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TO: State Water Control Board, Department of Environmental Quality (DEQ)

P.O. Box1105, Richmond , Virginia 23219
email: NWP12infoOnACP@deg.virginia.gov

FROM: Scott D. Ballin, JD

SUBJECT: Comments concerning information on Specific Wetland and/or stream crossings:
Atlantic Coast Pipeline (ACP)

Like many landowners who find themselves, their properties and their rivers, streams and wetlands directly in the path of the 42 inch diameter Atlantic Coast Pipeline, I, on behalf of my entire family am writing to ask that approval of the pipeline be denied or **be put on hold** until such time that it is **fully determined** that this pipeline does not impact the treasured waterways of Virginia and that other less intrusive routes (that were never considered) be considered. Relying on a blanket review by the Army Corps of Engineers for such a massive projects is absurd. Dominion does not own Virginia even though they ‘think’ they do..... the **people** do and you as regulators have an **ethical ‘caretaker’ responsibility** to ensure that our interests and the waterways of this beautiful state are protected. Dominion likes to portray many land owners who are concerned about the effects of the pipeline as ‘environmental extremists’. I do not fall in that category and I resent such ‘stereotyping’ that is intended to serve their corporate public relations interests. I however, commend the many organizations that have taken on this cause because they believe there are some important issues and principles that need to be considered, not only in terms of this project but in terms of future projects. My and my family’s concern is about the preservation of what makes the Commonwealth of Virginia a special place where people want to live, raise a family and retire. I would hope that DEQ would share that vision and not succumb to the political and economic pressures of Dominion. Do this right!

My family has owned property in **Augusta County** for fifty years (western part of the state) that my parents bought so that we and future generations could continue to find tranquility and be

a part of preserving our valley (Deerfield Valley), our farmlands and the use of our streams and rivers.

Location of Property

Our property is at 2158 Deerfield Valley Road (Rte. 629), West Augusta, Virginia, 24484. It lies approximately 5.2 miles southwest from West Augusta just off Rte. 250. It lies 2.2 miles northeast of Deerfield, Virginia. It is impossible to try to find it in the pages and pages maps and locations you have listed but I know it is there. I am including in my attachments a yellow highlighted listing of all of the Calf Pasture River references which I assume are all within a few miles distance from each other. If you wish to see the location then you simply need to do a google map search using our address. which will give you a detailed view of the property and the river, ponds and streams that run through it. A major Virginia river, the **Calf Pasture River** runs southwards through our property.

The Army Corps of Engineer's 'should be' very familiar with the area I am talking about as the river has both a docile but also **volatile** unstable history. Putting a pipeline across and through the river is a potential disaster waiting to happen for all of us in Deerfield Valley.

The Route through Deerfield Valley is NOT the least intrusive-far from it!!

I want to begin by emphasizing that the current route that Dominion is intending to use is NOT the least disruptive or destructive one that was and is available to them in terms of doing the least environment damage to streams and rivers in Augusta County. Did DEQ ask Dominion for information pertaining to the routes taken. Did they ask for information that would have provided less intrusive alternatives that would follow existing rights of way instead of doing more damage to our national forests, farmlands and waterways? Seems that the clear answer was no.

The route that Dominion chose for the pipeline was almost like a 'second thought'. They had originally wanted to build the pipeline further north coming directly over and through the George Washington Forest. When they were denied that route due to the finding of an endangered salamander, they quickly redrew the route adding almost 30 miles of additional pipeline that would seriously impact on more forest, farmlands, rivers, streams, and communities than was/is necessary. It crisscrosses Deerfield Valley crossing Deerfield Valley Road when it could have run along the border with the National Forest and stayed on one side of the road **never** even crossing the Calf Pasture River. I find it both fascinating and even more so 'troubling' that the Federal Energy Regulatory Commission (FERC) would 'approve' the pipeline and issue an 'environmental impact report' when and before any surveys had been done in Deerfield Valley and specifically on our land. The 'approval' would come after- hours on a Friday night with only three (of five) sitting Commissioners, two of whom had only been in their positions for a few weeks. The other sitting Commissioner who had followed the application process for several years, wrote a strong and detailed **dissent** about the approval. I hope that this kind of rubber stamping will not happen in terms of the DEQ merely rubber

stamping a 'blanket' approval based on the recommendation of the Army Corps of Engineers who in my opinion have not done their job adequately.

What the effects of the Construction and operations of the ACP will have on our Land, Streams, Ponds and the Calf Pasture River (as well as others upstream and downstream)

It is Dominion's intent to build the pipeline across the front fields of our property cutting through our pastures that are used for the production of crops and livestock grazing. These pastures are filled with underground streams that are obviously 'fed' by the Calf Pasture river and which 'feed' the river. What happens as part of any construction and permanency of the ACP will not only impact our **drinking water** but many of those of those in Deerfield Valley. These pastures are often 'wetlands' at differing times of the year. The pipeline will then cross the Calf Pasture River. The river is a major body and unlike many rivers has a mind of its own, docile at times but at others **volatile**. At the spot where the pipeline crosses it we have had major flooding (1986) that disrupted river beds and that left several acres of river rock strewn across our front and back fields, took away neighbors houses and left us without out power for several weeks. And this is where Dominion wants to build this pipeline and this is where the Army Corps has rubbered stamped its blanket approval (Nationwide Permit 12) ? Just a month ago, we had heavy rains that ripped out trees and disrupted the river beds and tore out electrical poles. **Each stream and river crossing deserve its own thorough review - especially this one.**

The Calf Pasture river is used not only on our property but by the many people living along the river for many purposes. We use and allow others in our valley to use the river for fishing and swimming. There are often hikers who follow the river for enjoyment and to appreciate the natural beauty. The river is also used by many animals including deer, beavers and other wildlife. It is the home to many species of fish, crayfish and salamanders. Many differing species of birds including water birds use the river, including crane, geese etc.

An Invitation to visit the western part of the state so you can better do your jobs

I want to (as I did with the Virginia Marine Resources Commission but who by the way failed to do its job by giving the public due process) invite you to come to the western part of the state (Augusta County) and visit to SEE what the consequences of your decision will and will not be. I doubt that any of you have been out this way or met with those of us being impacted and seeing firsthand the hundreds (if not thousands) of rivers and streams being impacted.

Conclusion

I am increasingly concerned that state (and federal agencies) that are entrusted with protecting our waters, forests and lands have increasing succumbed to the powerful influences of

corporations like Dominion Energy who over two years were 'boasting' that this was 'a done deal' and which has used its lawyers, lobbyists, public relations firms, political and economic clout to achieve its goals. This should be denied and the routes and river and stream crossings carefully reevaluated and reviewed. And as I have said in a number of other comments and several editorials, this could have been done right. It has not been.

I am enclosing several Google maps of the property in question as well as a couple of pictures showing the devastating effects that the river can have as caused by a storm in the 1980's. I will be sending more photographs.

Side note: I am also concerned that the DEQ website that was the means for filing comments conspicuously went down more than 10 days ago and has not been restored. I believe that the comment period needs to be extended for at least an additional 30 day period to ensure that all those wanting to file comments can do so. I also request that I be notified by mail and by email that this submission has been received and that it will be properly considered by the DEQ and not merely filed away.

Respectfully Submitted.

Scott D. Ballin, JD