



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

April 7, 2017

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ER 16/0733

Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, D.C. 20426

**Re: Comments on the Federal Energy Regulatory Commission (FERC)
Draft Environmental Impact Statement (DEIS) for the Atlantic Coast Pipeline
(ACP) and Supply Header Project; FERC Dockets CP15-554 and CP15-555**

The National Park Service (NPS) has reviewed the Federal Energy Regulatory Commission's (FERC)¹ Draft Environmental Impact Statement (DEIS) for the proposed Atlantic Coast Pipeline Project (ACP) and Supply Header Project (SHP) as proposed by Atlantic Coast Pipeline, LLC (Atlantic) and Dominion Transmission, Inc. (DTI). Atlantic and DTI request authorization to construct and operate a total of 641.3 miles of natural gas transmission pipeline and associated facilities, three new natural gas-fired compressor stations, and modify four existing compressor stations. The projects would provide approximately 1.44 billion cubic feet per day of natural gas to electric generation, distribution, and end use markets in Virginia and North Carolina. The NPS previously filed scoping comments on the ACP Project in April 2015.

The NPS has worked with the applicant from the very beginning of the FERC pre-filing process to understand the project details and potential impacts to NPS units and program lands. We greatly appreciate the efforts of the applicant to respond to our requests quickly and efficiently, and their willingness to engage in discussions of potential changes in project details. We believe it has resulted in a better project, and has certainly enhanced our ability to review the proposal. The following are NPS observations on items the Final EIS could address or clarify. Overall, as

¹ The cooperating agencies for the Atlantic Coast Pipeline Project (ACP) and Supply Header Project (SHP) are the U.S.D.A. Forest Service, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service – Great Dismal Swamp National Wildlife Refuge, the West Virginia Department of Environmental Protection and the West Virginia Division of Natural Resources.

we detail below, our main focus is with the effect Forest Service Land and Resource Management Plan amendments may have long-term to the Appalachian National Scenic Trail (ANST, or Trail). We look forward to continued discussion with all stakeholders.

The NPS is not a cooperating agency to the FERC DEIS, and is completing required compliance activities separately for the proposed crossing of the Blue Ridge Parkway. The NPS anticipates all agency processes will meet the FERC schedule, and notes our completion date on the FAST-41 federal dashboard is well ahead of other federal agencies.

The NPS also requests consulting party status under the National Historic Preservation Act (NHPA), as we discuss in more detail below. The NPS offers the following comments on the DEIS.

I. The Appalachian National Scenic Trail

The Appalachian National Scenic Trail (ANST, or Trail) is a 2,190-mile continuous footpath that traverses scenic, wooded, pastoral, wild, and culturally resonant lands of the Appalachian Mountains between Katahdin in Maine and Springer Mountain in Georgia. It was conceived in 1921, built by a consortium of agencies and private citizens, and opened as a continuous trail in 1937.

Congress designated the Appalachian Trail a National Scenic Trail in 1968 as one of two initial components of the National Trails System. The NPS is charged under the National Trails System Act (16 U.S.C. 1241, 1244(a)) with administration of the ANST as a unit of the NPS. The NPS utilizes authorities applicable to both the national park system and national trails system in carrying out its administrative and management responsibilities for the Trail. In addition to recognition of the ANST as a nationally significant recreational resource, the NPS has found the Trail eligible for listing in the National Register of Historic Places (NHRP) and is in the process of evaluating the ANST for formal listing in the NRHP.

The Trail is protected along more than 99% of its course by federal or state ownership of the land or by rights-of-way. This protected corridor is managed under a Cooperative Management System as set forth in the 1981 Comprehensive Plan for the Protection, Management, Development, and Use of the Appalachian National Scenic Trail. This plan is supplemented by Appalachian Trail club local management plans and agreements between the cooperative management partners including the NPS, the U.S. Forest Service, the Appalachian Trail Conservancy (ATC), 14 states, and 31 maintaining clubs. The success of the cooperative

management system in managing and protecting the ANST relies heavily on the assistance of numerous volunteers.

