

## 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  
Augusta, Highland and Bath Counties, Virginia

#### **DECISION**

I have decided to authorize the use of National Forest System (NFS) lands by Atlantic Coast Pipeline, LLC (ACP) to conduct field routing, environmental, cultural resource, geotechnical core borings and civil surveys within the George Washington National Forest (GWNF). These surveys will occur along a 14.3 mile segment of ACP's proposed natural gas pipeline that would cross the GWNF in Augusta, Highland and Bath counties, Virginia. Surveys will be conducted along a 300-foot wide survey corridor within a 2,000-foot-wide study corridor for study areas 1, 7, 8, 9, and 10 and a 300-foot survey corridor within a 6,000-foot wide study corridor for study areas 2, 3, 4, 5 and 6 (Appendix A-Maps). The total study corridor is 7,992 acres and total survey area is 527 acres.

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.

All survey activities are to be coordinated with the appropriate Forest Service subject matter experts. The following activities will be authorized in the special use permit:

Routing Survey - A pedestrian reconnaissance survey to verify the alignment of the route and make minor adjustments to the proposed centerline, as necessary, to address engineering requirements, to provide a route that can safely be constructed, and/or to avoid sensitive resources. The routing survey will be completed by up to three crews consisting of 4 to 5 routing specialists. Minor amounts of brush using hand tools can be removed for navigation of route. GPS readings, biodegradable survey ribbon and survey stakes (to be removed after all of the surveys) will be used to identify the centerline by the other survey crews. However, no removal of brush and no stakes can be placed within 100 feet of the Appalachian National Scenic Trail crossing.

Environmental Survey - A wetland and waterbody delineation survey using visual observations of vegetation composition, hydrology and soil samples at selected locations. Fieldwork will be completed by up to three crews consisting of 2 to 3 biologists each performing pedestrian reconnaissance within the 300-foot-wide survey corridor. The biologists will navigate the survey corridor by following stakes or flags placed by routing or civil survey crews. To observe soil conditions, the biologists will use a 3-inch Dutch auger or tile spade to dig a soil pit to a depth of approximately 16 to 20 inches and a width of 3 to 10 inches sufficient to identify the presence or absence of hydric soil indicators and/or soil saturation. Soil pits will be dug in locations with apparent wetland characteristics (i.e. saturation, inundation, or hydrophytic vegetation), in areas

adjacent to identified wetlands to confirm upland characteristics, and along the wetland boundary to verify accurate delineation of the wetland boundary in accordance with the U.S. Army Corps of Engineers' wetland delineation protocols (i.e., the *1987 Wetland Delineation Manual* and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region*). Spoil excavated from the soil pits will be replaced and packed by foot with vegetation replaced prior to leaving each sample location. Identification of potential suitable habitat for sensitive species, including federally listed threatened and endangered species, will be recorded. Invasive plant species will also be documented. Flora and fauna may be observed and captured for identification but none will be collected or removed from the site. Atlantic will coordinate with USFS and FWS biologists to determine the appropriate methodology for conducting presence/absence surveys. Populations of noxious weed species will be recorded.

Cultural Resources Survey - A Phase I cultural resource reconnaissance survey, utilizing appropriate field methodology, testing procedures, data recordation and, documentation in accordance with all state and federal guidelines for Section 106 of the National Historic Preservation Act compliance may be conducted. Fieldwork will be conducted by up to three crews of 3 to 5 archaeologists each performing pedestrian reconnaissance and shovel testing within the 300-foot survey corridor. Detailed methodologies will be provided in the Archaeological Resources Protection Act (ARPA) permit.

Civil Survey - A recording of GPS readings of the centerline and other features along the route. Fieldwork will be conducted by up to three crews consisting of 3 or 4 land surveyors each. The crews will utilize sub-meter accurate GPS units, survey grade GPS or conventional survey equipment to collect data points along a 200-foot-wide survey corridor centered on the centerline. Minor amounts of brush can be removed with hand tools to provide line of sight and a travel path for survey equipment. Brush cutting is to be limited to saplings or limbs less than 2 inches in diameter. PK nails, spike nails and whiskers, biodegradable flagging and plastic pin flags can be used as needed.

Geotechnical Core Borings - In order to characterize subsurface conditions for slope stabilization and potential horizontal direction drill (HDD) operations, Atlantic may request site-specific permission to conduct geotechnical test borings in representative areas identified during the geohazard program and potential HDD locations. 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. Atlantic will submit locations to the GWNF prior to conducting any work. Prior to any work at an identified location, environmental surveys, including cultural resource surveys, will be conducted at each drill location. Any bore hole locations not accessed by existing roads will be evaluated with the Forest Service. Once the boring equipment is in place, drilling operations will last approximately three days at each location, depending on the subsurface conditions 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 geotechnical and professional engineers. 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.

Survey Activities within Special Biological Areas - The study corridor for study areas 3, 4, and 6 includes several Management Area Prescription 4D-Special Biological Areas (SBAs). Survey activities within those SBAs will be coordinated with the Forest Botanist prior to the field visit.

Access for the Surveys - Atlantic and its consultants will access the survey corridor along the alternate routes in the GWNF from public roads and approximately 11.9 miles of USFS roads. The USFS roads include Forest Service Routes 281, 348.1, 449, 449A, 449B, 466, 466A, and 1755.

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 1b.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:**

The study corridor for study areas 3, 4, and 6 includes several Special Biological Areas (SBAs). Survey activities within those SBAs will be coordinated with the Forest Botanist prior to the field visit.

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 for study area 4 crosses the southern edge of the Jerkentight Inventoried Roadless Area; however, the survey activities are compatible with the 2001 Roadless Area Conservation Rule.

