Frequently Asked Questions

**Why is the Forest Service allowing a pipeline across the national forest?**

As a federal land management agency with a multiple-use mission, the Forest Service considers authorization of many different types of uses on National Forest System (NFS) lands. Current law and federal policy emphasize the important role of national forests in energy generation and transmission. Section 28 of the Mineral Leasing Act allows for rights of way through public lands, including National Forests, for oil and gas pipelines. When analyzing and authorizing projects, the Forest Service must adhere to all laws, regulations, and policies pertaining to authorizing the use and occupancy of NFS lands and issuing permits for natural gas transmission pipelines, such as the Atlantic Coast Pipeline Project.

**How much of the Monongahela and George Washington National Forests are involved in this project?**

The construction phase of the project on National Forest System lands will disturb 430.4 acres of land, including the pipeline construction right-of-way, additional temporary workspaces, and access roads. The Atlantic Coast Pipeline Project will require 0.1 miles of permanent new access road construction on the Monongahela National Forests and 1.5 miles of permanent new access roads on the George Washington National Forest.

Following construction, 214 acres of National Forest System lands will be maintained and operated for long-term use: approximately 56 acres of lands associated with the 5.1-mile-long, 50-foot-wide pipeline corridor and associated access roads for the ACP Project that crosses the MNF in Pocahontas County, West Virginia; and approximately 158 acres with the 50-foot-wide corridor on 15.9 miles on the George Washington National Forest in Highland, Bath, and Augusta Counties, Virginia. More detailed maps of the pipeline route are found in Appendix B of the final Environmental Impact Statement.

<table>
<thead>
<tr>
<th>Forest total acreage</th>
<th>Disturbance during Construction</th>
<th>Long term Operational impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>MNF is 921,000 acres</td>
<td>112.3 acres (.01 % of MNF)</td>
<td>55.8 acres (.006 % of MNF)</td>
</tr>
<tr>
<td>GWNF is 1,066,000 acres</td>
<td>318.1 acres (.03 % of GWNF)</td>
<td>158.2 acres (.015% of GWNF)</td>
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**Why did the Forest Service issue a draft decision in July 2017?**

The Forest Service issued a draft Record of Decision to give those who had commented throughout the development of the Environmental Impact Statement an opportunity to object to the decision before a final decision was made. Under this process, individuals and entities filed objections after the final Environmental Impact Statement was completed. The objectors were to identify the
aspect(s) of the decision they disagreed with, an explanation on why they believe the decision violates law, regulation, or policy, and a suggested remedy to resolve their concern.

**What is an objection?**
Many projects and activities within the Forest Service are subject to a pre-decisional administrative review process, commonly referred to as an objection process. Under this process, individuals and entities may file objections after an environmental analysis document is completed and before a final decision document is signed. This process builds on early participation, with the intention of resolving concerns before a decision is made.

**What was done with the objections received by the Forest Service?**
The opportunity to object ended at midnight, September 5, 2017. Sixty-nine objections were received.

The Reviewing Official gathered an independent team of Forest Service resource specialists to review all objections and provide advice. Objection issues were considered against the final Environmental Impact Statement, draft Record of Decision, and other documentation in the Project Record. Objection issue categories include concerns of: National Environmental Policy Act compliance; wildlife resources; riparian, soil and vegetation resources; steep slopes, landslides, caves and karst resources; aquatics and groundwater resources; visual and recreation resources; wild and scenic rivers values and wilderness resources; and National Forest Management Act compliance.

Upon conclusion of the review, the Reviewing Officer determined the analysis and Record of Decision met all policy and legal requirements, and recommended no changes to the final Record of Decision. The final Response to Objections may be viewed here: https://www.fs.fed.us/objections/objections_list.php?r=110800.

**Can I object or appeal the final decision?**
No. The issuance of the final Record of Decision is the final administrative decision for the project on National Forest System lands.

