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April 14, 2021

Kimberly D. Bose  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: Comments on Restoration Plans for Atlantic Coast Pipeline and Supply Header Project, Docket # CP15-554-009, CP15-555-007

Dear Ms. Bose,

These comments are submitted in response to FERC's March 2, 2021 request for input from the public and interested agencies regarding the Restoration Plan that describe ACP's and EGTS's plans for the disposition of Atlantic Coast and Supply Header Projects, including proposed restoration activities.

We submit that it is the responsibility of FERC to require Atlantic Coast Pipeline, LLC to release the thousands of easements that were obtained by Atlantic from private landowners on the proposed path of the Atlantic Coast Pipeline. This project, which was previously authorized by FERC on October 13, 2017, was cancelled by ACP, LLC on July 5, 2020.

Our specific interests are the 250+ easements in Nelson County which landowners were required to sell. By granting and issuing the certificate of public convenience and necessity, FERC bestowed upon ACP, LLC, the power of eminent domain which gave landowners no choice but to negotiate easements across their lands. In fact, FERC informed landowners that ACP, LLC, had the legal right to insist on easements and that their only right was to receive "just compensation" for those easements in the form of cash payments. Atlantic acquired many of their easements only after filing lawsuits against the landowners for failing to agree to terms for their easement agreements.

Because the project has been cancelled, there is no longer a "public use" justification for these easements. These easements impose a significant burden upon these landowners which has been proven to be unwarranted. They significantly diminish and limit the owner's use of their properties and, therefore, reduce its value.

It is inevitable that the county tax assessments on these properties will be reduced due to the limitations that the easements put upon the landowner's properties, costing a loss of county tax revenue on these properties. The impacted landowners who had their properties taken by eminent domain should "be made whole" in the process, for a pipeline that will not be built. FERC, having authorized this process and its consequences, bears the responsibility of creating a process whereby landowners can have their

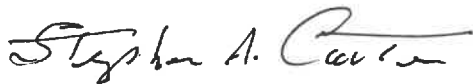
previous property rights fully restored as well as ecological restoration or full reimbursement of the economic costs of physical ecological restoration.

Between October 2015 and July 2020, over 250 easement agreements were filed at the Nelson County Courthouse. Easement agreements typically include both temporary and permanent easements. Permanent easements are typically 50 feet wide. The owner is prohibited from doing many things within these permanent easement areas including, but not limited to, erecting structures such as a house or a barn, planting trees and moving earth. Temporary easements which typically extend a total of 75 feet along the borders of the permanent easements, that would provide similar restrictions for 5 years from the start of construction or the “in service” date of the ACP, have now become a permanent encumbrance as neither construction nor service will occur due to the project’s cancellation.

These easements can also be an impediment to sales and transfers of these properties. Title companies will reveal the recorded encumbrance and raise it as an “objection to title” in their commitment for title insurance. This could limit the amount of financing available to a potential buyer.

In conclusion, FERC should require ACP, LLC to give property owners affected by ACP property easements the opportunity to regain full ownership of their properties and release these easements currently held by Atlantic Coast Pipeline, LLC. They should also require that ACP, LLC negotiate settlement agreements with landowners under which full restoration or financial compensation for the restoration is established.

Sincerely,

A handwritten signature in cursive script that reads "Stephen A. Carter".

Stephen A. Carter  
County Administrator

Cc: Board of Supervisors  
County Attorney