

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

March 1, 2021

Dear Attorney General Stein:

On July 5, 2020, Atlantic Coast Pipeline (ACP) announced their decision to cancel their plans for the unneeded, unjust, and unwanted project. Blue Ridge Environmental Defense League (BREDL) has been working with farmers and families that would have been put in harms way by the project since it was announced in 2014; in fact—several of those that would have been most impacted have met with your staff regarding their concerns about the project and ACP’s predatory practices. We are again appealing to you to right the continuing injustice that the Atlantic Coast Pipeline has visited on the people of Eastern North Carolina.

Communities celebrated after the announcement that the pipeline project was to be cancelled. They had lived for years with the threat of the pipeline going across their land and placing their families within the “incineration zone” – destroying their feelings of safety and hopes of improving or developing their properties.

Now, it appears that ACP intends to keep the easements—encumbering the property for an unknown length of time.^{1 2} Dozens of properties were accessed by the “quick take” process—some owners were never “found” and thus not contacted except through public notices in local newspapers. *They may not even know that this has happened to them.* Heirs property landowners, of which there are many, are particularly vulnerable because ACP most often received those easements by filing eminent domain proceedings in Federal court against them as “unknown heirs” of the original landowner in a “catch all” fashion. Although this practice is “legal”—it is profoundly unjust. Many of the heirs were never notified or paid for the easements on properties purchased as long as 140 years ago and held by these families as tenants in common. Dominion and Duke, rather than returning the easements to the heirs, will require these families to hire an attorney, creating an additional financial burden on them, to attempt to remove these encumbrances from their properties. No landowner, including heirs property owners, asked for the ACP to build on their properties. They should not have to beg, nor pay for attorneys to petition the courts for the easements to be vacated.

United States District Judge Terrence Boyle raised similar concerns on July 10, 2020 at a hearing held after ACP’s decision to abandon their plans. Speaking to the company’s attorneys he said:

“Here they are aggressively taking the bit in their teeth and running through several states grabbing land and throwing money and on a Sunday afternoon they decide, well, maybe we don't need this anymore and let's just fold up our tent.

You've got tens or dozens or hundreds of easements that are conveyances by operation of law of fee title to pieces – to burdens on land throughout -- checker boarded throughout this area.

¹ Rankin, Sarah. “Regulators get plan for undoing the Atlantic Coast Pipeline.” *CBS19News*. 5 January 2021. www.cbs19news.com/story/43130381/regulators-get-plan-for-undoing-the-atlantic-coast-pipeline

² Kendall, Louis. “The Atlantic Coast Pipeline is a Bust, but Property Owners Along the Route Are Stuck in Limbo.” *IndyWeek*. 24 February 2021. indyweek.com/news/northcarolina/atlantic-coast-pipeline-feature/

That doesn't go away. Some lawyer from Caswell County or Cumberland County or somewhere like that is going to be searching a title 40 years from now and he's going to go, oh, my gosh, there's an easement on this property.”³

The threat and impacts of the Atlantic Coast Pipeline remain— hanging over communities like the proverbial sword of Damocles. We urge you to act now to protect property owners in Eastern North Carolina.

Sincerely,

A handwritten signature in cursive script that reads "Therese Vick".

Therese Vick

North Carolina Healthy, Sustainable Communities Campaign Coordinator

³ Transcript: 10 July 2020. United States District Court, Eastern District of North Carolina: Northern, Eastern, Western and Southern Divisions. *Atlantic Coast Pipeline vs Various Tracts of land, et al.* Michelle A. McGirr, RPR, CRR, CRC. Page 4 of 23. (Transcript will be included with this letter).