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FERC DEIS comments for the Atlantic Coast Pipeline

Re: Docket No CP15-554-000

April 4, 2017

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RE: Property at Mt. Rush Farm, 9161 West James Anderson Hwy., Buckingham, VA 23921

Dear Deputy Secretary Davis:

The DEIS prepared for the Atlantic Coast Pipeline and Supply Header Project that was released December 30, 2016 is riddled with vague generalizations, lacking specific detail, and summarily dismisses issues raised by citizens without even appearing to consider the information presented. A significant portion of ACP provided information is missing and some is not expected to be available until September. The applicant submitted a large quantity of information shortly after the DEIS was released; much that appeared to have been collected well before the release. It appears that the applicant has purposefully neglected to provide key information in a timely manner. This is not fair to the affected landowners and communities.

There is structural bias against landowners and communities in the FERC process. There are close relationships among the applicant and the contractor hired by FERC to conduct much of the work that have at least the appearance of bias. Consumer advocates have attempted to achieve some level of balance between the energy industry and consumers at least three times during since FERC was created. However, there is still no office or even a single staff member focused on consumers. There is a constantly revolving door between FERC and the industry, always strengthening the close ties of the agency with the industry. When FERC was set up it was given an unusually high level of autonomy. Its budget comes from the industry and Congress cannot influence it. The President nominates its Commissioners and they are approved by the Senate but once in place, they are autonomous.

FERC has been set up to approve infrastructure. Energy companies simply go through the motions of checking all the boxes and working toward gathering all the information. However, it is typical for information to be very general or missing from EIS documents, leaving the public without crucial material. The imbalance in influence of land owners vs the industry in the FERC process is extremely unfair.

This process is designed so that landowners have little recourse when a company decides to "use" our land. We also appear to have little influence on where and how our land is used. If our situation/needs

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change in the future, there is no means to get the company to change anything unless we pay the entire cost. Once the infrastructure is in place, landowners, especially in rural areas where standards are lower so companies can save money, are essentially at the mercy of the company. PHMSA has never been staffed in a manner that allowed it to meet its Congressional mandate and instead of increasing the funding, Congress directed it to prioritize populated areas. State and local government have little influence in the process, and in this case were coopted by the company early in the process.

While new utility infrastructure has been denied the use of eminent domain, the traditional energy industry clings to this authority. We have a cellular tower on our property. We negotiated with the company for its placement and were able to have it placed in an area where it will not interfere with our daily business activities, where we will not have to "deal with" it every day. We earn an annual payment from the company. It pays the additional property taxes that are assessed on that piece of land and provides us with annual proof of liability insurance on the infrastructure. The company communicates with us regularly. I expect that at least some of our calls use the infrastructure. We get benefit.

The situation with the pipeline is a totally opposite experience. The company has told us where it will place the pipeline and it has selected a pathway through the middle of our operation for a mile. We will have to cross the pipeline multiple times each day. Any future decisions about use of our land will be dictated by the presence of this dangerous infrastructure over which we will have no influence. We will not even be able to get monthly reports on its operation, the air quality, or anything else from the company. In fact, we will not even know the schedule or the findings of inspections. We do know that the company will only address vegetation over the right-of-way once every three years, at best. Pigging is only required once in seven years. There are no standards that force the company to fix minor problems before they become major ones. However, we are instructed to contact the company every time we do anything other than simply cross the pipeline, even routine plowing. Our use of our land will forever be limited to ACP specified crossings of the pipeline, changing the way we move around the property and resulting in the need for roads where we have purposefully not driven in the same path time after time to avoid creating roads that get muddy and have to be maintained. In fact, messages are very mixed about the rules for our use of the land. We are told we can do anything but put structures, trees, or ponds on the land. Then we discovered that storing equipment on the land is not allowed. We are also told that there will be weight restrictions for vehicles crossing the pipeline and we realize that the specifics could change over time. If we deviate from the company's rules, we will be liable for costs.

We will receive a nominal one-time easement payment that is unlikely to even pay property taxes on the land the pipeline occupies over 50 years, unless the value declines even more than we currently expect. The company does not have to provide liability insurance or a bond to ensure that if we experience losses they will be reimbursed. The energy industry has a long record of using tremendous legal and political force against individual landowners to meet its goals while refusing to take action on landowner problems without years of difficulties and legal expenses.

At this moment, we are at risk of safety and environmental protections being reduced to save the federal government and the company money and aggravation. The Trump Administration has already removed the critical methane rule that would have at least assured that we were aware of the methane escaping. It has been proposed that the EPA's staff be drastically reduced so that it can cause less trouble for the industry but will mean less environmental protection for us and our property. The Trump Administration has promised to further reduce the demands on the industry by PHMSA, which

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means that landowner protection will be reduced and the daily risks to which we are exposed will be greater. Whole sections of the Department of Energy are being dismantled, also removing landowner support. The state and local governments have been prohibited from helping landowners protect ourselves and have made only token efforts to ensure safety and environmental protection. It seems that we are being sacrificed.

