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January 22, 2015

H. Thomas Speaks, Jr., Supervisor
George Washington and Jefferson National Forests
ATTN: Atlantic Coast Pipeline Survey Comments
5162 Valleypointe Parkway
Roanoke, VA 24019

comments-southern-georgewashington-jefferson@fs.fed.us

Dear Supervisor Speaks,

Please accept and consider the following comments on the September 29, 2014 special use application by Atlantic Coast Pipeline LLC (ACPLLC) to conduct field routing, environmental, cultural resource and civil surveys across the George Washington National Forest (GWNF), on behalf of Ernie Reed, Wild Virginia and Heartwood. We also incorporate by reference the comments submitted by Southern Environmental Law Center, the Virginia Chapter of the Sierra Club and Appalachian Mountain Advocates.

Wild Virginia is a not-for-profit membership organization devoted to preserving and protecting Virginia's forests, wild lands, unique habitats and endangered species. Wild Virginia has over 500 members and supporters. Wild Virginia educates their 500 members and supporters about these issues through newsletters, our website, hikes and outings and comments to the press.

Heartwood is a cooperative network of grassroots groups, individuals, and businesses working to protect and sustain healthy forests and vital human communities in the nation's heartland and in the central and southern Appalachians. Heartwood has over 1000 members and 100 member groups, including Wild Virginia and Virginia Forest Watch.

I. We submit that the agency should **reject** the request for the issuance of a temporary special-use permit because the Application For

Transportation And Utility Systems And Facilities On Federal Lands, Form 299, dated September 26, 2014 is incomplete and inaccurate.

- A. Sec. 13A. ACPLLC has failed to describe reasonable alternative routes for survey. In ACPLLC's Resource Report 10 Alternatives, Docket No. PF15-6-000 and Docket No. PF15-5-000, Sec. 10.5, it states that *during the initial planning stages for the ACP, Atlantic identified and evaluated two conceptual route alternatives, an eastern route alternative and a western route alternative... both routes originate south of Clarksburg in West Virginia and terminate near Lumberton in North Carolina, with laterals extending to Hampton Roads in Virginia and Clayton in North Carolina (10.5.1.1, pg. 10-10). In addition, there is a third route that Atlantic considered heading east and north of its baseline crossing of the Monongahela National Forest in an effort to avoid sensitive resources within the forest. A potential routing opportunity considered was an alternative route parallel and adjacent to the existing Columbia system (10.5.1.2, pg 10-13).* All of these three routes which received prior consideration by ACPLLC were arbitrarily and capriciously omitted from the application, misrepresenting both the agency and the public.
- B. Sec. 13B. Given this information ACPLLC's statement that this section is not applicable is likewise arbitrary, capricious and false.
- C. Sec. 13C. ACPLLC fails to give any information (besides the ambiguous and vague phrase *general trajectory*) as to why it is unfeasible to consider a route that does not cross the GWNF. The fact that ACPLLC has arbitrarily and capriciously failed to consider an alternative in this application that does not cross the GWNF does not release them from the responsibility of considering such an alternative and responding in sufficient detail to SEC 13C so that the agency and the public will have sufficient information to respond intelligently and critically to this application.
- D. Sec. 14. ACPLLC arbitrarily and capriciously has omitted critical information regarding authorizations and applications filed for similar projects including the Mountain Valley Pipeline Project and the Western Marcellus Pipeline Project which were both noted in Resource Report 10 (*ibid.*, 10.4.2.2 and 10.4.2.2, pg. 10-8, 10-9)
- E. Sec. 15. ACPLLC has failed to provide required information on the purpose, need, and cost of surveying alternatives not provided previously as previously noted. It is insufficient to defer this information to a later application (that may or may not

actually come to pass) in order for both the agency and the public to assess the purpose, need or cost of the proposed survey.

