

# The Recorder

IN THE COMMUNITY, ABOUT THE COMMUNITY, SINCE 1877.

2017-03-30 / Top News

## VA Outdoors Foundation says its power is limited

By Anne Adams • Staff Writer

MONTEREY — A couple of weeks ago, those holding Virginia Outdoors Foundation easements affected by the Atlantic Coast Pipeline received a letter from VOF board chair Stephanie Ridder.

Robert and Roberta Koontz, who have two easements across their farm, The Wilderness, said they were not impressed with Ridder's explanation of the foundation's position on converting their easements to make way for the proposed pipeline.

The March 7 letter they received explained that while the couple may have received letters from the Piedmont Environmental Council, Valley Conservation Council, and Shenandoah Valley Network "asking you to support the Virginia Outdoors Foundation" on the issue related to the ACP, Ridder said it was important for landowners to hear directly from the foundation.

Dominion Resources, the primary contractor for the ACP, has submitted applications to convert 10 conservation easements held by the VOF to make way for the pipeline and its right of way, in exchange for putting Hayfields Farm in McDowell under easement.

"We appreciate the desire of these organizations to support us in what has been a time-consuming and challenging three-year process," Ridder wrote.

She explained that VOF, learning about the proposed pipeline in 2014, immediately took steps to communicate with Dominion, and the state and federal agencies involved.

"Our message was clear: Do everything possible to avoid VOF easements," she explained. "We were pleased when the initial route did just that. Unfortunately, in 2016, concerns raised by the U.S. Forest Service forced the route to be revised, and it is now proposed to pass through a total of 10 VOF easements in four counties — Augusta, Bath, Highland, and Nelson."

VOF told Dominion and the Federal Energy Regulatory Commission that putting a 42-inch industrial pipeline through those easements would be "inconsistent with their conservation values to be protected in perpetuity."

Ridder explained, “Because the pipeline is a public works project, Dominion has applied for ‘conversion of open space’ under section 1704 of the Virginia Open Space Land Act.” While that conversion process has been used numerous times for roads, rail lines and utilities, it has never been used for a federal interstate project, Ridder said. “Nonetheless, as a legal process, it does provide a path for public works projects to move forward without the use of eminent domain, while also protecting the public’s investment in the conservation values being affected.”

Further, she noted, unlike previous cases involving the conversion process, “ACP’s proposal would not ‘extinguish’ the VOF easements.” She said they would remain in place and protect the properties against subdivision, building, mining, and other provisions contained in their deeds. “The developers propose to place an additional right of way easement on the properties to permit the construction, operation and maintenance of the pipeline. VOF would restrict the right of way easement to 50 feet, and prohibit above-ground structures,” Ridder wrote.

“We have been very clear that the 1704 process is not a guaranteed path for any developer.” Dominion presented its applications to the VOF board Feb. 9, at which nearly four dozen speakers addressed the issue; most were staunchly opposed to allowing the applications to be approved.

“Although the scope of this project is novel (i.e., interstate transmission) for VOF, the process is not,” Ridder continued. “We have gone through this process many times, and I have full confidence in the ability of both our staff and board to ensure that the public’s interests are protected to the greatest degree possible.”

She added, “We are concerned about rumors that VOF, by even considering Dominion’s 1704 applications, is somehow betraying the trust that the public has placed in VOF to hold and protect open space.” Ridder stressed the VOF takes its responsibilities “very seriously.”

“The Open Space Land Act is the strongest in the nation, but the law is clear that there may be instances where land may be utilized for essential public projects. Because FERC has the ultimate authority in determining the necessity and siting of interstate pipelines, VOF’s own power is limited.”