

The Recorder

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Don't let ACP's Hail Mary reach endzone

This is so wrong it's almost comical.

The Federal Energy Regulatory Commission cannot be trusted to protect normal folks when it comes to the devastating effects of installing the proposed Atlantic Coast Pipeline.

This week, FERC announced it would — finally — hold scoping meetings to collect public input on ACP's revised application, the one that describes a realigned study corridor for a 42-inch diameter pipe in northern Bath County and southern Highland.

However, the notice FERC issued about the meetings makes the whole topsy-turvy process seem like an exercise in futility. It's a proverbial Hail Mary pass made in desperation, with an unlikely chance of reaching the end zone. Only in this case, it's the FERC zone.

First, instead of a normal 90-day comment period, we get 30 days.

FERC seeks information on geology and soils; land use; water resources; air quality; endangered or threatened species; recreation and scenery socioeconomics, and public safety. The commission claims details are important. "Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be," the notice said.

But you only get 30 days to gather that information and get it to Washington, D.C. As of this May 5 issue of The Recorder, you're down to 28 days.

If you plan to attend FERC's scoping meeting to speak directly, you've got 16 days — the meeting will be held May 21 at Bath County High School. (By the way, if there are too many speakers, you'll only get 3-5 minutes to tell FERC what it needs to know).

So, FERC expects affected landowners to convey all the potential impacts the pipeline might have on their property, put together some "reasonable" alternatives, and tell the commission how you think those impacts can be lessened or avoided. Good luck with that. The clock is ticking...

FERC's notice also appears to suggest the U.S. Forest Service roll over and make room for the pipeline. "There is a need for the USFS to consider amending affected LRMPs to make provision for the ACP right of way," FERC said.

LRMPs are the Land Resource Management Plans for the national forests. They are crafted under federal guidelines and they dictate specific goals for our forests to keep them sustainable and protected. Basically, FERC is telling forest officials to alter their plans to accommodate the ACP as needed. We read that to mean when FERC approves the ACP's route, the USFS will have to change its plans designating the route as a utility corridor on the George Washington National Forest. It's a presumptive notice that doesn't appear to give USFS any choice. Decisions on changing the forest plans will be tied to the project's Environmental Impact Statement, which will be analyzed later, but FERC is presuming the foresters will get on board.

You have fewer than 30 days to comment on that, too, by the way.

This short scoping period also officially opens up "consultations" with state historic preservation offices, as required by the National Historic Preservation Act, "to solicit their views and those of other government agencies, interested Indian tribes, and the public on the projects' potential effects on historic properties."

Those with concerns about historic resources or properties that could be disturbed by all the earth moving will need to get those into the record by June 2, too, so they can be documented in the EIS.

Does anyone know exactly where land will be disturbed for storage yards or access roads? No. But FERC isn't worried about that. FERC says it will define the areas of potential effects "as the projects develop." What a comfort.

The notice mentions again that landowners who don't negotiate successfully with Dominion will be forced to give up rights to their land through eminent domain. That includes land for all the access roads, storage yards, and impoundments for water — not just for the pipeline itself. Landowners who can't afford a good attorney will find themselves in a world of hurt when it comes to this process. Plus, we do not know, specifically, where the roads and storage places will go — anyone looking at the maps provided to FERC will find them woefully lacking in enough detail to figure this out.

That said, we heard from Dominion late this week that it has started identifying access roads, and will keep two storage yards in the places first determined for the original route. Now, those yards, north of McDowell and somewhere near Hightown, will be 10 miles from the new route. Picture the traffic tie-ups, if you will.

As Little Valley landowner Bill Limpert has pointed out, FERC doesn't even have the alternate route correctly described. From west to east, FERC has it crossing U.S. 220, then Back Creek Mountain. "It's the other way around," Limpert noted. "They also don't mention Little Mountain or Little Valley. I've brought this to their attention previously when the new route was first announced and they still have it wrong."

FERC tells us, “You can make a difference by providing us with your specific comments or concerns about the ACP and proposed USFS LRMP amendments.”

Affected landowners — including neighbors whose water could be tainted miles away — need to get interpretation from Dominion’s maps, walk their land to check for sinks or springs or potential historic resources, document everything for specific comments, come up with alternative ways to avoid impacts, and get all that to FERC in less than one month. We suspect most of these landowners work full-time, and don’t have the money to pay for consulting advice, either. How are they supposed to “make a difference” if FERC won’t provide adequate time?

Never mind all the solid arguments about the viability of putting a giant pipeline through these unforgiving mountains.

Never mind that numerous experts and organizations have shown this pipeline is not needed to bolster our country’s energy supplies.

Never mind that fast-paced pipeline construction is dangerous, as the Institute for Energy Economics and Financial Analysis pointed out recently.

Never mind that the ACP would upend hundreds of lives and businesses and devalue their land or ruin their water.

All FERC hears is that Dominion is in a hurry, and we all need to scramble pell-mell to help the company ramrod approval so construction can start on time.

This inane process has got to be stopped. The only hope, as we see it, comes from knowing there are hundreds of determined residents, supported by dozens of missiondriven organizations full of experts, who will keep pushing FERC to reach the right conclusion — this pipeline should never get built.