Not a collaborative process. While the promotional information provided by FERC on the process indicates that a collaborative process is used, citizens of Buckingham and other affected counties have not found this to be true. Since the only compressor station in Virginia will be in Buckingham, citizens requested Scoping and DEIS Response meetings in Buckingham. These were not granted and affected citizens, many of whom are elderly, had to travel to another county at night in the winter for both meetings. Further, the procedure used for the DEIS Response meetings kept speakers from hearing each other by relegating speakers to intimidating circumstances in private rooms. Ironically, the Farmville Hearing was held at the Moton Museum, a national civil rights monument. At each step of the process, landowners' ability to be heard and to protect our heritage – our land – our air – our water – our buildings – our animals – our lives has been reduced.

Even the two public meetings held in Buckingham were not conducive to citizen participation. The original Open House was held in direct conflict with the annual meeting and fundraiser for the local historical association. That date was set a year in advance and would have been easy to discover prior to scheduling the Open House. In such a small community, especially so early in the process, the fact that so many citizens were already committed to a local event ensured there would be limited participation. This needed to be the meeting with wide participation. As a result, many citizens remain unaware of even their own risk due to the location of their property. Only those whose land is directly crossed have been made aware that they are in the Blast Zone or the Evacuation Zone. Since the ACP has made minimal route changes during this process, the larger community has not been made aware of the plans and the risks to which they will be exposed. No major media outlet covers Buckingham County and the twice weekly newspaper headquartered in Farmville supports the pipeline so citizens have had limited ways to learn about the pipeline and related issues. Working with a complicit local government that includes a 35 year company employee who has directed much of the process, serving both on the Board of Supervisors and as the liaison to the Planning Commission, and only recusing himself from public votes and discussion in recent months, has expedited the company's progress. It also got the Governor to support the pipeline without even consulting his staff and he has refused to even hear the concerns of landowners while taking no action to ensure safety and environmental protection.

The Open House for the compressor station was held at night after a significant snow event which meant schools were closed and many citizens did not feel it was safe to be out after dark. Affected citizens requested that the meeting be rescheduled but our requests were denied so many of us were unable to participate due to safety concerns.

The applicant held several community meetings with selected community representatives but citizens were frustrated with the tightly controlled agenda and workday scheduling that kept many from attending. It appeared to citizens that the applicant had more concern with selection of the paint color for the compressor station buildings than with citizen concerns about health and safety. Overall, throughout the process citizens felt their concerns were brushed off and ignored. It is impossible to describe the process that occurred as collaborative and citizens did not consider it adequate even

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though the DEIS touts the number of meetings and attendees. Those do not measure the percentage of affected landowners who participated and they do not measure how satisfied those who participated were with the process.

FERC policies state that for approval of a certificate there must be present and future convenience and necessity for the infrastructure. This statement is organized using the factors that must be balanced:

1. Public Need
2. Impacts on Existing Ratepayers
3. Environmental Impacts (NEAPA)
4. Impacts to landowners

1. Public Need

The public need for this project is not substantiated. The owners of the ACP claim that 82% of the gas transported through the pipeline will be used by them to generate electricity. However, in Virginia, the two gas generation facilities that would be served by the line are already served by the existing Transco line. They have 20 year contracts for this supply so the ACP supply would be redundant. The owners claim that this will allow its customers to obtain the least cost fuel. This ignores the company's need to recoup the cost of the ACP. Even if the ACP serves the two existing gas generation facilities and a planned additional facility is built, all of Dominion's portion of the gas will not be used. There is no known reason for this extra gas to be needed in Virginia. The need for the infrastructure in North Carolina is expressed in ways that are even more elusive.

The Churma (2014) economic study produced for Dominion assumes addition of many industrial jobs to use this gas. Our economy is becoming more service based instead of industry based, making the potential need for additional gas less likely. It ignores the fact that Buckingham County has had access to natural gas via the Transco lines for about 50 years. The County still has no tap to the gas, no local distribution infrastructure and no viable anticipation of getting any of this. This study fails to identify any of the costs, only projected benefits of the pipeline so it presents an inaccurate picture of the outcome. It does not project far enough into the future to demonstrate how local tax income will decline as the value of the pipeline decreases in time. It simply shows a significant apparent windfall to localities and the state in the short term.

FERC Policy Statements provide guidance concerning the standards that must be met, setting the requirements for proof of public need. Policy Statement 25 requires the applicant to provide stronger evidence of the need for new infrastructure when it proposes "to serve markets already served by another pipeline." Policy Statement, 25. FERC Policy Statement 26 describes the public need requirement this way: "a project built on speculation (whether or not it will be used by affiliated shippers) will usually require more justification than a project built for a specific new market when balanced against the impact on the affected interests." The vague generalities concerning the need for the gas this infrastructure will transport indicate that the applicant has not met the requirements of either Policy Statement 25 or Policy Statement 26. This is clearly a situation where the applicant is hoping that "if you build it they will come" or it plans to export the gas for even more lucrative return. The applicant insists that it does not plan to export this fuel, but the Transco line goes directly to Dominion's Cove Point LNG export facility. Exported gas will only benefit stockholders and employees.

