



File Code: 6270
2018-FS-R8-03900 F
Date: August 31, 2018



This is our final response to your Freedom of Information Act (FOIA) request #2018-FS-R8-03900-F of May 1, 2018, which was received in this office on May 3, 2018. You requested the following information:

- “Any documents prepared by Galileo Project, LLC, bearing the title(s) “Mountain Valley Pipeline” and/or “Internal FS Law Enforcement (LE) Call” created between the dates of March 1, 2017 and May 3, 2018.”

A reasonable search was conducted by this office and all responsive records were referred to the Office of the General Counsel, U.S. Department of Agriculture for mandatory review on May 16, 2018. Upon review of these records (8 pages) it has been determined that (4) pages have been partially redacted in accordance with 5 U.S.C. § 552(b)(7)(A) and 5 U.S.C. § 552(b)(7)(E). The remaining (4) pages are being released in full.

Exemptions

FOIA Exemption 7 protects from disclosure “records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.”

We have determined that certain information that is the subject of your request must be withheld pursuant to Exemption 7 of the FOIA, 5 U.S.C. § 552(b)(7)(A)(E).

Fees

Pursuant to 7 C.F.R. Subtitle A, Part 1, Subpart A, Appendix A, there is no charge for the records enclosed. At our discretion, we have chosen not to charge fees in this case because we believe the release of the records at issue to be in the public interest.



This discretionary waiver of fees applies to this particular FOIA request and does not guarantee a waiver of fees when similar records are requested in the future; nor does it guarantee a waiver of fees to you when making future requests or appeals.

Appeal Rights

This concludes the Forest Service response to your FOIA request. The FOIA provides you the right to appeal this response. Any appeal must be made in writing, within 90 days from the date of this letter, to the Chief, USDA, Forest Service:

- 1) by email to wo_foia@fs.fed.us
- 2) by regular mail to Mail Stop 1143, 1400 Independence Avenue, SW, Washington, DC 20250-1143
- 3) by Fed Ex or UPS to 201 14th Street, SW, Washington, DC 20250-1143, and telephone (202) 205-1542

The term "FOIA APPEAL" should be placed in capital letters on the subject line of the email or on the front of the envelope. To facilitate the processing of your appeal, please include a copy of this letter and/or the FOIA case number (2018-FS-R8-03900-F) assigned to your request.

If you need further assistance or would like to discuss any aspect of your request, please contact the FOIA Public Liaison at (202) 205-1542. Additionally, you may contact the Office of Government Information Services (OGIS) National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
e-mail: ogis@nara.gov
telephone: (202) 741-5770
toll free: (877) 684-6448
facsimile: (202) 741-5769

If you have questions regarding this FOIA request, you may contact Douglas Meloche at (404) 347-4427 or dmeloche@fs.fed.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Arney (for)".

KEN ARNEY
Acting Regional Forester

Enclosures

cc: Kristen Fank, Peter Gaulke, Douglas Meloche

Internal FS Law Enforcement (LE) Call**Date/Time:** Monday, September 11 @ 12:15 – 1:30 pm (E)**Location:** Conference Call

Attendees	Forest Service (FS)	Jennifer Adams, Alex Faught, James Willet, Katie Ballew, Jesse Overcash, JoBeth Brown
	Bureau of Land Management (BLM)	Vicki Craft, Scott Peace
	MVP/EQT	Duane Moriarity, Kelly Edmier, John Uhrin, Jeff Kleinfelter, Megan Neylon
	Galileo Project, LLC	Grace Ellis, Lauren Johnston

ACTION ITEMS

- **Jennifer** sends comments on the Plan of Development (POD) appendices from Katie JoBeth to MVP.
- **JoBeth** and Katie coordinate emergency notification
- **MVP** asks ATC who to call in case of an event affecting the ANST.
- **FS** has conversations internally and lets MVP know who and when to call people.
- **Megan** gets into contact with Mary Krueger and Andrew (ATC) for their LE response preferences.
- **MVP** coordinates communication protocols for areas in the proposed Right of Way (ROW) with no cellular service.
- **Duane** follows up with Law Enforcement to discuss specific security duties as it gets closer to construction, if the project is approved.
- **Katie** contacts Duane with special agent Willet's information as well.
- **MVP** develops a compliance and safety training and forwards on to FS and BLM for review.
- **Grace** forwards project milestones schedule to agency participants on the call.
- **FS** discusses which law/safety stipulations FS needs in BLM's ROW grant, if approved.
- **Alex** and **Jennifer** coordinate delivery of FS operating plan requirements to MVP.

