction activities will continue for **about 14 months**, maybe longer. By itself, that indicates that the magnitude and extent of the construction activities will be enormous. As indicated in the Attachments to these Second Comments, the Schwiesows have been seeking detailed information for months as to the impact of the construction activities on their neighborhood. The Project Sponsors have provided no information, and the DEIS provides no information.

Just as a sample of the impacts that must be addressed, in their Comments that they filed with the Commission on June 2, 2016, the Schwiesows stated that “[w]e believe that there will be massive construction activity at Fortune’s Point, and we request that FERC direct Dominion to provide details as to what that construction activity will consist of, the length of time that the construction activity will occur, and what steps, if any, Dominion will take to minimize the damage to the Schwiesows, who are full-time residents of Fortune’s Point, and the other property owners at Fortune’s Point.”

# LANDOWNERS COMMENTS

## LO83 – David R. and Nancy L. Schwiesow (cont'd)

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LO83-2  
(cont'd)

The Schwiesows then asked a number of specific questions about the impact of the construction activities, **none** of which have been answered: “Further, Dominion has placed Fortune’s Point directly in the bullseye of its construction activities at Wintergreen. The Proposed Route includes a 2,100 foot long path from the entrance to Wintergreen Resort up the very steep side of Piney Mountain directly to the first property in Fortune’s Point. This portion of the route includes a minimum 125-foot wide clear cut of all trees, rhododendrum, mountain laurel and other bushes and plants. We calculate that approximately 7,000 trees will be destroyed. In addition, a trench that is a minimum of 7 feet deep will be dug to place the Pipeline. This phase of the construction requires a huge amount of construction equipment for the clear cutting and trenching work. Then, all of the trees, bushes, plants, rock, dirt and other debris from this massive construction activity must be carried to either Fortune’s Point or the entrance to the Resort and then disposed of using dump trucks, logging trucks and other construction vehicles. In addition, the Proposed Route then runs the Pipeline across at least four of the properties at Fortune’s Point, including three that have residences. The fundamental question is how severely Dominion’s construction activities will impact the Fortune’s Point community.

“In its April 15, 2016 filing, Dominion showed, for the first time, four Additional Temporary Work Spaces at Fortune’s Point. It also showed, for the first time, that it will use Wintergreen Drive, Fortunes Ridge Drive and Fortune’s Point Lane, which is the only road in Fortune’s Point, as “access roads” to connect its construction activities between the entrance to Wintergreen Resort and Fortune’s Point. See Attachment 3. Since this information has just come to light, the Schwiesows have the following questions:

LO83-3

- Where specifically will those work spaces be located and what size will they be?

LO83-3 Section 2.3.3 discusses the various uses of ATWS during construction of the projects.

Z-3065

# LANDOWNERS COMMENTS

## LO83 – David R. and Nancy L. Schwiesow (cont'd)

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LO83-3  
(cont'd)

- What activities will be carried on in those work spaces?
- Will the work spaces house dump trucks, logging trucks, winch and other construction machinery?
- Will cut trees, tree stumps and brush and the rock and other debris from the 7' deep trench be hauled through Fortune's Point?
- Will pipe and other construction materials be stored at Fortune's Point?
- Will the debris, construction materials and explosives (see below) be hauled up and down Wintergreen Drive, Fortunes Ridge Drive (which has approximately 40 residences on it) and Fortune's Point Lane?
- How will the noise and other disruption from these construction activities be mitigated?

"From Fortune's Point, Dominion will continue east in the direction of Bryant's Mountain, and they will have the same construction activity - clear cut a minimum path of 125' and dig a trench that is a minimum of 7' deep in which to put the Pipeline. All of this construction activity will be in view of many Wintergreen houses, including nearly all of the South-facing houses on Black Rock Circle. Dominion shows no additional work spaces from Fortune's Point (which is at approximately Milepost 159.5) until approximately 162.5. A huge volume of cut trees, brush and the rock and other debris from the 7' deep trench will result from this construction activity. The following questions about this construction activity must be answered:

- How will Dominion dispose of the debris?



# LANDOWNERS COMMENTS

## LO83 – David R. and Nancy L. Schwiesow (cont'd)

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LO83-3  
(cont'd)

- Where will Dominion take the debris? Will Dominion take the debris back to Fortune's Point and down Fortune Ridge Drive and Wintergreen Drive to the Wintergreen Resort entrance?
- How long will the construction activity on this portion of the Proposed Route last?
- What other construction activity will Dominion have that will affect Fortune's Point and the Wintergreen area?"

### II. Other Significant Environmental, Safety and Economic Impacts in the Wintergreen Area

LO83-4

In addition to the damage that will result from the construction activities in Fortune's Point, Friends of Wintergreen, of which the Schwiesows are members, has made seven filings with the Commission in which they have detailed that the Project Sponsors' latest Proposed Route remains deficient because it continues to cause significant adverse environmental, safety and economic impacts in the Wintergreen area. Moreover, the Project Sponsors have not yet performed a *bona fide* evaluation of alternatives that would avoid these impacts, as requested by the Office of Energy Projects in its data requests, and as legally required. Specifically, the Project Sponsors have steadfastly avoided an evaluation of the specific route alternatives and deviations proposed by FOW. Any of the route alternatives proposed by FOW would avoid the substantial adverse impacts the Project would have on the Wintergreen area and all of these alternatives are environmentally preferable to the Project Sponsors' Proposed Route. The Schwiesows incorporate by reference, and fully support, the comments and analysis provided in the Comments of Friends of Wintergreen, Inc. on Draft Environmental Impact Statement (Docket Nos. CP15-554-000, CP15-554-001), dated March 24, 2017, which is Accession

LO83-4

We have completed a bona fide assessment of alternative in this area and have made our conclusions in the EIS (see section 3). We have to consider not just the impacts avoided in one particular area if the route is moved, but also the new impacts incurred elsewhere upon such a re-route.

Z-3067

# LANDOWNERS COMMENTS

## LO83 – David R. and Nancy L. Schwiesow (cont'd)

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LO83-4 | Number 20170324-5252, and in the six other Friends of Wintergreen filings with the  
(cont'd) | Commission that are referenced in the March 24, 2017 filing.

Z-3068

# LANDOWNERS COMMENTS

## LO83 – David R. and Nancy L. Schwiesow (cont'd)

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The Schwiesows reserve the right to respond to any supplemental responses by the Project Sponsors to the draft EIS, to respond to any additional filings that the Project Sponsors make subsequent to the December 30, 2016 release of the draft Environmental Impact Statement, to propose new alternatives, and to respond to new alternatives proposed by the Project Sponsors or other parties in this proceeding.

Dated: April 5, 2017

Respectfully submitted,

/s/David R. Schwiesow  
David R. Schwiesow

/s/Nancy L. Schwiesow  
Nancy L. Schwiesow

Mailing Address:  
RR 1 Box 596  
Roseland, VA 22967

Physical Address:  
178 Fortune's Point Lane  
Fortune's Point  
Wintergreen, VA 22958

**LANDOWNERS COMMENTS**  
**LO83 – David R. and Nancy L. Schwiesow (cont'd)**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Fortune's Point, Wintergreen, VA this 5th day of April, 2017.

/s/David R. Schwiesow  
David R. Schwiesow

The attachments to this letter have been reviewed by FERC staff and can be found on the FERC eLibrary site under FERC Accession No. 20170406-5063.

Z-3070

# LANDOWNERS COMMENTS

## LO84 – Karen Kelly

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**Karen Kelley**  
*karenke@yahoo.com*

April 5, 2017

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

RE: Atlantic Coast Pipeline, LLC  
Docket No: CP15-554

Dear Secretary Bose:

I am a property owner in Clover Lick, Pocahontas County West Virginia, I write in opposition to the Atlantic Coast Pipeline, which is proposed to dissect Clover Lick, West Virginia.

As an initial matter, I am directly impacted by the proposed pipeline. My property on Laurel Run Road is within 400 feet of the 42 inch gas pipeline and easements.

FERC is specifically tasked with the responsibility to reduce environmental impacts from natural gas projects. At a minimum, FERC is required to ensure that applicants follow the process. The process requires environmental impact reports, and full consideration of all possible routes, among other items. On December 30, 2016, FERC published an embarrassingly inaccurate and incomplete draft EIS that failed to address the many Forest Service and Public concerns. The EIS is filled with conclusory allegations and editorial observations. It is devoid of any substantive discussion or analysis. It is deficient in numerous ways, including the following items:

- Z-3071
- LO84-1 | 1. Without independent analysis, FERC wholeheartedly embraced DTT's claim that the ACP is necessary to supply natural gas to southern markets. FERC staff simply parroted DTT's allegations as facts with out any comment or analysis.
  - LO84-2 | 2. The EIS identifies issues and then offers opinions without any analysis or supporting data. For example, the EIS simply restates facts including: "the proposed ACP will cross 71.3 miles of areas known to be susceptible to karst development . . . (one concern) with karst sensitive areas {is} the sudden development of a sinkhole that damages the facilities and poses a safety risk." However, FERC staff simply dismiss this legitimate scientific concern with their conclusory opinion: . . . we reviewed the study and did not find the supporting data that would lead to this potential conclusion." That's it! FERC staff of lawyers provide absolutely no analysis to support their conclusion. They simply assert that they read the study provided and dismiss it. They don't say why they think the

LO84-1 See the response to comment CO46-1.

LO84-2 The EIS was prepared by FERC environmental staff, not FERC lawyers, with the assistance of the FERC's third-party contractor. Appendix Y provides the List of Preparers of the EIS, with their resource specialties and educational background. See also the response to comment CO6-1.

# LANDOWNERS COMMENTS

## LO84 – Karen Kelly (cont'd)

20170406-5064 FERC PDF (Unofficial) 4/5/2017 6:38:28 PM

LO84-2  
(cont'd)

conclusion is inapposite, nor do they provide any facts, or cite a contradictory study or analysis to support their conclusory opinion. Indeed, the FERC staff simply state that they disagree. These unsupported conclusory dismissals are insufficient and cannot be considered as any type of substantive Environment Impact Statement. Opinion of FERC staff disguised as analysis cannot be accepted as an Environment Impact Statement. FERC staff owes its constituents real substantive analysis and discussion of these real and valid environmental concerns. If FERC has a better study on the environmental risks pertaining to the blasting and digging of karst sensitive sights then it is incumbent on FERC staff to actually cite the authority and analyze the information.

3. Again, FERC staff of lawyers is willfully blind when it concludes that the risk of landslides is indeed a high possibility of landslides (4-23—4-29), and then without any analysis or further comment dismisses these concerns as insignificant. FERC must require that consultants experienced in landslide prevention and mitigation examine the proposed steep slopes and examine the slope instability and opine on necessary steps to prevent the dangers, or redirect the route to less steep slopes and less instable land. Instead, in this DEIS the FERC staff simply rubber stamps the DTI proposal without any analysis of the dangers and risks posed by the very aggressive route on the unprecedented steep slopes. Consultants must be hired to mitigate this very serious danger. Amendments must be made to the route to avoid these obvious dangers. It is FERC staffs' responsibility to address this very serious issue. Instead of FERC wholly abdicates its responsibility-- and simply crosses their collective fingers and hopes for the best.
4. Although FERC's staff of lawyers concede that the ACP will result in the removal of 6,800 acres of forest, and fragment forest blocks that are permanent, the staff then summarily conclude "that constructing and operating the ACP and SHP would not significantly affect common wildlife species." Significantly, this is some FERC staff lawyer's opinion. There is no citation to a scientific study, or paper to support these allegations. FERC is simply relying on the opinion of some staff lawyer in Washington DC to arrive at these unsubstantiated conclusions.
5. Additionally, the focus on environmental consequences of the Atlantic Coast Pipeline(ACP) has largely centered upon impacts on water resources and plant and animal species. Recent work done by the Dominion Pipeline Monitoring Coalition (DPMC) has broadened that concern to an examination of the effect the ACP would have on the many mountain ridges that the project would cross. Dominion Transportation, Inc., managing partner for the ACP, has indicated in resource filings it has made with the Federal Energy Regulatory Commission that in several locations in the mountainous areas of the route the pipeline would run along the tops of mountaintop ridges, in some instances for up to at least a mile. Because many of these ridges are very narrow and formed by very steep slopes, to achieve the width of land necessary to construct the pipeline, it would be necessary to remove the tops of these ridges, perhaps by as much as 50 feet of elevation. It is estimated that there are over 20 locations on the ACP route where mountaintop removal would be necessary. The serious impact of removing such ridgetops is two-fold: 1) the visual impact it would have in altering the scenic view

# LANDOWNERS COMMENTS

## LO84 – Karen Kelly (cont'd)

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LO84-2  
(cont'd)

would be significant; 2) the earth and rock removed from the ridgetops would seriously exacerbate the already large concern of erosion and sediment control associated with the project. Dominion has no plan to manage this environmental devastation. Of course, the DEIS is embarrassingly silent as to this devastatingly destructive plan.

6. The DEIS fails to protect the endangered species. (pg 4-199). At risk are the bat species, and bat hibernacular, subterranean obligate species, and aquatic species. There is no plan in place to protect these rare ecosystems that house these protected species. The ACP must be relocated around these protected ecosystems. Indeed this DEIS is premature, because pending survey results, pending conservation measures, and consultations with appropriate federal and state agencies has not been completed. Accordingly, this DEIS should not have been issued yet. For whatever reason, the FERC DC lawyer staff rushed this incomplete DEIS to publication on the last day of 2016, despite that it lacked basic information.

What is clear from the DEIS, is that FERC does not have the information it needs to compile a complete report. As such, the law prohibits any forward movement. Construction cannot begin without the outstanding biological surveys, and Section 7 consultations at a very minimum.

It is alarming (but not surprising) that FERC, in conjunction with DTI, is “fast tracking” this pipeline route without following the protocol process. However, citizens like myself who are impacted by these proposed shortcuts and the sloppy work product of FERC staff, are entitled to be heard about our concerns.

This DEIS needs to be returned to the staff at FERC for some actual analysis, real discussion and environmental problem solving.

Respectfully yours,

Karen Kelley,  
Property Owner  
Pocahontas County, West Virginia

# LANDOWNERS COMMENTS

LO85 – Sara Might

20170406-5103 FERC PDF (Unofficial) 4/5/2017 9:06:24 PM

To: The Federal Regulatory Energy Commission

From: Sara Might

Subject: Comments on Draft EIS, Atlantic Coast Pipeline, Dockets CP15-554-000 and -001

Date: April 5, 2016

I am again submitting comments on the Atlantic Coast Pipeline, this time related to the EIS filed with FERC in December 2016.

While I do not have a detailed understanding of the requirements for an EIS, and must rely on others more knowledgeable about such things, I have read all comments filed through April 5, 2017. The consensus of those who do understand EIS complexities seems to be that Dominion continues the pipeline approval process in a haphazard manner, and that FERC is not exerting the discipline to ensure proper evaluation of Dominion's application.

LO85-1 | US citizens rely on federal agencies to protect them. Whether is dereliction of duty, particularly in a matter that involves environmental and public safety, the very lives of plants, animals and human beings are endangered or even lost. Most of us understand that our new president is bullish on economic develop and a minimalist when it comes to environmental protection. Are we seriously going to allow such an unexpected political change to terrorize our homes, farmlands, woodlands, animals, and other natural resources and threaten a peaceful existence in a beautiful, economically beneficial part of Augusta County?

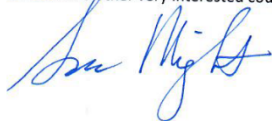
In my particular case, I am executor for a piece of property now affected by the current proposed pipeline route, as well as a landowner of another piece of property also affected. The currently designated path was selected in an arbitrary manner; it changed multiple times, but only to address the complaints of the most powerful.

LO85-2 | Only in February 2017, about nine months after I was told the pipeline would clearly cross the estate property, did Dominion ask for permission to do karst tests on both properties. How did they get so far into the application process, where a draft EIS was released, without having tested one of the very risk factors known to be prevalent in Augusta County? No results of the testing have been provided to me, nor have the results of any water tests conducted over the course of the last year for either property.

LO85-3 | The current pipeline route runs about 100 paces from an underground oil tank. I don't believe their respective locations were ever considered in selection of the route.

LO85-4 | The pipeline route also cuts across the driveway of the highly wooded (old woods) estate property. It does not seem possible that anyone living on the property during pipeline construction would have access to the nearest road without massive damage to the forested portion of the property.

LO85-5 | The pipeline route has also affected the value of the estate property. On March 13, 2017, the realtor told me that the recent otherwise "very interested party" was not going to make an offer (and in fact did not) make an offer due to the pipeline route across the property. The property manager has also told me that at least two other very interested couples did not pursue offers on the property due to the pipeline.



Z-3074

LO85-1 | FERC's mission statement, as stated on its website, is the following: "Assist consumers in obtaining reliable, efficient and sustainable energy services at a reasonable cost through appropriate regulatory and market means."

When a federal action is triggered – in this case, a permit application is submitted to the FERC – the agency must fulfill the requirements of NEPA. The CEQ and FERC have developed regulations that guide how NEPA is fulfilled. One such requirement is disclosing the impacts associated with a proposed action. Another aspect of CEQ's NEPA-implementing regulations is mitigation, which in summary is defined as avoiding or minimizing an impact, or compensating for the impact. FERC is not charged with protecting lands or resources but instead, through NEPA, to disclose the impacts associated with a proposed action and, as necessary, recommending alternatives or measures to avoid, minimize, or compensate for an impact.

LO85-2 | Comment noted. Water test results should be requested from Atlantic.

LO85-3 | Residences and associated features within 50 feet of the project workspace are shown on the site-specific residential construction plans included in appendix J of the EIS.

LO85-4 | See the response to comment CO80-8. Also, section 4.8.1.4 discusses impacts on land use associated with access roads.

LO85-5 | Comment noted.



# LANDOWNERS COMMENTS

## LO86 – Rebecca Lamb

20170406-5196 FERC PDF (Unofficial) 4/6/2017 12:44:25 AM

CP15-554-000 Application of Atlantic Coast Pipeline, LLC Atlantic Coast Pipeline, LLC

I am responding the Docket CP15-554-000, specifically the impact report regarding the application of the Atlantic Cast Pipeline, LLC

I know that many others will be contacting FERC about the Atlantic Coast Pipeline's (ACP) claims that they can manage karst terrain and install this pipeline over steep mountains successfully. As someone with some expertise in geology, I can tell you it cannot be done. Currently, Dominion cannot manage to stabilize the slopes around its much smaller pipeline over the mountain—and as a partner in the ACP, they have presented no new ideas on how to manage this larger pipeline in the same terrain. I also value our wilderness areas and believe that the ACP will do irreversible damage to forests, endangered species, the Appalachian trail, and the source of drinking water for a large area of Virginia.

Z-3075

LO86-1 | However, I am primarily writing to you to address the Stuarts Draft portion of FERC's report. Firstly, FERC essentially dismissed the alternate routes proposed by the Augusta County Board of Supervisors because the alternate routes are longer. Although, as mentioned above, I want to protect wilderness, people also matter. Stuarts Draft is the most densely populated area of Augusta County and continues to grow because of proximity to numerous manufacturing facilities. The ACL will go through areas previously zoned for homes and businesses. In anticipation of this growth, Augusta County spent a significant amount of money investing in infrastructure. Thus, the request to consider a different route is one of economic impact as well as genuine concern for children in nearby schools and residents whose homes will be in the blast zone if the ACP ever ruptures. If one to three miles of additional pipeline makes the alternative routes proposed by Augusta County too long to be a viable option, why is it considered acceptable for the ACP to go over seventy miles north to enter Augusta County, only to go south again? We all know the only reason the pipeline is coming north through Augusta County is so that ACP can save time, not having to resurvey a new southern route, and to save money, because they have already paid some property owners for the northern route. Clearly these seventy plus additional miles of pipeline are more invasive to natural habitats, wilderness, water sheds, and historic farmlands than the few miles required to reroute the pipeline around Stuarts Draft, instead of coming directly through the heart of the county's most densely populated area.

LO86-2 | Secondly, the FERC determination about Stuarts Draft was made assuming that ACP provided complete and accurate information about impacts to the Stuarts Draft area. I want to share how the reporting on just one property was incomplete and, perhaps, even deceitful. Five years ago, I moved to Augusta County to live on a farm that has been in my family for 217 years. Based on ACP's estimates, seven acres of this farm will be used for the ACP. The ACP report to FERC fails to mention that the Harper House and six associated structures fall within the incineration zone of the pipeline—and that these structures are listed on the National Register of Historic Places. Furthermore, the information provided to FERC failed to mention the need for blasting in proximity of Harper House. When the highway that Harper House faces was widened from two to five lanes a number of years ago, blasting was required in the zone now included in the pipeline. This is of particular concern because Harper House is constructed of solid brick walls that are 18 to 24 inches thick, and go deep into the earth for a lower underground level that was the original kitchen and pantry. The original plaster walls are attached directly to the soft, handmade bricks, making both the historic structure itself and the period interior walls very vulnerable to vibrations and irreversible damage from blasting. My family told ACL's representative about the probable need for blasting this several times, both in person and over the telephone. Instead of

LO86-1 | Our rationale for considering and selecting alternative routes is provided in section 3.3.5.

LO86-2 | The Harper House is included in table 4.10.1-2 of the EIS. It is identified as a property in Dinwiddie County determined eligible for listing on the NRHP. Effects to the property are being assessed as part of the section 106 process.

