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February 13, 2015

USDA Forest Service
George Washington and Jefferson National Forests
ATTN: Mountain Valley Pipeline Survey Comments
5162 Valleypointe Parkway
Roanoke, VA 24019

comments-southern-georgewashington-jefferson@fs.fed.us

Dear Supervisor Speaks,

Please accept and consider the following comments on the November 24, 2014 special use application by Mountain Valley Pipeline LLC (MVP) to conduct field routing, environmental, cultural resource and civil surveys across the Jefferson National Forest (GWNF), on behalf of Ernie Reed, Wild Virginia and Heartwood. We also incorporate by reference the comments submitted by the Virginia Chapter of the Sierra Club and Appalachian Mountain Advocates.

Wild Virginia is a not-for-profit membership organization devoted to preserving and protecting Virginia's forests, wild lands, unique habitats and endangered species. Wild Virginia has over 500 members and supporters. Wild Virginia educates their 500 members and supporters about these issues through newsletters, our website, hikes and outings and comments to the press.

Heartwood is a cooperative network of grassroots groups, individuals, and businesses working to protect and sustain healthy forests and vital human communities in the nation's heartland and in the central and southern Appalachians. Heartwood has over 1000 members and 100 member groups, including Wild Virginia and Virginia Forest Watch.

I. We submit that the agency should **reject** the request for the issuance of a temporary special-use permit because the Application For

Transportation And Utility Systems And Facilities On Federal Lands, Form 299, dated November 24, 2014 is incomplete and inaccurate.

- A. Sec. 13A. MVP has failed to describe reasonable alternative routes for survey. Although MVP state that it "analyzed 94 corridor segments including 2,362 miles of alternative routes including several alternate locations," it gives no details in order for the public to assess the relative values of these alternatives. Further, MVP states that "the proposed location was the shortest crossing distance identified with the least disturbance and an opportunity to co-locate." The term "least disturbance" is vague and, although co-location was considered, there was no alternative considered that is totally co-located in existing easements. These options would cross more of the forest, we assume, but their disturbance would be limited to previously disturbed sites and, therefore, truly be routs of "least disturbance." MVP should be required to present documentation substantiating its claim that a) alternative routes were, indeed, considered and b) that among such alternatives, that information would be provided that would the public to judge whether one of the routes would truly create the "least disturbance."
- B. Sec. 13B. MVP states that the route selected was "the shortest crossing of NFS lands" and that other routes presented "constraints" that eliminated them from consideration. Again, without detailed alternative routes and corresponding analysis, the public cannot judge if MVP's proposed route is indeed the shortest crossing. Nor can we know whether the unspecified constraints would actually preclude pipeline construction along an alternative routes.
- C. Sec. 13C. MVP states that the route selected was "the shortest crossing of NFS lands" and that other routes presented "constraints" that eliminated them from contention. Again, without providing any detailed alternative routes or corresponding analysis, the public cannot confirm that MVP's proposed route is indeed the shortest or least damaging route. Nor can it know whether the unspecified constraints would actually preclude pipeline construction along an alternative route. In fact Appalachian Mountain Advocates has identified such a route in their comments (incorporated by reference).

That general route would run just south of MVP's proposed route, going south of Narrows, VA then north of Pearisburg, VA, then south of Blacksburg, VA. MVP fails to address this potential route either in its response to Question 13a or in its response to Question 13c.

Appalachian Mountain Advocates has further analyzed alternative routes, the information which is included here:

Existing Corridors that avoid the National Forest

Several existing pipeline corridors already connect the "Marcellus region" to the Southeast. See Exhibit A (Map of "System Alternatives" for Dominion Resources' Atlantic Coast Pipeline, Resource Report 10, Table 10.4-1, submitted to FERC December 2014) (showing proposed routes of several pipelines along with existing lines). Each of these merits consideration.

