

# The Recorder

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## **Let's get this right**

We cannot figure this out.

The Federal Energy Regulatory Commission's schedule for the proposed Atlantic Coast Pipeline application calls for a draft Environmental Impact Statement to be issued any day now. But there are so many unanswered directives and questions for Dominion, which is spearheading the pipeline's construction, that it seems impossible to finish an EIS anytime soon.

Either FERC is willing for the draft statement to be left incomplete, or the folks at Dominion are putting in some pretty long hours right now to wrap up the details FERC requires.

The federal regulators should take a step back and rethink the schedule for this project. This has happened before, pushing Dominion's construction plans back a full year, but given the number of concerns and specifics Dominion has yet to explain, it should happen again.

The recently issued documents from the U.S. Forest Service should be enough to give us all pause — a list of more than 450 items the USFS found deficient or poorly explained in Dominion's plans. Granted, many of those are easy to address. Forestry officials, God bless 'em, went as far as calling attention even to typographical errors. But other points will require much more time to explain, like reroutes around sensitive ecological features and evidence that drilling under streams will not cause irreparable damage.

Building the pipeline in the karst topography of these mountains has long been a hot-button issue for those who live here and depend on the natural flows of their drinking water. The USFS has demanded far more information from Dominion on how the company will handle construction in this terrain.

While we're on the subject, the USFS told Dominion it will not be allowed to leave more than 500 feet of trench open at a time while it lays the pipe on forest service land. As USFS told FERC, that limit was set for an environmentally protective reason, and it sees no reason to grant an exception for this project.

We heartily applaud this conclusion, but many are left wondering — why would the state Department of Environmental Quality grant exceptions to this limit elsewhere, on privately owned land? After all, much of the private property the pipeline would cross is exactly the same kind of land that exists on the national forests. DEQ should not allow exceptions to open-trench limits on private tracts anymore than the forest service will allow them on federal land, for the same reasons.

Dominion has yet to satisfy anyone who knows this area that it can build the pipeline here without damaging our fragile ecosystem, and it cannot adequately mitigate much damage, either. Once the flows are changed, or the water quality is negatively impacted, the damage is done.

And now comes the question of compressor stations. As an area resident pointed out, there's no evidence the ACP can be constructed without more compressor stations, and folks should be wary of Dominion's claims that none will be required in this area. Few trust Dominion enough to feel assured the ACP can be built up and over these mountains without more stations to maintain pressure in the line. The concern is that if this project is approved, more stations will be needed later, and we just don't know about them yet. Dominion told The Recorder the pipe's large diameter and coated insides will have lower pressure over a long distance in the design specifications, but has not provided an example of where such pipes exist in similar terrain.

We've been hard on FERC for many reasons the last two years, but we give the agency credit for taking up this question and demanding specific information from Dominion on this point, among others.

However, we can't figure out how a draft Environmental Impact Statement can be completed until one other highly touchy subject is resolved as well — properties with conservation easements that would be crossed by the pipeline.

Dominion has applied to the Virginia Outdoors Foundation with a plan to mitigate nearly a dozen properties with VOF easements by offering up a couple of other properties instead, ones it would place the same kind of easements upon. But VOF is far from making a decision about that, and won't even discuss the proposal until February. How, then, can FERC issue a draft EIS before that issue is resolved? Already, we know, if VOF agrees to Dominion's proposal that decision will likely be challenged in court. And how long will a court battle take?

These are just a few among dozens of issues Dominion has not addressed adequately for FERC, or anyone else. We urge FERC to delay the draft Environmental Impact Statement until every last detail is addressed for every citizen, organization, and state and federal agency.

The purpose of an Environmental Impact Statement, under the National Environmental Policy Act, is to spell out all the potential impacts to our environment and our welfare — with input from citizens, not just regulatory agencies.

Once a final EIS is issued, it can only be challenged under formal procedures. It's the draft EIS that opens the floor for further inspection. And until all the specifics are there, our rights to comment will not be fulfilled.

According to FERC's schedule, the draft statement will be published this month. Once it's out, there will only be a few months for public comment before the final EIS gets issued this June. Once the final statement is issued, FERC will make its decision on the project application within 90 days. Conceivably, the pipeline could be under construction by this time next year.

It's been more than two years since Dominion announced its plans, and in all that time, the company hasn't explained its plans in enough detail for anyone, or any agency, to examine every potential impact and mitigation measure. Given the company's record of slow response times, dubious responses, if any, and outright environmental violations, FERC needs to slow this train down.

In October 2014, Dominion agreed to comply with an administrative consent order after West Virginia's environmental regulators cited multiple water pollution law violations spanning nine waterways in three counties, following a string of gas and oil pipeline investigations over three years.

After a request for the company's response, a Dominion spokesman told The Recorder that during the West Virginia construction projects, the company failed "to meet its own expectations," but it plans to follow the order and refrain from future violations.

The proposed ACP is a much larger, multi-state endeavor that will impact thousands of people. FERC must get this right before the first shovel full of dirt is moved.

The agency has the authority to change the schedule. We suggest anyone who has not yet gotten answers they seek to tell FERC — right now — that it's too early for a draft statement.

At this point, FERC seems attentive. The agency might be much less so after the draft statement is published, and failure to meet expectations just might become the rule rather than the exception.