



Rockfish Valley Foundation

Enhancing the Quality of Life and Celebrating the People, Land, and History of the Rockfish Valley

July 16, 2018

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: Docket No. CP15-554-000

Rockfish Valley Foundation (RVF) Response to March 26, 2018 DETI Response to FERC Data Request Dated March 8, 2018 regarding this project;
Further Response to Atlantic Coast Pipeline letter of December 22, 2017, to the Virginia Department of Historic Resources (VADHR) regarding the ACP Section 106 Review and Treatment Plan for the South Rockfish Valley Rural Historic District (SRVRHD) (062-5119); and
Further Response to Virginia State Water Control Board through Department of Environmental Quality Request for Technical Information on Specific Wetland and/or Stream Crossings concerning environmental degradation of Spruce Creek and its Tributaries

Dear Secretary Bose:

This comment is the latest of many filed by the Rockfish Valley Foundation (RVF). It is a continuation of one to the Virginia Department of Environmental Quality concerning stream crossings, and contains new information concerning access roads in the South Rockfish Valley. RVF received notices on June 11, 2018 and June 26, 2018 that Dominion contemplates a change in the route across our property. Current investigation along Spruce Creek and SR 627 (Spruce Creek Lane) has provided important information for this comment.

Dominion Energy Services, Inc. plans show only three access roads between the entrance to Wintergreen Resort and State Route 151 for the Atlantic Coast Pipeline. None are feasible. One access road utilizes a portion of Winery Lane off of State Route 664 (Beech Grove Road) [ACP MP 161.4, Access Road (08-001-B025-AR2)]. ACP has informed the Winery Lane owners in the Mill Hill subdivision (Nelson Tax Map Parcel Numbers 20-6-1 through 20-6-9) that it will not use this access road, but the March 2018 ACP maps show it still being used. The other two access roads utilize State Route 627 (Spruce Creek Lane). There have been conflicting reports from Dominion/ACP regarding which access will be used for what purpose, for how long, and how improved. Describing the environmental, cultural, and historical impacts and damages is very difficult without solid information regarding usage. Without this information, RVF cannot give adequate input to the mitigation treatment plan.

The two Spruce Creek Lane access roads pose current and future environmental, cultural, and historical damages. These two roads are located on Nelson County Tax Map Parcel Numbers 20-A-1 [ACP MP 160.5, Access Road (08-001-B013-AR1)] and 20-A-59A [ACP MP 161.2, Access Road (08-001-B023-AR-1)]. The first, which is farthest west of SR 151 (ACP MP 160.5) has a recorded easement

in 2016 giving ACP access for pipeline construction. The second, which is closest to SR 151 (ACP MP 161.2) has a 1978 recorded easement 60' wide from SR 627 to Spruce Creek. The location of this easement is just beyond where the tar and chip gravel pavement ends and the gravel road begins. SR 627 is gravel from this point up the mountain to the first access road and beyond. The second parcel has **no** recorded easement for ACP, only the Court Order permitting surveying to take place.

RVF has not been able to determine from any of the literature provided by ACP exactly what improvements will be needed to SR 627 for them to utilize the two access roads to the pipeline construction. We have been unable to ascertain the width of prescriptive easements, but from a site review, no improvements can be made that accommodate the construction traffic. On one side is rock outcrops in places. On the other side there is a 100' precipitous drop within a few feet of the pavement. Considering the fact that a semi truck's maximum width is 8'6" and normal road travel lanes are 12' wide, Spruce Creek Lane will need to be widened and traffic lanes painted. The intersection of Spruce Creek Lane and SR 151 will require improvement and realignment. Maximum truck weight is 40 tons and length is 53-65'. This length requires a larger turning radius, therefore; a wider road. SR 627 has one 35 MPH speed limit sign on the paved portion. How much construction traffic will ACP create? SR 627 is not, and has not been, included in Nelson County's six-year road improvement program. How much blasting will be required to make this road suitable for massive truck traffic? At the very least, an engineering study should be required. VDOT has indicated that planning and construction could take years.

Recent work (logging and significant creek disturbance) has been done connecting the two Spruce Creek access roads to the pipeline. Landowners observed the construction of a temporary bridge with railroad ties, plywood, and gravel at one SR 627 access road. This temporary structure has been removed. A pile of logs remains on TMP 20-A-59A. Photos of this access point reveal track hoe tracks in the pavement. Witnesses reported many loaded logging trucks leaving the area. Virginia Department of Transportation (VDOT) maintenance has responded to road damage caused in part from this construction activity. Spruce Creek is a pristine water body, which is home to stocked trout, wild trout, and a rare newt/orange spotted salamander. The terrain is incredibly steep. The natural habitat including trees and large rocks were removed. This required the use of heavy equipment in violation of the manual tree felling that FERC permitted. This logging was done without any storm water protection (erosion and sediment controls). The May and June rains have caused the clear creek to flood and turn **red** from sediment. This protected wildlife cannot live in such polluted conditions.

