

TALKING POINTS TO HELP WRITE YOUR COMMENTS ON NC ACP 401 PERMIT

STREAMS, BUFFERS, CROSSINGS AND BIOLOGICAL IMPACTS

The Atlantic Coast Pipeline project will cross nearly 7 miles of streams and destroy nearly 28 acres of forests and riverside (riparian) vegetation, which serve as buffers to prevent polluted runoff into those streams. These impacts are dismissed in the application as “temporary,” despite the lack of meaningful analysis of their combined effects downstream and the lack of any sites identified for riparian buffer mitigation.

In its 401 certification application, ACP, LLC acknowledges the project includes or is adjacent to riparian buffers identified by the NC Riparian Buffer Protection Rule, but fails to include a “diffuse flow plan” to reduce erosion and sedimentation, saying it would be developed under their Sedimentation and Erosion Plan. As of July 11, DEQ reports they have not received a complete Sedimentation and Erosion Plan, so the ability to protect downstream water quality can’t be evaluated in the absence of a plan to ensure diffuse flow over disturbed buffer areas.

The ACP application says that refueling and lubrication of equipment will generally occur at least 100 feet from water bodies, with exceptions for stationary equipment such as pumps. There must be far more detail on rigorous protections for procedures less than 100 feet from water bodies, and detailed procedures to prevent contamination of land and groundwater, too.

The Horizontal Directional Drilling method is proposed for use under the Roanoke River, Fishing Creek, Swift Creek, Tar River, Contentnea Creek, Little River, Cape Fear River and a large number of wetlands. There is not adequate consideration of the range of factors that can cause uncontrolled release of drilling fluids (referred to as “inadvertent return”) similar to what happened dramatically on the Rover Pipeline project this year, causing FERC to partly halt work.

In the Updated Waterbody Crossing Table, the Neuse River and Rocky Swamp are now listed as being crossed using a “cofferdam,” which is a significant improvement over the “open cut” crossing method, which was more likely to cause massive downstream sedimentation. However, this crossing location is at a very wide place in the floodplain, thus increasing damaging impacts of any crossing method to aquatic species and habitat, streambank destabilization, and extensive destruction to bottomland hardwood forests. The location of this crossing should be moved to a narrower point in the floodplain.

Blasting is likely to cause loud noise and other impacts to local residents, drinking water wells, springs, wetlands and local hydrology, but no measures are specified to minimize or prevent those impacts. In Northampton and Halifax counties, the application identifies 13 open cut crossings with potential blasting, but fails to describe how blasting will be conducted at open cut stream crossings. Any blasting that can’t be avoided must be conducted using dam and pump, or flume. If blasting is required at an open cut crossing, the crossing method should be changed to a method with fewer impacts.

The pipeline would impact rivers known to carry a wide variety of endangered, threatened or species of concern, further impacting limited habitats of these species (such as the Carolina Madtom catfish, many species of mussels, and numerous plants.)

Streams and wetlands impacted by the ACP may lose the ability to “support” or reach their best uses or highest potential to allow for fishing, swimming and health of aquatic species due to sedimentation, loss of forested buffers and other impacts. Streams and wetlands crossed by the ACP also flow into major river basins which are sources for the Pamlico-Albemarle Estuary, the second largest estuary in the United States. The estuary supports not only NC’s fisheries but many mid-Atlantic coastal fisheries. Impacts to any of these headwaters could negatively impact our fisheries and the economy of the state.

The pipeline would have a negative impact on areas designated by the state as Primary Nursery Areas that are important for the early growth and development of a wide range of fish and crustacean species in the Cape Fear, Roanoke, and Neuse River.

Given the number of “listed” and “petitioned” endangered freshwater mussels in waterbodies crossed by the ACP, a far more detailed assessment of impacts on these species must be required. Two federally endangered mussel species are in streams crossed by the ACP in NC: Tar River spiny mussel and dwarf wedgemussel. The Tar River spiny mussel is only found in four streams in North Carolina: Fishing Creek, Little Fishing Creek, Swift Creek, and Little River. The ACP crosses three of these streams.

During the directional drilling method of crossing, accidents often occur that would release drilling fluids into streams and wetlands, degrading water quality. These are often hard to locate and impossible to reverse. No project with the potential for violations of water quality standards on a short- or long-term basis can be approved by the Div. of Water Resources.

Several structures, such as compressors, metering stations, and valves, are proposed to be built within the 100-year floodplain. While southeastern NC is still recovering from Hurricane Matthew, it is imperative to construct any such structures outside of the floodplain, where they will not impede the natural path of floodwaters or subject the pipeline to damage that may cause dangerous leaks of gas or gas liquids.

End your comments by asking the NC Division of Water Resources to deny the 401 permit for the Atlantic Coast Pipeline.

The deadline for comments is August 19th at 5:00 pm.

Email your comments to publiccomments@ncdenr.gov (include “ACP” in subject line).

Or, mail your comments to 401 Permitting, 1617 Mail Service Center, Raleigh, NC 27699