# LANDOWNERS COMMENTS

## LO86 – Rebecca Lamb (cont'd)

20170406-5196 FERC PDF (Unofficial) 4/6/2017 12:44:25 AM

LO86-2  
(cont'd)

following up and conducting tests, the representatives from ACL told us that “there was no evidence of a need for blasting.” How could they make this statement? Because ACP never tested to see if blasting was needed on the Harper farm property! Yet, the property directly across the road from Harper farm was tested and revealed a need for blasting. But by not testing the Harper farm property, ACP did not need to disclose to FERC that this specific route was placing a National Register structure in jeopardy. Furthermore, ACL did not have to discuss that they have sited the pipeline on the center of the Harper farm property, close to the historic Harper House, instead of at the edges of the 140+ acre farm property—not following their own guidelines for pipeline placement. My family was told by the ACP representative overseeing the survey that they could not relocate the pipeline further away from the house because they had already completed the surveys on the two adjoining properties. It was my understanding that part of the goal of a survey was to determine problems with the chosen route and to make corrections or adjustments as needed. In this case, it was the cost of new surveys that directed the decision for pipeline placement, rather than hazards to cultural resources. And it was this same cost-saving agenda that apparently led ACL to withhold information about the pipeline’s proximity to National Register structures in their information provided to FERC.

In addition, when conducting the survey of the Harper farm property, the two archaeologists who were conducting the cultural resources impact survey were very excited about a section where they found numerous examples of late 18<sup>th</sup> or early 19<sup>th</sup> century pottery in their bore holes. The archaeologists indicated that this was unusual—something they had not found on other properties (and Harper farm was late being surveyed because my family withheld permission). We were not surprised that such artifacts were found in the area in question because that is the general area of the Stuart cabin—dating back to the original patent for the property, the source of the name for our community, and the location of the community’s first post office. (The history of the Stuart cabin as well as its original location on Harper farm is documented in a 1927 publication of the University of Virginia). The artifacts were reburied in place, but the archaeologists indicated that they would be coming back for a more thorough survey after doing some research at the courthouse. However, the archaeologists never returned. How do I know this? My husband, who used to conduct cultural resource impact surveys and artifact analysis for a well-respected archaeological firm in North Carolina, examined the site every day for six weeks, well after all of the survey markers had blown away. In addition, ACP never contacted the family about returning to finish the cultural resources survey. This account is significant to the determination of FERC because the ACL failed to include any mention of the discovery of artifacts and a potentially significant archaeological site on Harper farm in their report to FERC.

LO86-3

Along with the Stuart family’s name, the geographical feature known locally as a “draft” gave our community the name Stuarts Draft. As a geology major and the former director of an earth science museum, I can honestly say that I have never heard the term “draft” outside of the Valley of Virginia, but I have found several scholarly sources that define a draft as a low spot or valley within a valley. The draft of Stuarts Draft runs through Harper farm and will be penetrated by the proposed pipeline. Since there is not a current or historic creek associated with the draft, its geological origins are elusive. However, I can say emphatically that Harper farm is located in a region of karst and that we know of the small opening for one cave on the property. It is therefore reasonable to expect that the draft may have some relationship to either underground water or caverns. Although ACP claims it is possible to build a pipeline through karst topography and caverns, they have not provided an adequate study of the impact of the opening they will create on the karst environment itself. For example, the trench created for the

LO86-3

Atlantic’s Karst Survey Report issued February 21, 2017, identifies your property as being surveyed.

Z-3076

# LANDOWNERS COMMENTS

## LO86 – Rebecca Lamb (cont'd)

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LO86-3 (cont'd) | pipeline will also create new runoff systems and create new ways for water to penetrate the rock and caverns below. This is the very scenario that causes many of the sinkholes in places like Florida which also has similar limestone formations. Yet despite this potential risk, ACP did not conduct any surveys or assessment of karst formations on Harper farm prior to their application to FERC. In short, ACP does not know of any potential problems because they did not test for these potential problems.

LO86-4 | ACP also failed to report to FERC that the Stuarts Draft area is historically known as the best farmland for growing crops within Augusta County, the second largest agricultural county in Virginia. For small family farms such as Harper Farm, we need high yield from all of our acreage. We cannot afford for a large section of the farm to be lower yielding for decades or longer. The pipeline will cause land and soil damage that can put a small family farm out of business. Yet, moving from agriculture to development is no longer an option because the placement of the pipeline through the center of the farm means that the entire 140+ acres will be in the incineration zone—not a place most people want their children to sleep at night.

LO86-5 | My primary point of writing this letter to you is to point out how ACP failed to fully disclose the impact of the pipeline to FERC. With just one property that is impacted by the proposed pipeline, ACP failed to report endangerment of structures included in the National Register of Historic places or permanent damage to a potential archeological site. Furthermore, ACP demonstrated that they are willing to cut corners such as adjusting the location of the pipeline to avoid such historic resources or to complete the necessary studies to provide full disclosure to FERC. This is just one property. What other information has ACP failed to disclose to FERC? I know of other National Register structures that are also in the blast zone of the proposed ACP. Given that there are other options for routes, how is this acceptable? How is ACP's blatant efforts to mislead FERC acceptable? Doesn't this demonstrate that FERC is not being given the information it needs to make a full analysis prior to authorizing a pipeline project of the scale?

I strongly urge FERC to deny the request for the ACP on the basis of failure to provide a proper impact study and endangerment of valuable natural and historic resources. At a minimum, the Stuarts Draft route needs to be examined carefully and thoughtfully, giving recognition to the superior knowledge of local officials and planning councils. Thank you for your consideration.

Sincerely,

Rebecca Lamb, MLA, MLIS  
Harper Farm  
3029 Stuarts Draft Hwy.  
Stuarts Draft, VA 24477  
540-337-1241  
rlamb21@gmail.com

LO86-4 | See the responses to comments LO12-1, LO18-1, and LO22-5.

LO86-5 | Comment noted.

Z-3077

# LANDOWNERS COMMENTS

## LO87 –William and Cheryl Monroe

20170407-5109 FERC PDF (Unofficial) 4/6/2017 11:14:50 PM

April 6, 2017

William and Cheryl Monroe  
16 Reeds Gap Road  
Lyndhurst, VA 22952

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

Re: Draft Env. Impact Statement (DEIS), Atlantic Coast Pipeline and Supply Header Project  
(Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000. FERC/HIS-0274D)

Dear Mr. Davis,

My wife and I again write to FERC as landowners in Augusta County, Virginia, located on the Atlantic Coast Pipeline route proposed by Atlantic Coast Pipeline, LLC (Atlantic). Our properties are Parcel Numbers 098-4B and 098-4G (identified by DTI as Tracts 07-058-E072 and 07-058-E073). We have the following comments regarding the DEIS.

### Project Need:

On Page 1-4 of the DEIS states, *"We received comments disputing the need for gas in the delivery area, and stating that other proposed projects would be capable of delivering gas to the same general area. As discussed above, Atlantic and DTI have entered into long-term precedent agreements for 96 percent of the project capacity to six specific customers. Other proposed projects in the area, such as the Mountain Valley Pipeline (MVP) Project proposed by Mountain Valley Pipeline, LLC, have also entered into precedent agreements for gas, and its customers (RQT Energy, LLC; Roanoke Gas Company; USG Properties Marcellus Holdings, LLC; WGL Midstream, Inc.; and Consolidated Edison Company of New York, Inc.) are different than Atlantic's customers."*

The report goes on to say, *"We received comments asserting that the ultimate purpose of ACP and SHP is to export natural gas overseas as liquefied natural gas (LNG). Whereas various proposals to site LNG liquefaction and export facilities are before the Commission and the U.S. Department of Energy (DOE), ACP is not designed to export natural gas overseas; this is not a component of the purpose and need of ACP."*

In short, the report asserts that because there are contracts, the project has demonstrated a need to FERC. Based on Objective 2.1 - *Foster economic and environmental benefits for the nation through approval of natural gas and hydropower projects* and Objective 3.3 - *Facilitate public trust and understanding of Commission activities by promoting transparency, open communication, and a high standard of ethics*, from FERC's Strategic Plan for FY14-18, this portion of the report is not complete. The general public, and especially those directly impacted by the project, deserve to know if the project need is based on "economic and environmental benefits for the nation" or if this project need is being justified through Atlantic's ability to divert gas for export and/or profits that aren't directly domestic needs. The language in Objective 2.1 could certainly be slanted to justify exports that could be said are for the "benefits of the nation."

Page 1 of 6

LO87-1 See the response to comment CO46-1.

Z-3078

# LANDOWNERS COMMENTS

## LO87 –William and Cheryl Monroe (cont'd)

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LO87-1 | However, in conjunction with Objective 3.3, there needs to be complete explanation of Objective (cont'd) 2.1 and how the ACP meets these objectives.

**Project Route:**

LO87-2 | The project route across Augusta County, VA, raises several questions that have not been adequately addressed. The DEIS and all prior documents submitted by Atlantic do not explain how Objective 2.1 - *Foster economic and environmental benefits for the nation through approval of natural gas and hydropower projects*, Objective 2.2 - *Minimize risks to the public associated with FERC jurisdictional energy infrastructure*, and Objective 3.3 - *Facilitate public trust and understanding of Commission activities by promoting transparency, open communication, and a high standard of ethics*, from the FERC Strategic Plan for FY14-18, are met. How can multiple projects across the Commonwealth of Virginia be evaluated separately while meeting Objective 2.1? How can a route through developed and planned development areas around Stuarts Draft, VA, where other alternatives exist, meet Objective 2.2? FERC's unwillingness to address these in conjunction with its own objectives only fosters distrust of FERC.

Even though the DEIS notes that the Presidential and Congressional approval process "was not a significant factor", it is apparent based on the statement that it was a factor when the FERC Strategic Planning, Goals, and Objectives in no way include such factors in the approval processes. It is also unreasonable to believe that the project route can cross the Appalachian and Monongahela Mountain Ranges but there is only one possible crossing location in the Augusta County area that will work for this project. The Reeds Gap crossing appears to be mostly driven by convenience associated with the permitting. This area is mostly forested with multiple springs and historic rock fences that will be impacted. Furthermore, to reduce the crossing impact on the Blue Ridge Parkway and Appalachian Trail a horizontal direction drilling method is proposed that will impact landowners in this area, including us, for as many as 12 to 14 months (reference page 4-462 of the DEIS) with heavy construction work. This is not "temporary" to us – this is long term. It also seems that the Lyndhurst to Farmville Alternative may have been prematurely dismissed. If there is a better co-location possibility and potentially reduced impacts as a result, it seems unreasonable to dismiss this alternative without fully investigating the details. Would this alternative not result in "a significant environmental advantage over the proposed action"? Is it not possible to tell from the DEIS. Conclusions are made without providing the required detail and backup. Many more miles (90 miles – ref. p. ES-13 of the DEIS) were added to the project in the Deerfield Valley area to avoid a wildlife concern. Should the citizens of Augusta and Nelson receive less consideration? What about the southern route suggested by FERC in Resource Report 10? The merged system alternative (ACP w/ MVP) shows many advantages but it is eliminated due to the time requirements to perform the project. In other words, the report seems to say that due to these major energy corporations failure to plan, significant amounts of private property must be taken to allow their timeline goals to be met. It is suspected that what is left out of the report associated with a merged line/project is associated with control of the transmission main, which means control of the volume and sales. Based on the text of the DEIS, it looks as though alternatives were not fully evaluated or prematurely dismissed.

Page 4-136 and 4-139 of FERC's Guidance Manual for Environmental Report Preparation states, "The analysis of system alternatives should include a comparative table that presents the characteristics and environmental factors of the system alternative(s) and of the corresponding segment of the proposed project. The text should similarly present a comparative analysis describing the characteristics and environmental factors of the system alternative(s) and of the corresponding segment of the proposed project. It should also include a clear statement of the advantages of the proposed project, including economic, environmental, technical, and scheduling advantages that led to the rejection of each system alternative." The DEIS does not meet this

Page 2 of 6

LO87-2

You have listed three FERC objectives and question our entire rationale for assessing the project based on these three objectives. There are other objectives and laws that we take into consideration when conducting an environmental analysis and making our determinations, and we disagree that our analysis is flawed using your parameters. Remember that the environmental analysis is but one component of the overall FERC mission and objectives. Thus, the EIS is not designed to address all factors the Commission will consider when deciding whether or not to approve a project. The FERC Commission, in its Order responding to a proposal, makes the ultimate determination on whether a proposed project is in the public convenience and necessity.

It should be noted that the EIS takes into account environmental considerations and human factors, when assessing route and construction options, not just one or the other.

Z-3079

# LANDOWNERS COMMENTS

## LO87 –William and Cheryl Monroe (cont'd)

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LO87-2  
(cont'd)

standard. FERC's Guidance Manual for Environmental Report Preparation also does not include the timeline desires of the applicant or permitting advantages.

While it is understood that it is difficult to balance energy needs, which is also a public interest, with the impact on individual liberties of landowners, the DEIS makes a direct statement that puts the interests of the applicant (Atlantic) timeline over the interests of the impacted individuals and the goals and objectives of the FERC Strategic Plan (Ref. p. 3-9 of the DEIS). Therefore, the DEIS route evaluation, does not serve the public or meet FERC's own guidance documents and organization objectives as written.

LO87-3

### Property Value & Insurance:

Pages 4-404 through 4-406 discusses the various studies examining the potential loss of land value. While the report suggests that there is no significant loss of land value, there are statements within the report that conflict with this suggestion. The following are excerpts from the report:

*"In 2001, the INGAA sponsored a national study to determine if the presence of a pipeline affected property values or sales prices. The study employed paired sales, descriptive statistics, and linear regression analysis to assess impacts on four separate, geographically diverse case study areas. The study found that having a pipeline on the property did not significantly alter sales prices." The statement "did not significantly alter sales prices" implies that there was an impact. Significant is also subjective as presented in the report. Details must be provided for completeness of understanding by the public.*

*"The study, which considered proximity and persistence over time, found that prior to the accident there was no significant effect on property values due to proximity of the pipeline. However, immediately after the accident the study found that houses adjacent to the pipeline sold for \$13,000 less than houses further away. However, over time the discount reduced back to pre-incident levels (Hansen et al., 2006)." In this case, again, there is an impact noted following an accident. For any individual/family that needs to sell their property following an accident, this will have a meaningful impact on their ability to sell their property.*

*"The report found that, when the sales prices of the encumbered residences were compared with the sales prices of the unencumbered residences, there was no indication that the pipeline easement had any effect on the sales prices of homes in Saddle Ridge. Likewise, when the sales prices of encumbered lots were compared with the sales prices of unencumbered lots, the differential in price could be explained by the reduction in lot size associated with the easement area." The last sentence of this states a direct impact. The usable land was reduced enough to affect the price due to the location of the pipeline.*

If the project is granted a certificate to move forward with the project, the Federal Government is also granting the significant governmental power of eminent domain to this utility company. While obviously not the intent, the studies cited in the DEIS demonstrate that there is impact on land values. It is completely unfair to landowners to have the company only pay "market value" based on an area land assessment when there is an impact – certainly some impacts are smaller than others based on current land use, lot size etc. However, the FERC process is granting leniency to the applicant (Atlantic), not the landowners, in this process. A one size fits all for compensation is being used with the threat of eminent domain looming. If FERC wants to foster trust with the public, this must change and favor must be returned to the impacted landowners who have limited ability to negotiate before ending up in a court battle over the easement transfer. If a one size fits all approach is used, it should require the company err on the side of a higher compensation values that recognize the possibility of the landowner being in a position of needing to sell following an

Page 3 of 6

LO87-3

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 Coast and DETI, and are not subject to review by the FERC. Landowners can 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.

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.

Z-3080

# LANDOWNERS COMMENTS

## LO87 –William and Cheryl Monroe (cont'd)

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LO87-3  
(cont'd)

accident, loss of aesthetics due to tree loss, ongoing inspection/maintenance activities in what was once secluded/private property, permanent loss of revenue from timber harvesting, or loss of usable space due to the presence of the easement. Objective 3.3 - *Facilitate public trust and understanding of Commission activities by promoting transparency, open communication, and a high standard of ethics*, will never be achieved until FERC begins to watch out for the citizens who are being thrust into the middle of these multi-million and multi-billion dollar projects with no choice and limited negotiation ability. Eminent domain rights should not be granted to these companies or minimum compensation standards above area market value process should be implemented to recognize the fact that these projects do have some impact on land values – on average it may not be so noticeable but to the individuals under the average, it is real money.

LO87-4

### Private Well Monitoring and Blasting:

The DEIS notes that 25% of the route may require blasting. The criteria for monitoring wells/springs is 150 feet or 500 feet in karst areas. The monitoring includes basic water level and some constituent testing. The details of this testing have not yet been provided even though we have made multiple requests of Doyle Land employees (Atlantic's land acquisition firm). This "monitoring" is only a spot check and the distance criteria appear to be completely arbitrary. A significant portion of the route through Augusta County, VA, includes areas where public water is not available. Disruption to a well would leave no alternatives in these areas other than drilling a new well. Our well is just outside the 500 feet, so Atlantic has refused to sample it. In the mountains where there is a significant amount of rock, blasting can change the underground water pathways and the burden of proof will then rest with the landowner because there is no data or insufficient data to be "conclusive". This is unacceptable. Atlantic should be required to address this in more scientific manner by looking at the potential blasting impacts while looking at the geology and providing more meaningful data acquisition, such as pressure transducers and data loggers, for landowners that have the potential to be impacted (especially those that will have the gas main on their property). As currently proposed, many landowners will be on their own to prove an issue is the fault of the construction project. Again, if a one size fits all approach is used, it should err on the side of the private citizen who has limited resources and options (and in some cases a loss of permanent revenue due to loss of room for business expansion, loss of timber land, etc.). Atlantic, on the other hand, is proposing to construct a project that will provide them with ongoing, significant revenue. If this project is being performed for a public need, where is the transparency in the expected revenues and life expectancy of the pipeline/easements? A more detail explanation of the determination of the safe distance from the blasting activities should be provided or the company should be required to provide additional evaluation based on the proposed blasting methods, geology, etc. and provide detailed monitoring prior to blasting (for wells and structures) where ground vibrations may exceed industry standards.

LO87-5

### Noise Level Impacts:

On page 4-461 of the DEIS, the following is noted:  
*Pipeline construction would occur for approximately 10 hours per day (between the hours of 6:00 a.m. and 6:00 p.m.), 6 days per week, while aboveground facility construction would take place between the hours of 6:00 a.m. to 10:00 p.m. If necessary, 24-hour construction activities could occur at aboveground facilities, but would be limited to work inside station buildings (e.g., electrical work). HDD activities at all locations would occur on a 24-hour basis.*

On page 4-462 of the DEIS, the following is listed:  
*The ACP pipeline route includes 18 locations where Atlantic proposes to use the HDD construction method. HDD operations would generate noise at drill entry and exit points. HDD activities in any one area could last from several weeks to several months depending on the length of the drill and the hardness of the substrate being drilled. Atlantic estimates that the HDDs would*

Page 4 of 6

LO87-4

Details describing the precautionary measures to be taken during pipeline construction blasting are discussed in section 4.1.2.2 and also in Atlantic's and DETI's Blasting Plan. The final EIS has been revised to describe that blasting for excavation during pipeline projects typically involves small-scale, controlled, rolling detonation procedures that result in limited ground upheaval. These blasts do not typically result in large, aboveground explosions. Atlantic and DETI would conduct blasting in accordance with all federal, state, and local regulations.

LO87-5

The HDD noise associated with the BRP/ANST HDD would last approximately 12 to 14 months; the HDD would operate 24 hour per day, 7 days per week until completed. Section 4.1.2.2 requires that Atlantic ensure the noise from HDD activities would remain below 55 dBA at the nearest NSAs. In addition, Atlantic would be required to submit noise surveys to verify noise levels are in compliance. See the response to comment CO68-17 regarding low frequency noise.

Z-3081

# LANDOWNERS COMMENTS

## LO87 –William and Cheryl Monroe (cont'd)

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LO87-5  
(cont'd)

*take about 3 to 6 weeks at each location, with the exception of the James River HDD (3 to 4 months) and the BRP/ANST HDD (12 to 14months).*

*Typical equipment used at HDD entry sites includes:*

- drilling rig and engine-driven hydraulic power unit;*
- two triplex centrifugal main mud pumps and two engine-driven generator sets;*
- mud mixing/cleaning equipment with five ditch pumps and three mud tank pumps;*
- fluid system shale shaker;*
- mobile equipment including a crane, backhoe, front loader, and boom truck; and*
- five engine-driven light plants.*

*Noise associated with HDD exit sites could result from use of the following equipment:*

- one triplex centrifugal main mud pump;*
- mud tank with three pumps;*
- backhoe and/or truck(s);*
- welding;*
- one electric-driven generator set; and*
- five engine-driven light plants.*

**Based on this, we would be subjected 24 hr/day construction work for nearly 1.5 years! Is this 6 days a week or 7? – this is not clear in the report.** Our home and our neighbor's homes are located in the mountains where it is normally very quiet and where sound travels long distances, especially at night. This may impact planned family events, ability to sleep at night, health, etc. This is unconscionable. **We are imploring that FERC review this and revise these requirements to reduce the impact on residents that live near the HDD locations.** The mitigation methods are unclear based on the report and it is impossible to determine their effectiveness without additional details. The data shown in Table 4.11.2-3 estimates only a 0.1 dB increase from all of the equipment above being utilized. This seems very unlikely – equals almost an indiscernible change in loudness/ratio? Diesel engines in particular emit low frequencies that carry longer distances (they are not as easily attenuated) and the impact of the 24 hour operation of the above equipment cannot be minimized and quickly set aside as “no significant impact”. Again, we are asking that FERC closely review this section and change the operating hours to exclude nights at a minimum.

