DECISION MEMO

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

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

DECISION

I have decided to authorize the use of National Forest System (NFS) lands by Atlantic Coast Pipeline, LLC (ACP) to conduct field routing, environmental, cultural resource, and civil surveys within the George Washington National Forest (GWNF). These surveys will occur along a 12.6 mile segment of ACP's proposed natural gas pipline that would cross the GWNF in Highland and Augusta counties, Virginia (Appendix A). The surveys are to be completed within one year following the issuance of the permit.

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

The following activities will be authorized in the special use permit:

Routing Survey – A pedestrian reconnaissance survey to address engineering requirements, provide a route that can be safely constructed, and/or avoid sensitive resources within the 2,000-foot-wide study corridor. Minor amounts of brush using hand tools can be removed for navigation of route. GPS readings, biodegradable survey ribbon and survey stakes (to be removed after all of the surveys) will be used to identify the centerline by the other survey crews.

Environmental Survey – A wetland and waterbody delineation survey using visual observations of vegetation composition, hydrology and soil samples at selected locations within 300 feet of the routed centerline. GPS readings and ribbon will mark wetland perimeters and high water marks of waterbodies. Identification of potential suitable habitat for sensitive species, including federally listed threatened and endangered species, will be recorded with GPS readings. Invasive plant species will also be documented. Flora and fauna may be observed and captured for identification but none will be collected or removed from the site.

Cultural Resources Survey – A Phase I cultural resource reconnaissance survey, utilizing appropriate field methodology, testing procedures, data recordation and, documentation in accordance with all state and federal guidelines for Section 106 of the National Historic Preservation Act compliance may be conducted within 300 feet of the routed centerline.

Civil Survey – A recording of GPS readings of the centerline and other features along the route within 300 feet of the routed centerline. Minor amounts of brush can be removed with hand tools to provide line of sight and a travel path for survey equipment. Brush cutting is to be limited to saplings or limbs less than 2 inches in diameter. PK nails, biodegradable flagging and plastic pin flags can be used as needed.

Access for the Surveys – No vehicles will be used except to access the corridor using public and existing, open Forest Roads. The surveys will be conducted on foot.

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

I. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement (EIS) or environmental assessment (EA) when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified in Forest Service National Environmental Policy and Procedures Handbook (FSH) 1909.15, Section 30 and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

Category of Exclusion

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

Relationship to Extraordinary Circumstances

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

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

An analysis on potential effects to federally listed and rare species as part of a Biological Assessment/Biological Evaluation (BA/BE) was completed for these proposed survey activities. The analysis determined that there will be no effect on federally listed threatened or endangered species, designated or proposed critical habitat, species proposed for Federal listing, or Forest Service sensitive species. The proposed survey activities were analyzed knowing the entire George Washington National Forest is potential habitat for the endangered Indiana bat and proposed endangered northern long-eared bat. Effects to the Indiana bat

resulting from implementation of the 2014 Revised George Washington Forest Land and Resource Management Plan (Forest Plan) were determined during formal consultation with the US Fish and Wildlife Service (USFWS) in 2012 which resulted in a Biological Opinion. The project area is outside the primary and secondary cave protection areas for Indiana Bats as presented in the Forest Plan of 2014. The surveys will be conducted in accordance with the Terms and Conditions of the Biological Opinion; therefore, this project has no additional effect, beyond that which is already disclosed in the Biological Assessment dated November 13, 2012 and by the USFWS in the BO of June 12, 2013. Effects to the northern long-eared bat were discussed with the USFWS in a Conference Report prepared by the Forest Service on August 4, 2014 and the Service agreed on August 27, 2014 that continued implementation of conservation measures in place for the Indiana bat were sufficient for the northern long-eared bat and Forest management actions would not result in jeopardy to the species. Environmental surveys conducted for bats will follow guidance and permit requirements in effect at the time of the survey as issued by the USFWS. Dominion will coordinate with USFS and USFWS biologists to follow standard protocols and determine the appropriate methodology for conducting presence/absence surveys prior to completing these investigations.

