

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

APPALACHIAN VOICES et al.,

Petitioners

v.

Case No. 18-1114

FEDERAL ENERGY REGULATORY
COMMISSION,

Respondent,

ATLANTIC COAST PIPELINE, LLC

Intervenor.

DECLARATION OF WILLIAM F. LIMPERT

I, William F. Limpert, declare as follows:

1. My name is William F. Limpert. I am over the age of 18 and competent to give this declaration. All of the following information is based on my experience and personal knowledge.
2. I am a member of the Board of Directors of Highlanders for Responsible Development.
3. I reside at 4102B Garfield Road, Smithsburg, Maryland.
4. I own a home on 120 acres in Little Valley, Bath County, Virginia, where I spend about 100 nights per year. My wife Lynn and I split our time between our Maryland residence and our home in Little Valley. Our property in Little Valley is located on the flanks of steep, forested Jack Mountain and similarly steep and forested Little Mountain is directly across the valley. Both mountains will be crossed by the Atlantic Coast Pipeline.
5. The Atlantic Coast Pipeline will cross more than a half mile (3,049 feet) of our property where it will destroy 8 acres of mature forest, including trees that are hundreds of years old, blast and flatten a steep mountain ridge, and permanently ruin the views and unspoiled tranquility of this special place.

6. We bought our property in Little Valley, because we love the natural world. We located the property after a two-year search in Bath and Highland Counties. It was our intention of retiring to Little Valley and living there full time. We were seriously thinking about selling or renting our home in Maryland and moving to Little Valley when we learned that the Atlantic Coast Pipeline was proposed to cross our property.
7. We have decided that, should the Atlantic Coast Pipeline be constructed on our property, we will be forced to abandon our property. We cannot live next to the pipeline or bear to witness the destruction it would bring to our property and to Little Valley. We would be left with a toxic asset that would be very difficult to sell, even at a fraction of our purchase price.
8. From a property value perspective, we would be put in a worse situation by the construction and existence of the pipeline than if our house were destroyed by a fire or in a storm. No one will want to buy our property with the pipeline coming through it.
9. One of the many reasons that we will be forced to abandon our property if the pipeline is built is that our house would be located in the permanent pipeline “blast zone,” and we would be trapped in the evacuation zone at the head of the valley if we survived a pipeline explosion. Emergency

egress via the public road, 0.6 miles away from and 400 or 500 vertical feet below our home, is blocked by the pipeline to the north, and the road ends to the south of us, still in the evacuation zone.

10. Dominion represented to the Pipeline and Hazardous Materials Safety Administration that we would be rescued during an emergency by either cutting a new road over the mountain or by airlift. I consider this patently ridiculous, and it is absurd that Dominion would make this statement to a federal agency. Officials at Bath County Emergency Services have told us that our rescue would be an impossibility. At the May 2016 scoping meeting for the pipeline in Bath County, we were advised by a FERC official to walk up the mountain during an emergency.
11. I am also deeply upset that the pipeline will destroy our forest. Our property contains large areas of old growth forest, including never-been-cut virgin timber, with the biggest and oldest trees I have seen except for the Joyce Kilmer Memorial Forest in western North Carolina, which is known for its magnificent trees.
12. Some of the trees on our property are probably 200-400 years old or even older. A Virginia state forester told me that he has never seen an older forest than the forest on our property in his nearly four decades of working as a forester in Virginia. In the photo below, my wife and I are

standing next to a massive sugar maple on our property that is in the pipeline corridor.



Photo Credit: William Limpert

13. Hundreds of these majestic trees will be cut for the pipeline corridor on our property. I cannot bear witness to that. Once it is cleared for the pipeline, even if the project is never built, this forest won't return to its present condition for hundreds of years and certainly not in my lifetime. One of the reasons that we purchased our property in Little Valley was to protect this magnificent forest. To see it seized and destroyed for a gas pipeline is unthinkable.