Unit of the National Park Service

A description of this unique cooperative management system for the ANST is included in the introduction on page 1-9 of the DEIS. Recognizing that this partnership system is complex, we note that the statement that, “FS-acquired lands, even those acquired specifically for the protection of the ANST under the authority of the NTSA, are not considered to be a part of the ANST as a unit of the National Park system,” is not accurate. The ANST is one of three national trails administered by the NPS that are considered to be units of the National Park System. The 250,000 acres of the ANST’s protected corridor (a swath of land averaging about 1,000 feet in width around the 2,190-mile-long Trail treadway) makes it one of the largest units of the National Park System in the eastern United States. This protected corridor is the direct result of the 30-plus-year land acquisition and protection program of the NPS, USDA Forest Service (FS), Appalachian Trail Conservancy (ATC), and a number of states, supported primarily by federal Land and Water Conservation Fund (LWCF) appropriations. The NPS administers the entire ANST and as such considers the entire Trail corridor to be a part of the ANST park unit.

Proposed Crossing of the ANST

As proposed, the pipeline will cross the ANST in Augusta and Nelson County, Virginia. At this location, the Trail footpath is located on U.S. Forest Service lands and the ANST protected corridor spans both the George Washington National Forest (GWNF) and Blue Ridge Parkway. The proposed method of construction uses the horizontal directional drill (HDD) method with the entry/exit points on private land approximately 2,800 feet south of and 1,300 feet north of the ANST footpath. In the event the HDD crossing fails after a second attempt, the use of the direct pipe method is proposed as a contingency for crossing the Trail. The contingency entry/exit points are approximately 1,000 feet south of and 400 feet north of the ANST footpath. Both points are on private land, but the direct pipe exit workspace is on/near the FS boundary.

It is our understanding that these two proposed methods for crossing the ANST (HDD and direct pipe) would not require any motorized access across or on the Trail or any rerouting of hikers during construction. If this is incorrect, please clarify and consult with NPS, ATC and the Old Dominion Appalachian Trail Club to further outline a plan to address hiker safety for any proposed crossing of the ANST. Even though the proposed HDD and contingency entry/exit points are physically separated from the Trail footpath, the noise associated with either operation

could attract Trail hikers. NPS would also like to discuss measures to ensure hikers cannot access the job site, risking their, and/or worker safety.

Crossing Methods and Construction Sequence

As noted above, ACP proposes a HDD crossing well under the ANST and the Blue Ridge Parkway, with multiple attempts at constructing the pipeline via the HDD method should the first attempt fail. A direct pipe contingency plan is also proposed and evaluated as a fallback alternative should HDD construction fail. Another alternative and accompanying analysis would be needed if the HDD and contingency failed. Should this happen, the NPS supports the Forest Service position that no construction would take place on National Forest System (NFS) lands until the HDD or contingency crossing is successful. “Note that the FS would not allow any construction activities to occur on its lands until the HDD or contingency crossing of the BRP [Blue Ridge Parkway] and ANST is completed.” DEIS at ES-5. “The FS has informed us that should a SUP be issued for ACP, the authorization would include a provision that states no construction activities would be allowed to commence on NFS lands until the proposed HDD crossing or contingency crossing of the BRP and ANST is successfully completed.” DEIS at 2-47.

This course of action, should the evaluated alternatives fail, would provide for examination of a full range of alternatives to complete the crossing of the Blue Ridge Parkway and the ANST in another location than is currently proposed. If construction proceeded ahead of the HDD or contingency construction, the most likely alternative to be proposed would include open trench construction, possible blasting, and/or auger and bore construction in the current pathway. As noted above, additional NEPA analysis would be required by FERC, the cooperating agencies and the Blue Ridge Parkway. The project as currently proposed would be approved under a Categorical Exclusion on the Blue Ridge Parkway; different construction methods might necessitate preparation of an Environmental Assessment by the Parkway and the potential for delay in the project timeline.

Visual Impact Assessment

The NPS has been pleased with the efforts of the applicant to respond to our requests for analysis of visual impacts, in particular the addition of a number of Key Observations Points (KOPs), especially after the major route change and the need to evaluate impacts to additional areas. Overall, the NPS agrees with most of the conclusions in the visual impact assessment. The NPS offers the following comments on the visual impact assessment portion of the DEIS.

