

CITIZENS OF THE SOUTH ROCKFISH VALLEY

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September 26, 2016

Ms. Kimberly Bose
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426
Docket: CP15-554-001

RE: Opposition to Atlantic Coast Pipeline and the Spruce Creek Route Variance

Dear Ms. Bose,

Citizens of the South Rockfish Valley is a group of residents and business owners in the western part of Nelson County, Virginia. Our community is situated in a beautiful valley along approximately five miles of the Atlantic Coast Pipeline (roughly MP160 – MP164).

We are comprised of hundreds of households and businesses in a roughly 25+ square mile area that includes both the current route of the pipeline *and the recently proposed Spruce Creek variant*. We are writing to formally register our community's opposition to both the proposed route and the Spruce Creek variant route.

Notably, our community overlaps with the newly designated (and Governor McAuliffe appointed) South Rockfish Valley Rural Historic District (and its 100+ historic properties). In an August 30, 2016 letter from the Commonwealth of Virginia's Department of Historic Resources, State Historic Preservation Officer Julie Langan notes "[this historic district] is deemed a Virginia Treasure, an initiative of the McAuliffe Administration that preserves, protects and highlights Virginia's most important ecological, cultural, scenic, and recreational assets as well as its special lands." On this statement, we couldn't agree more – the South Rockfish Valley is one of the most special places in the Eastern United States, and the importance of the ecological, cultural, scenic and recreational assets cannot be overstated. The Rockfish Valley is no place for a 42" natural gas pipeline, yet both the Spruce Creek variant, and the original pipeline route run directly through this historic district. A Virginia Treasure and area of this national importance is simply not compatible with a high pressure, dangerous and unsightly pipeline.

The area affected by the ACP is largely composed of wildlife-rich wetlands, rural farmlands, historic farmsteads, lush grasslands and pristine waterways which all fall within the Chesapeake Bay watershed. This area is also home to an abundance of diverse families and entrepreneurial businesses that we hope to protect from the construction and destructive presence of the

Atlantic Coast Pipeline. There simply is no path in the South Rockfish Valley to install a pipeline that isn't through a wetland, waterway, conservation easement, or property designated a Virginia Treasure. Finally, and perhaps most importantly, this area is home to an unusual combination of natural features that make the area geologically and topographically incompatible with the ACP; a pipeline in this area is a manmade disaster waiting to happen.

If Dominion is going to endanger our properties and livelihoods, we deserve a direct **and serious** response to **each** of our concerns and questions, presented below. Our properties within this 25 square mile area conservatively represent \$250M-500M in value; this pipeline would decimate our properties and many of our area families' largest financial assets. So far, Dominion's responses to many of our comments on the ACP docket have been at best minimal, and at worst negligent; they do not seem to take FERC's requests for study seriously and their responses lack sufficient detail or specifics.

Highlighted below is a list of specific risks, questions and concerns submitted by the members of our community. We request FERC to either research or require Dominion to research and/or answer these concerns and questions. We would request responses with specific details addressing each identified concern, risk, or question prior to making a determination if the ACP is both a necessity and appropriate for our fragile and extraordinary community.

A. Water Resources

- 1. Major pollution of the Rockfish River and Reid's Creek:** Our community water resources include 11.5 square miles of the Rockfish River watershed and 4.5 square miles of Reids's Creek watershed. Construction will pollute our clean rivers and streams. *How will Dominion ensure these resources remain pristine during the multi-year construction phase? Given the pipeline will cross these rivers and watersheds, how will Dominion ensure our only water supply is not tainted with chemicals, pollutants or silt?*
- 2. Pollution of Virginia's James River and greater Chesapeake Bay Watershed:** The Rockfish River and local tributaries all directly feed into the James River and the Chesapeake Bay. Hundreds of millions of dollars have been spent cleaning the Chesapeake Bay. Construction of the ACP will directly impact these local headwaters sending silt and debris downstream to the Chesapeake Bay. *How will Dominion adequately protect the Chesapeake Bay from construction pollution?*
- 3. Pollution of our drinking water:** There are no municipal water supplies in the South Rockfish Valley. Every resident and local business (including the Bold Rock Cidery, Blue Toad Cidery and Devil's Backbone Brewery) rely on clean groundwater for our homes and businesses. *Can Dominion ensure with 100% certainty their pipeline will not leach chemicals or natural gas into the ground, thereby affecting our clean*

drinking water? How will Dominion address the hundreds of area wells and septic systems that will be damaged during the blasting and construction of the ACP?