14. Little Valley has outstanding air quality, a dark night sky, and a deep quiet. There are great views from our front porch across the valley, and of the forest in the foreground. Most of the viewshed is forested, and the forest undulates over the ridges almost like an ocean.
15. The pipeline will permanently scar our views of the forests on the surrounding mountains and of Little Valley. From our home, we would be able to see almost all of the 3,000 feet of the pipeline corridor that would cross our property. It would be located about 500 or 600 feet from our house, across a hollow. No longer will our property have the feel of unspoiled wildness that we searched for over 2 years.
16. We would also see, from our front porch, the 0.7 miles or so of the ridgetop of Little Mountain, across the valley, that will be blasted and flattened to build the pipeline corridor. Dominion will clear-cut this forested ridge and then blast the top off to create a flat workspace to install the pipeline. Little Mountain will be permanently wrecked by the pipeline, and the permanent destruction will be fully visible from our home and along scenic Route 220 in the Jackson River Valley.
17. The pipeline will also destroy a mountain ridge on our property. The pipeline will be built up the center of a steep ridge that runs up to the crest of Jack Mountain. We refer to this ridge as "Miracle Ridge" because of

the spiritual feeling you get walking under the big trees there. This ridge, shown in this photo that I took, is on our property and is visible from our home.



Photo Credit: William Limpert

18. Miracle Ridge is narrow, only 10 to 20 feet wide as it ascends to the crest of Jack Mountain. Like it will do on Little Mountain, Dominion will blast and flatten Miracle Ridge, dropping the ridgeline by as much as 20 or 30 feet to create the workspace for pipeline construction. It will push the rock rubble and soil from the blasting and excavation over the sides of the ridge, creating massive waste piles on our property. The land agent

- told us that the spoil pile will be placed on the very steep north side slope of the ridge.
19. I am very concerned about the slope stability hazards that will be caused by construction, as well as the threats to surface water and groundwater quality posed by erosion and sediment, and by extensive blasting that will likely be required. In the spring of 2017, a storm took big trees down on the ridge, and we could see fractured bedrock only one to two feet below the surface in the root balls of these trees.
 20. Miracle Ridge is composed mostly of bedrock, with shallow soil, and I fear that the blasting which would have to occur in order to build the pipeline up the ridge will turn it into a pile of rubble, with very little soil available for revegetation. Dominion claims that it will restore Miracle Ridge to its original contours, but I don't believe that putting a rubble pile back on my ridge can ever restore what took millions of years to create.
 21. Runoff from the blasting and excavation on Miracle Ridge will harm two streams on my property. On either side of Miracle Ridge are two losing streams, meaning that they lose water to the subsurface due to the limestone karst topography in the area. I have observed areas in each stream where the water disappears into the ground. The losing stream to

the north of the proposed pipeline is less than 100 feet from the proposed excavation and blasting, at the very top of Miracle Ridge, which has an extremely steep sideslope of up to 78% leading down to the stream. We believe this to be karst topography, and a licensed professional geologist, Dr. Pamela Dodds, conducted an acid test on the bedrock in both losing stream channels, and found limestone bedrock. Erosion from the blasting and excavation area could harm the water quality and permanently affect the natural flow of water in these streams on my property.

22. Dominion refused to give us the complete results of their karst survey. They simply told me that they had not verified karst topography on our property. Nevertheless, I saw and filmed a Dominion-contracted karst specialist watching the stream sink into the ground.
23. Before I retired, I worked for the Maryland Department of the Environment, with most of my work focusing on construction site runoff and erosion issues. I have reviewed the erosion and sediment control plans for the pipeline and have never seen plans so deficient in 30 years of doing this kind of work.
24. The plans show our property as moderately sloping, when it is very steep over its entire extent. On the maps, the topography for Miracle Ridge is flattened to show a more gentle slope, when it is in fact very steep in its

- ascent to Jack Mountain – up to a 58% slope – with very steep side-slopes, and the plans are unrealistic about the amount of earthmoving that will be required to create the necessary workspace along this ridge.
25. Dominion’s plans for construction on our property, as earlier submitted to Virginia DEQ, show no streams, springs, or any other water features, and do not indicate that even basic silt fence will be used on large areas of Miracle Ridge.
 26. I am also worried by the thermal impacts to waters posed by the removal of tree canopy. Native trout in Little Valley Run depend on cold water. I am concerned that the crossing of Little Valley Run by the pipeline would damage or destroy its native brook trout population, due to sediment and industrial pollution and permanent thermal increases.
 27. The Virginia Department of Conservation and Recreation stated a concern about negative effects to the springs at Bolar, at the bottom of Little Valley, from the crossing of Little Valley Run by the pipeline, because of the possibility that Little Valley Run and the Bolar springs are connected. I am concerned about permanent water quality impacts to groundwater and surface water in Little Valley due to construction of the pipeline. Dye testing has shown a connection between karst features

