

Protecting the heritage, resources and economy of the Allegheny-Blue Ridge region

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November 17, 2015

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., N.E., Room 1A
Washington, DC 20426

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

Dear Ms. Bose:

I write on behalf of the Allegheny-Blue Ridge Alliance (ABRA) regarding the November 5 comments filed with the Federal Energy Regulatory Commission (FERC) by the United States Forest Service (USFS) about soils surveys conducted for the proposed Atlantic Coast Pipeline (ACP), a project of the Atlantic Coast Pipeline, LLC (ACPLLC). ABRA is a coalition of 44 organizations in Virginia and West Virginia that are concerned about the proposed ACP.

The USFS comments, signed by Clyde Thompson, Supervisor for the Monongahela National Forest (MNF) and writing on behalf of both the MNF and the George Washington National Forest (GWNF), convey an extraordinary account of communications between USFS personnel and the ACPLLC and its contractors over the past 9 months on soil surveys to be conducted in the MNF and GWNF. We find the information presented by the USFS filing alarming. FERC should as well. The integrity of the soils through which a pipeline is built is crucial to whether or not the chosen route is environmentally safe. A correct analysis of affected soils is among the most important exercises that takes place in evaluating the appropriateness of a proposed pipeline route. Improper judgments about soils can exacerbate the environmental impact of a project.

ABRA strongly endorses the position of the USFS in its refusal to utilize the soils data collected last month by ACPLLC in the MNF and its recommendation to FERC that it adopt a similar position. We also urge that FERC conduct a more rigorous evaluation of the ACPLLC application and carefully scrutinize surveys on private lands for the same flaw. Our reasons for this view are set forth below.

Supervisor Thompson's account of emails, meetings and phone calls between the USFS and ACPLLC and its contractors reveals the following highlights:

- Protocols and other requirements for conducting soils survey work on USFS lands were provided to the Natural Resources Group (NRG), ACPLLC's direct contractor for this work, in late February 2015 by the USFS, at the contractor's request.
- In April 2015 the MNF issued a special use permit authorizing the ACPLLC to conduct surveys along its proposed route through the MNF. The permit specifically called for the USFS protocol for soils testing to be followed and set forth the qualifications required by persons conducting soils surveys. It was also stated that the agency must be provided with 1) the credentials of persons doing the soils survey work to assure they were qualified, 2) the location of the surveys, and 3) the requirement that a USFS soil expert be present on site when the surveys are conducted.
- In a July 2015 meeting USFS personnel were informed by ACPLLC representatives that a contractor different from NRG, Geosyntec, would actually conduct soils surveys. USFS was assured that appropriate credentials for those conducting soils surveys on USFS land would meet agency standards and that resumes for such persons would be provided, as requested by the USFS in previous communications. In those previous communications, the USFS provided a list to ACPLLC of acceptable and qualified soils survey contractors. The firm chosen by the ACPLLC for the work was not among those recommended by USFS.
- In August 2015 the USFS contacted ACPLLC to express concern that the soils survey works was delayed. USFS had earlier requested that surveying be done when soils are saturated. The communication to ACPLLC also cited serious concerns about the inadequacy of ACPLLC's Resource Reports on the geological and soil dimensions of the project (Chapters 6 and 7):

Much of this information is not site specific and lacking in detail to be able to be used for effects analysis or design. The slope analyses is completely unacceptable and very elementary at best. We have provided extensive comments pointing out the flaws and misinformation used in the reports, and this is mostly due to scale and a lack of understanding of the soil resource by the author.

The USFS also reiterated its long-standing and as yet unfulfilled request for the names and credentials of those who would conduct the soils surveys.

