



**LAUREL MOUNTAIN PRESERVATION ASSOCIATION**

P.O. Box 217  
Montrose, WV 26283

February 9, 2015

Mr. Clyde M. Thompson Forest Supervisor  
Monongahela National Forest  
200 Sycamore Street  
Elkins, WV 26241

REFERENCE: Atlantic Coast Pipeline Survey Permit Comments

SUBJECT: Comments on the Application for a Special Use Authorization for Survey Activities, submitted by Dominion Transmission, Inc., for the Proposed Atlantic Coast Pipeline Corridor through the Monongahela National Forest

Dear Supervisor Thompson,

The "Application for a Special Use Authorization for Survey Activities" (Application) submitted by Dominion Transmission, Inc., (Dominion) pertaining to the Atlantic Coast Pipeline (ACP) crossing of the Monongahela National Forest (MNF) **is unnecessary, deficient, and should be denied**. FERC is the authority for determining the Alternatives associated with the gas pipeline construction, including the "No-Action Alternative", which would result in no pipeline construction and no environmental damage. Extensive background data studies should be conducted prior to personnel conducting field sampling. There is no mention in the Application of any background data studies being performed, such as a study of soil survey maps, geologic maps, or cave information. The descriptions 2,000-foot-wide study corridor and the 300-foot-wide survey corridor do not specify how the survey corridor will be selected and limited to 300 feet in width. Additionally, the widths of the surveys are inconsistent and do not provide enough detailed information concerning the amount and type of vegetation that will be destroyed. The Environmental Survey includes only a delineation of wetlands and water bodies, both of which can be delineated based on map studies and data provided by the U.S. Army Corps of Engineers, and consultation with U.S. Fish and Wildlife Service (FWS) personnel regarding endangered species and invasive species. There is no mention of background data studies to determine the presence of karst terrain, delineation of watersheds impacted by construction and the changes in the ground cover, or determination of groundwater conditions. There is no mention of Forest Service Standards or

Guidelines described as part of the Management Directions in the MNF Land Resource and Management Plan. The Application does not include a listing of the credentials and experience of personnel who would be conducting the surveys. Specific deficiencies are detailed below.

### **THE APPLICATION PRECLUDES FERC'S DECISION PROCESS**

As part of the Federal Energy Regulatory Commission's (FERC) Pre-Filing Process, Dominion submitted a preliminary draft of "Resource Report 10, Alternatives" on December 12, 2014. One of the alternatives provided would be the "No-Action" Alternative, which specifies the FERC decision not to approve construction of the gas pipeline. With the "No-Action" Alternative, Dominion stated that it would be "unable to meet existing and projected future demand for natural gas by industrial, commercial, and domestic customers (including power generating facilities) in Virginia and North Carolina." However, Dominion provided no documentation to support this statement. By submitting the Application to conduct studies in a corridor through the MNF, Dominion is simply forcing its own preference concerning FERC'S decision. The Application to MNF is therefore premature because there has been no opportunity for public comments or for FERC analysis. The Application should be denied because FERC may decide that such a survey, and its damage to the MNF, is not to be conducted.

### **THE APPLICATION IS DEFICIENT WITH RESPECT TO THE ACREAGE WHERE DEVEGETATION AND SHOVELING WILL BE CONDUCTED**

In the document, "Scoping for Atlantic Coast Pipeline Site Survey and Testing", provided by the Monongahela Forest Service, it is stated that the study area would extend "17.1 miles" through the MNF. The study corridor is described by both the Monongahela Forest Service and by Dominion as being 2000 feet in width. Methodologies including corridor widths are provided for field work, including field routing, environmental, cultural resources, and civil surveys.