- above Little Valley Run and springs in Little Valley Run down slope and downstream.
28. In the summer of 2015, Little Valley Run flooded, and the floodwaters deposited a large field of boulders of up to five feet in diameter just 200 feet north of the proposed pipeline crossing. I worry that another flood accompanied by such boulder movement and/or sinkhole formation could expose and even breach the pipeline.
 29. I am concerned that the pipeline would increase flooding frequency and damage in Little Valley due to increased stormwater runoff from altered and deforested slopes. This same decrease in stormwater infiltration translates to lower groundwater recharge, meaning less water available to our wells and springs. This will also reduce the flow of groundwater to streams during times of drought.
 30. There is no Public Water Supply within fifteen miles of our home in Little Valley. We have a well, and our closest neighbors depend on a spring on our property that is only 300 feet from the centerline of the pipeline corridor.
 31. I am worried about our water supply and the water supply for a number of our neighbors. Blasting could collapse the limestone channels that feed our wells and springs, and the groundwater quality is likely to be harmed

- by sediment, herbicide, or construction-related spills of fuel. We could lose our water supply through contamination or complete loss of water due to the pipeline. I think it is certain that sediment will enter the groundwater via those losing streams on either side of Miracle Ridge.
32. Pipeline construction could trigger catastrophic landslides on my property and in the Little Valley area generally. I have documented landslides and slope slips in our area, including on our property. These include a 500-foot long, 30-foot wide, seven-foot deep slide across the valley on the east slope of Little Mountain, which occurred after a 4-inch rainfall on saturated ground in 2015, is very near the pipeline route, and is on an almost identical slope.
 33. Another big slide, about forty feet wide, forty feet long, and five feet deep, occurred on the bank of Little Valley Run about 200 feet upstream of the pipeline route.
 34. On our property, a 30-foot wide, 30-foot long, three-foot deep slide, and many smaller slides, occurred in the summer of 2015. The large slide blocked our gravel access road until we could have it dug out by an excavating company.
 35. As part of its Phase 2 geohazard survey, Dominion did a field reconnaissance of the large slide on Little Mountain, across Little Valley,

and concluded the pipeline posed a low hazard because the slide occurred in an area much more steep than where the pipeline would be placed. However, I measured the slope of the pipeline route on Little Mountain at 60%, and a friend measured the slope on Little Mountain on which the landslide occurred at 62%.

36. Our experience working with FERC and Dominion has been a negative one. I do not believe that they have done the requisite analysis, and do not believe that they take the risks seriously. I take very seriously the risks to my property, to my and my wife's physical safety, to our water supply and to water quality in Little Valley, and to the high environmental quality and the natural beauty that are integral to the character of this area.
37. Our property and the surrounding area are biologically special. We felt this to be true when we saw the large, old trees on the property, unlike anywhere else we had seen in a two-year property search. The Virginia Department of Conservation and Recreation ("Virginia DCR") recognized that there is a unique forest community, of "very high" biodiversity significance, on our property and on adjacent lands on Jack Mountain. Virginia DCR designated the Little Valley Slope Conservation

- Site as a Significant Natural Community, including our property within its boundaries.
38. I oppose the Atlantic Coast Pipeline because it is obvious that the risks involved have not been addressed properly, and because it will put a horrific, permanent scar right through the center of Little Valley and our property there.
 39. I support Shenandoah Valley Battlefields Foundation in filing this lawsuit against the Federal Energy Regulatory Commission for the issuance of its certificate for the Atlantic Coast Pipeline. If they are successful, I believe that my use and enjoyment of my home and of the unique local resources in this area will be much greater.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Little Valley, Virginia, on March 8, 2018.

William F. Limpert

William F. Limpert