



ORIGINAL

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

Subject: Project No. 14889-000 – West Virginia
Big Run Pump Storage Hydroelectric Project
FreedomWorks, LLC

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REGULATORY COMMISSION

Dear Secretary Bose:

The Forest Service submits a response to the letter issued by the Federal Energy Regulatory Commission on January 31, 2019 (accession number no. 20190131-3014) to the Forest Supervisor of the Monongahela National Forest (MNF) regarding FreedomWorks, LLC (FreedomWorks) proposed Big Run Pump Storage Hydroelectric Project (Big Run Project) No. 14889-000. In its letter, FERC requests clarification about whether the Forest Service would allow FreedomWorks access to lands within the MNF to conduct licensing studies that would include land disturbing activities.

The Forest Service authorizes access to, and activities conducted on, National Forest System lands via a special use permit (SUP) issued to the applicant, after receiving, reviewing, and either accepting or denying a complete application for a SUP, which includes a proposal for project activities that would be conducted under an issued SUP. As of February 12, 2019, FreedomWorks' completed its application to the MNF for a SUP. The SUP proposal requested to conduct core drilling and environmental studies to determine the feasibility of licensing the proposed Big Run Project with FERC.

The Forest Service has denied FreedomWorks' SUP proposal (see the attached denial letter) because the licensing studies requested in the SUP proposal fail to meet the initial screening criteria found at 36 CFR § 251.54(e)(1). More specifically, the proposed studies are neither consistent, nor can be made consistent, with the standards and guidelines in the 2006 MNF Land and Resource Management Plan (Forest Plan) (36 CFR § 251.54(e)(1)(ii).

The licensing studies that FreedomWorks proposes would adversely affect the Big Run Bog National Natural Landmark (Big Run Bog). Thus, the licensing studies would be inconsistent with Forest Plan Standard 8018 (p. III-44), "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 Big Run Bog special area was established to preserve the unique ecosystem and protect this special area of national significance.



As shown on a map provided with the SUP proposal, FreedomWorks proposes to use the existing Forest Road 935 to access the locations where core drillings would be conducted. Two of the four proposed core drillings would be located at the edge of Forest Road 935, and it is unclear from the SUP proposal whether road improvements would be required. Because two of the four core drillings would not be proximal to Forest Road 935, overland travel would be necessary. Although FreedomWorks did not propose to build an access road in the SUP proposal submitted to the Forest Service, FreedomWorks' preliminary permit application filed with FERC includes a proposal to build a new access road within the MNF to access core drilling sites. Any road improvements or construction would cause additional project effects.

In addition to denying the SUP proposal because the proposed licensing studies are inconsistent with the Forest Plan, the project itself would be antithetical to the Forest Plan. If FERC licenses the project, the project would adversely affect the Big Run Bog; a Tier 3 stream, which the state of West Virginia classifies to maintain and protect water quality in outstanding national resource waters; federally threatened and endangered species; and Regional Forester Sensitive Species (RFSS). The discussion below explains why the project would be inconsistent with the Forest Plan.

The potential effects to Management Prescription 8.2 are noteworthy because the project, as proposed in the SUP proposal and the preliminary permit application filed with FERC, would adversely affect the Big Run Bog National Natural Landmark. The objective of the National Natural Landmarks 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. The Department of Interior, National Park Service administers the National Natural Landmark Program, but the Forest Plan addresses National Natural Landmarks on the MNF.

The management goal for the Big Run Bog is to maintain and study the bog community in its natural state. It is also assigned to Forest Plan Management Prescription 8.2 to preserve the unique ecosystem and protect this special area of national significance. The Forest Plan includes standards that protect the Big Run Bog. Per Forest Plan Standard 8202, "do not sign area for public or identify area on maps intended for public distribution." Per Forest Plan Standard 8205, "vegetation manipulation, planting, or introduction of non-native invasive species shall not be allowed within the bog." Per Forest Plan Standard 8018, "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 potential effects to Management Prescription 4.1 are also noteworthy because the proposed project would adversely affect areas that emphasize restoration of the spruce and spruce-hardwood communities, as well as the recovery of federally threatened and endangered species, RFSS and other species associated with these communities. To support the management of these areas Forest Plan Standard TE07 states, "special uses may be authorized in TEP species habitat if the uses do not adversely affect populations or habitat."

The Big Run Project would permanently affect all of Mill Run and eliminate an existing Tier 3 native trout stream. Though not considered in this analysis, project effects would be seen downstream. The complete loss of over 1,000 acres of land would permanently affect vegetation

diversity and habitat for fish and wildlife, including potential habitat for federally threatened and endangered species as well as RFSS.

In summary, the Forest Service has determined that FreedomWorks' licensing studies proposed in the SUP proposal are not consistent with the management goals, objectives, and standards identified in the Forest Plan for Management Prescriptions 8.2 and 4.1. Because FreedomWorks' SUP proposal to the MNF has been denied, FreedomWorks will not be able to access NFS lands within the MNF to conduct licensing studies for the proposed Big Run Project.

For questions or discussions, please contact Jennifer P. Adams at jenniferpadams@fs.fed.us or 540-597-5465, or Todd Hess at todd.hess@usda.gov or 304-635-4453.

Sincerely,



SHAWN M. COCHRAN
Forest Supervisor

cc: Regional Forester