

# The Recorder

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Bath & Highland Counties – Virginia

## **Proposed pipeline: Series of events continues**

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MONTEREY — Five years have passed since Dominion Energy publicly proposed a gas transmission pipeline from northwest West Virginia to southern North Carolina, dubbed the Atlantic Coast Pipeline.

Last week, The Recorder published part one of a timeline documenting coverage in Bath and Highland counties of political and environmental challenges the project faces, to look back at how the controversial project has evolved over the last five years. The timeline summarized May 2014, when the project was announced, to June 2015. This is part two of the summary, picking up in July 2015.

### **July 2015**

- A new study debunks Dominion's claims of job creation and knocks the overall believability of two studies the company released heralding benefits of the proposed ACP. Purported economic benefits are overstated, lack sufficient supporting data, and fail to account for environmental and societal costs, according to an analysis by Synapse Energy Economics.
- The Federal Energy Regulatory Commission responds to Dominion's resource reports, paying specific attention to karst and concerns voiced by elected officials in Highland. FERC tells Dominion to confirm it will follow the recommendations of Highland supervisors.
- A Southern Maryland group announces plans to pronounce solidarity with other communities concerned about proposals to expand natural gas infrastructure, instead of pursuing renewable energy alternatives.
- George Washington and Monongahela National Forests cite numerous errors, inaccuracies, and omissions in Dominion's proposed environmental impact mitigation measures.

### **August 2015**

- Dominion says more than 90 percent of the proposed pipeline's capacity has been contracted in binding agreements with major utilities and local distribution companies in the region. Dominion still

insists gas would not go for international shipping at Cove Point, Md., export facility under construction on the Chesapeake Bay, but interconnections are tied to the grid and nonetheless would support export.

- Owners of a designated state historic site are sued by Atlantic Coast Pipeline LLC, while FERC receives another round of criticism from the Cowpasture River Preservation Association.
- ACP files papers in Highland Circuit Court against Dividing Waters Farm and its owners seeking legal authority to allow ACP to enter the Hightown property.
- The Bureau of Land Management asks FERC to revise the schedule to allow time for ACP and federal agencies to review concerns before work on an environmental impact statement begins. ACP dismisses any need to delay its plans to file an application the next month that, if approved, would allow the \$4-\$5 billion project to move forward. The Bureau points out that FERC allowed ACP to fast-track the pre-filing process.

### **September 2015**

- FERC sends Dominion another set of directives addressing environmental concerns. The company is expected to formally file its application FERC for permission to build. FERC staff issue five pages of comments Sept. 3 on Dominion's proposals to handle karst terrain assessment, construction, monitoring, and mitigation; spill prevention, control, and countermeasures; winter construction; invasive plant species management; and blasting.
- The natural gas boom reaches a peak, and production is expected to decline, according to federal government forecasters and industry insiders, but the news does not affect plans for the pipeline.
- According to the U.S. Forest Service, construction of the pipeline could wipe out species of tiny mountain-dwelling amphibians thought to be endangered. The news adds to a long list of other concerns over the proposal's feasibility. The ACP's effects on Cow Knob and Cheat Mountain salamanders "must be avoided and cannot be mitigated," wrote the forest supervisor.

### **October 2015**

- Of about 115 lawsuits Dominion has filed in circuit courts against landowners over denial of survey access, five are in Highland. No hearings are scheduled.
- FERC downplays Sen. Tim Kaine's concerns about public input, despite criticism over scoping meetings, garbled transcripts, and unanswered questions. FERC chair Norman Bay takes more than a month to respond to Kaine, whose Aug. 24 letter depicted the regulatory process as imbalanced and partial to the applicant.
- Dominion's plan to bore through a mountain and protect a threatened species would nonetheless harm its habitat and pollute water, says Rick Webb of Mustoe, a retired University of Virginia scientist, pipeline opponent, and head of the Dominion Pipeline Monitoring Coalition. He says horizontal drilling would damage water supplies and leave the home of the threatened Cow Knob salamander in harm's way.

