

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

In the Matter of the Applications of:

**Atlantic Coast Pipeline, LLC
Dominion Transmission, Inc.**

**Docket Nos. CP15-554-000
CP15-554-001
CP15-555-000**

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT
STATEMENT FOR THE PROPOSED ATLANTIC COAST PIPELINE
AND SUPPLY HEADER PROJECT**

BY

VIRGINIA WILDERNESS COMMITTEE

Virginia Wilderness Committee files its comments, included here as **Attachment A**, in response to the Commission's Draft Environmental Impact Statement for the Atlantic Coast Pipeline and Supply Header Project, issued December 30, 2016. Virginia Wilderness Committee respectfully asks that the Commission include its comments in the administrative record for its proceedings under the Natural Gas Act, Commission policy, and the National Environmental Policy Act for the Atlantic Coast Pipeline.

Respectfully submitted,

/s/ Gregory Buppert

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March 31, 2017

CERTIFICATE OF SERVICE

I hereby certify that I have on March 31, 2017, caused the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

/s/ Gregory Buppert

Gregory Buppert

Counsel for Virginia Wilderness Committee



March 30, 2017

Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Re: FERC Docket #CP15-554

Dear Deputy Secretary Davis:

I am writing on behalf of the Virginia Wilderness Committee (VWC) to express serious concerns about the Draft EIS for the Atlantic Coast Pipeline (ACP).

Formed in 1969, the Virginia Wilderness Committee works toward permanent protection of outstanding natural areas on federal lands through Congressional designation as Wilderness.

If approved, construction of the ACP across national forest lands will require the US Forest Service to issue a Special Use Permit and amend both national forest management plans to 1) create a permanent new utility corridor through core forested areas, headwater streams and recreational areas and 2) relax established standards that protect soil, water, old growth, and recreational resources.

The proposal to build the ACP is rather drastic: a new utility corridor through 21 miles of the George Washington (GWNF) and Monongahela National Forests (MNF). It is unprecedented for a pipeline of this size to be built over such rugged mountain terrain that supports such great biodiversity. Dominion's preferred route passes through some of the most intact, undisturbed forests on public land in the East. While the VWC is opposed to the Atlantic Coast Pipeline route in its entirety, our comments focus on impacts to public lands.

Our review of the Draft Environmental Impact Statement (DEIS) reveals many omissions, incorrect statements, and unsupported conclusions. Our areas of major concern where we see deficiencies in the DEIS are:

- **National Forest Land with Great Biodiversity:** The ACP route passes through 21 miles of national forest land in Virginia and West Virginia putting at risk sensitive habitat, such as the Red Spruce Restoration area in the MNF and five Special Biological Areas in the GWNF. The ACP route cuts a broad swath through a

“Biodiversity Hotspot” identified by The Nature Conservancy. The 16-mile route in the GWNF passes through some of the wildest, least fragmented forests remaining in Virginia and, in fact, the eastern United States. Scientists have documented 240 rare species within West Virginia’s red spruce ecosystem. The US Fish & Wildlife Service has identified 30 federally listed threatened or endangered species, 2 designated critical habitats, 1 proposed species, 5 proposed critical habitats, and 6 species that are currently under review for federal listing that are known to occur in ACP project area. The DEIS does not deal with the large landscape-level importance of our national forests in providing critical habitat that is not available elsewhere.

- **Access Roads:** The ACP requires 19 miles of access roads on national forest land, with their own set of negative effects that have not been adequately analyzed in the DEIS. Some of the access roads cut through or border on special resources the Forest Service is trying to protect. Four examples of special areas in the GWNF that are threatened by access roads can be found in Bath and Augusta Counties alone:
 1. **Indiana Bat Cave Protection Area:** This area is managed to protect habitat for the federally endangered Indiana Bat. The GWNF plan calls for decommissioning roads adversely affecting Indiana Bat habitat security.
 2. **White Oak Draft and Dowell’s Draft Brook Trout Streams:** The DEIS does not recognize these as brook trout streams on Hankey Mountain, nor does it evaluate impacts. The Forest Service has noted both are indeed brook trout streams.
 3. **Browns Pond Special Biological Area:** This SBA is a montane depression pond in karst topography with rare plants, multiple sinkholes, and a cave that is a potential hibernaculum for the Indiana bat and at the very least is home to special cave fauna. A major reconstruction of a small forest road to provide access for heavy industrial equipment may damage the karst and cause Browns Pond to drain, thereby endangering the communities of life in the pond and in the cave in the SBA.
 4. **Eligible Recreation River Corridor:** A proposed access road could cut through a segment of the pristine and scenic Cowpasture River corridor that is eligible to be designated as a National Recreation River.
- **Temporary Work Spaces:** Eighty Additional Temporary Work Space clearings would be required on National Forest land, significantly adding to the total impact. The cumulative impact of 80 ATWS sites on National Forest land has not been analyzed.
- **Flooding Hazards:** FS has identified flooding hazards are present at about 36 stream crossings of the pipeline and access roads on GWNF lands. Some of these correspond to the “High Hazard” areas identified by the USFS. Dominion has not supplied adequate information for the public to analyze the viability of these stream crossings during construction and for long-term impacts of flooding on the integrity of the pipeline in these particularly risky areas.

