

Blue Ridge Environmental Defense League

www.BREDL.org

4617 Pearl Rd Raleigh NC 27610 (919) 345-3673

therese.vick@gmail.com

The Honorable Josh Stein
Attorney General, State of North Carolina
114 West Edenton Street
Raleigh, North Carolina 27603

September 7, 2021

Dear Attorney General Stein:

I write to update you regarding the easements for the Atlantic Coast Pipeline (ACP). Since our March 1st, 2021 letter (re-sent July 23, 2021), the Federal Energy Regulatory Commission (FERC) has released the Draft Supplemental Environmental Impact Statement SEIS) for the ACP.¹

In Section 4.9.1 Land Use, page 4-63 the report states that "The land obtained by Atlantic and EGTS as permanent right-of-way would generally be allowed to revert to its former use, and landowners would have use of it, except that certain activities such as the construction of permanent structures, including houses, house additions, trailers, tool sheds, garages, poles, patios, pools, mobile homes, septic tanks, or other objects not easily removable, or the planting of trees, would be prohibited within the 50-foot-wide permanent easement." Additionally, in Section 4.9.22 Permanent Easements, page 4-66 : "While we understand there appears to be no obvious cause for Atlantic to retain an easement for disconnected segments of pipe that are not

¹ Draft Supplemental Environmental Impact Statement for Atlantic Coast Pipeline, LLC's et al Atlantic Coast Pipeline Restoration Project et al under CP15-554. July 2021.

https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20210723-3006.

flowing gas, easements between landowners and Atlantic or EGTS are legal instruments and as such, any requests for Atlantic or EGTS to relinquish easements or rights-of-way are not within the scope of this supplemental EIS."

There are inherent inequities in the eminent domain process which are compounded by unscrupulous land agents that skirt the law. Those that have the financial means to obtain legal counsel are able to negotiate better terms. For example, this is language from an easement for a Johnston County landowner (shared with permission):

*TO HAVE AND TO HOLD same, with all rights and appurtenances thereunto belonging, unto Grantee, its successors or assign, for the purpose of doing all acts necessary for the construction, operation, alteration, inspection, testing, maintenance, repair, renewal or replacement of such pipeline and any other facilities appurtenant thereto, **until such time as the use and operation of such pipeline is relinquished or abandoned** subject to and in accordance with abandonment regulations and requirements mandated by the Federal Energy Regulatory Commission (FERC) or ceases to exist; at which time, title to said Easement Area shall revert back to Grantor, its successors or assigns. In accordance with FERC definition and guidelines for "abandonment" of pipeline, the following conditions shall govern pipes installed under this easement at the time the facilities are installed: a) If the facilities of the Grantee covered under this easement are not operated or maintained for a period of five (5) consecutive years, Grantee agrees to abandon said facilities. b) Abandonment of facilities will be in strict adherence with all current governmental rules and regulations having jurisdiction over that abandonment. c) Abandoned facilities will be flushed of natural gas and filled with inert gas or any such other material that will be in accordance with then-applicable industry standards and in accordance with any government rules and regulations. d) **Within six months of receipt of a written request from Grantor, after facilities are abandoned or removed at Grantee's discretion or in accordance with government rules and regulations, Grantee shall record a release of all its rights, title and interest in and to the right of way.***

Many easements held by ACP have no such clause that allows the landowners to be released from the encumbrances against their property. We are again requesting that you act to right the

injustices that have been visited on Eastern North Carolina communities and assist them in achieving freedom from the threat of the Atlantic Coast Pipeline.

Sincerely,

A handwritten signature in black ink that reads "Therese Vick". The script is cursive and elegant, with the first letters of "Therese" and "Vick" being capitalized and prominent.

Therese Vick

North Carolina Healthy, Sustainable Communities Campaign Coordinator