Draft Record of Decision

Atlantic Coast Pipeline Project Special Use Permit/Land and Resource Management Plan Amendments

Monongahela National Forest
Pocahontas County, West Virginia

George Washington National Forest
Highland, Bath, and Augusta Counties, Virginia
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Draft Record of Decision
for the
Atlantic Coast Pipeline Project Special Use Permit/Land and Resource Management Plan Amendments

Pocahontas County, West Virginia and Highland, Bath, and Augusta Counties, Virginia

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Cooperating Agency U.S.D.A. Forest Service
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<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACP</td>
<td>Atlantic Coast Pipeline</td>
</tr>
<tr>
<td>ANST</td>
<td>Appalachian National Scenic Trail</td>
</tr>
<tr>
<td>ATWS</td>
<td>Additional Temporary Workspace</td>
</tr>
<tr>
<td>BA</td>
<td>Biological Assessment</td>
</tr>
<tr>
<td>BASI</td>
<td>Best Available Scientific Information</td>
</tr>
<tr>
<td>BI</td>
<td>Beneficial Impact</td>
</tr>
<tr>
<td>BIC</td>
<td>Best in Class</td>
</tr>
<tr>
<td>BRP</td>
<td>Blue Ridge Parkway</td>
</tr>
<tr>
<td>BO</td>
<td>Biological Opinion</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>CWA</td>
<td>Clean Water Act</td>
</tr>
<tr>
<td>COM</td>
<td>Construction, Operations, and Maintenance</td>
</tr>
<tr>
<td>DEIS</td>
<td>Draft Environmental Impact Statement</td>
</tr>
<tr>
<td>EPA</td>
<td>Environmental Protection Agency</td>
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<tr>
<td>ESA</td>
<td>Endangered Species Act</td>
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<tr>
<td>FEIS</td>
<td>Final Environmental Impact Statement</td>
</tr>
<tr>
<td>FERC</td>
<td>Federal Energy Regulatory Commission</td>
</tr>
<tr>
<td>FS</td>
<td>Forest Service</td>
</tr>
<tr>
<td>FWS</td>
<td>US Fish and Wildlife Service</td>
</tr>
<tr>
<td>FR</td>
<td>Federal Register</td>
</tr>
<tr>
<td>FR</td>
<td>Forest Road</td>
</tr>
<tr>
<td>GWNF</td>
<td>George Washington National Forest</td>
</tr>
<tr>
<td>HDD</td>
<td>Horizontal Directional Drilling</td>
</tr>
<tr>
<td>KOP</td>
<td>Key Observation Point</td>
</tr>
<tr>
<td>LRMP</td>
<td>Land and Resource Management Plan</td>
</tr>
<tr>
<td>MIINLT</td>
<td>May impact individuals but is not likely to cause a trend toward federal listing or loss of viability</td>
</tr>
</tbody>
</table>
Introduction

This draft record of decision (ROD) documents Forest Service (FS) decisions and rationale for:

1. Authorizing the use and occupancy of National Forest System (NFS) land for Atlantic Coast Pipeline, LLC (Atlantic) to construct, operate, maintain, and eventually decommission a natural gas pipeline that crosses NFS lands administered by the Monongahela National Forest (MNF) and George Washington National Forest (GWNF); and
2. Approving:
   a. a project-specific Forest Plan amendment to the Monongahela National Forest’s Land and Resource Management Plan1 (United States Department of Agriculture [USDA] Forest Service 2011), and
   b. a project-specific Forest Plan amendment to the George Washington National Forest’s LRMP (USDA Forest Service 2014).

Our decisions are based on the Final Environmental Impact Statement (FEIS) prepared by the Federal Energy Regulatory Commission (FERC) for the Atlantic Coast Pipeline (ACP) Project and Supply Header Project (SHP). In accordance with the Natural Gas Act (Title 15 United States Code [U.S.C.] § 717), the FERC is the lead Federal agency for the environmental analysis of the construction and operation of the ACP and SHP. Federal agencies with a role in authorizing an application for a natural gas pipeline are required by law to cooperate in processing the application and to comply with the processing schedule established by FERC (Section 313 of Energy Policy Act of 2005). We participated as a cooperating agency with the FERC during the FEIS development. We have adopted the environmental analysis conducted by FERC (in accordance with 40 Code of Federal Regulations [CFR] 1506 (a) and (c)) to support this ROD.

Please note, while the pronoun “we” is used in this document, the Region 9 Forester is responsible for any decisions related to the MNF and the Region 8 Forester is responsible for any decisions related to the GWNF.

Background

The ACP Project would involve the construction and operation of 604.5 miles of an interstate natural gas pipeline. Of the total ACP route miles, about 21 miles are located on NFS lands. The SHP involves the construction and operation of 37.5 miles of pipeline, but would not impact NFS lands. Figure 1-1 in the FEIS provides an overview map of the two pipeline projects analyzed in FERC’s FEIS.

Section 1.0 (Introduction) of the FEIS describes the background for the ACP Project. The ACP Project on NFS lands includes the construction, operation, and maintenance of a buried 42-inch diameter interstate mainline natural gas pipeline that crosses about 5 miles of lands managed by the MNF and 16 miles of lands managed by the GWNF. The pipeline route would cross the Appalachian National Scenic Trail (ANST) on the GWNF and the Blue Ridge Parkway (BRP) on National Park Service land.

1 Hereafter referred to as the “LRMP” or “Forest Plan”
The construction corridor for the pipeline in most instances would be 125 feet wide, but would be narrowed to 75-feet wide when crossing wetlands. The construction corridor would be reclaimed to a final operational corridor width of 50 feet. The pipeline would be buried so that there will be three feet of cover in most areas, 18 inches of cover in consolidated rock and deeper when crossing waterbodies. There would be no significant above ground facilities located on either the MNF or GWNF, although there would be minor equipment such as test stations and line markers (size of a fence post). The land use requirements of the project on NFS lands is shown in Table 1:

<table>
<thead>
<tr>
<th>National Forest/Facility/Component</th>
<th>Total (acres)</th>
<th>Construction</th>
<th>Operation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Monongahela National Forest</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AP-1 Mainline Right-of-Way</td>
<td>77.9</td>
<td>30.9</td>
<td></td>
</tr>
<tr>
<td>Additional Temporary Workspace a</td>
<td>7.9</td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>Access Roads</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing/Hybrid Roads b</td>
<td>24.9</td>
<td>24.8</td>
<td></td>
</tr>
<tr>
<td>New To-Be-Constructed Roads</td>
<td>0.1</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td>Pipe/Contractor Yards</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pipe Yard 06-A</td>
<td>1.5</td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>Monongahela National Forest Subtotal</td>
<td>112.3</td>
<td>55.8</td>
<td></td>
</tr>
<tr>
<td><strong>George Washington National Forest</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AP-1 Mainline Right-of-Way</td>
<td>235.0</td>
<td>94.7</td>
<td></td>
</tr>
<tr>
<td>Additional Temporary Workspace a</td>
<td>16.4</td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>Access Roads</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Roads</td>
<td>65.3</td>
<td>62.1</td>
<td></td>
</tr>
<tr>
<td>New To-Be-Constructed Roads</td>
<td>1.5</td>
<td>1.5</td>
<td></td>
</tr>
<tr>
<td>George Washington National Forest Subtotal</td>
<td>318.1</td>
<td>158.2</td>
<td></td>
</tr>
<tr>
<td><strong>National Forest System Lands Total</strong></td>
<td>430.4</td>
<td>214.0</td>
<td></td>
</tr>
</tbody>
</table>

a Includes additional temporary workspace, topsoil segregation areas, and water impoundment structure locations.
b Includes two access roads where a portion of the road is existing and a portion is new, to-be-constructed.

Note: The totals shown in this table may not equal the sum of addends due to rounding.

If all approvals are in place, construction on NFS lands would begin in April 2018 and conclude in late 2019. Operation and maintenance within the right-of-way (ROW) will begin shortly thereafter and continue during the 30 year life of the special use permit (SUP).

**Purpose and Need and Proposed Action**

Section 1.1 (Project Purpose and Need) of the FEIS describes the purpose of the project is to serve the growing energy needs of multiple public utilities and local distribution companies in Virginia and North Carolina. Atlantic states the ACP Project will increase the reliability and security of natural gas supplies in these two States, with the majority of the gas supplied to be used to generate electricity for industrial, commercial, and residential uses.

The purpose and need for the FS proposed action is to respond to Atlantic’s application for a special use permit that was submitted to the FS on June 16, 2016. The proposed action by the FS is to authorize Atlantic to use and occupy NFS lands for the ACP Project and approve LRMP amendments to allow the project to be consistent with the LRMPs. The FS decisions are needed to meet our statutory obligations as a cooperating agency in processing applications for natural

The Mineral Leasing Act of 1920 and federal regulations at 36 CFR 251 Subpart B provide the FS with authority to issue a SUP for construction and operation of an oil and gas pipeline across these NFS lands. The FS may include stipulations in the SUP it deems necessary to protect Federal property and otherwise protect the public interest. Final agency decisions by the FS on the ACP Project are dependent upon FERC issuing a certificate of public convenience and necessity to Atlantic.

Section 4.8.9 (“Federal Lands”) of the FEIS describes the four MNF and ten GWNF Forest Plan standards that will be modified and constitute the amendment of each Forest LRMP. These amendments allow the ACP Project to meet Forest Plan Standards and minimize impacts to soil, water, riparian, threatened and endangered species, old growth, recreational and visual resources. Section 4.8.9.1 (“Forest Service”) of the FEIS describes the function of Forest Plan standards, as well as other types of management direction that guide design of the ACP Project across NFS lands. The National Forest Management Act (NFMA) requires that proposed projects, including third-party proposals subject to permits, be consistent with the Forest Plan of the administrative unit where the project would occur. The amendments are being approved concurrently with our adoption and use/occupancy decisions for the MNF and GWNF in accordance with 36 CFR 219.15(c)(4).

**Decision to be made**

The decisions to be made by the Forest Service are:

1) Whether to authorize the use and occupancy of NFS land for Atlantic Coast Pipeline, LLC to construct, operate, maintain, and eventually decommission a natural gas pipeline that crosses NFS lands administered by the MNF and GWNF; and

2) Whether to approve:
   a. A project-specific Forest Plan amendment to modify four standards in the MNF’s Forest Plan, and
   b. A project-specific Forest Plan amendment to modify ten standards in the GWNF’s Forest Plan.

We have reviewed those portions of the FEIS directly related to NFS lands and the effects from the ACP Project on those lands. The FEIS provides sufficient evidence to support our decisions in compliance with Forest Service regulations 36 CFR Part 219 (Planning), Part 220 (National Environmental Policy Act Compliance), and Part 251 (Land Uses).

We have determined that the scope of the FEIS analysis and this decision is limited to considering authorizing use and occupancy and approving project-specific plan amendments related to the ACP Project on NFS lands. “Project-specific plan amendments” means the amendments are applicable only to the ACP Project and not to other current or future projects. We have determined whether and how the four MNF and ten GWNF modified Forest Plan standards are directly related to the substantive requirements (36 CFR 219.8 through 219.11) of the Forest Service planning regulations. The substantive requirements address sustainability, diversity of plant and animal communities, multiple use, and timber requirements based on the NFMA. A forest plan amendment is “directly related” to a substantive requirement if it has one or more of the following relationships to a substantive requirement:
• the purpose for the amendment,
• there would be a beneficial effect of the amendment,
• there would be a substantial adverse effect of the amendment, or
• there would be a substantial lessening of plan protections by the amendment.

If a proposed amendment is determined to be “directly related” to a substantive rule requirement, we as the responsible officials must apply that requirement within the scope and scale of the proposed amendment and, if necessary, make adjustments to the proposed amendment to meet the substantive requirements. 36 CFR 219.13 (b)(5) and (6); 81 Federal Register (FR) 90738 (Dec. 15, 2016).

Finally, mitigation for the ACP Project on NFS lands is described in Section 2.3.1 (“Mitigation”) of the FEIS. This section in the FEIS identifies the construction and restoration plans that apply to the ACP project as required both by FERC and by the FS. Specifically, the Construction, Operation, and Maintenance Plan (COM Plan) is a series of construction plans, procedures, and mitigation measures that would be implemented on NFS lands. The COM Plan would be attached to and made a part of the SUP issued by the FS. The SUP is the administrative instrument that will implement this ROD.

Changes from Draft EIS (DEIS) to FEIS

In the DEIS, the proposed Forest Plan amendments consisted of one part with two potential modified standards for the MNF and six parts with eight proposed modified standards and three potential modified standards for the GWNF. One part of the GWNF amendment was proposed to be a “plan-level” amendment; that is, it would have applied not only to the ACP but also any future projects within the area covered by the applicable modified standard. The amendment proposals were based on the knowledge and anticipated effects of the proposed project at that time.

Since the DEIS, we reviewed additional information, recent revisions to our planning regulations, and comments from the public on the DEIS. Our review resulted in determining that two of the standards considered in the DEIS (FW-243 and 11-019 in the GWNF LRMP) do not need to be modified for the project. However, the FEIS includes modification of four standards (SW03 and TE07 in the MNF LRMP; FW-8 and 11-003 in the GWNF LRMP) that were not considered for modification in the DEIS. Another change addressed in the FEIS was that we no longer proposed to reallocate 104.2 acres of land on the GWNF to Management Area 5C – Designated Utility Corridor, but instead would exempt the ACP linear right-of-way from being reallocated to the 5C management prescription (See FW-244 in Table 3 below).

With one exception, the public was notified of the aforementioned changes to the proposed Forest Plan amendments through a notice that was published in the Federal Register on June 5, 2017 (82 FR 25756). One standard (TE07 in the MNF LRMP relating to threatened and endangered species) was not included in the DEIS nor in the June 5 FR Notice. TE07 is identified in the FEIS as a standard that needs modification based on results of biological surveys completed since the DEIS.

The net result of the aforementioned changes is that the FEIS evaluated proposed project-specific amendments consisting of two parts modifying four standards in the MNF LRMP (See Table 2
below) and six parts modifying ten standards in the GWNF LRMP (See Table 3 below.) Depending on the results of surveys that are to be completed after the release of the FEIS, two of the standards identified (TE07 and FW-85) may not need to be modified.

We also reviewed analyses from ACP and worked with ACP to develop project design features and mitigation measures that are designed to protect resources including soil, riparian, old growth, special status species habitat, visual, and recreational resources. The additional mitigation measures or project design features relating to the proposed amended standards are discussed in the FEIS, Chapter 4 and in Atlantic’s COM Plan. As described in the FEIS in Section 2.3.1.2 (“General Forest Service Mitigation”), our intent is to avoid or minimize adverse impacts on NFS lands. The COM Plan outlines mitigation measures that are referenced throughout Chapter 4 in the FEIS describing how the measures minimize impacts to NFS resources. The COM Plan has undergone a number of changes from the DEIS to FEIS as described in Section 4 of the FEIS. By adopting the FERC-prepared FEIS, all design features and mitigation measures applicable to NFS lands are made a part of this decision. The COM plan is still undergoing refinement as we are continuing work with Atlantic to enhance the effectiveness of mitigation measures and will incorporate additional mitigation as needed. A version of the COM Plan that incorporates measures and mitigation to ensure consistency with the LRMPs will be included in the SUP the Forest Service issues to implement the project.

The Federal Register on June 5, 2017 (82 FR 25756) also informed the public of a change to the administrative review procedures for the ACP Project (also see the “Administrative Review/Objections” section below). By not designating the ACP permit area as a Management Area 5C Utility Corridor on the GWNF, we no longer are considering a plan-level amendment and the requisite administrative review process under 36 CFR 219. For purposes of this decision, all of the modified standards are now project-specific and therefore we will utilize the administrative review procedures of 36 CFR 218.

Decision and Rationale for the Decision

Authorization of the use and occupancy of NFS land

Based on our review of the FEIS and project record, we have decided to authorize Atlantic to use and occupy NFS land to construct, operate, maintain, and eventually decommission a natural gas pipeline on NFS lands administered by the MNF and GWNF. The construction phase of the project on NFS lands would disturb 430.4 acres of land, including the pipeline construction right-of-way, additional temporary workspaces (ATWS), and access roads. Following construction, 214 acres of NFS lands will be maintained and operated for long-term use. The long-term use would include approximately 56 acres of lands associated with the proposed 5.1 mile pipeline corridor and associated access roads for the ACP Project that crosses the MNF Pocahontas County, West Virginia; and approximately 158 acres and 15.9 miles of pipeline corridor on the GWNF in Highland, Bath, and Augusta Counties, Virginia. See Figure 1. More detailed maps of the pipeline route are found in Appendix B of the FEIS. This authorization would be implemented through the Forest Service issuing a SUP for a term of 30 years with an option to renew in accordance with 36 CFR 251.64.

Our decision allows Atlantic to implement the ACP Project in a manner consistent with the selected action. However, approval to begin operations on NFS land will require incorporating changes into the COM Plan that are necessary to meet the requirements of regulations at 36 CFR
251 Subpart B and ensure consistency with the Forest LRMP’s as amended. The SUP will require Atlantic’s use and occupancy to be conducted in accordance with Atlantic’s COM Plan and other terms and conditions deemed necessary to comply with the requirements of 36 CFR 251.56. Atlantic will be allowed to commence ground disturbing operations on NFS lands after the Forest Service issues the SUP; Atlantic accepts its terms and conditions; and the Forest Service issues Atlantic written notice to proceed.

Approval of Forest Plan amendments

Based on our review of the FEIS and project record, we amend the MNF’s LRMP as displayed in Table 2 and the GWNF’s LRMP as displayed in Table 3. As the Tables show, the plan amendments modify certain plan standards relating to: Utility Corridors, Soil and Riparian, Threatened and Endangered Species, Old Growth Management Area, Eligible Recreational River Access, Appalachian National Scenic Trail Area, and Scenic Integrity Objectives. Modified plan amendment language is in “bold” text in column 2 of the tables.

