

**Testimony of David Sligh**  
**People's Hearing: Investigation of FERC Abuses of Law and Power**  
**National Press Club**  
**December 2, 2016**

My name is David Sligh. I represent Wild Virginia and the Dominion Pipeline Monitoring Coalition and work against the Atlantic Coast and Mountain Valley Pipelines, the ACP and MVP. Under the National Environmental Policy Act (NEPA), FERC is to cooperate with other federal agencies, to conduct environmental reviews that meet the needs of decision-makers. Agencies such as the U.S. Forest Service and the EPA have expertise and experience that FERC lacks and must be heeded.

Too often though, FERC ignores or downplays the importance of issues raised by the Forest Service and EPA. In many instances, FERC settles for inadequate data from applicants and accepts and endorses conclusions unsupported by proper analyses and facts.

FERC has failed to fully acknowledge many great challenges and risks posed by the terrain ACP and MVP propose to cross. Very steep slopes, high landslide potentials, sensitive habitats and species, and great risks of surface water and groundwater pollution prompt doubts that the pipelines can be built in ways that protect the environment. Standard construction and pollution control measures cannot be assumed sufficient yet FERC has been willing to accept boilerplate plans from the companies.

The Forest Service, by contrast, insists that site-specific analyses and plans are necessary before it can allow crossings of public lands. The uncertainties and risks are too great to accept vague assurances that everything will be okay. In one of many requests for more and better information, the Forest Service sent letters to FERC in October, demanding site-specific construction plans in what the Service termed "high-hazard locations." But FERC's rush to produce a DEIS, without this information, deprives the public of the chance to review and comment on it for the MVP. We fear the outcome will be the same for the ACP.

FERC has displayed a similar disregard for EPA comments on NEPA documents for pipelines. We reviewed 18 cases across the nation in which various EPA Regional Offices

commented on FERC EISs. In every case, EPA deemed the information in the Draft EIS to be, in its words, “insufficient” - a characterization that’s much too mild, in light of the substance of those EPA comments. Officials pointed to FERC’s flawed analyses of route alternatives and cumulative impacts; its failure to address long-term damages to waterbodies and mature forests; and its outright refusal to follow NEPA regulations in regard to needs analyses, greenhouse gases, and environmental justice. In the face of EPA’s criticisms, FERC, in many cases, persisted in the same errors and omissions, from the draft EIS to the final EIS.

FERC must not have the option of ignoring the opinions and judgements of environmental agencies that have greater expertise and credibility - Congress must see to it.