**Why did the Forest Service amend the Monongahela and George Washington Forest Plans?**
Based on the analysis in the Federal Energy Regulatory Commission’s final Environmental Impact Statement, the Forest Service decided to approve project-specific amendments for the Monongahela National Forest and George Washington National Forest Land and Resource Management Plans. The Forest Service determined that the Atlantic Coast Pipeline Project (ACP Project) can be implemented with adverse impacts minimized to an acceptable level and will not impair the overall long-term productivity of NFS lands. In addition, the decision meets the requirements of Forest Service planning and special use regulations, meets the purpose and need of the project to transport natural gas to serve the growing energy needs in Virginia and North Carolina, and is consistent with other Federal policies. This decision was developed through extensive public involvement.
The Monongahela National Forest and George Washington National Forest are administered and managed in accordance with the Multiple-Use and Sustained-Yield Act, the Forest and Rangeland Renewable Resources Planning Act, and the National Forest Management Act. These laws direct that the surface resources of National Forests are utilized in a combination that best meets the needs of the American people. Executive Orders underscore the development of energy infrastructure as a priority need of the nation. Executive Order 13212 of May 18, 2001, 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 of March 22, 2012: Improving Performance of Federal Permitting and Review of Infrastructure Projects, 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 of January 24, 2017: Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects, 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 Project will create a beneficial, short-term impact on employment, local goods and service providers, and state governments in the form of sales tax revenues. Atlantic Coast Pipeline, LLC commissioned a study which estimates that following construction, operation of the ACP Project 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.

Acknowledging the federal policies emphasizing energy infrastructure, the decision will accommodate the ACP Project through project-specific Forest Plan amendments that provide for social, economic, and ecological sustainability; maintain the diversity of plant and animal communities; and support integrated resource management for multiple use. The mitigation measures in the Construction, Operation, and Maintenance Plan are required by the Plan amendments and will minimize the environmental impacts to the extent practical.

What is a forest plan amendment?
Land and Resource Management Plans are required by the National Forest Management Act of 1976. They are integrated documents that balance the management of natural resources and multiple uses for a specific national forest. The Forest Plans are developed with extensive public input that describe the goals, objectives, and management direction for each component of the National Forest System. All activities on a national forest must be consistent with the Forest Plan for that particular forest. Forest Plans are recognized to be dynamic documents and Forest Service regulations allow for Forest Plans to be amended to accommodate changing needs. To accommodate a deviation from the Forest Plan, a plan amendment must be approved. To complete a plan amendment, an environmental analysis must be conducted and the public must be involved.
Why are forest plan amendments needed?
The National Forest Management Act of 1976 requires that proposed projects be consistent with
Land and Resource Management Plans (Forest Plan). When a project is determined to not be
consistent with the Forest Plan, the Forest Service can: 1) modify the project to be consistent with
the Forest Plan; 2) reject the project; 3) amend the Forest Plan to make the project consistent; or 4)
amend the Forest Plan with approval of the project to achieve consistency, which may include
limiting the amendment to apply only to the project.

The linear nature of the pipeline corridor and the topography of the national forest make it difficult
to avoid every circumstance that was inconsistent with the direction in the Forest Plans for the
Monongahela National Forest and George Washington National Forest. Atlantic Coast Pipeline,
LLC has cooperated with the Forest Service to make its proposal consistent with the Forest Plans,
where feasible.

The project-specific Forest Plan amendments are needed because the Atlantic Coast Pipeline Project
was not consistent with several Forest Plan standards related to soil, riparian, threatened and
endangered species, utility corridors, and recreational and visual resources. The final Environmental
Impact Statement serves as documentation of the need to amend the Forest Plans for the

What amendments are authorized for the George Washington and the Monongahela Forest Plans in
the final Record of Decision?
The Forest Service will approve project-specific Forest Plan amendments to achieve consistency
between the Plans and the ACP. The amendments apply only to the construction, operation, and
maintenance of the Atlantic Coast Pipeline Project (ACP Project). The Forest Service considers
project-specific plan amendments in situations where compliance with specific standards and
guidelines in the Forest Plans are not feasible, but project design features and mitigation measures
can meet both the intent of the standards for resource protection and the substantive requirements of
the 2012 planning rule.

Project-specific amendments on the George Washington National Forest authorize the ACP Project
to:

- vary from restrictions on soil and riparian standards when mitigation measures are
  implemented to minimize environmental impacts;

- cross the Appalachian National Scenic Trail on the GWNF in Augusta County, Virginia at a
  location where major impacts do not already exist;

- perform reconstruction on portions of a Forest Road within a Management Prescription Area
  2C3-Eligible Recreational Rivers to provide access for pipeline purposes;
allow a temporary variance from Scenic Integrity Objectives (SIO), where application of mitigation measures in the Construction, Operations and Maintenance (COM) Plan are expected to restore the area SIOs for high scenic value and high use recreation areas within five years, except for a short segment of the Shenandoah Mountain Trail, where the SIO would be changed to low; and

not create a Designated Utility Corridor for the ACP Project route, where any future linear utilities would require environmental review to justify if collocation is appropriate.