LO87-6

**Future Plans and Abandonment:**

On page 2-53of the DEIS, the following is noted:  
*ACP Foundation Shippers have a one-time right to request an increase in contracted capacity by participation in an Optional Expansion totaling up to 500,000 Dth/d. If the Foundation Shippers were to pursue the Optional Expansion, Atlantic anticipates that it could be accommodated by installing additional compression on the ACP system without the addition of new mainline pipeline facilities.*

The report is not clear as to what this does to the Maximum Allowable Operating Pressure (MAOP). Is the project proposed to operate at a lower pressure initially and then be increased to the MAOP if the capacity increase is granted?

LO87-6

The MAOP for each project component is provided in section 2.1. As described later in revised section 2.7, if the ACP and SHP facilities are expanded in the future, including an expansion as part of the Optional Expansion or the Second Expansion, Atlantic and/or DETI would seek the appropriate authorizations from federal (including FERC), state/commonwealth, and local agencies at that future time.



# LANDOWNERS COMMENTS

## LO87 –William and Cheryl Monroe (cont'd)

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**Closing:**

In closing, as impacted land/home owners on the route near the BRP and ANST HDD site, the DEIS does not provide adequate answers or complete explanations that demonstrate complete due diligence. Statements and conclusions conflict with FERC's Goals and Objects and do not provide the public with a complete view of the possible alternatives or impacts. We are asking that this project be more completely reviewed prior to a final decision or consideration for issuance of a certificate for construction.

Sincerely,



William A. Monroe

Cheryl W. Monroe

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 Congressman Robert W. Goodlatte  
The Honorable Delegate Richard P. Bell  
The Honorable Delegate R. Steven Landes

Z-3083

# LANDOWNERS COMMENTS

## LO88 – Frank H. Reichel, III and Suzanne Riechel

20170406-5597 FERC PDF (Unofficial) 4/6/2017 3:57:23 PM

Frank H. Reichel, III and Suzanne S. Reichel  
1301 Manakin Road  
Manakin-Sabot, VA 23103

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 FERC Docket #CP15-554-000, CP15-554-001, "The Atlantic Coast Pipeline"

Dear Secretary Bose and Deputy Secretary Davis,

We are writing as intervenors in Docket Numbers CP15-554-000, CP15-554-001, "The Atlantic Coast Pipeline," (ACP). We are property owners of a 71-acre horse farm adjacent to the ACP route in Bath County, Virginia (8667 Mill Creek Road, Deerfield, VA 24468). Properties on three sides of ours have been surveyed for ACP easements and are targeted for pipeline construction. Our property would be permanently impacted by the ACP. Our quality of life and that of our Bath County neighbors are already being adversely affected by incursions onto private property to survey and test spring water, hours lost in travel and research to defend our interests, increased family stress, and decreased property values. We enjoy visiting the George Washington National Forest (GWNF), Augusta County, Nelson County (specifically the Wintergreen Resort area), and Snowshoe Resort in West Virginia which would all be significantly impacted by the current ACP route.

We are writing to protest the incomplete and inadequate Draft Environmental Impact Statement (DEIS) issued December 2016 which does not meet the requirements of the National Environmental Policy Act (NEPA). The DEIS goes out of its way to minimize the concerns of affected landowners and citizens and to avoid substantive, real-life analyses. It glosses over serious environmental issues that matter to thousands of citizens in WV, VA, and NC and chooses to ignore their cumulative effects. We are also writing to comment on concerns specific to our situation and to request that FERC either rescind or supplement the DEIS to include all information and analyses required under NEPA and to address and eliminate biases in favor of the Atlantic Coast Pipeline, LLC ("Dominion/ACP") and against impacted citizens.

This letter will focus on five primary areas of protest and comment:

- 1) Need for the ACP and the Use of Eminent Domain
- 2) Gas Pipeline Safety
- 3) Water and Soil
- 4) Property Values
- 5) Air, Climate, and Forest Fragmentation

Z-3084

# LANDOWNERS COMMENTS

## LO88 – Frank H. Riechel, III and Suzanne Riechel (cont'd)

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### Need for the ACP and Use of Eminent Domain

LO88-1

The current DEIS is unacceptable to us first and foremost because it dismisses the “No Action Alternative” without any substantive evaluation. The DEIS briefly addresses the No Action Alternative in six short paragraphs on a single page before quickly dismissing it as an option. When we participated in the Scoping Meeting last spring at Bath County High School on May 21, 2016, we had expectations that the FERC review process would be a fair analysis of the pros and cons of the proposed Atlantic Coast Pipeline. Through our statements, we asked FERC to address the regional need for additional gas pipelines through a Programmatic Environmental Impact Statement (PEIS). This was denied by FERC, even though key elected representatives from Virginia also requested a PEIS.

We were expecting that our government regulators would conduct a common-sense review that would competently, fairly and transparently consider both the cumulative environmental impacts of the proposed pipeline and the specific and local impacts. We also expected a thorough analysis of alternative routes and/or upgrades to the existing pipeline infrastructure.

We expected a level of impartiality and fairness to all parties, especially since the Atlantic Coast Pipeline, a private, limited-liability company, seeks to exercise the eminent domain power of the United States Federal Government against many private citizens in order to force this pipeline through approximately 600 miles of countryside, very little of it along existing utility corridors. Dominion/ACP stands to make hundreds of millions of dollars in profits while doing this. Its top executives would make millions of dollars personally while many private citizens lose their hopes, dreams, and property values and are forever burdened with significant unacceptable and unwelcome changes to their land and living environments.

Instead of meeting these expectations, we were shocked and disappointed at the pro-Dominion/ACP bias underlying the entire DEIS. The DEIS is essentially a document of, by and for Dominion and its ACP partners. We strongly object to the following statement from the DEIS (page 3-2) regarding “Alternatives” to the ACP:

A preferable alternative must meet the stated purpose of the projects, which is to provide transportation of 1.44 million Bcf/d of natural gas to consuming markets at the delivery points specified by the projects’ customers. ... an alternative that does not meet the Projects’ purpose cannot be considered a viable alternative.

This is an outrageous and biased statement. It has been well documented in the press that the “projects’ customers” are, in actuality, closely-related business entities to the project’s proposers, Dominion/ACP and Duke Energy. In a published analysis entitled “The ACP in a Nutshell,” an electric and gas utility veteran and educator wrote about the ACP: “All but one of the identified customers is a subsidiary of the same holding companies that own the developers of the pipeline. Such agreements are often used by developers to gain approval to construct a new pipeline and are not indications of the actual market demand for a project.”

LO88-1

See the responses to comments CO6-1 and CO46-1. It should be noted that neither FERC nor its contractors can conduct “boots on the ground surveys” without landowner approval. We utilize the information from professional contractors to assist in our review, and where necessary and approval is granted, we conduct reviews of the project area.

Z-3085

# LANDOWNERS COMMENTS

## LO88 – Frank H. Riechel, III and Suzanne Riechel (cont'd)

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LO88-1  
(cont'd)

An April 2016 study by the Institute for Energy Economics and Financial Analysis (IEEFA.org) concluded that the ACP is not needed to meet demand. Among its conclusions:

- “Pipelines out of the Marcellus and Utica region are being overbuilt.
- “Overbuilding puts ratepayers at risk of paying for excess capacity” and “landowners at risk of sacrificing property to unnecessary projects”
- “The high rates of return on equity that FERC grants to pipeline companies (allowable rates of up to 14%), along with the lack of a comprehensive planning process for natural gas infrastructure, attracts more capital into pipeline development than is necessary”

Interestingly, the recently-retired FERC chairman spoke out earlier this year regarding some of these issues and their effect on the environment. As reported in “The Roanoke Times,” Mr. Norman Bay said: “Even if not required by [federal law], in light of the heightened public interest and in the interests of good government, I believe the Commission should analyze the environmental effects of increased regional gas production from the Marcellus and Utica.”

Another piece of evidence as to the bias in favor of Dominion/ACP is the stated need by FERC in this DEIS to comply with their timetable. From page 3-2: “A preferable alternative also would need to provide service within a reasonably similar timeframe.” Why? If this project is not needed, as many industry-watchers have asserted, then the timeframe of service for this project becomes a moot point.

There is little weight given to renewable sources of energy, such as wind and solar, or to conservation measures when, in fact, renewables are becoming more and more important to energy production in the U.S. and world. We strongly object to the unfair bias in favor of Atlantic and injurious to private citizens reflected in the following statements from the DEIS found on page 3-2, under “Public Comments:”

Authorizations related to how the project area would meet demands for electricity are not part of the application before the Commission and their consideration is outside the scope of this EIS. Therefore, because the purpose of ACP and SHP is to transport natural gas, and the generation of electricity from renewable energy sources or the gains realized from increased energy efficiency and conservation are not transportation alternatives, they cannot function as a substitute for ACP and SHP and are not considered or evaluated further in this analysis.

If our U.S. Federal Government, through FERC, is going to grant Dominion/ACP the power of federal eminent domain over private citizens to meet interstate needs for electrical power generation, how can FERC, the only government entity to which we can appeal, then claim to have no jurisdiction over matters related to meeting regional electricity needs? To *not even consider* potential contributions of renewable energy sources towards meeting the future energy needs of the region is unacceptable.

The DEIS states: “If the no action alternative is selected, the stated purpose of projects would not be met.” Is the purpose of the project (the reason for the eminent domain) to meet energy needs or to

Z-3086

# LANDOWNERS COMMENTS

## LO88 – Frank H. Riechel, III and Suzanne Riechel (cont'd)

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LO88-1  
(cont'd)

build a new gas pipeline to make money for Dominion/ACP? It seems that FERC has concluded that it is the latter. There are other ways of meeting regional energy needs, but this DEIS either rejects them or refuses to entertain them.

If federal eminent domain is going to be employed for a \$5.5 billion interstate energy project against the interests of private citizens, a reasonable person would assume that a comprehensive and broad analysis of regional energy and environmental issues beyond those specific to this project and its proposers would be considered. Having read the DEIS and attended two of the public meetings (on May 21, 2016 and February 23, 2017), our impression is that the mission of FERC in the case of the ACP has been to determine “how” to build the ACP rather than, as many citizens had hoped, “whether or not” to build the ACP.

FERC’s selection of the Third-party contractor, Merjent, to assist them in writing the DEIS also contributes to this impression. Most of the “FERC” representatives we spoke to at the scoping and public comment meetings were, in actuality, Merjent employees from Minneapolis, MN. None of them had or intended to conduct environmental site visits to Bath County or our general area, other than to be brought in to the meeting locations. When one Merjent employee was asked if he was going to see any of the sites in Bath County, such as the Deerfield Valley or Chestnut Ridge, he incredulously said, “Do you mean boots on the ground?” as if the proposal was preposterous. He made it clear there were no plans to visit our area.

The Governor of Virginia’s assertions that the ACP will create jobs for Virginians has not been borne out by our experience. Almost everyone we have encountered working on behalf of this pipeline so far has been from out of state: Florida, Arkansas, and Minnesota. Even the water testing crew drove approximately four hours from West Virginia.

The use of eminent domain is especially egregious when one considers the corporate natural gas assets of Dominion that include the Cove Point LNG export terminal, currently undergoing a multi-billion-dollar expansion. Cove Point is now estimated to be over 80% complete and on schedule for operation by the end of 2017. There is no question that with the completion of Cove Point and the hypothetical completion of the ACP and SHP, Dominion would have many more options at its disposal regarding its LNG export operations. Even the name itself, “Atlantic Coast Pipeline,” suggests that the purpose of this pipeline is to get natural gas from the mountains to the coast. For FERC to accept Atlantic’s business plans as non-negotiable and defend them when considering alternatives is not what we expected under NEPA.

LO88-2

We as affected citizens are in the marginalized and disheartening position of trying to make and plead our case to these Merjent employees that are being paid by Dominion under a contract executed with Dominion. Although we know they are supposed to act impartially, their company largely earns its revenues in serving the oil and gas industry.

LO88-2

It should be noted that the FERC is Merjent’s client for the ACP and SHP project, and Merjent is directed solely by the FERC. Merjent has affirmed that it has and will continue to abide by our ex parte rules. See also the response to comment CO68-9.

Z-3087

# LANDOWNERS COMMENTS

## LO88 – Frank H. Riechel, III and Suzanne Riechel (cont'd)

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LO88-2  
(cont'd)

A cursory look at Merjent's website gives an indication of whose interests are being served: "The key to Merjent's success as a FERC third-party contractor is derived from the vast experience our specialists bring from **working on behalf of project sponsors** (emphasis added) in preparing FERC Environmental Resource Reports (ERRs), supplemental filings, responses to FERC Data Requests, and post-certificate filings. Merjent's specialists understand the complexities of pipeline construction projects and the demands associated with them from both the **applicants and regulators perspective** (emphasis added)." The "project sponsors" on whose behalf Merjent is working as a third-party contractor, then, are Dominion, Duke, and the other parties of the ACP.

"Working on behalf of project sponsors" is not what affected landowners and citizens in our position expect and deserve when we submit our comments to FERC. Who is working on the affected landowners behalf? This close relationship between Merjent, FERC, and Dominion/ACP effectively disenfranchises the affected landowner and citizen that care about issues such protecting their land, the GWNF, and other precious resources of the unique and biodiverse areas affected by this project.

Again looking at Merjent's website, we read the following in the "About Us" section:

Merjent's staff has decades of experience working on thousands of miles of pipeline and transmission line projects and hundreds of energy facilities across the United States. Our knowledge of the energy industry combined with our experience allows us to communicate effectively with federal, state, and local permitting agencies, thereby **helping our clients achieve their project goals** (emphasis added).

"Helping our clients achieve their project goals" is no comfort to the victims of the ACP and to those who would have their clean water, property values, priceless views, peace of mind, time, and energy stolen from them. This bias on the part of their third-party contractor reflects poorly on FERC's objectivity, and it is FERC who holds the power to grant the "Certificate of public convenience and necessity" for the ACP and put eminent domain into effect.

After reading the DEIS, we came to a chilling realization: Our hope that there would be a fair, impartial, scientific, transparent, and critical analysis of the environmental issues surrounding the proposed ACP has been in vain. The pipeline's effects on every important overreaching issue -- water, forests, safety, wildlife, and more -- was deemed by FERC to be essentially insignificant. In every case, Dominion/ACP was given the benefit of the doubt, even in spite of missing evidence and analyses. The DEIS consistently states that Dominion/ACP will "attempt" to "mitigate" any environmental issues to "minimize" them. It must be noted that an "attempt" is a highly subjective effort and not indicative of any measure of success. The many specifics missing from the DEIS regarding endangered species, waterways, and the National Forests make the DEIS unsatisfactory under NEPA on the basis of these areas alone.

Z-3088

# LANDOWNERS COMMENTS

## LO88 – Frank H. Riechel, III and Suzanne Riechel (cont'd)

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### Gas Pipeline Safety

LO88-3

The current ACP route runs alongside approximately 3374 feet of our southeastern property line. Our house, barn, and garage are all located such that an explosive pipeline accident near our farm would kill our family instantly. We have four children that may or may not be there at any given time. We would have no time to evacuate.

For those of us living in the blast or evacuation zone, according to page 4-479, FERC proposes that Dominion/ACP conduct a "table-top drill" on a case-by-case basis for natural gas emergency scenarios. There is no possible way that a "table-top drill" is going to save us if the pipeline explodes near our house, barn, garage, and land. This is not a satisfactory remedy and is deeply insulting to those of us who put a high price on human life. It is not only those landowners being compensated by Dominion/ACP for pipeline easements that find themselves in the blast or evacuation zones but also adjacent property holders (such as us). Because the ACP is proposed to run just alongside our property line, a Merjent/FERC representative was asked on 2/23/17 at the Staunton public meeting: "How far away from our property line does construction activity have to stay?" His answer: "They don't pay much attention to property lines."

Gas pipeline and infrastructure accidents are commonplace and often result in serious injury, death, and property damage. Last May at the scoping meeting at Bath County High School, we asked FERC to look into the number of children living or attending school in the ACP blast zone. This analysis was not done. Any reference to or analysis of the relatively high failure rate of new pipelines was also absent from the DEIS. This is of great concern to affected landowners and localities.

### Water and Soil

LO88-4

A major concern to us is the threat to all regional water resources, especially to springs, streams, rivers, and wells. Blasting, bulldozing, deforestation, soil compaction, risk from pollutants, sedimentation, and disruption of water flow through the karst are all part of this threat. Our well, springs, pond, stream and wetlands are all downhill from the proposed ACP construction site on Chestnut Ridge.

As we have previously submitted in comments to FERC, our pond is fed by spring water flowing from Chestnut Ridge through karst soil. Hiking the area, one notices a great deal of erosion, occasional sinkholes, and little vegetation aside from trees and moss. Water springs up at various points in a trough or depression in the karst terrain originating at a high elevation and flowing down into our pond. The path of this water source from Chestnut Ridge is crossed by the proposed pipeline path. The flow is in danger of being cut off, damaged, or redirected. There would also be a risk to our pond and well from pollutants discharged during construction and from biological and other materials, some potentially synthetic or foreign, applied to control erosion on the side of the Ridge. There would also likely be polluting herbicides used for maintenance of the ACP right-of-way in a non-forested condition.

LO88-3 See the responses to comments LA22-5 and CO6-1.

LO88-4 We acknowledge the interconnect between surface flows, groundwater, and karst conduits along segments of the project, and that a significant number of residences receive their water from these interconnected sources. Section 4.3.2.6 identifies the measures that Atlantic and DETI would implement to minimize, and mitigate if necessary, potential impacts on water sources.

Z-3089

# LANDOWNERS COMMENTS

## LO88 – Frank H. Riechel, III and Suzanne Riechel (cont'd)

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LO88-4  
(cont'd)

When a Merjent/FERC project manager was asked on February 23, 2017 how Dominion/ACP was proposing to control erosion on Chestnut Ridge after clear-cutting a 150-foot path on a steep slope approx. 600-700 feet uphill from our house and barn, he responded that they would use "straw poked into the ground" and "mulch." Our entire property is in a constant state of erosion. Even the rock we put on our driveway becomes washed away. We feel that the straw and mulch will be no match for the forces of nature on Chestnut Ridge. This plan again gives Dominion the benefit of the doubt over affected landowners. It is clear to us that the DEIS essentially accepts Dominion/ACP's minimization proposals that serve their own business interests.

LO88-5

Several DEIS statements that cause us concern are: (From G-133) "Soil compaction resulting from construction activities may reduce the potential for successful revegetation and (from G-134) "In rocky or heavily rooted soils, compaction may be impossible to measure and rectify without additional damage." We and our neighbors enjoy hiking and riding on Chestnut Ridge. To us, the deforestation with or without "successful revegetation" is a significant loss, as would be damage to the soil there.

Regarding soils, the Conclusion in section 4.2.8 (page 4-63) states that "Construction-related impacts on soils would be temporary and localized to the construction workspace, **except where erosion, sedimentation, landslides, and other forms of soil movement affect adjacent areas** (emphasis added)." When all of these exceptions are the rule in our part of Bath County, we feel that a different conclusion is in order. We are not comforted that "analyses are ongoing to determine whether impacts would be minimized through the use of the construction and restoration plans summarized about and discussed throughout this EIS." ACP effects such as the soil's inability to freeze normally near the pipe have not been thoroughly analyzed. Analyses need to be done ahead of time and presented to the public so that we can have time to evaluate and comment.

LO88-6

Since our property is surrounded by the GWNF, we are especially interested in FERC's conclusions regarding aquatic resources there. We specifically bought our farm to be near wild brook trout streams which would be irreparably compromised and damaged by the ACP project. We read in 4.6.6: "Based on our review of potential impacts on aquatic resources as described above, we concluded that ACP and SHP would result in temporary to long-term impacts on aquatic resources." "Atlantic and DTI would attempt to mitigate these impacts..." We do not have confidence in Dominion's attempts to mitigate impacts, especially given that Dominion was recently found by a federal judge to be in violation of the Clean Water Act at its coal ash site in Chesapeake, VA.

### Property Values

LO88-7

We have what some would call a "million dollar view" looking north into the beautiful Deerfield Valley, with George Washington National Forest lands on both sides, unmarred by human development. If approved, the ACP would not only place our lives and our water resources in danger but also leave a permanent deforested scar along the base of Walker Mountain, which is part of the GWNF, from the pipeline's crossing of Mill Creek Road as far as the eye can see from our farm and from Chestnut Ridge (also part of the GWNF). Natural beauty, safety, lack of pollution, and the ability to enjoy unspoiled

LO88-5

Comment noted.

LO88-6

Comment noted. Section 4.6 has been updated with revisions and additional information.

LO88-7

We recognize the studies cited in Section 4.9.7 do not necessarily have a one-to-one applicability to all areas crossed by ACP and SHP. In particular, the majority of studies that analyze the effects of pipeline easements on sales and property values have been conducted in areas with higher residential density than is found along much of the ACP and SHP project routes. However, these findings may not be comparable when analyzing impacts on properties along pipeline rights-of-way in rural areas. This may be particularly true when analyzing large acreage parcels that may have a land use value attached to the overall value of the property, in addition to the value of the land and any structures present. We acknowledge that it is reasonable to expect that property values may be impacted differently based on the setting and inherent characteristics of the property.