Figure 1 – Atlantic Coast Pipeline Route on the MNF and GWNF.
### Table 2 MNF Revised Land and Resource Management Plan Amendment Specific to the ACP Project

<table>
<thead>
<tr>
<th>MNF Forest Plan Standards Prior to Modifying for the ACP Project</th>
<th>Standards as Modified for the ACP Project</th>
<th>Supporting Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part One - Soils</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard SW06: Severe rutting resulting from management activities shall be confined to less than 5 percent of an activity area.</td>
<td>Standard SW06: Severe rutting resulting from management activities shall be confined to less than 5 percent of an activity area <strong>with the exception of the construction of Atlantic Coast Pipeline</strong>, where the applicable mitigation measures identified in the COM Plan and SUP must be implemented.</td>
<td>ACP Project mitigation measures identified in the COM Plan and SUP are designed to avoid and minimize impacts from severe rutting during construction of ACP.</td>
</tr>
<tr>
<td>Standard SW07: Use of wheeled and/or tracked motorized equipment may be limited on soil types that include the following soil/site conditions: Steep Slopes (40 to 50 percent) – Operations on these slopes shall be analyzed on a case-by-case basis to determine the best method of operation while maintaining soil stability and productivity. Very Steep Slopes (more than 50 percent) – Use is prohibited without recommendations from interdisciplinary team review and line officer approval. Susceptible to Landslides – Use on slopes greater than 15 percent with soils susceptible to downslope movement when loaded, excavated, or wet is allowed only with mitigation measures during periods of freeze-thaw and for one to multiple days following significant rainfall events. If the risk of landslides during these periods cannot be mitigated, then use is prohibited. Soils Commonly Wet At or Near the Surface During a Considerable Part of the Year or Soils Highly Susceptible to Compaction. Equipment use shall normally be prohibited or mitigated when soils are saturated or when freeze-thaw cycles occur.</td>
<td>Standard SW07: Use of wheeled and/or tracked motorized equipment may be limited on soil types that include the following soil/site conditions <strong>with the exception of the construction of Atlantic Coast Pipeline</strong>, where the applicable mitigation measures identified in the COM Plan and SUP must be implemented: Steep Slopes (40 to 50 percent) – Operations on these slopes shall be analyzed on a case-by-case basis to determine the best method of operation while maintaining soil stability and productivity. Very Steep Slopes (more than 50 percent) – Use is prohibited without recommendations from interdisciplinary team review and line officer approval. Susceptible to Landslides – Use on slopes greater than 15 percent with soils susceptible to downslope movement when loaded, excavated, or wet is allowed only with mitigation measures during periods of freeze-thaw and for one to multiple days following significant rainfall events. If the risk of landslides during these periods cannot be mitigated, then use is prohibited. Soils Commonly Wet At or Near the Surface During a Considerable Part of the Year or Soils Highly Susceptible to Compaction. Equipment use shall normally be prohibited or mitigated when soils are saturated or when freeze-thaw cycles occur.</td>
<td>ACP Project mitigation measures identified in the COM Plan and SUP are designed to avoid and minimize impacts associated with wheeled and/or tracked motorized equipment on the defined steep slopes.</td>
</tr>
<tr>
<td>MNF Forest Plan Standards Prior to Modifying for the ACP Project</td>
<td>Standards as Modified for the ACP Project</td>
<td>Supporting Information</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Standard SW03: Disturbed soils dedicated to growing vegetation shall be rehabilitated by fertilizing, liming, seeding, mulching, or constructing structural measures as soon as possible, but generally within 2 weeks after project completion, or prior to periods of inactivity, or as specified in contracts. Rip compacted sites when needed for vegetative re-establishment and recovery of soil productivity and hydrologic function.</td>
<td>Standard SW03: Disturbed soils dedicated to growing vegetation shall be rehabilitated by fertilizing, liming, seeding, mulching, or constructing structural measures as soon as possible, but generally within 2 weeks after project completion, or prior to periods of inactivity, or as specified in contracts. Rip compacted sites when needed for vegetative re-establishment and recovery of soil productivity and hydrologic function with the exception of the construction, restoration, and rehabilitation activities associated with the Atlantic Coast Pipeline project where the applicable mitigation measures identified in the COM Plan and SUP must be implemented.</td>
<td>The intent is to minimize the time soil is exposed on disturbed sites or retained in an impaired condition.</td>
</tr>
</tbody>
</table>

Part 2 – Threatened and Endangered Species

<p>| Standard TE07: Special use permits may be authorized in TEP [Threatened, Endangered, Proposed] species habitat if the uses do not adversely affect populations or habitat. This standard does not apply to Indiana bat or running buffalo clover. See special use direction for these species, [in the MNF LRMP]. | Standard TE07: Special use permits may be authorized in TEP species habitat if the uses do not adversely affect populations or habitat. However, this requirement will not apply to the Atlantic Coast Pipeline Construction SUP for the northern long-eared bat where the applicable mitigation measures identified in the COM Plan and SUP must be implemented. This standard does not apply to Indiana bat or running buffalo clover. | Project design features and mitigation measures to protect the northern long-eared bat and its habitat will be incorporated into SUP and COM Plan. |</p>
<table>
<thead>
<tr>
<th>GWNF Forest Plan Standard Prior to Modification for the ACP Project</th>
<th>Standard as Modified for the ACP Project</th>
<th>Supporting Information</th>
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</thead>
<tbody>
<tr>
<td><strong>Part 1 – Utility Corridors</strong></td>
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<tr>
<td><strong>Standard FW-244:</strong> Following evaluation of the above criteria, decisions for new authorizations outside of existing corridors and designated communication sites will include an amendment to the Forest Plan designating them as Prescription Area 5B or 5C</td>
<td>Standard FW-244: Following evaluation of the above criteria, decisions for new authorizations outside of existing corridors and designated communication sites will include an amendment to the Forest Plan designating them as Prescription Area 5B or 5C with the exception of the operational right-of-way for the Atlantic Coast Pipeline.</td>
<td>The amendment will exempt the ACP right-of-way from being designated as a Utility Corridor. The lands within the ACP right-of-way would remain in the existing management prescriptions of Rx 4A-Appalachian National Scenic Trail, Rx 7E1–Dispersed Recreation Areas, Rx 13–Mosaics of Habitat and embedded Rx 11-Riparian Corridors.</td>
</tr>
<tr>
<td><strong>Part 2 – Soil and Riparian</strong></td>
<td></td>
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<tr>
<td><strong>Standard FW-5:</strong> On all soils dedicated to growing vegetation, the organic layers, topsoil and root mat will be left in place over at least 85% of the activity area and revegetation is accomplished within 5 years.</td>
<td>Standard FW-5: On all soils dedicated to growing vegetation, the organic layers, topsoil and root mat will be left in place over at least 85% of the activity area and revegetation is accomplished within 5 years, with the exception of the operational right-of-way and the construction zone for the Atlantic Coast Pipeline, where the applicable mitigation measures identified in the approved COM Plan and SUP must be implemented.</td>
<td>Modifying these standards will allow the ACP Project variances within the operational right-of-way and include specific mitigation measures and project design requirements for the project.</td>
</tr>
<tr>
<td><strong>Standard FW-8:</strong> Water saturated in areas expected to produce biomass should not receive vehicle traffic or livestock trampling to prevent excessive soil compaction.</td>
<td>Standard FW-8: Water saturated in areas expected to produce biomass should not receive vehicle traffic or livestock trampling to prevent excessive soil compaction, with the exception of the operational right-of-way and the construction zone for the Atlantic Coast Pipeline, where the applicable mitigation measures identified in the approved COM Plan and SUP must be implemented.</td>
<td></td>
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<td>GWNF Forest Plan Standard Prior to Modification for the ACP Project</td>
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<tr>
<td><strong>Standard FW-16</strong>: Management activities expose no more than 10% mineral soil in the channeled ephemeral zone.</td>
<td><strong>Standard FW-16</strong>: Management activities expose no more than 10% mineral soil in the channeled ephemeral zone, with the exception of the operational right-of-way and the construction zone for the Atlantic Coast Pipeline, where the applicable mitigation measures identified in the COM Plan and SUP must be implemented.</td>
<td>Modifying these standards will allow the ACP Project variances within the operational right-of-way and include specific mitigation measures and project design requirements for the project.</td>
</tr>
<tr>
<td><strong>Standard FW-17</strong>: In channeled ephemeral zones, up to 50% of the basal area may be removed down to a minimum basal area of 50 square feet per acre. Removal of additional basal area is allowed on a case-by-case basis when needed to benefit riparian dependent resources.</td>
<td><strong>Standard FW-17</strong>: Up to 50% of the basal area may be removed, down to a minimum basal area of 50 square feet per acre. Removal of additional basal area is allowed on a case-by-case basis when needed to benefit riparian dependent resources, with the exception of the operational right-of-way and the construction zone for the Atlantic Coast Pipeline, where the applicable mitigation measures identified in the COM Plan and SUP must be implemented.</td>
<td></td>
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<tr>
<td><strong>Standard 11-003</strong>: Management activities expose no more than 10 percent mineral soil within the project area riparian corridor.</td>
<td><strong>Standard 11-003</strong>: Management activities expose no more than 10 percent mineral soil within the project area riparian corridor, with the exception of the operational right-of-way and the construction zone for the Atlantic Coast Pipeline, where the applicable mitigation measures identified in the COM Plan and SUP must be implemented.</td>
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Part 3 – Appalachian National Scenic Trail Crossing

**Standard 4A-025**: Locate new public utilities and rights-of-way in areas of this Rx area where major impacts already exist. Limit linear utilities and rights-of-way to a single crossing of the Rx area per project.

**Standard 4A-025**: Locate new public utilities and rights-of-way in areas of this Rx area where major impacts already exist, with the exception of the Atlantic Coast Pipeline right-of-way. Limit linear utilities and rights-of-way to a single crossing of the Rx area per project.

The amendment allows the Atlantic Coast Pipeline to be consistent with the Management Prescription Area Standard 4A-025 and cross beneath the Appalachian National Scenic Trail in Augusta County, Virginia.

Part 4 – Old Growth Management Area (Potential Amendment)
Atlantic expects to complete an old growth inventory for the project area before a final Record of Decision. If so, the standard would not need to be modified.

Given the amount of the impacted possible old growth compared to the amount identified across the entire Forest, it is not likely that there would be any “substantial adverse effects” to the existing old growth communities on the GWNF. Consequently, if the standard is modified as proposed, it would meet the planning rule requirements at §219.8(a)(1).

**Part 5 – Management Prescription 2C3 Eligible Recreational River Area (Potential Amendment)**

<table>
<thead>
<tr>
<th>GWNF Forest Plan Standard Prior to Modification for the ACP Project</th>
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</tr>
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</table>
| **Standard FW-85:** Inventory any stands proposed for timber harvest for existing old growth conditions using the criteria in Appendix B (Guidance for Conserving and Restoring Old Growth Forest Communities on National Forests in the Southern Region (Forestry Report R8-FR 62, June 1997)). Any stands in Old Growth Forest Types 1 (Northern Hardwood), 2a (Hemlock-Northern Hardwood), 2b (White Pine-Northern Hardwood), 2c (Spruce Northern Hardwood), 5 (Mixed Mesophytic), 10 (Hardwood Wetland Forests), 22 (Dry and Xeric Oak Forest), 24 (Xeric Pine and Pine-Oak Forest and Woodland), 28 (Eastern Riverfront) that meet the age criteria for old growth will be unsuitable for timber production, regardless of whether they meet the other criteria for existing old growth. Stands in Old Growth Forest Types 21 (Dry Mesic Oak) or 25 (Dry and Dry-Mesic Oak-Pine) may be suitable for timber harvest. Decisions to harvest these stands would be made after consideration of the contribution of identified patches to the distribution and abundance of the old growth community type and to the desired condition of the appropriate prescription during project analysis. | **Standard FW-85:** Inventory any stands proposed for timber harvest for existing old growth conditions using the criteria in Appendix B (Guidance for Conserving and Restoring Old Growth Forest Communities on National Forests in the Southern Region (Forestry Report R8-FR 62, June 1997)) with the exception of the Atlantic Coast Pipeline Project where possible old growth may be estimated based upon Forest Service forest inventory data. Any stands in Old Growth Forest Types 1 (Northern Hardwood), 2a (Hemlock-Northern Hardwood), 2b (White Pine-Northern Hardwood), 2c (Spruce Northern Hardwood), 5 (Mixed Mesophytic), 10 (Hardwood Wetland Forests), 22 (Dry and Xeric Oak Forest), 24 (Xeric Pine and Pine-Oak Forest and Woodland), 28 (Eastern Riverfront) that meet the age criteria for old growth will be unsuitable for timber production, regardless of whether they meet the other criteria for existing old growth. Stands in Old Growth Forest Types 21 (Dry Mesic Oak) or 25 (Dry and Dry-Mesic Oak-Pine) may be suitable for timber harvest. Decisions to harvest these stands would be made after consideration of the contribution of identified patches to the distribution and abundance of the old growth community type and to the desired condition of the appropriate prescription during project analysis. | Atlantic Coast Pipeline Project Draft Record of Decision
<table>
<thead>
<tr>
<th>GWNF Forest Plan Standard Prior to Modification for the ACP Project</th>
<th>Standard as Modified for the ACP Project</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>2C3-015</strong>: Allow road construction or reconstruction to improve recreational access, improve soil and water, to salvage timber, or to protect property or public safety.</td>
<td>Standard 2C3-015: Allow road construction or reconstruction to improve recreational access, improve soil and water, to salvage timber, or to protect property or public safety, and to reconstruct FR 281 for the Atlantic Coast Pipeline, where the applicable mitigation measures identified in the COM Plan and SUP must be implemented.</td>
<td>This standard may not need modification depending on the need for this access road which the FS is still negotiating with Atlantic. The reconstruction of FR 281 would not substantially affect the outstandingly remarkable values associated with the Cowpasture River Segment B. The final determination as to the need to modify this standard will be made in the final ROD.</td>
</tr>
</tbody>
</table>

**Part 6 – Scenery Integrity Objectives**

**Standard FW-182**: The Forest SIOs [Scenic Integrity Objectives] are met for all new projects (including special uses). Existing conditions may not currently meet the assigned SIO.

Standard FW-182: The Forest SIOs are met for all new projects (including special uses), with the exception of the Atlantic Coast Pipeline right-of-way. ACP must meet the established SIOs within five years after completion of the construction phase of the project for areas identified in the COM Plan and SUP, except for the immediate foreground of the Shenandoah Mountain Trail crossing where the project must meet the SIO of Low. Existing conditions may not currently meet the assigned SIO.

The existing SIO where the pipeline would intersect and follow the Shenandoah Mountain Trail is Moderate. By amending the SIO for this location to “Low”, the ACP Project would be consistent with the LRMP. Although mitigations at this location would lessen the visual effects, the SIO would likely not improve beyond “Low”.

Forest Service will evaluate the completed VIA information to determine the extent to which visual mitigation should be applied to the project to minimize visual impacts to areas of high scenic value and other high use recreation areas.
Decision Rationale

Based on the analysis provided by FERC in the FEIS we have decided to authorize the use and occupancy of NFS land for Atlantic Coast Pipeline, LLC, and approve project-specific amendments for the MNF and GWNF LRMPs as described above, because our decision:

- Can be implemented with limited adverse impacts and will not impair the overall long-term productivity of NFS lands;
- Meets the requirements of Forest Service planning and special use regulations (36 CFR Part 219 and Part 251 Subpart B);
- Meets the purpose and need of the project to transport natural gas to serve the growing energy needs of multiple public utilities and local distribution companies in Virginia and North Carolina;
- Has been developed through an extensive public involvement and collaboration effort with our publics, partners, adjacent landowners, and other agencies; and
- Is consistent with other Federal policy.

Rationale by Topic Area

Long-term productivity of NFS lands

The FERC analysis in the FEIS concludes that implementation of the ACP Project would result in limited adverse environmental impacts, noting an increased potential for: project-induced landslides on steep slopes; long term impacts related to slope instability adjacent to waterbodies (impacting water quality, stream channel geometry, and downstream aquatic biota); creation of additional forest edge habitat through fragmentation; and significant impacts associated with karst, cave, subterranean habitat, and the species associated with subterranean habitat. (FEIS, Sections 4 and 5). We recognize that the ACP Project will directly impact resources, though mostly in the area disturbed by construction. The extent of these impacts would occur within the 430-acre construction phase footprint on the MNF and the GWNF, which is a small percentage of their nearly two million-acre total land base. The greatest potential for impact will be during the estimated 18-month construction phase, with impacts diminishing as reclamation is completed. Because of the adverse environmental impacts, we are requiring a broad spectrum of mitigation measures for the ACP Project. Therefore through application of mitigation and the limited extent of the project, long-term productivity of NFS lands would be maintained.

The SUP issued by the Forest Service will be subject to required terms, conditions, and mitigation described throughout the FEIS (particularly Sections 2.3.1 and 4.8.9 and the COM Plan). Measures to avoid or minimize environmental harm that are incorporated in this decision include forestwide LRMP standards and guidelines, which at a minimum meet all requirements of applicable laws, regulations, State standards, and additional standards and guidelines for the affected NFS lands.

Adverse effects of the proposed pipeline will be mitigated through measures proposed by the Applicant and through measures required by FERC or other agencies. Singularly and collectively, they avoid, rectify, reduce, or eliminate potential adverse environmental impacts to the Forest. The complete listing of Construction and Restoration Plans that are applicable to the ACP Project are displayed in the following table (taken from FEIS, Table 2.3.1-1).
<table>
<thead>
<tr>
<th>General Plan Name</th>
<th>Location of Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upland Erosion Control, Revegetation, and Maintenance Plan</td>
<td>The FERC Plan and Procedures can both be viewed on the FERC Internet website at</td>
</tr>
<tr>
<td>Atlantic’s proposed modifications to FERC Plan and Procedures</td>
<td>FERC Accession No. 20170526-5257. PDF file:</td>
</tr>
<tr>
<td>Restoration and Rehabilitation Plan Construction, Operation, and Maintenance Plan</td>
<td>EIS Appendix F</td>
</tr>
<tr>
<td>Horizontal Directional Drill Drilling Fluid Monitoring, Operations, and Contingency Plan</td>
<td>EIS Appendix G</td>
</tr>
<tr>
<td>Contingency Plan for the Proposed Crossing of the Appalachian National Scenic Trail and Blue Ridge Parkway</td>
<td>EIS Appendix H2</td>
</tr>
<tr>
<td>Site-Specific HDD Crossing Plans</td>
<td>EIS Appendix H3</td>
</tr>
<tr>
<td>Karst Terrain Assessment, Construction, Monitoring, and Mitigation Plan</td>
<td>EIS Appendix I</td>
</tr>
<tr>
<td>Residential Construction Plans</td>
<td>EIS Appendix J1</td>
</tr>
<tr>
<td>Site-Specific Crossing Plan for the James River Wildlife Management Area</td>
<td>EIS Appendix J2</td>
</tr>
<tr>
<td>Stormwater Pollution Prevention Plans (SHP: AP-1 [WV]; AP-2 [NC]; remaining facility plans are pending)</td>
<td>FERC Accession No. 20160718-5164. PDF file:</td>
</tr>
<tr>
<td>Traffic and Transportation Management Plan</td>
<td>FERC Accession No. 20160718-5164. PDF file:</td>
</tr>
<tr>
<td>Blasting Plan</td>
<td>FERC Accession No. 20161109-5138. PDF file:</td>
</tr>
<tr>
<td>Winter Construction Plan</td>
<td>FERC Accession No. 20170127-5102. PDF file:</td>
</tr>
<tr>
<td>Plans for Unanticipated Discovery of Historic Properties or Human Remains During Construction (ACP: West Virginia, Virginia, North Carolina; SHP: West Virginia, Pennsylvania)</td>
<td>FERC Accession No. 20160718-5164. PDF file:</td>
</tr>
<tr>
<td>Migratory Bird Plan</td>
<td>FERC Accession No. 20170512-5163. PDF file:</td>
</tr>
<tr>
<td>Open Burning Plan</td>
<td>FERC Accession No. 20170505-5036. PDF file:</td>
</tr>
<tr>
<td>Fugitive Dust Control and Mitigation Plan</td>
<td><a href="https://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=14582932">https://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=14582932</a></td>
</tr>
<tr>
<td>Protected Snake Conservation Plan</td>
<td>FERC Accession No. 20160718-5164. PDF file:</td>
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<td><a href="http://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=14319660">http://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=14319660</a></td>
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The following paragraphs and other sections of this draft ROD discuss how impacts to Forest resources would be mitigated to the extent practical. Impacts and mitigation relating to Forest resources that are the subject of the LRMP amendments (e.g. soils, scenic integrity, utility corridors) are discussed in the “Compliance with 36 CFR 219 Applicable Substantive Provisions” section of this ROD. Additional discussion of impacts and mitigation is also contained in the “Findings Required by Other Laws, Regulations, and Policy” sections of this ROD.

Sustainability of surface and groundwater resources was considered in our decision. Landslide potential and slope instability concerns, soil erosion, stream crossings, and karst topography are activities associated with this project that could potentially impact water quality. ACP would be installed under 17 perennial, 28 intermittent, and 11 ephemeral waterbodies on NFS lands. It would also cross about 2.4 miles of karst topography on the Forests. Sedimentation modeling indicates annual soil loss would be 200 to 800 percent above baseline during the first year of construction, returning to normal levels after restoration is complete. Water for hydrostatic testing of the pipeline would not come from or be discharged on NFS lands. Pipeline construction activities affecting surface waters would be conducted in accordance with Atlantic’s construction and restoration plans, along with conditions that are part of other federal or state water approvals. Atlantic would implement the *Spill Prevention, Control, and Countermeasure Plan* and the *Karst Mitigation Plan* to minimize impacts on karst systems and protect groundwater quality. We agree with FERC’s conclusion that with these measures, along with our additional recommended mitigation measures, impacts on groundwater and surface waters would be effectively minimized or mitigated, and would be largely temporary in duration. Restoration and revegetation of disturbed areas would be completed in accordance with federal and state/commonwealth permits, FERC Plan and Procedures, and the COM Plan that will be approved and incorporated as a requirement into the SUP. Acknowledging that revegetation of steep slopes is made more challenging due to soil erosion by water, Section 5.6 of Atlantic’s *Restoration and Rehabilitation Plan* (FEIS Appendix F) describes the methods that would be used to establish vegetation in steep slope areas. Post-construction monitoring would also be required to assure successful re-establishment of vegetation and stability of upland soils and slopes that drain to surface waters.

Sustainability of wildlife species and their habitats was considered in our decision. The ACP Project’s impacts to wildlife would vary depending on the habitat requirements of each species and the existing habitat present within the project area. These effects would diminish after construction, and some wildlife could return to the newly disturbed areas and adjacent, undisturbed habitats after right-of-way restoration is completed and access roads are restored or their use is no longer required. ACP could also impact cave invertebrates and other subterranean obligate species (amphipods, isopods, copepods, flatworms, millipedes, beetles, etc.) that are endemic to only a few known locations. Atlantic’s *Karst Mitigation Plan* outlines measures to avoid or minimize potential impacts on karst and subterranean habitats. The Virginia Department of Conservation and Recreation-Division of Natural Heritage and the Virginia Cave Board have endorsed the revised *Karst Mitigation Plan* as comprehensive and indicate that the measures included would reduce the potential risk posed by ACP to karst resources.
A variety of migratory bird species are associated with the habitats that would be affected by ACP. Atlantic developed a Migratory Bird Plan to minimize breeding and nesting impacts. Atlantic currently plans to avoid tree clearing during the state-specific migratory bird season, and would implement no-activity buffers around active nests for certain species of raptors and rookeries. Atlantic would maintain its permanent right-of-way according to the FERC Plan and Procedures (see FEIS table 2.3.1-1) and state-specific migratory bird time of year restrictions.