**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 1b.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 for the GWNF6 route began on February 29, 2016 and ended March 21, 2016 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 purpose of the scoping was to request comments to determine issues and concerns related to the proposed surveys. The scoping provided a wide variety of comments that identified concerns about the impacts associated with the construction of the pipeline. Other comments expressed interest in the data collection process for the surveys conducted in previous ACP routes across the GWNF. Comments also identified additional informational needs. Other comments expressed concerns about several Special Biological Areas and conservation sites within the study corridors. 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 Management Area Prescriptions 2C3-Eligible Wild and Scenic River Corridors, 4A-Appalachian National Scenic Trail Corridor, 4D-Special Biological Areas, 5A-Administrative Sites, 7B-Scenic Corridors, 7E1-Dispersed Recreation, 12D-Remote Backcountry, and 13-Mosaics of Habitat. The approved survey activities are allowed in these management areas.

#### **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 218.23(a) [Federal Register Vol. 79, No. 147], 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](mailto:afaught@fs.fed.us); or by phone at 540-265-5192.



**JOBY P. TIMM**  
Acting Forest Supervisor

4/8/10  
DATE

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*Persons with Disabilities*

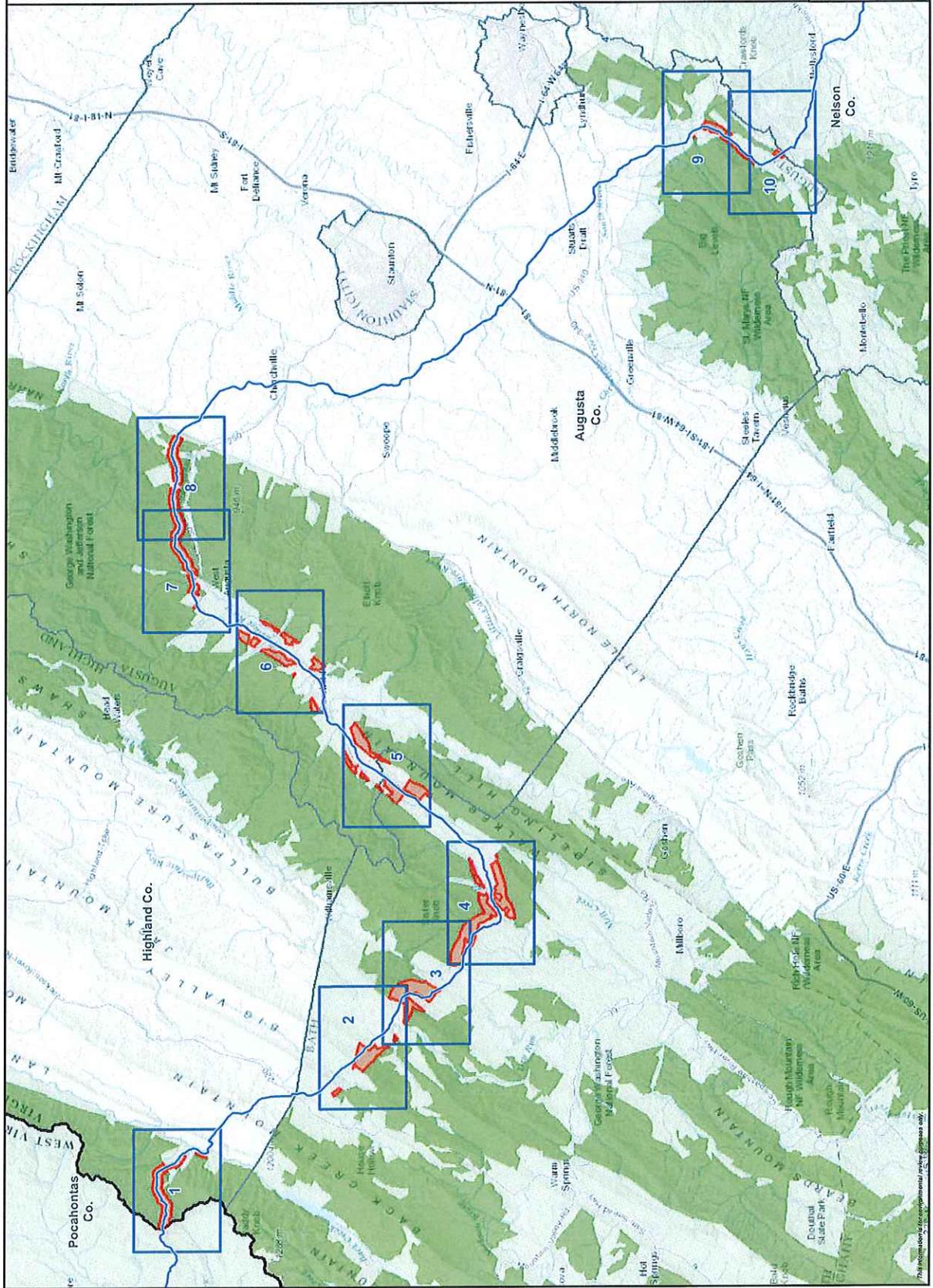
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**George Washington National Forest**

- Pipeline Route**
-  Main Line
  -  Lateral
  -  Study Corridor
  -  George Washington National Forest
  -  Study Area
  -  State Boundary
  -  Counties Crossed

