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December 20, 2018

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
Office of Energy Projects  
888 1<sup>st</sup> Street, NE  
Washington, DC 20426

Re: Project Docket Number P-14889-000-0—West Virginia  
Big Run Pump Storage Hydroelectric Project  
FreedomWorks, LLC

Dear Secretary Bose:

The West Virginia Highlands Conservancy (WVHC) would like to offer comments on the preliminary permit application filed by FreedomWorks, LLC for the proposed Big Run Pump Storage project in Tucker County, West Virginia.

WVHC promotes, encourages and works for the conservation – including both preservation and wise management – and appreciation of the natural resources of West Virginia and the Nation. We focus primarily on the Highlands Region of West Virginia, but our work is for the cultural, social, educational, physical health, spiritual and economic benefit of present and future generations of residents and visitors alike.

**WVHC opposes the proposed project due to unacceptable environmental impacts, and we urge the Federal Energy Regulatory Commission to deny the preliminary permit.** The applicant states that the project would be in the public interest because it would produce clean, renewable electricity. However, the applicant's assertion that the project would be developed "without damage to the environment" is patently false, as we demonstrate in detail below. WVHC believes that a shift to renewable energy sources is critical to the long-term health of the Earth, but we also believe that renewable energy must be produced in a way that does not negatively impact sensitive environmental resources, and it must not result in the construction of industrial-scale infrastructure in natural areas.

Although many of the environmental and economic impacts of the proposed project are unknown at this point, we outline below several key negative impacts to sensitive environmental resources that are apparent from the application materials. Even without further study, these impacts form a sufficient basis for rejecting the preliminary application and denying the project from moving forward.

## **Impacts to Restored Mine Lands**

As proposed, the project would involve a 1,200 acre reservoir on top of Backbone Mountain (the upper reservoir). This reservoir would obliterate most of Tub Run, along with a portion of a tributary to Big Run. The Tub Run drainage lies mostly on previously mined property owned by Western Pocahontas, although it drains through Monongahela National Forest (MNF) land on its way down into Blackwater Canyon. A few years ago, the WV Department of Environmental Protection (DEP) and the Forest Service spent a considerable amount of time, money, and effort restoring the area. This restoration involved taking down old mine highwalls, remediating gob piles, and most importantly, mitigating drainage of heavy metals into Tub Run and the Blackwater River. They achieved this mitigation by capping the area with a thick layer of limestone and topsoil. It appears that the upper reservoir would be constructed on top of the restored area. Constructing a reservoir and associated facilities in this area would destroy the restored landscape, and it may create the potential for construction disturbance to re-expose the capped contaminated material. Also, the area is underlain by old mine tunnels, raising the possibility that the reservoir might leak into the old tunnels and create acid mine drainage problems.

## **Impacts to the Big Run Bog National Natural Landmark**

The proposal includes multiple penstocks, each 12 feet in diameter, that would connect the upper reservoir to a lower reservoir, which is proposed for the Mill Run drainage on the west side of Backbone Mountain. These penstocks would cross National Forest land, and would appear to impact the head of Big Run Bog, which is a designated National Natural Landmark (NNL). Two proposed spillways associated with the upper reservoir also appear to have the potential to impact the Big Run Bog NNL.

Big Run Bog is a pristine 44-acre wetland that provides habitat for several rare plant species that have been designated by the Forest Service as Regional Forester's Sensitive Species (see description in Muzika et al. 1996). The Bog is surrounded by the 632-acre NNL, which protects the entire watershed that drains into the bog (see Forest Plan, USDA Forest Service 2011). Impacts to Big Run Bog would damage one of the iconic natural resources of Tucker County. Such impacts would be contrary to the management emphasis for NNLs, and would violate specific direction in the Forest Plan for the MNF:

