

2017-01-12 / Top News

Groups denounce agency's draft statement on proposed pipeline

BY JOHN BRUCE • STAFF WRITER

MONTEREY — Ninety-seven days.

That's how long people had from Dec. 30 to digest nearly 2,200 pages of a draft environmental impact statement and appendices released that day for Dominion's proposed Atlantic Coast Pipeline, and submit comments on the document to the Federal Energy Regulatory Commission by April 6.

Citizen and environmental groups immediately condemned FERC for "ignoring evidence that the proposed 600-mile Atlantic Coast Pipeline is not needed and puts lives, communities, drinking water supplies, private property, publicly owned natural resources and the climate at unacceptable risk."

In a unilateral statement, the groups pointed out multiple deficiencies in the draft EIS, including:

- The core issue of whether the massive project is needed to meet electricity demand, and whether alternatives including energy efficiency, solar and wind would be more environmentally responsible sources;
- A complete analysis of the cumulative, life-cycle climate pollution that would result from the pipeline;
- A full accounting of the negative economic consequences to communities, including decreased property values, loss of tourism revenue and other factors;
- Any accounting of other environmental and human health damage from the increased gas fracking in West Virginia that would supply the pipeline; and
- Thorough, site-specific analysis of damage to water quality and natural resources throughout the pipeline route.

The groups, which include Highlanders for Responsible Development, Dominion Pipeline Monitoring Coalition and many others, say the proposed pipeline and the related Supply Header Project:

- Would cross 1,989 water bodies, including 851 perennial, 779 intermittent, 248 ephemeral, 64 canals/ditches, 21 major water bodies, and 47 open water ponds/reservoirs (some water bodies are crossed more than once);
- In West Virginia, 73 percent of the mainline route would cross areas susceptible to landslides; almost 12 miles cross slopes greater than 35 percent;
- In Virginia, approximately 28 percent of the mainline route would cross landslide areas; 12.5 miles cross slopes greater than 35 percent;
- Would cross 71 miles of vulnerable karst terrain;
- Would cross 15.9 miles of the George Washington National Forest in Virginia, and 5.1 miles of the Monongahela National Forest in West Virginia;
- Could affect 12,030 acres by construction, of which 5,976 acres would be permanently affected by operation;
- Would affect 786 wetland acres temporarily, of which 248 acres would be permanently affected by operation;
- Would threaten five federally listed species impacted (Indiana bat, Northern long-eared bat, Roanoke logperch, running buffalo clover, and Madison Cave isopod);
- Would endanger 76 homes within 100 feet of pipeline; and
- Would require 66 new access roads built during construction.

Landslide, karst risks

Rick Webb of Mustoe, who coordinates the DPMC, highlighted landslide risks shortly before the draft EIS re-lease: “Landslide risks to pipelines and other infrastructure in Little Valley and similar terrain in Highland and Bath counties and elsewhere on the steep mountain slopes of the Virginia and West Virginia cannot be avoided,” he said. “Mitigation will be very difficult or impractical to design effectively for the various locations with changing bedrock, soils, slopes and diverse groundwater situations as well as preexisting slide or land use impacts ... In high-hazard locations, prevention of landslides and slope failure during or after pipeline construction may be impossible or cost prohibitive.”

DMPC cites two reports submitted to FERC that indicate the increased probability of landslides following extensive excavation for the ACP and related access roads — “The Proposed Atlantic Coast Pipeline Route through Little Valley in Bath County, Virginia: An Assessment of Landslide Risk and Slope Stability Factors,” prepared by Malcolm G. Cameron Jr., coordinator of Geohazards Analysis for the Dominion Pipeline Monitoring Coalition; and “Landslide

Analysis, Monongahela National Forest Flood Event (June 2016), prepared by the USDA Forest Service, Monongahela National Forest.

Both can be accessed at: <http://pipelineupdate.org/2016/12/28/landslides-and-the-acp>.

In the days leading up to the draft EIS release, HRD noted, “The ACP route through Highland County was reduced in February (2016), moving it to the southwest, thus affecting a smaller portion of the county. However, serious environmental issues continue to exist. The proposed project would have a decided impact as it crosses the Jackson River near Bolar. It would also negatively impact water and slope stability in the Little Valley area. (Dominion) has not yet responded to these concerns.”