Sustainability of vegetation resources was considered in our decision. The ACP right-of-way would be restored and maintained in a vegetated state. Isolation resulting from fragmentation varies by species, but generally occurs at shorter distances for plants (tens to hundreds of meters), invertebrates, amphibians, reptiles, and small mammals (less than 1 km), to large mammals and birds (several kilometers). At its widest, the construction right-of-way would be 125 feet wide through forested communities. Following construction, a 50-foot-wide right-of-way would be maintained in upland areas and a 30-foot-wide area maintained in wetlands. Although we recognize that regeneration of forested habitat would be long term, it is unlikely that the pipeline rights-of-way would serve as a long-term barrier to plant or wildlife movement, with the possible exception of some sensitive plant species, or wildlife species with very limited mobility.

Edge effects, such as increased predation, changes in microclimate and community structure along the newly formed forest edge, and spread of noxious and invasive species would also have the potential to occur along the construction and operations right-of-way. Atlantic would reduce some of these impacts by restoring the right-of-way following construction according to the FERC Upland Erosion Control, Revegetation and Maintenance Plan and Wetland and Waterbody Construction and Mitigation Procedures (FEIS table 2.3.1-1), Atlantic’s Restoration and Rehabilitation Plan (FEIS appendix F) and the approved COM plan. Atlantic would also control the spread of noxious and invasive plants along the rights-of-way as described in the Invasive Plant Species Management Plan (see table 2.3.1-1).

By including the mitigation measures described above and the measures relating to soil, riparian, wetland, sensitive species, old growth timber, recreation, and scenic resources described later in this ROD, our decision will not impair the overall long-term productivity of NFS lands on the MNF and GWNF.

Compliance with Forest Service Planning and Special Use Regulations (36 CFR 219 and 251 Subpart B)

The Forest Service’s planning regulations at 36 CFR 219 allow for amending an LRMP at any time. A plan amendment is required to add, modify, or remove plan components. The detailed discussion of how our decision complies with the requirements of 36 CFR 219 for amending a plan is located in the “Compliance with the Rule’s Procedural provisions” and “Compliance with the Rule’s Applicable substantive Provisions” sections of this ROD.

The project-specific amendments to MNF and GWNF LRMP’s approved by this decision are needed to allow the ACP Project to be consistent with LRMP standards. Standards are mandatory constraints on project and activity decision-making, established to help achieve or maintain desired conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements (36 CFR 219.7(e)(1)(iii)). Atlantic modified its proposal with several route adjustments, additional design features, and mitigation measures (where feasible to minimize environmental effects) to achieve consistency with many of the Plan standards; however, the amendments described in this decision are necessary to make the ACP Project consistent with the LRMPs. Section 4.8.9.1 of the FEIS, “Proposed Amendments to Forest Service Land and
Resource Management Plans”, details how this amendment complies with the planning regulations.

The plan amendments in this decision apply specifically to the ACP Project and will not change the existing Forest Plan standards for other current or future projects. The approved plan amendment consists of modifying up to 14 forest plan standards (four on MNF; ten on GWNF) to allow variances the operational ROW and the construction zone for the ACP Project. Eleven of the modified forest plan standards require the Forest Service to ensure the ACP design requirements and mitigation measures identified in the SUP and COM Plan are implemented. These 11 standards are associated with soil stability and productivity, riparian habitat, threatened and endangered species, and scenery. By including the ACP’s project design requirements and mitigation measures contained in their SUP and COM Plan into these 11 modified standards, this decision will be consistent with the MNF and the GWNF LRMPs as amended. We conclude the project-specific amendments for the MNF and GWNF comply with this provision of the Planning Rule.

Forest Service regulations at 36 CFR 251 Subpart B govern the processing of applications for special uses on NFS lands. These regulations require that applications are screened before acceptance for processing and once accepted, the proposed use is evaluated, including effects on the environment. Atlantic submitted its amended application to construct and operate the ACP project to the Forest Service on June 17, 2016. The Forest Service formally accepted Atlantic’s application on February 22, 2017. Based on the evaluation of the information provided by the applicant and other relevant information such as environmental findings, the authorized officer shall decide whether to approve the proposed use, approve the proposed use with modifications, or deny the proposed use. The regulation at 36 CFR 251.54(f)(2)(iii) also states the authorized officer shall give due deference to the findings of another agency such as the FERC. Atlantic has satisfied the §251 Subpart B regulatory requirements by providing information to allow the authorized officer to determine the feasibility of the ACP Project, the benefits to be provided to the public, the safety of the proposal, the lands to be occupied or used, the terms and conditions to be included, and the proposal’s compliance with applicable laws, regulations, and orders. It is noted that some information Atlantic has provided is still being evaluated for possible changes to incorporate into the COM Plan.

Public Involvement and Collaboration

The ACP project has been developed through an extensive public involvement and collaboration effort with our publics, partners, adjacent landowners, and other agencies. For more details, see the “Providing opportunities for public participation (§ 219.4) and providing public notice (§ 219.16)” section of this ROD where public involvement for the plan amendments is discussed. The FERC took the lead in addressing public comments. However, as it specifically relates to the Forest Service’s issuance of a special use permit and approving project-specific plan amendments, we made every effort to review comments on the DEIS and develop mitigation that would further reduce impacts to resources. These comments assisted us in adjusting our mitigation measures to address resource concerns.

For example, comments to the DEIS that voiced concerns related to the pipeline route crossing the challenging terrain in the central Appalachians resulted in the inclusion of specific operating procedures and mitigation measures in the COM Plan to address soil stability and productivity. Comments expressing concerns about impacts to views from hiking trails, including the ANST, and other scenic points resulted in additional viewshed analysis and consideration of measures to reduce visual impacts to the extent practical. In the case of Shenandoah Mountain Trail, it was not
practical to avoid visual impacts and the view along 200 to 225 feet of the trail will be impaired. We also responded to comments that the DEIS did not analyze other potential development that could occur within a designated utility corridor, by exercising discretion not to designate the ACP route as a utility corridor, but instead to authorize a stand-alone right-of-way.

Additional discussion of how FERC engaged the public and tribes in development of the FEIS is included in the “Public Involvement” and “Tribal Consultation” sections found later in this draft ROD.

**Other Federal Policy Considerations**

In making this decision, we have considered other federal policy that has underscored the development of energy infrastructure as a priority need of the nation. Executive Order 13212, directed federal agencies to expedite reviews of authorizations for energy-related projects and to take other action necessary to accelerate the completion of such projects, while maintaining safety public health and environmental protections. Executive Order 13604, “Improving Performance of Federal Permitting and Review of Infrastructure Projects” (Executive Order 2012), emphasized the United States must have a reliable and environmentally sound means of moving energy and that investments in infrastructure provide immediate and long-term economic benefits to the Nation. More recently, Executive Order 13766, “Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects” (Executive Order 2017) states the policy of the executive branch to “expedite, in a manner consistent with law, environmental reviews and approvals for all infrastructure projects, especially projects that are a high priority for the Nation, such as…pipelines …”

Additional federal policy focuses on encouraging jobs and economic growth. Construction of ACP would have a beneficial, short-term impact on employment, local goods and service providers, and state governments in the form of sales tax revenues. An economic study commissioned by Atlantic shows the one-time economic effects of construction of the Atlantic Coast Pipeline on the Three-State/Commonwealth Region would result in 17,240 direct, indirect, and induced Jobs; $2.7 billion in direct, indirect, and induced spending; and $25 million in tax revenues to State Governments. (Estimated Totals for 2014-2019; FEIS; Table 4.9.8-1)

Payroll taxes would be collected from workers employed on ACP, resulting in additional beneficial, short-term effects. Atlantic estimates that payroll spending would be approximately $1.5 billion during the construction phase (of which, it is anticipated that $750 million would go to the local construction workforce) and an estimated total annual payroll of $41.3 million during operation. Atlantic estimates that approximately 13.6 percent of the total dollar amount of materials purchased would be spent on locally purchased materials in the three-state/commonwealth region. Atlantic’s estimates that following construction, operation of the ACP in the Three-State/Commonwealth Region would annually result in 271 direct, indirect, and induced jobs, $69.2 million in spending, and $418,443 in income tax revenue to State Governments.

A second study, *The Economic Impacts of the Atlantic Coast Pipeline*, conducted by ICF International (ICF, 2015) assessed anticipated effects of ACP on natural gas and electricity prices as well as economic impacts on the project area. The study, which measured the net effect of energy cost savings to homes and businesses due to increased access to natural gas supplies, concluded that from years 2019 to 2038, operation of ACP could result in a net annual average energy cost savings of $377 million for natural gas and electricity consumers in Virginia and North Carolina. Additionally, the study found that the energy cost savings (due to increased
supply of low-cost energy sources) could allow consumers and businesses to spend money in other parts of the economy, leading to the creation of new jobs, labor income, tax revenues, and gross domestic product.

Our decision would be consistent with the aforementioned federal policies by accommodating the ACP project through issuing a SUP and approving associated project-specific plan amendments that provide for social, economic, and ecological sustainability.

**Public Involvement**

On October 13, 2014, ACP filed a request with the FERC to initiate the Commission’s pre-filing environmental review process for the ACP Project and Supply Header Project. During the pre-filing process, ACP sponsored 13 public open house meetings held at various locations throughout the project areas between December 2015 and July 2015. Representatives of the FERC staff also attended those open house meetings to answer questions from the public.

FERC’s issued a Notice of Intent2 (NOI) to prepare an EIS on February 27, 2015 and mailed to more than 6,613 interested parties. The NOI initiated a 60-day formal public comment period. Scoping meetings were held in the following cities, sorted by State, during March, 2015:

- In North Carolina: Fayetteville, Wilson, and Roanoke Rapids
- In Virginia: Chesapeake, Dinwiddie, Farmville, Lovingston, Stuarts Draft
- In West Virginia: Elkins, Bridgeport

Approximately 1,525 people attended the public scoping meetings.

On May 3, 2016, the FERC issued a supplemental NOI3 to prepare an EIS that described route modifications identified in amended application filed by Atlantic and announced the time and location of two additional public scoping meetings. In addition, the second supplemental NOI requested comments related to proposed actions of the FS, including potential LRMP amendments and for issuance of a right-of-way grant for the proposed ACP. The second supplemental NOI was sent to 9,694 parties. Issuance of the second supplemental NOI also opened a 30-day formal scoping and comment period for filing written comments on the alternatives under consideration and proposed LRMP amendments.

On May 20 and 21, 2016, the FERC held two public scoping/comment meetings during the formal supplemental scoping period to provide the public with the opportunity to learn more about the amended ACP application and present oral comments on environmental issues that should be addressed in the EIS and proposed LRMP amendments. The meetings were held in Marlinton, West Virginia and Hot Springs, Virginia. Approximately 250 people attended the public meetings. Transcripts of each meeting and all written comments filed with the FERC are

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2 “Notice of Intent to Prepare an Environmental Impact Statement for the Planned Supply Header Project and Atlantic Coast Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings” (80 FR 12163; March 6, 2015)

3 “Supplemental Notice of Intent to Prepare an Environmental Impact Statement and Proposed Land and Resource Plan Amendment(s) for the Proposed Atlantic Coast Pipeline, Request for Comments on Environmental Issues Related to New Route and Facility Modifications, and Notice of Public Scoping Meetings” (80 FR 28060; May 9, 2016)
part of the public record for ACP and SHP and are available for viewing on the FERC Internet website (www.ferc.gov).

In total, FERC received approximately 5,600 written comment letters during the Pre-filing Process, formal scoping and supplemental scoping periods, and throughout preparation of the EIS. These 5,600 written comments included approximately 3,200 form letters expressing opposition or support for the projects. Table 1.3-1 of the FEIS summarizes the environmental issues and concerns identified by the commenters during the scoping process and identifies the EIS section where each issue is addressed.

The FS, serving as a cooperating agency in the development of the EIS, assisted FERC in identifying several issues regarding the effects of the proposed action using comments from the public, other agencies, elected officials, interested Native American and Indian tribes, affected landowners, and non-governmental organizations. Main issues of concern included potential impacts to biological resources, cultural resources, karst topography, water quality, slope stability, and visual resources, including visual effects to the ANST (see FEIS Table 1.3-1). To address these concerns, FERC, in consultation with cooperating agencies, created the alternatives described in the FEIS. See FEIS, Section 2 for detailed descriptions of the Proposed Action, and Section 3 for the No Action, Modes of Natural Gas Transportation, and Route alternatives.

FERC issued a Notice of Availability (NOA) for the DEIS on December 30, 2016 that listed the dates, times, and locations of seven public sessions to take verbal comments on the DEIS, and established a 90-day public comment period on the DEIS, ending April 6, 2017. The NOA also included how people could submit comments on this project. The NOA was published in the Federal Register on January 9, 2017 (82 FR 2348). The DEIS was mailed to 9,805 parties. FERC held 10 public comment sessions during the draft EIS comment period. The comment sessions held in February and March 2017 were located in the following cities, sorted by State:

- In North Carolina: Fayetteville, Wilson, and Roanoke Rapids
- In Virginia: Suffolk, Farmville, Lovingston, Staunton, Monterey
- In West Virginia: Elkins, Marlinton

A total of 620 people commented at the meetings. In addition, 1,230 parties submitted a total of 1,675 timely letters in response to the draft EIS. Multiple form letters and petitions were also submitted in response to the DEIS. FERC’s responses to relevant comments, including those applicable to NFS lands are provided in Appendix Z of the FEIS. A subject index is provided in Appendix AA of the FEIS.

**Compliance with 36 CFR 219 Procedural Provisions**

The MNF and GWNF amendments comply with the procedural provisions of 36 CFR Part 219.13(b) as follows:

**Identification of Need for the LRMP Amendments**

The purpose of the amendments is to meet the requirements of the National Forest Management Act and its implementing regulations that projects authorized on NFS lands must be consistent with the LRMP. Without the MNF and GWNF project-specific Forest Plan amendments the ACP project would not be consistent with several Forest Plan standards related to soil, riparian,
threatened and endangered species, old growth, utility corridors, and recreational and visual resources. The FEIS serves as documentation of the need to amend the MNF and GWNF LRMP’s.

Using the Best Available Scientific Information (BASI) to Inform the Planning Process (§219.3)

The decision to amend the LRMPs was informed by the FEIS analysis, which used the best available scientific information. Data that informed the analysis is discussed below and grouped by the relevant resource areas:

**Soil and Riparian**

ACP contractors reviewed topographic maps, geologic maps, aerial imagery, the Soil Survey Geographic Database (SSURGO), and test pits to determine which soil types would be affected on the MNF and GWNF. In the Soil Survey Report (COM Plan, Attachment G), ACP utilized the USDA soil classification terminology – the National Soil Information System) and the National Resource Conservation Service (NRCS) “Field Book for Describing and Sampling Soils, Version 3.0” (NRCS 2012).

A hydrologic sedimentation analysis was prepared to analyze effects to a wide range of forest resources, including water and aquatic species. The analysis provides a real-world representation of sedimentation hazards to forest resources. The best available data used included the revised universal soil loss equation model (RUSLE) to estimate effects of the proposed activities. Inputs to the RUSLE model included SSURGO and the US Geological Survey water boundary dataset to determine appropriate soil erodibility factors and watershed designations, respectively. In addition, FS hydrology and aquatic biology specialists reviewed the ACP’s sedimentation analysis, and we attained expertise from local, certified consultants.

We worked with Atlantic to identify and develop industry-standard construction plans (site-specific designs) for representative high hazard construction areas. Through a Geohazard Analysis Program, Atlantic conducted an initial review of the pipeline route using aerial photographs and LiDAR imagery, aerial reconnaissance, and ground reconnaissance to identify geotechnical hazard locations. Atlantic will utilize a Best in Class Steep Slope Management Program (BIC Team) to incorporate the results of the Geohazard Analysis Program into the project design and engineering and to address issues of landslide potential and susceptibility. The BIC Team will also draw on industry techniques commonly utilized in pipeline construction, as well as industry-specific guidance, including “Mitigation of Land Movement in Steep and Rugged Terrain for Pipeline Projects” (INGAA, 2016). Atlantic would also implement the measures in its Slip Avoidance, Identification, Prevention, and Remediation - Policy and Procedure) to avoid, minimize, and mitigate potential landslide issues in slip prone areas prior to, during, and after construction. Atlantic would employ frequent inspection and monitoring of the project area, taking prompt corrective action or making repairs as needed. Atlantic’s commitment to these practices is described in their COM plan (FEIS, Appendix G). With these construction plans, we expect to reduce the possibility of adversely impacting soils located on steep slopes in the vicinity of streams that are located below and on these steep slopes (see FEIS, Section 2.3.3). Consultants (with expert-level knowledge in these site-specific designs) identified and evaluated steep slope hazards to determine slope failure risk. Slope stability (at sites identified by FS specialists to be “high hazard”) was determined using a combination of contractor experience,
probabilistic analysis, and field observations. Environmental consequences to soils, water, and riparian resources are discussed in FEIS in sections 4.2.7, 4.3.1.8, 4.3.2.9, and 4.3.3.9.

To supplement Forest Service measures to minimize impacts to soil and riparian resources, the special use permit for the ACP would require compliance with erosion and sedimentation control and stormwater plans that will be required by the West Virginia Department of Environmental Protection and Virginia Department of Environmental Quality (VDEQ). VDEQ is utilizing an engineering consulting firm to review Atlantic’s detailed, project-specific construction plans for adequacy in protecting State water quality from sedimentation.

Threatened and Endangered Species

The US Fish and Wildlife Service (FWS) provided Atlantic with current information on federally listed threatened or endangered species and their critical habitat within the area potentially affected by the ACP. Atlantic surveyed in and near the ACP project area to determine whether special status species or their habitat would be affected. The survey corridor was generally 300 feet wide, but was expanded in certain areas to accommodate potential variability in the proposed pipeline alignment. Based on special status species habitat preferences and the results of the habitat surveys, Atlantic, as well as the FWS, FS, and state agencies determined which special status species have the greatest potential to be affected by ACP and SHP. The narrowed list of special status species was then used to develop survey requirements and protocols. The survey plans identified which special status species required species-specific surveys, where the surveys should be conducted, and what time of year the surveys should be completed.

Atlantic has completed habitat and species surveys and filed survey reports with FERC that outlined the survey methodologies, locations where surveys were conducted, and the survey results. If a special status species was identified, the location was recorded and information about the species characteristics and habitat was documented. Atlantic continues to consult with FWS to finalize conservation measures for some species. The FS is has reviewed and provided input to the survey reports relating to species and habitat on NFS lands. (See FEIS Sections 4.7 and 5.1.7).

Atlantic’s construction and restoration plans include a number of the measures that would mitigate the potential impacts on vegetation, wildlife, and aquatic species, including ESA-listed, proposed, and under review species and their habitat. Atlantic has also adopted a number of additional species-specific conservation measures recommended by the FWS. Endangered Species Act (ESA) sensitive waterbodies include those identified in appendix K of the FEIS where ESA-listed, proposed, or under review species have been documented, as well as perennial tributaries to these designated waterbodies within 1 mile of the proposed crossing location where construction activities are also proposed. Atlantic has committed to implement various measures at ESA sensitive waterbodies to mitigate potential impacts on ESA-listed, proposed, or under review aquatic species. These measures are referred to as the “FWS enhanced conservation measures.” FERC is recommending that these measures be implemented at a number of waterbodies identified in appendix K, and also recommend that Atlantic limit water withdrawal to not exceed 10 percent of instantaneous flow at ESA sensitive waterbodies.

Additional discussion on ACP’s impact on threatened and endangered species is found later in this ROD in Sections entitled “Compliance with 36 CFR 219 Applicable Substantive Provisions” and “Findings Required by Other Laws and Regulations”
Old Growth Management Areas

Databases of old growth stands crossed by ACP are not currently available; therefore, Atlantic determined the miles, acreages, and sizes of trees to be cleared within the pipeline construction and permanent rights-of-way on a desktop analysis using 2015 aerial photography and recent satellite photography. The FS defines old growth as Forest stands that meet one or more of the preliminary inventory criteria from its Regional Guidance. The Forest Service’s forest inventory data (FSVeg) was used to estimate old growth presence and to determine the impact on “possible old growth” forests from ACP on NFS lands. It is expected that ACP will complete an old growth inventory in accordance with the Regional Guidance prior to the final ROD. Additional information on old growth is discussed in FEIS in Section 4.4.2 (“Vegetation Communities of Special Concern or Management”) and 4.4.8 (“General Impacts and Mitigation on Federal Lands”) and 4.8.9.1 (“Forest Service”).

