

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

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 In the matter of:)
)
 Atlantic Coast Pipeline, LLC)
 Docket Nos. CP15-554-000)
 PF15-6-000)
)
 Dominion Transmission, Inc.)
 Docket Nos. CP15-555-000)
 PF15-5-000)
)
 Atlantic Coast Pipeline, LLC and)
 Piedmont Natural Gas Company)
 Docket No. CP15-556-000)
 _____)

February 15, 2017

SUPPLEMENT TO JOINT MOTION TO RESCIND OR SUPPLEMENT DEIS
BASED ON NEW FILINGS

PURSUANT to FERC Rule 212 at 18 C.F.R. § 385.212, the National Environmental Policy Act (“NEPA”) at 42 U.S.C. § 4332, and 40 C.F.R. § 1502.9, now come the North Carolina Waste Awareness and Reduction Network (“NC WARN”); Clean Water for North Carolina; the NC APPPL: Stop the Pipeline; the Blue Ridge Environmental Defense League (“BREDL”), and its chapters, Protect Our Water! (Faber, VA), Concern for the New Generation (Buckingham, VA), Halifax & Northampton Concerned Stewards (Halifax and Northampton, NC), Nash Stop the Pipeline (Spring Hope, NC), Wilson County No Pipeline (Kenly, NC), Sampson County Citizens for a Safe Environment (Faison, NC), and Cumberland County Caring Voices (Eastover, NC); Sustainable Sandhills; Beyond Extreme Energy; The Climate Times; Triangle Women's International League for Peace and Freedom; Haw River Assembly; Winyah Rivers Foundation, Inc.;

River Guardian Foundation; 350.org Triangle; Eno River Unitarian Universalist Fellowship – Earth Justice; and NoFrackingInStokes (together “the Public Interest Groups”), by and through the undersigned counsel, with a supplement to their joint motion to the Commission to rescind or supplement the Draft Environmental Impact Statement (“DEIS”) on the Atlantic Coast Pipeline (“ACP”), filed on January 23, 2017, based on new filings by Dominion.

SUPPLEMENT TO MOTION

As stated in their earlier joint motion,¹ the Commission is required to rescind and supplement the DEIS in this matter because “[t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” At the same time, the present public comment period should be placed in abeyance until a new or supplemental DEIS is issued.

SUPPORTING FACTS AND LAW

1. On January 10, 2017, Dominion filed an additional fourteen documents supplementing its original application.² This was basis for the joint motion to rescind filed by the Public Interest Groups.

2. On January 23, 2017, Dominion filed an additional 12 files of supplemental information and another seven files updating its visual impact assessment.³ On January

¹ Joint Motion to Rescind or Supplement DEIS, January 23, 2017. FERC Accession No. 20170124-5017.

² https://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20170110-5142

³ http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20170123-5110
http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20170119-5180

27, 2017, Dominion filed additional 33 files of supplemental information, contain several thousand pages of information, voluminous appendices, and attachments on environmental issues directly relevant to the DEIS.⁴

3. ATTACHMENT A to this supplemental motion briefly summarizes the contents of the two latest filings of new documents including, but not limited to:

- visual impacts
- supplemental updates on compressor stations
- steep slopes in West Virginia and Virginia
- archaeological sites
- draft construction, operations, and maintenance plan
- wetland and waterbody delineation
- migratory bird plans
- restoration plans for wetlands
- correspondence with state agencies and between state and federal agencies on water quality, air quality, wildlife resources, threatened and endangered species, and mitigation

Similar to the new information filed on January 10, 2017, this new information clearly supplements the information in the original application, the information supplied to FERC staff for their review, and any information available to intervenors and the public.

4. As such, the Commission is required to supplement the DEIS after receiving the new filings. As stated in the initial joint motion, the Commission is required to take a “hard look” at new information even after a proposal had received its initial approval,

⁴ https://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20170127-5202

and permit, from the agency. The new, late-filed information from Dominion is relevant and significant, directly concerning many of the environmental issues the Commission is required to review and fully analyze. The burden is on the Commission to fully investigate the environmental risks and costs associated with the ACP, including all new and supplemental information.

RELIEF REQUESTED

The Public Interest Groups respectfully renew their join motion. In this matter, the Commission must take a “hard look” at the new information, review it in the context of the application and current public comments, and then supplement the DEIS to incorporate the new information. At the same time, the Commission should rescind the DEIS and hold the public comment period in abeyance until it issues the supplemental DEIS. Lastly, the Commission should require Dominion to file all additional supplemental information before proceeding further.