- On September 24, 2015, ACPLLC advised the USFS of its proposed methods for conducting soils surveys and indicated it planned to start on October 3. No information on the credentials of the persons to be conducting the survey work was provided, as the USFS had requested on several occasions.
- On October 6, 2015 the USFS wrote ACPLLC expressing concern that the agency had still not been informed of the status of the surveys, where they were being conducted and the credentials of the individuals. (The actual surveys had already begun, on October 2).
- The USFS communicated with ACPLLC on October 16, 2015 and asked again for required information on who would be conducting the soils surveys, their credentials and where the surveys would be conducted. The ACPLLC responded that day with an apology "for failing to provide the notification as requested" and sending along the

resumes of four persons whom the firm said conducted the survey work (which by that time had been completed). After reviewing the resumes of the surveying team, USFS found that only one person met the agency's qualifications, Ms. Nan Gray, the person designated as the leader of the team.

- On October 27 Ms. Gray returned a call from the USFS and informed the agency that she had been contacted by a representative of Geosyntec about the possibility of doing survey work for ACPLLC and was asked to provide a resume. However, Ms. Gray made it clear that she was never hired and had done no work on the ACP project. She said her purported involvement in the project was a gross misrepresentation.

Mr. Thompson's letter concludes:

In summary, the Forest Service cannot use the results of these soils surveys to evaluate project effects on USFS lands. Furthermore, the Forest Service recommends the Federal Energy Regulatory Commission (FERC) not utilize data from soils surveys conducted to date on NFS lands in the preparation of an Environmental Impact Statement (EIS).

Under no circumstance should FERC accept soils survey data submitted by the ACPLLC that has been collected during the procedures that took place in October 2015. An EIS under NEPA must depend upon accurate data gathered in accordance with acceptable protocols. It is highly disconcerting to learn of the events the USFS has experienced in dealing with the ACPLLC over soils surveying on their land. Not only were the surveys conducted by unqualified personnel, the work done was not in compliance with the agency's protocol, which had been supplied to the ACPLLC months before surveying began.

We understand from recent news accounts that soil surveys on USFS lands will be redone (November 15, 2015 article in the *Charleston Gazette-Mail*, Attachment A, below). Even if these second surveys are done correctly and conducted by qualified persons, what about other soils surveys that will be conducted on private lands, which is over 90% of the ACP route? Who will verify the credentials of personnel conducting those soils surveys and account for the integrity and scientific rigor of their procedures? Further, what assurances do affected communities and land owners along the route have that the evaluations made about water, the stability of steep mountain terrains and karst geological formations, species habitat impacts and effects on cultural and historical locations will be reliably conducted? There are serious issues that ABRA and its members have previously commented upon to FERC in recent months.

The USFS filing, considered in the context of earlier expressions of government agency concerns with the ACPLLC, demonstrates a cavalier attitude by the company toward providing required information to government agencies on a timely basis. Some other examples:

- The July 30 comments of the USFS on the ACPLLC Resource Reports noted numerous shortcomings.
- The Bureau of Land Management's (BLM) filings with FERC of August 17 and October 6 complained about ACPLLC's failure to submit sufficient and timely information to enable that agency to process the pipeline's application to cross BLM land.
- The USFS's September 17 comments to FERC complained of the ACPLLC's disregard of the long-standing interagency agreement to protect the habitat of the Cow Knob Salamander in the George Washington National Forest. In this latter case, ACPLLC did respond with a re-routing plan that would involve horizontal directional drilling through Shenandoah Mountain. The purported "solution" doesn't completely avoid the protected

habitat and it instead creates a serious threat of sediment pollution in major streams and rivers in eastern Virginia. Such pollution would present significant harm to one of Virginia's most important trout hatcheries.

These concerns about the ACPLLC's ability to responsibly build its proposed pipeline are increasingly attracting attention of more than interest groups like ABRA. Two recent editorials express deep concerns: the Charlottesville, VA *Daily Progress* and *The Recorder*, which serves Highland and Bath Counties, VA (Attachment B, below).