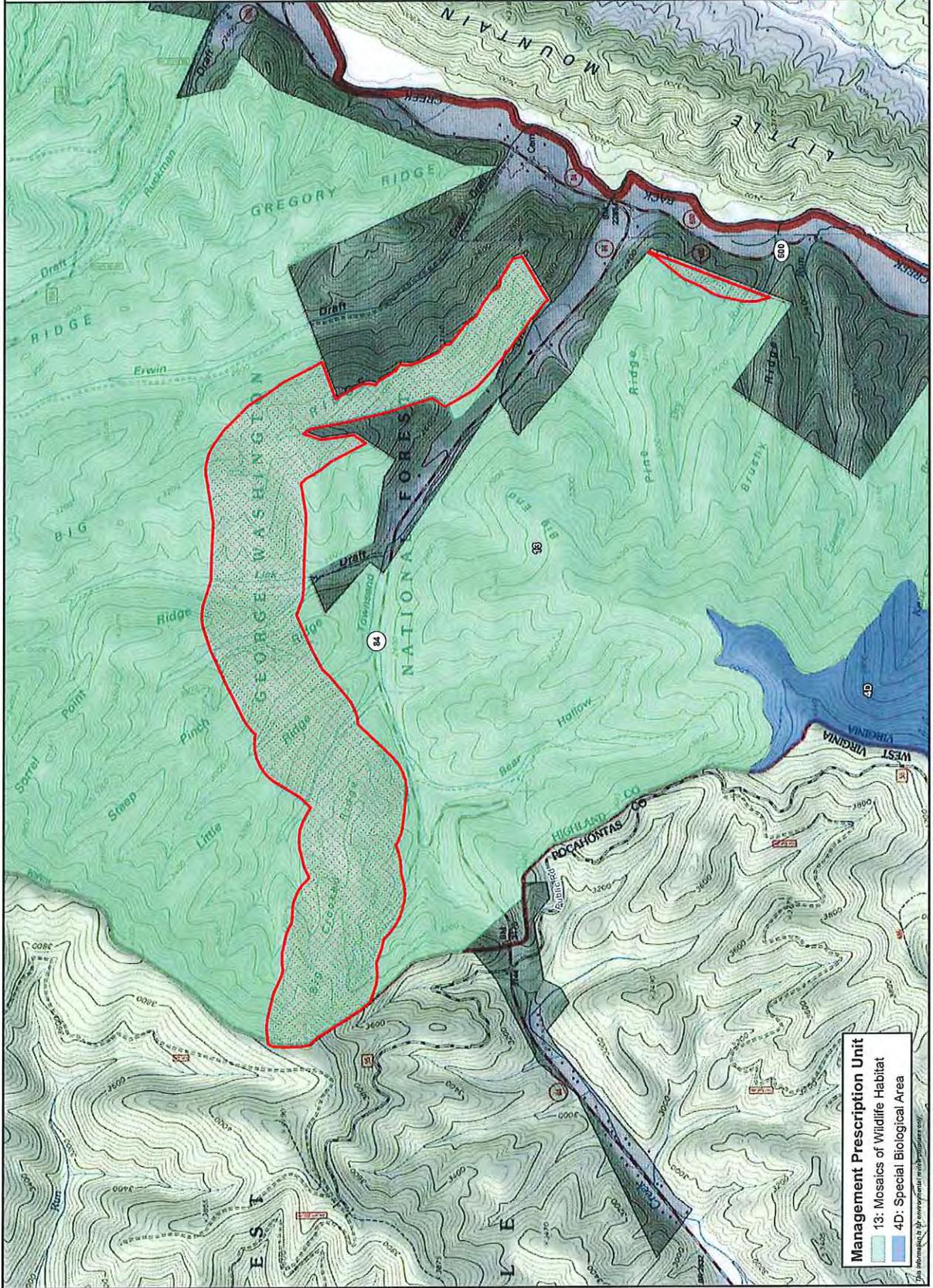
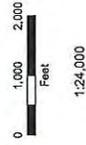


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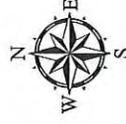
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-  Forest Access Road
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-  State Boundary
-  County Boundary



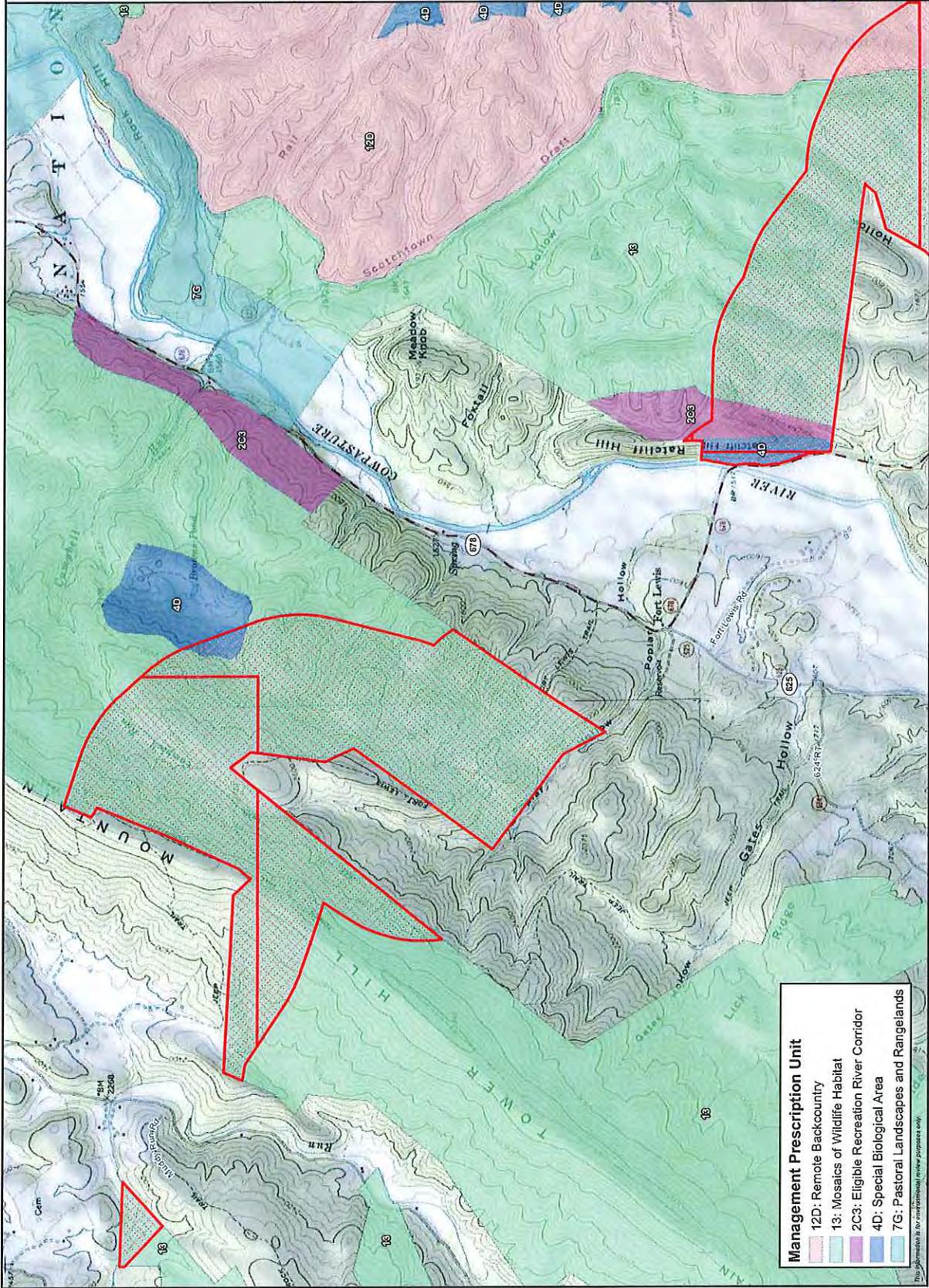
- Management Prescription Unit**
-  13: Mosaics of Wildlife Habitat
  -  4D: Special Biological Area



