

Comments by Lakshmi Fjord, working with Union Hill Historic Preservation and Environmental Justice partners re:

**Atlantic Coast Pipeline and Supply Header Project Draft
Environmental Impact Statement**

**Atlantic Coast Pipeline, LLC Dominion Transmission Inc.
Docket Nos: CP15-554-000, CP15-554-001, and CP15-555-000 FERC/EIS-0274D**

General Comments:

1. NEPA principles for environmental justice analyses are absent in FERC/EIS-0274D review of the community of Union Hill, Buckingham County, Virginia as proposed site for the Virginia Atlantic Coast Pipeline (ACP) compressor station.

Environmental Justice Review Evidence That Should Be Found in FERC/EIS-0274D:

Executive Order 12898 includes “six principles for environmental justice analyses to determine any disproportionately high and adverse human health or environmental effects to low-income, minority, and tribal populations.” As a federal agency, under the National Environmental Policy Act (NEPA), FERC “must consider environmental justice in their activities.” EIS reviews are specifically cited as among these activities, during which agencies must:

- Consider the composition of the affected area to determine whether low-income, minority or tribal populations are present and whether there may be disproportionately high and adverse human health or environmental effects on these populations.
- Consider relevant public health and industry data concerning the potential for multiple exposures or cumulative exposure to human health or environmental hazards in the affected population, as well as historical patterns of exposure to environmental hazards
- Recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the proposed action.

The Clean Air Act 309 developed guidance for EPA reviewers commenting on other Federal agencies’ NEPA documents to help ensure that environmental effects on minority and low-income communities have been fully analyzed. These include key steps in the NEPA process, including EISs where analyses of environmental justice concerns should be incorporated.

(<https://www.epa.gov/environmentaljustice/environmental-justice-and-national-environmental-policy-act>, accessed April 5, 2017).

Why Exclusion of Environmental Justice Reviews for Union Hill from FERC/EIS-027 matters:

Inclusionary environmental justice reviews aim “to ensure that all people equally receive the same degree of protection from environmental and health hazards, and equal access to the decision-making process to have a healthy environment in which to live, learn, and work”

(<https://www.epa.gov/environmentaljustice>).

Unhealthy Societies: The Afflictions of Inequality (Wilkinson 1996)¹ describes a well-documented pattern, in which equal protections for all people within a society (whether at the nation or community level) lead to far better health among all members of that society, rich and poor alike; and, its inverse – the greater the inequalities between rich and poor, the poorer health experienced by all. This public health understanding is why NEPA was instituted for the benefit of all. How does this apply to ACP LLC’s decision to locate their large Virginia compressor station in a predominantly African American, low-income, historic Freedmen community, within a county where most jobs are from resource extraction (kyanite mine, slate quarry, clear-cut forestry) and 2 prisons?

As African Americans living in a county where racial inequality and retaliation have been facts of life for over 300 years, where many of their ancestors were enslaved, the community of Union Hill’s lack of access to political decision-making makes them vulnerable to Dominion Power’s corporate profit-making plans. Where else along the 400-mile stretch of proposed pipeline that ACP proposes this compressor station would propel fracked gas at high pressure would a Virginia county’s elected officials “sacrifice” a quite densely populated rural neighborhood for unsubstantiated promises of large corporate taxes? Promises Dominion made in public relations materials, at public hearings, yet refused to provide evidence for or accounting methods used in calculations?²

Historic and present day forces far beyond their control create anew Union Hill’s vulnerability when Dominion wields its enormous political power to expand into the highly lucrative gas transmission business. This situation is precisely what NEPA means by, “the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the proposed action.” Translation: Union Hill is being targeted for perhaps the largest per capita health impacts, economic losses of existing property values, of existing land uses, for risks of accidental methane venting, fires, and explosions of any place on the proposed ACP without a NEPA review. This site has 6 pipelines that would intersect underground in this neighborhood where residences surround the site on all sides: where the existing 4-pipeline Transco Corridor would meet the proposed 2-pipeline ACP.

The people of Union Hill immediately came to an understanding of the principles of NEPA without instruction as a matter of common sense. In their public hearing comments during the special use permit process for Dominion’s application for exemption for this large, toxic emitting facility in an A1 Agriculture District, they reminded their county elected officials that *all* people who live or work in Buckingham will be unequally protected from toxic emissions related to a huge compressor station, if built. Winds blow, water flows, and plants or cattle raised on nearby soil would convey widely the fruits of Union’s Hill’s lack of federal, state, and local environmental justice protections. The environment doesn’t segregate.

Despite 91 opposing public comments vs. 4 in favor, the Buckingham Board of Supervisors unanimously passed the special use permit requested by Dominion Power, with the abstentions of one who is a Dominion employee for 38 years and one who received a large easement payment. Both did not recuse themselves during the 4.5-month long permit hearing process.

2. What do absences of NEPA review analyses in the FERC DEIS pages represent socially and historically for equal protections? And how, through these absences, does FERC allow

¹ Wilkinson, Richard. 1996. *Unhealthy Societies: The Afflictions of Inequality*. London and New York: Routledge.

² See Appendix A: ACP Tax Discussion, David Harman (2016).

environmental injustice to receive a mandate by the ACP LLC interstate pipeline and compressor station infrastructure application?

In what follows my general comments, by page numbers, I will address how each absence of DEIS review that ought to relate to Union Hill's proposed compressor station is another brick in the structure of inequalities that the ACP application builds. And, by these omissions in the ACP DEIS, FERC becomes complicit in their perpetuation. How may absence build a social structure of systematic discrimination? And, how do erasure and deliberate practices of "making invisibility" create false "histories" that hide shameful pasts and present discriminatory practices?

If readers of all ACP application documents and FERC's ACP DIES were to go by their authors, not only does Union Hill *have no history, cultural resources or even existence as a community*, but Buckingham County is a stand-alone, alien place that has none either, as compared with other ACP-impacted Virginia counties. Charles White, African American historian of Buckingham's Black History, explains why he *had* to become a historian. It was 1976, the U.S. Bicentennial. Despite his entreaties, the Buckingham Historical Society refused to include slave and Freedmen history in planned public events or the book commissioned to commemorate Buckingham's history. This follows a past when, on February 26, 1869, the day the 15th amendment passed in the U.S. Congress giving former slaves the right to vote, Buckingham's Thomas Jefferson-designed courthouse was burned by arson. This destroyed all records of enslavement, wills, slave purchases of their freedom, etc., that might be used by the 2:1 majority former slaves to sue former masters for restitution. Charles White spent 25 years researching Confederate pension documents for former slaves taken as body servants for officers and as requisitioned "chattel slaves" to build defensive earthworks around Richmond. He found Revolutionary War lists with the names of Buckingham Freedmen. He found family diaries and photos. Based on these and dozens of other sources, he self-published, *The Hidden and Forgotten: Contributions of Buckingham Blacks to American History* (1985). Mr. White was not given family permission to read the Bondurant Family Papers in University of Virginia's Special Collections, Box 28 – owners of Variety Shade, a former slave plantation where Dominion Resources purchased 68 acres at a cost of \$37,765 per acre in secrecy. Where, before ACP's compressor station plan, land was valued at \$3,000 per acre. Now, these lands and residences are already devastatingly devalued.

ACP LLC's application to FERC took advantage of those deliberate erasures of African American slave and Freedmen histories by filing **NOT ONE** required Section 106 Historic Preservation Act cultural resource reports for Union Hill or anywhere in the vicinity of the proposed Virginia compressor station. It is as if it were to be built on the moon, for the absence of all historical or present people and their continuous cultural presence in this place. This site where the existing 4-pipeline Transco Corridor would connect underground to the proposed ACP, with 6 pipelines hoped for to transmit fracked gas at highest allowed pressure in all 4 cardinal directions, has no history, apparently. Nor does almost the entire county, although the proposed ACP route spans it from northwest to southeast.

Why is this erasure so unbelievable? Buckingham was part of the original shire formed in colonial Virginia in the early-mid 1600s. Captain John Smith wrote of a Monacan village, Monahassanough, here. In what later became Buckingham, land grants to and residence by some of Virginia and U.S. histories include some of colonial Virginia's most well-known names: Cabell, Pocahontas, Jefferson, Wayles, and Hemmings. Govs. Thomas Jefferson and James Monroe each signed land grants in what became Buckingham in the late 1700s to French

Huguenot refugees fleeing persecution in Europe. They founded the historic plantation complex of which the proposed compressor station site is one. The historic register eligible districts of Wingina and Warminster do not include the fact that historically these encompassed both sides of the James River; where families built residences on both sides and daily used their ferries back and forth. One of these plantations, Yellow Gravel, in Warminster, now part of the Buckingham designated Yogaville Village Center, is the place ACP proposes to cross under the James River. This district was also applied for without inclusion in application documents. And, now has zero cultural resource surveys in either ACP application and is ignored also by the FERC DEIS.

Also omitted is The James River and Kanawha Canal built along the entire stretch of the James River where present Nelson County and present Buckingham County lie on either side. This brought great prosperity to these slave plantation owners in Buckingham, where slaves oversaw family barges to carry their tobacco crops to market. Buckingham is also the site of the Virginia Gold Rush that brought a mass of immigration to the state in the 1700s, and Welsh immigrant miners whose standing plantation house is in the impact zone of the proposed compressor station.

Buckingham shares with Nelson a prior Monacan settlement community past history about which several scholarly careers have been made and publications available to ACP and FERC authors, as well, yet ignored. Finally, for Civil War historians, notably, the week before the morning that Confederate General Robert E. Lee marched to Appomattox and surrendered, he encamped his army in Buckingham. In any other place, all of these histories would be acknowledged parts of the Virginia and U.S. historic record.

In Appendix B to this comment, please find the successful application for Union Hill/Woods Corner Rural Historic District for “Most Endangered Historic Place in Virginia listing by Preservation Virginia on May 3, 2016. In Appendix C to this comment, please find the subsequent focus by Preservation Virginia on the Virginia compressor station district *because of these erasures of history* in a co-authored the letter with Lakshmi Fjord to the Advisory Council on Historic Preservation (ACHP). In it, we notate the complete absence of cultural resource surveys in ACP LLC’s application documents for the compressor station environs with specific details of erased histories. We also notate erasures from ACP LLC’s application of James River cultural resource surveys on the Buckingham side for both Monacan and later colonial habitation and farming uses -- despite extensive analyses and cultural reports for the Nelson side of these communities. The colonists followed Monacan settlement patterns for the James River to be in the center of their communities, not their edges – a pattern erased now by present county lines.

With the ACP route change to within 1000 feet of the historic register eligible Yogaville Historic District, ACP LLC omits other required Section 106 cultural resource surveys, as noted in our ACHP letter. These omissions are for where ACP LLC proposes to cross under the historic James River between present-day Buckingham and Nelson Counties. On the Buckingham side, the ACP route hopes to cross an agriculturally rich floodplain to climb a steep slope to a plateau where once Yellow Gravel Plantation stood, and home-site foundation and family cemetery remain in place. Preservation Virginia and Lakshmi Fjord wrote a PIF (Preliminary Information Form) for the Union Hill/Woods Corner Rural Historic District and submitted to Virginia Department of Historic Preservation in January 2017 for eligibility. We are working closely with with our regional representatives from that department to prepare it for committee review.