Project-specific amendments on the MNF authorize the ACP Project to:

• vary from restrictions on soil conditions when mitigation measures are implemented to minimize impacts, where design features and mitigation measures in the COM Plan will be required to minimize adverse impacts; and

• issue a permit for ACP Project while acknowledging an adverse impact to certain threatened, endangered and proposed species populations or their habitat (specific to the northern long-eared bat, and the small whorled pogonia, both threatened species), where mitigation measures in the COM Plan will be required to minimize adverse effects.

Is the FEIS sufficient for the Forest Service to authorize a decision on the Forest Plan amendments?
We have reviewed those portions of the final Environmental Impact Statement (EIS) directly related to NFS lands and the effects from the Atlantic Coast Pipeline Project on those lands. The final EIS provides sufficient analysis to support our decisions as outlined in Forest Service Regulations (36 CFR Part 219, Planning; Part 220, National Environmental Policy Act Compliance; and Part 251, Land Uses)

What is mitigation?
Mitigation is a combination of policies, statutes, agreements, and actions that seek to minimize, avoid, rectify, reduce, and in some cases compensate for impacts.

Our intent is to avoid or minimize adverse impacts on National Forest System lands. We reviewed reports and analyses from Atlantic Coast Pipeline, LLC and cooperatively developed project design features and mitigation measures to protect resources including soil, riparian, special status species habitat, visuals, and recreational resources. The mitigation measures or project design features relating the amended standards are discussed in the final Environmental Impact Statement, Chapter 4, and in the Construction, Operations, and Maintenance Plan.

How will impacts to the Monongahela and George Washington National Forests be mitigated?
The Construction, Operations, and Maintenance (COM) Plan is Atlantic’s plan for minimizing impacts on National Forest System lands. The COM Plan will be a requirement of the special use permit issued for the Atlantic Coast Pipeline Project. The version of the COM Plan contained in Appendix G of the final Environmental Impact Statement has been updated. The updated version
of the COM Plan will be made available on the Forest Service Project website at https://www.fs.usda.gov/detail/gwj/landmanagement/projects/?cid=stelprd3824603.

What is a COM Plan?
The Construction, Operations, and Maintenance (COM) Plan outlines mitigation measures that are referenced throughout Chapter 4 of the final Environmental Impact Statement (EIS) describing how mitigation measures minimize impacts to national forest resources. Atlantic Coast Pipeline, LLC has refined and clarified measures and otherwise revised the COM Plan since the issuance of the final Environmental Impact Statement. Though an earlier version of the COM Plan is available in Appendix G of the final EIS, the most current version submitted to the Forest Service is October 20, 2017. Atlantic’s compliance with the COM Plan will be a requirement in the special use permit authorizing the use and occupy National Forest System lands. The COM Plan is a dynamic document, intended to be revised as needed during construction and maintenance of the pipeline. Any revisions to the COM Plan after implementation begins will be noted on the Forest Service project website.

What decisions are made based on the analysis in the Final Environmental Impact Statement?
The Federal Energy Regulatory Commission (FERC) issued a Certificate of Public Convenience and Necessity that approves the pipeline route on October 13, 2017. More information on FERC’s decision process can be found at:

- www.ferc.gov
- www.ferc.gov/resources/processes/flow/gas-2-text.asp

The FEIS also supports the Forest Service’s final Record of Decision, which:

1. authorizes use and occupancy of National Forest System land on the Monongahela National Forest and George Washington National Forest; and

2. amends both Forest Plans with project-specific amendments to provide consistency between the Atlantic Coast Pipeline Project and Land and Resource Management Plan standards.