Appalachian National Scenic Trail

A significant factor in siting the ACP was the location at which the pipeline would cross the ANST. In the area of the project, the ANST is located on lands managed by either the Forest Service or National Park Service. FERC did not find that avoidance of the National Forests would provide a significant environmental advantage when compared to shorter proposed pipeline route through the National Forests (FEIS, Section 3.3.4.1 (“National Forest Avoidance Route Alternatives”)). Each of these alternatives and variations were evaluated based on comments received from the FS, the public, other agencies, elected officials, interested Native American and Indian tribes, affected landowners, and non-governmental organizations. These comments indicated concerns for disruption for hikers using the trail, as well as potential visual impacts from the ACP Project both at the ANST crossing location and from more distant viewpoints. See the visual resources discussion (below) for the best available scientific information that was used to assess potential visual impacts to the ANST.

Visual Resources and Scenic Integrity Objectives

Forest Service specialists (landscape architects) utilized the Forest Service Scenery Management System to assess the effects of the ACP Project on scenic classes in areas of the MNF and GWNF. See Tables 4.8.9-15 and 4.8.9-17 in Section 4.8.9.1 of the FEIS for results. ACP prepared a landscape-scale Visual Impacts Analysis (VIA) to assess the foreground, middle ground, and a portion of the background distance zones. The VIA also considered other factors such as seen areas, scenic class, distance viewed, duration of view, angle of view, and aspect of the project in relation to the key observation points (KOPs) to determine whether the project would achieve the Forest Plan SIOs at project locations on NFS lands. A digital elevation model that uses USGS terrain data (and the visibility function within the computer model “Viewshed Analysis for ArcGIS Spatial Analyst”) was developed. The ACP VIA utilized several contemporary software tools to create accurate visual simulations using the KOPs including TrueView photo simulations. Our FS specialists worked with the ACP contractor to identify KOPs; this effort involved field reconnaissance, field survey photography, topographic maps, and publicly available satellite maps, and photos. Further details on the VIA and methodology is found in appendix T of the FEIS.


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Providing opportunities for public participation (§ 219.4) and providing public notice (§ 219.16):

The FS published a notice of availability\(^7\) of the FERC DEIS on January 6, 2017. The FS’s 90-day comment period ended on April 10, 2017. The FS’s NOA included additional information on the Forest Service LRMP amendments necessary to allow the proposed pipeline construction and operation to be consistent with the MNF LRMP and GWNF LRMP (36 CFR 219.15).

On December 15, 2016, during the public comment period for the FERC DEIS, the Department of Agriculture Under Secretary for Natural Resources and Environment issued a final rule\(^8\) that amended the 36 CFR 219 regulations pertaining to National Forest System Land Management Planning Rule. The amendment to the 2012 planning rule clarified the Department’s direction for amending LRMPs and added a requirement that when amending a forest plan, the responsible official will provide notice “about which substantive requirements of §§ 219.8 through 219.11 are likely to be directly related to the amendment (36 CFR 219.13(b)(2))”.\(^9\)

In response to the new requirements in the amended 36 CFR 219 regulation to inform the public of the regulatory substantive requirements that are likely to be directly related to the proposed plan amendments\(^10\) (and also to provide notification of the changes to the plan amendments from DEIS to FEIS), a notice of updated information\(^11\) was published in the Federal Register on June 5, 2017. The notice also informed the public that a change to the administrative review procedures was applicable (also see the “Administrative Review/Objections” section in this Record of Decision).

Copies of the FEIS (which described the changes to the proposed plan amendments) were mailed to FERC’s environmental mailing list, including elected officials, government agencies, interested Native American and Indian tribes, regional environmental groups and non-governmental organizations, affected landowners, intervenors, local newspapers and libraries, and individuals who attended FERC-sponsored public meetings or sessions, or who submitted comments on the projects or on the FERC’s DEIS.

As mentioned above, as part of FERC’s government-to-government consultation program, Native American and Indian tribes were included in all project notifications. Section 4.10.4 (“Tribal Consultation”) describes FERC’s process for consulting with federally recognized American Indian tribes; Section 4.10.6 (“Cultural Resources on Federal Lands”) lists the tribal partners assisting with cultural resource reports.

\(^7\) “Notice of Availability of the Atlantic Coast Pipeline Project and Supply Header Project Draft Environmental Impact Statement and Forest Service Draft of Associated Land and Resource Management Plan Amendments” (82 FR 1685, January 6, 2017)
\(^8\) 81 FR 90723, 90737
\(^9\) 81 FR 90738
\(^10\) 36 CFR 219.13 (b)(2)
\(^11\) “Notice of Updated Information Concerning the Atlantic Coast Pipeline Project and Supply Header Project and the Associated Forest Service Land and Resource Management Plan Amendments” (82 FR 25756; June 5, 2017)
Applying the planning rule’s format requirements for plan components (§ 219.13 (b)(4)):

The MNF and GWNF project-specific Forest Plan amendments modify a total of 14 standards. Those standards conform to the formatting requirements for plan amendments, and the amendment’s modifications of these standards maintained the correct format. See §§219.13 (b)(4) and 219.7 (e).

The plan amendment process (§ 219.13):

See the “Purpose and Need” section, the “Changes from DEIS to FEIS” section, Tables 2 and Table 3 in the “Decision” section and the response provided above in “Providing opportunities for public participation and providing public notice” for details related to the amendment process.

Compliance with 36 CFR 219 Applicable Substantive Provisions

Section 219.13 (b)(5) of the FS planning regulations requires that, when amending a LRMP, the Responsible Official must apply the regulation’s substantive requirements that are directly related to the amendment, within the scope and scale of the amendment. The substantive requirements are identified in 36 CFR 219.8 through 219.11 and address sustainability, diversity of plant and animal communities, multiple use, and timber management. The regulation sets criteria for determining whether any of its substantive requirements are directly related to an amendment. Section §219.13(b)(5)(i) provides that whether a planning regulation requirement is directly related to an amendment is based upon the amendment’s purpose or its effect (beneficial or adverse). The regulation further provides that an adverse effect finding can be made if scoping or the National Environmental Policy Act (NEPA) effects analysis reveals the amendment would have a substantial adverse effect on, or would substantially lessen protections for, a specific resource or use (§219.13 (b)(5)(ii)(A)). Application of a substantive requirement that is directly related to the amendment may demonstrate that the amendment is in compliance with that particular substantive requirement (and thus, need not be changed) or is in conflict with the substantive requirement (which may necessitate modification of the amendment to meet the substantive requirement) (§219.13 (b)(5)).

In the discussions that follow, we first explain that the scale of the amendments are quite small, and their scope narrow. Then, we determine how each amendment for the MNF and GWNF relates to the regulation’s substantive provisions. For the MNF amendment, which modifies plan standards for soil, and threatened and endangered species, our analysis leads to the conclusion that substantive rule provisions are not directly related to the amendment. For the GWNF amendment, we find that for the modification of five soil and riparian standards, and the standard relating to old growth (if needed), the analysis leads to the conclusion that substantive rule provisions are not directly related to the amendment. The modifications of the plan standards for utility corridors, ANST, scenic integrity objectives, and if it is needed, the standard relating to road reconstruction, the amendment meets the relevant substantive rule requirements and consequently, there is no need to make a determination as to whether the Rule requirement is directly related to these parts of the amendment.
Scope and scale of the amendment

We have determined the scope and scale of the amendments based on the purpose for the amendment (§ 219.13(b)(5)(i)). While the overall purpose of the project is to serve the growing energy needs of multiple public utilities and local distribution companies, and Virginia and North Carolina (FEIS, Introduction Section), the purpose of the plan amendments is to ensure consistency of the proposal to authorize the use and occupancy of NFS land for Atlantic to construct, operate, maintain, and eventually decommission a natural gas pipeline with the provisions of the two Forest Plans.

The scale of the project-specific amendment for the MNF LRMP is a project area that includes an operational ROW of approximately 56 acres (5.1 miles of a 50-feet wide pipeline corridor) and associated access roads on the MNF. During the construction phase, the temporary use of an additional 112 acres of the MNF would be needed (comprised of 77.9 acres for a 125-foot wide ROW, 7.9 acres of additional temporary work space, 1.5 acres of pipe yard, and 24.9 acres of existing access roads). Finally, 0.1 miles of permanent new access roads would be constructed.

The scale of the project-specific amendment for the GWNF LRMP is a project area that involves an operational ROW of 158.2 acres (15.9 miles of 50-feet wide pipeline corridor) and associated access roads on the GWNF. During the construction phase, the temporary use of an additional 318.1 acres would be needed (comprised of 235 acres for a 125-foot wide ROW, 16.4 acres of additional temporary work space and 65.3 acres of existing access roads). Finally, 1.5 acres of permanent new access roads will be constructed.

The scope of the amendments is project-specific, to allow construction and operation of the pipeline which would otherwise not be consistent with certain LRMP standards. For the MNF, the amendment exempts the project from four Forest Plan standards, and for the GWNF, the amendment exempts the project from ten Forest Plan standards. These standards are intended to minimize impacts authorized activities would have to soil, water, riparian, threatened and endangered species, old growth, recreational and visual resources. However, the project includes mitigation measures to lessen impacts on these resources, and so the exemption of the project from the standards is limited in effect.

Description of the Plan Amendments and the Planning regulation requirements associated with the amendments.

The following sections, grouped by National Forest and subject area, discuss the amended standards and whether they are directly related to the substantive requirements of 36 CFR 219.

**Monongahela National Forest LRMP**

The findings, conclusions, and determinations in this section are made by Acting Regional Forester Mary Beth Borst.

**Soils**

This decision modifies three Forest Plan standards associated with soil stability and productivity (SW06, SW07 and SW03) as described in Table 1. These three standards, as currently written, preclude standard industry pipeline construction methods like those being proposed by ACP. Even though the ACP construction methods have been modified in an attempt to be consistent with the Forest Plan, it is not possible to achieve project consistency with these three standards. Thus, the modified standards will allow the ACP to be consistent with the Forest Plan. With the requirement
to apply the best management practices and other appropriate mitigation included in the SUP and COM Plan, these modified plan standards will provide protection for soils resources.

Learning from experiences with other pipeline construction projects in conditions similar to those on the MNF, we have worked with ACP to inventory, analyze and evaluate the geologic, soil, and hydrologic resources that could be affected by this project. We also utilized a third-party consultant for technical support in reviewing the information gathered for the project. We have worked with ACP to develop the COM Plan, a document that contains the design features, mitigation measures, roles and responsibilities, monitoring, and procedures for the construction and operation of the pipeline on NFS lands. We expect the COM Plan to appropriately protect the effected natural resources during the pipeline’s construction and operation. The COM Plan will be incorporated as a requirement of the SUP.

The mitigation measures incorporated into these three modified standards are designed to minimize the potential for soil movement and to ensure that adequate restoration and revegetation are identified in the Upland Erosion Control Plan (COM Plan, Section 8), Restoration and Rehabilitation Plan (COM Plan, Section 10), Slope Stability Policy and Procedure (COM Plan, Attachment C), Winter Construction Plan (COM Plan, Attachment D), and Typical Erosion & Sediment Control Details (COM Plan, Attachment I). ACP will also follow the FERC Upland Erosion Control, Revegetation, and Maintenance Plan, Restoration and Rehabilitation Plan (FEIS, Appendix F), Storm Water Pollution Prevention Plans and the Erosion and Sediment Control Best Management Practices for the states of West Virginia and Virginia. Atlantic will continue to work with the FS and West Virginia Department of Environmental Protection to ensure that high quality and multiple-tiered erosion control measures are employed on NFS lands. We expect this extensive set of plans to minimize potential erosion and impacts on soil productivity.

Environmental compliance roles and responsibilities for the ACP Project are described in the COM Plan, Section 3 – Environmental Compliance. This portion of the COM Plan applies to the construction, operation, and maintenance of the project on NFS lands and describes training, compliance, and reporting in assuring environmental compliance. The COM plan details how FERC, the FS, government-selected third-party compliance monitors, and Atlantic’s compliance monitoring team will provide a multi-pronged approach to ensuring overall environmental compliance.

The FS Authorized Officer will be responsible for administering and enforcing the SUP provisions and will have “stop work” authority in the event that impacts to resources are unacceptable. The FS Authorized Officer’s designated representatives will be responsible to ensure stipulations and mitigation measures included in the COM Plan are adhered to during project construction, operation, and maintenance. Field variance requests will be coordinated with the Authorized Officers.

The 36 CFR 219 regulations pertaining to National Forest System Land Management Planning (the planning rule) (81 FR 90723, 90737) require that plan amendments include a description of which substantive requirements of §§ 219.8 through 219.11 are likely to be directly related to the amendment (36 CFR 219.13(b)(2)). Whether a rule provision is directly related to an amendment is determined by any one of the following: the purpose for the amendment, a beneficial effect of the amendment, a substantial adverse effect of the amendment, or a substantial lessening of plan protections by the amendment.

The following substantive requirements of the planning rule are relevant to the plan amendment for standards SW03, SW06 and SW07:
• § 219.8(a)(2)(ii)—“[The plan must include plan components to maintain or restore] Soils and soil productivity, including guidance to reduce soil erosion and sedimentation,” and

• § 219.10(a)(3)—“[The responsible official shall consider] Appropriate placement and sustainable management of infrastructure, such as recreational facilities and transportation and utility corridors.”

Having considered the BASI and the FEIS effects analysis for this amendment, as well as the above-mentioned process and plans, I conclude that modifying these three plan standards will help minimize adverse environmental impacts to soils resources and will not cause substantial long-term adverse effects, nor a substantial lessening of protections, to the soils resources. Therefore, I have determined that the substantive requirements listed above are not “directly related” to the LRMP amendment, and that these rule provisions need not be applied.

**Threatened and Endangered Species**

This decision modifies Forest Plan standard (TE07), as described in Table 1 of this draft ROD, specific to the northern long-eared bat (*Myotis septentrionalis*) (listed as Threatened under the ESA, effective May 4, 2015).

In addition to FERC’s consultation requirements with the FWS, we have coordinated with FERC and Atlantic to identify management concerns for the northern long-eared bat within NFS lands. The MNF requested that Atlantic perform presence/probable absence surveys for bats within the ownership boundaries of the MNF, regardless of whether prior records of occurrence exist at any given locale. These surveys were first conducted in 2015, and Atlantic continues to collect survey information. Based on survey data collected to date, no active maternal colony roost trees have been identified in the MNF, and no known hibernacula were found within the 300-foot project area on the MNF.

The FWS has acknowledged that the primary threat to the northern long-eared bat is white-nose syndrome. However, construction of the pipeline through forested areas known to support, or capable of supporting, northern long-eared bats could result in direct and indirect impacts on the species. Potential impacts include: changes to occupied foraging habitat or migration corridors, habitat fragmentation, changes to potential roost trees or hibernacula in occupied habitat, injury or harm to individual bats, and disturbance near roosting bats.

Through our expertise and understanding of this species, and with coordination with the FWS, we have worked with Atlantic to identify and include project design features and mitigation measures that will protect the northern long-eared bat and its habitat, which are described in the FEIS. As discussed in Atlantic’s COM Plan (appendix G), Atlantic will comply with the tree clearing restrictions identified in table 4.7.1-6 of the FEIS. Atlantic is consulting with the FS regarding revegetation and seeding requirements for permanent easements and temporary construction rights-of-way on federally managed lands, which will be provided in the final COM Plan prior to construction. My decision includes the requirements of the final COM Plan.

Specific to the northern long-eared bat, my decision also includes the following conservation measures on NFS lands that would further reduce adverse impacts to this species:

• Atlantic will replant all additional temporary work space and the outermost portions of the construction right-of-way, including 20 feet on the working side and 13 feet on the spoil side, with a combination of indigenous tree and shrub seedlings on NFS property
per the COM Plan. The mix of tree and shrub species will be determined in consultation with the FS.

- The right-of-way edges will be shaped or feathered by retaining forest vegetation up to 10 feet into the construction right-of-way along straight-line tangents of pipeline corridor that are visible to the public.

- Atlantic will employ the least-intrusive tree removal methods to reduce damage to the adjacent forest. Additional temporary work space will be set back at least 100 feet from in-stream waterbody crossings that occur on NFS lands.

- A combination of tree-snagging and installation of bat box (rocket box) clusters will be implemented along the edge of disturbance within the temporary workspace following construction. The installed boxes will be monitored annually for a minimum of 3 years to ensure that they are installed appropriately and assess their efficacy in providing roosting habitat in the impacted area.

FERC as the lead federal agency is responsible for completing formal consultation with the FWS. The FS expects FERC to be complete consultation before we issue a final decision. However, if formal consultation isn’t complete, I will expressly condition the final ROD to require completion of the Section 106 process before commencement of ground disturbing activity on NFS land.

The following substantive requirement of the planning rule is relevant to the plan amendment for standard TE07:

- § 219.9(b) Additional, species-specific plan components. (1) The responsible official shall determine whether or not the plan components required by paragraph (a) of this section provide the ecological conditions necessary to: contribute to the recovery of federally listed threatened and endangered species,...within the plan area. If the responsible official determines that the plan components required in paragraph (a) are insufficient to provide such ecological conditions, then additional, species-specific plan components, including standards or guidelines, must be included in the plan to provide such ecological conditions in the plan area.

Having considered the BASI and the FEIS effects analysis for this amendment, I conclude that the mitigation measures in the modification of this plan standard will help minimize adverse environmental impacts to the northern long-eared bat and will not cause substantial long-term adverse effects, nor a substantial lessening of protections, to this species. Therefore, I have determined that the substantive requirement listed above is not “directly related” to the LRMP amendment, and that this rule provision need not be applied.

**George Washington National Forest LRMP**

The findings, conclusions, and determinations in this section are made by Regional Forester Tony Tooke.

**Utility Corridors**

In the DEIS, we had proposed the ACP pipeline route to be within a newly designated 50-foot wide utility corridor. Existing plan standard FW-243 (see Table 3 in this ROD) directs use of existing utility corridors to their greatest potential to reduce the need for additional commitment of land for these uses. FERC’s review of alternative routes considered co-locating ACP with
existing utility corridors and concluded those alternatives to be either impractical or did not offer significant environmental advantages (FEIS, Section 3.4.1). FERC’s review of alternatives demonstrated consistency with FW-243 and supported creation of a new route for ACP.

Existing plan standard FW-244 directed that, if a route is created outside of an existing corridor, the new route would be reallocated as Management Prescription 5C, a designated utility corridor. The existing standard is intended to reduce fragmentation and minimize visual impacts by encouraging collocation of any future utility corridors. Many public comments on the DEIS expressed concern that a utility corridor designation could adversely impact private landowners that are interspersed and/or adjacent to the National Forest. Other comments pointed out the analysis didn’t address the impacts of other prospective utilities that may be constructed in a designated corridor. We acknowledge the mixed ownership of the area and the potential impacts to adjacent land uses. We also recognize that it would be too speculative and complex to attempt to address in the FEIS the impact of prospective utilities that may be constructed at some future time. The resource impacts disclosed in the FEIS suggest that collocation of utility corridors in mountainous terrain may not always be logistically feasible, or environmentally preferable. For these reasons, we revised the proposed approach in the FEIS and decided not to designate a new utility corridor and decided to consider the ACP pipeline corridor on a project-level basis.

This decision modifies the FW-244 plan standard to exclude the ACP from being designated as a Management Prescription 5C Utility Corridor. Although my decision does not preclude future collocation of utility facilities, a future proposal that would parallel the ACP route would be subject to environmental review and public involvement to assess logistic, safety, and resource impacts. Such a proposal would also require an amendment of this plan standard.

The Forest Service planning rule requirement that is relevant to this amendment is 36 CFR 219.10(a)(3) which requires that a forest plan must include plan components which consider the appropriate placement and sustainable management of utility corridors. The FEIS evaluated a variety of options to transport natural gas and adequately analyzed the appropriate placement and sustainable management of the ACP. Consequently, I find that this amendment meets the 36 CFR 219.10(a)(3) planning rule requirement. Since the amendment meets the rule requirement, there is no need to make a determination as to whether the rule requirement is directly related to it.

Soil and Riparian

This decision modifies five Forest Plan standards associated with soil productivity and riparian habitat (FW-5, FW-8, FW-16, FW-17 and 11-003) as described in Table 3. The standards are designed to protect soil and riparian resources on the Forest which also serves to protect water quality.

These five standards in the Forest Plan preclude standard industry pipeline construction methods like those being proposed by ACP. It was not possible to modify the ACP to use construction methods to achieve project consistency with these five standards. The modified standards will allow the ACP to vary from the standards. However, with the requirement in this decision to apply the best management practices and other appropriate mitigation included in the SUP and COM Plan, these modified standards will minimize impacts to these resources as Standards FW-5, FW-8, FW-16, FW-17 and 11-003 did before being modified.