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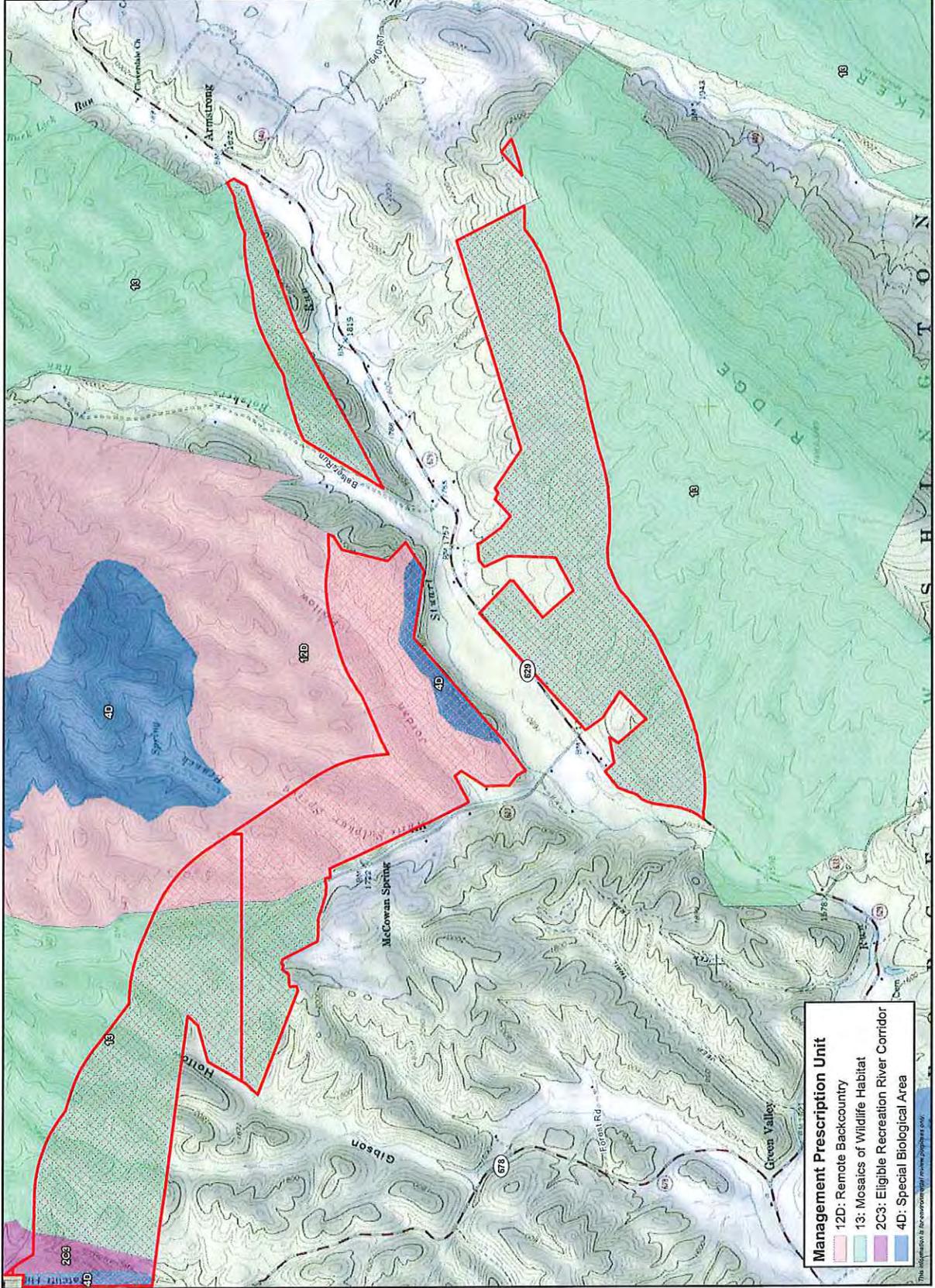
- Management Prescription Unit**
-  12D: Remote Backcountry
  -  13: Mosaics of Wildlife Habitat
  -  2C3: Eligible Recreation River Corridor
  -  4D: Special Biological Area
  -  7G: Pastoral Landscapes and Rangelands

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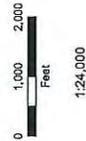
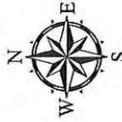