What is the Certificate of Public Convenience and Necessity and how does it relate to National Forest System Lands?
The Federal Energy Regulatory Commission (FERC) issued a Certificate of Public Convenience and Necessity (Certificate) authorizing construction and operation of the Atlantic Coast Pipeline Project (ACP Project) on non-federal lands on October 13, 2017. The certificate grants the Atlantic Coast Pipeline, LLC (Atlantic) right of eminent domain over private lands. Eminent domain does not pertain to federal lands. The Forest Service does not have a role in decisions concerning eminent domain.
In addition to obtaining FERC’s Certificate of Public Convenience and Necessity, Atlantic Coast Pipeline, LLC must obtain a Special Use Permit from the Forest Service authorizing the use and occupancy of National Forest System lands for the ACP Project.

**What was the Forest Service’s role as a cooperating agency in Federal Energy Regulatory Commission’s analysis of the Atlantic Coast Pipeline Project?**

As a cooperating agency, the Forest Service participates in FERC’s National Environmental Policy Act process by identifying issues for scoping, assisting with the development of sections of the Environmental Impact Statement (EIS) pertaining to the National Forests, and reviewing public comments pertaining to National Forest System (NFS) lands and amendments to the Land and Resource Management Plans (Forest Plan).

The Forest Service adopted FERC’s EIS when considering whether to authorize the use and occupancy of NFS lands for the Atlantic Coast Pipeline Project (ACP Project), and when considering amendments to the relevant Forest Plans.

The Forest Service’s conclusions and recommendations are described in the final Record of Decision (ROD) released November 15, 2017. The final ROD authorizes the use and occupancy of NFS lands across the George Washington National Forest and the Monongahela National Forest for the ACP Project, including the approval of needed Forest Plan amendments.

**Why is the Forest Service using the Federal Energy Regulatory Commission’s Environmental Impact Statement to make decisions on National Forest System lands?**

Council on Environmental Quality (CEQ) regulations allow federal agencies to adopt the lead agency’s Environmental Impact Statement (40 CFR 1506.3) to alleviate costly, duplicative efforts and ensure consistency of the environmental analysis. For the Atlantic Coast Pipeline Project, the Federal Energy Regulatory Commission is the lead federal agency and the Forest Service is one of several cooperating agencies.

**Can I appeal or object to the Federal Energy Regulatory Commission’s decision?**

For information on the Federal Energy Regulatory Commission’s re-hearing process, please visit:

- [www.ferc.gov](http://www.ferc.gov)

**Why is the Forest Service not including an amendment to create a designated utility corridor on the George Washington National Forest?**

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. The draft Environmental Impact Statement (EIS) proposed
the designation of a utility corridor to accommodate the Atlantic Coast Pipeline Project (ACP Project) as well as future utility facility proposals. Many public comments on the draft EIS 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 prospective utilities that may be constructed in the future within the 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 final EIS the impact of prospective utilities that may be constructed within a designated corridor. Lastly, the resource impacts disclosed in the final EIS 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 final EIS and decided not to designate a new utility corridor and decided to consider the ACP Project corridor on a project-level basis. The lands within the ACP Project right-of-way would remain in the existing management prescriptions: Rx 4A-Appalachian National Scenic Trail; Rx 7E1-Dispersed Recreation Areas; Rx 13- Mosaics of Habitat; and embedded Rx 11- Riparian Corridors.

Although this decision does not preclude future collocation of utility facilities, a future proposal that would parallel the ACP Project 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.

**What is the authorized corridor width on National Forest System lands?**
The construction corridor for the Atlantic Coast Pipeline Project in most instances will be 125-foot-wide, but will narrow to 75-foot-wide when crossing wetlands. The construction corridor will be reclaimed to a final operational corridor width of 50 feet. The pipeline will be buried under three feet of cover in most areas, 18 inches of cover in consolidated rock, and deeper when crossing waterbodies.

**How is slope stability during and after construction being addressed?**
Slope stability is the focus of a number of regulatory entities involved with the Atlantic Coast Pipeline Project (ACP Project). The Federal Energy Regulatory Commission, Forest Service, Virginia Department of Environmental Quality, and West Virginia Department of Environmental Protection have requirements relating to soil, soil productivity, erosion control, and reclamation that will apply to the ACP Project through various permits and authorizations. On National Forest System lands, operating procedures and mitigation measures to lessen the effects of project construction and operation on slope stability and monitoring activities are identified in the Construction, Operations, and Maintenance (COM) Plan, which will be part of the Special Use Permit issued by the Forest Service.