b. Flood plains, wetlands, or municipal watersheds:

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

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

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

d. Inventoried roadless areas or potential wilderness areas:

The study corridor is not within any inventoried roadless areas. However, the study corridor includes a small part of the southern tip of Ramseys Draft Addition potential wilderness area. The survey activities should have no effect on the wilderness characteristics of this potential wilderness area.

e. Research natural areas:

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

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

The cultural resources survey is designed to identify these types of sites. The field methodology, data recording, and documentation efforts will meet all state and federal guidelines for Section 106 compliance, including those provided in the *Guidelines for*

Conducting Survey in Virginia. The information gained from these survey activities would be used to avoid, minimize, or mitigate potential impacts to floodplains, wetlands and municipal watersheds from possible construction of a pipeline.

g. Archaeological sites, or historic properties or areas:

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

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15, Section 32.12, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. My conclusion is based on information presented in this document and the entirety of the planning record.

II. PUBLIC INVOLVEMENT

Public scoping began on December 11, 2014 with a letter sent to those on the North River and Glenwood-Pedlar Ranger Districts mailing lists and those who have expressed interest to us in this project. A news release was released and information was posted on the Forests's website. The project was also identified in the Forests' Schedule of Proposed Actions (SOPA) report. In response to several public inquiries, the scoping period was extended due to the occurrence of holidays during the comment period.

The purpose of the scoping was to request comments to determine issues and concerns related to the proposed surveys. Attachment 1 is a summary of the public comments received and our response to those comments. No reason was found not to authorize the routing and survey activities or to require more detailed analysis.

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

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

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

Forestwide Standard, FW-239 (Forest Plan, p. 4-23): "*Evaluate new special use authorizations using the criteria outlined in 36 CFR 251.54 and according to Forest Service*

policy. Limit to needs that cannot be reasonably met on non-National Forest System lands or that enhance programs and activities. Locate uses where they minimize the need for additional designated sites and best service their intended purpose. Require joint use on land when feasible."

The survey activities are located within a 2,000-foot-wide study corridor that comprises approximately 3,055 acres of NFS lands. Under the Forest Plan, the study corridor occurs primarily within the Management Area (MA) 13-Mosaics of Habitat (95%), with smaller areas in MA 7B-Scenic Corridors (4%) and MA 7E2-Dispersed Recreation Areas (1%). The Forest Plan allows the survey activities identified to occur within these management areas (Forest Plan, MA 13, pp. 4-131 through 4-135; MA 7B, pp. 4-81 through 4-84; and MA 7E2, pp. 4-93 through 4-96).

IV. IMPLEMENTATION DATE

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

V. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITY

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

VI. CONTACT PERSON

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

H. Thomas Speaks

H. THOMAS SPEAKS, Jr.
Forest Supervisor

3-13-2015
Date

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

To File an Employment Complaint
If you wish to file an employment complaint, you must contact your agency's EEO Counselor (PDF) within 45 days of the date of the alleged discriminatory act, event, or in the case of a personnel action. Additional information can be found online at http://www.ascr.usda.gov/complaint_filing_file.html.

To File a Program Complaint
you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Persons with Disabilities
Individuals who are deaf, hard of hearing or have speech disabilities and you wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish). Persons with disabilities who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Attachment 1
Analysis of Scoping Comments for a Special Use Permit for Routing and Survey Activities for the Atlantic Coast Pipeline

On December 11, 2014 we sent out a request for comments on a special use application from Atlantic Coast Pipeline to conduct feasibility surveys for a proposed pipeline study corridor on the GWNF. Atlantic Coast Pipeline has pre-filed with the Federal Energy Regulatory Commission (FERC) to begin the environmental analysis required to construct and operate a pipeline. These surveys are collectively necessary to determine the feasibility of the proposed route, collect the environmental and cultural resources data needed to determine whether a pipeline can be safely constructed and avoid sensitive resources on the GWNF. We requested comments specifically related to the survey activities identified in the application to decide whether to issue a permit for these activities.

