

The Recorder

IN THE COMMUNITY, ABOUT THE COMMUNITY, SINCE 1877.

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Feds need a summer mountain day



It was the last day of school. Highland High School students celebrated with a lazy day at Bolar springs pool, kicking off summer with a picnic and a swim. It's a ritual of childhood around here. It's a part of our culture. Generations have enjoyed the historic pools for hundreds of years. Its long line of property owners have been kind to share the place.

But maybe this is the last summer that spring will fill the pool. Maybe the living here won't be so easy anymore.

If Dominion Energy gets a permit to construct its proposed Atlantic Coast Pipeline, which would cross the Jackson River and karst mountain terrain near Bolar, the pools and the springs that feed it could be disturbed permanently.

The director of Virginia's Department of Environmental Quality learned that much and more when he visited the area a couple of weeks ago. Residents took David Paylor to see the high volume spring gushing from a limestone cavity that feeds the pool, where hydrologist Bill Jones explained the source of the water is unknown. Pipeline engineers cannot know the location of underground streams the project's excavation would disturb, Jones told him.



And that's not the only thing people don't seem to know about this project.

Neither DEQ nor the Army Corps of Engineers' Steve Gibson had information about how ACP plans to cross the Jackson River, only that there would be "flexibility."

"I've presented that question a few times and there's going to be flexibility through the (Federal Energy Regulatory Commission) process, as well as working with the environmental inspectors," said Gibson. "Depending on the stage of flow and everything within the Jackson River, no one's committed to exactly how it's going to be crossed. They want to do it in the least environmentally damaging way possible, as far as getting across the stream channel. It's still being outlined, exactly how it's going to be done."

*Summertime, and the livin' is easy
Fish are jumpin' and the cotton is high
Oh, your daddy's rich and your ma is good-lookin'
So hush, little baby, don't you cry
One of these mornings you're gonna rise up singing
And you'll spread your wings and you'll take to the sky
But till that morning, there ain't nothin' can harm you
With daddy and mammy standin' by
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— Ella Fitzgerald, 1958

And yet, the project pushes forward, with a final decision pending this fall.

Caving and karst expert Rick Lambert told him Dominion has a poor record of erosion control compliance with much smaller pipeline projects. Gibson said he had not reviewed Dominion's erosion control compliance record.

And yet, the Army Corps somehow feels prepared to review the project.

Paylor tried to assure the group that previous misinformation the agency doled out was just an internal miscommunication. DEQ would, in fact, look at "every stream crossing, or every

stream,” he said. “It would be legal for us to simply defer to the Corps nationwide permit and walk away and say we’re done. We have chosen not to do that because we are concerned about things like karst, things like landslides, things like water supply, things like dust control, that we are able to manage under our individual certification.”

But few are prepared to trust him.

His agency set up hearings on permitting issues before all the information has been gathered, and before Dominion’s application for permits have been completed.

“We’ve made some information demands of them (Dominion) a couple weeks ago of what we need to know. I don’t know if we’ve received all of those data yet. If we don’t have all of the data that we need, in the time that we need it, then the timing of those hearings will have to change,” Paylor said.

Yet, the agency’s actions, in scheduling hearings before it has all the information, suggest DEQ is enamored of Dominion, and prepared to approve whatever the company needs. And quickly.

Recently, our U.S. senators at least provided evidence they understand how overwhelmingly unfair this process is on the federal level. Sen. Mark Warner and Sen. Tim Kaine introduced a bill aimed at reforming FERC and amending the Natural Gas Act, to give the average citizen a better chance to be heard. Such changes would limit the use of eminent domain, require environmental impact statements that cover region-wide projects together; require supplemental statements when new information surfaces; and more.

“Many oppose these projects — some support them — but from listening to all sides, what is clear to me either way is that FERC’s public input process needs improvement,” Kaine said. “Having 90 days to read and comment on 2,000 pages while a dozen other 400-page supplements are trickling out is not public input,” he said.

No doubt the deck is currently stacked against citizens in the regulatory process. We have watched our own residents for more than two years bury themselves in research just to understand the jargon, and figure out how the project would affect them, only to discover their input isn’t reaching the federal or state regulators who only seem to ask for it because they have to.

And yet, such legislation isn’t likely to be passed by a U.S. Congress that seems hell-bent on making this project and others their top priorities for support.

Folks living in Little Valley have repeatedly explained that if that pipeline explodes in their neck of the woods, they will be trapped. The couple at historic Wilderness farm have repeatedly asked FERC to make Dominion move the access road and pipeline off their driveway and away from their home. Bath residents have repeatedly requested more information and good maps to explain where all the access roads will go. Valley Center landowners have repeatedly pointed out moving the route a bit would avoid the springs they rely on for home and farms. Heck, even the

U.S. Forest Service — another federal agency — has requested tons of data and plans Dominion has yet to provide.

And yet, FERC has taken no action to require Dominion to address these issues.

The pipeline permitting process is a sham, and it's nice to see our senators recognize that, and try to fix it. But the larger political intent to pass such legislation is long gone, lost to a body politic that favors big money and big industry over the human lives they put in physical and financial danger, especially in rural communities. The game is rigged. The house always wins.

That said, the enormous and unrelenting pressure that citizens and grassroots groups in this region have brought to bear has gotten attention. That the Jackson and Cowpasture River preservation associations managed to get Paylor here was remarkable in and of itself. Paylor needed to get his own boots on this ground and see for himself what kind of terrain and precious resources here are at risk. Paylor said the visit was helpful — he now has more questions to ask. The associations followed up — they have more questions for the DEQ as well.

We've said for months that the commissioners at FERC and their experts need to visit, too. Those charged with making the final decision on Dominion's project should be required to see, in person, what this landscape looks like, before they put an entire region's economic and environmental future in jeopardy. The commissioners may have an expert staff they trust, but the reality is, they are highly dependent on information provided by developers like Dominion to provide the data and arguments they need to render a vote. Given FERC's record for approving nearly every pipeline application submitted, we suspect the figureheads at the top are just that, and they're predisposed to granting these permits like some disconnected, insulated group who never have to actually talk to the people whose lives they'll change forever, or see the natural beauty their decisions will destroy.

We hope the river associations can get those commissioners here. Three new ones are expected to be appointed next month — boy, have they got a lot to catch up on.

And while we're at it, Congressman Bob Goodlatte needs to visit, too. He is widely supported in Bath and Highland, and we know his constituents here have reached out to him plenty, but have gotten little in the way of response. If Goodlatte cares about the people he represents, especially those of us here without many financial resources to fight this proposal or stock his political war chest, then he'll come walk the pipeline route, too, and use whatever influence he's got to protect us.

Let's get them all here for a nice hike in our outstanding mountain vistas, before there are no more such places left in Virginia to enjoy. Maybe, just maybe, they'll see the value in preserving a small pocket of this world over supporting an unnecessary pipeline that will become obsolete before you can shake a walking stick.