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Citizens groups take legal action seeking major improvements to federal review of Atlantic Coast Pipeline

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Citizens groups this week filed a motion with the Federal Energy Regulatory Commission requesting that the Draft Environmental Impact Statement (DEIS) for the proposed Atlantic Coast Pipeline be rescinded and revised, and that the current public comment period be extended or suspended. The groups – Friends of Nelson, Wild Virginia and Heartwood – argue the draft is so utterly lacking in meaningful analysis of the project’s environmental impacts as to be useless to the public and insufficient to meet FERC’s own legal requirements.

>> [Download the groups’ motion.](#)

FERC released the DEIS on December 30; the public and government agencies have until April 6 to provide comments that will inform a final impact study upon which the agency will make its decision whether to issue a permit.

The three organizations, along with many other groups and citizens, have criticized the DEIS for being incomplete and inadequate in virtually all aspects. Since the DEIS was issued, Atlantic Coast Pipeline, LLC has submitted more than 90 documents totaling thousands of pages to FERC. Some of the documents were apparently completed before the DEIS was issued but were not included.

“FERC needs to guarantee that the DEIS for the Atlantic Coast Pipeline is complete, detailed and accurate,” said Ernie Reed, who represents both Wild Virginia and Friends of Nelson, which is based in Nelson County where the pipeline would traverse. “Without this information, citizens, elected officials and local agencies are being deprived of vital analysis on the potential impacts of the Atlantic Coast Pipeline.”

Federal rules require that “the agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the proposed action” and “if a draft statement is so inadequate as to preclude meaningful analysis, the agency *shall* prepare and circulate a revised draft.”

In their motion, the three organizations provide a long list of the types of information that is missing from the DEIS, including:

- damage to cultural and historical resources and cemeteries;
- impacts on streams and waterbodies;
- updated information on compressor stations, metering and regulation stations;
- updates on horizontal directional drilling, river crossings, and fracking risks;
- wetlands crossings and crossing methods;
- effects on migratory birds and rare species;
- details and locations of steep slopes and the potential for landslides;
- the location and impacts of access roads and construction landings; and
- physical and visual impacts to the Appalachian Trail and Blue Ridge Parkway.

“The DEIS was clearly released prematurely before this important information was available,” Reed said. “It must be done right.”

In the motion, the groups state: “Friends of Nelson, Wild Virginia and Heartwood believe that the mandate for a full analysis of the “public convenience and necessity” for pipelines involves more than responding to a professed need for capacity. The new, late-filed information from Dominion is relevant and significant, directly concerning many of the environmental issues the Commission is required to review and fully analyze. The burden is on the Commission to fully investigate the environmental risks and costs associated with the ACP, including all new and supplemental information.”

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