We have reviewed all of the comments that we received and grouped them into nine comment categories and provided a response to each.

1. **The proposed survey is minimal and will not provide the information needed by the Forest Service**

   These comments identify concerns that the proposed inventory will not be adequate to provide all of the information needed by the Forest Service to make an informed decision on whether or not to authorize a permit for construction and operation of the pipeline. The Forest Service should require all key data now so that the information will be available in the EIS. An associated issue is that the qualifications of the people conducting the surveys need to be identified in the application.

   The following are some of the specific survey needs that were identified:
   - Slope stability and associated geotechnical analysis, additional survey measures were identified
   - Forest fragmentation of interior forests (including Cow Knob salamander habitat)
   - Watershed, including Priority Watersheds and erosion and sediment control
   - Stream surveys, existence of seeps and springs, groundwater, additional survey measures were identified
   - Geologic hazards including landslides and risks from blasting on slope stability and water flow
   - Documenting endangered and threatened plants, animals, and special habitats
   - Historic resources (Native Americans, the Civil War era, and early homesteads)
   - Game and non-game species and their habitats
   - Caves, karst and soil features along the route, additional survey measures were identified
   - Biological surveys need to be conducted during appropriate seasons

   Response:
   The proposed survey will meet the needs of the proponent and will provide information that will be important to the Forest Service should the proponent decide to apply for a construction permit. The proposed survey request was developed by the proponent. It is based on their assessment of the information needed to determine if they want to file an application for construction and operation of the pipeline and, if so, to prepare their ultimate application for construction and operation of the pipeline. We reviewed their application for the temporary permit to conduct surveys. The surveys and the methods that they proposed are appropriate as baseline information

that would be needed. It is likely that additional information regarding potentially affected resources will be needed should a construction application be submitted and accepted. It is likely that information would be needed to address most, if not all, of the proposed resource concerns. Some of this information could be derived from existing information and other information could require additional field surveys. Issuing the permit as proposed will not inhibit the Forest Service from requiring additional information in the future.

We will review the credentials of people conducting the surveys, members of our staff will review the results of the surveys, and members of our staff will likely accompany some of the survey crews when they are conducting surveys.

2. **The application is deficient**
Comments stated that the application should be denied because the information in the permit application was incorrect or incomplete. A number of comments specifically identified deficiencies related to the need to address other alternatives. That deficiency is addressed in Comment Category 3. Other specific deficiencies included:

- Section 14. ACP omitted critical information regarding authorizations and applications filed for similar projects including the Mountain Valley Pipeline Project and the Appalachian Connector Pipeline Project which were both noted in Resource Report 10. All three pipelines should be considered for survey *at the same time* and the cumulative total effects of the three pipelines analyzed.
- Section 16. The public requires detailed information on how the survey will affect the population, economics and rural lifestyle of the public. Because the survey leads to a series of events in the reasonably foreseeable future that would include the construction, maintenance and operation of the ACP, Dominion should be required to consider and project these effects in their application in order give the public in-depth information concerning the ACP.
- Extensive background data studies should be conducted prior to personnel conducting field sampling. There is no mention in the Application of any background data studies being performed, such as a study of soil survey maps, geologic maps, or cave information.
- The descriptions provided for the width of the surveys are inconsistent and do not provide enough detailed information concerning the amount and type of vegetation that will be destroyed. For example, the routing survey states that minor amounts of brush will be removed with hand tools to navigate the route, but this could result in vegetation removal across the entire 400-foot survey corridor.
- There is no mention of determining the presence of karst terrain, delineation of watersheds impacted by construction and the changes in the ground cover, or determination of groundwater or soil conditions. For example, the entire watershed needs to be considered in evaluation of stormwater runoff. Also, the application should consider background information on the potential impact of construction on caves.
- The Application does not include a listing of the credentials and experience of personnel who would be conducting the surveys.
- The pipeline doesn't meet Forest Service screening criteria 1 and 5 used to accept an application for a special use permit.