FERC DEIS whole-scale erasures are of required cultural historic resources for and environmental impacts on Union Hill and of Yogaville Village Center by building the ACP where it will directly and permanently impact largely forested areas, introduce new highly toxic

emissions in places of current “above normal ambient air quality, in close proximity to wetlands and water crossings. Where, not incidentally, relatively large (by rural standards), densely populated, culturally congruent communities exist in an otherwise largely rural county. Therefore, using broad stroke census data does not capture the actual level per exact site of threat per capita to people living and working in close proximity to a network of pipelines and a compressor station for one, and to the other from an historic river crossing with steep slope rise to within 1000 ft. of historic district buildings. Losses relate to already-vested economic developments and cultural attachments in both communities. No remedies broadly imagined or mentioned in the FERC DEIS -- without any specific details given -- can even minimally protect these people, their lands, and cultural groups if the ACP is built. The ACP offers no benefits to the individuals and communities most impacted by their proposed fracked gas interstate transmission infrastructure plan and future operations as a for private profit only enterprise. US Dept. of Energy and experts in the gas industry who are not employed by fracked gas production and transmission corporations agree that there is no need for the Atlantic Coast Pipeline. These forced sacrifices are not only unfair and unjust, but this rush to build gas and oil transmission lines where enough capacity already exists represents one of the largest land grabs through force and eminent domain by for private profit only enterprise in our nation’s history.

Later in this comment, I will catalogue specific points in the FERC DEIS text where omissions of necessary environmental justice review or omissions of protections create the bricks and mortar of environmental injustice related to the ACP. The outright omissions and vague assurances of trust in the ACP’s capacity to mitigate what cannot be mitigated by such inherently destructive development reads as if FERC were a business partner of the ACP and not Federal reviewers of the true social and environmental impacts of the ACP.

3. FERC’s apologia for ACP’s permanent impacts on the environment and air pollutants’ impacts on people from compressor station operations 24/7/365 is stunningly colonialist in nature.

In FERC’s Conclusion section, P. 5-25, they state without equivocation that “ACP and SHP would temporarily and permanently impact the environment. Long-term impacts were found where the operational easement would be cleared of forest and maintained in a grassy condition, and where compressor stations would emit air pollutants during operation.” As with the entire 500+ pages that precede it, in what then follows, FERC entrusts “Atlantic and DTI” with unspecified “mitigation efforts” and without any evidence comes to the conclusion that, “most impacts would not be significant.” But never answers the question: Why build the ACP at all when the existing Transco Corridor has all the capacity needed for the entire region until 2040?

As if to reassure the reader, FERC explains, “The region of influence for ACP and SHP has been affected by human activities for over 15,000 years, beginning with the original settlement of North America by Native Americans. The indigenous communities were affected by European settlement beginning in the 17th century. Human modifications to the landscape include the imprints of farming and timbering activities.”

Never have such varied histories of land use or their environmental impacts, of whole-scale predatory seizures by force by immigrants, and near-extinctions by immigrant-introduced epidemic diseases, been so breezily flattened and treated as if equal “land use” and “human activities.” This flattening and erasure is of social, emotional, and physical violence when outsiders armed with the latest technological weapons of the time, once guns now campaign contributions, and an ethic based solely on self interest, irredeemably force present inhabitants to give up their sometimes thousands of years old, sometimes 300 years old, sometimes 30 year,

vested interests. Thus, rendering their lives and work valueless, unworthy of equal consideration, protection and participatory engagement.

As one elderly Union Hill resident whose land ACP proposes to seize by eminent domain to get to the compressor station on the other side of the road puts it, “It feels very -- that you feel you have lost some power over your own self. Is it really yours? They're bigger and stronger than we are, so they can just take it if they want it. Again, if it's for the good or the safety of the community, that's a different story. But, for economic reasons that you're not going to be actually directly benefiting from, I feel it's wrong. It's wrong.”

Specific Comments by Lakshmi Fjord linked with FERC DEIS re:

- 1. Absences of Environmental Justice Equal Protections for Union Hill and close environs based on proposed compressor station.**
- 2. Analysis of door-to-door Union Hill household survey to populate this threatened community by demographics, land uses, existing health conditions, and Freedmen family histories.**
- 3. Relation of independent scientific studies of the contents of fracked gas pipelines from fracking production to specific known conditions, many of which are pre-existing conditions among Union Hill’s population, primarily elderly and young children**

In its introductory summary of economic impacts related to socioeconomics 4.9, every one described by the FERC DEIS is positive and none are negative – although many public and organizational comments written to FERC in open comment periods give evidence of profound economic losses instead if the ACP is built. These losses include losses of property values, as is already the case in Union Hill. The only house that has sold in close proximity to the proposed compressor station was immediately put on the market after the ACP compressor station (CS) announcement. It was purchased by a Freedmen descended family for 1/3 the first asking price, as this non-native White Buckingham family fled the CS neighborhood. This reaction is in line with what the town of Minisink, NY reported for even highest quality homes after their very small compressor station became operational and caused widespread nosebleeds in children, respiratory distress, and exacerbation of cancer symptoms in Post-911 former fire fighters disabled by exposures to toxic chemicals.

As many of the most impacted properties are owned by descendants of people enslaved here or nearby, these devaluations represent huge losses of inter-generational wealth passing of heritage lands.

Promises of “new jobs” in Buckingham from the CS construction and operations are fictional. Of the 8 jobs listed in ACP LLC’s special use permit, 7 are part-time jobs where highly skilled operations specialists or managers split will split their time across 15 Dominion Resources’ compressor stations – 18 if the ACP is built. One only is for 1 day-shift, weekdays only. Since this is for an on-site monitoring employee, this brings no new permanent jobs in toto to Buckingham.

In reading ACP LLC’s incorrect or missing key data related to persons, environmental health and economic impacts, Lakshmi Fjord, Ph.D. of Friends of Buckingham designed, oversaw, and preliminarily analyzed data from a still-ongoing door-to-door household survey of people living between 500 ft. and 1.2 miles of the proposed CS in its center. This survey locates population data directly related to Union Hill’s neighborhood density; [rosy projected] economic statements vs. comments by residents on economic losses, including losses of current land use related to agriculture zoning; existing health conditions reported that would be exacerbated by huge increases from current “above normal ambient air quality” – as cited in ACP’s own DEQ air permit application; ages, race, and historic slave and Freedmen history of residents of Union Hill.

FERC Table 4.9.2-1, P.4-387 lists Existing Populations for each county based on census data from 2010 and changes from 2014 adjustments. Buckingham’s when corrected for 1.4

projected losses is cited as 28.2 persons per square mile. The door-to-door more closely exact population numbers for this community present a very different picture of the 99 inhabited or recently vacated residences (by mailbox used) on the three “sides” of the proposed compressor station formed by 3 state roads that encircle it – S. James River Highway (the street address of the proposed CS)/Rt.56; Union Hill Rd/ E. Rt. 663; and, Shelton Store Rd./ Rt. 660. We began the canvassing project in August 2016 to prepare evidence of environmental injustice for the 4-month special use permit process; suspended it from October 2016 – January 2017 after the Board of Supervisors approved this permit; and rebooted it in late January 2017 to provide more data for this FERC DEIS comment period and going forward to document evidence of environmental injustice related to this CS location.

To date we have received completed surveys for 63 of the 99 households. The total residents living in 63 households = 158 (**or over 5X the residents per mile than in the FERC DEIS population data for Buckingham** – even without 36 not-yet-received households’ data. Thus, for 66% of the total possible households, Union Hill is over 500% more populated than figures used that flatten that density into a total over a whole county.

For Southern Environmental Law Center’s environmental justice comment(s) related to the Union Hill compressor station, these data formed the bases of maps of this densely populated neighborhood. As racial retaliation is ongoing against Buckingham African Americans who speak out against racial injustice, most recently from their public comments at the special use permit hearings, in press releases and interviews by Union Hill residents with reporters on the topic of the ACP’s devastating impacts already on Union Hill even before it might be built, race is not attached to particular households. By HIPA (Health Information Protection Act) no individual existing health information is or ever will be attached to specific households. We hope in the near future to bring non-industry contracted archaeologists to specific sites in Union Hill identified during the door-to-door survey on land that is part of residential property. In collaboration with Sonja Ingram of Preservation Virginia, we are documenting the over 200+ slave burials on the Variety Shade Plantation property, near the Bondurant/Moseley/Perkins White family cemetery.

Please find as a separately filed FERC DEIS comment, co-authored by Lakshmi Fjord and Preservation on this absent slave and Freedmen history e-filed by Preservation Virginia.

From just 66% of the households in the neighborhood, we learn that 117 people identify as African American; 29 as White; 8 as Bi-racial; 3 as Native American (Monacan and Cherokee), and 1 as Asian. Combined minorities from just 2/3rd of total households = 129 of 158 total surveyed.

Of the total households, 37 are known Freedmen households. However, these are not then broken down by numbers of individual residents at this time. 3 White households identified the same Confederate veteran cemetery associated with their former plantation home-site in Union Hill. All of the Freedmen identified historic, marked family burials in Union Hill Baptist, Union Grove Missionary Baptist, and St. Joy Baptist Churches – the three Historic Black Churches that descend from Mulberry Grove Baptist near the former Variety Shade Plantation house where slaves from these related plantations worshipped in open brush arbors during slavery next to the White church. Three Freedmen descendant respondents identified 3 new slave burials on their family home-site where they currently live. See Appendix D: Buckingham slave burial map first compiled in the 1930s during a Works Progress Administration cemetery survey in Buckingham. From that map, Carl and Lynn Henshaw created a separate slave burial map. The attached is the Union Hill environs detail of that entire map of the County. Lynn Hensaw suggests that she knows of 30-50 more unsurveyed slave burials.

As noted above, Appendix B: Most Endangered Historic Place in Virginia contains the detailed description of the historic cultural resources related to slave plantation history and Freedmen community development post-Emancipation for Union Hill and close environs. Notably, over 200 unmarked slave burials have among them identified ancestors of current Union Hill residents.

As a once-plantation where tobacco was the key cash crop, Union Hill is for the most part forested, with timber forests regularly clear cut primarily for the local paper mill. One dairy farm whose dairy operations would be crossed by the ACP to enter the CS next door, and one beef

cattle farm 1.2 miles from the proposed CS are very concerned about the health impacts of proximity to the new, toxic pollutants projected for emissions from the CS. In the door-to-door survey, we found that a majority of residents have or wish to have kitchen gardens; many have fruit orchards; a majority raise domestic animals for sale or enjoyment; several raise large numbers of hunting dogs (1 household has 76 such animals). Worries about sickness and deaths reported at far smaller compressor stations, with 1/7th the size of toxic emissions, that would devalue these economic and pleasurable activities are expressed by everyone with whom we spoke about the location of the CS nearby.