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It will not serve a public need in the US and it will likely lead to increased gas prices in the US. It will also use the US supply of gas more quickly, exposing future generations to the risk of early loss of national energy independence provided by this supply of gas.

Alternatives

Section 3.0 of the DEIS addresses alternatives. The document summarily dismisses public comments about alternatives. Only two paragraphs address the numerous public comments. Less than a page is provided to dismiss the no-action alternative.

Information provided is either inaccurate or inconsistent with other sources of information. For example: "The no-action alternative would eliminate the proposed natural gas supply." There are other ways to provide the proposed natural gas supply. This pipeline is not the only alternative. Also, the presented EIA projections for increasing natural gas consumption are not consistent with those of others. They assume additional industrial consumption and electric power generation that may not be required.

Existing supply constraints for natural gas are mentioned but their existence is not documented. In fact, the Department of Energy has indicated that with a few changes existing infrastructure could meet needs until at least 2030. Currently the Transco pipeline system does not fully use its entire capacity.

The DEIS posits that impacts of alternative energy sources would impact the environment more negatively than the proposed pipeline but provides no proof. It uses outdated data to attempt to prove that natural gas is less harmful to the environment than other fossil fuels and renewable sources, ignoring the impact of methane and more recent data that refute the advantage of natural gas over other fuels, ignoring the comparatively stronger impact of methane over carbon on the environment.

In the system alternative section specific data are not provided. Statements such as "These pipelines do not have the available capacity to transport the required volumes of natural gas to the delivery points..." are not backed up with hard data. Broad generalizations assuming the need for adaptations of similar cost to the ACP are used to assume away alternatives that may actually be viable.

Likewise, reducing environmental impact of separate ACP and MVP corridors by co-locating them is dismissed as taking too long to coordinate. Taking longer than the companies want is not sufficient reason to dismiss this alternative. The fact is that neither pipeline is needed.

2. Impacts on Existing Ratepayers

If this infrastructure is approved, Dominion's rate payers will be saddled with 30 years of payments to the company. Their rates will increase to use the ACP gas. Since the Transco line used for the existing 20 year contract is already paid for while the ACP will be granted a rate of return for the company between 10 and 15%, it is obvious that the cost of using the ACP to transmit gas will be more expensive. However, if FERC approves the certificate, the State Corporation Commission, will be forced to make the Virginia ratepayers pay for the infrastructure, ignoring the existing cheaper contract. Ratepayers will also bear the risk that Dominion will have the opportunity to recoup any "stranded costs" if the need for the infrastructure does not last as long as its life expectancy.

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Because 87% of the land the ACP plans to incorporate is not co-located with existing infrastructure, the cost of the pipeline is high to pay for all of the easements required. The DEIS categorically dismisses any alternative as not appropriate. It falsely claims that there is no other way than building a new pipeline to meet the objectives. Since the corporate return on investment of 10-15% for 30 years is so high, pipelines are the best investment the company can make. However, it's the worst investment for their ratepayers.

Section 3.0 addresses alternatives but provides little specific data and makes extensive assumptions to justify ignoring all alternatives. Data are not provided to verify these conclusions and to prove that rate payers would be better off with the ACP.

Comparatively few of Dominion's existing ratepayers are facing the prospect of having the pipeline located on their property. Many affected landowners are served by electric cooperatives. While those electric cooperatives may currently purchase electricity from Dominion, the company's need to earn a profit from these sales makes it extremely unlikely that the cooperative customers will benefit from lower costs for electricity because of the ACP. In fact, their rates are also likely to increase.

Many of Dominion's rate payers enjoy the natural beauty of the areas that will be damaged by the pipeline. The Appalachian Trail and the Blue Ridge Parkway, in particular, would have their view sheds interrupted by the pipeline. The DEIS claims that these are not significant. It is wrong. Future generations will not have the opportunity to understand what undisturbed land looks like. Once fragmented, additional disruption is likely to follow.

Because water that supplies millions of communities begins in the area that will be disturbed by the ACP, there is tremendous potential that billions of people's water supply will be impacted by the pipeline. The risks of erosion, sedimentation, mudslides, and other damage to water are tremendous and are underplayed by the DEIS.

If the anticipated gas users do not materialize, it is likely that the company will export the gas. If this occurs, existing ratepayers will be exposed to the risk of higher gas costs when the company finds it can get more profit from selling gas to countries whose prices are much higher than those in the US. Rate payers will also have the risk of early depletion of the resource, losing national energy independence.

3. Environmental Impacts (NEAPA)

While we believe that NEAPA requires analysis of the cumulative impact of the multiple proposed pipelines, FERC has steadfastly refused to conduct a Programmatic Review. The shale deposits that are being tapped may not last long enough to warrant all of the proposed pipelines. The FERC process inherently encourages overbuilding of infrastructure and then in regulated states like Virginia, sticks rate payers with the bill.