4. **Impact or destruction of Glenthorne Farm Stream Bank:** The GFSB is the first stream mitigation bank in Virginia's mountain region, and it was established to conserve, protect and repair a destroyed stream. The U.S. Army Corp of Engineers issued a permit which constitutes an agreement between the U.S. EPA , U.S. Fish and Wildlife, and the Virginia Department of Environmental Quality. The pipeline will cross this pristine Stream Bank; this is completely antithetical to the purpose of a mitigation project. *What will the effects be on the stream bank? Who will pay for the reengineering of the stream bank?*
5. **Damage to the restoration of the Rockfish River:** Following the Hurricane Camille disaster, with the help of the Army Corp of Engineers, millions of dollars have been spent by the Virginia Department of Transportation restoring the Rockfish River in the South Rockfish Valley. *What will be the impact on this significant restoration work? If massive 5 and 10 year floods continue to reshape the Rockfish River, as they have for centuries, isn't there a reasonably high risk they'll cause a breach of the ACP as well? How will our families be kept safe?*
6. **Insufficient water for the retaining pond:** Dominion Energy calls for a massive 3.6M gallon retaining pond within our historic district. *Where will this water come from? Will the water be imported in trucks? Will they divert our water from the Rockfish River to fill this retaining pond? What are the long term requirements of the pond – how much water will they siphon over the life of the pipeline? What will be the effects on our wells, aquifers and for our farmlands?*

B. Cultural, Historic and Recreational Resources

1. **Damage to a Virginia Treasure and to the South Rockfish Valley Rural Historic District:** As noted in the opening paragraphs, our community is found within the newly designated (and Governor McAuliffe appointed) South Rockfish Valley Rural Historic District (and the district's 100+ historic properties). In an August 30, 2016 letter from the Commonwealth of Virginia's Department of Historic Resources, State Historic Preservation Officer Julie Langan notes "[this historic district] is deemed a Virginia Treasure, an initiative of the McAuliffe Administration that preserves, protects and highlights Virginia's most important ecological, cultural, scenic, and recreational assets as well as its special lands." *How does the construction scar and the permanent eyesore of a 42" pipeline fit within an area of such importance to the Governor and people of the Commonwealth of Virginia?*
2. **Destruction of the five-mile Rockfish Valley Foundation Nature Trail system:** These community trails will be bisected and/or closed by pipeline construction. The ACP

will destroy the current trail system impacting our local tourism and destroying a valuable community resource. *How can an important County nature trail and a 42" pipeline coexist?*

3. **Negative impact on endangered Coleman Mills and Wintergreen Village historic sites:** Both of these important historic sites are located within our community. They were named among Preservation Virginia's Most Endangered Historic Places of 2016. This pipeline will endanger or risk destroying these two important historic sites. *How can Dominion guarantee the safety of these sites?*
4. **Desecration of important African-American archaeological sites:** Our community includes numerous sites significant to local African-American history, including the preserved Wintergreen Colored School House, acreage owned by freed slaves, homes constructed by the first generation of African Americans born into freedom, and former slave quarters. *The flood waters of Hurricane Camille greatly reshaped the landscape and moved rudimentary headstones. There are surely numerous unmarked graves of African-American slaves found within the fields the ACP will bisect. What will happen when gravesites are found? What archaeological studies will be conducted in advance of laying down pipeline to ensure the unmarked graves of our ancestors are not disturbed?*
5. **Direct threat to the Elk Hill Church Cemetery:** This cemetery marks where the dead of the community's oldest black church are buried, as well as a recently discovered gravesite of a man born in slavery. *How will the ACP protect these sacred grounds?*
6. **Damage to potential Native American Woodland Village:** Significant collection of arrowheads found in the South Rockfish Valley and specifically on the Spruce Creek Resort land has suggested to one independent expert the presence of a significant archaeological site – likely a Native American Woodland Village. *How will Dominion ensure such an important archaeological site is identified in advance of building the pipeline to ensure it is not destroyed during construction?*

