



**August 19, 2017**

**VIA E-MAIL**

401 Permitting  
1617 Mail Service Center  
Raleigh, NC 27699-1617  
PublicComments@ncdenr.gov

**RE: Comments on Section 401 Certification Application for Construction of the Atlantic Coast Pipeline**

To Whom It May Concern:

Sound Rivers, Inc. (SRI) offers the following comments regarding the 401 Water Quality Certification (WQC) for the Atlantic Coast Pipeline (ACP) as proposed by Atlantic Coast Pipeline, LLC (Atlantic). The entire project encompasses over 640 miles of natural gas transmission pipeline and associated facilities, including new and modified gas-fired compressor stations from the Marcellus shale region of West Virginia to North Carolina and coastal Virginia. The comments herein are focused on the direct, cumulative and indirect impacts associated with the construction, use and maintenance of the ACP in North Carolina and specifically within the Neuse and Tar-Pamlico River basins.

Sound Rivers is a non-profit organization that works to guard the health and natural beauty of both the Neuse and Tar-Pamlico River Basins. SRI represents more than 3000 members, many of whom work, live, recreate, fish, swim and obtain their drinking water from the Neuse and Tar-Pamlico River basins. SRI and our Upper, Lower Neuse and Pamlico-Tar Riverkeepers partner with concerned citizens to monitor, protect, restore, and preserve these watersheds, which cover 23% or 12,000 square miles of North Carolina's landmass, in order to provide clean water to our communities for consumption, recreation, nature preservation, and agricultural use.

Sound Rivers fully endorses the comments submitted by the Southern Environmental Law Center on our behalf.

### **Summary**

The ACP's current proposed route will cross 343 waterbodies in North Carolina and result in substantial and long-term impacts to the aquatic resources of the state. The document fails to take the required hard look at the proposed impacts and provide reasonable alternatives for consideration. In addition, the WQC application is lacking sufficient information, including



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specific mitigation proposals, for reviewers and commenters to evaluate the impacts the project will have on water resources and aquatic species. There are also considerable questions surrounding the documented public need for the project to meet the energy demands of North Carolina and Virginia.<sup>1</sup> Therefore, Sound Rivers requests that the Division of Water Resources deny the 401 WQC.

### *Endangered and Threatened Species*

North Carolina streams, rivers and wetlands provide vital ecosystem resources, in addition to contributing to the natural beauty of this area. For example, many of the Neuse and Tar River basin streams are inhabited by a diverse array of aquatic wildlife, including a rich variety of mussel species.

The Tar River watershed, including the main tributaries of Swift and Fishing Creeks, supports a diverse aquatic population and is the source of drinking water for the majority of communities located downstream.

The largest threat to the quality of the Tar River is the rapid growth the region is experiencing. Research regarding the protection of aquatic species and water quality point to the threat of future development, sedimentation, increase wastewater discharges as all highly problematic for aquatic species continued survival.<sup>2</sup>

The Upper Tar River Subbasin is a globally significant freshwater resource. In fact, it is considered a “Hot Spot” for freshwater conservation by The Nature Conservancy (TNC). In terms of rare species richness, it is considered one of the top 72 out of 2,000 subbasins across the United States.<sup>3</sup> Given nearly 80% of our nation’s 300 mussel species are considered extinct, endangered, threatened, or special concern by our scientific community and 37% of our nearly 900 fish species are considered the same, it is extremely import to prevent any degradation of the Upper Tar River Subbasin.

As described in the NC Wildlife Resource Commission's “Wildlife Action Plan”, the Tar-Pamlico River basin is home to 39 priority aquatic species.<sup>4</sup> The NC Natural Heritage Program (NC NHP) lists the upper Tar River as a “nationally significant aquatic habitat”. The USFWS characterizes the Tar River as one of the “few best places in the southeast and a mussel refugium of national significance”.<sup>5</sup> In addition, the FWS adds: “the Tar River supports the Atlantic Pigtoe (*fusconaia masoni*), one of the few remaining populations of Yellow Lance (*Etilptio lanceolata*), the Green floater (*Lasmigona sitbvfridis*), the Carolina Madtom (*Noturus furiosus*) and the Neuse River

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<sup>1</sup> Comments submitted by Southern Environmental Law Center on the draft EIS for the Atlantic Coast Pipeline and Supply Header Project on behalf of Shenandoah Valley Network and 20 other conservation groups in FERC dockets CP15-554-000, CP15-554-001, and CP15-555-000.

<sup>2</sup> 2014 Tar-Pamlico Basinwide Water Quality Plan. <http://www.ncwater.org/basins/Tar-Pamlico/index.php>

<sup>3</sup> Master, Lawrence L., Stephanie R. Flack and Bruce A. Stein, eds. 1998. *Rivers of Life: Critical Watersheds for Protecting Freshwater Biodiversity*. The Nature Conservancy, Arlington, Virginia.

<sup>4</sup> NC Wildlife Resource Commission, “Wildlife Action Plan”. 2005. <http://www.ncwildlife.org/plan.aspx>

<sup>5</sup> Letter from Pete Benjamin, USFWS to Teresa Rodriguez, NC DWR, August 2, 2016



SRI remains opposed to the open cut method currently proposed for the Neuse River crossing. Significant populations of Roanoke slabshell, a state endangered listed species, are found upstream and downstream of the crossing corridor.

### *Conclusion*

North Carolina's Division of Water Resources has the authority and right to deny the 401 WQC for the Atlantic Coast pipeline due to the fact the applicant has failed to provide sufficient site specific information for the Division to confirm that water quality standards will not be violated. In addition, the applicant could use reasonable alternatives to lessen the environmental impact to our state's waterways. The State of New York recently denied a water quality certification for the Constitution Pipeline Company, LLC for the very same reasons and shortcomings of the application that is noted here. This decision was sustained by a court ruling this week.

Sincerely,

Heather Deck  
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Deputy Director, Sound Rivers

Matthew Starr  
Upper Neuse Riverkeeper  
Sound Rivers

Katy Langley  
Lower Neuse Riverkeeper  
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