



March 12, 2018

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Jobi Timm  
Forest Supervisor  
George Washington and Jefferson National Forests  
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Sent Via Email

Re: Mountain Valley Pipeline Emergency Closure Order 08-08-11-18-01

Dear Supervisor Timm:

*Board of Directors:*

*Reiko Dogu*

*Bette Dzamba*

*Howard Evergreen*

*Katie Keller*

*Jennifer Lewis*

*Laurie Miller*

*David Sellers*

*Deirdre Skogen*

*Elizabeth Williams*

*Jamie Trost*

I am writing on behalf of Wild Virginia, our members, and our partners to ask you to clarify the provisions of the referenced Closure Order for areas on the Jefferson National Forest. We fully understand the need to enforce some requirements to protect the public and workers, if work on the Mountain Valley Pipeline (MVP) continues, but we also feel it is vital that the public retain the right to visit and use all portions of our public lands to the greatest extent possible, consistent with safety concerns. We trust that you endorse this position and ask that you respond to this letter and make your response public, to ensure that all who wish to use the Forest are fully informed about the issues discussed here. We also ask that you address these same issues in relation to the portions of the Atlantic Coast Pipeline proposed to cross the George Washington National Forest.

Our primary concern about the Closure Order is with the time periods described. The areas addressed include “an area 200 feet on both sides of the centerline of the pipeline right-of-way on National Forest System lands” and two sections of Forest road.

In regard to the roads, the Order prohibits the presence of motor vehicles “where construction associated with pipeline activity is occurring and when closed by a sign, gate, or barricade.” (emphasis added) This sentence indicates that the named roads will only be off-limits during the periods when construction “is occurring” and when notices or barriers to access are present. We presume that the periods will be limited only to those in which activities in the specific named areas cause safety concerns. We do note that the Federal Energy Regulatory Commission (FERC) does not consider tree felling by hand, as is currently underway, to constitute “construction.” We ask that you confirm that the periods of exclusion on these roads will be strictly limited and that you clarify the use of the word “construction” as used in the Order.

In regard to the 200-foot zone on either side of the right-of-way centerline, the Order does not explicitly limit the period to those times when construction “is occurring” or specify that signs or barriers are required to trigger the prohibitions. We do note the statement in the Order that “[t]he prohibitions of this Order shall remain in effect for a period of 12 months from the date of execution unless terminated earlier by the Authorized Officer.” A prohibition on access to the right-of-way are for an entire year is not justified.

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We ask that you specify for the right-of-way areas, as you have for the roads, that the public is excluded only when construction is occurring and that warnings or barriers will be present on active sections to alert people that the prohibition against entry is in effect and to show the limits of the affected areas. Again, we believe it is necessary that you define the term “construction” in the context of your Order.

We assert that the public should be allowed access to the right-of-way areas at all times unless safety hazards are present. For example, the public should be able to traverse the right-of-way areas after tree felling occurs but before digging, blasting, and placement of pipes begins. Likewise, we should be able to visit any section within these areas as soon as work is completed and as soon as safety allows. As you know, we have grave concerns about the damages pipeline-related activities will cause on our Forest lands and we intend to document any such impacts. Proper access, without unnecessary and unwarranted limitations, will allow the public to play its proper role as safeguards of the public interest.

Thank you and we look forward to your response.

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
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David Sligh  
Conservation Director

cc: Karen Overcash, GW&JNF