



March 10, 2017

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

**RE: Atlantic Coast Pipeline, LLC
Atlantic Coast Pipeline
Docket No. CP15-554-001
VOF comments on the DEIS**

Dear Secretary Bose:

The Virginia Outdoors Foundation (VOF) would like to file comments with FERC on the Draft Environmental Impact Statement (DEIS) issued on December 30, 2016 and to provide an update on the VOF Board of Trustees meeting held on February 9th, 2017 where Atlantic Coast Pipeline (ACP) presented its applications for conversion of open space land on 10 VOF easements.

The DEIS issued by FERC on December 30th addressed the VOF open space easements potentially impacted by the ACP in several areas. In section 3.4.1 FERC addressed the Spruce Creek Variation, which would cross an 11th VOF open space easement in Nelson County. The VOF wrote a letter to FERC on September 6, 2016 stating that crossing this open space easement could impair the significant resources found on the property including historic sites, scenic protection, open farm land, riparian areas, deciduous woodlands and diverse wildlife habitat.

In the DEIS, after comprehensive analysis, your staff stated that, “based on the factors discussed above and information presented in the numerous comment letters filed for these routes, it does not appear that the Spruce Creek Route Variation would offer a significant environmental advantage when compared to Atlantic’s proposed route and we do not recommend that it be incorporated as part of the project.” VOF supports the FERC staff determination and hopes that this recommendation will be incorporated into the Final Environmental Impact Statement (FEIS).

Even without the inclusion of this 11th open space easement in Nelson County, the Commonwealth’s protected conserved lands and VOF’s open space program would be significantly impacted by this project. FERC staff made the following statement regarding the crossing of 10 open space easements: “based on a review of the regulations pertaining to VOF easements, it is believed that the project would not be precluded from establishing an easement for ACP on each VOF easement crossed. Atlantic submitted applications for each easement for minor conversions and, along with the VOF, agreed to defer VOF consideration of Atlantic’s conversion applications until after publication of this EIS.”

The VOF has consistently taken the position that construction, maintenance and operation of the interstate gas transmission line is inconsistent with the open space protections afforded by the subject easements. Therefore, the construction, operation and maintenance of the ACP will constitute a conversion of the easement property as outlined in Va. Code § 10.1-1704. VOF has stated on many previous occasions that the impact is very significant and by no means "minor".

ACP presented its applications for conversion of open space on the 10 VOF easements in Highland, Bath, Augusta and Nelson Counties at the February 9, 2016 VOF Board of Trustees meeting. The VOF Board of Trustees (BOT) heard presentations by both the ACP and VOF staff on the applications and the proposed mitigation for converting open space land. The BOT also heard comments from many landowners, including landowners directly impacted by the project on VOF easement land. They also heard from various individuals and organizations opposed to and in support of the pipeline.

After listening to all the information presented during the public comment period and by the ACP and VOF staff, the Board voted to defer a decision on the Atlantic Coast Pipeline applications. However, to ensure that FERC has the benefit of the staff's conclusions and findings, the Board directed the Executive Director to provide FERC with the VOF staff reports on the ACP conversion applications.

Attached to this filing, you will find the 10 VOF staff reports for the ACP applications. These reports include a great deal of background information on the VOF easements, as well as the findings of the staff on the statutory requirements under §10.1-1704 of the Code of Virginia. The appendices of the reports include: ACP applications for Conversion of Open Space; Correspondences; VOF Baseline Documentation Reports; VOF Open Space Deeds of Easement; Staff Site Investigation and Analysis; Permanent Impact Profiles; Open Space Land Act, Section 10.1-1704 Language; County Statements; and reference to comprehensive Substitute Land Reports titled Hayfields Farm and Rockfish River Parcel.

The final conclusions for each application are found at the end of each staff report. These conclusions included a number of recommended conditions that should be imposed on any approval of the ACP applications. Specifically, the conclusions provide:

If the Board of Trustees finds that ACP applications meet the requirements of Section 10.1-1704, staff would recommend the following conditions:

- *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 Rockfish River Parcel 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.*

- *Written requests from both VOF and ACP to FERC to include the above stated requirements as conditions of the FERC approval.*

Additional site specific conditions may be developed with ACP representatives and the current landowner of the easement property such as minimizing the extent of the permanent easement and construction footprint where feasible, developing pollinator corridors and restoring other natural habitat areas to help preserve the purpose of the open-space deed of easement.

If a Final EIS is issued for this project, VOF respectfully requests these conditions be included in the Final EIS as requirements ACP must satisfy. Additionally, if a Certificate of Public Convenience and Necessity is issued for this project, VOF respectfully requests these conditions be included in the Certificate as requirements ACP must satisfy.

VOF appreciates the opportunity to provide comments on the DEIS and additional information on VOF's own review process. We hope that this will assist FERC in its analysis and preparation of the Final Environmental Impact Statement (FEIS). Please contact Martha Little at 804-577-3337 or via email at mlittle@vofonline.org with any questions, comments or concerns.

Respectfully,



Brett Glymph
Executive Director, VOF

CC [EMAIL ONLY]:

- Molly Plautz, External Affairs Manager, Federal Affairs, Dominion Resources Services, Inc.