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Groups demand FERC actions on pipeline

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BY JOHN BRUCE • STAFF WRITER

MONTEREY — The state agency that regulates environmental concerns and several natural resource advocacy groups have called for the Federal Energy Regulatory Commission to take specific steps to protect waters and forests if the proposed Atlantic Coast Pipeline is approved.

The Virginia Department of Conservation and Recreation identified the Laurel Fork River in Highland as potentially impacted by the pipeline in a filing to FERC.

The division of planning and recreational resources cited the river in western Highland, among eight rivers statewide, that are designated or potential scenic rivers that may be threatened by the ACP.

Department of Conservation and Recreation

Among key local DCR Division of Natural Heritage findings:

- The Back Creek Conservation Site, Lantz Mountain Conservation Site, Laurel Fork Tributary Conservation Site, and the Laurel Fork Conservation Site in Hightown are general biodiversity sites that should be avoided.
- The Sounding Knob Conservation Site near Monterey ranks very high in terms of biodiversity significance, and DCR recommends avoiding it.
- The Crab Run Stream Conservation Unit southeast of Monterey ranks as having general biodiversity significance, and DCR recommends adhering strictly to sediment and erosion control, and storm water management regulations.
- The Shenandoah Mountain Trail Conservation Site in eastern Highland ranks as having moderate biodiversity significance and should be avoided.

- If karst features are encountered, DCR wants to know, and recommends following the Virginia Cave Board’s Karst Assessment Guidelines.
- The Bullpasture River Stream Conservation Unit in eastern Highland represents very high biodiversity significance and should be avoided.
- DCR recommends surveys for rare bats along forested sections of the study corridor and, if found, to coordinate with the forest service and Department of Game and Inland Fisheries.
- The MNF 5 alternative route is particularly disruptive to karst in Mustoe, adding nearly 100 sinkholes and 25 cave entrances when compared to the other route, including two cave conservation sites, Secret Anthodite and Dixon Hill.

It is critical that karst resources be recognized, the filing says. “For some features, this will mean avoidance, while for others, appropriate engineering solutions.”

Of particular relevance are:

- Directional drilling for stream crossings in karst areas, where loss of drilling fluid into voids can damage habitat and contaminate ground and surface water. This happened during the Duke Energy Patriot Pipeline crossing of the New River near Fosters Falls in Wythe County. For these reasons, direction drilling in karst is not recommended.
- The potential for subsidence along the pipeline, which could affect the structural integrity of the pipeline and induce leakage. Subsidence prone areas should be avoided if possible, and/or the structural integrity of the pipeline must be documented as sufficient to bridge any voids that may form.
- The potential for dissolution of methane into groundwater along the pipeline corridor — The extent to which this occurs is unknown, but the project’s proponents should evaluate the potential for this to occur, particularly in areas where the pipeline will pass below the water table.
- The impact to undocumented karst features encountered during survey and construction — The project’s proponents should document and investigate any features of potential significance discovered during the course of the project, and the results of any such investigation should be shared with DCR.
- The discharge of slug test water to sinkholes or the karst land surface — Discharge of slug test water to the land surface, including but not limited to sinkholes, has in the past (for example, during the Duke Energy Patriot pipeline) induced sinkholes adjacent to pipeline rights of way, causing safety hazards and introducing sediment and chemicals in the slug test water into the local ground water. Slug test water should not be discharged to sinkholes or to the land surface in karst areas.

- Spills of fuel and other chemicals during project construction and maintenance activities — If such spills drain to sinkholes, caves, or sinking streams, they have the potential to contaminate groundwater and adversely impact subterranean habitat as well as drinking water supplies.

The filing says that Dominion “should include karst specific provisions in the spill prevention plan that provide the same level of protection to karst features as that afforded to surface waters.”

DCR said the study corridor alignments “will cause significant forest habitat fragmentation.” DCR explained that fragmentation happens when a large, connected ecosystem is transformed into one or smaller patches surrounded by disturbed areas resulting from developing the most accessible and/or more productive sites to non-forest. Fragmentation alters solar radiation, nutrient, wind and water, with effects on species and natural communities, DCR said. Habitat fragmentation disrupts species and ecosystems, reducing biodiversity and habitat quality.

