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# Groups send feds litany of concerns

BY JOHN BRUCE • STAFF WRITER

MONTEREY — Citizens groups and public and private agencies sent lengthy concerns about the Atlantic Coast Pipeline to the Federal Energy Regulatory Agency last week.

Dominion Pipeline Monitoring Coalition coordinator Rick Webb told FERC last week that Dominion's "incomplete, inconsistent, and repeatedly changing information" about alternative routes are stumbling blocks to informed public comments.

For example, the pipeline company submitted new plans three days after FERC opened its 30-day scoping period.

"FERC routinely approves pipeline projects contingent upon later submission of critical plans for construction and mitigation of environmental impacts," Webb said. "For example, erosion and sediment control plans are typically made available to FERC as implementation plans that are only provided after project approval, precluding opportunity for public review and comment. Meaningful implementation the National Environmental Policy Act depends on informed input from all interested and concerned stakeholders," Webb said.

"Accordingly, the DPMC is prepared to submit additional comments as additional information becomes available and additional review is completed. We request that FERC accept and address follow-up submissions for use in the development of the EIS."

Steep mountain terrain, coupled with FERC's lack of experience with 42-inch pipelines, pose additional concerns, he said. "The EIS should evaluate the implementation of water-related environmental laws and regulations that apply to pipeline construction. The Dominion Pipeline Monitoring Coalition has conducted a case study project to investigate the implementation of regulatory programs for erosion and sediment control and stormwater management at current and recent pipeline projects in the ACP project region. Although the pipeline projects available for study are small in comparison with the proposed ACP, our initial investigation of these projects shows that the regulatory system cannot be relied on," Webb said.

"The EIS should address the issue of need and objectively determine if FERC approval would facilitate a pipeline that is a true public necessity or if FERC approval would instead facilitate a pipeline that will

primarily provide a competitive advantage for private interests. We further argue that the question of need is an appropriate and necessary issue for consideration by the forest service, which must make a determination concerning revision of forest management plans to accommodate the ACP. The forest service has repeatedly asked for a more meaningful analysis of alternatives to building the proposed pipeline on national forest lands. The EIS should evaluate the alternatives, including the no-build alternative, in the context of an actual evaluation of need."

*Avoid protected species*

Raymond Fernald, manager Virginia Department o Game and Inland Fisheries environmental programs, provided FERC with lists of endangered species in the proposed pipeline's path. Among them are federally endangered/state endangered species including red-cockaded woodpeckers, Virginia big-eared bats, Indiana bats, James spinymussels; federally threatened/ state threatened northern long-eared bats; federal species of concern yellow lance mussels; Chowanoke crayfish; roughhead shiners; and state endangered species such as Rafinesque's eastern big-cared bats, rock voles and canebrake rattlesnakes.

"We understand that a number of species surveys and assessment activities are currently under way and planned for the near future," Fernald wrote. "We are coordinating these activities closely with the applicant's environmental agents and are making additional recommendations regarding protection of listed species, as necessary, during this coordination.

"We recommend the applicant perform habitat assessments and/or species surveys, with permits as needed, for any species listed above for which we have not provided specific guidance to determine whether suitable habitat for these species exists within the proposed disturbance corridors and/ or whether these species may be present on site.

"Upon review of such assessments or surveys, we will make final determinations regarding the protection and management of these species related to the construction and operation of the pipeline," he said. "For all other species, we recommend continued coordination with us and the U.S. Fish and Wildlife Service, as necessary, to ensure avoidance and minimization of impacts upon listed species and their habitats during project construction and long-term operation."

He also provided lists of threatened and endangered species waters in the project area, including the Cowpasture River (James spinymussels). Of Back Creek and Jackson River, he said, "Although we have not designated these streams as threatened and endangered species waters, our malacologist, Brian Watson, has reason to believe that James spinymussels may occupy these streams based on their adjacency to occupied sub-watersheds (Bullpasture River/ Cowpasture River). We recommend consideration of impacts upon James spinymussels that may result from construction activities within Back Creek and the Jackson River."

Hugh Irwin of The Wilderness Society said while altering the original route was warranted since it would have impacted habitat for rare species, "This should have been a cautionary warning that such routes through the Appalachian Mountains are fraught with the potential for conservation and environmental impacts.