- In its description of the NNL program, the Forest Plan states, "The objective of the program is to assist in the preservation of a variety of significant ecological and geological natural areas which, when considered together, will illustrate the diversity of the country's natural heritage." Construction of penstocks and spillways in and around Big Run Bog very likely would damage the flora, fauna, and hydrology of the bog, which would be contrary to the preservation mission of the NNL program.
- The Forest Plan's Desired Conditions section for designated special areas says, "Special Areas retain the values and qualities for which they were originally designated. Areas contribute to the diversity of the Forest by preserving rare species, communities, habitats, and features. These areas also provide opportunities for scientific research and public enjoyment." Impacts from the construction of penstocks and spillways would be detrimental to all of the values and qualities for which Big Run Bog was designated as a NNL.
- Forest Plan Standard 8001, which applies to all designated special areas on the Forest, says, "The purpose of any vegetation treatment must be to protect or enhance the special values of these sites or contribute to research programs. Any silvicultural practice may be used for these purposes." Construction of the proposed penstocks and spillways would require removal of the existing vegetation. Such vegetation removal clearly would not "protect or enhance the special values" and thus is prohibited.
- Forest Plan Standard 8018, which also applies to all designated special areas on the Forest, says, "Special uses may be authorized as long as they do not adversely affect the overall values and qualities

for which the special area was established.” The proposed project is prohibited because it would adversely affect the values and qualities for which the special area was established (unique flora and bog hydrology).

- Goal 8202, which applies specifically to Big Run Bog, says “Maintain and study the bog community.” The proposed project would be contrary to the maintenance of the bog community.
- Standard 8204, which is specific to Big Run Bog, says, “Plants or plant parts may only be removed for scientific purposes and with written permission.” Construction of the proposed project, which does not serve a scientific purpose, would require removal of plants, and thus is prohibited by this standard.
- Standard 8205, which is also specific to Big Run Bog, states that “Vegetation manipulation, planting, or introduction of non-native invasive species shall not be allowed within the bog.” The proposed construction would require manipulation of the vegetation, and thus is prohibited by this standard.

### **Impacts to Protected Species**

The penstocks and spillways likely would impact West Virginia northern flying squirrel habitat, and possibly Cheat Mountain salamander habitat. The red spruce and mixed spruce/hardwood habitat preferred by both species occurs in many places on Backbone Mountain and in the nearby Blackwater Canyon. The Cheat Mountain salamander is a federally-listed threatened species. The West Virginia northern flying squirrel was removed from the federal endangered species list several years ago, but it remains on the Forest Service’s Regional Forester’s Sensitive Species list. These iconic species, while not often encountered by visitors, are integral parts of the unique central Appalachian red spruce ecosystem that many organizations have been trying to restore in recent years through the auspices of the Central Appalachian Spruce Restoration Initiative ([www.restoredspruce.org](http://www.restoredspruce.org)). Red spruce ecosystem restoration efforts are part of the developing restoration economy in eastern West Virginia, and impacts to these flagship species could slow the momentum of this important effort. Also, impacts to these two species are prohibited by the MNF Forest Plan:

- Forest Plan standard TE58 requires field surveys for Cheat Mountain salamander, and standard TE59 protects occupied habitat. TE59 states, “[g]round and vegetation-disturbing activities shall be avoided within occupied habitat and a 300-foot buffer zone around occupied habitat, unless analysis can show that the activities would not have an adverse effect on populations or habitat.”
- Forest Plan standard TE64 protects suitable habitat for the West Virginia northern flying squirrel: “Suitable habitat shall be considered occupied. Vegetation management activities in suitable habitat shall only be conducted after consultation with USFWS, and:
  - a) Under an Endangered Species Act Section 10 research permit to determine the effects of an activity on WVNFS or to determine activities that would contribute to the recovery of the species, or
  - b) To improve or maintain WVNFS or other TEP species habitat after research has demonstrated the beneficial effects of the proposed management, or
  - c) When project-level assessment results in a no effect or may affect, not likely to adversely affect determination, or
  - d) To address public safety concerns.”

The proposed project would not qualify for any of the exceptions that allow activity in suitable habitat.

Other protected species are known to occur in or near the project area, including Indiana bat, Virginia big-eared bat (both endangered), timber rattlesnake, and green salamander (both Regional Forester’s Sensitive Species). The project would require extensive survey effort to determine the extent of impacts to these species, and Forest Plan direction that protects them would need to be applied.

