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Remain vigilant, pipeline opponents told

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A large group attended the Voices from Bath meeting last Thursday at the Burnsville Community Center to hear an update on the project and to discuss how to continue to work against it.

BURNSVILLE — Even though work on the Atlantic Coast Pipeline is now at a standstill, residents along and near the pipeline route, as well as other opponents, must continue to fight and do all they can to stop the project. That was the message at a meeting last Thursday of the anti-pipeline group, Voices from Bath, held at the Burnsville Community Center.

Meeting moderator Dick Brooks, who works with the Allegheny Blue Ridge Alliance and the Cowpasture River Preservation Association, said there were several pieces of good news.

“The project is on hold, Moody’s has downgraded its bond rating, there is increased public awareness, there is increased agency scrutiny, and there have been good level results,” he said.

However, he warned that Dominion is a powerful company, is well-funded, and has a great deal of influence among politicians.

Ben Cunningham, a member of the ABRA and Friends of Nelson, an anti-pipeline group in Nelson County, said work is going on in West Virginia and North Carolina to clean up workspaces while the project is on hold in the courts. Of the 600 miles of pipe needed to complete the project, only about 10 miles has been deployed, he said. “They (Dominion) are years and years behind their schedule,” Cunningham said. “They are millions of dollars over budget. However, the fight is far from over.”



Ben Cunningham, who works with the Allegheny Blue Ridge Alliance and the Friends of Nelson against the Atlantic Coast Pipeline, attended last Thursday’s Voices from Bath meeting and helped update people on the status of the project. (Recorder photo by Mike Bollinger)

In October, Brooks said, Moody's downgraded the project's financial rating. That means the project carries more risk for investors and any money borrowed by the ACP will have a higher interest rate, he explained. He also warned that the utility will continue to seek to build the ACP. "Dominion is a tough competitor. They're big, they're well-funded and they have a lot of politicians who are friendly with them," Brooks said.

There has been 39 miles of tree-cutting activity in Virginia and 71 in West Virginia, Brooks said. In West Virginia, he said, there has been 46 miles of construction activity, 11 miles of pipeline deployed, and two miles of covered pipe. Cunningham noted the 46 miles is out of 80 planned for West Virginia. There is also some work that has been done in North Carolina. "There's not a lot going on in Virginia," Brooks said. "The project is stopped except for stopgap measures."

He updated the group on legal efforts against the ACP. He said a special use permit issued by the U.S. Forest Service has been determined not to be in the forest service's jurisdiction. And a Dominion effort to get a bill through Congress to allow it to dig under the Appalachian Trail has been unsuccessful thus far. "Their only alternatives at this point are to get Congress to change the law or to use existing infrastructure," Brooks said.

Also, a U.S. Park Service permit to cross the Blue Ridge Parkway has been revoked, as has a USFS incidental take permit for species allowed to be affected during construction. Dominion has lost efforts related to the take permit twice, Brooks said.

A permit for stream crossings through the Army Corps of Engineers is fairly easy to obtain, and Brooks said the ACP intended to use that permit for the entire length of the project. However, West Virginia requires any stream crossing to be approved by the state, which has caused further delays in that state. That permit has since been pulled, according to Brooks. "No stream crossings can take place until things are worked out with West Virginia," he said.

A hearing is upcoming on the Federal Energy Regulatory Commission certificate of convenience and necessity, Brooks said. Part of that permit has been based on Dominion's assertion that demand for natural gas has grown, and a U.S. Circuit Court in Washington, D.C. will hear whether that demand has grown enough for the project to be needed. "If that permit gets pulled, the whole game's over," he said.

Brooks pointed out there must be domestic need for the gas. International need plays no part, he said. He also noted the Virginia Water Control Board has voted not to rescind the permit for the project. Also, a suit has been filed to stop construction of a planned compression station in Buckingham County, Brooks said.

Dominion is relying on incomplete and deficient construction plans to build the ACP, Brooks said. "They have a record of poor performance and ineffective oversight. DEQ (Department of Environmental Quality) has given them a pass and allowed them to have trenches miles long. Imagine a trench emptying into the Cowpasture River. You would have a lot of sediment coming down. It would be the same thing with Back Creek and the same thing with the Jackson River," he said. "It's just going to go through very sensitive places. We've got politicians and others telling us this will be the best (pipeline) ever."

Brooks said proposed areas for access roads in Bath, in particular, are lacking. He said Dominion uses private driveways and national forest roads. “The plans barely include access road construction. There is no runoff strategy. There are none of the things you’re supposed to have in this plan,” he said.

The Virginia Department of Conservation and Natural Resources recommended avoiding sensitive areas such as Valley Center in Highland County and the Burnsville Cove in Bath, Brooks said, yet the route passes through both areas. “DCR presented them with two alternative routes. Neither was seriously looked at. There are multiple stream crossings in the Cowpasture River watershed and the Back Creek watershed,” he said. “In this high hazard area in which we live, it is impossible to do this without problems.”

In closing, Brooks again questioned the need for the project. “This is a financial decision. It is not about whether we need more gas. We have been successful in court because they got together, they cooked it up fast, and they did a lousy job,” he said. “Who will protect the Allegheny Highlands? It will likely be the folks present here in the room with us.”

Safety issues

Harold King, chair of the Bath County Local Emergency Planning Committee and president of the Bath County Fire and Rescue Association, said the two groups have been working with Dominion as much as possible on planning for emergency situations. “The worst case scenario is if the pipeline goes through, and if there is an accident or emergency during construction, how will that affect the citizens of the county and can we respond to safeguard our citizens?” King said.

He said the county’s emergency services agencies would have to work with Dominion on what resources the utility will have available and what the county will need. “We don’t have the resources in the county to do anything but evacuate citizens. In Little Valley, unless you can get a helicopter in there, people wouldn’t be able to get out,” King said. “We will use our Code Red system to let those citizens who will be affected know and we will work with Dominion to plan evacuation routes. The county and volunteers will do what we can to make sure our citizens remain safe. There’s not a lot we can do.”

King noted construction related trucks would have to use Muddy Run and Dry Run roads to access the route as well as U.S. 220. “If there are trucks carrying 40-foot sections of pipe and someone has a heart attack, how do we get there? What if an accident blocks the road and we can’t get to the hospital? We will have to hope for good weather so a helicopter can fly,” he said.

County officials are doing all they can to plan for emergencies, King said. “I don’t mean to scare anyone, but this is a major concern. It is beyond the capability of what we can handle locally. Should there be a large-scale disaster, we need to make sure everyone knows where the evacuation routes are,” he said.

Along Dry Run Road, King said, responders have to cross the pipeline route to get to the firehouse in Burnsville. North of the pipeline, it could be impossible to reach the hospital in Hot Springs, he said.

“No community has the capability to respond to that,” Cunningham said. “In Wintergreen in Nelson County, there is only one way in and one way out.”

What to do now

Brooks said writing and calling politicians is still needed. “Don’t stop doing that. Also, send letters to (Sen. Tim) Kaine and (Sen. Mark) Warner and to the board of directors at Dominion,” he said.

Cunningham suggested getting people involved in the construction monitoring effort. “Nobody knows your land better than yourselves,” he said.

Brooks said Voices from Bath intends to hold periodic meetings in the future to keep residents informed of continuing developments with the ACP.