3/13/2018

Randy Dowdy

Terry Turpin
Director of Office of Energy Projects
Federal Energy Regulatory Commission
888 First Street, NE
Washington D.C. 20426

Dear Mr. Turpin:

Based on review of your letter to Sabal Trail Transmission LLC ("Sabal Trail") dated February 6, 2018 and Sabal's response letter dated March 9, 2018, I respectfully request my suggestions in the following letter to be considered, acknowledged, and have FERC's approval going forward. I want to first address the Field Inspection Report and your subsequent letter to Sabal Trail.

After review of FERCs Field Inspection Report by Danny Laffoon (Chief, Gas Branch 1 and former Environmental Compliance Manager) dated November 14, 2017, I have the following remarks and concerns for consideration:

1. The inspection report and your letter states for the record that there was soil mixing on several farms and that Sabal Trail has 20 days to submit a plan on investigating the extent of the mixture. I feel FERC should appoint an independent soil scientist possibly from USDA-NRCS-ARS etc. to investigate, devise a plan, methodology, implementation, etc. in an effort to discover the extent of damage to all farms where the pipeline was constructed and require Sabal Trail to pay for it. I think FERC should make these independent determinations and not allow Sabal Trail to be involved whatsoever. Based on Sabal Trail's record of past performance, it is my opinion and crystal clear that Sabal Trail's "inspectors" either didn't take compliance seriously or they were just protecting their own interest and "Guarding the Hen House." I say this because all of Sabal's inspection reports that I have seen have NEVER shown once where there was an instance of soil mixing yet Danny Laffoon was able to see soil mixing on his first visit and without digging. I would venture to say that this soil mixing occurred on the entire Sabal project and there are hundreds of landlords that are victims and left to deal with the repercussions of noncompliance with FERC construction permits and pipeline construction plans. Isn't it FERC's responsibility to enforce the rules and determine compliance and noncompliance?

2. The inspection report summary says there were ZERO (0) noncompliance issues but further states there were soil mixtures at all locations…….Why wouldn't this be a

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noncompliance issue? Inspection report states that soil cores in wetland areas of the Right of Way were MIXED and current vegetation were upland weedy species which show topsoil movement offsite from uplands to wetlands. Again this is another example of noncompliance in my opinion. All of these things were stated in the inspection report, so how can these things not meet the standard of noncompliance? Furthermore, why wait three years for further damage to wetland ecology when Sabal will have to develop a remediation plan with their ecologist that will potentially require travel across my property and potentially introduce further problems. I would recommend an independent wetland ecologist from Joseph W. Jones Ecological Research Station, an independent research institution, to do that now and require Sabal to pay for it since the report shows they are currently not in compliance.

3. I say again, how can you state definitively that there was soil mixing in the field inspection report and also state there are ZERO noncompliance issues and continue to not recommend furthering any action within FERC's enforcement division? I just don't understand what meets the threshold for "compliance, noncompliance and enforcement." It just makes sense to me that when there are clear, concise, specified "black and white" rules and when actions deviate from those rules then that clearly would meet the threshold for noncompliance. Webster defines noncompliance: {Definition of noncompliance: failure or refusal to comply with something (such as a rule or regulation): a state of not being in compliance. Terminated for noncompliance. }

4. FERC required Best Management Practices that are clearly defined in the permitting process, Green Book and even in Sabal's Erosion Sediment Control Plan. It is crystal clear in Section 3.5.3.1 of Sabal's ESCP plan under Topsoil Segregation line item 4: "Maintain segregation of salvaged topsoil and subsoil throughout all construction activities." This rule is defined in all of FERC's standards, Georgia State EPD standards, Core of Engineers standards, and even Sabal's own ESCP plans. So, If FERC employees to include Terry Turpin, Rich McGuire, and Danny Laffoon recognize there is soil mixing and state that fact for the record, then how is that NOT a noncompliance and enforcement issue?

As it pertains to Sabal's letter dated March 9, 2018, I respectfully request DENIAL of their proposed Plan for Testing Soil Compaction and Mixing based on the following:

1. I would oppose Dr. Charlie Mitchell in the strongest of terms due to: Charles C. Mitchell, Jr. PhD, Auburn University told me that "he thought my yields and World Record Yields were fictitious and frankly unattainable" yet they were all independently verified via University of Georgia personnel, UGA Extension, NRCS personnel and National Corn Growers Association staff. Dr. Charlie Mitchell stated, "He had never even produced 300 bushels of corn per acre and he found it hard to believe any instance where someone produced 300 bushels much less my levels of 500+ bushels per acre."

In early Summer 2017, Dr. Charlie Mitchell was on my farm as an employee with Sabal Trail and I observed his soil sampling methods and soil handling and I question his lack of bias by the way he conducted himself on my farm. With a stated reason from Dr. Charlie Mitchell that "my crop yields weren't real and he wouldn't be bragging about them if he were me" calls into question his ability as a professional to render any judgment on the impact that Sabal Trail Gas line construction has had on my property. Dr. Charlie Mitchell was a contract employee of Sabal Trail prior to this request where he rendered opinions to Sabal Trail and where he clearly showed BIAS towards Sabal. Therefore, I believe Dr. Charlie Mitchell cannot serve as an "independent professional soil scientist."

2. FERC's letter required that Sabal appoint an independent certified soil scientist. There is an active list of Certified Professional Soil Scientists as recognized and certified (by the Soil Science Society of America) https://www.soils.org/certifications/professional-search and Dr. Charlie Mitchell is listed not as a certified soil scientist but as a Certified Crop Advisor. Given this, Dr. Charlie Mitchell should be additionally disqualified from serving as per FERC's official request.