Hazards

Throughout Section 4, Environmental Analysis, of the DEIS there is missing information and it is more likely than not that subsections will contain recommendations for additional steps to be taken and direction that information be provided to other agencies before construction begins. In some cases, the

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document states that information is not even expected to be provided to the agency until September, 2017. At that point there will be no way for the public to have any say about what happens because full information was not made available in a timely fashion. Maybe this is a strategy to hide facts from the public and to reduce concerns that might derail the project. No matter what, it is unfair to the public and especially, affected landowners.

Even in cases where specific data are presented they are described as insignificant or temporary or mitigatable and passed over. For example on page 4-19 the tremendous concern of those living in karst areas is explained away. The section concludes: "Given the pipeline would be monitored during operation and the likelihood of a gas release is low, we conclude that the probability for methane to impact karst features and associated groundwater to be low." However, this statement does not take into consideration the likelihood that monitoring will be sporadic at best without fiber based internet service. It also ignores the extensive scientific information provided to the record by recognized experts in karst and mountainous terrain.

Several small but very unusual earthquakes in Buckingham County within the last month have raised concerns about the potential impact of seismic activity on pipeline infrastructure, especially the compressor station, and the resulting negative impact on the community. It does not appear that the company has taken any of the risks seriously. It assumes it can luckily escape or avoid problems and makes no promises for mitigation or for regularly providing the community with scientific monitoring data to prove the safety it claims.

Water

In Buckingham County most residents are dependent upon private wells for water for themselves and their livestock. Farmers have invested in wells and waterers to keep livestock out of streams and ponds. There is much concern that the pipeline will damage water sources and wells. On page 4-83 the report states "If damage claims occur, Atlantic and DTI have committed to providing a temporary potable water source, and/ or a new water treatment system or well." Landowners in other locations have experienced long waits and expensive legal battles to enforce the responsibilities of energy companies when their water supply has been damaged. We are concerned that we will have difficulty getting the company to take responsibility and fix the problem if one occurs. Quality of water and quantity of supply of water are critical to our lives and to our business and not things we want to risk damaging.

Property Value and Insurance

On page 4-404 the economic impact study by Phillips et al. (2016) is summarily dismissed after its sources are described as only anecdotal and not backed up by data. This study conservatively projects anticipated costs and benefits. Its sources are documented. In comparison, the Churma study (4-407) assumes no negative costs and provides no sources. It assumes growth of industrial jobs that are not in areas of our economy that are likely to grow and expands direct, indirect, and induced benefits that are not balanced by the accompanying costs. The ICF study (4-408) even claims that households will experience lower energy costs, ignoring the typical pattern of natural gas prices and the potential impact of sales of natural gas to markets with substantially higher costs than in the US.

While dismissing the findings of the Phillips et al (2016) study as lacking statistical rigor, the property value studies presented compare apples with oranges. Most were published a decade or more ago and

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data used were from a totally different pipeline environment, before large high pressure lines were widely used. They claim (4-405) the pipeline diameter had no significant impact on property value but base this on a study conducted in 2001. Farm land changes ownership very rarely, which makes obtaining sufficient data to make statistically supported conclusions even more difficult to obtain. It is not reasonable to compare farm and forest land with residential land only. The studies presented addressed situations where the pipelines were smaller and under far less pressure. These conclusions are not valid for the current situation.

While our local Farm Bureau Insurance Agent told me that his company will not increase insurance costs when pipelines are put on property, landowners in other communities that have pipelines have shared examples of difficulty obtaining insurance and mortgages for land with pipeline infrastructure. Again, decisions that were made for smaller, lower pressure pipelines are likely to be different than those made for larger, high pressure pipelines. Actuaries will consider the thinner pipe, cut off valves controlled by undependable wireless internet and spread 20 miles apart, and less frequent inspections in rural areas before committing their companies to insuring this risk.

The DEIS indicates that local safety plans will be developed and public safety officials will be trained to deal with the proposed pipeline infrastructure, but no details are provided. Currently other communities are in the situation where pipelines are about to be put into service with no local safety plan developed and no local training conducted. Like the Special Use Permit for the compressor station allows ACP long windows to report negative information about the infrastructure and provides no enforcement mechanism for local government, there is no way to enforce provision of adequate local safety. Will landowners in the Blast or Evacuation Zone finally be notified of that fact when these plans are implemented? Is that why companies put off providing them until the infrastructure is irrevocably in place?

Logically, who would select property in a pipeline blast zone or near an extremely large compressor station when there is plenty of property available without these risks? Owners of a property in Buckingham that has an easement for the pipeline attempted to sell it at auction in early 2017 but were not successful. It will be years before we have the definitive answer about the impact of the pipeline on property value, but to date, experiences have been that potential buyers are unwilling to even consider property that might have to host a pipeline.

Methane

While the major emphasis has been on the impact of carbon on the environment, in 2013 the IPCC report noted that methane is very potent, warming the atmosphere 86 times more than CO₂ over a 20 year period. The Obama Administration approved a rule requiring that methane be measured and reported. However, the Trump Administration has already removed that rule. That means that communities and affected landowners will not be able to document the impact of this dangerous colorless, odorless, and tasteless gas. We will not be able to escape it because we will not even know when it is present. In the future, this may change, but for now, this is a frightening prospect.