C. Geology

1. **Destruction of our ground water due to a high water table:** Our community has a very high water table in many parts along the route of the pipeline. *We routinely hit water digging just feet below the surface of the ground. If this pipeline is built, what chemicals and toxins will leach into our drinking water due to the high table?*
2. **Expected damage to pipeline due to massive South Rockfish Valley floods:** Hurricane Camille of 1969 is the most famous flood in our area claiming 2% of the lives in our rural county and marking a national disaster of epic proportions. However, floods in our 25 square mile area are not rare. The South Rockfish Valley is

essentially the bottom of a mountainous bowl, surrounded by 2,500 - 3,500 foot walls. When the rain falls, all the water moves to the valley, and the Rockfish River, Reid's Creek and Spruce Creek become raging floodwaters – completely impassable. These fast moving flood waters routinely destroy bridges and roads and have carried homes off their foundations. *If these floodwaters can wash out bridges, roads and homes, why can't they also move the pipeline? Wouldn't any moving of the pipeline be a risk of a gas leak and explosion? How can Dominion ensure our families will be safe from an explosion in the case of a 10 year or 100-year flood? We have photos and evidence of this massive flooding, can Dominion please provide an answer as to how they will keep the ACP from fracturing under massive walls of fast moving water?*

3. **Rockfish River experiences heavy annual flooding, ACP will be a safety risk to area families:** VDOT already had to rebuild a multimillion dollar Rockfish River restoration effort multiple times due to floods over the last ten years. These floods are common and happen every 1-3 years. *If the floods can move massive 1-2 ton boulders and rocks, why can't we assume a flood will also move or damage the pipeline, thereby risking our families lives?*
4. **Likely damage in the case of another earthquake:** Our community experienced a magnitude 5.8 earthquake on August 23, 2011 with an epicenter just a few dozen miles to the northeast. *If we have another earthquake of this magnitude, or potentially of greater magnitude, what is the likelihood the ACP will rupture, explode and kill local residents or tourists?*
5. **High risk to homes from landslides:** The Virginia Department of Mines, Minerals and Energy notes the South Rockfish Area is at increased risk of landslides due to steep slopes of highly fractured bedrock. There are still massive scars from landslides following the 1969 Hurricane Camille disaster. *How will Dominion protect our homes and neighborhoods from landslides in a valley known for high levels of precipitation, and across a topography poorly suited to support major underground construction such as the ACP?*

D. Economic Impact

1. **Damage to strong agritourism industry:** The South Rockfish Valley has over a dozen breweries, vineyards, cideries and wineries bringing hundreds of thousands of tourists to the South Rockfish Valley and millions of dollars of tax revenue to Nelson County. The value proposition for these tourists is clean air, scenic and untouched mountain views and outdoor recreational opportunities. Independent studies show the ACP will damage Nelson County's tax base and have a \$30M+ negative effect on the County. The ACP will put a 125' scar across our viewscape and the multi-year construction will greatly impact our county's tourism and main source of

