

# The Recorder

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## Do-it yourself regulatory oversight

*September 20, 2018*

The timing was lost on no one.

News that Dominion can resume its work on the Atlantic Coast Pipeline circulated just as one of the biggest hurricanes in recent years had landed and was working its way from the Carolinas into the Appalachian Mountain chain — where both the ACP and the Mountain Valley Pipeline are proposed to be constructed.

On difficult, steep slopes. Across dozens and dozens of waterways. Over unstable karst terrain. Places where local emergency services personnel and county officials were planning ahead for the potential flooding that Hurricane Florence was about to provide.

The Federal Energy Regulatory Commission had reviewed reworded permits from the National Park Service and U.S. Fish and Wildlife Service, and concluded the previous concerns about how to build the ACP through these mountains had been addressed, and promptly lifted the stop-work order it had issued Aug. 10.

That order had been the result of a U.S. Fourth Circuit court decision, which had found the NPS permit and a USFWS incidental take statement inadequate, after the permits were challenged by pipeline opponents.

We fully expect FERC's decision to be challenged again, as attorneys from the Southern Environmental Law Center, who represent the opponents, have already said the fundamental faults with those permits remain.

As the torrential rains arrived over the weekend, residents in this region were quick to take note of the landslides, sinkholes, and flooding that came as a result.

High, rushing water was noted near the entrance to Wintergreen at Rockfish Gap, and at Back Creek near the Howardsville Turnpike Bridge in Albemarle. At Mt. Torrey Road in Sherando. At the little unincorporated community of Tyro, in Nelson County, which had been one of the places so severely affected by Hurricane Camille in 1969. At South River in Stuarts Draft, a proposed pipeline river crossing.



*High water is nothing new to this region of Virginia, deep in the Appalachian chain. Residents understand that living on karst terrain in steep mountains, where rivers and streams are prevalent, means the risk of flooding is very real. As the remnants of Hurricane Florence moved over our area in recent days, we were prepared when the waters rose. But the Mountain Valley and Atlantic Coast pipelines under construction will increase the risk of landslides, sink holes, and serious runoff pollution. Here, water gushed ever higher around 11 a.m. Monday along U.S. 250, upstream of where the proposed ACP is planned for installation. (Photo courtesy Lew Freeman)*

In Roanoke County, MVP crews kept right on working at Bent Mountain, well past dark, even as storm clouds began to gather, and even as the Department of Environmental Quality told MVP crews to stop until after the storm was over and officials differed over whether the stop-work order previously in place was a regulatory rule or a voluntary agreement. Heavy rains had already washed out a drainage area next to the pipeline section at an access road near the Blue Ridge Parkway. Another access road was still covered in water Tuesday, even though MVP said it had spent several days preparing for the hurricane's arrival. As the rains continued, flooding made a mess of Augusta County, Stuarts Draft, and Waynesboro.

Any longtime residents of this region are fully aware of the destruction flooding can cause. They can tell you exactly where the waters will rise, and how easily landslides will reshape the landscape or cause new sinkholes. Most of them have been telling state and federal agencies about the risks of building these enormous gas transmission lines through this area for more than four years.

Their concerns fall on deaf ears.

Even as the Department of Environmental Quality attempts some semblance of regulatory control and authority, it just keeps getting mired in bureaucracy, pressured by Dominion and its powerful allies to make way for construction and get out of the way as fast as possible.

Fortunately, the fight to preserve this region's environment is still strong, and growing stronger in grassroots groups.

Just last week, the Pipeline Compliance Surveillance Initiative (CSI) announced another good resource to provide the kind of oversight the DEQ is not, where the Atlantic Coast Pipeline is concerned. The Allegheny-Blue Ridge Alliance published the CSI Mapping System 4.0 — an online geographic information system that includes environmental layers people can select, and access to construction plans and aerial photography of construction in progress.

Citizens, technical and legal experts, and even regulatory agency personnel, can access the system to check construction.

“The CSI Mapping System is a cutting-edge tool for public involvement in the regulation of pipeline construction, especially with respect to use of aerial surveillance,” ABRA noted. “The CSI's Pipeline Air Force, which now deploys on a weekly basis, has obtained thousands of photos documenting ACP activity in the mountains of Virginia and West Virginia. The CSI Mapping System provides access to these photos.”

Locations for surveillance photos can be displayed in relation to the pipeline construction corridor, access roads, and other information, in the system. “When a photo point is selected, a popup window displays a thumbnail of the photo and provides access to both low and full-resolution versions of the photo. In addition, the CSI Mapping System provides access to geo-referenced photo mosaics for a subset of surveillance flights,” ABRA explained. “A swipe tool allows direct comparison of construction activity on different days, as well as comparison of construction photos with construction plans.”

There is a demonstration of how to use the system available at the website as well.

“The CSI Mapping system also provides a platform for documenting noncompliance with regulatory requirements and legal restrictions,” ABRA noted. “Information concerning site-specific, as well as systemic, noncompliance can be accessed by clicking on points or construction corridor segments.”

You can link to the system from the homepage, [www.pipelineupdate.org](http://www.pipelineupdate.org), where there are also links for citizens to report on compliance concerns they find, a guide for citizens observers, and information on ways to volunteer with the CSI.

This is just one example of how well-organized citizens can be when they care so deeply about what happens to the environment, and work long hours to combat the obvious indifference of the state and federal agencies — not to mention the corporate giants like Dominion — that suppress information and smother common sense.

As the court battles continue, we can all at minimum keep an eye on the construction process and become citizen inspectors. We'll have to. Our so-called protective agencies aren't going to get it done.