

The Recorder

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2017-10-05 / Top News

Dominion defies environmental findings on project

BY JOHN BRUCE • STAFF WRITER

LITTLE VALLEY — Dominion paid Bill and Lynn Limpert \$10,000 for surveyor damage to their northern Bath County property. But more trouble remains despite the settlement, Limpert said.

“They really screwed up,” Limpert said of discovering that an un-escorted survey crew hacked down 48 bushes on their way through his pristine mountain laurel grove earlier this year.

“We met the unaccompanied crew about halfway through the property, after they had hacked through the mountain laurel. We complained, and were told that the unaccompanied crew was shooting the centerline from the earlier survey they had done on the property to our east,” Limpert said.

“We advised that we should have been notified that another crew was coming onto the property so we could arrange to accompany them. The two crews exchanged words. Each one knew that the other crew was going to be there. It was all planned in advance. There was no contention between the crews.

“They just didn’t tell us, the property owners, that another crew was coming onto the property from the east, or upper part of the property. I don’t know if they intentionally hid the fact that the other crew was coming onto the property from the east, or if they just failed to tell us. Either way, it’s pretty bad because we had told them many times that we wanted to accompany any crews on our property.

“I’d be happy if other folks who had damage” demanded reparation.

He said he would donate most of the settlement to anti-pipeline groups.

Greater concerns linger, though. Dominion has exhibited “an ongoing pattern” of ignoring its own environmental survey information to advance its proposed pipeline route, he said. The company has ignored hired environmental consultants to avoid more route variations.

Dominion ignored and failed to report to the Federal Energy Regulatory Commission landslides, sinkholes, and other karst features along the pipeline route as proposed, Limpert said. The company elsewhere ignored another consultant's recommendation to reroute away from Valley Center, separately from another proposed route variation deemed impractical, to address water quality concerns, according to cave specialist Rick Lambert.

In a letter to land lease and right of way manager Ramona Kanouff of Dominion, Limpert said the company ignored karst findings by its karst specialist. Dominion has "consistently and systematically misrepresented our property," he said.

"These misrepresentations benefit Dominion's pursuit of approval for placement of the Atlantic Coast Pipeline through our property, and obscure the numerous negative impacts that the pipeline would have on my wife, and I, and our neighbors. The misrepresentations can easily be shown to be part of an ongoing pattern," he told the company. "Most recently, your statement that karst has not been verified on our property is not accurate. The Karst Survey Report dated Feb. 21, 2017, that you reference, is not applicable, since the karst survey on our property was conducted at a later date, May 30, 2017.

"On May 30, 2017, your karst specialist, Mr. Valentino, witnessed the losing stream immediately adjacent to, and north of the pipeline route. I documented him observing the losing stream with video. Gary Robinson witnessed him observing the losing stream on our property to the south of the proposed pipeline as well.

"Your (Dominion's) statement that no verifiable karst features were found is inconsistent with Mr. Valentino's findings, and the findings of karst experts. Numerous experts have verified karst in Little Valley, and on our property, and have filed their comments in this regard with FERC. I have attached these filings. They include studies by Pamela Dodds, Ph.D. and hydrogeologist, Rick Lambert, cave specialist, William Jones, renowned karst specialist, and the Virginia Department of Conservation and Recreation," Limpert said.

"Dominion's misrepresentation regarding karst in Little Valley extends far back in the public record, to the initial report which falsely stated that there was no karst in Little Valley. Dominion's statements in multiple filings that karst surveys were not completed in areas of known karst due to lack of landowner permission are equally misrepresentative. Landowner permission is not required under Virginia gas pipeline survey law, and Dominion is fully aware of that ... Your statement of an emphasis on a direct connection of karst features to the phreatic zone is not warranted in our area. The phreatic zone is the saturated zone below the water table. William Jones has advised that there are only a few places in Virginia where sinkholes have a direct connection to the phreatic zone, and almost all sinkholes should be considered points of direct recharge to the karst aquifer ... All sinkholes, sinking streams, and losing streams should be fully considered," he continued.

"Your analysis did not consider another threat to our drinking water, and that is the threat that extensive blasting required to place the pipeline through our property and Little Valley could easily collapse the fragile limestone channels carrying water to our wells and springs. This could diminish or completely cut off our water. Blasting an average of more than 25 feet depth through bedrock over 3,000 feet our property would be required to place the pipeline. Our neighbors ...

have a well that is over 1,000 feet deep, cost \$29,000, and provides only 1.5 gallons per minute. They are very concerned, as all of us are, that even the first blast will completely cut off our drinking water.

“Your earlier comment that a geohazard survey was not planned further misrepresents our property. The USGS has designated our area as landslide prone. There are a number of large landslides on our property and in Little Valley, and a very large boulder deposition in Little Valley Run that relocated the stream. I am surprised that these landslides were not found in the geohazard analysis of Aug. 2, 2016 that you mentioned. Please advise me when the data for that analysis was obtained,” he said.