- jobs. *How will Dominion financially compensate Nelson County for this loss of tax revenue, loss of local jobs and the destruction of our primary industry?*
2. **Stop the development of two planned luxury hotels/boutique resorts in the South Rockfish Valley:** Rockfish Valley Investments has been working for three years on the design and plans to build a \$35M boutique resort which would add more than 100 full-time jobs and additional part-time jobs to the South Rockfish Valley. This project has already been through County review and received Special Use Permits to proceed. Additionally – Pacific Resorts Group plans to build a \$30M+ hotel at Wintergreen providing another 150 jobs. If this pipeline is built anywhere in the South Rockfish Valley, both Pacific Resorts and Rockfish Valley Investments have stated they will be unable to secure financing and will not proceed with construction due to the new risks to the primary draw – the local bucolic environment. *How will Dominion compensate Nelson County for a loss of 250+ new jobs and an estimated \$32M of annual taxable revenue? How will the developers be compensated for the significant time and money they've already invested in this project if the ACP moves forward?*
 3. **Route threatens an established small business by passing through the middle of Blue Heron Farm:** One co-owner of the farm is a flower gardener who maintains a variety of flowers for a flower CSA (Community Supported Agriculture) and florist business while the other co-owner is an organic vegetable grower who has supplied local businesses and a CSA with produce. The co-owners employ a staff of three. The land has been carefully cultivated for years to be fertile soil – soil that is not easily replaced. *How and what will this business be compensated if their land is seized via eminent domain?*

E. Environmental Impact

1. **Damage to two Virginia Department of Conservation and Recreation Sites:** Both the Spruce Creek Tributary (currently in danger of being crossed) and the South Fork Flats (in the half-mile buffer zone) are in danger with the addition of this pipeline to our area. *How exactly will these risks be mitigated by the ACP engineers?*
2. **Damage to habitat for Spring Coral Root:** The Spring Coral Root is a rare and native orchid on the watch list for Virginia, and has been discovered in the Horizons Village community. *How will this habitat be adequately protected during construction of the ACP?*
3. **Negative impact on a nationally recognized Bluebird Trail:** There is an existing trail of 300+ Eastern Bluebird houses located within our community. The Audubon Society has named this trail “an important birding area of the United States.” The ACP construction will disrupt the nesting of the Eastern Bluebird and bisect this trail

(multiple times). *How will Dominion ensure this nationally recognized birding treasure is not impacted by the ACP and ensure the migration of the Eastern Bluebird is not affected?*

4. **Destruction of land Conservation Easements held with the Virginia Outdoor Foundation (VOF):** Our community neighbors Peter and Betsy Agelasto generously put large tracts of their family's acreage into conservation easements with the Virginia Outdoor Foundation. The Spruce Creek route inexplicably bisects these easements. *Why will future landowners ever reasonably put their land into conservation easements when a for profit pipeline can then seize the land? How can a 42" pipeline reasonably coexist with a conservation easement? How will the Agelasto family be compensated for their loss?*
5. **Impact on seasonal and year-round wetlands:** The South Rockfish Valley is literally full of seasonal and year-round wetlands. These wetlands are especially common within the five-mile stretch between MP160 and MP 164. The wetlands house many species including black bear, opossum, raccoons, coyote, fox, deer, bats (including the endangered Indiana bat), snakes, and bobcat. *How will these wetlands and the habitat for these species be protected? Who will monitor the construction to ensure these animals and these important wetlands are not impacted? What will be the impact for seasonal hunters who rely on legal hunting to feed their families throughout the winter months?*
6. **Damage to habitat for the Northern Red Salamander:** The Northern Red Salamander has been identified on the property of our community neighbor Dawn Averitt; Nelson county Parcel #21-17-1. Presence of this salamander is rare for this area. *How will this unique species habitat be protected during the construction of the pipeline? Who will monitor the construction to ensure this salamander is adequately protected?*

F. **Insufficient Infrastructure**

1. **Tremendous negative impact on local roads:** Many roads within the South Rockfish Valley offer limited access. Construction will create huge issues for communities in our valley including Edgewood Park, Eagle's Nest, Glenthorne Loop, Winterhaven, School House Lane community, Grace Glen (the Averitt's properties), Horizon's Village, Elk Hill homestead, and many others. *How will Dominion be able to allow reasonable access to our properties when the construction will be so significant? How will ambulances and fire trucks be able to access our homes and properties with so much construction on two lane narrow roads? How will construction negatively impact traffic to our local vineyards, cideries, breweries and small businesses?*

