

The Recorder

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2016-02-18 / Top News

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Pipeline route moves south, includes Bath

'It was pretty shocking,' landowner says

BY JOHN BRUCE AND MIKE BOLLINGER • STAFF WRITERS



The proposed pipeline route enters Highland from Pocahontas County, and moves along Big Crooked Ridge and Townsend Draft, parallel to Route 84. It crosses Route 84, then parallels Lower Back Road and crosses Little Mountain and Back Creek. It then veers off to cross Valley Center Road and heads south across the CCC Road before crossing U.S. 220 just north of the Bath-Highland line, moving into Bath County in the Pritt Hollow area. From there, it moves through Little Valley, over Gum Tree Mountain, then crosses Muddy Run and Dry Run roads before hitting Tower Hill Mountain. After crossing River Road, the route crosses Old Plantation Way twice —the entrance to Fort Lewis Lodge. It crosses the Cowpasture River and Indian Draft Road, then heads through Gibson Hollow. From there, it runs parallel to Scotchtown Draft Road, then crosses Scotchtown Draft and Stuart Run over to Deerfield Road. The route then runs parallel to Deerfield Road crossing Mill Creek and Bright Hollow Road. It continues to run parallel to Deerfield Road until it reaches the Augusta County line. For the interactive map, see: www.dom.com/corporate/what-we-do/atlantic-coast-pipeline/maps.

MONTEREY — More changes for more people.

Last week, Dominion began contacting 21 Highland landowners and 69 in Bath County on a newly realigned path of the proposed Atlantic Coast Pipeline.

The letter to landowners from ACP representative Carole Mc- Coy, provided to The Recorder by the Bath County planning office, explains what the pipeline is and what benefits Dominion believes it would generate. It explains route selection is a continuous process involving landowners, agencies, and other stakeholders to minimize impacts and improve the proposed route.

“A new route alternative has been developed recently, in response to feedback we have received from the U.S. Forest Service regarding sensitive resources,” the letter states.

The letter also informs landowners they will receive a separate letter and instructions requesting permission for surveys and environmental studies. Landowners will also be told they will receive separate materials regarding the application filed with the Federal Energy Regulatory Commission in September 2015, with information on how they can participate in the review process.

“We also invite you to attend an upcoming informational open house that will take place for members of your community. We will announce the date for this and other details as soon as they are finalized,” the letter reads.

Dominion issued a news release and map Friday announcing the rerouting through southwest Highland, near Valley Center, crossing into Bath at U.S. 220 near Bolar, through northern Bath, Fort Lewis, and north in Augusta to join the previously proposed preferred route in Deerfield.

Dominion “has worked with the U.S. Forest Service over the last several months to find an alternative route that avoids sensitive areas in the Monongahela National Forest and the George Washington National Forest,” the release says. “As a result of these extensive consultations, next week Atlantic will formally adopt an alternative route that we believe will meet the forest service’s requirements and provide a viable path forward for the project. Finding a viable route through the national forests is an important milestone for the project and would allow the Federal Energy Regulatory Commission to continue its environmental review.”

The alternative route was selected, Dominion said, to avoid Cheat Mountain and Shenandoah Mountain because of protected species in those areas. The forest service requested Dominion avoid threatened salamander and flying squirrel habitats, red spruce ecosystems, and forest service lands, with respect to forest management plans.

The realigned route would reduce total mileage in the national forests by more than one-third, from 28.8 miles to 18.5 miles, Dominion said, adding the route will impact roughly 249 new landowners in Randolph and Pocahontas counties in West Virginia, and Highland, Bath and Augusta counties in Virginia.

“We are contacting landowners along the alternative route to request permission to survey their properties so the route can be thoroughly evaluated. Atlantic will submit a preliminary analysis of the route to the FERC next week, and plans to hold a series of public informational open houses along the route in early March,” the release said.

One of those landowners is John Cowden, who along with his wife, Caryl, own and operate historic Fort Lewis Lodge. The proposed route crosses the entrance to the lodge twice before breaking off near the Cowdens’ home and across the Cowpasture River.

“It’s not good,” John Cowden said.

