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Comments: Atlantic Coast Pipeline Decision Objection

September 3, 2017

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Mr. Glen Casamassa , Associate Deputy Chief
USDA Forest Service, Attn: Administrative Reviews
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Objection of James R. Bolton (Intervenor) Re: the Proposal that the USGA Forest Service Issue a Special Use Permit and Amend its Management Plan to Accommodate the Atlantic Coast Pipeline and Supply Header Project (Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000 FERC/EIS-0274D)

Dear Mr. Casamassa:

In my comment to FERC, filed on April 10, 2017 in Docket CP15-554-000 (Accession #: 20170410-5159), I requested that the Forest Service forego the authorization of proposed amendments to its Land and Resource Management Plan (LRMP) and decline to issue a Special Use Permit that would allow the Atlantic Coast Pipeline (ACP) to be constructed across the George Washington National Forest (GWNF) and the Monongahela National Forest (MNF). As a result of the USDA Forest Service's recent issuance of its Draft Record of Decision to the contrary on this subject, I am hereby responding to your invitation to strongly object to its conclusions.

Specifically, my comments argued for your rejection of the proposal that a special use permit be granted for the following reasons:

- * That the proposal violated the intent and spirit of the Forest Service's Mission and Policy
- * That the DEIS was incomplete and failed to fully inform the FS the degree to which, and, in many cases, if, the impacts of the project can be mitigated
- * That the developer had failed to demonstrate that it can be a reliable partner to the FS due to the failure of the project developer to be completely forthcoming re: information collected on its behalf, and the credentials of those involved
- * That the DEIS failed to inform the FS in an independent, fair, and impartial manner as it obviously included conclusions reached not by FERC staff, as claimed, but dictated by the developer
- * And, most importantly, that the DEIS failed to demonstrate sufficient need for the project to justify the impacts of the ACP on the National Forests, whether or not they will be able to be successfully mitigated

In addition, I, and others, have also submitted Comments and Motions to Intervene to FERC that explained in great detail why the statements contained in the DEIS have failed to adequately address the question of need while, at the same time, contradicting FERC's own policies, as well as those set forth in the National Environmental Protection Act (NEPA), in the process. (I am taking the liberty of attaching several selected examples of these submissions for your reference in assessing the relevant arguments, and request that they be

considered supporting documents to this objection.)

As FERC has now released the final version of its EIS (FEIS), and has apparently refused to take these arguments into consideration, or address them in any significant way, I maintain that the final document is, due to this failure, as flawed and incomplete as the draft version, and therefore object to your acceptance of its conclusions as grounds to underpin and justify your draft decision. Most specifically, I request that, given the predominance of evidence to the contrary, you address how it is possible to justify the contention that is the most fundamental question of all, i.e. whether the project is in any real sense needed, and is not, in reality, anything more than a cynical scheme by the affiliates of the developer to take advantage of an opportunity to realize a lucrative rate of return on investment. (Once again, please refer to the attached documents.) While, given its historical role as merely giving its "rubber-stamp" to such projects, it may not be surprising that FERC has "produced" an EIS favorable to the developer, the FS is nonetheless obviously capable of its own impartial analysis of the relevant issues that have been raised and need not, and should not, feel influenced or pressured into making any decision that is not unquestionably supported by accurate and complete data that has been collected utilizing rigorous scientific methods and independently analyzed by impartial parties.

Finally, since the focus of this discussion is project need, I fail to understand how this project can be reconciled with your stated policy as explained in your letter to FERC dated July 30, 2015, i.e. that Forest Service policy "...relating to the use of NFS lands §2703.2(2) state[s] to authorize use of NFS lands only if: a the proposed use is consistent with the mission of the Forest Service to manage NFS land and resources in a manner that will best meet the present and future needs of the American people...."(emphasis mine). Even if the term "American people" is to perhaps be construed (in a narrow legal sense) as including corporate entities such as ACP/Dominion, how is it possible to justify amending your policies to accommodate the individual financial particular interests of these few corporate "persons" while discounting or ignoring what must certainly be the significant numbers of those more conventionally-defined "persons" who have clearly expressed their opposition to such accommodation, especially given the absence of compelling evidence of need?

For the reasons stated, I object to the adoption of your Draft Record of Decision and urge you rescind your decision to modify your Management Plans and to issue of a Special Use Permit to allow the construction of the Atlantic Coast Pipeline across National Forest lands.

Thank you for the opportunity to express my opinion.

Respectfully submitted,

James R. Bolton