

CHARLOTTESVILLE, VIRGINIA

PRE-PPT TRIBUNAL BRIEFING

MAY 16, 2018 9:00-11:00

MS. LAKSHMI FJORD: I'm Lakshmi Fjord, chair of the Charlottesville, Virginia Peoples Tribunal. We are so honored to come before you today to present some of the places and persons whose testimony you received in full from our October 28th, 2017 Charlottesville Tribunal. These few representative testimonies speak for the thousands of people in West Virginia, Virginia and North Carolina who now face two huge new fracked gas infrastructure projects. The Atlantic Coast Pipeline and/or ACP and the Mountain Valley Pipeline or MVP.

Because of their route choices, these most impacted people will never themselves receive a single kilowatt of electricity or gas from these projects.

For over four years, after the first shock until today, we collectively have learned one certainty, fracked gas first fractures rock, then fractures people from their land by eminent domain, communities from their present clean air, water and soil; and counties and states along preexisting social injustice fault lines.

TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1           Both ACP and MVP disproportionately target  
2 people and places that are majority rural, low income  
3 and majority African-American, Native American and coal,  
4 now fracked gas country, Appalachians.

5           These we identify as the four environmental  
6 justice communities whose very existence, their towns  
7 and demographics were erased in ACP and MVP application  
8 documents yet they are targeted to pay the true costs of  
9 these two pipelines if constructed.

10           Their hard earned investments are in  
11 communities targeted by ACP and MVP to bear the heaviest  
12 per community environmental burdens of toxic hazards to  
13 health, water, air, present jobs and economies, losses  
14 of property value and even their insurance.

15           David Sly of the conservation group, Wild  
16 Virginia and whose family has lived in this early  
17 colonized place since the early 1700s testified saying,  
18 the pipeline companies want to cross through thousands  
19 of streams and wetlands and to disrupt the ecological  
20 health of watersheds. Cumulative impacts will affect  
21 major river basins including the Shenandoah and Potomac  
22 Rivers, the James River and the Roanoke River.

23           Many highly sensitive water bodies will be  
24 affected ranging from mountain trout streams to habitats  
25 for endangered and threatened species to unique wetland  
TREMINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 communities.

2           And construction is proposed to occur in some  
3 of the most challenging environments in the United  
4 States. The route to which the western portion of  
5 Virginia would cross many areas with very steep slopes,  
6 highly erodible soils and records of frequent land  
7 slides. Most construction companies, which routinely  
8 expect to abide by run-off control requirements, would  
9 never propose to build in these types of environments  
10 because the standard measures simply will not protect  
11 water quality and they know it.

12           The destruction of the forest and native  
13 plants and the excavation of huge trenches for the  
14 pipelines would result in the discharge of thousands of  
15 tons of sediments and other pollutants into our waters  
16 by digging, cutting, even blasting through stream  
17 bottoms, the companies would release more pollution and  
18 would also fundamentally alter the physical features and  
19 vital habitats in these waters. State agencies'  
20 scientists have stated that the natural functions of  
21 those ecosystems could be eliminated.

22           On this map are marked the huge areas of US  
23 national forest public lands held in trust for the  
24 American people's well-being where the US Forest Service  
25 approved the ACP and MVP projects to be routed. After  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 the presidential election a once critical Forest Service  
2 has since given MVP and ACP rights to vary away from  
3 long held restrictions on harms to soil, water,  
4 riparian, old growth and recreation and visual  
5 resources.

6 Dana Christofellus writes, "Over its 300 mile  
7 length MVP would cut through almost 250 miles of  
8 forested land, or over 80% of its total route, including  
9 an old growth forest in Jefferson National Forest."

10 The ACP route is through the George Washington  
11 and Monongahela National Forest. These exemplify  
12 violations of the rights of nature that will impact  
13 complex, diverse ecosystems that provides most needed  
14 equilibrium against greater climate change.

15 The ACP estimates their climate change  
16 contribution to be 67,591,816 metric tons per year.  
17 That is the emissions equivalent of 20 coal fired energy  
18 plants or 14-million passenger vehicles.

19 If built both will horizontal drill under the  
20 Appalachian Trail, part of the national park service.  
21 Old Dominion Trail Club warns the release of chemicals  
22 into the fractured bedrock geology and the water  
23 resources of the Blue Ridge Mountains could be  
24 devastating to the natural communities and severely  
25 impede the recreational use of the AT and the  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 surrounding public lands.

2 In a staggering breach of human rights the  
3 Forest Service and Virginia state police in the  
4 Jefferson National Forest are currently denying food,  
5 water and medical care to tree sitter protesters against  
6 those predations by the MVP.

7 All this loss and not even Cheryl LaFleur, the  
8 senior most federal energy regulatory commissioner, or  
9 FERC, finds either pipeline is needed, nor do they, in  
10 her words, serve the public interest.

11 On October 13, 2017 FERC approved both the ACP  
12 and MVP in a very rare 2 to 1 vote. LaFluer dissented  
13 and these are her main points that are on the screen.  
14 They're both very similar.

15 They take their gas from the same source.  
16 Their markets are the same and their routes are almost  
17 parallel in some places. She's saying, you know, we  
18 don't need 900 miles of new fracked gas infrastructure  
19 that has significant impacts, karsts, thousands of water  
20 bodies.

21 It's going to impact a lot of significant  
22 cultural resources, as I mentioned earlier, and there's  
23 absolutely no demonstrated need other than ACP for it's  
24 own subsidiaries.

25 From Tom Hadwin, who is the former gas and oil  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 industry executive, has done extensive research and in  
2 his testimony we learned that this rush to build  
3 pipelines is entirely a result of FERC's decision to pay  
4 50% higher rates of return for new gas transmission line  
5 than to do utility infrastructure building, which would  
6 be renewables.

7           The last thing about this context in FERCs own  
8 first quarter report for 2018 they noted that only 3% of  
9 new electrical generation was from gas and 94% from  
10 renewables. This ought to make us very glad, but not  
11 when the fracking boom has not yet busted because of the  
12 higher returns from exporting to foreign markets. It's  
13 the tragedy of the last soldier killed after the peace  
14 was called but before the looting stopped.

15           The Charlottesville People's Tribunal was a  
16 direct response to witnessing Virginia state police in  
17 riot gear standing by and doing nothing to protect  
18 people of color being savagely beaten before our eyes,  
19 killed as we chanted for equality on August 11 and 12,  
20 2017.

21           The hostility of the police to the non-violent  
22 protesters felt akin, though not at the same scale, to  
23 the hostility expressed at public meetings in critiquing  
24 these projects by boards of supervisors, by FERC staff  
25 at hearings, by the water control board, by Virginia's  
TREMINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 then governor, a great ally of Dominion Energy, largest  
2 campaign donor in the state of Virginia and the  
3 principal stake holder of the ACP.

4 That is why many of our testimonies from  
5 across both pipelines are of betrayal by local elected  
6 representatives, by state agencies, governors, charged  
7 with protecting all citizens but instead replicating  
8 centuries-long social injustices and disparity.

9 Last night we learned that it's the rights of  
10 nature that is chiseled into ACP seemingly rock solid  
11 forward progress. And we hope that MVPs lawyers will  
12 take up this strategy.

13 Based on the Endangered Species Act the Fourth  
14 Circuit Court of Appeals did not accept an incidental  
15 take-statement which is the depths allowed for Dominion  
16 by the US Fish & Wildlife Agencies of threatened and  
17 endanger species while building the ACP. Therefore, the  
18 Forest Service and Corp of Engineers must halt all the  
19 ground pipeline activities under these permits until the  
20 defects of that plan have been remedied.

21 In response, however, Dominion vowed to  
22 continue to press forward with construction on the  
23 project according to Robert Zullo of the Richmond Times  
24 Dispatch.

25 Thank you.

TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 DR. IRENE LEECH: Hello, I'm Irene Leach.  
2 And I am going to be talking about the rural communities  
3 and the public participation. So I'll share my screen  
4 and start the power point.

5 I'm going to introduce you to some of the  
6 people. This is Cletus and Beverly Bohon's property and  
7 it's split by the pipeline. And they've been told that  
8 they can access the half of their property that's not  
9 available once the workers are not there.

10 Don Apgar is in his 80's and the water of the  
11 north fork of the Roanoke River is an important piece  
12 for him in terms of recreation as well as the family  
13 heritage.

14 Bill and Linn Limpert live in Bath County and  
15 their retirement home is threatened by this. They're  
16 standing by Ona, who is a 300 to 400-year old sugar  
17 maple tree in an old growth forest and approximately  
18 somewhere between 10 and 60 feet of this mountain are  
19 going to be removed in order to make a space wide enough  
20 for the pipeline.

21 This is my own family farm, 1,200 acres that  
22 we have in the geographic center of Virginia and that we  
23 have farmed with registered Angus cattle for 116-years.  
24 What you're looking at right now are the terraces that  
25 my grandfather built 50 or more years ago to make the  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833



1 water stay on the land instead of running off. Dominion  
2 insists that for ACP they have to go straight through  
3 these. While if they would do as we have asked within  
4 our quantity of land to move to the edges of the fields  
5 that they're going through they could avoid damaging  
6 this.

7 So you see that there are all kinds of issues.  
8 Rural communities are being hit. Nobody wants to invest  
9 in them to give us the internet and things that other  
10 people have.

11 Many of the people say that, well, we should  
12 just leave these communities and go other places. They  
13 don't understand that they need the trees and the soil  
14 to have the clean air and the water that they all count  
15 on.

16 There are a number of ways that there have  
17 been challenges to people participating in the process.  
18 FERC, the federal government agency that's responsible  
19 for all of this, is very closely tied to the industry.  
20 And, for example, even if they require that they do some  
21 inspections the pipeline companies hire the inspectors  
22 and supervise them.

23 They'll do things and allow things to happen  
24 so that they can ignore the information. And so the  
25 landowner or consumer is not listened to, even though in  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 the 1930 legislation for the agency, it required that  
2 they have a landowner or consumer office. And we've  
3 tried several times but they just won't allow it to  
4 happen.

5 Internet access is critical to participate in  
6 the process because that's how you submit things to  
7 FERC. You could mail them but the way that you really  
8 get up-to-date information is on the internet. And many  
9 of these rural communities don't have decent internet  
10 service. We have less than some third world countries  
11 in our rural areas. And then, on top of that, people  
12 depend upon the FERC web site but it's not dependable  
13 and so it's a real challenge to make things happen the  
14 way that we need for them to.

15 Public information has been limited and  
16 focused on PR, not facts, that don't have spin connected  
17 with them. And they've focused on the information that  
18 the company wants to get out there.

19 It's been very frustrating because the  
20 meetings have been arranged in ways that make it very  
21 hard for people to participate in them. For example,  
22 not in the affected county, requiring that people drive  
23 distances at night. And many of the people affected are  
24 elderly. Or they'll have meetings during working hours  
25 when working people cannot get there.

1           They're set up in ways that are intimidating  
2 to people and the agency people who have moderated in  
3 several cases have been threatening to people,  
4 threatening that if they didn't stop standing against  
5 the wall that they're going to close the hearing.

6           They've also done things like require that  
7 when people come in the door they say whether they are  
8 for or against the project and then arranging things  
9 that way. Or they have also gotten so that now they  
10 don't want people to speak at the podium and they will  
11 require that people go to a private room somewhere to  
12 say what they're going to say. And that means that the  
13 other people cannot hear what they say. The press  
14 cannot hear what they say. And so you have this lack of  
15 a record.

16           We've also seen that the transcriptions that  
17 have shown up on the FERC web site are often very poor  
18 and totally failed to get the message that the  
19 individuals are trying to put across. So this has been a  
20 major problem all through this process.

21           You've already heard that there's been no real  
22 evaluation of the need for the infrastructure and that's  
23 a big problem because they claim that they've got  
24 growing needs and increased demand when, in reality,  
25 it's decreasing and we have no known use for the energy  
TREMINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 that they're trying to move.

2 They're taking our land. They're making us  
3 live with it and with the stress and the risk and  
4 there's no verified need. And, in fact, what we suspect  
5 is that it will sold for private profit.

6 The decisions that are made are made using  
7 incomplete and inaccurate information partly because of  
8 the way the system is set up so that different  
9 information gets submitted to the federal agency at  
10 different times as well as to other agencies. And  
11 they're forced to make decisions and we're forced to  
12 respond to things when the information isn't all in  
13 place.

14 We've also had problems with them ignoring the  
15 facts that we've presented even when we've told them  
16 that the information that they're using is wrong and  
17 they'll manipulate the data in their favor.

18 For example, Lakshmi has proved there are many  
19 more people living in the Union Hill area than the  
20 county level data that the industry has used. And when  
21 she asked just last week if they would fix that the  
22 answer was no.

23 And they'll do things like tell neighbors that  
24 people have accepted an easement when they haven't. And  
25 this information issue goes all the way through this.

1           The procedures are not easily discovered or  
2 understood. For example, you would have to sign up as  
3 an intervenor in the very beginning of the case or  
4 you're not allowed to later. You can't challenge the  
5 decision. And they've been denying letting people be a  
6 part of that. They only notify the people who are  
7 directly involved, not the people who are affected but  
8 whose property is not going to have infrastructure on  
9 it, even if it's right next to it and their property is  
10 going to have danger and so forth as a part of that.

11           And there are no rules that tell you when  
12 things have to be done, when the company can say that  
13 they won't make any adjustments and so forth. Even  
14 local government and state historical associations have  
15 been stymied in their trying to be a part of things.

16           This use of eminent domain is a major problem  
17 because the industry uses it from the very beginning to  
18 intimidate the land owners. The industry has no reason  
19 to work with the land owners. And housing is, and land,  
20 you know, that's the single largest asset that most  
21 people have. And so the fact that they could take this  
22 and that they could reduce the value of it really puts  
23 some families in economic jeopardy. And it's not fair  
24 to be doing this when it's something that isn't going to  
25 be for public benefit.

1           The easements give the people a one-time  
2 payment, not ongoing income for ongoing use of that  
3 land. And that land owner continues to pay property  
4 taxes while their use of the land is permanently  
5 changed.