Learning from experiences with previous pipeline construction projects on the Forest, we have worked with ACP to inventory, analyze and evaluate the geologic, soil, and hydrologic resources that could be affected by this project. We also utilized a third-party consultant for technical
support in reviewing the information gathered for the project. The COM Plan is a document developed between the FS and ACP that contains the design features, mitigation measures, roles and responsibilities, monitoring, and procedures for the construction and operation of the pipeline on NFS lands. The COM Plan would be incorporated as a requirement of the SUP.

The mitigation measures incorporated into this amendment are designed to minimize the potential for soil movement and to ensure adequate restoration and revegetation are identified in the Upland Erosion Control Plan (COM Plan, Section 8), Restoration and Rehabilitation Plan (COM Plan, Section 10), Slope Stability Policy and Procedure (COM Plan, Attachment C), Winter Construction Plan (COM Plan, Attachment D), and Typical Erosion & Sediment Control Details (COM Plan, Attachment I). ACP would also follow the FERC Upland Erosion Control, Revegetation, and Maintenance Plan, Restoration and Rehabilitation Plan (FEIS, Appendix F), Storm Water Pollution Prevention Plans and the Erosion and Sediment Control Best Management Practices for the states of West Virginia and Virginia. Atlantic will also continue to work with the FS and Virginia Department of Environmental Quality to ensure high quality and multiple-tiered erosion control measures are employed on NFS lands to minimize potential erosion and subsequent water quality impacts.

We estimate about 0.4 acre of wetlands may be impacted by the ACP project on NFS lands. The required mitigation measures in the COM Plan to protect wetlands and minimize compaction include: limiting the construction right-of-way width to 75 feet or less through wetlands; placing equipment on mats; using low-pressure ground equipment; limiting equipment operation and construction traffic along the right-of-way; locating ATWS at least 100 feet away from wetland boundaries (unless approved by the FS); cutting vegetation at ground level; limiting stump removal to the trench; segregating the top 12 inches of soil, or to the depth of the topsoil horizon; using “push-pull” techniques in saturated wetlands; limiting the amount of time that the trench is open by not trenching until the pipe is assembled and ready for installation; not using imported rock and soils for backfill; and not using fertilizer, lime, or mulch during restoration in wetlands. ACP must also follow U.S. Army Corps of Engineers permit terms and conditions and the FERC Waterbody and Wetland Construction and Mitigation Procedures. The Forest Service will continue to work with Atlantic to ensure appropriate erosion control and restoration measures are incorporated into the COM plan to further reduce potential impacts to wetlands on NFS lands.

Additionally, environmental compliance roles and responsibilities for the ACP Project are described in Section 3 – Environmental Compliance of the COM Plan. This portion of the COM Plan applies to the construction, operation, and maintenance of the project on NFS lands and describes training, compliance, and reporting in assuring environmental compliance. FERC and their third-party compliance monitors, the FS, and Atlantic’s compliance monitoring team will provide a multi-pronged approach to ensuring overall environmental compliance. The FS Authorized Officer would be responsible for administering and enforcing the SUP provisions and would have stop work authority. The FS Authorized Officer’s designated representatives would be responsible to ensure stipulations and mitigation measures included in the COM Plan are adhered to during project construction, operation, and maintenance. Post-approval requests for changes not specifically authorized by the SUP will require prior approval of the appropriate Authorized Officer(s).

The Forest Service planning requirements that are relevant to this amendment are those that require the plan to contain plan components to maintain or restore:

- soils and soil productivity, including guidance to reduce soil erosion and sedimentation (36 CFR §219.8(a)(2)(ii));
• water resources in the plan area, including lakes, streams, and wetlands; ground water; public water supplies; sole source aquifers; source water protection areas; and other sources of drinking water (including guidance to prevent or mitigate detrimental changes in quantity, quality, and availability) (36 CFR 219.8(a)(2)(iv)); and

• the ecological integrity of riparian areas, including their structure, function, composition, and connectivity (219.8(a)(3)(i)).

Having considered the BASI and the FEIS effects analysis for this amendment, I conclude that the modification of these five soil and riparian plan standards will minimize adverse environmental impacts to soil and riparian resources and will not cause substantial long-term adverse effects, nor a substantial lessening of protections, to the soil and riparian resources. Therefore, I have determined that the requirements of 36 CFR §219.8(a)(2)(ii), §219.8(a)(2)(iv), and §219.8(a)(3)(i) are not “directly related” to the LRMP amendment, and that these rule provisions need not be applied.

Appalachian National Scenic Trail

This decision modifies a Forest Plan standard (4A-025, refer to Table 2 of this decision) associated with Management Prescription 4A – Appalachian National Scenic Trail Corridor, to allow ACP to cross the ANST at a location where no other major impacts already exist. Forest Plan standard 4A-025 is intended to minimize impacts to the ANST by collocating proposed infrastructure projects into designated utility corridors. This standard is an acknowledgement of the importance of the ANST for its recreational value (the nation’s first National Scenic Trail) and its cultural value (eligible for nomination to the National Register of Historic Places [NRHP]). This decision to allow a crossing at this location is based on FERC’s consideration of other routes which crossed the ANST. In Section 3 of the FEIS, FERC evaluated a number of major route alternatives crossing the ANST at different locations than the proposed route, with some of the alternatives crossing in areas with existing impacts. FERC concluded that each of these alternatives were either not technically feasible or did not result in significant environmental advantage over the corresponding proposed route.

For the proposed route, Atlantic would cross the ANST (along with the BRP) using the Horizontal Directional Drilling (HDD) method. The current location of the ANST in this area has been determined to also be the optimal permanent location for this trail. While some minor hand cutting of brush to lay a guide wire for an HDD may typically be required between the HDD entry and HDD exit points, Atlantic would use a gyroscopic guidance system at the ANST and BRP crossing that does not require a guide wire or associated brush clearing. The HDD entry and exit points would be located on private land about 1,400 feet and 3,400 feet, respectively, away from the ANST footpath. The entry and exit points would not be visible to ANST users due to intervening vegetation and terrain. The High SIO would be achieved for the Rx 4A – ANST. A temporarily closure or detour around the construction area for ANST recreationalists would not be needed, nor would the removal of vegetation and trees between the HDD entry and exit points. HDD activities at the entry and exit points would last about 12 to 14 months. Users of the ANST would experience temporary, minor noise and night-sky impacts for the duration of HDD activities. ACP has also proposed a trenchless contingency plan (i.e. direct pipe method) to supplement its proposal in the event of problems with conventional boring under the ANST. The contingency plan entry and exit points would be 600+ feet and 400 feet from the ANST and also would not result in land disturbance with the GWNF or be visible from the ANST.
By incorporating ACP’s proposed COM Plan and other appropriate mitigation into a SUP, the ACP will be consistent with the Rx 4A standard 4A-017 which requires all management activities to meet or exceed a SIO of High. Mitigating the visual impacts at this point not only ensures Forest Plan consistency, but also avoids permanent adverse impacts to the cultural resource values of the ANST (a historic district eligible for listing on the National Register of Historic Places) and ensures compliance with Section 106 of the National Historic Preservation Act.

The FEIS analysis of ACP’s ANST crossing on the proposed route supports our decision to modify Plan Standard 4A-025 to provide an exception for the ACP ROW to cross Rx 4A area at a location where major impact do not already exist. The modified standard 4A-025 will allow ACP to be consistent with the GWNF LRMP as amended.

The planning rule requirement that is relevant to this modified LRMP standard is 36 CFR 219.10(b)(1)(vi) which requires plan components to provide for appropriate management of other designated areas of the plan area. FERC’s determination that alternative routes for ACP, including routes with existing major impacts, did not offer significant environmental advantages over the proposed crossing at this location supports my determination that this decision appropriately manages utility corridors. Mitigation for crossing the ANST specifies that the pipeline will use the HDD method to bore underneath the ANST. Should the HDD bore under the ANST fail, ACP will utilize the direct pipe method described in the Contingency Plan for the Proposed Crossing of the Appalachian National Scenic Trail (COM Plan, Attachment P), which is also a trench-less method for crossing of the ANST. Both the primary and contingency methods avoid impacts to the scenic integrity and cultural resource values of the ANST and demonstrates appropriate management of the designated ANST corridor as required by 36 CFR 219.10(b)(1)(vi). Since the amendment meets the rule requirement, there is no need to make a determination as to whether the rule requirement is directly related to it.

**Management of Old Growth**

The need to modify Standard FW-85 will depend upon Atlantic completing an old growth inventory on the portion of the corridor on the GWNF using the specified inventory criteria. The inventory is required by the standard FW-85 to identify existing old growth conditions. Since the harvesting of trees for the purpose of clearing a right-of-way for a pipeline can occur on both lands suitable and not-suitable for timber production, FW-85 does not prevent the cutting of old growth trees for this purpose.

If standard FW-85 does need to be amended because the old growth inventory is not completed, the relevant planning rule requirement to this change is 36 CFR 219.8(a)(1) which states that a plan must include plan components to maintain or restore the ecological integrity of terrestrial ecosystems, including plan components to maintain or restore structure, function, composition, and connectivity.

In lieu of the data obtained from the pending old growth inventory, we estimate that construction of the ACP on the GWNF would impact 81.6 acres of “possible old growth.” (FEIS, Table 4.4.8-1) Possible old growth is defined as Forest stands that meet one or more of the preliminary inventory criteria from in Guidance for Conserving and Restoring Old Growth Forest Communities on National Forests in the Southern Region (FS, 1997). The FEIS indicates that the three major forest community types that will be affected by the pipeline are also the most common community types on the GWNF, and these community types have the highest representation of possible old growth throughout the forest. Considering the clearing of these acres, there will still be an estimated 345,000 acres of possible old growth in these three
community types across the GWNF and Jefferson National Forest in 2020, which represents about 37 percent of the acres in the three major community types. (FEIS, Section 4.4.8)

Given the small amount of possible old growth that could be affected, compared to the amount identified across the entire Forest, I have determined that there would not be any “substantial adverse effects” to the ecological integrity of the existing old growth communities on the GWNF. Therefore, the planning rule requirement at § 219.8(a)(1), is not “directly related” to the amendment and this rule provision need not be applied.

**Scenic Integrity Objectives**

My decision to modify Forest plan standard FW-182 (refer to Table 3 of this decision) will allow the ACP a short-term variance from meeting the GWNF SIO’s crossed by the ACP project corridor. The modified standard will also include wording that requires the Forest Service to ensure the ACP meets the established SIO’s within 5 years after completion of the construction phase of the project. A VIA that produced visual simulations for KOPs was prepared by Atlantic to assess the degree to which construction of the pipeline corridor is expected to create visible deviations by introducing contrasts in form, line, color, texture, pattern or scale that do not currently exist in the landscape character. KOPs were located on travel routes and trails, designated recreation areas, and waterbodies from which the pipeline and facilities on NFS lands could be visible to the public. The series of simulations provided in the VIA show potential views of ACP after construction from select KOPs after one growing season, after 5 years, and after 15 to 20 years. The VIA (see FEIS Appendix T) has not been finalized as of the issuance of the FEIS. Once the VIA is completed, the FS would work with Atlantic to incorporate into the COM Plan or SUP any mitigation measures that may be needed to ensure consistency with LRMP as amended.

The operational ACP right-of-way would cross about 15.7 miles (93 acres) of the GWNF in areas designated as Moderate SIO and 0.1 mile (2.3 acres) designated as High SIO. Access roads would impact approximately 44 acres designated as Moderate SIO and 3.5 acres designated as High SIO Without mitigation, the permanently maintained right-of-way would not repeat or mimic the natural attributes currently found in the landscape character of the George Washington National Forest. (Also see the Visual Impact Analysis in Appendix T of the FEIS.)

The FS has consulted with FERC on additional mitigation measures to reduce visual impacts of the operational right-of-way, such as reducing the permanent operational ROW that shall be converted to herbaceous cover from 50’ wide to 10’ wide. Application of these measures in the approved SUP and COM Plan will significantly reduce the visibility of the pipeline, especially when viewed in the far middle-ground and background distance zones, and it will reduce or eliminate its visibility when viewed on an angle. Along the edge of this linear corridor a variety of FS-approved shrubs, small trees and shallow rooted trees will be planted and maintained along a slightly undulating line to break up the straight edge and offer a variety of plant heights to reduce a hard shadow line. Reducing the herbaceous right-of-way width and allowing more of a vegetative transition within the operational corridor (that is, grasses over the pipeline then shrubs between the grasses and treeline) will help mitigate the effects of the change to the scenic character of an affected area. This will also lessen the visual impacts of the project as seen from the ANST and from other highly used recreation areas and trails, including KOPs that were identified in public comments. By including these measures into the SUP or COM Plan, we expect the ACP Project would achieve the desired SIO objective within five years of completing construction, meeting Forest plan standard FW-182 as amended. I will evaluate the completed VIA information to determine the extent to which vegetative mitigation should be applied to the
project to minimize visual impacts to areas of high scenic value and other highly used recreation areas and trails.

The modified standard acknowledges that even with mitigation, the foreground view from the portion of the Shenandoah Mountain Trail impacted by the ACP route (200 – 225 feet) would be reduced from an SIO of Moderate to Low.

Section 4.8.9 and Appendix T of the FEIS discloses the visual impacts associated with the project. The analysis supports the decision to modify Plan Standard FW-182 to exempt the ACP ROW from meeting the established Forest SIO for these high value scenic areas and provides a five-year period following completion of ACP construction for the scenic integrity of the project area on the Forest to be restored.

The planning regulation requirement that is relevant to this amendment is 36 CFR 219.10(b)(1)(i) which requires the LRMP to include plan components for sustainable recreation and scenic character. With respect to meeting the planning rule requirement at § 219.10(b)(1)(i), FS and ACP have developed additional mitigation measures that would be included in the COM Plan and SUP. The mitigation measures are described above in this section. These mitigation measures will help mitigate the effects of the change to the scenic character of these high scenic value areas. With the implementation of these mitigation measures, this planning rule requirement to provide for scenic character will be met. Since the amendment meets the rule requirement, there is no need to make a determination as to whether the rule requirement is directly related to it.

**Road Reconstruction – Eligible Recreation River Area**

The need to modify this standard is contingent on the final access road determinations, which are still being negotiated with Atlantic due to concerns about possible impacts of a Special Biological Area outside of the Management Prescription (Rx) 2C3 – Eligible Recreation River area. If it is determined that Forest Road (FR) 281 (which is within the Rx 2C3 area) will need to be reconstructed, then Standard 2C3-015 will be amended as described in Table 3.

If this amendment is needed, the planning rule requirement that would be relevant to this amendment is § 219.10(b)(v), which states that a plan must include plan components for rivers found eligible for the National Wild and Scenic River system that will “protect the values that provide the basis for their suitability for inclusion in the system.”

With incorporation of appropriate mitigation, the reconstruction of FR 281 within the Rx 2C3 area would not substantially affect the outstandingly remarkable values associated with the Cowpasture River Segment B (see FEIS, Section 4.8.9), that include Class A-distinctive for fish and wildlife values and for historic and cultural values, Class B-common for scenic values and recreational values, and Class C-minimal for geologic values. This road would also remain closed for public access. Prior to this modification, the standard already allows for road reconstruction activities to take place in the Management Prescription area for a variety of purposes. Should it be determined that reconstruction of this segment of road is needed for long-term monitoring of the ACP, measures that are necessary to protect the resource values of Cowpasture River Segment B would be incorporated into SUP and the COM Plan.

Since the outstanding remarkable values of Cowpasture River Segment B would still be protected if the standard is modified, the rule requirement at § 219.10(b)(v) is met. Consequently, there is no need to make a determination as to whether the rule requirement is directly related to this modification.
Project and activity consistency with the plan

All future projects and activities must be consistent with the amended plans (16 U.S.C. 1604(i)). The FS planning regulation consistency provisions at 36 CFR 219.15(d) apply only to the plan component(s) added or modified under the 2012 Planning Rule. With respect to determinations of project consistency with other plan provisions, the FS’s prior interpretation of consistency (that the consistency requirement is applicable only to plan standards and guidelines) applies. (Forest Service Handbook 1909.12, Ch. 20, sec. 21.33.) With these amendments to the MNF LRMP and GWNF LRMP, we find that the ACP Project, including the applicable mitigation measures identified in the COM Plan, is consistent with the amended plans.

Alternatives Considered in Detail

Section 3 of the FEIS describes the process used by FERC to evaluate identified alternatives. Each alternative was considered to the point where it was clear that the alternative was either not reasonable, would result in greater environmental impacts that could not be readily mitigated, offered no significant environmental advantages over the proposed projects, or could not meet the projects’ purpose, which is to provide transportation of 1.5 billion cubic feet per day of natural gas to consuming markets at the delivery points specified by the projects’ customers.

Section 3.3.4 (“National Forest Route Alternatives”) describes the considerations by FERC when considering alternative routes for the ACP. The proposed crossing of the MNF and GWNF received a considerable amount of comment and criticism from stakeholders, and accordingly, resulted in a number of evaluated route alternatives and variations. FERC evaluated 14 major pipeline route alternatives, including routes collocated with other pipelines, electric transmission lines, and interstate/highway rights-of-way, and several variations to avoid or minimize crossing of NFS and National Park Service lands. Increasing collocation with existing rights-of-way, avoiding federal lands, concern about construction through karst sensitive terrain, impacts on affected landowners and communities, and general environmental concerns were all reasons for evaluating pipeline alternatives and variations. In evaluating the alternatives, FERC compared a number of factors including (but not limited to) total length, acres affected, wetlands and waterbodies crossed, forested land crossed, recreation features crossed, collocation with existing rights-of-way, construction constrains, and economic practicality. FERC’s evaluation concluded that the major pipeline route alternatives and variations do not offer a significant environmental advantage when compared to the proposed route or would not be economically practical.

Given FERC’s evaluation described above, the range of alternatives considered within the scope of our decision was limited to the following:

- **Proposed Action – Authorize Use and Occupancy and Approve Plan Amendments** – The proposed action is to authorize the use and occupancy of NFS lands for Atlantic to construct and operate an interstate natural gas pipeline along the route entitled GWNF6\(^{12}\) and to contemporaneously amend the MNF and GWNF LRMPs so that the ACP Project will be consistent with the plan as amended.

- **No Action Alternative** - Under the no action alternative, the FERC would deny the requested actions by Atlantic to construct an interstate natural gas pipeline. The Forest

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\(^{12}\) See FEIS Section 3.3.4.2 (“Former National Forest Route”) for the discussion on the evolution of Atlantic’s current and preferred route through the National Forests.
Service would deny Atlantic’s application for a SUP and the proposed ACP Project would not occur.

**Environmentally Preferable Alternative**

NEPA regulations require agencies to specify the alternative or alternatives which were considered to be environmentally preferable (40 CFR 1505.2(b)). Forest Service NEPA regulations define an environmentally preferable alternative as: “the alternative that best promote the national environmental policy as expressed in NEPA’s section 101.” Section 101 declares it is the policy of the Federal Government to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

The scope of this decision was limited to considering the proposed action as described in Section 2 of the FEIS. The effects analysis in the FEIS for this project shows that the project can be implemented without impairing the long-term productivity of NFS lands (FEIS, Section 4.0 and 5.0). The ACP Service SUP will be subject to required terms, conditions, and mitigation outlined in this ROD. The decision includes measures to avoid or minimize environmental harm including Forest Plan standards and guidelines, which at a minimum, meet all requirements of applicable laws, regulations, State standards, and additional standards and guidelines for the affected NFS lands. Adverse effects of the proposed pipeline will be mitigated through measures proposed by the Applicant and through measures required by FERC or other federal and state agencies.

Compared to the proposed action, the no action alternative would avoid the environmental impacts to NFS lands. However, if the ACP is not authorized or not constructed, the lack of a new pipeline with access to supply sources into the region could result in other social, economic, and environmental impacts. Prolonging the existing supply constraints in the proposed delivery areas could create winter-premium pricing and exacerbate price volatility for all natural gas users in the areas, and could increase the difficulty for others, such as the operators of gas-fired electric generating plants, in finding economical gas supplies. This in turn could lead to higher gas and electric rates in the region and could lead to energy shortages during times of winter peak demand. Most of the natural gas that would be transported by ACP would be used as a fuel to generate electricity for industrial, commercial, and residential uses. The no action alternative would impact the reliability and security of the natural gas supply to power plants to produce electricity. If those plants rely on other fossil fuels, such as coal and fuel oil, air emissions would be greater than if natural gas were used. The no-action alternative would not provide the potential economic benefits associated with the proposed projects, including increased jobs, secondary spending, tax revenues, and lower energy costs to consumers of electricity.