In conclusion, the accounts described in Supervisor Thompson's letter and the other FERC filings mentioned above point to a troubling and growing pattern by ACPLLC of, at the very least, corporate incompetence. It raises a serious question: is this company capable of building a safe pipeline? Unfortunately, as the soils surveys experience of the USFS demonstrates, there is also strong evidence of purposeful deceit by ACPLLC. That is even more troubling to us and should also be to FERC.

The Federal Energy Regulatory Commission must, if it wishes to preserve the integrity of its regulatory process, exercise the most scrupulous evaluation of the ACPLLC's pipeline application. The situation at hand can no longer be treated as business as usual.

Sincerely,



Lewis Freeman
Chair
Allegheny-Blue Ridge Alliance

cc: Kevin Bowman, FERC



URL: <http://www.wvgazettemail.com/article/20151115/GZ01/151119740>

Forest Service deems soil testing for planned pipeline useless, new study set to begin

By Rick Steelhammer

Contractors working for the Atlantic Coast Pipeline are poised to begin a second round of soil surveys through the Monongahela National Forest for use in establishing the route of the planned natural gas conduit through the public land, after the forest's supervisor deemed testing conducted during a preliminary phase of the survey useless in evaluating the environmental impacts of the project.

"The Forest Service cannot use the results of these soil surveys to evaluate project effects on NFS (National Forest Service) lands," Monongahela National Forest Supervisor Clyde Thompson said in a Nov. 5 letter to Federal Energy regulatory Commission Secretary Kimberly D. Bose. Thompson also urged Bose not to use data from soil surveys conducted to date in preparing an environmental impact statement for the project.

"We remain concerned that ACP (Atlantic Coast Pipeline) identified its preferred route and filed an application with the Federal Energy Regulatory Commission without first completing the soils and geology surveys," Thompson concluded. "Results of soils and geology surveys should be considered in the process of route selection."

According to documents accompanying Thompson's letter, Monongahela National Forest's soil scientist contacted the pipeline's soil survey contractor on Feb. 23 of this year and passed along the protocols to be followed in conducting the soil survey and the professional qualifications needed for field personnel involved with the project.

The Forest Service wanted pipeline contractors to conduct the survey in spring, when soil is normally saturated with moisture, but by mid-summer, the pipeline consortium had not submitted the credentials of the personnel who would be conducting the survey or gone over testing methodology with soil scientists working for the federal agency.

Follow-up requests by the Forest Service to identify the credentials of the contractors and go over the methods to be used in the survey failed to produce results, according to the documents Thompson forwarded to Bose. On Oct. 2, when representatives of the pipeline company and its

consultants met with Forest Service personnel to go over survey protocols, it was learned that the pipeline's contractor had begun survey work that day — before methodology was established and the credentials of those doing the work had been presented.

The resumes of those conducting the work were not released until the initial survey was completed — a process that took nine days to complete instead of several weeks, as anticipated by Forest Service scientists.

When the pipeline company released the credentials of those conducting the survey on Oct. 16, only one of them was considered qualified to perform the work, according to Forest Service scientists. The following week, Forest Service personnel learned that the person they considered the sole qualified soil scientist had not been hired to conduct the testing survey, but was merely being considered for hiring as a third-party reviewer of soil data collected during the project.

The Atlantic Coast Pipeline “and/or its consultants was undiligent in following the Forest Service's protocols and responding to the Forest Service's requests to review qualifications of field personnel,” Thompson wrote in his letter to Bose. The documents and timelines included in Thompson's letter show “that ACP and/or its consultants misrepresented who conducted the soils surveys,” he wrote.

Atlantic Coast Pipeline officials have denied that ACP personnel or its contractors deliberately misrepresented the role of field surveyors involved in the soil study and said many of the concerns raised by Thompson in his letter were the result of miscommunication or misunderstanding.

Dominion Energy, the lead company in a consortium of four firms partnering in a joint venture to build the pipeline, “is aware of the concerns the U.S. Forest Service has expressed regarding Atlantic Coast Pipeline's soil survey program,” said Dominion media relations manager Aaron Ruby.