In addition to the physical harm, the above mentioned logging with heavy equipment was done without proper governmental approvals. The pipeline access road construction across Spruce Creek violates both FEMA flood plain regulations and Nelson County floodplain ordinances. The four or more crossings of Spruce Creek require variances from the Nelson County Board of Zoning Appeals (BZA) Dominion filed several variance requests for Spruce Creek crossings, and the BZA dismissed them for lack of standing. No further action has occurred. It is impossible to give input to mitigation treatment plans until it is known whether these crossings will be allowed.

Other matters to be considered:

- There are safety concerns in addition to environmental, cultural, and historical impacts. The intersection of State Routes 151 and 627 is the 2nd most dangerous in Nelson County.
- Dominion/ACP has violated FERC decisions and rules by logging both of the SR 627 access roads. These actions were performed without regard to resulting damage.

- No NEPA EIS review has been performed on any of the three access roads. SR 627 contains many springs which cross the road and drain into Spruce Creek and adjacent wetland areas.
- No NHPA Section 106 review/study has been done on any of the access roads to SR 664 or 151. The South Rockfish Valley Rural Historic District (SRVRHD) includes the intersection of State Routes 151 and 627, as well as a portion of 627. The access road pipeline construction impacts need to have archaeological and architectural studies performed.

The South Rockfish valley is geologically unique for a couple of reasons. First, it occupies a wide alluvial plain (that in places exceeds 1 km in width). This alluvial plain is underlain by strata of cobble, sand, and silt deposited by the Rockfish River during the Pleistocene and Holocene periods. The valley is cobble basin on top of bedrock. Although bedrock is evident at some places in the Rockfish River's channel, the stream bottom is most commonly underlain by sediment and the depth of bedrock unknown. The width of the Rockfish's alluvial valley, relative to the overall drainage basin area and mean discharge of the river, is consistent with the Rockfish River being an under fit stream. In essence, an earlier Rockfish River with far greater discharge and sediment load probably formed the valley. The amount of alluvial materials in the Rockfish Valley probably extends to greater depths than the modern channel.

The ACP may need to be buried more deeply than currently proposed to keep the pipeline safe from sediment transport and erosion during future flooding events and redirection of Spruce Creek water flow. The depth of bedrock varies from place to place. A study of each individual water crossing must be made to determine the depth of bedrock. RVF has worked with many geologists in Virginia. Lynn S. Fichter, Professor of Geology and Environmental Science, James Madison University and Eric Pyle, Professor of Geology at James Madison University did a local geology study project & created the geological trail at RVF. David Spears, Virginia Department of Mines, Minerals and Energy, Division of Mineral Resources, has spoken many times, led many walks, and acted as mentor concerning RVF's geology studies for over a decade. Chuck Bailey, chairman of the College of William & Mary geology department has started working on various studies within the Rockfish Valley. He and 3 geology major students recently spent several days in Nelson County, working at the James River and South Rockfish Valley. A number of projects are in the works. Their fieldwork included a lengthy tour of the Spruce Creek Lane area on 14 June 2018. RVF understands that no geologist is involved with the prime issues concerning the Rockfish Valley or along the James River. RVF has been informed that a geologist should be required to be present at all planning, studies, and construction, but none exists for the ACP. The pipe will damage the streams if not placed in bedrock. Evidence to that effect is currently in the news regarding a pipeline project in West Virginia.

Second, the mountain and piedmont areas of Virginia were formed during several major geological events. The supercontinent of Rodinia was created by the collision of tectonic plates and volcanic activity. Erosion created the Swift Run Formation.¹ The Iapetus Ocean formed at the edge of the North American plate as they separated. The supercontinent of Pangea was formed during the North America and Africa collision in the late Paleozoic era. Like Rodinia, Pangea has now ceased to exist when the plates separated creating the Atlantic Ocean. These plates continue to move along "fault lines." On 23 August 2011, the Central Virginia Seismic Zone fault slipped, creating a 5.8 magnitude earthquake in Mineral, Virginia, which could be felt as far away as Washington, D.C. and Nelson County, Virginia. After this event, FEMA awarded a Hazard Mitigation Grant to the Virginia

¹ The Geology of Virginia: A resource for information on the Commonwealth's Geology, google search blue ridge geology of Virginia on 10 May 2018; Geology along the Blue Ridge Parkway in Virginia, chapter by Mark W. Carter in From the Blue Ridge to the beach: Geological field excursions across Virginia, c 2017 by The Geological Society of America.