Response:
We have reviewed the permit application and determined that it is complete.

Section 14 of the permit application states, "List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency." Comments questioned why the applicant did not include information on the Mountain Valley Pipeline Project and the Appalachian Connector Pipeline Project. They argue that all three pipelines should be considered for survey *at the same time* and the cumulative total effects of the three pipelines analyzed. The impacts of the survey are very minor and the effects of surveying one pipeline would have no cumulative impacts on the survey of another pipeline. If the proponent of this pipeline proceeds to apply for a construction permit, the impacts will be greater and we will evaluate if the impacts of one or more of the projects result in cumulative impacts to any resources.

Section 16 of the permit application states, "Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles." Comments state that because the survey leads to a series of events in the reasonably foreseeable future that would include the construction, maintenance and operation of the ACP, Dominion should be required to consider and project these effects in their application in order give the public in-depth information concerning the ACP. We disagree with this premise that the survey automatically results in a construction permit. This is further described in Comment Category 5. Therefore, the response in Section 16, "The current application is for survey activities only," is appropriate.

We agree that background information will be needed before surveys are conducted. However, these do not need to be defined in the permit application. Staff from the Forest Service will work with the personnel conducting the surveys to better define information needs. In addition, as described in Comment Category 1, we will continue to work with the applicant, should this permit move into the construction phase, and will identify future survey and background information needs.

The width of the surveys and the description of the surveys are sufficient for us to understand the nature of the potential impacts of the survey. It is not confusing to us that different widths are involved in different types of surveys. In regard to the concern that extensive vegetation would be removed during the civil survey, the term "minor amounts of vegetation will be brushed using hand tools to provide line of site and a travel path for survey equipment" is understood to not mean that the entire survey corridor would have vegetation removed. In addition, the Forest Service will have staff accompany the survey personnel when they begin their surveys to identify expectations regarding vegetation brushing.

In regard to the need for additional surveys and the credentials of the survey personnel, this is discussed in Comment Category 1.

The first initial screening criteria used to evaluate special use permit applications states, "1. The proposed use is consistent with the laws, regulations, orders, policies establishing or governing NFS lands, with other applicable federal law, and with applicable State and local health and sanitation laws." In regard to this application, the authority to grant special use authorizations for site survey and testing on National Forest System (NFS) lands is the Organic Act of 1897. There are no known conflicts with other laws, regulations, policies, etc. for conducting surveys and collecting data on NFS lands.

The fifth initial screening criteria used to evaluate special use permit applications states, "5. The proposed use will not unreasonably conflict or interfere with administrative use by the Forest Service, other scheduled or existing authorized uses of NFS lands or use of adjacent non-NFS lands. (Examples: Timber Sales, Ongoing Construction, Closed areas.)." For this application, there are no known unreasonable conflicts associated with the proposed use.

3. **The application is incomplete; it does not adequately address alternatives**
These comments stated that the application should be denied because the information in the permit application did not address alternative routes. Specific concerns include:

- The response to Section 13a states that no alternative routes have been identified for surveys, but the FERC filing shows that the proponent has examined four conceptual route alternatives; an eastern route alternative, a western route alternative, a third route heading east and north of its baseline crossing of the Monongahela National Forest, and a potential routing was an alternative route parallel and adjacent to an existing Columbia pipeline system.
- The GWNF Forest Plan requires use of designated corridors.
- The application fails to answer questions of alternatives and avoidance of NFS lands.
- Existing gas line corridors on the GWNF were not considered.
- In Section 13C ACP fails to give any information as to why it is unfeasible to consider a route that does not cross the GWNF.
- Dominion cannot demonstrate that the pipeline could not be reasonably accommodated on non-NFS lands.
- There are existing pipelines than move gas from PA to VA without crossing the GWNF.
- Section 15. ACP has failed to provide required information on the purpose, need and cost of surveying alternatives. It is insufficient to defer this information to a later application in order for both the agency and the public to assess the purpose, need or cost of the proposed survey.