“All of the landslides and the stream boulder deposition occurred just two years ago, and are in close proximity to the proposed pipeline. I pointed out large landslides and the boulder deposition in Little Valley Run to Doyle surveyor Eric Donaljkowski on (neighbor) properties in November 2016, and watched him document them with photographs.

“Thank you for realizing Dominion’s negligence and exposure on this public safety and pipeline integrity issue, and offering to make the geohazard inspections. I would like to arrange for a geohazard survey on our property, and (neighbor) properties in Little Valley as well,” he explained.

“These same plans misrepresent topographic contours, and make it appear that our very steep and narrow Miracle Ridge, where the pipeline is proposed, is a gentle rise. These plans show a maximum six-foot cut required to create a 125-foot flat work area. Actual conditions on the ground would require an average 20-foot cut, and more than a 30-foot cut in some areas. These cuts would be even greater with a 150-foot right of way, as is shown in Dominion filings for steep slopes. The plans also show large flat areas and a peak, or single high point on our property next to the proposed pipeline. Our property is anything but flat. During the survey of Jan. 18, 2017, Eric Donaljkowski and other surveyors mentioned the extreme steepness and narrowness of Miracle Ridge. They also mentioned the extreme steepness and narrowness of the ridgeline of Little Mountain ... along the proposed path of the pipeline. The topographic contours for the Little Mountain ridgeline are also inaccurate, and flatten out that ridgeline as well,” Limpert said.

“The survey misrepresents our old growth forest that would be lost to the pipeline. Dominion has grouped all trees over 50 feet tall with a spreading crown as mature trees. This could be a tree as young as 40 years old. Some trees on our property that would be lost to the pipeline are likely 400 and 500 years old. This is an extremely rare and unique forest, some of which has never been timbered ... You have lumped it together with forests that have been cut down a number of times, and bear no resemblance to our pristine old growth forest. We have conducted numerous tours of our old growth forest for well over 100 visitors, including the ecology class at Bath County High School,” he said.

“The Virginia Department of Conservation and Recreation has designated our property and surrounding area the Little Valley Slope Conservation Site, and a Significant Natural Community. They state that this is one of finest mountain oak hickory (acid type) that they have ever seen in all of Virginia. The proposed pipeline route would cut through the center of it, and their FERC filing recommends avoidance of this site.

“Dominion’s contacts with the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) further indicate a pattern of misleading information. Robert Burrough, PHMSA Eastern Region Acting Director, advised me in a letter that a Dominion representative informed him that those of us in Little Valley who would be located above the proposed pipeline, with no egress in a pipeline emergency other than crossing over the pipeline, would be rescued by cutting a new road in over the mountain, or air lifted to safety. Both of these statements are absurd. We would be trapped at the end of the road in the evacuation zone if we initially survived a pipeline explosion or incident, with only minutes to escape the evacuation zone before suffering death or extreme injury. The road would have to be constructed over miles of forested private property protected by a conservation easement in a matter of minutes to reach us during that emergency. Additionally, there are no helicopters within 50 miles of our location, and it is highly questionable if a helicopter could even land in the evacuation zone during an emergency. Helicopters were unable to rescue persons trapped in the twin towers during the 9/11 terrorist attack due to the heat. Please advise me as to the Dominion representative who made these incorrect statements to PHMSA.

“Little Valley Road, Virginia Route 694, the only road in or out of Little Valley, is a designated rural route, and is not designed for large vehicles or equipment. In fact, the bridge over Bolar Run at the bottom of the valley is only 12.5 feet wide. It is not wide enough to allow large Bath County Fire and Rescue vehicles to enter into the valley. This makes rescue during a pipeline emergency or incident even more unfeasible,” Limpert pointed out.

“As I stated to you earlier, the easement agreement that you sent to us misrepresents the amount of our land would be taken for pipeline placement. The agreement shows a 125-foot right of way, but your filings with FERC show the right of way would be 150 feet wide due to the extremely steep slope, and increased trench width.

“Finally, the ‘corrected’ survey map that you sent with your Aug. 25, 2017, letter contains the same label color designations regarding tidal areas as the earlier incorrect map. Additionally, and in what appears to be another misleading tactic, the legend of the ‘corrected’ map you sent was missing.

“I am prepared to fully challenge Dominion’s misrepresentations of our property. The information I need to defend our property is clear and present, both on the ground and in writing, and fully documented for all to see,” Limpert said.

“Additionally, the Federal Energy Regulatory Commission has advised me that they review all property survey findings for the Atlantic Coast Pipeline. However, in response to my FOIA request, FERC has advised me that they have no record of survey findings for our property.”