ON BEHALF OF THE PUBLIC INTEREST GROUPS

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ATTACHMENT A - Dominion Supplemental Filings on ACP application -- 1/27/17

https://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20170127-5202

Link to Doc	FERC doc number	Document Name	Content
PUBLIC Cover Letter 1-27-17 Suppl Info.PDF	29846	Letter to FERC, 2 pages	<p>DTI supplemental information filed 1/27/17 listed:</p> <ul style="list-style-type: none"> ● Appendix A – Cochran’s Cave Conservation Area Investigation Update ● Appendix B – Karst Terrain Assessment, Construction, Monitoring and Mitigation Plan ● Appendix C – Second Draft of the Construction, Operations, and Maintenance Plan ● Appendix D – Updated Draft Biological Assessment (Contains Privileged Information – Do Not Release) ● Appendix E – Update to the Migratory Bird Plan ● Appendix F – Wetland and Waterbody Delineation Report ● Appendix G – Archaeological Site Testing Reports (Contains Privileged Information – Do Not Release) ● Appendix H – Agency Correspondence for the Atlantic Coast Pipeline – Public ● Appendix I – Agency Correspondence for the Atlantic Coast Pipeline – Privileged (Contains Privileged Information – Do Not Release) ● Appendix J – Agency Correspondence for the Supply Header Project – Public ● DTI requests that, pursuant to 18 C.F.R. § 388.112, the information filed in Appendices D, G, and I be treated as privileged and confidential, and that this information not be released to the public. This information is labeled

			“Contains Privileged Information – Do Not Release” and contains the locations of sensitive species and archaeological resources, which are customarily treated as privileged and confidential.
PUBLIC Supplemental Filing 1-27-2017.PDF	318645		Wetland and Waterbody Survey Report for the ACP in NC, Wilmington District
PUBLIC Appendix A Cochran's Cave Report.PDF	7645594	Cochran's Cave Update 58 pages	Cochran's Cave, VA;
PUBLIC Appendix B Karst Plan.PDF	3370308	Karst Terrain Assessment 37 pages	WV and VA only
PUBLIC Appendix C COM Plan.PDF	4644113	Second Draft of Construction, Operation and Maintenance Plan 229 pages	<ul style="list-style-type: none"> - Construction, Operation and Maintenance - Emergency repairs - All states (VA, WV and NC) - Compliance roles and responsibilities - Timber removal - Fire Suppression - Blasting Plan - Traffic and transportation - Erosion control and sedimentation - Stream and wetland crossings - Restoration and Rehabilitation - Non-invasive species management - Spill prevention - Contaminated Media plan - Cultural Resources - Threatened and Endangered Species - Fugitive Dust Control and Mitigation

			<ul style="list-style-type: none"> - Public Access Plan - Off Highway Vehicle Plan Blocking - Water Quality Monitoring
PUBLIC Appendix C Attachment A ROW Configurations.PDF	2206697	Attachment A: Right of Way Configurations 11 pages	Waterbody crossing methods
PUBLIC Appendix C Attachment B Alignment Sheets Pt 1.PDF	20690933	Construction, Operation and Maintenance 29 pages	Construction diagrams
PUBLIC Appendix C Attachment B Alignment Sheets Pt 2.PDF	41606190	20 pages	Construction diagrams
PUBLIC Appendix C Attachment B Alignment Sheets Pt 3.PDF	34935134	10 pages	Construction diagrams
PUBLIC Appendix C Attachment B Alignment Sheets Pt 4.PDF	30995150	10 pages	Construction diagrams
PUBLIC Appendix C Attachment B Alignment Sheets Pt 5.PDF	29812491	8 pages	Construction diagrams

PUBLIC Appendix C Attachment B Alignment Sheets_Pt 6.PDF	40368391		Construction diagrams
PUBLIC Appendix C Attachment B Alignment Sheets_Pt 7.PDF	20715933		Construction diagrams
PUBLIC Appendix C Attachment C Slope Stability.PDF	7271008	85 pages	Slope stability in WV
PUBLIC Appendix C Attachment D Winter Plan.PDF	348971	15 pages	Winter construction plan <ul style="list-style-type: none"> - Erosion control - Trench dewatering - Spring thaw - Snowfall, frozen soils
PUBLIC Appendix C Attachment E Fire Prev.PDF	113596	4 pages	Fire prevention and suppression standards
PUBLIC Appendix C Attachment F Access Road Maps.PDF	8039	1 page	Access Road Improvement - BLANK - "To Be Provided At a Later Date"
PUBLIC Appendix C Attachment G Soil Survey Pt 1.PDF	49428502	69 pages August 1, 2016 date (why filed so late?)	WV and VA, not NC
PUBLIC Appendix C Attachment G Soil Survey Pt	44738864	199 pages	WV and VA, not NC

