DECISION MEMO

Special Use Permit for Routing and Survey Activities on National Forest System Lands

Atlantic Coast Pipeline, LLC
George Washington & Jefferson National Forests
North River and Glenwood-Pedlar Ranger Districts
Highland and Augusta Counties, Virginia

DECISION

I have decided to modify the current temporary special use permit and authorize the use of additional National Forest System (NFS) lands by Atlantic Coast Pipeline, LLC (ACP) to conduct field routing, environmental, cultural resource, and civil surveys within the George Washington National Forest (GWNF). The modification will also allow for geotechnical test borings. These surveys will occur between mile posts 107 and 114 of ACP's proposed natural gas pipeline that would cross the GWNF in Highland and Augusta Counties, Virginia (Appendix A). The original survey route was approved in my Decision Memo of March 13, 2015 and alternative routes were added based on my Decision Memo of May 5, 2015. The temporary special use permit issued to ACP on March 27, 2015 will be amended to allow for the expansion of the survey area between mileposts 107 and 114 and to allow for the geotechnical test borings.

Allowing these survey activities does not mean that I am allowing the construction of a pipeline across the GWNF. These surveys are collectively necessary to determine the feasibility of the proposed route and collect the environmental and cultural resources data needed to inform future decisions on whether or not to allow the construction and operation of the proposed gas pipeline on the GWNF. If construction is allowed, the survey information will also inform us where to avoid or reduce the impacts to sensitive resources.

The purpose of the expanded surveys is to evaluate a Horizontal Directional Drill (HDD) route alternative to avoid habitat for the Cow Knob salamander. The currently authorized survey corridor would be expanded by 1,000 feet between approximate mile posts 107 and 114, as shown on the enclosed map. Survey methods would remain the same as those previously authorized with the following exception. ACP will conduct geotechnical test borings in representative areas at the approximate locations of the HDD path. These borings will be drilled with a track or wheel-mounted rotary auger drill rig (roughly the size of a one-ton pickup truck) utilizing hollow stem augers. It is anticipated that test boring for the western HDD alignment will be conducted adjacent to existing Forest Road 396 (also collocated with Forest Trail 447) within approximately 50 feet of the HDD centerline. Since no existing roads cross the eastern HDD alignment, ACP is still working to identify a test bore location within reasonable proximity to this alignment that is within the requested survey areas and will submit this location to the GWNF prior to conducting any work at this location. Prior to any work at a bore site, environmental surveys, including cultural resource surveys, will be conducted at each drill location. Once the boring equipment is in place, drilling operations will last approximately three days at each location, depending on the hardness of the rock encountered. Material removed from the borings will be secured and sent to a geotechnical lab for testing and classification. The resulting test bore holes will be approximately four inches in diameter and to a depth pre-determined by the HDD design engineer.

Once boring operations are complete, the bore holes will be backfilled with concrete slurry to a point approximately five feet below the surface. The remaining approximate five feet will be backfilled with native material removed during boring operations. Other cuttings from boring operations may be incorporated into the backfill mixture or removed from the site.

I have made this decision because authorization of these surveys would involve no significant effects, is consistent with management direction, and provides for needs that cannot be met on non-National Forest System lands. This decision will be implemented through issuance of the appropriate special use authorization document that meets the requirements of the decision and Forest Service regulations.

I. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement (EIS) or environmental assessment (EA) when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part lb.3 or one of the categories identified in Forest Service National Environmental Policy and Procedures Handbook (FSH) 1909.15, Section 30 and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

Category of Exclusion

This action falls within Section 32.12, Category 8 of the FSH 1909.15, WO Amendment 1909.15-2014-1: *"Approval, modification, or continuation of minor, short-term (1 year or less) special uses of National Forest System lands."* (36 CFR 220.6(d)(8))

Relationship to Extraordinary Circumstances

Direction provided in FSH 1909.15 (1909.15-2014-1, effective 05/28/2014) requires the Responsible Official to consider whether effects to extraordinary circumstances related to a proposed action warrant analysis in an EA or EIS. The Handbook also states that the mere presence of these resources does not preclude use of a categorical exclusion. This project was analyzed for the following resource conditions (per FSH 1909.15, Section 31.2) and the results are as follows:

a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:

An analysis on potential effects to federally listed and rare species as part of a Biological Assessment/Biological Evaluation (BA/BE) was completed for these proposed survey activities. The analysis determined that there will be no effect on federally listed threatened or endangered species, designated or proposed critical habitat, species proposed for Federal listing, or Forest Service sensitive species. The proposed survey activities were analyzed knowing the entire George Washington National Forest is potential habitat for the endangered Indiana bat and proposed endangered northern long-eared bat. Effects to the Indiana bat resulting from implementation of the 2014 Revised George Washington Forest Land and Resource Management Plan (Forest Plan) were determined during formal consultation with the US Fish and Wildlife Service (USFWS) in 2012 which resulted in a Biological Opinion. The project area is outside the primary and secondary cave

protection areas for Indiana Bats as presented in the Forest Plan of 2014. The surveys will be conducted in accordance with the Terms and Conditions of the Biological Opinion; therefore, this project has no additional effect, beyond that which is already disclosed in the Biological Assessment dated November 13, 2012 and by the USFWS in the BO of June 12, 2013. Effects to the NLEB were determined and analyzed during formal consultation of Forest Plan activities with the US Fish and Wildlife Service (USFWS) which resulted in a Biological Opinion (BO) dated August 5, 2015. The project is also beyond 0.25 miles of any known hibernacula, caves, or known occupied roost trees for the NLEB. This project is consistent with the Forest Plan, the BO and activities excepted from taking prohibitions under the rule adopted under the ESA section 4(d) rule applicable to the northern long-eared bat." Environmental surveys conducted for bats will follow guidance and permit requirements in effect at the time of the survey as issued by the USFWS. Dominion will coordinate with USFS and USFWS biologists to follow standard protocols and determine the appropriate methodology for conducting presence/absence surveys prior to completing these investigations.

b. Flood plains, wetlands, or municipal watersheds:

The survey activities would have no effect on flood plains, wetlands or municipal watersheds since the extent of impacts would only be potential removal of minor amounts of brush using hand tools to navigate the survey route, minor soil sampling associated with wetland identification, and minor disturbance associated with shovel testing for cultural resources. The information gained from these survey activities would be used to avoid, minimize, or mitigate potential impacts to floodplains, wetlands and municipal watersheds from possible construction of a pipeline.

c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas:

The study corridor is not within any congressionally designated areas so there would be no effect on any congressionally designated areas.

d. Inventoried roadless areas or potential wilderness areas:

The study corridor is not within any inventoried roadless areas or potential wilderness area.

e. Research natural areas:

The study corridor is not within a research natural area, so there would be no effect on any research natural areas.

f. American Indians and Alaska Native religious or cultural sites:

The cultural resources survey is designed to identify these types of sites. The field methodology, data recording, and documentation efforts will meet all state and federal guidelines for Section 106 compliance, including those provided in the *Guidelines for Conducting Survey in Virginia.* The information gained from these survey activities would be used to avoid, minimize, or mitigate potential impacts to floodplains, wetlands and municipal watersheds from possible construction of a pipeline.

g. Archaeological sites, or historic properties or areas:

The cultural resources survey is designed to identify archaeological sites and historic resources. The field methodology, data recording, and documentation efforts will meet all state and federal guidelines for Section 106 compliance, including those provided in the *Guidelines for Conducting Survey in Virginia.* The information gained from these survey activities would be used to avoid, minimize, or mitigate potential impacts to floodplains, wetlands and municipal watersheds from possible construction of a pipeline.

I have concluded that this decision may be categorically excluded ·from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part lb.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15, Section 32.12, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. My conclusion is based on information presented in this document and the entirety of the planning record.

II. PUBLIC INVOLVEMENT

Public scoping of the original proposal began on December 11, 2014 with a letter sent to those on the North River and Glenwood-Pedlar Ranger Districts mailing lists and those who have expressed interest to us in this project. A news release was released and information was posted on the Forests' website. The project was also identified in the Forests' Schedule of Proposed Actions (SOPA) report. A second letter was sent on March 27, 2015 to obtain comments on additional survey areas.

The purpose of the scoping was to request comments to determine issues and concerns related to the proposed surveys. The additional lands requested for survey for the HDD route alternative are directly adjacent to the lands previously approved for survey. While this new modification would also add the geotechnical test boring, the previous scoping opportunities provided a wide variety of comments that adequately identified concerns about the potential impacts of the current proposal. No reason was found not to authorize the routing and survey activities or to require more detailed analysis.

III. FINDINGS OF CONSISTENCY WITH THE FOREST PLAN AND OTHER LAWS AND REGULATIONS

The 2014 Revised George Washington Forest Land and Resource Management Plan (Forest Plan) was reviewed for consistency with the proposed project. The following Forest Plan direction allows for the authorized survey activities:

Desired Condition, DC LSU-07 (Forest Plan, p. 2-32): *"Special uses exist that serve a local, regional or national public benefit and need by providing for public access, transportation efficiency for commerce, military training, a reliable supply of electricity, natural gas, water and alternative forms of energy, competitive and non-competitive recreational events, outfitting and guiding services, and communication networks."*

Forestwide Standard, FW-239 (Forest Plan, p. 4-23): *"Evaluate new special use authorizations using the criteria outlined in 36 CFR 251.54 and according to Forest Service policy. Limit to needs that cannot be reasonably met on non-National Forest System lands or*

that enhance programs and activities. Locate uses where they minimize the need for additional designated sites and best service their intended purpose. Require joint use on land when feasible."

