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Pipeliners insist they won't hurt vulnerable candy fish

BY JOHN BRUCE • STAFF WRITER



The silt-sensitive candy darter is considered in decline due to threats from human activity. (Courtesy Dr. Stuart Welsh, USGS)

MONTEREY – A little candy colored fish is raising big concerns for the proposed Atlantic Coast Pipeline.

A federal agency advocating for, and charged with regulating, Dominion Energy's proposed pipeline asked the U.S. Fish and Wildlife Service for a "formal conference" to agree the project would probably not harm the candy darter, a small, brilliantly colored fish being proposed for federally endangered status.

According to USFWS spokeswoman Meagan Racey, "Formal conference is required only when the project is likely to jeopardize the species. If the species is likely to be listed during the consultation or during construction of the project, then often we recommend completion of an advisory, non-mandatory 'conference opinion' which looks just like a biological opinion but isn't active until after the species is listed.

“That process allows the project to continue without reinitiation and delay of project implementation. The candy darter was just proposed in October, and a final decision will be made by next October; if we had recommendations they would not go into effect until that time,” Racey said.

The pipeline would cross four darter-habitable Pocahontas County creeks including Knapp Creek, known home of the candy darter, a sediment-sensitive perch family member. Construction in that area is scheduled for 2019. The USFWS decided to recommend the fish for listing consideration around the time it dropped 26 other species from proposed listings in early October.

It wouldn't be the first time a threatened life form stood in the way of the controversial, gargantuan Dominion gas pipeline concept. Last time, reported in January 2016, the U.S. Forest Service said routing must avoid the Cheat Mountain and Cow Knob salamanders and their habitats, the West Virginia Northern flying squirrel and its habitat, and spruce ecosystem restoration areas.

“These resources, and any other resources that are of such irreplaceable character that minimization and compensation measures may not be adequate or appropriate, should be avoided,” USFS told the company.

Dominion then plotted a major rerouting and increased the pipe length roughly 9 percent from about 550 to 600 miles. The company received permission to execute land swaps, carve, and cross 11 Virginia Outdoors Foundation open-space conservation easements to help make the rerouting possible.

Thursday, Nov. 9, David Swearingen, chief of the Federal Energy Regulatory Commission Gas Branch 4 Division of Gas Environment and Engineering, made the request concerning the candy darter in a letter to Elizabeth Stout of the USFWS West Virginia ecological services office in Elkins, W.Va.

“Based on the Oct. 4, 2017 proposal to list the candy darter as threatened or endangered under the Endangered Species Act, we are requesting formal conference with the (USFWS) to confirm our provisional finding (the proposed ACP is) not likely to jeopardize the candy darter,” Swearingen said.

The candy darter, or finescale saddled darter, is endemic to the Kanawha River system in Virginia and West Virginia. The fish usually grows to about three inches, has a lifespan of up to three years, spawns in April and May, and feeds on aquatic insect larvae and water mites in rocky riverbeds under clear, unsilted water. It is considered in decline due to threats from human activity.

“The candy darter has the potential to occur in the ACP project area in Pocahontas County, West Virginia,” Swearingen said. “During habitat assessment surveys, (Dominion) identified potentially suitable habitat for this species within Clover Creek, Glade Run, Thomas Creek, and Knapp Creek. (Dominion) did not conduct individual surveys for the candy darter. (Dominion)

committed to implement various measures at ESA sensitive waterbodies to mitigate potential impacts on ESA-listed, proposed, or under review aquatic species.”

The FERC certificate, licensing construction, provides a condition should the candy darter be listed or proposed during the life of ACP, that (Dominion) assume presence of the candy darter at these waterbodies and apply the following FWS’ enhanced conservation measures for aquatic species at these waterbodies and for any perennial tributaries within one mile of these crossing locations. Additionally:

- Dominion would alert the USFWS and state agencies when work begins in the sensitive waterbodies.
- Environmental inspectors would be onsite during construction and have stop-work authority. FERC third-party compliance monitors would also be onsite during construction, and if compliance issues are identified, would have the authority to stop work in the area. Dominion would use experts to conduct biological monitoring.
- There would be an increased buffer between refueling or overnight equipment and vehicle parking areas at sensitive waterbodies.
- Spills within 100 feet upslope of the sensitive waterbodies would be reported to USFWS within 24 hours of identification.
- Dominion would install temporary equipment crossings to reduce the potential for increased erosion and sedimentation. These crossings would be removed after construction. At ESA sensitive waterbodies, Dominion would not use the one-time pass allowance during clearing activities; rather, equipment would move around or pass over installed bridges to minimize stream impacts.
- Any loss of circulation or inadvertent returns at horizontal directional drills occurring at the sensitive waterbodies would be reported to USFWS within 24 hours.
- If a sensitive waterbody must be isolated for inadvertent return clean-up efforts, pumps would be used to maintain flows downstream.
- No grubbing would occur within 50 feet of sensitive waterbodies between Nov. 15 and April 1.
- Blasting is proposed in areas where rock may be encountered in the trenchline of the sensitive waterbodies. The need for blasting would be determined on a site-specific basis shortly ahead of construction.
- To avoid off-highway vehicle access along the pipeline rights of way and access roads, Dominion committed to measures such as installing signs, fences, vegetation, or boulders. Barriers would be placed as physical barriers and to erase visual cues

- Dominion proposes to use municipal water sources for all water withdrawals previously planned at sensitive waterbodies except for Jackson River, James River, Appomattox River, Tar River, and Contentnea Creek on ACP, and McElroy Creek on the supply header project. Water used for dust control would also be appropriated from municipal sources.

To minimize potential impacts of water withdrawals on ESA-listed, proposed, and under review species, Dominion would implement the following measures:

- Use 1 millimeter or smaller screens to minimize impingement/entrainment of mussel host fish species and ESA-listed, proposed and under review species;
- Limit water withdrawal to not exceed 10 percent of instantaneous flow; and
- Use floating intake structures to avoid impacts on the streambed.

For water discharge:

- Algaecide would not be added to hydrostatic test water; Dominion would use aeration to control algae in storage containers;
- Water would be discharged at a low flow rate to avoid erosion and rutting;
- Dominion would restore the discharge site to pre-discharge conditions;
- Filtration or chlorine removal methods would be used when municipal water is placed directly from the municipal source into the pipeline for use. When water is stored in aboveground containments for more than one week, the chlorine would dissipate during aeration and additional chlorine removal methods would not be needed;
- Dominion would not discharge into ESA sensitive waterbodies; and
- Dominion would discharge in upland areas a minimum of 300 feet from ESA sensitive waterbodies.

Dominion, officially known by accounting companies as Virginia Electric and Power Company, is majority owner of ACP and, conditionally, builder of the proposed 42-inch diameter interstate pipeline. Dominion adopted Atlantic Coast Pipeline as an identity for its pipeline construction company and has undergone other identity changes.