By far the greatest worry expressed by this populous community targeted to be very close to non-stop fracked gas transmission, underground and above ground storage tanks, is for their health impacts – both new illnesses caused by exposure for the first time to this cocktail of proposed chemicals emitted. But, more concerning are the health impacts on already existing conditions. The

The population by numbers of persons in each age range skews strongly towards highest vulnerability populations: 0-5 = 19; 6-17 = 26; 18-21=3; 22-40 = 20; 41-64 = 34; 65+ =61. Missing numbers are refusal to give adult ages. The 65+ figure is deceiving, for the majority of that age group is between 79 - 99 y o; as are the two children's age ranges, which are primarily infants - elementary school. Not surprising to the researcher because of Union Hill's history as a continuous Black settlement for over 200 years, information about people who visit often revealed that hundreds more people come back for yearly reunions, with upwards of 500 people at the largest. Another pattern found that many very small children come to live with grandparents and great grandparents for long residences to, as one great grandparent put it, "live in this Green paradise and good air of Buckingham."

Environmental justice issues converge on numerous concerns about the compressor station's impacts on Union Hill residents. This injustice-in-the-making if the ACP is built has galvanized many partners who now acknowledge and work with Buckingham to bring greater public awareness to the ACP's planned disproportionate impacts on a minority, low-income community, including but not limited to the following concerns:

1. According to ACP's own air permit application for the Union Hill compressor station, the facility would generate yearly emissions of 468,450 combined pounds per year of nitrous oxide, carbon dioxide, volatile organic compounds (VOCs), particulate matter, and hazardous air pollutants (HAPs). FERC's environmental impact statement estimates this compressor station's climate change contribution at 293,688 metric tons per year. These emissions would be dangerous to health and destructive of a livable climate. *In that air permit, the "above normal ambient air quality" reported by Dominion Resources at the CS site currently, led ACP to apply for the highest possible allowed emissions of particular toxic chemicals. Thus, the people of Union Hill are being targeted for greatest emissions because they have been good stewards of their air, water, and soil.*
2. 14 gas-fired turbines would be needed to transmit the fracked gas over 200 miles in each direction. This distance is far greater than the industry standard of 40-70 miles between compressor stations. Huge transmission distances require ACP compressor stations to operate at the highest allowed levels of pressure, increasing the potential for fires and explosions.
3. FERC's Draft Environmental Impact Statement (DEIS) states there will be "no health impacts" from this extremely large complex of pipelines in Union Hill. There is no explanation given for why FERC ignores the latest independent scientific studies on the potential health threats caused by living near compressor stations.
4. At least 99 total households in the predominantly low-income, community of color, Union Hill, are in close proximity to this proposed ACP compressor station
5. Methane is 86 times more powerful than carbon dioxide as a heat-trapping gas when

considered over a 20-year timeframe. That's exactly the timeframe we should consider, since that's about how long we have to get our climate emissions under control or face irreparable harms to our planet.

6. Recent scientific studies summarized in Physicians for Social Responsibility's (PSR) recent report, *Too Dirty, Too Dangerous: Why Health Professionals Reject Natural Gas*, indicate dangerous levels of methane leakage from compressor stations. For example, a study in Texas' Barnett Shale found that methane emissions from compressor stations were substantially higher than emissions from well pads. Separate field studies of processing plants and compressor stations found methane emissions to be 3.2 to 5.8 times higher than estimates that the EPA had issued based on industry self-reporting.
7. Methane also leaks from the distribution pipelines that carry the gas from the utility company through our cities and towns and to our homes. In fact, the overall leakage of methane, looking across the entire supply chain, is so high that it makes fracked gas about as bad for the climate as burning coal.

A disproportionately large number of existing residents have pre-conditions that are known to be greatly exacerbated by constant exposure to the list of fracking production chemicals found in the contents of fracked gas pipelines now, as well, despite past claims by the gas industry to the contrary. As reported in the PSR report cited above, "Too Dirty, Too Dangerous, fracking releases toxic substances not only into "the millions of gallons of water pumped underground under high pressure to fracture rock" that releases tiny bubbles of gas or oil (why fracking is not "natural gas"), but mixed with a cocktail of proprietary listed chemicals that are known to contain benzene about which no level of exposure is safe as it causes leukemia and other blood cancers; formaldehyde a known carcinogen, and many more, including radon released along with the gas or oil, that enters the pipeline along with the captured gas. The particulate matter in these processes that end up in pipelines also -- as seen in ACP's list of toxic chemical emissions in their DEQ air permit application for the proposed Union Hill compressor station -- causes and contributes to COPD and lung cancer, heart attacks and congestive heart failure, and ischemic strokes. Benzene and formaldehyde are VOCs, also listed as known emissions at this compressor station and known carcinogens, as well as toluene associated with cognitive and psychiatric disabilities and abnormal growth in children, large organ damage, immune and reproductive disorders. Xylene can affect the nervous system, kidneys, and lungs, worsening bronchitis, asthma and emphysema. Radioactive substances including radon released in fracking are well-known causes of lung cancer, released through fracking into pipelines (PSR: 1).

When linked to the existing health conditions learned through 63 completed door-to-door completed surveys of 99 existing households in close proximity to the proposed Union Hill compressor station, the researcher **identifies a potential public health disaster in the making for Union Hill** if the enormous Virginia compressor station is built. FERC must immediately remedy the consequences of not requiring population-based surveys of this most-impacted population. Specific health conditions already experienced by close residents include: enormous numbers of children as well as adults with disabling severe asthma; 2 year old triplets with severe lung disorders; several cases of COPD; high levels of diabetes and high blood pressure, heart conditions and uses of pacemakers, and several ischemic strokes; individuals with breast or brain cancers; and, several people with immune disorders including MS and lupus.

The physical and emotional toll that Union Hill residents report from having their 300-year old community targeted for the enormous Virginia compressor station in its midst shows up in deep anxiety and worry, perseveration, sleeplessness, feelings of powerlessness and despair. People living closest to the proposed site receive up to 20 phone calls a day asking for Dominion Resources to conduct water tests on their wells by ACP contractors not independent scientists. Dominion employees regularly go onto their lands without notice or landowner permission to inspect their homes, foundations, and more. These actions are a form of violence perpetrated on

individuals who have the great bad fortune to be living where Dominion wants to seize their assets for their private benefit only. These experiences contribute to constant feelings of dread, constant need to look out their windows, listen for trespassers, and together create existential despair -- what I am naming “anticipatory traumatic stress.”

In summary, FERC’s DEIS must be considered disastrously incomplete with regards to all environmental justice related socioeconomic and health-related factors that need to be analyzed for NEPA reviews of EIS processes. The absence of such required reviews and the absence of required Section 106 Historic Preservation Act cultural resource reports contribute to DEIS descriptions that are not just woefully incomplete, but instead give the appearance of collusion with actively discriminatory, environmentally unjust practices by a Federal agency charged with overseeing the fracked gas industry development.

I join with those who ask you to rescind the ACP DEIS because of no need, undue hardship on landowners by seizure of easements by eminent domain, and most importantly, because of the irreparable environmental injustices required for the ACP business plan to intersect with the existing Transco Corridor at the proposed Union Hill compressor station site. I join with those who ask FERC to desist from drawing gas and oil utility providers into the fracked gas pipeline development business with higher fees paid for business activities that do not benefit their utility customers. And, in Virginia, instead would shift those development costs to their utility rate-payers without benefiting them.

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Atlantic Coast Pipeline*

Property Tax Study

September 19, 2016

Pipelines and compressor stations are considered business personal property for tax purposes and are valued by appraising the entire company that will own the pipeline at fair market value using the 'income' approach, which is dependent on company profitability, not what they have spent. That entire company value is assigned to the states involved, and then to counties within each state based on assets. Those profit-dependent values determine the amount of actual tax going to a locale.

Rosy initial projections of profits will result in a projected high value initially. This method of determining value also carries at least the following downside risks:

1. Future supply of natural gas is not known with certainty, and low volumes in the future may make the pipeline unprofitable, resulting in low valuations and low tax revenues.
2. Future prices of natural gas are unknown, leading to instability in supply and demand of natural gas, with possible lower demand that could reduce profitability, with resultant lower values for property taxes.
3. Profits in the LLC that would own the pipeline could be manipulated by administrative cross-charges or the recording of other costs or expenses from the companies that own it in order to show artificially low profits and therefore low valuations and low tax revenues. Unless such fundamentals are negotiated and controlled initially, there is no assurance that promised profits which beget high valuations will be maintained.
4. Future legislation to impose carbon fees or taxes could result in less demand for natural gas and less profitability for the pipeline company, resulting in lower valuations for property taxes.

5. The presence of a pipeline and/or a compressor station is likely to reduce property values for other properties in the region, resulting in lower property tax revenues for a locale.
6. The presence of a pipeline and/or a compressor station in a county may require the incurrence of additional costs, such as for emergency management equipment and training, liability insurance, and so forth, with no assurance that the property taxes from the infrastructure will be adequate to pay for these costs.

Any county considering approval of the pipeline and/or a compressor station should demand to know at least the following:

1. How were the projected property taxes calculated? Are the assumptions in the calculations reasonable for future years? Can they be controlled?
2. What is the cost of additional emergency management equipment, personnel, training and liability insurance required by the addition of this infrastructure?
3. What is the expected loss of tax revenue by the drop in values of other property in the county?

This paper focuses solely on additional tax revenues to be expected, compared to possible additional costs to be incurred. There is no comment on other issues to be considered, including, but not limited to:

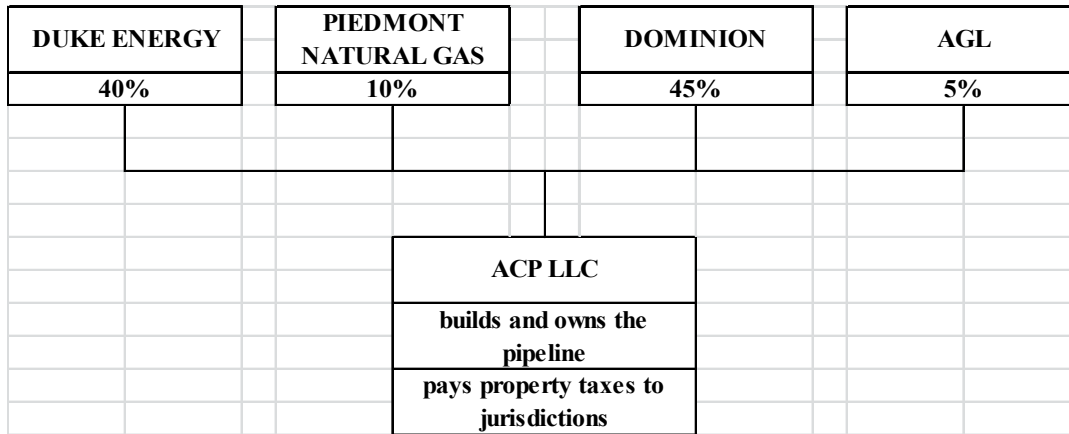
- Safety issues from the presence of a high-pressure pipeline containing explosive gas
- Health effects from air and noise pollution
- Need for the pipeline
- Loss of habitat and biological diversity
- Loss of tourism revenue
- Carbon pollution that is rapidly changing the Earth's climate to the detriment of living things
- Damage to water, air, human health and climate from fracking method of natural gas harvesting
- Loss of viewshed
- Loss of desirability of the county as a place to visit or to live
- Use of eminent domain for private investor purposes

*NOTE: This study is intended for discussion with politicians and ACP LLC representatives. No tax basis evidence has been received from ACP LLC by the public; or by Buckingham County politicians when requested by their constituents.

