

**From:** Gaulke, Peter T -FS  
**Sent:** 28 Nov 2017 20:41:07 +0000  
**To:** Beum, Frank R -FS;Gaulke, Peter T -FS  
**Subject:** MVP Review Team Meeting  
**Importance:** High

Here are a few thoughts. Hopefully there are not too many typos

1. The MVP Environmental Analysis, Decision and Objection processes exposed the Forest and the RO to a totally new set of processes. It was foreign to us and warrants a comprehensive after action review.
2. Always at the forefront of the conversation is that FERC was the lead agency, and we along with several other agencies were cooperating agencies.
3. With FERC as the lead agency, we were forced to adhere to FERC timelines, FERC NEPA regulations, FERC administrative processes, FERC public involvement approaches, and so on.
4. It is no doubt an understatement that FERCs processes differ dramatically from how the USFS runs its NEPA environmental analysis and decision-making. FERC is foreign.
5. It is fair to say that there were pains of adjustment as we tried to merge our USFS way of business to the FERC way of business. The adjustments were daily, weekly, monthly – we were constantly learning and adjusting over the entire 2-3 years of the project.
6. Whatever metaphor you want to use, we needed to incorporate our NEPA and Objection process into the way FERC operates (square peg in a round hole...). This was not easy and still has a level of discomfort for the Forest and the Regional Office.
7. We needed, as best we can, to try to incorporate the results of our Objection Issue Analysis into layers of Federal Agency decision making. Remember, FERC, USFS & BLM all have roles, authorities and responsibilities in approving the MVP. We needed to figure out how best to fit our outcomes and determinations of the objection process into the approval steps and authorities.
8. Mitigation measures and other outcomes found their way into the FERC EIS, USFS ROD, USFS letter of concurrence, Plan of Development (POD),

BLM decision and FERC certificate. Piecing all those together so that we were legally sufficient, regulatorilly straight, and safeguarding the natural resources was difficult and clumsy.

9. I, as the responsible official, weighed each and every issue on its merits. The review team was strong and professional.
10. When we got down to the wire, FERC issued their certificate of public necessity. That FERC certificate addressed I believe every issue that we struggled with in our objection review. In the end we had two choices:
  - a. Be inconsistent with FERC and essentially pit one GOV agency's analysis against another GOV agency's analysis.
  - b. Present a consistent "one GOV approach" to the project.
11. FERC's certificate read like a legal brief and it would have been very difficult for the USFS counter their findings with our own.
12. Also, as the pipeline process works, any outcomes of the Objection Review that would have required additional analysis, additional disclosure or additional documentation to the record would have been the responsibility of the USFS. We, the USFS, have no binding authority to force the BLM or the FERC to do additional analysis, additional disclosure or additional documentation to the record. Outcomes of the objection review that call for any of those would have been essentially a recommendation to the BLM and FERC.
13. My review focused strictly on a straight forward and narrow reading of our regulatory requirements.



**Peter Gaulke**  
Regional Planning Director

Forest Service  
Southern Region

[pgaulke@fs.fed.us](mailto:pgaulke@fs.fed.us)

1720 Peachtree Street, NW  
Atlanta, GA 30309  
[www.fs.fed.us](http://www.fs.fed.us)



Caring for the land and serving people