6           There's great pressure to accept an easement  
7 early in the process which then the federal agency takes  
8 as people being willing to do it and, yet, when we wait  
9 to do it then they will not move the pipeline on your  
10 property. That's a part of what I'm dealing with with  
11 my family.

12           And the disruptions of homes and businesses.  
13 For example, there's a couple in Newport, Virginia along  
14 the MVP who had the pipeline on one side of their acre  
15 and half lot and an access road on the other side.  
16 They're in their 80's. They've been forced to move.

17           For my family business we have found that, you  
18 know, they don't understand the needs of making our  
19 business continue on the land that we own as they do  
20 what they're going to do. They just say, well, we'll  
21 show up when we show up and, you know, we'll pay you for  
22 anything that you lose as a result of that.

23           We need to time to plan for our 400 cattle and  
24 for how we're going to get done the things that we need  
25 to do. But as far as they're concerned our business  
TREMINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 doesn't matter and that disruption doesn't matter.

2 States are having to fight in court in order  
3 have the opportunity to be a part of the decision-making  
4 process. New York has pushed the envelope.

5 Our state of Virginia and West Virginia and  
6 North Carolina, none of them have wanted to press that.  
7 In fact we have a hard time getting them to do the  
8 things that they need to do and that we know that they  
9 have the authority to do.

10 And we've been told your air and water are so  
11 clean you can afford this additional pollution. They  
12 really have -- they don't think anything of taking away  
13 from us the things that rural people have moved to our  
14 area for and they clearly have the attitude that we  
15 don't deserve to have this clean air and that they have  
16 a right to take it from us.

17 And finally the safety standards are based on  
18 the industry risk, not the risk of the people who are  
19 affected. And there's a lower level of safety provided  
20 to people in rural areas. Thinner pipe and 20 miles  
21 between cutoff valves and all the gas has to burn off in  
22 order to get it to stop.

23 And so for even with as much property as my  
24 family has all of our buildings are currently within the  
25 incineration zone and all of our property is within the  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 evacuation zone or the fire zone. And so the risks that  
2 they are exposing people to are unreasonable and are  
3 something that we really need to do something about.

4 So I will turn this over to our next speaker  
5 who is April.

6 MS. APRIL PIERSON-KEATING: So I'm April  
7 Pierson-Keating from Buchanon, West Virginia. I'm with  
8 the Mountain Lakes Preservation Alliance and I'm going  
9 to try to give you the background of West Virginia's  
10 part in this.

11 We're Appalachian. We're the only state  
12 that's completely surrounded by Appalachia. All of our  
13 areas are contained within the Appalachian region and  
14 many of our people are very poor.

15 We have the second greatest biodiversity in  
16 the world after the Amazon Rain Forest and we're home to  
17 the headwaters of eight major rivers, several endangered  
18 species and we've been ravished by industry since before  
19 we became a state.

20 Logging began in the early part of the  
21 century, the 19th century. As you can see they took a  
22 lot of old growth trees out. They took most of them but  
23 some of them are still left.

24 The railroads came and the landmen started  
25 conning people and cheating people out of their land and  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833



1 mineral rights and getting them to agree to sell them  
2 for very cheap. And that tradition continues today.

3 Coal mining was a staple industry, always has  
4 been here. It's starting to die out now because the  
5 reserves are going down but as it has become mechanized  
6 there's been losses of jobs and that's just the way the  
7 industry goes.

8 In the 1970's mountain top removal mining  
9 started in earnest and started destroying the valleys  
10 even worse. What happens is when they blow the tops  
11 off the mountains and they get down in to the rock they  
12 get into the heavy metals, the arsenic, the cadmium, the  
13 copper, and they take all that dust and they throw it  
14 down the valley.

15 And you can see from the picture that the  
16 valleys contain little streams and rivers. So that's  
17 what happens to our water is it has become contaminated --  
18 has been contaminated by the industry.

19 Our governor is a coal baron. He ran for  
20 governor as a democrat but he was a republican before  
21 that and people might remember soon after he was elected  
22 he switched back.

23 He put a mine by a Head Start preschool. He  
24 had 23,000 water pollution violations and he -- that's  
25 the Clean Water Act Violations, and unpaid fines and  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 taxes. So that's our leadership.

2 Oil and gas began mid-1800's. Back then in  
3 order to drill a well you had a horse and cart going in  
4 a circle for several days before you would get down to  
5 the bottom. And those wells were shallow.

6 Now we have wells that take up 25 acres and go  
7 7,000 or more feet down and take tons of water and  
8 chemicals to do the job. So the industry isn't what it  
9 used to be.

10 It uses of millions of gallons of water every  
11 time a well is fracked. It creates a huge waste stream  
12 and that waste has to be put somewhere. We know that  
13 pipelines are going to expand fracking. There are 300  
14 permits currently waiting to be developed in both Upshur  
15 County, where I'm from and Lewis County, a neighboring  
16 county. And there are many more large pipeline projects  
17 proposed for the state or already approved that are not  
18 on this map. We also have thousands of miles of  
19 pipeline in the ground.

20 Meanwhile the old infrastructure isn't being  
21 taken care of. You know, a rural place like Doddridge  
22 County. That has beautiful places and old growth forests  
23 is crisscrossed by pipeline and full of gas  
24 infrastructure as you can see in the picture on the  
25 right.

1           The picture on the left is from a visit from  
2 Princeton University researchers who came and did some  
3 research on gas emissions in West Virginia, New Jersey  
4 and Pennsylvania and they said they had never seen  
5 anything this bad as what we had in West Virginia.

6           And I know personally as we were driving  
7 through Doddridge County sometimes it was very thick and  
8 you couldn't really breathe very well.

9           So the air quality is a problem not only from  
10 the leaking infrastructure but also from the large  
11 trucks and equipment and the compressor stations.  
12 Michael MacCaulley from WVU has been studying air  
13 quality and has pointed to the diesel emissions as being  
14 very, very hazardous and, of course, this kind of  
15 development requires a lot of diesel equipment.

16           West Virginia water is wonderful. We have the  
17 best water anywhere, or we did, and it feeds 14 states  
18 and 46 rivers.

19           The picture on the right is what happened  
20 after the Stonewall Momentum pipeline, that is a 36-inch  
21 pipeline, went into one of the streams that we were  
22 monitoring.

23           And here's some more of the effects. You can  
24 see in the top left and the bottom right photos that is  
25 bentonite clay that came up into the stream bed after  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 they drilled underneath the stream.

2 The top right photograph is siltation after a  
3 rain which happens in horrendous amounts once they tear  
4 off the trees and grass and create mud.

5 And then the bottom left picture is just a  
6 coal mining holding pond for the acid mine drainage  
7 water before they treat it. But we do have acid mine  
8 drainage in the streams and several places.

9 A lot of this construction is crossing  
10 wetlands and they are not, as you can see in this  
11 picture on the right, they're not controlling the run-  
12 off that goes into that little stream down there and  
13 this is happening everywhere.

14 The industry has been intimidating our people  
15 from the beginning. These pipes have been sitting out  
16 here since May 2016. They've been here too long but  
17 since they're here people just figure that the pipeline  
18 is definitely going through and they don't want to fight  
19 it. They don't see any reason to.

20 Even our county commission wrote a letter of  
21 approval for the storm water permit on the ACP without  
22 reading it first.

23 The trucks that carry the waste are not  
24 regulated because of the Halliburton loophole. The  
25 brine itself, the salt water that comes out of the  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 earth, is ten times as salty as sea water. It will kill  
2 anything it touches. And there are terrible chemicals  
3 and radiation that are in this water and they're using  
4 it to de-ice the roads.

5 Of course there's a danger of leaks, fires and  
6 explosions. And this is just a picture of an explosion  
7 that happened a few months ago in Ohio and that fire  
8 took a couple of weeks to put out.

9 The McClain family, this is a heart-rendering  
10 story. They've got a beautiful farm that they've had  
11 in their family for 70-years and they have had a lot of  
12 trouble from the gas industry development in Doddridge  
13 County.

14 As you can see their homestead is surrounded  
15 by three giant pipelines. The purple and the blue are  
16 the MVP in the Stonewall line and you can see they are  
17 crossing each other, which I think is absolute  
18 insanity. And then about a mile away from them on the  
19 other side is the Supply Header Project from the  
20 Atlantic Coast Pipeline.

21 They have been worried that the water might  
22 get into their house because the pipeline construction  
23 from the MVP is up on the ridge above them and it's  
24 very, very, steep. And I'll show you some pictures of  
25 that in a minute.

1           A lot of these slopes are over 50%. And the  
2 Middle Island Creek is the longest creek in the world.  
3 This is the water that feeds Doddridge County and it  
4 contains mussels, fresh water mussels that are  
5 endangered.

6           This is from a letter that they wrote to  
7 Senators Manchin and Capita and got no response. "The  
8 land agent stated they would use our road and it was  
9 their right to use it. He did not care about the damage  
10 that occurred to the fences and road banks, ditches, et  
11 cetera.

12           "As of today no one has talked to us about  
13 this pipeline project. They have sent countless people  
14 on our land to survey and plan the destruction of our  
15 land without talking with us. I have lived here almost  
16 70 years. I know which direction the water flows and  
17 where erosion and damage to the land will happen.

18           "These people do not care about the land,  
19 water, trees or the lives of people living near these  
20 pipelines."

21           When the Stonewall line went in three years  
22 ago, it's a 36-inch, it crossed Middle Island Creek and  
23 various wetlands as well. It was constructed by  
24 Precision which is doing the MVP. They were almost shut  
25 down. They were flatlanders. They were from Wisconsin  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 and they didn't know how to do construction on these  
2 steep hills.

3 And then the company, another company added  
4 the Morgan compressor station to that pipeline and they  
5 do regular blow downs which are very noisy and very  
6 disturbing to the people in the area.

7 I went up on the ridge to see the construction  
8 a few days ago and it is absolutely horrible. I would  
9 say breathtaking but that sounds positive.

10 The picture on the left shows this 125-foot  
11 wide swath that they've cleared. And the picture on the  
12 right is looking down only about half way up to this  
13 ridge, looking down at their farmstead and the potential  
14 for the run-off on to their land and into home.

15 Here is more some pictures. This is  
16 enormous. These pictures cannot possibly do it justice.  
17 The one on the right shows the valley below and the  
18 houses. And, of course, there are streams down there  
19 that are going to be affected by all of this dirt as it  
20 gets wet in the rain.

21 In this one the picture on the left shows a  
22 silt fence that is supposed to protect -- keep the  
23 run-off from going down hill but in a major rain that's  
24 not going to do anything.

25 They've cut the trees and piled them. They're  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 going to burn them. And there is a beer can in the  
2 ground there where they've just tossed it.

3 The picture on the lower-right that is a spill  
4 kit. I have no idea what they think they can clean up  
5 with that. It's a joke.

6 Doddridge County has been dealing with huge  
7 infrastructure and they just had completed this Antero,  
8 what they call Clearwater facility, but it's a frack  
9 waste processing place. They're going to be taking 600,  
10 that's an average, 600 trucks per day of frack waste  
11 containing radium 226.

12 They're going to be producing a trillion tons  
13 of toxic salt over the 20-years they intend to operate  
14 and they think they're going to use this for food and  
15 salt deicing on the roads. This is upstream of the  
16 water source for two towns and they think they're going  
17 to protect the water.

18 Another aspect of this industry is the damage  
19 to the roads and the dangers. People are regularly  
20 killed when these trucks turn over and topple and fall  
21 on top of cars and kill families, children. And an  
22 accident just happened a few days ago out on Route 50  
23 near Clarksburg, West Virginia.

24 They tout jobs. They tell us it's going to be  
25 great. But we took some pictures of the different  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833



1 parking areas and these license plates are almost 100%  
2 out of state.

3 The fleet at the bottom is a new fleet. A  
4 bunch of trucks that were just brought in and the ones  
5 at the top that's from back when they were doing the  
6 Stonewall pipeline. And we saw trucks from Wisconsin,  
7 Louisiana, Mississippi, all kinds of other places, but  
8 very few West Virginia license plates.

9 This just continues the boom and bust  
10 economy. And the workers are exposed to things and not  
11 even told what they're exposed to.

12 Kevin Campbell used to work on the rigs and he  
13 drove trucks, you know, carrying pipe and different  
14 pumps and supplies. And, you know, they abuse these  
15 workers. They make them work over 40-hours. They don't  
16 let them sleep. They tell them to falsify the  
17 documents.

18 And he tells this horrible story of when they  
19 were pouring concrete down for a casing and it just kept  
20 on going and they didn't know where it was going. And  
21 they just kept on pumping it for 30-hours straight.

22 He later worked as an EMT where he transported  
23 people that were sickened by their water wells that had  
24 been poisoned by fracked waste.

25 The Binion family has been through it. They  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 had a dehydrator in Taylor County, although the picture  
2 is from a Sherwood processing plant in Doddridge County  
3 but that's where they live now. But they had heart  
4 problems. The kids in the neighborhood had nose bleeds  
5 and various other health problems.

6 The EPA and the DEP just wouldn't do anything.  
7 The DEP didn't even have equipment to test the air to  
8 see what was in it or how much was in it.

9 This is one land owner who is surrounded by  
10 both ACP and MVP in Lewis County.

11 Upshur County, this is where I live, this is  
12 our high school. The pipeline is 2200 feet from the  
13 county's only high school. The Class II pipe is the  
14 second thinnest type of pipe that they are required or  
15 allowed to put in. There are four thicknesses and they  
16 don't, apparently, think that we're worth the thickest  
17 pipe.

18 This also, if it would blow in this area, it  
19 would cover up Route 20, which is our main north/south  
20 artery in the county, and emergency vehicles would not  
21 be able to get to the school to rescue anyone.

22 This is a construction yard that's been built  
23 and they're currently working at and I just wanted to  
24 show you that there is water all around this. And when  
25 you look at the plans in the permits, almost all of  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 these yards are surrounded by water.