4. Impact on Landowners

Environmental/ Economic Justice

The DEIS concludes: "Although the racial and economic composition of some counties and census tracts that would be crossed by the projects have racial, ethnic, and economic deviations from state-level and county-level statistics, there is no evidence that ACP or SHP would cause a disproportionate share of high and adverse environmental or socioeconomic impacts on any racial, ethnic or socioeconomic group." (p. 44-413). However, the data presented in Appendix U, Racial, ethnic, and poverty statistics for census tracts within 1 mile of the Atlantic Coast Pipeline and Supply Header Project, does not support this conclusion. Further, the location of the Buckingham compressor station is clearly unfair from an environmental/ economic justice perspective.

The only compressor station in Virginia will be built on land purchased from out-of-town descendants of white plantation owners for \$37,000 per acre. It will be surrounded by a population that is 90% African American, where most owners are direct descendants of the original freed slave owners. The majority are elderly and most have health problems that will be made worse by the pollution from the compressor station. The population immediately around the compressor station is sufficient to require class 3 standards if it were considered alone. However, it will be considered class 1, which has the lowest safety standards, and these residents will not receive any compensation for the loss of value of their property because of the compressor station. Already some have discovered that their property is not saleable. The DEIS does not even list this community as a cultural/historical site, further disrespecting Union Hill. There is no way to ignore that the location of this compressor station is unfair to a largely minority, low income, and elderly population.

Statewide percentages for population below the poverty level along the ACP are 18.1%-West Virginia, 11.5%-Virginia, and 17.6%-North Carolina. Ten of eighteen (55.5%) tracts that will contain above ground facilities have higher populations with income below the poverty level than the state. The percent of the population below the poverty level in these tracts by state are West Virginia: 22%, 16.1%; Virginia: 28.9%, 26.6%, 18.4%, 21.5%; North Carolina: 18.3%, 32.3% 32.3%). Eleven of thirteen (84.6%) of contractor yards are in tracts with higher minority poverty than the poverty rate in the respective state. Surely, the fact that such a large portion of the above ground permanent and temporary facilities are located in tracts with higher than state average percentages of poverty, points to an environmental/ economic justice problem.

Data related to the portion of the affected population that is elderly is not presented and there is no apparent consideration of the health issues faced by those living within 1 mile of the infrastructure. However, research conducted by Lakshmi Fjord (2017) in Buckingham documented the fact that affected citizens are older than the population of the state. Further, these citizens already have significant health challenges. The real estate located within the Blast Zone of the ACP is the largest asset of most of these citizens but they will not be adequately compensated for the loss of property value if they are compensated at all. Given this information, it is clear that the path of the ACP disproportionately affects disadvantaged communities.

Likewise, Buckingham County failed to uphold its own zoning and long term plan when it approved the Special Use Permit for the compressor station in an area that is zoned for agricultural, not industrial use.

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The citizens of Union Hill deserve to be able to depend upon the County's stated and jointly accepted Land Use Plan. Businesses ask for

Since the DEIS claims there is no economic justice issue, there is no proposed mitigation. However, as Fjord (2017) reports, the financial loss to these citizens is of less concern than the cultural and historical loss. The value of the land around the compressor station and of other land crossed by the pipeline is greater than the value portrayed in property tax or property sales numbers. While there is no dollar value attached to cultural and historical significance, it is extremely important to landowners and communities.

Cultural and Historical Impact

The DEIS claims that there will be no cultural or historical impact of the pipeline in Buckingham County. However, it ignores the information provided by multiple commenters related to the cultural and historical damage that will occur, especially in the Union Hill area. The Compressor Station is planned in the middle of a former plantation. ACP purchased the central part of the plantation from nonresident white owners. The direct descendants of the original freed slaves own that historic land and 90% of the Union Hill population is African American. There are two historic African American churches and unknown numbers of graves in the area. The community is in the process of being recognized as an historic site. All of this information is missing from the DEIS.

Other landowners are concerned about the risk of the pipeline to their homes and buildings that are hundreds of years old and historically significant with few alternations to their original architecture. This property has meaning to its owners that is linked to their identity. Ample research documents this phenomenon but is ignored in the DEIS. Property that has been passed down for generations has much deeper meaning and landowners relate to it in much deeper ways than occurs when property is purchased and disposed of without forming a cultural attachment. Those who do not have such attachment to property have difficulty understanding the meaning and may dismiss its importance. However, for many affected by the ACP, cultural and historical attachment is real and concerns are genuine. The DEIS simply dismisses the issue as nonexistent.

Yogaville

Yogaville was founded with the intention of providing a peaceful, beautiful community. It has a lot invested in terms of dollars and years. The DEIS inaccurately describes the distance that the pipeline will be from Yogaville facilities (p. 4-419). It will be in sight of the community school. Yogaville residents are among the citizens who place value on undisturbed forest and other lands so the visual disruption of permanently removing trees from the hillsides and mountains is of much concern. They are also greatly concerned about the negative health effects of the methane and other ways that the environment may be polluted. The DEIS unfairly dismisses the concerns of Yogaville residents and supporters from all over the globe.

