



West  
Virginia  
Highlands  
Conservancy

<http://www.wvhighlands.org/>

*Via email and regular U.S. Mail to:*

H. Thomas Speaks, Jr., Supervisor  
George Washington and Jefferson National Forests  
5162 Valleypointe Parkway  
Roanoke, VA 24019-3050  
[tspeaks@fs.fed.us](mailto:tspeaks@fs.fed.us)

Re: Comments on Atlantic Coast Pipeline Application for Special Use Authorization

Dear Mr. Speaks:

We are writing to urge you to deny a proposal from Dominion Transmission and its partners to survey for the Atlantic Coast Pipeline in the George Washington National Forest. The purposes of the Conservancy are to promote, encourage, and work for the conservation—including both preservation and wise use—and appreciation of the natural resources of West Virginia and the Nation, and especially of the Highlands Region of West Virginia, for the cultural, social, educational, physical, health, spiritual, and economic benefit of present and future generations of West Virginians and Americans.

We have grave concerns that the proposed route for the pipeline will cause serious permanent damage to the George Washington National Forest. The mature, undeveloped forests in the area of the proposed pipeline make it fundamentally incompatible with a major infrastructure development project. Furthermore, we believe that the pipeline project fails to meet the screening criteria set forth in the Forest Service's special use regulations, 36 C.F.R. § 251.54(e)(1) and (5).

The survey proposed by Dominion is the critical first step towards the construction of this proposed project through the George Washington National Forest. In light of its numerous public statements, it is highly likely that Dominion will proceed with an application to build the pipeline across the forest after it completes the survey of the potential route, and the Forest Service should consider the impacts of the entire project at this initial stage. We ask that you reject Dominion's proposal before the company makes further investment in a route across the George Washington National Forest.

First, we have read the letter of Laurel Mountain Preservation Association submitted December 31, 2014 describing the numerous deficiencies and concur with the letter in its entirety along with its conclusion that Dominion Transmission, Inc., should resubmit the application, if the application is not denied as we

are requesting, because the information provided in the application is deficient with respect to the amount of land disturbance that will occur during the survey, the lack of data presentation that can be obtained from existing publications that would serve as a guide for the proposed surveys, the lack of environmental considerations presented in the “Environmental Survey” description, and the lack of a list of credentials and experience of personnel who will conduct the survey. If the field personnel are not adequately qualified or informed prior to the field study, additional field studies will be required, with the result of additional potential disturbance and damage to the GWNF and its wildlife and vegetation.

Further, in anticipation of the comment period on Dominion’s application, we have been working to assemble a complete list of the harm that we would expect to occur on the George Washington National Forest as a result of the proposed pipeline. Therefore, we want to bring the following critical areas of concern to your attention for consideration in your evaluation of Dominion’s request for a temporary special use permit to survey the forest. NEPA requires a comprehensive analysis of these impacts and others that will be identified during the scoping process.

The proposed pipeline would require a 200-foot cleared construction right-of-way, a 75-foot cleared permanent right-of-way, and access roads to build and maintain it. We are also concerned that the proposed pipeline could require a compressor station or other supporting infrastructure in this region in the future. Construction and the permanent right-of-way would degrade the exceptional scenic value of the region, offer a direct avenue into this remarkable forest for invasive species and diseases, pass through portions of the forest that are occupied by sensitive species, and impede essential natural processes, such as migration for amphibians and other small wildlife species.

The steep, rugged topography throughout this region of the George Washington National Forest makes it likely that erosion during construction of the proposed pipeline could not be adequately contained. Excessive sediment loads could threaten the integrity of headwater streams that supply much of the water used by the local communities surrounding the forest. Sedimentation could also threaten the health of native brook trout streams and other exceptional trout waters. Furthermore, we are concerned that the presence of widespread karst terrain in surrounding counties further increases the likelihood of water contamination or altered water flows from this proposed project.