“Minimizing forest fragmentation is a key mitigation for any landscape alteration, in order to preserve the natural patterns and connectivity of habitats that are key components of biodiversity,” the filing said.

Sierra Club

The Virginia Chapter of the Sierra Club asked, at a minimum, for FERC to require Dominion-ACP to provide:

- Geotechnical feasibility and risk studies for possible routes, including all water crossing locations;
- Slope and geologic stability analysis;
- Identification of all water wells and springs within 150 feet of the proposed pipeline and contractor yards;
- Surveys for all proposed contractor yards concerning water wells, water bodies, and wetlands;
- Site-specific plans for the permanent access road crossings of wetlands and water bodies, including site-specific justification for the use of permanent fill;
- Water body-specific description of impacts cause by workspaces and proposed impact avoidance, minimization, and mitigation measures; description of proposed access roads leading to compressor stations, including maps, of impacts on vegetation, and of any proposed mitigation;
- Upland forest mitigation plan;
- Site-specific blasting plans that include protocols for in-water blasting and the protection of aquatic resources and habitats; information regarding water withdrawals for hydrostatic testing, including timing restrictions; mitigation plans for rare, endangered and threatened species;

- Bald and golden eagle mitigation plans;
- Impact avoidance or impact minimization or mitigation measures for bat species; survey results for federal and state-listed species and mitigation measures;
- Classification of unsurveyed residential structures;
- Impact avoidance or effective impact minimization or mitigation measures for specialty crops;
- Construction emissions plan, including mitigation measures;
- Noise mitigation measures; and
- Information regarding the pipeline interconnection/distribution plans.

Southern Environmental Law Center

In its 113-page filing, the Southern Environmental Law Center proposes that FERC develop “a single, regionally-focused EIS — a programmatic EIS — that addresses the impacts of the Atlantic Coast Pipeline, as well as the Mountain Valley Pipeline, the Appalachian Connector Pipeline, and the WB Express Project, and is a comprehensive examination of the impacts of pipeline development in the Blue Ridge and Appalachian Mountain region of Virginia and West Virginia.”

The SELC filing contends that FERC “cannot ignore the related character and cumulative impacts of the projects now under its consideration. These projects would cross the same geographic region at the same time to achieve similar objectives, and FERC must evaluate their impacts in a single, comprehensive, regional EIS.”

Nature Conservancy

Similarly, the Nature Conservancy asks that FERC take a regional approach to the EIS. “Each of these four projects is designed to transport shale gas from the Utica and Marcellus plays to customers in 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, nature of environmental concerns, and time line among these projects, and in order to meet the requirement that FERC consider cumulative impacts, The Nature Conservancy strongly urges FERC to consider the ACP, the Mountain Valley Pipeline, the WB XPress Project, and the Appalachian Connector under a Programmatic Environmental Impact Statement (PEIS) that would simultaneously consider the purpose and need of each project, the cumulative impacts of these projects on the Central Appalachian Region, and the optimal combination and alignment of pipelines to deliver gas from the Marcellus and Utica shale gas plays to eastern and southeastern markets” the Nature Conservancy filing states.

Allegheny Defense Project

The Allegheny Defense Project stresses FERC must take a “a hard look” at the Dominion-ACP proposals. “The direct and indirect effects of the projects will be substantial and long-term, impacting numerous water bodies and wetlands. For example, there will undoubtedly be hundreds of water body and wetland crossings, many of which will be located in steep mountainous terrain, thereby greatly increasing the potential for erosion and sedimentation. Increased erosion and sedimentation is a primary concern in maintaining healthy populations of sensitive, threatened and endangered species, including freshwater mussels.

“While FERC has developed baseline mitigation measures that are intended to, among other things, reduce impacts to water bodies and wetlands, a recent settlement between Tennessee Gas Pipeline Company and the Pennsylvania Department of Environmental Protection demonstrates either that these mitigation measures are insufficient to protect streams and wetlands or that FERC does not adequately enforce them,” the ADP filing says.