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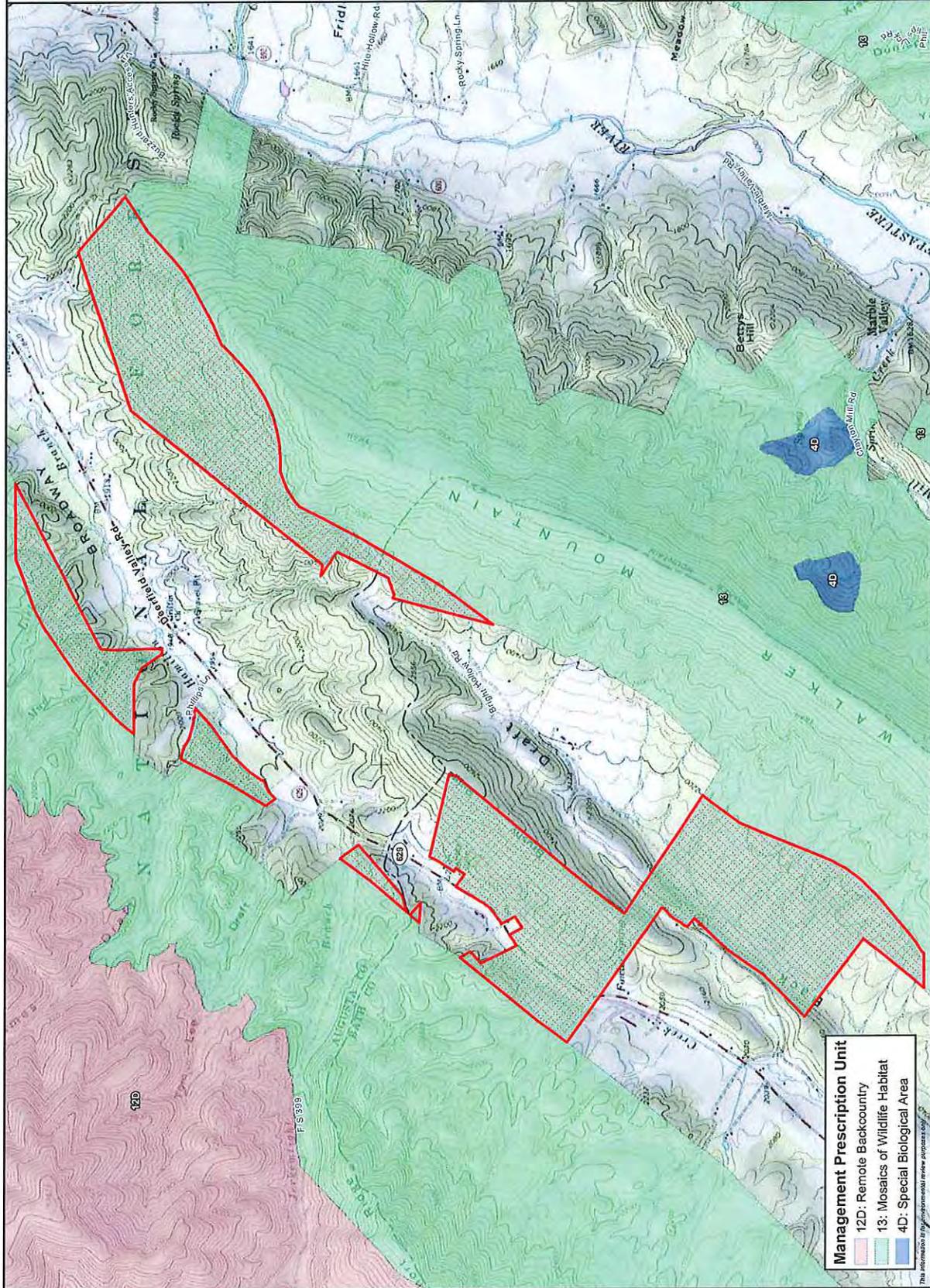


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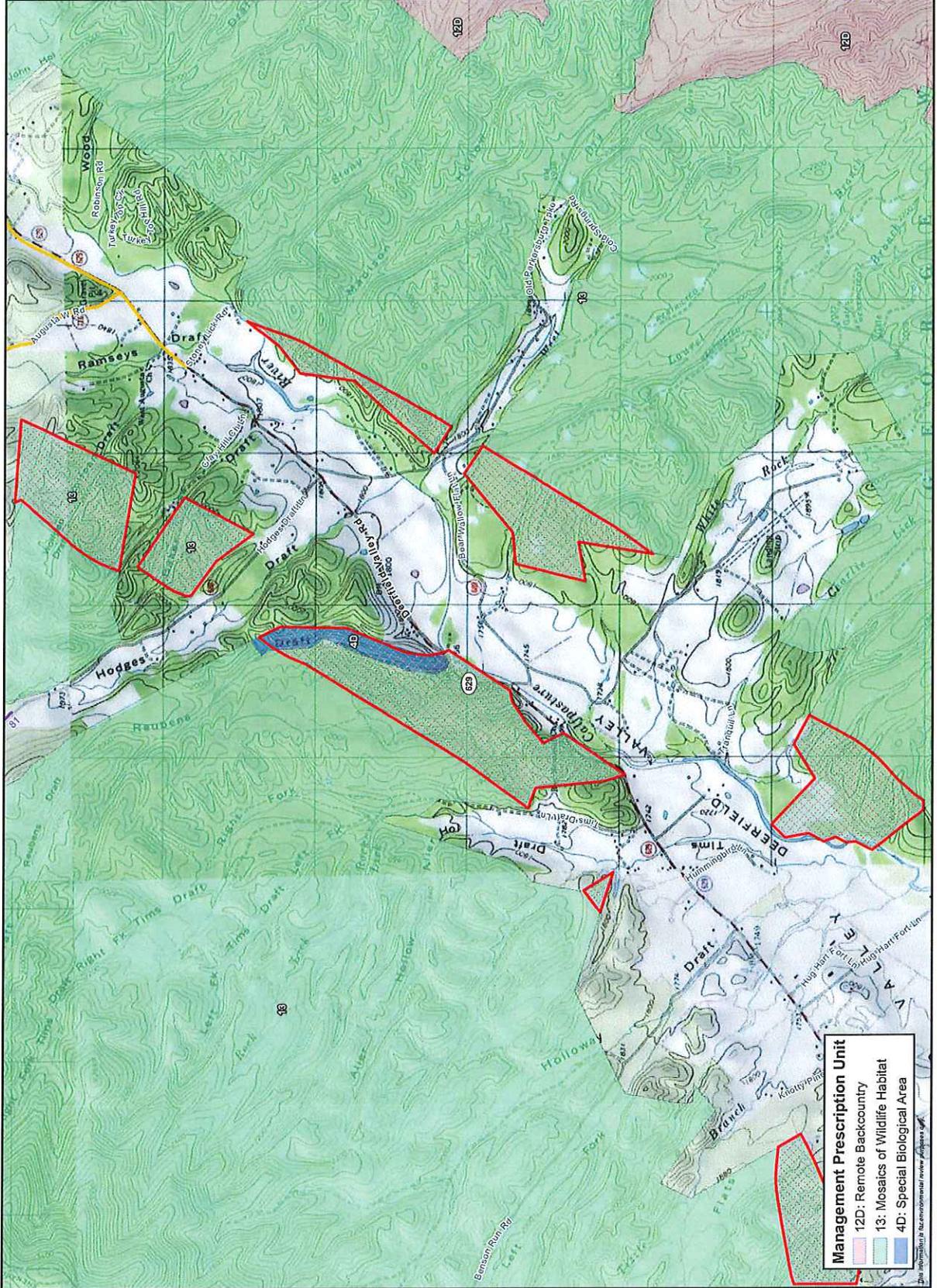
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This information is preliminary and is subject to change without notice.