Z-3090



# LANDOWNERS COMMENTS

## LO88 – Frank H. Riechel, III and Suzanne Riechel (cont'd)

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LO88-7  
(cont'd)

views of National Forest are why we bought our land. If those things are stolen from us by Dominion and its ACP partners, our land will no longer be as valuable to us or to anyone else.

In our scoping comments, we specifically asked FERC to look into total value of property within the blast zone, 1100 feet wide along both sides of the entire length of the pipeline. Instead, the DEIS cites gas-industry-sponsored studies to claim that property values will not be affected. None of these studies involved mountainous tourist destinations famous for breathtaking and pristine mountain views, trout fishing, hiking, and priceless water resources. The George Washington National Forest and Monongahela National Forest are unique. If the GWNF is degraded through industrialization, it degrades tourism, and it degrades our property. People do not want to travel from all over the world to see the sad sight of destroyed and compromised mountain views with miles and miles of treeless utility corridors and access roads. Dominion/ACP's plan to remove the tops of 11 mountains is unacceptable. Our farm's value is bolstered by nearby Virginia Outdoors Foundation (VOF) easement properties such as "The Wilderness" on Deerfield Valley Road and the historic Fort Lewis Lodge. If they are destroyed and devalued, it devalues us as well.

LO88-8

Loss of privacy is also a concern to us and a threat to our property value. If the ACP is constructed, Dominion/ACP and its contractors will have 24/7 access to an area immediately adjacent to our 71 acres by foot, vehicle and air with no notification. This will industrialize what was previously unspoiled, forested natural land.

### Air, Climate, and Forest Fragmentation

LO88-9

There have been many comments submitted to FERC about harmful methane emissions from fracking, gas transport, and usage. The DEIS inadequately acknowledges and analyzes these concerns about greenhouse gas (GHG) emissions and the threat of pollution and climate change. The issue of this particular transmission pipeline is considered in a vacuum. This is not how it will function in the real world and is clearly biased toward Dominion and its ACP partners.

According to OilChange International, ([www.priceofoil.org](http://www.priceofoil.org)): "The annual GHG emissions caused by the Atlantic Coast Pipeline would be almost 68 million metric tons. This is equivalent to the emissions from 20 average U.S. coal plants or over 14 million passenger vehicles." "FERC appears to have selected data, sources and assumptions that conveniently allow it to conclude that the project 'would not significantly contribute to GHG cumulative impacts or climate change.'" Methane leakage from the pipeline, increased vehicle emissions from pipeline construction and maintenance, and pollution to air, water, and soil from activity associated with the pipeline are all areas of concern to us that are inadequately addressed in the DEIS. Today we have no threat of methane leaks near our farm. If the ACP is built, it will become a risk with which we will have to deal.

LO88-10

The Nature Conservancy has identified the Southern Appalachians as one of six biodiversity hotspots in the United States. Fragmenting the Monongahela and George Washington and Jefferson National Forests would deal a severe blow to Virginia's biodiversity from which it would never recover. Yet,

LO88-8

See the response to comment CO8-1.

LO88-9

See the response to comments CO29-2 and CO55-2.

LO88-10

Comment noted. Refer to section 4.5.6 for a discussion of interior forest fragmentation. See also the response to comment CO6-1.

Z-3091

# LANDOWNERS COMMENTS

## LO88 – Frank H. Riechel, III and Suzanne Riechel (cont'd)

20170406-5597 FERC PDF (Unofficial) 4/6/2017 3:57:23 PM

LO88-10 (cont'd) | Dominion/ACP is given the benefit of the doubt in all aspects of the objections to ACP impacts on forest fragmentation and biodiversity. The missing information to the United States Forest Service is not even seen as a problem to moving forward with the approval process. There is just an assumption that whatever ACP might eventually submit or not submit, it will all work out fine. The DEIS presents each environmental concern as minimally as possible so that the final conclusion can be that environmental concerns will be "minimized" and are therefore "not significant."

LO88-11 | Another example of where FERC is giving Dominion/ACP preference over Americans is in regards to the Appalachian Trail/Blue Ridge Parkway crossing near Wintergreen. The matter of drilling for nearly one mile under the Blue Ridge Parkway is not even resolved in the DEIS. This is a critical omission, especially since there is controversy as to the real reason for the choice of this particular crossing point (i.e., Congressional approval not necessary due to a loop hole).

Dominion/ACP evens admits that their HDD method may fail: "Atlantic may decide to select a new drill path, abandon the drill hole, or consider alternate crossing methods." The proposed crossing area is not only a national treasure, it is in extremely close proximity to the entrance of Wintergreen Resort, the largest employer in Nelson County, a major tourist attraction and a Nelson County population center.

LO88-12 | We write today in protest of this Draft Environmental Impact Statement that does not accurately reflect the concerns of the public, the permanent damage to our National Forests and headwaters, the real environmental cost of fracking and natural gas transmission, and the realities of the energy situation in our country today. The favoritism employed to give the green light to Dominion/ACP in this DEIS is unfair to landowners and citizens of the affected regions. The natural resources of the Appalachian region matter to people throughout the entire U.S. and world. Dominion/ACP comes to steal and destroy these resources in order to enrich itself, at an enormous cost to our environment and climate. We are standing up today for our children, neighbors, and future generations of Americans.

There needs to be a fair and impartial vetting process for the ACP. We are calling on FERC to re-issue a DEIS containing all of the data required by NEPA before this project progresses any further. Only after significant revisions, such as including critical pieces of missing information, should the DEIS be reissued.

Respectfully submitted,

Frank H. Reichel, III and Suzanne S. Reichel  
[The.reichels@comcast.net](mailto:The.reichels@comcast.net)  
(804) 784-0505

LO88-11 | Revised section 2.3.3.2 includes our analysis of the feasibility of the BRP/ANST HDD. As discussed in this section, based on site characteristics and design information, we find the HDD feasible. Additionally, the FS, and its independent third-party technical consultant, found that the HDD, as proposed by Atlantic, would be feasible. In addition, section 3.3.4.3 includes our analysis of Atlantic's ANST and BRP contingency crossing.

LO88-12 | We disagree. See the response to comment CO6-1.

Z-3092

# LANDOWNERS COMMENTS

LO89 – Pearl L., Wade Raymond, Heather L., and Jane F. Finch

20170406-5606 FERC PDF (Unofficial) 4/6/2017 3:45:24 PM

**United States of America  
Before the  
Federal Energy Regulatory Commission**

**Atlantic Coast Pipeline, LLC      Docket Nos. CP 15-554-000  
and Associated Dockets**

**RE: Pearl L. Finch, Wade Raymond Finch, Heather Louise Finch  
and Jane Flowers Finch moved to intervene on June 2, 2016 in  
regard to the application of the Atlantic Coast Pipeline, LLC.**

**They submit this response to the Draft Environmental Impact  
Statement as landowners and concerned citizens.**

**Inconsistent and contrary environmental positions:**

The Finch property has been in the family for over 80 years. The original farm has been subject to multiple eminent domain takings, five and now six, to be precise, within the last 40 plus years, primarily for the benefit of the City of Wilson to construct a large reservoir and damn to provide a clean water supply to the City of Wilson. In approximately 2000, the City of Wilson took 28+ acres along the Contentnea Creek under a Federal Clean Water Act provision, depriving the family of much water front property access under the pretense of keeping the water clean. Now they are going to put a 36 inch diameter gas line to run through or under the Contentnea Creek right through this “protected water area” creating a far more graver risk to the City’s clean water than allowing people the enjoyment of the nature and beauty along the creek. The DEIS is grossly deficient and inadequate in failing to contain adequate facts or assessments with regards to this very important water crossing. This is dangerous, unconscionable and unfair to ALL the residents of the City of Wilson who depend upon this water supply. The ownership of the Finch property previously ran to the middle of Contentnea Creek, and was beautiful and pristine. Protecting the cleanliness of a municipal water supply and then subjecting it to contamination by an “acceptable leakage rate” are inconsistent and contrary positions.

LO89-1      Comment noted.

Z-3093

# LANDOWNERS COMMENTS

## LO89 – Pearl L., Wade Raymond, Heather L., and Jane F. Finch (cont'd)

20170406-5606 FERC PDF (Unofficial) 4/6/2017 3:45:24 PM

Z-3094

LO89-2 **FACT, METHANE IS HARMFUL AND DANGEROUS TO HUMANS:**  
Methane exposure is harmful to humans and can cause serious health problems. When transported on trucks or by train, the law requires signs that warn of the harmful effects and volatility of the gas. Because it is odorless and airborne, it is all the more dangerous to detect until the harm is evident, which is usually too late.

The evidence is unequivocal that there will be leaks and explosions.

LO89-3 **DWARF WEDGE MUSSELL:**  
The Dwarf Wedge Mussel is a well documented endangered species that made its habitat in the Contentnea Creek in the very area that the ACP is planned to cross. Great effort went into protecting this species when the City of Wilson built the reservoir. The DEIS fails to give any assessment to the area of the Contentnea Creek with regards to the dwarf wedge mussel.

LO89-4 **HUMAN HABITAT, OCCUPANCY ENDANGERED BY THE ACP:**  
The tract of land owned by the Finch family is one in which development of residential and or commercial property has been discussed and planned for over 20 years. The property has plenty of road access surrounded by NC Highway 581 and Renfrow Road in Wilson County, NC. Additionally, water is available throughout the property by water lines installed by the City of Wilson. In the three eminent domain actions against the Finch Property, the City would argue that the property would benefit by the taking at that time because the property would be easier to develop with the access to water and the lake like community. However, that is not the case with a 36 inch pipeline. Every realtor and appraiser advises that the value of the property for any purpose, especially development will be diminished by the presence of the ACP. Letters from George York and Rebecca Flowers, both realtors and developers are attached as Exhibits A & B, stating their opinions about the impact of the ACP on the value of the Finch Property. Mrs. Finch was approached in 2015 by a business that wanted to purchase 4 acres for a commercial

LO89-2 Section 4.12.1 discusses monitoring during operation of the projects, including methods of leak detection.

LO89-3 See the response to comment CO10-11. The occurrence information within the EIS reflects the input of federal and state agencies that oversee protections for ESA-listed and state-listed species.

LO89-4 Comment noted. We acknowledge that it is reasonable to expect that property values may be impacted differently based on the setting and inherent characteristics of the property.

# LANDOWNERS COMMENTS

## LO89 – Pearl L., Wade Raymond, Heather L., and Jane F. Finch (cont'd)

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LO89-4 (cont'd) | business. The potential buyer was unaware that the ACP was proposed across the property. When they learned of the ACP they were no longer interested in the property.

LO89-5 | **UNFAIR ADVANTAGE OF DEEP POCKET'S OF BIG CORPORATIONS LIKE THE ACP PARTNERS:**  
The partners in the Atlantic Coast Pipeline have deep pocket's and plenty of money to promote the pipeline and persuade elected officials of the need and benefits of the ACP. VERY LARGE CAMPAIGN DONATIONS HAVE BEEN MADE BY THE ACP PARTNERS TO THE BENEFIT OF MANY ELECTED OFFICIAL THAT Have GIVEN THEIR SUPPORT FOR THE PIPELINE! The representations and statements made by the representatives of the ACP have been misleading, incorrect and in many incidences, absolutely false. There have been no opportunities for hearings to question or cross examine these representatives and their statements to evaluate the accuracy and veracity. Citizens in North Carolina, especially the landowners, were not given opportunities to have their questions answered about the pipeline at meetings organized by the ACP and or FERC. For this reason, Citizens organized meetings and invited the ACP to attend and please answer questions. The ACP refused to participate. The request was made to Bruce McCay, a lobbyist for Dominion, who was the primary speaker and representative in North Carolina. A meeting was held in Nashville, NC in June 2015 attended by over 230 people. Companies with the resources of the ACP and its owners, could send someone to the meetings when requested and to answer questions but they refused. It appeared that they refused because they would not have control over the meeting. This is wrong.

At meetings organized by the ACP they could not answer many questions and would manipulate the meetings to end when they should have continued to answer questions.

A spokeswoman for Duke Energy, Tammie McGee, has repeatedly made statements to the media that are not legally correct under North

LO89-5 | Comment noted. Section 1.3 discusses the public outreach conducted for the projects.

Z-3095

# LANDOWNERS COMMENTS

## LO89 – Pearl L., Wade Raymond, Heather L., and Jane F. Finch (cont'd)

20170406-5606 FERC PDF (Unofficial) 4/6/2017 3:45:24 PM

Z-3096

LO89-5  
(cont'd)

Carolina law. It is my understanding that she is not an attorney and therefore cannot lawfully give legal opinions in North Carolina, i.e. the unauthorized practice of law. This is a further example of the sloppy and misleading methods under which the ACP has promoted the pipeline to citizens, landowners and elected officials. She has stated absolutely incorrect the law in North Carolina with respect to potential liability of a fee simple landowner in the event of a leak or explosion on the easement.

The information about the ACP is new, technical, and difficult for citizens to understand. This put citizens and particularly landowners at a very unfair disadvantage. Very big corporations with immense budgets are being allowed to have the right of eminent domain over citizens who have worked long and hard for their land and homes. These citizens and landowners will have their peace and solitude disturbed by the presence of a 36 inch natural gas pipeline. Eminent domain for a 36 inch natural gas pipeline is not the ordinary run of the mill eminent domain case in North Carolina.

The learning curve for the ACP has been time consuming and long. ACP spent years and large sums of money planning this pipeline before introducing their plan to the public and the landowners. Most of the landowners lacked the resources and knowledge to question or challenge the planned ACP. No attorneys in eastern North Carolina were readily familiar with the FERC processes and procedures, much less the landowners.

LO89-6

**NO DUE DILIGENCE FOR THE LANDOWNERS BENEFIT:**

If any person was entering into a partnership with a big company like the ACP and its partners, before doing so, the person would exercise their rights to perform due diligence to look at the actual books, plans and veracity of the partners. Here, the ACP is entering into a partnership with every landowner along the pipeline, against the landowners wishes and best interest, to permanently have a highly volatile and toxic substance run through their property all day and all night, 24/7, 365 days a year, in a 36 inch diameter pipe! This is stress

LO89-6

Regulations require that certain documents containing sensitive information be filed as privileged. This information is reviewed by FERC staff and other regulatory agencies; however, it is not released to the public. For instance: all materials filed with the Commission containing location, character, and ownership information about cultural resources is filed as privileged to protect cultural resources from potential damage or theft; the FWS and/or NMFS may require materials identifying the location of special status species be filed as privileged; and landowner mailing lists are filed as privileged to protect landowner privacy.

e

# LANDOWNERS COMMENTS

## LO89 – Pearl L., Wade Raymond, Heather L., and Jane F. Finch (cont'd)

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LO89-6 (cont'd) | inducing. There is no peace of mind. The ACP is taking over their lives. This is especially hard on the elderly. Yet there is NO DUE DILIGENCE allowed by anyone regard to the actual books and records of the ACP and its partners. Furthermore, the ACP is allowed to file information with FERC that is not publicly available. This is very wrong.

LO89-7 | **WHAT RECOURSE WILL CITIZENS AND LANDOWNERS HAVE IF THE ACP FAILS TO DELIVER AS THEY HAVE REPRESENTED THROUGHOUT THIS PROCESS?:**  
None. Who will hold them accountable for their promises? No one.

LO89-8 | **HOW MANY ELECTED OFFICIALS IN THESE STATES AND COUNTIES THAT HAVE ENDORSED THE PIPELINE ARE RECEIVING A PERSONAL ECONOMIC BENEFIT OR PROMISE OF A PERSONAL ECONOMIC BENEFIT OR PREFERENTIAL/ FAVORABLE TREATMENT?**

There are some. They should be investigated. Will FERC investigate or does it just allow unethical governmental and business behavior? When this is revealed after the ACP is allowed, what recourse will the citizens and landowners have? None.

Most governmental officials are subject to some ethics laws or regulations in performing their responsibilities; however, the big company partners of the ACP have no such ethical laws or regulations in which they are required to comply under the circumstances of the pipeline. Who can and will hold the ACP accountable?

LO89-9 | **DOYLE LAND SERVICES, INC NOT LICENSED FOR SURVEYING IN NORTH CAROLINA AND THEIR SURVEYING RESULTS ARE UNLAWFUL:**

By letter dated September 17, 2015, the North Carolina Board of Examiners for Engineers and Surveyors(Board) reported that they investigated Doyle Land Services and that there was sufficient evidence that "Doyle Land Services, Inc. is practicing, or offering to

LO89-7 | Section 2.5 discusses the environmental inspection and monitoring that would take place during construction of the projects. In addition, Atlantic and DETI would implement a Landowner Complaint Resolution Procedure for landowners to contact Atlantic or DETI if they have any concerns during the construction period or during restoration. In addition, the FERC's Landowner Helpline can be utilized in the event Atlantic's or DETI's response is not satisfactory to the landowner.

LO89-8 | Comment noted. Section 1.3 discusses the public outreach conducted for the projects.

LO89-9 | Comment noted.

Z-3097

# LANDOWNERS COMMENTS

## LO89 – Pearl L., Wade Raymond, Heather L., and Jane F. Finch (cont'd)

20170406-5606 FERC PDF (Unofficial) 4/6/2017 3:45:24 PM

LO89-9 (cont'd) practice, land surveying in North Carolina, as defined in G.S. 89C-3(7) without being licensed with this Board.” The Board issued a notice to Doyle Land Services, Inc that they were in “violation of G.S. 89C-24 and 55B”. See Exhibit C attached.

Doyle Land Services, Inc. engaged in substantial surveying in North Carolina without being licensed. They entered the Finch property after having been explicitly told they did not have permission to survey the property. This was also the case with a substantial number of landowners. Doyle Land Services, Inc entered property without permission, without the landowner’s knowledge, without proper notice and took soil samples, conducted borings, collecting artifacts, surveying and other invasive maneuvers. Doyle Land Services, Inc, surveyed all over North Carolina despite not being licensed as surveyors in North Carolina.

FERC should not and cannot legally rely on the unlawful surveying conducted in North Carolina by Doyle Land Services, Inc. The surveying is a violation of North Carolina law, and may not be lawfully accepted by any register of deeds in the state of North Carolina. Request for specific names of the people who entered the property to survey after we learned they had surveyed without permission was refused as well as the surveying results.

LO89-10 **DOYLE LAND SERVICES, INC ACTED UNLAWFULLY AND FRAUDULENTLY TO OBTAIN SETTLEMENTS WITH LANDOWNERS:**  
Doyle Land Services, Inc, contacted Mrs. Pearl Finch, numerous times and told her that she needed to sign papers for the pipeline. They contacted, Mrs. Pearl Finch, despite being told on numerous occasions previously that she had an attorney, and despite having met with her attorney on at least three occasions, they still aggressively called her and told her she “had to sign papers” and “that the ACP had the power of eminent domain to take her property”. While Mrs. Finch is a senior citizen, she is of very sharp mind and very knowledgeable about eminent domain since she has been through it

LO89-10 See the response to comment LO4-3.

Z-3098



# LANDOWNERS COMMENTS

## LO89 – Pearl L., Wade Raymond, Heather L., and Jane F. Finch (cont'd)

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LO89-10 | on numerous occasions in the past. Fortunately Mrs. Finch knew and (cont'd) understood that the ACP did not yet have the power of eminent domain and that she did not have to sign the papers they tried to lead her to believe she had to sign. Verlas Adams with Doyle Land Services sent a settlement package to Mrs. Finch and told her she “had to sign it” and send it back to her promptly even though Mrs. Finch told her she had an attorney and I also had told Verlas Adams to stop calling Mrs. Finch. We are informed that Ms. Adams is not an attorney. For Ms. Adams to tell Mrs. Finch that she must sign a legal document under these circumstance is the unauthorized practice of law in NC. Furthermore, these tactics are fraudulent. This story was repeated with numerous landowners over and over.

As recently as March 23, yet another Doyle Land Services person called and told us she needed to meet with her to get papers signed. The package sent was a settlement package for \$4700. There was no information about the tax consequences. There was a NC Board of Realtors form to allow “dual” representation by the Doyle Land Services representative!! This behavior with landowners is unconscionable.

LO89-11 | **FALSE PROMISES OF TAPS IN NORTH CAROLINA:**  
Michael Thompson, a lobbyist for Dominion Resources told a gathering of farmers at Parker’s Barbeque restaurant in Wilson, North Carolina in the spring of 2015, that there would be nine to eleven taps to access the gas in North Carolina along the route of the ACP. He said it could help the farmers and any businesses or plants that needed gas. The excited farmers at the meeting arranged a meeting to talk about a tap. The cost for a tap was so astronomically high that it would never be economically feasible. It was at this point that the farmers began to question the veracity of the ACP representatives.

At scoping meetings, it was highly touted and stated that there would be all these taps to access the gas along the pipeline. That is not the case. While we do not want the pipeline, this is yet another example of

LO89-11 See the response to comment CO46-1.

Z-3099

# LANDOWNERS COMMENTS

## LO89 – Pearl L., Wade Raymond, Heather L., and Jane F. Finch (cont'd)

20170406-5606 FERC PDF (Unofficial) 4/6/2017 3:45:24 PM

LO89-11 | the intentional misrepresentations by the ACP to try to get the public  
(cont'd) | and elected officials to endorse the pipeline.

There are NO TAPS for the benefit of anyone in North Carolina except the ACP, ACP partners and a small amount to another gas company. This is a far cry from the promotional statements in 2014-15! It is classic "bait and switch".