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454 Huckleberry Trail, Boone, NC 28607

ACP LLC Tax Discussion

The entity ACP LLC will build and own the Atlantic Coast Pipeline if it gets approved. An LLC is a legal entity that is taxed like a partnership (pass-through), but enjoys the legal protections of a corporation. That entity will be owned as follows:



Note that Duke Energy will own Piedmont Natural Gas by the end of 2016, giving it an effective 50% stake in ACP LLC.

It is important to note the distinction between an entity's income tax reporting to the US Treasury and various states, and its liability for property taxes due to various counties and towns.

Much of the following discussion is based on general concepts of accounting and income tax reporting, and may not apply to the ACP in the exact way I illustrate it. At this writing, I have no way of knowing what ACP LLC will use for accounting policies and income tax reporting elections. Also, I am not in a position to discuss how the pipeline cost will be added to the rate base for Duke and Dominion, affecting their cost of electricity. This discussion is hopelessly complicated and I'll do my best to make it understandable.

Income tax reporting: An LLC determines its taxable income annually by recording sales (in this case revenues it charges the users of the pipeline for transporting gas through it for them) and then deducting allowable costs and expenses. Costs include salaries of personnel, back office costs, legal and professional costs, travel, insurance, repairs, property taxes, and so on. Importantly one allowable cost is depreciation.

To understand depreciation, you have to distinguish between an asset (something you own) versus an expense (a cost to operate, deducted annually). An important concept is that the cost of building the pipeline is accumulated on the books of ACP LLC and recorded as an asset, not a cost or expense. That asset is then depreciated, which is an annual, ratable, paper write off of the total cost against income for a portion of the accumulated cost (estimated to be \$5 billion). So, if the pipeline has a useful life of 40 years, the company would record depreciation of \$125 million per year (1/40 of \$5 billion). Even though all the money to build the pipeline was spent in the 1-2 years it will take to build it, this construction cost must be written off over its useful life, not in the year you spend it. So, in my example, even though ACP LLC spent \$5 billion to build the pipeline, only \$125 million could be used as an expense in each year. (Note: the useful life may be less than 40 years; they may use accelerated methods of depreciation which allows them to front-end load the write offs, not take an equal amount annually. There are other variables.)

The net taxable income of ACP LLC, determined annually, is then reported by the companies that own it in proportion to their ownership. So, if ACP LLC calculates a net income (revenues minus expenses including depreciation) of \$100 million for the year 2020, for example, Duke Energy would pick up \$40 million as an addition to its other taxable income, Dominion would pick up \$45 million, and so forth.

The reason you care about this taxable income discussion is that it leads indirectly to how much ACP LLC is appraised to be worth each year—what is its appraised fair market value? Its appraised fair market value each year becomes the basis for how much of the entire company value is assigned to separate jurisdictions, including Buckingham County, to add to the property tax base.

Company valuations can be done using three methods: Cost Approach, Market Approach, Income Approach.

The Cost Approach begins with how much money the company spent to acquire its assets. That cost is then depreciated, and other adjustments are made, to arrive at value.

The Market Approach requires the appraiser to find other companies that are similar to the company being appraised and look to see how much they sold for recently.

The Income Approach starts with net income (see discussion above), and then converts that net income to net cash flow (by making adjustments) and then applying a Cap rate to back into value. That is, if a company is expected to provide \$800 million in cash flows each year, using an appropriate capitalization rate might mean that the company would be valued at a multiple of its estimated annual cash flow, and in my example, could be as much as \$5 billion. Note in this example, the \$5 billion number has very little to do with how much the company spent to acquire its assets. The cost of its assets has an indirect effect on cash flow because of financing, staff required to operate it, and so forth. But in my example, if

the income approach arrives at a value close to what the company spent for its assets, it's mostly coincidence.

I was told by the North Carolina Department of Revenue that pipeline companies are appraised using the income approach, not the cost approach or market approach. It is my belief that Virginia recognizes and uses the same approach, but I am unable to confirm that as to date I have not been able to get anyone on the phone in Richmond.

Here is a short discussion of the income approach (specifically the Discounted Cash Flow version of the income approach). I took it from the internet.

Meaning of Discounted Cash Flow

(http://www.readyratios.com/reference/analysis/discounted_cash_flow.html)

The discounted cash flow is a quantification method used to evaluate the attractiveness of an investment opportunity. The Discounted Cash Flow analysis involves the use of future free cash flow protrusions and discounts them so as to reach the present value, which is then used to calculate the potential for investment. This is done by using the weighted average cost of capital. The opportunity is considered to be a good one if the value reached at through the discounted cash flow analysis is greater than the current cost of investment.

A discounted cash flow is considered as the most primarily accurate way of evaluating an investment. Many other methods of evaluation, like valuation ratios, can, to some extent, be considered as simplified estimates of a discounted cash flow. The various assumptions and estimates required by a discounted cash flow bring forward a lot of uncertainty, thus making it no better than simpler forms.

The free cash flows provide the firm with its investment value. The calculation of a present value helps in adjusting the future cash flows to replicate the fact that money planned to receive in future features lesser worth than what is being received at present.

The discounted cash flow analysis is, therefore, a balance of the amounts of cash which are being paid as well as received by the business during a specific time period. Many a times, these payments and receipts are tied to particular projects. But, sometimes, these cash flows and payments might also originate from particular companies. The value of a project or company is determined by these calculations.

During the valuation process of a business, the discounted cash flow, implicating the cash flow (inflow as well as outflow) generated by the business discounted by a rate equivalent to the risk to those prospective cash flows. Thus, the accretion of the future cash flows discounted by the risk minus debt indicates the value of a business.

So, if ACP LLC shows county commissioners a high value expected to be added to the tax base (\$1.3 million in taxes, which portends many \$ tens of millions of value), which means high tax revenues to the county, that amount is subject to ACP LLC's ability to continue enjoying strong positive net cash flows. Any number of things can negatively influence those projections of cash flows:

- Errors in estimated future cash flows because of having to use estimates for revenues and expenses. Actual operating data may prove that initial estimates were naïve or intentionally rosy.
- Overestimating revenues because of a drop in demand for natural gas caused by reduction in need for electricity
- Overestimating revenues because of fluctuations in the price of natural gas
- Overestimating revenues because of a drop in demand caused by the imposition of a carbon tax or fee
- Overestimating revenues because of errors in estimating natural gas supply in the Marcellus and Utica shale plays
- Underestimating expenses and costs because of cross-charges or other administrative costs passed to ACP LLC by the companies that own it

The point I am trying to make is that the property tax revenue held out to your county by the folks at ACP LLC is only an estimate, and it's based on some estimated fair value. It could be wrong even in its first year. It could be based on assumptions that are totally unreasonable. It could change by cross-charges or other costs passed on to ACP LLC by its owners. It could be wrong because natural gas is fraught with uncertainty regarding supply and demand. It doesn't matter how much ACP LLC spent for the pipeline and compressor station, its final value for property tax purposes is dependent on how much cash flow it expects to throw off to its owners. That number can simply be estimated incorrectly or it could even be manipulated, and you'd never know it. I'm not accusing anyone of intentional misrepresentations as I write this.

The Board of Supervisors would be imprudent to accept the company's estimates for value in year 1 and beyond without having a thorough understanding of how those estimates were arrived at, and how reliable they seem. The county will be giving up a lot of valuable attributes in return for a promised windfall that could be incorrect from the outset. It could be correct, of course, but prudent people would do all they could to ensure that the promised values are correct and reasonable and will be likely to be maintained. The county would also be imprudent not to reflect on the loss of property taxes caused by the decline in value to other properties in the county caused by the pipeline and compressor station, as well as the possible additional costs for emergency management equipment, personnel and training.

**Union Hill/Wood's Corner Rural Historic District: Most Endangered Historic Place
in Virginia Application** (filed Feb. 16, 2016)
Preservation Virginia awarded on May 3, 2016
Lakshmi Fjord, Ph.D.

1. Has the Owner been apprised of or is he or she aware of the threat?

Dominion Power is the owner of the property whose development plan threatens the historic preservation of Union Hill/Wood's Corner Rural Historic District. Dominion Power as ACP LLC, a limited liability subsidiary, purchased 68 acres on the northeast side of Rt. 56 in Buckingham County for their sole compressor station (CS) in Virginia for the Atlantic Coast Pipeline (ACP) [Map 1]. ACP LLC purchased this land in secrecy from Variety Shades LLC at \$36,765 per acre where per acre values are \$3,000+. Variety Shade is the name of the former Bondurant plantation at the proposed CS site. The secrecy with which this purchase was undertaken, the inflated price, and the fact that Dominion Power completed required Section 106 Historic Preservation cultural resources surveys on July 15, 2015 (over three months before making public the CS site chosen) lead to the probability that Dominion is aware of its historic significance, in particular to local slave and plantation history.

The 90% African American, mostly elderly, landowners whose properties share boundaries with the proposed 68-acre CS site were never directly informed by Dominion Power that they may be neighbors to a proposed industrial complex of 54,000 hp [now 57,683 hp] engines running 24/7 365 days a year. Operations must routinely vent methane gas to avoid explosions, will emit CO₂ at equal or greater amounts than coal-fired plants, benzene and formaldehyde, all at very significant levels. The site of the sole CS in Virginia was made public when Dominion Power filed their ACP application with FERC (Federal Energy Regulatory Commission) on Oct. 18, 2015.

Dominion Power is aware of local preservation concerns about the proposed route of the pipeline and location of the CS in Buckingham. We know their staff read and record all intervenor comments (those who filed with FERC as being directly impacted by the ACP during a time limited window of opportunity) to FERC, because FERC sometimes asks Dominion to respond to comments. To our knowledge, never has a request by FERC to Dominion to address concerns raised by comments concerned Buckingham County. Several Buckingham intervenor comments contain references to the historic resources at the proposed CS and its environs: a still rural historic district whose colonial history dates to the early 1700s. Intervenor comments to FERC include references to the fact that the landowners that surround the proposed CS site (an elongated triangle) are on all sides approximately 90% African American: both East and West sides of Rt. 56 form one leg of the triangle; and Rt. 660 (Shelton Store Road) and Rt. 663 (Union Hill Road) form the other two legs whose intersection is its rough apex on Dominion Power's website interactive maps. Intervenor comments noted that the CS site is on former plantation lands, and that some landowners who border the CS are the descendants of Freedmen and former slaves who purchased these lands. In Buckingham, African Americans know this area as Union Hill because of its historic Black church on Union Hill Road.