2 Selbyville has an injection well that went in  
3 five years ago. We went canvassing out there to let them  
4 know about a public hearing that they didn't know  
5 about. And we talked to people who had lost their water  
6 when the well first went in.

7 So the injection of the waste has created  
8 seismic activity. If you look over on the right side of  
9 your screen at Braxton County, where the yellow dot is  
10 the Marcellus injection well, and the orange circles are --  
11 so on the right side of the screen you can see the  
12 injection well there and a bunch of earthquakes that  
13 occurred in 2010 and 2013 that were attributed to that  
14 injection well. West Virginia shouldn't be having any  
15 kind of seismic activity.

16 Also there's been widespread water  
17 contamination in Fayette County at the Loch Kelly well  
18 ponds, sludge ponds, that's been leaking out into that  
19 community's water and they cannot use their water any  
20 more. And, of course, our sledge and waste, a lot of it  
21 has been going to Youngstown, Ohio which has been  
22 experiencing a lot of earthquakes related to that  
23 injection.

24 Griesingers had a beautiful farm out on Holly  
25 Grove Road and after Chesapeake drilled a Marcellus well  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 they lost their water and so did the neighbors.

2 Sometimes the underground injection -- well  
3 the injection can, but the fracking can shake the ground  
4 and create fissures and cracks where the water then from  
5 the aquifer will leak out and just dry up. And that's  
6 what happened to their well.

7 Now Wetzel County is the origin of the  
8 Mountain Valley pipeline and Mobley, West Virginia has  
9 basically been completely taken over by EQT and Mark  
10 West.

11 You can see the picture on the top there with  
12 the red circle. Now that's the Mark West facility that  
13 is blown up there at the bottom, that bottom picture.

14 There is also an EQT well pad with 17 wells on  
15 it. And the blue squares are where homes used to be.  
16 Those homes have been purchased and razed. So this  
17 area is completely owned and controlled by oil and gas.

18 Monroe County is right next to, I believe it's  
19 Giles in Virginia, and they've been fighting very  
20 valiantly against the MVP. They have had tree sits that  
21 have been actually very successful, in my opinion, at  
22 delaying things long enough for the courts to consider  
23 what's really going on.

24 And they were denied food and water by the  
25 Forest Service, of all organizations. And one of the  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 problems is that there was an earthquake in September  
2 2017 only a mile and a half away from the MVP route. In  
3 May of that year there was one six miles away.

4 So, you know, when you're putting a pipeline  
5 in the ground these pipes are in 40-foot sections and  
6 that means there's 135 welds per mile. So that's 135  
7 chances per mile for something to go wrong if the earth  
8 should move.

9 Next thing that is going to be coming along is  
10 this Appalachian storage hub because Louisiana and  
11 Houston are no longer viable and everything starts up  
12 here anyway. This is where most of the gas and the  
13 natural gas liquids are sourced.

14 What they're going to be doing is this project  
15 is only in the conceptual stages but you might have  
16 heard about the 83.7-billion dollar deal with China.  
17 They're going to be investing in this project. Our  
18 governors are behind it. Our commerce secretary and  
19 WVU, our major university, are all behind this project.

20 They would be injecting natural gas liquids  
21 into abandoned salt caverns, which are the red circles,  
22 and some abandoned underground gas wells and possibly  
23 potentially mines in these areas. And then they're  
24 going to run six pipelines adjacent to the Ohio River  
25 and expect nothing to go wrong.

1           These caverns will be full of LNG, natural --  
2 NGLs, natural gas liquids, and they will be stored in  
3 there, several different types, by density in the same  
4 cavern.

5           So here's some resources. This is just the  
6 tip of the iceberg. I invite anyone to reach out to me  
7 for more information, look these up on the internet,  
8 find your own local organizations but there's a lot of  
9 people working on this right now and I encourage  
10 everyone to get involved because our water is our future  
11 and without it we won't survive.

12           MS. LAKSHMI FJORD: Hi, I'm Lakshmi Fjord  
13 and here I'm the historian and demographer of Union  
14 Hill.

15           After the violent and racist events in  
16 Charlottesville in August, Virginians asked ourselves  
17 where do we stand on the racist heritage of Virginia?

18           I'm going to discuss a little bit about the  
19 African American impacts of the Atlantic Coast Pipeline.  
20 We're asking how and where does racism manifest itself  
21 in present day social systems and institutions?

22           So in our people's tribunal one of the  
23 questions we asked was what direct relationship is there  
24 between the extremist racist violence that was  
25 perpetrated in the name of preserving Virginia's  
TREMINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 heritage and civil war monuments and the slow violence  
2 of locating the Atlantic Coast Pipeline's only enormous  
3 highly toxic polluting Virginia compressor station in an  
4 85% African American and historic freedmen community of  
5 Union Hill?

6 So what are the cost benefits specifically of  
7 racism and environmental injustice more broadly?

8 Yesterday I was sent from allies in North  
9 Carolina communities a press release that they filed a  
10 complaint with the EPA with their civil rights  
11 compliance office because they say that the federal and  
12 state agencies have discriminated on the basis of race  
13 and color because they failed to assess the  
14 disproportionate impacts of the ACP on communities of  
15 color which is required under Title 6 of the Civil  
16 Rights Act of 1964.

17 So they're calling them out. They're saying,  
18 you know, they haven't done any of the basic  
19 environmental assessments. And they are also along  
20 places where they're already experiencing a lot of the  
21 impacts of climate change and sea level rise.

22 Belinda Joyner, who is the president of  
23 Concerned Citizens of North Hampton County in North  
24 Carolina where the ACP plans to build its only North  
25 Carolina mega compressor station said, "The ACP pipeline  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 will benefit us in no shape, form or fashion. The  
2 economic development types don't mind harming us, but if  
3 a pipeline were planned close to their homes they'd say  
4 it would bring their property values down."

5 Well, for people of color in sacrifice zones,  
6 not only will it bring our property value down it will  
7 kill us at the same time. But do they care?

8 And she is entirely right. Compressor  
9 stations even 1/7th the size of the ones planned by the  
10 ACP, one for each state, do commonly cause respiratory  
11 issues that occur in higher proportions in African  
12 Americans already because of higher rates of continuous  
13 exposure to sources of toxic emissions.

14 Tessa Moroso testified on behalf of the  
15 people of Norfolk and Tidewater, Virginia on our  
16 Atlantic Coast whose water supplies threatened by the  
17 aptly named Atlantic Coast Pipeline. She notes that  
18 these are places already vulnerable to the devastating  
19 effects of climate change and sea level rise.

20 This is where ACP is going to want to run  
21 their connector link through reservoirs, right by  
22 reservoirs in Suffolk County, Virginia and underground  
23 in three urban majority African American  
24 neighborhoods.

25 So what we're bringing to light is this long  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833



1 term unrelenting pattern of discriminatory  
2 infrastructure building in minority and low income  
3 communities. And this is what led to the creation of  
4 the National Environmental Policy Act or NEPA but  
5 Dominion has consistently engaged in the use of  
6 misinformation about demographics for these high impact  
7 sites where it just so happens that African Americans  
8 are the majority.

9           These strategic omissions have served ACP well  
10 by providing enormous cost benefits. Erasing population  
11 numbers allows for the rural classifications that people  
12 have talked about which cost the developers less.  
13 Erasing population turns the regulatory eyes away from  
14 Union Hill's massive concentration of toxic polluting  
15 infrastructure, which is a deviation from actual gas  
16 industry standards where to build even a small  
17 compressor station they say it should be in truly  
18 sparsely populated places and not near highly traveled  
19 roads. Well, none of those are true for Union Hill.

20           These emissions actually don't allow  
21 decision-makers to make informed decisions like FERC or  
22 the Virginia Department of Environmental Quality. Even  
23 our local and state officials and the public.

24           Dominion's ratepayers don't know that  
25 increases in their utility rates are to pay for the  
TREMINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 Atlantic Coast Pipeline and so it will be higher costs  
2 to their wallets but they're also perpetrating  
3 environmental racism and climate change.

4           So Buckingham's over 125-year recorded history  
5 of frequent, like four times a year, earthquakes is but  
6 one of the total absences of key information that ACP  
7 had in their application and FERC in their final  
8 environmental impact study. Even though many of us made  
9 comments to correct that information, as Irene spoke  
10 about, and completely missing was Union Hill's history  
11 and the demographics and the topographies, the soil  
12 characteristics, the migratory species and habitats and  
13 proximity to single source aquifers.

14           But all that stands in really sharp contrast  
15 to the counties that are next to Buckingham where ACP  
16 filed hundreds of pages of historic cultural resources.

17           So to correct that record I undertook a NEPA  
18 asked community study review. And at the same time I  
19 uncovered, you know, not that well hidden, 150-year  
20 history of the cost benefits of erasing Union Hill's  
21 slave and freedman past.

22           On February 26, 1869, the day the US House of  
23 Representatives passed the 15th Amendment giving former  
24 slaves the right to vote, vigilantes burnt down the  
25 Buckingham courthouse. From news articles of the day I  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 learned that former slaveholders feared that the wills  
2 with the names of inherited slaves or records of slaves  
3 purchasing freedmen from certain owners would be used by  
4 the then 2 to 1 former slave majority to sue for  
5 restitution.

6           These are some of the things that we have  
7 found that are on the ground and these are some of the  
8 freedmen families and their locations. If you can see,  
9 and my cursor works, there is a yellow band coming  
10 through that says compressor station and clustered on  
11 all of these sides are these African American families.

12           Here is the numbers, incredible numbers, of  
13 people that we've found when we went on a door-to-door  
14 household study. Our teams filled in those vital  
15 statistics that were missing from any -- from the  
16 absent NEPA review. We found out about family history.  
17 We found some pretty shocking and concerning preexisting  
18 chronic health conditions. And these are places in  
19 which, if you can see in the middle that yellow  
20 triangle, that is the compressor station complex but  
21 these are clusters of 99 houses that are very close by,  
22 between 150 feet to one mile.

23           Put this altogether and we were eligible to  
24 apply for the most endangered historic place in Virginia  
25 for this Union Hill Woods Corner District. We learned  
TREMINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 that the Atlantic Coast Pipeline had purchased that 68  
2 acre site in secrecy from white descendents of former  
3 variety shade plantation owners.

4 Recorded in the public records were their  
5 payments of \$37,000.00 an acre to the white plantation  
6 family where surrounded on every side were these 99  
7 households of majority African Americans, one-third of  
8 whom are known freedmen descendents of ancestors and  
9 slaves nearby whose heritage land is meant to be passed  
10 along to future generations and has lost a lot of its  
11 value and they may even lose insurance coverage.

12 Going door-to-door we found that, as Irene  
13 mentioned, that the misinformation that Dominion used  
14 was the average census data for the whole county, which  
15 is 29.6 people per square mile, which is just a figure.  
16 But then if you look at this, this is a square mile and  
17 we had 500% more people living there than Dominion would  
18 admit. It's a suburban level of habitation and of that  
19 habitation 85% identifies as African American.

20 We've had Union Hill residents skew in this  
21 study toward the very old and the very young. There's  
22 been two generations of out-migration of young adults to  
23 more equal opportunity urban places and that's led to  
24 their leaving with their parents and grandparents a very  
25 large number of very young -- I mean zero to six age  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 children who have respiratory illnesses.

2           And as was mentioned because of the present  
3 clear air and peaceful environments, says Marie  
4 Gillespie, her granddaughter has this chronic  
5 respiratory illness. And she's deeply concerned that  
6 she will then become exposed to these things, to the  
7 toxins in the air.

8           The slave burials that were originally notated  
9 as part of the variety shade plantation are hundreds  
10 laid out in rows, and it's really very hard to see and  
11 imagine what it's like to see these row after row after  
12 uniform row of sunken graves in the ground where just  
13 these two concrete hand-made markers were placed. But  
14 with the archeologists and Preservation of Virginia you  
15 can come to see exactly where these slave burials are.

16           And they're also marked with, you can't really  
17 see it that well, but there's some green under that fall  
18 foliage and that is periwinkle and it turns out that  
19 this is one of the things in Virginia that archeologists  
20 look for when trying to find slave burial sites that  
21 they've been told about.

22           In particular variety shade's long uniform  
23 rows of unmarked burials are where we now know that  
24 Berkeley and John Wesley Laury's ancestors lie.

25           So I'm introducing you to John Lowry and wife  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 Ruby's farm on Union Hill Road.

2 MR. JOHN W. LAURY: My name is John W.  
3 Laury. I grew up on my grandfather's farm. His name  
4 was Asbury Laury and his grandmother's name was Ama  
5 Lowry and my father's name was Wilbur Lowry and my  
6 mother's name was Mimi Lowry. And as far as I know  
7 their farm was in their name. Goes back to the 1800s.

8 And I grew up in the Union Hill/Union Grove  
9 community and I had an enjoyable upbringing and we all  
10 learned to live off the land. We was all farmers. We  
11 raised our own food and farmed. We grew the vegetables  
12 and raised the meats that we used. And we also attended  
13 our local schools, Union Grove Elementary School and  
14 from there we went to S. U. Ellis Middle School and  
15 (indiscernable) Weston High School I graduated from.

16 After that I joined the Air Force, spent four  
17 years, discharged at Norton Air Force Base and from  
18 there I remained in Southern California.

19 After 35 years there returned and relocated in  
20 2003 to Buckingham, at which time I had decided that I  
21 wanted to farm myself and raise cattle.

22 All went well till 2014 I was informed that  
23 our board of supervisors and county officials had  
24 decided that they were going to allow a Dominion ACP to  
25 have a special use permit for Dominion to build a  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 proposed compressor station in our community.

2 And that was bad news because that meant that  
3 in our cattle raising and in our farming and also in my  
4 golden years it was a disaster for our community.

5 So our main concern then went from clean air  
6 to what we felt was definitely poisonous gas,  
7 underground water contamination. And these are still  
8 our major concern even today.

9 We have to depend on our underground water  
10 source for our entire community as well as for our  
11 animals and without our clean water we can not survive.

12 So we have been fighting this monster since  
13 2014 and we intend to continue to fight it because we  
14 want to continue breathing this clean air and drinking  
15 this clean underground water.