Response:
We have reviewed the permit application and determined that it is complete and does adequately address alternatives. The application is for a temporary permit to conduct surveys. The same form is used to apply for the survey permit as to apply for a construction permit. Section 13a states, "Describe other reasonable alternative routes and modes considered." The answer is, "This application is for a planning permit to conduct routing, environmental, cultural resources, and civil surveys along a 300-foot-wide survey corridor within a 2,000-foot-wide study corridor where the planned pipeline route crosses the GWNF. No alternative routes have been identified for these surveys." We know from the FERC filing materials that the proponent has examined alternative routes for the location of the pipeline. The survey permit is needed to develop information to apply for a construction permit for their proposed pipeline. Surveying other sites will not provide them with the information that they need to prepare their application. Therefore, there are no alternatives to consider in relation to this survey permit.

If the proponent does apply for a construction permit, alternative routes that avoid or reduce impacts to the GWNF will likely need to be considered. If information is needed on these other routes, the proponent will need to provide the information. The information could include existing information or data from additional field surveys. All of this would occur within the scope

of the environmental analysis for construction. This information is not needed to issue this permit to conduct a survey of their proposal.

Section 13C states, "Give explanation as to why it is necessary to cross Federal Lands." The answer is, "Given the general trajectory of the planned pipeline route between West Virginia and southern Virginia (northwest to southeast), and the need to cross the Shenandoah and Blue Ridge Mountains, it is not feasible to avoid a crossing of the GWNF."

The George Washington and Jefferson National Forests have reviewed permit applications for a number of utility corridor projects. We understand that the layout of the National Forest System lands makes it problematic for large scale utility or road projects to move from east to west across the western part of Virginia and eastern West Virginia without affecting the Forests. While it may be possible to draw a line that avoids crossing the National Forests, routing a corridor with many other considerations can be difficult. Based on our experience we believe that the response of the proponent to this question is adequate. If they proceed to a construction permit, we will need to analyze options in much greater detail to determine if, in fact, the line could be accommodated with no impacts, or fewer impacts to the National Forest. However, that detailed analysis would occur during the review of the construction permit application.

Section 15 states, "Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits." Comments state that ACP has failed to provide required information on the purpose, need and cost of surveying additional alternatives. As described in Concern 2, we do not believe that there is a need to address other route alternatives in this application for a permit to conduct surveys.

4. **The application should be denied since the proposed line cannot meet Forest Plan direction**
   Comments state that since the proposed line could not be constructed while meeting direction in the GWNF Forest Plan, that the application for a survey should be denied. The aspects of the proposed pipeline that would be inconsistent with the Forest Plan include:
   - The Plan requires analysis of a route that avoids or greatly reduces impacts to the GWNF.
   - The proposed corridor does not occupy a designated or existing corridor.
   - The issue of co-location with existing corridors needs to be addressed now, and in detail
   - The proposed line doesn't meet desired conditions for Management Areas 13, 7B, or 7E2.
   - The proposed line does not serve the public interest since it does not help Forest to achieve its objectives.
   - The proposed line is not compatible with Cow Knob salamander requirements.

Response:
We have reviewed the permit application and the Forest Plan does not preclude the conducting of surveys within the proposed study area.

Comments indicate that the construction of the pipeline is not compatible with the Forest Plan and so there is no need to allow the survey. We have reviewed the proposed pipeline in regard to whether or not the construction could be allowed under the Forest Plan. Most of the study area for the pipeline is in Management Prescription Area 13, Mosaics of Habitat, which is not identified as unsuitable for designation of utility corridors. The study area also traverses a small amount of

Management Prescription Area 7E2, Dispersed Recreation Areas (also not identified as unsuitable for designation of utility corridors) and Management Prescription Area 7B, Scenic Corridors. Management Prescription Area 7B is identified as unsuitable for designation of utility corridors, but this represents a very small portion of the study area, so it is possible that this area could be avoided. The pipeline study area does not cross the Shenandoah Mountain Crest Management Prescription Area (8E7). This area is established, in large part, to protect the Cow Knob salamander. Forestwide direction for the Cow Knob salamander states that if the salamanders are found in areas outside the Shenandoah Crest management prescription area, those areas will be subject to the same management measures as described in the Shenandoah Mountain Crest Management Prescription Area. Further analysis will determine if the direction for salamanders would apply to any portions of the study area. We need additional information before we can conclude whether or not a construction permit could be issued.

