

August 14, 2017

Friends of Nelson County
PO Box 33
Nellysford, VA 22958
Contact: Ernie Reed, Pres.

Department of Environmental Quality
Office of Wetlands & Stream Protection
P.O. Box 1105
Richmond, VA 23218

Dear Sir or Madam,

Thank you for the opportunity to submit comments on the proposed 401 Water Quality Certifications for the Atlantic Coast Pipeline, specifically those related to activity on the steep, landslide-prone slopes found in Nelson County.

Attached please find comments on FERC's Draft Environmental Impact Statement (DEIS) for the Atlantic Coast Pipeline that were prepared by Dr. W. Lee Daniels on behalf of Friends of Nelson in April of 2017.¹

Friends of Nelson contracted with Dr. Daniels to review the DEIS because we were concerned that over-reliance on ACP's errant research, incomplete plan submissions and unsubstantiated assertions had led FERC to inaccurate conclusions regarding the significance of the environmental impacts of the proposed project, particularly as related to the mountainous terrain in Nelson County. Among the items detailed in his comments are concerns that the ACP's plan as presented to FERC:

- 1) does not accurately represent the extent of or adequately address the issue of disposal of excess spoil
- 2) "significantly understate(s)" the risks posed by acid forming materials (AFM) in the soils along the pipeline route
- 3) offers "totally inadequate" procedures to mitigate AFMs, and relies on identification/assessment methods that are "generally not applicable" to the stated scenarios

¹Dr. Daniels' comments may also be found in the FERC docket at:
http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20170403-5168

- 4) uses protocols for private forested lands that do not meet recognized best management practices and will compromise long-term reclamation success
- 5) understates the adverse impacts of the proposed soil disturbances on farmland productivity and does not provide adequate protocols for their protection and restoration
- 6) repeatedly demonstrates a “negligible understanding” of the science and techniques of soil restoration/rehabilitation

Given the thousands of pages of additional and ever-changing supplemental submissions that ACP has entered into the docket since the release of the DEIS, it is impossible for a small, non-profit group of impacted landowners and citizen volunteers to thoroughly catalogue and substantiate (or pay qualified professionals like Dr. Daniels to thoroughly catalogue and substantiate) ALL of the deficiencies in ACP’s plans. However, as Dr. Daniels points out in his recent memo to Friends of Nelson (attached), it is clear that many of the concerns he raised in these comments remain unaddressed or inadequately accounted for in the Final Environmental Impact Statement (FEIS) as well.

Building the ACP in terrain that is as steep, difficult to stabilize, and nearly impossible to successfully revegetate such as that found in much of Nelson County poses an unacceptable risk to our precious water resources. Although ACP’s Construction, Operations and Maintenance (COM) Plan includes concessions that offer somewhat better protections on National Forest lands -- and the USFS will have the authority to monitor and enforce adherence to those negotiated stabilization and rehabilitation measures -- **ACP has not committed to adhering to the same standards and safeguards on private lands**, leaving Nelson’s steep, landslide-prone slopes particularly vulnerable.

Indeed, contrary to what has been implied in their aggressive marketing campaign, ACP’s “Best in Class” (BIC) program for managing the challenges of steep slope and narrow ridgetop construction is still “under development,” and other slope instability/landside risk reduction measures have not yet been adopted.² Because of this, and because of the inadequacy of ACP’s landslide risk analysis on non-USFS lands along the route³ **neither stakeholders nor the DEQ can thoroughly assess**

² Atlantic Coast Pipeline and Supply Header Project Final Environmental Impact Statement, Volume 1, Section 5.1.1, page 5-5.

³ Please refer to Blackburn Consulting’s report which was submitted to FERC on March 27, 2017 (Accession Number 20170327-5096) and can also be found at <http://friendsofnelson.com/wpcontent/uploads/2017/03/Final-Steep-Slope-Report-March-2017.pdf>

the likelihood and magnitude of the slope stability-related environmental effects of the project nor the sufficiency of their plans for the multiple sites that we anticipate to be at high risk. These areas of concern include not only the challenging slopes along which the pipe is proposed to be installed, but also the extremely steep and slip-prone slopes that flank the pipeline's route along narrow ridgetops, such as on Roberts Mountain.⁴

Appallingly, FERC has not insisted that the BIC be completed or that site-specific plans be submitted, reviewed or commented on prior to the project approval. The writing is on the wall: if the ACP is built here, it will be up to the DEQ to insist on, monitor and enforce the terms under which the work is done.

It is our hope that Dr. Daniels' comments, the Blackburn report, as well as concerns raised by Friends of Nelson, other stakeholders, and especially the extensive work done by the Dominion Pipeline Monitoring Coalition, will drive home the fact that **the cited inadequacies in the ACP's plans are not isolated aberrations, but rather constitute an underlying pattern of inadequate analysis and planning which has the potential to severely impact Virginia's waterways.**

It is DEQ's responsibility to safeguard our Virginia's water resources. If you cannot do that with the information currently at your disposal, or if you do not have the resources to monitor and enforce the stringent standards the ACP's ill-chosen route necessitates, you must not grant the permits for this project.

Sincerely,

Joyce Burton

⁴ Please see Joyce Burton's comment regarding the DEIS' misrepresentation of potential impacts to Roberts Mountain at https://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20170404-5027