16 Thank you.

17 MS. RUBY LAURY: Good afternoon. My name  
18 is Ruby Laury and I will be speaking on the effect of  
19 noise on performance, stress and behavior of animals.  
20 I'm originally from Southern California. I moved here  
21 almost 15-years ago with my husband.

22 After moving here I understood why he wanted  
23 to come back home. Buckingham is a beautiful place and  
24 one the most quiet and peaceful, no pollution, lots of  
25 clean air, no stress.

TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1           My husband's avocation is raising cattle. He  
2 is an animal lover. You name it, cattle, donkey, sheep,  
3 dogs, deer, et cetera.

4           So my concerns are the effect noise will have  
5 on our cattle, especially the new born calves and our  
6 donkey.

7           The other concern are these dangerous  
8 chemicals that will be released into the air and that  
9 our cattle will have to breathe as well the effect these  
10 gases will have on our ground water for our animals.

11           So it has been proven that cattle hear high  
12 frequency sounds much better than humans. Can you  
13 imagine the stress, the performance and the behavior  
14 this noise will have on our cattle as well as the new  
15 born calves on a continual basis? Can you imagine the  
16 trauma this noise will have when the mother cow is  
17 trying to give birth?

18           This is one of the reasons why I am so adamant  
19 about this proposed pipeline and compressor station. It  
20 not only is not fair to the animals but it is also not  
21 fair to the humans.

22           Needless to say our property values will  
23 definitely go down. My husband and I retired. We just  
24 want to live out our golden years in the now clean air  
25 that we have. We want to keep the peace, quietness. We  
TREMINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833



1 want to be able to sit outdoors and look up into the  
2 night sky and see the beautiful moon and twinkling  
3 bright stars.

4 This is an agricultural area where we raise  
5 crops and cattle. It's not for Dominion who has said we  
6 will be able to receive this natural gas, which is not  
7 true. This gas will have to be fracked which will emit  
8 unsafe gases and poisons polluting this most precious  
9 air that we breathe.

10 Dominion has not been telling the truth. They  
11 are modern day gangsters. All they are interested in is  
12 monetary gain. They just want to come in here and  
13 condemn this property as if we don't exist.

14 MS. LAKSHMI FJORD: Next is Barb  
15 Gottlieb.

16 MS. BARBARA GOTTLIEB: Hello. My name is  
17 Barbara Gottlieb. I'm the program director for  
18 Environment And Health at Physicians For Social  
19 Responsibility. We are a nonprofit organization with  
20 headquarters in Washington DC and have chapters across  
21 the United States.

22 Back in my previously submitted testimony I  
23 addressed the health impacts of pipelines and compressor  
24 stations. Today I am going to focus in on health risks  
25 associated specifically with air emissions from  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 compressors stations.

2           So what you've been hearing from the people of  
3 Virginia and people from West Virginia about the threats  
4 to health is very true. I'm going to just add a little  
5 bit of scientific background to give that more  
6 scientific basis to what you've been told.

7           It's known and it's already well-documented  
8 that compressor stations emit methane and other gases.  
9 In fact a study by a University of Houston team that is  
10 from Texas found that emission rates for compressor  
11 stations in Texas' Barnett shale were far higher than  
12 emissions from fracking well pads.

13           Compressor stations may leak due to the  
14 malfunction of a component and they also release gases  
15 intentionally. The most dramatic form of these  
16 intentional releases is what they call blow downs which  
17 are the release of gases to the blow down valve.

18           Now these blow downs are used to control the  
19 pressure within the system. They create a 30 to 60  
20 meter high gas plume that can last as long as three  
21 hours. Normally blow downs are not reflected in the  
22 estimates of emissions and the possible exposures that  
23 utility companies or pipeline companies use when they  
24 are submitting their applications for permitting.

25           Thus the estimates in those applications are  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 often grossly understated. Meaning local residents may  
2 be exposed to far greater concentrations of toxic  
3 substances than the permitting decision assumes.

4 I want to share with you very, very briefly  
5 the findings of three fairly recent studies about  
6 leakage from compressor stations.

7 In 2017 researchers from the University of  
8 Texas investigated emissions from natural gas compressor  
9 stations throughout the states of Pennsylvania and New  
10 York. They found that compressors emitted plumes of  
11 methane that spread downwind and were measurable for a  
12 mile away.

13 In the second study, this one was conducted in  
14 2016 by the Agency For Toxic Substances & Disease  
15 Registry, ATSDR, it's an agency of the US government.  
16 This study focused on fine particulate matter, what we  
17 call PM2.5 and it evaluated data that had been collected  
18 by the US Environmental Protection Agency near a natural  
19 gas compressor station in Susquehanna County,  
20 Pennsylvania. The study found that PM2.5 levels at  
21 levels where, if there were long term exposure, it could  
22 cause serious health effects. And I'll tell you about  
23 those health effects in just a moment.

24 Of course, we know that with a compressor  
25 station which runs 24/7 for years and years as long as  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 the gas is flowing there is a high likelihood of  
2 continuous long term exposure.

3 And in another study dated October 2017  
4 researchers at the University of Albany, that's in the  
5 state of New York, Institute For Health And The  
6 Environment, prepared a 300 page technical report on the  
7 health effects of the emissions from 18 existing natural  
8 gas compressor stations in that state. What they found  
9 was that collectively these sites, these 18 compressor  
10 stations, released 40 million pounds of 70 different  
11 contaminants, that's 70, over a seven-year period making  
12 the natural gas compressor stations the seventh largest  
13 point source of air pollution in the state of New York.  
14 And, as you know, that's a state with, you know, pretty  
15 big city there and it's own share of industry.

16 By volume the largest emissions were from  
17 nitrogen oxides, carbon monoxide, volatile organic  
18 compounds such as benzene, formaldehyde and particulate  
19 matter.

20 So, as I said, I'm going to tell you a little  
21 bit about the health impacts of these pollutants because  
22 they can cause serious harm to health.

23 Nitrogen oxides, the most common or most  
24 concentrated of the pollutants coming from compressor  
25 stations, decrease oxygen absorption and weaken the

1 lobes. They can, even at low concentrations, aggravate  
2 asthma.

3 Carbon monoxide, you probably heard about  
4 that, if you inhale that in high enough concentrations,  
5 it can kill you because, in your blood, it bonds with  
6 the blood cells where oxygen would normally bond and  
7 basically you suffocate to death from the inside.

8 Volatile organic compounds are a very large  
9 class of chemicals but they are linked to cancer,  
10 nervous systems effects -- and when we say nervous  
11 systems effects think of the brain -- miscarriages,  
12 blood disorders and other effects.

13 But one of the most common volatile organic  
14 compounds associated with methane gas is benzene which  
15 is itself a carcinogen. It causes cancer. Formaldehyde,  
16 another of the gases on the list, is also a known  
17 carcinogen.

18 And particulate matter, particulate matter is  
19 a category rather than a particular substance. It  
20 refers to particles that are very, very small, even  
21 microscopic. Particulate matter, when we inhale it, can  
22 damage the lungs and the heart because the particles are  
23 so fine they can cross the blood barrier in the lungs  
24 and circulate through the entire body.

25 They can cause premature death in people with  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 heart or lung disease. Particulate matter is also  
2 associated with preterm birth and low birth weight. For  
3 those who don't know it those are the leading causes of  
4 infant death in the United States. So we're talking  
5 about death and disease not just for the hale and hardy  
6 among us but also the most vulnerable.

7 I would also point one other contaminant  
8 that's particularly relevant in Virginia for both the  
9 ACP and MVP for both of the two pipelines that we are  
10 talking about. Since these compressor stations along  
11 these two pipelines carry gas that is extracted from the  
12 Marcellus shale that gas may very well carry gaseous  
13 radon. Radon occurs naturally in this part of the  
14 country. When the gas is fracked it comes to the  
15 surface with the gas.

16 Radon, as you probably know, is radioactive.  
17 Although it breaks down relatively quickly it breaks  
18 down into two other also radioactive substances.

19 Finally I would like to mention some health  
20 concerns that are specific to the Atlantic Coast  
21 proposed compressor station. Because what we know about  
22 the impacts of emissions from compressor stations is  
23 alarming. And in the case of the proposed Atlantic  
24 Coast compressor station we have two additional reasons  
25 to be concerned.

1           First of all the compressor station proposed  
2 to be built in Union Hill is massive. It's huge. It  
3 would have four gas fired turbine engines with  
4 horsepower of 54,000 hp, ranging up to 57,000 horsepower  
5 in the winter. That's enormous. And it's a lot larger  
6 than most of the other compressor stations that are  
7 built.

8           Compressor stations are typically placed about  
9 every 40 to 70 miles along the pipeline. This proposed  
10 compressor station will be so powerful it will be  
11 designed to pressurize gas to transmit over 200 miles in  
12 each direction.

13           So the compressor station is huge. The  
14 magnitude of the health threats would likewise be  
15 greater.

16           Second of all, as you've been hearing from a  
17 number of our testifiers today, although Buckingham  
18 County is rural the compressor station is not being  
19 placed in some unpopulated area. It's been proposed to  
20 be placed in a community near residents' homes and  
21 subjecting the people of Union Hill to severe threats to  
22 their health. That's totally unacceptable. This  
23 compressor station and the Atlantic Coast Pipeline  
24 itself should not be allowed.

25           Thank you very much. And it's my pleasure now  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 to turn the microphone over to a wonderful activist,  
2 whom I'm proud to count as a friend Ms. Chad Oba.

3 MS. CHAD OBA: So, thank you, Barb, for  
4 the introduction. My name is Chad Oba. I am the chair  
5 and a founding member of Friends of Buckingham, a  
6 grassroots organization that was quickly put together to  
7 defend our air, our land, our water and our cultural and  
8 historical places of residence from the Atlantic Coast  
9 Pipeline.

10 Dominion, right now, is poised to begin  
11 construction of the ACP as windfall profits are promised  
12 to the company and it's shaleholders and other  
13 investors. They are, no matter what, guaranteed a 14%  
14 return which is paid by us, the ratepayers but many  
15 others would suffer significant losses. Our costs are  
16 not factored in.

17 Property owners directly impacted are having  
18 their property taken from them through intimidating and  
19 very misleading easement offers. They're using eminent  
20 domain for their gain and not for the public good. This  
21 has been mentioned in numerous of the presentations so  
22 far.

23 And all but one county along the 600 mile  
24 length of the ACP is below median income for the state.

25 Where I live, in the Union Hill area of Buckingham  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833



1 County -- I forgot to mention that I am an impacted  
2 landowner being that I'm quite close, 1.3 mile, to the  
3 proposed compressor station and am surrounded by  
4 pipelines. I would be surrounded by pipelines. I have a  
5 lateral line of the TransCo that goes directly across  
6 the road from me.

7 But landowners are being forced to give up  
8 easements while being taken to court for eminent domain.  
9 Many do not have the financial means to fight this out  
10 in court. And this is providing a certain level of  
11 divisiveness within the community where I live as people  
12 try to survive as best they can. And this is a direct  
13 assault on determining the best use of our own property.

14 I mentioned I live only a little over a mile,  
15 my husband and I, from the proposed 57,000 horsepower  
16 compressor station, the only one in the entire state.  
17 And this is in the middle of what Lakshmi had told you  
18 about that 85% freedmen found African American  
19 community.

20 For those of us well within the blast zone and  
21 now the proposed compressor station locality we receive  
22 absolutely no compensation for the loss of our property  
23 values on our homes and the constant 24/7 noise but  
24 worse, though, is the toxic pollutants that Barb just  
25 told you all about.

1           Our health is going to suffer greatly. Our  
2 population is mostly 65 and up, elderly and very young  
3 children who often have grandparents as their caretakers  
4 because their adult children, their parents, have left  
5 the locality for work. Because there is very little  
6 work in Buckingham. So our property is going to lose  
7 considerable value.

8           My husband and I have lived in this  
9 neighborhood for 34 years. We own an old antebellum  
10 simple farm house that we have renovated to meet our own  
11 needs. It is our sole investment and it's what we have  
12 as a legacy for our own children and to ensure that we  
13 have some financial resource into the future.

14           This will disappear due to the compressor  
15 station proximity to our home but the worst of it is,  
16 and it's always been my concern, are the threats to our  
17 health and safety. We pay the most with our lives and  
18 our property losses and do not get one cent in  
19 compensation.

20           I work as a mental health practitioner in the  
21 county and I have been for 25-years and I have been  
22 witness to, and experienced myself, the anticipatory  
23 stress of not knowing what the future holds. This is  
24 weighing very heavily on my neighbors as they've been  
25 forced to postpone their present and future plans for  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 their lives. Long periods of uncertainty and looming  
2 threats create chronic stress symptoms. Our bodies can  
3 handle short periods of that but long periods have a  
4 very devastating effect on us.

5 We've been battling this threat for nearly  
6 four long years now and it's just caused harmful chronic  
7 stress symptoms. And many of my neighbors, many of us  
8 as we've mentioned earlier, are elderly and we're  
9 already suffering with health issues. This further  
10 causes a lot of stress on our systems and will shorten  
11 whatever life span we have left.

12 And people are filled with dread as trees are  
13 being cut around them. Some of the trees they began to  
14 cut and then they got a stop order but it's very  
15 intimidating when you have trees coming down right next  
16 to your home.

17 And Dominion is making its intimidating  
18 presence known. Every time we get a little victory  
19 they show up in force. People out on the trucks, out on  
20 the road, trees being cut, whatever it takes to send  
21 their message. And people are being told to make the  
22 best of it as it's going to happen. So people, you  
23 know, get discouraged.

24 We are being denied the most basic, the most  
25 basic of human rights: Health, clean air and water and  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 the ability to use our own land but also the right to be  
2 heard at all levels of government. Our health, our  
3 future, our lives are on the line and they matter.

4 Thank you for giving us this opportunity to be  
5 heard.

6 MR. JEEVA ABBATE: Hello. I'm Jeeva  
7 Abbate, director of Yogaville Environmental Solutions  
8 and I've been working with this same group of people  
9 that you're hearing testimony from for the sake of our  
10 community, which is five miles from the Union Hill  
11 community and only a few thousand feet from the actual  
12 ACP routes.

