

Cowpasture River Preservation Association
Post Office Box 215
Millboro, Virginia 24460

March 21, 2016

Acting Forest Supervisor Joby Timm
USFS George Washington and Jefferson National Forests
ATTN: Atlantic Coast Pipeline Survey Comments
5162 Valleypointe Parkway
Roanoke, Virginia 24019

Dear:

The Cowpasture River Preservation Association (CRPA) welcomes this opportunity to offer public comments on the application made by Atlantic Coast Pipeline, LLC for a temporary “Special Use Authorization” to survey a possible gas pipeline across the George Washington National Forest along what is publicly known as the GWNF-6 Route Alternative.

The information, measurements and data collected during the right-of-way survey by Atlantic Coast Pipeline, LLC or its subcontractor(s), will initially inform the Federal Energy Regulatory Commission (FERC) as it prepares an Environmental Impact Assessment and Statement for the proposed pipeline. Subsequently, the right-of-way survey will inform the Forest Supervisor of the George Washington and Jefferson National Forest in making a decision to grant or reject an application for pipeline construction across Forest Service lands.

Environmental factors that are not surveyed now on the ground in all probability will not be surveyed at a later date and therefore, the GWNF and the general public will not be capable of making informed decisions. Additionally, in the eventuality that the Atlantic Coast Pipeline, LLC or/or its contractors do not coordinate in advance with the Forest Service or do not follow forest survey protocols or do not employ qualified field survey crews or do not supervise field operations with appropriately qualified scientists or licensed engineers or all of the above; then, neither the U.S. Forest Service nor the general public can make appropriately informed decisions about environmental impacts.

The Cowpasture River Preservation Association has conscientiously tracked the progress of the Atlantic Coast Pipeline application before the Federal Energy Regulatory Commission for now 22 months. The CRPA Board of Directors observes what appears as egregious conflicts of interest in field survey oversight and compliance enforcement, and also, what appears as both a calculated and orchestrated evasion of the National Environmental Policy Act.

With those antecedents in mind, the Cowpasture River Preservation Association encourages the U.S. Forest Service to be informed in its decision-making by the following:

WHEREAS: the USFS Monongahela and George Washington National Forests have filed comments with the Federal Energy Regulatory Commission that show a contractor hired and supervised by the Atlantic Coast Pipeline, LLC failed to complete a First Order Forest Soils Survey in accordance with

Forest Service protocols, in a timely fashion, with qualified personnel and then apparently obfuscated the truth;

WHEREAS: an Atlantic Coast Pipeline, LLC sub-contractor (Environmental Solutions & Innovations, Inc.) submitted a field survey report on the Cheat Mountain Salamander habitat that was inadequate with regards to habitat area coverage, inadequate with regards to the delineations of “known”, “occupied”, “potential” and “not potential” habitats and furthermore, misrepresented the opinion of Dr. Thomas Pauly of Marshall University a world recognized expert on the Cheat Mountain Salamander that the proposed route would have no adverse effect;

WHEREAS: The U.S. Bureau of Land Management has filed comments with the Federal Energy Regulatory Commission that show the Atlantic Coast Pipeline, LLC filed a Plan of Development (POD) on the same day that the ACPLLCC filed for a certificate of Public Convenience and Necessity after being advised by the BLM a month earlier that the application was incomplete and in violation of the “Interagency Agreement on Early Coordination...”;

WHEREAS: Hydric soils found in wetlands are a critical factor in an environmental impact assessment, however, at this juncture and after the final Resource Reports were submitted by the Atlantic Coast Pipeline, LLC to the FERC and with the FERC in the process of preparing a Draft Environmental Impact Statement not a single wetlands delineation study or report has been prepared and submitted for public review even though the proposed pipeline will cross 1,135 wetlands. Additionally, the wetlands delineation survey crew member names, their academic credentials, work experience and professional certifications have not been made publicly available which given the debacle over credentials of the crew that was responsible for conducting a first order forest soils survey leaves the general public extremely uncomfortable about oversight and compliance;

WHEREAS: the Federal Energy Regulatory Commission at this juncture has failed to give the Atlantic Coast Pipeline, LLC definitive directions to conduct a professional-level Karst Survey of the proposed a GWNF-6 Alternative Route, while knowing that the Atlantic Coast Pipeline did not complete the Karst Survey for the original route through Highland County, and further knowing that a professional-level Karst Survey lies along the critical path to informed decision-making;

WHEREAS: The Atlantic Coast Pipeline, LLC has applied to the Federal Energy Regulatory Commission for a waiver of Federal Energy Regulatory Commission regulations Section 157.14(a)(6-a) that require fully updating its Environmental Resource Reports for the new GWNF-6 Alternative Route which would make informed public review and commentary, openness and transparency almost impossible.

WHEREFOR: The Atlantic Coast Pipeline, LLC and its contractors and sub-contractors appear to be more interested in cutting corners, securing waivers and variances and obfuscating the truth or facts about field surveys than in complying with the spirit, intent and letter of the National Environmental Policy Act of 1969. Cowpasture River Preservation Association, therefore, does hereby petition the U.S. Forest Service and respectfully requests that the Forest Supervisor for the George Washington and Jefferson National Forests shall ensure –

- Firstly, the establishment of explicit and high professional standards of excellence for the Atlantic Coast Pipeline, LLC, its contractors and sub-contractors in conducting field surveys of surface and ground water resources including: rivers, runs and drafts; karst caves, sinkholes, sinking streams and springs; municipal, homestead and farm water supply wells; riparian and karst buffer areas; soil, debris and rock erosion by water in rugged mountainous terrain.
- Secondly, that the Forest Service places a high priority upon collecting field survey data on the ground as distinguished from macro desk-top reviews.
- Thirdly, that the Forest Supervisor vigorously implement those Forest Service policies and procedures necessary to monitor closely field survey work and reports, and to ensure compliance with high professional standards of excellence.
- Fourthly, that the aforesaid high professional standards of excellence in conducting field surveys shall be made available to the general public and that the field survey reports and data shall not be “privileged” or “confidential”.

Citizens of the Cowpasture River Valley of Virginia thank you for this opportunity to provide public comments.

With warm regards,

/s/ C. Nelson Hoy

C. Nelson Hoy, Chairperson
CRPA Ad Hoc Pipeline Committee
COWPASTURE RIVER PRESERVATION ASSOCIATION, INC.
BerriedaleFarms@gmail.com
(540) 925-2308