The methodologies described in the application are inconsistent with respect to the width of the disturbed area. The first paragraph under the Civil Survey heading describes that crews will "collect data points along a 200-foot-wide survey corridor centered on the centerline." However, it is also stated that "Flagging may be placed near any identified property corners within 200 feet of the centerline", indicating a 400-foot-wide survey corridor. The Cultural Resources Survey is described as including shovel testing within a 300-foot-wide survey corridor. The Environmental Survey is described as being within the 300-foot-wide survey established by the Civil Survey crew. A 200-foot-wide corridor extending 17.1 miles consists of approximately 414 acres. A 300-foot-wide

corridor extending 17.1 miles consists of approximately 621 acres. A 400-foot-wide corridor extending 17.1 miles consists of approximately 829 acres.

The "Routing Survey" states that, "Where necessary, the crews will remove minor amounts of brush using hand tools to navigate the route." This description is totally inadequate to determine the amount of vegetation that will be removed. If a 400-foot-wide corridor is subjected to vegetation removal, this constitutes 829 acres of vegetative removal. The application should be denied because there is no accurate description of the actual width of vegetative disturbance, including a limit placed on the amount of vegetative disturbance and a description of the species that should be avoided and not destroyed, such as red spruce saplings that have been specifically planted in certain areas of the MNF for restoration. The Dominion application does not include any information pertaining to the MNF Prescription Areas or the MNF Management Directions for those areas. A listing of the credentials and experience of personnel has not been submitted in order to determine if they are qualified to identify plants which should be avoided and not destroyed.

**THE APPLICATION IS DEFICIENT WITH RESPECT TO WATERSHED ANALYSIS, STREAM DESIGNATIONS, OR IDENTIFICATION OF KARST AREAS WITHIN THE STUDY CORRIDOR**

In the "Environmental Survey", it is stated that "Dominion's consultant, NRG, will conduct wetland and waterbody delineation surveys to identify and record the jurisdictional boundaries of "waters of the United States" and to assess the values and functions of those waters." Portions of numerous watersheds are shown on the maps provided in the Application; however, there is no mention of a watershed based analysis for the study corridor. Watershed based analysis of the numerous watersheds within the study corridor is necessary in order to determine if construction will negatively impact water resources within each of the numerous watersheds. In the U.S. Forest Service's publication, FS-977 (May 2011), "Watershed Condition Framework - A Framework for Assessing and Tracking Changes to Watershed Condition", Secretary Tom Vilsack states: "Restoration, for me, means managing forest lands first and foremost to protect our water resources while making our forests far more resilient to climate change." It is further stated in this document that "The watershed condition policy goal of the Forest Service is "to protect National Forest System watersheds by implementing practices designed to maintain or improve watershed condition, which is the foundation for sustaining ecosystems and the production of renewable natural resources, values, and benefits". However, in the Dominion Application, there is no mention of using a watershed based analysis to evaluate the watersheds through which the proposed survey corridors will pass.

The Code of West Virginia, "Chapter 22, Article 11" requires that anyone proposing a construction activity that is 3 acres or greater and that discharges to or upstream of Tier 2.5 or Tier 3 waters, or a construction activity that is 100 acres or greater shall submit a site registration application for a National Pollutant Discharge Elimination System (NPDES) permit 90 days prior to commencing operation. It is also stated that, "Sites discharging to impaired waters must demonstrate consistency with the approved Total Maximum Daily Load (TMDL) and applicable state law." The Environmental Study described in the Application is deficient because it does not include a discussion of the designation of impaired or of high quality trout streams in the corridor or in the watersheds associated with the corridor, the existence of stream monitoring data, or the existence of bioassay data conducted on streams within watersheds associated with the corridor.

The Environmental Study described in the Application is deficient because it does not include a discussion of background data to indicate knowledge of the requirement for field observations for watershed analysis, the designation of impaired or of high quality trout streams in the corridor or in the watersheds associated with the corridor, the existence of stream monitoring data, or the existence of bioassay data conducted on streams within watersheds associated with the corridor. Additionally, there is no mention of documenting the observation of seeps or springs in the corridor or any springs serving as a residential water source. There is no mention of documenting residential wells associated with groundwater underlying the watersheds within the corridor. There is no listing of the credentials and experience of the personnel involved in the Environmental Survey to ascertain if they have the qualifications necessary to adequately analyze the watershed and determine the stormwater quantities from the construction area that would impact each individual watershed.