13 Satchidananda Ashram Yogaville is a unique  
14 spiritual center located on 660 acres in Buckingham  
15 County, Virginia. We offer training in classic yoga  
16 practices including prayer, mediation and hatha yoga.  
17 Our life-style, spiritual and religious practices  
18 necessitate a clean and peaceful environment.

19 The ACP route next to Yogaville places us and  
20 our residents, students, teachers and staff, which is  
21 estimated at 120 to 200 people on any day, in a  
22 dangerous impact zone for any potential leak resulting  
23 in fire and explosion.

24 The ACP is a threat to our water, property,  
25 school, homes, our Lotus temple in the picture here, and  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 our ongoing operations. This is a threat to the safety,  
2 health and homes of our friends, our neighbors and the  
3 whole Buckingham County community around where the ACP  
4 is coming.

5 The impact zone, as you can see in this slide,  
6 shows the ACP with the red line, then a yellow line  
7 drawn to our temple showing it's about 3,300 feet from  
8 the ACPs route. Then the next line down is to our  
9 school which is approximately 1,660 feet from the ACP.  
10 That's kindergarten through 12. And then the bottom  
11 yellow line shows our community at the bottom of that  
12 screen which is about 1,800 feet from the ACP.

13 This is involving the threat of fire, leaking,  
14 pollution. So it's a life and death issue for  
15 Buckingham County property owners and for Yogaville  
16 residents. We are deep in the impact zone where any  
17 fire could burn quickly. And we're going to talk about  
18 the safety issues related to that.

19 Noxious fumes and toxic chemicals have been  
20 detected within 10 miles of the Leesburg Loudoun County  
21 Dominion compressor station by residents in Loudoun  
22 County. That's documented. So we're concerned that  
23 we're five miles from the compressor station. So those  
24 fumes and any problem there could also impact our  
25 community.

1           The pipeline and Hazardous Material Safety  
2 Administration treats natural gas as a hazardous  
3 material. This is important to understand. The number  
4 of serious accidents every year average between 30 and  
5 40 major accidents. Only those accidents that cost the  
6 pipeline companies more than \$50,000.00 per year are  
7 reported. So we're not in a position to understand all  
8 the accidents or fires but it's important to know that  
9 this happens regularly and this is a hazardous  
10 situation.

11           In Highway 77 we had a huge explosion of a  
12 20-inch natural gas pipeline. It melted the guardrails,  
13 the pavement, caused injury to five homes and obviously  
14 you can see this is a huge problem. Our pipe, that will  
15 be proposed to come close to us, is 42-inches at 1,440  
16 psi.

17           This is the aftermath of a natural gas  
18 compressor station leak and explosion. So this resulted  
19 in a large fire ball. The person who was near the site  
20 had to run about a mile away to be saved and three homes  
21 were evacuated. The truck and the property around the  
22 compressor station was destroyed.

23           This is the Durham Woods natural gas pipeline  
24 explosion. This occurred in New Jersey where a 36-inch  
25 diameter pipeline broke and exploded into flames. The  
TREMINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 resulting fire destroyed 14 of the apartment buildings  
2 and caused over 150 guests to run into the woods  
3 because, just like with the ACP, there was no evacuation  
4 plan and the police or first responders could not get to  
5 the site for about 20 or 30 minutes. This is a major  
6 problem.

7           We want to show you that this is the  
8 compressor station area. The yellow triangle is where  
9 the compressor station will be installed. The red line  
10 is the probable impact radius around the blue line which  
11 is the ACP route. So you see the church in the robin's  
12 egg blue color cross within the probable impact zone.  
13 So we, again, are subject to the injustice of having to  
14 be threatened by a pipeline that we have studied and  
15 realized is not necessary.

16           Now, in addition to the fact that we're close  
17 to the route, we also are in the middle of what's called  
18 the Central Virginia seismic zone, which includes  
19 Buckingham County. So this is a common area for seismic  
20 activity, earthquakes. And this is another danger. All  
21 you need is a crack in this pipe to have a leak and a  
22 possible fire.

23           So this is a slide that April showed that  
24 shows the TransCo pipeline is the pipeline that's  
25 already under-utilized and could supply all the gas to  
TREMINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 the same regions that both the MVP and ACP are targeted  
2 to support.

3 If you to go to the top of that TransCo purple  
4 line you see that the Cove Point pipeline is right there  
5 running to Cove Point allowing the natural gas to be  
6 liquefied and then shipped off-site. With such a little  
7 demand in any of the domestic regions we can anticipate  
8 that that pipeline will be used to shuffle that gas  
9 overseas, which is not a reason to apply eminent domain  
10 and it will raise the cost of domestic gas.

11 The Buckingham County comprehensive plan that  
12 has already been written shows that this area that the  
13 pipeline is coming to was intended to be a rural  
14 agricultural forest area. These areas are located  
15 farthest from the centralized public services such as  
16 first responders, fire, rescue and law enforcement and  
17 so protecting this area is key to the comprehensive  
18 plan.

19 The special use permit that was granted by our  
20 county officials violates this plan and violates their  
21 own request for safety. So the ACP mitigation plan was  
22 inadequate, weak or, in the case of an evacuation plan,  
23 nonexistent.

24 And we have already covered some of the  
25 impacts to our water, the horizontal drilling, the lack  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833



1 of critical review of all the waterways that could be  
2 impacted, the creeks, the wells and the springs.

3 So the conclusion is that this is an  
4 unnecessary project that is an abuse of eminent domain.  
5 It's a threat to farm use, livestock, land use, legacy  
6 properties, threat to property values, threat to the  
7 rural pristine environment and air and water that we  
8 require and impact to existing businesses such as  
9 Yogaville or farms or any new land development.

10 So we are asking you, please, protect our  
11 lives from these hazardous leaks and explosions, protect  
12 our health, our children, our elders, our constitutional  
13 right to private property, our property values, land use  
14 and our animals and our families.

15 Thank you.

16 MS. SWAMI DAI ANANDA: Good afternoon. My  
17 name is Swami Dai Ananda. I am one of the monastic  
18 members of Yogaville in Buckingham, Virginia.

19 Yogaville is a retreat center community. Has  
20 about 275 residents and we host about 10,000 guests  
21 annually who come for health, for meditation and for  
22 their retreat.

23 So today I would like to show you the place,  
24 the people, the wild animals, trees, forests and our  
25 water bodies, all of which will be negatively impacted  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 by the building of an Atlantic Coast Pipeline, which  
2 would run as close to 700 to 1,000 feet from our homes.

3 So Yogaville is known for light of truth,  
4 universal shrine Lotus, an interfaith shrine. The  
5 entire Yogaville was founded by Sri Swami Satchidananda  
6 who is regarded as a pioneer of the interfaith movement  
7 and as an apostle of peace. He is also one the most  
8 revered yoga masters of all time.

9 We practice peaceful and peaceful useful lives  
10 starting with health, meditation and service. So  
11 Yogaville is designed to serve as a model of how  
12 individuals of all different backgrounds can live and  
13 work together in harmony. Yogaville functions as the  
14 place of principles of truth, non-violence, spirit of  
15 dedication, environmental stewardship and universal  
16 brotherhood.

17 These are the images from our classrooms of  
18 hatha yoga classes for health, mediation rooms, our  
19 accommodations and all the different classes and  
20 workshops that we hold for children and adults and some  
21 of the programs that we provide every weekend.

22 And now we are here showing our kitchen which  
23 receives organic vegetables from our own farm. They  
24 provide us fresh produce for our vegetarian life-style.

25 These are different members of Yogaville and  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 Yogaville people also live in harmony with wild animals,  
2 deers, bears, bald eagles and many other creatures.

3 We have ponds, streams, over 20 bubbling  
4 springs. And our Yogaville green teams environmental  
5 education for youth have showed that our streams host  
6 creatures which only live in purest water.

7 This is Yogaville And Environmental Solutions  
8 logo, which is an organization that works to oppose the  
9 pipeline as well as move us toward renewable energy, the  
10 director of which is Jeeva Abbate who was the speaker  
11 before me.

12 This is the image of our beautiful James River  
13 bordering our property. James River was known by some  
14 native people as Waloa, winding river.

15 And if you can see this map there is a Lotus  
16 shrine to the right. That red line is the approximate  
17 line of the pipeline which will run right by us.

18 And this is the image of the pipeline  
19 construction. There will be two pipelines 42-inches  
20 side by side. And we are particularly concerned about  
21 the James River and its well-being because the proposed  
22 horizontal directional drilling will likely damage our  
23 ecological health of our wetland.

24 And I'm going to stay on this image for a  
25 little awhile to speak about the HDD, horizontal  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 directional drilling, because all of us here in this  
2 community have wells. We depend on the aquifer or the  
3 water below our grounds for our drinking and all other  
4 uses of water.

5           So geotechnical site investigation report by  
6 Geosyntec for ACP, which was not shown to us, that  
7 crossing the James River, and I'm going to quote, "The  
8 boring log provides bedrock descriptions that indicate  
9 conditions that can negatively impact HDD feasibility.  
10 Specifically the borings encountered in the marble are  
11 indicative of solution. The same as encountered in  
12 crustic limestone. Such solution cavities can  
13 substantially deflect the drill pipe due to low cycle  
14 fatigue. The material characteristic that most  
15 frequently prevents successful HDD installations is the  
16 large grain content in the form of cobbles and boulders  
17 which are found under James River. This amount of  
18 material found under James River are the type of  
19 material described as most frequently preventing  
20 successful HDD installation."

21           So it also says that, "At least additional  
22 geo-technical borings should be conducted -- at least  
23 additional studies to verify the bedrock conditions  
24 underlying the James River."

25           Our communities have been asking for, and many  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 other communities in fact, stream by stream studies of  
2 more than hundreds of rivers and streams crossings. So  
3 this has gone unheard and not responded to.

4 So during this water control board DEQ hearing  
5 we hope that they will change their mind and actually do  
6 those studies.

7 And I'll just go quickly for the rest of the  
8 images to show -- I think we have seen these before.  
9 Yes James River. Downward. Yes, I think there we were.

10 Just to show you how much of peaceful protest  
11 and respect and reverence to water and our nature we  
12 have done, now you'll see that James River has had 500  
13 year flood in 1980's and couple of 100 year floods in  
14 recent times. These are all of our community members  
15 doing peaceful protest.

16 And we share this beautiful photo of James  
17 River at sunset to ask all of you to please help us to  
18 protect our water, our environment, so that we can  
19 continue our life here and service to our children,  
20 future generation and all of our guests.

21 Thank you very much.

22 MS. HEIDI DHIVYA BERTHOUD: Hi, my name  
23 is Heidi Dhivya Berthoud and I live downstream about a  
24 mile from where the James River would be crossed by the  
25 ACP. I've been living on a bluff above the James River  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 for about 27-years and I'm secretary of Friends Of  
2 Buckingham and project manager for the base line testing  
3 and also I'm a member of Buckingham We The People.

4 So communities across the US and around the  
5 world are being told that they don't have the right to  
6 make critical decisions for themselves. They are told  
7 they can not say no to fracking, pipelines or factory  
8 farming. They are told they cannot say "yes" to  
9 sustainable food or energy systems.

10 Agencies such as the EPA do not actually  
11 protect us, rather, they regulate the amount of harm  
12 that is inflicted on our communities.

13 Our system of law elevates corporate  
14 decision-making over community decision-making.

15 The work of CELDF, Community Environmental  
16 Legal Defense Fund, is a paradigm shift towards  
17 democratic rights of local self-government,  
18 environmental rights, the rights of nature and workers  
19 rights.

20 The grassroots organization, Buckingham We The  
21 People, have worked with CELDF for the past two years to  
22 create the James River Natural Community Bill of Rights,  
23 the first such ordinance in Virginia.

24 Excerpts from the bill are as follows.

25 The James River natural community possesses  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 the right to exist, flourish and naturally evolve,  
2 including the right to restoration;

3 It has the right to a clean and healthy  
4 environment, including the right to clean air, pure  
5 water and healthy soil;

6 To restore and protect the James River natural  
7 community we recognize that we must secure the highest  
8 protections through the recognition of legal rights for  
9 nature herself;

10 Therefore, we deem it necessary to alter our  
11 system of local government and we do so by adopting this  
12 ordinance. The James River Natural Community Bill of  
13 Rights.

14 The James River watershed plays important  
15 roles that contamination would destroy. It is a water  
16 source for wells and for communities along its length,  
17 including the Richmond metropolitan area with a  
18 population of 1.3 million. It provides habitat for  
19 wildlife, recreation, tourism, irrigation,  
20 transportation. It provides essential wetland for  
21 absorbing and mitigating seasonal and storm flooding.

22 The James River is the northern border of  
23 Buckingham County, the Yogaville community and my  
24 personal land.

25 From Virginia Tech Extension Service, a little  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 info, Buckingham County lies in the Piedmont physio-  
2 graphic province, the largest in Virginia, extending  
3 west of the fault line to the Blue Ridge Mountains.

4 The diversity of geology results in wide  
5 variations of ground water quality and well yields.  
6 Ground water use, in many locations, is limited. For  
7 example, a few areas have problems with high iron  
8 concentrations and low ph. Hard crystalline, igneous  
9 and metamorphic formations dominate this region.

10 The size and number of fractures and faults,  
11 which store and transmit ground water in the bedrock,  
12 decrease with depth. So the most significant water  
13 supplies are found within a few hundred feet of the  
14 surface.

15 Because of the range in ground water quality  
16 and quantity in this region, as well as the varying  
17 potential for contamination, well site evaluation and  
18 well monitoring is very important. So says our great  
19 institutions.

20 The Mountain Valley pipeline crosses the  
21 Roanoke River, impacting the water of 100,000 people in  
22 the City of Roanoke. The Roanoke River also feeds the  
23 lake from which the water is piped to Virginia Beach,  
24 thereby, affecting the water of that city and nearly a  
25 half a million people. Mini wiconi, water is life.  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833



1 L'eau est la vie. Thank you.

2 MS. ANITA PUCKETT: All right. I'm Anita  
3 Puckett. I'm at Virginia Tech in Appalachian Studies  
4 and I am a consultant on this project with Preserve  
5 Montgomery County. Yes, it's just Preserve Montgomery  
6 County, Virginia, nonprofit. You know, I've said it a  
7 thousand times a day.