Department of Emergency Management to develop GIS Fault Mapping of Virginia Seismic Zones. Just like the FEMA flood mitigation maps this was a step toward regulating land use in hazardous areas. Why is the ACP allowed to drill and blast through a fault line??

The ACP pipeline and SR 627 access roads cross the Rockfish Valley Fault (seismic/earthquake). It is located in the area rock folding north from the thrust fault in the Rockfish Valley to Little Stony Creek and another one in the Spruce Creek area can be located on the USGS Sherando quadrangle map. There are high- angle shear zones in the charnockite rock adjacent to the fault and contradictory vertical offsets.² About 1.4 miles from the intersection of SR 151 is a large outcropping of Charnockite rock on the right side (near 1304 Spruce Creek Lane) and about 300 yards further on the right (near 1570 Spruce Creek Lane; TMP 20-1-B) is Swift Run Formation, a very rare rock in the Rockfish Valley. These outcroppings are about 3 feet from the edge of the tar and chip pavement. On the left side is a precipitous decline of 100 feet to Spruce Creek. All of this needs further work by geologists, and RVF is advised that a trained geologist should be actively involved in all construction plans in this and similar areas.

The geological significance of the Rockfish Valley Fault has not been adequately studied. An area along Rockfish Heights (TMP 21-19-1 to 21-19-22), at about .9 mile from the SR 151/627 corner has been identified as a recent area of study by the College of William and Mary geology department. This area is the very heart and soul of the Spruce Creek community, part of which includes the South Rockfish Valley Rural Historic District. It is a very special and unique teaching place. At the very least, it deserves intense geological study before any changes are made to Spruce Creek Lane and the studies made available to the public through web sites and exhibits. Arrangements are being made for Chuck Bailey to access lands above the Rockfish Valley Fault in the Rockfish Heights subdivision, which is off of SR 627. No timeframe has yet been established for this study.

Environmental justice issues are raised by the ACP construction through the Rockfish Valley Fault. This comment began by detailing the environmental degradation already suffered by Spruce Creek. Despite the construction of Wintergreen Resort on the 10,000 acre Big Survey, the area remains rural. The people are dependent upon springs and wells for their water supply and septic systems for sewage disposal. What is ACP's response going to be when their construction causes earthquakes and irreparably damages the entire South Fork of the Rockfish River groundwater recharge system?

On 17 August 1969, Category 5 Hurricane Camille slammed into the Mississippi coast. By 19 August 1969, it had traveled to the Blue Ridge and combined with another storm that migrated from the Woodstock music festival area. This combined storm dumped **27" of rain** across Nelson County, Virginia **overnight**. So much water coursed through the Rockfish River that the mighty James River flowed **upstream** at Howardsville to the confluence with the Tye. The results were obviously catastrophic. This tragedy took the lives of over 125 of 12500 residents. One should visit the Rockfish and Spruce Creek crossing where water rose 2' in the first floor of the Wintergreen store and Mr. & Mrs. Hawes Edward Ewing perished in a debris flow the early hours of 20 Aug 1969 in their house at the South Rockfish River bridge. Almost 50 years later, the massive debris scars remain with bare rock along mountain summits. Geologic studies are available of that impact. The psychological impact also remains. That is why Nelson County is fighting so hard against the ACP. They can see another Camille type weather event happening, especially considering the fact that the ACP is being built on the ridge tops. There is a study of steep slopes in the Rockfish Valley that has been presented to FERC which

² In 1977, the Commonwealth of Virginia, Department of Conservation and Economic Development, Division of Mineral Resources, published Geology of the Greenfield and Sherando Quadrangles, Virginia. This publication on pages 20-25 describes the formation of the Rockfish Valley and its Fault.

confirms future landslides are probable. In 1969 there was no FEMA, there was no NOAA, and all weather information stopped in Tennessee. Afterward, Congress crafted legislation which in turn created FEMA and NOAA. History should be a teacher, lest we dare to repeat it. One should see how many 100 year storms have hit the Rockfish valley in the last 10 years.

Should additional information be desired, representatives of RVF will be pleased to meet with you for further discussion as well as to provide a guided tour of the area concerns. Thank you for your consideration of RVF's comments and concerns about the very significant impact the ACP will have on Nelson County and Commonwealth streams, wetlands and water quality.

Sincerely,

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