

Coharie Intra-Tribal Council, Inc.

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March 29, 2017

Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

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FEDERAL ENERGY
REGULATORY COMMISSION

RE: Docket Nos. CP15-554-000, CP15-554-001, CP15-555-000, CP15-556
Comments on the Atlantic Coast Pipeline and Supply Header Project DEIS

Dear Deputy Secretary Davis:

On behalf of the Coharie Tribe, we submit these comments on the Draft Environmental Impact Statement (DEIS) issued by the Federal Energy Regulatory Commission (FERC) for the Atlantic Coast Pipeline (ACP). The Coharie Tribe is recognized by the state of North Carolina and consists of approximately 2,700 members.

These comments address the following key issues:

- Neither FERC nor Atlantic Coast Pipeline, LLC (Atlantic) and Dominion Transmission, Inc. (DTI) has adequately engaged the Coharie Tribal Government throughout the pre-filing and DEIS preparation process.
- The DEIS does not adequately provide a plan to provide notice to the Coharie Tribal Government in the event of discovery of archeological or burial sites.

Thank you for the opportunity to provide comments on this project.

Sincerely,

Mr. Greg Jacobs, Tribal Administrator
greg_jacobs53@yahoo.com
Coharie Tribe

I. Neither FERC nor Dominion has adequately engaged the Coharie Tribal Government throughout the pre-filing and DEIS preparation process.

FERC's stated purpose for its "pre-filing" process is to "encourage early involvement of interested stakeholders, facilitate interagency cooperation, and identify and resolve environmental issues before an application is filed."¹ In 2014, Atlantic and DTI requested to start the pre-filing process for the project and began to develop a public participation plan, contact landowners, and hold open houses.² In 2015, FERC sent its "Notice of Intent to Prepare an Environmental Impact Statement" (NOI) to 6,613 parties, held public scoping meeting, and participated in "open houses, interagency meetings, conference calls, and...site visits."³

However, neither FERC nor Dominion has engaged the Coharie Tribal Government in a way that acknowledges its status as a tribal government. The tribe was not contacted during any of the pre-filing outreach, did not receive the NOI, and no one from the tribe was on the distribution list for the DEIS.

Additionally, FERC acknowledges that a disproportionate percentage of minority and low-income residents will be affected by the project's siting.⁴ ("In North Carolina, minorities comprise 30.5 percent of the total population. The percentage of minorities in the North Carolina census tracts within 1 mile of ACP ranges from 12.5 to 95.5 percent. In 13 of the 42 census tracts, the minority population is meaningfully greater than that of the county in which it is located.... In North Carolina, 17.6 percent of all persons live below the poverty level. Twenty-seven of the 42 census tracts in North Carolina within a 1-mile radius of ACP facilities have a higher percentage of persons living below poverty-level when compared to the state.") However, FERC concludes that "there is no evidence that ACP or SHP would cause a disproportionate share of high and adverse environmental or socioeconomic impacts on any racial, ethnic, or socioeconomic group."⁵

We find this conclusion to be unconvincing considering that the Coharie Tribal Government has not been engaged with at all throughout the pre-filing and DEIS process. At a minimum, we ask that accurate contact information be added to the distribution list for all future communications and solicitations for comment relating to this project:

**Mailing Address:
7531 N U.S. Hwy 421
Clinton, NC 28328**

¹ Draft EIS at ES-2.

² *Id.* at 1-12 to -13.

³ *Id.*

⁴ *Id.* at 4-412 to -13.

⁵ *Id.* at 4-413.

Rev. W.L. Ammons,
Chief
Coharie Tribe

Mr. Greg Jacobs,
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Coharie Tribe

Mr. Freddie Carter,
Chairperson
Coharie Tribe

II. The DEIS does not adequately provide a plan to provide notice to the Coharie Tribal Government in the event of discovery of archeological or burial sites.

The Coharie Tribal Government requests to receive the same notifications regarding archeological concerns that other tribes have been afforded. The Coharie are located in Harnett and Sampson counties, where two sites have been identified as archeological and historic cultural resources in the ACP's area of potential effects.⁶ Similar to the requests of the Catawba Indian Nation, the Coharie Tribal Government would like to be notified if artifacts or remains are encountered during the ground disturbing phase of construction.⁷ We also request to be notified immediately in the event of an unanticipated discovery during construction, as the Delaware Nation requested.⁸ The Coharie takes Atlantic at its word that it "will continue to consult with tribes who are interested in the projects and ensure they get the information they request" and expects Atlantic to fulfill this commitment by adding Coharie Tribal Government contact information to Atlantic's consultation list and sharing requested information.⁹

Consistent with FERC's directive that Atlantic and the North Carolina State Historic Preservation Office assist stakeholders with obtaining privileged archaeological information, we would also like a copy of the North Carolina Unanticipated Discovery Plan—which is not available in the DEIS—so that we can learn Atlantic's plan for handling unanticipated discoveries during the ground disturbing phase or construction.¹⁰ If remains or archeological discoveries are identified during construction, access to the Unanticipated Discovery Plan would help the Coharie understand Atlantic's procedure to ensure archeological and historic cultural resources are protected and preserved.

⁶ *Id.* at 4-430.

⁷ *Id.* at 4-435.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 4-434.

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