The DEIS states that Atlantic would avoid effects on the ANST by using the HDD method for construction (DEIS at 4-419: Linear Resources; and DEIS at 4-421: Table 4.10.1-2). While this is true to a large extent, the ACP Project could result in some long-term effects to the Trail setting due to the visibility of the cleared right-of-way on the landscape as viewed from the Trail. Based on our review of the draft EIS and revised Visual Impact Assessment (VIA), it appears that the ACP cleared right-of-way could result in visual impacts at several key vistas on the ANST. These are described in more detail below. Some standard mitigation measures are proposed in the draft EIS such as a Restoration and Rehabilitation Plan, but clearing in intact forested areas will still result in substantial visual impacts from certain vantage points. The NPS requests consideration of additional avoidance, minimization, and mitigation measures to further reduce visual impacts from the three viewpoints on the ANST discussed below to help ensure protection of this nationally significant resource for this and future generations.

The revised VIA at 111-112 states that the ACP corridor would be clearly visible from KOPs ANST 05 (Cedar Cliffs), ANST 06 (Little Ravens Roost), ANST 8a and 8b (Three Ridges Overlook). At Cedar Cliffs and Little Ravens Roost, the right-of-way would be clearly visible and project-related changes in color, line, texture, and other characteristics considered in the SMS would be apparent to the viewer, as indicated in the assessment. While these changes would not dominate the view (also indicated in the assessment), the visual impact here could be more substantial than most of the other ANST KOPs. At both Cedar Cliffs and Little Ravens Roost, but particularly at Little Ravens Roost, project-related changes could draw attention and act as a focal point in the view, along with the mountain ridge and greater valley view (the other two predominant focal points in the view).

U.S. Forest Service Land and Resource Management Plan Amendments

The DEIS is intended to fulfill the National Environmental Policy Act (NEPA) requirements for FERC and for each of the cooperating agencies, and is therefore the Forest Service's EIS for this proposed project. The NPS provides the following comments on the Forest Service's proposed Land and Resource Management Plan (Forest Plan) amendments.

The DEIS states, "the National Forest Management Act of 1976 requires that proposed projects, including third-party proposals subject to permits or rights-of-way, be consistent with the LRMPs of the administrative unit where the project would occur. Because of the continuous linear nature of the pipeline route, it was not possible to be fully consistent with the LRMPs in all locations across federal lands. The FS determined that if the Special Use Permit (SUP) would be approved for the proposed route crossing the MNF and GWNF, the LRMPs would require amendments. On the MNF, the type of amendment would be a "project-specific amendment,"

which would apply only to the construction and operation of this pipeline. On the GWNF, project-specific amendments would also be required along with a “plan level amendment,” which would change land allocations. If the FS determines to issue a SUP to Atlantic for ACP, the GWNF LRMP would be amended to reallocate land to the Management Prescription 5C– Designated Utility Corridors from several existing management prescriptions. These amendments would not change FS requirements for other projects or authorize any other actions.” DEIS at ES-5. This passage provides the framework to understanding potential impacts to the ANST.

One proposed amendment on the George Washington National Forest (GWNF) would impact the ANST.

Proposed Amendment 3 states, “the GWNF Forest Plan is amended to allow ACP to cross the ANST in Augusta County, Virginia.” DEIS at 4-360, Table 4.8.9-10. This table also lists Standard 4A-025: “Locate new public utilities and rights-of-way in areas of this Rx area where major impacts already exist. Limit linear utilities and rights-of-way to a single crossing of the Rx area per project.” As this is not a plan level amendment, the NPS interprets it as a one-time approval for the ACP to cross in this location.

The DEIS also states, “for Proposed Amendment 3, there are no direct effects evidenced by ground disturbance associated with the pipeline crossing the ANST. However, there could be indirect effects associated with the issuance of a special use permit that involves the ANST. These could include impacts from future maintenance needs. There may be additional project-specific amendments needed, depending on pending survey results and additional information requests.” DEIS at 4-361.

There are likely no direct effects as long as the HDD or contingency construction methods prove successful. The NPS requests additional information regarding the nature and scope of expected future maintenance needs in the vicinity of the ANST, as well as proposed methods to avoid or mitigate them. The NPS also requests more information on the additional project specific amendments that might be needed.

The DEIS discusses the Construction, Operation and Maintenance (COM) Plan that the Forest Service is reviewing with the possibility of additional required measures to promote conformance with the respective Forest Plans. The NPS requests the opportunity to review and comment on the Forest Service-revised COM Plan as it appears it may be a vehicle to address some the NPS concerns about the impacts of the proposed and potential Forest Plan amendments. The NPS is interested in further discussions with the applicant and the Forest

Service to explore standards or potential amendments that might reduce the likelihood of adverse impacts to the ANST.