There are many existing pipelines that follow a general trajectory from MVP's proposed production area to its proposed customer delivery points. Exhibit B is a detail of a map of existing pipelines in the region. Several existing pathways that avoid the National Forest are evident. First, there is an existing right of way that runs roughly due south from northern West Virginia. That right of way connects to an east-west right of way in Virginia that would reach MVP's desired destination. Second, there is an existing pipeline that runs east-west through southern Pennsylvania and then connects to the Transco pipeline, which runs southward to southern Virginia. Pennsylvania and West Virginia are already so interconnected by pipeline that they function as a single unit. (U.S. Energy Information Administration, Aug. 23, 2013 news article, "West Virginia, southwest Pennsylvania form an integrated natural gas production region," Energy Information Administration article, Aug. 23, 2013, available at <http://www.eia.gov/todayinenergy/detail.cfm?id=12671>). Thus, pipelines from Pennsylvania can carry gas from West Virginia as well. Those existing pipeline routes follow a general trajectory from Northern West Virginia to the Tidewater area and southward to southern Virginia. MVP cannot meet its Special Use Authorization obligation to show the necessity of its project on Federal Lands without considering these existing pipeline rights of way.

Additionally, according to the U.S. Energy Information Administration, many companies are already increasing their pipelines' capacity to move bidirectionally, which will allow natural gas from the Northeast and West Virginia into the Southeastern markets. Notably, the agency found that many existing pipelines are significantly underused. Many pipelines saw a decrease in usage of as much as 84% from 2008 to 2013. The agency found:

As a result of these pipelines being underutilized, the pipeline companies have announced plans to modify their systems to allow for bidirectional flow, adding the ability to send natural gas out of the Northeast region:

- Columbia Gulf Transmission completed two bidirectional projects in 2013 and 2014 that enable the system to transport natural gas from Pennsylvania to Louisiana.*
- ANR Pipeline, Tennessee Gas Pipeline, Texas Eastern Transmission, and Transcontinental Gas Pipeline are planning to send natural gas from the Northeast to the Gulf Coast because of the potential of industrial demand and LNG exports from the Gulf Coast. These projects total 5.5 Bcf/d of flow capacity.*
- The Rockies Express Pipeline's partial bidirectional project (2.5 Bcf/d of capacity) is primarily to flow Marcellus natural gas to more attractive markets in Chicago, Detroit, and the Gulf Coast.*

(U.S. Energy Information Administration, Dec. 2, 2014 news article, "32% of natural gas pipeline capacity into the Northeast could be bidirectional by 2017," available at <http://www.eia.gov/todayinenergy/detail.cfm?id=19011>). Thus, this assessment describes at least six projects that are completed or underway that move Marcellus natural gas to Southeastern markets. The EIA further noted that, in addition to costing less money to construct, these bidirectional projects produce fewer environmental impacts. We agree that using existing, underuse pipelines is a superior option to constructing new rights of way, especially rights of way through Federal Lands.

Proposed Corridors that avoid the National Forest

At least three other proposed natural gas pipelines also follow a general trajectory from northern West Virginia to southern Virginia, one of them using an existing east-west Texas Eastern pipeline to cross the Appalachians, but none of those proposals cross the National Forest. A prime example is the Transco Atlantic Sunrise Expansion Project. As explained by Transco, "[t]he expansion will connect producing region in northeastern Pennsylvania to markets in the Mid-Atlantic and southeastern states, as far south as Alabama." Exhibit C is Transco's map of the Atlantic Sunrise Project. It illustrates the existing and proposed connections from central Pennsylvania

southward into North Carolina. Thus, this project will connect the same production area to the same customer areas, and beyond, and does so with a mix of facility upgrades and 178 miles of new pipeline, far fewer than what MVP has proposed.

Spectra Energy has proposed the Carolina pipeline project, which would run roughly due south from Pennsylvania through Virginia and into North Carolina. It would avoid the National Forest and Shenandoah National Park and would avoid crossing the Blue Ridge Parkway. Although the project appears to be on hold, it appears that the route is viable.

