

**Pipeline Compliance Surveillance Initiative Program****Date** March 7, 2018**Time:** 10am-12pm (Eastern)/9-11am (Central)/8-10am (Mountain)/7-9am (Pacific)**Location:** Monongahela National Forest Supervisors Office and Conference Call/GoTo Meeting

Attendees	Forest Service	Clyde Thompson, Joby Timm*, Jennifer Adams, Stephanie Connolly, Pam Edwards, Karen Stevens, Cathy Johnson, Brianna Smrekar, Troy Morris*, Pauline Adams*, Dawn Kirk*
	Transcon	Alli Rhodehamel-Leung*, Greg Gryniewicz*
	Pipeline Compliance Surveillance Initiative (CSI)	Rick Webb, David Sligh, Jeff Shingleton, Malcom Cameron*, Jeff Brooks, Lewis Freeman, Jake Lemon*, Kirk Bowers*, Ben Cunningham*
	West Virginia University	Dr. Jim Thompson
	Galileo Project	Maria Martin*, Peter Rocco*

\* attended via conference call/GoTo Meeting

*The notes below summarize discussion and content not included in the attached presentation.*

**Meeting Purpose**

The meeting was scheduled for the Pipeline CSI to introduce Forest Service staff to their monitoring program. Pipeline CSI would like to collect resource data related to the Atlantic Coast Pipeline (ACP) Project that is helpful to regulatory agencies including the Forest Service.

**Discussion**

*Participants:* about 60 different groups are participating under the Pipeline CSI umbrella. These groups are engaged with the public. Trout Unlimited and the West Virginia Rivers Coalition have been visiting with communities along the route and helping them setup volunteer monitoring groups. Pipeline CSI is also trying to incorporate data collection protocols from agencies like the WV Department of Environmental Quality into their monitoring program. The group wants to help ensure the project is in compliance with regulatory requirements. They are not convinced that current construction technology is advanced enough to provide environmental protections in this landscape.

*Forest Service analysis:* Rick expressed disappointment that the Forest Service issued a decision based on a Construction, Operations, and Maintenance (COM) Plan that was lacking some information. For example, the COM Plan had a placeholder for alignment sheets but they were not provided.

*Transcon's role:* Transcon is a 3<sup>rd</sup> party compliance inspector working under the direction of the Forest Service. They will have inspectors and resource specialists in the field to document ACP's compliance with the authorizing documents. Issues and problem areas will be documented and reported back to the Forest Service who maintains all approval authority. Greg indicated that Transcon uses a similar web-based geo referenced reporting tool as shown by the Pipeline CSI. Transcon recently completed a review of ACP's limit of disturbance and timber harvest boundary marking.

*Information sharing:* Prior to this meeting the Forest Service shared blank versions of the Forest Service's inspection reports and variance request forms and the pre-construction resource protection checklist (which summarizes information found in publicly available documents such as the COM Plan). Pipeline CSI is interested in seeing the Forest Service's daily compliance inspection reports and variance requests. Their preference is to exchange information informally but they will submit Freedom of Information Act (FOIA) requests if needed. The Forest Service wants to be transparent but it is not clear if they will be able to share the requested information either informally or through a FOIA.

*Data collection:* in general, the Pipeline CSI will be monitoring streams for signs of pollution and failing erosion controls. Baseline data is already being collected. Pipeline CSI will notify the appropriate agencies if the data they collect suggests that there are problems.

Rick asked if the Forest Service will be collecting any data. Dawn said the George Washington National Forest (GWNF) did request water testing related to benthic macroinvertebrates. This included baseline and post construction surveys at 15 locations. In addition, the GWNF has preexisting long-term general water chemistry studies below many of the streams crossed by the ACP Project.

Stephanie indicated there are no stream crossings on the Monongahela National Forest (MNF) that require that level of monitoring. She added that the regional offices have determined that the Forest Service will use state water quality standards instead of local forest standards. One of the differences between the state and forest standards is that the state looks at the stream and area immediately adjacent to it while the forests look at the whole watershed.

There are number of native trout streams crossed by the pipeline. Rick mentioned that some, like Lick Draft and Townsend Draft, are already stressed environments for native trout; any changes to such streams could have major effects on the trout. The U.S. Geological Survey is measuring turbidity above and below the crossings shown in the presentation. There does not appear to be a numeric standard for sedimentation in Virginia, there are biological and narrative criteria that may be harder to measure and enforce. Virginia DEQ has contracted with biologists to conduct habitat characterization and other biological studies. Kirk said the presence of mud is an indication of failure of erosion control devices.

Rick commented that from the Pipeline CSI perspective, it appears the agency monitoring program is documenting destruction. He suggested analysis is needed to forecast outcomes so changes can be made to avoid impacts. It is possible that the trout in Laurel Run, White Oak Draft and others mentioned may be genetically distinct. He suggested there is a high probability these trout could be lost. He said there should be criteria and models by which to inform decisions before it's too late to change outcomes. Jake suggested models should also include temperature changes in addition to sedimentation and other factors.

*Building on steep slopes:* Pipeline CSI is not convinced the ACP Project can be built using existing technologies without causing adverse effects. In particular, they feel that the steep slope designs are lacking in sufficient detail. Rick said failures on some of the steep slopes identified

in the presentation have the potential to adversely affect several streams that may already be marginal for native trout and other sensitive species.

Pam noted the Forest Service asked for site-specific designs for the Cloverlick Area because they understood the potential for effects miles away. Referring to the comment about genetically unique fish, she added it is difficult to determine an “acceptable” level of effect if you are trying to save something unique. Rick suggested that despite all of the standards in the authorizing documents there is still a good chance of substantially degrading streams.

*Variations:* ACP is authorized to implement what is described in the COM Plan. ACP will need to request a variance if they want to deviate from the COM Plan or other authorizing documents. The authority to approve a variance depends on the level of the variance request. Currently for National Forest System lands, the regional foresters (the authorized officers) have delegated decision making for Level 1 and 2 variances to the forest supervisors. The regional forester will evaluate Level 3 variances.

*Stop work authorizations:* Rick asked who has authority to issue a stop work order. Jennifer said the Federal Energy Regulatory Commission would make that call. Examples of non-compliance issues that would trigger a stop work order include directly affecting a sensitive environmental resource such as an endangered species or archaeological site. Safety is another issue. A problem area left unresolved may also result in a stop work order.

*Campbell Hollow Road (FSR 281):* Staff at the supervisors’ office did not want to see ACP use FSR 281 and expressed concern about the potential affects to Browns Pond Special Biological Area. Despite concerns, use of the road was permitted.

*Closure orders:* The forests understand the public needs to be able to access the lands, but there are also safety considerations. The Forest Service does not want any member of the public to be injured or killed. Safety is a high priority. Both the MNF and GWNF will be issuing closure orders. The orders will be modified as needed.

*Timber felling:* The Forest Service has approved limited use of system roads and non-mechanical timber felling. FERC now has to issue an authorization before ACP can begin felling on National Forest System lands. *Post meeting note: FERC issued the authorization on March 9.*

### **Action Items**

- Jennifer tracks Atlantic Coast Pipeline’s (ACP) submission of boundary surveys prepared by a licensed surveyor.
- Forest Service discusses internally what information could be shared with the public.
- Pipeline CSI identifies primary points of contact.
- Forest Service refines what a closure order would look like. *Post meeting note: the MNF closure was issued on March 9. The GWNF order is pending.*
- Galileo distributes the meeting notes for review. *Complete.*