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Organization:

Title:

Comments: As a landowner and member of a family and community affected by the Mountain Valley Pipeline (MVP) project, I ask that the United States Forest Service (USFS) deny permission for the pipeline to use any National Forest lands. In addition, I ask that your agency disallow any pipeline-related infrastructure related to the project (for example: equipment yards, road access, parking or turnaround areas, etc.). Finally, I ask that your agency take steps to advocate protecting natural resources that are threatened by MVP (examples: streams, wetlands, wildlife populations, etc.) that may have some portion existing outside the boundaries of the National Forest.

In thinking about what topics to focus on for these comments, I felt deeply discouraged by the prospect of writing another round of comments on the environmental degradation that the USFS acknowledges will occur if approval is granted to MVP. It is depressing to think that citizens who oppose the project are now facing the ninth year of its noose around our necks while our pleas for environmental protection during previous public comment periods have seemed to fall on deaf ears. "How has this happened?" we ask amongst ourselves and the cynical answer expressed by some is to "Follow the money".

So, that led me to wonder what information has been disclosed about the money MVP will pay for use of the National Forest land? I've followed this project closely from the first time MVP showed up UNINVITED on our land, and I never thought about how the process works to determine how much MVP pays the government. Unfortunately, I know all too well how the process works for private property and it's called "The Threat of Eminent Domain".

Would the amount of money going to the USFS for granting the pipeline an easement be in line with what private landowners received who signed settlement agreements? Have private property owners been compensated differently from the amounts paid for public property easements? How would the public know if the amounts offered were fair? Everyone has heard stories of landowners who had no legal representation and, therefore, did not have the advantages in negotiation that the USFS would with government legal resources at their disposal.

Along this line of questioning, I would like to highlight a discrepancy I've noticed in how MVP reports acreage:

MVP uses misleading numbers for acreage calculations on private property compared to how it reports acreage on public lands.

The USFS reports that the public lands of Jefferson National Forest that are slated to be crossed by MVP amount to 42 acres of "operational" use in permanent easement if the pipeline were to be constructed. Since that amount does NOT include the additional land affected by construction of the project for (referred to as "temporary easement"), 42 acres vastly understates how much forest land would actually be affected, so the USFS report includes an amount of 83 acres that is described as "total use". Therefore, the reported "total" usage is roughly DOUBLE the "operational" acreage calculation.[1]

It is grossly unfair that the pipeline developer is not required to make the same calculation of "TOTAL" usage for private properties affected by eminent domain that was made for the public lands of the National Forest.

MVP ONLY includes in their calculation of acreage for eminent domain purposes the area within the permanent easement they want to condemn. The so-called "temporary" easement which is additional acreage that they use during construction is NOT INCLUDED. However, the "temporary" easement is subject to the same land-altering construction activities as the permanent easement.

Examples of destructive activities that have occurred to date on our family properties are listed below:

- * Tree Removal
- * Vegetation Stripping
- * Topsoil Removal
- * Soil Excavation and Grading
- * Soil Compaction Leading to Loss/Diminution of Productivity of Agricultural Land
- * Blasting
- * Rock Displacement and Removal
- * Ridgetop Removal and/or Alteration to Remove Natural Steepness
- * Excavation of Large and Deep Open "Sump Pits"
- * Construction of "Temporary" Bridges that cause Permanent Land Alteration
- * Construction and Use of "Temporary" Roads that Cause Permanent Land Alteration
- * Placement of Portable Toilet on Agricultural Land next to Stream Buffer zone
- * Litter and Construction Debris

During construction, both the "permanent" and "temporary easement" areas are designated by MVP as the "Limits of Disturbance" or LOD. After construction, MVP claims they will "restore" the "temporary" easement to its pre-project condition, so they OMIT the temporary easement acreage from their calculation of total acreage of land used. However, just like the permanent easement acreage, the temporary easement acreage will NEVER be "restored" to its original condition. This is an example of why NO acreage amount of any sort reported on MVP charts should be trusted. If they would even employ such a scheme to effectively underreport acreage of land used for eminent domain, it's likely that other numbers have been calculated in a similar misleading way. Since none of their surveying was done using metes and bounds, a landowner would never know unless they paid for their own independent survey during construction, the actual amount of acreage MVP was really using.