## **November 2015**

- The U.S. Forest Service warns FERC that Dominion may not be playing by the rulebook when it comes to route selection for the ACP. The Monongahela National Forest supervisor tells FERC that the forest service remains “concerned that ACP identified its preferred route and filed an application with the FERC without first completing the soils and geology surveys. Results of soils and geology surveys should be considered in the process of route selection.”
- Sen. Creigh Deeds requests FERC conduct a programmatic environmental impact statement on proposed interstate natural gas transmission pipelines that are pending or expected to be pending before the agency. FERC denies the request.
- Alleging natural gas from ACP and similar projects would be shipped to Asia instead, groups challenge FERC’s licensing decision for Dominion to build a liquefied natural gas export facility on the Chesapeake Bay.

## **December 2015**

- The Dominion Pipeline Monitoring Coalition looks at smaller pipeline projects in other areas and finds that, in particular, Virginia’s Department of Environmental Quality, charged with reviewing erosion and sediment control plans and inspecting during construction, does not have the manpower or resources to do its job. Highlanders for Responsible Development president Lew Freeman urges county supervisors to take a stand on this issue, asking them to consider a resolution insisting DEQ require erosion and sediment control plans be filed for the pipeline project.
- FERC asks Dominion to find southerly routes for the pipeline to improve environmental outcomes and reduce harm to national forests. Dominion says alternative routes are not viable.
- The forest service says Dominion can begin the entire pipeline construction project by boring through Shenandoah Mountain, but if drilling proves unsuccessful, the company must re-route away from Cow Knob salamander habitat.

## **January 2016**

- Cave authority and Burnsville resident Phil Lucas tells Highland supervisors the ACP would be a calamity if construction proceeds through the karst topography of Highland. “If an engineering firm looked at this area they would be scared to death and look at another area,” Lucas said.
- Another recommendation for a southern alternative route, this time from the U.S. Fish and Wildlife Service, goes to the Federal Energy Regulatory Commission.
- A soil stability assessment along routes of the proposed ACP by a Dominion subcontractor is unacceptable, the U.S. Forest Service tells FERC.

- The route is unfeasible, concludes Kathleen Atkinson, eastern regional forester, and Tony Tooke, southern regional forester, in a letter to Leslie Hartz, vice president of pipeline construction for Dominion.

### **February 2016**

- About 21 Highland landowners and 69 in Bath are on a path realignment. Dominion announces it's rerouting through southwest Highland, near Little Egypt, crossing into Bath at U.S. 220 in the Bolar area, through northern Bath, through Fort Lewis, and north in Augusta to join the previously proposed route in Deerfield. The new route, Dominion says, would avoid the Cheat Mountain salamander, Cow Knob salamander, and West Virginia northern flying squirrel.
- With the change in the route that now has the ACP designed to cross Bath County, members of the Bath County Planning Commission weigh in, specifically as to whether the project is in conflict with the comprehensive plan. In Bath and Highland, there are seven bands of karst topography the pipeline is proposed to cross.

### **March 2016**

- Little Valley could create a big headache for Dominion, as nothing in Dominion's proposal mentions the flood-and-fire prone valley just south of Bolar, but comments filed with FERC spell out safety concerns.
- More concerns over the route through Highland and Bath counties pour into federal records, not only from landowners, but from political and civic club leaders.
- Dominion argues against its own project in its annual report. On risks the ACP poses, Dominion writes, "The project requires the approval of FERC and other federal and state agencies, which could be delayed or withheld. Dominion expects opposition from certain landowners and stakeholder groups, which could impede the acquisition of rights of way and other land rights on a timely basis or on acceptable terms. The large diameter of the pipeline and difficult terrain of certain portions of the proposed pipeline route aggravate the typical construction risks with which DTI is familiar. In-service delays could lead to cost overruns and potential customer termination rights. Dominion owns a 45 percent membership interest in Atlantic Coast Pipeline. Dominion's lack of a controlling interest means that it has limited influence over this business. If another member were unable or otherwise failed to perform its obligations to provide capital and credit support for this business, it could have an adverse effect on Dominion's financial results."