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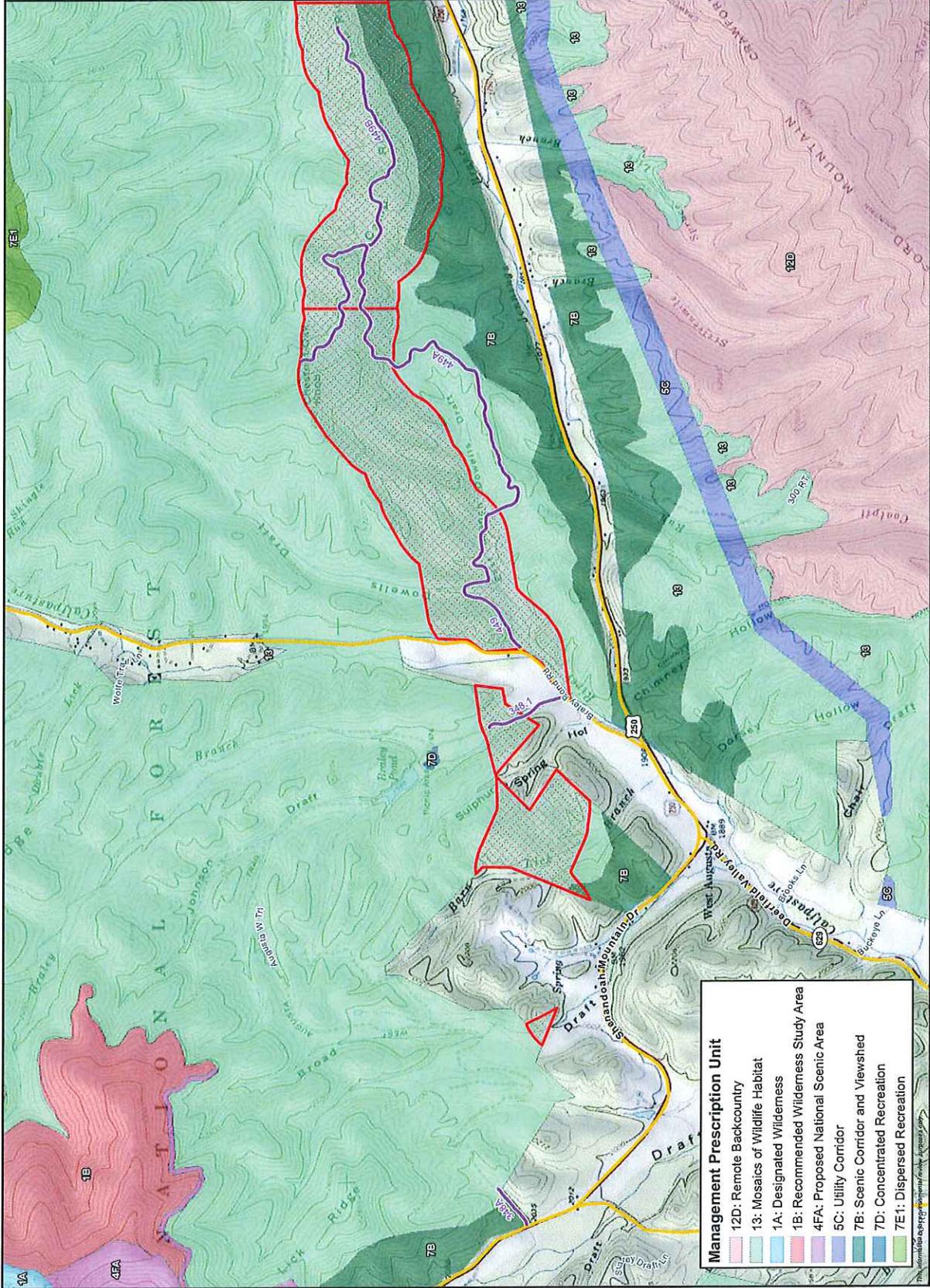