"This failed initial route proposal should have been a wake-up call that any pipeline through the mountains warrants a careful and considered examination of the overall demand for all proposed gas pipelines, the real needs, the expected lifecycle of pipelines to meet any needs, and the impacts to critical conservation lands and

resources in the region from all proposed pipelines," Irwin said. "The several pipelines proposed for the region pose a major threat to the conservation, environmental, and cultural values of the region that cannot be adequately addressed in separate planning processes that do not put the demands, needs, and impacts into an overall context that can be assessed and balanced.

"To adequately address these threats a programmatic EIS is essential that examines energy supply from renewable sources as well as gas production, the current capacity as well as anticipated need, and the trade-offs between any economic and energy benefits with inevitable impacts to conservation, environmental, and cultural values. The current route, while avoiding some of the rare species habitat identified by the forest service, would still impact critical conservation lands on Monongahela and George Washington National Forests, would fragment the landscape disrupting habitat and movement corridors for numerous wildlife species, would open the way for establishment of non-native invasive species, and would threaten water supplies and clean water," he explained.

"The pipeline would travel through karst topography which poses its own unique risks and impacts. And the current approach fails to examine the demand, need, and life of the pipeline in the context of other proposed pipelines. Even more concerning, the route selection process appears to have only taken a cursory approach to minimizing conservation and environmental impacts. There are tools to minimize conservation impacts of energy corridors. The U.S. Department of Energy funded the development of the Energy Zones Mapping Tool and an associated study. This tool is specifically tailored to allow flexible modeling of energy and corridor siting factors such as slope and land protections. The tool and background material can be found here: http://ezmt.anl.gov/."

*Consider all impacts*

Margaret Sanner of the Chesapeake Bay Foundation, in describing the proposed pipeline realignment, said, "The modifications do not in any way minimize concerns identified in CBF's earlier-filed comments, about the increases in deleterious sediment and nutrient loads that will reach local and Bay waters during construction and post-construction operation.

"These concerns are exacerbated by … the project's large-scale land disturbing activities in sensitive and riparian areas and in areas of steep and unstable slopes, narrow valleys and karst terrain, and by … the danger of inadequate erosion and sediment regulatory controls during construction and stormwater management following the end of construction," Sanner wrote.

"For all of these reasons, the project, even as modified, will almost certainly impact the ability of Virginia to meet its commitments to restore the Chesapeake Bay and tributaries streams pursuant to the (Clean Water) Blueprint (a set of pollution targets and state plans to meet them)."

Sanner recommended the EIS quantify expected changes in pollution loading rates to local waters and the Bay under all land use proposals, describe how all new nutrient and sediment loads will be offset as required by the Blueprint and local Total Maximum Daily Loads for Nitrogen, Phosphorus and Sediment (TMDLs), and quantify expected changes in pollution loading rates to impaired streams without TMDLs and prepare to mitigate those loads.

"The EIS should consider local conditions, including steep and karst terrain that may weaken or defeat the effectiveness of pollution requirements and evaluate alternative strategies and new regulatory measures tailored to local conditions … It is clear that myriad concerns remain for the ACP project alone. These concerns are exacerbated when account is taken of other pipeline infrastructure in Pennsylvania and West Virginia that is associated with the directly related Supply Header Project, Docket PF15-6-000, and with the broad drilling, extraction, processing and transportation of natural gas in the Marcellus Shale Basin in the western Chesapeake Bay watershed. CBF urges the FERC, therefore, to consider the cumulative impacts associated with all of these projects as directed by the D.C. Circuit Court of Appeals in Delaware Riverkeeper Network, et al. v. FERC."

*Avoid protected areas*

The Nature Conservancy asked the proposed project avoid all preserves, conservation easements, and critical habitats.

"Our previous comments identified three areas of very high concern in the Central Appalachian Region that could be adversely affected by the proposed ACP project route: Cheat Mountain; Laurel Fork; and the Sugarloaf Mountain/Rockfish/Shields Gap Complex.

"Our analysis of the GWNF6 route alternative for the ACP indicates that it will avoid impacts to preserves, (but) impacts to conservation easements and Critical Habitats remain. The GWNF6 route alternative fully addresses concerns expressed by the Conservancy and others regarding avoidance of the rare, threatened, and endangered species and red spruce restoration areas on Cheat Mountain, as well as to similar habitats in the Laurel Fork area. Other route adjustments in the Shields Gap area will avoid the TNC preserve and adjacent conservation easements.

"However, the GWNF6 alternative intersects nine Virginia Outdoor Foundation conservation easements in Bath. These easements represent the intent of a landowner to ensure a durable conservation outcome on their property. Impacts to these conservation easements should be avoided.