While the karst features of the Highlands area remains a serious concern, FERC felt the pipeline could be constructed through that terrain without much damage. “Based on our review of Atlantic’s and DTI’s proposed construction methods, its implementation of impact avoidance and minimization measures, and our consultations with state agencies and other resource managers, along with our recommendations, we conclude that the potential for the ACP to initiate or be affected by damaging karst conditions would be adequately minimized,” FERC said.

“Concerns were raised regarding the potential for construction activities to intercept subterranean streams and ‘behead’ the water source,” FERC noted, adding, “We conclude the likelihood of intercepting a saturated karst conduit is very low.”

Furthermore, the agency said, “Based on an extensive review of publicly available information, we have found no evidence that karst hazards such as sinkhole development pose a safety or integrity risk to interstate transmission pipeline facilities. For these reasons, we conclude that the ACP would not significantly affect public safety.”

Forest service impacts

FERC’s draft EIS suggests the U.S. Forest Service, which has raised objections to infringements on its management plan, modify it to accommodate the proposed pipeline.

An introduction to the DEIS states the forest service “may use the EIS when it considers amendments to land and resource management plans for the proposed crossings of the Monongahela National Forest and George Washington National Forest. Although the cooperating agencies provide input to the conclusions and recommendations presented in the draft EIS, the agencies will each present their own conclusions and recommendations in their respective records of decision or determinations for the projects.

Mitigation, minimization

“The FERC staff concludes that construction and operation of ACP and (supply header project) would result in temporary and permanent impacts on the environment, and would also result in some adverse effects. With (Dominion’s) implementation of their respective impact avoidance, minimization, and mitigation measures as well as their adherence to our recommendations to

further avoid, minimize, and mitigate these impacts, the majority of project effects, with the exception of impacts on forest vegetation, would be reduced to less-than-significant levels. Although many factors were considered during our environmental review, the principal reasons for these conclusions are:

- “(Dominion) would minimize impacts on the natural and human environments during construction and operation of its facilities by implementing the numerous measures described in their respective construction and restoration plans;
- “All of the proposed facilities would be constructed and operated in compliance with federal standards, requirements, and thresholds including U.S. Department of Transportation materials requirements and USEPA air emissions standards;
- “(Dominion) would implement a construction, operation, and maintenance plan that includes additional measures to minimize impacts on environmental resources on National Forest Service lands, and the forest service’s Special Use Permit process for Atlantic’s easement over federal lands would provide terms and conditions for construction and operation;
- “A high level of public participation was achieved during the pre-filing and post-application review processes and helped inform our analysis;
- “Environmental justice populations (minority and low-income communities) would not be disproportionately affected by the projects;
- “The horizontal directional drill crossing method would be utilized for most major water bodies, the majority of other water bodies would be crossed using dry crossing methods, and (Dominion) would be required to obtain applicable permits and provide mitigation for unavoidable impacts on water bodies and wetlands through coordination with the U.S. Army Corps of Engineers and state regulatory agencies;
- “The FERC staff would complete the process of complying with the Endangered Species Act prior to any construction, and the U.S. Fish and Wildlife Service would issue biological opinions that include additional conservation measures, as needed, to assure that ACP and SHP would not jeopardize the continued existence of any species under their jurisdiction and would not adversely modify or destroy designated critical habitat;
- “The FERC staff would complete the process of complying with section 106 of the National Historic Preservation Act and implementing the regulations at 36 CFR 800 prior to allowing any construction to begin; and
- “Environmental inspection and monitoring programs would ensure compliance with all construction and mitigation measures that become conditions of the FERC authorizations and other approvals. In addition, the FERC staff and cooperating agencies developed site-specific mitigation measures that (Dominion) should implement to further reduce the environmental impacts that would otherwise result from construction and operation of their projects. The FERC staff determined that these measures are necessary to reduce the adverse impacts associated with

the projects, and in part, are basing conclusions on implementation of these measures. These additional measures are listed as recommendations to the commission in section 5.2 of the EIS.”

No broader study

FERC once again declined to conduct a programmatic EIS, as requested by dozens of groups and individuals concerned about the impacts of the ACP as combined with other projects in the region. “Because the commission does not have a program for, or direct the development of, the natural gas industry’s infrastructure, either on a broad regional basis or in the design of specific projects, and does not engage in regional planning exercises that would result in the selection of one project over another, we have determined that it would not be appropriate to prepare a programmatic EIS,” FERC said.

