

June 13, 2018

Virginia Department of Environmental Quality
1111 East Main St.
Richmond, VA 23219

Re: U.S. Army Corps of Engineers (Corps) Nationwide Permit 12 (NWP 12); Army Corps of Engineers Project ID – VA AP-1 0047 (Milepost 93 ACP – Little Valley Run, Bath Co. VA)

Dear Sir or Madam:

Little Valley Run is considered a Class III wild trout stream by the Virginia Department of Game and Inland Fisheries. It contains a reproducing population of wild brook trout and the benthic macroinvertebrates that support them. It is part of a karst aquifer that is characterized by sinkholes, sinking streams, springs, and is assumed to contain the endangered Madison Cave isopod (ACP-DEIS vol. I, p. 4-263). There appears to be no analysis by either Dominion or the Army Corps of Engineers regarding effects of this stream crossing on the Madison Cave isopod. The fact that the incidental take permit for endangered species issued by the USFWS has been vacated by a federal judge makes it impossible for any type of stream crossing permit for Little Valley Run to be issued at this time.

Blasting would occur in stream or within 1000 feet of the crossing (ACP-DEIS vol. III, p K-13, app. K-1). State Rte. 694 runs parallel to Little Valley Run and is only 90 feet from the stream crossing. Space requirements for the stream crossing and boring under 694 will overlap, with total additional workspace requirements of at least one acre. (ACP-FEIS, vol. II, Table D-1) Excavation of pits needed for boring under Rte. 694, the presence of the additional machinery, and blasting so close to the crossing, increase the likelihood that Little Valley Run and the karst aquifer to which it is connected, would be contaminated with sediment and chemicals.

The proposed route descends Little Mountain on ridges of unstable shale whose slopes exceed 60%, and then almost immediately crosses the stream. Regardless of precautions, any significant precipitation will send unacceptable amounts of sediment into Little Valley Run, degrading the stream and putting the trout and invertebrates at risk.

VDGIF has been collecting field data in Little Valley Run for decades. In 2016 they collected three ages of brook trout in lower LV Run and high numbers of “young of year (Age 0)” brook trout in the upper reaches. According to VDGIF District Field Biologist Steven J. Reeser, the field data “...shows that Little Valley Run is an important tributary for brook trout reproduction, that would also benefit the wild brook trout population in Bolar Run and other streams in the watershed.” As the water table gets lower in periods of drought, long stretches of Little Valley Run downstream of the crossing often sink into limestone channels. The trout survive by gathering in spring-fed pools until the water table is recharged. Sediment could easily disrupt this delicate balance by filling up the spring-fed pools or entering the underground aquifer.

DEQ does not list LV Run as trout waters in their classification system. According to David C. Whitehurst of DEQ, Little Valley Run “...is not listed as either Stockable (Class V) or Natural

Trout Waters (Class VI) and, by default, considered Class IV (Mountainous Zone waters).” Little Valley Run should obviously be classified by DEQ as Natural Trout Waters (Class VI) in order to accurately describe the quality of the stream and thus ensure that all appropriate measures are undertaken to protect it. It seems apparent that the DEQ WQS Regulation does not accurately reflect the true nature of this stream and very probably many of the other trout streams in the Upper James River Basin. Streams should not be classified by default but by fact.

Although neither DEQ nor the Army Corps has evaluated the current water quality of Little Valley Run, a group trained in the Trout Unlimited monitoring protocol, assisted by a credentialed environmental professional with 30 years experience as an environmental compliance officer with a major utility, have been collecting data since 4/11/16. Data collected include turbidity, conductivity, pH, temperature, and stream bed composition. Results are routinely analyzed by an independent lab to assure their accuracy. All of the results are available to anyone who is interested and indicate a high quality spring-fed stream showing no problems related to contamination by excess sedimentation or the presence of chemicals.

The Virginia Department of Conservation and Recreation recommended dye traces be conducted in Little Valley and on December 5, 2017, Dominion karst contractors, GeoConcepts, injected one pound of Eosine dye into a sinking stream on our family farm just south of the proposed pipeline route and near the Little Valley Run stream crossing. Almost six months later, GeoConcepts has not definitively determined where the dye emerged, although some preliminary data indicates it may have surprisingly ended up in Bolar Springs, a significant karst aquifer, miles away. Future dye traces are planned, but at this time, the true extent of Little Valley karst and the true costs of contaminating it have not been adequately evaluated.

The entire headwaters of Little Valley Run is located on our farm which has been in my wife’s family since 1792. I have lived here for the past 30 years and have walked Little Valley Run both above and below the stream crossing on a regular basis. I have come to consider Little Valley Run an important part of my life. We will in no way benefit from the building of this pipeline, but will be forced to endure the inevitable degradation of our watershed that supplies us both with drinking water and in many ways peace of mind.

Degradation of Little Valley Run is inevitable if the ACP is built as planned. The “one-size-fits-all” NWP-12 permit, issued by the Army Corps will not take into account all of the complex factors that would impact this stream. Little Valley Run is a textbook example of why we need evaluation of each stream crossing. I am asking the State Water Quality Control Board to reject approval of the Army Corps of Engineers Nationwide Permit 12 because it does not ensure the protection of Little Valley Run.

Respectfully submitted,

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