- F. Sec.16. We submit that the interest that the public has given this proposed temporary special use permit are sufficient to demonstrate that ACPLLC has knowledge of how the survey will affect the population, economics and rural lifestyle of the public. Because the survey leads to a series of events in the reasonably foreseeable future that would include the construction, maintenance and operation of the ACP, ACPLLC should be required to consider and project these effects in their application (see NEPA comments below).
- G. Form 299 states: *EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.* We submit because all required information as noted above is not provided, that the application be rejected.
- H. The application states that "approximately 12.6 miles of the planned pipeline route crosses federal lands (lies) within the George Washington National Forest (GWNF) in Highland and Augusta Counties, Virginia." The study corridor is described as being 2000 feet in width. Methodologies including corridor widths are provided for field work, including field routing, environmental, cultural resources, and civil surveys. The methodologies described in the application are inconsistent with respect to the width of the disturbed area. For example, the first paragraph pertaining to the Civil Survey describes that crews will "collect data points along a 200-foot-wide survey corridor centered on the centerline." However, it is also stated that "Flagging may be placed near any identified property corners within 200 feet of the centerline", indicating a 400-foot-wide survey corridor. The Cultural Resources Survey is described as including shovel testing within a 300-foot-wide survey corridor. The Environmental Survey is described as being within the 300-foot-wide survey established by the Civil Survey crew. A 200-foot-wide corridor extending 12.6 miles consists of approximately 305 acres. A 300-foot-wide corridor extending 12.6 miles consists of approximately 458 acres. A 400-foot-wide corridor extending 12.6 miles consists of approximately 610 acres. These inconsistencies demonstrate that the need for clarity and specificity of information provided are insufficient and the application, therefore, should be rejected.

II. We further submit that the agency should **reject** the request for the issuance of a temporary special-use permit for the proposed Atlantic Coast Pipeline survey because the application is inconsistent with the 2014 George Washington Land and Resource Management Plan.

- A. The Forest Plan states that in considering oil and gas infrastructure proposals that the agency shall "Develop and use existing corridors and sites to their greatest potential in order to reduce the need for additional commitment of lands for these uses. When feasible, expansion of existing corridors and sites is preferable to designating new sites". (Section 4-24, FW-243)

Management Area 5-C, Designated Utility Corridors has the purpose to facilitate co-location of utility rights-of-way. (Sec 2-31) The Forest Plan states that "...where possible, existing corridors are expanded as needed, rather than creating additional areas. Compatible multiple uses are encouraged." (Sec 4-76)

The only survey route included in the application is one that does not utilize existing corridors. No alternative is proposed that utilizes existing corridors or any of the 7000 acres in the forest under Management Area 5-C. 36 C.F.R. § 251.54(e)(5)(i) states that "an authorized officer shall reject any proposal, including a proposal for commercial group uses, if, upon further consideration, the officer determines that...the proposed use would be inconsistent or incompatible with the purposes for which the lands are managed, or with other uses." This application should, therefore, be rejected.

- B. Most of the proposed survey corridor passes through Management Area 13-Mosaics of Habitat which, according to the Forest Plan, are areas that "generally retain a natural, forested appearance." (Sec 4-131) and include only management activities "designed to meet or exceed Scenic integrity Objectives that "mimic the natural disturbances consistent with each ecological system." (Sec 4-133) The corridor continues through Management Area 7B-Scenic Corridors which is "characterized by high quality scenery." (Sec 4-81) MA 7B is designated as "unsuitable for designation of new utility corridors, (and) utility rights-of-way." (Sec 4-84)

Clearly, a 100 foot, perpetually maintained clearcut across the forest would violate these scenic objectives. Because the route proposed is in violation of these scenic objectives, and because no alternative is proposed in areas that are consistent with the visual impacts of the proposed route, the proposed survey route is in violation of the Forest Plan. Because the application is inconsistent with the Forest Plan it is in violation of 36 C.F.R. § 251.54(E)(5)(e) and should be rejected.

III. We further submit that the agency should **reject** the request for the issuance of a temporary special-use permit for the proposed Atlantic Coast Pipeline survey until such time that the route across all public lands and all alternatives can be considered together, in a single application, for all public lands and federal agencies.