Turning southwest onto Rt. 633 from Rt. 56, the road changes name to become Wood's Road. Beyond the string of parcels that face Rt. 56 owned by African Americans that identify with Union Hill, this area has predominantly white landowners, and is known as Wood's Corner. The Wood's Road community extends to Rt. 661, which going northwest crosses the Transco/Williams pipeline intended to intersect with the proposed ACP pipeline at the CS, thus allowing for gas propulsion in all 4 cardinal directions. At the current pipeline easement there are many small homes, one historic farm long in the Wright family, and all in this area are White landowners. Wood's Corner intervenors have made concerned comments to FERC about the historic preservation issues of this concentration of pipelines in a very rural historic region in Buckingham.

2. Site, current use and conditions, zoning

The Union Hill/Wood's Corner Rural Historic District may be located on USGS topographic maps found at www.dom.com: ACP interactive map: second compressor station, Wood's Corner, VA. The shared cultural historic character of this district is of former plantations, some of which still stand, and numerous slave cemeteries recorded and also known only by family knowledge on both black and white family lands, some of the former purchased by Freedmen pre- and post-Emancipation. Along what is now Rt. 56 / S. James River Highway are a series of plantations once owned by the Bondurant and Moseley (derived from Mosier) families, both Huguenots, the former arrived in Virginia in 1700. Buckingham is a "Burnt County." The courthouse designed by Thomas Jefferson was burned by arson on Feb. 26, 1869 the day the U.S. Senate passed the 15th Amendment giving formerly enslaved people the right to vote. Most consider this arson that burnt all records of enslavement – wills, land records, slaves who purchased freedom – for fear of restitution for slavery in a county where former slaves outnumbered white 2:1. Most of the historic plantation houses, slave housing, barns and outbuildings related to tobacco farming and other crops have also burned. Thus, what we know so far by references in existing, post-1869 Buckingham deed record searches is that there were and in some cases still are a set of plantation homes and tracts in this area first owned by these families: Variety Shade, Winter's Tract, Oaklawn, Perry Hill, and Willow Lake. On the map provided with this application, the radius of this district extends approximately 2 miles from the center of the CS site on Rt. 56 that encompasses a shared cultural plantation heritage, now segregated by race in current settlement patterns [Map 2].

As with other parts of Buckingham County, the Union Hill part of this district on the NE side of Rt. 56, which has been historically and remains African American, is characterized by clustered housing of relatives, either on separate small parcels divided by inheritance or on one larger one and large tracts of woodlands, with fields interspersed. This follows a long-held rural pattern of multiple dwellings on one parcel, with a larger frame or brick home and now mobile and modular homes or smaller frame dwellings close by. The Union Hill part of the district is rather densely populated for a low-population, low-income rural county with a past two-decade history of out-migration for lack of living wage jobs. Buckingham is generally known for the long residence of key families since colonial times up to the present. There are large tracts of woods that are regularly clear-cut or culled depending upon the landowner. Tobacco was once a main crop, with hay and wheat for animal husbandry. There is one remaining market

cattle farm and orchard owned by a descendant of slaves, on land that has been used for that purpose for at least 150 years. Several landowners have small home-based businesses on site: a Medicare/Medicaid van service, carpentry, plumbing, a goat farm, stock feed hay farming. Most landowners have family gardens and cull their firewood from their woodlands.

The majority of African Americans in Union Hill are closely affiliated with the historic black church they attended from birth no matter where in Buckingham they now live. Two such churches are located in CS triangle: Union Hill Baptist Church that began as a Brush Arbor in 1868 after Freedmen were first allowed to break away from the White Baptist church, Mulberry Grove on now Rt. 649 / Mulberry Grove Rd., they attended during slavery days. In 1887, Union Hill Baptist church was built on a 2-acre parcel on Rt. 663 E/ Union Hill Rd. The original burned and was rebuilt. It has an extensive black cemetery with graves bearing the names shared with white plantation families: Perkins, Moseley, Claiborne, Ellis, Eldridge, Laurys, etc. The other historic black church is Union Grove Baptist Church located on Rt. 660 / Shelton Store Rd. that broke away from Union Hill Baptist sometime in the early 20th century. Here we find the Pride, Gooden, and other local families. Two separate slave and post-emancipation cemeteries lie on either side of Union Grove Church. At both churches on the opposite side of their roads were built one-room black schoolhouses. Many current landowners are former pupils of these schools. Union Hill School burned to the ground. Union Grove School was moved to the Robert E. Lee Wayside on Rt. 60 east of Buckingham Courthouse. Closed in the 1970s, time-dilapidated Shelton Store for which Rt. 660 is named stands on the north side of 660.

Based on its shared plantation history, this district also extends south along Rt. 56 on both northeast and southwest sides. On the northeast side, after Rt. 649, is the site of Variety Shade plantation, which burned in the 1970s, with its two existing cemeteries: one white and one a slave cemetery with 100+ burials. 2 handmade concrete stone markers for Wm Pride and Tom Pride dated 1906 and 1912 stand amongst rows and rows of slave burials. There is a standing tobacco barn of large size and once height, now seriously deteriorating, having lost downward at least one story in height.

On the southwest side of Rt. 56 lies the turn onto Rt. 663 west/Wood's Road there are wide-open cultivated fields. In the woodlands beyond is the Haskins family cemetery (black). Next on the left/south side of Wood's Road is the Wood's family cemetery (white) followed by the Oba property on the right. On Oba's former Wood's family site, the Texas Schoolhouse has been re-located, for which Rt. 661/Texas Schoolhouse Road is believed named, now used as a sculpture studio. Wood's Corner is characterized by Virginia style two-over-two frame or brick farmhouses with back additions, with large tracts of woodlands. Next historic house on the right of 663 is another Wood's family farmhouse. On the left, Wilderness, built in 1780 by the Welsh immigrant Jones family during the Buckingham Gold Rush. Wilderness still stands, with also historic outbuildings: the Cabell law office, corncrib, and a large white family cemetery, with Cabell grave the oldest. At the junction of Texas Schoolhouse Rd, turning right, the settlement patterns are described in the response to question 1.

Finally, further southeast on Rt. 56, Perry Hill plantation house still stands (a National Historic Register site) on its west side. Continuing further south on 56 to Rt.

647, also west, Willow Lake plantation still stands 1.8 miles from the center of the CS site on Rt. 56.

3. What is the historic significance of the site? Has it been honored with a national, state, or local historic designation?

The Dominion CS and pipeline route application has evoked long-held concerns by African American residents of Buckingham that Black history in the county, aside from the work first done during a WPA cemetery surveying project in the 1930s, and decades later by Lynn and Carl Henshaw of the Buckingham Historical Society to survey slave cemeteries, has been largely “made invisible” in public history. In 1985, Historic Buckingham, Inc, the county’s historical society undertook a decades-long project, in their words “to systematically identify all the people buried in the county.” Now 4 volumes, *Buckingham Burials*, is the result. The Union Hill/Wood’s Corner District is primarily found in Volume 1, although incomplete. Listed by name, date of birth and death and any inscriptions, only route numbers are given to locate these, which makes them extremely difficult to find. The herculean mapping work done by Carl and Lynn Henshaw concentrates on siting slave cemeteries. By Mrs. Lynn Henshaw’s admittance, this work still requires mapping between 30-50 more entries just to complete her already-identified list. In addition, in oral narratives from residents of Union Hill, there are many family cemeteries and even single slave graves that are known and passed down through generations that have not been recorded or noted for the public record that need to be.

Perry Hill plantation has National Register of Historic Site status, but other standing plantation owners – of Willow Lake and Wilderness -- have not done so. The present owner of Wilderness is contemplating this filing. Willow Lake is a large working farm, whose original home building has been considerably renovated and enlarged from the original design. Several historic outbuildings, such as a former school and farm buildings still stand.

4. What is your site’s history? Has its role changed over time?

To locate the Union Hill/Wood’s Corner Rural Historic District for the Preservation Virginia nomination committee in Question 1, I included much of what we know about the history of specific sites within the district and what socio-culturally ties this district together. Other than the information already presented on the Union Hill part of the district, what is most significant is the quotation by one landowner that, “the majority of families’ grandparents were slaves in this area.” Mr. Charles White, a spouse/outsider from Clifton Forge, VA and impacted Union Hill African American landowner has written two books about African American and slave history in Buckingham, *The Hidden and The Forgotten: Contributions of Buckingham Blacks to American History*, 1985; and, less pertinent to this historic preservation effort, a book co-authored with E. Renee Ingram, *Buckingham County (VA) (Black America Series)*, 2005. Mr. White’s 25-year Buckingham Blacks research project was undertaken to counter the near-erasure of Black History, and most especially, the lack of honor given to Carter G. Woodson, father of the Black History movement, who was born to Freedmen parents in Buckingham County. Mr. White’s excellent and thorough research work is from social history or alterative

texts to courthouse records -- including Confederate Army pension records for slaves who worked for officers or sent by owners as part of slave draft allocations required by the Confederate government in Richmond. The commissioned work by Buckingham County to honor the U.S. bicentennial authored by Eugene Mahoney in 1976, *A History of Buckingham Virginia: Buckingham County Founded 1761* does include references to slave and post-Emancipation history

To build on a small historical record of Union Hill/Woods Corner, it will be necessary going forward to get first person narratives from residents who've moved away, such as from Charles (Jefferson) Harper, now of Baltimore, whose oral narrative of boyhood in Union Hill led the applicant to the Variety Shade cemeteries. Mr. Harper adds understanding to the difficulty of learning through passed-down family stories about slave history. He spoke of these as "passed down by men only" from older to younger male family or by male mentor, as was the case for him. This secrecy he ascribed to their "shaming" elements, as they often concerned births out of wedlock, some illegal interracial births, births from adulterous unions before DNA testing, and so on, with dire consequences for the parents and children involved. Mr. Harper told Lakshmi Fjord that he has never spoken of the particulars of his family and slave history to his own children. He related that his great great grandmother was Betsey Hemmings, daughter of Mary Hemings and Thomas Jefferson, born 1783. Mary was Sally Hemings' sister. At 14, Betsey Hemmings was among those slaves given to Thomas Jefferson's younger daughter, Mary known as Maria, at her marriage to John Wayles Eppes. After Maria's death at 25, Eppes moved to Buckingham County to his plantation, Millbrook. That Betsey was Eppes' concubine and bore him children is given evidence by her tombstone and grave next to that of John Wayles Eppes' own grave, of equal height and fineness. Mr. Harper says that children borne of that union were given the last name of Jefferson, not Hemings or Hemmings. When Mr. Harper's mother remarried, he took the surname of his stepfather, Harper, also a Freedmen descendant.