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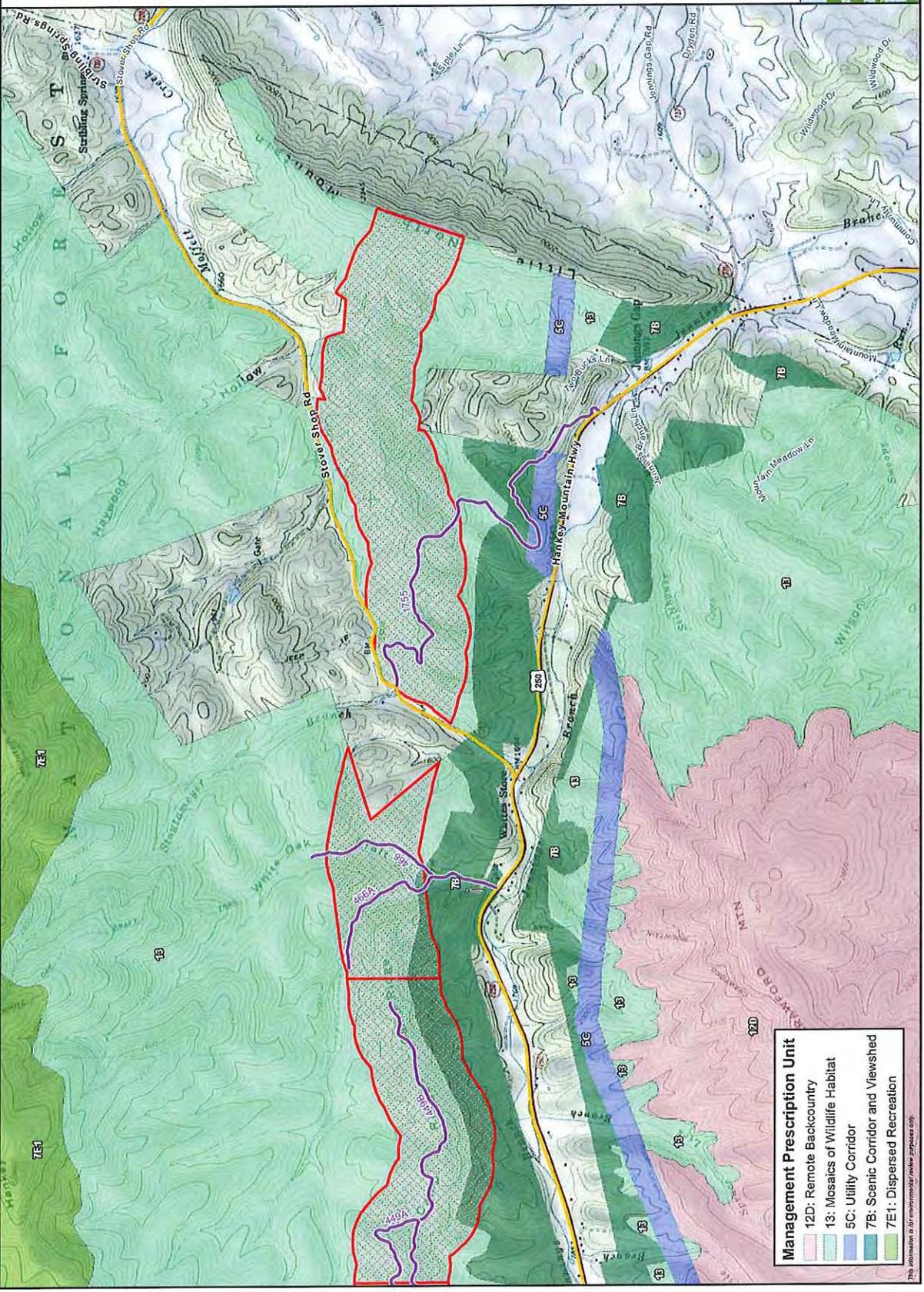
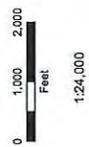


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- Management Prescription Unit**
-  12D: Remote Backcountry
  -  13: Mosaics of Wildlife Habitat
  -  1A: Designated Wilderness
  -  1B: Recommended Wilderness Study Area
  -  4FA: Proposed National Scenic Area
  -  5C: Utility Corridor
  -  7B: Scenic Corridor and Viewshed
  -  7D: Concentrated Recreation
  -  7E1: Dispersed Recreation

