

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas 4
Atlantic Coast Pipeline, LLC
Atlantic Coast Pipeline
Docket No. CP15-554-009
§ 375.308(x)

May 7, 2021

VIA Electronic Mail

Sharon L. Burr
Chief Deputy Counsel
Atlantic Coast Pipeline, LLC
sharon.l.burr@dominionenergy.com

Re: Environmental Information Request

Dear Ms. Burr:

The information described in the enclosure is required for our continued analysis of the Atlantic Coast Pipeline, LLC's Atlantic Coast Pipeline Disposition and Restoration Plan, filed on January 4, 2021. The enclosure includes questions to address public comments received during the scoping period that was initiated by the issuance of the Federal Energy Regulatory Commission (FERC) *Notice of Amendment of Certificates and Opening of Scoping Period*, additional questions on the proposed restoration activities and disposition of the cancelled Atlantic Coast Pipeline, and also request for clarification of discrepancies and missing information with regard to Atlantic's April 7, 2021 response to FERC Staff's March 18, 2021 Environmental Information Request. **Please file a complete response by Monday, May 17, 2021.** If certain information cannot be provided within this time frame, please indicate which items will be delayed and provide a projected filing date.

File your response in accordance with the provisions of the Commission's Rules of Practice and Procedure. In particular, 18 CFR 385.2005 requires all responses to be filed under oath by an authorized Company Name representative, and 18 CFR 385.2010 (Rule 2010) requires service to each person whose name appears on the official service list for this proceeding.

Docket No. CP15-554-009

- 2 -

Electronic filing is encouraged using the Commission's eFiling system (see <https://ferconline.ferc.gov/eFiling.aspx>). Be sure to prepare separate volumes, as outlined on the Commission's website at <https://www.ferc.gov/sites/default/files/2020-04/CEII-Filing-guidelines.pdf>, and label all controlled unclassified information (CUI) as described at <https://www.ferc.gov/cui>. Critical Energy Infrastructure Information (CEII) (e.g., plot plans showing equipment or piping details) and privileged information (PRIV) (e.g., cultural resources material containing location, character, or ownership information; trade secret information; proprietary information) should be filed as non-public and labeled as: "CUI//CEII" (18 CFR 388.113), "CUI//PRIV" (18 CFR 388.112), and as otherwise appropriate with other statutes for labeling CUI (e.g., "CUI//CEII/SSI" and in accordance with 49 CFR 15.13 marking requirements). All CUI should be filed separately from the remaining information, which should be marked "**Public.**" For assistance with the Commission's eFiling system, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

In addition, effective July 1, 2020, hardcopy deliveries to the Commission's headquarters in Washington D.C. will only be accepted through the U.S. Postal Service. Hand-deliveries and submissions sent through carriers other than the U.S. Postal Service must be sent to 12225 Wilkins Avenue, Rockville, Maryland 20852 for processing (see Docket No. RM19-18-000; Order No. 862).

Thank you for your cooperation. If you have any questions, please contact me at 202-502-8130.

Sincerely,



Julia Yuan
Environmental Project Manager
Division of Gas – Environment
and Engineering

Enclosure

cc: VIA Electronic Mail

Stephani Rust
U.S.D.A Forest Service
stephani.rust@usda.gov

ENCLOSURE

Atlantic Coast Pipeline, LLC
Atlantic Coast Pipeline
Docket No. CP15-554-009
Environmental Information Request

Regarding Public Scoping Comments Received on Atlantic's Disposition and Restoration Plan (D&R Plan)

1. Describe the feasibility of removing the approximately 31.4 miles of pipeline installed for the now-cancelled Atlantic Coast Pipeline (ACP) Project. Include in this description the amount (and types) of lands, access roads, and additional temporary workspace that would be required to remove the installed pipeline, the environmental impacts expected to occur as a result of the pipeline removal, and compare these impacts in table format to the impacts of the proposed action.
2. Describe the feasibility (and associated impacts) of planting tree seedlings on all forested lands that have been cleared for the ACP Project. This feasibility assessment should address the number of seedlings (accounting for survival rate) that would likely result in an amount of mature trees equivalent to what was previously present on average on the affected lands.
3. Landowners on Cumberland Road in Farmville, Virginia filed a comment that the ACP Project destroyed a historic site "Civil War Cedar Tree." Did Atlantic identify this site during its surveys? Is it in the area of potential effect for the project?
4. Identify locations where Atlantic:
 - a. intends to return temporary construction easements (including temporary workspace (TWS), additional temporary workspace (ATWS), access roads, construction staging areas) to landowners including a schedule for terminating these temporary easements and returning them to landowners. Provide table with acreage and number of temporary easements to be returned to landowners.
 - b. intends to retain the permanent easement – Provide a table with acreage and number of parcels where easements would be retained. In addition, provide a listing of landowner-permitted activities and prohibited activities on these retained easement areas and address whether tree planting would be permitted within the retained easements (with or without pipeline segments).
 - c. intends to retain properties in fee.