- **Priority Watersheds:** The proposed route crosses three Priority watersheds as identified in the GWNF Forest Plan. The GWNF goal for these watersheds is restoration rather than development.
- **Forest Fragmentation:** While the DEIS recognizes forest fragmentation as a major issue that cannot be mitigated, it dismisses the significance of the impacts on interior forest habitat and special species caused by both the ACP and access roads. The ACP would cause loss of 14,786 acres of core forest. Of this 10,970 acres (74%) would be lost due to construction of the ACP, while 3,816 acres (26%) would be lost because of construction of access roads. Given the uniqueness of the interior forest habitat and the richness of biodiversity, this level of fragmentation should not be considered acceptable by the DEIS.
- **Eagles:** Dominion's surveys did not document bald eagle nests or winter roosts or golden eagle roosts within the GWNF during its surveys in 2016. Yet, VWC members have observed bald eagles at the ACP crossing of the Cowpasture on numerous occasions. The DEIS therefore relies on misleading information regarding impacts of the pipeline on eagles and eagle habitat.
- **Nonnative Invasives:** Fragmentation will create a pathway for nonnative invasive species that will spread into areas that are currently interior forest habitat.
- **Wild Brook Trout Streams:** The ACP crosses 26 wild brook trout streams in the GWNF, some by open trench method that will involve in-stream blasting that could permanently damage these sensitive streams. The DEIS ignores FS concerns about White Oak Draft, Dowells Draft, Braley Branch, and Calfpasture River crossings and does not fully evaluate impacts to other wild brook trout streams.
- **Special Species:** The DEIS claims the ACP will impact five endangered species. The route will actually affect many additional sensitive species that are state listed, or that are on the Regional Foresters Special Species (RFSS) list, the GWNF Locally Rare Species list, or the Management Indicator Species list. There are 135 RFSS in the MNF and 141 RFSS in the GWNF. Of those species, 86 RFSS in the MNF, and 53 RFSS in the GWNF may be affected by ACP. The DEIS is inadequate insofar as it fails to adequately consider impacts on the vast majority of these species.
- **Incomplete Biological Surveys:** The biological surveys for many of these are not yet completed and will not be done until as late as September, 2017, depriving the public of ample opportunity to review as is required by NEPA. Please note that the Rusty Patched Bumble Bee has been listed under the Endangered Species Act as of March 21, 2017.
- **Old Growth:** The DEIS states that the GWNF plan would have to be amended to allow removal of old growth trees within the construction corridor of the Atlantic Coast Pipeline. The VWC objects to removal of old growth for the pipeline and

access roads. Surveys of the old growth were not completed as of the publication of the DEIS, depriving the public of essential information on the extent of old growth removal being proposed.

- **Lack of Need:** A clear need by the public for the project has not been established. According to an independent study by Synapse Energy, **Are the Atlantic Coast Pipeline and the Mountain Valley Pipeline Necessary?** (Sept. 2016), both the ACP and MVP are unnecessary, because existing pipelines, with modifications, will meet future demand through 2030.
- **Lack of Careful Look at Co-Location of ACP and MVP:** The DEIS does not analyze alternatives of colocation with the Mountain Valley Pipeline or following existing utility corridors adequately and as required by NEPA.
- **Scenic Impacts:** The DEIS does not adequately analyze scenic impacts to:
 - **Proposed Shenandoah Mountain National Scenic Area:** The pipeline route is clearly visible from multiple overlooks on the Wild Oak National Recreation Trail on Hankey Mountain and Bald Ridge Trail on the ridge above Braley Pond though the DEIS states it is not.
 - **Sherando Lake Recreation Area:** From Torry Ridge Trail, the tunnel under the Blue Ridge would mar the best scenic viewshed in Sherando, the most popular recreation area in the GWNF.
 - **Appalachian Trail:** The GWNF plan requires consideration of scenic integrity for the AT. Though Dominion asserts that the HDD or DPI will minimize scenic impacts to the AT, the pipeline will be visible from many points along the Appalachian Trail, including Ravens Roost, Cedar Cliffs, Humpback Rocks, and the north end of Three Ridges Overlook as well as from numerous unnamed points on the AT between Three Ridges Overlook and Humpback Rocks.
 - **Southern Shenandoah Mountain:** The ACP corridor would be within view of Radcliff Hill SBA, South Sister SBA, Big Cedar SBA, Browns Pond, and Reubens Draft SBA. Also, the scenic view from South Sister SBA is one of the most outstanding in the GWNF.
 - **Great Eastern Trail:** The ACP would cross Shenandoah Mountain Trail, a segment of the Great Eastern Trail, near Scotchtown Draft. Scenic impacts to the GET, American's newest long distance trail, have not been analyzed.