The Forest Service worked with Atlantic Coast Pipeline, LLC (Atlantic) to identify and develop industry-standard construction plans (site-specific designs) for representative high hazard
construction areas. Atlantic will utilize a Best in Class Steep Slope Management Program to incorporate the results of a Geohazard Analysis Program into the project design and engineering and to address issues of landslide potential and susceptibility. Atlantic will 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 will 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. With these construction plans, we expect to reduce the possibility of adversely impacting soils located on steep slopes. 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.

**How will water quality be protected?**

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 Environmental Protection Agency 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 surface water resources) and to ensure adequate restoration and revegetation are identified in the Construction, Operations, and Maintenance (COM) Plan. The Atlantic Coast Pipeline Project must also comply with protective measures contained in the the Federal Energy Regulatory Commission’s (FERC) Upland Erosion Control, Revegetation, and Maintenance Plan, FERC’s Wetland and Waterbody Construction and Mitigation Procedures, Best Management Practices for the States of West Virginia and Virginia, and Atlantic’s internal management standards and specifications. Atlantic Coast Pipeline, LLC will also be subject to a spill prevention, control, and countermeasures plan, which contains measures to prevent, prepare for, and respond to oil or fuel spills.

Project impacts to groundwater will 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 Project route that crosses the Monongahela National Forest and the George Washington National Forest. Implementation of the aforementioned surface water protective measure will also avoid or minimize groundwater impacts on National Forest System lands.

The ACP Project will cross 26 waterbodies on the Monongahela National Forest (2 crossed by the pipeline, 24 crossed by access roads) and 38 waterbodies on the George Washington National Forest (26 crossed by pipeline, about 12 crossed by access roads). All waterbodies on NFS lands will be crossed using dry open cut methods. Modeling methods in the final Environmental Impact Statement indicate increased sedimentation on the Monongahela National Forest and George Washington National Forest 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. The Forest Service will review the siting of additional temporary work spaces adjacent to perennial, intermittent, and ephemeral waterbody crossings to facilitate waterbody crossings to be consistent with State requirements to complete crossings within 24 to 48 hours. Specialized pipeline construction procedures, waterbody crossing methods, and erosion and sediment control details are discussed in the Construction, Operations, and Maintenance COM Plan.

**How can the project cross the Appalachian National Scenic Trail and the Blue Ridge Parkway?**

The Appalachian National Scenic Trail (ANST) is a unit of the National Park System (NPS). The ANST is managed through a unique cooperative management system comprised of the NPS, Forest Service, Appalachian Trail Conservancy (ATC), and volunteers from 31 ATC-affiliated local trail clubs. The Forest Service administers the portion of the Appalachian National Scenic Trail where the Atlantic Coast Pipeline Project (ACP Project) will cross the ANST on the George Washington National Forest in Augusta County, Virginia.

In accordance with the National Scenic Trails Act, the ANST is managed to protect the experience of the trail users and includes the footpath of the trail and the foreground area visible from the trail into the interior of the Forest. Roads, utility transmission corridors, communication facilities, or signs of mineral development activity currently exist or may be seen by hikers using the ANST. The goal is to avoid viewing these types of facilities and land uses to the greatest extent possible. Trail managers blend facilities that cannot be visually avoided into the landscape, so they blend in with the surrounding natural scenery.

An amendment to the George Washington National Forest Land and Resource Management Plan (Forest Plan) is proposed to modify a Forest Plan standard (4A-025) to allow the ACP Project to cross the ANST in an area where no other major impacts already exist. Standard 4A-025 is intended to minimize impacts to the ANST by collocating proposed infrastructure projects into designated utility corridors and acknowledges 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).

In Section 3 of the final Environmental Impact Statement, the Federal Energy Regulatory Commission evaluated a number of major route alternatives crossing the ANST at different locations than the route, with some of the alternatives crossing in areas with existing impacts. FERC concluded that those alternatives were either not technically feasible or did not result in significant environmental advantage over the ACP Project route.

To minimize visual impacts of the crossing under the ANST and Blue Ridge Parkway, the primary crossing proposal will require a 4,700-foot-long horizontal directional drill (HDD). The entry and exit points would not be visible to ANST users due to intervening vegetation and terrain. 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 impacts including minor noise and night-sky impacts for the duration of HDD activities.