LO89-12 | **EXPORTING OF NATURAL GAS IS NOT A PUBLIC PURPOSE TO GRANT THE USE OF EMINENT DOMAIN:**

Representatives of the ACP carefully stated that they would not export the gas. They are all very smart people and know better than to say the ACP will in fact export gas. While the answer may be technically correct, it may be a de facto lie. If in fact the ACP sells gas to a third party that exports the gas, the ACP benefits from the pipeline granted by eminent domain and is exporting the gas by hiding behind a third party.

Based on existing infrastructure, proposed distribution lines and other non ACP applications submitted to FERC, there is an appearance of plans to export natural gas transmitted along the ACP.

If that should occur, what recourse do landowners have against the ACP and ACP partners for their deception in acquiring the right of eminent domain to export gas? At that point, it would be for a private profit/benefit and not a public purpose.

FERC should explicitly prohibit the exporting of any gas transmitted along the ACP.

For the reasons set forth above and numerous other reasons as set forth by others, the Draft Environmental Impact Statement is insufficient and unacceptable. Definitely more information must be provided regarding water ways in North Carolina and more time should be allowed for reviewing more recently and additionally submitted information.

Respectfully submitted on behalf of Pearl L. Finch, Wade Raymond Finch, and Heather Louise Finch.

LO89-12 Section 1.1 describes the purpose and need of the project. Were "natural gas export" part of the project scope, Atlantic and DETI would need to apply for authorization to construct and operate liquefied natural gas export facilities from the Commission under section 3 of the NGA. No such permit application has been received from Atlantic or DETI.

Z-3100

# LANDOWNERS COMMENTS

LO89 – Pearl L., Wade Raymond, Heather L., and Jane F. Finch (cont'd)

20170406-5606 FERC PDF (Unofficial) 4/6/2017 3:45:24 PM

This 6th Day of April, 2017.

Jane Flowers Finch  
Attorney  
1810 Craig Street  
Raleigh, NC 27608  
(919) 624 9779

From: Jane Flowers Finch <janeflowersfinch@aol.com>  
Date: April 6, 2017 at 3:05:55 PM EDT  
To: Jane Flowers Finch <janeflowersfinch@aol.com>

From: Jane Flowers Finch <janeflowersfinch@aol.com>  
Date: April 6, 2017 at 3:05:19 PM EDT  
To: Jane Flowers Finch <janeflowersfinch@aol.com>

From: Jane Flowers Finch <janeflowersfinch@aol.com>  
Date: April 6, 2017 at 3:06:44 PM EDT  
To: Jane Flowers Finch <janeflowersfinch@aol.com>

Z-3101

# LANDOWNERS COMMENTS

## LO90 – William F. Limpert

20170406-5635 FERC PDF (Unofficial) 4/6/2017 4:08:59 PM

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

Re: Comments on the draft environmental impact statement for the Atlantic Coast Pipeline

Docket Number CP 15-554-000, CP15-554-001

April 6, 2017

Ms. Bose:

As I stated in my comments of April 4, 2017 the draft environmental impact statement for the Atlantic Coast Pipeline must be retracted and rewritten.

These comments clarify a section of those April 4th comments, Sinking Streams Adjacent To Proposed Pipeline On Limpert Property.

LO90-1

See figure 2, attached. This is a map of the current proposed route of the ACP through our property, parcels 14-18C and 14-18E. The map documents water resources that would be at significant risk should the pipeline be constructed in this location. The base for this map is a photocopy of the maps we received from Doyle Land Services in their offer to purchase a right of way through our property. We will not sell an easement to the ACP for any amount of money, and the ACP will have to take us to court to seize our property through eminent domain.

The map shows the route of the proposed pipeline on Miracle Ridge. It shows the locations of the two streams on either side of the proposed pipeline, and locations where we have documented the stream-flow sinking into the ground. It also shows 8 springs in proximity to the proposed pipeline that we have documented, including the spring on our property that is used by our neighbors Drs. Victor and Lora Baum for their water supply, and is our backup water supply as well, and the two springs at the head of the two streams that run in proximity, and generally parallel to the proposed path of the pipeline. The line carrying water from the water supply spring would be crossed by the pipeline on the Baum property, and it is not shown on this map. The location of our home and well are shown, as well as the locations of several photographs documenting the sinking streams which are included in these comments.

These photographs include:

Photos 259, 261, and 264 taken on 3/4/17, showing the stream at the toe of the north slope of Miracle Ridge sinking about 350 feet north of the border between parcels 14-18C, and 14-18E.

Photo 273 taken on 3/24/17 showing the stream in Cathedral Hollow sinking in a small pool about 400 feet above the property line between our parcel 14-18C, and the Baum property, parcel 14-18D.

I have documented these, and the other depicted sinking locations in numerous additional photographs which are not included in these current comments.

The map does not show elevation contours. Nevertheless, the entire area is very steep, particularly the slope and sideslopes of Miracle Ridge as I have documented in earlier comments. Miracle Ridge is also very narrow. The route of the proposed pipeline rises about 1,000 feet in elevation through our property. The general slope of the land is from south to north, with both streams running generally north. The locations of the sinks, springs, home, and well are approximate.

LO90-1

FERC's team of karst geologists and hydrologists independently evaluated the information concerning karst geology and hydrology and concluded that collectively, the information provided by Atlantic and DETI is sufficient to adequately characterize karst and water resources. The EIS details the reasons for our conclusions that, if ACP and SHP are constructed and operated in accordance with PHMSA regulations and project-specific construction, monitoring, and mitigation plans, as well as FERC staff recommendations, the projects would not result in significant impacts on karst features or water resources, or represent a significant risk to public safety.

Z-3102

# LANDOWNERS COMMENTS

## LO90 – William F. Limpert (cont'd)

20170406-5635 FERC PDF (Unofficial) 4/6/2017 4:08:59 PM

LO90-1  
(cont'd)

The route would pass through about 3,050 feet of our property, and almost all of that would be on Miracle Ridge. Miracle Ridge and the pipeline route are bordered on each side by hollows. On the northeast side a stream runs along the toe of the very steep side slope coming off Miracle Ridge. This slope stops abruptly at the stream. This side slope averages 66% throughout the property with a steepest section at 78%. On the southeast side of Miracle Ridge is Cathedral Hollow. This side slope of Miracle Ridge averages 39% with a steepest section of 58% above Cathedral Hollow, and it extends for hundreds of feet steeply to the stream in Cathedral Hollow. Cathedral Hollow is deeper than the hollow to the north of Miracle Ridge. The sinking streams indicate that karst terrain exists well up into these hollows along the path of the proposed pipeline.

As I have documented in my comments of April 4, 2017 and earlier, an extreme amount of excavation, including excavation through bedrock, would be required to place the pipeline on Miracle Ridge, or elsewhere on our property, for that matter. It is likely that large amounts of blasting would be required through 20 to 25 feet of bedrock. Due to the shallow bedrock, minimal soil, and the fact that only soil can be used to fill the 30 foot wide trench (per DEIS comments regarding trench width on steep slopes and pipeline construction) it would be very difficult to revegetate the disturbed areas. In fact, there may be no soil remaining after backfilling the trench to spread over the remainder of the disturbed area. See my comments from April 4, 2017.

The extreme amount of excavation and placement of fill on very steep slopes could cause landslides as the DEIS indicates. In fact, large natural landslides have occurred within several hundred feet of the proposed pipeline in Little Valley, and on our property in the summer of 2015. Besides the obvious safety issues regarding landslides, a landslide could send large amounts of soil and rock directly into the streams on both sides of Miracle Ridge. Additionally, even without a possible landslide, soil loss to these streams would be inevitable given the very large amount of excavation, the very steep slopes, and the absence of truly effective erosion and sediment controls. Furthermore, the ACP's failure to provide detailed grading plans and detailed erosion and sediment control plans, and FERC's complicity in not requiring those plans, exacerbates an already unacceptable risk of landslides, resultant catastrophic pipe failure, and very heavy sediment pollution.

Additionally, the extensive blasting required to install the pipeline on Miracle Ridge could easily fracture and collapse the limestone underground water carrying channels and the sinking locations in the adjacent waterways, and significantly alter underground flows to wells and springs, including the Baum water supply, the Keyser well, our well, and many other springs and wells in Little Valley. As I have stated, there is no public water within 15 miles of Little Valley. All of us use wells and springs.

No karst or geohazard on site survey has been completed on our property or in Little Valley to date, and only the ACP is responsible for that failure. We have never denied survey access to our property. In fact, in April of 2016 we, and our neighbors agreed to allow surveying, and all of us took time away from other issues to meet the surveyors. They never showed up. They stated that they would call in advance to confirm the survey. They didn't call. We were forced to call them the afternoon before the survey. They could not advise at that time if they would come, so we waited for their return call, and they called back later that day to say they were canceling the survey. They stated they would be back in several weeks, but didn't come back until November, 2016 for our neighbors surveys, and January 18, 2017 for our survey, and these surveys did not include karst or geohazard surveys which are still pending for later this year.

The ACP has failed to provide my wife and I with their survey findings of January 18, 2017 as demanded in two letters, both filed with the Commission. As I have stated, Eric Donajkowski of the survey crew observed the sinking stream at the northeast side of Miracle Ridge during that survey, and agreed that it was sinking while my wife and I were pointing it out to him. I once again demand these survey findings.

Z-3103

# LANDOWNERS COMMENTS

## LO90 – William F. Limpert (cont'd)

20170406-5635 FERC PDF (Unofficial) 4/6/2017 4:08:59 PM

LO90-1  
(cont'd)

The ACP survey crews have only marked 3 of the 8 springs shown on Figure 2. The marked springs include the Baum water supply spring, the spring at the head of the stream north of Miracle Ridge, and one of the springs in an area of springs near the same stream. During the survey I pointed out another spring in this area to Mr. Donajkowski, but he did not mark it.

I would also like to mention, once again, the ACP underreporting of springs in proximity to the pipeline. There are 8 springs shown on this map, all on 120 acres of our property. The DEIS lists only 3 other springs outside of Little Valley in all of Bath County, and a number of counties list no springs whatsoever. This underreporting is unacceptable, and FERC should require an accurate assessment of all springs and wells in proximity to the pipeline.

The map also points out another serious safety issue regarding the pipeline that has heretofore not been discussed. This is the fact that the pipe will be bent in the field, on site, and not in a controlled factory setting, to accommodate changes in the direction of the pipe. In the approximate 3,050 feet through the very steep Limpert property, where the pipeline would gain about 1,000 of elevation, the pipe changes direction, and will be bent on 8 separate locations. This would be done under very difficult conditions, with very steep slopes, and in adverse weather conditions, including possible work in the winter. This would make safe pipe construction even more difficult. Any bending of the pipe creates a more vulnerable location along the wall of the pipe for breakage, fracture, and weakness. Given the potential for land movement and landslides, and the revelation that the pipe will contain foreign steel, this additional safety concern becomes even more grave. This is not placement of a straight 42 inch gas pipeline through the plains of Kansas. This is placement through the steep landslide prone slopes, and karst terrain of Western Virginia and West Virginia, where numerous changes of direction are required, and the pipe is bent in many locations.

In summary, water resources on the Limpert property and in Little Valley would be gravely threatened by placement of the ACP along Miracle Ridge or other similar topography on the Limpert property. The serious threat to drinking water is a fundamental public health issue. Other matters, including failure to survey for karst and geohazards, underreporting of wells and springs in proximity to the proposed pipeline, failure to provide survey findings, and very serious pipeline public safety issues are exposed as well as as significant negative impacts that are not discussed adequately in the DEIS.

The DEIS dismisses all of these very serious issues as less than significant. This conclusion is grossly incorrect. The DEIS must be retracted and rewritten to satisfactorily assess the impacts from this proposed project. The ACP should not be constructed on the Limpert property, Little Valley, or the steep and karst terrain of Western Virginia and West Virginia.

William F. Limpert  
wlimpert@gmail.com

250 Fern Gully Lane  
Warm Springs, VA 24484  
540-839-3202

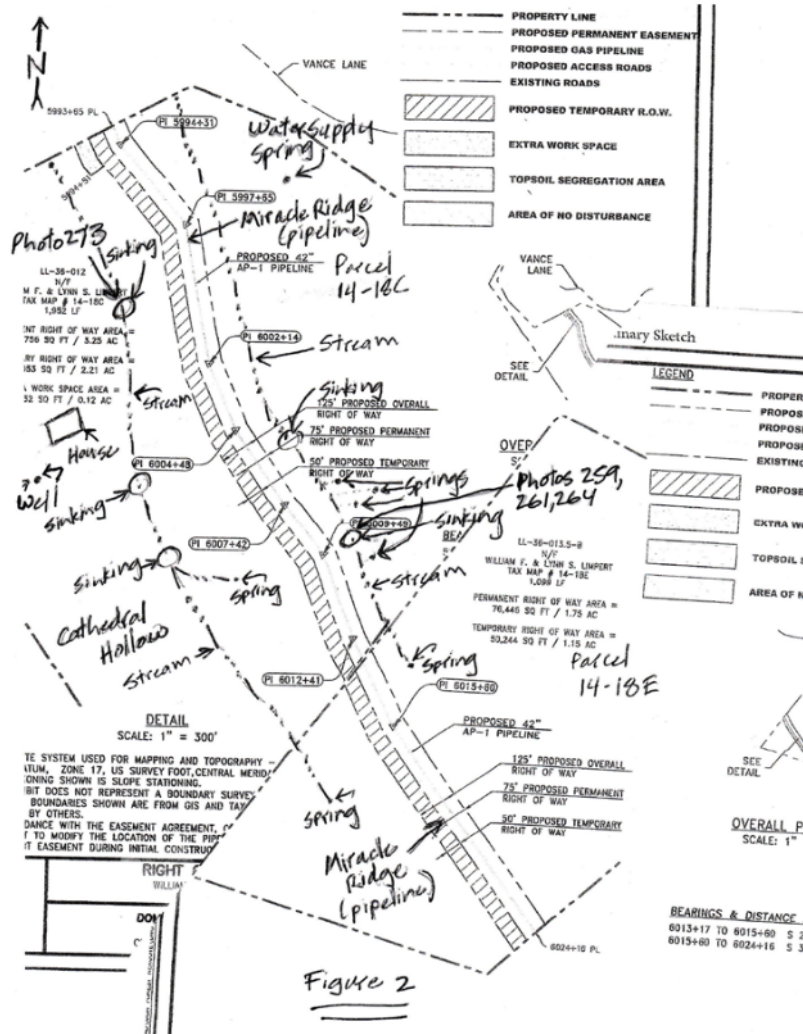
4102B Garfield Road  
Smithsburg, MD 21783  
301-416-0571

Z-3104

# LANDOWNERS COMMENTS

LO90 – William F. Limpert (cont'd)

20170406-5635 FERC PDF (Unofficial) 4/6/2017 4:08:59 PM



Z-3105

# LANDOWNERS COMMENTS

LO90 – William F. Limpert (cont'd)

20170406-5635 FERC EDF (Unofficial) 4/6/2017 4:08:59 PM



Photo 259



Photo 264



Photo 261



Photo 273

Z-3106



# LANDOWNERS COMMENTS

## LO91 – Mary Louisa Urquhart Bryant

20170407-0234 FERC PDF (Unofficial) 04/06/2017

ORIGINAL

RE: Docket Nos. CP15-554-000, CP15-554-001, CP15-555-000, CP15-556-000

COMMENTS ON THE ATLANTIC COAST PIPELINE AND SUPPLE HEADERS PROJECT DEIS

Once again I would like to address my concerns regarding the proposed Atlantic Coast Pipeline and its long route through the States of Virginia and North Carolina. I am specifically alarmed about the route proposed for Augusta County VA, where I am a property owner. The proposed pipeline route runs directly through the middle of the largest fields on my family farm. I realize that our situation matches that of numerous other families in Augusta Co. The most likely proposed ACL route, which goes from one side of this large county all the way to the Blue Ridge Mountains on the East, manages to traverse some of the most productive farm land in Virginia. Any disruption of agricultural use of these lands will cause a reduction in crop yield and a loss for farmers and the County. Proper return of topsoil to the top is most unlikely to happen. In some cases the heavy equipment needed for farming will be prohibited from easement areas. Current studies in other states indicate that productivity of crops will be less because the fertile and carefully nurtured soil is never put back as it was before pipeline construction. It will be many years before Augusta County and its citizens recover from the loss of farm income.

LO91-1

The ACL seems to be a win-win for Dominion, Duke and its other owners and a loss-loss for the citizens of Augusta County. What advantage do I receive for being the 6<sup>th</sup> generation owner of a heritage farm? It is hard to understand how a 42 inch pipeline through the middle of our fields can be a good thing for us and other farmers. A pipeline of this size reduces the value and usable acreage of a property. I and the farmer who leases our property depend on the yearly income. Property owners have been known to lose agricultural tax status when a commercial entity crosses the farm. Not to mention the problems with insurance companies when you want to insure farmland and you say you have a pipeline, a large pipeline on your farm. Somehow I view this as a negative for myself and my family and a big positive for these "utility" corporations. Something does seem strange about what is happening to the rights a citizen has for the control of his own land. What is happening to the right to personal freedom guaranteed to the citizens of Augusta County?

LO91-2

We are told that we will be paid for the easements and everything will be just fine in the future. No monies received from eminent domain court decisions will ever make up for the loss of revenue and destruction on our Heritage Farm held by the Harper family since 1800. The wonderful view, agricultural productivity and the tranquility of this historical home and farm will be replaced by the ever present fear of the pipeline a few feet away from our family home. Our family had understood that one of the exceptions and reasons to require rerouting of a pipeline was the presence of a National Historic Register house. Dominion and ACP have chosen to ignore that status granted to our Harper House several years ago. Although the house is no longer part of the farm, it is only a very few feet from the pipeline. (The house is still family owned and lived in by my daughter who is the 7<sup>th</sup> generation of our family to live there.) Research, that we have done, indicates that the said house is in the immediate blast zone for the pipeline and in case of an explosion, the house and occupants would be vaporized. There are also two school complexes, one in Stuarts Draft and one down the highway toward Waynesboro that fall in the evacuation zone. This scares me. I remember the Cold War days when the children I taught in Florida had regular drills for evacuation just in case Castro rattled the nuclear

LO91-3

- LO91-1 Comment noted. Section 4.12.1 has been revised to include discussion of potential safety impacts from heavy farm equipment and other large vehicles crossing the pipeline in open areas (i.e., not at road crossings).
- LO91-2 See the response to comment LO87-3.
- LO91-3 See the response to comment LO86-2. Section 4.12 includes a discussion of reliability and safety.

Z-3107

# LANDOWNERS COMMENTS

## LO91 – Mary Louisa Urquhart Bryant (cont'd)

20170407-0234 FERC PDF (Unofficial) 04/06/2017

LO91-3 (cont'd) | missiles. At least you would have had some warning of a missile attack but the good old pipeline does not give you a warning.

LO91-4 | I was present the day that the property was surveyed. H A HAI!! This survey was a joke. Although the land across the highway is known to have caves and karst formations, there were no drill holes made in the survey of the Harper land. To date they still have not drilled to determine if karst formations are hidden under the ground of Harper Farm. How does anyone know what lies below? All I saw them do was put up flags and recover a few pottery shards at the site of the former tenant house.

LO91-5 | Nothing seems quite "right" about the way ACP has been planned and the attempt has been made to "force" the will of Dominion on the Augusta citizenry. Existing right of ways have been ignored as possible pipeline routes. Proximity to schools has been ignored. I feel that our property was chosen because there was no development except our Historic home and that those open fields with highway frontage would make it easy to bury a pipeline. It may appear "prime" to Dominion but it is also prime to my family. Prime land for farming, prime land for family living and most importantly for over 200 years, it has been the prime center of that place of safety we call HOME.

Please listen to the pleas of Augusta County citizens and their County government. Please stop this pipeline. Its presence will only hurt the citizens of Augusta and surrounding counties. Unfortunately it will not only hurt them in their pocketbooks, but they will lose that sense of safety which is necessary for normal daily life. If it is absolutely necessary that this pipeline must be built, please reroute it so it will not be near homes and schools. I realize that this relocating is more expensive for Dominion, but safety of fellow humans should be of higher value than making money. After all we humans were here first and claimed our beautiful Valley farms and towns many years before there was an entity called Dominion. We should be considered first. Perhaps a little more planning up front should have gone in the planning of the ACP. Such planning would hopefully have eliminated some of the harm that is about to envelop Augusta County. Your governmental commission is all that can help us now. You are all that stands between Pipeline construction and our current way of life. Please be compassionate in your decisions. Please let the little guy win for a change!!! Please help us.

Thank you for your consideration of the heartfelt ramblings of a senior citizen property owner.

Mary Louisa Urquhart Bryant

Co-owner of Harper Farm

*Mary Louisa U. Bryant*

[MLbrvant504@att.net](mailto:MLbrvant504@att.net)

919-457-6876

504 Francisca Lane

Cary NC 27511

3/28/2017

LO91-4 | Comment noted. Electrical resistivity surveys, which would detect underground voids from karst, are planned to be completed prior to construction.

LO91-5 | Comment noted.