In addition, if a proposed project is not consistent with the plan, the responsible official has the option to initiate a plan amendment that, if approved, would accommodate the project. The information derived from the surveys could help inform a decision of whether or not an amendment would be considered.

The Forest Plan also has direction for special use permits to "Evaluate new special use authorizations using the criteria outlined in 36 CFR 251.54 and according to Forest Service policy. Limit to needs that cannot be reasonably met on non-NFS lands or that enhance programs and activities. Locate uses where they minimize the need for additional designated sites and best serve their intended purpose. Require joint use on land when feasible." Direction for linear rights-of-way includes, "Develop and use existing corridors and sites to their greatest potential in order to reduce the need for additional commitment of lands for these uses. When feasible, expansion of existing corridors and sites is preferable to designating new sites." The proponent has concluded that the pipeline cannot reasonably be constructed without crossing the GWNF and has identified the route that they believe best accomplishes their needs, while reducing impacts to other resources. For the purposes of issuing a permit for surveys that will provide better information on these conclusions by the proponent, the Forest Plan does not prohibit the issuance of the permit. The language in the Forest Plan acknowledges that some linear uses may be needed and that not all proposals will be able to utilize existing corridors. The determination on whether or not other alternatives need to be considered for the issuance of a construction permit will be determined based on the FERC analysis that would be prepared for the construction permit, should one be submitted.

5. **Survey is not an independent action separate from the construction; the decision must account for the survey and the construction**

Comments state that the survey is not an isolated action, but only the first step in the total process of survey, analysis, construction and operation for a pipeline. The construction is a reasonably foreseeable action and the cumulative effects of construction must be considered now at the time of issuing the survey permit.

Response:

The survey is an independent action. Authorizing the survey will not automatically result in the authorization of a permit to construct and operate the pipeline. Authorizing the survey may result in the proponent applying for a permit to construct and operate the pipeline, but that permit

would then be subject to another environmental analysis to determine if, and how, to the authorize the construction. So the only action connected to the survey permit is another NEPA analysis. It would not make sense to analyze the effects of construction of the pipeline in order to authorize a survey permit to gather information to define what those effects might be.

6. **The Forest Service must consider alternatives in its NEPA analysis**
Comments state that alternative routes must be considered in the NEPA analysis before a decision can be made on the issuance of the permit for surveys.
   - A categorical exclusion (CE) is inappropriate NEPA documentation
     - The analysis must consider impacts of the second step (construction) of the process
     - Construction is a reasonably foreseeable action as a result of the survey permit issuance
     - Must have survey of multiple routes in order to meet NEPA
   - Forest Service must consider alternatives, at least alternatives outside the Forest and that co-locate with existing corridors.
   - NEPA requires study and development of alternatives
     - "Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."
   - Detailed survey of only the proposed action will skew eventual NEPA analysis
     - Survey "may establish a precedent for future actions with significant effects" and "represents a decision in principle about a future consideration."
     - Preferred route will have greater detail than the alternatives.

Response:
A categorical exclusion is appropriate documentation for issuance of a permit to survey. Decisions may be categorically excluded from documentation in an environmental impact statement (EIS) or environmental assessment (EA) when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified in Forest Service Handbook (FSH) 1909.15 Section 30 and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. This action falls within Section 32.12, Category 8 of the Forest Service National Environmental Policy and Procedures Handbook. (FSH 1909.15, WO Amendment 1909.15-2014-1, Section 32.12). Category 8 for: *"Approval, modification, or continuation of minor, short-term (1 year or less) special uses of National Forest System lands."* (36 CFR 220.6(d)(8)).

