

Received

June 10, 2015

Kimberley D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

JUL 20 2015

Virginia Field Office

Re: Docket Number PF15-3-000

This correspondence regards the environmental impact to Craig County if MVP is allowed to construct their pipeline along Alternate 110. I own property in a development at Maggie, Virginia called Black Diamond. For many years Black Diamond was a 1600 acre, black angus, cattle ranch. In 2006 (b) (6) (b) (6) decided to buy the ranch and develop in into a 103 lot subdivision. In addition to large lots, ranging from 5 to 60 acres, a main attraction was the outstanding trout fishing in John's Creek.

About half of Black Diamond is pasture and the other half is wooded. Black Diamond properties lie on both sides of a 3-1/2 miles stretch of John's Creek and the wooded portions on both sides of the creek back up to the Jefferson National Forest. In order for (b) (6) to develop this residential property he was required to embrace requirements from the US Fish and Wildlife Service, the US Corps of Engineers, the Department of Environmental Quality, the Virginia Department of Game and Inland Fisheries and the Virginia Marine Resources Commission.

As a result of these requirements hundreds of trees were planted in places along John's Creek where woods did not grow and all the drainages that flow from the Jefferson National Forest through Black Diamond to John's Creek were marked with Stream Buffer signs. These signs are set back 100' from the center of the tributary creating a 200' wide mitigation area. Requirements were established and covenants were written and recorded in Craig County.

The trees along the creek help keep erosion from entering the creek and also serve to keep the water temperatures cooler during the summer months. The stream buffers or filter strips provide a variety of benefits. These environmental measures are one reason that my wife and I were attracted to Black Diamond and we were among the earlier purchasers of property in Black Diamond in 2007. We purchased Lot 76 which has a stream buffer running across the back corner of our property and down one side. Our lot is only 6-1/2 acres and this stream buffer represents about 30% of our acreage.

The stream buffers carry a number of restrictions including the following: No ditching, diking, damming, filling, excavating, grading, plowing, flooding/ponding, mining, or drilling. No trash or yard debris. No removing or adding of topsoil or sand. No livestock to graze, inhabit or otherwise enter the preservation area. No cultivating, harvesting, cutting, logging, planting or pruning of trees or plants. No use of fertilizers or spraying of biocides. This list would indicate to me that the federal and state agencies involved not only wanted, but insisted, with these regulations that John's Creek would not be contaminated or harmed in any way.

While their intent was to protect the clean water of John's Creek they also wanted to provide habitat for a wide variety of wildlife and, especially, the federally endangered James Spinemussel. The Black

Diamond section of John's Creek is recognized as one of the last remaining sanctuaries for the James Spiny mussel. It is perplexing that MVP has placed two survey stakes in the middle of Black Diamond where they intend to cut a 150' construction right-away through John's Creek. It would seem with all the agency attention and environmental regulations that an environmental impact statement has already been made regarding Black Diamond. Thus, it would seem that the Alternate 110, pipeline construction through the middle of Black Diamond would not remotely align with the environmental guidelines already established.

In addition to John's Creek the James Spiny mussel also inhabits Little Oregon Creek and Dick's Creek. These two, headwater streams funnel into John's Creek at Black Diamond and Alternate 110 would cross both of them also. The James Spiny mussel is a bottom dweller that does not move and the only way for it to survive is to have a clean, silt free environment. Even with the most stringent construction practices silt will enter the streams and contaminate this sensitive, aquatic environment.

About 400 yards from the stakes that MVP has placed along John's Creek is a nest in a tall pine that a pair of bald eagles has used for at least the past three years to raise their young. This is the only nesting pair of bald eagles of record in all of Craig County. The eagles have found a home that is quiet and the fishing is quite good. While the bald eagles are not endangered they are rare and they are a federal protected species. I doubt that they would survive the noise of construction and would prefer a new home elsewhere.

Within a short distance of Black Diamond there are two flood control lakes that have earthen dams. Any environmental impact study would require that the integrity of these structures be included. Without the lakes the entire John's Creek valley could be flooded and important wildlife habitat would be damaged. Alternate 110 passes quite close to one of the dams so I hope that these dams will get the attention and study that should be required.