2. **Impact on private gravel and light paved roads:** Many of the access roads designated on the ACP map are privately maintained gravel or light paved roads that are not designed to handle construction traffic. *How will Dominion compensate all of the private road owners for damage during construction and annual maintenance of the pipeline? Who will monitor this and ensure roads are repaired?*
3. **Total destruction of our property values:** Many of our properties and businesses are located within the “blast zone.” Many hundreds of others are located within the “evacuation zone.” No reasonable person wants to live in the blast zone of a 42” high pressure pipeline. Our property values will be decimated. Many of us will lose hundreds of thousands of dollars of our home, property and business values. Many families in our area have small children at home; there will be a mass exodus of hundreds of people, and property values will fall even further due to so much excess market supply. *Who will want to reasonably purchase a home in a “blast zone?” Who will compensate the hundreds of families and businesses that will lose tens or hundreds of millions of dollars of combined property value? Who will make the determination on total loss of property value? What legal options are available to sue Dominion and the US government for this loss?*

G. Public Safety

1. **Huge risk from weather events due to unique South Rockfish Valley topography:** Hurricane Camille demonstrated how the local topography can intensify a weather event into one of the worst natural disasters in U.S. history. *How will Dominion protect the integrity of the pipeline and the communities where the pipeline is located from the devastating impact of floods and other severe weather patterns seen in the bowl of the South Rockfish Valley?*
2. **Destruction of the only airfield/airstrip in the entire Rockfish Valley:** Our community relies on both ambulance and helicopter for life-threatening emergency transport and evacuation. *Pegasus Medical Helicopter* routinely uses our local airfield for medical evacuation (found just off the north-eastern end of Glenthorne Loop). The Spruce Creek variation inexplicably has the pipeline running down the center line of this entire runway. This airfield has been used for medical evacuations and Pegasus saved the life of Michael Manthey – a local resident on Grace Glen who was crushed under a tractor and evacuated via this airstrip. *Without an airstrip, how will we evacuate our family members in case of medical emergency? How will the aviation company that uses this airstrip to train pilots be compensated for the loss of their airstrip and business...an important airstrip that has been used to transport United States Presidents?*
3. **Risks to our families and communities:** Hundreds of our homes will be located within the blast zone of the ACP. While blasts are rare, they do happen, along with

tragic casualties. The geological and topographical risks of our area increase this risk significantly over most other parts of the country. While Texas and Ohio may have thousands of miles of pipelines, they don't have steep mountain terrain, landslides, earthquakes and massive floods like the South Rockfish Valley. *How will we be able to reasonably sleep at night knowing there is a 42" high pressure pipeline located within sight of our homes that could kill our entire families without any warning? How will our young children manage to deal with the stress and risk of living in a blast zone? How will we be compensated when we no longer want to live in this valley due to our safety concerns, yet we find our property values have been halved or worse? Who will compensate us? Who will be responsible if our children are burned in an explosion or killed playing in our yards?*

Ms. Bose, as we've detailed above, there are many challenges to the ACP in the area immediately surrounding the South Rockfish Valley. Honestly, in many cases just one of these items detailed above should be enough of a reason not to build this pipeline through the Rockfish Valley. Our community is surrounded by some of the steepest mountains in Virginia, including a sharp and treacherous incline towards Brent's Gap to our south, and a 3000-foot ascent towards Reid's Gap to our west. Strong regional opposition is present from the U.S. National Forest Service as the pipeline directly bisects the George Washington National Forest and the Appalachian Trail less than six miles from our community. In addition, the ACP has encountered significant challenges from our county's largest employer, Wintergreen Resort. The Atlantic Coast Pipeline/Spruce Creek variant are headed for trouble.