3. Kirk Iversen is listed as Certified Soil Scientist and therefore eligible. However, I call into question his nomination from an individual that should be disqualified. Consequently, I feel Kirk V. Iversen, Certified Professional Soil Scientist is a victim of the "Fruit of the Poisonous Tree Doctrine" and subsequently disqualifies him due to his relationship with Dr. Charlie Mitchell and because he would be on Sabal Trail's payroll. Kirk Iversen also does not have a PhD which I would prefer. Frankly, I do not want *any personnel* from Sabal Trail, Troy Construction, or any of their affiliates or contract employees on my property without a mutually agreed upon plan with FERC or site visit period.

4. I want FERC to assign and conduct an investigation of the damage and levels of noncompliance associated with Sabal Trail construction activities on my property and other land owners on the entire construction route. I think Sabal's shoddy work and lack of compliance should be investigated and determinations made throughout the construction project. Sabal Trail can pay the bill afterwards but I expect the investigation to be neutral, fact finding, objective and unbiased.

After speaking and showing Sabal Trail's proposed plan to Dr. Wayne Reeves, Retired Supervisory Research Agronomist, Research Leader and Center Director for USDA-ARS, I was given the following excerpts about Sabal Trail's proposed plan:

The Plan as Sabal Trail submitted is inadequate to assess the task as directed by FERC because FERC stated Sabal Trail had (20 days) to "file a plan for investigating the actual extent of the topsoil and subsoil mixing on the Dowdy and Robinson properties and the reported mixing on the Jones property. This plan should include consulting with a certified professional soils

scientist on the methodology and implementation of soil sampling of the disturbed and undisturbed areas (both on and off right-of-way) to determine the approximate amount of topsoil loss on the Dowdy and Robinson properties and the reported topsoil loss on the Jones property. The plan should also include compaction testing on these properties." The plan is inadequate due to the level of soil mixing and it is going to change at the field scale (40+ acres across three fields), the slope, and 7-8 soil type classifications. The idea that they could do three transects with 24 sampling points doesn't give the degrees of freedom necessary to determine the changes in soil compaction or soil mixing. To do this adequately would require a much larger and extensive sampling procedure and require the use of spatial statistics. Cone indices i.e. penetrometer or soil resistance readings have a very high coefficient of variation and although it is the easiest means to get an idea of soil compaction it doesn't tell the whole story. For this they would have to determine soil water content across the different soil textures for each data point and also soil mixing occurred up to eight feet and they plan to measure only the top 16 inches. The idea that they would test the soil texture within the top 16 inches is highly inadequate when construction activities occurred much deeper. Because of the amount variation across the field their proposed methodology again is ***inadequate***. The current plan from Sabal Trail lacks much of the chemical and biological determination methods. Given their limited plan, the amount of damage will likely be underestimated. Today's technology and following suggestions should give greater clarity to the damage that Sabal Trail's construction has created on my farm and others.

*I feel it is important to include and suggest scientific acceptable measures and methodologies that could determine the true scope of the irreparable damage Sabal Trail and it's contractors have inflicted to soils in and around their pipeline construction activities. They are as listed:*

1. Study the impact of soil quality and agronomic sustainability because of construction activities and their impact on physical, chemical, and biological indicators of soil quality.
2. There should be a Minimum data set of soil quality indicators to be tested: nutrient availability, total organic carbon, labile organic carbon, soil texture, plant available water capacity and infiltration, soil structure-bulk density, soil strength-bulk density and penetration resistance, maximum rooting depths, pH, electrical conductivity and their changes.
3. Characterize biological indicators: soil carbon and organic matter, organic matter decomposition rates, microbial biomass, nitrogen cycling, soil enzymes, indexing soil microfauna, mesofauna, and macrofaunal invertebrates.
4. Measure soil respiration, nutrient storage and turnover, soil aggregate formation and stability, clod bulk density, bulk density, soil strength, cation exchange capacity, soil enzymes, invertebrate bioindicators, and physical fractionation as it relates to soil structure and function.
5. Measure cone resistance, soil water, air-filled porosity, pore continuity, porosity, air permeability, aggregate stability, microbial biomass, soil N-P-K-Mg-Mn-Fe-Zn-Cu-B-Mo-Cd-Ni-Ca, macroporosity, substrate-induced soil respiration, erosion, soil texture, particle size distribution, soil compressibility, nematode population, exchangeable bases and cations, and air diffusivity just to name a few.

6. Sampling techniques must be rigorous enough to meet University standards and a minimum of 6 replications is preferred to more accurately indicate statistical significance of all that is being tested. Kriging (spatial statistics known as Gaussian process regression) would be the statistical methodology that would be preferred to handle the highly variable and complex variation of spatial variability.
7. In order to be truly accurate sampling techniques should form a grid or transect that is perpendicular and parallel and be in a 10 ft area minimum where there are 10+ measurements and readings per area. Sampling should include and require electronic equipment to measure every centimeter and take averages by depth.

These are but a few of Dr. Reeves and my suggestions to best quantify and attempt to measure the damage to my property and many other landlords in the wake of Sabal's construction activities. If all permitting agencies to include FERC required no soil mixing during construction activities, then at some point these agencies knew and are aware of the dire multigenerational damage that has and could occur. Since soil mixing has been verified by FERC employees, I propose and feel it is prudent and mandatory that we must now truly measure the irrevocable damage as described above and Sabal Trail must be held accountable.

If you have any questions please reach out to me .

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