In April of 2013 six years after the requirements and covenants were established for Black Diamond all residents received a letter from the United States Department of the Interior –Fish and Wildlife Service outlining the rationale for the filter strips and reminding all residents of their commitment to the regulations. Included with the letter was a copy of the Black Diamond covenants. This just further reinforces the intent of the government to protect John's Creek and its aquatic inhabitants. A copy of this letter from Cindy Shultz, Field Supervisor – Virginia Ecological Services, and the Black Diamond covenants are included for you to review.

A quote from Cindy Shultz's letter:

"These protections are important because Black Diamond Ranch, surrounded by the Thomas Jefferson National Forest, had become a prime location for valuable wildlife like deer, turkey, trout, and even the James Spiny mussel. The recommended safeguards were intended to maintain and improve the land, air and water that have traditionally been a part of working ranches and farms and enable residents to enjoy the quality of life that attracted them to Black Diamond Ranch. These safeguards were also intended

to avoid the air and water pollution that can occur from poorly planned growth and development.”

In the case of Black Diamond could it be said that the air and water pollution from pipeline construction could be considered a “poorly planned ..... development”? Or at least, a violation of environmental guidelines already established by five government agencies?

While Black Diamond is a great treasure there are many more like it in Craig County. 53% of Craig County is National Forest. The county is crossed from east to west by several, tall, steep, mountain ranges. They provide a remote habitat for wildlife and they form the beginning for numerous, headwater streams. These streams are clean and they represent the best of what can be enjoyed downstream. Clean water is important to all of us, but especially so for folks in Craig County where everyone gets their water from wells or springs.

Is Craig County suitable for the MVP construction project? I think not. The construction over our steep, mountain slopes creates enormous risk to the people of Craig County and the environment. Construction will be most difficult and erosion will be difficult to control. Water sources would likely be damaged and mitigation might be impossible. Wildlife habitats would be altered and our forests compromised. If a thorough environmental impact study is conducted I think it will show that Alternate 110 is not a feasible route.

With that said where are we now? Folks on the proposed route don't want it and folks along Alternate 110 don't want it. Scoping time has been limited, but especially so for Craig County who was not an alternate until February of this year. Scoping meetings for public input have been limited. It would appear that the FERC wants to move this process along quickly.

If the government has already decided that this project will move forward I hope that it will run through a route that can handle it with services and infrastructure and through a route that will have the least environmental impact. If services, infrastructure and environmental impact are the controlling factors of the decision making process then the pipeline if built will not follow Alternate 110 through Craig County.

Sincerely,

(b) (6)

Craig County, Virginia

Mailing Address:

(b) (6)

Copy: Cindy Shultz, US Fish and Wildlife Service, Ecological Services, Gloucester, Virginia  
 Danielle Courtois, US Army Corps of Engineers, Floyd, Virginia  
 Jay Roberts, Virginia Department of Environmental Quality, Roanoke, Virginia  
 Brain Watson, Virginia Department of Game and Inland Fisheries, Forest, Virginia  
 Tony Watkinson, Virginia Marine Resources Commission, Newport News, Virginia  
 Roberta Rhur, Commonwealth of Virginia, Dept. of Conservation and Recreation, Richmond, VA



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
6669 Short Lane  
Gloucester, Virginia 23061



APR 11 2013

Residents  
Black Diamond Ranch Subdivision  
Craig County, Virginia

Re: Purpose of Vegetative Filter Strips at Black  
Diamond Ranch Subdivision, Craig County,  
Virginia

Dear Resident:

This letter is in regards to the purpose of vegetative filter strips or stream buffers on land bordering streams in Black Diamond Ranch. Most of these areas are marked by "Stream Buffer Conservation Area" signs within the subdivision and consist of strips of land between the signs and the nearest stream or creek. Filter strips literally filter pollutants from water running off land and help maintain the outstanding water quality, fish, and wildlife of Johns Creek and its tributaries for the enjoyment of you and future generations. Filter strips safeguard working farms and ranches, your community, and the quality of life provided by clean air, fresh water, green pastures, and abundant wildlife.