DISCUSSION/DECISIONS

- Katie said it is not feasible to process road closures for construction at this point in time, but that the district ranger has the authority to issue temporary closures as needed for specific areas during construction. FS does not issue closure orders post-construction, but rather uses regulations already in place to work with any potential issues or illegal activities in the proposed ROW.
- MVP confirmed they do not plan to use Brush Mountain Road for construction and operation of the proposed pipeline, if approved.
- Katie clarified MVP is responsible for the safety of their own personnel and equipment, in conjunction with state personal for issues of a certain legality. Any issues with FS personnel, lands, and equipment are the jurisdiction of FS law enforcement.
- (b) (7)(A), (b) (7)(E)

(b) (7)(A), (b) (7)(E)

- All parties agreed additional coordination with BLM, FS, the Appalachian Trail Conservancy, and the National Park Service is warranted to identify points of contact and communication expectations.
- Katie stated she is available 24/7 as a point of contact for issues on the Jefferson National Forest or with FS Personnel. FS would like immediate notifications for any trespass issues, protests, fatalities, medical emergencies, fires, explosions, damage, etc. on FS lands. Kelly said she plans to notify FS of minor incidents, protest planning activity, etc.
- (b) (7)(A), (b) (7)(E)
- Jennifer stated details of communication protocols need to be included in MVP's POD.
- James suggested MVP start thinking how to enforce protections and safety on the ROW for post-construction maintenance and operation phases.
- Jennifer recounted the current project milestones to include a potential certificate from the Federal Energy Regulatory Commission (FERC) by September 23, 2017, and a Biological Opinion from the US Fish and Wildlife Service by November 22, 2017. Jennifer warned that FERC will likely not notify MVP or cooperating agencies before they release their certificate.

MVP External Weekly

Date/Time: Monday, February 12th @ 11-12(PT)/12-1pm(MT)/1-2pm(CT)/2-3pm ET

Conference Call**Attendees**

Forest Service (FS) Shayne Banks,	Connie Jankowiak, James Willett
FS Enterprise	Jessica Rubado
Bureau of Land Management (BLM)	Craft, Victoria, Gregory Fuhs,
MVP & Contractors	Megan Neylon, Natalie Cox, Duane Moriarity, Shaun Day
Galileo Project	Grace Ellis

Objective: *Develop a coordinated approach to dealing with questions from folks who are near the right of way.*

Forest Service (FS) staff has guidance on phone calls, but not in the field. Recently, there was a couple who approached staff and separated the FS folks from the Enterprise folks. There have also been some letters and phone calls.

FS wants staff to be able to provide service-oriented response. FS wants to make sure there is some response to casual users who encounter workers, so Jessica Rubado, the FS Communication Lead, has distributed a handout, as well as her business cards for people who have more questions, for staff on the ROW to hand out. Staff is directed to send folks to Jessica for more information. Jessica expressed interest in having MVP review the document.

Action: Jessica sends the talking points to Natalie Cox for review.

Action: James will take the lead on discussing FS messaging with FS management.

MVP asks contractors to have anyone who approaches them to send an email, contact the hotline, or call Natalie Cox. MVP wants to limit the number of persons who are actually providing information. There is concern about getting recorded and having recordings edited.

The group agreed that there should be communication between the MVP and Agency communication staff. This will help in developing coordinated and consistent response.

Examples of when staff should contact each other right away include:

- Contact with media and local officials,
- Contact with major stakeholders or groups,
- Protests or demonstrations, and
- Any hostile or unusual encounters.
- Best judgment should be used on more casual encounters.