Given consideration of these factors, we concur with FERC’s conclusion (FEIS, Section 3.1) that the no action alternative is not preferable because although it would avoid the environmental impacts of the proposed project, it would likely result in the need for an alternate energy means to satisfy the demand for natural gas and energy in the project area, or would result in end users seeking alternate energy from other sources such as other natural gas transporters, fossil fuels, or renewable energy.

Therefore, we find the proposed action, subject to compliance with design features and mitigation outlined in the COM Plan, is preferable. When compared to the no action alternative, it best supports the purpose and need of transporting natural gas produced in the Appalachian Basin to markets in the Virginia and North Carolina.
Findings Required by Other Laws and Regulations

National Forest Management Act

This decision authorizes the use and occupancy of NFS lands for the ACP Project and approves a project-specific forest plan amendment to both the MNF and GWNF LRMPs. The NFMA requires that projects, including those that authorize use and occupancy, be consistent with the forest plan of the administrative unit where the project would occur.

The discussion in the “Decision Rationale” section of this ROD describes how the analysis supports our determination that the project can be implemented without impairing the long-term productivity of NFS lands (FEIS, Sections 4 and 5). Measures to avoid or minimize environmental harm that are incorporated in this decision include LRMP forest-wide standards and guidelines, which at a minimum, meet all requirements of applicable laws, regulations, State standards, and standards and guidelines for the affected NFS lands. For these reasons, we find the authorization aspect of this decision to be consistent with the NFMA.

The Forest Service land management planning regulations (36 CFR 219 as amended) set out requirements for the amendment of plans. See 36 CFR 219.13 (81 FR 90738 (December 15, 2016)). The discussion in this ROD in the section, “Compliance with the Rule’s Procedural provisions,” explains how the following procedural rule requirements for the amendments were met; specifically, consideration of the best available scientific information, (§219.3), providing opportunities for public participation and public notice (§§219.4, 219.13 (b)(2), and 219.16), using the correct format for standards (§219.7 (e) and 219.13 (b)4)). The discussion in the section, “Compliance with the Rule’s Applicable Substantive Provisions” in this ROD, explains how the substantive requirements for the amendments were met.

Specifically, with respect to the GWNF LRMP amendment approved in this decision, I, Tony Tooke, have concluded that the modifications to GWNF LRMP Standards FW-244 (utility corridors), 4A-025 (ANST), FW-182 (scenic integrity objectives, and if needed 2C3-015 (road reconstruction), meet the relevant requirements of the rule. Under the current planning rule, I am also required to determine if the proposed Forest Plan amendment is directly related to the substantive requirements of § 219.8 through 219.11. I have concluded that substantive rule provisions were not directly related, and therefore need not be applied, to the modifications to Standards FW-5, FW-8, FW-16, FW-17, and 11-003 (soil and riparian), and if needed, FW-85 (old growth).

With respect to the MNF LRMP amendment approved in this decision, I, Mary Beth Borst, have concluded that substantial rule provisions were not directly related, and therefore need not be applied, to the modifications to the MNF LRMP Standards SW06, SW07, SW03, and TE-07, respective to soils and threatened and endangered species.

The discussion under the sections “Rationale,” “Compliance with the Rule’s Procedural Provisions,” “Compliance with the Rule’s Applicable Substantive Provisions,” and “Use of Best Available Scientific Information” in this record of decision explain how our decision meets the applicable requirements of the 36 CFR 219 planning rule and is consistent with NFMA. The discussion in the “National Environmental Policy Act,” heading of this section explains that the FEIS is consistent with Forest Service NEPA procedures as required by the rule (§219.13 (b)(3)).
National Environmental Policy Act

Our independent review of the FEIS finds it meets the requirements of the NEPA, Council on Environmental Quality (40 CFR 1500-1508) and Forest Service regulations (36 CFR Part 220). Forest Service direction pertaining to implementation of the NEPA and CEQ regulations is contained in chapter 10 and 20 of Forest Service Handbook 1909.15 (Environmental Policy and Procedures). The FERC initiated the public involvement process in 2014 and received about 5,600 written comment letters during the pre-filing process, the formal scoping and supplemental scoping periods, and throughout preparation of the EIS. Section 3 of the FEIS describes alternative development. Using the best available scientific information, the FEIS provides an adequate analysis and discloses the environmental effects related to the use and occupancy of NFS lands for the Atlantic Coast Pipeline and for amending select MNF and GWNF LRMP standards. The analysis adequately addresses agency comments and mitigation recommendations. Measures to avoid or minimize environmental harm that are incorporated in this decision include forest-wide LRMP standards and guidelines (which at a minimum, meet all requirements of applicable laws, regulations, and State standards) and additional standards and guidelines for the affected NFS lands. Other protective measures are included in the construction and restoration plans that are applicable to the ACP Project (FEIS, Table 2.3.1-1). We adopted the FEIS pursuant to 40 CFR 1506.3(c) to support our decision to authorize the ACP use and occupancy and amend the LRMPs as outlined in this ROD.

Endangered Species Act

The Endangered Species Act of 1973 requires federal agencies to ensure that any agency action does not jeopardize the continued existence of federally threatened or endangered species and their designated critical habitat. The FERC, as lead federal agency, is required to consult with the FWS to determine whether any federally listed (or proposed for listing) species, or their designated critical habitats, would be affected by the ACP.

In compliance with section 7, the FERC is submitting to the FWS the FEIS, mostly section 4.7.1, as FERC's Biological Assessment (BA) and requesting initiation of formal consultation with the FWS. There are some species for which surveys were being completed in 2017 (per species survey protocol). For these species presence was assumed for the basis of the consultation and new conservation measures may be determined pending survey results. We will re-evaluate these determinations during FERC’s formal consultation with the FWS and incorporate any needed adjustments.

Table 5: Federally Threatened, Endangered and Candidate Species and Preliminary Effects Determination displays those potentially affected ESA-listed, proposed, and under review species, and designated and proposed critical habitat. These species occur or have the potential to occur within the ACP project area. For some of the species shown in the table below, suitable habitat was not identified within the MNF or GWNF. The table includes a preliminary effects determination to species and their critical habitat (if proposed or designated) with rationale based on the current BA (see FEIS, Table 4.7.1-1). Also see Table 4.7.1-1 in the FEIS for those species that were not carried forward for further analysis, determined to be “not applicable,” and the status of surveys.

Based on the FERC’s review of existing records, survey results, and informal consultations with the FWS, the FERC found the construction and operation of ACP may affect and is likely to adversely affect seven ESA-listed species (Indiana bat, northern long-eared bat, Roanoke logperch, Madison Cave isopod, clubshell mussel, running buffalo clover, and small whorled...
pogonia), and is not likely to adversely affect, not likely to jeopardize proposed species (yellow lance mussel), or have no effect on the remaining listed or proposed species.

On June 6, 2017, a rusty patched bumble bee (RPBB) worker bee was found on a proposed access road on Duncan Knob, Warm Springs Ranger District, GWNF. This new information has not been incorporated by FERC into the FEIS. It is our determination that use of this access road May Affect and is Likely to Adversely Affect (LAA) RPBB, therefore RPBB must undergo formal consultation. No irreversible or irretrievable commitment of resources will occur until formal consultation is completed.

Table 5: Federally Threatened, Endangered and Candidate Species and Preliminary Effects Determination

<table>
<thead>
<tr>
<th>Common (Scientific Name)</th>
<th>Status</th>
<th>Preliminary Effects Determination</th>
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<tbody>
<tr>
<td><strong>Amphibians</strong></td>
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<tr>
<td>Cheat Mountain salamander (<em>Plethodon nettingi</em>)</td>
<td>T</td>
<td><strong>No Effect (NE)</strong> because Atlantic incorporated an alternative route to avoid modeled habitat for the species and conducted habitat surveys within the MNF along the new route near Gibson Knob and Cloverlick Mountain in 2016. Suitable habitat was not found in these areas.</td>
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<tr>
<td><strong>Fish</strong></td>
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<tr>
<td>Roanoke logperch (<em>Percina rex</em>)</td>
<td>E</td>
<td><strong>May Affect Likely to Adversely Affect (LAA)</strong>: Even though suitable habitat for this species does not occur on NFS lands within the MNF or GWNF, if logperch are observed during additional survey efforts, the conservation measures that would be followed (FEIS, Table 2.3.1-1), including fish relocation activities, are viewed by the FWS as take.</td>
</tr>
<tr>
<td>(Note: Suitable habitat not found on MNF or GWNF)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Invertebrates</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Madison Cave Isopod (<em>Antrolana lira</em>)</td>
<td>T</td>
<td><strong>May Affect Likely to Adversely Affect (LAA)</strong>: Although a Karst Mitigation Plan and conservation measures would be implemented, due to the limited distribution of this species, alignment of the route across moderate and high probability suitable habitat, and its high vulnerability to disturbance, impacts associated with construction could have population level effects on this species.</td>
</tr>
<tr>
<td>Clubshell mussel (<em>Pleurobema clava</em>)</td>
<td>E</td>
<td><strong>May Affect Likely to Adversely Affect (LAA)</strong> due to potential impacts from erosion and sedimentation associated with the proximity of the pipeline and access road to a known population. To minimize effects, sediment and erosion control measures would be implemented (FEIS, Table 2.3.1-1, Appendix G). Effects to the species, however, cannot be completely mitigated.</td>
</tr>
<tr>
<td>Dwarf wedgemussel (<em>Alasmidonta heterodon</em>)</td>
<td>E</td>
<td><strong>May Affect Not Likely to Adversely Affect (NLAA)</strong>: Impacts to mussels located downstream of waterbody crossing activities or access roads include temporary increases in sedimentation and turbidity, and degraded habitat quality due to loss of interstitial space. Sediment and erosion control measures would be implemented (FEIS, Section 4.7.3, Table 2.3.1-1, Appendix G) and for James spinymussel, a time of year restriction for all in-stream activities would apply.</td>
</tr>
<tr>
<td>James spinymussel (<em>Pleurobema collina</em>)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tar River spinymussel (<em>Elliptio steinstansana</em>)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common (Scientific Name)</td>
<td>Status</td>
<td>Preliminary Effects Determination</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>--------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Snuffbox mussel (<em>Epioblasma triquetra</em>)</td>
<td>E</td>
<td><strong>May Affect Not Likely to Adversely Affect (NLAA)</strong>: ACP may affect the snuffbox due to assumed presence of the species in McElroy Creek and West Fork River, but is not likely to substantially affect this species due to erosion and sedimentation controls. Adverse effects, however, cannot be completely mitigated.</td>
</tr>
<tr>
<td>Rusty patched bumblebee (<em>Bombus affinis</em>)</td>
<td>E</td>
<td><strong>May Affect Likely to Adversely Affect (LAA)</strong> On June 6, 2017, a single RPBB was found on a proposed access road on Duncan Knob, GWNF. This road is proposed to be widened by 15 feet, and graveled for use during construction and maintenance. Widening this road will destroy the only known occupied foraging habitat for this species in VA. The nest location is unknown and could also be destroyed during road improvement activities. This road is currently gated and any increase in traffic use adversely affect RPBB due to collision with vehicles.</td>
</tr>
<tr>
<td>Yellow lance mussel (<em>Elliptio lanceolate</em>)</td>
<td>PT</td>
<td><strong>May Affect Not Likely to Jeopardize (NJ)</strong>: Impacts to mussels located downstream of waterbody crossing activities or access roads include temporary increases in sedimentation and turbidity and degraded water quality. To minimize impacts, sediment and erosion control measures and a time of year restriction would be implemented (FEIS, Section 4.7.3, Table 2.3.1-1, Appendix G) one river mile of the designated waterbody would apply.</td>
</tr>
<tr>
<td>Mammals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern long-eared bat (<em>Myotis septentrionalis</em>)</td>
<td>T</td>
<td><strong>May Affect Likely to Adversely Affect (LAA)</strong> because ACP could disturb hibernating bats in known hibernacula, construction activities could alter the entrance or interior environment of known hibernacula through indirect impacts on the connected subsurface karst system; and, trees would be removed within 0.25 mile of a known hibernaculum. Effects on critical habitat are to be determined.</td>
</tr>
<tr>
<td>Indiana bat (<em>Myotis soldalis</em>)</td>
<td>E</td>
<td><strong>May Affect, Likely to Adversely Affect (LAA)</strong> based on the amount of tree clearing (1,436 ac.) in occupied habitat and potential impacts to bat hibernacula. Because designated critical habitat is located 33 miles from the project area, there would be no effect on critical habitat.</td>
</tr>
<tr>
<td>Virginia big-eared bat (<em>Corynorhinus townsendii virginianus</em>)</td>
<td>E</td>
<td><strong>May Affect Not Likely to Adversely Affect (NLAA)</strong> because impacts resulting from construction activities on hibernacula could include destruction of habitat, or alteration of cave hydrology and/or microclimate. Ground-disturbing activities near cave entrances could impact cave habitats which may render the hibernacula unsuitable to bats. Conservation measures specific to occupied bat habitat and bat hibernacula would need to be further refined and defined upon FWS review of survey results. Given that the closest designated critical habitat is 15 miles from the ACP project area, there would be no effect on critical habitat.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Preliminary Effects Determination</td>
</tr>
<tr>
<td>-----------------------------</td>
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</tr>
<tr>
<td>Gray bat <em>Myotis grisescens</em></td>
<td>E</td>
<td>May Affect Not Likely to Adversely Affect (NLAA) because there are no known gray bat hibernacula within 5 miles of the ACP construction workspace and tree clearing is not anticipated to substantially affect forage habitat availability for the species.</td>
</tr>
</tbody>
</table>

**Plants**

<table>
<thead>
<tr>
<th>Common Name (Scientific Name)</th>
<th>Status</th>
<th>Preliminary Effects Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small whorled Pogonia <em>Isotria medeoloides</em></td>
<td>T</td>
<td>May Affect Likely to Adversely Affect (LAA) because there is the potential for an indirect impact from sedimentation on individuals adjacent to the workspace. FERC and FWS will re-evaluate these determinations upon receipt of pending survey results and proposed conservation measures. This species does not have designated critical habitat.</td>
</tr>
<tr>
<td>Virginia sneezeweed <em>Helenium virginicum</em> Swamp Pink <em>Helonias bullata</em> Eastern prairie fringed orchid <em>Platanthera leucophaea</em> Virginia spiraea <em>Spiraea virginiana</em></td>
<td>T</td>
<td>No Effect (NE) based on 2015 and 2016 surveys that showed no populations in the potential impact areas of the project. FERC and FWS will re-evaluate this determination upon receipt of pending survey results and proposed conservation measures.</td>
</tr>
<tr>
<td>Running buffalo clover <em>Trifolium stoloniferum</em></td>
<td>E</td>
<td>May Affect Likely to Adversely Affect (LAA) because the project has the potential to directly impact about 16 percent of the population in the area. Approximately 0.8 acres are still located within construction workspace and access roads. FERC and FWS will re-evaluate this determination upon receipt of pending survey results and proposed conservation measures.</td>
</tr>
<tr>
<td>Shale barren rock cress <em>Arabis serotina</em> Pondberry <em>Lindera melissifolia</em> Rough-leaved loosestrife <em>Lysimachia asperulaefolia</em> Michaux’s sumac <em>Rhus michauxii</em> Northeastern bulrush <em>Scirpus ancistrochaetus</em> American chaffseed <em>Schwalbea americana</em></td>
<td>E</td>
<td>No Effect (NE) based on 2015 and 2016 surveys that showed no populations in the potential impact areas of the project. FERC and FWS will re-evaluate this determination upon receipt of pending survey results and proposed conservation measures.</td>
</tr>
</tbody>
</table>

*T=Threatened; E = Endangered; PT = Proposed as Threatened

The FWS must respond to the BA with its Biological Opinion (BO) on whether any federally listed species or habitats would be placed in jeopardy because of the ACP. The BO will include specific conservation measures, reasonable and prudent measures, and terms and conditions that apply to approval of the ACP. If the FWS determines the proposed action will jeopardize a species, they will provide a Reasonable and Prudent Alternative. Additional information regarding the BA can be found in the FEIS in Section 4.7.1 and 5.1.7. FERC will complete the consultation process with FWS before Atlantic begins operations on NFS lands. Any measures or terms and conditions identified by the FWS to protect federally threatened or endangered species and their critical habitat that are not currently part of the authorization will be incorporated into
authorizations for ACP. This approach would comply with Section 7 of the ESA, which requires all Federal agencies, in consultation with the FWS, to ensure that their actions are not likely to jeopardize the continued existence of federally listed species or adversely modify their critical habitat. If necessary, the final ROD will be expressly conditioned so that no ground disturbing activity could begin until the section 7 consultation process is complete and that necessary project design requirements and mitigation measures are identified to protect threatened and endangered species and their habitat on NFS lands.

Forest Service Sensitive Species

Federal law and direction applicable to Forest Service sensitive species are included in the NFMA and the Forest Service Manual (2670). The Regional Foresters developed the sensitive species lists for plants and animals for which population viability is a concern. The most recent list for the MNF became effective in May, 2012. The GWNF list became effective April, 2001.

Monongahela National Forest

In total, there are 136 species on the MNF likelihood of occurrence table that have the potential to occur in the project area. Species that were eliminated from further consideration based on known species ranges occurring outside of the analysis area, or because suitable habitat was not identified in the analysis area can be found in the Biological Evaluation (BE, Section 3.3).

Table 6 displays those species on the MNF that may be affected by the ACP and those species where a beneficial impact is expected. A preliminary determination of “May impact individuals but is not likely to cause a trend toward federal listing or loss of viability” (MIILNT) applies to 21 species on the MNF. A beneficial impact (BI) is expected for three species.

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Preliminary Effect Determination*</th>
<th>Rational</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Birds</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Peregrine Falcon (<em>Falco peregrinus anatum</em>)</td>
<td>MIILNT</td>
<td>Suitable habitat is potentially present within the survey corridor. No birds were observed during surveys. Construction has potential to cause adverse impacts through disturbance and potential abandonment of nests and young. Impacts would be temporary and/or intermittent and implementation of the Migratory Bird Plan and Restoration and Rehabilitation Plans would minimize impacts.</td>
</tr>
<tr>
<td>Bald Eagle (<em>Haliaeetus leucocephalus</em>)</td>
<td>MIILNT</td>
<td>Potentially suitable habitat occurs. There are inactive nests adjacent to proposed right-of-way. Surveys did not detect the species but suitable habitat is present and presence is assumed. Construction could displace individuals, increase stress, and disrupt normal activities. Impacts will be avoided or mitigated through the implementation of the Migratory Bird Plan, which includes implementation of the National Bald Eagle Management Guidelines. COM Plan conservation measures will help protect the species and/or stabilize and re-establish disturbed habitats.</td>
</tr>
</tbody>
</table>
### Common (Scientific Name) | Preliminary Effect Determination* | Rational
---|---|---
Long-Eared Owl (*Asio otus*) | MIINLT | Present is based on known species range. Impacts include noise from construction (and maintenance) which could displace individuals, increase stress, and disrupt sleep and other normal activities. Clearing could remove nesting habitat. Potential impacts will be avoided or minimized through the Migratory Bird Plan. COM Plan Conservation measures will help protect the species and/or stabilize and reestablish disturbed habitats.

Migrant Loggerhead Shirike (*Lanius ludovicianus migrans*)
Golden-Winged Warbler (*Vermivora chrysoptera*) | BI | Potentially suitable habitat is adjacent to the survey corridor. Construction may cause disturbance, temporary loss of nesting habitat, and injury to or loss of nests and young. The likelihood of the presence of substantial numbers in the project area is low. Impacts will be temporary and infrequent and Migratory Bird Plan and other conservation measures would avoid and minimize impacts.

Northern Goshawk (*Accipiter gentilis*) | MIINLT | Suitable habitat occurs in two locations and species were not detected during the 2016 survey. If present during construction, impacts could include noise disturbance which could displace individuals, increase stress, and disrupt normal activities. Nests and young could be harmed by equipment or be abandoned. COM Plan conservation measures will help protect the species and/or stabilize and reestablish disturbed habitats.

Red-Headed Woodpecker (*Melanerpes erythrocephalus*) | MIINLT | Suitable habitat is present. Impacts include noise disturbance which could displace individuals, increase stress, and disrupt normal activities. Clearing could remove nest trees and food sources. Potential impacts will be avoided or minimized through the Migratory Bird Plan. COM Plan conservation measures will help protect the species and/or stabilize and reestablish disturbed habitats.

Fish

Candy Darter (*Etheostoma osburni*), New River Shiner (*Notropis scabriceps*), Appalachia Darter (*Percina gymnocephala*), Kanawha Minnow (*Phenacobius teretulus*) | MIINLT | Since the waterbodies crossed by the project do not contain suitable habitat, the darters, shiner, and minnow will not be directly affected by the project. Indirect water quality effects could occur downstream or downslope of the project area where the species may occur.