“In the spirit of cooperation, the company is taking steps to address those concerns by performing a second round of Order 1 soil surveys in the Monongahela National Forest at a date to be determined. The USFS was notified of this second round of surveys on Nov. 5,” Ruby said, which is the date Thompson sent his complaints about the soil survey to the FERC administrator.

Data from the soil sampling conducted to date has not been filed with either the Forest Service or FERC.

About 30 miles of the Monongahela National Forest and neighboring George Washington National Forest would be crossed by the 42-inch diameter natural gas pipeline, starting from a compressor station in Harrison County and passing through Lewis, Upshur, Randolph and Pocahontas counties before crossing into Virginia.

Late last month, Dominion informed the Forest Service that it intended to avoid damaging habitat for the Cow Mountain salamander, known to exist only along a portion of the crest of Shenandoah Mountain on the Virginia-West Virginia border, by horizontally drilling a passageway for the pipeline through the mountain at two points, totaling 2.4 miles, all in Virginia's portion of the George Washington National Forest. That plan is under review by the Forest Service and FERC.

The Recorder

IN THE COMMUNITY, ABOUT THE COMMUNITY, SINCE 1877.

2015-11-12 / Opinions & Commentary

Trust eroding even further

Were you left shaking your head? So were we.

Dominion's back and forth with the U.S. Forest Service, as documented in today's Recorder, was a remarkable if confounding exchange — one that only deepens distrust in the company's ability to build its proposed multi-billion gas pipeline through three states.

Here's what went down:

- U.S. Forest Service officials for both the Monongahela National Forest in West Virginia and the George Washington-Jefferson National Forest in Virginia thought they had made it clear to Dominion that soils and geology surveys needed to occur before Dominion picked a route for the pipeline and filed its application with the Federal Energy Regulatory Commission. But Dominion forged ahead with its application and route selection before those surveys were done.
- Forest officials explained the protocols for the surveys, and the requirements for professionals conducting them — all the way back to February. But Dominion didn't follow them.
- In May, Dominion's consultant asked forest officials for a list of contractors who would be qualified to conduct the soil surveys. Forest officials provided a list; Dominion didn't use any of them.
- At a July meeting, Dominion assured forest officials it would provide the resumes and credentials of people who would conduct the surveys to the USFS before they got started. That did not happen, either.
- Forest officials told Dominion to do the surveys this spring, May-July, because it was the best time to capture how soils respond in wet weather. Dominion didn't do that. By August, those officials complained to Dominion that it was starting its surveys too late in the summer to be adequate.
- USFS asked Dominion to provide a schedule of the field work for surveys, so its staff could make sure they were being done correctly. Dominion didn't do that, either, so USFS did not get a chance to inspect the work, and subsequently found it wholly inadequate.

- Finally, Oct. 16, Dominion’s contractor provided USFS with its list of folks conducting surveys, and their resumes. But forest officials found only one person on the list who was qualified under USFS requirements — and that person did not conduct any surveys.

What are we to conclude from this?

The forest service spent nine months trying to get Dominion to do the right thing with regard to forest lands, and it wasn’t until USFS objected that the company said — just a week ago — it would do a new round of surveys, intending to satisfy the forest service.

And when will that take place? Dominion says it would conduct them “at a date to be determined.” Based on what forest officials say, those surveys should be conducted in the spring of 2016. Even if that puts the project behind schedule, we think Dominion had better get the timing right and forest officials should insist. After all, it’s Dominion’s own fault for not getting this done at the proper time.

Dominion now tells us that “in a good faith effort” to meet the forest service’s expectations, the company submitted a list of certified professionals last week. Why does that sound like Dominion is doing everyone a big favor? Why didn’t it simply use the list USFS provided the first time?

Dominion also told us this week it is committed to working with the USFS to conduct a “thorough, comprehensive and robust soil survey program.” Again we ask, why didn’t it do that the first time?