"The Conservancy reiterates our request that FERC use the best available data, expert consultation, and field inventory to identify and avoid impacts to biologically significant cave systems along this and all other mid-Atlantic shale gas pipeline routes. The Conservancy is seriously concerned that pipeline activities that intersect biologically significant cave and karst systems have the potential to create lasting impacts that cannot be offset … Pocahontas County, W.Va. andBath County, Va., are among the highest tier of counties in the study region for cave and karst biodiversity, and also for potential for species occurrence," TNC said.

"The Land and Resource Management Plans (forest plans) that govern the use of National Forests do not represent the singular intent of the U.S. Forest Service. Rather, forest plans require multiple years of intensive dialogue between the USFS and a diverse group of forest stakeholders who often hold divergent or even incompatible views of how the forest should be managed. The management designations or prescriptions established in the forest plans reflect extensive efforts to obtain stakeholder input and achieve consensus on the resource values that are or should be present at a given place, and how best to conserve them. The Nature Conservancy participated extensively in the development of the forest plans for both the Monongahela and George Washington National Forests and can testify to the monumental effort required to draft a final plan that received broad support, as both of these plans did.

“The Nature Conservancy requests that any amendments to either of the forest plans to accommodate construction of the ACP be consistent with the specific management designations for the areas the project would affect, and that such a finding of consistency be based on a complete analysis of potential project impacts (i.e., final EIS). Any management designations that were established to conserve intact forest habitat and avoid durable fragmenting features should be deemed incompatible with pipeline construction. Further, the ACP should be called upon to address why the project route cannot be accommodated within the designated utility corridors on the George Washington National Forest.

“The overarching conclusion of the Nature Conservancy is that there remain a number of serious potential impacts in the mountain portion of the ACP alignment. This highlights the challenge of attempting to route a pipeline project through such a biologically diverse region with so much intact forest and high integrity rivers, streams, and cave and karst systems.

TNC requested that, within the EIS for the ACP:

• The recommended alternative for the ACP avoid all preserves, conservation easements, and critical habitats;

• The best available data, expert consultation, and field inventory are used to identify and avoid impacts to biologically significant cave systems along this an all other mid-Atlantic shale gas pipeline routes, and that natural cover be retained within an extended buffer around any cave or karst features within the project footprint;

• The loss of site resilience to climate change consequent to an interruption in connectedness within large patches of intact habitats is considered to be an indirect effect of pipeline construction for which mitigated is required;

• Potential impacts to ground and surface waters due to sedimentation and erosion during normal and high intensity rain events during construction are comprehensively evaluated and minimization strategies are based upon techniques shown to have been effective in projects of comparable scale, in similar terrain and climate, and if this is not achievable, a detailed justification of the efficacy of the proposed measures for managing and mitigating sedimentation and erosion impacts is provided;

• Any amendments to a Forest Land and Resource Management Plan to accommodate construction of the ACP be consistent with management designations for the areas the project would affect, and that such a finding of consistency be based on a complete analysis of potential project impacts.

*Find alternatives*

The Southern Environmental Law Center, on behalf of numerous other groups, said, “We strongly support the forest service’s decision (to reject the initial route). Not only will it help safeguard these species and ecosystems consistent with the law, but it will keep large tracts of natural forests intact, protect trout streams and community water supplies, and insure that one of the least developed regions of the eastern U.S. remained untrammeled.”

However, SELC added, "Atlantic Coast Pipeline LLC, the project developer, hastily responded to the forest service's decision with a revised route, known as GWNF- 6 — a 95.7-mile horseshoe that cuts south around Cheat, Back Allegheny, and Shenandoah mountains and then heads north up the Deerfield Valley to rejoin the previous route. Instead of holistically reassessing its project, Atlantic chose an expedient and superficial revision to the hurdles it faced.

"But the unique environment of western Virginia and West Virginia does not end at the boundary of the national forests. Although the proposed new route would involve less public lands than the initial route, it still carves through the scenic and sensitive landscape — what the forest service called the "wildland core" — of the central Appalachians. The route would fragment unbroken forest tracts along the mountain ridges, including large tracts of public lands on the West Virginia-Virginia border north of the Paddy Knob special biological area, and on private lands on Thorny Mountain, West Virginia, and Back Creek Mountain, Virginia.