8 It's one of the things about coming in a  
9 little bit later is that all of these people have all  
10 contributed to my presentation and also have reinforced  
11 what I'm about to say. So I'm going to be editing as I  
12 go through this so I'm not repetitive.

13 And, April, I'm very grateful for what you  
14 said. And, Heidi, you just helped me as well. And, so,  
15 let's move on here.

16 The 303 mile or 488 kilometer Mountain Valley  
17 pipeline carries fracked gas and its particulate residue  
18 of carcinogens from West Virginia and Pennsylvania  
19 production fields across some of the most  
20 environmentally challenging geological and ecological  
21 terrain in the world, not just the United States.  
22 Highly diverse in flora and fauna on par with the  
23 Brazilian Rain Forest in it's geological and bio-  
24 geological diversity. It is offered hundreds of unique  
25 aquatic and floral species found only in specific eco-  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 zones supported both by sedimentary and metamorphic geo-  
2 morphology.

3           And what makes us different from West Virginia  
4 is this metamorphic rock geo-morphology because it's  
5 fractured, it's harder, it's going to require blasting  
6 and all kinds of other adjustments in construction and  
7 maintenance that aren't present in other places in West  
8 Virginia.

9           The Virginia region, which is where I'm  
10 focusing, is impacted by the MVP and it is still  
11 pristine for the most part, nurtured and supported by  
12 many of the long term residences up to nine generations  
13 and 250 years who live there.

14           The complexity of the biosphere has, in turn,  
15 led to extremely nuanced and deeply attached human  
16 ecological relations that literally attach these long-  
17 time owners and their kin to the land around them and  
18 deeply significant cultural relationships that many  
19 label as cultural attachment or place attachment.

20           Losing these identity relations through mega  
21 pipeline construction and fracked gas transmissions is  
22 destroying them and will continue to destroy them and  
23 their natural environment in which they're identified  
24 because of these deeply rooted nuanced relations.

25           These identifications have resulted  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 historically in their being labeled Appalachian  
2 hillbillies who are deficient and backward, in popular  
3 media and in the general American and Virginia  
4 governmental ethos.

5           These deracinations have resulted in ongoing  
6 state and governmental stances or actual policies that  
7 are doing little to nothing to mitigate or stop the  
8 human rights degradations they are currently  
9 experiencing as others have talked about.

10           Now I understand that the cursor isn't working  
11 but and if you will look at this map the red line arc  
12 separates West Virginia from Virginia sort kind of, but  
13 the three little circles represent places I'll be  
14 talking about mostly in the rest of my talk.

15           The one closest to the arc is over in  
16 Jefferson National Forest. The one in the middle has to  
17 do with Newport, Virginia. And the third one on the  
18 right has to do with eastern Montgomery County and with  
19 the Spring Hollow Reservoir that Heidi just talked about  
20 and that area in there.

21           So the first area to be talked about, which  
22 Barbara Gottlieb did so very well, are the health  
23 issues. And I'm going to be borrowing from my  
24 Physicians For Social Justice colleague, Tina Schmooz,  
25 to say just a few things because Barbara said so many of  
TREMINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 them.

2 Every stage of the MVP from tree clearing to  
3 construction operation carries pollution. It does not  
4 stop. It continues from beginning until it's stopped  
5 being used and is pulled up again.

6 The pipeline will cross over at least 100  
7 waterways and the watershed of the Roanoke River serving  
8 over 200,000 people. And as Heidi just noted we're  
9 going to get down into half a million by the time it  
10 gets to the southeast of us.

11 Over 100,000 tons of new sediment, and I think  
12 that is a low number, into the Roanoke River will come  
13 from the project. It carries long buried toxic  
14 pesticides -- we haven't talked about that -- which can  
15 pollute downstream waters as they flood and bring out  
16 these old pieces of dirt that have been sitting there  
17 for a long time. These old pesticides will become  
18 active again.

19 In the Mountain Valley pipeline there is no  
20 mercaptan, no odorant, and this means that residents,  
21 wildlife and visitors, will not know when there is a  
22 leak. And so we're going to have issues in terms of  
23 methane poisoning that will have profound impacts. And  
24 we're not allowed to put things on the easement as well  
25 as it turns out, at least not right now.

1           The transmission pipeline failure has  
2 increased 6 fold since 2010. And on this slide here, I  
3 just put this in from Tina's presentation, and you can  
4 see that -- you can't necessarily read the numbers, it  
5 might be hard to read, but back in the 1940's we had a  
6 lot and it went down, down and down but in 2010s where  
7 they'd just come back up and they're as high as they  
8 ever been. And they attribute this to sloppy  
9 construction, sloppy maintenance and to just leaks and  
10 other kinds of issues because they're not paying any  
11 attention to the environment.

12           Water and species losses are inevitable and  
13 the very livelihoods of local residents, as many people  
14 have talked about with the way people hunt, gather, use  
15 subsistence agriculture and other ways of getting  
16 fishing.

17           And I just put up, too, that we pretty much  
18 know will go. One is the brook trout. It's over in --  
19 it's not as endangered as the Roanoke log perch but it  
20 is threatened. And it probably will be out of the  
21 Roanoke River very soon because sedimentation during  
22 construction is happening right now.

23           The Roanoke log perch is very much endangered  
24 and it requires a very pristine waters that aren't too  
25 acidic, and they're being destroyed right now along the  
TREMINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 north fork as we are having our session here today.

2 Now I have some quotes from people but Irene  
3 covered some of that so I'm going to skip that for the  
4 moment.

5 The steep slopes in the region guarantees  
6 extensive sedimentation. Over here on the right we  
7 have an existing 18-inch pipeline easement on Peters  
8 Mountain, which is in the boundary between Giles County,  
9 Virginia and Monroe County, West Virginia. This  
10 particular -- it goes up to about 4,000-feet, 3800-  
11 feet, and you've got this collapse of the soil that has  
12 come down, because it's so steep, and the collapse has  
13 caused heavy sedimentation down into a sink hole at the  
14 bottom. This on the West Virginia side. The water in  
15 that sink hole that was going underground was used by an  
16 adjoining community for their public water.

17 Their filtration system had to be changed or  
18 the filters had to be changed about every three months.  
19 Now it's almost every week because of this collapse.  
20 They can not afford it. They're going out of business.  
21 They have no water.

22 Over on the left, if you can see it, is the  
23 slopes are so steep that construction requires that they  
24 use guy wires and cables to hold the equipment to  
25 literally dig it. And as others have shown they are not  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 going to be putting in adequate kinds of mitigations to  
2 hold this sedimentation back. So it's going to be a  
3 major problem. They are going to, because of the  
4 metamorphic rock in Virginia, they're going to have to  
5 blast and blast a lot with dynamite.

6 And we're talking about -- some people are  
7 calling it mountain top removal. Southwest Virginia  
8 finds that offensive but, nevertheless, it's something  
9 like it.

10 Karsts in our area is another factor. Now  
11 karst is created because you have sedimentary rock,  
12 usually limestone, dolomite, that dissolves easily with  
13 water and you get these expansive underground systems of  
14 water connectivities through such things -- and I hope  
15 my cursor is working. You have caves. You're going to  
16 have underground streams that come out like Sinking  
17 Creek does over in the Newport area. And then you have  
18 sink holes which come down.

19 Now what this means is that all of these are  
20 connected. If one becomes contaminated or poisoned it's  
21 going to impact miles and miles and miles of other  
22 people's waters, community water supplies, underground  
23 species, ground species and so on.

24 Here, this particular slide, shows a well  
25 coming down into a karst topography and how complex they  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 are.

2 This one is what the kind of thing, the bottom  
3 one, is what Mountain Valley is doing. What they're  
4 doing with the sink holes is they're treating them as a  
5 static feature instead of a dynamic features that they  
6 are. So they're just pouring boulders into them and  
7 then building the pipeline over it.

8 And I'm afraid I can't remember who talked  
9 about it but the idea is you've got these pipelines,  
10 these 42-inchers, are not going to be stable in that  
11 environment because it is dynamic and, over time, it  
12 will leak. It will probably rupture.

13 And then you have the Giles County seismic  
14 zone, which April mentioned, which is an active seismic  
15 zone and it will come in and as having earthquakes may  
16 indeed cause it to break and then we will get leaks and  
17 explosions.

18 So the karsts, we're an incredibly heavy karst  
19 area and I thought Irene was going to cover that so I  
20 didn't put my slide back in to show you where it is but  
21 it's everywhere in Virginia and in parts of -- in the  
22 Virginia sections and also in the West Virginia  
23 sections.

24 This particular slide is one that shows you  
25 the extent and what's going to probably happen. In the  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833



1 upper left hand corner is Brush Mountain and about 25  
2 miles away to the right is the Spring Hollow Reservoir  
3 that Heidi mentioned about. And the water, we've done  
4 dye testing, the water from Brush Mountain will come  
5 down underground along into the Roanoke River all the  
6 way through. This whole field here will be impacted.

7 We're talking about a huge area here will go,  
8 sediment will go, toxins will go, pesticides will go  
9 into the Spring Hollow Reservoir and they will have to  
10 filter it out. They're anticipating a multi-million  
11 dollar increase in their filtration they're going to  
12 need and that will be passed on to the ratepayers and to  
13 the local citizens, not to mention what it will do to  
14 the environment. Hundreds of thousands of people and  
15 now half a million people will also be involved because  
16 they're selling their water.

17 And then this one is the potential destruction  
18 of cultural capital and communities' abilities to  
19 survive. And perhaps the most salient is Newport, this  
20 little community in Giles County, Virginia. The MVP has  
21 been approved to run directly through the Newport Rural  
22 Historic District. Close to, too close to, like within  
23 15-feet of one structure, 50-feet, to close to many of  
24 them of homes, churches, schools, community centers and  
25 even the volunteer fire rescue station.

1           And what we have here is two views of the same  
2 thing. At the top is looking down the road, Route 42,  
3 and you can see on the right-hand corner where they've  
4 cut the trees or constructing, if not today, they'll be  
5 constructing there very, very soon.

6           And then the bottom slide is looking from the  
7 top of the mountain down through the tree cutting. At  
8 the bottom is the exact same piece of road that you're  
9 seeing in the top picture.

10           And if my cursor is working at the top you  
11 will see a local church, the Methodist church and beyond  
12 it are some storage and homes. To the left are some  
13 homes. Down in the lower left corner on the other side  
14 of the cut is the community center. And beyond that is  
15 the fire station, all within very easy reach of some  
16 kind of blast or issue leakage from the pipeline.

17           And so these rural historic districts -- it  
18 was created in 1790s. These homes some of them go back  
19 earlier and they are 200-year old home in many cases.  
20 The church is almost that old. And these historic  
21 districts are formed by deep relationships and linkages  
22 between natural and historic features and the people who  
23 live and work in them.

24           Just look at the slide. How can an area  
25 retain it's historical significance, its deeply felt and  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 constantly regenerated sense of animacy and personhood  
2 with a 150 foot right-of-way through it and a final  
3 50-foot easement between historical structures dating  
4 back to the late 1700s when you have this 42- inch  
5 pipeline.

6 Now Preservation Virginia has put Newport on  
7 its state list of most endangered historic places.

8 Here is something. I can take you to it right  
9 now. Out here in Catawabe Valley looks very much like  
10 this as they're digging through to plant the pipeline  
11 here very close to Newport. I haven't been out there in  
12 a few days. I don't know if it's looking exactly like  
13 this but it will look very much like this right through  
14 the center of town.

15 And so Kalkan residents live here when they  
16 live in fear. And we've been talking about that. That  
17 it will leak and contaminate their water, land or air if  
18 not actually explode. And they can't sell their  
19 properties, of course, because of the pipeline.

20 And this scenario is not unique. It's true of  
21 every actual community and culturally attached home  
22 place near where the MVP runs.

23 Now there is push back. We're getting push  
24 back in terms of our own residents. All of us are doing  
25 this but direct action has surfaced as well. Direct  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 actions for the ACP and the MVP.

2 In our area, here we have where the corridor  
3 is going over. This is over on Brush Mountain at the  
4 top is where we're going to get -- yeah, this is Brush  
5 Mountain and this is where we've got the Appalachian  
6 Trail at the top.

7 And we're in Jefferson Natural Forest where we  
8 currently have two tree sitters out of five total that  
9 still remain perched high in the Jefferson National  
10 Forest, and April mentioned this earlier.

11 On the Virginia side in Montgomery County is  
12 Nutty. He's about 34-years old. And on the Monroe  
13 County, West Virginia side is a man named with a  
14 pseudonym of Deckard. Both of them are on Peters  
15 Mountain, which this is not, but it's close to it.

16 Nutty has been in a monopod longer than has  
17 Deckard, since April 6th, and she's had been able to get  
18 no restocking of her food or water because of the  
19 National Forest Service. She has only a few applesauce  
20 containers left as of yesterday and some Power Bars.  
21 Water is coming from collecting rain water. And luckily  
22 it rained yesterday.

23 And on-the-ground supporters, of whom there  
24 are many, they cannot get to her. The Forest Service and  
25 others are arresting them if they try. And they are  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 armed to the teeth and they are not letting them get  
2 in. And she cannot get medical care. We don't know  
3 what kind of shape she's in. Of course, her cell is  
4 dead by now, pretty much dead. She's got a charger but  
5 communications are weak and not happening very often.

6 And then, the other thing is, she can't get  
7 any legal counsel. The Forest Service people are saying  
8 just let her come down out of the tree.

9 This is in violation, direct violation of the  
10 Geneva Convention and other state and federal laws  
11 regarding the treatment of our citizens.

12 Nevertheless, as of this writing both Nutty  
13 and Deckard are still in the protection of the  
14 Appalaches and, by the way, her mono pad.