You would think a powerhouse company like Dominion would have the staff and money to do soil surveys properly, but it didn’t. And now it’s forced to do them over again. Thank goodness our USFS personnel are paying close attention, but it’s a shame they have to work so hard to get Dominion to comply. Dominion can’t even accurately present a simple list of soil professionals. Why should we believe it would effectively manage a project of this magnitude without serious detrimental effects to our land and water?

This is yet another example of Dominion failing to live up to its own expectations. The company has repeatedly assured us excellence in all facets of this project. So far, it’s failed to come close to anything we’d consider excellent.

Maybe we are expected to tolerate some degree of failure, and let the company slide here and there on the details.

If we do that, however, are we failing in our duties as stakeholders, citizens and officials? Is it our job to keep Dominion in line?

Yes, because we know from previous experiences that the agency charged with that responsibility — the Federal Energy Regulatory Commission — cannot be trusted to do so on our behalf.

Thank you to the U.S. Forest Service staff for holding Dominion's feet to the fire on proper surveying and other requirements. Thank you for protecting the public lands we have all invested in. Keep up your excellent work.

The increasing evidence that Dominion and FERC cannot get this right is daunting. The company continues to misrepresent what it has done or will do, and FERC looks the other way. The serious flaws in this process make it easier for Dominion to take advantage of us all. Let's not let that happen.

We are resigned to remain diligent, as are all the groups in the region who are watching ever so closely to each step Dominion takes. Combined, perhaps those who understand the consequences of this project will be able to reign in Dominion, and keep it honest.

Opinion/Editorial: Surveys for pipeline are crucial step

The Daily Progress | Posted: Monday, November 9, 2015 5:02 pm

At the very least, Dominion Resources appears guilty of premature action in bulldozing ahead on the Atlantic Coast Pipeline.

We use that word metaphorically. But we also hope that Dominion doesn't prematurely bulldoze a pipeline path in the literal sense.

The U.S. Forest Service has accused Dominion and the Atlantic Coast Pipeline of misrepresenting the qualifications of contractors hired to conduct soil surveys. The Forest Service also says that Dominion and its pipeline arm, Dominion Transmission Inc., conducted the surveys without waiting for information from the federal agency on appropriate protocols — or even notifying the agency that soil sampling was ready to begin.

This is serious business.

The soil samples are critical because they will help determine whether the pipeline route is safe for our natural resources, especially water.

The sampling was done in early October.

The Forest Service last week said that after Dominion finally, in mid-October, submitted a list of contractors for soil analysis along with their resumes, only one was found by the agency to be qualified for the job — and that contractor wasn't even hired by Dominion.

As a result, none of the soil sampling was handled by qualified personnel, and the data provided by that soil survey is now suspect.

The Forest Service was quite harsh, using words such as “misrepresentation” and “falsification.”

Dominion takes exception to that terminology and promises a detailed reply in the near future.

Meanwhile, Dominion says that the series of problems is the result of miscommunication, not misrepresentation as claimed by the agency.

Certainly, negotiating federal bureaucracies can be confusing — and that reputation for red tape may well fit the Forest Service as well. Perhaps Dominion did simply fail in good faith to meet federal rules.

Or perhaps, in a rush to push the pipeline project forward as rapidly as possible, Dominion neglected to do its due diligence regarding Forest Service requirements.

Either way, even short of "misrepresentation," the results cause legitimate concern.

The Atlantic Coast Pipeline is a highly controversial project. Landowners and environmental groups have fought it vigorously.

On both sides of the divide, accurate and reliable scientific information is absolutely necessary.

Dominion certainly cannot afford to jeopardize its credibility by shoddy work — or shoddy paperwork in preparing for work.

Dominion says it will conduct a new round of soil surveys by qualified contractors. In order to even hope to win back lost public trust, Dominion will have to go above and beyond normal protocols to ensure that a second round of data is acceptable.

Meanwhile, Virginians can only hope that this is not a foretaste of things to come.