In its presentations to local county supervisors and others in the George Washington National Forest region, Dominion has touted the pipeline as an opportunity for new industrial development. However, these communities have expressed a strong preference for development that preserves the natural beauty and environment of this area, in part, because it sustains a locally resilient economy based on agriculture, forestry, tourism, recreation, and business. An undeveloped George Washington National Forest helps support this economy with clean water, timber, scenic beauty, and recreation opportunities.

The pipeline fails to meet the screening criteria in 36 C.F.R. § 251.54(e)(1) and (5).

The pipeline is not consistent with standards and guidelines in the applicable forest land and resource management plan prepared under the National Forest Management Act and 36 CFR part 219. Under 36 § 251.54(e)(1)(i), the proposed use must be “consistent with the laws, regulations, orders, and policies establishing or governing National Forest system land,” and “with other applicable Federal law.”

Additionally we have concerns regarding “Globally Important Bird Areas in West Virginia and Virginia”

The American Bird Conservancy's Important Bird Areas Program was launched in 1995 and has concentrated on identifying and documenting the most critical sites throughout all 50 states - those of significance on a global level. Many kinds of sites are represented: National Wildlife Refuges, National Parks and Forests, state lands, conservation organization lands, and some private lands. Some of these sites are important because they are links along a migratory pathway. Other sites are important quite independent of any other site, and a few support species found nowhere else on earth.

Using objective scientific information and relying on the recommendations of experts throughout the U.S., ABC has developed a list and set of descriptions of 500 of these internationally significant sites. For a site to be included, it must, during at least some part of the year, contain critical habitat that supports (1) a significant population of an endangered or threatened species (2) a significant population of a U.S. Watch List species (3) a significant population of a species with a limited range or (4) a significantly large concentration of breeding, migrating or wintering birds, including waterfowl, seabirds, wading birds, raptors or landbirds.

The goal of the IBA program is not just to recognize the sites as important, but to mobilize the resources needed to protect them. The IBA designation is an important first step in raising awareness among the public, and among land managers, to the importance of each site and its value to bird conservation. Despite the fact that most IBAs have at least some protected status, an initial analysis of threats to IBAs found that many face a barrage of serious problems. Among the most critical are introduced species, soil erosion, suburban sprawl, over-use for recreation, lack of funding for management and infrastructure, groundwater insufficiency, water diversion, water drainage, excessive disturbance, overgrazing, pollution, pesticides, and fire.

The George Washington and Jefferson National Forest were listed as IBAs among the listed internationally significant sites and deserve the recommended protections.

<http://www.abcbirds.org/abcprograms/domestic/iba/ibalist.html> By providing adequate protection to migratory and forest interior species and the sites and habitats upon which they depend, we can help to avoid the possibility that they will eventually have to be listed as Endangered.

The Nature Conservancy has identified a series of natural “strongholds” across the Southeastern United States which are predicted to withstand the growing impacts of climate change and help ensure nature’s survival.

The study states that as droughts, rising temperatures and other climate impacts threaten to destabilize natural areas across the United States and around the world that scientists believe these strongholds will be resilient enough to continue providing habitat to a wide variety of plants and animals while also serving as sources of clean drinking water, fertile soils and other important services people rely upon for survival.

The route of the proposed project, both within the George Washington National Forest and without, also lies within the landscapes predicted to be most resilient to climate impacts. [www.nature.org/.../map-of-climate-resilient-landscapes.pdf](http://www.nature.org/.../map-of-climate-resilient-landscapes.pdf) The authors of the study warned that these natural strongholds must be protected from damaging development, pollution and other negative actions, or they could lose their ability to shield nature from climate impacts.

The pipeline would not be consistent with the management standards and guidelines or the uses of the forest set forth in the forest plan.

The National Forest Management Act requires that all permits and contracts for the use and occupancy of national forest lands be consistent with the land management plan. Consistent with this mandate, at the initial step of the screening process under 36 C.F.R. § 251.54(e)(1)(ii), the “proposed use must be consistent . . . with standards and guidelines in the applicable forest land and resources management plan.” Moreover, at the second step of the screening process under § 251.54(e)(5), the Forest Service must reject any proposal if the “proposed use would be inconsistent or incompatible with the purposes for which the lands are managed, or with other uses.” The proposed route of the pipeline could not satisfy either of these criteria.