By incorporating into the special use permit the mitigation measures contained in the Construction, Operations, and Maintenance (COM) Plan, and other appropriate mitigation, the ACP Project will be consistent with standard 4A-017 which requires all management activities to meet or exceed a High Scenic Integrity Objective. Mitigating the visual impacts not only ensures Forest Plan consistency, but also avoids permanent adverse impacts to the cultural resource values of the ANST and ensures compliance with Section 106 of the National Historic Preservation Act.

Atlantic has also proposed a trenchless contingency method (i.e. direct pipe installation) to supplement its proposal in the event of problems with conventional boring under the ANST. The entry and exit points of the contingency method would be over 600 feet and 400 feet, respectively, from the ANST and would neither result in land disturbance with the George Washington National Forest nor be visible from the ANST.

*How will the project affect the Blue Ridge Parkway?*

The Blue Ridge Parkway is a unit of the National Park Service (NPS) and is managed by the NPS. Questions regarding management of the Blue Ridge Parkway should be referred to the NPS. [www.nps.gov/blri](http://www.nps.gov/blri).

*How will the Forest Service protect Threatened and Endangered species?*

The Endangered Species Act (ESA) of 1973 requires federal agencies to ensure that any agency action does not jeopardize the continued existence of federally listed threatened or endangered species and their designated critical habitat. The Federal Energy Regulatory Commission (FERC), as lead federal agency, is required to consult with the U.S. Fish and Wildlife Service (FWS) to determine whether any federally listed (or proposed for listing) species, or their designated critical habitats would be affected by the Atlantic Coast Pipeline Project (ACP Project).

In compliance with section 7, the FERC submitted the final Environmental Impact Statement as the latest Biological Assessment (BA) and requested formal consultation with the FWS. The FWS completed its Biological Opinion (BO) on October 16, 2017. Mandatory conservation measures identified in the BO will be made a requirement of the ACP special use permits.

The FWS’s BO addressed eight species for which 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, rusty patched bumble bee, running buffalo clover, and small whorled pogonia). FERC also determined the ACP project is *not likely to adversely affect, would not jeopardize, or have no effect* on the remaining listed or proposed species and therefore were not addressed in the FWS’s BO.

The construction and restoration plans for the ACP Project include a number of the measures that would mitigate the potential impacts on vegetation, wildlife, and aquatic species, including species listed under the ESA, proposed, and under review species and their habitat. Atlantic Coast Pipeline,
LLC (Atlantic) has also adopted a number of additional species-specific conservation measures recommended by the FWS. Atlantic has committed to implement various measures at ESA sensitive waterbodies to mitigate potential impacts on ESA-listed, proposed, or under review aquatic species.

While the Biological Opinion was being developed, the FWS proposed the candy darter for listing as a threatened species on October 4, 2017. The FWS Biological Opinion did not address the candy darter. There is no candy darter habitat in streams on NFS land. On November 9, 2017, the FERC requested FWS provide an opinion to confirm FERCs provisional finding that the ACP Project would not likely jeopardize the candy darter. The response from FWS is needed to conclude the consultation process required by the Endangered Species Act.

**Will the Atlantic Coast Pipeline Project impact old growth stands on the George Washington National Forest?**

The draft Environmental Impact Statement addressed the possibility of needing a modification to a Land and Resource Management Plan standard, pending the completion of an old growth inventory. Atlantic Coast Pipeline, LLC completed an old growth inventory and provided the results to the Forest Service on September 8, 2017. Accordingly, the standard in question will not need to be modified. The results of the inventory refines our current knowledge on management of identified old growth stands.

Given that only eight acres of old growth will be impacted by the project, compared to the amount of old growth identified across the entire Forest, we have determined there would be no “substantial adverse effects” to the existing old growth communities on the George Washington National Forest.

**Will the Atlantic Coast Pipeline Project impact cultural resources?**

The Atlantic Coast Pipeline Project could adversely affect cultural and historic resources. Direct effects may include destruction or damage to all, or a portion, of a cultural resources or historic property. Indirect effects may 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 will be adversely affected, avoidance or other mitigation measures will be used.

Atlantic Coast Pipeline, LLC (Atlantic) prepared separate survey reports for the Monongahela and George Washington National Forests. On the Monongahela National Forest, several archaeological sites were found or relocated; no above ground resources were recorded. None of the sites were found to be eligible for listing in the National Register of Historic Places by recommendations from the Forest Service and concurrence by the West Virginia Division of Culture and History.