Of the Union Hill portion of this district, we include other anecdotes. Dismiss Haskin's great grandfather left with his master to serve him during the Civil War for the Confederacy, and when his master was killed, Dismiss returned his body to his family as requested. Haskins family land is right next to the CS site. Dicey Shelton, whose son opened Shelton Store on Rt. 660, was a slave and her son, Fleming Shelton, told Charles Harper some "awful stories" of what happened to her. She was a member of Union Hill Church. Union Hill Church as formed when Mulberry Grove Baptist Church, when the Baptist Convention finally allowed its Freed Slave members to leave the church in 1868. Before they left, the slave members constituted three times the number of congregants than whites.

Of the plantation families, we have more written documentation. Dr. John Pierre Bondurant family is first mentioned as arriving from France to Manakin, Virginia (a town entirely formed of Huguenots, formerly a Monacan settlement) onboard a vessel arriving on 1700 (Bondurant Family blog). By Act of the Governor, Huguenot refugees were not only given en toto a huge tract of 19,000 acres in Henrico, but also made exempt from taxes for seven years. The first mention of now John Peter Bondurant (the son) in Buckingham was a land grant signed by Gov. Thomas Jefferson for 1,125 acres in 1755. In 1997, Gov. James Monroe granted Richard Bondurant 2,113 acres and another parcel 135 acres in now Buckingham. By this time, Bondurants and Moseleys were

intermarrying and their inheritors built the various plantation homes named above and also Oaklawn and Wheatfield (outside this scope).

What we know about Variety Shade plantation: That Col. William Moseley (War of 1812) built it 1798 for his daughter Maria Moseley Bondurant, who lived there until 1825; George Perkins Bondurant inherited it and left it to his son Alexander Joseph Bondurant in 1880. In 1890, when he died, it was left to his heirs and came down to his granddaughter, Emily Wilson; then to her heirs, date unknown, which subsequently formed Variety Shades Landowners, Inc. The plantation house became a boys' camp. Variety Shades, LLC sold part of this shared inheritance to Dominion Power for the compressor station. It was uninhabited and burnt sometime in the 1960s. When it was a working plantation, Col. Moseley had between 350-400 slaves, who worked many tobacco fields and acres of apple orchards. Slaves worked a sawmill and blacksmith shop, and plantation outbuildings ruins remain including a well-house, smokehouse, salt house, and part of the extensive brick slave quarters. About the latter, Charles Harper (born Jefferson) reported to this author. Mr. Harper grew up on Union Hill Road, and hunted regularly in the woodlands of this district regularly.

Wilderness was built by Joseph Jones, an immigrant from Wales who came during an early phase of the long Virginia "Gold Rush," where gold and copper have been mined since Monacan times, according to John Smith's journal as informed by Powhatan informants. Joseph Jones built Wilderness in 1780. In 1855, William Cabell bought Wilderness and built an adjacent law office. It is said by the current owner, Stephen Ramsey that Cabell brought slaves here from other family plantations nearer the James River, to hide them from the invading Northern Army during the Civil War. The Woods family bought it from Cabell, followed by Mary Carol Roberts, a Rev. Mathews, from whom Mr. Ramsey purchased it.

This district has always been used for deer hunting, and also bear hunting. In fact, when tromping woods to find the Haskins' family cemetery, we found fresh bear tracks. Now, hunt clubs have taken hunting leases on the open fields and woodlands, and deer season in Buckingham is longer than other counties, which makes it a destination for hunting tourists who come from as far as New York. There is still an agricultural area, but the main crop is no longer tobacco. There are still market orchards and farms, as mentioned elsewhere. Home gardens continue to be a key source of fresh vegetables. There are no longer any stores, sawmills, or other storefront business in this district.

Buckingham's Gold Rush history, that brought the Jones family from Wales to Buckingham in the late 1780s, needs greater research, as does the slate quarry, role of the Kanawha and James River Canal, and the history on the ground of Civil War actions and slave quotas in Buckingham.

Union Hill/Wood's Corner's role in Buckingham has changed along with most of the county's districts. Once a thriving plantation economy based on slave labor, a site of gold and copper mining, and small businesses including country stores, blacksmiths, home law offices, even midwifery, now such small county enterprise cannot sustain itself. There remain a slate quarry and kyanite mine in Buckingham but not in this district. Woodland forest clear-cutting is probably more important to supplemental income now, however, some books on the Monacan mention that they were "foresters" of these lands, also.

5. Why do you want to save it? (What is special about it, and why does it continue to be important to you and your community?)

This nomination application is an effort by those who seek better inclusion of Buckingham's African American history in the record of Virginia's slave and post-emancipation history. If successful, we would make public your substantiation of this site's historic significance and convey this information to FERC, Dominion Power, and Buckingham's residents as steps towards public and private actions to preserve it. As such, greater recognition that this site and its environs deserve more finely grained identification processes of the cultural resources dating from Native American, colonial settlement, plantation and post-emancipation histories, would fill an almost total gap in public knowledge about this district's place in each of these.

African American landowners in Union Hill describe a pattern of marginalization of Buckingham's slave and post-emancipation Black history within both Buckingham's and Virginia's "public history" to explain why Dominion Power was able to locate the CS in their midst without strong political pushback or other residents' outcry, as occurred in other ACP-impacted Virginia counties. As such, this district's history is very much at the heart of larger concerns among preservation historians and African Americans about "missing" or "invisible" slave history "on the ground" where it was lived. For an example, African American residents cite the case of Carter G. Woodson, born of freed slaves in 1875 in New Canton, Buckingham County, who became known as the "father of Black History." Yet, in the county of his birth, African American residents decided to create a separate Buckingham Afro-American Historical Society because the predominantly White Buckingham Historical Society was not interested in erecting a memorial to him and his work in the county. This group is reformulating around the threat to Black history in Union Hill posed by the CS site in its midst.

Because this district of Buckingham involves all of the most interesting chapters in Virginia's prehistory, colonial and post-colonial histories – from Monacan copper and gold mining nearby and extensive trade routes through it to Huguenot immigrant landowners granted parcels by the special status given by the Commonwealth of Virginia to Huguenot religious refugees fleeing persecution in France; from these slave economy-fueled plantations that early successfully grew tobacco for export to the Virginia "gold rush" with accompanying Welsh migration that brought Joseph Jones to build Wilderness in 1780; from the plantation family and slave soldiers in the Revolutionary War, War of 1812, and Civil War to the freed slaves who became first elected delegates to the Virginia House of Delegates starting in 1869; the effects of Jim Crow loss of civil liberties, and more – all were experienced by inhabitants of this district.

Unlike counties in Virginia where their slavery past has been buried deep under later development, Buckingham's poor economy of mainly resource extraction jobs in forestry and mining, a prison, and farming has left unchanged the fact of White and Black families with the same last names living nearby with a shared history on opposite sides of enslavement practices. The spouses of descendants of slaves living in Union Hill speak of how shocked they were to move there from California or North Carolina to witness those natives' "almost total lack of feeling that they can change anything in this county." Mr. Charles Harper (great grandson of Betsey Hemmings) said, "I can tell you what I've never even told my children – the history of Betsey Hemmings told me in secret by

Walter (Patteson).” To historians of the South, none of this is news. However, the particular character of Buckingham is its isolation because of its economy, and the effects of that isolation on generations of inequitable social dynamics. Our hope is that by better knowing the history of this district from all perspectives and forms of evidence and not just that of “big houses” and “big men” that more inclusive history will address some of the deep wounds of slavery history.

6. Describe the impending threat to your site (how imminent is it?)

At particular risk is the shared plantation heritage in Buckingham as a “Burnt County” and the historic part this particular district plays in that history. At the present time, there are descendants of former slaves still living on the lands purchased by their Freemen or freed slave ancestors on former plantation lands still living in Union Hill. The extreme hardship of losing most of the property value of properties that border the compressor station as a 24/7 365 industrial complex also means that this form of wealth passing to the next generation would be no longer possible. The CS site would cause this district’s complete transformation from a rural woodland and farming district to an industrialized zone. Ironically, because the air quality at the CS is so high, Dominion has asked for only a “minor source” special use air permit since the high quality allows for more pollution to be added to the atmosphere. Further, this high air quality at baseline before construction also allows them to use lower-grade technology in their engines to remove more toxic pollutants before emission. The network of pipelines feed into 57,683 hp fracked gas fueled turbine engines running 365 days a year that emit constant noise, and air, water, and soil impacts from emissions identified by the American Medical Association has having potentially grave public health effects. In addition to methane at hazardous levels, such large compressor stations are being measured as emitting CO₂ at higher levels than coal-fired plants, benzene and formaldehyde at potentially hazardous levels. Compressor stations must routinely vent volatile fracked methane gas or risk explosions or long methane burns such as occurred from October 23, 2015 until February 10, 2016 in Porter Ranch, CA. This burn was of the contents of underground methane storage tanks, and the ACP LLC applied for 2 underground and 1 above ground storage tanks for this site – one underground for methane. Yet, in their DEQ Air Permit included no construction specifications. At the Porter Ranch pipeline burn, 5,000 families within 5 miles of the site were evacuated by judge’s order. The Union Hill compressor station would be a network of such pipelines running in all 4 directions of the compass at this intersection of the proposed ACP with the existing 4-pipeline Transco Corridor. Thus the CS if built will forever make further historic preservation work or alternative uses of this land for economies that give jobs while retaining its historic character unfeasible.

Dominion Power filed its 30,000-page application for the ACP to FERC on October 18, 2015. Because of efforts to change the routing of the pipeline through parts of our National Forests in Highland, Augusta, and Nelson Counties, historic preservation work performed by the legions of residents of Augusta and Nelson County to seek route changes that have been successful, this proposed compressor station has been increased in size by over 25% already. By focusing on alternate routes to FERC for the ACP, however, these other nonprofit organizations have reinforced unintentionally the fixity of the Virginia compressor station location in Buckingham. Understandable desires to

protect their localities from a pipeline easement have brought successful alternative routes to the filing that leave unaddressed and unmentioned the geometrically more harmful impacts on the Union Hill/Wood's Corner residents of the huge industrial complex. The mechanisms of the FERC process has sadly pit each county or even different localities within each county against the other, many using Section 106 of the Historic Preservation Act, others Endangered Species Act, etc.

Buckingham is the only county whose Board of Supervisors has not used their political power, their automatic Consulting Party status under Section 106, or NEPA (National Environmental Protection Act) rights to require a major source air emissions permit as the sole Virginia site of a compressor station. On the contrary, Dominion Power has promised Buckingham \$1.25 million in yearly tax revenues for bearing the burden of the compressor station. This windfall promise – with no supporting accounting documents or evidence -- to a poor county has had the effect of silencing all Board of Supervisors from critiquing the project or using the existing laws to ensure air quality protections and historic preservation surveys are thorough.