Originally the GWNF was to have been considered the lead in directing the required procedures for all public lands in the proposed route including the Monongahela NF, the Appalachian National Scenic Trail and the Blue Ridge Parkway. This proposal for a temporary special use permit across the GWNF is now decoupled from the other three in process and in time. The public needs to assess the cumulative effects across the entire expanse of public lands and can only do so if they are analyzed concurrently.

IV. We further submit that the agency should **reject** the request for the issuance of a temporary special-use permit for the proposed Atlantic Coast Pipeline survey until such time that, in order to fulfill National Environmental Policy Act (NEPA) requirements for alternative actions, that Dominion provides a series of alternative routes including

- one that minimizes the length of the path through the GWNF,
- one that does not require passage across the GWNF,
- one that minimizes the length across all public lands,
- one that uses existing energy transmission easements (for example an existing pipeline easement in the Lee District in Shenandoah County) therefore minimizing surface disruption of forest habitat, and
- one that does not require a new right of way across the Appalachian National Scenic Trail and the Blue Ridge Parkway.

V. We further submit that the agency should **reject** the request for the issuance of a temporary special-use permit for the proposed Atlantic Coast Pipeline survey until such time that the proposed survey

routes of the two other proposed pipelines across the George Washington/Jefferson National Forest—the Mountain Valley and Western Marcellus Pipelines—can be included in the analysis and considered together. The Atlantic Coast Pipeline is just one of three pipelines that are currently proposed to cross the George Washington and Jefferson National Forest, which are the same administrative unit. Therefore, all three pipelines should be considered for survey *at the same time* and the cumulative effects of each and all (in the reasonably foreseeable future) analyzed.

VI. We further submit that the agency should **reject** the request for the issuance of a temporary special-use permit for the proposed Atlantic Coast Pipeline survey until such time that ACPLLC specifies the series of events that are likely to occur in the reasonably foreseeable future including the construction, operation and maintenance of the pipeline along the proposed survey route. The information from any surveys will form the basis of all future decisions regarding whether and where to allow the pipeline. In the Dec. 11, 2014 News Release, Supervisor Speaks is quoted as saying that “The information gathered from these surveys are necessary to make future decisions on whether or not to allow the construction and operation of the proposed pipeline on the George Washington National Forest.”

Dominion’s proposed survey is not an isolated action but rather one step in a larger process that would result in construction and operation of a major gas pipeline within the survey corridor. In order for this proposal to be NEPA compliant, the agency is required to consider actions in the reasonably foreseeable future that create cumulative effects that are directly connected and consequential to the survey and, therefore, should be required to be provided by Dominion so that the public can make informed comments. This sequence of events would include, but not be limited to:

1. Completion of the survey
2. Inclusion of the survey in the Dominion Filing with FERC
3. Approval by FERC of the application for the construction of the Atlantic Coast Pipeline
4. Construction of the pipeline through 12.6 miles of the GWNF and the resulting impacts to soils, streams, wetlands, water sources, species, intact forest habitat, the proposed Shenandoah Mountain National Scenic Area, Staunton and Waynesboro drinking water watersheds and cultural resources.

5. Moving of up to 2 billion cubic feet/day of natural gas from the fracking fields of West Virginia and the environmental and socio-economic impacts that would engender in Doddridge County, WV
6. Decreasing volume of natural gas leading to increasing cost per cubic foot as the fields become depleted and less productive
7. Increasing attractiveness of fracking in the GWNF as the return on investment for energy companies increases relative to future investments in areas of depleted resources in WV, PA and OH
8. Large scale fracking in the GWNF
9. Deleterious impacts to water, soil, air and recreational values that fracking would engender in the GWNF.
10. Effects on climate as a result of carbon emissions from the combustion of up to 2 billion cubic feet of natural gas.

VII. We further submit that the agency should **reject** the request for the issuance of a temporary special-use permit for the proposed Atlantic Coast Pipeline survey until such time that ACPLLC can provide additional information, which is critical to the public being able to analyze and understand the potential impacts of the survey and its consequences.