Cumulative Impacts

The DEIS addresses cumulative impacts to the ANST as follows, “The greatest visual impact of ACP and SHP, combined with the other projects listed in table W-1 in appendix W, would be primarily from the conversion of forest land to scrub-shrub or herbaceous vegetation types. Permanent visual impacts would also be present where permanent structures (e.g., compressor stations, houses, buildings, guardrails) would remain. Whereas these permanent visual impacts may be locally noticed, generally they would not be inconsistent with the existing visual character of the area. **However, in selected areas such as views from the ANST to the pipeline right-of-way and at the ANST crossing in the GWNF, the potential for visual impact is elevated** and thus may be mitigated further by the appropriate regulatory agency.” DEIS at 4-504 (emphasis added).

The DEIS continues, “Users of the trail may be more sensitive to the impacts associated with the projects given its management as a remote area that is relatively unencumbered by manmade features. However, use of the HDD method (ACP) and bore method (MVP) would not significantly change the foreground views experienced by hikers at the ANST crossings. Following construction, views of the new pipeline corridors would be visible to hikers along the ANST at multiple locations as discussed in the Visual Impacts Analysis conducted for each project. Limiting the permanent right-of-way to 53.5 feet and adhering to the restoration and right-of-way maintenance measures outlined in Atlantic’s and DTI’s Plan, Procedures, Restoration and Rehabilitation Plan, and COM Plan on federal lands would reduce the impacts associated with the projects.” DEIS at 4-504.

The NPS agrees that the potential for cumulative visual impacts from ACP and other projects is elevated for the ANST. This is due to various factors: 1) the geographic scope of influence that could contribute to cumulative visual impacts on the Trail would be larger compared to the scope described in the DEIS given the Trail viewshed; and 2) the timeframe that could result in cumulative impacts on the ANST is longer than the 18 months used in the DEIS for ACP, given the forest clearing and ongoing maintenance required within the Trail viewshed. As such, and given the national significance of the Trail, and as a distinct unit of the National Park System, the NPS believes treating the ANST as a separate resource when analyzing cumulative impacts is warranted.

The NPS agrees that many of the restoration and right-of-way maintenance measures would help to reduce impacts. As we detail elsewhere in these comments, we look forward to further discussion with the Forest Service (the “appropriate regulatory agency”) and the applicant.

Cultural Resources and Consultation under National Historic Preservation Act Section 106

The NPS has not been consulted under Section 106 on potential effects of this undertaking on the ANST. Given our responsibility as administrator of the ANST, the NPS has a demonstrated interest in undertakings that may impact the Trail. This interest includes undertakings that occur on or near areas of the ANST owned or managed by other agencies such as the Forest Service. Views, vistas, and viewpoints are directly associated with the ANST’s significance as a recreational resource, reflecting both its original design intent as a skyline trail and contributing to the visitor experience by providing some of the most satisfying and exhilarating moments of a hike. The setting surrounding the Trail corridor is vital to an ANST segment’s ability to convey its historical associations under National Register Criterion A in the areas of Recreation and Conservation.

The NPS formally requests consulting party status under Section 106 of the NHPA on the ACP project. Specifically, we are interested in discussing potential ways to further minimize or mitigate impacts such as utilizing a narrowed or feathered edge right-of-way corridor or other vegetation management approaches that could lessen the visual impacts and loss of natural character on the Trail. We also encourage FERC to invite the NPS to consult on future proposed undertakings that may impact the ANST so the NPS can have early input on avoiding effects to the Trail and its setting or character. The NPS looks forward to continued discussion of required Section 106 compliance.

II. Land and Water Conservation Fund (LWCF) Sites

The Land and Water Conservation Fund (LWCF) State and Local Assistance Program is managed by the NPS. This is a partnership program that provides matching grants to States, and through States to local governments and tribes to plan, acquire, or develop public outdoor recreation areas and facilities. The purpose of the LWCF Act (54 U.S.C. 200305 *et seq.*) was to preserve and develop an outdoor recreation estate with high quality and quantity of outdoor recreation opportunities for public use and enjoyment in perpetuity. This protection extends to the entire park or recreation area benefitting from the grant, not just the footprint of the developed or acquired area. If outdoor recreational needs change the act provides a means to convert property to non-recreational purposes with approval from the Secretary of the Interior (delegated to NPS) as long as certain criteria are met. The Atlantic Coast Pipeline alignment

crosses over two sites in West Virginia that received LWCF assistance: Seneca State Forest and Lewis Wetzel Wildlife Management Area. The responsibility for compliance with the provisions of the Act rests with the State. The State in turn consults with the NPS for guidance and to sort out details of the proposal; therefore, NPS concurrence is needed for both Seneca State Forest and the Lewis Wetzel Wildlife Management Area. This is incorrectly stated in the DEIS and the NPS asks that this be revised in the Final EIS (FEIS). DEIS at 1-12.

