

The Recorder

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November 12, 2015 / Top News

USFS: Dominion jumped gun on proposed route

BY JOHN BRUCE • STAFF WRITER

MONTEREY — The U.S. Forest Service warned federal energy regulators last week that Dominion may not be playing by the rulebook when it comes to route selection for its proposed Atlantic Coast Pipeline.

Monongahela National Forest supervisor Clyde Thompson wrote to the Federal Energy Regulatory Commission Nov. 5 that the forest service remains “concerned that ACP identified its preferred route and filed an application with the FERC without first completing the soils and geology surveys. Results of soils and geology surveys should be considered in the process of route selection.”

In rejecting the pipeline company’s survey results, the forest service recommended FERC not use the data for preparing an environmental impact statement on the proposed pipeline.

Attachments to Thompson’s letter reveal a nine-month timeline with emails suggesting the company failed to follow forest service survey protocols and did not hire qualified field personnel.

About 30 miles of the ACP’s proposed 564-mile route would pass through two national forests, including the MNF in West Virginia and the George Washington-Jefferson National Forest in Virginia. The forest service had raised objections earlier to the pipeline route though habitats of threatened salamanders, and the company proposed to drill through Shenandoah Mountain to partially avoid one habitat, and adjust another portion of the route to avoid another.

On April 22, MNF issued a special use permit authorizing ACP to conduct surveys along proposed routes crossing the forest. A document attached to the permit contained protocol and required qualifications for field personnel for surveys of various resources, including soils.

“The requirements for the soils surveys specify that surveys must meet the requirements of an order 1 soils survey and be conducted by a professional journey level soil scientist with experience in the Appalachian Region,” the forest service said.

In May, forest service soil scientist Stephanie Connolly had emailed ACP consultant Natural Resources Group, at its request, a list of suitable contractors known to be qualified to conduct soils surveys in the region.

The document goes on to say that the forest service met with ACP in July to discuss the project. “Of notable conversation during this meeting was discussion of the soil surveys that had not yet been started. Bob Orndorff and Bill Scarpinato of ACP told the forest service that a geotechnical firm would be handling the soil surveys rather than NRG.”

Connolly asked about credentials, and Orndorff reassured her that resumes would be provided for review prior to selection. Orndorff “confirmed that the credentials of contractors conducting various other surveys had been provided to the forest service for review and approval, and stated he understood the forest service’s concern about understudies and interns that had been used to develop portions of resource reports that were less than adequate.”

In mid-July, forest service special projects coordinator Jennifer Adams emailed ACP consultant Colin Olness, PE, that she needed to be copied on emails to Connolly so both George Washington-Jefferson National Forest and MNF would be kept informed of communications.

In August, Connolly objected that ACP was planning to begin soil surveys too late in the summer. “Our request for this work was that it be done this field season when the soils are saturated. There was no better time than May, June, and July when the forest received 24 inches of rain in those three months to see the maximum expression of how the soils respond during wet weather. Not only is a soil survey required but also a mapping of specific sensitivities like hydric soils, wet soils, soils prone to slippage, etc. I had asked on several occasions to have these types of conversations about the details and planning early on and got little to no response or follow up from those conversations.

“We started the initial conversations back in April and there were intentions set to start this work along with the other surveys. Also I had provided a list of potential subcontractors that could be used for this work and it has come to my attention that this list was not used,” Connolly wrote. “In addition to this, I was also told that I would have a chance to at least review the potential list of contractors selected for this work at the June meeting in Elkins by Mr. Orndorff. This, too, was found to be untrue given that the contractor has already been selected. The specialized skill and requirements needed to conduct this Order 1 level soil survey are specific to those who have skills within the Appalachian Region and it is imperative that a certified professional soil scientist head this survey work.

“The need for this inventory is very apparent when reviewing the current Chapter 7 and Chapter 6 resource reports,” Connolly continued. “Much of this information is not site specific and lacking in detail to be able to be used for effects analysis or design. The slope analyses is completely unacceptable and very elementary at best. We have provided extensive comments pointing out the flaws and misinformation used in the reports, and this is mostly due to scale and a lack of understanding of the soil resource by the author.”

In late August, Adams had reiterated the need for Connolly to review the qualifications due to the specialized skills required for the work. “The specialized skill and requirements needed to conduct this Order 1 level soil survey are specific to those who have skills within the Appalachian Region and it is imperative that a certified professional soil scientist head this survey work. We would like to have that opportunity,” she wrote.