MVP purports that the "temporary" easement does not deserve recognition in acreage calculations of affected land for private landowners, yet it does make that calculation for the USFS. This approach begs the question: Why would significant calculations for "total" acreage not be disclosed for private properties but would be published for public lands?

I believe that MVP should be required to report figures for "operational" and "total" acreage on EVERY parcel affected by the project.

Misrepresentation of the Size of the "Taking" by MVP on Our Family's Private Property

Altogether, five members of our family were each separately sued by MVP for eminent domain. Between us, the lawsuits added up to a collective total of 34.25 acres of "permanent" easement. Despite this being a shocking amount of land to be taken from a single family for this project, the number actually understates the overall impact to the Terry property. The size of the impact to our land and water is substantially greater than the 34.25 acreage that MVP calculated for their eminent domain legal actions against the Terrys.

Using the previously cited Forest Service example in which the actual amount of directly disturbed land is twice what MVP calculated for the amount of condemned land, it is reasonable to assume that actual disturbance of the Terry family's property would also be at least doubled to a minimum estimated amount of 70 acres with inclusion of the "temporary" easement space used in construction.[2]

There is no question that the MVP project has imposed substantial burdens on the Terrys. We are not aware of another family or entity whose privately owned property will suffer a similar-sized eminent domain "taking" on this project.

We would give anything to be in the position in which the Forest Service finds itself meaning that the USFS has the choice to decide that they will not allow the project to cross their land.

Your agency has the ability to make a decision based on the clear evidence of the project's dismal record so far. The experts available to the USFS have determined that this project will cause too much destruction of forest, too much degradation of streams and poses too great a risk to life. Based on that, the USFS has the power and the responsibility to disallow the project through its property.

The route for this project was approved by a deeply flawed federal and state process. The route-planning NEVER prioritized environmental protection. If it had, the project developer would have consulted landowners instead of behaving like the land now belonged to them from the time of their first wave of unlawful survey entry onto properties (October 2014).

Landowners and frontline communities have been suffering the consequences of MVP since 2014. Public sentiment in our area has always been stronger in opposition to this project. At this stage of the public comment process (in the ninth year), I notice that favorable comments tend to come from individuals or organizations who, with a quick Google search, can be easily identified as those who will be making money from it.

What would my family members and other landowners give to have the resources of expertise and years of scientific knowledge that the USFS has at its disposal? We never had the money to conduct the type of studies that the USFS does routinely as part of updating their Forest Plans. The one thing we did our best to afford was some extensive well water testing that went far beyond the normal range of contaminants, so we could verify that our water was pure and safe before MVP.

What would we give now to be in the position of the USFS and be able to protect our land like your agency could protect the National Forest from the MVP project? We were never given that choice. Instead, we have faced 5 separate eminent domain lawsuits and that is still ongoing. Meanwhile, MVP has not paid anyone in our family a penny, but large swaths of our land have been damaged and we can't use it like we did before. On top of that, we pay all the taxes while MVP has paid for nothing in all these years.

Our farm on Bent Mountain in Roanoke County, Virginia, has been lived on continuously by family members for seven generations. We feel strongly about our land because it was passed down to us along with the values instilled in us to work and care for what we were given.

I hope there are federal employees of the USFS reading this comment who feel the same way about the public forest land they work to protect. I ask that you please don't compromise your knowledge, your experience and your commitment to environmental stewardship by giving in to MVP. Please put your integrity first and be a whistleblower if your job is threatened because you advocate against MVP. Believe me, there are so many members of the public who are out here ready and willing to support you and your agency in making a decision to deny the MVP project from crossing through the National Forest.

In summary, as an affected landowner, a U. S. citizen and a taxpayer, I am asking the USFS to choose Alternative #1 which is "NO ACTION / NO BUILD".

Sincerely,

Grace Terry

[1] Forest Service Record of Decision for Mountain Valley Pipeline, January 2021, p. 1

https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd874164.pdf

[2] Forest Service Record of Decision for Mountain Valley Pipeline, January 2021, p. 1

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