Seneca State Forest

Based on the information provided in various communications from July 2016, December 2016 (DEIS), and March 2017 for Seneca State Forest, the NPS concurs with the State of West Virginia that the implementation of the project will not result in a permanent loss of recreational use and opportunity at Seneca State Forest. If the license agreement does not convey control or tenure to Dominion, then a conversion is not triggered (see March 2017 communication). Please address LWCF in the license as outlined in the 2008 LWCF State Assistance Program Manual Chapter 8.D.

The materials submitted have demonstrated that despite the change in appearance, public outdoor recreation can still occur within the pipeline alignment. The NPS will continue to work closely with the State of West Virginia to maintain the quality recreational experiences existing currently in Seneca State Forest.

Further, the removal of LWCF protections along the pipeline alignment would establish a non-recreation corridor that bisects the park, potentially opening the possibility for greater threats to outdoor recreational resources and opportunities at Seneca State Forest in the future.

For the Seneca State Forest, the DEIS indicates that a LWCF conversion will be triggered because the project results in permanent changes to recreation, namely the Allegheny Trail and the park viewshed. DEIS at 4-316. However, based on our understanding of the proposal, we do not concur with this finding and suggest revising this text in the Final EIS.

The DEIS indicates that narrowed right-of-way locations will be identified through Seneca State Forest. DEIS at 4-317. Please advise the NPS if those have been identified and where we can find these new alignment widths. It would be beneficial to know what factors help determine if a narrower construction corridor can be used. DEIS at 4-310. The DEIS also mentions that a site-specific relocation plan will be created for the Allegheny Trail. DEIS at 4-317 and DEIS at 5-51. Please provide this plan to NPS headquarters for review.

Lewis Wetzel Wildlife Management Area

When the DEIS was released for public comment, the document was not clear about the LWCF implications at the Lewis Wetzel Wildlife Management Area (Lewis Wetzel WMA). As with Seneca State Forest, the impacts to recreation are again the focus for LWCF. Once the NPS clearly understands the SHP impacts and the steps that will be taken to maintain the quality of recreation, the NPS can advise the State of West Virginia the options available to move forward while complying with the requirements of the Act. The DEIS provides insufficient information about the following:

- if there are any above-ground infrastructure components proposed for the Supply Header Project (SHP), such as measurement and regulation stations, mainline valves, above ground pipe, compressor stations, etc., that could permanently impact recreation by removing areas from public access through the use of fencing or other access control structures;
- the legal instrument Dominion will use to construct and maintain the SHP; and
- the time frame associated with work through the Lewis Wetzel WMA.

DEIS Page Specific Comments

DEIS at 4-316: Please avoid suggesting Seneca State Forest is “administered” by the NPS. We recommend the following text: ‘Based on correspondence with the WVDNR, ACP would cross Seneca State Forest lands managed by the West Virginia Department of Forestry. In 1966, West Virginia accepted a federal grant from the Land and Water Conservation Fund (LWCF) to assist with the purchase of a portion of Seneca State Forest. As the recipient of the federal LWCF grant, the State of West Virginia is obligated by contract under the LWCF grant agreement to ensure that the State Forest would remain in public outdoor recreation use in perpetuity unless otherwise approved by the Secretary of the Interior (delegated to the National Park Service); only if he/she finds it to be in accord with an existing Statewide Comprehensive Outdoor Recreation Plans; and as necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location (36 CFR 59) (LWCF, 2008).’

We appreciate efforts to consider and address NPS concerns regarding the proposed pipeline. Thank you for the opportunity to provide comments. If you have any questions or need additional information, please contact Bert Frost, NPS Acting Deputy Director at bert_frost@nps.gov or (202) 208-3818.

Sincerely,

A handwritten signature in black ink, appearing to read "Lindy Nelson", with a long horizontal flourish extending to the right.

Lindy Nelson
Regional Environmental Officer

cc: NPS, Mary Krueger and Alexa Veits
SOL, Ann Navaro