2.PDF			
PUBLIC Appendix C Attachment G Soil Survey Pt 3.PDF	33380608	1,030 pages	100s of pages of Test Pit data (soil samples) - key on page 241 of 1,030 Page 242: lab results summary Page 248: nutrient analysis Hundreds of pages of soil testing in Lancaster PA
PUBLIC Appendix C Attachment H Karst Plan.PDF	3381387	37 pages Construction, Operations and Maintenance Plans	Karst assessment, sinkhole mitigation All West Virginia
PUBLIC Appendix C Attachment I E&SC Details.PDF	7682312	26 pages Construction, Operations and Maintenance Plans	Attachment I Typical Erosion and Sedimentation Control Details West Virginia
PUBLIC Appendix C Attachment J Invasive Plant Table.PDF	218813	7 pages Construction, Operations and Maintenance	Attachment J Non-native Invasive Plant Species with Herbicide Treatment WV and VA No references to North Carolina specifically, but does reference plants
PUBLIC Appendix C Attachment K Spill Report.PDF	139447	2 pages	Spill report form
PUBLIC Appendix C Attachment L GWNF Unanticipated Finds Plan.PDF	73485	8 pages	George Washington National Forest Revision 2 dated 23 August 2016

PUBLIC Appendix C Attachment M MNF Unanticip Finds Plan.PDF	85142	8 pages	Monongahela National Forest Revision 2 dated 23 August 2016
PUBLIC Appendix C Attachment N Permit List.PDF	245608	13 pages	Important document, lists all permits for all states (NC, VA, WV, PA); includes Crossing, Floodplain, Cultural Resources, Land Disturbance, Air Permits, Biological Resources, Water Permits ALSO: Special Use Permits for Compressor Stations
PUBLIC Appendix C Attachment O ANST HDD Drawings.PDF	817316	13 pages	Appalachian National Scenic Trail HDD (hydraulic drilling) Plan and Profile Drawings Previously filed w FERC August 1, 2016 Crossing the Blue Ridge Parkway (doesn't indicate which states)
PUBLIC Appendix C Attachment P Contin Plan ANST and BRP.PDF	1265329	8 pages Construction, Operations and Maintenance	Attachment P Contingency Plan for the Appalachian National Scenic Trail and the Blue Ridge Parkway Crossing, in case of abandonment due to "insurmountable problems" Previously filed w FERC August 4, 2016
PUBLIC Appendix C Attachment Q MNF Timber Cruising Specs.PDF	79651	7 pages Construction, Operations and Maintenance	Attachment Q Specifications for Cruising Timber (i.e., sample of forest), Marlinton Ranger District, Monongahela National Forest Re: removal of "merchantable" trees, with diameter and type
PUBLIC Appendix E Migratory Bird Plan.PDF	14481319	90 pages	Appendix E Update to Migratory Bird Plan Impacts to migratory birds, habitat fragmentation Refers to North Carolina birds, including Bald and Golden Eagles Page 13: Upper Neuse River, Roanoke River

			Page 24 of report: lists NC agencies
PUBLIC Appendix H ACP Correspondence.PDF	5388329	66 pages	Correspondence with various state agencies, including NC Page 64 of 66 page PDF correspondence w NC State Historic Preservation Office on properties that are and are not eligible for Section 106 Historic Preservation listing
PUBLIC Appendix J SHP Correspondence.PDF	1492879	9 pages	WV and PA only

Dominion Supplement Filings on ACP application -- 1/23/17

https://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20170123-5110

PUBLIC Cover Letter 1-20-17 Suppl Info.PDF	36641	1 page	Letter to FERC, updated Visual Impacts on national forests etc in VW and VA
PUBLIC Revised VIA Report Pt 1.PDF	34086074	122 pages	Visual Impacts on National Forests
PUBLIC Revised VIA Report Pt 2 Appendix A.PDF	7475758	24 pages	Visual Impacts - photos from around WV and VA
PUBLIC Revised VIA Report Pt 3 Appendix B-1.PDF	49946047	19 pages, 50 MB because file is high resolution photos	More photos, VA sites
PUBLIC Revised VIA Report Pt 4 Appendix B-2.PDF	47968450	27 pages	More photos, VA sites
PUBLIC Revised VIA Report Pt 5 Appendix B-3.PDF	41460393	14 pages	More photos, VA sites
PUBLIC Revised VIA Report Pt 6 Appendix B-4.PDF	48791362	15 pages	More photos, WV

Document Content(s)

FERC supplemental motion to supplement ACP DEIS.PDF.....1-4

ATTACHMENT A - Supplemental Filings (Second Sets).PDF.....5-12