

# The Recorder

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## ‘Cannot initiate’ on pipeline DEIS, agency says

BY JOHN BRUCE • STAFF WRITER

MONTEREY – The federal agency within the U.S. Department of the Interior dedicated to management of fish, wildlife and natural habitats has sent up red flags over the draft environmental impact statement for Dominion and Duke Energy’s proposed Atlantic Coast Pipeline.

A letter stamped “privileged” from the U.S. Fish and Wildlife Service to the Federal Energy Regulatory Commission expresses deep concerns over incomplete surveys and data.

The Recorder obtained the letter, dated March 30 and blocked on the FERC website on April 6, under the Freedom of Information Act on June 22. The newspaper made the FOIA request April 7.

The roughly one-month processing of FERC and the month-and-a-half it took USFWS to fill the request took a total of 76 days.

Martin Miller, chief of the USFWS Division of Endangered Species Ecological Services, responded by sending an email attachment to his letter granting the request.

John Schmidt, USFWS field supervisor, wrote the “privileged” letter containing a four-page table of concerns over draft EIS shortcomings in Virginia, West Virginia, and North Carolina to FERC deputy secretary Nathaniel Davis.

One concern shared by field offices in all three states concluded the draft EIS was so sketchy with respect to karst, and endangered and threatened species survey data that the USFWS could not begin discussions about the document.

“The Service cannot initiate formal consultation with this DEIS; we still lack sufficient data to form a biological opinion for multiple species due to incomplete survey data,” the letter states.

Several questions and concerns related to karst topography.

“It is noted that Virginia karst protection personnel will be consulted; please clarify if this will be done for all karst crossings no matter the state, or if this is just for Virginia? It is preferred that the same coordinator work for all karst areas on the line, no matter the state.”

The Virginia field office wondered how FERC could claim to mitigate impact on Little Valley without studying it. “Explain how you know the potential for ACP and SHP (supply header project) to initiate or be affected by damaging karst conditions would be adequately minimized when Little Valley Bath County hasn’t be surveyed? Additionally, Va. DCR (Department of Conservation and Recreation) wasn’t consulted about Cochran’s Cave at the time this (draft EIS) document was written.”

Several comments repudiated FERC’s claims, based on Dominion’s input, that threatened and endangered species would be minimally impacted.

“Small whorled pogonia will also be adversely affected by the project, as described in the most recent draft of the (biological analysis) received on Jan. 27, 2017,” the letter said, adding, “We cannot concur at this time the project is not likely to adversely affect James Spiny mussel. Mussel surveys need to be completed in Cowpasture and Mill Creeks ... Also, have sediment analyses been completed for Mill Creek? For Calfpasture River, (you) need to provide the status of the habitat assessment or survey.”

According to Dominion spokesman Aaron Ruby, “Little Valley was surveyed in 2016 and earlier this spring. Cowpasture River and Mill Creek are scheduled to be surveyed at the end of this month and into early July. No sediment analysis has been completed for Mill Creek. Calfpasture River is tentatively scheduled to be surveyed in mid-July. All of the survey reports for this activity will be provided to agencies later in the summer.”

Other USFWS concerns pointed to deforestation and forest fragmentation.

“Does ‘long-term to permanent’ refer to the permanent (right of way) only, or to both the permanent and temporary impacts of clearing the forest for construction? Even the ‘temporary’ disturbance in forested areas will be long-term because these forest stands will take decades to return to their former state on the area of the ROW allowed to return to its former state.

Other agencies are as concerned as the U.S. Fish and Wildlife Service, the letter stated, referring to the U.S. Forest Service, the West Virginia Department of Natural Resources, and Virginia Department of Game and Inland Fisheries.

“In line with other agencies, including the USFS, the WVDNR, and the VDGIF, the USFWS is also greatly concerned about the forest fragmentation that will result from this project. The increase of edge habitat and elimination of large core forest areas will have many impacts on forest interior species and species that utilize forest habitats as a part of their ecology,” the letter states.

“The effects of this change in habitat will allow for new and different species to move into the area and fill niches. This could: displace threatened and endangered species from habitats and create increased stress on them while they try to find new habitat; cause increased competition for food and other valuable resources required by the species; and/or provide pathways for invasive species to be introduced that could out-compete resident species and other sensitive core forest species for critical resources, among other detrimental effects.”