



April 28, 2015

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

Re: Docket PF15-5-000, PF15-6-000
Atlantic Coast Proposed Natural Gas Pipeline

Dear Ms. Bose,

I am writing on behalf of the Appalachian Trail Conservancy (ATC) with regard to the above-mentioned project and its proposed crossing of the Appalachian National Scenic Trail. ATC, a §501(c)(3) nonprofit organization, works closely with 31 Appalachian Trail clubs and public and private partners to ensure the protection and stewardship of the natural, cultural, and experiential resources of the Appalachian National Scenic Trail (known as ANST, the A.T., or "the Trail"). Approximately fifty federal, state, or other public agencies have authority or jurisdiction over lands and resources within the protected A.T. corridor. ATC has a central management role by virtue of its Cooperative Agreement with the U.S. Department of Interior, National Park Service and its close working partnership with the USDA Forest Service and other agencies.

The A.T. was first conceived by regional planner Benton MacKaye in 1921 as a way to preserve the crest line of the Appalachian Mountains and provide a wilderness retreat from life in the increasingly urbanized eastern United States. It was later designated one of the first national scenic trails under the 1968 National Trails System Act and has since become a world premier recreational and hiking resource attracting over 2 million visitors each year. The same Act acknowledges the important role of non-profit organizations such as ATC, and affiliated volunteers, to manage and protect Trail interests.

Today the Trail extends over 2,180 miles through 14 states from Georgia to Maine. Approximately 270,000 acres have been acquired or designated through management agreements as a protective corridor for the Trail. This corridor of protected land is home to a wealth of natural, cultural and scenic resources.

ATC has significant concerns about the proposed Atlantic Coast pipeline and asks the Federal Energy Regulatory Commission (FERC) to evaluate a broad range of build and no-build alternatives to this project within the Environmental Impact Statement (EIS). The proposed pipeline crossing would pose long term adverse impacts to the Appalachian Trail. These impacts should be avoided or minimized through a thorough and detailed analysis of alternatives by the Commission in its EIS. The following are issues that should be considered in addition to the issues identified in the Notice of Intent:

Cumulative Impacts to the Trail



The Council on Environmental Quality (CEQ) regulations that implement the National Environmental Policy Act (NEPA) require the assessment of cumulative impacts in the decision making process for federal projects. CEQ defines cumulative impacts as “the impact on the environment which results from the incremental impact of the action when added to other past, present, or reasonably foreseeable future actions regardless of what agency (federal or nonfederal) or person undertakes such other actions” (40 CFR §1508.7).

We urge FERC to evaluate the impacts of the pipeline and associated infrastructure cumulatively with other projects under FERC’s jurisdiction rather than in isolation. In addition to the 63 pipeline crossings of the A.T. along its entire length, we are aware of at least 10 new proposed pipelines that will cross the A.T., two in Virginia. Each of these developments will have site specific and direct impacts to the natural, cultural and scenic resources of the Trail at their respective crossings. Of equal concern is the cumulative adverse impact these combined developments will have on the invaluable resources of the A.T. and the experience it provides. A comprehensive analysis of the proposed pipeline and its potential cumulative impacts on the A.T. should be conducted as part of the EIS. Recent case law (Delaware Riverkeeper Network, et al. v. Federal Energy Regulatory Commission) suggests that FERC has the responsibility to avoid segmentation through a cumulative review of other related projects and impacts.

Renewable Standard Portfolio and Climate Change Mitigation

The EIS should demonstrate that the proposed pipeline is the only prudent and feasible alternative to meet an overriding public need, based on a thorough and detailed analysis of alternatives, including: energy conservation and demand-side management; use of renewable energy; and increasing the capacity of existing pipelines.

ATC suggests that FERC consider the potential negative impact of this project on the ability of states to meet their Renewable Standard Portfolio, a regulation that requires the increased production of energy from renewable energy sources, such as wind, solar, biomass, and geothermal. FERC should include climate change as a discussion item, demonstrating due diligence by including the topic of climate change impacts and opportunities for mitigation within the draft EIS. The EIS should also include evaluation of the best practices for minimizing methane emission that can contribute to climate change.

Special Consideration for Appalachian Trail Lands Administered by the National Park Service

It should be noted that much of the corridor or land through which the Trail passes is administered by the National Park Service, including the preferred route for the Atlantic Coast Pipeline. At this time the law (30 U.S.C. Section 185) specifically excludes units of the National Park System and many other protected federal properties from the Secretarial authority to issue rights-of-way for petroleum product pipelines and associated facilities. The legislative history of the 1973 amendments to the Mineral Leasing Act demonstrates that Congress clearly intended that National Park System units be exempt from a general grant of authority to issue oil and gas pipeline rights-of-way. Specific park-by-park legislation from Congress is required to allow the NPS to consider granting a right-of-way.