Contact for Significant Encounters

Organization	Name	Email	Primary Contact/CC
FS Enterprise	Jessica Rubado	jrubado@fs.fed.us	Primary
FS	Kacy Ellsworth	klellsworth@fs.fed.us	Primary
FS	Connie Jankowiak	cjankowiak@fs.fed.us	CC
FS	Troy Morris	troymorris@fs.fed.us	CC
FS Law Enforcement	Captain Katie Ballew	katieballew@fs.fed.us	CC
FS Law Enforcement	James Willett	jwillett@fs.fed.us	CC
BLM	Vicki Craft	vcraft@blm.gov	CC
BLM	Greg Fuhs	gfuhs@blm.gov	
BLM Law Enforcement	Travis Trueblood	ttrueblood@blm.gov	CC
MVP	Natalie Cox	ncox@egt.com	Primary
MVP	Duane Moriarity	DMoriarity@egt.com	
MVP	Shawn Day	shawn@capresults.net	Primary
MVP	Josie Schultz	JLSchultz@egt.com	Primary
MVP	Megan Neylon	mneylon@egt.com	CC
MVP	John Centofanti	JCentofanti@egt.com	CC
Transcon	Jeff Davis	jdavis@transcon.com	CC
Transcon	Mike Warner	mwarner@trancon.com	CC
Galileo Project	Grace Ellis	grace.ellis@galileoaz.com	CC
Galileo Project	Lauren Johnston	lauren.johnston@galileoaz.com	CC

Primary Email List: jrubado@fs.fed.us, klellsworth@fs.fed.us, ncox@egt.com, DMoriarity@egt.com, shawn@capresults.net, JLSchultz@egt.com,

CC List: cjankowiak@fs.fed.us, troymorris@fs.fed.us, katieballew@fs.fed.us, jwillett@fs.fed.us, vcraft@blm.gov, gfuhs@blm.gov, ttrueblood@blm.gov, mneylon@egt.com, JCentofanti@egt.com, jdavis@transcon.com, mwarner@trancon.com, grace.ellis@galileoaz.com, lauren.johnston@galileoaz.com,

From: Adams, Jennifer - FS
To: [Ballew, Katie J -FS](#); [Willett, James -FS](#)
Cc: [Krueger, Mary](#); [Janssen, Wendy](#); [Victoria Craft](#); [Rubado, Jessica - FS](#); [Brown, JoBeth -FS](#); [Robbins, Rebecca - FS](#); [Grace Ellis](#); [Lauren Johnston](#); [Miriam Liberatore](#); [Morris, Troy - FS](#); [Timm, Joby -FS](#); [Abing, Timothy -FS](#)
Subject: RE: MVP & LE
Date: Monday, December 18, 2017 9:13:31 AM
Attachments: [image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)

Capt. Ballew—Thank you so much for providing answers to the questions.
All—Cap. Ballew provided answers to questions. Please see #1 and #2 below.

(b) (7)(A), (b) (7)(E)



2. Refer to public Affairs for permit questions. Our concern is when behaviors become unlawful within the First Amendment sites.



Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests

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f: 540-265-5145
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Roanoke, VA 24019
www.fs.fed.us



Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Thursday, December 14, 2017 2:43 PM
To: Ballew, Katie J -FS <katiejballew@fs.fed.us>; Willett, James -FS <jwillett@fs.fed.us>
Cc: Krueger, Mary <mary_c_krueger@nps.gov>; 'Janssen, Wendy' <wendy_janssen@nps.gov>; Victoria Craft <vcraft@blm.gov>; Rubado, Jessica - FS <jrubado@fs.fed.us>; Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Robbins, Rebecca - FS <rebeccarobbins@fs.fed.us>; Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Subject: MVP & LE

Capt. Ballew,

- While on a call with BLM, I provided a quick summary of our conversations with

MVP about law enforcement that led to the language in the Plan of Development. I also stated that you shared contact information with MVP security as well as BLM law enforcement and NPS law enforcement. I also recalled (b) (7)(A), (b) (7)(E)

- I have two questions about items that faded in my memory, so please help by answering these questions.
 1. I recall you telling the ACP security that sometimes NPS police are called in because their expertise is in protests. I think this was if there was a full-blown riot, or other situation in which other agencies (such as the FS) sometimes called on NPS police. Could you please clarify the context of this statement, because I'm just not sure if I remembered correctly or not.
 2. I was asked if there is an application process for first amendment presentations/protests. I do not know the answer to this question so I'd appreciate it if you could answer it.

Mary and Wendy,

- I'm copying Jessica Rubado, who will be handling public affairs for the Forest Service. I think you've seen her on emails during the rollout of the FS's RODs. Please share her name with your public affairs specialists if you see fit.