The fact that MVP has arbitrarily and capriciously denied that such an alternative exists and further failed to consider an alternative in this application does not release them from the responsibility of considering such an alternative and responding in sufficient detail to SEC 13C so that the agency and the public will have sufficient information to respond intelligently and critically to this application.

- D. Sec.16. We submit that the interest that the public has given this proposed temporary special use permit are sufficient to demonstrate that MVP has knowledge of how the survey will affect the population, economics and rural lifestyle of the public. Because the survey leads to a series of events in the reasonably foreseeable future that would include the construction, maintenance and operation of the MVP, MVP should be required to consider and project these effects in their application (see NEPA comments below).
- E. Form 299 states: *EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.* We submit because all required sufficient information as noted above is not provided, that the application be rejected.

II. We further submit that the agency should **reject** the request for the issuance of a temporary special-use permit for the proposed Mountain Valley Pipeline survey because the application is inconsistent with the 2004 Revised Jefferson NF Forest Plan.

Again quoting comments submitted by Appalachian Mountain Advocates:

According to the Plan's Forestwide Direction, existing utility corridors within the National Forest are designed "to facilitate co-location of new

utilities." Forest Plan, 2-59. Forestwide Standard FW-247 addresses linear rights-of-ways and requires the Forest Service "Develop and use existing corridors and sites to their greatest potential in order to reduce the need for additional commitment of lands for these uses. When feasible, expansion of existing corridors and sites is preferable to designating new sites." Forest Plan, 2-60. Similarly, FW-244 addresses new special use authorizations and requires the Forest Service to "[l]ocate uses where they minimize the need for additional designated site" and to "[r]equire joint use on land when feasible." *Id.* Pursuant to FW-248, utility special use authorizations outside of existing corridors require amending the Forest Plan. Forest Plan, 2-60.

The Forest Plan includes areas called "5C – Designated Utility Corridors." Buried pipelines are a specifically included use for this type of land. Forest Plan, 3-72. For such areas, "[w]here possible, existing corridors are expanded as needed, rather than creating additional areas. Compatible multiple uses are encouraged[.]" *Id.* The stated purpose of Designation 5C is to facilitate the co-location of utility rights of way. Forest Plan, 2-59. Fully 3,700 acres of the National Forest are already Designated Utility Corridors. Forest Plan, 3-2.

We recognize and appreciate that MVP's proposed route utilizes co-location to some extent. However, in order to be consistent with the Forest Plan, MVP and the Forest Service must demonstrate why full co-location within existing corridors is infeasible. Any decision to defer consideration of co-location will only make such co-location more difficult and costly, and therefore less likely. To abide by the Forest Plan, MVP must be required to fully survey existing 5C areas for suitability. The Forest Plan's maps show multiple routes that could fully traverse the National Forest using existing 5C Designated Corridors. Without an explanation showing why those routes are not feasible, the Forest Service cannot approve MVP's application as consistent with the Forest Plan.

The segment of MVP's route that does not co-locate within an existing 5C Utility Corridor crosses the Appalachian National Scenic Trail Corridor, management area 4A, which is subject to its own management directives. That corridor is to be managed for, among other things, "the conservation and enjoyment of the nationally significant scenic, historic, natural and cultural qualities of the land through which the Trail passes," while adjacent areas should be managed "in a manner which will reasonably harmonize with and be complementary to the Appalachian Trail experience." Forest Plan, 3-19.

The Forest Plan specifically addresses the relationship between utility corridors and the Appalachian Trail corridor, stating a goal of avoiding the existence of utility corridors within the viewshed of the Appalachian trail corridor "to the greatest extent possible." Forest Plan, 3-20. Where utility crossings cannot be avoided, Standard 4A-028 requires the Forest Service to "[l]ocate new public utilities and rights-of-way in areas of this management prescription area where major impacts already exist." Forest Plan, 3-23.