- Hydrology: The application does not include a discussion of background data to indicate knowledge of the requirement for field observations for watershed analysis, the designation of impaired or of high quality trout streams in the corridor or in the watersheds associated with the corridor, the existence of stream monitoring data, or the existence of bioassay data conducted on streams within watersheds associated with the corridor. Additionally, there is no mention of documenting the observation of seeps or springs in the corridor or any springs serving as a residential water source. There is no mention of documenting residential wells associated with groundwater underlying the watersheds within the corridor.
- Soils: The application does not include a discussion of background data to indicate knowledge of the requirement for field observations for the geology and soils critical for field personnel as a preliminary determination of the corridor route to be surveyed in the field. The Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture provides detailed maps of the soils in Augusta County and Highland County. Soils develop differently with respect to the underlying bedrock as well as the percent slope. Soils descriptions provided by the NRCS include the suitability for specific development, including the category of suitability for forest

habitat only. Additionally, the soils descriptions include the depth to the water table, the drainage characteristics, and the depth to bedrock, which provides information concerning the need for blasting. Soils descriptions include the typical vegetation of the area.

- Caves and karst terrain: The application does not present information on background data needed to assess the potential impact of the pipeline survey or construction on caves and there is no mention of any attempt to identify caves or karst terrain within the impacted watersheds or nearby areas. The Virginia Cave Protection Act is provided in the Code of Virginia: "Title 10.1 – Conservation, Chapter 10, §10.1-1000 through §10.1-1008". Decreased groundwater recharge and increased quantities of stormwater discharge resulting from de-vegetation of areas for the proposed pipeline construction areas can change the groundwater characteristics that maintain the cave environments within karst areas. A change in groundwater characteristics affects the moisture within caves. Cave moisture must remain consistent in order to provide adequate living conditions for cave-dwelling organisms. Certain cave-dwelling organisms in caves near the GWNF have been identified as threatened or endangered. The Virginia Cave Protection Act specifies protection of the groundwater flow in caves and the protection of maintenance of cave life.

VIII. We further submit that the agency should **reject** the request for the issuance of a temporary special-use permit for the proposed Atlantic Coast Pipeline survey because it has not been determined that the project is in the public interest. 36 C.F.R. § 251.54(e)(5)(ii) specifies that "An authorized officer shall reject any proposal, including a proposal for commercial group uses, if, upon further consideration, the officer determines that...the proposed use would not be in the public interest."

The ACP would provide gas directly to the Transco Pipeline in Buckingham, VA at which point the gas would be routed to the Dominion natural gas export terminal in Cove Point, MD. This gas, which would not benefit the public of Virginia or the US in any way, is purely a market and economic benefit to Dominion Resources. It actually will have a negative public benefit based on the higher gas prices prevalent in overseas markets as compared to domestic markets. Therefore, this application should be rejected.

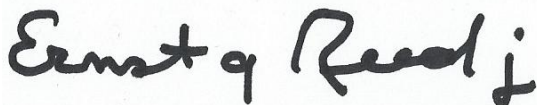
IX. If the agency should fail to deny ACCPLLC's application in this instance, then we request that a full environmental assessment (EA) of the direct and cumulative impacts in the *reasonably foreseeable future* of survey, including those related to the construction and operation of the Atlantic Coast Pipeline be included in the analysis for the issuance of the temporary special use permit.

While it is our understanding that the Forest Service intends to issue a categorical exclusion for the survey, it is noted that "an agency may decide ... to prepare environmental assessments for the reasons stated in § 1508.9 even though it is not required to do so" and that "an agency may elect to prepare an EA even when a categorical exclusion is applicable." (40 C.F.R. § 1508.4)

We submit that an EA is not only in the best interests of the public and the agency in this case but also should be required since the application is in direct violation of the 2014 Forest Plan (as previously noted in II. above). An EA is the only vehicle that can assess whether or not an application for the temporary special-use permit should, in fact, be approved given these circumstances. Because it is within the purview of the agency to require an EA in this case and because it is clearly warranted, we ask that it be done.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Ernie Reed". The signature is written in a cursive, slightly slanted style.

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