Regarding the Proposed D&R Plan Activities

5. Provide a table that identifies the following that resulted from the construction of the ACP Project prior to its cancellation:
 - a. total acreage of land impacted;
 - b. number and acreage of wetlands impacted;
 - c. number and acreage of waterbodies crossed;
 - d. amount of forest removed; and
 - e. amount of public lands impacted.
6. Not including U.S. Department of Agriculture (USDA) Forest Service lands and the seven adjacent private tracts that would require access across Forest Service lands, describe the feasibility of removing all felled trees within the construction right-of-way. Include in this description the amount (and types) of lands, access roads, and additional temporary workspace that would be required, the environmental impacts expected to occur as a result of felled tree removal, and compare these impacts in table format to the impacts of the proposed action.
7. Describe the impacts that the restoration and disposition plan could have on the Matthew Creek Stream Conservation Unit and specify any mitigation that Atlantic would implement to protect this sensitive area. Indicate if any other Stream Conservation Units would be affected by the D&R Plan, and if so, describe potential impacts and mitigation on these areas.
8. Describe how Atlantic would address and mitigate for impacts on mussel species, including both impacts that have already occurred as part of construction and impacts that might occur as part of the D&R Plan.
9. Provide a table summarizing the workspace/area affected/land required by Restoration Project activities.
10. Describe the feasibility of Atlantic and its component companies monitoring all affected lands and addressing restoration issues (including the spread of invasive species) for a minimum of three years following the completion of restoration activities. Also, confirm that once Atlantic deems its initial restoration efforts complete it would file a notice with the Commission, thereby beginning the three-year monitoring and maintenance period.

11. Provide a long-term monitoring plan to:
 - a. verify slope stability and detect subtle ground movements that could indicate incipient slope failure along the construction right-of-way and within disturbed areas; and
 - b. conduct semiannual aerial LiDAR monitoring during an initial 2-year period within high-hazard landslide potential areas.

This plan should provide for a reduced frequency of LiDAR surveys or demonstrate that monitoring could be discontinued if it is found that slopes are stable as demonstrated by sequential LiDAR monitoring during the initial 2 years.

12. Confirm that at the time of dissolution, Atlantic would file with the Commission a notice indicating the allocation (and responsibility) of remaining project assets and the responsibility for remaining restoration efforts.
13. Regarding Atlantic's proposal to leave felled trees in-place, describe potential adverse effects including, but not limited to, the spread and introduction of invasive plant species, wildlife barriers, and increased wildfire hazard. Also, describe the measures that Atlantic would implement to reduce these impacts.
14. Characterize the following regarding vegetation in and adjacent to the D&R Plan workspaces:
 - a. vegetation types, including dominant species in each type; and
 - b. any vegetation communities of special concern or management.
15. Clearly distinguish between the vegetation within and adjacent to the restoration workspaces.
16. Identify all state-listed, -candidate, or -sensitive species, including Species of Greatest Conservation Need, that could occur in the D&R Plan workspaces, potential impacts that could occur, and any minimization measures that Atlantic would implement to reduce impacts on these and any other sensitive resources.
17. In response to public comments, identify whether "take," as defined under Section 7 of the Endangered Species Act, occurred during construction of the ACP Project.
18. Provide the following related to National Forest System lands:
 - a. Identify USDA Forest Service sensitive species (Regional Foresters' Sensitive Species, Management Indicator Species, Forest Service locally rare species, etc.) that could occur in restoration areas, potential impacts that

