



ABRA Update #94 – August 25, 2016

Dominion Files Draft COM Plans with FERC

A preliminary [draft Construction, Operation and Maintenance \(COM\) Plan](#) for the Atlantic Coast Pipeline (ACP) was filed with the Federal Energy Regulatory Commission (FERC) on August 24 and sent to the U.S. Forest Service (USFS). In the cover letter to the respective Forest Service Supervisors – Clyde Thompson of the Monongahela (MFN), and Joby Timm of the George Washington (GWNF) and Jefferson – it was noted that the draft plan was developed prior to FERC’s issuance of a Notice of Schedule on August 12, thus requiring refinements to be made to the plan that reflect anticipated milestone dates. The letter also notes that there have not yet been detailed discussions with Forest staff on the draft plan.

ABRA has just begun to review the nearly 400-page plan (not including attachments). Among highlights noted so far are:

- The Plan indicates that 402 acres of National Forests (MFN and GWNF) would be affected because of permanent right-of-way, temporary workspace or access roads. Interestingly, though, in a separate filing on August 23, Dominion indicated that the ACP would impact over 600 acres of Forest Service land, 50% more than is cited in the COM. Some information coordination is obviously needed!
- “The GWNF must therefore decide whether to amend its Land Resource and Management Plan, and the USFS must decide whether to authorize granting a right-of-way/use permit to construct and operate the pipeline facilities on NFS lands. This Construction, Operation, and Maintenance (COM) Plan specifies the terms under which a right-of-way across NFS lands would be granted. The COM Plan is intended to be appended to the right-of-way grant.”
- “Construction of the ACP requires the use of existing USFS roads for access to the right-of-way. Some of these roads will require improvements, ranging from light grading and graveling of existing road prisms, to widening at certain locations to accommodate pipe and log trucks. A small number of new roads will be required, principally short spurs to connect existing roads with the right-of-way. Once the pipeline is installed, these same roads will be used to access the right-of-way for operations and maintenance purposes.”
- “The ACP will mostly use existing USFS roads to access the pipeline right-of-way, with the exception of three new roads that would connect existing roads with the right-of-way. Section 2.1.1.4 provides more details about access roads proposed to construct and operate the pipeline. [Note – Atlantic is in the process of preparing a detailed Haul Plan, which may identify additional Forest Service roads that could be used. These are expected to be identified by the end of October.]”

The August 24 filing also includes a *Summary Report of Habitat Assessments and Surveys of Forest Sensitive Fishes and Freshwater Mussels in the GWNF*.

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New ACP Filing Highlights Potential Impacts in National Forests

An [August 23 filing with the Federal Energy Regulatory Commission](#) by Dominion Transmission, Inc., in response to FERC questions for further information on the Atlantic Coast Pipeline (ACP), highlights the degree of potential disruption and harm within the George Washington and Monongahela National Forests that could occur. Among the information included in the filing was:

- Land affected in the National Forest by the ACP route, associated access roads and the creation of additional temporary workspaces would be over 600 acres: 154 acres in the Monongahela; 458 acres in the George Washington.
- Trees that would be removed from the National Forest for the ACP would total 457 acres, 97% of which would be classified as “large trees,” those that are 50 feet or more in height.
- The susceptibility to landslides along the ACP route through the National Forests is 98%, 33% of the route being categorized as having a Medium to High susceptibility for landslide incidences, and 65% of the route being estimated as having a High (or greater) susceptibility.

Regarding the landslide susceptibility estimates provided by Dominion, it is worth noting what the company has previously said about the challenges of building on steep mountain slopes. In response to a 2014 consent order against the company for water pollution violations in West Virginia on another pipeline construction project, Dominion prepared a geotechnical report on the causes of the slope failures or landslides associated with the project and admitted that industry-standard Best Management Practices failed due to steep slopes and slip-prone terrain.

ACP Access Roads: An Overlooked Issue

Over the past two years of meetings, comments and deliberations on the Atlantic Coast Pipeline (ACP), the focus has been primarily on the pipeline route and its impact on the environment, National Forests, landowners and communities. Less attention has focused upon the extensive series of access roads that would be created should the ACP be approved and built. The impact of these roads would be extensive. Some examples:

- In the National Forests (George Washington and Monongahela), the length of the ACP route is currently 20.66 miles. The proposed length of access roads in the two National Forests totals 19.98 miles; nearly equal to the length of the pipeline route.
- In Bath County, VA, the current length of the ACP route is 22.66 miles. The access roads that have been proposed is 20.1 miles, thus nearly doubling the amount of land affected.
- The current total length of access roads to be constructed for the 600-mile ACP is over 266 miles, 44% of the length of the pipeline.
- The environmental impact of some of the proposed access roads is of great concern. In a portion of the GWNF, a 5-mile access road is proposed to use an existing Forest Service road, but the road follows a steep, winding route that would have to be significantly widened, straightened and improved. And, for a portion of that proposed access route, a protected area for Indiana bats would be seriously impacted.
- A proposed ACP access road in another portion of the GWNF, located in northern Bath County, would cross Laurel Run, a native brook trout stream, several times, thus significantly threatening one of the breeding habitats of Virginia’s state fish.

- Because of the steep terrains that many of the proposed access roads would traverse, it can be anticipated that the already existing threat of erosion and sediment run-off would be accentuated. This is of particular concern because it is not clear that erosion and sediment control of access roads is subject to regulation.

The carelessness that ACP personnel and contractors have repeatedly demonstrated in identifying access road routes is vividly demonstrated by an incident that occurred last month when an ACP crew trespassed onto land it thought was a public road, when in fact it was a private road, to survey for an access road. The affected landowners have vigorously protested in [a letter to the Dominion Board](#) of Directors and filed with FERC. (See related story below, “Private lane residents lash out at Dominion.”)