Z-3108

# LANDOWNERS COMMENTS

LO92 – James S. and Jean B. McClain

20170407-0238 FERC PDF (Unofficial) 04/06/2017

ORIGINAL

April 1, 2017

RE:  
OEP/DG2E/Gas4  
Atlantic Coast Pipeline  
Docket Nos.  
CP15-554-000  
CP15-554-001

FILED  
SECRETARY OF THE  
COMMISSION  
2017 APR -5 P 4:16  
FEDERAL ENERGY  
REGULATORY COMMISSION

RE:  
Map Parcel 4-00040000  
Pocahontas County Assessor  
900 Tenth Avenue  
Marlinton, WV 24954-1333

FROM:  
James S. McClain  
Jean B. McClain  
116 S. Spring Valley Road  
Wilmington, DE 19807  
302.981.4879  
302.981.4875  
[sims67@aol.com](mailto:sims67@aol.com)

TO:  
Kimberly D. Bose  
FERC  
888 First Street NE  
Washington, DC 20426

With respect to our WV property noted above and in previous communication with both FERC and ACP we requested full reports for every survey done on our property starting in July, 2016. The ACP representative at that time agreed to provide us with reports. In December, 2016, after several different surveys were completed, we were contacted by Mr. Daniel A. Post of Doyle Land Services representing ACP to present us with an offer for an easement agreement. We explained to Mr. Post our process to establish the value of our property and that this value could not be fully established until the path of the pipeline is set and staked. We also told Mr. Post that we had received no survey reports and that the variety of people contacting us was both confusing and presented conflicting information from supposedly authoritative sources. We requested a single point of contact, which is now Mr. Post. To date we have received only one report covering four springs. Mr. Post has contacted us two other times.

LO92-1

We have become increasingly concerned about what this pipeline will do to our springs and to the overall water picture on Valley Mountain. We have several springs which are at

LO92-1

Potential impacts, and measures to reduce impacts, on groundwater and springs, are discussed in section 4.3.1. Electrical resistivity surveys are planned to be completed prior to construction.

Z-3109

# LANDOWNERS COMMENTS

## LO92 – James S. and Jean B. McClain (cont'd)

20170407-0238 FERC PDF (Unofficial) 04/06/2017

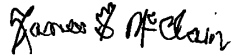
LO92-1  
(cont'd)

elevations well above most other springs on Valley Mountain. Five of these springs converge to form a small stream with year round varying flow. That stream then disappears into the earth further down the mountain not far from the pipeline path. There are many survey markers where the stream goes underground, so this spot has been heavily studied. A report on this survey would be helpful in understanding the intricate geology and hydrology of our property and possibly affect the location of the pipeline.

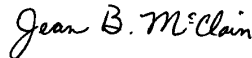
Given that Valley Mountain is a heavy karst area in the region, the depth to which the pipeline runs is important. The earliest information we received set the pipeline ditch depth at about 7.5 feet. That has now increased to more than twelve feet when sand beds around the pipe are included. In places where the pipeline goes through cliffs the cut will be even deeper and blasting in that area might seriously damage both the geology and hydrology of an area well beyond the boundaries of our land. We therefore request that the underground structure beneath our property be surveyed and evaluated by ACP, and at their expense, before we reply to ACP's initial offer.

While we are minimally educated in studying subsurface geology and hydrology, experts have suggested Ground Penetrating Radar, Electrical Resistive Tomography, and Seismic Refraction Tomography as possibilities for such a study. Given the karst area directly involved here is part of a larger karst formation, this survey might well be expanded to the area from Elk Mountain in Randolph County through Middle Mountain in Pocahontas County.

Yours respectfully,



James S. McClain



Jean B. McClain

Z-3110

# LANDOWNERS COMMENTS

## LO93 – Carson and Bonnie Ralston

20170407-0249 FERC PDF (Unofficial) 04/07/2017

April 3, 2017

Mr. Nathaniel J. Davis, Sr.  
Deputy Secretary, FERC  
888 First Street NE, Room 1A  
Washington, DC 20426

ORIGINAL

FILED  
2017 APR -7 AM 11:23  
REGULATORY COMMISSION

Dear Mr. Davis,

LO93-1

We are very concerned that the proposed Atlantic Coast Pipeline (FERC Docket # CP15-554) is being considered for placement on land within the George Washington National Forest. We feel the negative environmental impacts caused by the construction and operation of this project would be far reaching and permanent. Proper management of forest resources and forest health does not include the introduction of a 42-inch natural gas pipeline.

We are concerned about the proposed pipeline's impacts on steep slopes creating erosion and landslides. Wildlife habitat will be destroyed. Water quality and quantity will be damaged. These mountains in the George Washington National Forest in Bath, Highland and Augusta Counties in Virginia create the headwaters of both the James River and the Potomac River. This area provides Virginia with large quantities of high quality water. The damaging effects of this proposed pipeline will be far reaching.

We are urging the Forest Service to complete a very careful review of this project's proposed path through the George Washington National Forest. We are asking the Forest Service to adhere to the process that is followed for every other case of this nature that's presented to it. We are asking the Forest Service to follow the law and the appropriate timelines and to reject Dominion's requests to shortcut the process for approval of the Atlantic Coast Pipeline.

There is too much at stake for our public lands for this decision to be rushed.

Thank you very much,

*Carson Ralston*  
*Bonnie Ralston*

Carson and Bonnie Ralston  
3441 Deerfield Valley Road  
Deerfield, VA 24432

cc: Thomas Tidwell Chief, US Forest Service  
Kathleen Atkinson Regional Forester  
Tony Tooke Regional Forester

LO93-1 The comment is noted. See responses to comments CO5-1 and PM4-27.

Z-3111

# LANDOWNERS COMMENTS

## LO94 – Roberta Koontz

20170407-5090 FERC PDF (Unofficial) 4/6/2017 6:20:58 PM

CP15-554-000

To: Kimberly Bose, FERC From: Roberta K Koontz Date: 4/6/17

Reference: CP15-554-000

LO94-1

Subject: Which property in the path of Dominion's ACP was chosen by Dominion for evaluation & study as a property of historic importance. Our protest that Dominion is not in compliance with their obligation to identify and protect historic properties endangered by the ACP. DEIS must address protection of historic properties in the path of the ACP.

Dear Ms. Bose,

These two properties are located on SR629 in the path of Dominion's ACP. The first property is located in Augusta County. The second property is located in Bath County. The properties are about two miles apart.

Dominion hired consultants to study & survey potentially historic properties by county in the path of the ACP. The results of this survey have been sent to the Virginia Department of Historic Resources (DHR File # 2014-0710) and were recently filed with FERC. Dominion refers to Section 106 and Addendum 5 with respect to this document as an Architectural Survey. It is the ONLY document we have ever seen where Dominion addresses historic properties in the path of the ACP.

***And now for a FERC quiz!!!***

Only one of these two properties (both in the path of the ACP) was selected for study by Dominion's consultants as a potentially historic property. Only one of these properties is included in the Architectural Survey just produced by Dominion.

Which of the following two properties do YOU think was selected by Dominion for study & evaluation as a potentially historic property of importance?

And which property do YOU think has been completely ignored by Dominion with respect to being a historically important property? With the 1797 house in the blast zone of the ACP. And also with an ACP access road running right through the center of the homesite within feet of the historic home, barns, etc. And is also 1000-acres with many options for the ACP & access road that do not endanger the lives of the owners, the historic structures, potential archeological sites, etc.

***Clue:*** One of these properties actually is a property of significant historic importance. This property has been well documented as a historic property for many years. The owners of this historic property placed two Virginia Outdoors Foundation (VOF) Conservation Easements on the property to protect and preserve it for future generations to enjoy. These two VOF conservation easements are being ignored by Dominion and VOF. This property will be registered as a Virginia Landmark by DHR and registered on the National Registry in the very near future.

LO94-1 Comments are noted.

Z-3112

# LANDOWNERS COMMENTS

## LO94 – Roberta Koontz (cont'd)

20170407-5090 FERC PDF (Unofficial) 4/6/2017 6:20:58 PM

CP15-554-000

LO94-1  
(cont'd)



Property #1 is in Bath County and is known as The Wilderness.

Z-3113

# LANDOWNERS COMMENTS

## LO94 – Roberta Koontz (cont'd)

20170407-5090 FERC PDF (Unofficial) 4/6/2017 6:20:58 PM

CP15-554-000

LO94-1  
(cont'd)



Property #2 is in Augusta County.

**AND THE ANSWER IS:**

**Property # 2** was chosen by Dominion for evaluation as a historic property. This property is shown in Dominion's Architectural Survey Report as Figure 007-5741 and was studied by Dominion's consultants along with other properties in the path of the ACP. Dominion has asked DHR to study this property along with others in the lengthy report. After studying & surveying the property, Dominion's consultants do not feel that the property is eligible to be designated as a property of historic importance.

Property # 1 was not selected for study by Dominion as a property of historic importance in the path of the ACP. Obviously, Dominion considers property #1 to be more important for study than property #2.

**Conclusion:** How could Dominion have selected Property #2 for study and excluded Property #1 which obviously has a historic Georgian colonial house. And why did Dominion have select many other obviously modern homes for study.

Dominion's Architectural Survey Report is erroneous, disturbing and incomplete. It is an expensive waste of time and perhaps intentionally misleading. It appears that Dominion deliberately avoided including properties that are actually of historic importance. Instead,

Z-3114



# LANDOWNERS COMMENTS

## LO94 – Roberta Koontz (cont'd)

20170407-5090 FERC PDF (Unofficial) 4/6/2017 6:20:58 PM

CP15-554-000

LO94-1  
(cont'd)

Dominion selected properties that obviously have very limited or no historical importance. The survey was full of houses that look like Property #2 or were obviously modern.

**And surprise, surprise!** After surveying, photographing, mapping and studying the properties in their report, the Dominion consultants reached the conclusion that the vast majority of these properties are not historic. So Dominion can now claim that no historic properties are endangered by the ACP.

FERC should force Dominion to conduct a comprehensive study of ACTUAL historic properties along the ACP. I know there are such properties in Bath County potentially endangered by the ACP (Fort Lewis, The Wilderness, perhaps the Revercomb home and The Wilderness School) and many in Nelson County. The DEIS does not address how historic properties will be protected with respect to the NHPA and DHR regulations. And perhaps other laws and regulations intended to preserve historic treasures for future generations.

Our farm has been in continuous cultivation since the 1740s. Cattle from the farm were transported to our soldiers in the French and Indian War. The 1797 - 1815 Georgian brick house was built by a Revolutionary War General on property owned by another Revolutionary War General. The brick carriage house was the first one built in Bath County.

Early owners of the property were instrumental in the settlement of western Virginia and West Virginia. They were active in civic and military matters. One was a member of the 1st US Congress and Governor of Georgia.

The early owners of our historic property fought against tyranny and helped form our democracy. Now we are fighting against tyranny that allows a for profit corporation to steal property from American citizens. And then force the land owners to live in permanent danger from the ACP on property they cannot possibly sell due to the ACP.

There are so many flaws in the DEIS and actions of Dominion to shove the ACP across private property. It is difficult to fight all the ACP issues but we must look to FERC for proper oversight of Dominion. And for the protection that we all deserve as Americans who have worked all our lives to support ourselves. And to have a peaceful live in the end of ours days as my husband and I hoped to do. Until the ACP.

Regards,  
Roberta K Koontz  
The Wilderness - Bath County  
wildernessfarm@mgwnet.com

Z-3115

# LANDOWNERS COMMENTS

## LO95 – Roberta Koontz

20170407-5093 FERC PDF (Unofficial) 4/6/2017 7:56:19 PM

cp15-554-000

To: Kimberly Bose, FERC From: Roberta K Koontz Date: 4/6/17

Reference: CP15-554-000 Subject: DEIS Does Not Address Endangered Species

Dear Ms. Bose,

LO95-1

The DEIS does not address locations of endangered species in our property and other properties. VGDIF confirms the habitat of the James River Spineymussel in our Mill Creek. We believe we have the Rusty Patched Bumble Bee. (See previous FERC Filings.)

We used to have many bats living on the property and have see a decline in the past 13 years. We believe that our bats are endangered in general and in particular, by the ACP which has placed our home in the blast zone. I have attached an article from *The Recorder* that illustrates the issue with bats and the ACP.

Bats play a huge role in balancing the environment and we want to protect our bats. We also believe we have plants that may be endangered. The EIS must be modified to address endangered species.

Further, Dominion never conducted a study of our property before producing the DEIS. It looks like we and our environment do not matter to Dominion. I worked with companies that produced many studies, evaluations, technical publications, etc. I never experienced any legitimate company producing a document before conducting the appropriate studies, site visits, etc. Important components of a project were not just overlooked or deliberately excluded.

Shame on Dominion. Shame on FERC. Sloppy work. Sloppy oversight.

FERC should require Dominion to completely revise the DEIS to generate a comprehensive study with specifics of issues, alternatives, remedies, impact and costs to land owners for all that is lost to them by the ACP. Dominion should be prohibited from making statements such as "gas pipelines do not negatively impact property values" which is clearly absurd. Claims and conclusions made by Dominion should be supported with facts and substantiated with more facts. Endangered species should have comprehensive coverage in the next EIS.

Regards,  
Roberta K Koontz  
The Wilderness - Bath County  
wildernessfarm@mgwnet.com

### Pipeline route near bat habitat

By John Bruce • Staff Writer

LO95-1

Section 4.7 discusses special status species (including federally threatened and endangered species), consultations with federal and state agencies, survey results, impact analyses for each species potentially found in the project area, and avoidance, mitigation, and conservation measures for each species.

Z-3116

# LANDOWNERS COMMENTS

LO95 – Roberta Koontz (cont'd)

20170407-5093 FERC EDF (Unofficial) 4/6/2017 7:56:19 PM

cp15-554-000



**Rick Reynolds, wildlife biologist, Virginia Department of Game and Inland Fisheries, explores a cave. At right, this cluster of Indiana bats was found in Bath County. (Photos courtesy Rick Lambert)**

**MONTEREY – Bad news for bats.**

More than 90 percent of the two most common bat species in Highland and Bath counties are gone due to White Nose Syndrome, and the proposed Atlantic Coast Pipeline route would closely brush documented habitat federally endangered bats hoped to return.

A recent survey of bat habitats coordinated by the Virginia Department of Game and Inland Fisheries found the number of once-common little brown bats was down 99 percent from the previous survey two years ago. The count for tri-colored bats was down 93 percent.

A third species, the federally endangered Indiana bat, “was declining before WNS showed up and is still declining,” noted Rick Reynolds, DGIF wildlife biologist.

Z-3117

# LANDOWNERS COMMENTS

## LO95 – Roberta Koontz (cont'd)

20170407-5093 FERC PDF (Unofficial) 4/6/2017 7:56:19 PM

cp15-554-000



According to [Virginia Cave Board](#) member Rick Lambert of Monterey, who participated in the survey, a documented Indiana bat roost tree is located less than 300 yards from the pipeline study corridor centerline. The tree is 1.33 miles to the west of the Dever Spring recharge area on [Big Ridge](#), between Townsend and [Erwin](#) drafts. A second documented Indiana bat roost tree is located 2.15 miles north of the recharge area. A third is 1.12 miles to the southwest of the recharge area, and a fourth is a tenth of a mile southeast of the recharge area on the east side of [Back Creek Mountain](#).

A Virginia Big-eared bat hibernacula is 1.5 miles north of the Dever Spring recharge area.

Declining Indiana bat populations, caused by human activity, prompted their listing 50 years ago as “in danger of extinction” under the Endangered Species Preservation Act of 1966. The bat is listed as endangered under the current [Endangered Species Act](#) of 1973.

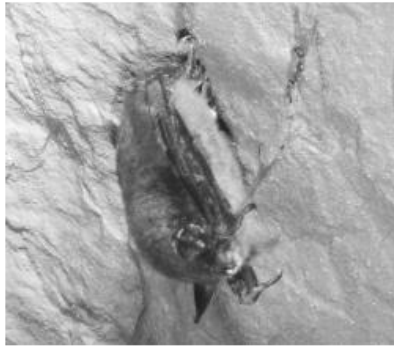
Z-3118

# LANDOWNERS COMMENTS

## LO95 – Roberta Koontz (cont'd)

20170407-5093 FERC PDF (Unofficial) 4/6/2017 7:56:19 PM

cp15-554-000



**This little brown bat was found alone and suffering from white nose syndrome. (Photo courtesy Rick Lambert)**

Listing protects the Indiana bat from being harmed, harassed, or killed and requires federal agencies to conserve the species.

While not a specific threat to some bat species, the proposed pipeline's route could harm the federally endangered one, Lambert explained.

"The ACP is not a threat to the tri-colored and little brown bats any more than it is a threat any other bat species due to the possibility of roost trees being cut," Lambert said.

Roost trees are generally older trees that allow the bats to get up under the bark.

In the [Townsend Draft](#) area, the pipeline project will be a threat to the Indiana bat due to the proximity of that roost tree. This colony probably has many roost trees in that area, which they move to periodically to keep parasites down, Lambert said.

One Indiana bat colony has been tracked moving anywhere from a tenth of a mile to two miles to fresh roost trees, which are usually at least 200 years old, Lambert said.

No one knows where the alternate roost trees are located. "We know so little about the location of roost trees that the loss of any known roost tree should be a concern to DGIF and DCR (the [Department of Conservation and Recreation](#)). The main problem is, they don't know how to protect the Indiana bat outside of the hibernacula," Lambert said.

Z-3119

# LANDOWNERS COMMENTS

## LO95 – Roberta Koontz (cont'd)

20170407-5093 FERC PDF (Unofficial) 4/6/2017 7:56:19 PM

cp15-554-000

Reynolds pointed out the importance of bats. “An underlying question concerning many wildlife species, especially those that are not as charismatic as say deer, bear, or turkey, is why should I care? Or, what do they do for me? Bats play an important role in the ecosystem and have been critical as a natural night-time insecticide. All of the bat species found in [Virginia](#) eat insects, helping to control agricultural, forest, and residential pests, reducing the damage to crops, forests, and residential areas, while reducing the amount of pesticide applied on the landscape,” he explained.

“One paper estimated the average cost savings in reduced application of pesticides on agricultural crops to be about \$74 per acre. When you extrapolate this across the continental croplands of the U.S., the savings is roughly \$22.9 billion per year. These savings are just in reduced application of pesticides and do not include the added cost of impacts from pesticide drift and impacts to non-target species that are beneficial to agriculture,” he said.

“Bat guano is an important agricultural fertilizer in many parts of the world and was once mined from caves in the southwest [U.S.](#) [The](#) fruit bats of the tropics are important pollinators and seed dispersers of many plants — bananas, cashews, guava, etc. — that we consume on a daily basis.

“The study of bats has added to our understanding of many other issues including: study of bat echolocation has helped in the development of sonar and navigational aids; study of vampire bats and their ability to keep blood from coagulating has led to the discovery of a drug for treating blood clotting diseases, emboli and stroke.”

The spread of WNS and wind energy development are the two chief threats to bats, Reynolds said. “Depending on whether you are a tree bat or a cave bat, that will determine which threat affects you. Both of these threats have accounted for the loss of millions of bats over the past 10 years. Because bats typically produce only one or two young per year, these losses are significant, as it will take decades to replace these losses provided the current losses are curtailed,” he explained.

“We can classify bats as tree or cave bats based on where they hibernate, if their tail is furred and the average number of pups they have. Tree bats — red, hoary, and silver-haired bats — typically hibernate in tree cavities or under logs, their tails are covered with fur, and they usually have twins, but some species can have up to four pups. Cave bats — little brown, big brown, Indiana, etc. — typically hibernate in caves or mines, their tails are naked, and they usually have a single pup, but some cave bats have twins. Tree bats are also known to migrate longer distances between summer

Z-3120

# LANDOWNERS COMMENTS

## LO95 – Roberta Koontz (cont'd)

20170407-5093 FERC PDF (Unofficial) 4/6/2017 7:56:19 PM

cp15-554-000

and winter roosts than cave bats. Some tree bats will summer in northern NA and winter in the southern states. Cave bats move between summer and winter roosts as well, but these movements can be as short as tens of miles or up to several hundred miles.

White Nose Syndrom is a disease caused by a cold loving fungus that was introduced to caves in the eastern United States from Eurasia back in 2006, Reynolds said. "It first appeared in several caves outside [Albany, N.Y.](#), and has now spread to 29 states and five Canadian provinces. Seven species have been confirmed with the disease, and another five have been found to carry the fungal spores, but the disease has not developed. The fungus grows best at temperatures between 40 and 50 degrees Fahrenheit and in high humidity — the ideal hibernacula conditions for cave dwelling bats.

"The fungus grows into the exposed dermis layers of bats around the muzzle, wings, and tail membrane. Growing into the dermis causes water loss and dehydration along with the loss of other critical physiological processes. This disturbance causes bats to wake up from hibernation more frequently, using up the limited fat reserves needed to survive the winter. At sites during the initial year of infection, bats can be seen flying around the entrances to caves during the middle of the day in the middle of winter when snow was on the ground, presumably looking for food and/or water."

Reynolds said WNS is responsible for the death of millions of bats in the eastern U.S. and now the Midwest. Three species — little brown, tri-colored, and northern long-eared bats, once very common to Virginia — have all declined by more than 90 percent of their pre-WNS population numbers, he said. "Caves that once had thousands of bats are lucky to have a 100 bats remaining after the impact of WNS," he said.

"Wind energy development is an important renewable resource that reduces our dependency on fossil fuels and the associated pollutants. An unexpected downside to wind turbines is large number of tree bats that are killed at these facilities each year, mainly during the fall migration period. It is unclear what attracts bats to the wind farms, it could be the insects that are attracted to the warm generators, or these large 'tree looking' structures may appear to be potential roosts for bats, or they could just be in the natural path of bats as they migrate south for the winter," he said.