The survey activities are located within the same Management Areas as those described in the original decision memo signed on March 13, 2015 with one addition. Part of the new survey area is located in Management Area 5C-Designated Utility Corridors. Surveys are allowed in this management area as well as the others described in the original decision memo.

IV. IMPLEMENTATION DATE

Implementation of this decision may begin immediately after the decision is signed.

V. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITY

Pursuant to 36 CFR 215.8(a)(4), this decision is not subject to a higher level of administrative review.

VI. CONTACT PERSON

Further information about this decision can be obtained from Alex Faught at the Supervisor's Office, 5162 Valleypointe Parkway, Roanoke, VA 24019 or by email: afaught@fs.fed.us; or by phone at 540-265-5192.

KENNETH LANDGRAF
Acting Forest Supervisor

11-4-2015
DATE

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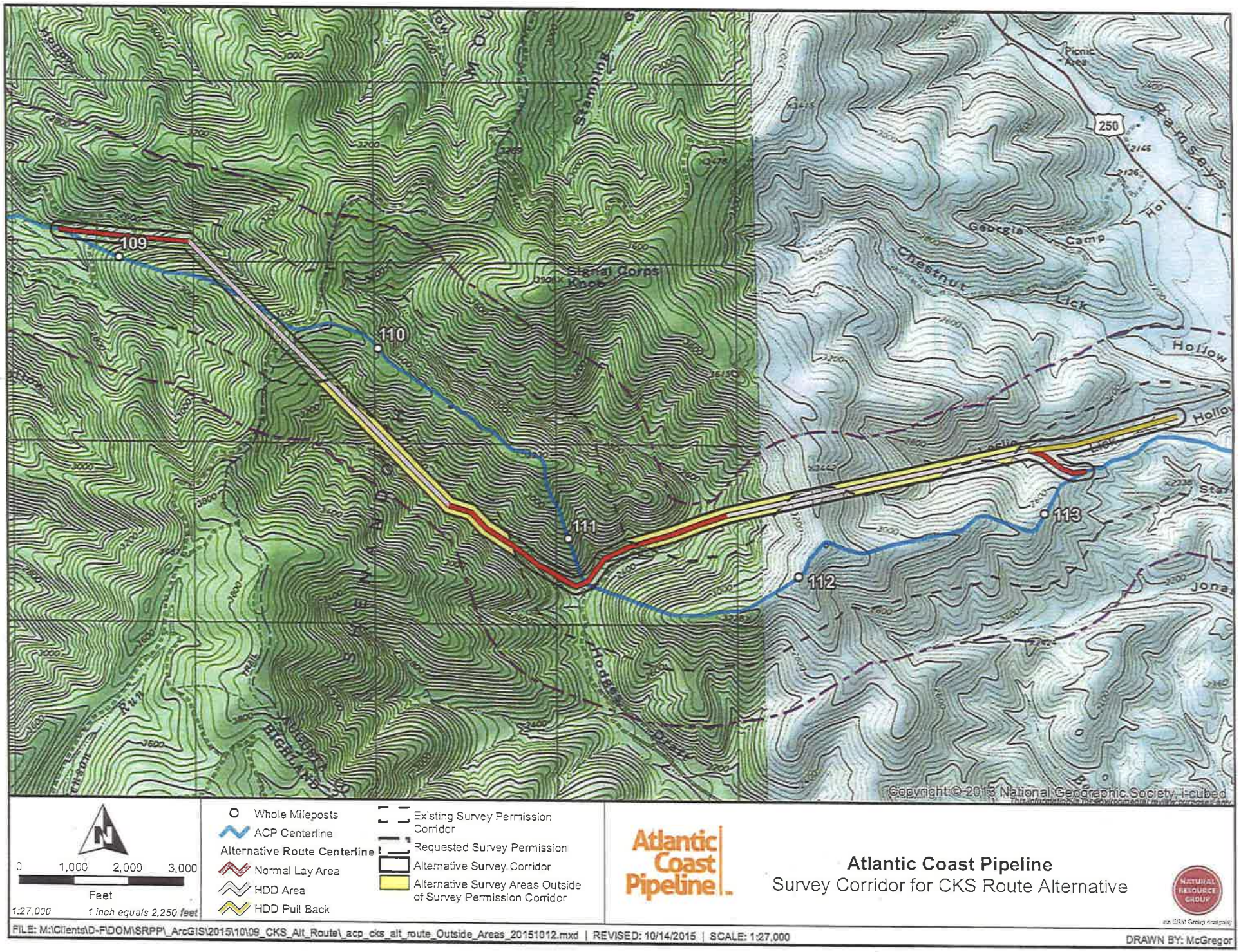
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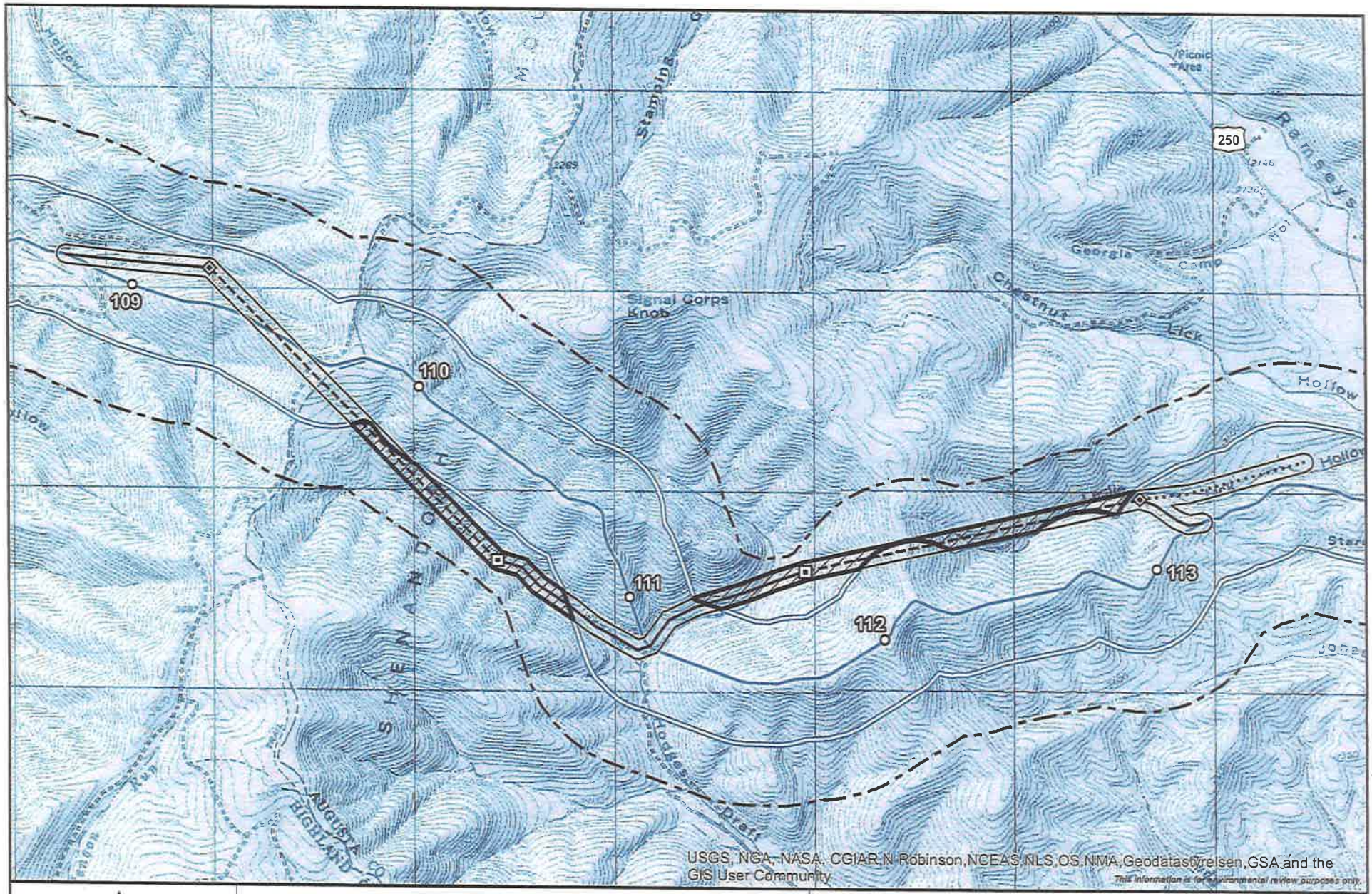

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Feet
1:27,000 1 inch equals 2,250 feet

ACP Centerline
Alternative Route Centerline
Normal Lay
HDD
HDD Pullback
HDD Entry
HDD Exit
Existing Survey Permission Corridor
Requested Survey Permission
Alternative Survey Corridor
Alternative Survey Areas Outside of Survey Permission Corridor

Atlantic Coast Pipeline

Atlantic Coast Pipeline
Survey Corridor for CK Route Alternative

NATURAL RESOURCE GROUP
an ERM Group company

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