On the George Washington National Forest, several archaeological sites were found or relocated from previous surveys; no standing structures were recorded. Four of the sites were recommended for additional testing to evaluate National Register of Historic Places eligibility. Atlantic provided the results of additional testing of the sites, and the Forest Service determined that none of the sites were eligible for listing on the National Register. The Forest Service believes that impacts to the
sites should be minimized to the extent practical to allow opportunity for possible future study of the sites, to contribute to overall scientific understanding of the prehistory of Appalachia, and the prehistoric interface between the Valley of Virginia and Virginia's Piedmont. The Forest Service has requested concurrence with its findings from the Virginia Department of Historic Resources (DHR) concurred with the Forest Service findings and eligibility recommendations. Fieldwork is ongoing to evaluate the sites recommended for additional testing. Should DHR determine any of these archaeological sites to be eligible for listing in the National Register of Historic Places, a Memorandum of Agreement will be negotiated with the State Historic Preservation Office and other consulting parties which will include stipulated actions to mitigate adverse effects.

The Appalachian National Scenic Trail (ANST) was previously determined eligible for the National Register of Historic Places and is in the process of being nominated to the register 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 Forest Service finds that during boring operations there would be temporary (12 to 14 months) local impacts on users of the ANST due to noise, dust, and night-sky impacts which may diminish user experience of the property’s historic features.

**How will cultural resources be protected?**

The National Historic Preservation Act requires federal agencies to consider effects of its actions on cultural and historic resources. 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 National Register of Historic Places (NRHR).

Should any archaeological sites be determined eligible for listing in the NRHR, a Memorandum of Agreement will be negotiated with the State Historic Preservation Office and other consulting parties which will include stipulated actions to mitigate adverse effects.

Compliance with section 106 of the National Historic Preservation Act for the Atlantic Coast Pipeline Project (ACP Project) is ongoing. The Forest Service is providing the Federal Energy Regulatory Commission (FERC) with specific input and review of information regarding cultural or historic resources on National Forest System (NFS) lands. FERC will complete the section 106 process before Atlantic Coast Pipeline, LLC begins construction on NFS lands. The section 106 consultation process was incomplete at the time of decision, and the final Record of Decision is conditioned such that no ground disturbing activity will begin until the section 106 process is complete and necessary project design requirements and mitigation measures are identified to protect cultural resources and historic properties on NFS lands.

As the lead agency for compliance with the National Environmental Policy Act, 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 Forest Service, regarding construction and operation of the ACP Project (Final Environmental Impact Statement, Section 4.10).

**Will the Atlantic Coast Project affect the eligibility of the Cowpasture River to be designated as a Recreation River?**

Atlantic Coast Pipeline, LLC is proposing to perform some improvements to Forest Road 281 on the George Washington National Forest (which is within the Management Prescription–Eligible Recreation River Rx 2C3 area). The reconstruction of Forest Road 281 within the Rx 2C3 area would be accomplished in compliance with Forest Service road construction standards and is not expected to substantially affect the outstandingly remarkable values associated with the Cowpasture River Segment B (see final Environmental Impact Statement, Section 4.8.9). This road would also continue to be subject to any road closure provisions of the Forest Travel Management Plan.

**Who will monitor construction on National Forest System lands?**

Monitoring for environmental compliance for the Atlantic Coast Pipeline Project (ACP Project) is detailed in Section 3 of the Construction, Operation, and Maintenance (COM) Plan. The Forest Service has the authority to order a stop to construction if it is not in compliance. Field variance requests will be coordinated with the Forest Service.

The Forest Service will ensure Atlantic Coast Pipeline, LLC is complying with all federal laws, Forest Service policies, standards outlined in the Land and Resource Management Plans, the Special Use Permit(s), and COM Plan. Compliance with the COM Plan is a requirement of the special use permit authorizing use and occupancy of the ACP Project on NFS lands. The Forest Service is responsible for administering and enforcing the special use permit provisions and ensuring stipulations and mitigation measures included in the COM Plan are adhered to during project construction, operation, and maintenance.

**Who paid for all the analysis and time the Forest Service put into the project?**

The Forest Service is recovering its costs associated with the project in accordance with 36 CFR Part 251.58. Atlantic is paying these costs under cost-recovery or other payment agreements.