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February 13, 2015

Clyde N. Thompson, Forest Supervisor
USDA Forest Service
Monongahela National Forest
ATTN: Atlantic Coast Pipeline Survey Comments
200 Sycamore St.
Elkins, WV 26241

Comments-eastern-monongehela-greenbrier@fs.fed.us

RE: Comments on Special Use Application submitted by Atlantic Coast Pipeline, LLC

Dear Mr. Thompson:

Please accept these comments in response to your request for comments on the September 30, 2014 special use application from Atlantic Coast Pipeline, LLC ("Dominion"), which requested permission to conduct a survey along a single, 17.1 mile proposed natural gas pipeline corridor within the Monongahela National Forest (MNF) 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

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southern Appalachians. Heartwood has over 1000 members and 100 member groups, including Friends of Blackwater, West Virginia Highlands Conservancy, 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 29, 2014 is incomplete and inaccurate.

- A. Sec. 13A. Dominion has failed to describe reasonable alternative routes for survey. In Dominion'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 Dominion were arbitrarily and capriciously omitted from the application, misrepresenting both the agency and the public.
- B. Sec. 13B. Given this information Dominion's statement that this section is not applicable is likewise arbitrary, capricious and false.
- C. Sec. 13C. Dominion 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 Dominion has arbitrarily and capriciously failed to consider an alternative in this application that does not cross the MNF 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. Dominion 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. Dominion 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 Dominion 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, Dominion 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.

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 2006 Monongehela National Forest Land and Resource Management Plan.

- A. The Forest Plan, Section II-52, Goal LS19 states that the forest will “work with utilities and others to minimize the use of NFS lands for utility corridors, and to share existing corridors when feasible.” Section II-52, Standard LS25 states that “proposals for utility and communication facilities outside existing sites or corridors shall be considered only after improvement or expansion of existing facilities is determined to be inadequate or impractical.” Because Forest Plan Standards such are “binding limitations placed on management actions” (Forest Plan, Section II-5), the agency is required to reject this application.
- B. According to the Forest Plan, there are roughly 80 miles of existing pipelines and utility corridors within the Forest. Dominion is obligated to analyze the suitability of those corridors

and to propose such a corridor as an alternative. Standard LS25 requires that the agency may only approve a facility outside an existing corridor “when improvement of existing facilities is inadequate or impractical.” The application should be rejected until such time that Dominion’s application considers the use of these existing utility corridors for its proposed route.

- C. The proposed route passes through areas designated as 4.1: Spruce and Spruce-Hardwood Ecosystem Management that has a management prescription emphasizes the “recovery of threatened and endangered species and other species of concern associated with spruce and spruce-hardwood communities...this prescription area provides habitat for many species, it is the primary habitat for a number of federally listed or Regional Forester’s Sensitive Species, including West Virginia northern flying squirrel, Cheat Mountain salamander, and northern goshawk. This area also provides the headwaters for many of the coldwater native trout streams on the Forest. (Forest Plan, Section III-9)....” A cleared utility corridor is clearly incompatible with enhancing and restoring the spruce component of the forest. A cleared utility corridor is incompatible with the recovery of threatened and endangered species that depend on spruce and spruce-hardwood habitat. Cleared corridors necessarily fragment forest blocks. Cleared stream crossings contribute to higher water temperatures, which threaten species such as the native brook trout known to inhabit that area.
- D. Additionally, Shavers Fork is managed in accordance with the Wild and Scenic Rivers Act to maintain its eligibility for Wild and Scenic River designation (Forest Plan, Section III-12). A pipeline crossing would in Shaver Fork would necessarily disqualify it from becoming a Wild and Scenic River. A pipeline in Shavers Fork is inconsistent with the 2006 Forest Plan and 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 Trial

and the Blue Ridge Parkway. This proposal for a temporary special use permit across the Monongehela 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 MNF,
- one that does not require passage across the MNF,
- one that minimizes the length across all public lands,
- one that uses existing energy transmission easements 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 Dominion 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.

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 17.1 miles of the MNF and the resulting impacts to soils, streams, wetlands, water sources, species, intact forest habitat, 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 MNF 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 MNF
9. Deleterious impacts to water, soil, air and recreational values that fracking would engender in the MNF.
10. Effects on climate as a result of carbon emissions from the combustion of up to 2 billion cubic feet of natural gas.

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 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, 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.

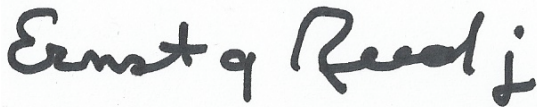
VII. If the agency should fail to deny Dominion's application in this instance, then we request that a full environmental assessment (EA) of the direct and cumulative impacts in the *reasonably foreseeable future* of survey, including those related to the construction and operation of the Atlantic Coast 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 2006 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 "Ernest Reed". The signature is written in a cursive, slightly slanted style.

Ernie Reed
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