15 Let me give you a picture of this. This is  
16 what they're doing to her at night, shining light at her  
17 so she can't sleep. They played horrible music for  
18 awhile but they've stopped that. And she's protecting  
19 the guy wires that are coming down here from the mono-  
20 pod and are keeping them from opening the gate to the  
21 Appalachian Trail so they can get across and do more  
22 cutting over there. Deckard is just in the forest.  
23 Similar kinds of situations though.

24 And then so direct action grows and legal  
25 actions increase. Citizens are assuming a stance of  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 asserting their democratic rights to resist  
2 construction, such as in this tribunal, and the  
3 operations of a methane transmission line with a  
4 minimal, mostly no local or domestic use as we try to  
5 keep on fighting it.

6 But before I stop I need to contextualize this  
7 discussion of human environmental impacts at the local/  
8 regional levels to the larger global issues of climate  
9 change. And I want to refer you to this really  
10 fascinating report constructed under Obama's  
11 Administration. And it's called A Bridge Too Far.  
12 Appalachian Basin And Gas Pipeline Expansion Will  
13 Undermine US Climate Goals.

14 And I'm just going to make a couple of  
15 comments. Please read it if you can. I think maybe we  
16 can get it up on our web site.

17 First, the Appalachian basin is the key source  
18 of potential US gas production growth in the future  
19 because of the Utica and the Marcellus. And in the past  
20 decade natural gas production in the Appalachian basin  
21 has experienced unprecedented growth, particularly in  
22 the Marcellus and Utica in Pennsylvania, West Virginia  
23 and Ohio.

24 So the gas production has grown 13 fold since  
25 2009 reaching over 18 billion cubic feet per day in  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 2015. It is widely expected that production in the  
2 Appalachian basin region will double over current levels  
3 by 2030s. And in 2010 the Appalachian basin produced  
4 just 4% of the US gas production but by 2030 it could  
5 provide 50%.

6 With the completion and operation of the MVP  
7 and with Trump Administration's withdrawal from the  
8 Paris Climate Agreement there is almost no limit on how  
9 much natural gas can be dumped into the air and  
10 surface.

11 Climate change over the tipping point appears  
12 inevitable if we don't stop this thing. With a project  
13 of 2.4 billion cubic feet per day of transmission the  
14 Mountain Valley pipeline will be a major contributor to  
15 this disastrous outcome. They're counting on it for  
16 that particular financial gain.

17 Now that ends officially what I wanted to say  
18 but I do want to add that, omitted from this brief  
19 presentation, has been the archeological impact on  
20 Native American sites where other people have come in  
21 and other people have talked about it as well but they  
22 are there and I just didn't have time to deal with them.

23 And they are commonly overlooked by MVP, the  
24 archeological sites are. They are hiring really  
25 inadequate people to do it.

1           And the African American communities that we  
2 have along on the Virginia side of the MVP, I haven't  
3 had a chance to talk to about them either, but Union  
4 Hill, and they have a lot in common. But regardless,  
5 the situation is often the same as it was for the whites  
6 for harrasination and dismissal, dehumanization by a  
7 major corporation, government agencies and several state  
8 agencies are denying Appalachian residents full  
9 participation in the democratic process. A situation,  
10 if not a condition, that continues the labeling of them  
11 which we are hearing almost every day as just a bunch of  
12 dumb hillbillies.

13           And now I'll pass it on to Robie.

14           MR. ROBIE GOINS: So this presentation  
15 today is for the People's Tribunal On Human Rights And  
16 Environmental Justice Impacts Of The Fracked Gas  
17 Infrastructure.

18           In summary this presentation will share  
19 information about one North Carolina's state recognized  
20 tribes, the Lumbee. My testimony will be detailing some  
21 of the impacts that the Atlantic Coast Pipeline will  
22 have on the Lumbee people and the tribe.

23           Once gain my name is Robie Goins. I'm a  
24 Lumbee indian from Robeson County, North Carolina. This  
25 testimony is based on my personal knowledge, information  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833



1 and belief.

2 I am a member of the Lumbee tribe and my  
3 family has been in this area of North Carolina for many  
4 generations. I have seen historical documents showing  
5 that my ancestors have been in or our around Robeson  
6 County area since the 1700s. My family and I have long  
7 fought for the health and prosperity of the Lumbee tribe  
8 and its community within Robeson County.

9 Early on the earliest European documentation  
10 of Native Americans in these communities was done by  
11 John Herbert in 1725 who was an English commissioner of  
12 indian trade for the Wineau factory on the Black River.  
13 Herbert identified the four Siouan speaking communities,  
14 which is Saraw, Pee Dee, Scavano and Wacoma. Modern day  
15 Lumbees claims connections to these settlements.

16 The indians of Robeson County who have been  
17 called Croatan and Cherokee are descended mainly from  
18 certain Siouan speaking tribes but we are predominately  
19 Cheraw or Keyauwee. And we also have some remanents of  
20 the Eno and Shakori tribes.

21 It's also important to state that some of the  
22 families that originated here also spoke Algonquian and  
23 Iroquoian languages.

24 The Lumbee tribe is a state recognized tribe  
25 and it has about 60,000 enrollment membership and most  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 of the members are living here in Robeson County. And  
2 the Lumbees were recognized as a Native American tribe  
3 by the United States Congress in 1956 under conditions  
4 that it agreed to at the time, which did not allow them  
5 to have benefits available to other federally recognized  
6 tribes.

7 The Lumbee are one of the eight state  
8 recognized North American tribes in North Carolina that  
9 have been recognized by the state and this route  
10 actually impacts four or five major tribes.

11 Archeological evidence shows that Native  
12 American cultures have long occupied present day Robeson  
13 County. And indians of diverse cultures have continued  
14 to reside here during the historical period after  
15 European colonization.

16 Some of the home places, some of the people  
17 here, you know, they talk about home and its importance  
18 to us. Some of them are local farmers and they say that  
19 soil gives us life. We treat the land as being one with  
20 our existence.

21 They treat the land like dirt, meaning these  
22 developers, these companies, these corporations that are  
23 coming in. They don't see the value that the soil that  
24 they're building on actually possesses.

25 And then some other land owners in the area  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 gave a quote saying, "Having a pipeline directly under  
2 your land means that you are in a blast zone from which  
3 you may not escape. The pipeline is already here. Our  
4 tribe has already been impacted by past pipelines. We  
5 need to be planning for our future. One that will not  
6 include a pipe that may fail and/or corrode in the  
7 future."

8           And this is an old story of injustice. The  
9 pipeline's threat is an old story. One that my family  
10 and the community has been familiar with for over time.  
11 The companies and government officials responsible for  
12 the pipeline have not been transparent throughout this  
13 process and those of us who will be most affected by the  
14 pipeline have been ignored or misinformed.

15           North Carolina of two centuries ago presented  
16 an unbroken expanse of long leaf pine. Curiously enough  
17 they grew up a legend that only the pines of North  
18 Carolina could produce the particular grade of tar that  
19 had found such favor throughout the world.

20           North Carolina prospered because of the legend  
21 and monopolized the business. It become famous through-  
22 out the world for its turpentine products. So you can  
23 see in the past this region was basically taken from its  
24 resources a large amount of trees for a turpentine  
25 industry that sold it to other countries for naval  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 construction for their ships at sea.

2 Right now I know everyone before me has talked  
3 about some of the pipelines and things. Here in North  
4 Carolina you can see with this line here is the proposed  
5 route of the ACP. And you can also see what many have  
6 spoke about as the TransCo. And, again, the TransCo is  
7 an interstate type pipeline that goes through many, many  
8 states to deliver gas. I think they deliver about 9.8  
9 billion gas each day or something like that. I  
10 apologize.

11 But the terminus in Robeson County is here for  
12 the ACP. Here is going to be the terminus and this is  
13 where Robeson County is for most of you all.

14 This is the east coast of the -- the Atlantic  
15 Coast is here, this is the east coast, Maryland,  
16 Virginia, North Carolina and South Carolina.

17 Again here is some existing gas transmission  
18 pipelines here in Robeson County. And, again, this is  
19 the proposed terminus for the ACP. As you can see  
20 existing Piedmont natural gas pipelines, which basically  
21 come off the TransCo, go right through Prospect. And  
22 this is one of the biggest communities that the Native  
23 Americans in this county reside.

24 And you can also see we have other  
25 infrastructure gas pipe infrastructure that feeds most  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 of our major towns like Saint Pauls, Lumberton and  
2 Pembroke.

3 So some of the key players in Robeson County  
4 gas distribution. North Carolina energy utilities use  
5 existing natural gas pipelines and related  
6 infrastructure. Most used gas comes, again, from the  
7 TransCo pipeline. You have the Sandhills pipeline which  
8 comes off the TransCo.

9 In 2001 it was stated by CP&L, Progress Energy  
10 Carolina's Electric Utility made a long term agreement  
11 for gas from TransCo pipeline. And now they've also fed  
12 other gas-fired powered plants from the TransCo.

13 So what Duke Energy and Dominion are doing,  
14 they're trying to get an avenue to a pipeline where they  
15 don't have to depend upon the TransCo. Where they can  
16 basically have control of their own destiny and have  
17 control of their own pipeline.

18 Current infrastructure here again at Prospect  
19 this current infrastructure is a compressor station that  
20 is already there. And this compressor station has been  
21 here since the early 50's and 60's. What we have now is  
22 existing pipes that are basically sticking out of the  
23 ground in anticipation for delivery of the ACP.

24 The ACP would attach to these and then that  
25 would create another streamline for the gas to go back  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 and forth this way to Wilmington and this way to  
2 Charlotte, North Carolina, where there are both gas-  
3 fired power plants on each end, with one being the Smith  
4 power station and being one the Sutton steam plant.

5 So proposed infrastructure. For Prospect, the  
6 Prospect/Pembroke compressor station, this thing right  
7 here, is also going to get a M&R station. In this  
8 proposal they're planning to bring a M&R station, a  
9 metering and regulation station, here to Prospect which  
10 also emits emissions just like compressor stations in  
11 what others spoke about previously.

12 There's emissions coming from the compressor  
13 station and now there's going to be emissions from the  
14 M&R stations in the form of blow downs and things like  
15 that. So this is what's coming here to Prospect. And  
16 along with the 350 foot tall communication tower, lit  
17 and blinking at night, and this is coming to Prospect.

18 For native people the open sky both day and  
19 night is a natural and cultural resource. The proposed  
20 tower would obstruct the open view in our community of  
21 Prospect and for miles around. It is not in harmony  
22 with the natural beauty of Prospect community.

23 Here you can see the high consequence area  
24 that will be created with the introduction of this M&R  
25 station coupling that with the compressor station. If  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 you can see here on the left side of road is where the  
2 M&R station will go. The right side is the compressor  
3 station. This line is the ACP and it's coming into the  
4 community of Prospect and will be meeting there.

5 This is really relevant for my family  
6 especially because for my family we're concerned about  
7 this possibility of an explosion from the new  
8 infrastructure.

9 Pipelines are not immune from accidents and  
10 they are vulnerable to natural disasters that are common  
11 in the areas such as hurricanes and flooding.

12 This area of North Carolina received a huge  
13 hurricane just two years ago in the form of hurricane  
14 Matthew that left many without homes, many flooded, some  
15 even lost their lives. And in 2000 in New Mexico a  
16 pipeline explosion killed 10 people. The size and  
17 pipeline that is coming here to this area is actually  
18 the same size as that pipeline.

19 My brother's home is on the edge, if you can  
20 see, adjacent basically right here in this corner. My  
21 brother's home is at the edge of the blast zone.

22 The blast zone, if you can see, is this purple  
23 area. This is just the blast zone. I'm sorry, the  
24 smaller purple is the blast zone. Actually the bigger  
25 area is the evacuation zone. So he's on the border of  
TREMINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 both evacuation and blast zone in this area which is  
2 adjacent to this compressor station.

3 Like I said pipeline incidents occur annually  
4 throughout the US. We've had two incidences here in  
5 Robeson County on the Piedmont natural gas line since  
6 2014. It, again, it was in Saint Pauls and in Saint  
7 Pauls up here and in Lumberton, North Carolina.

8 So compressor stations and meter regulation  
9 stations are a common source of methane leaks, we know  
10 that, and the leaks pollute our air. Robeson County,  
11 especially the Prospect community, will become one of  
12 the most dangerous locations along the route of the ACP.

13 For approximately 125 to 150 years my family  
14 has lived on that property adjacent. My brother and his  
15 family now live on that property and I live about two  
16 miles away. So our family is very concerned about the  
17 possibility of this explosion.

18 And there are other approaches to  
19 infrastructure. I mean for us the Native American  
20 community view it differently than modern industrial  
21 companies for the approaches to develop based on two  
22 traditions.

23 For relationship with nature. We want to  
24 preserve and restore nature. They want to extract and  
25 it contaminate it. With relationships with the land,



1 source of life to preserve. Their's, its a resource for  
2 material gain.

3 Business fellowship. We want it to be more  
4 local and tribal and they want to be absent, national,  
5 international. And that is one thing that they're  
6 trying to do with this pipeline is take this gas to  
7 these exports to be a competitor into the world market.  
8 They're competing with Russia on that platform.

9 And other relationships to climate change, the  
10 great cleansing has begun. How further fossil fuel  
11 development, particularly shale and methane gas, they  
12 say -- they're denying climate change and they promote  
13 shale and they promote methane gas, and the only  
14 remaining fossil fuel where profits can be maximized by  
15 the industry.

16 And again this is just some alternatives that  
17 Robeson County could be looking into, biomass, solar.  
18 We're big on that in this region. And also landfill gas  
19 and fuel cell.

20 The Atlantic Coast Pipeline in their final  
21 Environmental Impact Statement to the Federal Energy  
22 Regulatory Commission, FERC, they gave some bad  
23 information or incomplete information. There are three  
24 North Carolina tribes. We noted inaccurate and  
25 incomplete assessment and final draft statements and we  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 requested formal consultation with the federal  
2 regulators.

3 The federal regulators ignored requests for  
4 consultation, asked the developer to communicate with  
5 the tribes instead.

