

PF15-554

ROB BISHOP, UT  
 CHAIRMAN  
 DON YOUNG, AK  
 LOUIE GOHMERT, TX  
 DOUG LAMBORN, CO  
 ROBERT J. WITTMAN, VA  
 JOHN FLEMING, LA  
 TOM MCCLINTOCK, CA  
 GLENN THOMPSON, PA  
 CYNTHIA LUMMIS, WY  
 DAN BENISHEK, MI  
 JEFF DUNCAN, SC  
 PAUL A. GOSAR, AZ  
 RAUL R. LABRADOR, ID  
 DOUG LAMALFA, CA  
 JEFF DENHAM, CA  
 PAUL COOK, CA  
 BRUCE WESTERMAN, AR  
 GARRET GRAVES, IA  
 DAN NEWHOUSE, WA  
 RYAN ZINKE, MT  
 JODY HICE, GA  
 AUMUA AMATA COLEMAN RADEWAGEN, AS  
 TOM MACARTHUR, NJ  
 ALEX MOONEY, WV  
 CRESENT HARDY, NV  
 DARIN LAHOOD, IL

**U.S. House of Representatives**  
**Committee on Natural Resources**  
 Washington, DC 20515

RAUL M. GRIJALVA, AZ  
 RANKING MEMBER  
 GRACE F. NAPOLITANO, CA  
 MADELINE Z. BORDALLO, GU  
 JIM COSTA, CA  
 GREGORIO KILILI CAMACHO SABLAN, CNMI  
 NIKI TSONGAS, MA  
 PEDRO R. PIERLUSI, PR  
 JARED HUFFMAN, CA  
 RAUL RUIZ, CA  
 ALAN LOWENTHAL, CA  
 MATTHEW CARTWRIGHT, PA  
 DON BEYER, VA  
 NORMA J. TORRES, CA  
 DENISE DINGELL, MI  
 RUBEN GALLEGO, AZ  
 LOB CAPPAS, CA  
 JARED POLIS, CO  
 Wm. LACY CLAY, MO

DAVID WATKINS  
 DEMOCRATIC STAFF DIRECTOR

JASON KNOX  
 STAFF DIRECTOR

November 23, 2015

OFFICE OF  
 EXTERNAL AFFAIRS  
 2015 NOV 23 P 3:21  
 FEDERAL ENERGY  
 REGULATORY COMMISSION

The Honorable Norman C. Bay  
 Chairman  
 Federal Energy Regulatory Commission  
 888 First Street, NE  
 Washington, DC 20426

Dear Chairman Bay:

I am writing to urge the Federal Energy Regulatory Commission (FERC) adjust the schedule for review of the Atlantic Coast Pipeline Project (Docket Number PF15-554-000). The Bureau of Land Management (BLM) had previously requested an extension to the schedule, and while a recent route change by the project proponent has removed BLM from the permitting process, I have been informed by the U.S. Forest Service (USFS) that it agrees with the BLM and also requests the extension.

The proposed pipeline would cross the Monongahela and George Washington National Forests, resulting in potentially significant impacts to both of those National Forests. The original route for the pipeline crossed other federal land as well, necessitating involvement by the BLM for issuance of a right-of-way. As a participating agency in the permitting process, BLM committed to following the procedures listed in the May 2002 *Interagency Agreement on Early Coordination of Required Environmental and Historic Preservation Reviews Conducted in Conjunction with the Issuance of Authorizations to Construct and Operate Interstate Natural Gas Pipelines Certificated by the Federal Energy Regulatory Commission* (Interagency Agreement), which requires that sufficient data be submitted to the BLM to allow the agency to identify and resolve potential concerns during the pre-filing stage, as required by Section III.B.4 of the Interagency Agreement.

According to a letter to FERC from the BLM Northeastern States District Office on October 6, 2015, BLM notified FERC on August 13, 2015, and September 3, 2015, that the project applicant had not submitted sufficient data in order for BLM to identify and address issues and concerns during the pre-filing period. Nevertheless, on September 18, 2015, Atlantic Coast Pipeline, LLC filed its application with FERC, and on October 2, 2015, FERC issued a Notice of Application for the project, ending the pre-filing period. In addition, on October 14, 2015, the Norfolk District Regulatory Branch of the U.S. Army Corps of Engineers (ACOE) notified FERC that the Atlantic Coast Pipeline "application is not ready for processing."

2015-262

Chairman Bay  
November 23, 2015  
Page 2 of 2

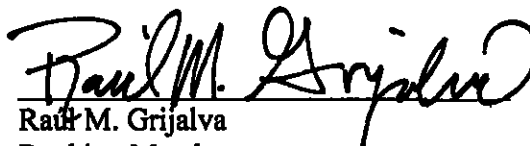
On October 30, 2015, Atlantic Coast Pipeline, LLC submitted a revised pipeline route to FERC that avoided the Great Dismal Swamp Wildlife Refuge. As BLM is not involved in issuing rights-of-way for pipelines that only cross one category of non-BLM federally-managed land, this route change made the USFS the sole federal siting entity for the federal government. Discussions between my staff and the USFS have made it clear that the USFS shares BLM's concerns, and similarly requests that the review timeline be extended.

I am concerned that the applicant is attempting to use the pre-filing process to obtain expedited review for the application without providing all the required data to the participating agencies in a timely manner. Early and close involvement with the BLM, ACOE, U.S. Fish and Wildlife Service, U.S. Department of Agriculture Forest Service, and all potentially interested agencies is critical for identifying, minimizing, and mitigating potential impacts to the National Forests, threatened and endangered species habitat, wetlands, sensitive areas, and other natural resources.

In light of the lack of data provided to the participating agencies during the pre-filing period, I ask that FERC grant the request of BLM in its October 6, 2015, letter and adjust the schedule for review of the Atlantic Coast Pipeline in order to provide sufficient time for the U.S. Forest Service and other potentially participating agencies to work with the applicant to identify and resolve potential concerns before the Environmental Impact Statement for the project is initiated.

Thank you for your attention to this issue. If you have any questions about this request, please contact Dr. Steve Feldgus on my staff at 202-225-6065.

Sincerely,



Paul M. Grijalva  
Ranking Member  
House Committee on Natural Resources

cc: Ms. Christy Goldfuss, Managing Director, Council for Environmental Quality  
Ms. Kimberly D. Bose, Federal Energy Regulatory Commission

Document Content(s)

14054405.tif.....1-2