"It is well-established that the effects of forest fragmentation extend beyond disturbed corridors and push edge effects deep into forest interiors," SELC continued. "Atlantic itself recognizes that its proposed new route would carve through a steep, remote backcountry, and it previously rejected three alternatives … the commission's evaluation of alternatives to the Atlantic Coast Pipeline must include at a minimum:

• Alternatives that make efficient use of existing pipeline capacity, by improving scheduling and by requiring flexibility in the frequency, flows, and quantities of natural gas delivery;

• Alternatives that rely on reversal of existing pipeline infrastructure, like the proposed reversal of the Transco Mainstem, and other upgrades to existing pipelines to deliver natural gas from the Marcellus region to the Southeast and Mid-Atlantic;

• Alternatives based on the outcome of a region-wide planning process, such as a programmatic environmental impact statement, that fully considers and evaluates the region's need for new natural gas infrastructure; and

• Alternatives that maximize the use of clean energy, including energy efficiency and renewable energy."

*Scenic area at risk*

Friends of Shenandoah Mountain told FERC about its goal to have Congress designate a 90,000-acre tract of Shenandoah Mountain as a National Scenic Area with embedded Wilderness (see:www.friendsofshenandoahmountain.org).

"Our proposal is the result of a 14-year collaborative effort that has resulted in broad support by over 250 organizations and businesses," the group said. "The Shenandoah Mountain area has been identified by citizen groups for permanent protection because it is so special. Stretching 72 miles through the heart of the GWNF, Shenandoah Mountain has the largest concentration of roadless areas on national forest land east of the Mississippi.

"This mostly unfragmented forest, which is exceptionally rich in biodiversity, is a local, regional, and national treasure. From our perspective, Dominion's alternate route that circumvents Shenandoah Mountain is no better than the previous route across Shenandoah Mountain … One of our major concerns is that a new utility

corridor of this magnitude could be sited alongside the proposed Shenandoah Mountain National Scenic Area, which the 2014 GWNF Plan recommends for Congressional designation.
“Clearly, siting the ACP alongside the recommended scenic area is an inappropriate place for a new utility corridor. The GWNF

Plan discourages new utility corridors: ‘When feasible, expansion of existing corridors and sites is preferable to designating new sites.’ If FERC issues a permit for the pipeline along this route, the forest plan would need to be amended … We are concerned that degradation of visual qualities, recreational opportunities, and wildlife habitat could ultimately disqualify the proposed National Scenic Area from Congressional designation. Given these concerns, Friends of Shenandoah Mountain is opposed to the ACP alternative route and the previously proposed mainline route through one of the finest and least fragmented natural areas remaining in the Eastern United States.”

*Protect the barrens*

The Virginia Native Plant Society raised concerns over shale barrens. “One example of the kind of habitat that is threatened by the ACP is the shale barrens of Virginia’s western counties,
including Highland and Augusta counties. These extremely sensitive natural communities feature a number of endemic species found only in those habitats … Placing a 42-inch pipeline, requiring a 125-foot construction right of way followed by a 75-foot permanent right of way through such an ecologically sensitive area would severely disrupt those communities and is strongly opposed by the VNPS,” the group said.

The new alternate route for the ACP through parts of the GWNF in the vicinity of Fort Lewis, Scotchtown Draft, and theDeerfield Valley will be in “close proximity of the route to three Central Appalachian shale barrens that are Special Biological Areas within the GWNF,” the group explained.

“According to the 2014 GWNF Management Plan, SBAs are core areas for conservation of the most significant and rarer elements of biological diversity identified to date on the forest. These areas or communities are assemblages of plants and animals that occupy a small portion of the landscape, but contribute significantly to biological diversity. The plan states that these areas are unsuitable for designation of new utility corridors. Three shale barrens lie within the study corridor for the new alternate ACP route: Ratcliff Hill SBA, 31 acres, located along the Cowpasture River on the east end of the 678 Bridge;
Big Cedar SBA. 43 acres, near the intersection of Scotchtown Draft and Deerfield Road; and Reubens Draft Shale Barren SBA, 39 acres along Deerfield Road, south of West Augusta.

“The society wholeheartedly agrees that it is not possible to build the ACP through the Fort Lewis, Scotchtown Draft, and Deerfield Valley area where these special Appalachian shale barrens are located without putting these special plants, their associated pollinators, and their natural communities at risk. Please deny Dominion Resources a permit to build the ACP on the alternate route through the Fort Lewis-Scotchtown Draft-Deerfield Valley area.”