The growing impact of ACP access roads will be the subject of a new Story Map that is anticipated to be completed in September and posted on the Dominion Pipeline Monitoring Coalition website.

New Water Monitoring Guidance Released

The [Allegheny-Blue Ridge Alliance](#) (ABRA) released on August 22 a report for landowners and water providers concerned about the potential impacts of pipeline development on water supplies. The report, [GUIDANCE FOR MONITORING EFFECTS OF GAS PIPELINE DEVELOPMENT ON SURFACE WATER AND GROUNDWATER SUPPLIES](#), was prepared by [Downstream Strategies](#), a West Virginia-based environmental consulting firm. Funding for the report was provided by ABRA member groups and individual contributors.

Although the developers of the proposed Atlantic Coast Pipeline and Mountain Valley Pipeline indicate that they will monitor the quality and quantity of water supply springs and wells, the information they have provided about monitoring plans and acceptance of responsibility for water supply damage is incomplete.

In the News:

Local/Atlantic Coast Pipeline

Private lane residents lash out at Dominion

- The Recorder – 8/25/16

http://www.abralliance.org/wp-content/uploads/2016/08/Private_lane_residents_lash_out_at_Dominion-Recorder_8-25-16.pdf
Dominion and contractors using questionable tactics to scout out access roads for ACP

Our energy future is not like the past

- News Leader – 8/19/16

<http://www.newsleader.com/story/opinion/columnists/2016/08/19/energy-future-like-past/89003644/>
There are better ways to serve Virginia's (and America's) energy needs...the ACP serves only Dominion's need for profits

Rallies against gas pipeline plan in Deerfield, Afton

- News Leader – 8/18/16

<http://www.newsleader.com/story/news/2016/08/18/citizens-rally-against-dominion-pipeline-deerfield/88953456/>
Local participation in national protest aims to let landowners know they are not alone in their fight

Related:

- <http://www.wdbj7.com/content/news/Franklin-Co-residents-join-against-pipeline-in-multi-state-protest-390650741.html>
- http://www.dailyprogress.com/newsvirginian/hands-and-counties-unite-in-opposition/article_f848e9c2-65ab-11e6-858c-fb43d98f0b90.html

Regional/Mountain Valley Pipeline, other

Giles County community members learn how to voice concerns over proposed pipeline

- WFXR News – 8/23/16

<http://www.virginiafirst.com/news/local-news/giles-county-community-members-learn-how-to-voice-concerns-over-proposed-pipeline>

Opponents seek town-hall style input sessions on Mountain Valley Pipeline

- Roanoke Times – 8/24/16

http://www.roanoke.com/news/local/opponents-seek-town-hall-style-input-sessions-on-mountain-valley/article_94f64e4b-3c4a-5f72-8855-d48a90f8ffe2.html

New meeting format worrying to many that feel it is a “divide and conquer” strategy

Big Picture:

The Truth about Pipeline Companies and the Federal Energy Regulatory Commission: Communities, Senators and Members of Congress Speak Out

- Huffington Post – 8/17/16

http://www.huffingtonpost.com/wild-river-review/communities-in-a-showdown_b_11529594.html

Citizens and legislators note the shortcomings of pipeline projects and conflicts of interest industry and regulators

Court: Ratepayers can't be asked to finance gas pipelines

- Penn Energy – 8/18/16

<http://www.pennenergy.com/articles/pennenergy/2016/08/gas-pipeline-news-court-ratepayers-can-t-be-asked-to-finance-gas-pipelines.html>

Court rejects “pipeline tax”, increases uncertainty for pipeline developers

Related:

- <http://www.ecori.org/renewable-energy/2016/8/22/pipeline-projects-in-peril>

Eversource, National Grid withdraw petitions for capacity on Access Northeast gas pipeline

- MassLive.com – 8/23/16

http://www.masslive.com/politics/index.ssf/2016/08/eversource_withdraws_petition.html

With Pipeline Tax struck down, Access Northeast up in the air

Related:

- <http://www.ecori.org/renewable-energy/2016/8/23/motion-to-dismiss-pipeline-tax-filed-in-three-states>

- <http://www.pressherald.com/2016/08/24/spectra-vows-to-continue-pipeline-project/>

Native Nations Rally in Support of Standing Rock Sioux

- Indian Country Today – 8/23/16

<http://indiancountrytodaymedianetwork.com/2016/08/23/native-nations-rally-support-standing-rock-sioux-165554>

Native Americans continue to be sidelined by government and exploited by corporations...now fighting additional pipelines on treaty land

Related:

- <http://www.politico.com/tipsheets/morning-energy/2016/08/greens-try-to-reassemble-anti-pipe-dream-team-216067>

Activists Urge Senators to Get AIM Pipeline Project Stopped

- Ossining Patch – 8/19/16

<http://patch.com/new-york/osining/activists-urge-senators-get-aim-pipeline-project-stopped>

Revealed: Ex-FERC Commissioner's Multiple Rulings Favored Energy Companies His Wife Lobbied For

- DeSmog – 8/22/16

<http://www.desmogblog.com/2016/08/21/revealed-ex-ferc-commissioner-s-multiple-rulings-favored-energy-companies-his-wife-lobbied>

FERC "Revolving Door" does little to prevent conflicts of interest

'Legal rebel' sets her sights on pipeline projects

- E&E Publishing – 8/22/16

<http://www.eenews.net/stories/1060041896>

Just 90 companies are to blame for most climate change, this 'carbon accountant' says

- Science Magazine – 8/25/16

<http://www.sciencemag.org/news/2016/08/just-90-companies-are-blame-most-climate-change-carbon-accountant-says>

Interesting read and graphics