“Based on the implementation of impact avoidance, minimization, and mitigation measures, we have concluded that the majority of impacts from construction and operation of the ACP, when added to the impacts of other projects, would not result in a significant cumulative impact on the environment,” the agency said.

Yogaville misplaced?

One opposition group noted what it called “one of the most outrageous passages” in the draft EIS: “Yogaville is located over four miles from the ACP and, therefore, we conclude no direct or indirect impacts on tourism to Yogaville would result from construction and operation of the projects.”

The DMPC pointed out that Yogaville’s property line in Buckingham County is only 150 yards from the ACP route, not four miles. Further, the Ashram at Yogaville would be only six-tenths of a mile from the ACP. “The FERC staff is obviously geographically and geometrically challenged,” the group said.

FERC failed, groups say

In a press release issued right after the draft EIS was announced, Friends of Nelson noted, “The document prepared by the Federal Energy Regulatory Commission fails to analyze the purpose and need for the project — something it is, by law, required to do — deferring instead to Dominion’s self-serving statement of uses.”

“FERC has taken Dominion’s assertions as truths and dismissed the findings of dozens of reports and analysis by experts who know better,” said Ernie Reed, president of the group.

“For instance, FERC refuses to raise the obvious subject of energy alternatives, even though they clearly factor into the equation of project need. The agency dodges the issue by stating that ‘alternative energy sources, energy conservation, and efficiency are not within the scope of this analysis because the purpose of the ACP and SHP is to transport natural gas.’”

“This blanket statement conveniently ignores that the purpose of the ACP, as stated elsewhere, is mainly to supply gas to electrical generating stations,” said Jim Bolton of Lovington. “In what

world does the rapidly increasing, cost-effective contribution of wind and solar not figure into the need for gas-powered electricity generation and, by extension, the justification for taking private property via eminent domain?”

“This is in clear violation of federal law that requires analysis of a range of alternatives that are lower-cost and less destructive,” Reed added.

“The DEIS may be voluminous, but it is far from comprehensive,” the group said. “It defers until later many necessary surveys, analysis and vital information that the public will not be able to review.”

In a summary from the Allegheny Blue Ridge Alliance, Nancy Sorrells of the Augusta County Alliance, said, “Every foot of this route has a victim: a family that would be displaced, a farmer who would be impacted, school children whose safety is compromised, and residents whose drinking water is at risk. And for what? Not for energy independence or to turn on the lights, but rather for the profit of a private corporation.”

How to comment

FERC outlined three ways to submit comments about the draft EIS. The ACP docket number must be included —CP15- 554-000 — in each method. “The commission will provide equal consideration to all comments received, whether filed in written form or provided verbally,” FERC said.

FERC encourages electronic filing and has staff available to assist at (202) 502- 8258 or efiling@ferc.gov.

Comments can be submitted:

- Electronically, using the e-Comment feature at www.ferc.gov, under the link to Documents and Filing. “This is an easy method for interested persons to submit brief, text-only comments on a project,” FERC said.
- Electronically using the e-Filing feature on the site under Documents and Filings. “With e-Filing, you can provide comments in a variety of formats by attaching them as a file with your submission. New e-Filing users must first create an account by clicking on e-Register. You must select the type of filing you are making. If you are filing a comment on a particular project, please select Comment on a Filing,” FERC said.
- Via paper copy by mail, to: Kimberly D. Bose, Secretary Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, D.C. 20426.

The DEIS can be accessed at www.ferc.gov/industries/gas/enviro/eis/2016/12-30-16-DEIS.asp.

Hearings planned

FERC will hold a series of public hearings on the ACP Draft Environmental Impact Statement, including one in Monterey:

- Wednesday, Feb. 22 — 5-9 p.m., Nelson County High School, 6919 Thomas Nelson Highway (Route 29), Lovingson.

- Thursday, Feb. 23 — 5-9 p.m., Holiday Inn Hotel and Conference Center, 152 Fairway Lane, Staunton.
- Tuesday, Feb. 28 — 5-9 p.m., The Highland Center, Monterey.

FERC staff will issue numbers in order of those arriving up until 8 p.m. for those who want to provide oral comments at the hearings, which will be heard until 9 p.m. There will be a three-minute time limit.