

The Recorder

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Pipeline requests get attention on both sides

| February 21, 2018

BY JOHN BRUCE • STAFF WRITER



This access road site in Highland was marked with survey tape. (Photos courtesy the Federal Energy Regulatory Commission)

MONTEREY — A Burnsville woman’s repeated Freedom of Information Act requests and motions to intervene may have produced favorable results, and she encourages other concerned citizens to make requests about the proposed Atlantic Coast Pipeline.

Anne Bryan said her second FOIA request, as clarified by her email to the Federal Energy Regulatory Commission, yielded documents asking for karst experts to update Dominion filings, plus detailed access road information prior to consideration for approval. Sinks and caves in the area require investigation, she said.



Trees were cut in an area of northern Bath County near mile post 105, according to a federal inspector's report last week.

Bryan was considering sending copies to members of congress, governors, and attorneys general in West Virginia, Virginia, and North Carolina.

“I will telephone FERC and ask someone there to read the spreadsheet which I find unreadable. I wanted to ascertain if anyone at FERC was reading my filings and comments, yet it took two FOIA requests with the second one specifically spelling out the types of communication I wanted to learn that information.



A construction parking area was approved on Route 84 in western Highland. (Photo courtesy Federal Energy Regulatory Commission)

“From where I sit, the process is flawed. How can the average citizen know to include a request for emails, inter-agency and intra-agency communications, and spreadsheets when filling out a FOIA request? Why isn’t a request for a document sufficient? I am grateful for the citizens, organizations, lawyers, journalists, landowners, and government followed; that ethical behavior is valued and expected; that our lands, water, and resources are treasured and protected; and that FERC is following the spirit of the law, as well as the letter of the law,” Bryan said.

Quick decision on clearcutting

Federal regulators separately conceded to a request by Dominion on Friday, Feb. 16, the same day it was made, to go beyond restrictions in a previous authorization to cut trees in preparation for construction of the proposed 600 mile, \$5.5 billion interstate gas pipeline.

“This authorizations (sic) grants approval to cut trees and vegetation in wetlands, the 50-foot setback from wetland and waterbodies, and upland areas that were previously inaccessible due to being landlocked between two wetlands or waterbodies and excluded in our January 19, 2018 approval,” said Rich McGuire, environment and engineering gas division director, in a letter to Matthew Bley of Dominion.

“These areas are limited to (certain spreads) in West Virginia and North Carolina ... As described in your request, (Dominion) may only fell trees via non-mechanized methods. Nonmechanized cutting is defined as the use of equipment that can be operated and carried by hand, by an individual; and that use of wheeled, tracked, or other similar types of ground-disturbing equipment is not authorized for clearing-related activity,” he wrote.

“Activities may only occur on lands where easements have been obtained, surveys have been completed, and where no additional state or local permits are required for the activity.

“Felled trees and vegetation debris shall be left in place until further authorization for any earth-disturbing activities is granted by the Federal Energy Regulatory Commission. Improvement or modification of approved access roads is not authorized as part of this limited notice to proceed.

“This approval does not authorize use of U.S. Forest Service access roads until Atlantic obtains the applicable road use permit(s),” he continued.

“Additionally, this approval solely relates to the activities described in your February 16, 2018 request and does not grant authorization to conduct mechanized activities as described in your February 12, 2018 request or in any additional areas described in that request,” McGuire said.