Unfortunately, reporting revenue promised to other places that have allowed fracked gas drilling on contracted leases with landowners, or to municipalities/counties with compressor stations, reveal that in deed these revenues do not materialize at such significant levels. Most gas companies offset construction and production cost deductions. These promises do not reflect what scientists are now predicting about actual shale gas reserves in the United States. For the Marcellus gas reserves most cited as the source for the projected ACP, the USGS considers there are from just over 3 years of frackable gas available instead of the 11 years projected by the gas industry.

A further risk that Union Hill/Wood's Corner faces is that inadvertently the anti-ACP pipeline discourse inadvertently echoes the concerns expressed by African Americans in Union Hill about their history being made “invisible” in public history discourse. For, now in anti-ACP pipeline discourse, it is difficult to find even a mention of the compressor station at all, as if pipelines do not require high-pressure propulsion of gas for transmission. The author of this application has been almost completely focusing on requests to these groups to stop leaving out the CS from pipeline discourse as if they are not integral to this infrastructure.

In fact, in the gas industry, compressor station proximity is termed “the sacrifice zone.” Despite recent inclusion in climate change discourse about “front-line communities” – and their skewing towards the “voiceless”, often people of color or the impoverished -- the fact that only front-line community “sacrifice zone” in the ACP in Virginia is Union Hill/Wood's Corner remains largely an unspoken matter.

7. What is involved in the effort to save your site? (i.e. an organization, historical society, Main Street program, etc.). Have these organizations made a financial commitment to the effort? Are there any groups that oppose the preservation of your site?

As mentioned, the Buckingham African American Historical Society is in process of reformulating to address the evidence needed for Section 106 Historic Preservation efforts at the Union Hill portion of this proposed district. These members are highly motivated amateur historians or most-impacted landowners. Lakshmi Fjord, the author of this application to Preservation Virginia, is an anthropologist and member of the Friends

of Buckingham steering committee. She is coordinating the historic preservation efforts. At this time, one member of the Buckingham Historical Society has agreed to open their files to this project, to walk lands to find and GPS locate house-sites and cemeteries. Justin Sarafin and Sonja Ingram of Preservation Virginia have spent 2 days in the historic district environs and subsequently requested Consulting Party status on the ACP. Sonja has provided leads to a historic archaeologist and the Virginia Dept. of Historic Preservation contact for Buckingham. We plan to extend to our efforts to work towards a nomination for eligibility for National Register of Rural Historic District status for this district. Much evidentiary work needs to be done in the Buckingham Courthouse despite its lack of records before 1869. Oral narratives from both Black- and White-descended plantation families will fill in some of these blanks, as would further courthouse explorations in Ablemarle, Goochland, and Henrico Counties – all of which in reverse order encompassed what is now Buckingham County.

As yet, there are no specific financial commitments to this effort except Dr. Fjord's who is volunteering her time and expenses to date; and Friends of Buckingham who has pledged to cover necessary documenting expenses. We will need to do some fund-raising from local groups if needed to pay an archaeologist, but primarily plan to rely on volunteer labor.

There is no one in Buckingham County who directly opposes doing any type of historic preservation work. However, because the compressor station is sited in a majority African American community, there has been resistance to help our efforts when these were coached in terms of race alone; or, if deemed "anti-compressor station" when the Buckingham Historical Society was first approached. Now, this resistance appears to have abated since our work is exactly in line with what they do for other districts and have done for cemetery mapping.



August 6, 2016

Mr. John Eddins
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001-2637
SENT BY EMAIL

Dear Mr. Eddins,

We are submitting this letter in response to your request for information about issues we have encountered with the Section 106 process for the Atlantic Coast Pipeline (ACP). Since 2015, Preservation Virginia has been involved with historic resources in several Virginia counties potentially impacted by the ACP as well as the Mountain Valley Pipeline (MVP). We are especially concerned about historic resources located in Buckingham County, Virginia and the seemingly inadequate consideration they have received during the Section 106 process.

Our concern for Buckingham County's historic resources has much to do with its interwoven social and political environment. Unlike Nelson County, the Buckingham County Board of Supervisors and the local historical society have shown little interest and have not requested consulting party status for the ACP, leaving Buckingham's historic resources in a particularly threatened position. A small group of volunteers from the Friends of Buckingham (working on the Union Hill/Woods Corner Rural Historic District nomination process) and representatives from the eligible Yogaville Historic District have taken on the task of monitoring the Federal Energy Regulatory Commission's Section 106 process for the ACP.

Although culturally congruent parts of the same prehistoric, colonial, and plantation settlements on the east and west sides of the James River in what are now Nelson and Buckingham counties, the Buckingham sites appear to be receiving far less attention as is required by the Section 106 process. One example is the area that has been chosen for the single compressor station to be built for the ACP in Virginia. The 68-acre parcel purchased by ACP, LLC for this compressor station was once part of the Variety Shade Plantation in Buckingham County and lies in the middle of the historic African-American community of Union Hill. The existence of this plantation and the post-Emancipation African-American community would indicate that historic sites exist in this area; however, at this point in the process, we are unable to obtain reliable, official information about the compressor station site and its potential impact on historic resources. Very little information has been provided to adjacent landowners or interested stakeholders (whether recognized as consulting parties or not) regarding sites surveyed or artifacts recovered in the Union Hill area.

In May 2016, the lack of communication from the Federal Energy Regulatory Commission combined with concern about the seemingly deficient archaeological and architectural survey for the ACP in Buckingham County prompted Preservation Virginia to include "cultural resources threatened by utility infrastructure projects" to our annual Virginia's Most Endangered Historic Places List (see Attachment 1: 2016 Most Endangered Historic Places press release, pp. 6-7). This designation reflects mounting

apprehension about the potential damage of large-scale transmission and infrastructure projects to scenic, historic and cultural resources in the state of Virginia (see also Attachment 2: Preservation Virginia comment to FERC, May 31, 2016 and Attachment 3: Preservation Virginia to ACHP, June 9, 2016). As mentioned in the email, below you will find summaries of our four main areas of concern.

CONCERN #1: CONSULTING PARTY STATUS

Preservation Virginia, the nation's oldest statewide historic preservation organization, was denied consulting party status for the Section 106 process for the ACP (as well as the MVP). In both cases, FERC responded that their existing procedures will provide Preservation Virginia sufficient opportunity to comment on the pipelines' potential impact on historic resources. Representatives for the Yogaville Historic District and the Union Hill/Woods Corner Historic District have each also been denied consulting party status by FERC. As the ACHP has said for this and countless other projects, consulting party status is an essential component of the Section 106 review process that allows an organization to officially participate in meetings, provide comments on survey documents, and formally comment on cultural resource investigations and mitigation decisions on behalf of historic resources.

CONCERN #2: INCOMPLETE HISTORIC RESOURCE SURVEYS IN BUCKINGHAM COUNTY AS COMPARED WITH OTHER ACP-IMPACTED COUNTIES IN VIRGINIA **Number of Sites Recorded**

The most current, publicly available maps for the ACP show the pipeline crossing under the James River between Nelson County and Buckingham Counties within the historic district of Warminster (see Attachment 4: Screenshot ACP Map revised 7/18/2016, Appendix K, Part 1, P.57). The Virginia Department of Historic Resources' digital resources map of Buckingham County shows a small group of sites at the James River where the pipeline crosses and a small number of sites along the continuation of the pipeline route to the Union Hill compressor station in Buckingham County (see Attachment 5: Screenshot ACP Map revised 7/18/2016, Appendix K, Part 2, P.58) and diagonally across Buckingham to its border with Appomattox County (see Attachment 6: ACP Map revised 7/18/2016, Appendix K, Part 2, pp. 59-64).

Fairly large gaps (up to 4 miles) exist where no sites appear to have been recorded (see Attachment 7: VCRIS Map of Buckingham County Historic Resources). We are concerned about the dearth of sites recorded in areas of the county located near the James River on the Buckingham side and also away from the James River. *The Historic Resources Identification and Assessment of Nelson County, Virginia* completed in 1993 by the Thomas Jefferson Planning District Commission shows very little or no correlation between the number of sites and proximity of the James River (see Attachment 8: The Historic Resources Identification and Assessment of Nelson County, Virginia).

James River-Area Prehistoric Sites

Two significant sites impacted by the ACP (which existed on both sides of the James and extended along both sides for some miles) include the prehistoric Monacan Indian "town" generally accepted to be Monahassanough, as reported by John Smith, and historic (and present-day) Warminster, where the amended ACP route is proposed to pass under the designated Scenic and Historic James River. Due to Monahassanough's recognized significance, ACP, LLC's amended route was moved to avoid the James River Road Bridge crossing, yet now is proposed to cross under the James at Warminster, some miles further to the north (the James makes a large U-bend here).

We are concerned about the misconception that this prehistoric site was limited to the present bridge crossing. University of Virginia archaeologist Jeffrey Hantman, who has completed several excavations on both sides of the James at its confluence with the Tye, wrote in 2001, "Late Woodland sites [AD 900 – 1600] are densely distributed along major rivers. The banks of the James, Rivanna...at times appear to hold nearly one continuous artifact scatter, with only occasional areas lacking settlement." Therefore, we

find it unusual that only small and insignificant finds have been excavated and recorded for the (present day) Buckingham County side, unlike for the (present day) Nelson County side of the river. Both prehistoric and historic settlements are known to have been built intentionally along both sides of the river for several miles.

The possibility of a high presence of artifacts and features related to the Monacan settlement patterns in this area deserves ample investigation on both sides of the James River. It is unclear if sufficient investigations have been completed since only small prehistoric lithic scatters have been recorded on the Buckingham County side. In some instances, archaeological sites along flood-prone and heavily silted rivers are too deeply buried to be recovered with traditional excavation methods. In order to locate deeply buried archaeological sites in these locations, archaeological investigations employing deep test units and/or trenching may be required.

James River-Area Historic Sites

The amended ACP route is now proposed to cross under the James River in Warminster. Since 1724, when William Cabell received a grant of 26,000 acres through which the James River passed, his descendants and later the Yancey family, to whom this land was transferred, established several districts that exist to this day: Wingina, Union Hill, Warminster, and Manteo. These districts span both sides of the James River in what later became the separate counties of Buckingham and Nelson. These families built plantation homes on both sides of the James. Their living descendants report that family ferries connected them with their relatives living on the other side of the river (personal communication 2016).

In 1785, the James River and Kanawha Company canal project began and extended along this section of the James, providing a major transportation route for passengers and freight by water between the western counties and the coast of Virginia. The plantation economy on both sides of the James involved transport from these plantations to market using either family barges loaded mostly with tobacco manned by their slaves or commercial barges.

At this time, only land histories, buildings, gravesites, and more from the Nelson County side of the historic settlements of Norwood-Wingina (formerly Monahassanough and then the colonial-era Hardwicksville that grew up around a trading post on the present-day Buckingham side) and Warminster Historic District have been included in applications named as eligible for historic district status by the Virginia Department of Historic Resources. Thus, modern land ownership and county boundaries have unintentionally altered our historical understanding of contiguous and culturally congruent prehistoric and historic districts where the James River forms their core, not their edges.