In an Oct. 5 email, Adams conveyed forest service objections to ACP soil sampling and alleged the company ignored forest service protocols. “ACP Dominion did not comply with the initial USFS requirement in the special use permit to provide resumes and documentation of qualifications of the soil survey contractor conducting soil surveys prior to starting the work; and ACP directed that contractor to start the surveys without any consultation with the USFS. Geosyntec is delaying the submission of the current contractors qualifications for more than two weeks (Oct. 16, 2015) while the contractor has already started work and will be working in the field on the forest,” Adams wrote.

“Therefore, it is assumed by the USFS that the contractors actually gathering the data in the field may not actually have soil science degrees and may not have any regional soil characterization experience. Without having reviewed resumes of field personnel, we have no assurance about quality control or quality assurance of data currently being collected.”

Olness responded Oct. 9: “The field crew is conducting the order 1 survey per the NRCS protocol. The request for resumes is noted and these will be provided as discussed. (ACP contractor) Geosyntec is not delaying the submittal of the resumes. I will apologize to Stephanie for the miscommunication on my part. Geosyntec is in the field and will provide these as soon as they are able.”

Forest service ecosystems group leader Kent Karriker raised numerous concerns to Olness in mid-October. “The schedule that you provided on Oct. 9 suggested that most work had already been conducted by that time, and that the surveys would be completed by Oct. 10. Based on this schedule, we are concerned about several things: Survey work was conducted without proper notification to the appropriate forest service contacts of the location, nature, and timing of the work. We are still awaiting such notification.

“If the work has been completed according to the schedule,” Karriker continued, “we have not yet been notified. Survey work was conducted without providing professional qualifications of the surveyors to the forest service for review. Timing of the surveys and lack of proper notification did not allow for forest service inspection of the activities. The amount of work to be conducted in the allotted time (438 soil pits in nine days) seems unrealistic, unless a very large team of soil scientists was employed. If soil survey work is still being conducted, please notify us of the progress, locations of completed and ongoing work (including sample locations), and projected schedule.

“Based on the fact that a substantial portion of the work appears to have been completed prior to forest service review of qualifications, we may need to check specific sample locations to verify soil descriptions. We also reiterate our request that the professional qualifications of the soil surveyors be provided for our review,” Karriker told Olness.

Olness replied Oct. 16 with a list of resumes, but only one — that of Nan Gray, president of Soil Works Inc. — was acceptable to the forest service. However, Gray never participated in the project.

During a phone conversation Oct. 27 with Connolly, Gray said she has done no work for ACP or its contractors, and that she was contacted by ACP's contractors on Oct. 15, following completion of the soils surveys. "Her email shows she was not among the field personnel who conducted soil surveys though ACP and/or its consultants identified her resume as one of the field personnel who conducted the surveys, and actually the only personnel that the forest service deemed qualified," the forest service document states. "Ms. Gray has zero confidence in any of the samples taken for any purpose during the soil survey conducted by Geosyntec."

Asked by The Recorder about the situation, Dominion spokesman Aaron Ruby issued the following statement on behalf of ACP and Dominion in response to the forest service's letter: "Dominion is carefully reviewing the Nov. 5, 2015, letter from U.S. Forest Service forest supervisor Clyde Thompson, and the company will submit a thorough and official response soon. "Dominion is aware of the concerns USFS has expressed regarding ACP's soil survey program, and in the spirit of cooperation, the company is taking steps to address those concerns by performing a second round of Order 1 soil surveys in the MNF at a date to be determined. The USFS was notified of this second round of surveys on Nov. 5. In a good faith effort to meet the forest service's expectations and alleviate any concerns it may have, last week ACP submitted a list of certified professional soil scientists, certified professional soil classifiers, and/or licensed professional soil scientists who will perform the new surveys. "Dominion is committed to working with the USFS to conduct a thorough, comprehensive and robust soil survey program that meets the forest service's standards and allows for a full evaluation of the project's impact on USFS lands. Dominion is confident this new program will satisfy the agency's requirements. Finally, it is common practice for an applicant to continue performing additional surveys after filing its FERC application. For example, we are still awaiting affirmation of the Virginia law by the courts so we can finish surveying in several counties," Ruby said.

Industry trade groups put soils and geology studies as integral to pipeline routing in highlands terrain. A document posted online by the International Pipe Line and Offshore Contractors Association states that geotechnical matters are an important part of pipeline route selection in mountainous areas.

An Interstate Natural Gas Association of America Foundation 2013 report points out that "FERC regulations require applicants to consider the use, widening, or extension of existing rights of way. These regulations also require applicants to avoid, to the extent practicable, historic sites, national landmarks and parks, wetlands, recreational and wildlife areas. If these sites cannot be avoided, impacts on these areas must be mitigated. Further, avoiding forested areas and steep slopes, minimizing the clearing, maintaining soil stability, disposal of cleared vegetation, avoiding damage to remaining trees, and restoring temporary access roads are all required."