Again, MVP's application fails to provide adequate information to determine compliance with the Forest Plan's management prescriptions for the Appalachian Trail corridor. MVP has not demonstrated why avoidance of crossing the corridor is not feasible, nor has it even claimed that it's proposed crossing is in an area where "major impacts already exist." A major pipeline right-of-way would not further the "conservation and enjoyment of the nationally significant scenic, historic, natural and cultural qualities of the land through which the Trail passes," nor would it "reasonably harmonize with and be complementary to the Appalachian Trail experience." Without information showing that MVP's proposed crossing location is located at an area where "major impacts already exist," the Forest service cannot approve the application.

*The remainder of MVP's proposed route crosses an area designated as 8A1 – Mix of Successional Habitat in Forested Landscapes. Pursuant to the Forest Plan, the desired condition for this area is a "a natural, forested appearance." Forest Plan, 3-112. Management of those areas should, among other things, "retain forest cover across the prescription area," "maintain or enhance hard and soft mast production," and "limit motorized access across the prescription area." *Id.* Pipeline rights of way must be kept clear and cannot be forested. Pipeline rights of way tend to be extremely linear, do not foster a natural appearance, and increase access for motorized vehicles such as ATVs. In those ways, establishing a new utility right of way across this area would conflict with the Forest Plan.*

Because the application is inconsistent with the Forest Plan it is in violation of 36 C.F.R. § 251.54(E)(5)(e) and should be rejected.

III. We further submit that the agency should **reject** the request for the issuance of a temporary special-use permit for the proposed Mountain Valley Pipeline survey until such time that the route across

all public lands and all alternatives can be considered together, in a single application, for all public lands and federal agencies.

Clearly the Jefferson National Forest is aware of the application for a temporary special-use permit submitted by Atlantic Coast Pipeline LLC for the proposed Atlantic Coast Pipeline. There are two other pipelines, the Appalachian Connector and the Dominion Greenbrier Pipeline that are also proposed to cross the Jefferson National Forest.

Because all of these pipelines fulfill the proposed purpose and need and because all of these are still "on the table", they should be concurrently considered "as one" project and analyzed as such, from beginning to end. All applications for survey should be served concurrently. All analysis should be done concurrently and cumulatively to satisfy NEPA requirements for cumulative analysis and projects occurring in the reasonably foreseeable future. We therefore submit that the MVP application should be denied until such time as all pipeline projects that fulfill the same purpose and need and are simultaneously "on the table" be included in the same "group application." One proposed purpose; one proposed need; one proposed project; and one proposed survey.

IV. We further submit that the agency should **reject** the request for the issuance of a temporary special-use permit for the proposed Mountain Valley Pipeline survey until such time that, in order to fulfill National Environmental Policy Act (NEPA) requirements for alternative actions, that Dominion provides a series of alternative routes including

- one that minimizes the length of the path through the Jefferson National Forest,
- one that does not require passage across the JNF,
- one that minimizes the length across all public lands,
- one that uses existing energy transmission easements therefore minimizing surface disruption of forest habitat, and
- one that does not require a new right of way across the Appalachian National Scenic Trail and the Blue Ridge Parkway.

V. We further submit that the agency should **reject** the request for the issuance of a temporary special-use permit for the proposed Mountain Valley Pipeline survey until such time that ACPLLC specifies the series of events that are likely to occur in the reasonably foreseeable future including the construction, operation and maintenance of the pipeline along the proposed survey route. The

information from any surveys will form the basis of all future decisions regarding whether and where to allow the pipeline.

MVP's proposed survey is not an isolated action but rather one step in a larger process that would result in construction and operation of a major gas pipeline within the survey corridor. In order for this proposal to be NEPA compliant, the agency is required to consider actions in the reasonably foreseeable future that create cumulative effects that are directly connected and consequential to the survey and, therefore, should be required to be provided by MVP so that the public can make informed comments. This sequence of events would include, but not be limited to:

1. Completion of the survey
2. Inclusion of the survey in the MVP Filing with FERC
3. Approval by FERC of the application for the construction of the Atlantic Coast Pipeline
4. Construction of the pipeline resulting in impacts to soils, streams, wetlands, water sources, species, intact forest habitat, drinking water watersheds and cultural resources.
5. Moving of up to 2 billion cubic feet/day of natural gas from the fracking fields of West Virginia and the environmental and socio-economic impacts that would engender in Doddridge County, WV
6. Decreasing volume of natural gas leading to increasing cost per cubic foot as the fields become depleted and less productive
7. Increasing attractiveness of fracking in the George Washington and Jefferson National Forests as the return on investment for energy companies increases relative to future investments in areas of depleted resources in WV, PA and OH
8. Large scale fracking in the GW/JNF
9. Deleterious impacts to water, soil, air and recreational values that fracking would engender in the GW/JNF.
10. Effects on climate as a result of carbon emissions from the combustion of up to 2 billion cubic feet of natural gas.

VI. We further submit that the agency should **reject** the request for the issuance of a temporary special-use permit for the proposed Mountain Valley Pipeline survey until such time that MVP can provide additional information, which is critical to the public being able to analyze and understand the potential impacts of the survey and its consequences.

- Hydrology: The application 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.

- **Soils:** The application does not include a discussion of background data to indicate knowledge of the requirement for field observations for the geology and soils critical for field personnel as a preliminary determination of the corridor route to be surveyed in the field. The Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture provides detailed maps of the soils in Augusta County and Highland County. Soils develop differently with respect to the underlying bedrock as well as the percent slope. Soils descriptions provided by the NRCS include the suitability for specific development, including the category of suitability for forest habitat only. Additionally, the soils descriptions include the depth to the water table, the drainage characteristics, and the depth to bedrock, which provides information concerning the need for blasting. Soils descriptions include the typical vegetation of the area.
- **Caves and karst terrain:** The application does not present information on background data needed to assess the potential impact of the pipeline survey or construction on caves and there is no mention of any attempt to identify caves or karst terrain within the impacted watersheds or nearby areas. The Virginia Cave Protection Act is provided in the Code of Virginia: "Title 10.1 – Conservation, Chapter 10, §10.1-1000 through §10.1-1008". 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 GWNF have been identified as threatened or endangered. The Virginia Cave Protection Act

specifies protection of the groundwater flow in caves and the protection of maintenance of cave life.

VII. We further submit that the agency should **reject** the request for the issuance of a temporary special-use permit for the proposed Mountain Valley Pipeline survey because it has not been determined that the project is in the public interest. 36 C.F.R. § 251.54(e)(5)(ii) specifies that "An authorized officer shall reject any proposal, including a proposal for commercial group uses, if, upon further consideration, the officer determines that...the proposed use would not be in the public interest."

The MVP would provide gas directly to the Transco Pipeline at which point the gas would be routed to the Dominion natural gas export terminal in Cove Point, MD. This gas, which would not benefit the public of Virginia or the US in any way, is purely a market and economic benefit to MVP. It actually will have a negative public benefit based on the higher gas prices prevalent in overseas markets as compared to domestic markets. Therefore, this application should be rejected.

VIII. If the agency should fail to deny MVP's application in this instance, then we request that a full environmental assessment (EA) of the direct and cumulative impacts in the *reasonably foreseeable future* of survey, including those related to the construction and operation of the Atlantic Coast Pipeline be included in the analysis for the issuance of the temporary special use permit.

While it is our understanding that the Forest Service intends to issue a categorical exclusion for the survey, it is noted that "an agency may decide ... to prepare environmental assessments for the reasons stated in § 1508.9 even though it is not required to do so" and that "an agency may elect to prepare an EA even when a categorical exclusion is applicable." (40 C.F.R. § 1508.4)

We submit that an EA is not only in the best interests of the public and the agency in this case but also should be required since the application is in direct violation of the 2004 Forest Plan (as previously noted in II. above). An EA is the only vehicle that can assess whether or not an application for the temporary special-use permit should, in fact, be approved given these circumstances. Because it is within the purview of the agency to require an EA in this case and because it is clearly warranted, we ask that it be done.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Ernie Reed". The signature is written in a cursive style with a small flourish at the end of the last name.

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