The agency manages the forest to provide mature forest habitat with freedom from disturbance for species like black bear, pileated woodpecker, and bobcat. Public motorized use is restricted, timber management must be carefully planned and scheduled to minimize disturbance, and road density is limited. Notably, only scattered small forest openings are present. Hunting, fishing, wildlife viewing, mountain biking, and hiking are common activities. A cleared right-of way for the pipeline would fragment contiguous habitat, disrupt the intact visual appearance of the forest, and likely require regular entry by motorized vehicles to inspect and maintain the pipeline. Thus, it would be incompatible with the management standards and guidelines. It would also be inconsistent with the use of this area of the forest for wildlife and non-motorized recreation. Management emphasizes an intact, late-successional forest free from permanent, long term fragmentation that offers abundant opportunities for low-impact recreation.

Dominion cannot demonstrate that the pipeline could not reasonably be accommodated on lands outside of the George Washington National Forest.

Under FSM 2703.2, the Forest Service can authorize use of the George Washington National Forest “only if . . . the proposed use cannot reasonably be accommodated on non-National Forest System lands.” These instructions further specify that the agency should not authorize the use of the George Washington National Forest “solely because it affords the applicant a lower cost or less restrictive location” when compared to private lands. Similar requirements are contained in the 1993 forest plan and the 2011 draft revised forest plan. The 1993 forest plan specifies that special use permits, including special use permits for utility corridors, are granted only “when the use cannot be reasonably accommodated on lands other than National Forest lands.” And the 2011 draft revised forest plan limits new special use authorizations “to needs that cannot be reasonably met on non-[National Forest System] lands.”

Here, Dominion has proposed a pipeline from Harrison County, West Virginia, to Robeson County, North Carolina. The company cannot reasonably claim that the route must go through the George Washington National Forest in order to deliver gas from West Virginia to the end users two states away in North Carolina. In fact, we are aware that proponents of other new pipeline projects that propose to move gas in the same general direction from West Virginia to the Southeast are pursuing routes that do not cross the George Washington National Forest. We believe that Dominion prefers a route through the George Washington National Forest and the neighboring Monongahela National Forest because it offers a lower cost and the convenience of dealing with a single large landowner, but that cannot justify the use of some of the region’s best remaining forest habitat on these public lands.

In conclusion, we believe that this route would cause permanent damage to the George Washington National Forest, and we urge the Forest Service to deny the survey permit before the company makes further investment in this route. If the pipeline is built, the national forest and the surrounding

communities will bear the full brunt of environmental costs—damage to remote, intact forests, the harm to hunting, fishing, and outdoor recreation, and the disruption of the rural character of West Virginia and Virginia while sharing in few, if any, of the purported benefits. We encourage Dominion to fully explore and develop alternatives to the proposed project.

We also want to bring to your attention the widespread concern about and opposition to the proposed route in the George Washington National Forest region. In early September, groups formed a regional coalition to express grave concerns about the pipeline's impacts on the national forest, regional water supplies, and rural character and economies of the Allegheny-Blue Ridge Region. This coalition—now with twenty-five member organizations—is called the Allegheny-Blue Ridge Alliance; more information about the Alliance can be found on its website: <http://www.abralliance.org>. Furthermore, community members in West Virginia and Virginia have sent numerous comment letters with concerns about the pipeline to FERC, governors, and other decision makers, and the project is the regular subject of reporting and letters to the editor in local papers. We will be glad to provide you with a compendium of these materials to illustrate the scope of the concerns about the proposed route.

We strongly urge the Forest Service to deny the proposal from Dominion to survey for the Atlantic Coast Pipeline across these important public lands. Should the Forest Service continue to process this proposal, we ask that the agency keep us informed so that we may comment further.

Sincerely,

Cynthia D. Ellis  
President, West Virginia Highlands Conservancy

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