- could result from implementation of the *U.S. Forest Service Site Assessment and Recovery Recommendations for the Atlantic Coast Pipeline* (dated December 2020) and the *Atlantic Coast Pipeline Disposition and Restoration Plan*, and any mitigation that would be implemented to minimize these impacts;
- b. Identify any roadless areas that occur in the restoration areas and whether impacts would occur as a result of restoration; and
 - c. indicate whether activities (or lack thereof) proposed on National Forest System lands comply with existing USDA Forest Service Land and Resource Management Plans for the Monongahela and George Washington Jefferson National Forests.
19. Confirm pollinator seed species would be used on tracts where landowners have requested it.
20. Identify in table format the waterbodies and wetlands that would be affected by implementation of the D&R Plan. Be sure to include the locations of these resources and the amounts of linear feet of waterbodies affected and acres of wetlands affected. For each waterbody that would require the installation of an equipment bridge, identify whether a bridge was installed previously and describe alternative access options. The table should include the following:
- a. waterbody/wetland name;
 - b. description of proposed work in-stream/wetland or adjacent to stream/wetland;
 - c. distance of workspace from stream/wetland;
 - d. waterbody/wetland classification, special designation, or presence of sensitive species (fish, mussels, crayfish, etc.) and the time of year restriction for in-water work, where applicable; and
 - e. waterbodies/wetlands containing habitat for federally listed species that would be within 300 feet of restoration workspaces (specify distance for each).
21. Identify any areas of increased slip risk where there is the potential for impacts on sensitive waterbodies if a slip were to occur. Provide the location, waterbody name, waterbody designation, presence of sensitive species, and a description of potential impacts and mitigation measures that Atlantic would implement if a slip should occur near these waterbodies.

22. Provide a list of representative fish and aquatic species present in waterbodies and wetlands affected by the D&R Plan.
23. Confirm that no Essential Fish Habitat, Anadromous Fish Use Areas, Anadromous Fish Spawning Areas would be affected by the D&R Plan workspaces. Confirm that the restoration work would not impact the Atlantic Sturgeon or shortnose sturgeon.
24. Confirm that the restoration work would not impact of any streams containing brook trout.
25. Identify in table format all areas where felled trees are within a wetland or waterbody and indicate if trees would be removed or left in place at these locations. Specify location by milepost, type of waterbody/wetland classification, and any special designation or sensitive species presence, if applicable.
26. Provide a copy of the December 7, 2020 consultation letters regarding equipment travel across sites 41PE0111 and 41SK0612 to the Advisory Council on Historic Preservation and other consulting parties in Virginia in accordance with the provisions of the Programmatic Agreement executed for the ACP Project. File documentation of that consultation with the Commission.
27. Provide a schedule for the completion of the public outreach component of the (007-5765) Palmer rock walls treatment plan, which was to consist of a popular report of the local history and the resource. Provide a copy of the popular report to Augusta County for review and comment as a consulting party to the Programmatic Agreement.
28. Appendix E states that the relocation of the Seneca State Forest hiking trail was completed on 10/4/2019; PH-0092). Confirm if any herbaceous revegetation or replanting of trees will be required? If so, when does Atlantic anticipate completing that revegetation/replanting and when documentation will be submitted to the SHPO, the State Forest, and FERC?
29. Have the Alberta and Green Waste contractor yards been surveyed for cultural resources? If not, consult with the State Historic Preservation Office regarding the need for surveys and file the results of that consultation and any necessary surveys with the Commission.
30. File with the secretary any correspondence or documentation of consultation with Indian tribes, State Historic Preservation Office, or Advisory Council on Historic Preservation not previously filed with the Commission.
31. Describe the number of restoration crews and their work segment boundaries (spreads); average and peak workforce in each restoration crew; duration of activity

- (e.g., days, months) to fully implement the D&R Plan through completion of final restoration; and the anticipated percentage of the workforce that would be local hires.
32. Provide an estimate of the total number of average daily round trips generated by restoration activities at each work segment and each aboveground facility.
 33. Estimate the payroll and local spending for restoration period activities.
 34. As applicable, provide an estimate of property tax payments to municipalities for:
 - a. Atlantic-retained parcels;
 - b. parcels in private ownership with a permanent easement containing a pipeline; and
 - c. parcels in private ownership with a permanent easement only
 35. Provide quantified emissions of criteria pollutants (NO_x, VOC, CO, SO₂, PM₁₀, PM_{2.5}), total hazardous air pollutants and greenhouse gases in tons per year from all disposition and restoration activities as proposed in the D&R Plan. Additionally, provide the same information for the following:
 - a. removing all installed pipeline; and
 - b. removing of all felled trees except for trees on USDA Forest Service lands and the seven adjacent private tracts that would require access across USDA Forest Service lands.

