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February 15, 2019

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Re: Request for Reconsideration of Commission's Approval of Atlantic Coast Pipeline, LLC's Supplement to Interim Right-of-Way and Work Area Stabilization Plan (Dockets CP15-554 *et seq.* & CP15-555 *et seq.*)

Dear Secretary Bose:

We write to object to the Commission's recent approval of the February 11, 2019 supplement to the Interim Right-of-Way and Work Area Stabilization Plan submitted by Atlantic Coast Pipeline, LLC ("Atlantic") and Dominion Energy Transmission, Inc. ("DETI"),¹ and to urge the Commission to reconsider its authorization of additional construction. Under the guise of "stabilization," Atlantic and DETI seek to advance construction of the Atlantic Coast Pipeline ("ACP"), even while they insist to the Commission and the public that they have voluntarily halted construction in response to the Fourth Circuit's December 7, 2018 stay of implementation of the Biological Opinion and Incidental Take Statement issued by the United States Fish and Wildlife Service. The Commission should not enable Atlantic and DETI to move forward with construction while they lack mandatory federal authorizations.

On December 7, 2018, Atlantic and DETI informed the Commission that they had "stopped construction on the entire Projects, except for stand-down activities needed for safety and that are necessary to prevent detriment to the environment."² Atlantic and DETI subsequently obtained the Commission's approval to install pipe, backfill trenches, and grade and stabilize rights-of-way in specified areas pursuant to an Interim Right-of-Way and Work Area Stabilization Plan ("ACP Interim Stabilization Plan").³ As part of

¹ Letter from Kevin Bowman, FERC, to Angela M. Woolard, DETI (Feb. 13, 2019), eLibrary No. 20190213-3017.

² Letter from Matthew R. Bley, DETI, to Kimberly D. Bose, FERC (Dec. 7, 2018), eLibrary No. 20181207-5147.

³ Letter from Matthew R. Bley, DETI, to Kimberly D. Bose, FERC (Dec. 19, 2018), eLibrary No. 20181219-5240 (attaching ACP Interim Stabilization Plan); Letter from Kevin Bowman, FERC, to Matthew R. Bley, DETI (Jan. 10, 2019), eLibrary No. 20190110-3043 (approving plan in part).

its justification for these actions, Atlantic and DETI represented to the Commission that three areas in Spread 2-1 had already been trenched, and that installation of strung pipe in those areas was necessary to stabilize the right-of-way.⁴ As Atlantic and DETI now concede, that was not true; none of those three areas, totaling almost half a mile in length, had been trenched.⁵

In their February 11, 2019 “Stabilization Plan Supplement,” Atlantic and DETI have now asked the Commission for authorization to trench and install pipe in those three areas and six others, covering a total of approximately 1.5 miles along the pipeline right-of-way.⁶ Trenching, however, is not necessary to stabilize a right-of-way; on the contrary, it is one of the most destabilizing activities involved in pipeline construction. The Commission’s own Final Environmental Impact Statement for the ACP is replete with examples of the environmental risks associated with trenching.⁷ Accordingly, Atlantic and DETI’s construction plans call for installing *additional* erosion control devices once trenching begins and “minimizing the length of open trench at any given time.”⁸ Far from a stabilization method, trenching actually demands further mitigation measures due to its destabilizing effects on a landscape.

It is thus understandable that Atlantic and DETI do not claim that trenching and installing pipe in these areas is necessary for stabilization. In fact, Atlantic and DETI make no attempt to claim that such activities are necessary at all—only that they “would help us to better maintain cathodic protection” and that installing currently strung pipe would have “safety and viewshed advantages.”⁹ To the extent Atlantic and DETI are concerned about impacts to safety or the viewshed from strung pipe, Atlantic should remove strung pipe from the right-of-way, not further destabilize the right-of-way by trenching and installing pipe. And Atlantic and DETI’s contention that soil conditions “mak[e] it a good time for trenching and installing pipe” should have no bearing on the Commission’s determination as to whether any further construction is warranted in light of the Fourth Circuit’s stay of the Fish and Wildlife Service’s authorizations—especially considering that Atlantic and DETI now lack effective versions of seven federal

⁴ ACP Interim Stabilization Plan tbl. 3.3-1.

⁵ Letter from Angela M. Woolard, DETI, to Kimberly D. Bose, FERC, Attach. A (Feb. 11, 2019), eLibrary No. 20190211-5105 (“Woolard Letter”).

⁶ *Id.*

⁷ See FERC, Atlantic Coast Pipeline and Supply Header Project: Final Environmental Impact Statement 4-62, 4-94, 4-105 (July 2017), eLibrary No. 20170721-4000 (describing trenching impacts on soil, groundwater, and surface waters).

⁸ *Id.* at 4-63, 4-138.

⁹ Woolard Letter, Attach. A.

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authorizations that are mandatory conditions of the Commission's certificate of public convenience and necessity issued for the ACP.¹⁰ We urge the Commission to enforce the terms of its certificate and to reject Atlantic and DETI's request to proceed with construction that cannot be justified by environmental or safety concerns.

Sincerely,

/s/ Gregory Buppert
Gregory Buppert
SOUTHERN ENVIRONMENTAL LAW CENTER

On behalf of Cowpasture River Preservation Association, Friends of Buckingham, Friends of Nelson, Highlanders for Responsible Development, Piedmont Environmental Council, Shenandoah Valley Battlefields Foundation, Shenandoah Valley Network, Virginia Wilderness Committee, Sound Rivers, Inc., and Winyah Rivers Foundation

/s/ Benjamin A. Lockett
Benjamin A. Lockett
APPALACHIAN MOUNTAIN ADVOCATES

On behalf of Appalachian Voices, Chesapeake Climate Action Network, Sierra Club, and Wild Virginia, Inc.

/s/ Jon A. Mueller
Jon A. Mueller
CHESAPEAKE BAY FOUNDATION, INC.

On behalf of Chesapeake Bay Foundation, Inc.

¹⁰ See Letter from Gregory Buppert, SELC, et al. to Kimberly D. Bose, FERC (Feb. 5, 2019), eLibrary No. 20190205-5069.

CERTIFICATE OF SERVICE

I hereby certify that I have on February 15, 2019, caused the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

/s/ Gregory Buppert
Gregory Buppert