Both the Spruce Creek variation, and the original pipeline route plow through the heart of multiple neighborhoods in the South Rockfish River Valley, a mile of conservation easement (land meant to be unmolested in perpetuity), a stream mitigation bank (a reforested area meant to restore a destroyed stream), dozens of businesses, two miles of the South Rockfish Historical District, an airfield, the Blue Ridge Parkway, the Appalachian Trail, the George Washington National Forest, and the only access road to Wintergreen Resort, our county's largest employer. The South Rockfish River Valley would be devastated if the ACP moves forward through the Rockfish Valley. Honestly, could Dominion pick a worse place to put a pipeline than the South Rockfish River Valley?

Dominion will tell you that the ACP will create some number of temporary jobs and a smaller number of permanent jobs. However, our investment in our county and our properties have created a stable economy and a community capable of supporting our children and grandchildren. There are already thousands of jobs in our County and increasing employment opportunities. New development is lining up to build in the South Rockfish Valley because of the special qualities of our environment and our natural landscapes. This economic development currently planned for the Rockfish Valley is the kind of sustainable, long lasting development that will benefit generations of our children and grandchildren while protecting and celebrating the very special characteristics of our community that the ACP would destroy. We have already invested enormous amounts of money and labor into our properties, with the intent that they can be passed down and serve as safe harbors and lasting investments for our

families. No one wants to raise their children in an environment where the water, air, soil and their basic safety may be at risk. Absent Dominion's pipeline, we would all continue to live and invest here, to develop our communities in lasting, healthy and beneficial ways. In contrast, if this pipeline is permitted to desecrate our landscape, our community and economy will crumble within just a few years.

Finally, it should be noted – as individuals, we have no plans to grant the ACP right-of-way to build through our properties. Each and every signer to this document, and many more in our midst, hereby refuse to negotiate with Dominion and the ACP and will require them to use the extreme power of the state to seize our land by force through eminent domain. As an organization, we will take collective legal action against any and every eminent domain claim on property owners of the South Rockfish Valley due to our shared risks and mutual sense of investment in our community.

We will fight Dominion and the ACP by all legal means necessary. Dominion should not underestimate our resolve, resources, passion or ability to fight this devastating pipeline for years to come. In our current political climate, there is little that conservatives and liberals seem to agree on, but we can assure you, the residents of Nelson County, and the communities within the South Rockfish are united and ready to fight for our property rights and our right to protect our community. This pipeline is bad for everyone within our County, and Dominion has not provided any answers as to how these risks will be sufficiently mitigated, or how our families and businesses will be adequately compensated for our certain losses of life, limb and property.

Ms. Bose, FERC's responsibility in our society as a regulator is a most critical one, and the people of the South Rockfish River Valley are counting on you. You are the last barrier to ensure the safety and welfare of those people who must otherwise take on a multinational billion-dollar company with their deep corporate pockets and hundreds of attorneys. ***We're relying on you to seriously look into these concerns within the South Rockfish Valley and require ACP to provide more than a cursory response to our concerns. Any company who appeals to the power of the state to forcibly seize the land of our citizens MUST be held to the highest bar and the most stringent burden of proof that the seizure is a Public Necessity, that there is no other way to meet the need and that the company has done everything in its power to minimize the taking and the damages.*** So far, based on previous filings, we are very concerned by ACP's evasive and cavalier responses to our concerns and to your authority as the regulating body that will ultimately decide whether the South Rockfish River Valley community is destroyed or not. We've worked hard to warn FERC and Dominion of the dangers of building in the South Rockfish River Valley. Ms. Bose, please take our concerns seriously; we'd love for you to visit so that we may show you these enormously valuable community resources in person, along with the tremendous risks given our geology and topography.

We are grateful for the opportunity to present our information, we appreciate your careful consideration, and trust we that you and FERC will hold Dominion and the ACP accountable to our concerns.

Best Regards,

The Citizens of the South Rockfish Valley

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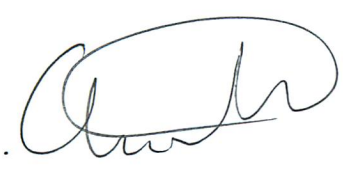
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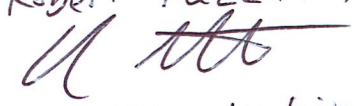
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