The emission estimates should include any open burning, and tailpipe emissions from all construction equipment. Provide a breakdown of the emissions by calendar year demonstrating when the construction emissions would likely occur. Include supporting calculations, emission factors, fuel consumption rates, vehicle power ratings, utilization rates, and hours of operation.

36. Provide a table that identifies past, present, and reasonably foreseeable future projects within the resource-specific geographic scopes identified in the table below. This table should also include the following information:
 - a. project name and sponsor/proponent;
 - b. a description of the project;
 - c. location (city/county);

- d. approximate distance and direction of the project from the (Project Name) facilities;
- e. the milepost location where it crosses the proposed facilities or the nearest proposed project facility milepost;
- f. footprint/layout and quantitative impacts on specific resources, if available (acres of land/resource [wetlands, vegetation, habitat, etc.] affected);
- g. any known permits/authorizations or environmental review required; and
- h. the current status and schedule of the project.

Also, include qualitative and quantitative descriptions of cumulative and/or overlapping impacts these projects and the Atlantic’s D&R Plan would have on each environmental resource. Lastly, include a map showing the identified projects in relation to the D&R Plan’s proposed workspaces.

Understanding that knowledge of the specific characteristics of a project area may dictate an alternative geographic scope for the cumulative impacts analysis, you may suggest another geographic scope. In such circumstances, include a detailed justification of why use of a different scope is appropriate.

Geographic Scope for Cumulative Impact Analysis	
Environmental Resource	Area of Impact
Soils and Geology	Construction workspaces
Groundwater, Wetlands, Vegetation, Wildlife	Hydrologic Unit Code (HUC) 12 Watershed
Surface Water Resources	HUC 12 Watershed. For direct in-water work, (e.g., felled tree removal, pipe removal, bridge work) include potential overlapping impacts from sedimentation, turbidity, and water quality
Cultural Resources	Overlapping impacts within the Area of Potential Effects
Land Use	1-mile radius from project workspaces
Noise - Construction	0.25 mile from project activity
Air Quality – Construction	0.25 mile from project activity
Socioeconomics	Affected counties and municipalities
Environmental Justice	Block groups crossed by the restoration workspace

**Regarding Atlantic's April 7, 2021 responses to FERC Staff's March 18,2021
Environmental Information Request:**

37. Provide an updated key to the work scope maps. Include sheet numbers, mileposts, and spread numbers.
38. Is the light brown shading in DR01_Q23_Attachment01_Work Scope Maps the survey area for the construction project (the work performed under the Certificate Order issued in October 2017 prior to the cancellation of the ACP Project cancellation in July 2020)? It appears to be a buffer of over 400 feet from the pipeline centerline. If this is not the survey area, identify this light brown shading.
39. In the text and table 7.1 of the D&R Plan, Atlantic indicated that approximately 31.4 miles of pipe has been installed; however, the individual entries in the "Pipe Installed" column of table 7.1 only totals 23.8 miles. Clarify this discrepancy.
40. Atlantic states, in response to question number 32, that in carrying out the activities proposed in the D&R Plan, it does not anticipate needing new ATWS that was not previously Certificated, referencing Appendix 8C Land Uses Affected by Additional Temporary Workspaces for the Atlantic Coast Pipeline and Supply Header Project of Resource Report 8 Land Use, Recreation and Aesthetics. However, assuming not all previously Certificated ATWS will be needed for implementing the proposed D&R Plan, provide a table of ATWS needed to support project disposition and restoration activities. The table should indicate if the ATWS has been developed prior to project cancellation or if the ATWS still needs to be developed for project restoration.
41. The revised Appendix G – Work Scope Table- only includes tracts for AP-1 and is missing the tracts for the rest of the project (e.g., AP-2). Provide a revised Appendix G that includes:
 - a. All tracts within the scope of the D&R Plan
 - b. Acreages for each activity for each tract; and
 - c. For tracts where felled trees are proposed to be left in place (as determined by Atlantic's evaluation process described in Section 3.0 of the D&R Plan), indicate if the landowner preference was for felled trees to be removed.

In addition, file a "Privileged" version that includes landowner names.

