

# The Recorder

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## **Dominion repeating pattern of action without foundation**

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*Editor's note: The following letter was sent to Federal Energy Regulatory Commission secretary Kimberly Bose on Dec. 26, with regard to Dominion's request to start cutting trees to make way for its proposed Atlantic Coast Pipeline. About a week ago, FERC granted Dominion's request and tree cutting began.*

Ms. Bose:

The Atlantic Coast Pipeline has submitted a request for a limited notice to proceed to allow tree clearing along the currently aligned route of the proposed Atlantic Coast Pipeline prior to approval of a number of outstanding permits, without which the project cannot move forward. In that request Atlantic states that felled trees will be left in place until all applicable permits and approvals, and FERC's issuance of a separate notice to proceed are received.

I urge you to deny that request. A number of permits and approvals must be received before the project can proceed, if at all, and tree clearing at this time would be wasteful and destructive. Dominion's failure to meet their earlier stated scheduling goals for the project should not be an excuse for allowing tree clearing at this time.

Permits and approvals that remain outstanding include Clean Water Act Certifications in Virginia and North Carolina, National Historic Preservation Act requirements, consultation with the United States Fish and Wildlife Service regarding endangered species, and state erosion and sediment control and stormwater management plans.

A number of requests for rehearing and motions for stay have not been resolved at this time as well, including my request for a rehearing, in which I have received no response from the commission to date.

Atlantic's request states that felled trees will be left in place on the ground for an undetermined period of time. This would be an unacceptable, wasteful, and costly timber management practice. Felled trees must be removed from the ground as quickly as possible to retain their value. If trees are left on the ground, even for a brief period of time, they are subject to staining, moisture, and insect infestation.

This substantially lowers their market value, and the longer they remain on the ground, the lower the value. With the extensive areas of forest that would be removed for this project, there would be substantial economic loss through loss of timber value. Additionally, the timber that would eventually be used, after being left on the ground for an undetermined amount of time, would be inferior compared to other timber that is properly harvested.

Since additional permits remain outstanding for this project there is no guarantee when additional work would commence, if at all. Under that scenario the felled trees could remain on the ground indefinitely, while continuing to lose value. This is an unwise and wasteful use of a valuable natural resource.

Leaving downed trees on the ground would create a fire danger as the trees dry out. Adjacent forests would be left vulnerable to forest fires from the large amount of concentrated, dried, and easily combustible fuel from the downed trees that have been carelessly left in place. Except for a few counties in West Virginia, the entire route of the ACP is currently experiencing abnormally dry conditions, or drought conditions at this time. Trees that would be cut have less moisture content and would dry out faster than under typical moisture conditions. The adjacent forests are also much drier than normal, and more prone to forest fires. The steep slopes in Western Virginia and West Virginia further exacerbate the fire danger.

Clearing the trees at this time would also prematurely remove the ecological benefits and the natural beauty and scenic values that trees and forests provide. These benefits include interception of rainfall and reduction in stormwater and sediment runoff, which improves water quality and enhances groundwater replenishment. Forests actually create topsoil through the decomposition of organic material, while topsoil is being lost elsewhere. Forests enhance air quality as well. The trees also remove carbon from the atmosphere and store it. Other benefits include protection of adjacent forested areas that would be impacted by additional wind and light if the trees are felled. Forested areas, especially mature forests, are generally free of invasive species as well. Another benefit that trees and forests provide is a high diversity wildlife habitat. Large areas of continuous forest along the proposed path of the ACP also currently provide very high quality scenic values. Prematurely or unnecessarily cutting a scar through that scenic landscape would destroy that scenic value for a lifetime. Again, if the project does not proceed due to permit rejection, or other factors, all of these benefits would be foolishly lost.

Tree clearing, even without large mechanized equipment, would create large areas of disturbed and exposed soil that would be very susceptible to erosion, and soil runoff into downstream waterways. This would result in water quality violations. This would be exacerbated by the extreme steep slopes in Western Virginia and West Virginia. Many of the areas where trees would be cleared are very large with no access roads. Gaining access to these areas alone would create disturbed and exposed soils, as would the felling of the trees as they impact the ground.

The disturbed and exposed soils would not be controlled in any manner by typical sediment control devices or techniques. The soil would be left uncovered and vulnerable to erosion and runoff into nearby downslope waterways for an undetermined period of time. Leaving the soil exposed over the winter would also leave it subject to the action of repeated cycles of freezing and thawing, which include soil expansion and contraction. This action separates and loosens the bonds that adhere soil particles together, leaving them vulnerable to separation, and transport by rain, snow melt, and gravity downslope into high quality streams, especially in Western Virginia and West Virginia.

After a typical winter in the project area in Western Virginia and West Virginia the ground is frozen to a considerable depth. As temperatures rise in late winter and early spring the top layer of the ground thaws out while the lower layer remains frozen. This creates a zone of separation between the loose upper surface, which remains subject to day and night cyclical freezing and thawing, and the solid frozen lower layer of soil. This zone of separation allows the loose, thawed upper layer to slide away from the still frozen lower layer. Moisture from the thawed upper layer is trapped on the top of the frozen lower layer, and lubricates the zone of separation, further creating optimum conditions for the upper layer to slide away from the lower layer, and slide or erode down into the receiving streams below.

The resulting sediment pollution to the high quality streams of Western Virginia and West Virginia would be very detrimental to the species using those waters, and particularly to the trout, including the Native Brook Trout in those waters. The sediment pollution would also create numerous other negative impacts to those waters as demonstrated in the large number of studies available in the literature on this topic.

Atlantic has no one but themselves to blame for falling behind schedule. It is not FERC's responsibility to somehow make up for Atlantic's failure in this regard. During the application process Atlantic has consistently blamed property owners for not allowing access for surveys, and used that excuse for falling behind schedule. Atlantic had complete access to survey properties in Virginia after merely sending two letters to property owners. I believe that a similar simple process in West Virginia and

North Carolina allowed them access as well. Property owners are not the reason that Atlantic has fallen behind schedule.

I believe that Atlantic has purposefully not surveyed some properties, and has not completed important studies, especially in areas where those surveys and studies would indicate unsuitable conditions for pipeline placement, in order to gain approval for the project without that data. In fact, FERC issued the certification for the Atlantic Coast Pipeline with large amounts of data missing, and in that regard Atlantic was successful in that ploy.

Atlantic is once again repeating this pattern. They are requesting permission to move forward without providing the needed foundation of information that justifies it, and without regard to the numerous negative impacts this action would bring to bear on the resources and residents in the areas along the proposed pipeline. FERC should not allow Atlantic to continue this wasteful and harmful pattern. FERC must deny the request for tree clearing at this time.

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