"Fatality surveys at wind turbines have shown that tree bats account for the majority of fatalities with cave bats representing a smaller proportion. These studies have also shown that fatalities occur at low wind speeds

Z-3121

# LANDOWNERS COMMENTS

## LO95 – Roberta Koontz (cont'd)

20170407-5093 FERC PDF (Unofficial) 4/6/2017 7:56:19 PM

cp15-554-000

and are often associated with weather fronts in late summer and fall. These conditions provide a management option for wind farms to reduce their impacts on bats without losing much energy production. Studies have already shown that fatality rates can be reduced by as much as 80 percent when cut-in speeds are increased during the fall migration period.”

Winter bat counts started in the 1980s as a means to monitor changes in bat populations during the hibernation period, Reynolds explained. “Several species of bats hibernate in large clusters in open areas in caves or mines and typically have fidelity to these roosts.”

This, he said, makes monitoring population changes easy for these species — little brown bat, Indiana bat, Virginia big-eared bat, to mention a few. But some species that hibernate outside of caves, such as red bat, silver-haired bat, etc., or deep in cracks and fissures or under rocks in caves like the northern long-eared bat, small-footed bat, and others, making them difficult to find and monitor.

“We then have to rely on other monitoring techniques to measure population changes for these species. Other techniques include acoustic recordings, mist-netting, harp trapping, or exit counts,” he said.

“The hibernation period is the time when bats move to protected roosts to live out the winter, usually from November through March into early April, depending on how autumn and spring develop. Bats hibernate through the winter because their food source, insects, is no longer available. Bats increase their foraging activity during the fall, adding body weight before going into hibernation. The added fat reserves allow them to make it through the winter months.

“Bats usually look for roost sites where temperatures remain fairly constant and they lower their body temperature to the ambient temperature of the roost in order to use less energy (body fat). Typical roost temperatures are in the 40-50 degree range. Caves and mines are the typical hibernacula we think of, but bats will also hibernate in human structures, cavities in trees, under logs, under boulders, in deep rock crevices, and other features with stable temperatures.”

Many agencies, organizations, and volunteers participate in the bat surveys, Reynolds said. “Our hibernacula surveys include a large cooperative effort between state and federal agencies, academic institutions, and volunteers.”

Federal agencies include [U.S. Fish and Wildlife Service](#), [U.S. Forest Service](#), [National Park Service](#), and [U.S. Geological Survey](#); academic institutions include [Radford University](#), [Virginia Tech](#), and [University of Tennessee](#); state agencies include the Department Conservation and

Z-3122



# LANDOWNERS COMMENTS

LO95 – Roberta Koontz (cont'd)

20170407-5093 FERC PDF (Unofficial) 4/6/2017 7:56:19 PM

cp15-554-000

Recreation's Division of [Natural Heritage](#), Department of Game and Inland Fisheries; volunteers included individuals from the [Virginia Speleological Survey](#), Virginia Tech Cave Club, Radford University and Virginia Tech student volunteers.

Z-3123

# LANDOWNERS COMMENTS

LO96 – Shawna, William, and Sandra Bratton

20170407-5101 FERC PDF (Unofficial) 4/6/2017 10:22:28 PM

1430 Terrace St  
Staunton, VA 24401

Also: 26067 Sam Snead Hwy  
Warm Springs, VA 24484

April 3, 2017

Kimberley D Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St NE, Room 1A  
Washington, DC 20426

Reference Docket CP15-554-000

Federal Energy Regulatory Commission Members and Acting Chair Cheryl LaFleur,

We are writing to you today to express our concerns about the proposed Atlantic Coast Pipeline (ACP) project as referenced in the above Case Docket #CP15-554-000 and more specifically, our concerns about the Draft Environmental Impact Statement (DEIS) released December 30, 2016.

We made oral comments at the FERC meeting held in Monterey, VA in March of 2017 at the Highland Center so those comments are on record. However, at that meeting, we also indicated that we were still continuing to review the DEIS as it is an extensive document as well as the ACP route itself as it had just been recently surveyed on our property. One surveyed section was impossible to access and be reviewed by us until the winter weather conditions had passed.

LO96-1

The area of particular environmental concern to us is the placement of the pipeline **LATERALLY** in very rocky, cliff like areas on the top of Little Mountain in Bath County, VA for nearly a half-mile!! We are talking about very tall rocks and complex masses of rocks – not little round boulders! This occurs in the 92.25 – 92.75 mile area of the proposed Atlantic Coast Pipeline (ACP). Yet, Dominion makes almost no mention of this in the DEIS and acts as if they can control the serious environmental impacts by just writing a couple of paragraphs. They also act as if there will be no permanent landscape changes to the top of the mountain – yet, there will be serious landscape changes!

Let us explain the reality on the ground – the upper section of Little Mountain in Bath County, VA is very steep, rocky, rugged and full of mountain laurel. When the survey crew came, they spent maybe a ½ a day at the most surveying this particular area. We recognize that there is a fairly narrow area to work with here for the pipeline route on the upper 15% or so of Little Mountain as numerous sinkholes must be avoided, karst areas exist, and multiple springs are present just below this

LO96-1

Blasting is discussed in section 4.1.2.2. Additional temporary workspace is discussed in section 2.2.3.

Z-3124

# LANDOWNERS COMMENTS

## LO96 – Shawna, William, and Sandra Bratton (cont'd)

20170407-5101 FERC PDF (Unofficial) 4/6/2017 10:22:28 PM

LO96-1  
(cont'd)

proposed pipeline route that provide the drinking water supply for our family and our sizeable livestock operation. However, it appears that the surveyors just blindly followed the route on a Dominion map and marked it. I guess they were in too big a hurry to get the paperwork submitted to you and hope that you would just play right along and issue the DEIS on their time schedule. They didn't even bother to mark the outer edges of the pipeline construction right-of-way area – We guess it was too difficult to walk through there! Makes you wonder if there should even be a pipeline there in the first place!

It does not appear that the pipeline surveyors even considered just slightly alternate routes that would keep the pipeline out of the most rugged and rockiest areas of the mountain as well as to keep from permanently destroying the mountaintop. It is as if Dominion chose the worst environmental and most costly area to route the pipeline through in this particular section of Little Mountain. The environmental devastation will be visible for miles and will be especially damaging for an area that many people travel through because of the natural beauty and scenic farmland that is present all around.

While we have expressed previously our concerns about the truly legitimate need for the ACP in the first place, and we are not one bit happy about having to live with looking at the pipeline for the rest of our lives, we will be especially unhappy if at least reasonable adjustments are not explored for this section of the ACP route to lessen the environmental damage and the permanent flattening of mountaintop terrain. What happens if the construction crew gets to the pipeline route, and all of the suddenly realizes that there are more obstacles there than previously thought? Do they get to just arbitrarily change the pipeline route? Yet, Dominion wants you to sign a document where they have marked the pipeline route on the map. Sorry, but nothing is being signed until this part of the ACP route has been thoroughly reviewed again!

The first environmental concern with this specific area is that it is not wide enough and flat enough to support construction equipment to start with. That means that some kind of support pad has to be built. Either the rock has to be blasted or busted apart or loads upon loads of extra fill material have to be hauled up steep slopes and side slopes. We see nothing in the DEIS that addresses this issue or calls for extra work areas.

LO96-2

Secondly, the DEIS mentions the practice of using the excavated material to form a work surface along one side of the pipeline trench. Somehow, busted rock and reduced rock rubble do not seem to be ideal materials to form a work surface along the trench. Again, additional non-native material must be hauled in to this area. We were assured by Dominion that only native material would be used during the construction of the ACP. Furthermore, the access road for hauling this material is going to be located well below the area of the route needing additional workspace material. This means that this workspace material will be hauled up along the pipeline right-of-way on the steepest slopes that will be difficult to stabilize and re-

LO96-2      Comment noted.

Z-3125

# LANDOWNERS COMMENTS

## LO96 – Shawna, William, and Sandra Bratton (cont'd)

20170407-5101 FERC PDF (Unofficial) 4/6/2017 10:22:28 PM

LO96-2 (cont'd) | vegetate – plus there will be additional soil compaction and erosion. We see almost no mention of the use of wooden or geotextile pads to control traffic impacts. We see no mention of traffic control along this steep and treacherous route.

LO96-3 | Thirdly, the control of the “spoils” from blasting or rock trenching is another major issue of concern. The slope exceeds 30% on both sides of the mountaintop. If you just stand there on the mountaintop and pitch a small rock the size of your palm down the mountain, it will roll for distances that well exceed the 175 ft workspace area of the pipeline. How do you realistically think Dominion is going to stop larger boulders? We are familiar with silt fences and reviewed the so-called Super Silt Fence that Dominion mentioned in the DEIS. This silt fence will literally get crushed by some of these rocks as they break loose and roll down the mountain. It is simply not sufficient enough. The use of berms was also mentioned. First, these berms are going to have to be very deep and wide – 8 ft or more to stop the size of some of these rocks. That is a permanent change in the landscape! You can try to take the berms out at the end of the pipeline construction, but you will not be able to restore the terrain back to where it was. This leads to more soil compaction, more opportunities for soil erosion, damage to soil health and microflora, and restraints to getting the area re-vegetated in a rocky area. Again, this is a permanent change of the mountaintop.

LO96-4 | Fourth, the pipeline trench cannot be backfilled to the normal contour of the land before construction started. Once you have to start busting, blasting and removing large rocks, you severely reduce the volume of available fill. Once again, padding material will have to be added to stabilize the pipeline and this will have to be trucked in and hauled up the steepest slopes of the mountain. You change the shape, size, folds, cliffs, and micro-climate of those rocks forever. Therefore, the terrain will never be the same again and will be permanently altered despite the claims that Dominion makes in the DEIS.

LO96-5 | Lastly, these rock removal operations will create a negative noise impact on our livestock and our thriving guest fishing and agri-tourism business. Livestock do not perform as well when subject to loud noises which leads to health issues and lower prices. Our fishing guests come to enjoy the peaceful solitude and the calming presence of the babbling Jackson River in addition to great fishing. They do not come to listen to industrial noises! And yes, the noise will be heard – not only by us, but by our neighbors on both sides of the mountain including Little Valley! During deer hunting season, gunshots echo across the valley for miles. There's no doubt that blasting, rock trenching and rocks rolling down the mountainside will create even more noise than gunshots do and for extended periods of time. These construction operations will negatively impact the income of our businesses, and it does not appear that we will be properly compensated for these losses.

To help you better understand the nature of the terrain in question, we have attached several pictures to illustrate these environmental concerns. There are plenty more pictures that could be attached, but these should best illustrate the

LO96-3 | Comment noted.

LO96-4 | Comment noted.

LO96-5 | See the response to comment CO111-3.

Z-3126

# LANDOWNERS COMMENTS

## LO96 – Shawna, William, and Sandra Bratton (cont'd)

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environmental concerns that exist. None of these pictures have been altered, photo-enhanced or modified in any way other than to reduce the file size, so that they could be transmitted electronically. The orange ribbon marks the centerline of the pipeline (please pardon the family dog in one photo).

LO96-6

We ask that FERC take these environmental concerns of pipeline property owners seriously and don't just rely on the word of Dominion that they are going to do everything right. These property owners know their properties better than anyone else. It disturbs us that Dominion is still in the process of collecting environmental information after the DEIS has been released. We believe it would be fairer on everyone's part to have the information up front before determining the final route of the ACP. We urge you to request that Dominion and their surveyors review this section of the ACP again. With slight adjustments, we believe that it is possible to come up with a more environmentally acceptable route across this part of Little Mountain in Bath County, VA that does not place the pipeline laterally through a large section of rocky mountaintop terrain. We are being more than accommodating with this request.

We also request that you have Dominion review other areas along the ACP that are affected by mountaintop removal activities as these activities will have negative effects on surrounding neighbors, the surrounding landscape, land and water resources and local economic activity.

Shawna Bratton  
William Bratton  
Sandra Bratton

CC: VA Delegate Creigh Deeds  
VA Delegate Ben Cline  
Representative Bob Goodlatte  
Senator Mark Warner  
Senator Timothy Kaine  
Highland Co Board of Supervisors  
Bath Co Board of Supervisors

Attachments:

LO96-6 Comment noted.

Z-3127

# LANDOWNERS COMMENTS

LO96 – Shawna, William, and Sandra Bratton (cont'd)

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Z-3128

# LANDOWNERS COMMENTS

LO96 – Shawna, William, and Sandra Bratton (cont'd)

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Z-3129

# LANDOWNERS COMMENTS

LO96 – Shawna, William, and Sandra Bratton (cont'd)

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Z-3130



# LANDOWNERS COMMENTS

LO96 – Shawna, William, and Sandra Bratton (cont'd)

20170407-5101 FERC PDF (Unofficial) 4/6/2017 10:22:28 PM



Z-3131

# LANDOWNERS COMMENTS

## LO97 – Roberta Koontz

20170316-5107 FERC PDF (Unofficial) 3/16/2017 1:11:24 PM

To: FERC  
FROM: Roberta K Koontz  
The Wilderness  
[wildernessfarm@mgwnet.com](mailto:wildernessfarm@mgwnet.com)  
Bath County, Virginia  
Regarding: ACP = CP15-554-000  
Date: March 16, 2017  
Subject: Dominion filings lack specificity in all communication about ACP and ignores or fails to address serious known issues. Dominion refuses to meet with us despite serious issues we have identified about the ACP crossing our property. Dominion has never set foot on our property to evaluate issues yet claims there are no issues and that they are cooperating with land owners in the path of the ACP.

Dear FERC,

- LO97-1 | Our 1000-acre historic farm (The Wilderness) is in the direct path of Dominion's ACP. Despite efforts from our attorney (Isak Howell) to arrange a meeting with Dominion, they refuse to respond to his requests and messages. Dominion has never agreed to meet with us despite their wide claims that they are working closely with and cooperating with land owners. **That is a blatant lie.** One of many lies from Dominion. And sadly for all land owners, FERC continues to ignore the lies of Dominion.
- LO97-2 | Most recently, at a Virginia Outdoors Foundation (VOF) meeting to discuss Dominion's request to swap land in order to cross land with conservation easements, Dominion publicly stated in the meeting that "perhaps there was something they could do to accommodate the Koontz". That remark was in response to a video where my husband (Robert S Koontz) spoke about our opposition to VOF allowing the ACP to cross our land with TWO conservation easements of long standing. We were too ill to attend the 2/9/2017 board meeting of VOF so the Southern Environmental Law Center (SELC) of Virginia made a video of my husband speaking from our home in advance of the meeting. SELC representatives showed the video at the VOF meeting on 2/9/17. Dominion's response to our video at the VOF meeting on 2/9/17 was **another BLATANT LIE.**
- LO97-3 | There are serious karst issues on our property that have been identified by experts. Dominion has claimed there are "no karst issues" with the current path of the ACP. No issues of karst on our property. **That is ANOTHER blatant lie.** We have tried to negotiate with Dominion to move the path of the ACP to the

- LO97-1 | Comment noted.
- LO97-2 | Comment noted.
- LO97-3 | Comment noted. Your subsequent letter (LO105) indicates that karst surveys are in progress on The Wilderness farm.

Z-3132

# LANDOWNERS COMMENTS

## LO97 – Roberta Koontz (cont'd)

20170316-5107 FERC PDF (Unofficial) 3/16/2017 1:11:24 PM

- LO97-3 (cont'd) | edge of our property which would have far less impact on our land, lives and livelihood. Dominion has refused to compromise.
- LO97-4 | The significant & documented karst issues on our property will clearly make it dangerous for Dominion to build the ACP on our property as planned. To knowingly construct the ACP through a known area of significant karst is absurd, outrageous and CRIMINAL. Our home is in the "kill zone" of the ACP so this criminal action regarding building in karst will seriously endanger us, anyone near the ACP on our property, our livelihood and property values.
- LO97-5 | In 2016, Dominion has published a map of an access road they plan that will destroy our existing one-lane gravel driveway, endanger our 1797 historic home, endanger the safety of ourselves and all entering the property to help us, destroy considerable improvements we have made and force us to abandon the property. With 1.67 miles of access to our property from State Road 629, Dominion has chosen to wipe out the historic entrance to our property and destroy the heart of the property, livelihood & our home. How can FERC allow this to happen. It is clearly punitive on the part of Dominion and a grave abuse of power given to them by FERC and the US government. Dominion has allowed this issue of the access road to haunt us for almost ONE YEAR with no response.
- LO97-6 | I almost died in 2016 and spent many months in the ICU, hospitals, rehabs and physical therapy. I have required several surgeries with more to come. And I have serious nerve damage which has paralyzed my right hand among other issues. My husband is a cancer survivor who also has many serious health issues. We should be spending our lives now in peace rather than being forced to protect all that we own and enjoy from the ACP. And we should be able to enjoy the assets we worked all of our working lives to acquire rather than skimp and scrap to get buy financially while we spend time, money & energy to fend off Dominion and the ACP. Our property values have been totally destroyed by the ACP although Dominion and FERC continue to claim that property values are not negatively impacted by the ACP - **another blatant lie.**
- Dominion subsequently removed maps of the access roads from their website and has refused to discuss the many issues of access roads with anyone. We both have major health issues and the stress from the access road & the ACP is having a major negative impact on every aspect of our lives. How can FERC and the US government allow this to happen to US citizens.
- We have now engaged LITIGATION attorneys to represent us against the ACP & Dominion. We do not wish to litigate but Dominion and FERC are leaving us no

- LO97-4 | Section 4.1.2.3 includes a discussion of the potential for karst activity to damage ACP or SHP facilities. See also the response to comment LO22-5.
- LO97-5 | Comment noted. Atlantic has eliminated the referenced access road from its proposed project.
- LO97-6 | See the response to comment LO88-7.

Z-3133

# LANDOWNERS COMMENTS

## LO97 – Roberta Koontz (cont'd)

20170316-5107 FERC PDF (Unofficial) 3/16/2017 1:11:24 PM

choice. We are being represented by the Appalachian Mountain Advocates and Isak Howell of Roanoke, Va.

LO97-7

We urgently appeal to FERC to force Dominion to meet with us as soon as possible and address serious issues such as the proposed path of the ACP across the karst on our property and the horrific access road. We also have a critically endangered species (James River Mussel) which Dominion has ignored in all of the environmental studies. Dominion is well aware of this endangered species and has ignored it on several properties. **More examples of blatant lies** by Dominion that there are no critically endangered species on our property and that of others. And no karst on our property.

I am attaching a recent editorial from *The Recorder* (Bath & Highland counties in Virginia) that discusses the failure of Dominion to report issues with specificity and accuracy.

Thank you for taking the time to read and understand our issues & serious concerns.

Robert and Roberta Koontz  
The Wilderness

### Dominion filing lacks specificity, group says

**MONTEREY** — [Lew Freeman](#), president of pipeline opponent [Allegheny Blue Ridge Alliance](#), offered some observations on [Dominion's](#) March 10 filing of its "Supplemental Information on Biological Evaluation" about the proposed [Atlantic Coast Pipeline](#).

"In general, much of the text reads like a primer drawn from a selection of Wikipedia essays, like the 'Best of Wikipedia,' off-the-shelf information that too-often lacks specificity to the project," Freeman said. "But, this has been the rhetorical habit of many of Dominion's filings.

"It continues to be clear that Dominion has either not done its homework on the impact of access roads on geology and biology or the company is withholding such information.

"The most troublesome aspect of the filing is its lack of specificity on construction plans for building the pipeline through steep slopes and on top of mountain ridges and its failure to discuss the longer term impacts of

LO97-7

See the response to comment CO10-11. The occurrence information within the EIS reflects the input of federal and state agencies that oversee protections for ESA-listed and state-listed species.

Z-3134

# LANDOWNERS COMMENTS

## LO97 – Roberta Koontz (cont'd)

20170316-5107 FERC PDF (Unofficial) 3/16/2017 1:11:24 PM

such construction, particularly the potential for short and long-term sediment run-off,” Freeman said.

“The filing states: (Dominion) ‘will develop and implement additional measures in areas where slopes exceed 30 percent to address land movement, surface erosion, backfill erosion, and general stability when backfilling the trench and restoring the right of way. The following are some of the special design and construction mitigation measures that will be implemented during construction.’ A list follows of possible measures that the company might take.

But, he said, “How certain is the company that these measures will succeed? Based on other information that has come to my attention in the past week, I don’t believe we should have even the most modest level of confidence in the company’s ability to address the problems it cites.”

Furthermore, he said, “A Feb. 24 letter to the [National Forest Service](#) from one of its consultants concerning several months of conversations with Dominion about how it would implement its so-called ‘Best in Class’ approach to dealing with steep terrain construction suggests the company is either incompetent or unforthcoming in describing its intended construction techniques to build the ACP through the [Allegheny Highlands](#).

“The company has yet to describe at all how it intends to dispose of the incredible volumes of rock and soil that will result from the mountaintop removal in which it will engage in more than 20 sites that we have identified so far.”

See [www.abralliance.org/2017/03/10/mountaintop-removal-will-be-a-significant...](http://www.abralliance.org/2017/03/10/mountaintop-removal-will-be-a-significant...)

“A report released (Tuesday) by Friends of [Nelson](#) that studies the potential for slope failure and landslides in [Nelson County](#) concludes that Dominion’s filed plans have ‘not adequately identified those soils and landforms that are prone to debris flows (and) landslides.’ The report also states ‘the potential for debris flows in the very steep mountainous portions of Nelson County is underestimated by the reports submitted to FERC by Dominion.’ If this is the judgment for Nelson County, think what it would be for Pocahontas, Highland and Bath counties, where the number and severity of steep slopes are even greater,” Freeman continued.

A [Roanoke Times](#) story discusses the long-term impact of sediment run-off from the [Mountain Valley Pipeline](#) as it affects the Roanoke River.