Invertebrates

Elktoe (*Alasmidonta marginata*), Green Floater (*Lasmigona subviridis*), Elk River Crayfish (*Cambarus elkensis*) | MIINLT | No suitable habitat occurs at stream crossings. Potential temporary impacts to species downstream or downslope are expected to be minimal based on predicted erosion rates and dilution from overland and downstream flow (see FEIS, Section 5.5.5.1).
<table>
<thead>
<tr>
<th>Common Name (Scientific Name)</th>
<th>Preliminary Effect Determination*</th>
<th>Rational</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rapids Clubtail Dragonfly (<em>Gomphus quadricolor</em>)</td>
<td>MIINLT</td>
<td>Suitable habitat is potentially present based on correspondence survey. Temporary disturbance could displace, harm, or kill individual dragonflies and dragonfly larvae. Indirect impacts would include the temporary loss of riparian vegetation which could provide shelter and provide food. Potential impacts to aquatic and riparian habitat will be minimized through COM Plan implementation.</td>
</tr>
<tr>
<td>Holsinger’s Cave Isopod (<em>Caecidotea holsingeri</em>), Greenbrier Cave Amphipod (<em>Stygobromus emarginatus</em>), Pocahontas Cave Amphipod (<em>Stygobromus nanus</em>), A Springtail (<em>Pseudosinella gisini gisini</em>), A Springtail (<em>Sinella agna</em>), A Cave Beetle (<em>Pseudanophthalmus fuscus</em>), A Cave Beetle, (<em>Pseudanophthalmus hypertrichosis</em>)</td>
<td>MIINLT</td>
<td>Based on field survey, there is a low likelihood that suitable cave habitat occurring in the project area would be affected although there is a possibility for karst features to be identified or to form (i.e. sinkholes) during construction and operation, particularly over known karst terrain. Implementation of the conservation measures described above will avoid or minimize the risk of adverse effects.</td>
</tr>
<tr>
<td>A Noctuid Moth (<em>Aplectoides condita</em>)</td>
<td>BI</td>
<td>Suitable habitat is potentially present within survey corridor based on botany survey. If H. ectypa should occur in the project area, direct impacts could include temporary disturbance from construction activities, which could displace, harm, or kill individual butterflies and caterpillars. Habitat impacts could include the removal of starry campion, which would be cleared if present in the construction area. COM Plan conservation measures will help protect the species and/or stabilize and reestablish disturbed habitats.</td>
</tr>
<tr>
<td>Early Hairstreak Butterfly (<em>Erota laeta</em>), Bronze Copper Butterfly (<em>Lycaena Hyllus</em>)</td>
<td>MIINLT</td>
<td>Suitable habitat potentially is present based on survey. Direct impacts include temporary disturbance which could displace, harm, or kill individual butterflies and caterpillars. Habitat impacts could include temporary disturbance of wetland or deciduous and mixed woodland habitat. COM Plan conservation measures will help protect the species and/or stabilize and reestablish disturbed habitats.</td>
</tr>
<tr>
<td>Milne’s Euchlaena Moth (<em>Euchlaena milnei</em>), West Virginia White Butterfly (<em>Pieris virginiensis</em>), Diana Fritillary Butterfly (<em>Speyeria diana</em>)</td>
<td>MIINLT</td>
<td>Suitable habitat is potentially present. If present, there is the potential for mortality and alteration of habitat. Some habitat will be restored following construction. The Invasive Plant Species Management Plan will prevent the spread of non-native invasives that could outcompete native host plants. COM Plan conservation measures will help protect the species and/or stabilize and reestablish disturbed habitats.</td>
</tr>
<tr>
<td>Common (Scientific Name)</td>
<td>Preliminary Effect Determination*</td>
<td>Rational</td>
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<tr>
<td>Organ Cavesnail (Fontigens tartarea)</td>
<td>MIINLT</td>
<td>Based on field survey, there is a low likelihood that suitable cave habitat occurring in the project area would be affected. There is a possibility for karst features to be identified or to form (i.e. sinkholes) during construction and operation, particularly over known karst terrain. Implementation of conservation measures will avoid or minimize the risk of adverse effects.</td>
</tr>
</tbody>
</table>

### Mammals

<table>
<thead>
<tr>
<th>Common (Scientific Name)</th>
<th>Preliminary Effect Determination*</th>
<th>Rational</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Virginia northern flying squirrel (Glaucomys sabrinus fuscus)</td>
<td>MIINLT</td>
<td>Suitable habitat potentially present within survey corridor based on botany survey. Potential impacts to individuals if present adjacent to the project area will be temporary and minor since Atlantic will implement conservation measures to reduce impacts to and preserve suitable northern hardwood and spruce habitat.</td>
</tr>
<tr>
<td>Southern Rock Vole Microtus (chrotorrhinus carolinensis), Long-tailed Shrew (Rock Shrew) (Sorex dispar), Southern Water Shrew (Sorex palustris punctulatus), Eastern Spotted Skunk (Spilogate putorius)</td>
<td>MIINLT</td>
<td>Because only two areas were found to contain potential moderate-quality habitat for southern rock vole and southern water shrew the likelihood of substantial numbers being present in the project area and affected by the project is low. Impacts to long-tailed shrew could include noise disturbance which could increase stress and disrupt normal activities. Direct impacts are unlikely. If individuals (eastern spotted skunk) are present, potential impacts could include damage to underground dens, potential mortality of adults and young, and disturbance that could increase stress, displace individuals, and disrupt normal activities. With the implementation of the conservation measures most habitat impacts would be temporary or benign.</td>
</tr>
<tr>
<td>Eastern Small-Footed Myotis (Myotis leibii)</td>
<td>MIINLT</td>
<td>There is suitable roosting present and potential foraging habitat present. Field surveys indicate no portal/cave hibernacula. Potential foraging forest habitat would be affected by the project. However, the likelihood of the presence of substantial numbers of the bats in the project area is low. Potential impacts would likely be limited to noise disturbance and conversion of forest foraging habitat to meadow and edge foraging habitat. Conservation measures would be implemented as outlined in the COM Plan.</td>
</tr>
<tr>
<td>Little Brown Myotis (Myotis lucifugus), Tri-Colored Bat (Perimyotis subflavus)</td>
<td>MIINLT</td>
<td>Foraging and roosting habitat is present based on general habitat conditions. Since no hibernacula or individuals were found during field surveys, the likelihood of the presence of substantial numbers of both species in the project area is low. In addition, abundant forest habitat would persist adjacent to the project area and throughout the MNF, and the development of the permanent right-of-way would provide foraging habitat. Conservation measures would be implemented as outlined in the COM Plan.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Preliminary Effect Determination*</td>
<td>Rational</td>
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</tr>
<tr>
<td>Allegheny Woodrat (<em>Neotoma magister</em>)</td>
<td>MIILNT</td>
<td>There is confirmed suitable habitat. Since no woodrats were found along the pipeline right-of-way, impacts would be limited to population documented adjacent. With the use of the existing road and limitations on road use during periods of higher woodrat activity, impacts would likely be limited to temporary noise disturbance.</td>
</tr>
</tbody>
</table>

### Plants

- **Forest Dependent Species:**
  - MIILNT (for all species except the following; Appalachian oak fern, white alum root, and Roan mountain sedge)
  - The preliminary determination is “likely to result in a loss of viability.”*
  - Regional Forester Sensitive Species (RFSS) plants requiring forest habitat would experience the greatest long-term impacts. Habitat alteration would result in the loss of suitable forest habitat in the 50-foot permanent right-of-way and new permanent access roads. In addition, habitat alteration would cause indirect effects by altering the microclimate along the forest edge adjacent to the right-of-way and new road corridors, potentially reducing the chance of RFSS forest-dependent plants establishing in adjacent forested habitat. Establishment of these RFSS populations in the temporary workspace would depend on their tolerance of an altered microclimate and the redevelopment of forest habitat, which could take more than 20 years. COM Plan conservation measures will help protect the species and/or stabilize and reestablish disturbed habitats.

*For Appalachian oak fern, white alum root, and Roan mountain sedge the MNF is currently having discussions with the project proponent to determine potential remedies or conservation measures to minimize or avoid negative effects to population viability.
<table>
<thead>
<tr>
<th>Common (Scientific Name)</th>
<th>Preliminary Effect Determination*</th>
<th>Rational</th>
</tr>
</thead>
<tbody>
<tr>
<td>Species that Occur in Open or Edge Habitats</td>
<td>MIILNT</td>
<td>Suitable habitat for plants requiring open or edge habitats are less likely to be present and experience adverse impacts given the relatively small amount of open habitats that occur in the MNF (FEIS, Section 4.1.1.1) for species that occur in open or edge habitats, long-term impacts could be beneficial or neutral for species tolerant of infrequent disturbance from maintenance activities. COM Plan conservation measures will help protect the species and/or stabilize and reestablish disturbed habitats.</td>
</tr>
<tr>
<td>Lillydale Onion (<em>Allium oxyphilum</em>), Bartram Shadbush (<em>Amelanchier bartramiana</em>), Purple Clematis (<em>Clematis occidentalis var. occidentalis</em>), Bentley’s Coralroot (<em>Corallorhiza bentleyi</em>), Tall Lakspur (<em>Delphinium exaltatum</em>), Shriner’s Frilly Orchid (<em>Platanthera shriveri</em>), Beadle’s Mountain-mint (<em>Pycnanthemum beadlei</em>), Mountain Pimpernel (<em>Taenidia montana</em>),</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland and Riparian Species</td>
<td>MIILNT</td>
<td>Suitable habitat for plants requiring wetland or riparian habitat are less likely to be present and experience impacts given the relatively small amount of wetlands (including rivers and streams) that occur in the MNF (FEIS, Section 4.3.1). RFSS plants requiring wetland or riparian habitat will experience minimal temporary impacts (less than 0.1 acre) from construction through habitat disturbance, and intermittent impacts from maintenance activities such as mowing. In addition, two streams and the associated riparian habitat will be temporarily affected during construction across the 125-foot-wide construction right-of-way. In addition, approximately 30 feet of riparian area on either side of waterbody crossings will be permanently converted from forested riparian habitat to herbaceous and scrub/shrub riparian habitat. COM Plan conservation measures will help protect the species and/or stabilize and reestablish disturbed habitats.</td>
</tr>
<tr>
<td>Reptiles</td>
<td>MIINLT</td>
<td>Construction and maintenance could have direct adverse impacts through disturbance, injury, or mortality; however, impacts would likely be temporary or intermittent, and would be avoided or minimized through implementation of the Protected Snake Conservation Plan. Since no habitat or individuals were found during surveys, the likelihood of the presence of substantial numbers of timber rattlesnake in the project area is low.</td>
</tr>
<tr>
<td>Timber Rattlesnake (<em>Crotalus horridus</em>);</td>
<td></td>
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</tr>
</tbody>
</table>
George Washington National Forest

There are 141 species on the GWNF sensitive species list. As noted above, species that were eliminated from further consideration based on known species ranges occurring outside of the analysis area, or because suitable habitat was not identified in the analysis area can be found in the Biological Evaluation (BE, Section 3.3).

Table 7 ACP George Washington National Forest Regional Forester Sensitive Species displays those species on the GWNF may be affected by the ACP. A preliminary determination of “May impact individuals but is not likely to cause a trend toward federal listing or loss of viability” (MIINLT) applies to 14 species on the GWNF. A beneficial impact (BI) is expected for 4 species.

Table 7 ACP George Washington National Forest Regional Forester Sensitive Species

<table>
<thead>
<tr>
<th>Common (Scientific Name)</th>
<th>Preliminary Effects Determination</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Birds</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peregrine Falcon <em>(Falco peregrinus)</em></td>
<td>MIINLT</td>
<td>Construction may cause temporary adverse impacts through disturbance and potential abandonment of nests and young if construction should take place during the nesting season. Impacts will be temporary and/or intermittent, and implementation of the Migratory Bird Plan and the other conservation measures will help minimize impacts.</td>
</tr>
<tr>
<td>Bald Eagle <em>(Haliaeetus leucocephalus)</em></td>
<td>MIINLT</td>
<td>No confirmed occurrences of nests were found during surveys and the presence of substantial numbers of Bald Eagles in the project area is likely low. Temporary and direct adverse impacts are possible from the disturbance caused by construction and vegetation maintenance. Long-term indirect impacts could occur from the removal of potential nesting and roosting forest habitat in the permanent right-of-way and permanent new access roads. The National Bald Eagle Management Guidelines and FS Standards would be implemented and would minimize or avoid potential impacts.</td>
</tr>
<tr>
<td>Migrant Loggerhead Shrike <em>(Lanius ludovicianus migrans)</em></td>
<td>BI</td>
<td>Because no shrikes were found in the survey area and there is only one area with potentially suitable habitat, adverse impacts are not anticipated. The conversion of the permanent right-of-way from forest to grassland and scrub-shrub habitat could provide suitable habitat.</td>
</tr>
<tr>
<td>Appalachian Bewick's Wren <em>(Thryomanes bewickii altus)</em></td>
<td>BI</td>
<td>The wren is considered extirpated from the analysis area and there is little potential suitable habitat in the project area, adverse impacts to the species are not anticipated. The conversion of the permanent right-of-way from forest to grassland and scrub-shrub habitat could provide suitable habitat.</td>
</tr>
</tbody>
</table>

**Fish and Mussels**
<table>
<thead>
<tr>
<th>Common (Scientific Name)</th>
<th>Preliminary Effects Determination</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roughhead Shiner (<em>Notropis semperasper</em>)</td>
<td>MIINLT</td>
<td>No shiners were found in waterbodies crossed by the project in the GWNF, and these waterbodies do not contain suitable habitat. The species will not be directly affected by the project. Any indirect water quality effects that could occur in potential habitat within 1 mile of the project area will be temporary and are anticipated to be minimal with the implementation of conservation measures.</td>
</tr>
<tr>
<td>Orangefin madtom (<em>Noturus gilberti</em>)</td>
<td>MIINLT</td>
<td>No direct impacts will occur since no madtoms were found at waterbody crossings and the habitats at the crossing was unsuitable. Temporary indirect impacts are possible but are expected to be minimal based on predicted erosion rates and dilution from overland and downstream flow (BE, Section 5.6.5.4).</td>
</tr>
<tr>
<td>Brook floater (<em>Alasmidonta varicose</em>), Atlantic pigtoe (<em>Fusconaia masoni</em>)</td>
<td>MIINLT</td>
<td>No direct impacts will occur since no floaters or pigtoes were found at waterbody crossings, and the habitats at these crossings were found unsuitable. Temporary impacts to habitat are expected to be minimal based on predicted erosion rates and dilution from overland and downstream flow (BE, Sections 5.6.5.5 and 5.6.5.7).</td>
</tr>
<tr>
<td>Green floater (<em>Lasmigona subviridis</em>)</td>
<td>MIINLT</td>
<td>No direct impacts will occur since no floaters were found at waterbody crossings, and the habitats at these crossings were unsuitable. Temporary impacts to habitat are expected to be minimal based on predicted erosion rates and dilution from overland and downstream flow (BE, Section 5.6.5.8).</td>
</tr>
</tbody>
</table>

**Cave-Obligate Invertebrates**

<table>
<thead>
<tr>
<th>Common (Scientific Name)</th>
<th>Preliminary Effects Determination</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bath County Cave Amphipod (<em>Stygobromus mundus</em>)</td>
<td>MIINLT</td>
<td>Based on field survey, there is a low likelihood that suitable cave habitat for cave-obligates would be affected through subterranean systems underlying the project area. Although there is a possibility for karst features to be identified or to form (i.e. sinkholes) during construction and operation, particularly over known karst terrain, implementation of the conservation measures will avoid or minimize the risk of adverse effects.</td>
</tr>
<tr>
<td>Racovitza’s Terrestrial Cave Isopod (<em>Miktoniscus racovitzai</em>)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mays Mountain Cave Millipede (<em>Pseudotremia alecto</em>)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A cave centipede (<em>Nampabius turbator</em>)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A cave springtail (<em>Pygmarrhopalites carolynae</em>)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A cave springtail (<em>Pygmarrhopalites sacer</em>)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Other Invertebrates**
<table>
<thead>
<tr>
<th>Common Name (Scientific Name)</th>
<th>Preliminary Effects Determination</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hoffman’s Cleidognid Millipede (<em>Cleidogona hoffmani</em>)</td>
<td>MIINLT</td>
<td>Direct impacts may include injury to or mortality of individuals as a result of construction activities. Habitat impacts include the removal of deciduous forest habitat for the right of-way and new access roads (BE, Table 5.6.6-1). Disturbed habitats would be stabilized and potential deciduous forest habitat established. Conservation measures as outlined in the COM Plan would be implemented.</td>
</tr>
<tr>
<td>Maureen’s Hydræanant minor Moss Beetle (<em>Hydraena maureenae</em>)</td>
<td>MIINLT</td>
<td>The species is likely to experience direct and indirect adverse effects including potential mortality and temporary alteration of suitable aquatic habitat. Conservation measures as outlined in the COM Plan would be implemented.</td>
</tr>
<tr>
<td>Shenandoah Mountain Xystodesmid Millipede (<em>Nannaria shenandoa</em>)</td>
<td>MIINLT</td>
<td>The species is likely to experience direct and indirect adverse effects including potential mortality and loss of potentially suitable forest habitat. Conservation measures as outlined in the COM Plan would be implemented.</td>
</tr>
<tr>
<td>Herodias Underwing Moth (<em>Catocala herodias gerhardi</em>), Milne’s Euchlaena Moth (<em>Euchlaena milnei</em>)</td>
<td>MIINLT</td>
<td>If present, the species would experience direct and indirect adverse effects including potential mortality and alteration of potentially suitable habitat. A portion of forest habitat will be restored following construction and abundant suitable forest habitat will persist adjacent to the project area and throughout the GWNF.</td>
</tr>
<tr>
<td>Frosted Elfin Butterfly (<em>Calliope irus</em>)</td>
<td>BI</td>
<td>The project results in the potential creation of suitable habitat and implements habitat restoration measures.</td>
</tr>
<tr>
<td>Appalachian Grizzled Skipper (<em>Pyrgus centaureae wyandot</em>)</td>
<td>BI</td>
<td>The project results in the potential creation of suitable habitat and a dispersal corridor and implements habitat restoration measures.</td>
</tr>
</tbody>
</table>

**Mammals**

<table>
<thead>
<tr>
<th>Common Name (Scientific Name)</th>
<th>Preliminary Effects Determination</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Small-Footed Bat (<em>Myotis leibii</em>)</td>
<td>MIINLT</td>
<td>Potential foraging forest habitat would be affected by the project. However, since no bat hibernacula or individuals were found during field surveys, the likelihood of the presence of substantial numbers of eastern small-footed bat in the project area is low. Potential impacts would likely be limited to noise disturbance and conversion of forest foraging habitat to meadow and edge foraging habitat. Impacts would be minimized though conservation measures in the COM Plan.</td>
</tr>
<tr>
<td>Southern rock vole (<em>Microtus chrotorrhinus carolinensis</em>)</td>
<td>MIINLT</td>
<td>Based on desktop and field surveys to date, there will be no impacts from the project since no populations or suitable habitat have been found. Potential impacts would be minimized though conservation measures in the COM Plan.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Preliminary Effects Determination</td>
<td>Rationale</td>
</tr>
<tr>
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<td>-----------</td>
</tr>
<tr>
<td>Southern Water Shrew (<em>Sorex palustris punctulatus</em>)</td>
<td>MIINLT</td>
<td>Since there are no known populations in the project area and only four areas contain potential habitat, the likelihood of substantial numbers of the shrew being present and affected by the project is low. In addition, most impacts will be temporary with the implementation of the conservation measures. Potential forested aquatic and riparian habitat will persist upstream and downstream of the project area.</td>
</tr>
</tbody>
</table>

To minimize impacts to these species, Atlantic will implement the COM Plan (FEIS, Appendix G), and the Biological Evaluation which describe the avoidance and minimization measures that would be implemented during construction and operation activities specifically on NFS lands. The Biological Evaluation did not find a likelihood that the ACP would cause a trend toward federal listing or loss of viability for any of the RFSS on the MNF or GWNF. We concur with this conclusion and will assess forthcoming survey results and any additional recommended conservation measures.