On the Buckingham side of Warminster, where the amended ACP route proposes to cross under the James, once stood the Yancey family plantation of Yellow Gravel. It burnt to the ground, but remains of the foundation, a cemetery, and a tobacco barn still remain (personal communication 2016). However, no historic sites have been excavated or surveyed at this site in a neighborhood where descendants still live (see Attachment 9: ACP Resource Report 4: Cultural Resources for Buckingham County sites, Pages 64, 80, 84-86, 88, 93-94, 104).

In order to address concern #2, the following information is requested:

1. The complete archaeological and architectural reports for the Buckingham County pipeline route including information and maps on sites recovered and the descriptive database of artifacts. The maps should include excavated shovel tests (positive and negative) and areas of pedestrian survey.
2. Maps of the compressor station site showing its boundaries, the shovel test locations showing positive and negative and information on any historic resources recovered.

3. More research and/or fieldwork along the pipeline route in Buckingham County near the James River and in the compressor station area (more on compressor station area below).

CONCERN #3: ADVERSE EFFECTS ON PLANTATION-ERA SLAVE AND POST-EMANCIPATION AFRICAN-AMERICAN HISTORIC RESOURCES BY COMPRESSOR STATION SITING

The single compressor station proposed for the ACP in Virginia is planned to be built in Buckingham County on a former plantation, Variety Shade, which is part of the Union Hill/Woods Corner Rural Historic District (a Preliminary Information Form for register eligibility is currently under review by the Virginia Department of Historic Resources).

Brief History of Union Hill (Proposed Compressor Station Site)

Variety Shade was one of several plantations built along what is now Route 56/South James River Road by the Bondurant and Moseley families. In addition to Variety Shade, these families built other plantations in the area including: Oaklawn, Winter's Tract, Willow Lake, and Perry Hill (references to the first two are found only in other property records in Buckingham County Courthouse, Fjord). Only Perry Hill and Willow Lake still stand; the former is listed on the National Register of Historic Places.

These plantations formed an economic and social network that was interwoven with the enslaved population. Before and after Emancipation, some Freedmen purchased land and, in 1868, built a brush arbor church — Union Hill Baptist — and later, Union Hill school, thus establishing their own communities. The triangle-shaped compressor station site is bounded by Route 660/Shelton Store Road, Route 663/Union Hill Road and Route 56/South James River Road (see Attachment 10: Union Hill/Shelton Store map). The current landowners in this triangle are approximately 92% African American.¹ Of the 193 landowners whose parcels will be most impacted by their proximity to the proposed compressor station, the Laury family, descendants of Buckingham County slaves, own twenty-two (see Attachment 11: Union Hill/Shelton Store Road parcels).

Historic resources located within the cultural landscape established by free African-Americans after Emancipation include a second Baptist church, Union Grove (date unknown), with pre- and post-Emancipation cemeteries; two sites of former historic Black schools (one relocated to Robert E. Lee Wayside, the other burned); agricultural buildings such as tobacco barns; the historic Shelton Store; numerous dwellings (many clustered in traditional rural patterns) and a profusion of mapped slave cemeteries (see Attachment 12: Buckingham County Slave Cemetery Map).

This slave cemetery map was created by Carl and Lyn Henshaw from cemetery surveys done in the 1930s under the WPA found in publicly-available publications: *Buckingham Burials: A Survey of Buckingham Cemeteries, Vols 1 and 2*. Further, the Henshaws confirm slave descendants' oral narratives about more than 50 additional slave cemeteries than appear on their map. And yet, page twenty-six of the most recent FERC ACP, LLC "supplemental filings" that pertain to Buckingham's cultural resources reveals no historic resources for the compressor station site and its environs (see Attachment 13: Union Hill comment June 2, 2016).

These types of African-American settlements have been scarcely studied in Virginia but have the potential to provide an enormous amount of invaluable historical information on the lives of Emancipation and Reconstruction-Era African Americans and the communities they created.^{2, 3}

¹ Friends of Buckingham is now conducting a 2nd door-to-door effort to collect resident demographic data and to record land ownership history.

² In order to remedy the scarcity of research on plantation and slave history by the Buckingham Historical Society, Charles White, an African American who married into a former Buckingham slave family, spent 25 years searching Confederate pension

In order to address concern #3, the following information is requested:

1. Additional research and fieldwork for the compressor station site area including extant buildings, archaeological sites, transportation routes and viewsheds within the larger cultural landscape.
2. Utilization of Charles White's publications and the map of African-American cemeteries as research and survey tools.

CONCERN #4: YOGAVILLE HISTORIC DISTRICT AND THE SECTION 106 PROCESS**Historic District Eligibility Not Based on Buildings Alone**

On May 4th of this year, the Virginia Department of Historic Resources deemed the Yogaville Historic District (the non-profit spiritual community Satchidananda Ashram Yogaville Virginia or SAYVA) eligible for nomination as a National Register Historic District. Eligibility (as orally conveyed by DHR Board members) was specifically *not* based on buildings alone, but natural and intentionally-formed landscapes working together in unison to achieve its experiential mission at this specific rural site.

Some of the considered buildings of the Yogaville Historic District include the Light of Truth Universal Shrine (LOTUS), two additional temples, a Meditation Hall, the Teaching Academy, 2 schools & summer camp, the Monastery, and densely clustered private residences. Other historic structures include an 18th-century springhouse and pond in the James River floodplain. The built cultural landscape includes the LOTUS Lake, a several-acre memorial grove, fruit orchards, a large organic garden, and a network of walking trails. Natural resources that are part of Yogaville's cultural landscape include a mile of river frontage on the designated Scenic and Historic James River with multiple overlooks for scenic vistas, 3 live springs, lush forests, and a profusion of diverse species of wildlife.

The Yogaville experiential mission includes an environment with pure air, water and soil as well as low noise levels in order to undertake lifestyle and behavioral changes for healthy living. These qualities provide the context for meditation, self-reflection, and deliberate deep breathing practices, organic food grown on site and other elements of Yogaville's mission (see Attachment 14: Yogaville Historic District comment June 2, 2016).

The original land (that comprises the Yogaville Historic District) was purchased by the non-profit spiritual organization Integral Yoga International and is located in historic Warminster. That original tract is now surrounded by numerous subsequent land purchases by those who moved there solely to participate in the shared historic and cultural resources of SAYVA. This district is now the Buckingham County-designated Yogaville Village Center. The land owned by Yogaville member Peter Max and his family, on the former Yellow Gravel property where the ACP is proposed cross beneath the James River, is part of Yogaville Village Center.

ACP Dismissal of Yogaville Historic District's Eligibility and Core Mission

The basis for eligibility for historic district status for Yogaville centers on founder Swami Satchidananda's pioneering role in two major U.S. social movements: interfaith understanding and unity and integrative medicine through lifestyle and behavioral modification with peer support. These core missions guided the decision to purchase land in Buckingham County where the rural character and lack

records, letters, diaries, and family photographs to write *The Hidden and Forgotten: Contributions of Buckingham's Blacks to American History*.

³ Further complicating historic research and preservation efforts, Buckingham is a "burnt county." On February 26, 1869, the day the US Congress passed the 15th amendment that "prohibits states from disenfranchising voters on account of race, color, or previous condition of servitude," the courthouse designed by Thomas Jefferson was burned to the ground by arson. Destruction of records in a county whose formerly enslaved population out-numbered whites 2:1 destroyed wills and other proof of enslavement for potential use in legal suits for restitution from former owners (U.S. Census 1880; local newspapers published articles and letters to editors about these legal worries).

of noise and light pollution, clean water and air and high soil quality — all framed by the Blue Ridge Mountains and the James River — have served Yogaville residents (and more than 6,000 guests and yoga students annually) as a peaceful retreat and sanctuary.

Yogaville’s National Register-eligible cultural landscape exists because of their core mission. The mission and the place are inextricably intertwined. ACP, LLC’s latest amended cultural resources report filed with FERC noted the Yogaville Historic District’s eligibility but then dismissed the Section 106 comments submitted to FERC about how the amended route would negatively impact the very basis of that eligibility: “...No cultural resources in Yogaville will be affected by construction and operation of the Atlantic Coast Pipeline” (see Attachment 15: ACP Cultural Resource Report March 10, 2016, p. 25).

The amended route does pass through Yogaville Village Center property. Further, it is located within one-half mile from the historic district eligible buildings and landscapes. As this location may negatively impact Yogaville’s core mission and lies within scenic vistas, further Section 106-related study is necessary.

In order to address concern #4, the following actions are recommended:

1. FERC include Yogaville in the Section 106 process and consider the impacts on the Yogaville Historic District (historic, scenic, and natural resources made vulnerable by proximity to the ACP).
2. FERC investigate the effects of flooding and erosion near the pipeline under the James River on SAYVA’s James River floodplain where the LOTUS temple stands.
3. FERC create a plan to ensure seismically-sound buildings in a county with over 125 years of recorded earthquakes (as the U.S. Forest Service responded to FERC).
4. FERC respond to concerns about impacts to the scenic vistas, viewsheds, and corresponding heritage tourism industry during and after the pipeline’s construction.

Preservation Virginia, representatives of the Yogaville Historic District, and the Friends of Buckingham thank you for allowing us to provide a review of the issues that we agree have been vastly overlooked thus far as part of FERC’s review of the proposed ACP. As always, we are grateful for your work advising federal agencies to act as responsible stewards of our nation’s resources under the National Historic Preservation Act.

Sincerely,

Sonja Ingram
Field Representative, Preservation Virginia

Lakshmi Fjord, Ph.D.
Scholar-in-Residence, Dept. of Anthropology, University of Virginia
Yogaville Historic District representative
Union Hill/Woods Corner prospective rural district representative

Justin Sarafin
Director of Preservation Initiatives & Engagement, Preservation Virginia

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Attachments

Attachment 1: 2016 Most Endangered Historic Places press release

Attachment 2: Preservation Virginia comments to FERC, May 31, 2016

Attachment 3: Preservation Virginia to ACHP, June 9, 2016

Attachment 4: ACP Map revised 7/18/2016, screenshot of page 57 from Appendix K, Part 1

Attachment 5: ACP Map revised 7/18/2016, screenshot of page 58 from Appendix K, Part 2

Attachment 6: ACP Map revised 7/18/2016, pages 59-64 from Appendix K, Part 2

Attachment 7: VCRIS Map of Buckingham and Nelson County Historic Resources

Attachment 8: The Historic Resources Identification and Assessment of Nelson County, Virginia

Attachment 9: ACP Resource Report 4: Cultural Resources for Buckingham County sites referenced on pages 64, 80, 84-86, 88, 93-94, 104

Attachment 10: Union Hill/Shelton Store map

Attachment 11: Union Hill/Shelton Store Road parcels

Attachment 12: Buckingham County Slave Cemetery Map

Attachment 13: Union Hill comments June 2, 2016

Attachment 14: Yogaville Historic District comments June 2, 2016

Attachment 15: ACP Cultural Resource Report March 10, 2016, p. 25

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