42. Table 7.5 of the D&R Plan indicates that the Alberta Yard (Spread 7) is a yard Atlantic proposes to use in support of restoration activities and was not previously approved by the Commission. In its response to question number 28, Atlantic notes that for the Alberta Yard "*Atlantic confirms that this yard was a previously*

disturbed site prior to Atlantic leasing it for use as a yard for the ACP Project. Atlantic never moved any equipment or materials or otherwise mobilized into the site.” Clarify this discrepancy and confirm if it is Atlantic’s intention to use the Alberta Yard in support of activities associated with the D&R Plan. If Atlantic intends to use this yard provide aerial photo-base alignment sheet(s) (scale not smaller than 1:6,000) of the yard and including:

- a. environmental features including wetlands and waterbodies; and
- b. property boundaries and tract numbers for the various parcels crossed. Provide a separate reference table listing the landowner of each property tract. This table should be filed as “Privileged.”

Aerial photos should be less than 1 year old. If older aerial photography is used, verify that it accurately depicts current land use and development.

43. Table 7.5 of the D&R Plan indicates that the Green Waste Recycling Yard (spread 11) is a yard Atlantic proposes to use in support of restoration activities and was not previously approved by the Commission. However, in its response to question number 28, Atlantic notes that the Green Waste Recycling Yard has a Yard ID as noted in the 2017 FEIS or a subsequent variance. FERC staff does not have records showing that this yard was previously approved. Clarify this discrepancy and confirm if it is Atlantic’s intention to use the Green Waste Recycling Yard in support of activities associated with the D&R Plan. If Atlantic intends to use this yard provide aerial photo-base alignment sheet(s) (scale not smaller than 1:6,000) of the yard and including:

- a. environmental features including wetlands and waterbodies; and
- b. property boundaries and tract numbers for the various parcels crossed. Provide a separate reference table listing the landowner of each property tract. This table should be filed as “Privileged.”

Aerial photos should be less than 1 year old. If you use older aerial photography, verify that it accurately depicts current land use and development.

44. Modify the table DR01_Q11_Attachment 1_Table of Trees to Fell.pdf by identifying the habitat and dominant species where trees are proposed for removal.
45. Indicate the following regarding table DR01_Q11_Attachment1_Table of Trees to Fell.pdf.
- a. Identify the status of the feasibility of alternatives to cutting down trees; and
 - b. Identify the closest distance each area is to wetlands and waterbodies.

46. Atlantic states, in response to question 43, that it “*will commit to planting of trees identified in the mitigation (e.g. red-cockaded woodpecker) and/or site-specific cultural treatment plan*” and that these plantings are identified in Appendix G. However, no plantings are identified in any columns of Appendix G. Provide the location, species, and size of plantings proposed.
47. The biological and physical benefits described in question number 46 reference specific habitats that occur on National Forest System lands as described in the *U.S. Forest Service Site Assessment and Recovery Recommendations for the Atlantic Coast Pipeline*. Justify how these conclusions can be applied to other habitats that might not be the same that would be impacted by restoration of the project workspaces. Provide references for your analysis.
48. In response to question number 27, Atlantic states that removal of felled trees would not be restricted to time-of-year-restrictions from table 7.2. However, both Indiana bat and Northern long-eared bat could roost in these logs in suitable habitat. Identify the feasibility of limiting clearing of felled trees to the same location and restriction dates for these species as stated in table 7.2.
49. Regarding Atlantic’s response to question number 48, confirm that the U.S. Fish and Wildlife Service recommended window of November 15-April 1 is required for in-water work and grubbing within 50 feet of Rocky Swamp.
50. Provide an update on the meeting Atlantic committed to scheduling between West Virginia Department of Natural Resources and the U.S. Fish and Wildlife Service (question number 48.17) to discuss tree felling activities on the Seneca State Forest and to confirm if long-term small-whorled pogonia monitoring will occur in the tree felling areas.
51. Atlantic’s reply to question number 49(a) states that “Industry standard construction methods were implemented to mitigate against subsidence and buoyance problems. [Atlantic] is committed to evaluating and repairing any instance of these in the future, should it arise.” Provide a detailed discussion of the industry standard construction methods that Atlantic would implement to mitigate against subsidence and buoyancy of the abandoned pipeline.

Document Content(s)

CP15-554-009_ACP Disp Plan EIR2.PDF.....1