6 And then the final statement in 2017 mentions  
7 the tribes by name but did not correct inaccuracies or  
8 address all tribal concerns.

9 Decision on the federal permit is currently  
10 pending but decision-making documents lack tribal input.  
11 So FERC, you know, approved this permitting process and  
12 they have incomplete information to back their decision  
13 up.

14 And for the impacts for Native Americans  
15 there's 30,000 Native Americans that live within one  
16 mile of this proposed route and which is 25% of North  
17 Carolina native population. So that's 25% of our native  
18 population in North Carolina being affected by this  
19 route. That is 13%, and it's 1.2% of the North Carolina  
20 population and 13% make up the total population of  
21 people affected.

22 Some of the tribes along this routes that are  
23 affected are the Lumbee, the Coharie, Haliwa-Saponi and  
24 the Meherrin.

25 Federal regulators ignore directions to flawed  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 analysis and deny that the Native Americans are  
2 disproportionately impacted by the route. Instead  
3 federal regulators concluded that poor and minority  
4 populations would not be disproportionately affected.  
5 That's a lot of people affected along this route right  
6 here.

7           So some of the organizations that we've worked  
8 with in the past have like been the Advisory Council On  
9 Historic Preservation where they, in their own book or  
10 own proceedings, give us as an example of being  
11 discriminated against by the US government.

12           It talks about us getting recognition in 1985  
13 but then getting federal recognition in 1956 with  
14 special benefits.

15           And so the Advisory Council say that while a  
16 statutory requirement exists to include indian tribes,  
17 and they've chosen Section 106, Consultations, federal  
18 agencies should remember that non-federally recognized  
19 tribes can and often should be involved. Their  
20 contributions to the process can include a deep  
21 knowledge of the history and resources in their home-  
22 lands.

23           And they give us, the Lumbee of North  
24 Carolina, we have occupied this present day homeland for  
25 generations.

1           And there's other books, other reports, that  
2 talk about the flawed environmental justice analysis by  
3 Dr. Emanuel. And then there is our native communities  
4 being overlooked in the ACP process and then on the  
5 defense against the environmental policy.

6           With that environmental policy and the attack  
7 on it we're going to see greenhouse gas emissions heat  
8 up our atmosphere in the next 30-years or 40-years.

9           We're here right now and in 2060 we are going  
10 to be 6 degrees warmer on average July. So it's going  
11 to get hotter with these greenhouse gas emissions that  
12 are coming from these leaking pipes, that are coming  
13 from these compressor stations, that are coming from  
14 metering and regulation stations.

15           More infrastructure means more leaks. And 3% --  
16 if they leak 3% then it's heating up our atmosphere.  
17 And they're leaking more than 3%.

18           The stakes are high for Robeson County. This  
19 is an image that shows future gross domestic product for  
20 the 2100 year mark. So it's a little bit off but still  
21 it shows that 11% of our total county GDP will be lost  
22 in the year 2100 due to the rising temperatures.

23           Meaning our crops won't be able to grow. Our water is  
24 going to basically evaporate and we won't have access to  
25 that. And that is what this slides shows is that we're  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 already competing for water sources here.

2 With the Hurricane Matthew it came in to North  
3 Carolina and Robeson County was flooded. We had a lot  
4 of sedimentation that came out that of storm. The same  
5 sedimentation our rivers were polluted by.

6 This same sedimentation is going to come from  
7 construction of this Atlantic Coast Pipeline. If this  
8 Hurricane Matthew would have hit and these guys would  
9 have had opened up these holes in to the ground and  
10 scarred Mother Earth there would have been way more  
11 sedimentation along the banks of the Lumbee River and  
12 other rivers leading to the Atlantic Coast. So there  
13 would have been more sedimentation going into the coast  
14 and affecting marine life.

15 For American indian health out come  
16 disparities. Some of the racial disparities: We have  
17 higher infant mortalities, our life expectancy is lower.  
18 We have decreased access to health services.

19 Some critical data. American indian mean  
20 average age is younger than the major majority of the  
21 population. We have higher morbidity of diabetes,  
22 hypertension, asthma and arthritis. And some of the  
23 social determinants, 22% live below the poverty line.  
24 And I'll show you a demographic of that.

25 The path that this pipeline takes goes into  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 areas of low income families, high minority populations  
2 and for American indians we have 58% have had high  
3 school education or less and 7.8% are unemployed.

4           Leading causes of death for us are cancer.  
5 And with emissions you're going to get cancerous types  
6 emissions. So that's a big thing that's affecting us  
7 now. Our heart disease is affecting us along with  
8 chronic lung disease. Again, we're breathing in these  
9 carcinogenics. It's causing cancer or it's causing  
10 lungs and asthma with our children.

11           And, again, this is the ACP proposed route.  
12 And along this route, as I showed earlier, right here  
13 the Meherrin, the Haliwa-Saponi, the Coharie and the  
14 Lumbee and also Tuscarora in this nation or in this area  
15 is affected by this route.

16           And here it shows the rural counties. And  
17 this is kind of a regional city of Fayetteville, Ft.  
18 Bragg, North Carolina. And this is why this is blue but  
19 everything else is green. It's very rural. It's  
20 affecting people's farm lands. It's taking people's  
21 crops. Land that their family have been growing crops  
22 on for centuries. This is going straight through their  
23 land.

24           And local disparities again are increasing  
25 infant mortality, decreased life expectancy and  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 decreased access to services. So they're bringing all  
2 this pollution in but they're not trying to give us  
3 anything to combat it.

4 As I said there're basically five tribes that  
5 are affected, the Haliwa-Saponi, the Meherrin, the  
6 Coharie, Lumbee and the Tuscarora.

7 And for sovereignty of our indigenous peoples  
8 since the time that human beings offered thanks for the  
9 first sunrise, sovereignty has been an integral part of  
10 the indigenous people's daily existence. Our  
11 sovereignty leads to self-governance and requires no  
12 less.

13 And this is a picture of some of our local  
14 tribe members at a pow-wow, a festival, celebrating  
15 either spring or fall ceremonies thanking the creator  
16 for all that he's given us.

17 So, for conclusions. Federal regulators  
18 omitted tribal perspectives from decision-making by  
19 ignoring disproportionate impacts in its quest for  
20 consultation. Developers do not give a complete picture  
21 of the project impacts.

22 And in speaking on that, they're telling us  
23 that they want this gas to help them keep their gas  
24 fired power plants operational. That is not true.

25 We know that this is a competition to get  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 world dominance in the natural gas realm. We've got  
2 Senator Burr on record, he's a North Carolina senator,  
3 saying they're trying to compete with the Russians in  
4 2015.

5 We're got recent legislators in North Carolina  
6 talking about, you tell us which direction we go. We  
7 may go leading to Georgia to another export. So that's  
8 some of the things that these corporations aren't  
9 telling.

10 And for the Lumbee one of the things is  
11 they've got a Piedmont natural gas which they can tie  
12 to. And this Piedmont natural gas pipeline has already  
13 added another pipeline because it's an existing pipeline  
14 and the ACP excluded that out of their application so  
15 they wouldn't have to do anything, mitigation for  
16 crossing the Lumber River.

17 Right now it comes short of crossing the  
18 Lumber River but it crosses a lot of its tributaries.  
19 And like I said earlier with the Hurricane Matthew if we  
20 had that kind of an event when operations were  
21 happening, a lot of sedimentation would have gotten into  
22 our water ways.

23 So here in Robeson County, in Prospect at the  
24 current site, we're already seeing that our air has been  
25 affected. Our water has been affected.



1           Someone spoke about noise. This 1,400 psi  
2 pipeline is pushing gas through it. It has a hissing  
3 sound. I can hear the hiss from my brother's doorsteps  
4 of this gas just being pushed through this pipeline and  
5 that causes anxiety around the communities.

6           So tribal members do not feel secure in their  
7 persons and property as they are intimidated and  
8 threatened with eminent domain in regard to their land.  
9 Communities, family and individual health depends upon  
10 maintaining strong connections to healthful and  
11 intactfull ancestral lands and environment.

12           Conversations with corporations do not equate  
13 with consultations. Government to government  
14 consultation is required. In the case of the ACP that  
15 would mean consultation between FERC and the Lumbee  
16 Tribal Council.

17           The UN Tribunal, these are some  
18 recommendations, should draft resolutions calling on the  
19 US federal and state regulators to deny all permits  
20 until the impacts on the Lumbee and other tribes have  
21 been fully assessed through accurate analysis and  
22 meaningful government to government consultation.

23           Help the US to create a tribal climate  
24 resilience plan to prepare for economic health and other  
25 impacts of hotter summers, increased drought and  
TREMAINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1     damaging floods.

2             The UN should also request the US government  
3     to work with tribes like the Lumbee to help create a  
4     sustainable economic development plan in partnership  
5     with local governments. There's other alternatives. We  
6     could be doing a lot more with that.

7             So next, as I said, tribal consultation. Give  
8     tribes seats at decision-making tables. Ask regulators  
9     to comply fully with consultation recommendations of the  
10    federal government, of the state government, of  
11    international bodies, UN Declaration of Rights Of  
12    Indigenous Peoples.

13            We need cultural impact studies. I was just  
14    out at a site just last week and we were digging and we  
15    found artifacts of arrowheads, other tools, pottery of  
16    ancient peoples that have been around the Lumbee River  
17    of North Carolina. So there's still remnants of our  
18    ancestors just lying around, lying about.

19            And these people are coming in cutting through  
20    our trees, cutting through our land, haven't did any  
21    kind type of cultural impact study, haven't did any  
22    meaningful archeological studies to determine if any of  
23    our lands are impacted culturally.

24            So I would like to give special thanks for  
25    some of the local Lumbee members who shared their  
TREMINE & CLEMENS, INC.     EUGENE, OREGON     (541)343-8833

1 stories and valuable information. Those are Dr. Mariann  
2 Jacobs, Mr. Herbert Eddie Moore, Dr. Ryan Emanuel, Dr.  
3 Cherry Beasley and Ms. Donna Chavis.

4 So if anybody has any questions you can ask  
5 about that.

6 I would just like to point out that the  
7 current infrastructure --

8 MS. LAKSHMI FJORD: We have one more.

9 MR. ROBIE GOINS: You got one more?

10 MS. LAKSHMI FJORD: Yeah. We have our  
11 judge Adrienne Hollis is waiting.

12 MR. ROBIE GOINS: Oh, okay.

13 MS. LAKSHMI FJORD: That was great.

14 Thank you.

15 MR. ROBIE GOINS: Thank you.

16 DR. ADRIENNE HOLLIS: Good afternoon. My  
17 name is Dr. Adrienne Hollis and I've served as a judge  
18 at the Peoples's Tribunal in Charlottesville on October  
19 29th.

20 Today you've heard only a small portion of the  
21 impactfull testimony shared with the impartial three-  
22 judge panel. That Tribunal lasted almost 12-hours. And  
23 what's really important to know is that the majority of  
24 participants and attendees stayed the entire day, which  
25 underlines, as nothing else would, the importance of the  
TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 tribunal and the seriousness of the issues.

2           These heartfelt and sometimes shocking and gut  
3 wrenching testimonies led the judges to develop the  
4 following conclusions and recommendations.

5           Whereas indigenous peoples, people of color,  
6 descendents of freedmen communities, Appalachian  
7 communities and vulnerable populations have been  
8 blatantly targeted and will most certainly be, and in  
9 some cases already are, negatively impacted by the  
10 Atlantic Coast Pipeline and Mountain Valley Pipeline as  
11 evidenced throughout the tribunal testimonies;

12           And whereas numerous and diverse examples of  
13 cultural attachment and historic preservation atrocities  
14 exist, violations of religious and cultural practices  
15 and beliefs exist, and capricious use of eminent domain  
16 to deprive people of property and heritage, including  
17 such activities as destruction of historical records and  
18 intimidation tactics;

19           And whereas there was there was a consistent  
20 and pervasive lack of public participation, lack of  
21 opportunities for public input and access to information  
22 such as the denial of access to the wireless tower  
23 planned by the pipeline and the denial of consultancy  
24 status to Preservation Virginia under Section 106 of the  
25 National Historic Preservation Act;

1           And whereas there are numerous threats to the  
2 built environment, including places of faith, roads,  
3 highways, driveways and homes, many of which are located  
4 within the blast zone and have existed for generations;

5           And whereas water is put at grave risk because  
6 of the continuous crisscrossing of the proposed  
7 pipelines, rivers, streams, ground water and wetlands,  
8 and that under current regulation pipes in rural areas  
9 are dramatically thinner putting our water at tremendous  
10 risk;

11           And whereas many witnesses have testified to  
12 the release of greenhouse gases from pipelines and  
13 compressor stations adding to climate change and,  
14 therefore, harming the environment and adding to the  
15 burden, both locally and globally;

16           And whereas all of these insults negatively  
17 impact the health of humans and all living things,  
18 especially the most vulnerable, women of child bearing  
19 age, pregnant women and children, the elderly and the  
20 infirm, this Tribunal strongly recommends that the State  
21 of West Virginia, Virginia and North Carolina, along  
22 with all environmental agencies just suspend all  
23 actions, undertake necessary thorough investigation such  
24 as environmental, cultural and health impacts  
25 assessments with real voice and real vote from the  
TREMINE & CLEMENS, INC.   EUGENE, OREGON   (541)343-8833

1 community and immediately cease and desist eminent  
2 domain actions.

3 In addition, we strongly recommend that the  
4 United Nations Human Rights Council should put the  
5 United States on trial for crimes against human rights.

6 Thank you.

7 MS. LAKSHMI FJORD: Thank you so much  
8 Adrienne for staying with us. Thank you for your  
9 incredible patience and understanding with the technical  
10 problems. We're so grateful to you.

11 I practically can't even speak I'm so moved by  
12 your generosity and time. Thank you so very much for  
13 holding this Tribunal and allowing us to testify before  
14 you.

15

16

17 [[youtube.com/watch?v=ssDWTmalb80&feature=youtu.be](https://youtube.com/watch?v=ssDWTmalb80&feature=youtu.be)]

18

19

20

21

22

23

24

25