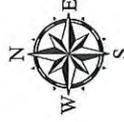
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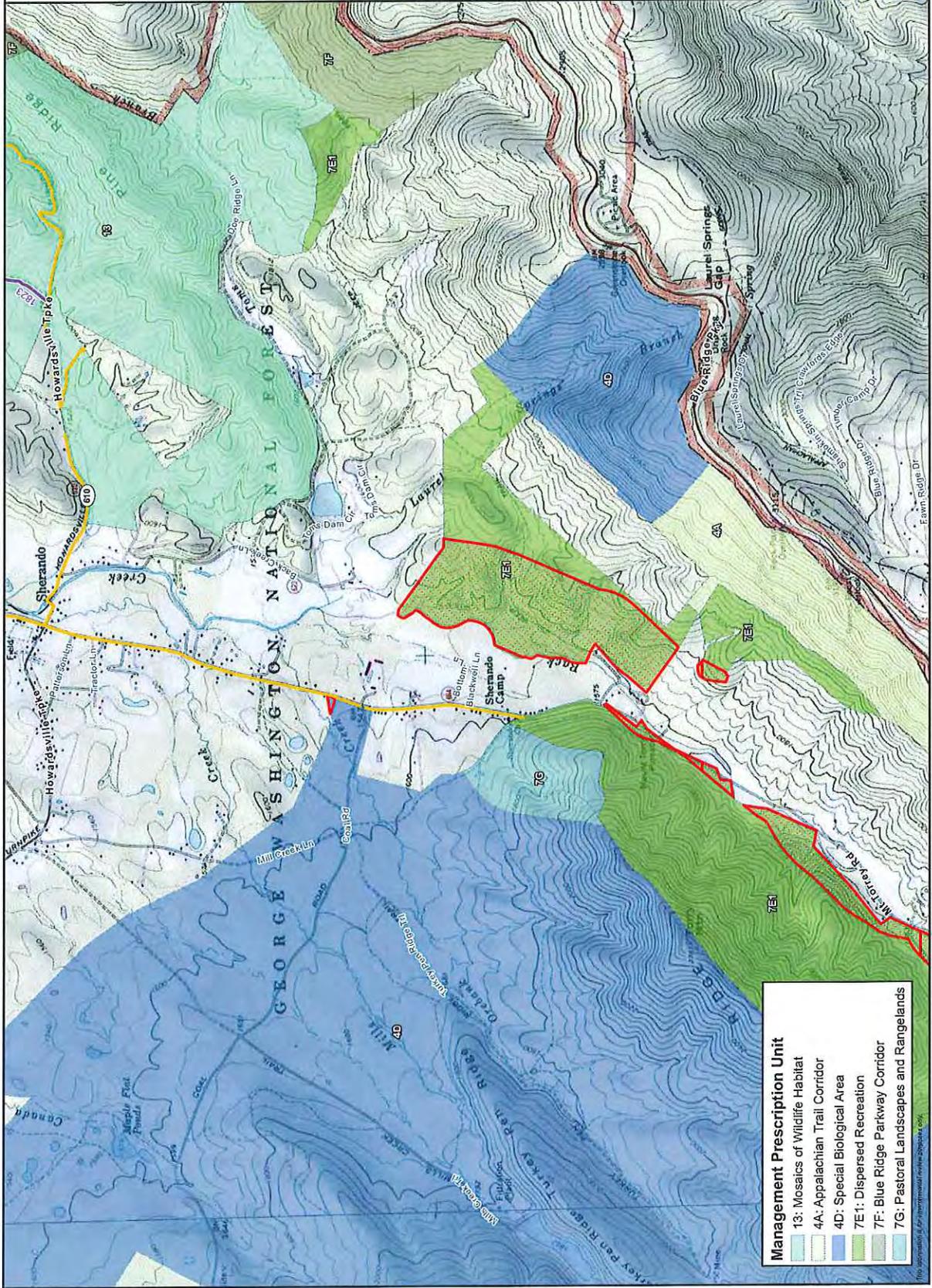
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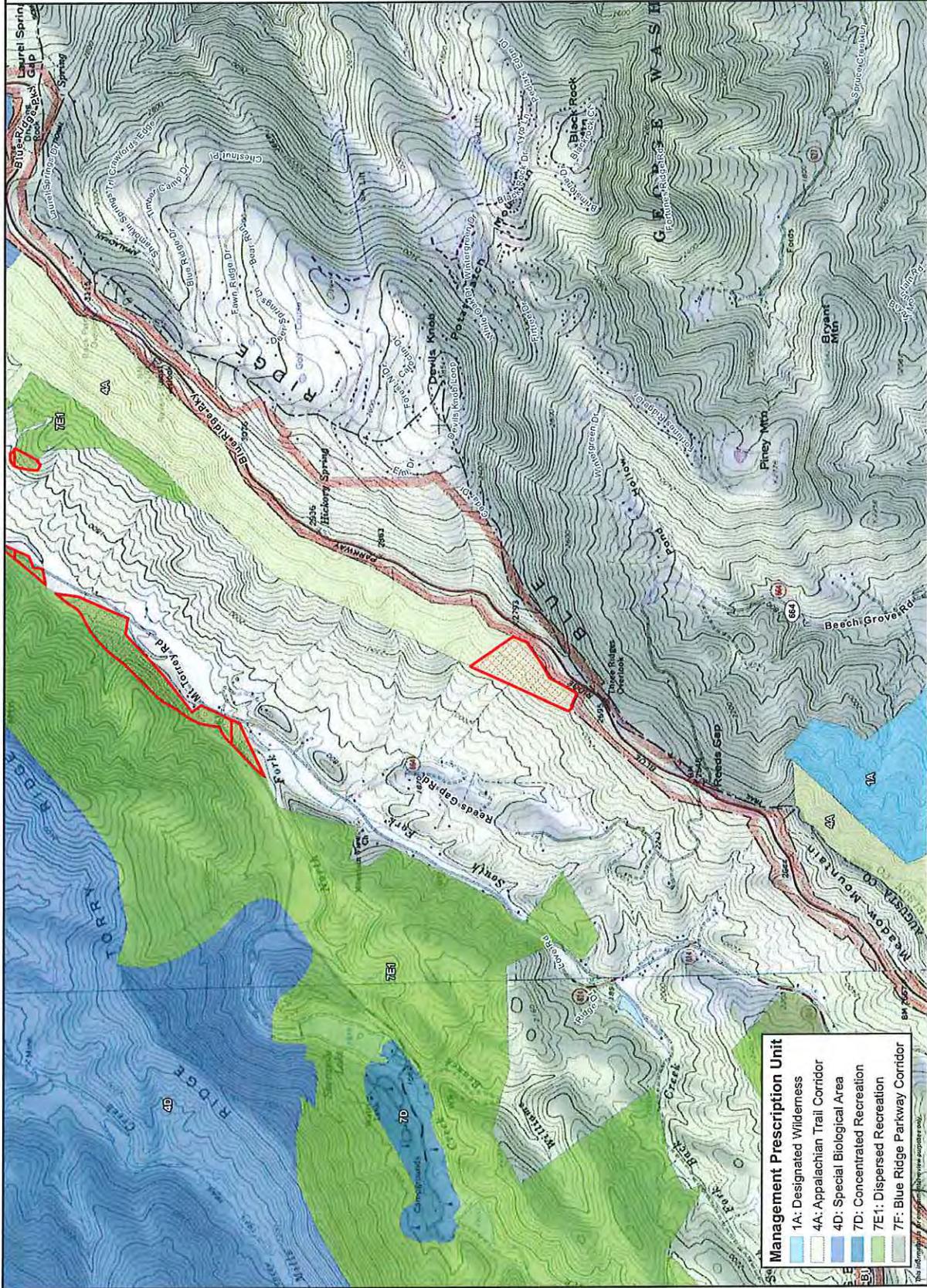
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  - 4D: Special Biological Area
  - 7E1: Dispersed Recreation
  - 7F: Blue Ridge Parkway Corridor
  - 7G: Pastoral Landscapes and Rangelands

Map generated by Environmental Review Systems, Inc.

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