### **THE APPLICATION IS DEFICIENT WITH RESPECT TO CAVE PROTECTION**

The West Virginia Cave Protection Act, provided in the Code of Virginia "Chapter 20, Article 7A" states that it is unlawful for anyone to "Disturb or alter in any manner the natural condition of any cave." or "to remove, kill, harm, or disturb any plant or animal life found within any cave." Decreased groundwater recharge and increased quantities of stormwater discharge resulting from de-vegetation of areas for the proposed pipeline construction areas can change the groundwater characteristics that maintain the cave environments within karst areas. A change in groundwater characteristics affects the moisture within caves. Cave moisture must remain consistent in order to provide adequate living conditions for cave-dwelling organisms. Certain cave-dwelling organisms in caves near the MNF have been identified as threatened or endangered. The Application is deficient because it does not present information on background data needed to assess the potential impact of the pipeline construction on caves and there is no mention of any attempt to identify caves or karst terrain within the impacted watersheds or

nearby areas. Additionally, a listing of credentials and experience of survey personnel must be provided to ascertain if they are qualified to assess the occurrence of caves or karst terrain that could be negatively impacted by the proposed pipeline construction.

**THE APPLICATION IS DEFICIENT BECAUSE THERE IS NO REFERENCE TO GEOLOGIC DATA OR SOILS SURVEY DATA IN RANDOLPH AND POCAHONTAS COUNTIES**

The Code of West Virginia, "47CSR58, Section 4.11" requires that projects with pipelines must include a Groundwater Protection Plan. Additionally, it is specified that if excavation extends into a karst area, an Underground Injection Control permit must also be obtained. In the Application's Environmental Study description, there is no mention of identifying karst areas within the study corridor. Therefore, the Application is deficient because it does not include a geologic study to determine where there may be karst areas within the study area.

The Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture provides detailed maps of the soils in Randolph County and Pocahontas County. Soils develop differently with respect to the underlying bedrock as well as the percent slope. Percent slope is an important consideration for pipeline construction because there have been several slope failures associated with pipeline construction in West Virginia. Specifically, in the Consent Order issued by the West Virginia Department of Environmental Protection (WVDEP; Order No. 8078, 10/01/14), slope failures associated with Dominion pipeline construction resulted in water quality violations affecting a number of separate streams in several West Virginia counties. Soils descriptions provided by the NRCS include the suitability for specific development, including the category of suitability for forest habitat only, based on the percent slope of any specific area. Prior study of the available material on percent slope provides the field personnel with appropriate knowledge concerning how to collect information prior to pipeline construction and how to identify risks associated with avoiding slope failures. Additionally, the soils descriptions include the depth to the water table, the drainage characteristics, identification of the bedrock, and the depth to bedrock, which provides information concerning the need for blasting. Soils descriptions include the typical vegetation of the area. All of this background data is critical for field personnel as a preliminary determination of the corridor route to be surveyed in the field. The Application is deficient because there is no mention of using soils survey information as background data and because there is no listing of the credentials and experience of personnel to ascertain if they are qualified to assess soils information as a tool for determining the suitability of the corridor for proposed construction.

**CONCLUSION: THE APPLICATION IS DEFICIENT AND SHOULD BE DENIED**

**MNF should deny the Special Use Authorization** Application submitted by Dominion because the information provided in the Application is deficient with respect to the amount of land disturbance that will occur during the survey, the lack of data presentation that can be obtained from existing publications that would serve as a guide for the proposed surveys, the lack of environmental considerations presented in the "Environmental Survey" description, and the lack of a list of credentials and experience of personnel who will conduct the survey. If the field personnel are not adequately qualified or informed prior to the field study, additional field studies would be required, with the result of additional potential disturbance and damage to the MNF and its wildlife and vegetation.

Respectfully Submitted,



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