“Given that sediment runoff from the Atlantic Coast Pipeline will affect an even larger system of rivers, you don’t need to be a world-class soil

Z-3135

# LANDOWNERS COMMENTS

LO97 – Roberta Koontz (cont'd)

20170316-5107 FERC PDF (Unofficial) 3/16/2017 1:11:24 PM

scientist to imagine the consequences this project would have on water and dependent species,” Freeman said.

Z-3136

# LANDOWNERS COMMENTS

LO98 – Roberta Koontz

20170316-5111 FERC PDF (Unofficial) 3/16/2017 1:42:23 PM

To: FERC  
From: Roberta K Koontz  
The Wilderness  
[wildernessfarm@mgwnet.com](mailto:wildernessfarm@mgwnet.com)  
19354 Deerfield Road  
Deerfield, VA 24432

Regarding: CP15-544-000 Dominion's Atlantic Coast Pipeline

LO98-1 **Subject:** The natural gas GLOBAL glut deepens dramatically. The facts support the argument that the ACP is unnecessary. As prices shrink dramatically, Dominion will try to sell natural gas outside the US in a shrinking global market. The ACP is not going to benefit our communities in Virginia or the US. The ACP is simply for the profit of Dominion and associates including FERC. The ACP will be devastating to American citizens & landowners as well as the environment - forever. Due to the totally biased oversight of the ACP by FERC, we must now take our protests to a higher, fair and more impartial level of government including President Donald Trump.

Many voices of protest against the ACP have addressed the issue that the market for natural gas is shrinking. The ACP is unnecessary and other means for supply are available such as expanding existing pipelines. The ACP will ruin property values and destroy lives of hard-working Americans such as my husband and me. These protests have been completely ignored by FERC and Dominion.

I am attaching an article that appeared yesterday in the Wall Street Journal which reports that the natural gas glut is deepening. Why is FERC determined to ignore factual reporting and persist with the ACP. It is apparently true that "FERC never met a pipeline that they did not love".

My husband and I will now increase our protests to other government agencies and President Trump regarding FERC's oversight of the ACP. Although President Trump may feel that a pipeline is necessary, we seriously believe that he will not approve of the administration of this process by FERC to date. The biased oversight by FERC of the ACP and

LO98-1 See the response to comment CO46-1.

Z-3137

# LANDOWNERS COMMENTS

## LO98 – Roberta Koontz (cont'd)

20170316-5111 FERC PDF (Unofficial) 3/16/2017 1:42:23 PM

LO98-1  
(cont'd) [the unquestionable mistreatment of American citizens is an excellent example of what President Trump is determined to stop in our government.](#)

[Attached is the article from the WSJ. Thank you for taking the time to read my letter.](#)

[Roberta K Koontz](#)

[From the Wall Street Journal March 15, 2017](#)

### **Natural-Gas Glut Deepens**

BY TIMOTHY PUKO

A flood of natural gas swamping the U.S. is turning into a global glut, sinking prices and dimming the hopes of American producers to export their way out of an oversupplied domestic market.

Natural-gas futures have fallen 25% over the past 2½ months. The declines continued Tuesday, with April futures dropping 3.45% to \$2.938 a million British thermal units on the New York Mercantile Exchange. Shares of gas-production companies are among this year's worst performers.

"Investors right now across the board just hate natural gas," said Pearce Hammond, an analyst at Simmons & Co. International in Houston.

The recent declines reverse one of last year's most profitable trades: Gas futures rose 59% in 2016, and shares of producers including Chesapeake Energy Corp. and Rice Energy Inc. doubled between March's lows and year-end.

Z-3138



# LANDOWNERS COMMENTS

LO98 – Roberta Koontz (cont'd)

20170316-5111 FERC PDF (Unofficial) 3/16/2017 1:42:23 PM

Many investors wagered that new gas-fired power plants and record exports would help burn off much of the excess supply in the U.S. But a historic level of exports hasn't been enough to transform a market dominated by unpredictable weather and massive new supplies from fracking.

One issue for U.S. producers is their own growing influence: More gas for sale world-wide— often floating on ships—eases bottlenecks that once drove big local price spikes. Global prices for natural gas have plummeted, down by half in some places in recent years.

Mild U.S. weather in February also has reduced demand. Warm winter temperatures sapped about 2.9 billion cubic feet a day of demand from the market this season, compared

• **Oil sinks as doubts arise on Saudi cuts..... B18**

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with just the 2.3 billion cubic feet a day of new exports added, according to Platts Analytics, a unit of S& P Global Platts.

"Exports are the infant," said J. Alexander Blackman, an executive at Standard DeltaCo., a commodities-trading

Z-3139

# LANDOWNERS COMMENTS

## LO98 – Roberta Koontz (cont'd)

20170316-5111 FERC PDF (Unofficial) 3/16/2017 1:42:23 PM

firm. "Until they grow meaningfully larger..prices will be heavily influenced by mother weather."

Bernstein Research, Macquarie Group Ltd. and energy investment bank Tudor, Pickering, Holt & Co. all are warning that oversupply may weigh on the market for years.

The trend could allay some of the biggest fears about exporting the country's newfound bounty of gas. Major industrial consumers publicly lobbied against export approvals in recent years, warning of higher prices. Instead, U.S. prices for consumers of all types are holding around decade lows even as exports take off, according to the U.S. Energy Information Administration.

Many see sales of U.S. gas to overseas buyers as the biggest shift in the market. A mix of global oil companies, energy traders and startups have proposed around two dozen new coastal export terminals. One terminal is already open in Louisiana, and up to five more are expected to open soon.

As recently as a few years ago, U.S. exports amounted to nothing. Now, new pipelines to Mexico and a terminal on the Gulf Coast send about 8% of U.S. output abroad. That could climb to nearly 18% in five years, Platts Analytics said.

Cheniere Energy Inc. opened the Sabine Pass export terminal in Texas a year ago, and the nearly 2 billion cubic feet it ships abroad each day could grow fivefold as four to five new terminals ramp up through 2020, according to analysts' estimates. Exports from the U.S. to Mexico could grow from nearly 4 billion cubic feet a day today to nearly 6 billion in the same period, Platts Analytics said. Overall,

Z-3140

# LANDOWNERS COMMENTS

## LO98 – Roberta Koontz (cont'd)

20170316-5111 FERC PDF (Unofficial) 3/16/2017 1:42:23 PM

the U.S. is expected to be a net exporter by 2018, according to the U.S. Energy Information Administration. It has been nearly 60 years since the U.S. last shipped out more natural gas than it brought in annually.

But the impact of that export growth could be canceled out by new supply. U.S. gas producers have nearly doubled their number of rigs from a historic low last year. Oil rigs also have nearly doubled, and they produce gas as a byproduct. Macquarie estimates that 9 billion cubic feet a day of new gas from oil wells alone between 2017 and 2021 will completely cover all new demand from exports.

Global supply is likely to increase by 44% in 2020 from 2015 levels and outpace new demand through the end of this decade, according to Moody's Investors Service.

Some investors think growth projections for U.S. exports look a little too rosy.

Pipeline delays in Mexico and President Donald Trump's pledge to change trade terms with that country could undermine sales to the most important export market for U.S. producers. Mexico last year received nearly 60% of U.S. gas exports, according to EIA.

Australia and the Middle East put so much gas on the global market that it leaves little room for more U.S. export terminals that could help erase the domestic glut, said Robin Wehbé, portfolio director at Boston Company Asset Management. He spent 2016 buying shares of oil, metal and other commodity-producing companies, but not producers of natural gas.

"It's too easy to find," said Mr. Wehbé, whose company is a unit of Bank of New York Mellon Corp. "We've got plenty of it coming out of our ears."

Z-3141

# LANDOWNERS COMMENTS

LO98 – Roberta Koontz (cont'd)

20170316-5111 FERC PDF (Unofficial) 3/16/2017 1:42:23 PM

Not everyone is that bearish: Mr. Hammond at Simmons & Co. notes that many U.S. exporters have long-term contracts guaranteeing buyers for their gas.

*The U.S. is expected to be a net exporter by 2018 for the first time in nearly 60 years.*

<Image\_0.jpg>

LINDSEY JANIES/BLOOMBERG NEWS

**A carrier ship docks at Cheniere Energy's Sabine Pass terminal.**

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Z-3142

# LANDOWNERS COMMENTS

## LO99 – Roberta Koontz

20170316-5168 FERC PDF (Unofficial) 3/16/2017 3:20:54 PM

TO: FERC  
FROM: Roberta K Koontz

Date: 3/16/2017  
Regarding: CP15-544-000

LO99-1 Subject: Copy of a letter sent by Roberta and Robert Koontz to Virginia Outdoors Foundation (VOF) on 1/11/2017. One of three letters sent to VOF to voice our opposition to VOF accepting "land swap" proposal from Dominion to be reviewed in VOF Board meeting on 2/9/2017. We have TWO conservation easements from VOF on 1000 acres of historic and protected land that Dominion plans to destroy with the ACP. We were unable to attend the VOF meeting due to serious health issues. This letter summarizes our concerns and reasons that VOF should reject Dominion's proposal including the belief of our attorneys and ourselves that the land swap does not meet the legal requirements. The other two letters we sent to VOF at this time will also be filed with FERC.

Thank you for taking the time to read our letter and understand why VOF should reject Dominion's request for a land swap to undo our two conservation easements.

Sincerely,  
Roberta K Koontz  
The Wilderness - Bath County, Virginia  
[wildernessfarm@mgwnet.com](mailto:wildernessfarm@mgwnet.com)  
13954 Deerfield Road  
Deerfield, VA 24432

January 11, 2017

Virginia Outdoors Foundation  
39 Garrett Street, Suite 200  
Warrenton, VA 20186

Via Electronic Mail  
c/o bcabibbo@vofonline.org

Dear VOF:

LO99-1 See the response to comments SA8-252, CO3-1, and CO10-3.

Z-3143

# LANDOWNERS COMMENTS

## LO99 – Roberta Koontz (cont'd)

20170316-5168 FERC PDF (Unofficial) 3/16/2017 3:20:54 PM

Due to health issues we cannot be present for the meeting scheduled for the 9th of February, 2017. 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.

VOF must refuse to accept the diversion proposal put forward by ACP for the following reasons:

1.) Good Faith consideration of the Easement donors commitment to preserve their properties requires VOF to reject the proposal. 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.

2.) The proposal fails to meet the requirements of the Code of Virginia, Title 10.1. Conservation, Chapter 17. Open Space Land Act, 10.1-1704 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].

3.) Failure to reject the proposal will effectively destroy VOF'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?

4.) Donors will suffer an additional and substantial diminution of the value of their property. See the attached letter from our real estate agent. The market for property in the Deerfield area has been significantly depressed.

5.) 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.

Z-3144

# LANDOWNERS COMMENTS

## LO99 – Roberta Koontz (cont'd)

20170316-5168 FERC PDF (Unofficial) 3/16/2017 3:20:54 PM

The effect on the karst topography that exists on our farm has not been evaluated by ACP or any State agency.

6.) Our hopes, dreams and our remaining years will all be ruined if VOF does not reject the proposal. 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 for ever. 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.

Sincerely,

Roberta and Robert Koontz

The Wilderness - Bath County  
13954 Deerfield Road  
Deerfield, VA 24432

540-938-4144  
[wildernessfarm@mgwnet.com](mailto:wildernessfarm@mgwnet.com)

cc: Laurence A. Mann (Mann, Vita and Elrod PLLC)  
Robert S. Koontz (The Wilderness)

Z-3145

# LANDOWNERS COMMENTS

## LO100 – Roberta Koontz

20170316-5175 FERC PDF (Unofficial) 3/16/2017 3:56:43 PM

To: Kimberly Bose, FERC From: Roberta K Koontz

Re: CP15-554-000 Date: 3/16/17

LO100-1 **Subject:** Portion of a letter sent by Roberta K Koontz and Robert S Koontz to VOF Board in advance of meeting on 2/9/17 to review Dominion's request for a "land swap" to negate conservation easements in the path of the ACP. This letter documents that the James River Spiny Mussel is a critically endangered species living in Mill Creek on our 1000-acre historic property in Bath County, VA. There is a series of email communication between biologists at the Virginia Department of Game and Inland Fisheries (VDGIF) that substantiates this critically endangered species lives in Mill Creek on our property attached to this filing. Dominion has failed to mention this critical issue in any environmental study and communication. Dominion never spoke with us about this critical issue for the ACP crossing Mill Creek on our property.

Yet another example of Dominion failing to perform due diligence in good faith by studies and reporting about the environmental damage that will certainly result from the ACP. I have been told by other land owners that Dominion is quite aware of the James River Spiny Mussel living on properties where they plan to build pipelines.

How can FERC allow Dominion to do this. How can land owners possibly believe anything that Dominion says. Or that FERC approves.

Thank you for taking the time to read my filing.

Roberta K Koontz  
The Wilderness - Bath County, Virginia

## James River spiny mussel

From Wikipedia, the free encyclopedia

Jump to: [navigation](#), [search](#)

**James River spiny mussel**

LO100-1 See the response to comment CO10-11 and section 4.7.1.15 of the EIS.

Z-3146



# LANDOWNERS COMMENTS

LO100 – Roberta Koontz (cont'd)

20170316-5175 FERC PDF (Unofficial) 3/16/2017 3:56:43 PM

## Conservation status

Critically Endangered (IUCN 2.3)

## Scientific classification

Kingdom:  
[Animalia](#)  
Phylum:  
[Mollusca](#)  
Class:  
[Bivalvia](#)  
Order:  
[Unionoida](#)  
Family:  
[Unionidae](#)  
Genus:  
[Pleurobema](#)  
Species:  
***P. collina***

## Binomial name

***Pleurobema collina***

[Conrad](#), 1837

The **James River spiny mussel** (*Pleurobema collina*) is a [species](#) of [freshwater mussel](#) in the family [Unionidae](#), the river mussels. This species is native to [North Carolina](#), [Virginia](#), and [West Virginia](#) in the [United States](#).

<sup>[1]</sup> It is a federally listed [endangered species](#) of the United States.

## References<sup>[edit]</sup>

### 1 Jump up

<sup>^</sup> [Pleurobema collina](#). The Nature Conservancy.

## External links<sup>[edit]</sup>

- Hove, M. C. and R. J. Neves. (1994). [Life history of the endangered James spiny mussel \*Pleurobema collina\* \(Conrad, 1837\) \(Mollusca: Unionidae\)](#). *American Malacological Bulletin*
- Bogan, A.E. 1996. [Pleurobema collina](#). 2011 IUCN Red List of Threatened Species. Downloaded on 4 October 2011.

Z-3147

# LANDOWNERS COMMENTS

## LO100 – Roberta Koontz (cont'd)

20170316-5175 FERC PDF (Unofficial) 3/16/2017 3:56:43 PM

Al:

Are you familiar with the aqua life in the two streams that cross the Wilderness Farm from your visits? We know our birds fish the streams almost daily, but don't know what they are getting. Our four ponds have trout, blue gils, and catfish, but may not be typical of what's in the streams. We are concerned about what the proposed pipeline will do to the ecology of our streams.

Any help would be appreciated.

Thanks,

Bob Koontz  
The Wilderness Farm, Bath County  
[lhewilderness@mgwnet.com](mailto:lhewilderness@mgwnet.com)

Thanks for getting back to me. Please come and visit soon, and bring your dog. I would like to talk to you about DMAP in person sometime.

We are concerned about the pipeline crossing the Wilderness, and especially interrupting the three springs that furnish all the water to Mill Creek in the summer time. We are essentially the head waters of Mill Creek, since we have the only all year springs that furnish water to the creeks. Everything in the water run off bed prior to our farm dries up in the summer time. The springs are between 104.9 and 105.3. The pipeline also crosses Mill Creek just prior to 104.2 and Back Draft Creek at 105.1.

We know that we have fish in our portion of the creeks, as Herons and otters feed on them, just don't know what kind. Also, we don't know the harm to Mill Creek down stream from the farm, if the springs are interrupted or stopped forever, due to the construction of the pipeline on the ridge from which these three springs flow. There are numerous sinkholes on this ridge.

Z-3148

# LANDOWNERS COMMENTS

## LO100 – Roberta Koontz (cont'd)

20170316-5175 FERC PDF (Unofficial) 3/16/2017 3:56:43 PM

I have attached a photo of the pipeline route through our farm, and where the crossing of the creeks are, along with the ridge that sprouts the three springs.

Thanks again for your help and please try to come for a visit soon. We are not getting any younger.

Bob

On Sep 15, 2016, at 10:29 AM, Bourgeois, Al (DGIF)  
<[Al.Bourgeois@dgif.virginia.gov](mailto:Al.Bourgeois@dgif.virginia.gov)> wrote:  
Hi Bob -

I hope you are doing well. I need to make an effort to stop by and visit with you and Robbie. How are the dogs doing?? My English Setter is full of energy!

You know I don't remember the types of fish in your streams. However, I've copied Paul Bugas and Steve Reeser our Fisheries Biologists for Bath County. They will have a much better idea of what you have on the property. They can probably address your pipeline questions as well. I assume the pipeline will cut across the Wilderness Farm???

Al Bourgeois  
District Wildlife Biologist  
VA Dept. of Game & Inland Fisheries  
Bureau of Wildlife Resources  
P.O. Box 996  
Verona, VA 24482  
Phone: (540) 248-9381 | Cell: (540) 414-3901

Z-3149

# LANDOWNERS COMMENTS

## LO100 – Roberta Koontz (cont'd)

20170316-5175 FERC PDF (Unofficial) 3/16/2017 3:56:43 PM

AI:

We want to thank you and your dedicated co-workers for all of their help in trying to determine the species of water life in both Mill Creek and Back Draft. Your comments are very welcomed. Please thank all for their efforts from Robbie and myself.

We are doing fine, just remember fine means different things as you get older, just like when the doctor tells you that you are "normal" during your visit. Please feel free to stop in when you are in the area.

Many thanks,

Bob

On Oct 7, 2016, at 9:29 AM, Bourgeois, AI (DGIF)

[<AI.Bourgeois@dgif.virginia.gov>](mailto:AI.Bourgeois@dgif.virginia.gov) wrote:

Hi Bob –

Hope things are going well for you and Robbie! See the e-mail trail below. It looks like the James Spiny mussel could be found in Mill Creek. This is an Endangered Species in Virginia. Note the comment about no records of wild trout in Mill Creek.

Hope that is helpful.

**AI Bourgeois**

District Wildlife Biologist

VA Dept. of Game & Inland Fisheries

Z-3150

# LANDOWNERS COMMENTS

LO100 – Roberta Koontz (cont'd)

20170316-5175 FERC PDF (Unofficial) 3/16/2017 3:56:43 PM

Bureau of Wildlife Resources  
P.O. Box 996  
Verona, VA 24482  
Phone: (540) 248-9381 | Cell: (540) 414-3901

<Picture (Device Independent Bitmap) 1.jpg>

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**From:** Reeser, Steve (DGIF)  
**Sent:** Monday, October 03, 2016 4:08 PM  
**To:** Bourgeois, Al (DGIF)  
**Subject:** FW: James Spiny mussel

Al,

Info for Wilderness Farm (Mill Creek). Brian Watson says it is James Spiny mussel habitat. We have no records of wild trout in Mill Creek.

---

**From:** Watson, Brian (DGIF)  
**Sent:** Friday, September 23, 2016 1:05 PM  
**To:** Reeser, Steve (DGIF)  
**Subject:** RE: James Spiny mussel

Mill Creek models as potential habitat both in our assessment and Heritage's assessment so JSM may be there.

---

**From:** Reeser, Steve (DGIF)  
**Sent:** Monday, September 19, 2016 8:48 AM  
**To:** Watson, Brian (DGIF)  
**Subject:** RE: James Spiny mussel

Z-3151

# LANDOWNERS COMMENTS

## LO100 – Roberta Koontz (cont'd)

20170316-5175 FERC PDF (Unofficial) 3/16/2017 3:56:43 PM

Yes, this property is on the headwaters of the same Mill Creek that runs through Camp Accovac. Mill Creek splits into Mill Creek and Back Draft on this property.

38 08 13.96 N  
79 29 22.47 W

---

**From:** Watson, Brian (DGIF)  
**Sent:** Sunday, September 18, 2016 9:37 PM  
**To:** Reeser, Steve (DGIF)  
**Subject:** RE: James Spiny mussel

Steve,

Do you have a lat/long for the location? I am looking at the headwaters of Mill Creek and I am not seeing a Back Creek like is noted on the topo you included. I'm wondering if this is another Mill Creek to the west by Back Creek. If the same Back Creek that runs thru Camp Accovac, potential JSM habitat is modeled thru the headwaters.

Brian

---

**From:** Reeser, Steve (DGIF)  
**Sent:** Friday, September 16, 2016 3:58 PM  
**To:** Watson, Brian (DGIF)  
**Subject:** James Spineymussel

Brian,

In reference to the ACP route through Bath County, we were contacted by a landowner on the headwaters of Mill Creek about the fish species found there.

Z-3152

# LANDOWNERS COMMENTS

LO100 – Roberta Koontz (cont'd)

20170316-5175 FERC PDF (Unofficial) 3/16/2017 3:56:43 PM

What are your thoughts about JSM being present in the stream on that property. I have attached a map.

Thanks.

Steve

<< File: Wilderness Farm Bath Co.jpg >>

**Stephen J. Reeser**

District Fisheries Biologist

Virginia Dept. Game and Inland Fisheries

Region IV

P.O. Box 996

Verona, VA 24482

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Z-3153