### **April 2016**

- Dominion declares FERC will issue a draft environmental impact statement in time for construction to begin later this year.

- Karst is a complicated issue, Ted Lewis of GeoConcepts Engineering tells attendees at a Bath County open house. Historically, it has not been encountered during projects of this nature. “This is the first project we’ve worked on where we have an entity that wants us to identify the karst before we start. A big part of planning is to have the best list of the karst features we can,” he said.
- Environmental issues postpone construction. The start moves from fall of 2016 to the summer of 2017, with operation expected in the fourth quarter of 2018.
- Drinking water continues to be a top concern for local commentators and intervenors to FERC with regard the proposed realignment through southern Highland and northern Bath counties.

### **May 2016**

- Dominion again adjusts its realigned route to cross Bath and Highland. The realignment would traverse about 7.6 miles in Highland and 15.2 miles in Bath. The changes add less than a mile to the overall study corridor.
- The Bath County Board of Supervisors unanimously goes on record in opposition to the proposed pipeline.
- The realigned pipeline route would cross three special biological areas, containing a federally endangered member of the mustard family and an imperiled butterfly, in violation of the George Washington National Forest Management Plan, an outdoor recreation club says.
- Dominion proposes swapping Hayfields Farm near McDowell for a number of state conservation easements in the realigned path of the pipeline. If approved, the swaps would be unprecedented.

### **June 2016**

- Dominion Pipeline Monitoring Coalition coordinator Rick Webb tells FERC that Dominion’s “incomplete, inconsistent, and repeatedly changing information” about alternative routes are stumbling blocks to informed public comments. For example, the pipeline company submitted new plans three days after FERC opened its 30-day scoping period.
- The rerouting should fail because it would endanger karst topography, groundwater, trout streams and protected species, concludes Rick Lambert of the Highland County Cave Survey.

### **July 2016**

- A detailed winter construction plan suggests Dominion expects to avoid soil erosion and water pollution impacts by working in subzero conditions during the winter of 2017-18.
- Wildlife habitats could suffer unavoidable adverse impacts from construction, a Dominion reply to a FERC directive shows. While most of the species impacts are “short-term,” generally up to 10 years, the project would permanently destroy nearly 2,500 acres of forest.

## **August 2016**

- Confronting its second startup hitch in five months, Dominion asks contractors whether they can speed up construction if and when FERC signals a green light.
- Property owners find out why so little information has been forthcoming about access roads for the ACP. It's because Dominion uses questionable tactics to secure property for the roads, a group of Bath County landowners alleges.
- The Conservation Fund, a Maryland nonprofit, purchases Hayfields farm on behalf of Dominion, including roughly 1,200 acres, for \$3.75 million.

## **September 2016**

- The forest service cites crossing Laurel Run, a native trout-reproducing stream, as "inconsistent with forest plan standards and best management practices."
- Dominion announces a revised construction schedule, pushing back completion a year, to November 2019.
- The pipeline could pose threats to small whorled pogonia, a federally listed plant in Highland County and others to the west, the forest service says.

## **October 2016**

- Three Highland County sites are among nine the forest service chooses to scrutinize for potential hazards posed by the pipeline. "Similar hazards on other smaller pipeline projects in the central Appalachians have led to slope failures, erosion and sedimentation incidents, and damage to aquatic resources. Therefore, the USFS is concerned that crossing such challenging terrain with a much larger pipeline could present a high risk of failures that lead to resource damage," the forest service says.
- Once again, FERC sends Dominion back to the drawing board, issuing a 32-page "environmental information request" reflecting landowner and U.S. Forest Service concerns about karst, steep slopes, threatened species, and conformity to forest land management plans.

*Next week: The series of events picks up again beginning in November 2016.*