



January 16, 2018

Ms. Sandy Shackelford  
Director, Planning & Zoning Department  
Nelson County  
P.O. Box 558  
Lovingsston, Virginia 22949

**RE: Atlantic Coast Pipeline Project,  
Nelson County Floodplain Development Package**

Dear Ms. Shackelford:

Please accept Atlantic's Floodplain Development Package for review for approximately 4.5 miles of Federal Emergency Management Agency (FEMA) identified floodplain crossings in Nelson County with a 42-inch diameter underground interstate natural gas pipeline and access roads. The Project will involve the installation of 3.5 miles of pipeline, and 1 mile of access roads.

Atlantic is a partnership consisting of subsidiaries of Dominion Energy, Duke Energy, Piedmont Natural Gas and Southern Company Gas formed for the purposes of operating as a Natural Gas Company as defined by the Natural Gas Act, 15 U.S.C. § 717 *et seq.* (Natural Gas Act). Specifically, Atlantic was formed to own, develop, construct, operate and maintain an approximately 600-mile underground interstate natural gas transmission pipeline, known as the Atlantic Coast Pipeline (ACP or Project), originating in Harrison County, West Virginia running to Northampton County, North Carolina and then further south into eastern North Carolina, and east into the Hampton Roads area of Virginia. The natural gas transported by the ACP would be used to generate electricity, heat homes, run local businesses and increase the reliability and security of natural gas supplies in Virginia, West Virginia and North Carolina. The pipeline will cross through approximately 27.2 miles of Nelson County.

Interstate natural gas companies such as Atlantic are regulated by the Federal Energy Regulatory Commission (FERC). Under Section 7 of the Natural Gas Act, FERC determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity (Certificate) to construct and operate the facilities.

FERC is an independent regulatory agency and therefore conducts a complete independent review of project proposals, including an environmental review of the proposed facilities under the National Environmental Policy Act of 1969 (NEPA). FERC issued their Final Environmental Impact Statement (FEIS) on July 21, 2017. FERC bases its decision on technical competence, financing, rates, market demand, gas supply, environmental impact, long-term feasibility, and other

issues concerning a proposed project.<sup>1</sup> On September 18, 2015 Atlantic filed an Application with FERC for a Certificate, to which FERC issued a Notice of Application on October 2, 2015.<sup>2</sup> On October 13, 2017 Atlantic received its Certificate from FERC.

During the FERC Application phase, applicants desire, and are encouraged, to cooperate with state and local governments to address any state or local aspects of a proposed project under FERC review.<sup>3</sup> Consistent with this approach and through consultations with Nelson County officials, Atlantic understands that it is its responsibility to submit a Special Use Permit application.

To address these floodplain crossings, Atlantic is requesting your review and approval of the enclosed Floodplain Development Package. In order to facilitate your review, Atlantic has included the following attachments as part of this application:

- Attachment 1, Site Plan and No-Rise Certificates
- Attachment 2, Statement of Justification
- Attachment 3, Area Map showing property information
- Attachment 4, Waterbody Crossing Photographs
- Permit fee payment in the amount of \$1,650 (11 crossings @ \$150 per crossing)

Atlantic is requesting a variance where required for Project construction in the Floodway District. Subject to the receipt of required approvals, Project construction in Nelson County is scheduled for November 2017 through November 2018. Once pipeline construction is complete, the original topographic conditions and contours will be restored. In addition, temporary access roads will be returned to their pre-existing conditions or to conditions in accordance with landowner agreements.

Atlantic looks forward to coordinating with you on this Project. Should you have any questions or concerns, please contact Robert Hare at 804-314-2832 or email at [robert.p.hare@dominionenergy.com](mailto:robert.p.hare@dominionenergy.com).

Sincerely,



Leslie Hartz

Vice President, Pipeline Construction

Dominion Energy Transmission Inc., on behalf of Atlantic Coast Pipeline, LLC

cc: Robert Hare, Dominion Energy Services, Inc.

<sup>1</sup> The FERC process can be followed through FERC's website at [www.ferc.gov](http://www.ferc.gov). You can query using the FERC docket numbers for the ACP project, CP15-554-000 and CP15-554-001.

<sup>2</sup> On March 14, 2016 Atlantic filed an Amendment to the Application with FERC to incorporate route changes that would minimize the impact of the ACP on affected landowners and communities and on the environment. On March 22, 2016, FERC issued its Notice of Amendment to the Application.

<sup>3</sup> Consistent with typical FERC Orders issuing Certificates, Atlantic's FERC Order contains the following statement: "Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate. The Commission encourages cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction or operations of the facilities approved by this Commission." FERC Order Issuing Certificates, 161 FERC ¶ 61,042 at 128 (Oct. 13, 2017).