

Virginia Outdoor Foundation
Attn.: Ms. Martha Little, Deputy Director of Stewardship
Main Street Centre
600 E. Main St., Suite 402
Richmond, VA 23219-2416

31 May 2016

Dear Ms. Little and the VOF Board:

I'm confused. I do not understand the legalities or the ethics of Dominion's proposal to donate 1,185 acres (the Hayfield Farm in Highland County, plus an 85-acre parcel elsewhere) to the Virginia Outdoor Foundation (VOF) to offset the Atlantic Coast Pipeline (ACP) crossing properties holding VOF conservation easements. Given Bath County's reliance on tourism and the importance of preserving land and water resources in our area, might the Open-Space Land Act provide VOF with the specifics it needs to deny the crossing of VOF conservation easements with 42-inch pipelines and/or access roads?

I've reviewed your webpage, <http://www.virginiaoutdoorsfoundation.org>, and attended the public portion of your board meeting on Thursday, 24 March 2016. There, Chuck Burke presented documentation to support his position that the Atlantic Coast Pipeline should not be allowed to cross his property in Bath County, Virginia because, in part, of his conservation easement with VOF.

I understand that VOF was created by the General Assembly in 1966 in order to *"promote the preservation of open-space lands and to encourage private gifts of money, securities, land or other property to preserve the natural,*

scenic, historic, scientific, open-space and recreational areas of the Commonwealth. "Your website explains that "VOF protects land...by holding conservation easements...voluntary agreements with landowners that restrict certain types of development on land in perpetuity" and that you may also "protect (land) with an easement...transfer to another landowner, or (own) and (manage) for public benefit."

Your website is clear: "By statute VOF must be sure that the protection of open-space land is consistent with the official comprehensive plan of the locality in which the property is located, so that the easement program complements county planning rather than works against it."

Excellent. That, I also understand. Your website continues:

"Protecting our Natural and Cultural Resources.

The conservation of land resources is essential to both the public well-being and the economic viability of the state and will continue to become more difficult in the future with increasing population. The [Virginia Outdoors Plan](#) used a wide-reaching statewide survey and inventory of existing parks and recreation facilities to identify statewide outdoor recreation priorities and issues. Impacts due to the loss of open space lands were identified as:

- Increased runoff and degraded water quality.*
- Loss of tree canopy, affecting ecosystems, temperatures, and soil stability.*
- Lack of open space, affecting the functional capacity of the area's green infrastructure.*
- Loss of land for outdoor activities, especially those that require large parcels of land.*
- Declining air quality, which impacts scenery and human health and leads to increased EPA regulations that discourage future commercial and transportation development.*
- Land conversion to developed areas alters traditional viewsheds and cultural*

landscapes.

Land conservation is about more than just aesthetics; it is a strategy for protection and improvement of water quality; preservation of cultural and historic sites; protection of our plant and animal communities; sustaining working landscapes, natural areas, and parks; and enhancing our quality of life as Virginians. Preserved open-space lands provide both economic and intrinsic benefits."

From my perspective, the Virginia legislature created VOF for the very reasons citizens across Virginia are opposed to the Atlantic Coast Pipeline (ACP) and the Mountain Valley Pipeline (MVP). We value clean water and are concerned about runoff, pollution, and degraded water quality, should either the proposed ACP or MVP be approved. We worry about the loss of forested areas to be crossed by pipelines and access roads – valuable, ecological niches housing endangered species, as well as the common wildlife, flora, and fauna we treasure. We are well-versed in the challenges of preventing run-off on mountainous karst, should a 75-foot swath be cut through forested lands, and know VOF understands those challenges, as you require a pre-harvest plan prior to allowing VOF easement owners to harvest timber on their land.

"Mining and other earth-disturbing activities that would alter the natural topography of the land are not permitted with exceptions for construction of permitted improvements, generally accepted farming practices, and erosion and sediment control measures."

The challenge with "erosion and sediment control measures" currently discussed in regards to pipeline construction is that Best Management Practices do not typically address the challenges posed in laying 42-inch pipeline in trenches cut into steep, karst mountainsides where landowners would typically never consider placing even a shallow ditch.

(As an aside, Dominion's best practices plan, as explained in our recent scoping meeting in Bath County, proposes to plant "shade grasses" rather than ferns, wild blueberry bushes, viburnum, and hawthorn for stabilizing disturbed areas on steep mountainous slopes. In "shade" areas where proposed pipeline routes run north-south and proposed pipeline rights-of-way would receive 4 hours of sun a day, at best, I suspect a VOF inspection committee would disallow such a proposal for planting grass in a forested area, should a property-owner submit that request as a post-timbering plan.)

No one likes trash...On that, we continue to agree, and your website says:
"Large signs, accumulation of junk or trash, and certain commercial structures such as large scale cell towers are not permitted."

Hmmm. If I owned property in conservation with VOF, I'd vote for a cell tower over a pipeline any day. In the future, after proposed pipelines are no longer needed or are abandoned, might future generations call the leftovers "trash"?

As VOF has existed since 1966, you've had a number of decades to deal with "progress" and encroaching development. And you address this in your practices:

"When considering acceptance of an easement, VOF weighs whether an easement on a property may interfere with an anticipated or planned public works project. VOF considers the extent to which planning for the public works project has been finalized, and the practicality and availability of other options for achieving the purpose of the public works project. VOF could suggest provisions in the deed of easement to forestall a conflict between the public works projects or decide it cannot accept the easement. Where an existing road or railroad or utility expansion is in an existing plan, that expansion cannot be blocked, and must be accommodated within the

easement's terms."

Since the southern GWNF-#6 route wasn't announced until February 2016, I doubt VOF anticipated having to wrestle with challenges brought on by Dominion's proposed pipeline, CP15-554. Nevertheless, that's where we are – all of us, challenged by pipeline plans which evoke more questions than answers.

I've done my best to sort through my thoughts by researching documents on your site, sitting in silence, talking to our cat, walking our land, and writing.

I urge VOF to deny the passing of any pipeline through properties protected by VOF easements. File an e-comment with the Federal Regulatory Energy Commission and ask them to conduct a Programmatic Environmental Impact Study (PEIS).

A PEIS can evaluate all pipelines currently proposed for Virginia. It will address their implementation over a long timeframe and across affected geographical areas. At present, Dominion's pipeline rhetoric clearly contradicts environmental and economic studies completed by third parties and cited by pipeline opponents. As the goal of a PEIS is to allow informed choices, I urge VOF to ask for a PEIS.

I value and appreciate land conservation. I witnessed the frustration and sadness felt by VOF board members at the March 24th meeting when an easement holder stated she would spread the word for Virginians not to enter into conservation easements with VOF if the agency does not protect the property of current VOF-conservation easement holders from utility expansion. From where I sit, if VOF accepts the 1,185-acre gift from Dominion and allows the Atlantic Coast Pipeline to cross conservation easements, "VOF-protected" property owners won't have to say a thing. VOF's behavior will

encourage current and future Virginians to explore conservation easements with other organizations other than VOF or to seek other ways to protect land for future generations.

Since VOF is a state agency and FERC (as the ruling body to permit or deny Dominion's request to build the ACP) is a federal agency, perhaps a judge or a court will ultimately decide the fate of proposed pipelines. In the mean time, I urge you to reread your mission statements; read and print copies of your web page. Let your actions reflect the vision of those who created Virginia Outdoors Foundation decades ago.

Vote "No" to the crossing of VOF conservation easements by corporations for profit. Vote "Yes" to continued protection of land for the public good for citizens all across our Commonwealth and for future generations to come.

Respectfully yours,

Anne Bryan
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