Cowden said he has been following the pipeline issue because it was affecting neighboring Highland, but learning about the new route came as a shock. “We’ve been sympathetic to those who have been affected, but we have not been as involved. It hasn’t been as attention-getting to us, but it sure is now,” he said. “Of all the

places, as big as the world is, to look on a map and see it coming right down your driveway, it was pretty shocking.”

The route was changed in part due to an endangered salamander species found on Cheat Mountain in West Virginia. “There could be other species in areas it will cross now,” Cowden said.

Cowden is also chair of the Bath County Planning Commission, and said the commission would likely discuss the new route at its meeting Monday at 7 p.m. in the Bath County Courthouse. “It’s in our comprehensive plan to protect our natural assets. There would be no economic growth we would be involved in from this,” he said.

A meeting for affected Bath County landowners, sponsored by the Allegheny Blue Ridge Alliance, has been scheduled for Thursday, Feb. 25, 7:30 p.m., at the Hot Springs Fire Department building (see sidebar). Highland supervisors chair Kevin Wagner encourages landowners along the route to learn about their options quickly, and suggests the routing process may be far from finished.

“I guess we will learn the positives and negatives of the new route over the next few days,” Wagner said. “I think, though, that it’s important for the landowners on the new route get themselves educated quickly. The pipeline route continues to be fluid and is probably not settled yet. So we, as a board, will continue to take in any new concerns and pass them on to FERC and Dominion.”

Bath supervisors chair Claire Collins said county staff only received notification of the new route Friday, when Dominion published its press release. “Staff will be looking at it to see exactly what landowners are impacted,” Collins said.

Her main concern is the karst topography in the area of Bath along the realigned route. “If they had to move it miles away (from the original), why couldn’t Dominion use easements they already have?” she said.

“If they had this as a Plan B, they should have made people aware more than just a month ago,” she added. “People were thinking they didn’t have to worry about it in our county.”

The Bath board has a work session Thursday, Feb. 25 at 6 p.m. in the courthouse, and Collins said they could take that opportunity to discuss the route change.

The announcement comes less than a month after the forest service rejected a preferred route to the north. Opposing forces agree the new route is as much or more controversial and environmentally problematic than the old one. The company chose an easy fix, they say, in efforts to keep its construction timetable and contractual obligations, with project partners such as the prospective majority gas customer Duke Energy, on track.

Bath karst expert Bill Jones said he didn’t think the new route would have much change on the impact of karst areas. “At first glance, I don’t think the new route is any worse or better from a karst standpoint. No matter how they run this thing, it will go through some significant karst areas in West Virginia and Virginia,” he said.

Environmental and citizen groups poured out criticism following the announcement.

“Dominion has proposed a knee-jerk and ill-conceived adjustment to its favored route rather than a solution that truly attempts to minimize the harm to this region,” said Greg Buppert of the Southern Environmental Law Center.

“To prevent unnecessary impacts to our communities and environment, we must understand whether the Atlantic Coast Pipeline is truly needed to meet the regional demand for natural gas in light of the changes to existing pipelines that are already poised to bring more gas into Virginia. The new route also raises fundamental questions of fairness. FERC must put the Atlantic Coast Pipeline on hold until the citizens of Bath County and other communities along the route have the same opportunities to understand the project, evaluate its impacts, and make their voices heard,” Buppert said.

Lew Freeman of Allegheny Blue Ridge Alliance and Highlanders for Responsible Development said the new route compounds problems by crossing karst in Virginia.

It avoids Cheat and Shenandoah mountains, he said, “but compounds the ecological harm that would ensue. By directing the pipeline further south in Pocahontas County, W.Va., into northern Bath County, Va., and then north through the Deerfield Valley in Augusta County, the route would traverse some of the most concentrated karst topography in the Allegheny region.

“A pipeline through this area would significantly increase the likelihood of catastrophic erosion and sediment pollution of several significant waterways. Furthermore, the new route opens up to potential devastation a whole new set of cultural and natural resources. The many newly affected landowners and local officials must be carefully consulted before the project should be allowed to continue with the FERC process,” Freeman said.

While the route is new, the fundamental issues remain unchanged, according to Rick Webb of the Dominion Pipeline Monitoring Coalition, pointing to constructing a major pipeline through the greatest concentration of remaining wild lands, pristine streams, and intact ecosystems on the central East Coast, as well as eminent domain. The new route would reduce impacts on certain threatened species, “but still involves significant forest fragmentation and fails to avoid environmental harm associated with construction across steep mountains and complex karst valleys,” Webb said.