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Caring for the land and serving people

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MVP Internal Weekly Call

Date/Time: Wednesday, January 24 @ 10-11 am ET

Location: Conference Call

Attendees	USDA Forest Service (FS)	Troy Morris, Russ MacFarlane
	FS Enterprise	Jessica Rubado
	Bureau of Land Management (BLM)	Miriam Liberatore, Vicki Craft
	Transcon Environmental Inc. (Transcon)	Nik Gillen, Greg Gryniewicz, Jeff Davis, Ally Rhodehamel
	Galileo Project	Lauren Johnston, Grace Ellis

ACTIONS

- **Grace** and **Troy** review Transcon's organization chart and provide suggested edits. *Complete.*
- **Transcon** completes draft organization chart by end of this week. Distributes to entire team for review. *Complete.*
- **FS** staff reviews Jessica's communication plan.
- **Transcon** completes contact list with assistance from MVP (for contractors). Forwards in draft format to the team this week.
- **FS** shares communication plan with BLM for consistency, when available.
- **FS** determines if FS personnel on site during construction have access to talking points.
- **FS** reviews Transcon's preconstruction condition table by the end of this week.
- **FS Enterprise** performs Timber Cruise starting Monday of next week.
- **Troy** forwards invite to Steve Woods (FS engineer) for the external weekly meeting. *Complete.*
- **Transcon** shares preconstruction checklist with MVP with the caveat that MVP is responsible for everything in the authorizing documents. CCs the internal team. *Complete.*
- **Galileo** compiles FS's comments on MVP's Notice to Proceed (NTP) request. *Complete.*
- **Troy** works with Job Timm (FS) and Tim Abing (FS) to approve FS's comments on the Federal Energy Regulatory Commission's draft Appalachian National Scenic Trail (ANST) Section 106 call meeting notes.
- **FS** returns comments on MVP's NTP request to MVP by Monday, January 29.
- **Grace** sends sample NTP form to Troy. *Complete.*
- **Troy** contacts Ginny Williams (FS) to clarify concerns on Right of Way (ROW) undulations.
- **Troy** asks Mike Madden if he is distributing the ARPA permit. -
- **FS & Tribes** review the ARPA permit in the next 30 days.
- **Galileo** shares cultural meeting notes with Transcon with these meeting notes. *Complete*
- **Galileo** sends draft agenda for kickoff meeting to MVP. *Complete.*
- **Troy** forwards kickoff meeting invite with a CC to Galileo as needed.
- **Galileo** works with FS and BLM to turn the Decision File into an Administrative Record.
- **FS** determines when MVP needs to submit a road use permit.
- **Transcon** completes preconstruction visual monitoring next week.
- **Troy** discusses data sharing and communication protocols during litigation with the USDA Office of General Counsel.

DECISIONS/DISCUSSION POINTS

- Captain Ballew (FS) met with Virginia law enforcement to provide an overview of the MVP project. FS anticipates needing assistance from local law enforcement as the implementation phase of MVP begins.

- FS needs to clarify with MVP that simply having the Plan of Development (POD) does not authorize MVP to perform work listed in the POD. FS agreed MVP should review Transcon's preconstruction checklist to make sure the proponent is aware of all of the required compliance.
- MVP first needs to provide FS with specific engineering plans and a road use permit application prior to any work on Pocahontas Road. FS needs to determine if this permit needs to be in place prior to tree felling or prior to construction.
- MVP submitted their draft NTP request to FS and BLM. Agencies and Transcon are providing comments back to MVP in order to improve the request. Once MVP submits an updated request, BLM's plan is to authorize pieces of the request as compliance is determined.
- MVP and Galileo met with EBCI and the Cherokee Nation to discuss tribal monitoring needs. EBCI is taking the lead with providing tribal monitors and has shared contact information with MVP. EBCI prefers periodic tribal monitoring when construction activity (including tree hauling) is happening around the site, but not during excavation of the site. MVP plans to hire tribal monitors as employees during construction around the site. MVP is coordinating with both tribes and the FS for requested scientific publications and presentations.
- The MVP construction phase kickoff call is scheduled for Tuesday, February 6th from 8 am to 5 pm local time. MVP is in charge of securing the meeting location.
- A project management detailer will replace Troy Morris as the project manager for MVP on Monday, February 5^h.