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FERC hears from Nature Conservancy, homeowners

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WASHINGTON, D.C. — In a faceto face meeting, the chair of the Federal Energy Regulatory Commission heard concerns from The Nature Conservancy about the proposed Atlantic Coast Pipeline and similar proposals, and called for a different approach to the current environmental impact study.

Chair Norman Bay and staff met on May 12 with Judy Dunscomb, senior conservation scientist of The Nature Conservancy in Charlottesville; Kathryn Parker and Peggy Quarles, members of the Hatchery Run Homeowners Association on Cheat Mountain in West Virginia, which is crossed by one of the route variations proposed by Dominion; and Ann F. Miles, director of the Office of Energy.

Dunscomb, Parker and Quarles expressed the concern that multiple pipelines are proposed over the central Alleghenies. They called for FERC to evaluate all four in a fair and consistent way from a regional perspective and to perform a detailed and unbiased economic and market analysis of need.

They asked FERC to consider undertaking a “programmatic EIS,” or PEIS, and asked at what point the agency would consider and conduct one, who would be involved in the decision, and what the process would look like to the public.

Following the meeting, Dunscomb said she, Parker and Quarles leaned that FERC has not previously done a PEIS, and that staff agreed to look at information they might send FERC about PEISs for multiple energy projects within a region.

According to a meeting transcript, Dunscomb, Parker and Quarles spoke about the impacts of the ACP on the high Alleghenies. The George Washington and Monongahela National Forests have

vulnerable red spruce ecosystems. The terrain, water quality and availability, and scenic and recreational resources are all susceptible to construction risks, they noted.

The trio reviewed the four pipeline proposals in the Alleghenies, including the ACP.

The proposed ACP would involve building 554 miles of up to 42-inch diameter pipeline in West Virginia, Virginia, and North Carolina. Atlantic Coast Pipeline LLC has indicated its desire to begin construction in fall 2016, and have the line in service by fall 2018. The ACP would cross Highland County on a yet-undecided route. In addition to the ACP, they pointed out three other pipeline projects proposed in the region:

- Mountain Valley Pipeline LLC has pre-filed with FERC for certification to build a 294-mile, 42-inch diameter pipeline in West Virginia and Virginia from the Marcellus and Utica production areas to a Transco compressor station in Chatham. It would serve markets in the Mid-Atlantic, Southeast and Appalachian regions. The company hopes to begin construction in January 2017.
- Columbia Gas Transmission LLC has pre-filed with FERC for certification to build the WB XPress Project — 30 miles of variable diameter pipeline, modifications to seven existing compressor stations, two new compressor stations, and uprate the pressure on segments of its system in West Virginia and Virginia. According to the company, the project would provide an additional 1.3 billion cubic feet per day of capacity for markets in western West Virginia and northern Virginia. Columbia asked FERC to review the project in hopes of starting construction in early 2017.
- Williams announced it is in the planning stages for the Appalachian Connector project (formerly called the Western Marcellus project). Williams is identifying a route that would extend from the Rockies Express pipeline near Clarington, Ohio, and Williams Oak Grove processing plant in Marshall County, W.Va., to Transco's compressor station in Chatham. This project would expand the Transco pipeline, moving up to 2 billion cubic feet of natural gas per day by late 2018.

Each of the four projects is designed to transport shale gas to the eastern and southeastern U.S., and each must in some manner cross the rugged and ecologically sensitive terrain of the Appalachian Mountains.

In light of the similarities in purpose, the environmental concerns, and timelines for these projects, and to meet the requirement that FERC consider cumulative impacts, The Nature Conservancy strongly urged FERC to consider the ACP, Mountain Valley Pipeline, WB XPress, and Appalachian Connector under a PEIS, Dunscomb said.

Such a study would consider the purpose and need of each project, the cumulative impacts on the Central Appalachian Region, and the optimal alignment of pipelines to deliver gas.

“Our request is consistent with the Council on Environmental Quality Guidance on Effective use of Programmatic NEPA Reviews, issued on December 18, 2014, which states that a

programmatic NEPA review may be appropriate when an agency is approving multiple actions, for example ‘several similar actions or projects in a region.’ A Programmatic and tiered NEPA review is clearly the most efficient means by which to conduct cumulative assessments of impacts from the suite of recently proposed projects and from additional pipelines that are a reasonably foreseeable result of the presence of a large reservoir of natural gas in the Marcellus and Utica formations and limited supply in the southeastern U.S.,” the trio explained.

Further, they pointed out, analyzing the projects together would also streamline evaluations for national forests. They suggested the programmatic approach should include input from the USDA Forest Service and U.S. Fish and Wildlife Service. And, they noted, it could be modeled on similar efforts, such as the PEIS for Solar Energy Development in Six Southwestern States.

In a blanket response to calls for a PEIS, Dominion said the ACP and other natural gas pipeline projects are not “connected actions” within the meaning of NEPA.

“The ACP is in no way connected with, or dependent upon, any other pipeline transportation project except the SHP, which is being considered in the same EIS,” Dominion said. “If approved, ACP and SHP can go forward regardless of whether any other pipeline project is authorized by the commission. Minimal cumulative effects are anticipated when the impacts of the ACP and SHP are added to the identified ongoing projects in the immediate area. Instead of reviewing non-connected projects in a programmatic analysis, each proposed project must be considered on its own merits, based on the facts and circumstances specific to each proposal.”