The new route may not affect particular wildlife species as much as the previous route, but the impact on high-quality wildlife habitat in general is no less, he said. “Moreover, the national forests and other conservation lands belong to all of us. We are, collectively, the landowners, and we own these lands in trust for future generations. Those who pursue short-term private gain will always seek to frame the argument as one of cost to or benefits for people versus cost to the environment. Too often they prevail, and environmental loss continues. In the end we all lose, and after the short-term gains are forgotten, the long-term environmental loss remains,” Webb said.

“Now, it seems that Dominion expects the Environmental Impact Statement and other aspects of the environmental review process to proceed without any delay, despite the need for new analysis. It’s also remarkable that Dominion is proposing to build a pipeline along a path that was initially rejected as too challenging and hazardous.”

Eminent domain flies in the face of fairness and the respect for individuals this country pretends to stand for, Webb said. “Eminent domain should only occur in the most extreme circumstances. In this case, a compelling argument has been made that we don’t really need the pipeline capacity; existing capacity will do. FERC, however, has an extremely low standard for proof of need. (Dominion) simply has to assert that it has customers for the gas. It does not matter to FERC that the customers in this case are affiliates of the developer, and that FERC’s own analysis indicates that much of the proposed new pipeline capacity will be redundant. It does not seem to matter that much of the gas will inevitably be destined for export or will supplant other gas in the interconnected pipeline grid that will be diverted for export.

“FERC simply refuses to consider any sort of planning approach that would address the issues of real need and how best to satisfy that need. FERC refuses to conduct the kind of comprehensive regional analysis that would bring some coherent planning to the process of pipeline development. It has the power to grant an extraordinary governmental authority to a private enterprise, the power to confiscate private property, but FERC claims, falsely, that it does not have the power to extend its analysis beyond single projects, as if each one is a separate and independent project with no relationship to all of the others. FERC has the authority under the National Environmental Policy Act to conduct a meaningful analysis of need and cumulative impacts, but it refuses. FERC is the epitome of an agency that has been captured by the industry it is charged to regulate.”

Cave and karst authorities Phil Lucas and Rick Lambert responded to The Recorder’s inquiries about their thoughts concerning the new route and its potential impact on karst topography and drinking water sources. Lucas wants to research the Bath County portion of the route. “Looking closely at the routing, it will be very close to the headwaters of the Burnsville Cove significant karst area. This is the area that I talked about at the Highland County supervisors meeting a while back.

“As to whether the planned route actually traverses across a karst terrain in that area, I cannot say for sure. It will require me to do a little fieldwork. The same is true for the east flank of Tower Hill Mountain, where the proposed pipeline route down Poplar Hollow will come close to a sinking stream that I have dye traced to a big spring along Route 678. At any rate, I need to take good look at this routing before I can make any definitive statements,” Lucas said.

Lambert is certain the Highland portion would cross karst. “The Valley Center section of the route is very sensitive. The area contains many caves, sinking streams, and springs. While it is the most heavily dye traced area of Highland County, it has never been sampled for invertebrate fauna. This is one of the most heavily karsted sections of Highland County,” he said.

“The residents of the area have been very kind to the Highland County Cave Survey over the last 25 years, and it distresses me to see Dominion choose this route. In other sections in Highland, the new route passes across or above sinking and losing streams, which feed springs and the deeper aquifers. This route was chosen to avoid salamanders, not karst.”

The route change announcement forced Lambert to change the maps for the well-attended Cold Water Resources Monitoring class Saturday. The class taught landowners how to monitor drinking water sources before construction so they can form a data baseline in case pollution occurs as a result of the project.

“Highland will be prepared to monitor from Valley Center to the Deerfield Valley until Bath gets organized,” Lambert said. “Let’s hope they do.”

FERC is accepting public comments and interventions about the pipeline project under docket number CP15-554-000. Comments can be made electronically by accessing <https://ferconline.ferc.gov/QuickComment.aspx> or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

While the registration deadline for intervening has passed, persons can file a “motion to intervene out of time” and include the reason they should be considered.