**Special Status Species**

**Bald and Golden Eagle Protection Act**

Bald and golden eagles are not listed species under the ESA; however, they are protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. Federal protection of bald and golden eagles and their presence in the vicinity of the ACP are discussed in the FEIS in sections 4.5.3.1 and 4.5.9. Golden eagle winter roosting locations are known from eastern West Virginia and western Virginia, in particular along ridges and in areas of higher elevation. Bald eagles are known to occur year-round in the project area. The “Migratory Bird Plan” and the FERC’s “Plan and Procedures” (FEIS, Table 2.3.1-1) document describes the timing restrictions, mitigation, and monitoring that would be implemented from the pre-construction phase to the right-of-way maintenance phase. For example, Atlantic would not construct within the 660-foot nest buffer when the nests are active from approximately December 15 through July 15. If Atlantic identifies additional bald eagle nests or occupied bald or golden eagle winter roosting habitat prior to or during construction, Atlantic would follow the National Bald Eagle Management Guidelines. Bald eagle nests identified during aerial survey or the Center for Conservation Biology database would be monitored during preconstruction to determine bird activity. Atlantic would also adhere to the FWS guidance for “Project Design and Maintenance” reviews of communication towers provided by the Raleigh FWS Office (FWS, 2013c) and the FWS Migratory Bird Office (FWS, 2016o). Implementation of this decision includes mitigation and coordination with the FWS and other State agencies that would protect bald and golden eagles. For these reasons, this decision is compliant with this Act.

**Migratory Bird Treaty Act (MBTA) of 1918 and Executive Order 13186**

The MBTA, as amended, makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations.
Executive Order 13186 requires analysis of effects of federal actions on migratory birds as part of the environmental analysis process. Under a memorandum of understanding between the Forest Service and the FWS, the Forest Service evaluates effects of proposed actions on migratory birds, focusing first on species of management concern, along with their priority habitats and key risk factors.

The FEIS discloses that construction and operation of ACP may directly and indirectly affect migratory birds and their habitats. The majority of direct impacts would be on nesting birds during construction. In addition, noise from construction activities may disturb and displace nesting adults. Outside of the nesting season, direct impacts on migratory birds would be minimized because individual birds would disperse to adjacent habitat. Habitat fragmentation and edge effects could affect birds as discussed in section 4.5.6 of the FEIS. Agency-recommended migratory bird buffers and time of year restrictions are described in the FEIS in Table 4.5.3-2. The ACP was designed to comply with the FERC and the FWS Memorandum of Understanding on migratory birds by implementing avoidance and minimization measures developed in consultation with the FWS and state natural resource agencies. FWS field offices provided recommendations regarding migratory bird avoidance and minimization measures that would be implemented. Potential impacts to migratory birds and migratory bird habitat would be reduced by implementing “The Migratory Bird Plan” that is summarized in Table 2.3.1-1 of the FEIS. Because impacts would be reduced to the extent practicable, this decision is compliant with the MBTA and Executive Order 13186.

National Historic Preservation Act

Section 106 of the National Historic Preservation Act and its implementing regulations under 36 CFR 800 require Federal agencies to consider effects of its actions on cultural and historic resources, prior to approving expenditure of Federal funds on an undertaking or prior to issuing any license. Cultural and historic resources include prehistoric or historic archaeological sites, districts, buildings, structures, objects, or properties of traditional religious or cultural importance to Native Americans or other groups that are listed or eligible for listing on the NRHP.

As the lead federal agency for NEPA compliance, the FERC is required to consult with the appropriate State Historic Preservation Offices (SHPO), interested Indian tribes, and other consulting parties; identify cultural and historic resources in the area of potential effect; assess project effects on cultural and historic resources; and resolve adverse effects. The FERC is engaged in ongoing consultation efforts, with specific input from the FS, regarding construction and operation of the ACP (FEIS, Section 4.10).

The ACP could adversely affect cultural and historic resources. Direct effects could include destruction or damage to all, or a portion, of a cultural resources or historic property. Indirect effects could include the introduction of visual, atmospheric, or audible elements that affect the setting or character of a cultural resource or historic property. If a cultural or historic resource would be adversely affected, avoidance or other mitigation measures would be required.

Atlantic coordinated with the FS and prepared separate survey reports for both the MNF and GWNF. On the MNF, several archaeological sites were found or were previously located; no aboveground resources were recorded. None of these sites were found to be eligible for listing in the NRHP after recommendations from the FS and concurrence by the West Virginia Division of Culture and History. On the GWNF, several archaeological sites were found or previously located; no standing structures were recorded. Four of these sites were recommended for additional testing to evaluate NRHP eligibility. The Virginia Department of Historic Resources
concurred with the FS findings and eligibility recommendations. Fieldwork is ongoing to evaluate the sites recommended for additional testing. Should any of these archaeological sites be determined eligible for listing in the NRHP and determined to be adversely affected, a Memorandum of Agreement will be negotiated with the SHPO and other consulting parties under 36 CFR 800.6, which will include stipulated actions to mitigate adverse effects.

With regard to the ANST, this property was previously determined eligible for the NRHP (Reeve et al., May 2016) and is in the process of being nominated to the NRHP by the National Park Service as a historic district. Atlantic proposes to mitigate adverse effects to the trail, including visual impacts, by boring under it. The FS finds that during boring operations there would be temporary (12 to 14 months) adverse impact on users of the ANST due to noise, dust, and night-sky impacts which may diminish user experience of the property’s historic features.

Copies of cultural resource survey reports have been sent to MNF tribal partners, including the Absentee-Shawnee Tribe of Indians of Oklahoma, Cayuga Indian Nation, Cherokee Nation of Oklahoma, Delaware Nation, Delaware Tribe of Indians, Eastern Band of Cherokee Indians, Eastern Shawnee Tribe of Oklahoma, Oneida Indian Nation of New York, Onondaga Nation of New York, Seneca Nation of Indians, Seneca-Cayuga Tribe of Oklahoma, Shawnee Tribe, Tonawanda Band of Seneca, Tuscarora Nation of New York, and the United Keetoowah Band of Cherokee Indians in Oklahoma. To date, no comments on the reports have been received. The GWNF contacted the above-listed Tribes and the Pamunkey Indian Tribe to initiate consultation. The Pamunkey Indian Tribe and Eastern Band of Cherokee responded that they were not interested in this geographical area. No responses have been received from the other Tribes to date.

Unanticipated Discovery Plans were also prepared for the MNF and GWNF. The Plans incorporate the FS’s requested changes, notably that their offices be notified immediately in the event of the discovery of an archaeological site, including human remains during construction. The plans were also submitted to the MNF tribal partners, and to date, no comments have been received.

Compliance with section 106 of the National Historic Preservation Act for the ACP Project is ongoing. The FS will provide specific input and review of information regarding cultural or historic resources on NFS lands. FERC will complete the section 106 process before Atlantic begins construction on NFS lands. If necessary, the final ROD will be expressly conditioned so that no ground disturbing activity could begin until the section 106 process is complete and that necessary project design requirements and mitigation measures are identified to protect cultural resources and historic properties on NFS lands.

Tribal Consultation

Federal agencies consult on a government-to-government basis with federally recognized Native American tribes having traditional interests in and/or ties to the lands potentially affected by a proposed action and alternatives. Federal land management agencies, including the Forest Service, are required to consult with American Indian tribes under federal law, implementing regulations, executive orders, and the U.S. Government’s trust responsibility to tribal nations.

As the lead federal agency, the FERC and Forest Service consulted with federally recognized American Indian tribes that may attach religious or cultural significance to historic properties that could be impacted by the ACP. The FS provided specific recommendations on tribal consultation to ensure that the FERC’s consultation efforts adhered to the FS’s standards. The FERC sent

The FERC learned that the Seneca Nation of Indians, the Catawba Indian Nation, the Delaware Tribe of Indians, the Eastern Shawnee Tribe of Oklahoma, the Tonawanda Band of Seneca Indians, and the Tuscarora Nation were interested in more information about the project. During the course of the project, the Pamunkey Indian Tribe of Virginia were confirmed as a federally recognized tribe and requested the archaeology survey reports for Virginia. The FERC and Atlantic responded to several requests from these tribes.

We find the tribal consultation conducted by FERC meets the minimum legal requirements for our decision. The FERC, in coordination with the FS, will continue to consult with tribes who are interested in the project to ensure they get the information they request and are engaged in the process.

Additional discussion of tribal consultations for the portion of the project on federal lands is provided in section 4.10.6. A listing of Federally Recognized Tribes consulted and State Recognized Tribes that provided comments on the ACP Project are as follows:

**List of Federally Recognized Tribes Consulted**
Pamunkey Indian Tribe
Absentee-Shawnee Tribe of Oklahoma
Catawba Indian Nation
Cherokee Nation
Delaware Tribe of Indians
Delaware Nation
Eastern Band of Cherokee Indians
Eastern Shawnee Tribe of Oklahoma
Seneca Nations of Indians
Seneca-Cayuga Tribe of Oklahoma
Shawnee Tribe
Stockbridge Munsee Community
Tonawanda Band of Seneca Indians
Tuscarora Nation
United Keetoowah Band of Cherokee Indians.

**List of State Recognized Tribes that Commented on Project**
Chickahominey Indian Tribe
Lumbee Tribe of North Carolina
Haliwa-Saponi
Coharie
Meherrin
Nottoway Tribe of Virginia
Upper Mattaponi Indian Tribe
Cheroenhaka (Nottoway) Indian Tribe
Mattaponi Indian Tribe
Monacan Indian Nation
Clean Air Act

The Clean Air Act contains provisions to control common air pollutants, requires the United States Environmental Protection Agency (EPA) to establish national ambient air quality standards, and requires States to develop plans to achieve the standards. The EPA has delegated to States the responsibility to issue permits to protect air quality. Section 4.11.1 of the FEIS discloses the air quality impacts of the ACP Project.

Construction of the ACP would have air quality impacts on the MNF and GWNF, as well as at the ANST. Construction air quality impacts would be limited primarily to the immediate construction area and would include fugitive dust and construction and commuter vehicle emissions. The ACP would employ mitigation measures to reduce impacts to air quality (i.e., efficient construction sequencing, limited idling of engines, a fugitive dust control plan, and mulching instead of burning). Once construction activities in an area are completed, fugitive dust and construction equipment emissions would diminish. Operational emissions would be limited to fugitive pipeline methane leaks from valves and should not impede or impact use of the ANST. The FEIS finds that construction and operation of ACP would not have a significant impact on air in the MNF and GWNF or along the ANST and BRP.

The ACP would result in a noise increase during construction over several months during the daylight hours and may impact users or wildlife on the MNF, GWNF and ANST. Local noise would be an impact in the immediate vicinity of the workspace; however, noise would dissipate with increased distance from the construction area. Once construction is complete, noise would return to preconstruction levels. There would be no noise impacts on NFS lands due to operation of the pipeline. The FEIS finds that there would be no significant impact from noise as a result of the ACP in the MNF and GWNF and along the ANST (FEIS 4.11.3.2). We find ACP would not result in noise levels that would be a public nuisance or are otherwise objectionable and therefore is consistent with the noise pollution provisions of the Clean Air Act.

We find our decision is compliant with the Clean Air Act. The special use authorizations and LRMP amendments approved by our decision will incorporate terms and conditions to ensure that design requirements and mitigation measures of the FEIS and COM Plan applicable to air quality are implemented. The FEIS states that for the proposed projects, all non-permitted emissions that would occur within a nonattainment area were considered in the general conformity applicability analysis. Based on these results, the operational emissions that would occur in nonattainment or maintenance areas would not exceed the general conformity applicability thresholds for any criteria pollutant in a single calendar year. Therefore, general conformity does not apply to ACP. Likewise, construction emissions occurring in nonattainment counties would be below the applicable de minimis levels; therefore, a general conformity analysis is not required. Therefore, we conclude that the projects’ construction-related impacts would not result in a significant impact on local or regional air quality.

Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating the discharges of pollutants into waters of the United States and regulating quality standards for surface waters. The EPA has delegated other authority to issue discharge permits under section 402 of the CWA to the States.

Design features and mitigation measures to minimize the potential for soil movement (to affect water resources) and to ensure adequate restoration and revegetation are identified in the COM
Plan and incorporate conditions from the FERC’s Upland Erosion Control, Revegetation, and Maintenance Plan and Best Management Practices for the States of West Virginia and Virginia, as well as Atlantic’s internal management standards and specifications.

Project impacts to groundwater are expected to be limited to those associated with clearing, grading, and trenching during construction, although it is unlikely trenching would be deep enough to measurably affect aquifers. No sole source or state designated aquifers, well head protection areas, water supply wells, or potential sources of groundwater contamination have been identified along the ACP that crosses the MNF, GWNF, or ANST. However, several springs were identified near (within 0.1 mile) the ACP within the MNF and GWNF. Implementation of construction, mitigation, and monitoring procedures listed above would avoid or minimize groundwater impacts on the MNF and GWNF.

The ACP would require 26 waterbody crossing on the MNF (2 crossed by the pipeline, 24 crossed by access roads) and 38 on the GWNF (26 crossed by pipeline, about 12 crossed by access roads). All waterbodies within the MNF and GWNF would be crossed using dry open cut methods. Modeling methods in the FEIS indicate increased sedimentation on the MNF and GWNF for 1 to 3 years following construction, even with the implementation of erosion control methods, with erosion rates approximating preconstruction levels within 5 years following restoration. To meet the requirements of the LRMP for the GWNF, additional temporary work spaces would be set back a minimum of 100 feet from perennial, intermittent, and ephemeral waterbody crossings, and potentially a greater distance depending on slope. Specialized pipeline construction procedures, waterbody crossing methods, and erosion and sediment control details are discussed in the COM Plan. Atlantic is in active consultation with the MNF and GWNF to incorporate into the COM Plan any additional waterbody crossing measures to the FS may deem necessary.

We find our decision is compliant with the CWA. The special use authorizations and LRMP amendments approved by our decision will incorporate terms and conditions to ensure that design requirements and mitigation measures described in the FEIS and COM Plan applicable to water quality are implemented.

**Floodplains and Wetlands (Executive Orders 11988 and 11990)**

These Executive Orders require federal agencies to avoid, to the extent possible, short and long-term effects resulting from the occupancy and modification of flood plains, and the modification or destruction of wetlands. Forest-wide standards and guidelines are provided in the MNF and GWNF LRMPs for soil and water, wetlands, and riparian areas to minimize effects to flood plains and wetlands.

Less than 0.1 acre of forested and scrub-shrub wetlands would be temporarily and permanently impacted on the MNF and about 0.4 acres may be impacted on the GWNF. Our decision incorporates applicable mitigation measures in the COM Plan to protect wetlands and minimize compaction. Standards or other measures in the MNF and GWNF LRMPs to protect wetlands have been incorporated into the draft COM Plan, and additional measures may also be incorporated, as identified by the FS through ongoing consultation. The ACP will also follow the FERC’s Waterbody and Wetland Construction and Mitigation Procedures.

Based on Atlantic’s construction and restoration measures, and the minor project-related modifications within floodplains, FERC concludes that constructing and operating ACP would not result in a significant impact on floodplains or result in a measurable increase on future flood events. We concur with FERC’s conclusion for floodplains on the MNF and GWNF.
We find our decision is compliant with the Executive Orders. The special use authorizations and LRMP amendments approved by our decision will incorporate terms and conditions to ensure that design requirements and mitigation measures of the FEIS and COM Plan applicable to wetlands and floodplains are implemented.

Environmental Justice (Executive Order 12898)

Executive Order 12898 requires federal agencies to consider the adverse health or environmental effects of their programs, policies, and activities on minority and low-income populations. The FERC analysis (FEIS, Section 4.9.9) evaluated potential impacts to minority populations as well as other vulnerable populations in the project area including children, the elderly, disabled, non-English speakers, and other disadvantaged people that may be disproportionately affected by the projects. The FERC analysis determined that low-income populations exist in the area impacted by ACP; however, impacts from the projects will not disproportionately fall on these populations, nor would the impacts appreciably exceed impacts on the general population.

The analysis concludes there is no evidence that the project will cause significant adverse health or environmental harm to any community with a disproportionate number of minorities, low-income, or other vulnerable populations. As it relates to our decision in this ROD, we find the FERC analysis has adequately addressed potential impacts to minority, low income, and vulnerable populations.

Wilderness Act of 1964

The ACP pipeline route would not cross any designated Wilderness areas. Therefore, we find that the requirements of the Wilderness Act of 1964 have been addressed.

2001 Roadless Area Conservation Rule (RACR)

The ACP pipeline route would not cross any Inventoried Roadless Areas designated in the 2001 Roadless Area Conservation Rule (RACR, 36 CFR Part 294). Therefore, we find that the ACP project is consistent with the RACR.

Administrative Review/Objections

The decision authorizing the use and occupancy of NFS land for Atlantic to construct, operate, maintain, and eventually decommission a natural gas pipeline that crosses NFS lands is a project level decision, subject to administrative review (commonly called “objections”) pursuant to the project-level pre-decisional administrative review process outlined in regulations at 36 CFR Part 218. The decision to approve Forest Plan amendments are subject to the requirements found at 36 CFR Part 219. The Forest Plan amendment for the GWNF and the Forest Plan amendment for the MNF are project-specific amendments, applying only to this project, not to future projects. Therefore, 36 CFR 219 requires application of the administrative review process of 36 CFR Part 218 for these amendment approvals. (See § 219.51(c) and § 219.59(b)).

The opportunity to object ends 45 days following the date of publication of the legal notice in The Atlanta Journal-Constitution, the newspaper of record for Southern Region Regional Forester decisions, and The Milwaukee Journal-Sentinel, the newspaper of record for Eastern Region Regional Forester decisions. The publication date of the legal notice in these newspapers is the exclusive means for calculating the time to file an objection, and those wishing to object should not rely upon dates or time frame information provided by any other source. If the two notices are
published on different dates, the later date will be used to calculate the objection filing period. It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer pursuant to §218.9. The regulations prohibit extending the time to file an objection. All objections are available for public inspection during and after the objection process.

Notices will also be published in the *Inter-Mountain* (newspaper of record for the MNF) and *The Roanoke Times* (newspaper of record for the GWNF) for local notification of this draft decision. Publishing in the local papers is for information purposes only and their associated publication dates will not be used for calculating the timeframe to file an objection.

Forest Service regulations specify that objections will be accepted only from those who have previously submitted specific written comments regarding the Forest Service portion of the proposed project during scoping or other designated opportunity for public comment. Issues raised in objections must be based on issues raised in the previously submitted specific written comments unless the issues are based on new information arising after designated comment opportunities (§218.7(c)(2)(ii)).

Incorporation of documents by reference is permitted only as provided in §218.8(b).

At a minimum, objections must include the following (§218.8(d)):

- List the name, address, and if possible, a telephone number of the objector;
- Provide a signature or other verification of authorship (a scanned signature for electronic mail may be filed with the objection);
- Identify the lead objector, when multiple names are listed on an objection;
- Provide the name of the project being objected to, the name and title of the responsible official, and the name of the National Forest(s) and/or ranger district on which the project is located;
- A statement of the issues and/or aspects of project to which the objection applies;
- If applicable, a statement explaining how the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies to resolve the objection; and supporting reasons for reviewing officer to consider;
- Provide a statement that demonstrates the connection between prior specific written comments and the content of the objection, unless the objection concerns an issue that arose after the designated opportunities for comment.

Written objections, including attachments, must be filed with Reviewing Officer Glen Casamassa, Associate Deputy Chief. Objections may be submitted by email to objections-chief@fs.fed.us. They may be mailed to Objection Reviewing Officer, USDA Forest Service, Attn: Administrative Reviews, 1400 Independence Ave SW, Mailstop #1104 Washington, DC 20250.

Send objections via UPS and FedEx to U.S. Forest Service, Attn: Administrative Reviews (EMC/2nd Floor Central), 201 14th Street SW, Washington DC 20250. Hand-delivered objections will also be accepted at the address used for UPS and FedEx between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, exclusive of Federal holidays. Objections may also be submitted by fax to (202) 205-1012.
Objections filed electronically must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc, .docx). Please state “Atlantic Coast Pipeline Decision Objection” in the subject line when providing objections electronically, or on the envelope when submitting by mail.

**Effective date (§ 219.17(a))**

The final ROD, which would authorize occupancy and use of NFS lands for the ACP and approve the MNF and GWNF project-specific Forest Plan amendments will not be signed until all concerns and instructions identified by the reviewing officer in the objection response have been addressed (§218.12). If no objection is received, the Responsible Officials may approve the occupancy and use of NFS lands for the ACP and the plan amendments with a signed ROD, in accordance with 40 CFR 1506.10, on, but not before, the fifth business day following the end of the objection filing period (36 CFR 218.12(c)(2)). The plan amendments will become effective when the decision is signed. The final ROD would be implemented through issuance of a SUP. Ground disturbing activities on NFS lands will not begin until a SUP permit is signed by both the FS and Atlantic and a “Notice to Proceed” is issued.

**Contact Person**

For additional information concerning this decision or the Forest Service objection process, contact Tim Abing, Southern Region Director of Lands, Minerals, and Uses at 404-347-4592 or via email at tabing@fs.fed.us.

__________________________    ____________________________
TONY TOOKE   [DATE]
Regional Forester
Southern Region

__________________________    ____________________________
Mary Beth Borst   [DATE]
Acting Regional Forester
Eastern Region