### **Impacts to Scenic Resources**

The maps included in the permit application are not detailed enough to allow an assessment of impacts to scenic resources. Such resources are critically important to the local economy, because they draw numerous visitors to Blackwater Falls State Park and the surrounding Monongahela National Forest.

In addition to the false claims of no environmental impact, the applicant contends that the project would be an economic boon to the local area. However, the application fails to address the economic harm that the project would cause to the local tourism economy. A report produced for the West Virginia Division of Tourism stated that in 2014, travel-related activity in Tucker County produced \$44 million in direct spending, \$14 million in earnings, provided 770 jobs, produced \$796,000 in local government revenue, and produced \$2.7 million in state government revenue. This economic activity accounted for 19% of the employment and 10% of the earnings in the county (Dean Runyon Associates 2015). The spectacular scenery and the forested natural environment are the key assets that draw visitors to the area. While the application is not detailed enough to assess specific impacts to scenery and the other resources that produce this economic activity, it seems likely that construction of a major industrial facility in the middle of a scenic natural area would have a negative impact on the tourism economy. Although we do not believe that the preliminary permit should be issued, if it is issued, it must require the applicant to conduct a rigorous assessment of the impacts on the tourism and natural resource-related economy. Currently, the application only proposes to study the economics of the power production and sales.

Even with the rudimentary maps supplied in the application, it is clear that the project would impact the view from Olson Fire Tower, which is located on a peak of Backbone Mountain just to the southwest of Big Run. It seems certain that both reservoirs and most of the associated infrastructure would be visible in the foreground view from tower, which would completely ruin the scenic value of the tower. Such impacts would be contrary to desired conditions in the Monongahela Forest Plan, which states, “[s]cenic integrity is maintained or enhanced in areas of high scenic value and other highly used recreation areas. In general, management activities blend in with the natural environment.”

### **Impacts of Proposed Power Line**

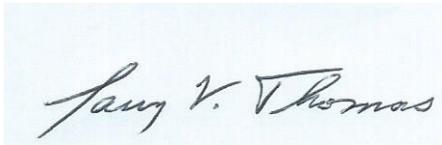
The project also would include construction of a new power line from Backbone Mountain over to the existing substation at Mt. Storm. This line would pass along the north rim of Blackwater Canyon and would cross the North Fork section of the canyon near, or possibly within, the Coketon historic site, which has been the subject of recent interpretive work by the Forest Service. The line would pass near or through the town of Davis, and likely would cross the new Little Canaan Wildlife Management Area. The application does not discuss the impacts of this line, but it likely would impact habitat for the West Virginia northern flying squirrel and Cheat Mountain salamander, the historic values of the Coketon site, and probably would have many other adverse environmental impacts. The possibility of the line being visible from Blackwater Falls State Park would need to be fully assessed.

### **Conclusion**

Based on the impacts discussed above, it seems clear that the proposed project is very ill-conceived and must not proceed any further in the planning and assessment process. Again, we strongly urge the Federal Energy Regulatory Commission to deny the preliminary permit.

Thank you for the opportunity to comment on this proposal.

Sincerely,

A handwritten signature in cursive script that reads "Larry V. Thomas". The signature is written in black ink on a light blue rectangular background.

Larry V. Thomas  
President

**Literature Citations:**

Dean Runyon Associates. 2015. West Virginia Travel Impacts 2000-2014p. Prepared for the West Virginia Division of Tourism South Charleston, West Virginia. 44 pp. Available at <https://wvtourism.com/wp-content/uploads/2015/09/2014-Economic-Impact-Final.pdf>.

Muzika, R., R. Hunsucker, and T. DeMeo. 1996. Botanical reconnaissance of Big Run Bog candidate Research Natural Area. USDA Forest Service, Northeastern Forest Experiment Station, General Technical Report NE-223, 15 pp. Available at: [https://www.fs.fed.us/ne/newtown\\_square/publications/technical\\_reports/pdfs/scanned/gtr223.pdf](https://www.fs.fed.us/ne/newtown_square/publications/technical_reports/pdfs/scanned/gtr223.pdf).

USDA Forest Service. 2011. Monongahela National Forest Land and Resource Management Plan. Available at: [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5330420.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5330420.pdf).