Stress of the Process

The process of building a natural gas pipeline allows land agents to approach landowners while the design and approval processes are underway and while many decisions are yet unmade. Most landowners are not experienced with land transactions. Many are vulnerable to the pressure and tactics of land agents, especially those in rural areas who live in one place for years and who may be elderly. It

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is not widely understood that the company does not have the right of eminent domain until the project is certified by FERC and land agents try to take advantage of the situation, threatening eminent domain from the start. Most landowners do not realize that it is typical for pipeline applicants to use the number of landowners who accept easement agreements and/or allow surveys of their property as evidence that affected landowners support the project. They are told that their agreement to the easement before certification is not considered to be support of the pipeline but that their agreement is needed to expedite the inevitable process. They are left to worry that they will not be able to negotiate movement of the pipeline on their property or other protections if they do not hastily accept an easement.

I have talked with landowners who are extremely upset about the prospect of a pipeline on their property, but who were convinced to accept an easement because they could no longer stand the constant pressure via frequent contacts by land agents who told them immediate action was necessary. One landowner told me that both she and her husband have health issues. She was opposed to accepting an easement but felt she had to because the stress was negatively affecting their health. They needed to get out from under the pressure. Others have said that since Buckingham County's leadership and our Governor support the pipeline they believe that it is inevitable that it will be built and trying to stop it is futile. They have accepted easements because they think they have no choice and doing so allows them to avoid stress. They worry that speaking against the pipeline publicly will result in some sort of retaliation. New rules for public meeting participation and heightened security at local public meetings have made many even more hesitant to stand up for themselves and their property.

Reading the easements that have been filed in Buckingham, Cumberland, and Prince Edward, some landowners have even been convinced to sign easements that give the company permission to replace the land map with the easement without involving the landowner. In other words, they have agreed that the location of the pipeline can be moved and the land agent can replace the drawing filed with the easement without landowner participation. Many owners are elderly. It appears that in addition to only offering landowners a negligible one-time payment for what could be 50 or more years of living with the high pressure pipeline, land agents have taken advantage of landowners and stressed them. It should not be assumed that all landowners who accepted easements support the pipeline. Many do not.

Impact on Mt. Rush Farm

The ACP is proposed to bisect the farm business my family has operated for over a century. It is proposed to traverse our primary pastures, hayfields and cropland, requiring us to cross the pipeline multiple times each day as we conduct our business. Almost every building on the 1,000 acre property would be within the Blast Zone, only four miles after the compressor station. This includes the 1804 farmhouse that is largely unaltered, related out buildings, and the primary barns and equipment sheds used by the business. I was raised to understand that this property is not a resource for me to use and dispose of but a resource to take care of and pass to the next generation in as good or better condition than it was in when I got the responsibility. My husband and I have made considerable sacrifices to meet this responsibility. This is not property that I can just sell and leave without a thought. If I cannot meet my obligations and must sell, for the rest of my life I will bear the burden of not having taken care of my heritage as I promised. I will also bear the burden of loss of my heritage and culture.

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The applicant denied our request to move the pipeline to the far edge of our property where it would have the least impact on our business and our net worth. We will be forced to cross the pipeline multiple times every day and any future uses of our property will be constrained by the presence of the pipeline. We also bear the risk of decisions being made in the future that further reduce our ability to cross the pipeline and to use our land near the pipeline in other ways. The minimum 50 year anticipated life of the pipeline makes it difficult for us to know what we will need and our only opportunity to obtain consideration from the pipeline company occurs before it is built. This is set up so that landowners, especially those who object to the pipeline, have no way to protect ourselves once the company decides it will "use" our land.

The stress of living within the Blast Zone, with gas at the highest level of pressure, thin pipe walls, the closest cut off valve nearly 20 miles away, with the infrastructure monitored hundreds of miles away using extremely undependable wireless technology, etc., is likely to make us have to abandon our plans to retire there, giving up our heritage, culture and largest asset. With minimal oversight, the applicant will be allowed to set risk levels that provide it with the highest earnings, ignoring our concerns about health and safety, and it will not be required to fully compensate us for our losses or to share the on-going financial benefit it will gain from "use" of our property. We have no way to force the company to meet reasonable safety standards, to prove that they are meeting any standards, or even to ultimately return our property to the condition in which they found it.

Because this is considered an area of low concern due to the low human population, the thinnest pipe is allowed and the automatic cut-off valves will be up to 20 miles apart. Inspections are conducted less frequently in rural areas. Only 10% of the critical welds on the pipe are required to be hydrostatically tested. In general, although the pressure in the pipes will be at the highest level when the gas passes through our property, we are not granted the same safety precautions or the same level of safety protection as people living in more populated areas. While standard procedure is to place more compressor stations along the pipeline, roughly every 40 miles, we are forced to live in the shadow of one of the largest compressor stations in the system. Since we will be only four miles from the point where the ACP and Transco lines will cross, we will be in the cross hairs of terrorist activity. We are sacrificed so the company and the government can save money. Not only do we not share the benefits of this infrastructure, but the options available for our use of our land will be permanently limited and overshadowed by the presence of the pipeline.

