

**OPINION**

## It was more than just a pipeline we defeated

Robert “Bobby” Whitescarver, Special to The News Leader    Published 12:55 p.m. ET July 16, 2020



**Bobby Whitescarver, a retired field conservationist with 31 years of experience with the United States Department of Agriculture's Natural Resources Conservation Service. (Photo: Submitted)**

Celebrate the victory—the defeat of Dominion Energy's Atlantic Coast Pipeline (ACP), a 600-mile, high-pressure, fracked-gas pipeline planned to rip through West Virginia, Virginia, and North Carolina. It was a six-year fight for people's land rights, our water, environmental justice, and common decency. We defeated more than just a pipeline, we defeated the mendacious, well-funded fossil fuel lobby.

I often heard, “It's a done deal, you will never win.” I never, ever, lost hope and knew from the core of my being that somehow, we would win.

For sure, this victory could not have happened without the persistent, thorough, and ever vigilant legal teams working for its demise, but what brought about the tsunami of opposition from thousands of common people like me? Our abhorrence for the pipeline goes much deeper than just the environmental and eminent domain issues.

It was easy for me to enter the fight. At first it was because the pipeline was going to harm our streams and take people's property against their will for corporate profit. And why did we need more fossil-fuel infrastructure when what we really need is a global, war-like effort to use renewable energy to stabilize climate change?

Those were worthy enough causes to get in the fight, but what galvanized my resolve to fight was how Dominion Energy, the builder of the pipeline, treated people—with disrespect, and bullying. My first galvanization happened the night of our only local Federal Energy Regulatory Commission (FERC) hearing on March 19, 2015.

The meeting was strictly time-enforced, a two-hour meeting with only three minutes for each speaker. It was FERC's chance to hear from the people here in Augusta County, whose land would be taken and whose streams would be damaged by the mayhem of constructing what would be the largest and most expensive fracked-gas pipeline in Virginia's history. Dominion took advantage of us. They slam-dunked us. And that, made me grit-my-teeth-mad, and put me in the fight forever until the end.

Here's what Dominion did. My neighbor and I arrived two and half hours early to stand in line to get our three-minute chance to speak. I'll never forget the well-dressed young woman with the clipboard greeting only some people as they arrived at Stuarts Draft Middle School. "Who is she," I thought, and "should we check in with her?" Some of the people she checked in were escorted inside to a special room and some were placed in line. What was going on?

Dominion's clipboard lady was making sure they had plenty of people speaking in favor of the pipeline. They brought in so many people that many of the locals did not have their chance to speak. Their imported speakers, not locals, were treated to a meal in a private classroom, while other "imports" held their place in line. How was this fair?

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Strangely, I watched the same scene unfold five years later on the sidewalk in front of the United States Supreme Court on the night of February 23, 2020. The Justices would hear the USFS v. Cowpasture River Preservation case, also known as the "Lorax" case, the next morning. I got there at 10:30 p.m. And there, another well-dressed lady with a clipboard was checking people in—place holders for Dominion people and their allies. Just before dawn the next morning the well-dressed, slick haired Dominion people arrived to take their places in line and this time money was exchanged for the "place holders."

We had been there all night, in the cold waiting for our opportunity to hear the case. I looked up at the towering Supreme Court building and saw the words, "Equal Justice Under the Law," and thought, "how could this be? Is this really America?"

Another galvanizing moment for me was Dominion's use of "quick-take" condemnation. I had never heard of this legal maneuver until the ACP. It's a way to take possession of someone's property in emergency situations before the court can award compensation. How anti-American is that? Dominion was in a hurry to get their pipe in the ground and couldn't wait for the court to hear from the landowner whose land they needed.

The most recent case of blatant environmental racism occurred in Union Hill, Virginia. This was, perhaps, the most galvanizing moment for me. Dominion planned to build a compressor station there, which would have caused 24-7 air pollution and noise in a predominately African American community. The historic community had been founded by many of the current residents' ancestors who were newly freed slaves. Dominion and the Virginia DEQ both denied, even in federal court, that Union Hill was a community of predominately African American citizens. The data was clear as day and yet they went to court denying it. The judges saw through their twisted lens of urgency and ruled against them.

And what about Governor Northam? The man with the black-face scandal in his past who is now trying to resurrect his racial credibility with the African American community. I have not forgotten that he disbanded the Governor's Advisory Council on Environmental Justice or that he removed two Virginia Air Pollution Board members for questioning the racial injustice of the compressor station in Union Hill. I have not forgotten that he has been absolutely silent about Union Hill.

So, in the end, it wasn't just about the pipeline. It was about Dominion taking advantage of the system, the government, the people, and their property. I was fighting for the environment, racial justice, and most importantly common decency. And this time, the people and common decency won!

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