As described in Comment Category 5, the construction of the pipeline is neither a connected action nor part of cumulative effects in relation to the survey permit.

As described in Comment Category 8, there is no need to address the effects of other proposed pipelines in the analysis of the permit application for surveys.

NEPA requires that we study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. The proposal to survey the resources in the study area has no unresolved conflicts concerning alternative uses of available resources. There will be little to no impacts on available resources from the survey. Therefore, there are no reasonable alternatives to consider; we either allow the survey or deny the survey.

The survey merely provides information for future environmental analysis under NEPA. The survey information sets no precedents for future actions besides another round of much more detailed analysis.

In regard to the concern that the preferred route will have greater detail than alternative routes in the environmental analysis for any future construction permits, this remains to be seen. During the analysis of any future permits, the level of analysis needed for any alternative will be determined based on resources, issues, and potential impacts.

7. **The Forest Service should prepare an EA to document its NEPA decision**
These comments state that an Environmental Assessment (EA) would be a better option for documenting the analysis for the decision on the survey permit application. A Categorical Exclusion (CE) would not adequately address impacts to extraordinary circumstances like imperiled species, municipal watersheds, or historic areas. The Forest Service has the authority to prepare an EA even when a project could qualify for a CE. An EA would allow for more analysis of alternatives. An EA could also identify additional routes that the applicant must survey, establish survey protocols, and be a critical building block for any future Environmental Impact Statement on the construction of the pipeline.

Response:
We have determined that a CE is appropriate for this decision. The CE documents that the survey activities would have no effect on any extraordinary circumstances.

The need for alternatives in the CE is discussed in Comment Category 6.

We agree that we could prepare an EA for this project. The purpose of a CE is to reduce delay and paperwork on projects that do not individually or cumulatively have a significant effect on the human environment. The information documented in the CE provides all the information that the decision-maker needs to know to make an informed decision on whether or not to authorize a permit to survey lands on the GWNF.

8. **The analysis needs to consider all pipelines proposed to cross the GW and Jefferson NF**
The George Washington and Jefferson National Forests are reviewing permits to survey on two separate pipelines. A third pipeline may also be proposed that could cross the Jefferson NF. Comments state that the potential effects of all three pipelines must be considered in the analysis. Other comments suggest that a comprehensive programmatic EIS is necessary to strategically address pipeline siting in the region.

Response:
There is no need to consider all the pipelines proposed to cross the George Washington and Jefferson National Forests when evaluating the permit to conduct surveys. As previously described, the effects of the survey are very minor and the effects of one survey would have no influence on the resources at the other pipelines.

In terms of any future analysis of the effects of constructing the pipelines, we will need to evaluate if any resources are affected by multiple pipelines. If they are likely to have cumulative effects, then these would need to be addressed.

9. **Concerns about the construction impacts on the following resources:**
Many of the comments expressed strong concerns about the impacts of constructing and operating the gas pipeline. These included concerns about:

- Wildlife
- Recreation
- Flood control
- Timber
- Northern flying squirrel
- Snowshoe hare
- Indiana bat
- Cow Knob salamander
- Shenandoah Mountain salamander
- James spinymussel
- Cave species
- Water quality
- Water quantity
- Sinkholes
- Karst
- Acid shales
- Landslide potential
- Scenery
- Non-native invasive species
- Cultural resources
- Air emissions
- Proposed National Scenic Area on Shenandoah Mountain
- Compressor stations
- Erosion/sedimentation control
- American Bird Conservancy Important Bird Areas
- The Nature Conservancy natural strongholds
- Soil stability on steep slopes and rugged terrain
- Leaks and ruptures

Response:
These concerns were raised in regard to the impacts of the construction and operation of the pipeline. While we share the concern about potential impacts on these resources from pipeline construction, this analysis and decision are only related to the surveys. We have determined that the potential impacts from the surveys are minimal and would have no significant effect on the environment. Any future environmental analysis for a permit to construct and operate the pipeline would include a detailed analysis of many, if not all, of these concerns.