While the original plans showed that the entire pipeline would be monitored with fiber broadband, the best available technology, the applicant now plans to monitor using wireless technology that is notoriously undependable and poorly supported through this rural area. Further, we are concerned that although it is widely acknowledged that high levels of methane escape pipeline infrastructure, the Trump Administration has removed the requirement that pipeline operators measure and report these emissions. Further, efforts are underway to reduce the staff of the Environmental Protection Agency by a third or more, removing critical oversight of water, air, and land. Virginia has also limited staffing in the state environmental agency and there is heavy political pressure on that agency to allow this industry to be largely deregulated and not encumbered by expensive regulation.

At the end of the Buckingham Planning Commission Public Hearing for the communications tower at the compressor station on March 27, 2017 ACP representative Emmett Toms informed those present that fiber broadband had been removed from the project in response to directions from both the federal and

state (State Corporation Commission) regulators. They were responding to complaints by AT&T and other telecommunication companies. We cannot find documentation of those regulatory directions and the applicant indicated that it will not be possible to provide it prior to the end of the DEIS Comment Period.

We believe that there is no prohibition for the company to use fiber broadband but that the prohibition is against their selling access to citizens. We do not believe that companies that refuse to provide us with "real" broadband service should not have the ability to keep us from accessing it from another provider. In fact, it would be reasonable to provide fiber broadband to households crossed by the ACP as an on-going way to compensate us in some manner for the daily risks we will face. However, we are not insisting upon access to fiber broadband. We are insisting that fiber broadband be used to monitor this infrastructure since it provides the most dependable communications available today. It is critical that dependable communications service be used to monitor the pipeline 24 hours a day, 7 days a week, with no holidays. We are unwilling to accept monitoring by wireless broadband, which we know from daily experience is absolutely not dependable.

Since we do not desire to host this infrastructure, anticipate minimal one-time compensation that will pay the property taxes on the land used by the pipeline for the years that it is in service if we are lucky, and the pipeline will expose us to daily risk from infrastructure over which we have no influence, it seems that at the very least we should get the best safety available. Fiber broadband, as originally planned, must be used to monitor the pipeline. It is significantly more dependable than wireless technology. Since our property is so close to the compressor station and the odorless, colorless, and tasteless gas will be under the highest pressure when it crosses our property, the thickest pipe should be required and automatic cutoff valves should be placed every three miles. We deserve at least the same level of safety as those who live in more populated areas. We are willing to permanently give up more trees to attempt to get the majority of our buildings out of the Blast Zone. Our request to move the pipeline to our farthest eastern property line so that it does not interfere with our activities on a daily basis and the majority of our buildings are no longer in the Blast Zone should be granted.

Pipeline Operation and Maintenance

Section 2.6 of the DEIS addresses facility operation and maintenance. Only broad generalizations with few specifics are provided. For example, in Section 2.6.1, it says that there will be "regular patrols of the pipeline right-of-way.....periodic aerial and ground patrols." The DEIS also says that the cathodic protection will be "inspected periodically." Further, pigs will be regularly sent through the pipeline. There are no definitions of regular or periodic, no requirements for publicly sharing the outcomes of such patrols, and no means for landowners to get anything done or investigated. While the DEIS claims that "detailed" records will be kept, there is no indication of the thresholds that will require specific action and what that action might entail.

Vegetation maintenance will not be done more frequently than every three years. This standard is set without regard for weather or other conditions. No procedure is provided to allow landowners to request additional attention to vegetation. If invasive plants appear, they may be allowed to reproduce for three years before the company attempts to control them.

The information provided in Section 2.6.2 is likewise very general and contains no means of documenting for the landowner/community that the facilities are operating properly, what standards

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are met, how much colorless, odorless, tasteless methane is escaping, or any other information that would verify safety. The section requires "threshold and alarm values set such that warnings are provided to operators if critical parameters are exceeded." However, the points for those settings, the range of acceptable readings, etc. are not specified.

Future Plans and Abandonment

It appears that ACP will have a one-time right to request an increase in contracted capacity up to 500,000 Dth/d (Section 2.7) without FERC approval and apparently, without notification of the community. Apparently, all that will be required will be installation of additional compression. Since the horsepower of the Buckingham Compressor Station has increased at least three times during the planning process, it is frightening to recognize that additional compression may be added without notice. There is even a second expansion opportunity. It is not clear what notice would be provided to landowners/ communities. The process does not allow negotiation that would result in the company providing anything to the landowners/ communities in exchange for bearing the additional risk.

The DEIS does not address the situation that would occur if the infrastructure ownership should change. Landowners/ communities will have no opportunity to weigh in about their concerns related to ownership change, even if the new owner is from a country that is not friendly to the United States. In fact, if a large accident occurs, it will be possible for the ACP, LLC to simply declare bankruptcy to get rid of the obligation to pay for an expensive disaster. There should be requirements for companies to somehow, such as through insurance or posting a bond, set aside funds to reimburse landowners/ communities if disaster occurs.