### **Why are these filter strips at Black Diamond Ranch?**

When Mr. Hunter Wilson planned to develop Black Diamond Ranch for residential housing, he voluntarily agreed to establish community safeguards for air, water, and wildlife that were recommended by the U.S Fish and Wildlife Service, Virginia Department of Environmental Quality, Virginia Department of Game and Inland Fisheries, and the U.S. Corps of Engineers. The safeguards included establishing wooded and grass filter strips along Johns Creek and protecting the existing woods along the creek's tributaries.

These protections are important because Black Diamond Ranch, surrounded by the Thomas Jefferson National Forest, had become a prime location for valuable wildlife like deer, turkey, trout, and even the rare James spinymussel. The recommended safeguards were intended to maintain and improve the land, air, and water that traditionally have been a part of working ranches and farms and enable residents to enjoy the quality of life that attracted them to Black Diamond Ranch. These safeguards were also intended to avoid the air and water pollution that can occur from poorly planned growth and development.



### **How can you help?**

Most of the filter strips are within areas that are unsuitable for development because they are prone to flooding or occur on steep slopes. The wooded portions of the filter strips extend a minimum 8 feet from the water's edge where pasture is present. The following are necessary to maintain the filter strips:

- No cutting of existing trees and shrubs or within 8 feet of the water's edge.
- No mowing within 8 feet of the water's edge.
- Between the wooded portion of the filter strip and the edge of the filter strip, mowing is restricted to twice per year. Do not mow between May 15 and July 31 to permit turkey, quail, and other bird hatchlings enough time to mature and leave the nest.
- Other restrictions cover construction, ground disturbance, livestock, and use of pesticides. Please see the enclosed document for complete details regarding the safeguards that are part of your property deed.

### **What can you use the filter strips for?**

Traditional activities like hunting, fishing, hiking, wildlife appreciation, and field sports are examples of sustainable uses. Haying for livestock is also permitted. Horticulturalists may wish to establish and grow native plants and wild flowers. Everyone can find something to enjoy from this greenspace that makes your community unique and provides valuable benefits for land, air, and water.

### **What are the filter strips doing for you?**

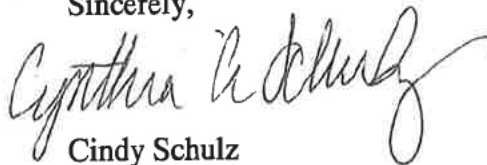
Filter strips or stream buffers are undisturbed areas between land and water that help safeguard your quality of life, your community, your property values, and public health by maintaining healthy air, land, and water. These areas function like the immune systems in our bodies by filtering harmful substances and maintain natural health in the following ways:

- Trout and other native fish thrive in water kept cool by shade from trees and shrubs;
- Plants and trees attract songbirds that eat biting insects;
- Flowering plants support pollinators necessary for crop and honey production;
- Buffers reduce the amount of pet waste, livestock waste, and chemicals from lawn fertilizers and pesticides that run into the creek and affect public health, livestock health, and other's property downstream;
- Shrubs and trees can prevent stream bank erosion and loss of land during floods;
- Contribute to a rejuvenating natural experience. This may come from the sound of birds singing, a breath of fresh air, the coolness of forest shade on a hot day, a string of trout, or other experiences resulting in a sense of well-being and enjoyment.

**The future of Johns Creek is dependent on our shared responsibility for healthy stewardship of the land.** We appreciate your efforts in maintaining the stream buffers that ensure the outstanding air quality, benefits of nature, and water quality in Black Diamond Ranch will be present for you and future generations.

If you desire financial or technical assistance with maintaining or establishing livestock fencing and stream buffers please contact our private lands biologist, Will Smith of this office at (804) 693-6693 extension 123, or via email at [willard\\_smith@fws.gov](mailto:willard_smith@fws.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia Schulz", written in a cursive style.

Cindy Schulz  
Field Supervisor  
Virginia Ecological Services

Enclosures

cc: Corps, Floyd, VA (Attn: Danielle Courtois)  
VDEQ, Roanoke, VA (Attn: Jay Roberts)  
VDGIF, Forest, VA (Attn: Brian Watson)  
VMRC, Newport News, VA (Attn: Tony Watkinson)  
VA Hunter LLC (Attn. Hunter Wilson)