Pipeline Route/Location

The ATC seeks to minimize the visual and audible impacts of utility corridors, as well as the physical impacts of such corridors, to achieve “no net loss” to the qualities of the footpath and its associated resources and the experiences of its visitors. We have a longstanding policy to oppose construction of any new pipeline or utility infrastructure along or across the Appalachian Trail, unless *all* of the following conditions can be met:

1. The proposed development represents the only prudent and feasible alternative to meet an over-riding public need, as demonstrated in a thorough and detailed analysis of alternatives;
2. *Any new impacts associated with the proposed development shall coincide with existing major impacts to the Trail experience* (emphasis added);
3. Crossing the A.T. landscape only once using the shortest feasible path; *and*
4. Adverse impacts to the scenic, historic, cultural, and natural resources of Appalachian Trail corridor lands will be adequately mitigated.

The following issues should also be considered such that the proposed pipeline does not cross an area unsuitable for such development, including:

- Wilderness Areas and wilderness study areas;
- National Recreation Areas, National Natural Landmarks, and Wild and Scenic Rivers;
- old growth forests and habitat for rare species or exemplary natural communities;
- unbroken blocks of forest that can provide habitats for interior forest species, such as black-throated blue warblers, salamanders, and many other flora and fauna that require a forest habitat;
- open areas/balds, and wetlands;
- cultural resource sites or National Historic Landmarks;
- unique or important ecological or recreational sites identified by state, regional, or township land-use plans;
- highly used and popular sections of the A.T.; and Trail-related facilities, such as shelters and campsites.

Recreation and Visitor Impacts

The Appalachian Trail is, first and foremost, a footpath open to any and all who travel on foot. Its sole purpose as a recreational resource is to provide an opportunity for “travel on foot through the wild, scenic, wooded, pastoral, and culturally significant lands of the Appalachian Mountains.”

The National Trails System Act states that National Scenic Trails must be “so located as to provide for maximum outdoor recreational potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural or cultural qualities of the areas through which such trails may pass.” The protection of the trail’s scenic, historic, natural and cultural values must be considered within the draft EIS statement. As discussed earlier, we are concerned that the cumulative impacts of increasing utility and other developments threaten to degrade the recreational experience provided by the Trail. Additionally, we want to ensure that direct adverse impacts to A.T. from any pipeline construction or maintenance activities be avoided or minimized.



We expect that safe and uninterrupted access to the A.T. be provided to visitors year-round. The EIS should consider the following safety concerns: protecting against fire, explosion, or release of toxic substances; avoiding damage to, or contamination of, the environment, including soil, vegetation, animal life, surface water, and groundwater; protecting cultural and historic artifacts; and retaining liability for any negative impacts or damages resulting from the pipeline.

Vegetation

The EIS should consider the following issues to minimize impact to vegetation:

- Clearing or disturbances to forested areas should be prevented or minimized. Horizontal Directional Drilling should be utilized where feasible. Temporary clearing for work areas and construction yards should be avoided within the A.T. corridor.
- Any vegetation removal deemed essential or required by law shall be restored and maintained as near as possible to a natural condition consisting of plants native to the area and site conditions.
- The applicant should be required to establish a plan to prevent the introduction and provide for control of non-native invasive species within the ROW and A.T. corridor for the life of the pipeline.
- Use of herbicides to control vegetation should be minimized and used as only spot applications for targeted species.

Pipeline Infrastructure and Associated Construction Areas

- All above-ground pipeline infrastructure should be located outside the A.T. corridor and the immediate viewshed of the footpath.
- No roads should be constructed within the pipeline ROW or A.T. corridor.

Illegal Access to A.T. Lands by Motorized Vehicles

Unauthorized access by ATVs and other motorized vehicles is a significant problem along the A.T., causing problems with soil erosion, damage to vegetation, noise and air pollution and impacts to wildlife. It is of particular concern along utility rights-of-way which often times act as conduits for this type of activity. The potential for illegal access by motorized vehicles along pipeline rights-of-way should be fully assessed to ensure that these impacts are avoided.

Thank you for your consideration of our comments. We look forward to a comprehensive analysis of this proposal that will result in protection of the Appalachian National Scenic Trail for generations to come.

Sincerely,

Ronald J. Tipton
Executive Director/CEO