The public could comment if the facilities were abandoned but it is not clear whether we can influence the decisions made. If the pipeline is abandoned, the prospect of unattended pipes falling in and thus creating dangerous holes that animals and humans might step in or equipment might get caught in is a major concern. If the facilities are abandoned, they should be removed and the land should be returned to the condition it was in before the pipeline was installed. Landowners should not be left with dangerous, deteriorating infrastructure. Since the US is likely to overbuild pipeline infrastructure, the possibility that some pipelines will not be profitable and will be abandoned is real. An enforceable, funded plan for abandonment is needed prior to approving a certificate for pipeline infrastructure.

Summary

In summary,

1. The pipeline is not needed and it will not be needed in the foreseeable future. In fact, it is likely that pipeline infrastructure is being overbuilt at this time. Simply applying existing FERC rules to the information presented in the DEIS and fairly incorporating the information provided by numerous commenters makes it clear that the certificate should not be awarded.

Further, it is inappropriate to grant the power of eminent domain for this project. The company that will own and operate this infrastructure is not a load serving utility. It is an LLC that shields the load serving entities involved in this project from any potential losses. It is unfair to allow the company to pick and choose when it is considered a load serving utility and when it is not. In addition, few landowners whose land will be used for this infrastructure will benefit from it.

They will not have an opportunity to use the gas. They will not get lower electricity costs because of this infrastructure. However, they will shoulder the loss of autonomy over their own property, limitations in use of their own property, continue to pay property taxes on the property even though its use is limited, be exposed to the risk of an accident, and to the risk of a liability claim from either the company or the public.

When fairly weighing the costs to landowners and communities with the potential benefit of the infrastructure, it is clear that the costs outweigh the benefits. Benefits are excessively exaggerated and costs are mostly ignored in the DEIS but sufficient credible evidence that refutes that information has been presented. According to FERC rules, it is not possible to award the certificate based on public need.

2. Existing Ratepayers will see their rates increase if this infrastructure is approved. They will be forced to use this more expensive gas transmission and will possibly face higher market prices for gas when excess gas is sold in the international marketplace. Ratepayers will also experience higher rates because they will be tied to fossil fuels for a period of time that greatly exceeds the anticipated usefulness of fossil fuels. Even those who believe natural gas is a bridge fuel do not believe it will be needed for the 50 or so year lifetime of this infrastructure. Ratepayers also could have to pay the company for stranded costs if the infrastructure is not used for its entire useful life.

Given evolving public opinion, ratepayers might even face financial obligations to landowners and communities harmed by the infrastructure and not compensated by the company. This could occur indirectly if taxpayers are forced to foot the bill after the ACP LLC declares bankruptcy.

3. Although the DEIS dismisses the environmental impacts as temporary and concludes that the benefits outweigh the costs of this infrastructure, numerous commenters have submitted detailed evidence that is well documented and scientifically rigorous which rebuts this conclusion. The DEIS contains too many inaccuracies and too much information is missing to make it acceptable as a completed product. Any decision to approve the certificate based on this woefully inadequate analysis will not have a defensible foundation.
4. Negative landowner impacts far outweigh the potential benefits of building and operating the Atlantic Coast Pipeline. In Virginia, the gas provided by the ACP would be a redundant supply and expectations of the pipeline resulting in creation of many new jobs have no basis. If pipeline infrastructure led to new jobs, Buckingham County should have been inundated with them for the last five decades since the Transco facilities are available. No credible case has been even attempted to be made to explain why the ACP will be able to bring about job growth that Transco has not brought in the last 50 years. So far, there is no glimmer of hope that there will ever be sufficient demand for natural gas in Buckingham to make investment in a distribution system worthwhile. The people of Union Hill are being taken advantage of and their history will be erased by the compressor station.

Personally, I continue to struggle with how my family business that we have nurtured for over a century can be invaded by another for-profit business. ACP wants to bisect our property, putting almost all of our buildings within the Blast Zone, requiring us to cross the pipeline multiple times every day for a pittance of a one-time payment. It is not willing to invest in the best safety available, sacrificing us and our property as not valuable enough to warrant its investment in the safest infrastructure and monitoring system available today. It ignores the historical value of our 1804 farmhouse and assorted original outbuildings and the cultural value we place on this property. It does not propose to share any annual income from this project with us, refuses to even put the pipeline along our farthest eastern boundary instead of in the middle of our property, threatens us with eminent domain, has taken thousands of hours of our time and energy to attempt to protect our property and heritage, and expects us to accept whatever safety and environmental risks it sets for us. Our government is also failing us by allowing this to occur with a process that does not allow us a fair opportunity to protect ourselves and our property, and by not providing us with the best safety and environmental protection available today. This is not what I expect in a democracy or a fair competitive marketplace. Our value to society is equal to that of citizens who live in populated areas. If another business is going to be allowed to effectively take over our property and direct its primary use for the next 50 or so years, why do US citizens work so hard to obtain property and build businesses?

Document Content(s)

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