The process for this environmental impact statement is flawed. Dominion has not produced the information needed for a thorough evaluation with adequate time for public review as is required by NEPA. When the DEIS was released on Dec. 30, 2016, many critical pieces of information were missing, such as:

- **HDD Crossing of Appalachian Trail:** Detailed construction plans for the HDD crossing under the Appalachian Trail are not included in the DEIS. The incomplete plans that were submitted describe a drilling process that has a high risk for failure, yet the DEIS finds these plans acceptable. The FS has set a condition that if the

pipeline is authorized, the tunnel must be successfully completed prior to any other construction in the national forest. The DEIS suggests that this is not a realistic timetable; however, VWC sees this condition as a responsible course of action. We ask that you hold Dominion to this condition if the pipeline is approved.

- **Detailed Plans for “High Hazard” Areas.** These areas were identified by the USFS in October 2016. The ACP route through the GWNF crosses 9.3 miles (58 percent) of lands with high incidence of and high susceptibility to landslides and 6.6 miles (41 percent) of lands with a moderate incidence of and high susceptibility to landslides. Disturbance of these areas could set the stage for landslides and slope failures during heavy rain events, putting sensitive streams at risk.
- **Biological evaluations for many special species:** It is of critical importance that the ACP not jeopardize the continued existence of any species under the jurisdiction of the US Fish & Wildlife Service and not adversely modify or destroy designated critical habitat. USFWS has not submitted their evaluations. Therefore, the DEIS necessarily fails to adequately consider the impacts of the ACP on these important species.
- **Scenic Impact Evaluation:** An evaluation of scenic impact on the proposed Shenandoah Mountain National Scenic Area is not included in the DEIS.
- **Virginia Erosion and Sediment Control Standards:** We would like to see a strong commitment to adhere to state standards.
- **Construction, Operations, and Maintenance Plan:** A final COM plan was not included in the DEIS. This is particularly problematic given that the COM plan is an essential piece of information for evaluation by the public of the feasibility of constructing the ACP across extremely difficult terrain.
- **Justification of Need:** The DEIS does not make an adequate case for need for the pipeline beyond Dominion’s assertions. Independent studies found that existing infrastructure, with some improvements, would be adequate future demands.

Dominion has continued to submit critical bits and pieces of information as the clock ticks, with a public comment deadline on April 6, 2017. When all of these critical information submittals are finally made, the public will need adequate time to review them and respond. This time does not seem to be built into the process. It is imperative that FERC or the Forest Service prepare a Supplemental DEIS that includes all submittals with at least a 90-day public comment period. This project is too large and too consequential for our national forests to fast track.

In summary, the DEIS lacks critical information that is essential to sound decision making, and it glosses over or dismisses significant impacts to the precious resources in our national forests. The process for ample public review with full information is badly flawed and does not comply with NEPA. We fail to see how FERC reached the conclusion that construction of the ACP would not result in a significant cumulative impact on the

environment. We are not convinced that Dominion made a good faith effort to locate the project off national forest lands, as both forest plans require. According to the DEIS, none of the ACP corridor will be collocated with existing rights of way, even though both forest plans have directives that restrict utility crossings to existing corridors. The DEIS fails to make the case that it is essential to cross 21 miles of national forest land with a new utility corridor. We would like to see a more careful analysis of environmental impacts that does not assume project approval.

Thank you for the opportunity to comment.

Sincerely,

Mark Miller
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Document Content(s)

2017 03 31 VWC DEIS Comments CL.PDF.....1-3

VWC letter to FERC March 30 2017.PDF.....4-9