



COMMONWEALTH OF VIRGINIA  
HOUSE OF DELEGATES  
RICHMOND

PF15-3  
Aug 17, 2015

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COMMITTEE ASSIGNMENTS:  
PRIVILEGES AND ELECTIONS  
EDUCATION  
GENERAL LAWS  
HEALTH, WELFARE AND INSTITUTIONS

August 12, 2015

The Honorable Norman C. Bay and Commissioners  
Federal Energy Regulatory Commission  
888 1st Street NE  
Washington, D.C. 20426

OFFICE OF THE CLERK  
2015 AUG 17 AM 9:55  
Federal Energy  
Regulatory Commission

Dear Chairman Bay and Commissioners Clark, Honorable, Moeller, and LaFleur:

I write to you today to offer my views on Docket #PF15-3-000, the Mountain Valley Pipeline (MVP), jointly proposed by EQT and NextEra Energy. Over the past year, I have listened and communicated with many in the 12th District who have shared with me their concerns about the proposed MVP project. I have also spent many hours researching the proposed MVP project and natural gas pipeline infrastructure generally. In response to what I have heard and learned, I feel it is necessary to share with you several concerns that I, and many others, believe are important for you to consider and to also register my opposition to this project.

I am a lifelong resident of the 12th District. I was born, raised and currently reside in Pearisburg, the county seat of Giles County through which the MVP is proposed to bisect. I love my home and could not imagine living anywhere else. A quote by John Muir, an author and naturalist, perfectly sums up my love of this area, "the mountains are calling and I must go." This is why I write to you today.

In all the conversations I have had regarding the proposed MVP, no one argues against the need for energy infrastructure and resources for both our economy and our daily life. However, it is imperative that such resources be removed and infrastructure built in the least disruptive way possible, something I feel the proposed MVP to be lacking.

I have condensed my concerns into two main categories highlighted below.

**Impact on Property Rights**

The single biggest concern I have regarding the proposed MVP, is the protection of private property rights. In my view property rights are sacrosanct. This idea is not new but something

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that dates back to the founding of our country. Most are unaware that the famous line in the Declaration of Independence “life, liberty and the pursuit of happiness” was actually an edited version of Jefferson’s original sentence “life, liberty and property.” In 2012, the voters of Virginia overwhelmingly imbedded this concept in our Commonwealth’s Constitution.

The issue of private property rights and the proposed MVP has been raised repeatedly throughout this process and in some cases, it has been shown that the proper protocols have not been followed for gaining access to private property. This was highlighted earlier in the summer when MVP suspended the surveying of properties in Giles County after attempting to survey property along the proposed route without following state law.

Virginia law grants access to private property for surveying by natural gas companies, even if the owner forbids entry, but adequate notice must be provided. It should be noted that the constitutionality of this law is being challenged in both state and federal courts. Recently in West Virginia, a judge ruled that MVP had failed to establish, as required by West Virginia law, that the pipeline project offered sufficient public use to allow entering private property without an owner’s permission for surveying. While a similar statute in Virginia does not require natural gas companies to demonstrate public use, Article I, Section 11 of the Virginia Constitution is exceedingly clear: *“That the General Assembly shall pass no law whereby private property, the right to which is fundamental, shall be damaged or taken except for public use.”*

I will also note that MVP is a private company and many, myself included, question their ability to use eminent domain. Also at question is the destination of the natural gas that the proposed MVP will be transporting and whether it is for “public use.” At a public hearing earlier this spring Paul Friedman, a project manager with FERC, repeatedly dismissed concerns that natural gas transported through the proposed MVP would be exported. However, a month later it was reported via *The Roanoke Times* that the proposed MVP could be one supply source for liquefied natural gas exported to India.

Given that the “public use” of the natural gas being transported through the MVP is in question and the ongoing legal cases with Virginia law, can the MVP legally exercise the taking of private property? This question will hopefully be answered in the coming weeks in the courts.

### **Impact on Cultural and Natural Resources**

Also at stake with the proposed MVP is the impact on our area’s cultural and natural resources. The proposed route of the MVP passes either closely by or directly through some of Giles County’s most valuable cultural and natural resources.

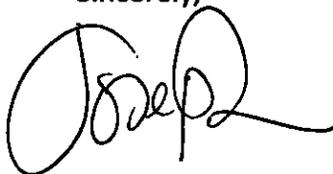
- **The Appalachian Trail.** The Appalachian Trail, which runs from Georgia to Maine, cuts through Giles County offering 50 miles of trail hiking to visitors and ample opportunities to see the natural beauty of the area. The proposed MVP would directly cross the Appalachian Trail.

- **Big Stoney Creek.** Big Stoney Creek is a section of waterway in Giles and a premier trout fishing stream. I grew up fishing on this stream and still do today. The MVP is proposed to directly cross Big Stoney Creek.
- **The Cascades.** The Cascades is a 69 foot waterfall and was named one of the “Top 10 Spectacular Waterfalls” in the United States in 2014 by CNN. The falls, day use area and several miles of hiking trails attract more than 100,000 visitors each year to Giles County and is a major source of tourism revenue for the area. The MVP is proposed to pass within one and one-half miles of the day use area. It will also cross the public road which offers the only means of access to this area.
- **Historic Covered Bridges.** The proposed MVP would go within one-half mile of two historic covered bridges in Giles. These bridges are heavily visited and photographed. Numbering more than 100 in the early 1900s, today only eight authentic timber covered bridges survive in Virginia, three of which are in Giles County.
- **Greater Newport Historic District.** The proposed route cuts in half the Greater Newport Historic District, in which is located many important cultural and historical assets to Giles County. The district covers 33 square miles and has nearly 1,400 buildings and structures, over half of which are contributory in establishing a national historic district.

In closing, this is a challenging issue. Balancing the need for energy infrastructure while also respecting an individual's property rights and safeguarding our natural resources for future enjoyment is no easy task. However, for reasons I have stated above, I again would like to state my opposition to the proposed MVP project. It is my hope you will examine this project closely over the coming months taking these and many other considerations under advisement and determine the same.

Thank you for your time and attention in reviewing this letter. I appreciate your willingness to listen.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph R. Yost', with a large, stylized initial 'J' and a long, sweeping underline.

Delegate Joseph R. Yost  
12th House District  
Commonwealth of Virginia

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